U. S. Congress.

Congressional Record

PROCEEDINGS AND DEBATES

OF THE

FIRST SESSION OF THE SEVENTY-FIFTH CONGRESS

OF

THE UNITED STATES
OF AMERICA

VOLUME 81—PART 6

JUNE 18, 1937, TO JULY 13, 1937

(Pages 5951 to 7152)

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1937

DEPOSITED BY THE
UNITED STATES OF AMERICA

NOV 1 1937

Congressional Record

SEVENTY-FIFTH CONGRESS, FIRST SESSION

SENATE

FRIDAY, JUNE 18, 1937

(Legislative day of Tuesday, June 15, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, June 17, 1937, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. ROBINSON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	La Follette	Radcliffe
Andrews	Copeland	Lee	Reynolds
Ashurst	Davis	Lewis	Robinson
Austin	Dieterich	Lodge	Russell
Bailey	Donahey	Logan	Schwartz
Bankhead	Duffy	Lonergan	Schwellenbach
Barkley	Ellender	Lundeen	Smathers
Berry	Frazier	McAdoo	Steiwer
Bilbo	George	McGill	Thomas, Okla.
Black	Gerry	McKellar	Thomas, Utah
Bone	Gibson	McNary	Townsend
Borah	Gillette	Minton	Truman
Bridges	Glass	Moore	Tydings
Brown, Mich.	Guffey	Murray	Vandenberg
Brown, N. H.	Harrison	Neely	Van Nuys
Bulkley	Hatch	Norris	Wagner
Bulow	Hayden	Nye	Walsh
Burke	Herring	O'Mahoney	Wheeler
Byrd	Hitchcock	Overton	White
Byrnes	Holt	Pepper	
Capper	Hughes	Pittman	
Caraway	Johnson, Colo.	Pope	

Mr. LEWIS. I announce that the Senator from Utah [Mr. KING] and the Senator from Connecticut [Mr. MALONEY] are absent from the Senate because of illness.

The Senator from Missouri [Mr. CLARK] is absent because of a death in his family.

The senior Senator from Texas [Mr. SHEPPARD], the junior Senator from Texas [Mr. CONNALLY], the Senator from Rhode Island [Mr. GREEN], the Senator from Nevada [Mr. MCCARRAN], and the Senator from South Carolina [Mr. SMITH] are detained on important public business.

Mr. AUSTIN. I announce that the Senator from Minnesota [Mr. SHIPSTEAD] is necessarily absent.

The PRESIDENT pro tempore. Eighty-five Senators having answered to their names, a quorum is present.

MESSAGE FROM THE PRESIDENT—APPROVAL OF BILLS AND A JOINT RESOLUTION

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate, by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts and joint resolution:

On June 14, 1937:

S. 673. An act for the relief of S. T. Dickinson;

S. 709. An act to amend the act entitled "An act to incorporate the National Education Association of the United States", approved June 30, 1906, as amended;

S. 790. An act to continue in effect until June 30, 1939, the act entitled "An act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes", approved February 22, 1935; and

S. 1081. An act for the relief of H. G. Carriere, Charles E. Livingston, and John Latham.

On June 15, 1937:

S. 430. An act conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Elmer E. Miller;

S. 1068. An act for the relief of Earl W. Thomas;

S. 1120. An act authorizing an appropriation for the erection of a memorial to the officers and men of the United States Navy who lost their lives as the result of a boiler explosion that totally destroyed the U. S. S. *Tulip* near St. Inigoes Bay, Md., on November 11, 1864, and for other purposes;

S. 1936. An act for the relief of the estate of Elmer W. Laub, deceased;

S. 1967. An act to authorize the Department of Labor to continue to make special statistical studies upon payment of the cost thereof, and for other purposes; and

S. J. Res. 56. Joint resolution authorizing the selection of a site and the erection of a pedestal for the Albert Gallatin statue in Washington, D. C.

On June 16, 1937:

S. 329. An act to further extend the period of time during which final proof may be offered by homestead and desert-land entrymen; and

S. 470. An act for the relief of Joseph M. Cacace, Charles M. Cacace, and Mary E. Clibourne.

On June 17, 1937:

S. 609. An act for the relief of Edith Lewis White.

SUPPLEMENTAL ESTIMATE: EMERGENCY FUND FOR FLOOD CONTROL ON MISSISSIPPI RIVER TRIBUTARIES (S. DOC. NO. 83)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1938, under the War Department, for "Emergency fund for flood control on tributaries of the Mississippi River", amounting to $200,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

DRAFTS OF PROPOSED LEGISLATION BY THE INTERIOR DEPARTMENT

The PRESIDENT pro tempore laid before the Senate letters from the Acting Secretary of the Interior, transmitting drafts of proposed legislation, which, with the accompanying papers, were referred to committees, as follows:

A letter, together with a draft of legislation proposing to amend section 2 of the act to incorporate "The Howard University"; to the Committee on the Judiciary.

A letter, together with a draft of legislation proposing to authorize the use of certain facilities of national parks and national monuments for elementary-school purposes; to the Committee on Public Lands and Surveys.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following joint resolution of the Legislature of the State of

Wisconsin, which was referred to the Committee on Pensions:

Joint resolution memorializing Congress to pass bill H. R. 5538, relating to blind pensions, now pending before the Congress of the United States

Whereas the depression and the present oversupply of labor have affected severely the opportunity of blind persons to compete for jobs; and

Whereas a bill known as H. R. 5538 is now pending before the Congress of the United States which aims to remedy in a measure the present economic handicaps of the blind: Now, therefore, be it

Resolved by the assembly (the senate concurring), That the Legislature of the State of Wisconsin respectfully memorializes the Congress of the United States to pass the bill known as H. R. 5538, introduced by Congressman MATTHEW H. DUNN, of Pennsylvania; and be it further

Resolved, That duly attested copies of this resolution be sent to Congressman DUNN, to the Committee on Pensions of the House of Representatives, to both Houses of Congress, and to each Wisconsin Member thereof.

The PRESIDENT pro tempore also laid before the Senate a letter in the nature of a petition from Olin Lee Barber, Oberlin, Ohio, praying that steps be taken to stop the present labor troubles and resulting violence in the State of Michigan, which was referred to the Committee on Education and Labor.

He also laid before the Senate a telegram in the nature of a petition from the Clerical and Professional Projects Association and Workers Alliance, San Francisco, Calif., praying for the making of an appropriation of $3,000,000,000 for the W. P. A. during the next fiscal year, which was ordered to lie on the table.

Mr. MOORE presented a resolution adopted by the forty-third annual convention of the New Jersey State Federation of Women's Clubs at Atlantic City, N. J., protesting against the enactment of pending legislation pertaining to the reorganization of the Supreme Court of the United States, which was ordered to lie on the table.

Mr. COPELAND presented petitions, numerously signed, of sundry citizens of New York City and vicinity, praying for the enactment of pending legislation known as the Ellenbogen textile bill, which were referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Negro Labor Assembly, of New York City, favoring the enactment of the so-called Wagner-Van Nuys antilynching bill, which was referred to the Committee on the Judiciary.

RETIREMENT PLANS FOR INDUSTRIAL WORKERS

Mr. DAVIS. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Committee on Finance a letter from Mr. George A. Hormel, of Beverly Hills, Calif., dated June 14, 1937, and addressed to me, relating to retirement plans for industrial workers.

There being no objection, the letter was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

BEVERLY HILLS, CALIF., *June 14, 1937.*

Hon. JAMES J. DAVIS,
Washington, D. C.

SIR: Views on not alone the most humane bill that the present Congress should consider but a bill that will contribute most effectually toward solving the unemployment problem and will add greatly to business recovery are presented herein.

No matter in what position we serve, whether as an executive in business or as a wage earner in the shop or the office, we are all supplying one another's needs; we are interdependent one upon the other and all are entitled to an adequate and comfortable living after years of work.

All wage earners are making their contribution to the welfare of the Nation, as are those on the Federal pay roll. Therefore an old-age pension should not be left to the discretion of our employers or State legislators. It should be strictly a Federal obligation, to be paid in the same spirit and for the same purpose as the pension provided for the Army and Navy and for those serving in other Federal departments.

Wage earners work for your interests and mine. They contribute their part in giving us the highest living standards in the world. They have labored in the development of the world's greatest industrial and financial nation, yet when these workers pass the age of 50 their efficiency decreases. The younger generations come on and take their places, and they go into the discard like a worn-out machine, and frequently even before 60 become dependents either upon the community or their relatives.

Beyond this, at no time has the wage earner received more than enough to barely house, feed, and clothe his family and educate his children. In many instances the worker has also suffered accidents and because of exposure incident to industry he may have fallen into ill-health. Finally it has been impossible for him to accumulate a surplus or reserve for his old age.

Look at this picture. The writer started business in 1892 with a retail meat market, employing three men. The first year 610 hogs were slaughtered. In financial worth he was on an equal basis with his men, for he used borrowed money. He had no educational or other advantage over these men except that he was proprietor of the business. The men were paid top wages, but in spite of careful spending could save very little by the end of the year. Because of their labors, however, there was sufficient profit for the business to finance double the activities the following year. The second year 8 and 10 men were employed, and the pay roll has increased each succeeding year until now it numbers more than 4,000, and the average slaughter of animals for 1936 was 5,800 daily.

In the beginning the three men employed were skilled workmen and knew more than the writer did about the meat business. As additional skilled men were employed they were constantly urged to produce quality product at a minimum of cost. The writer worked with his men in overalls until he was 40 and he was aware that they were thinking as hard as he was how to improve the product and put into practice efficiency methods. Each step forward meant increased business and greater profits. The commonest laborer made his contribution toward the success of the business. Every industrial employer can tell the same story if he will speak the truth.

We have reached a crisis. Business America, in order to keep pace with the progress made through science and invention, must wake up and share more liberally the wealth of our Nation with those who have contributed so largely in the creation of that wealth. It is not scriptural for people to suffer want and hunger and go poorly clad or housed in a land where there is plenty for all and much to spare.

Business America is abundantly able to support an adequate annuity plan of at least $100 per month for those past their earning years. However, pressure must be brought to bear upon American business leadership to the point where they will recognize this responsibility as theirs and cooperate with Government in the solution of this economic problem. If this is not done—and I hope it may be done during the present session of Congress—it will be difficult to maintain our democratic form of government.

A retirement plan will help solve the unemployment problem and open positions for our younger people. It will greatly increase buying power that will be permanent and will stabilize business. In a large measure it will prevent depressions. It will lighten the problem of farm relief. It will eliminate, to a large degree, charitable institutions. It will greatly reduce Federal relief spending. A retirement plan is the paramount need of today.

Respectfully yours,

GEO. A. HORMEL,
Chairman of the Board, Geo. A. Hormel & Co.

GOVERNOR OF THE VIRGIN ISLANDS—REPORT OF NOMINATION

Mr. TYDINGS. Mr. President, as in executive session, from the Committee on Territories and Insular Affairs, I report back favorably the nomination of Lawrence W. Cramer, of New York, to be Governor of the Virgin Islands, and ask that it be placed on the Executive Calendar. I ask publicly at this time that this nomination be not brought up except when I am present, because I should like to have something to say about it.

The PRESIDENT pro tempore. Without objection, the nomination will be received, as in executive session, and placed on the Executive Calendar.

REPORTS OF COMMITTEES

Mr. WALSH, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 2276. A bill to provide for an additional midshipman at the United States Naval Academy, and for other purposes (Rept. No. 756);

S. 2629. A bill to authorize an exchange of lands between the city of San Diego, Calif., and the United States (Rept. No. 757); and

S. 2647. A bill to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost while engaged in emergency relief expeditions during the Ohio Valley flood in January and February 1937 (Rept. No. 758).

Mr. BLACK, from the Committee on Claims, to which was referred the bill (S. 2241) for the relief of W. G. Adams, reported it with an amendment and submitted a report (No. 759) thereon.

He also, from the same committee, to which was referred the bill (S. 821) for the relief of Lawson N. Dick, reported it with amendments and submitted a report (No. 760) thereon.

Mr. HUGHES, from the Committee on Claims, to which was referred the bill (S. 2418) for the relief of John Prosser, reported it with amendments and submitted a report (No. 761) thereon.

Mr. SMATHERS, from the Committee on Claims, to which was referred the bill (S. 2301) for the relief of Lois H. Anthony, reported it without amendment and submitted a report (No. 762) thereon.

Mr. LOGAN, from the Committee on Claims, to which was referred the bill (S. 676) for the relief of Heinrich Schmidt, G. m. b. H. of Flensburg, Germany, reported it with an amendment and submitted a report (No. 763) thereon.

Mr. TYDINGS, from the Committee on Territories and Insular Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 2621. A bill to enable the Legislature of the Territory of Hawaii to authorize the city and county of Honolulu, a municipal corporation, to issue sewer bonds (Rept. No. 764);

S. 2622. A bill to authorize the Legislature of the Territory of Hawaii to create a public corporate authority authorized to engage in slum clearance and housing undertakings and to issue bonds of the authority, to authorize said legislature to provide for financial assistance to said authority by the Territory and its political subdivisions, and for other purposes (Rept. 765);

S. 2652. A bill to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes (Rept. No. 766); and

S. 2653. A bill to amend an act entitled "An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes", approved August 3, 1935 (Rept. No. 767).

Mr. McGILL, from the Committee on Pensions, to which was referred the bill (S. 1731) for the relief of Elizabeth Hanford, reported it without amendment and submitted a report (No. 769) thereon.

REPORT OF COMMITTEE ON PRINTING—ADDITIONAL COPIES OF REPORT ON REORGANIZATION OF FEDERAL JUDICIARY

Mr. WALSH, from the Committee on Printing, to which was referred the concurrent resolution (S. Con. Res. 17) authorizing the printing of additional copies of Senate Report No. 711, Seventy-fifth Congress, on the bill (S. 1392) to reorganize the judicial branch of the Government (submitted by Mr. O'MAHONEY on the 16th instant), reported it with amendments and submitted a report (No. 768) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMAS of Oklahoma:

A bill (S. 2677) to regulate the times and places of holding court in Oklahoma; to the Committee on the Judiciary.

By Mr. PEPPER:

A bill (S. 2678) for the relief of the estate of J. D. Young, deceased; to the Committee on Claims.

By Mr. BONE:

A bill (S. 2679) to protect and preserve the salmon fishery of Alaska, and for other purposes; to the Committee on Commerce.

By Mr. WAGNER:

A bill (S. 2680) relating to the payment of interest by member banks of the Federal Reserve System on demand deposits; to the Committee on Banking and Currency.

By Mr. ADAMS:

A bill (S. 2681) to authorize the construction of the Grand Lake-Big Thompson transmountain water diversion project as a Federal reclamation project; to the Committee on Irrigation and Reclamation.

By Mr. O'MAHONEY:

A bill (S. 2682) to authorize the Secretary of the Interior to issue patents to States under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), subject to prior leases issued under section 15 of the said act; to the Committee on Public Lands and Surveys.

By Mr. TYDINGS:

A joint resolution (S. J. Res. 168) relating to the employment of personnel and expenditures made by the Charles Carroll of Carrollton Bicentenary Commission; to the Committee on Appropriations.

By Mr. COPELAND (for himself and Mr. WAGNER):

A joint resolution (S. J. Res. 169) authorizing Federal participation in the New York World's Fair, 1939; to the Committee on Commerce.

AMENDMENTS TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. POPE submitted amendments intended to be proposed by him to House bill 6958, the Interior Department appropriation bill, which were referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 8, line 5, to strike out "$240,000" and insert in lieu thereof "$265,000"; and

On page 8, line 7, to strike out "$75,000" and insert in lieu thereof "$100,000."

EXTENSION OF CERTAIN TAXES—AMENDMENT

Mr. VANDENBERG. Mr. President, I submit an amendment intended to be offered by me to the joint resolution (H. J. Res. 375) to provide revenue, and for other purposes. The proposed amendment relates to a change in the undistributed profits tax. I ask that the amendment be printed and lie on the table.

The PRESIDENT pro tempore. Without objection, the proposed amendment of the Senator from Michigan will be received, printed, and lie on the table.

ADMINISTRATION OF AGRICULTURAL POLICIES—ADDRESS BY SENATOR M'GILL

[Mr. McKELLAR asked and obtained leave to have printed in the RECORD a radio address on the subject of the administration of agricultural policies, delivered by Senator McGILL on June 17th instant, which appears in the Appendix.]

THE CRISIS IN AMERICA—ADDRESS BY PAUL BLOCK

[Mr. DAVIS asked and obtained leave to have printed in the RECORD an address entitled "The Crisis in America", delivered by Paul Block at St. Francis College, Loretta, Pa., on June 11, 1937, which appears in the Appendix.]

ADDITIONAL JUDGES FOR INFERIOR FEDERAL COURTS—EDITORIAL FROM PHILADELPHIA INQUIRER

[Mr. DAVIS asked and obtained leave to have printed in the RECORD an editorial entitled "A Flying Squadron of Itinerant Judges", published in the Philadelphia Inquirer of Friday, June 18, 1937, which appears in the Appendix.]

PUNISHMENT FOR THE CRIME OF LYNCHING

Mr. DAVIS. Mr. President, I should like to have the attention of the senior Senator from Arizona [Mr. ASHURST]. I wish to ask him a question as to the status of the so-called Gavagan bill, which is now pending before the Committee on the Judiciary.

Mr. LEWIS. Mr. President, does the Senator refer to what is known as the antilynching bill?

Mr. DAVIS. Yes.

Mr. LEWIS. I suggest that the Senator make it definite.

Mr. ASHURST. Mr. President, in reply to the question of the able Senator from Pennsylvania, I have to say that House bill 1507, the so-called Gavagan antilynching bill, came to the Senate Committee on the Judiciary on May 5 last. A subcommittee was appointed consisting of Senators VAN NUYS, chairman, MCCARRAN, DIETERICH, NORRIS, and AUSTIN.

Prior to that time another so-called antilynching bill, Senate bill 1709, introduced jointly by the Senator from New York [Mr. WAGNER] and the Senator from Indiana [Mr. VAN NUYS] was referred to a subcommittee composed of Senators VAN NUYS, chairman, MCCARRAN, DIETERICH, NORRIS, and AUSTIN. The subcommittee on the antilynching bills, which bills were considered together, has reported favorably.

On June 14 the subcommittee reported to the whole committee favorably in the following manner, by substituting the Wagner-Van Nuys antilynching bill for the Gavagan bill (H. R. 1507).

Hence, in reply to the question of the able Senator, the antilynching bill is pending before the Senate Committee on the Judiciary on a favorable report from the subcommittee. I do not suppose the Senator wishes to have me at this time give a description of the difference between the two bills. The bill reported favorably by the subcommittee will soon be considered by the Senate Committee on the Judiciary. I doubt whether the committee will consider it next Monday, but I assure the Senator that within a fortnight the bill will be considered. Of course, I do not know that the report will be favorable or unfavorable. Personally, I am in favor of such legislation, and shall so vote.

Mr. DAVIS. I thank the Senator.

RELIEF APPROPRIATIONS

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the joint resolution (H. J. Res. 361) making appropriations for relief purposes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Arkansas [Mr. ROBINSON] to the amendment reported by the committee.

The amendment of Mr. ROBINSON to the amendment of the committee is, on page 4, line 17, to strike out "40" and insert in lieu thereof "25"; after the word "services", in line 18, page 4, to insert a period and strike out the remainder of the amendment down to and including the word "supply", in line 23, page 4, and insert in lieu thereof the following:

Provided, That if the President shall find any project to be necessary in order to provide work relief in the community where the project is to be located, and that the applicant is unable to supply 25 percent of the cost as herein required, he may authorize the project upon such contribution or assurance of contribution as he finds that the applicant is able to make.

Mr. ROBINSON. Mr. President, the amendment now under consideration was discussed all day yesterday but no conclusion was reached. Anticipating that the debate on the amendment may be approaching an end, I take the floor for the purpose of discussing briefly the pending question, namely, the amendment offered by me to the committee amendment. Let me say that it is not my intention to ask a prolonged hearing but rather to be as brief as may be practicable.

The amendment to the committee amendment was suggested in the belief that it would afford a basis of fair compromise for the differences that have been revealed in connection with the committee amendment requiring a contribution of 40 percent by applicants for Works Progress Administration projects.

In suggesting the amendment to the committee amendment there is no thought that the requirements for relief during the next fiscal year will be reduced below the general standard fixed in the joint resolution now before the Senate. At one time I thought that it might be practicable to reduce the $1,500,000,000 contemplated to be appropriated; but my studies of the subject have led to the conclusion that such action probably would result either in supplemental or in deficiency appropriations reaching, at least, the maximum of the amount provided by the House joint resolution.

It seems to me, however, in view of the conditions that prevail with respect to employment, that it is now consistent to impose some limitations and restrictions on the use of these funds in order to keep the amount as nearly as may be within the limit provided for in the joint resolution.

In my judgment, there is little basis for the argument that for Congress to require a contribution from those who are able to make it will prove oppressive. We have habitually required local agencies and authorities to make contributions to Federal expenditures in other connections, and the practice has prevailed with regard to W. P. A. projects.

The Administrator now has unlimited discretion. The amendment would restrict his discretion. In making the restriction there is no thought of any reflection on his motives or on the manner in which he has performed his services. Mr. Hopkins undoubtedly has had the most difficult task of any officer ever employed by the Government of the United States. The difficulties inhere in the nature of the problems with which he deals and with the subject matter dealt with as well.

Under the present practice some sponsors of projects are required to contribute very large sums, whereas others are permitted to contribute very small amounts. Without reflecting on the motives of anyone, it is apparent that the system is calculated to invite or provoke drafts on the Federal Treasury. Local agencies are prompted to make the best showing they can and to get as liberal aid from Federal funds as may be possible. As a result, we have perhaps projects in some communities which do not require them. The object in my mind is not to impose hardship on anyone, neither on the President, who nominally is charged with making the allotments, nor on Mr. Hopkins, nor on those who are the beneficiaries of the Federal appropriations. The time has not yet come when expenditures of this nature may be discontinued.

It does not seem necessary to enter into a discussion of the question as to whether it will always be expedient to "spend in order to save." There is something about that maxim or slogan which, to my mind, is somewhat inconsistent with sound principles and policies. Yet it must be admitted that throughout the depression period liberal sums have been advanced—some have been loans, others have been grants—in the hope that such a course would promote private employment and stimulate industry and business. Private employers have not been hasty in accepting their share of the burden incident to prevailing conditions. There has been, of course, a notable increase in the number employed in industry, and reductions have been made in the number of persons on the relief rolls. Such reductions during the last year have been very substantial, and under the pending joint resolution they will of necessity continue to be made if the aggregate amount spent is to be kept within the limits or approximately within the limits of $1,500,000 during the next fiscal year.

With the thought in mind that nothing should be written into the legislation which would prevent our relief agencies from being extended to those who imperatively require assistance, and also with the thought in mind that the method of administration should not be unduly cumbersome or difficult, the amendment to the committee amendment has been presented. In many instances no difficulty will arise under it. In numerous instances, no doubt, applications will be made for practically the whole amount necessary for the project to be paid out of Federal funds. The object is not to impose an unfair or unjust burden upon anyone, but to see that a just and reasonable share under this very essential legislation shall be assumed by those who are in a position to do so, those who are able to do so. For that reason the proposal in my amendment is to reduce the maximum amount required to 25 percent. That was suggested by the able Senator from Oregon [Mr. MCNARY] a day or two ago, and approximately that same percentage was suggested by a number of other Senators, including myself.

What would happen if the amendment should be adopted? Every dollar of the $1,500,000,000 will be spent in all probability, and the savings that will be accomplished will result in the avoidance of deficiencies or supplemental appropriations. Of course, one may hope, if he endorses the proposal, that some savings may result out of the $1,500,000,000, but I frankly state I do not believe that to be very probable. In any event we are continuing the relief work for another year, and our aim is or should be to meet the necessities of the situation without being extravagant or in any event improvident.

During the early stages of the depression, when conditions which need not now be described were so desperate as to arouse here anxiety in the hearts of all of us, we felt

warranted in being exceedingly liberal. The result of that policy has been, in some degree at least, to create a demand for a continuance of that policy even after its necessity has discontinued or has been lessened. It is to obviate those conditions in part that the amendment is proposed.

I maintain with confidence that no unjust burden will be imposed upon the Administrator should the amendment be adopted. He will perform the same duties as now with the exception that he would be given a standard as to the amount that should be contributed if the applicants are able to make the contribution. In a sense that will be a protection to him. That will afford a basis of relieving him from any claim of partiality that may have arisen during the administration of similar statutes in the past.

It will never be possible to administer an act of this kind to the satisfaction of everyone. As I said in the beginning, there inhere in the task such difficulties as to make that desirable end impracticable, if not impossible. It is believed, however, that a somewhat uniform standard may be erected without working hardship on those who are to benefit by the legislation.

Should any city, community, or other applicant for a non-Federal project—and this amendment relates only to non-Federal projects—find itself unable to meet the modest standard required in the amendment, namely, to pay 25 percent of the amount necessary to complete the project, it would be expected to establish that fact to the satisfaction of the Administrator. The joint resolution says "the President." Of course, the President does not in person perform the tasks that are associated with the administration of these laws. He must rely on his agents, on executives in the departments, and principally on the Administrator. The amendment as drafted does not specify in what manner the conclusion may be reached. It is realized that there might be some criticism of that fact, that the amendment may not be regarded as sufficiently definite to secure the standard where it ought to be preserved; but, on the other hand, the essence of relief is reasonably prompt action, and if any legislation should be enacted which would make that difficult or impossible, the purposes of the appropriation would be thwarted. Any facts brought to the knowledge of the Administrator or the President which justify the conclusion that the applicant is unable to meet the 25-percent contribution would justify the President in proceeding with the project, provided it is also clear that the project is necessary as a work-relief project.

I am not criticizing anyone for engaging in an effort to do the best he can for his community. We do that here sometimes, even though the National Treasury may not be well safeguarded when we do it. But if a liberal Administrator, like Mr. Hopkins, or a liberal President, like President Roosevelt, find that the applicants for a project are able to pay 25 percent, it seems to me it is good policy to require them to pay that amount and to pay more if they are able to do so.

I should like to have someone give a reason, if there is a reason, why that is not sound policy. If they are unable to pay and the project is necessary for work relief—I mean by that, necessary primarily as a work-relief project; I do not mean that it may be one that may be used as a means of giving some employment, but if it is primarily a work-relief project—the President can still go forward with it under this amendment, when the conclusion as to that fact is reached. If it is not primarily a work-relief project, if it is an effort upon the part of some organization, some chamber of commerce, some city, some town, or some county to have Federal funds expended for improvements and advantages that have little relation to the subject of work relief, we ought not to premiumize that. We ought to require a stricter standard than would be applicable in case of a project which is purely a work-relief project.

We all know that it has been necessary for the Administrator to go out and look for projects in communities where people were unemployed and threatened with suffering, and sometimes the projects have been subjected to criticism because on their face and by their name they have appeared simple and rather trivial, not very closely related to the public welfare. I do not criticize that action, because our object in spending Federal funds is, first, to afford assistance to those who must have it, and second, to get as much advantage as it may be found practicable to obtain in the appropriations we make for that purpose.

In my judgment, this amendment will accomplish that. It will not leave without aid any project shown to be necessary for work relief where the sponsors are unable to make contribution in the amount of 25 percent.

Some will say that there is something humiliating in finding or in reaching the conclusion that proponents of a project are unable to meet any standard of contribution. Substantially that statement was made on the floor of the Senate yesterday. I question the soundness of any such declaration. The whole basis for this legislation is the inability of those who benefit to carry on without it. We cannot appropriate one dollar for relief without reaching the conclusion that it is necessary in order to assist those who would have great difficulty in carrying on without the assistance.

Anyone may assert that it is unreasonable, it is unjust, it is embarrassing, it is humiliating to say that there must be a showing as to the ability or inability of those seeking Federal funds as to what they themselves can do; but have we come to that state of mind in legislating where we want to encourage or even countenance indifference, lack of diligence, total lack of thrift and energy? Have we come to the point where we wish to say, "The less you do or attempt to do, the more we will do"? Stated in that manner, of course, no one can question the proposal. The only issue is whether the amendment, if fairly interpreted and applied, would deprive any applicant of a project that ought to be carried on in order to prevent the suffering which the whole relief program is intended to relieve.

Mr. LEWIS. Mr. President, will the Senator from Arkansas yield to me?

Mr. ROBINSON. I yield to the Senator from Illinois.

Mr. LEWIS. I have listened to the Senator's amendment, and I have listened, of course, to his reasoning. In fact, I may confide that the reason why I was delayed this morning in my attendance upon the Senate was that I was in a conference looking to what could be done to remove any objections, if there be such, to the amendment. But I ask the Senator, after listening to his statement, if the President should grant to my city of Chicago—as I have made clear my interest—an amount of funds for the purpose of constructing an airport, or a subway, or any other public undertaking, would he not, under the present law, have the right within his own power to say, "Before I grant you this you will have to assure me that you will provide a certain sum"? Is not that inherently within the power of the President now without the amendment of the honorable Senator from Arkansas?

Mr. ROBINSON. Certainly. The President may say, "You must put up 5 percent," or he may say, "You must put up 50 percent," or he may say, "You must put up 75 percent." I said that in the beginning. But, Mr. President, the Government has been liberal to Arkansas. It has been liberal to the city of Chicago. I do not know any reason why we should commit ourselves to building as a relief proposition an airport in Chicago—taking the illustration of my friend the Senator from Illinois—without requiring Chicago to contribute 25 percent of the amount required; and I should hate to think, although it might be true, that Chicago would find such a project necessary as a work-relief project and yet be unable to contribute one-fourth of the amount required for that work-relief project.

Mr. LEWIS. Will the able Senator from Arkansas permit a further interruption?

Mr. ROBINSON. I yield to the Senator.

Mr. LEWIS. Will not the Senator suggest also that there might be instances where the President might say, "Mr. Applicant, you ought to put up 50 percent", if he had the evidence which would justify it?

Mr. ROBINSON. Yes. I said in the beginning that under this amendment the President could require a greater sum than 25 percent, and would do so if the applicant were able to meet it and if the project were a desirable work-relief project. Certainly that is fundamental. That was the first proposition with which I started out. If I did not make it clear, it is due to that defect in my power of expression which is so much in contrast with the splendid abilities and notable verbosity of my good friend the Senator from Illinois. [Laughter.]

Mr. LEWIS. Mr. President, while I appreciate the suggestion as to the circumlocutory ratiocination in which I sometimes indulge, I still would like to have my able and eminent friend from Arkansas explain why the amendment is necessary at all for any purpose then, if it is already in the power of the President to use his discretion as to the amount of local contribution to be required.

Mr. ROBINSON. I can give the Senator from Illinois the explanation; but great God! I respectfully decline to give him understanding. [Laughter.]

Mr. LEWIS. One cannot confer that which he does not possess. [Laughter.]

Mr. ROBINSON. Of course, this colloquy is all in the best of good humor. I think, speaking now on the subject raised by the Senator from Illinois, it is important that a reasonable standard be fixed in the legislation.

Congress has the first responsibility touching Federal expenditures. Not one dollar can be taken out of the Treasury except upon an appropriation. Why is that? The legislative department has control of the purse strings. It is charged, under our Constitution, with that responsibility. Is there anything unreasonable in Congress saying that if Chicago wants an airport as a work-relief project she shall pay 25 percent, if that great city is able to pay it? If you think so, vote against the amendment. But we all know that practically the political subdivisions, with some few possible exceptions, some small communities, would find themselves able to meet this requirement if they were commanded to do so in order to get the projects going.

Mr. President, that is not the test of the argument, however. If a city like Chicago satisfies the President or the Administrator that it cannot put up 25 percent of the cost of an airport in Chicago, and that it is really a work-relief project, and not an effort on the part of the officials in Chicago to get the Federal Government to do something for Chicago which Chicago ought to do for itself, the project will still go forward.

There is nothing humiliating about saying, "I am unable to do this"; there is nothing humiliating in the finding that one is unable to do it, provided it is a good, wholesome work-relief project, because the whole theory of our legislation on work relief is that beneficiaries are unable to get along without it. That is the whole basis for it. Nobody has ever attempted to justify it otherwise.

I said a while ago that Congress and the Administrator have been liberal with Arkansas, and they have been liberal with Chicago. I am not going into that subject in detail; but I do pay a tribute to the administrator of the work relief in Arkansas, Mr. Floyd Sharp, and I recognize the fact that Mr. Hopkins himself has, by wise and good counsel, assisted very materially in that very helpful undertaking conducted by Mr. Sharp under Mr. Hopkins' general supervision.

I can understand why Mr. Hopkins would prefer to have no restriction at all. He is accustomed to that method of procedure. But I cannot understand why Congress should say we will impose no restrictions at a time when the Federal debt is higher than it was ever known in history, at a time when private enterprise is in measure more prosperous than it was even in the year 1929.

Congress has some responsibility in these matters. I accept my full share of responsibility for the legislation we have passed heretofore. I believed then, and I believe now, it was exceedingly helpful. But, in my opinion, conditions have changed so that there is no longer the necessity for inviting projects which primarily are not work projects, but are improvement projects which ought to be carried on independent of the work-relief program.

No one need challenge me to cite instances of that nature. No one need tell me that there are no places in which the representatives of local political subdivisions have exerted their influence, appealed to their Representatives and to their Senators, in order to get funds out of the Federal Treasury for projects which were not primarily necessary work-relief projects, but which were of great advantage to the communities in which they were constructed. So long as we impose no limitation, the Administrator will be encountered with that difficulty. He will be encountered with the difficulty of having Senators and Representatives come to him supporting local influences and asking for projects which, to say the least, are not in the first aspect designed to promote work relief. I could discuss that phase of the subject indefinitely; I could cite some instances where projects have been carried forward which might be subject to that criticism; but my thought is that Congress has a responsibility in the matter.

Gentlemen may laugh about a $36,000,000,000 debt hanging over the Treasury of the United States if they wish to, but with all my refined and expanded sense of humor I find it impossible to laugh about such a thing. I recall the time when our armies came out of the bloodiest and most cruel war that was ever waged on this earth to find a debt far below the amount the Government now owes, and we worried about it then. But now nobody seems to worry about the debt. We spend and we spend and we spend, and there are some who vote for all appropriations and against all taxes. I do not name anyone; sometimes I have been inclined to get into that class myself. But the point I am making is that we cannot go on forever doing it.

I do not say that even a thirty-six and one-half billion dollar debt, taking into consideration all the circumstances, endangers the credit of the United States; but I do say that in the time of prosperity we ought to begin to put our house in order. Let me ask what would happen if another depression, such as that which began in 1929 or 1930, and which has continued until recently, should strike the people of the United States and their affairs next year or the year following? Of course we do not look for it, of course we hope it will not occur, but there are some who say that we will have a recession in business and industry.

What if our revenues from incomes should fall off? What if the sources of taxation available for the United States should dry up to an extent, as they did dry up in 1930 and in the years which immediately followed that year? We would find ourselves in a situation which would be terrible; and as representatives of the whole people, expressing full appreciation for the liberality of the Government, we owe an obligation to the Government, to those who live now and to those who will come after, to make provision for the needy living, for those who cannot get along without assistance; but we also owe the generations to come a measure of duty to safeguard them against an unreasonable and an excessive burden which may bring back upon them the sorrows, the travails, and the woes we have so recently experienced.

Mr. HAYDEN. Mr. President, I have had as fair an opportunity as any Senator to examine into the facts respecting this work-relief appropriation. I say that because my membership on the Committee on Appropriations has given me perhaps a better chance than many Senators have had to study the various phases of the unemployment problem.

I wish to confess frankly to the Senate that I started out with the same general idea as that which has been expressed by the Senator from South Carolina and by the Senator from Arkansas, that Congress should establish by legislation a minimum standard of sponsors' contributions to non-Federal work-relief projects. But the more I have examined into the facts the more I am convinced that I do not now have the information upon which to fix that standard, and therefore in good conscience I cannot vote either for the

proposal originally submitted by the Senator from South Carolina or for the amendment to that proposal suggested by the Senator from Arkansas.

If I were compelled to act upon the information I now have, I should modify the amendment of the Senator from South Carolina [Mr. BYRNES] first by cutting the percentage of sponsors' contribution at least in half. I do not believe that it should be above 20 percent. That in itself would be a very material increase—almost a doubling of the average contribution throughout the country during the past fiscal year. It would more closely approximate what is now being contributed generally by sponsors throughout the United States. Mr. Hopkins' latest figures show that the average contribution is about 18 percent.

The second objection I have to both proposals is that this required contribution is to be attached to each individual project, and yet the statistics upon which the amount of that contribution is calculated are not based upon each individual project. They are based upon State averages. Every table that has been published in the House hearings or in the Senate hearings, and every table that has been brought to the attention of the Senate, relates to a State average contribution. Those averages are naturally made up of light contributions by sponsors in some classes of work-relief projects and heavy contributions in other classes of such projects.

If either of the proposed amendments shall be adopted, then in order to operate fairly provision should be made that in each State the average contribution should be a certain percentage, and that is perfectly practical. The most encouraging thing from the point of view of the United States Treasury in connection with this appropriation is the adoption by the House of Representatives, and its cheerful acceptance by Mr. Hopkins, of the provision now in the joint resolution that the $1,500,000,000 is to be divided into 12 parts and allocated for monthly expenditures, thereby insuring that a deficiency appropriation will not be necessary to care further for relief during the next fiscal year. Heretofore Congress has appropriated lump sums to meet an emergency, and then facts have been presented which caused Congress, in the middle of a session, to appropriate more money for the same purpose. This is the first time that the appropriation for the Works Progress Administration has been reduced to an annual basis. The rule imposed by the Bureau of the Budget on all departments is that they must take an appropriation and divide it into 12 parts. Mr. Hopkins assured our committee that he would live up to the letter and the spirit of the direction given to him in this provision adopted by the House of Representatives and recommended by your committee.

This rule will be of great advantage in that every State administrator will first know for 6 months—that is, from July to December—exactly what minimum amount of money can be expended in his State for work relief each month. If the State W. P. A. administrator knows the amount of money he is going to have from month to month he can intelligently plan the work to be undertaken. So that this wise provision inserted in the joint resolution by the House can properly be carried out, the State administrator should be at liberty to arrange his projects so that the sponsor's contribution on some will go as high as perhaps to a half or more, and others may be undertaken at a less percent than the average. There are classes of projects, such as the white-collar projects and the women's projects, where the sponsors' contributions under no circumstances could reach even as much as the 20 percent that I have suggested.

If this joint resolution leaves it to the discretion of the State W. P. A. administrators to get more in one case and less in another, as the local circumstances warrant, but with the positive direction that when he totals up his activities for the month the average sponsors' contributions on all projects shall equal a certain percentage, then the effect upon the Federal Treasury would be exactly the same as though Congress had required that each project have an identical sponsor's contribution.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. OVERTON. In line with the suggestion now being made by the Senator from Arizona, he, as a member of the committee, will recall that I offered an amendment carrying out the thought which he is now expressing. That amendment was—

> That an average of approximately 18 percent of the total cost of all the projects in each State shall be supplied in each State from non-Federal funds.

That amendment was voted down by a vote of 13 to 10.

Mr. HAYDEN. Let me say to the Senate that the amendment offered by the Senator from Louisiana in the committee was not only sound and wise but entirely practical. It could be carried out by each State administrator, and as I have pointed out, the effect upon the Treasury would be exactly the same. That is a serious objection I have to both the proposal submitted by the Senator from South Carolina [Mr. BYRNES] and to the modification proposed by the Senator from Arkansas [Mr. ROBINSON]. I disagree as to the method of assessing the sponsor's contribution. I am convinced that the contribution should be based upon a State average rather than upon individual projects.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. BYRNES. The Administrator was opposed to the amendment of the Senator from Louisiana. Mr. Hopkins came before the committee and stated his opposition to that amendment.

Mr. HAYDEN. Mr. Hopkins was no more opposed to the proposal made by the Senator from Louisiana than he was to the amendment of the Senator from South Carolina.

Mr. BYRNES. I was going on to say that I did not know whether he was opposed to one more than the other; but so long as we are discussing what took place in the committee, I will say that he was opposed to the amendment presented by the Senator from Louisiana.

Mr. HAYDEN. I am sure that the record will show that Mr. Hopkins was asked which amendment he would choose if were he compelled to decide between what he considered two evils, and that he said be preferred the amendment of the Senator from Louisiana.

Mr. BYRNES. I think the record will show that he was opposed to both amendments. As the Senator from Arizona also said, in the committee he voted for 27 percent, was it, or was it 28 percent?

Mr. HAYDEN. I voted for a sponsors' contribution of anything less than 40 percent.

Mr. BYRNES. The Senator voted for 28 percent.

Mr. MCKELLAR. The Senator from Arizona, like I did, voted for the lesser of two evils when he was confronted by two evils.

Mr. HAYDEN. The third objection I have to both of these proposals is the length of time specified within which they shall go into effect. I do not believe it is possible within 90 days after the 1st of next July for the States, the counties, the local communities, or the various other public bodies which act as sponsors, so to arrange their affairs that they can undertake new projects under this revised arrangement. If I were compelled to pass judgment upon the matter, I would say that there should be at least 6 months, or up to the end of the present year, in which to carry on under the existing program, while preparing for the new, particularly in view of the fact that month by month, as the record shows, the amount of sponsor's contribution is increasing throughout the United States, due to pressure applied by Mr. Hopkins and the State administrators.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Idaho?

Mr. HAYDEN. I yield.

Mr. BORAH. The provision of the amendment of the Senator from South Carolina [Mr. BYRNES] and the amendment of the Senator from Arkansas [Mr. ROBINSON] which

has disturbed me most is that of an arbitrary amount of 40 percent in the one case and 25 percent in the other.

I will ask the Senator from Arizona if the amendment of the Senator from Arkansas does not furnish something in the nature of an escape from that arbitrary proposition.

Mr. HAYDEN. Mr. President, it not only furnishes an escape—it opens wide the gates and lets down the bars, so that anything the Administrator wants to do can, in his discretion, be done. There was some virtue in the proposal made by the Senator from South Carolina [Mr. BYRNES] in that he did require the applicant to go through the form of taking a pauper's oath. That made it an uncomfortable way of getting the money. The proposal made by the Senator from Arkansas [Mr. ROBINSON] leaves it to be done in a genteel, polite way, without any stigma at all being attached to seeking a less sponsor's contribution than the normal 25 percent.

Mr. BORAH. Then, as I understand the Senator from Arizona, he thinks that the element of arbitrariness in the statement of the amount has been eliminated by the proposal made by the Senator from Arkansas [Mr. ROBINSON]?

Mr. HAYDEN. In practical effect, there is no doubt about that.

What I should like to see Congress do is to fix, in all fairness, a standard which would be applicable to all States, and thereby reduce the discretion of the President or of the Works Progress Administrator, so that when Congress makes an appropriation for work relief we may be sure that all States will be treated alike. I believe it to be possible to do that if we study this problem long enough and hard enough.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. TYDINGS. The Senator is a member of the Appropriations Committee, and I am sure he remembers that 2 years ago, I think it was, Mr. Hopkins came before our committee and was questioned about some definite policy with regard to relief. We requested him at that hearing to try to formulate some definite policy which would more or less apply, with such elasticity as might be requisite, to the whole country. A year intervened after that, and then we had a debate here on the floor, but no policy was forthcoming. Now the second year has intervened and no policy has been forthcoming, although we renewed our request last year for some definite policy.

It is only fair to say that Mr. Hopkins or anybody else would have a great deal of difficulty in formulating such a policy, and therefore, we are down to the point where we have debated this thing three times, and we are exactly where we were when we started. As I foresee, conditions will change so from year to year that I doubt if we shall ever formulate a policy unless we commence to do it.

I want to couple with that observation a question to the Senator from Arizona. Does not the Senator from Arizona feel that the money herewith appropriated will be expended more or less along the same line, with the amendment as without it?

Mr. HAYDEN. In practical effect that is the evident intention of the Senator from Arkansas, except that there will be set up a general indication which may or may not be followed with respect to the percentages of sponsors' contributions.

Mr. TYDINGS. Taking the remark of the Senator from Arizona, namely, that there is elasticity and loopholes in this proposal, does not the Senator think that at least we ought to make the start, provided that in making that start there is enough elasticity so that no place needing relief is going to be penalized? If we do not make that start now, when in heaven's name will we make it, particularly when we have been working for three solid years trying to get some kind of a national permanent policy?

Mr. HAYDEN. Let me state my position, Mr. President. I should prefer to see less elasticity if a fair rule could be devised.

The Senator says that Congress has asked the administrative officers for a statement of policy, and we cannot get it. The Senate, however, has acted recently in two instances looking to the establishment of a sound policy with respect to relief expenditures: First, on the 10th day of June the Senate adopted a resolution, submitted by the Senator from New Mexico [Mr. HATCH], under which the Vice President has appointed five very able Senators—to do what? They are "authorized and directed to study, survey, and investigate the problems of unemployment and relief."

The problems of unemployment and relief, so far as the Congress is concerned with dollars and cents, are the problems faced by the Works Progress Administration. Under this resolution the special Senate committee is bound to look into those problems; and one of the very first things that a committee of Senators interested in protecting the Treasury would do would be to determine whether local communities might properly contribute more and thereby make the Federal contribution less.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. TYDINGS. Of course, I do not think any Senator on the floor wants to adopt such a drastic amendment that men really deserving of help from these funds will be denied it. There is a difference of opinion as to how far we can go; that is all; but I am constrained to remind the Senator that, as he himself knows, in the case of every appropriation bill that comes before the committee the committee realize that we are appropriating a great deal of money that we do not have in mind and which we will have to borrow. We ought to realize that there will have to be an end to that.

When the farm bill comes before the Appropriations Committee and later before the Senate, and we attempt, in either or both places, to reduce it somewhat, everyone will say, "Do not start by reducing these appropriations or putting restrictions around them on this farm bill; Heaven knows we do not want to start on the farmer." So it is with each and every appropriation bill, including the relief bill. Naturally, it is not desired to start on relief appropriations. The point is that we do not really want to start anywhere.

Mr. HAYDEN. I not only want to start but am anxious to make an intelligent start.

Mr. TYDINGS. I do not mean the Senator, but I mean, unless we can get some sort of an elastic standard which we can tighten, in the light of the very investigation to which the Senator alludes, as circumstances and facts allow us to tighten it, we are never going to get any place.

Mr. HAYDEN. It is my opinion that if the amendment of the Senator from Arkansas shall be adopted, expenditures for work relief will continue in practically the same manner as though no such legislative action had been taken. We will carry on just as we have been doing. Why not brush aside what amounts to a mere gesture and allow a committee of five excellent Senators, who are keenly interested in the problem of unemployment and relief, and in whom we all have confidence, to make a report to the Senate in January upon this very question?

Mr. TYDINGS. Mr. President, will the Senator yield further?

Mr. HAYDEN. I yield.

Mr. TYDINGS. I do not want to reflect upon the Senators who are members of the committee referred to—I know they are able and good men, and I know they are going to make an investigation—but this is a pretty big country of 48 States, and a great many cities, and my prediction is that next year, after the Appropriations Committee comes in with another relief appropriation bill, we are going to have the same debate we had 2 years ago, 1 year ago, and have today, and we are never, never, never going to write any restrictions into any of these bills until something in the way of financial difficulty compels us to do it. Then we will be in the position of not having done the right thing by the people of the country. I make that prediction.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. HATCH. May I say to the Senator from Maryland that he must admit there has been some little progress made,

in that we even had a committee authorized. The proposal creating such a committee was pending before Congress at the last session but was never acted upon. However, not only was the resolution acted upon at this session and adopted by the Senate, but also another resolution creating an independent commission to make a very similar study of the same question was adopted. I say, at least, the Senate has made some progress in taking that amount of cognizance of the situation.

Mr. BAILEY and Mr. TYDINGS addressed the Chair.

The PRESIDING OFFICER (Mr. POPE in the chair). Does the Senator from Arizona yield; and if so, to whom?

Mr. HAYDEN. I yield first to the Senator from Maryland.

Mr. TYDINGS. I do not want to deny that it has made some progress; I concede it, as it has had a committee appointed; but I imagine if we make comparable progress in the next 15 or 20 years to that we have made for the last 3 years, certainly by 1956 we will have formulated a rather elastic policy which will, at least, give us a starting point to perfect it before the year 2000.

Mr. BAILEY. Mr. President——

Mr. HAYDEN. I yield to the Senator from North Carolina.

Mr. BAILEY. The mountain labored and brought forth a committee.

Mr. HAYDEN. And created a most excellent committee, a committee of five Senators, who command the respect and good opinion of all their colleagues in this body.

Mr. HATCH. Mr. President, will the Senator from Arizona permit one additional interruption?

Mr. HAYDEN. Yes.

Mr. HATCH. Does the Senator from North Carolina think that no such investigation or study should be made?

Mr. BAILEY. Mr. President, I think it was a fine thing when the mountain brought forth a mouse; I approve it.

While I am on my feet may I ask the Senator from Arizona a question?

Mr. HAYDEN. Certainly.

Mr. BAILEY. As I understand, the bill carries a billion and a half dollars direct and about $200,000,000 for unexpended or unallocated balances. Is that correct?

Mr. HAYDEN. My judgment is that the unexpended balances which may be available from all sources will be between $60,000,000 and $70,000,000.

Mr. BAILEY. We have heretofore provided $350,000,000 for the C. C. C. next year; we have provided for social security, which, in its present stage, at any rate, is in the nature of relief, $214,000,000; and, in addition to that, we have provided $36,000,000 for the old-age pension feature of it. Furthermore, we have provided $300,000,000 for the P. W. A. The total of that is $2,500,000,000. That is what we are appropriating for relief of the unemployed and the necessitous of the country. I ask the Senator if that is any progress at all?

Mr. HAYDEN. Yes; it is a material reduction under the relief appropriation for 1 year of $3,300,000,000 and is a reduction under the relief appropriation of $4,800,000,000 for another year.

Mr. BAILEY. I am going to call the Senator's attention to the fact that the $3,300,000,000 appropriation did not all go to relieve necessitous, but the President used large portions of it to put in departments here and to set up whatever he pleased. That is in the record.

Mr. HAYDEN. Nevertheless, the purpose of the appropriation was to relieve unemployment generally, and this billion and a half will be spent for that same purpose.

Mr. BAILEY. The Senator is on the Appropriations Committee, is he not? Is he prepared to tell me how much of the $3,300,000,000 or of the other fund, the $4,800,000,000, was expended under the power which we gave the President for purposes other than unemployment relief and the relief of distress?

Mr. HAYDEN. I am not prepared to furnish those figures to the Senator, and I doubt if he himself, even with a very diligent search, could ascertain the exact facts without many weeks of work.

Mr. BAILEY. Mr. President, I wish the Senate to hear the statement of the Senator from Arizona. He says even with a diligent search one cannot ascertain the facts; and I think that is true, although it is very lamentable, if it is true. We appropriated $4,800,000,000 plus $3,300,000,000, which totals $8,100,000,000, and a very able and alert member of the Appropriations Committee, and a most capable Senator, informs us none of us can tell what was done with the money.

Mr. HAYDEN. I am not revealing any secret but just stating a fact that is common knowledge on the part of all members of the Committee on Appropriations.

Mr. BAILEY. It is a fact, and is a commentary on us all. We need to bring forth something more than a mouse from that committee just now. Here is $2,600,000—it is not $1,500,000,000—and I should like the Senator to comment on that and tell me how much progress we are making.

Mr. HAYDEN. Obviously we are making substantial progress.

Mr. BAILEY. Very well; let us hear about it.

Mr. HAYDEN. We are making material progress in the reduction of relief expenditures, and I believe greater progress can be made. If I may be permitted, I will say to the Senator that the proposal now pending before the Senate in the form of the amendment of the Senator from Arkansas would leave things practically as they are. I would recognize that fact and reject both his substitute and the proposal made by the Senator from South Carolina [Mr. BYRNES]. I would depend upon the able committee of five Senators to look into the very question which concerns us now. It is the first problem that will face the committee for solution.

I know that the five Senators will not fail to earnestly examine into it, and I hope—and I express that hope here in their presence—that they will bring in, not some indefinite, vague, nebulous sort of a rule with respect to sponsors' contributions that may or may not apply in particular cases, but will lay down a firm and fixed rule that will be fair and equal to all the States.

In addition to the committee of five Senators, the Senate very shortly afterwards, on June 14, adopted a joint resolution calling upon the President to appoint a commission, to be composed of from 5 to 15 well-qualified and distinguished citizens, "to conduct a national study of the whole problem of unemployment and relief and make recommendations looking to a comprehensive, inteligent, and just policy for the future." In the preamble of that resolution, as approved by the Senate, it is recited that there is need of a thoroughgoing study of—

(1) The extent and nature of unemployment and relief needs, (2) the problem of work as against direct relief, (3) the question of assessing the financial burden and administrative responsibilities as between private charitable organizations and local, State, and Federal governments.

That last direction to the Commission is the very question we are now discussing.

In other words, we have appointed two juries to ascertain the facts. The juries are empaneled so far as the Senate is concerned. The President has indicated that he has that very kind of an investigation under way, and the purpose of the joint resolution is to implement what he proposes to do by a committee which shall report to Congress. Why should we now bring in a verdict before the two juries authorized by the Senate have had a chance to look into the facts as we have directed them to do?

For these reasons, I cannot support either the amendment of the Senator from South Carolina [Mr. BYRNES] or the substitute proposed by the Senator from Arkansas [Mr. ROBINSON].

Mr. BURKE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Nebraska?

Mr. HAYDEN. Certainly.

Mr. BURKE. While it is true the investigations are authorized, why does the Senator object to a verdict of the kind he has described under the Robinson amendment as a verdict that will still make it possible to do everything that

has been done during the past year? If that is so, if this saving clause really leaves the matter open so that every worth-while project may be approved even without any contribution from a sponsor, what possible objection does the Senator have to the Congress setting up a standard and saying, "This is what we think the sponsor ought to do"?

Mr. HAYDEN. I want to see a standard established that is a real standard and means something, rather than merely a guidepost indicating a general direction in which to travel, but omitting to specify how far to go.

Mr. BURKE. It would be at least some satisfaction to know we are traveling in the right direction even if we are not going very fast.

Mr. HAYDEN. I am satisfied we are doing that, anyway. The proof is conclusive before the Appropriations Committee that we are traveling in the right direction because every year, and in the first quarter of this year, the record shows an increase in the contributions by sponsors throughout the entire United States to all Works Progress Administration projects.

Mr. BURKE. Mr. President, I hold in my hand a telegram, received from my home city of Omaha, which indicates that throughout the country there is some misunderstanding as to the effect of the Byrnes amendment and the Robinson amendment. I wish to comment on that phase of the matter for just a moment. The telegram is signed by the chairman of the municipal airport of the city of Omaha and reads as follows:

Advised Senate may require 40-percent contribution by sponsors for W. P. A. projects. Municipal air field our most important project now in very incomplete condition. Omaha financially unable to meet proposed contribution which would leave our air field practically unusable and destroy Omaha's air service. Strongly feel proposal should not apply to present projects.

I have received many other telegrams along the same line, indicating that throughout the country many people are being led to believe that the adoption of either the Byrnes amendment or the Robinson amendment would interfere with such projects. Of course, a reading of either amendment shows that is not true in any sense of the word, because the contribution in each case, whether it be 40 percent or 25 percent, is to apply only to new projects. Neither amendment has any bearing at all upon the Omaha airport or any project now under way.

More than that, all projects which are started within the next 3 months are not required to come within the terms of either amendment. It has been argued that we cannot properly, suddenly, overnight, change from the more or less slipshod method in force, and require a definite contribution. To meet that situation both amendments provide that they shall apply only to new projects, and only to such new projects as may be started after the 30th of next September; so that 3 full months are allowed for the sponsors to make whatever change these very moderate amendments, or either of them, would require.

One other thought should be kept in mind also, and that is that the country has been well educated to the necessity of sponsored projects by the 4 years' experience under the P. W. A. While I realize that conditions are somewhat different, essentially they are the same. In every State in the Union sponsors were glad to come in, first, with the 70-percent sponsor's contribution, accepting very gratefully the 30-percent grant made by the Federal Government in order that the desired projects might be built. Then, more recently, sponsors were even more willing and anxious to come in with their 55-percent sponsor's contribution to meet the 45-percent grant made out of the Federal Treasury. So, I say, that this experience under the P. W. A. has paved the way, and educated the people of the country, so that now there would be no serious difficulty or objection once Congress lays down some kind of standard.

Whereas the junior Senator from Washington [Mr. SCHWELLENBACH] and others have said they oppose any kind of fixed contribution, even 5 percent, I would favor heartily a sponsor's contribution even as low as 5 percent or 10 percent. I think 25 percent ought to be the minimum, but it is the principle that appeals to me more than the amount of the contribution. I think the time has come when Congress ought to declare some legislative policy in this respect.

I believe that once a fixed ratio of contribution is established and the country realizes that this will be relaxed only upon some proof or evidence of demonstrated inability to meet the requirements, the overwhelming majority of sponsors will measure up to the test without question. Under the present system, we invite, almost compel, each community to hold out for as small a contribution as it thinks it can get by with. Every sponsor knows that the cost of projects in some States is being largely borne by W. P. A. out of the Federal Treasury. We hold out before the sponsors the bait of a big saving for local taxpayers if the effort with the W. P. A. is carried on smoothly, scientifically, and with all possible pressure. Under such circumstances, it is only human nature for a local community to do willingly just as little as possible. This is the essential vice of the present system. There will be a complete change of attitude when Congress declares its purpose to require every able sponsor, whether in Pennsylvania or Iowa, to furnish a fixed and identical portion of the cost. So I say that instead of this amendment being obnoxious because it does set up a standard, that is its real merit.

Under the present system, there is gross inequality not based on ability to pay. Hereafter, under the new procedure, there will be equal treatment to everyone, with only the exceptional cases, upon proper proof, being afforded preferential treatment.

Now the Administrator is handicapped. He is on the defensive from the start. The sponsor, knowing how little other communities have given, insists that it will contribute only so much. The Administrator has the burden of proof of establishing that the sponsor is able and ought to do more. Hereafter every sponsor will know that it must make the same contribution to support its own unemployed that is made by every other self-respecting community. It will know that, if it expects to have a project approved with a small local contribution, the burden of proof will rest on it to convince the Administrator that it is actually unable to do what is being willingly done by its neighbors and by all the rest of the country.

There is now comparatively little incentive for a local community to see that a full return is made for every dollar spent and that employables are taken off the relief rolls as rapidly as possible and returned to private employment. Require a 25-percent contribution now, and let it be understood that a still larger load is going to be placed on the local community just as fast as the General Government will permit, and we will be well on our way out of the morass in which we are now pretty well bogged down. The time is at hand it seems to me to make this start. This modest beginning will produce untold good not alone in dollars and cents, but in moral fiber and stamina.

Mr. President, in conclusion, I send to the desk a short editorial from a reliable newspaper with pronounced liberal views—the Washington Daily News—and ask that it may be read. I make this comment only, that, whereas the editorial refers specifically and by name to the Byrnes amendment, everything that is stated in the editorial applies with equal force to the now pending Robinson amendment.

Mr. OVERTON. Mr. President, will the Senator yield before the editorial is read?

Mr. BURKE. Certainly.

Mr. OVERTON. I understand the Senator is advocating now the Robinson amendment?

Mr. BURKE. Yes.

Mr. OVERTON. I should like to inquire of him what will become, under the application of the Robinson amendment, if it should be adopted, of such projects as I shall mention.

Let us take projects which come under the classification of roadside improvements. The experience of W. P. A. in the past has been that the local contributions average 7.6 percent.

A project of that kind affords opportunity for the employment of rural labor. There might be many communities that would be able to contribute much more—they might be able to contribute 25 percent—but the local subdivision would be unwilling to make a contribution as high as 25 percent, notwithstanding it was able to do so.

There is another class of projects to which I will call the Senator's attention, for instance, parks and recreational facilities, in connection with which the local contribution has been only 8.7 percent. Also, projects with reference to sewing, canning, and so forth, where women are employed. In the case of sewing projects, the local contribution has been only 3½ percent. The Federal Government has expended on sewing projects approximately $250,000,000, and the sponsors' funds have been approximately only $9,000,000. It may be that a community would be well able to finance a sewing project but would be unwilling to contribute 25 percent.

The difficulty that I find in the application of any fixed percentage, project by project, is that there is such an infinite variety in the types of projects. Certain projects necessarily demand a much larger local contribution than other projects; and I am inquiring of the Senator what will become, if the Robinson amendment should be adopted, of the long list of projects where the local contribution is low? Are they to come within the rule of 25 percent, or are they to come within the exception to the rule?

Mr. BURKE. The Senator apparently divided projects, such as sewing projects and others, into two classes—first, those in communities which are not able to make a 25-percent contribution, or any substantial contribution, and, second, those in communities which are well able to make a 25-percent contribution but are not willing to do so. I say that a very different thing, and very properly so, would happen to those projects in communities which are not able to make the 25-percent contribution. They clearly come within the proviso of the Robinson amendment, which reads:

Provided, That if the President shall find any project to be necessary in order to provide work relief in the community where the project is to be located, and that the applicant is unable to supply 25 percent of the cost as herein required, he may authorize the project upon such contribution or assurance of contribution as he finds that the applicant is able to make.

So in all communities where the sponsors are not able to pay 25 percent, or possibly not able even to pay the 7 or 3 percent referred to, the projects can go on just the same, if they are worth while; but in other communities where the sponsors are well able to pay, and for some reason do not want to pay, the projects will not be continued, and ought not to be continued.

Mr. BYRNES. Mr. President, will the Senator yield to me?

Mr. BURKE. Yes.

Mr. BYRNES. The first class of projects referred to by the Senator were road projects. They are very deserving. I have in my hand a copy of an application filed by a county in my own State for a project of that character—a county which I should say has very little wealth as compared to the other counties of the State. It has a few manufacturing industries. This is a project for roads. What the sponsor is called upon to contribute is in material, in supplies, $1,806, and in equipment rentals $13,920, which makes $15,726 contribution by the county, a purely agricultural county. The contribution by the Federal Government is $48,841, its contribution being 74½ percent, and the sponsor's contribution being 24½ percent. When we take the average for the country of such projects, it is, according to Mr. Hopkins, low, because some counties have not been required even to put up 24½ percent.

With reference to the sewing projects, the contribution is only a few percent; yet, as I stated yesterday, I know that in my State, in the case of the projects designated as sewing projects, the sponsor must provide the building, the rent, the light, the water, must furnish the heat, must furnish threads and buttons, and after July 1 must furnish 25 percent of the material, the amount being estimated at approximately 37 percent. There are sewing projects that I know, which contribute 37 percent. It depends entirely upon the value of the rent; but if that is 37 percent in one instance, and in some States it is less than one-half of 1 percent, it brings down the average. The question is one of uniformity; and, as the Senator says, in each case, if the sponsor could not put up the specified amount, he would not be required to put it up, but would be allowed to do just what the sponsors are doing today, to the extent that they can.

Mr. BURKE. I thank the Senator for that suggestion.

It seems to me we have brought out one of the most vicious features of the present system; and further, in this connection, the same point was brought out very clearly at the hearings last Saturday before the Appropriations Committee by a question asked of the Administrator, Harry Hopkins, by the junior Senator from Georgia [Mr. RUSSELL], which I should like to read at this point.

On page 324 of the hearings the Senator from Georgia asked Mr. Hopkins the following question:

Another thing, Mr. Hopkins. Does it not depend very largely on the viewpoint of your State administrators? That is the thing that disturbs me about it. One State administrator will take you seriously when you send down an order that sponsors must contribute to the very limit of their ability. You are dealing with human beings. I know they are all conscientious people, but another State administrator might have a wholly different idea as to what a community in another State was able to do.

Mr. HOPKINS. I grant that.

Senator RUSSELL. Therefore, where one State administrator does investigate every one of these projects very carefully, and does require the very maximum contribution from local sponsors, another one might be a little slipshod about it, and the latter community would not carry its part of the burden.

It seems to me that very point gives conclusive reason why Congress should provide in the law even this low contribution of 25 percent, even modified as it is, and made elastic as it is by giving authority to the President to modify it in any case where the sponsors cannot make their contributions.

The PRESIDING OFFICER. Without objection, the clerk will read the article which the Senator from Nebraska asks to have read from the desk.

The Chief Clerk read as follows:

[From the Washington Daily News of June 14, 1937]

BETTER ORDER IN RELIEF

In Washington this week the Senate will debate and probably act on the proposed $1,500,000,000 relief appropriation.

An amendment proposed by Senator BYRNES, of South Carolina, and approved by the Senate Appropriations Committee, would require local communities to put up 40 percent of the cost of W. P. A. projects started after September 30. Communities which pleaded inability to meet the requirement would be permitted to take a sort of pauper's oath and then, after an investigation of their finances, to pay as much as they could.

One of the most haphazard features of the haphazard relief program has been the so-called matching of Federal funds by the local communities. The Byrnes amendment is a step toward better order.

Originally the communities were supposed to pay planning and material costs of their W. P. A. projects, the Federal Government paying for administration and relief labor. But it hasn't worked out that way. The communities have been permitted, in effect, to write their own tickets. Some of them, backing up their pleas of poverty with political pressure, have got by with very small contributions. Last year, according to Senator BYRNES, local sponsors' contributions to W. P. A. projects ranged from one-half of 1 percent in New York City and about 7 percent in New York State to 28 percent in Idaho, and the present country-wide average is about 13 percent.

Relief Administrator Hopkins argued against the amendment and the administration will fight it, but the objections do not strike us as valid. It is true that the 40-percent figure is an arbitrary one, but any figure that might be named would be arbitrary. Nobody wants to "get tough" with the communities to the extent of denying W. P. A. aid to their unemployed. However, any community which honestly can't contribute a definitely fixed percentage of the cost of W. P. A. projects should not object to proving the facts and paying in full accordance with its ability.

Administration of relief must be made more orderly and more realistic. Adoption of the Byrnes amendment would insure keener local interest in seeing that W. P. A. money is used wisely and economically. It would provide planning and materials for better projects. And it would save a larger proportion of Federal funds to be paid, as intended, in wages to relief labor.

Mr. DAVIS. Mr. President, I desire to make a brief statement on the pending measure, House Joint Resolution 361,

making appropriations for relief purposes. I wish to say at the outset that I am in accord with the remarks made this morning by the distinguished majority leader, the Senator from Arkansas [Mr. ROBINSON].

Mr. President, I have voted for every relief measure which has come before the Senate. Not only have I voted for these measures, but I have heartily encouraged them in every possible way, because we were faced with an economic emergency which called for public expenditures.

If I understand the appropriation bill before us, it provides, first, for direct relief and work relief. Second, it gives 90 days in which the W. P. A. Administrator is to select projects. Third, it applies not only to new projects, but to those already contracted for. The whole conception of the bill is that relief is a national problem. It is this, and more. Relief is a national problem and a local problem as well. It can be met in a satisfactory way only as local units of government cooperate with the Federal Government for its proper administration. Regardless of party lines we should hold strongly to the view that local units should bear some share in these responsibilities.

We have grants-in-aid used for Federal participation in highway construction, old-age assistance, mothers' aid, and other needs. When the burden of relief is placed on a more practical basis, I believe it will be through an extension of the grant-in-aid policy. States differ in their ability to provide for their local needs. Under the proposed legislation it should be possible for States showing inability to pay a stipulated percentage of relief appropriations made by the Federal Government to obtain the necessary funds upon a presentation of evidence to that effect.

For the last 2 years I have been advocating an investigation of relief and unemployment conditions so that we may know how to plan wisely for these social needs. Such a study now seems probable; steps are being taken for its organization; but it should have been instituted 2 years ago. Back in 1888 Hon. Carroll D. Wright estimated that at that time there were at least 1,000,000 people in this country who could not be counted on to provide for themselves; probably at the present time it would be safe to say that there are between three and four million people in the United States, now counted among the unemployed, who, either because of inability or lost opportunity, will never work again. Our business is to discover who they are and to make provision for them. We have long neglected this social obligation. Now we must turn to this problem, differentiate the unemployable from the unemployed, and provide for labor and industry conditions of operation which will make possible the industrial absorption of those who are fitted for work.

Mr. President, according to table 11, which shows the number and estimated cost of W. P. A. projects placed in operation through December 31, 1936, the State of Pennsylvania received 10.4 percent of the total. When one considers that approximately one-tenth of the population of the country is in this one State, 10.4 percent seems to be a reasonable allotment. There were, as of March 1937, 181,000 persons on direct relief in Pennsylvania and 192,394 on W. P. A., as of June 5, 1937. Table 11 shows that New York City has paid but one-half of 1 percent of all th money spent by the Federal Government for projects under W. P. A. in that city. I have a letter from the mayor of Philadelphia stating that Philadelphia has already arranged to pay 10 percent of the cost of all projects carried on in that city hereafter.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. DAVIS. I yield.

Mr. COPELAND. While I am in perfect sympathy with the position of the Senator, I feel that I must say once more that the attitude of New York State and of New York City has been misunderstood. As a matter of fact, the city and the State have contributed hundreds of millions of dollars for relief. It is unfortunate that New York is so frequently used as an example here, because the fact is that when the whole picture is seen it is discovered that both the State and the city have been very liberal. I simply speak of it to call attention to what might be a misapprehension of the kindness and charitable nature of the people of New York.

Mr. DAVIS. Mr. President, I desire to inform the Senator from New York that I am merely quoting from table 11, showing the number and estimated cost of Works Progress Administration projects placed in operation by States, and the sources of the funds, through December 31, 1936, as published by the W. P. A. organization.

Mr. COPELAND. Mr. President, if the Senator will yield further, I realize that statistically it may appear that New York has not done its duty. I am not making any plea for New York; I want New York to pay its full share. But I wish to make it clear that both the State and the city of New York have been tremendously liberal, although when statistics are examined with reference to these particular projects, W. P. A. and P. W. A., it might appear to the contrary. I am not questioning the statistics to which the Senator is referring; I simply wish to have the RECORD show the facts.

Mr. DAVIS. Mr. President, evidently there is need for a determination of a definite schedule of payments which will bring about a more just distribution of the funds. I see no reason why New York City should continue to pay but one-half of 1 percent on W. P. A. projects if the city of Philadelphia proposes to pay 10 percent. I favor a flat rate for all. I believe that 40 percent will prove to be a figure too high for the majority of local units of government. I believe 25 percent would prove to be more practical. At the same time, I wish to repeat that I know there are some places where genuine need exists which would find such a percentage absolutely impossible, and I urge that in such cases, upon presentation of the necessary evidence, the Federal Government pay a larger part of the whole so that the need may not go uncared for.

Mr. President, I listened with great attention to the reading of the editorial from the Washington News presented by the distinguished Senator from Nebraska [Mr. BURKE], and I ask to have printed in the RECORD, following my remarks on relief, an exact duplicate of it, being an editorial appearing in the Pittsburgh Press of Monday, June 14, 1937, entitled "Better Order in Relief."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Pittsburgh Press of June 14, 1937]

BETTER ORDER IN RELIEF

In Washington this week the Senate will debate and probably act on the proposed $1,500,000,000 relief appropriation.

An amendment proposed by Senator BYRNES, of South Carolina, and approved by the Senate Appropriations Committee, would require local communities to put up 40 percent of the cost of W. P. A. projects started after September 30. Communities which pleaded inability to meet the requirement would be permitted to take a sort of pauper's oath and then, after an investigation of their finances, to pay as much as they could.

One of the most haphazard features of the haphazard relief program has been the so-called matching of Federal funds by the local communities. The Byrnes amendment is a step toward better order.

Originally the communities were supposed to pay planning and material costs of their W. P. A. projects, the Federal Government paying for administration and relief labor. But it hasn't worked out that way. The communities have been permitted, in effect, to write their own tickets. Some of them, backing up their pleas of poverty with political pressure, have got by with very small contributions. Last year, according to Senator BYRNES, local sponsors' contributions to W. P. A. projects ranged from one-half of 1 percent in New York City and about 7 percent in New York State to 28 percent in Idaho, and the present country-wide average is about 13 percent.

Relief Administrator Hopkins argued against the amendment and the administration will fight it, but the objections do not strike us as valid. It is true that the 40-percent figure is an arbitrary one, but any figure that might be named would be arbitrary. Nobody wants to "get tough" with the communities to the extent of denying W. P. A. aid to their unemployed. However, any community which honestly can't contribute a definitely fixed percentage of the cost of W. P. A. projects should not object to proving the facts and paying in full accordance with its ability.

Administration of relief must be made more orderly and more realistic. Adoption of the Byrnes amendment would insure keener local interest in seeing that W. P. A. money is used wisely and

economically. It would provide planning and materials for better projects. And it would save a larger proportion of Federal funds to be paid, as intended, in wages to relief labor.

Mr. BONE. Mr. President, in the discussion that we have been indulging in on House Joint Resolution 361, the pending relief resolution, I think the field has been so thoroughly canvassed and the facts so thoroughly explored that it would be a work of supererogation to go over any part of this field again. I merely want very briefly to voice my opposition to the committee amendment and to the other amendments which have been suggested, because I am definitely in opposition to requiring local communities to contribute to W. P. A. relief funds.

The arguments of the past 2 days revolving around the committee amendment which would require the States and local communities to contribute up to 40 percent of the cost of W. P. A. projects has taken such a wide range and has contained so much material regarding the conditions existing in the various communities of the country that, I repeat, I refrain from going over that ground, because so much has been said about the dire needs of these communities that I think we ought to have established that fact without doubt.

The problem we confront challenges the statesmanship of the country. It does not seem possible to proceed much further in our congressional labors without dealing very purposefully and realistically with causes as well as effects. It has seemed to me at times that all of our efforts have been given over to a consideration of effects growing out of the operations of our economic system, and because of the serious and challenging aspect of these effects we have not found time honestly to appraise the nature of our economic machine. It is certainly the part of wisdom and statesmanship to examine the operations of the machinery of production in this country with a view of ascertaining with all the accuracy possible what effect this machine is having on the problem of poverty and unemployment.

It has seemed futile to me to talk about the number of jobs available when so many of these jobs may last for 1 hour or 1 day or 1 week and no longer. To dignify such casual employment as a "job" is to make a ghastly joke of the miseries of the man who is compelled to rely on such "jobs" for a livelihood and for the support of his family. When we speak of jobs I want to think of them in terms of permanency, and I hope that everyone else in the Congress of the United States holds the same view.

It is because permanency in employment is so vital and the lack of it so deadly to our economy and to the welfare of our workers that we cannot, in justice to ourselves and to the people we represent, refrain very much longer in making an accurate appraisement of exactly what our economic system is doing to our people with respect to furnishing permanent jobs to them, or by its operations literally withholding jobs from them.

In presenting the figures I am going to employ, I want it understood that I do not use them for the purpose of challenging the decency and sense of justice of any man in this country, although our economic machinery is so geared that it is now doing a very cruel thing to the people. The fact that it may not be a studied or purposeful cruelty makes no difference—if economic misery and financial despair are visited upon a people the practical effect is the same whether it be done deliberately or merely through the operation of a coldly impersonal economic machine.

The amendment proposed by the committee to this bill, which would compel communities to make a very substantial contribution to the Federal relief program, is a very dangerous one. We in the Congress are in a position to tax large incomes. The State problem of taxation is largely one of ad-valorem taxes on the property of the people and these taxes have now reached the point where defaults in collection have become notorious. It is no answer to say that vast incomes escape in no small part the burden of Federal income taxes, and our tax experts can readily find for us the answer to that problem. We can and should close the loopholes.

As a part of my argument against the suggestion that a definite part of this Federal relief program be shifted arbitrarily in whole or in part to local communities, I want to call attention to what has happened in our industrial life since 1920. The figures I am going to use deal with the problem of wages, production costs, and industrial output. They are taken from the most authoritative sources available. I do not assert that they are absolutely accurate, but they are the best data available and have been compiled by thoughtful and intelligent men, intellectually equipped to do the work, and so far as all the records indicate these men are void of any desire to overstress any facts or to give us a false picture. I have not gone back of 1920, which seems but such a short time ago, to secure data to emphasize the seriousness of the problem we confront.

These figures show that year by year a smaller number of human beings employed in industry are able to produce more each year than was produced before. The figures show that wages have recently been forced up for those engaged in industry and that along with wage increases has come a terrific increase in the productivity of the workers, and the results of their labor are referred to as the "output per man-hour" or "per man-year" in the studies that have been made.

It is obvious that if fewer human beings are able to produce more each year with the aid of modern machinery, and this process continues, the problem that confronts us will become intensified and we will never be able to divorce ourselves from the ghastly anomaly of desperate poverty for millions in the midst of the greatest productivity the Nation has ever witnessed. The picture is not only bewildering—it is also one of deadly menace to the people's happiness and prosperity. It is not my desire to discuss at this time the remedy which, in my judgment, must be applied to meet this challenge. It seems obvious, however, that the only agency to which the people may look for relief and guidance—the Federal Government and the Congress—must seriously consider the necessity of shortening the labor period so that our industrial machine can absorb those who are willing and able to work and adjust wage levels so that these people will be able to buy back what this industrial machine is producing. If we do not do this I believe we are heading for trouble which will be infinitely worse than our present difficulties, and the continuance of this condition will destroy our economic machine.

The figures I am using seem to be a challenge to those who believe in preserving our present economic order. If we choose to ignore the implications of this picture and they are able to convince Congress that it is a mistake to adopt such a program as I have suggested, then we will merely postpone the day of reckoning. I want to continue generous relief efforts, but I want the Congress also to drive straight at this problem of technological change. I think true statesmanship calls for this prompt and direct approach. History is replete with instances of stubborn opposition to change, and the apostles of laissez faire have closed their eyes to the fact that change is the law of life, that society is not a static thing, and the ultraconservatives of our time, in so many instances, close their eyes to the fact that science is making over industrial society and thrusting upon us the terrifying problem growing out of an incredible productivity going hand in hand with want and uncertainty, which is the everyday problem of millions of Americans.

Mr. President, I have in my hand a chart prepared by the National Industrial Conference Board. It contains a showing which in itself constitutes it as one of the major and outstanding answers to the enigma which confronts us. Day by day we ask ourselves why it is that, with production nearing predepression levels and with wages going higher in certain industries, we have this unemployment problem; and the answer comes now from this agency which in my judgment is qualified to make the answer.

There are three or four outstanding statistical agencies or investigatory bodies in this country which are well qualified to make the studies that are so vital and so essential to

an intelligent understanding of the problem and an intelligent approach to its solution. We postpone dealing with this question at our peril. We should either walk up like men and meet the problem, or we shall suffer the inevitable crash that is coming.

Mr. President, this chart is a study covering a period of from 1914 to 1937, including the first 3 months of 1937. It shows that in 1914 the Board adopted an index figure of 100 for the factor of production per man-hour in American industry.

Production per man-hour in American industry did not rise perceptibly up to 1919. Beginning in that year there was a very sharp rise in production per man-hour in our manufacturing industries. From 1919 to 1937 the production per man-hour in American manufacturing industries rose from approximately 100 units of production to 192 units of production per man-hour, representing an increase of approximately 92 percent, less the slight difference of increase between 1914 and 1919, which, indeed, was very slight.

Now let us see what happened to the man-hours of labor in that period; that is to say, the man-hours of labor required to increase production from an index figure of around 100 to an index figure of 192; or, to put it in another way, from a production of 100 units per man-hour to a production of 192 units per man-hour. The index figure of the man-hours of labor required to accomplish that tremendous step-up and increase in the tempo of production was around 120 in 1920, and from that point it dropped to around 90 in the year 1921, pursuing after that a rather devious course and winding up in 1937 with an index figure of 92. The 1937 index figure of production per man-hour is 192; the 1937 index figure of man-hours is 92—100 less. There, in its heart and in its essence, is the real reason for much of our trouble. We have a startling picture of fewer and fewer men turning out more and more products in the industrial life of America. Coupled with that we face the hard, cold fact that there is a definite employment deadline set up in American industry, somewhere around the age of 40. American industry is demanding and hiring only the best physically and intellectually among young American workers, and is ready to discharge them when they reach 40 years of age. Gray hairs have literally become a badge of dishonor in our American industrial economy.

Along with this has gone a rapid step-up in wages per man-hour in American industry. I am going to give the Senate some figures on that point which I have taken from a number of sources, all of which I believe to be very accurate. I present some figures from the Alexander Hamilton Institute, which, in my judgment, is a very reliable organization which does much work in the field of research. The Alexander Hamilton Institute sets forth the fact that the cost of labor, that is to say, the complete overhead cost of labor, in our industrial life was relatively low at the beginning of 1937, and this is in striking contrast to the general impression created by the announcement of general increases in wage rates. In other words, while we had a very marked increase in wage rates, the total overhead, the over-all cost of labor in industry in this country which produced this tremendous outpouring from our industrial life, which rose to the index figure of 192 in the first quarter of this year—the over-all cost of labor was relatively low.

But the cost of labor depends not only on wage rates but on the productivity per man-hour. If this were not so, the cost of labor in January 1937 would seem exceptionally high. Our wage rates in January 1937—that is, wage per man-hour in American industry—were the highest reached in the depression, and these rates exceeded those of 1920 during the great inflationary period.

Now let us consider for a moment the output per man-hour through the eyes of the experts of the Alexander Hamilton Institute. That institute says this about the output per man-hour:

> In January 1937 the output per man-hour was 1½ percent higher than in 1936; it was 16.7 percent higher than in 1929; it was 71.2 percent higher than in 1920.

This explains why the cost of labor, that is, the overhead cost of labor to American industry in January 1937, was 12½ percent lower than in 1929 and 40.9 percent lower than in 1920, and all this decrease in labor cost occurred in face of the fact that wage rates are now apparently the highest on record in any of our industries.

I am going to employ some figures from the Brookings Institution and other organizations, namely, the A. F. of L., the President's Committee on Economic Security, and National Industrial Conference Board. A composite of these figures, I think, gives a fair approximation of the real facts. I know of no other sources of information to which we can go and be assured that we may rest our conclusions on anything like the real truth. Certainly, without further enlightenment, without other sources of information that we know to be more accurate, the Congress of the United States may well rely upon the intellectual integrity of these groups.

In its work, The Recovery Problem in the United States, the Brookings Institution, in the volume issued in 1936, has this to say:

> Before we leave the discussion of the employment situation and manufacturing it is significant to note that since the World War there has been a marked tendency toward contraction in the volume of employment furnished by manufacturing. Despite the increase in population, the number of wage earners in 1929 was lower than in 1919.

No wonder we were entering a panic!

> The decrease cannot be explained by cyclical differences in economic activity between the 2 years, for the 1929 manufacturing production was the highest ever attained, and was, in fact, almost 50 percent higher than in 1919.

Yet the number of wage earners in 1929 was less than in 1919.

I suggest to the Members of the Senate that we may no more disregard the ruthless implications of these figures than we can snub a cyclone or refuse an introduction to a buzz saw going a million revolutions a minute if we fall into it.

Imagine a production of 50 percent higher in 1929 than in 1919 and yet requiring fewer men to attain that degree of production. We are now finding the cause of the thing we grapple with here today, and that is why I bring it to the attention of the Senate. We are dealing with effects and not causes when we pay out money to take care of victims of this sort of a situation, and, so long as we disregard, or appear to disregard, the cause and do not drive right into it, we are going to pay a sad price some time in the not too distant future. That is why I was so much interested in the proposal back in 1933 of the able Senator from Alabama [Mr. BLACK], who I think coldly, dispassionately, objectively headed into this problem by his 30-hour-week bill.

I believe that hours of labor in this country must be shortened, and the only way we can accomplish that is by the legislative power of Government, which, in a democracy, is the only intelligent weapon that the people can employ. Shorten the hours of labor for industry, reemploy and reabsorb those who are willing and able to work and are really employable, and let the wage levels after that be made sufficient to enable workers to buy what this industrial machine of ours is producing. If we continue to ignore that sort of program, no matter how great the impulse certain gentlemen have in their hearts to preserve and make worth while this economic system of ours, it will fall out from beneath us some day.

Let us go ahead with the Brookings Institution, which has something further to say on this subject:

> Unemployment has decreased considerably since the bottom of the depression. Nonetheless, the number unemployed in 1936 may still be placed between 9,000,000 and 10,000,000—some 7,000,000 or 8,000,000 more than in 1929. Underemployment on account of short hours would raise these estimates.

I am not asserting that that which is suggested by the Brookings Institute as an accurate statement of unemployment. Nevertheless it comes from an organization which I

think is characterized by intellectual honesty in its factual statements, whether we agree with its conclusions or not.

On June 16 the able Senator from North Carolina [Mr. BAILEY] talked about the number of jobs and the number of Americans employed. I know literally hundreds of men who have had employment, but for how long? A week, 2 days, a month, 2 months, and then out again. Is there any man who calls that employment? Is there a man in the Senate who thinks that this is real employment; that it affords security? Yet that is the sort of job that has been referred to here as a real job for an American. Such a suggestion outrages one's sense of decency, let along common justice.

How many men are unemployed God only knows, but manifestly there is a vast army of men and women in the country still unemployed; and what I am discussing now, this step-up in the tempo of production, makes inevitable that a still greater army will continue to be unemployed.

I think Mr. Hopkins was accurate in his statement before the Senate committee when he pointed out that 500,000 more workers seek employment in the United States every year. That means that since 1929, and right in the face of the depression and in the face of the ability of industry to turn out more and more units with fewer and fewer men and fewer and fewer hours, we must face the fact of this accretion of 500,000 new workers in America every year. Has there been much discussion about it? The Senator from Alabama [Mr. BLACK] and some others have talked about it, and yet that in itself is the very heart, the very soul, the very essence of the problem of unemployment and relief.

The Brookings Institution, in its book, The Recovery Problem in the United States, at page 164, states that "the fitted trend shows that productivity per equivalent full-time wage earner in manufacturing increased at the rate of 4 percent per annum", these figures referring to the period from 1919 to 1935, which would be an increase over 1919 of 64 percent. They make some slight adjustments later by pointing out that a full correction of their calculations might slightly change this result when salary workers and proprietors and firm members are included in the figure. Nevertheless, that would still leave it at 3½ percent a year.

The Monthly Survey of Business of the American Federation of Labor of May 11, 1937, points out that—

> A most recent study of the United States Labor Department shows that the general level of production and services must rise 20 percent above 1929 before unemployment can be reduced to the 1929 figure; the increase in population and gain in productivity makes this necessary. Production cannot reach this level unless workers' buying power brings it there.

That is a quotation from the Monthly Survey of the American Federation of Labor. On page 88 of the Brookings Institution report the author of that volume has this to say:

> Many observers have pointed to the persistence of an extraordinary volume of unemployment as perhaps the most outstanding characteristic of the present recovery movement. It is contended that this reflects continued technological improvement as well as the growth of population.

In the President's message of January 11, 1937, he pointed out the possibility of gradual increase in unemployment because of increased population. That statement was as follows:

> As a result of the natural increase in our population, each year at least 400,000 new workers are seeking work, and this number of new jobs annually is necessary simply to prevent an increase in unemployment.

I do not think anyone will seriously challenge the President's conclusions. In other words, we have to provide not alone for our unemployed, but for at least 400,000 new jobs each year in order even to maintain the status quo, and on top of that we find this tremendous step-up in production which is in itself shoving men out of industrial life. No wonder there is a deadline around the age of 40. We have all these evil factors, not due to the inherent viciousness of men, but to the inevitable economic drift, the evolutionary drift in business. It is the outgrowth of scientific achievement. These factors all conspire to make this problem increasingly harder to solve.

From the Library of Congress I have obtained a copy of the Monthly Labor Review of April of this year in which is presented an index of man-hour output. In using these figures I am merely trying to give a cross section of opinion from these different organizations which have attempted to go into the subject and give us the truth concerning it.

Using the index figure of 100 as the man-hour output for 1932, we find that the man-hour output figure rose to 111 in 1933, dropped to 108 in 1934, rose to 113 in 1935 and to 117 in January 1937. These figures seem to indicate the productivity increase of approximately 4 percent a year, to which I have previously referred.

It is also challenging to note that men who formerly had been employed in manufacturing and mechanical industries, and in mining, report the longest periods of unemployment. It is in manufacturing and mining and fields of that character where we find the greatest introduction of so-called labor-saving machinery in recent years. I will give a practical illustration of this.

I see in front of me the junior Senator from Indiana [Mr. MINTON]. In Indiana the Ball glass works is an example of the thing about which I am speaking. I expect the junior Senator from Indiana would not accuse Mr. Ball—and neither would I accuse Mr. Ball—of being a bad citizen for introducing labor-saving machinery into his factory. He does it because it is part and parcel of the impulse of businessmen to reduce their operating overhead. Nevertheless, it is something with which we as legislators must grapple because we are spending money to take care of the products of that sort of operation.

A few days ago I talked to a man coming from my own home. He was interested in a certain lumber operation in the State of Washington. They had 21 men employed in that operation. A man came out from Chicago and talked about a machine which could be introduced into that plant, and sold the company on the idea of installing the machine so that 9 men could turn out what the 21 men they had employed had previously turned out. They put in the machine. They are now employing 9 of my fellow citizens, who are turning out as much as 21 did before. What are those poor follows who went out of that plant going to do? If they walk over to another plant doing similar work, they find that the employer there has probably been compelled to put in the same kind of a machine in order to compete with the man who had just removed them from his employment because he no longer needed their services.

In high-line logging operations in the State of Washington years ago we used to be able to occupy the time of a great army of men. Today we find a little handful of men is employed in the Washington woods, using great donkey engines with their enormous power, with great cables strung up the side of the mountain, where trees a hundred feet long or more are snaked down the side of the mountain, stripping little trees out of the way, and loading the large trees or logs on the cars by machinery. The result is that the army of men that used to be in the logging business in the State of Washington are no longer there. Western Senators know that the picture I paint is true.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BONE. Yes; I am glad to yield.

Mr. MINTON. If the employee to whom the Senator referred a moment ago, who lost his job to a machine, should go over to a competitor who perhaps had not installed the machine, or to anyone who was not a competitor, and should seek a job, and the employee happened to be 45 years of age or more, he probably would have a difficult time getting a job, would he not?

Mr. BONE. Yes; that is so tragically true.

Mr. MINTON. And do we not find included among the persons we are trying to take care of under this program

numbers of men who have reached the age of 45 and upward, and who are the victims of that kind of discrimination by their former employers at this time?

Mr. BONE. That is true. I know that the Senator from Indiana [Mr. MINTON], in his own experience in his own home, has had this supreme social tragedy brought to his attention many times. I wonder if there is a man in this body who has not repeatedly had some poor fellow almost cry in his office because he could not get a job. Nobody wanted him. He had reached the tragic age of 40 or 45. He was no longer quite as vigorous as he had been. He was compelled to go about crying "Unclean"—a sort of a pariah in our industrial world.

No wonder we have a demand that we provide some sort of a pension system, so that at the age of 60 or 65, men who are the helpless victims of this sort of an operation can remove themselves from the necessity of trying to find a place in our industrial treadmills. Now they are denied even that poor privilege through no fault of their own.

Is there an answer to the problem created by figures I have given? If we need approximately half a million new jobs every year to take care of the boys and girls who are coming out of school, and industry in America has so stepped up the tempo of production per man-hour that since 1919 it has risen approximately 90 percent, how in the world are we ever going to solve this problem, Members of the Senate, unless we adopt some such formula as that suggested by the able Senator from Alabama [Mr. BLACK]? I have not heard anything offered as an alternative that will reach this matter. Every man in this body knows that we cannot find an honest solution in merely offering relief. We could continue it, perhaps, but it does not answer.

If the thing I have suggested is not the answer—that is, that we must shorten hours arbitrarily in this country, and maintain wage-levels at a point that will enable these men to buy back what the capitalist machine in this country is producing, then where can we find the answer?

Do we intend to preserve the capitalist machine? I sometimes find myself wondering whether some of the most ardent defenders of capitalism are really its friends. If they continue to resist the program I have suggested they thereby preserve these germs of dissolution in the body social. We are going to have it on the operating table before many years go by; and it is going to be a major operation, Senators.

Now, I desire to advert for a moment to the statement of the Senator from North Carolina [Mr. BAILEY] that we now have millions of jobs in the United States. If that is the case, an extraordinary thing has occurred since last year, because the three agencies of research I have mentioned say that in 1936 we still had a vast army of unemployed. For instance, the American Federation of Labor claimed that there were 11,000,000 unemployed in 1936. The President's Council on Economic Security said that there were approximately nine and one-half million. The National Industrial Conference Board reached the same conclusion—that is, about nine and one-half million. It is obvious either that these three groups are entirely wrong, or that the inference which the Senator from North Carolina [Mr. BAILEY] sought to leave in argument is wholly erroneous; for I gathered from what he said that there were comparatively few unemployed in this country today.

If that be true, then the most astounding thing in all human history has occurred. Anywhere from 9,000,000 to 11,000,000 Americans have gone back to work within a period of 1 year. That, I really feel, is too astounding a thing to have ever occurred in this country. We know it has not occurred.

The Brookings Institution goes on further to say:

> Before we leave the discussion of the unemployment situation in manufacturing it is significant to note that since the World War there has been a marked tendency toward contraction in the volume of unemployment furnished by manufacturing.

Do you see how gently, how even chastely, carefully, and conservatively the Brookings concern approaches this problem? A great deal of restraint is evidenced in its statements.

> Despite the increase in population, the number of wage earners in 1929 was lower than in 1919.

Again, a repetition of what I have previously stated.

> The decrease cannot be explained by cyclical differences in economic activity between the 2 years, for in 1929 manufacturing production was the highest ever obtained, and was, in fact, almost 50 percent higher than in 1919.

I have repeated this as coming from the Brookings people, because I do not believe anyone here will challenge the Brookings Institution.

I am not going to occupy the time of the Senate any longer except for some observations on the joint resolution, because my State, in common with many other States, is very vitally interested in it. All the Western States are. There has been so much discussion here of the State of New York that I think it has had a tendency to obscure the real truth. I look at the matter coldly and objectively. I come from a State clear across the United States from New York. I can realize, as I think we all do, that New York has within its borders almost 10 percent of the population of this country. If New York received somewhere around 10 percent of the relief money, I should consider that nothing astounding or outrageous.

I know that New York City is a city filled with millions of poor. I know that the relief program was predicated on the theory that we would apply money where needs existed. If the needs are in New York, I cannot bring myself to complain. I know that New York State has not been the beneficiary of large farm allotments, as many States have. The western sections of the country and other sections of the country have received generous farm allotments under the farm-relief program; but New York probably has not, with its farming in a somewhat different category.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BONE. I am glad to yield.

Mr. MINTON. The Senator will recall that during the debate it was developed that New York had received what looked like a disproportionate share of the funds from the W. P. A., and that South Carolina had received $23,000,000 from the A. A. A., while New York had received a paltry few thousand dollars, perhaps $100,000, which only goes to show what the Senator has just been pointing out—that New York has the densest population, the most industrial population, and therefore has the most unemployed, and gets most of the money for unemployed relief. South Carolina has cotton, and gets the A. A. A. taxes.

Mr. BONE. That is correct. The Senator from Indiana is absolutely right. Every Senator in this body knows the nature of work in New York City—miles of lofts, vast numbers of manufacturing institutions that are a part and parcel of the whole picture of labor-saving machinery. Chicago is in the same boat. These great, big cities are literally hives of industry; and, of course, when there is a slump in the market the workers in these factories are among the first ones hit. When machinery goes in they are among the first ones to lay their necks on the industrial chopping block.

I am not here to defend New York. I shall not waste any time on New York; but I know that when labor-saving machinery comes into the field New York is going to feel it, because New York is so thoroughly industrialized. It is one gigantic beehive, and, of course, they feel the effect of a slump probably before some other sections of the country feel it.

The fact that the South has not spent so much local money on relief is not an astounding thing to anybody who has traveled through the South, because I think they are frequently rather backward in recognition of such needs. I do not want to wound the sensibilities of my southern brethren here. I live out West, and we view those things quite differently than some of our southern brethren.

Mr. McKELLAR. Mr. President, I call the Senator's attention to the fact that Tennessee paid 26.6 percent—the largest except two.

Mr. BONE. I have been through some sections of the South, and I am frank to say that I have been terribly depressed by the evidences of terrible poverty which would not be permitted to exist out in my country. I do not know just why. It gives me something of a thrill to live in a country where the people would not placidly accept it.

I think if this amendment is adopted, Senators, a great many things are going to suffer. There has been some allusion here to "white collar" projects; and, really, one of the supreme tragedies of this whole situation—I know all Senators realize that, because they have had it brought so forcefully to their attention—one of the supreme tragedies of this whole picture has been the tragedy that overwhelmed the "white collar" groups.

I hold no particular brief for any group in society; but I do say that no more poignant misery can come to any human being than that which comes to an educated man who has tripped on life's rough financial pathway and plunged into a shoreless sea of poverty—and there is no life preserver for him. The "white collar" projects and educational and youth projects have been a godsend to such men. I have the feeling—I do not know whether or not I am right; the Members of the Senate will have to pass judgment on that—I just have the instinctive feeling that when the pinch comes, a great many of those men are going to suffer, because the communities will not readily put up money for them.

Take the case of women's projects. Senators know the impulse to say, "Oh, well, what do we care about this? It is just a sewing or clerical job of some sort, and we are going to have a lot of clerks and women running around here doing nothing and drawing funds out of the Public Treasury", whereas in the hearts of those people there is a wretchedness and a misery impossible to describe. Their miseries are overwhelming to them. I believe that we are doing a frightful injustice in acting on this bill if we rob those people of the one chance they have for relief.

We are told, finally, that we must not put this burden of taxes on future generations, that we are in prosperous times now, and that we must get out from under the present burden by cutting these people off.

If the figures I have used indicate that we are in a prosperous condition, I am frank to say that I do not know the real meaning of the term. We are not in a prosperous condition in this country when millions of men cannot get jobs. If such a condition is prosperity, look you to see assaults on this economic order of ours the like of which you have not yet witnessed. If that be our conception of justice, we are heading into more grievous trouble.

Of what avail is it for three-fourths of the people to have jobs if one-fourth cannot get work and cannot know the meaning of economic security? Is it our privilege as a legislative body to disregard that sort of condition? Is that the part of statesmanship, or is it our idea of loyalty to idealism? Is that the New Deal we so solemnly promised the American people? I thought the New Deal meant that we would do battle like Trojans to establish high standards of economic justice. Our promises become empty phrases when one-fourth of the population in this country is out in the cold. No group in this country should be dispossessed and be compelled to make a losing fight for that thing which is so much a part of our American idealism now, our American tradition, that is economic justice for all.

I hope we will vote down these committee amendments, and the amendment of my good friend, the Senator from Arkansas. Let us carry the relief load until we have set our faces resolutely to the eastward on the pathway toward a real solution of the economic problem which is shortened hours, more wages, so that American industry for the first time shall establish itself on a real basis of economic security for all the people.

Mr. BONE subsequently said: Mr. President, while I was addressing the Senate earlier in the day I referred to a graph, which I wish to have printed as a part of my remarks. It is a very small one. At this time I ask unanimous consent that the graph may be printed as part of my remarks. I am uncertain as to whether or not under the rules it can be printed in the RECORD, but it is so very small I think possibly it could get by. The graph deals with the production of man-hours, 1914 to 1937.

The PRESIDING OFFICER. The Chair is advised it is necessary to get the consent of the Joint Committee on Printing before it can be printed in the RECORD.

Mr. BONE. Should I send the graph to the desk and ask that consent be given by the Joint Committee on Printing?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington?

Mr. ROBINSON. Mr. President, I was out of the Chamber for a moment. What is the request?

Mr. BONE. I wish to have this little chart published as part of my remarks. It is very small.

Mr. ROBINSON. I have no objection to it. I do not know what the printing rule applicable to the subject is, but so far as I am concerned I have no objection.

Mr. WALSH. Mr. President, it is my impression that under the rules the Senator from Washington will have to get permission from the Joint Committee on Printing, in order to have the graph printed in the RECORD.

Mr. BONE. My question was whether I had to seek such consent. I merely wish to make the graph a part of the RECORD.

Mr. WALSH. There is no question that the consent will be granted, but I have the impression that the rules require that request be made of the Joint Committee on Printing.

Mr. BONE. I should like to have my request follow my remarks. I shall ask that it be passed upon by the Joint Committee on Printing.

Mr. WALSH. I think an illustration of any kind must be submitted to the Joint Committee on Printing, and that committee must consent to it being printed in the RECORD.

Mr. BONE. Will the Senator advise me whether my request made at this time will be communicated to the Joint Committee on Printing?

Mr. WALSH. Yes, Mr. President, and action will be taken by that committee. The matter in question does not have to be printed in today's RECORD, does it?

Mr. BONE. I should like to have it printed in the RECORD as part of my remarks.

Mr. WALSH. It is quite possible to have a meeting of the committee very shortly after the conclusion of today's session.

Mr. NORRIS. Mr. President, I hesitate somewhat to try to make any contribution to this debate after listening to the very able discussion that has proceeded in this Chamber for the last 2 or 3 days. Yet I feel as though there are some principles involved in the pending amendment which deserve very careful consideration in the light of the condition which confronts the country, and which has confronted it since 1933, and even prior to that year. Previous to that time, when a section of the country was afflicted with disaster, the local communities took care of their unfortunate and needy. Occasionally a terrible catastrophe occurred which was of such magnitude that the National Government stepped in and gave some relief. We had never had such an experience as has befallen us since the terrible depression began. At first the communities, the States, the counties, the municipalities took care of their needy until they exhausted all their funds.

The depression continued year after year. It would be interesting to discuss and consider its causes, but for the purpose of the particular amendment now pending that is unnecessary. Everybody knows what the depression did and what it is doing now. Naturally everyone expected a local community to take care of its needy if it was able to do so. But, so far as I know, there has never been a time in the history of the country when a community was not able to take care of its suffering members that some organization higher up did not step in and help it.

Mr. President, that is the way our Nation got into this relief problem. Here was a depression, a catastrophe greater than any the world had ever experienced. The local community, the county, the municipality, the State, exhausted its resources, and still the depression continued.

Would it help those suffering to say here on the floor of the Senate, "The Nation is not concerned with these local problems. Let every community take care of its suffering members as it has done in the past"; and everybody would be glad to have them do it if they could. But when you ask a starving man who has not a penny to make a contribution of 10 cents, so that you may add to it and make it 50 cents, you might just as well say, "You must contribute a million." If he has not the money, he can make no contribution. When the community exhausted its means and was at the end of its resources it could do nothing more.

Gradually it dawned on the people of this country and upon Congress that the depression was greater than anyone had anticipated it would be; it lasted longer than anybody had anticipated it would last; and we had to come to the succor of the communities and the cities and the States and the counties in the Nation.

I am not interested in whether the national relief movement originated on this side of the aisle or on the other side; I am not interested in what party first started to give national relief. When a person is suffering and dying in California, it is to California that we ought to go if California cannot take care of the needy in that State, and alleviate human suffering. If it is in Florida, we should go there.

The depression did not take account of State lines. It gradually spread over the entire country. Some parts of the country, as everyone knows, suffered more than others. In some places the people needed more succor, they needed more relief. It is not for me to say that my State, for instance, should not help to contribute to the suffering and the needy in a distant State simply because they live in a different locality. As I see it, State lines have nothing to do with the matter. It is, as it has been all along, a question of human need. Gradually the National Government got into this work to save from death those who were starving and suffering.

Mr. President, in the beginning it looked as though our civilization was standing on the brink of destruction. It so seemed to me many times. I could hardly see a way open by which we could escape. The conditions in our country could be met only by the National Government.

If we should provide, as this amendment does, that in order for a local community to get a local project of work relief it must make a contribution of 40 percent, or 25 percent, or any other percentage, we would be imposing a condition it would be absolutely impossible to meet, and we would be bearing down heaviest on those who were suffering the most.

It was argued here the other day, truthfully and ably, that conditions are growing better, that we are gradually coming out of the depression, that the price of corn is higher, that the price of hogs is higher, that the price of wheat is higher. But in some places in this country, covering large sections, are wheat farmers, for instance, who have not produced any wheat for 3 or 4 and in some cases 5 years. Their money is all gone. They now have no wheat. The higher price of wheat does not mean anything to a farmer so situated except that it somewhat increases his cost of living.

The price of hogs is higher, said a Senator yesterday; but that does not mean any profit to a man if he has not any hogs. The same statement applies to cattle. There are sections of this country suffering from the terrible world-wide depression which, in addition, have suffered from drought, a scourge as great as the depression itself.

In those sections farmers who have not produced any crops for several years have seen their crops burned up by hot winds, their cattle die from starvation, their children, dressed in rags, suffering and crying for food. High prices for wheat and high prices for hogs do not bring them relief. We cannot ask them to make a contribution of 25 percent or 10 percent or 5 percent. They have passed the contribution stage. Those are the people who are suffering most keenly today.

Mr. President, it seems to me it is not wise for the Federal Government now to say to those people, "Before you can get any Federal money you must make a contribution" of any percent or of any amount. They cannot do it; it is impossible for them to do it. So it seems to me this amendment, which I concede was offered in good faith, ought to be defeated, no matter what the percentage provided by it may be.

Senators have had a great deal to say about balancing the Budget. We have heard that demand for years. I should like to see the Budget balanced; I realize the desirability of balancing the Budget, and I realize that we cannot permanently go on without a balanced Budget; but I would rather see the Budget unbalanced than to see millions of little children suffering for lack of food. I would rather have an unbalanced Budget if by means of an unbalanced Budget I could bring relief to millions of stricken people all over the country. It would be easy to balance the Budget. It is not a difficult thing, so far as Congress is concerned, to balance the Budget; but it would mean that we would give no relief where relief must be afforded in order to sustain human life.

If Congress makes no contribution to relief, if we appropriate no money, we shall soon be able to balance the Budget. A balanced Budget is desirable. The situation of the Government is the same as that of the individual, the businessman, the farmer, the professional man. All want to balance their various budgets, and their budgets sometimes become unbalanced through no fault of theirs. They are not to blame when some misfortune occurs which compels them to unbalance their budget, and it remains unbalanced until the difficulty is surmounted; and if it is not surmounted, of course ruin comes in the end. If we had done nothing in the way of making contributions for the suffering and the needy, I think our country would today be numbered among the nations that are dead.

Mr. President, those who say we ought to balance the Budget at all hazards remind me of the farmer living in the drought-stricken section of the West who suffered not only from the depression but from the drought. His wife was taken suddenly ill, and the doctor said that in order to save her life it was necessary that she be taken to a distant city, to a certain hospital, to be operated upon by an expert surgeon. The farmer had raised no crops that year, but he had a home, and had a farm clear of debt. He was out of debt, but that particular year he had not added to his surplus. In fact, his budget then was probably slightly out of balance.

On bended knees, beside the bed of his dying wife, he said, "My dear wife, we have gone along together for 50 years. We settled in this country when it was a barren waste. We had no money to start with. We mortgaged our farm. We struggled along, you and I together. We have paid our taxes, we have paid our debts, we have paid off our mortgage, and here together we enjoy the fruits of our joint labors. You helped as much as I, and to you there should be as much credit given as to me. I love you, my dear wife, as I love my own life; but if I take you across the country to this hospital to save your life it will unbalance my budget. If you will hang onto life by the slender thread for another year, and if God sends the rain and I can produce a crop so that I shall not need to unbalance my budget, I will take you to the hospital."

Mr. President, it is somewhat that way with our country. Uncle Sam is sick. He is recovering slowly—not so fast as we wanted him to, not so rapidly as we hoped he would—but he is getting better. He is getting well. Now, we will discharge the doctor before he is well. He will start on a new method of treatment. We will make him contribute something to the doctor the next time the doctor comes, whether he has any money or not, and if he does not contribute we will tell the doctor to stay away.

Mr. President, I think it is unwise now to take this proposed step. It seems to me we cannot afford to do it. Those whom we want to relieve, those who are in the direst distress, will be the ones upon whom we would place the greatest burden—a burden which, in my judgment, is absolutely impossible to be carried.

Mr. McADOO. Mr. President, it has been stated in the course of the debate, and properly stated, that the question of relief is a national problem. I know that to be correct, because the Congress has acted upon that theory and has adopted that philosophy in all the relief laws which have been enacted to date. I do not believe that relief can be administered throughout the Nation upon any mathematical formula or upon any fixed percentage basis, and I do not believe that it should be administered upon merely geographical lines or according to State boundaries. If from one end of the land to the other people are suffering and are in need or unemployed, then relief must be free to disregard State boundaries, percentages, and any other kind of arbitrary limitation, and reach out to those who are in need. The great diversity of interests and of conditions throughout the country make that absolutely necessary.

If we should adopt any fixed standard of percentages in this joint resolution, it would be impossible of administration, because on the 40-percent basis which has been suggested not a single State in the Union could qualify for relief money. It would, therefore, be senseless to put a provision in this measure requiring a 40-percent contribution from the sponsors when the sponsors simply could not comply with the condition.

I know that there is a provision to the effect that if the President, after making investigation of the financial status and condition of the various cities and communities which may sponsor projects, finds that they are unable to provide the 40 percent required, he may mitigate the blow and make the percentage less. But of what value is that, Mr. President, when the time absorbed in making the necessary investigation, considering the "red tape" activities which would inevitably follow the proper discharge of any such responsibility on the part of the President, might leave thousands of people suffering while the investigations were being made and before any relief could actually be had?

Now, let us consider the 25-percent limitation. According to the figures of last year, furnished by Mr. Hopkins—and I will refer to them in a moment from the record I have here—only 12 States in the Union could qualify under the 25-percent limitation. I need not mention those States, because I do not want to seem to be drawing invidious comparisons between the States. I only mention it as a fact, which should not be disregarded when we come to vote upon the question of even the 25-percent limitation in the pending joint resolution.

I refer to table 42, on page 246, in the hearings before the subcommittee of the Committee on Appropirations of the House of Representatives on the Emergency Relief Appropriation Act of 1937. There will be found a corroboration of what I have just said, that only 12 States of the American Union could qualify under the 25-percent provision if such a percentage were to be exacted as an absolute condition. The average of contributions by local sponsors in all the States is only 24.4 percent.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. McADOO. I yield.

Mr. McKELLAR. The average contributions of all States was 13.1 percent.

Mr. McADOO. The figures in this table show differently. The statement is, "State and local funds, 24.4 percent in the United States."

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. McADOO. I yield.

Mr. SCHWELLENBACH. I should like to point out as to the difference between the two figures that the same difference arose between the figures the Senator from South Carolina [Mr. BYRNES] submitted and those submitted by me. The figures which the Senator is reading are figures covering all relief, direct and work relief both, while the figures to which the Senator from Tennessee refers relate to the W. P. A. alone.

Mr. McKELLAR. That is correct; and on W. P. A. alone the average is 13.1 percent.

Mr. McADOO. Then a 25-percent restriction would exclude all the States of the Union, because no State could comply with the requirement, unless the President were to abate the law in accordance with the proviso embodied in the suggested amendment of the Senator from Arkansas [Mr. ROBINSON].

The diversity of conditions in the country is so great, as I said a moment ago, that it is impossible to apply a uniform percentage in the distribution of relief funds, either direct or work-projects relief.

Mr. ADAMS. Mr. President, will the Senator yield for a couple of inquiries?

Mr. McADOO. I yield.

Mr. ADAMS. Did I understand the Senator correctly to say that because of the fact that the States, as a whole, have contributed either 13 or 24 percent, therefore he reaches the conclusion that they cannot contribute 25 percent which might be required by the pending amendment?

Mr. McADOO. I have assumed that the figures of the Works Progress Administration show the limit of capacity of the various communities which have already contributed to relief projects the percentage indicated, and I say if a higher percentage were exacted as an absolute requirement, on the basis of the averages given, not a State in the Union could comply with the requirement.

Mr. ADAMS. The point I was trying to reach was that the statement that the States contributed a certain amount would not be conclusive as to what they could contribute; that is, the aggregate wealth of the 48 States is identical with the aggregate wealth of the United States, as there is within the financial capacity of the States all the financial power there is within the United States. So I do not see how the Senator can reach the conclusion the States cannot put up more than a certain amount because they have in the past put up only a certain amount.

Mr. McADOO. I do not quite agree with the Senator's deduction. I have used the word "States" in the sense in which it was employed in these reports, and that, of course, means the aggregate of the communities in the States which have contributed to Works Progress projects. The aggregate of the contributions of the communities within the States has brought the average to the point indicated by these reports. That is a very different thing from stating that it is a maximum contribution. I have no doubt that the States as States could contribute more in many instances than the local communities within the States could contribute, just as the United States Government can contribute more to the States themselves, regardless of their condition, than those States themselves might be able to contribute.

Mr. President, referring to the diversity of conditions, I should like to refer to a situation in my own State, California, with respect to the relief problem. I do not think anyone in the United States, except those who live in the State of California, understands the dimensions and the complications of the problem which we have to face each year. The University of California furnished these figures the other day:

> The estimate is that there are 37,000 migratory children in California, and 150,000 transients coming from other States.

The mayor of Los Angeles telegraphed me, saying:

> These tremendous burdens now being borne entirely by the resources of the States and local subdivisions—

He is referring now to the transient problem—

> greatly aggravating our unemployment relief problem, emphasize the necessity of maintaining Federal relief program here without restriction of 40 percent local contribution, which would make it impossible for us to qualify.

Colonel Connolly, a lieutenant colonel in the Army, who was assigned to take care of work relief in Los Angeles County, which alone has something more than two and a half million people, because he was an Army engineer and

was not, therefore, susceptible to political influence or control, and could, therefore, with greater authority, administer relief, advises me, as follows:

To sum up, we have at present a construction program in Los Angeles County of high integrity, but we already have so many conditions to meet in getting public bodies to sponsor projects that the additional 40-percent restriction will absolutely wreck our program in this county.

That means, Mr. President, that it is increasingly difficult to get the right kind of projects, to absorb and take care of unemployment, and the theory upon which these projects are usually undertaken is that they shall be near centers where there is unemployment. If an additional condition requiring a 40-percent contribution by the sponsors or even 25 percent should be imposed, it would probably result in our being unable to go forward at all in the unemployment part of this undertaking, and many people would be absolutely thrown out of employment because of what, I think, is an unreasonable, arbitrary, and unnecessary provision.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a telegram which I have received from Hon. Angelo J. Rossi, mayor of San Francisco, and also one from Hon. Frank L. Shaw, mayor of Los Angeles.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

SAN FRANCISCO, CALIF., *June 15, 1937.*

Hon. WM. GIBBS MCADOO,
United States Senate, Washington, D. C.:

Through press have been advised Senate Appropriations Committee's action in adopting provision requiring 40 percent local contribution on all W. P. A. projects. Based upon present contributions for W. P. A. projects, city and county of San Francisco has adopted its 1937–38 budget, and it will be impossible for us to proceed with our W. P. A. program if the 40-percent rule becomes effective.

Regards,

ANGELO J. ROSSI, *Mayor.*

LOS ANGELES, CALIF., *June 12, 1937.*

Hon. WILLIAM G. MCADOO,
United States Senate, Washington, D. C.:

Re telegram: The large portion of relief load carried by political subdivisions here completely precludes possibility of participating in any Works Program for unemployment relief that would require 40 percent local contribution. Practically all current revenues that can be made available for the purpose are already being used to carry those portions of the relief load for which Federal aid makes no provision. These portions comprise 61 percent of total. We have no bonding capacity by means of which to raise any increased contribution toward a works-relief program. From our standpoint, we see unemployment as still very definitely a Federal Government problem, with which local resources cannot begin to cope until private industry is able to absorb a much larger proportion of workers. Will assemble data on transients and advise you as quickly as possible.

FRANK L. SHAW.

WASHINGTON, D. C., *June 11, 1937.*

Hon. FRANK L. SHAW,
Mayor, Los Angeles, Calif.:

Concerning pending relief measure in Senate, please wire me immediately what is the total relief load for transients for last 12 months of available reports. How much of this was paid by the city? How much by county? How much by the Federal Government? Do you think limitation should be put on relief appropriation requiring political subdivisions of the States to contribute 40 percent against the Federal Government's contribution of 60 percent? Shall appreciate full expression of your views.

W. G. MCADOO.

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. MCADOO. I yield.

Mr. REYNOLDS. If the Senate should adopt the so-called Robinson amendment, it is my understanding that it would not be mandatory upon those administering the relief funds to require cities and towns seeking aid to put up 25 percent. Is that true?

Mr. MCADOO. No, it would not be mandatory; I concede that.

Mr. REYNOLDS. Would the adoption of the amendment of the Senator from Arkansas work to aid some States to their advantage and to the disadvantage of other States?

Mr. MCADOO. I cannot say as to that. I do not think it makes much difference. I think the assumption would very properly be made by the administrative officers that they must use every possible means to get 25 percent from the different communities where the projects are to be located, and, failing to get such percentage, that they must call upon the President to make the necessary investigation through administrative agencies to ascertain whether or not a lower percentage might be acceptable from them.

All that means delay. All that means, in addition, that there will be inevitably some embarrassment and some humiliation to communities if their exact financial condition should reveal their inability to contribute such a small amount that they might be made the subject of comment. I do not think the latter is very serious, but the red tape necessarily involved under the Byrnes and Robinson amendments would involve needless delay and time, and perhaps a great deal of suffering.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. MCADOO. Certainly.

Mr. BYRNES. The Senator understands that these investigations are now made, does he not?

Mr. MCADOO. Yes; they are made. I do not think, though, that the same degree of public attention is attracted as if this provision were put into effect.

Mr. BYRNES. Mr. Hopkins' statement was that he has a bond division, with experts, and whenever an application is presented they determine whether or not the municipality can sell its bonds and then determine the taxpaying capacity of the individual applicants and make an investigation of four or five different factors at the time. I have not at hand the page of the hearings where he made that statement, but I wanted to call attention to the fact that Mr. Hopkins does make that statement.

Mr. MCADOO. I understand that.

Mr. MCKELLAR. Mr. President, will the Senator yield?

Mr. MCADOO. Certainly.

Mr. MCKELLAR. There are some 38 States which cannot issue bonds until authorized by their legislatures, and the legislatures are nearly all adjourned. Ten States cannot issue bonds at all. So that settles the situation.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Kentucky?

Mr. MCADOO. I yield.

Mr. BARKLEY. Of course, where a city or school district or county has already reached its bond limit, so it could not by popular vote issue any more bonds, or where it has already levied the maximum tax permitted under the constitution or charter of the city, manifestly such a city or school district or county might make a showing that it could not raise the 40 percent or 25 percent or 10 or 5 or any other required percent.

Let us assume a city or school district or county has not reached its limitation in the issuance of bonds, and even in the investigation of such a municipality the President should say, "You have the ability to raise more money." The law requires that that ability shall be exercised and tested after a popular election, which they could not hold until next November, and in some States it could not even be held that early because of the requirements of notice and all such things. Although there might be a technical ability to raise more money by bond issue, the necessary delay in the machinery of carrying out such a provision and ascertaining such ability would nullify the effect of any relief that might be granted, or postpone it so long that it would be almost equal to denying relief to the community.

If the community had levied its limit of taxation and could not levy additional taxes without a session of the legislature to amend its charter or grant that power to levy more taxes, the same situation would exist. The President or any investigator might hold that they had technically the legal ability to raise more money, but the requirement that they should do it would nullify the benefit proposed to be carried by the appropriation.

Mr. MCADOO. I thank the Senator from Kentucky. He is entirely right about that. Under the laws of California

a referendum is always required for the issuance of public obligations of any character. The result is the delays incident to such referendum might defeat the whole purpose of the relief project.

Mr. BYRNES. Mr. President, will the Senator yield to me again?

Mr. McADOO. I yield.

Mr. BYRNES. Under the provision that the President should only be satisfied that the applicant is unable to supply 25 percent, there is no requirement other than that which is now exercised by Mr. Hopkins, who insists that the applicant must make a larger contribution unless the applicant can convice him that the applicant is unable to supply it.

Mr. McADOO. I concede that. Those are matters of informal negotiation under existing conditions with different communities, and they have been taken into consideration, no doubt, in all the relief that has been dispensed.

Mr. BARKLEY. Mr. President, will the Senator yield further?

The PRESIDING OFFICER. Does the Senator from California yield further to the Senator from Kentucky?

Mr. McADOO. I yield.

Mr. BARKLEY. Of course, there is a difference, as I contend, in informal negotiations carried on around the table between a representative of the Administrator and the local authorities as to how much they can put up; but whenever we write into the statute a fixed standard which must be adhered to unless the President makes an exception of any community, then we encourage every other community that learns about the exception which has been made, in order to evade the provisions of the law, to bring pressure to bear on the President and his agents to do that same thing for them when they might be able to do more.

Mr. McADOO. The Senator has stated substantially what I expected to say myself, and I thank him for his statement.

Mr. BYRNES. Mr. President, will the Senator be kind enough to yield again?

Mr. McADOO. I yield.

Mr. BYRNES. If, as stated in the hearings, it is announced to the applicant that some applicants are asked to put up one-half of 1 percent, would not there be the same incentive to the applicants to say, "Mr. Administrator, inasmuch as you do not require one city to put up more than one-half of 1 percent, why require us to put up 50 percent?"

Mr. McADOO. I do not think that necessarily follows; but where we express a rule in a statute, we do require a greater degree of strictness in administering relief than may be possible or wise when we are trying to relieve human suffering or necessity.

The question is a very simple one. It comes down to the fact that we have undertaken, ever since the depression came on, to relieve suffering and want throughout the United States. We have been trying, of course, to cut down the relief expenditures as much as possible by making every effort that the Congress could make within its power to restore prosperity, because through that means a greater amount of unemployment would be absorbed. However, we have not yet arrived at the point where we can throw these people largely or wholly upon the possibilities of private employment.

I do not think prosperity has yet been thoroughly established in the United States. We have yet to go some distance before we reach such a firm foundation, for our economic order particularly, that we can reduce or abandon Federal aid for the relief of our citizens who may be in want, and take up the slack of unemployment until private agencies can do their part. We are bound to continue the policy we have already adopted, and we should not throw unnecessary restraints or restrictions around it.

In saying that I am just as keen as any Member of this body to see that every possible restriction or limitation or precaution is taken to administer the funds so wisely that there will be no waste, no graft, no inefficiency. But the very nature of the work makes it impossible to administer it with the same degree of effectiveness as if the problem were different. The question of organizing the country from one end to the other to meet the varying conditions found in different localities, varying degrees of poverty and want or unemployment in the different localities, requires a degree of ability which would tax the brain of the ablest men we have. For my part I think Mr. Hopkins has done a very good job and I doubt if anyone could have done it any better. At least he has done a great piece of work for the country. I have no sympathy with the many unfair criticisms which have been directed against him.

I desire to advert again to the contributions made by the different States. Much was said yesterday about the State of New York getting more than it was entitled to. I do not think it makes any difference which State gets the most from the Works Progress Administration, provided that State demonstrates the need for it in order to succor human misery or human want. That is the reason why this is a national problem. It is the duty of the United States Government to go into every part of this great land and see to it, as far as it is possible for the resources at its command to accomplish it, that want and need and human suffering shall be relieved. So long as I have a vote in this body I shall support that fundamental policy, and persist in voting for it until we have won the victory.

Mr. PITTMAN. Mr. President, it seems to me that some of the Senators who are so deeply interested in helping those who need relief fail to realize that the adoption of this amendment would furnish more money for relief than otherwise would be available.

One billion five hundred million dollars of Government money is made available for relief by this joint resolution. If no money is furnished in addition by any of the States or by any of the counties or by any of the cities, that is all the money that will be available for relief in the entire United States. If 25 percent is put up by the States, 25 percent will be added to the $1,500,000,000.

The Congress has cut down enormously the appropriations for relief. It is doubted by a great many students and statisticians whether $1,500,000,000 will meet the requirements of relief. Certainly it is in the interest of the poorer communities of the country to see that the fund is added to if there is any way to add to it. There is but one way to add to it, and that is to have those cities, those States, and those counties that can afford to do the work themselves do it, and others do it with as little use of Federal funds as possible. In other words, if 40 percent is added to the $1,500,000,000 by cities and States and counties that can afford to add it, there will be that much more relief in those communities that are in such a financial condition that they cannot contribute but little.

I am surprised to hear Senators who have taken part in this debate constantly say, as was said by the distinguished scholar and statesman from Nebraska, that there are States, counties, communities, and sponsors that cannot put up 25 percent, and that if they do not put up 25 percent they will not get any relief. The amendment offered by the Senator from Arkansas expressly provides that if the President finds that communities are unable to put up 25 percent—that is the word that is used, "unable"—he may determine what they are able to put up.

The Senator from Idaho [Mr. BORAH] asked the Senator from Arizona [Mr. HAYDEN] if the 25 percent was an arbitrary amount, and the Senator from Arizona had to admit that it was not an arbitrary amount. The Senator from California [Mr. McADOO] was just asked if the 25 percent was an arbitrary amount, and, if not put up, whether all relief should be refused. He had to admit that it was not arbitrary, but he answered the question by saying that red tape will have to be employed to find out whether or not a community is able to put up 25 percent. That red tape has to be employed today, because Mr. Hopkins has the absolute discretion to determine whether a community shall put up one-half of 1 percent, as was done in New York City, or 45 percent, I believe, that was put up in other places.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield to the Senator from Idaho.

Mr. BORAH. The point which the Senator is now making seems to me very clear and conclusive; but, having made the point, does the amendment change the situation in any respect? Will not Mr. Hopkins administer this fund, as he is now administering it, upon the theory that this and that community cannot put up the specified amount? In other words, if he finds a community that can put up the specified amount, will he nevertheless give it the fund?

Mr. PITTMAN. I will say to the Senator from Idaho that I think there will be a difference as to the discretion in this respect:

At the present time apparently the Administrator has been trying to balance the equities as between States and between cities. In other words, he says that since the State of New York has put up a total of 37 percent, considering other forms of relief, therefore, it should put up only one-half of 1 percent under the W. P. A. I think the whole theory of balancing the equities between States is wrong. The relief authorities go on the idea that we should be equitable in benefiting States or counties or towns. That is not the policy of this joint resolution or the policy of relief. If the relief authorities will forget for 1 minute that this fund is not to benefit a town or a county or a State, but it is to relieve those on the relief rolls, they will not give any consideration to how much a State has put up for other relief projects.

The proposition here is that primarily every State, county, and municipality has placed upon it the obligation, as far as it is able, to support its own unemployed. That is fundamental. The Federal Government comes in to prevent suffering only when the local community, State, county, or municipality is unable to do it. That is the only justification of the Federal Government being in this matter.

If a great community like the city of New York was able to contribute enormous sums for relief under the Public Works Administration, and is still able to contribute large sums under the Works Progress Administration why, becaues it contributed large sums under the P. W. A., should it not contribute under the W. P. A. to whatever extent its financial ability will permit it to do?

In the argument with regard to the State of New York, to which I listened, in which I believe the distinguished Senator from New York proved that New York had contributed to relief generally somewhere around 37 percent, I take it that he argued that having contributed so generously to relief, to a much larger extent than many other States, therefore New York should be required to contribute only about one-half of 1 percent to the W. P. A. projects, since the aggregate of all relief made New York's contributions 37½ percent. That is on the theory that one State should not contribute any more than another. That is on the theory that one county should not contribute any more than another, that one city should not contribute any more than another. That is not the true theory of relief. It is based on the ability of a State, a county, a community, a municipality to relieve distress; not on what it may be determined that it is reasonable for it to pay.

Therefore, I say that this amendment is nothing on earth except an expression of the sentiment of Congress. What does it say? It says to Mr. Harry Hopkins, "The fact that the city of New York had contributed 37½ percent to the relief of destitution in that State by subscribing to P. W. A. projects is no reason why it should not put up at least 25 percent of the money furnished under W. P. A. projects." Unless we announce here that policy, unless we say to Mr. Hopkins, "You cannot excuse a rich community from putting up at least 25 percent in contributions under W. P. A., because it has put up 45 percent in contributions to other projects", he will follow the same policy that he has followed in the past.

If this requirement of 25 percent had been in force on W. P. A. projects, there would today be a balance in this fund of millions of dollars, available for sections of the country that are not able to put up much money. We must get away from the theory that relief is based on equity of contribution by States or that it is based upon equity of advantage to the various States. Those two policies have nothing to do with this matter. All that Congress has a right to consider is that where a State, a county, or a municipality is unable to support its unemployed the Federal Government must do it, either by a dole or by furnishing work relief; and all we say in this amendment is that "it is the sense of Congress, Mr. Hopkins, that when a State or a county or a city is able to contribute 25 percent as against your 75 percent for a work-relief project, it should do so, no matter how much it has contributed to other charities." That is what we say.

An argument has been made by the distinguished Senator from Arizona [Mr. HAYDEN] which has considerable weight. He asks, "How about the 'white collar' projects?"

I realize that it is very hard to find the value of a "white collar" project. We can find the permanent value of a sewerage system, of waterworks, of electric lights, of airfields; but the kind of work which is done for the "white collar" crowd for education, for recreation, is hard to measure in value and hard to obtain sponsors for. To avoid that it was my purpose to offer the proposed amendment to the text, not to the amendment of the Senator from Arkansas [Mr. ROBINSON], to take line 17 where it reads, "at least 25 percent of the cost of the project is to be supplied from non-Federal funds in money, materials, or services", and to insert after the word "project" language to make it read in this way, "at least 25 percent of the cost of any project of a permanent character is to be supplied by non-Federal funds", and so forth. That limits the 25 percent to projects of a permanent character, leaving out all of these temporary projects which are intended for the benefit of the "white collar" people, women, and children, educational and recreational projects, and so forth.

I want this fund added to. We all know now that under this appropriation of $1,500,000,000 about 25 percent of the relief under W. P. A. must be cut out during the next year. I should like to know what is to be done with that 25 percent. If, on the other hand, the fund can be added to, even on the average of 25 percent, then possibly we will be able to take care of the unemployed during the next year without any additional appropriation.

I realize that there is a constant fear in the minds of Senators that the needy in some little community in their State are going to be neglected. I would not be voting for the amendment if I thought it were possible for such a community being neglected. I think they will be benefited. I think more funds will be added by those communities which at the present time are fortunately prosperous. As the distinguished Senator from Nebraska said, some communities are prosperous, others are in poverty; some industries are prosperous, others are not. We must treat this question as a national problem, and in treating it so we must cease to argue how much the city of New York has put up. We have to consider how much the city of New York can afford to put up, or we will never have a fund with which to work.

In some State we may find one city exceedingly prosperous, by reason of the great copper industry, for instance. That city will be prosperous and booming, and that city can afford to contribute 40 percent toward any W. P. A. project. There may be another community in the State where perhaps the people are engaged in the cattle industry, which has been in the depths for years, and the towns in that section cannot put up much as a contribution. The President will determine such facts.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. BARKLEY. Is the Senator proceeding on the theory that not only the billion and a half will be expended out of the Federal Treasury but that 25 percent additional will be expended, and therefore will augment that sum?

Mr. PITTMAN. Exactly.

Mr. BARKLEY. The Senator then does not agree with the author of the original amendment, the Senator from South Carolina [Mr. BYRNES] when, on the 3d day of June, he said:

> If this is done—
>
> Referring to this 40-percent provision—
>
> it makes little difference how much actually is appropriated for relief. If the States and public and political subdivisions have to pay part of the costs, the money just won't have to be asked for and spent. Probably the 1938 relief expenditures could be held to $750,000,000.

Mr. PITTMAN. I simply do not agree with that. I do not think it is logical, if he said it.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. BYRNES. The Senator from South Carolina says he does not agree with it, either. He did not say it.

Mr. PITTMAN. I thought there was some error.

Mr. BARKLEY. Mr. President, will the Senator yield further?

Mr. PITTMAN. I yield.

Mr. BARKLEY. The Senator from South Carolina yesterday said that at the time he said that an entirely different situation was contemplated.

Mr. BYRNES. Oh, no.

Mr. BARKLEY. If I misunderstood the Senator, of course I do not wish to misstate what he said; but in explaining this interview the Senator had with the newspapermen he stated, as I understood him, that when he made that statement he did not contemplate a situation which now he says he visualizes.

Mr. BYRNES. The Senator misunderstood me, if he had any such understanding. The Senator from South Carolina said that he had no recollection of such an interview. I issued no statement at all. At various times I have answered questions of newspapermen on this subject and I said yesterday that while I could not agree with many statements attributed to me by newspapers, I did not quarrel with them because they were generally much more accurate than one had a right to expect of them, when you consider the circumstances under which their representatives worked. I said as to the statement that was made in the minority report that while I had no recollection of the statement that it was entirely possible that I had expressed the hope that by the adoption of the 50-percent matching provision with the requirement that a certificate of inability to comply be furnished in order to secure an exception, that $750,000,000 would be required. I know I did not express the opinion that it would result in only $750,000,000 being spent but it is entirely possible that I might have said that it was my hope that under that proposal only $750,000,000 would be required. I was of the opinion that the 50-percent provision and the requirement of the certificate would reduce the amount considerably. That was why I advocated it. I recall expressing the opinion on one occasion to a representative of the press that it would reduce it to $1,000,000,000. That was my guess. Necessarily, it was only a guess.

Mr. BARKLEY. Mr. President, if the Senator from Nevada will permit me just another observation, I am glad to have the Senator's explanation of this interview which was put in the minority report. Whatever the Senator said about it and whatever his thought was, it was in connection with his effort at that time to reduce the total from a billion and a half to a billion?

Mr. BYRNES. Yes. My hope was to reduce it by the matching provision. I stated in a speech made over the radio and published in the RECORD that if it were reduced to a billion dollars and 50 percent of each project had to be put up by the local governments, it would make available for work projects $2,000,000,000 instead of one, the same line of thought now being presented by the Senator from Nevada.

Mr. BARKLEY. Mr. President, will the Senator from Nevada permit me to ask the Senator from South Carolina a question?

Mr. PITTMAN. I yield.

Mr. BARKLEY. The question I propose to propound is one I previously asked of the Senator from Nevada—that is, whether now the Senator from South Carolina believes that the requirement for putting up 25 percent will add 25 percent to the billion and a half appropriated, or whether it will ultimately reduce the amount the Federal Government will put up?

Mr. BYRNES. Does the Senator mean under the amendment offered by the Senator from Arkansas?

Mr. BARKLEY. Under the amendment offered by the Senator from Arkansas or under the original amendment offered by the Senator from South Carolina.

Mr. BYRNES. They are two entirely different things. The provision of the amendment of the Senator from South Carolina would cause a reduction. My opinion is that the amendment offered by the Senator from Arkansas will not reduce the amount, because when the provision requiring a certificate is withdrawn, I do not believe the reduction in the Federal expenditure hoped for by me will be brought about.

Mr. BARKLEY. The Senator does hope, however, that either of these provisions which may be adopted will result in a reduction of the Federal contribution below the billion and a half?

Mr. BYRNES. Yes. My hope is that it will result in increasing the contribution from local communities, and in decreasing the contribution of the Federal Government.

Mr. PITTMAN. Mr. President, there is no difference between the position of the Senator from South Carolina and the Senator from Nevada, except that the Senator from South Carolina feels that a billion and a half would be enough, and that therefore the Government's contribution would be reduced by whatever the sponsors put up. I do not believe that sum will be nearly sufficient, and I think there will be an addition to the $1,500,000,000, by requiring a minimum contribution of 25 percent by those who are able to make it.

I must admit, however, that if only 25 percent were put up by all the sponsors, of course, it would not add 25 percent, because in the very act which authorizes the President to eliminate the restriction, if he finds that the sponsor is unable to pay its proportion, he may fix the amount of contribution at a figure he thinks the sponsor is able to pay, less than 25 percent.

It is perfectly evident that there will be many cases in which the sponsor cannot put up 25 percent. The "white collar" projects, the educational projects, the recreational projects, or the youth projects are not permanent benefits. They provide temporary employment. It is difficult to obtain sponsors for such projects. I propose to cut them out entirely, as far as the 25-percent limitation is concerned. In some cases, of course, 50-percent contributions can be obtained.

Mr. BYRNES. Mr. President, I do not know what the proposal of the Senator is, but I may say as to the so-called "white collar" projects that there is a great difference. For instance, take the sewing projects which have been discussed, or take what is known as the actors' project, which is a Federal project, where the money is not put up by any State, where there is no contribution from a sponsor. The companies of actors are established as a project by W. P. A. nationally. Nobody is asked to make a contribution, and they are not affected by the provision.

Mr. PITTMAN. So as to avoid the question raised, I propose, after action on the amendment of the Senator from Arkansas, to amend the text of the bill in line 17, page 4, where it reads:

> At least 40 percent of the cost of the project is to be supplied from non-Federal funds, in money, materials, or services.

Of course, the 40 percent will be changed to 25 percent, and it will be changed to provide that at least 25 percent of the cost of any project of a permanent character is to be supplied from non-Federal funds. I think that is necessary in order to get away from these temporary educational, recreational, and other projects of that type.

The projects which we seek to compel the sponsors who are able to pay for are projects in the nature of permanent projects, electric-light systems, water systems, sewer systems, and so forth, so that those matters which are of permanent benefit to the community are permanent projects. Where a community has the money with which to pay its contribution, it ought to do it, in justice to those in this country, which cannot do it. That is what I mean.

Mr. BYRNES. Mr. President, will the Senator be kind enough to yield again?

Mr. PITTMAN. Certainly.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. BYRNES. The Senator speaks of calling upon a community financially able to make the contribution to do so. If there is a city financially able to make the contribution and it has one project for building a sewerage system to which there is no question of the city being financially able to contribute, it is asked to make a 25-percent contribution. Let us say there is another project of a different character in that city which the Senator would refer to as a "white collar" project. If that city is able to make the 25-percent contribution in the case of the sewerage-system construction, why should it not make the 25-percent contribution for its "white collar" project?

Mr. PITTMAN. Mr. President, the Administrator makes stipulations to that effect today, and he will continue to do so. I do not wish to confuse the necessity for and advisability of 25-percent contribution in the case of permanent projects, with the advisability of requiring 25-percent contribution for the "white collar" projects. There is no doubt that the Administrator has heretofore required more than 25-percent contribution for some "white collar" project when the community could afford to make a larger contribution than 25 percent.

Mr. BYRNES. I know it is a fact that the Administrator in some cases has required a substantial contribution in the case of so-called "white collar" projects, and the amendment offered by the Senator from Nevada does not propose to change that practice.

Mr. PITTMAN. The minimum of 25 percent under my proposed amendment will apply only to projects which are in their nature permanent. I think it is wise to make such a provision. It is wise to do so in order to remove the fear of at least some of the Members of Congress who may think that the Administrator may try to demand a contribution of 25 percent for every "white collar" project in the United States, and turn to the proposal here made as authority for making such demand. Therefore, I say, leave out such a proposal with respect to "white collar" projects, but put it in in connection with permanent projects, which will be of permanent benefit to every community in which the money will be spent. The appropriations for such purposes are small.

The Senator from New York referred to contributions made by the city of New York. In estimating that the city of New York contributed 37 percent for all relief the Senator undoubtedly includes the very enormous sums of money which the city of New York has contributed on P. W. A. projects for permanent improvements of the city of New York, such as sidewalks, streets, roads, waterworks, sewer systems, and so forth. I do not wish to criticize the city of New York, or any other city, but I do not look upon that as a charitable act upon the part of the city of New York. The city was going to build these streets, these waterworks, these sewer systems in any event. It had the money with which to do it. It would have done it even though the Government had not contributed a cent. Whether the Government contributed 55 percent or not the city of New York would have gone ahead with that work. It was a gift which, in my opinion, was totally unnecessary. The gift was not necessary to build the project, because the project would have been built anyway by the city of New York. Yet because a great city has accepted hundreds of millions of dollars as a gratuity from the United States Government and has spent that gratuity, it then credits itself with 45-percent contribution as a contribution to charity. As a matter of fact, they received a charity gift of 55 percent.

Mr. President, we have no policy, and there has never been a policy expressed by any one of the relief departments of this Government after over 4 years of expenditures of large sums of money. Is it not possible that this body is willing to express its sentiment on the subject? Are we willing to say that we think the Administrator should demand a contribution of at least 25 percent on a permanent project if the sponsors are able to pay it? Are we afraid to say that to the Administrator, when at the same time we say that if the President finds that the sponsors are not able to pay it they do not have to pay it, and red tape is placed around this proposition? We have the same red tape right now under Hopkins that we would have under this amendment. There will be just as much discretion under this proposal as there is under existing law. The only difference is that the Congress of the United States has the temerity for once to say that we feel that if a sponsor is able to put up 25 percent he ought to do it. That is all.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas [Mr. ROBINSON] to the amendment reported by the committee.

Mr. BYRNES. Mr. President, before the vote is taken I desire to be heard, first with reference to the amendment of the Senator from Nevada [Mr. PITTMAN], and then with reference to the amendment of the Senator from Arkansas [Mr. ROBINSON]. If any Senator desires to be heard on the opposite side of the question, I shall not speak at this time; but, at the proper time, I do intend to speak upon the amendment proposed by the Senator from Arkansas.

Mr. SCHWARTZ. Mr. President, I shall not presume to take the time of the Senate to indulge in any lengthy discussion of this amendment, because in the last 2 or 3 days I think every possible angle of the subject has been discussed. However, I do wish to say one or two words as to my own position and what I believe is the real question involved here, which is a matter of principle and so far as Democrats are concerned who were candidates for election in the last campaign, and who are here by reason of supporting the Democratic platform and the President, it seems to me that their course is clear. So far as those are concerned who are not here by reason of the last election but who at that time were out defending the platform and the President, it seems to me that their course is clear.

Something was said here yesterday about the Democratic platform, and I presume it is in the RECORD. I wish to repeat something contained in the platform. The first three lines of the platform, under the head of "Unemployment", are:

> We believe that unemployment is a national problem, and that it is an inescapable obligation of our Government to meet it in a national way.

I had supposed that I knew the definition of the word "inescapable"; but it seems that we are finding an escape. It is true that farther down in the platform it is stated that "Where business fails to supply such employment we believe that work at prevailing wages"—and that is the real thing in that clause—"should be provided in cooperation with State and local governments on useful public projects."

The obligation which we said was national we also said was inescapable; but it seems that we are about to vote upon a proposition which supplies us with a qualifying amendment.

Now, at our first opportunity to keep a promise that we made to the people, we find that although we said in the last campaign that unemployment is a national problem, and is an inescapable obligation of our Government, and must be met in a national way—and our promise to deal with the question in the manner promised in our platform brought many of us into Congress—it is not now an inescapable obligation, it is not now a national proposition, but it is a national proposition plus a State proposition so long as the State will contribute; and if the State, county, or municipality, as a taxing authority, refuses to contribute, then the care of the unemployed in the United States and those who need relief is no longer a national problem, no longer a State problem, no longer inescapable, but it is going to be a problem for the hungry themselves to deal with.

Mr. President, there are throughout the United States many thousands of communities which do not believe in the New Deal. Of course we carried practically all the States in the Union by an enormous majority, but there were 17,000,000 votes which were not in accord with us; and in that great body of votes throughout the United States, among all these municipalities and cities and towns and counties, there are frequently taxing authorities which do not believe in the New Deal relief; there are taxing authorities which do not want to contribute. Are we about to say, then, that we did not mean it when we said unemployment was an inescapable national problem, but we only meant that the needy and the hungry should be supplied where the local taxing authority was willing to contribute, or was willing to contribute in the amount which we now say it must contribute?

I agree, Mr. President, that in most communities of the United States the taxing authorities want to contribute, and do contribute, to the extent they are able; but they may have other obligations which are just as pressing upon them. As has been said here this afternoon, there are various communities in this country whose people, through no fault of their own, because of flood, drought, and other disasters, have been absolutely without return. They have worked year after year, they have had no crops, and their property has been destroyed; but even in those communities, because of the class of citizenship which is there, it might be possible, if they were put to it, to raise a little more money to take care of the situation which we said was an inescapable national obligation.

Because I come here by reason of my support of that platform, and because I come here by reason of my support of the man who said that none should go hungry in the United States, and that people who are in distress and in need should be clothed and housed, I desire to register my protest against any proposition, however strongly it may be advocated by those who may believe that it meets the situation, that will modify the promise we made to the people.

I desire now to read from the Democratic platform adopted in 1932, having in mind this inescapable national obligation:

> We believe that a party platform is a covenant with the people to be faithfully kept by the party when entrusted with power, and that the people are entitled to know in plain words the terms of the contract to which they are asked to subscribe.

We said in plain terms that relief was a national problem, that we proposed to take care of those in distress; and now, when we have the first opportunity to keep that pledge, it is proposed to say to them that we will take care of them provided a local taxing authority which does not believe in the program does not take care of them, but if it refuses to take care of them, and an inspector concludes that in some way taxes may be raised which will enable them to take care of them, then, in that event, the hungry and the poor and the unhoused may shift for themselves.

We have taxing authorities—and they are not all in Republican communities in the United States—that do not believe in relief. In their hearts they believe in the good old doctrine of supply and demand. They believe that where three men are seeking one job the law of supply and demand should determine the price paid the laborer, that the man who will take the least should get the job, and as to the other two the devil may take the hindmost. That is the situation with which we are confronted today.

There is nothing to be gained, to my mind, by putting in a 25-percent requirement or a 40-percent requirement, because, as a matter of fact, the administration now is doing whatever can be done to secure proper contributions from the various sponsors. I may say that I am not so much interested in the sponsors as I am in those who are seeking relief. To the extent that the Administrator can secure contributions, he does it; but if there are two counties that have been stricken by drought for years, as we have in the northeastern part of my State, and one is willing to and can put up 5 or 10 percent, and the other one, equally pressed, placing a greater value on some of its other necessities is not willing to put up 5 percent, shall those who are in need and who are suffering there have no relief, or shall they do as some are now being compelled to do who live in counties that cannot provide relief—join a caravan that is going out to Oregon and Washington, whose Senators have told us what a problem it is to take care of them?

Mr. ADAMS. Mr. President, will the Senator yield for an inquiry?

Mr. SCHWARTZ. I yield.

Mr. ADAMS. I merely wish to ask the Senator from Wyoming a question or two. I understand the position he is taking, but my inquiry is whether or not he feels that the average contribution of 13 percent which is now being made by communities within the States where projects are constructed represents a fair and adequate contribution from the locality?

Mr. SCHWARTZ. It would depend, of course, upon their resources whether or not it would be fair; but if it were fair and the local community were of the opinion that 5 or 6 or 7 percent of that percentage was needed more for some other necessary purpose, then I think our national platform should prevail and that it would be our duty to take care of relief; and I think that is what we are now doing.

Mr. ADAMS. Does the Senator construe the national platform as declaring that the relief problem is exclusively a national problem?

Mr. SCHWARTZ. That it is an inescapable national problem.

Mr. ADAMS. Mr. President, I wish to make an observation with reference to the amendment which was suggested, at least, by the present Presiding Officer, the Senator from Nevada [Mr. PITTMAN], who felt that a distinction should be drawn between permanent and temporary projects as to the requirement of a contribution.

It seems to me that there is a different principle which properly underlies this problem than the one which the Senator from Nevada has used.

My interest in the matter, and I think the interest of many of those who favor contribution by the States under the amendments which are pending is that the contribution is made to afford relief, and to me there is no difference as to the obligation of the community, whether it be a city, county, or State.

I presume it is proper to ask the Chair whether or not his amendment was actually offered or did he merely say that he was going to offer it?

The PRESIDENT pro tempore. The Senator from Nevada said that when it was in order he would offer the amendment.

Mr. ADAMS. I had assumed that perhaps it had been offered.

The PRESIDENT pro tempore. It has not been offered.

Mr. ADAMS. I take occasion, while I am on my feet, to make the comment that I started to make, which was that the contribution from the localities, whether it be from the States, counties, or cities, in my judgment, should be based upon the obligation of the communities to contribute to relief rather than on the basis of the benefits which the communities are to receive.

Permanent projects, of course, contribute to the permanent wealth of the community in a visible form. On the other hand, what we may speak of as a temporary project may contribute fully as much to the actual wealth of the community in the preservation of life, the preservation of health, and the preservation of the general well-being or even in the production of material things which are subject to consumption, as distinguished from permanent improvements, which have a longer duration. So I will be disposed, when the amendment is offered by the Senator from Nevada, to oppose it as a letting down and a weakening of the obligation which should be imposed upon the States under the very argument which the Senator from Nevada has so ably expounded on the floor of the Senate.

Mr. BARKLEY. Mr. President, may I ask the Senator from South Carolina [Mr. BYRNES] a question?

Mr. BYRNES. Certainly.

Mr. BARKLEY. It is my understanding he intends to accept the amendment offered by the Senator from Arkansas as a substitute for his own amendment to the committee amendment. Is that correct?

Mr. BYRNES. Yes. In the remarks which I had intended to submit, it was my purpose to make that statement.

Mr. BARKLEY. I had intended to address the Senate very briefly on the subject of the Byrnes amendment, as well as the amendment offered by the Senator from Arkansas, but if there is a chance to get a vote without further delay, I shall forego the remarks I intended to make. I think there is a general desire to vote on the question before the Senate adjourns or recesses this afternoon. If there is a chance to help achieve that end by foregoing any remarks on my part, I should like to contribute to an early vote by declining to make any remarks at all.

Mr. BORAH. Mr. President, I had intended to submit some remarks, but I shall be glad to join the Senator from Kentucky in foregoing any remarks if it will lead to a prompt disposition of the entire matter; but I do not desire to have the pending amendment disposed of and then have the joint resolution itself go over until Monday for further consideration.

Mr. BARKLEY. Of course, there is no way by which we can agree on the disposition of the remainder of the joint resolution. There are other committee amendments still undisposed of, and I do not know how much debate they may involve.

Mr. VANDENBERG. Mr. President, for the information of the Senator from Kentucky, I should say that I intend to offer a substitute when it shall be in order, and I intend to discuss it. I see no possibility of concluding consideration of the matter this afternoon unless it is intended to have an extended session.

Mr. ROBINSON. Mr. President, with that statement in mind, and with the knowledge that other Senators desire to speak, I am convinced there is no probability of disposing of the joint resolution this afternoon.

I should like to submit a request for a unanimous-consent agreement that will assure final disposition of the pending committee amendment and all amendments that may be offered to it. In fact, I should like to have a limitation of debate on the joint resolution itself if it is possible to get it. I do not know whether it will be possible to do so, but, with the view of testing the sense of the Senate, I shall submit the request.

Let me say that a number of Senators have informed me that they should like to be present when the vote is taken, but have necessarily absented themselves in fulfillment of engagements made a week or so ago. The Senate has been in the habit of adjourning over the weekends. The time is approaching, if it is not at hand, when that pleasurable procedure will necessarily be abandoned. However, in view of all the circumstances, it is my thought that we might enter into an agreement limiting debate so as to assure final disposition of the matter in a reasonable time and enable us to pass the conclusion of the joint resolution over until Monday.

I ask unanimous consent that when the Senate completes its labors today it take a recess until 12 o'clock noon on Monday next; that when the Senate convenes on Monday no Senator shall speak more than once nor longer than 20 minutes on the pending committee amendment and amendments thereto, nor longer than 20 minutes on the joint resolution itself. There ought to be a limitation on other amendments, also. I suggest that the 20-minute limitation apply to the joint resolution and the 15-minute limitation to all amendments.

The PRESIDENT pro tempore. Is there objection?

Mr. BARKLEY. Reserving the right to object, which I do not intend to do, does that contemplate 15 minutes on the committee amendment and amendments thereto?

Mr. ROBINSON. Yes.

Mr. BARKLEY. So on the pending question, which involves an amendment to the committee amendment, there would be 30 minutes?

Mr. ROBINSON. No; there would be 15 minutes on the pending question—the proposal contemplating 15 minutes on any amendment that may be pending or that may be offered, and 20 minutes on the joint resolution.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent agreement proposed by the Senator from Arkansas? The Chair hears none, and the agreement is entered into.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4408) to provide for the renewal of star-route contracts at 4-year intervals, and for other purposes.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 16), as follows:

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H. R. 4408) to provide for the renewal of star-route contracts at 4-year intervals, and for other purposes, the Clerk of the House is authorized and directed to strike out in section 2 "stated in" and insert in lieu thereof "required under", and to strike out in section 4 the word "contract" where it appears immediately preceding the word "legally" and insert in lieu thereof the word "contractor."

The message further announced that the House had receded from its disagreement to the amendments of the Senate numbered 5 and 7 to the bill (H. R. 4064), making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1938, and for other purposes, and concurred therein; and that the House had receded from its amendment to the Senate amendment numbered 8 to the bill and concurred therein.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 18) to authorize and direct the Clerk of the House of Representatives, in the enrollment of House bill 4064, the Independent Offices Appropriation Act, 1938, to make a change in the text of the appropriation for pensions under the Veterans' Administration, in which it requested the concurrence of the Senate.

CORRECTION IN ENROLLMENT OF INDEPENDENT OFFICES APPROPRIATION BILL

The PRESIDENT pro tempore laid before the Senate House Concurrent Resolution 18, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 4064) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1938, and for other purposes, the Clerk of the House of Representatives is authorized and directed to insert in the fourth paragraph under the caption "Veterans' Administration", after the word "Administration", the following additional matter: "accruing during the fiscal year 1938 or in prior fiscal years."

Mr. BYRNES. I move that the Senate concur in the concurrent resolution.

The motion was agreed to.

STATUE OF GEN. WILLIAM HENRY HARRISON BEADLE

Mr. BARKLEY. Mr. President, from the Committee on the Library, I report back favorably, without amendment, Senate Concurrent Resolution No. 10, and ask for its immediate consideration.

Under the procedure of allowing each State to present two statues for inclusion in Statuary Hall in the Capitol, it is necessary for Congress to accept the statue presented by a State. The State of South Dakota is ready to present to the Nation a statue of Gen. William Henry Harrison Beadle, and the concurrent resolution accepts the statue on behalf of the Government in order that the ceremonies may proceed.

The PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution (S. Con. Res. 10) was read, considered, and agreed to, as follows:

Resolved, etc., That the statue of Gen. William Henry Harrison Beadle, presented by the State of South Dakota, to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of the Congress be tendered said State for the contribution of the statue of one of its most eminent citizens, illustrious for his valor as a soldier and his distinguished service as an educator; and be it further

Resolved, That a copy of these resolutions, suitably engrossed, and duly authenticated, be transmitted to the Governor of South Dakota.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, submitting the nomination of Frank LeBlond Kloeb, of Ohio, to be United States district judge for the northern district of Ohio, vice George P. Hahn, deceased, which was referred to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. LOGAN, from the Committee on Military Affairs, reported favorably the nomination of Louis A. Johnson, of West Virginia, to be Assistant Secretary of War.

He also, from the same committee, reported favorably the nominations of sundry citizens or officers for appointment or promotion in the Regular Army.

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nomination of Capt. Andrew C. Pickens to be a rear admiral in the Navy from the 3d day of June, 1937; and also the nominations of sundry officers for promotion in the Navy.

The PRESIDENT pro tempore. The reports will be placed on the Executive Calendar.

THOMAS C. TRIMBLE, JR.

Mr. LOGAN. Mr. President, from the Committee on the Judiciary I report favorably the nomination of Thomas C. Trimble, Jr., of Arkansas, to be United States district judge for the Eastern District of Arkansas.

Mr. ROBINSON. Mr. President, that judgeship has been vacant for several months. On behalf of my colleague the junior Senator from Arkansas [Mrs. CARAWAY] and myself, I desire to ask unanimous consent for the present consideration of the nomination.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The question is, Will the Senate advise and consent to the nomination?

The nomination was confirmed.

Mr. ROBINSON. Mr. President, I ask also that the President be notified.

The PRESIDENT pro tempore. Without objection, the President will be notified.

SAUL HAAS

Mr. HARRISON. Mr. President, from the Committee on Finance I report favorably the nomination of Saul Haas, of Seattle, Wash., to be collector of customs for customs collection district no. 30, with headquarters at Seattle, Wash.

Mr. BONE. Mr. President, I ask unanimous consent for the immediate consideration of the nomination.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

Mr. BONE. I ask also that the President be notified.

The PRESIDENT pro tempore. Without objection, the President will be notified. If there be no further reports of committees, the clerk will state the nominations on the calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations of postmasters are confirmed en bloc.

That completes the Executive Calendar.

RECESS TO MONDAY

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate take a recess under the order previously entered.

The motion was agreed to; and (at 4 o'clock and 20 minutes p. m.), under the order previously entered, the Senate took a recess until Monday, June 21, 1937, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate June 18 (legislative day of June 15), 1937

UNITED STATES DISTRICT JUDGE

Frank LeBlond Kloeb, of Ohio, to be United States district judge for the northern district of Ohio, vice George P. Hahn, deceased.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 18 (legislative day of June 15), 1937

UNITED STATES DISTRICT JUDGE

Thomas C. Trimble, Jr., to be United States district judge for the eastern district of Arkansas.

COLLECTOR OF CUSTOMS

Saul Haas to be collector of customs for customs collection district no. 30, with headquarters at Seattle, Wash.

POSTMASTERS

CALIFORNIA

Carla Egan, Agnew.
Genevieve P. Dutra, Alvarado.
Della Carrillo, Camarillo.
William A. Koppe, Leevining.
Sadie Tippett, Plymouth.

HOUSE OF REPRESENTATIVES

FRIDAY, JUNE 18, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, Father of all mercies, we, Thine unworthy servants, do give Thee most humble and hearty thanks for all Thy goodness and loving kindnesses to us. Grant us in all our doubts and uncertainties the grace to ask what Thou wouldst have us do, that the spirit of wisdom may save us from all false choices and that in Thy light we may see light and in Thy straight path we may not stumble. Grant that this day we may fall into no sin and all our doings may be righteous in Thy sight. Blesseth is the man that maketh the Lord his trust. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

TRANSPORTATION OF THE BLIND

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, my bill, H. R. 6049, which has passed the House, is intended to make it possible for the blind in traveling on the railroads and transportation systems of the country to be accompanied by their "seeing eye" or guide dogs. Hearings were held before a subcommittee of the Committee on Interstate and Foreign Commerce, consisting of the gentleman from North Carolina [Mr. BULWINKLE], the gentleman from New York [Mr. KELLY], and the gentleman from Pennsylvania [Mr. WOLFENDEN], who reported the bill favorably, and it was subsequently reported favorably by the full Committee on Interstate and Foreign Commerce. It had previously received the favorable recommendation of the Interstate Commerce Commission.

I first became interested in this legislation owing to my friendship with a very dear friend that I have in my home city, Hoquiam, Wash., whose name is John E. Nelson, who has been blind for a number of years. Mr. Nelson went to the Seeing-Eye Institution, Morristown, N. J., and took the required course there and secured one of their guide dogs, whose name is Tinker. Of course, whenever I have been home, while Congress has not been in session, I have seen my friend John and Tinker, who are inseparable, and noted the wonderful companionship existing between them and the service that trained guide dog is rendering to my friend. Mr. Nelson has told me of the conditions surrounding the traveling and securing of transportation facilities by the blind accompanied by such "seeing eye" dogs.

Some of the railroad companies, motor-bus companies, and other carriers have adopted rules and regulations in accordance with which they do transport the blind passenger and the guide dog, but some of the transportation systems do not permit the blind and their dogs to travel as regular passengers and require them to ride in the baggage cars or not at all. It is hoped that my bill, which permits the dog to be carried free of extra fare, will result in uniform rules and regulations being put into effect by all the railroads, the Pullman Co. and carriers, so that no discrimination will be practiced against the blind and their guide dogs and that they will be accorded the same accommodations and service as the more fortunate passengers who have their sight.

When the hearings were held, four representatives of the railroads and the Pullman Co. were present and testified. They did not oppose the legislation and promised liberal cooperation in its proper enforcement. Dr. Heinz E. Claus, of Arlington, Va., accompanied by his guide dog named Rex, a shepherd dog from the Isle of Wight, off the coast of England, were the principal witnesses at the hearing, and it was the intelligence, friendliness, and clever antics of Rex which completely captivated the members of the committee and the battery of lawyers representing the railroads and resulted in favorable action being taken.

H. R. 6049 is sound meritorious legislation and will serve a very useful and humanitarian purpose. I trust that it will be promptly passed in the Senate and receive the approval of President Roosevelt.

Mr. SNELL. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

THE PRESENT ADMINISTRATION AND THE NATIONAL DEBT

Mr. SNELL. Mr. Speaker, last night I read in the Washington Evening Star three of the most amazing and startling articles of news I have ever read in any one edition of any paper. They are so startling that I think the attention of the House and the attention of the country should be called to these statements.

The first statement I refer to is one that comes from the Federal Treasury that the United States debt on June 15 amounts to $36,633,907,802, the largest amount in the history of the Nation, and about $20,500,000,000 more than the low point in 1930.

The article also states that on June 15, with only half a month of the fiscal year remaining, the current deficit is slightly over $2,900,000,000. This deficit is practically twice what the administration predicted it would be and it is amazingly near the amount of $3,000,000,000 that I have continually stated it would probably be on the 1st of July. This is certainly a startling situation and one that should be called to the attention of the country.

Another article that surprised me and caused me more or less consternation is a news item purported to be given out by Mordecai Ezekiel, one of the most trusted, economic advisers of this administration. It is headed "Too Much Thrift Contributes to Depression." He is quoted as saying:

> In times of prosperity too much of the Nation's income is devoted to savings and too little to spending on current consumption.

I certainly regret it, if the time has come in America when the people should be advised by high authorities in the administration that the day of saving to take care of yourself and your family in their old age is at an end. I am not in accord with this kind of philosophy, and I do not believe the honest-thinking, hard-working people of this country believe in that policy.

In addition to this, in the same paper, is another statement attributed to Secretary Wallace, one of the closest advisers of the administration. This article is headed " 'Individual gone,' asserts Secretary Wallace, 'it is the day of mass welfare—never mind tradition.' "

This is the thought of the speech of Secretary Wallace delivered to the encampment of the 4-H clubs here in Washington.

I think it is pretty sad when a high dignitary of the Government states to young men assembled here in Washington that the day of individual thrift is gone and that we are preparing to be a mass organization. I have stated a good many times on the floor of the House and publicly that it seemed to me the aim of the administration, through its continual waste and extravagance, is eventually to destroy the financial system of this Government.

I have also thought that the aim of the present administration, as shown by its various statements and acts, has been the direct purpose of regimenting the people of the United States and putting into effect here a planned economy, and eventually it would be easy to sovietize this great country of ours.

To me these are facts that are staring the American people in the face at the present time, and it is time for them to wake up and take note of what is happening here in Washington. [Applause.]

[Here the gavel fell.]

THE INDIAN POLICY OF THE GOVERNMENT

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN. Mr. Speaker, on Tuesday, June 15, the gentleman from Montana [Mr. O'CONNOR] addressed the House on the subject of legislation affecting the Indians of the United States and then extended his remarks, including what might be termed a historical review of the Government's dealings with certain tribes of Indians.

At the outset the gentleman from Montana stated—and I quote his language:

> In view of the fact that there are several bills pending in the House affecting the rights of Indians and amending existing statutes conferring jurisdiction on the Court of Claims in order to give relief to Indians heretofore denied the same, and in view of the fact that apparently there is a feeling of prejudice entertained by some of the Members of the House toward these proposed measures, I feel that a few words in connection with the relationship between the Government of the United States and the Indians and their rights would not be out of place.

For one to be prejudiced toward a measure I take it that he or she would have formed an opinion or judgment beforehand or without examination of the bill or resolution.

As one who has consistently opposed the passage of legislation affecting Indians where I felt that the bill or resolution was not justified, I want to assure the gentleman from Montana, as well as the Members of the House, that in no case have I opposed any legislation without either carefully examining the bill or resolution, and in practically every case I have secured a report from the Comptroller General of the United States.

When the gentleman from Montana has been in Congress a little longer I do not feel that he will be accusing his colleagues of being biased or opposing legislation without considering the merits of the proposal presented. The gentleman will likewise find that there are some Members of Congress who have duties to perform that are not altogether pleasant, but their positions in the organization of the House requires them to assume the attitude that they do.

There are about 20 bills or resolutions on the calendar at the present time reported by the Committee on Indian Affairs, and I have either secured reports concerning the measures or I have requested the reports.

For the information of the gentleman from Montana, who was not here at previous sessions of Congress, permit me to say that the Committee on Expenditures in the Executive Departments, of which I am chairman, held a hearing at the suggestion of Government officials in order that the facts might be disclosed relative to the status of Indian claims. At that hearing there were representatives of the Department of Justice who were charged with the responsibility of defending the Government in suits before the Court of Claims and also representatives of the Comptroller General's Office who are required to assemble the evidence used by the Department of Justice in protecting the interests of the Government. The hearing disclosed that up to that date Congress had referred by resolution to the Court of Claims 114 separate cases authorizing the Court of Claims to determine whether or not the Indians were entitled to reimbursement from the Government for lands, and so forth, that were formerly in their possession. The evidence further disclosed that the attorneys for the Indians had filed petitions with the Court of Claims, and up to that time the total amount involved being three and one-quarter billion of dollars.

The committee was advised the Department was practically helpless unless some legislation was passed that would protect the interest of the Government. As a result of the hearing and by direction of the committee, I placed the facts before the Committee on Appropriations and an amendment was included in a deficiency bill which in part extended to the Government the right to offset the claims of the Indians by showing gratuities and advances that had been made by the Government to the various tribes that had instituted suits in the Court of Claims. As a result of that amendment, untold millions of dollars have been saved to taxpayers of this country. Some of the suits have been dismissed, but the great majority are still pending, and in some cases judgment has been rendered against the Government.

For instance, on June 1, 1937, the Court of Claims handed down an opinion holding the Shoshone Tribe of Indians of the Wind River Reservation of Wyoming was entitled to $4,408,444.23 and of this amount $1,581,889.50 is to bear interest at the rate of 5 percent per annum from that date. The court allowed as an offset in this case, $1,956,233.58 and had it not been for the amendment in the deficiency bill, the judgment would have been $6,364,677.91. Just to show what the Congress is doing in submitting the cases to the Court of Claims, it might be proper to say that this claim in part was allowed under the treaty signed in 1863. In some of the cases referred to the Court of Claims, treaties that were signed with the Indians as far back as 1790 are involved. There is absolutely no limitation as to how far back the attorneys for the Indians can go.

There is one case pending before the Court of Claims at the present time where the attorneys have asked an amount in excess of $250,000,000. In another case, the General Accounting Office has been working for years trying to secure evidence to protect the Government and has spent nearly $200,000 in examining records and are still working on the case. Practically every resolution passed by the Congress giving jurisdiction to the Court of Claims in the cases referred to was passed without any objection whatsoever.

I am prepared to submit arguments to the House in connection with pending legislation that I feel will warrant the defeat of the majority of the bills and resolutions on the calendar.

On next Wednesday the Indian Affairs Committee will have the call and no doubt some of this legislation will be under consideration, and the Members of the House should give careful consideration to the bills and resolutions before casting their vote.

The gentleman from Montana [Mr. O'CONNOR] has made several arguments in the House since he became a Member last January in regard to one bill which he introduced and which he reported. That bill provides there shall be reimbursed through the United States Treasury and placed to the credit of certain tribes $3,373,580, and the bill further provides that this money shall be available for such expenditures for the benefit of the tribes as the Congress may hereafter direct. The gentleman from Montana would lead us to believe by his argument that this is simply a bookkeeping transaction, but the fact of the matter is it takes this amount of the taxpayers' money out of the general fund in the Treasury and credits it to various Indian tribes. If that bill becomes a law there will follow another bill to distribute the money among the Indians. That is no bookkeeping transaction.

There is a bill on the calendar which would repeal the amendment in the deficiency act which to some extent is protecting the Government and assisting the Department of Justice to contest the old claims. If that bill should ever become a law, the Government would be practically helpless in defending the suits. There are other bills amending the jurisdictional acts that referred the cases to the Court of Claims, and the claims are so old that again the Government would be absolutely helpless, and in one report that I submitted in the last session it showed that the Government would be required to confess judgment for approximately $17,000,000. That bill failed to pass, as I prevented its consideration.

I could go on indefinitely and refer to the bills and resolutions, but I think the proper time to do so is when they are called up in the House.

I have insisted for a number of years that it is the duty of the Committee on Indian Affairs before reporting legislation to secure a statement from the Comptroller General, because it is the Comptroller General that has the records, and not the Commissioner of Indian Affairs or the Department of the Interior. For instance, about 2 years ago there was a bill

called up providing for the appropriation of money to reimburse an Indian tribe inviting attention to a judgment rendered against the Government. The Commissioner of Indian Affairs recommended the passage of that bill. When the measure was under consideration I read an act of Congress passed in 1878 showing that the money had been appropriated and paid under that act of Congress and the attorneys were paid. The author of the bill, of course, withdrew it when I submitted that statement, but the Commissioner of Indian Affairs evidently had not taken the time to find out whether or not the claim had ever been paid.

Two bills have been reported by the committee to reimburse certain Indian tribes, and it is admitted in both instances that this money has already been paid by the Government, and that the attorneys for the Indians have also been paid, but the sponsors of the legislation maintain that certain Indians who were entitled to the money did not receive it. They ask the Government—and when I say "Government" I mean the taxpayers; your constituents and mine—to pay this claim a second time.

There is a bill on the calendar known as the Indian Claims Commission Act which, if it became a law, would provide for the creation of a commission to be composed of a chief commissioner and two associate commissioners, one of whom shall be an Indian. This commission would have the power to investigate all claims of whatever nature. It further provides that the attorneys representing Indians in all claims now pending in the Court of Claims, as well as any claim previously referred by Congress to the Court of Claims and not yet filed in such court, may be transferred to this commission for its investigation and report to Congress. It also provides that the commission shall be authorized to receive claims of all kinds affecting the Indians for the period of 5 years after the approval of the act.

This bill, Senate 1902, has already passed the Senate and been favorably reported by the Committee on Indian Affairs of the House. A member of the Indian Affairs Committee advised me that there were only seven members of the committee present at the time this important bill was reported, and that he thought he had an understanding that no action would be taken on the bill during his absence.

It would take pages of the CONGRESSIONAL RECORD to review the claims that are now before the court, as well as the bills and resolutions now pending in the House and Senate.

The gentleman from Montana [Mr. O'CONNOR], in his extension of remarks, refers specifically to Senate Joint Resolution 55, which is identical to House Joint Resolution 177—

> To amend the act of July 3, 1926, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes."

Now, what are the facts in reference to this claim? I have gone into the case with extreme care and for the benefit of the Members I present the following argument which cannot be assailed.

Section 1 of the act of July 3, 1926, supra, which these resolutions propose to amend, reads as follows:

> That jurisdiction be, and is hereby, conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States by either party, notwithstanding lapse of time or statutes of limitations, to hear, adjudicate, and render judgment in any and all claims arising under or growing out of the treaty of Fort Laramie, dated September 17, 1851 (Second Kappler, p. 594), between the United States and the Crow Indian Nation and the treaty dated May 7, 1868 (15 Stats., p. 649), between the United States and the Crow Indian Nation, or arising under or growing out of the Executive order dated July 2, 1873 (First Kappler, p. 855), or any subsequent Executive order, the act of Congress approved April 15, 1874 (18 Stats., p. 28), or any subsequent act of Congress or agreement with said Crow Indian Nation, which said Crow Indian Nation or any branch thereof may have against the United States, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States; and jurisdiction is hereby conferred upon the said courts to determine whether or not any provision in any such treaty or Executive order has been violated or breached by any act or acts of Congress or by any treaty made by the United States with any other Indian tribe or nation, and, if so, to render judgment for the damages resulting therefrom.

Pursuant to the foregoing act, the Crow Nation or Tribe of Indians filed in the Court of Claims on June 13, 1927, petition no. H–248, which petition was forwarded to the General Accounting Office by the Department of Justice with the request for a report thereon. In accordance therewith the Comptroller on October 11, 1929, rendered a report which was compiled in answer to the contentions set out in the petition, insofar as an examination of the records of his office disclosed.

The Court of Claims rendered its decision in the Crow case March 4, 1935, and in dismissing the petition stated in its opinion:

> The amount of the set-offs shown in the findings so far exceeds all other claims that, even if these claims were allowed, no recovery could be had.

The proposed joint resolutions, which are identical, would amend section 1 of the original Jurisdictional Act of July 3, 1926, to read as follows:

> That jurisdiction be, and is hereby, conferred upon the Court of Claims, with right of appeal (not by writ of certiorari) to the Supreme Court of the United States by either party, notwithstanding lapse of time or statutes of limitations, to hear, adjudicate, and render judgment on the merits in any and all claims arising under or growing out of the treaty of Fort Laramie, dated September 17, 1851 (Fourth Kappler, p. 1065), between the United States and the Crow Indian Nation, and the treaty dated May 7, 1868 (15 Stat. 649), between the United States and the Crow Indians of Montana, or arising under or growing out of the agreement between the River Crow Tribe of Indians and the United States, dated July 15, 1868 (Third Kappler, p. 714); the Executive order dated July 2, 1873 (First Kappler, p. 855), or any subsequent Executive order; the act of Congress approved April 15, 1874 (18 Stat. 28), or any subsequent act of Congress or agreement with said Crow Indian Nation, including claims growing out of any cessions of land by said Indians to the United States for an inadequate consideration under mistake of fact, irrespective of any treaty stipulation entered into under such mistake of fact, which said Crow Indian Nation or any branch thereof may have against the United States, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States. Jurisdiction also is hereby conferred upon the said courts to determine whether or not any provision in any such treaty agreement, Executive order, or act of Congress above set forth has been violated or breached by any act or acts of Congress or by any treaty made by the United States with any other Indian tribe or nation, and to render judgment for the damages resulting therefrom: *Provided*, That for complying with the terms of this joint resolution, case no. H–248, in the Court of Claims, entitled *"The Crow Nation or Tribe of Indians of Montana* v. *The United States"*, decided on March 4, 1935, is hereby reinstated.

The italic portion of the foregoing quoted joint resolution would materially amend the original Jurisdictional Act of July 3, 1926, supra, and in this connection particular attention is invited to that part which reads:

> Including claims growing out of any cessions of land by said Indians to the United States for an inadequate consideration under mistake of fact, irrespective of any treaty stipulation entered into under such mistake of fact.

It would appear that this part of said joint resolution refers to an alleged claim for certain lands originally contained in the Crow Reservation set apart for their use pursuant to the Fort Laramie treaty of September 17, 1851, and ceded to the United States under the terms of the treaty of May 7, 1868 (15 Stat. 649). In the Court's opinion, *The Crow Nation or Tribe of Indians of Montana* v. *The United States* (81 Ct. Cls. 238), the following is stated with reference to this cession of land:

> The first claim is that for additional consideration for 30,530,764.8 acres of land taken over by the Government under the treaty of 1868, representing the amount by which plaintiff's reservation under the Fort Laramie treaty of September 17, 1851 (11 Stat. 749), was diminished by the treaty of 1868, which reduced the reservation to 8,000,409.2 acres. The plaintiff claims a failure of consideration through a mistake of fact, as to the ratification of the treaty of 1851, causing the Crow Indians to cede this large territory for an inadequate price. The claim is made for the difference amounting to some $30,000,000.
>
> * * * * * * *
>
> However, under the jurisdictional act this court is confined to claims arising under and growing out of the 1851 treaty and the treaty of 1868; both of these treaties set out the consideration to be paid by the Government. Under the Constitution all treaties made

under the authority of the United States are the supreme law of the land, and the question of the amount of the consideration and what entered into the negotiations are not for this court to determine. Both are political and not judicial matters.

* * * * * * *

Under the provisions of the treaty of 1868 the United States agreed to expend sums of money for the benefit of the Crows for various periods and for various and special purposes, the indefinite amounts to be determined by the United States from time to time as contingencies and necessities should arise. In compliance with the obligations thus assumed, Congress disbursed for the benefit of the Crows $1,499,866.16. This amount was the consideration which went to the Crow Nation for the cession of the 30,000,000 acres delimited from the 1851 reservation. Both from a factual and jurisdictional standpoint, there can be no recovery on this claim.

The report of the General Accounting Office on Crow petition no. H-248, which was forwarded to the Department of Justice October 11, 1929, contained a complete accounting, pursuant to all treaties, agreements, and acts of Congress relating to said Indians during the period from September 17, 1851, to June 30, 1927, reflecting disbursements aggregating $11,638,395.51, of which $9,074,069.75 was disbursed for the direct benefit of the Crow Nation of Indians and $202,742.03 was disbursed for their benefit jointly with other Indians under treaty appropriations. Also included in said amount of $11,638,395.51 is $2,266,426.97, disbursed for the direct benefit of said Indians, and $95,156.76 disbursed for their benefit jointly with other Indians under gratuity—other than treaty—appropriations.

In view of the above, how can any Member assert that those who oppose this joint resolution entertain a feeling of prejudice? This joint resolution should not be passed, and it is my purpose to urge the House to defeat the resolution when it is called up.

I present this statement for the purpose of calling to the attention of the Members of the House the importance of this legislation and express the hope that on next Wednesday, June 23, when the bills and resolution are called up that Members will be on the floor to listen to the arguments so that they can vote intelligently when the roll is called.

(Mr. COCHRAN asked and was given permission to revise and extend his own remarks in the RECORD.)

Mr. DIRKSEN. Mr. Speaker, I suggest the absence of a quorum and make the point of order there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present.

Mr. PALMISANO. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 92]

Allen, Pa.	Farley	Jenkins, Ohio	Sadowski
Andrews	Fitzpatrick	Johnson, Minn.	Sauthoff
Atkinson	Fleger	Keller	Schuetz
Bernard	Ford, Calif.	Kirwan	Scott
Brewster	Fuller	Kvale	Scrugham
Buckley, N. Y.	Fulmer	Lanzetta	Secrest
Cannon, Wis.	Gasque	Larrabee	Shannon
Casey, Mass.	Gifford	Lemke	Smith, Conn.
Chapman	Gilchrist	Lucas	Smith, W. Va.
Clark, N. C.	Gray, Pa.	McAndrews	Starnes
Cole, N. Y.	Hancock, N. Y.	McCormack	Taylor, Colo.
Creal	Hancock, N. C.	McGroarty	Thomas, N. J.
Culkin	Harlan	Millard	Thomason, Tex.
Curley	Harter	O'Neal, Ky.	Thurston
Dixon	Hartley	Peterson, Ga.	Tobey
Dockweiler	Havenner	Pettengill	Weaver
Dondero	Healey	Peyser	White, Ohio
Douglas	Hendricks	Plumley	Wigglesworth
Duncan	Higgins	Quinn	Wood
Eaton	Hill, Wash.	Reed, N. Y.	Woodruff
Ellenbogen	Holmes	Reilly	Zimmerman
Engel	Jacobsen	Romjue	

The SPEAKER. On this call 344 Members have answered to their names, a quorum.

Mr. PALMISANO. Mr. Speaker, I move to dispense with further proceedings under the call.

The doors were opened.

TEMPORARY ENTRY OF CERTAIN ALIENS

Mrs. O'DAY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7206) to permit the temporary entry into the United States under certain conditions of alien participants and officials of the World Association of Girl Guides and Girl Scouts' Silver Jubilee Camp to be held in the United States in 1937.

The SPEAKER. The Chair thinks it proper to state that under the circumstances which have been presented to the Chair by the gentlewoman from New York, the Chair deemed it proper to recognize the gentlewoman to make this request. The bill is somewhat of an emergency nature and will take only a moment.

Is there objection to the request of the gentlewoman from New York?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That alien Girl Guides and Girl Scouts participants, officials, and executives who are accredited members of delegations to the Silver Jubilee Camp to be held in the United States in 1937, all of whom are nonimmigrants, if otherwise admissible into the United States under the immigration laws, shall be exempted from payment of the tax of $8 prescribed by section 2 of the Immigration Act of 1917 and exempted from the fees prescribed by law to be collected in connection with executing an application for a visa and visaing the passport or other travel document of an alien for the purpose of entering the United States as a nonimmigrant, and such aliens shall not be required to present official passports issued by the governments to which they owe allegiance: *Provided*, That aliens shall be in possession of official Girl Guide or Girl Scout identity cards issued by their own governments or issued by the World Association of Girl Guides and Girl Scouts indicating their Girl Guide or Girl Scout status and nationality, and duly visaed without charge by American consular officers abroad: *And provided further*, That such aliens shall comply with regulations not inconsistent with the foregoing provisions which shall be prescribed by the Secretary of Labor and Secretary of State: *Provided, however*, That nothing herein shall relieve an alien from being required to obtain a gratis nonimmigration visa if coming to the United States as a nonimmigrant, or an immigration visa if coming to the United States as an immigrant.

SEC. 2. That such aliens shall be permitted free entry of their personal effects and their equipments to be used in connection with the Silver Jubilee Camp, under such regulations as may be prescribed by the Secretary of the Treasury.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

EXTENSION OF REMARKS

Mrs. O'DAY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that on Tuesday next, following the disposition of business allocated for that day, the gentleman from Illinois [Mr. MASON] may be permitted to address the House for 15 minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that on Tuesday next, after the disposition of all legislative matters, the gentleman from Illinois [Mr. MASON] may address the House for 15 minutes. Is there objection?

There was no objection.

Mr. LEAVY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

Mr. NICHOLS. Mr. Speaker, I reserve the right to object. I shall not object, but I remind the gentleman that separate votes have been asked on the bill before the House at the present time.

The SPEAKER. The Chair will not recognize any other gentleman for any purpose until after we dispose of the unfinished business. Is there objection to the request of the gentleman from Washington?

There was no objection.

FATHER'S DAY—ITS ORIGIN, AND A PLEA FOR CONGRESSIONAL RECOGNITION

Mr. LEAVY. Mr. Speaker, this Congress has, by a joint resolution heretofore enacted, set aside a certain Sunday in each year to be known as Mother's Day. There are

millions of American sons and daughters who likewise feel that a certain day should be set aside for Father's Day.

In 1910, through the efforts, energy, and tireless activity of Mrs. John Bruce Dodd, a constituent of mine, of Spokane, Wash., many city, county, and State officials recognized the significance and importance of having a day on which, throughout the Nation, tribute would be paid to the fathers of America. Now, by common consent, the third Sunday in June is recognized as Father's Day. In order that the people of America may know and in order that proper recognition may be given to Mrs. Dodd for what she and her associates did to bring about a recognition of this day, I am making this brief statement. I do it, too, in the hope that shortly there will be enacted by joint resolution of the Congress of the United States, a formal designation of the third Sunday in June of each year when America will pause long enough to pay homage and respect to the fathers of America.

I desire to make as a part of my remarks the brief resolution recently adopted by the International Father's Day Association of Spokane, Wash., and the American Legion Auxiliary, Unit No. 9, of Spokane, Wash. This resolution has been forwarded to me by Mrs. T. H. Petersen and Mrs. Emilie Pearson, both of Spokane, Wash., who are the legislative chairmen of their respective organizations, and it is as follows:

Joint resolution designating the third Sunday of June as Father's Day, and for other purposes

Whereas by joint resolution the Congress of the United States has designated and set aside a certain Sunday of each year to be known as Mother's Day; and

Whereas Father's Day was founded in Spokane, Wash., in the year 1910 by formal petition presented by Mrs. John Bruce Dodd and endorsed and sponsored by many State, county, and city officials, besides numerous civic and patriotic organizations; and

Whereas this day, founded and promoted in the city of Spokane by Mrs. Dodd and her associates, has become national through popular acclaim; and

Whereas there is a spirit of restlessness among the young people of the land, and the example and the memory of the American father, both in civic life and in the home, are the highest value in the training of American youth; and

Whereas the formation of sturdy American character, the emulation of and the respect for the ideals of our fathers are imperative to direct interests of our Government; and

Whereas the third Sunday of June, now known as Father's Day, a day designated by its founder to point out the father's place in the home, the training of children, the safeguarding of the family fireside, the protection of womanhood and childhood, whether its meaning is regarded in the light of religion or of patriotism, its value is so apparent as to need no argument in behalf of such a day; and

Whereas be it

Resolved by the commissioners of the city of Spokane, in the State of Washington, assembled, That the mayor of Spokane is hereby authorized and directed to issue a proclamation calling upon the city officials to display the flag of the United States on all civic buildings, and that the people of the city be urged to display the flag at their homes or other suitable places; also that the rose, the flower designated in the original Father's Day petition, be worn in honor of fatherhood; and that such acts of affection and reverence as may be impelled by the devotion of the individual be participated in as an expression of gratitude and loyalty to father and as an emphasis upon the sacred significance of Father's Day.

I consider it an honor and a distinction to represent the congressional district where this splendid idea had its origin, and it is a pleasure in this manner to call the Nation's attention to that fact and to recognize Mrs. Dodd and her associates, not alone for bringing the idea into being but, in addition, for keeping it alive throughout the years and making it a factor in our national life.

The inspiration that gave rise to this day in the mind and heart of Mrs. Dodd is best expressed in the words of one of her friends, which are:

Thirty-seven years ago, in the Big Bend hills of the State of Washington, the day had its nativity in a lonely farm dwelling. There sorrow ministered amid the moaning of the March winds.

A father sat with bowed heat in his aloneness. About him clung his weeping children. The winds outside threw great scarves of powdered snow against the windowpanes, when suddenly the last-born tore himself from the group and rushed out into the storm, calling for his mother. Yet even his baby voice could not penetrate the great silence that held his mother.

Hurriedly the father gathered him back to his protection, and for more than two decades William Jackson Smart, alone, kept paternal vigilance over his motherless children.

This poignant experience in the life of Mrs. John Bruce Dodd, of Spokane, Wash., who was then Sonora Louise Smart, was the inspiration for Father's Day, which materialized through the devotion of this father and the father of her own son, John Bruce, Jr., born in 1909. Through the observance of the love and the sacrifice of fathers about her everywhere, her idea of Father's Day crystallized in 1910 through a formal Father's Day petition asking recognition of fatherhood.

DISTRICT OF COLUMBIA TAX BILL

The SPEAKER. The unfinished business is the further consideration of H. R. 7472, to provide additional revenue for the District of Columbia, and for other purposes. The previous question has been ordered on the bill and amendments to final passage. Is a separate vote demanded on any amendment?

Mr. NICHOLS. Mr. Speaker, I demand a separate vote upon the amendment of the gentleman from Texas [Mr. DIES], on page 29 of the bill, line 9. Also I demand a separate vote upon the amendment of the gentleman from Texas [Mr. DIES], on page 44, line 13, of the bill.

Mr. DIES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DIES. The first amendment is in reference to the increase in the gift and inheritance tax in the District, and the second amendment is in reference to the chain-store tax. Is not that correct?

The SPEAKER. The Chair is not acquainted with the text of the amendments. They would have to be reported by the Clerk. Is a separate vote demanded upon any other amendment?

Mr. DIRKSEN. Mr. Speaker, I demand a separate vote upon the amendment striking out section 9, which carried the income tax and substituted therefor a tax on real estate.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros. The question is on agreeing to the other amendments.

The other amendments were agreed to.

The SPEAKER. The Clerk will report the first Dies amendment, on page 29 of the bill.

The Clerk proceeded to report the amendment.

Mr. NICHOLS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. NICHOLS. Would it be in order to propound a unanimous-consent request ath the further reading of the amendment be dispensed with?

The SPEAKER. It would, and that it be printed in the RECORD.

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent that the further reading of the amendment be dispensed with. It is a very lengthy amendment, and will take considerable time of the House to read it.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. SNELL. Mr. Speaker, I reserve the right to object. I shall not object to the discontinuance of the further reading, but I think the gentleman should state in about 10 words just what it is and then the House will know definitely what it is voting on.

Mr. NICHOLS. Mr. Speaker, this amendment is an amendment to the gift and inheritance feature of the bill. The committee reported a flat tax, which it deemed would raise sufficient money to carry on the business of the government of the District of Columbia. This amendment simply provides that the tax be put on a graduated basis, starting low in the lower brackets and going on up.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. DIES. Mr. Speaker, I reserve the right to object. Is it not a fact that all this amendment does is to begin with 1 percent, as provided by the committee, and graduate one-half percent up for each $10,000 until you get to the $100,000 bracket? Then a flat 10 percent is put on from $100,000 to $200,000. After $200,000, 15 percent.

Mr. NICHOLS. Mr. Speaker, in reply to the gentleman from Texas, I will say, since the gentleman has asked the question, that that is right, but the committee is afraid——

Mr. DIES. Now, Mr. Speaker, I object.

Mr. NICHOLS. I am answering the gentleman's question.

Mr. DIES. I am not asking the gentleman's opinion. I am asking him if that is not what the amendment provides?

Mr. NICHOLS. I am not sure that that is what the amendment provides.

The SPEAKER. Is there objection to the request of the gentleman that the further reading of the amendment be dispensed with and that it may be printed in the RECORD? The Chair will state that the full amendment was printed in the RECORD on page 5930.

Is there objection?

There was no objection.

The amendment is as follows:

Amendment offered by Mr. DIES: Page 29, line 9, strike out all after the word "decedent", down to and including line 21, and insert the following: "shall be subject to a tax on the clear value of such property so transferred to each such beneficiary as is in excess of $5,000, at the following rates:

"(1) Two percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $5,000, but not in excess of $15,000.

"(2) Two and one-half percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $15,000, but not in excess of $25,000.

"(3) Three percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $25,000, but not in excess of $35,000.

"(4) Three and one-half percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $35,000, but not in excess of $45,000.

"(5) Four percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $45,000, but not in excess of $55,000.

"(6) Four and one-half percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $55,000, but not in excess of $65,000.

"(7) Five percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $65,000, but not in excess of $75,000.

"(8) Five and one-half percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $75,000, but not in excess of $85,000.

"(9) Six percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $85,000, but not in excess of $100,000.

"(10) Ten percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $100,000, but not in excess of $200,000.

"(11) Fifteen percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $200,000.

"(B) So much of said property as is in excess of $2,000 so transferred to each of the brothers, sisters, nephews, and nieces of the whole or half blood of the decedent shall be subject to a tax at the following rates:

"(1) Three percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $2,000, but not in excess of $12,000.

"(2) Three and one-half percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $12,000, but not in excess of $22,000.

"(3) Four percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $22,000, but not in excess of $32,000.

"(4) Four and one-half percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $32,000, but not in excess of $42,000.

"(5) Five percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $42,000, but not in excess of $52,000.

"(6) Five and one-half percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $52,000, but not in excess of $62,000.

"(7) Six percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $62,000, but not in excess of $72,000.

"(8) Six and one-half percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $72,000, but not in excess of $82,000.

"(9) Seven percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $82,000, but not in excess of $100,000.

"(10) Eleven percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $100,000, but not in excess of $200,000.

"(11) Sixteen percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $200,000.

"(C) So much of said property as is in excess of $1,000, so transferred to each of the grandnephews and grandnieces of the decedent and all persons other than those included in paragraphs (a) and (b) of this section, and all firms, institutions, associations, and corporations, shall be subject to a tax at the following rates:

"(1) Five percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $1,000 but not in excess of $11,000.

"(2) Five and one-half percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $11,000 but not in excess of $21,000.

"(3) Six percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $21,000 but not in excess of $31,000.

"(4) Six and one-half percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $31,000 but not in excess of $41,000.

"(5) Seven percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $41,000 but not in excess of $51,000.

"(6) Seven and one-half percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $51,000 but not in excess of $61,000.

"(7) Eight percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $61,000 but not in excess of $71,000.

"(8) Eight and one-half percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $71,000 but not in excess of $81,000.

"(9) Nine percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $81,000 but not in excess of $91,000.

"(10) Nine and one-half percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $91,000 but not in excess of $100,000.

"(11) Twelve percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $100,000 but not in excess of $200,000.

"(12) Seventeen percent of so much of the clear value of such property so transferred to each such beneficiary as is in excess of $200,000."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. DIES].

The question was taken; and on a division (demanded by Mr. NICHOLS) there were ayes 153 and noes 45.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment upon which a separate vote was demanded.

The Clerk read as follows:

Amendment offered by Mr. DIES: Page 44, line 13, after the word "Commissioners", insert *"Provided, however,* That upon stores or mercantile establishments operated in the District of Columbia and belonging to a chain or group having more than one store, an annual license fee shall be paid for each store operated in the District of Columbia, as follows:

"(1) $10 for each retail store or business in excess of one but not in excess of five.

"(2) $15 for each retail store or business in excess of 5 but not in excess of 10.

"(3) $20 for each retail store or business in excess of 10 but not in excess of 15.

"(4) $50 for each retail store or business in excess of 15 but not in excess of 25.

"(5) $75 for each retail store or business in excess of 25 but not in excess of 30.

"(6) $100 for each retail store or business in excess of 30 but not in excess of 50.

"(7) $550 for each retail store or business in excess of 50.

"It is further provided that this annual license fee shall be based on the number of stores or mercantile establishments included under the same general management, supervision, ownership, or control, whether operated in the District of Columbia or not."

During the reading of the amendment the following occurred:

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent that the further reading of the amendment be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. ROBSION of Kentucky. Mr. Speaker, I object.

The Clerk concluded the reading of the amendment.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. NICHOLS) there were ayes 131 and noes 53.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment on which a separate vote was demanded.

The Clerk read as follows:

Amendment offered by Mr. KENNEDY of Maryland: Strike out all of title IX and insert a new title IX, as follows:

"TITLE IX—TAX ON TANGIBLE PROPERTY

"For the fiscal year ending June 30, 1938, the rate of taxation imposed for the District of Columbia on real and tangible personal property shall not be less than 1.7 percent on the assessed value of said property."

The SPEAKER. The question is on agreeing to the amendment.

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. DIRKSEN. Reserving the right to object, is the gentleman going to explain the amendment?

Mr. NICHOLS. I just want to explain what the amendment is. That is all.

There was no objection.

Mr. NICHOLS. Mr. Speaker, title IX of this bill as reported out of committee was a provision for the imposition of an income tax in the District of Columbia. By a committee amendment title IX was stricken from the bill and then an amendment to title IX was offered in the form of a new title IX, which provided for the fixing of an increase in the real-estate tax of 20 cents a hundred, which would now make the real-estate tax under the amendment at $1.70 per hundred instead of $1.50 per hundred. That is the committee amendment on which we are voting.

[Here the gavel fell.]

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. DIRKSEN. Mr. Speaker, I simply want to inform the House of the fact that if you vote for the amendment it means that you oppose an income tax and favor an increase in the realty tax. If you vote in opposition to the amendment it means that you favor retaining in the bill an income tax, and you are against an increase in the realty tax.

[Here the gavel fell.]

The SPEAKER. The question is on the committee amendment.

The question was taken; and on a division (demanded by Mr. DIRKSEN) there were ayes 187 and noes 47.

So the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mrs. NORTON. Mr. Speaker, I ask unanimous consent that I may proceed for 5 minutes.

The SPEAKER. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

Mrs. NORTON. Mr. Speaker, I have asked for these 5 minutes to thank the subcommittee who held long and serious hearings on the bill that has just been passed, to thank them for the hours they spent on this bill, and to say to them and to you that I regret very much that I was not here to do my part as chairman of the committee to assist in the passage of this bill. I believe that there are many parts of the bill much misunderstood, and I am confident that if the House knew the weeks that were spent in considering the bill, they would have had at least a little more sympathy for the subcommittee and for the members of the District Committee who gave their time to report a bill that I fear is very much misunderstood and very little appreciated in the House.

I have been serving for 6 years as chairman of the Committee on the District of Columbia. During these 6 years I have had a great deal of cooperation from the people in the District. I think that, by and large, the press of Washington has treated the District Committee very fairly, but for some unknown reason that is difficult to explain it seems that whenever the District Committee comes to the floor with a bill there are certain Members who never take any interest in the District until bills come before the House and then they find fault without realizing just what it means to the District Committee and to the people of the District.

Now, my dear colleagues, I do not mean this as a criticism of those who have stood with us in our legislation, and there are very many of you who have. I deeply appreciate the support that I have had from a large group in this House, but there are just a few destructive forces that seem to scent something to find fault with every time the District Committee appears with its bills on the floor. You know, and I know, that the work we do in the District does not help us at home; in fact, I doubt if the people at home ever know anything about what we do in the District of Columbia. Service on this committee is purely patriotic. Unfortunately we are obliged to act for American citizens who are denied the right to act for themselves. The District people must depend upon us, and I sincerely hope that some day you will join with me in giving the District a little more power to govern itself. I know that there has been a great deal of objection to granting the vote to the residents of the District of Columbia, but I do think that the time has come to enact legislation that would give those responsible for the District, the Commissioners, the power at least to pass ordinances usually passed by a city council in any city of these United States. Were such a bill to pass we would not take up the time of the House bringing in bills that are of no importance whatsoever to anybody but to the people of the District. I hope that the day will come, and that I shall be here when it does come, when we shall give the people of the District some of the advantages they should have and to which they are entitled by reason of the taxes they pay to support their city government.

I want again to express my sincere appreciation to the committee for the work it has done this week on this bill. It was not pleasant work I understand, and I am sorry that circumstances prevented my being here to assist in the consideration of the bill. I was called home by the death of someone very dear to me, a beloved aunt, who had been a mother to me during my youth. It was impossible for me to be here, but I do want you to know how deeply I appreciate all that you have done for the District and assure the Members who have stood with the committee and helped to pass this bill that I deeply appreciate your efforts and your fine loyalty to me.

Thank you very much. [Applause.]

INDEPENDENT OFFICES APPROPRIATION BILL, 1938

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent for the present consideration of House Concurrent Resolution No. 18.

The Clerk read as follows:

House Concurrent Resolution 18

Concurrent resolution to authorize and direct the Clerk of the House, in the enrollment of the Independent Offices Appropriation Act, 1938 (H. R. 4064), to make a change in the text of the appropriation for pensions under the Veterans' Administration

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H. R. 4064, entitled "An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1938, and for other purposes", the Clerk of the House of Representatives is authorized and directed to insert in the fourth paragraph, under the caption "Veterans' Administration", after the word "Administration", the following additional matter: "accruing during the fiscal year 1938 or in prior fiscal years."

Mr. WOODRUM. Mr. Speaker, this merely corrects some language in the appropriation for the Veterans' Administration to cover a point raised by the Comptroller General which permits them to make payments in the same manner in which they have already been doing it. It comes unanimously from the Appropriations Committee.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DEDICATION OF WORLD WAR MEMORIALS IN EUROPE

Mr. WOODRUM. Mr. Speaker, I call up House Joint Resolution No. 415, making an appropriation to defray expenses incident to the dedication of chapels and other World War memorials erected in Europe, and for other purposes.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. RICH. Mr. Speaker, reserving the right to object, does this resolution contain an amendment giving permission amongst the "other purposes" for the purchase of nine airplanes for W. P. A. to fly all over the country?

Mr. WOODRUM. Not exactly as the gentleman states.

Mr. RICH. W. P. A. has been flying high. If we adopt this resolution containing, as I understand it does, an amendment for the purchase of these airplanes, then the W. P. A. officials would fly still higher.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk read as follows:

Resolved, etc., That for the purpose of providing for the dedication of the chapels and other World War memorials erected in Europe under the authority of the act of March 4, 1923 (42 Stat. 1509), there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $175,000, to remain available until June 30, 1938, and to be available for expenditure by the American Battle Monuments Commission for such objects and in such manner as the Commission may deem necessary and proper to accomplish the purposes hereof without regard to the provisions of other laws or regulations relating to the expenditure of public funds except that this exemption shall not be construed as waiving the requirement for the submission of accounts and vouchers to the General Accounting Office for audit. The Commission may utilize the services, materials, supplies, equipment, and other facilities of any other agency of the Government when, in the discretion of such other agency, it is convenient and practicable to furnish the same, the cost thereof to be paid from this appropriation, except that when, in the discretion of the furnishing agency, the public interest will be subserved thereby such services, materials, supplies, equipment, and other facilities may be furnished free of charge to the Commission. The Commission may, within such limits and under such terms and conditions as it may prescribe, delegate to its chairman, secretary, or other designated representatives such of its authority as it may deem necessary and proper in carrying out the purposes hereof. The official delegation designated by the Commission to attend such dedication shall include three Members of the United States Senate, to be appointed by the Vice President or the President pro tempore of the Senate, and three Members of the House of Representatives to be appointed by the Speaker.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed, upon the request of the Secretary of Commerce, to transfer, during the fiscal year 1937, from the appropriation "Salaries and general expenses for the Bureau of Marine Inspection and Navigation, fiscal year 1937", to the appropriation "Departmental salaries, Bureau of Marine Inspection and Navigation, fiscal year 1937", not to exceed $8,000.

SEC. 3. There is hereby transferred from the appropriation "Fees of jurors and witnesses, United States courts, 1937" to the appropriation "Pay of special assistant attorneys, United States courts, 1937", the amount of $40,000.

SEC. 4. The appropriation in the Legislative Branch Appropriation Act, 1938 (Public Act No. 94, 75th Cong.), for an assistant clerk at $2,800 for the Committee to Audit and Control the Contingent Expenses of the Senate, is hereby amended to make the salary of such assistant clerk read "$2,880."

With the following committee amendment:

Page 3, after line 18, add the following as a new section:

"SEC. 5. The Comptroller General of the United States is directed to approve payment for nine airplanes obtained from the Stinson Aircraft Corporation, Wayne, Mich., under contract Cc-2510, dated October 1, 1936, out of an allotment of $83,000 made by the President of the United States on March 23, 1937, for this purpose from the Emergency Relief Appropriation Act of 1935."

The committee amendment was agreed to.

Mr. SNELL. Mr. Speaker, will not the gentleman from Virginia explain the resolution briefly?

Mr. WOODRUM. I shall be very glad to, and for that purpose I ask recognition, Mr. Speaker.

The SPEAKER. The gentleman from Virginia is recognized.

Mr. WOODRUM. Mr. Speaker, the joint resolution simply takes care of a few emergency matters coming from the Appropriations Committee. I may say that the committee will have the third deficiency bill ready very soon and has already held hearings on a number of items, but is holding the bill up in the hope that we will get the green light pretty soon in order to get the last appropriation bill out of the way.

These are emergency matters, however, that are of purely a deficiency nature and must be taken care of before the 1st of July.

The first section of the bill authorizes an appropriation for the dedication of the monuments and markers in the cemeteries of Europe which have been erected by the Battle Monuments Commission. As you may recall, we have spent about four and a half million dollars for the erection of some very beautiful, worthy, and representative monuments, markers, and chapels in the cemeteries of Europe where 30,000 American boys sleep as a result of the World War. These monuments have been completed and are now ready for dedication, and this $175,000 is for that purpose.

Audenarde, Belgium: Commemorates services of Thirty-seventh and Ninety-first Divisions and the Fifty-third Field Artillery Brigade while serving in Belgium.

Near Bellicourt, France: Commemorates services of Twenty-seventh, Thirtieth, Thirty-third, and Eightieth Divisions and the Sixth and Eleventh Engineers in northern France.

Brest, France: Commemorates services of American Navy in Europe and surrounding waters.

Cantigny, France: Commemorates services of First Division in the first independent attack by an American division during the World War.

Near Château-Thierry, France: Commemorates services of First, Second, Third, Fourth, Twenty-sixth, Twenty-eighth, Thirty-second, Forty-second, Seventy-seventh, and Ninety-third Divisions in the Aisne-Marne region of France.

Gibraltar: Commemorates services of American Navy in the waters near Gibraltar.

Montfaucon, France: Commemorates services of First, Second, Third, Fourth, Fifth, Sixth, Twenty-sixth, Twenty-eighth, Twenty-ninth, Thirty-second, Thirty-third, Thirty-fifth, Thirty-sixth, Thirty-seventh, Forty-second, Seventy-seventh, Seventy-eighth, Seventy-ninth, Eightieth, Eighty-first, Eighty-second, Eighty-ninth, Ninetieth, Ninety-first, and Ninety-second Divisions in the Meuse-Argonne region of France.

On Montsec, France: Commemorates services of First, Second, Third, Fourth, Fifth, Sixth, Seventh, Twenty-sixth, Twenty-eighth, Twenty-ninth, Thirty-second, Thirty-third, Thirty-fifth, Thirty-seventh, Forty-second, Seventy-seventh, Seventy-eighth, Seventy-ninth, Eightieth, Eighty-first, Eighty-second, Eighty-eighth, Eighty-ninth, Ninetieth, Ninety-first and Ninety-second Divisions in the St. Mihiel region of France.

Near Sommepy, France: Commemorates services of Second, Thirty-sixth, Forty-second, and Ninety-third Divisions in operations with the French in the Champagne region of France.

Tours, France: Commemorates services of supply of the American Expeditionary Forces.

Near Vierstraat, Belgium: Commemorates services of Twenty-seventh and Thirtieth Divisions in the vicinity of Vierstraat.

In addition to these memorials, the Commission has placed a small bronze tablet at Chaumont, France, to mark the headquarters of the American Expeditionary Forces, and another at Souilly, France, to mark the headquarters of the American First Army during the World War.

CEMETERIES—NUMBER OF BURIALS

Aisne-Marne American Cemetery, near Belleau, France: This cemetery is the burial place of 2,288 Americans, most of whom lost their lives in the vicinity of Belleau Wood and Chateau-Thierry in the Aisne-Marne salient during the operations of June and early July 1918.

Somme American Cemetery, near Bony, France: This cemetery is the burial place of 1,833 Americans, most of whom were members of the First, Twenty-seventh, Thirtieth, Thirty-third, and Eightieth Divisions. Many of those who sleep here gave their lives in the offensive which broke the Hindenburg Line in September 1918.

Brookwood American Cemetery, Brookwood, England: This cemetery is the burial place of 463 Americans, most of whom died in Great Britain or who lost their lives in its surrounding waters during the World War.

Oise-Aisne American Cemetery, near Fere-en-Tardenois, France: This cemetery is the burial place of 6,012 Americans, most of whom lost their lives in the region during the operations of July and August 1918.

Meuse-Argonne American Cemetery, near Romagne-sous-Montfaucon, France: This cemetery is the burial place of 14,238 Americans, most of whom lost their lives in the Meuse-Argonne operation.

Suresnes American Cemetery, Suresnes (near Paris), France: This cemetery contains the graves of 1,541 Americans. While most of those who sleep here died in hospitals in the rear zones of France, many of them had been wounded in battle and died after being evacuated to these hospitals.

St. Mihiel American Cemetery, near Thiaucourt, France: This cemetery is the burial place of 4,152 Americans, most of whom lost their lives in the operations which began September 12 and ended September 16, 1918.

Flanders Field American Cemetery, near Waereghem, Belgium: This cemetery is the burial place of 368 Americans, most of whom gave their lives in helping free Belgium from the Germans.

DATES OF DEDICATION

The chapels in the American cemeteries in France were dedicated on May 30, 1937, and the dates fixed for the dedication of the other chapels and memorials are as follows: August 1, Sunday, Montfaucon; August 2, Monday, Montsec; August 3, Tuesday, Sommepy; August 5, Thursday, Tours; August 8 (a. m.), Sunday, chapel, Flanders Field Cemetery; August 8 (p. m.), Sunday, Audenarde; August 8 (p. m.), Sunday, Vierstraat; August 9 (a. m.), Monday, Bellicourt; August 9 (p. m.), Monday, Cantigny; August 12, Thursday, Brest; August 15, Sunday, chapel, Brookwood Cemetery; October, date to be fixed, Château-Thierry.

Mr. FISH. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from New York.

Mr. FISH. Can the gentleman go into more particulars as to the expenditure of the $175,000? Does that include the erection of additional monuments?

Mr. WOODRUM. No. That is purely to cover the cost of the dedication ceremonies.

Mr. FISH. Is that not a rather large sum of money just for dedication ceremonies?

Mr. WOODRUM. I may say to the gentleman that it is a large undertaking. There are 12 or 15 monuments and chapels at different points in France and Belgium and it is proposed to send the Battle Monuments Commission, of which General Pershing is chairman, a small delegation from Congress of three Members from each body, and some distinguished gentlemen who held official positions at the time of the World War.

Mr. FISH. If we sent 20 delegates at the cost of $1,000 apiece that would account for $20,000. I am trying to find out how all the rest of the money is to be spent.

Mr. WOODRUM. The committee has gone into the matter very carefully with the Battle Monuments Commission. Of course, in the very nature of things it is almost impossible to tell with any degree of accuracy just exactly what this is going to cost, but it is necessary to go to each of these cemeteries and monuments and do quite a good deal of construction work in the way of building grandstands and accommodations. There is also the matter of transportation over there from one place to another, which is quite an item. It will be necessary to have some additional clerk hire for this celebration. They are expecting large representations from the veterans' organizations of America to go abroad. The $175,000 included in this resolution is a liberal allowance, I may say to the gentleman, but I do not think it is too much. I may also say to the gentleman that my subcommittee has handled this appropriation of the Battle Monuments Commission all the way through the construction period. That Commission has done a grand job and it has not squandered any money. I am willing to let them have enough money to do this in a creditable way.

Mr. FISH. Is there an item in there of approximately $40,000 for pictures, publicity, radio, and matters of that kind?

Mr. WOODRUM. There is an item of $37,000 for sound pictures. The question came up as to whether or not the news weeklies would not be glad to take pictures of that, and the answer was "Yes"; of course they would take them. But what they do is to take a shot here and a shot there. The Battle Monuments Commission felt, and the committee agreed with them, that this matter was of sufficient importance and dignity that a fairly comprehensive sound picture should be made of the ceremonies to be had at each of those places. It was felt more pictures should be taken than would be had by the news-reel pictures.

Mr. FISH. Does the gentleman think we really need $37,000 to take sound pictures in these cemeteries? We are dedicating the cemeteries that exist over there and will exist for years to come. These are not war pictures. They are merely snapshots of cemeteries. It seems to me this is a very large appropriation, $37,000, to take moving pictures of cemeteries.

Mr. WOODRUM. May I say to the gentleman there is no way of telling just exactly what it will cost. I do not believe it will cost that much. I do not think the Battle Monuments Commission will let it cost a penny more than it should cost.

Mr. FISH. Is anything included for an international radio hook-up?

Mr. WOODRUM. Nothing. The radio will be free.

Mr. FISH. The radio will be free?

Mr. WOODRUM. That is my understanding.

Mr. FISH. No money may be taken out of this appropriation for radio purposes? I ask this question as it has been intimated to me that these funds might be used to pay for an international radio hook-up for the President at the expense of the taxpayers and the United States Treasury.

Mr. WOODRUM. No.

Mr. FISH. I am glad to have this assurance. Naturally, as a veteran, I want to do what is right and I do not want to oppose any appropriation that the committee has gone into carefully and thinks advisable.

Mr. WOODRUM. I may say to the gentleman I was beginning to wonder and I was somewhat confused as to the gentleman's attitude. The gentleman has always been such a stanch advocate of veterans' legislation. His apparent attitude as to the propriety of the expenditure of necessary funds to make these ceremonies dignified was confusing to me. I am glad to have the gentleman's assurance that this ought to be done in a proper way.

Mr. FISH. It ought to be done in a proper and dignified way, but I look with some suspicion on that item of $37,000 for moving pictures of those cemeteries.

Mr. WOODRUM. I do not think it will cost that much.

Mr. FISH. As long as it does not include international broadcasting at ten or fifteen thousand dollars I will take the gentleman's word and support the resolution.

Mr. RICH. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Pennsylvania.

Mr. RICH. In connection with the $37,000 that will be spent for sound pictures, will the Federal Government have any part or rights in the pictures? Will these pictures be sold in order to help defray this expense of $37,000? Or will some company get the benefits?

Mr. WOODRUM. I may say to the gentleman what I tried to say to the gentleman from New York, it is impossible to tell with any degree of nicety what it will cost to take sound pictures of these ceremonies. This is a rough estimate which General Pershing has given to us. It is merely for the purpose of recording the event in pictures as an historic incident, which I think is justified.

Mr. RICH. Are they going to give these sound pictures to some particular corporation, to reap a harvest at the expense of the taxpayers?

Mr. WOODRUM. No.

Mr. RICH. Or is the Government going to cash in on them?

Mr. WOODRUM. They will be under the control of the Battle Monuments Commission directly, and they will take care of them in an appropriate and dignified manner. Perhaps they will be kept for the archives of the Government.

Mr. RICH. Does the gentleman think the taxpayers are going to be satisfied with the spending of this $175,000, if the Government does not do that?

Mr. WOODRUM. I imagine the taxpayers will be satisfied to have the event recorded in a dignified manner.

Mr. RICH. Does the gentleman think the taxpayers will be perfectly satisfied when the Ways and Means Committee goes to the taxpayers and tells them, "Now, we are going to raise $175,000, and you ought to be satisfied to have these sound pictures taken to be stored here in the Archives Building"? We should as a Congress show to our people that for each dollar we spend we have a dollar of value to the American people returned; it may not be tangible evidence, but it must be in some service rendered that is for the betterment of our people and our country.

Mr. WOODRUM. Does the gentleman think we ought to dedicate these monuments, or just let them stand over there?

Mr. RICH. I think we ought to dedicate the monuments, but I would like to know where you are going to get the money. Look at the jump in our national debt the past few days. On June 15 it is $36,633,907,802.90, an all-time high.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. SNELL. Am I correct in understanding General Pershing is at the head of this Commission and that he is the man who is responsible for these arrangements and for spending this money?

Mr. WOODRUM. Yes. It may be a further assurance to my friend if I remind him also that our former colleague, Judge Finis J. Garrett, is on the Commission and very actively and personally interested in it.

Mr. SNELL. I will trust the money to those two gentlemen.

Mr. COLE of Maryland. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. COLE of Maryland. Will the gentleman state for what term the members of the Commission are appointed, what length of time?

Mr. WOODRUM. So far as I know, at the will of the President until the matter is concluded. I do not think there is any definite time fixed for the term of a member.

Mr. COLE of Maryland. Will the gentleman place in the RECORD a list of the monuments?

Mr. WOODRUM. Yes. I am going to ask permission to revise and extend my remarks and will put in that information.

Mr. LUCE. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. LUCE. I could not gather from the reading of the amendment whether Members of the Senate and the House are to become members of the Battle Monuments Commission.

Mr. WOODRUM. Not of the Commission. The resolution provides that three Members of the House and three Members of the Senate shall be appointed as members of the dedication delegation, to accompany the Battle Monuments Commission, and I will say for the RECORD that the gentleman from Virginia who is presenting the matter has no idea whom the Speaker will appoint beyond the fact that he will not be one of them.

Mr. LUCE. They would have no share in the spending of the money?

Mr. WOODRUM. No.

The SPEAKER. The question is on agreeing to the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INDEPENDENT OFFICES APPROPRIATION BILL, 1938

Mr. WOODRUM. Mr. Speaker, I call up the conference report on the independent offices appropriation bill.

The Clerk read the conference report, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 5, 7, and 8 to the bill (H. R. 4064) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1938, and for other purposes, having met, after full and free conference, have been unable to agree.

C. A. WOODRUM,
JED JOHNSON,
JAMES M. FITZPATRICK,
GEO. W. JOHNSON,
JOHN M. HOUSTON,
R. B. WIGGLESWORTH,
EVERETT M. DIRKSEN,
Managers on the part of the House.

CARTER GLASS,
JAMES F. BYRNES,
RICHARD B. RUSSELL, Jr.,
FREDERICK STEIWER,
ALVA B. ADAMS,
Managers on the part of the Senate.

Mr. WOODRUM. Mr. Speaker, I ask that the Clerk report the first amendment in disagreement.

The Clerk read as follows:

Amendment no. 5: Page 37, line 4, strike out "$9,500" and insert "$9,000."

Mr. WOODRUM. Mr. Speaker, I move to recede and concur in the Senate amendment.

Mr. Speaker, the independent offices appropriation bill was the first appropriation bill passed by the House. The subcommittee handling the bill met here in December in order to conclude the bill and have it ready for early consideration by the House. The bill was considered and passed. Everything has been washed up in it except the items affecting the Social Security Board, and this concerns three amendments. The first is the amendment which has now been reported to the House, reducing the salary of the Executive Secretary of the Board from $9,500 to $9,000. In addition to this there is amendment no. 7 which puts all salaries under the Classification Act, and amendment no. 8, which provides that all experts and attorneys of the Board whose salaries are $5,000 or more shall be appointed by the President by and with the advice and consent of the Senate. It is particularly amendment no. 8 which has had us in disagreement.

When we first brought the conference report back the House adopted an amendment and sent the bill back to the Senate providing for civil service for all these experts and attorneys. The Senate disagreed to that amendment, and as the matter now stands, the whole independent offices appropriation bill, including some 30 or 35 establishments therein represented together with the old-age benefits under the Social Security Board, is tied up with July 1 very near.

The question involved is this. The basic Social Security Act provided that the Social Security Board should have the right to appoint experts and attorneys without regard to the civil service. All the rest of the social-security organization is under strict civil service, and so far as I know that has been observed. There has been, though, a great deal of complaint, some of it with merit, as to the manner in which the so-called experts of the Social Security Board have been appointed.

Mr. O'MALLEY. And attorneys.

Mr. WOODRUM. Yes; and perhaps some of the attorneys. May I say parenthetically that the gentleman from Virginia who is presenting the matter does not have a single appointee at the Social Security Board, so is not interested in the matter at all, except from an academic standpoint.

The basic act provides the Board shall make such appointments, and the Board has made a great many of the appointments. It has been stated that some of the people appointed as experts have not even been citizens of the United States. It has also been stated others were appointed at salaries which were very much above those to which they would ordinarily be entitled.

The amendment which the Senate put in requires not only future appointments of attorneys and experts but all those already appointed to come up for appointment by the President and confirmation by the Senate. This raises a pretty broad fundamental question of policy between the two Houses. So far as I am concerned today, I have no particular wishes which I desire to persuade the House to follow. I do want to get this conference report adopted. This is absolutely necessary, and it must be done.

I would like in just a word, if I may, to give you what I consider to be the two sides of the question, and then to yield to some of you if you wish to express yourselves. Of course, there is very strong argument against the proposition that we ought to begin to adopt a policy of permitting senatorial confirmation of all positions carrying salaries of over $5,000.

If this were to be the beginning of such a policy then I would never agree to its adoption by the House, but I have been repeatedly assured by responsible Members of the other body that should this amendment be agreed to, they will not regard it as a precedent, stating that because of the magnitude of the operations of the Social Security Board, because of the great number of high-salaried experts who

have been appointed and because of the very widespread dissatisfaction over some of the appointments, some part of the Government should certainly have the right to review and pass upon the qualifications of those who have received these appointments. [Applause.] I am frank to say that this is an argument that has had considerable weight with me.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. Yes; I yield to the gentleman from Kentucky.

Mr. MAY. I happen to be one of the Members of the House who is not exactly satisfied with the administrative activities of the Social Security Board, particularly along the line of what the gentleman has just said with respect to observing civil-service requirements. In my district I inquired of 40 of the principal postmasters with respect to an examination that was supposed to have been held in September 1935, and not one of them had received any notice whatever of any examination for these positions, and may I inquire of the gentleman if he knows whether there was a civil-service examination held with respect to the qualifications of the people who are now in the Social Security Board?

Mr. WOODRUM. Does the gentleman refer to the experts?

Mr. MAY. Any of them.

Mr. WOODRUM. Yes; I may say to the gentleman there have been several examinations held for the purpose of making up eligible lists for the Social Security Board, for instance, lists of local and district managers.

Mr. FRED M. VINSON. I think that was held in September of last year.

Mr. COOPER. The gentleman from Kentucky certainly did not mean to say that an examination was necessary to be held in 1935, because that was before the act was passed.

Mr. MAY. I meant in September of 1936, when they were supposed to have held an examination.

Mr. WOODRUM. There have been several qualifying examinations held for that part of the personnel required to be under civil service, and this provision does not affect that.

Mr. MAY. I may say as a matter of further information that there has not been a single appointee in my district who has not been sent to some other district, and I have been told by one of the Senators that he has inquired of over 100 postmasters and could not find out anything about any examinations that may have been held.

Mr. MAPES. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Michigan.

Mr. MAPES. The gentleman has stated that this has no application to the employees who are appointed in accordance with civil-service regulations. Will the gentleman tell us how broad the field is for the exercise of complete discretion on the part of the Board outside of civil service?

Mr. WOODRUM. I should qualify my statement about the civil service, because I think, perhaps, this language would require even civil-service employees to be confirmed if the salary involved was more than $5,000; but the Board has absolute authority to appoint attorneys and experts outside of civil service. However, in fairness, I should say that the Board has stated to us that in each instance where they have appointed an expert they have submitted a description of his duties and his qualifications to the Civil Service Commission and received clearance from the Civil Service Commission in that way, although, of course, there is no open or competitive civil-service examination.

Mr. MAPES. The Board is required by the statute to appoint employees, except attorneys and experts, according to the civil service?

Mr. WOODRUM. Yes; and, so far as I know, they have scrupulously done that.

Mr. LUTHER A. JOHNSON. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. LUTHER A. JOHNSON. I may say to the gentleman that I agree with what he has stated, that as a matter of general policy we should not adopt the policy of requiring confirmation by the Senate of all those appointed to positions of $5,000 or more; but I am somewhat familiar with the conditions existing in the organization of the Social Security Board and I think we should agree to requiring confirmation by the Senate of those receiving $5,000 or more. There are many reasons I could give for this position, but I shall simply state at this time that I believe in the public interest this should be done.

Mr. LUDLOW. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Indiana.

Mr. LUDLOW. What would be the effect of the Senate passing on the qualifications of these appointees retroactively? Is not that a very unusual procedure?

Mr. WOODRUM. Of course, the whole thing, I will say to my friend, is very unusual, and that is the reason the House conferees have held out against the provision.

Mr. LUDLOW. Would it not be disruptive of the existing service?

Mr. WOODRUM. Undoubtedly; to some extent this will make some changes in personnel at the Social Security Board and, as a matter of fact, that is what the other end of the Capitol is interested in doing.

Mr. LUDLOW. If I may ask the gentleman one further question, how many of these appointments would be taken up retroactively?

Mr. WOODRUM. As I recall, there were over 200 experts appointed.

Mr. McFARLANE. Mr. Speaker, will the gentleman yield for a question?

Mr. WOODRUM. I yield to the gentleman from Texas.

Mr. McFARLANE. Since some Members of the House have been completely overlooked in this set-up, and inasmuch as the Senate will have the right to confirm these appointments, and because, for instance, we in Texas have a signed agreement with our Senators, does not the gentleman think if we could have the Senators confirm the appointments it might happen we would get a few jobs down there for our constituents?

Mr. WOODRUM. That is one way to look at it, but I say this to my friend from Texas [Mr. McFARLANE], that I think it will be a very unfortunate thing for the social-security set-up if it is ever plunged into partisan politics, and that is one of the added reasons why the House conferees have resisted this Senate amendment. But there is merit in the fact that here is a large, growing, expanding organization that is going to be bigger and better as the years go on, with such a large important part of its personnel over which no part of the executive or legislative branch of the Government has any control whatever.

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. O'MALLEY. The Social Security Board, in their appointments that are not subject to Civil Service, are in partisan politics now, and most of the appointments have been made from certain classes and certain people with certain political prejudices.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. RICH. Would it be in order now to ask questions with respect to the bill as a whole?

Mr. WOODRUM. This amendment is the only thing before the House.

Mr. RICH. I would like to ask the gentleman in reference to the independent offices appropriation bill what the total amount of the bill is now, in conference and coming from the Senate.

Mr. WOODRUM. I do not have those figures, because the House has passed on that, and the only thing remaining are these three amendments. Those figures are all in the RECORD.

Mr. RICH. The figures as I have them, as it passed the House, are $1,140,313,398. The gentleman knows that last year the amount of this bill was $1,079,047,416, and that we are increasing it $61,265,882 over what it was a year ago.

Mr. WOODRUM. That is because we have increased activities.

Mr. RICH. But we have increased it over what it was 2 years ago by $335,079,240. If the gentleman is talking about economy——

Mr. WOODRUM. I was not talking about economy.

Mr. RICH. The President started to talk about economy with some of us, and I thought the gentleman was interested in economy.

Mr. WOODRUM. I talked economy here the other day, and they threw me out on my ear, and I have quit talking about it for a while.

Mr. RICH. Does not the gentleman think it is about time that this House became economy conscious?

Mr. WOODRUM. I would be very glad to see that, but I am awfully weak in my hopes.

Mr. RICH. The President has asked it, and does not the gentleman think it is about time we had it? The President is going to take all you Democrats down to Jefferson Island next Friday, Saturday, and Sunday, and I would say that the President, if he wanted to do a good thing for this country, while he has got you fellows down there, trying to drive you into a continuing rubber stamp, would then stamp you to the effect that you must economize, otherwise you will wreck this Government. The only trouble the President is weak when it comes to economy and sound business in government. He lacks much.

Mr. WOODRUM. I am sure that the President will be glad to have that observation from the gentleman from Pennsylvania.

Mr. RICH. The President has not given me an invitation, but I want you to convey this message to him. You ask him, "Where are we going to get the money?" He has forgotten his statements on economy in government.

Mr. WOODRUM. If I do that, I know what the President's answer will be. He will say, "There is my friend RICH, from Pennsylvania, from rich Pennsylvania, and his business and industry is 100 to 150 percent better than it was sometime ago, and you just go back and put a little more taxes on him, because he can stand it." [Laughter.]

Mr. RICH. I voted for practically every tax measure that has come up here, but you have a lot of fellows over there who will not vote for a tax measure when it comes up, but will vote to spend any amount of money, and I will put my record up with that of any Member of Congress in that respect, and I think the gentleman will agree with me that I have been voting right, and I say now that we have to raise the money, let it fall wherever it may, and those who have it must pay, but the thing to do today is not to tax people beyond their ability to pay, but you must stop this reckless spending. That is what you want to instill into the Members of the Democratic Congress at the present time. You are wrecking business; you are wrecking our foundation of government.

Mr. WOODRUM. I am going to try to do that, but right on that point, the gentleman is a good sport, and I am just wondering if here, within the bosom of the family, he would not admit to us what I know to be a fact, and that is that the great industrial enterprise in which he is interested is from 100 to 175 percent better off than it was last year.

Mr. RICH. I will say this——

Mr. WOODRUM. Oh, come on, come on.

Mr. RICH. That business has been improving; but if you will let the C. I. O. go on, and do not take any notice of the way they are trying to wreck industry in this country, you will not have any business interest in this country very soon to give employment to labor. The responsibility for the recklessness going on now rests with the President and the Democratic Party, and it is up to them to try to give the business interests of this country an opportunity to continue to give employment to labor, so that the men who want to work may have that privilege. That is the greatest responsibility you have today. The President asked that the steel interests sign up with Mr. Lewis; who is he? He makes contracts as he did with General Motors, and yet they strike. No end to strikes; his contract is no good. The unions should be compelled to incorporate, so that you have a responsible head so that when an industry signs a contract that it will be worth the paper it is written on. The union should be just as responsible for a contract as a manufacturer. Remember there is always two sides to an agreement.

Mr. FRED M. VINSON. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. FRED M. VINSON. Our genial friend from Pennsylvania [Mr. RICH] uses a stereotyped expression, "rubber stamp", as applicable to Democratic Members of Congress. I wonder how many of us were here and had the opportunity of observing the attitude of the gentleman from Pennsylvania while the Interior Department appropriation bill was pending, when he made a very splendid speech in behalf of a certain appropriation included in that bill, in fact, stood in with the subcommittee with respect to that.

Then the distinguished minority leader came down and first smiled at the gentleman and then pulled his eyes down, the gentleman from Pennsylvania [Mr. RICH] did not vote the way he talked.

Mr. RICH. Mr. Speaker, will the gentleman yield? You will find that the gentleman is absolutely wrong; that when it comes to voting money for worthy projects that will give this country the things it needs the gentleman from Pennsylvania has always been there.

Mr. FRED M. VINSON. I decline to yield further, Mr. Speaker.

Mr. RICH. The gentleman from Kentucky does not have the time to yield. [Laughter.]

Mr. FRED M. VINSON. I listened to the eloquent tone of the gentleman from Pennsylvania and I was convinced that that particular item was one item that was justified.

Mr. RICH. What was it? The gentleman cannot name it.

Mr. FRED M. VINSON. But when the distinguished gentleman from New York [Mr. SNELL] cracked the whip the gentleman from Pennsylvania [Mr. RICH] "rubber-stamped." [Laughter and applause.]

Mr. RICH. That is the first time I ever knew it. The gentleman cannot give the name of the bill or the item.

Mr. FRED M. VINSON. Yes; I can. It was the O'Connor amendment for $200,000 in the Interior Department appropriation bill.

Mr. RICH. That was the best proposition in the whole bill. [Laughter.] But the House voted it down after the President cracked his whip.

Mr. FRED M. VINSON. But we tried to follow the gentleman. We followed him in Committee of the Whole, but the gentleman voted in Committee of the Whole against his speech.

Mr. RICH. You voted it down.

Mr. FRED M. VINSON. Getting back to earth, if I understand correctly, there are three specific amendments involved here, but growing out of the final adoption of the conference report and the passage of this bill there are included all items connected with the independent offices appropriation bill, including grants-in-aid for old-age pensions, and everything like that, which ought to be passed by July 1.

Mr. WOODRUM. Which must be passed by July 1.

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. O'MALLEY. The only amendment to be considered now is the amendment cutting the salary of the executive secretary from $9,500 to $9,000?

Mr. WOODRUM. I have been discussing all of them. Of course, this comes first. The amendment immediately under consideration is an item that the Senate put in the bill cutting the salary of the executive secretary from $9,500 to $9,000. The reason given by those gentlemen is that they want to bring all of the salaries in line with the Classification Act.

Mr. O'MALLEY. But the gentleman seeks to dispose of that amendment first?

Mr. WOODRUM. Yes. I am going to move the previous question on that unless some other gentleman has some question to ask.

Mr. Speaker, I move the previous question on the motion to recede and concur.

The SPEAKER pro tempore (Mr. WARREN). The question is on the motion of the gentleman from Virginia that the previous question be ordered.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Virginia to recede and concur in Senate amendment no. 5.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

CALL OF THE HOUSE

Mr. ROBSION of Kentucky. Mr. Speaker, I make a point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and twenty-two Members are present, not a quorum.

Mr. WOODRUM. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 93]

Allen, Pa.	Engel	Johnson, Minn.	Romjue
Andrews	Fitzpatrick	Johnson, Okla.	Sabath
Bates	Flannagan	Keller	Sadowski
Bernard	Fleger	Kirwan	Sauthoff
Biermann	Fletcher	Kvale	Schuetz
Brewster	Ford, Calif.	Lemke	Scott
Buckley, N. Y.	Fuller	Lewis, Md.	Scrugham
Burdick	Fulmer	Lord	Secrest
Caldwell	Gasque	Lucas	Shannon
Cannon, Wis.	Gearhart	McAndrews	Smith, Conn.
Casey, Mass.	Gifford	McCormack	Smith, W. Va.
Celler	Gilchrist	McGroarty	Starnes
Chapman	Gray, Pa.	Millard	Sullivan
Citron	Hamilton	Mitchell, Ill.	Taber
Cole, N. Y.	Hancock, N. Y.	Murdock, Utah	Taylor, Colo.
Collins	Hancock, N. C.	O'Connell, Mont.	Teigan
Cummings	Harlan	O'Day	Thomason, Tex.
Curley	Harter	O'Neal, Ky.	Thurston
Deen	Hartley	Peterson, Ga.	Tobey
Dixon	Healey	Pettengill	Weaver
Dockweiler	Hendricks	Peyser	Wigglesworth
Dondero	Higgins	Plumley	Withrow
Douglas	Hill, Wash.	Quinn	Wood
Drew, Pa.	Holmes	Reed, N. Y.	Zimmerman
Eaton	Jacobsen	Reilly	
Ellenbogen	Jenkins, Ohio	Rogers, Okla.	

The SPEAKER pro tempore. Three hundred and twenty-nine Members have answered to their names, a quorum.

On motion of Mr. WOODRUM, further proceedings under the call were dispensed with.

INDEPENDENT OFFICES APPROPRIATION BILL, 1938, CONFERENCE REPORT

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Page 38, line 21, amendment no. 7: *"Provided further,* That no salary shall be paid for personal services from the money herein appropriated under the heading 'Social Security Board' in excess of the rates allowed by the Classification Act of 1923, as amended, for similar services: *Provided further,* That this proviso shall not apply to the salaries of the Board members."

Mr. WOODRUM. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate no. 7.

The SPEAKER pro tempore. The gentleman from Virginia moves that the House recede from its disagreement to the amendment of the Senate no. 7.

Mr. WOODRUM. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Speaker, I merely want to announce to the Members of the House that the bill known as the good-behavior bill, which we expected to call up this afternoon, will not be reached until Tuesday.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. MARTIN of Massachusetts. Is the other bill to come in?

Mr. SUMNERS of Texas. No; neither of the bills.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. MICHENER. When does the gentleman expect that bill to come up?

Mr. SUMNERS of Texas. Next Tuesday.

Mr. MICHENER. And is that to be followed by the other bill?

Mr. SUMNERS of Texas. The other bill will follow on Thursday, I understand.

Mr. WOODRUM. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. O'MALLEY].

Mr. O'MALLEY. Mr. Speaker, I asked for recognition on this particular amendment because it deals with the Classification Act. It is unfortunate that the gentleman from Virginia moved to recede and concur in the Senate amendment which places all salaries of the Social Security Board under the Classification Act. Had he not moved to recede and concur, I had hoped that he would yield to me to offer an amendment which would place the Social Security Board employees in the District of Columbia under the Apportionment Act. The parliamentary situation is such that, of course, a motion to recede and concur takes precedence over a motion to recede and concur with an amendment. Unless the gentleman from Virginia would give me the opportunity to offer this amendment to the Senate amendment, it would not be possible for us to act upon this matter now. I know from previous action of the House that the House is in favor of applying the Apportionment Act to every group of Government employees. We should apply it to the employees of the Social Security Board in the District of Columbia. The amendment is similar to an amendment that was offered on other acts.

If the motion to recede and concur in the Senate amendment is defeated, then it becomes possible to offer this amendment to the Senate amendment.

I ask the gentleman from Virginia if he will not make it possible for me to offer this amendment to the Senate amendment in disagreement?

Mr. WOODRUM. I may say to the gentleman from Wisconsin that, of course, I would be delighted to accommodate the gentleman, except that the parliamentary situation is such that it would not be germane at this point in the bill, for the question of civil service and apportionment is not involved.

Mr. O'MALLEY. The amendment in disagreement is an amendment affecting the classification of the salaries of the employees of the Social Security Board. Why would not an amendment that placed the employees of this board in the District of Columbia under the Apportionment Act be germane?

Mr. WOODRUM. For the reason that these employees already are under civil service and apportionment.

Mr. O'MALLEY. That is the very proposition we are trying to reach in amendment no. 8; they are not under civil service and this amendment would bring those employees of this board in the District of Columbia under the Apportionment Act.

Mr. WOODRUM. Mostly from Wisconsin and New York, I suppose.

Mr. O'MALLEY. I can assure the gentleman that I know of few from Wisconsin, much to my regret. If the House wants to apply apportionment to the employees of the Social Security Board they can do so by voting down this motion to recede and concur. This will make it possible for me to offer this motion to recede and concur with an amendment.

Mr. MAPES. Mr. Speaker, will the gentleman yield?

Mr. O'MALLEY. I yield.

Mr. MAPES. The gentleman does not mean to imply, does he, that the same rule of apportionment does not apply to the Social Security Board as applies to other boards as far as employees who are under the civil service are concerned?

Mr. O'MALLEY. This applies to the employees in the District of Columbia and provides that apportionment shall be observed in hiring, furloughing, and in firing, just as it is observed in other departments.

Mr. MAPES. Does not the same rule apply now to the Social Security Board as applies to other boards as far as its employees under civil service are concerned?

Mr. O'MALLEY. Yes; but my amendment seeks to deal with those employees not under civil service.

[Here the gavel fell.]

Mr. O'MALLEY. Mr. Speaker, I ask unanimous consent that my amendment may be read for the information of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. WOODRUM. Mr. Speaker, I shall have to object to the reading of the amendment.

The SPEAKER pro tempore. Objection is heard.

Mr. WOODRUM. Mr. Speaker, the question of apportionment does not enter into this matter at all. The amendment on which we seek to recede and concur makes all salaries of the Social Security Board conform to the Classification Act.

The Social Security Board is now under the civil service and under apportionment insofar as all positions are concerned, with the exception of attorneys and experts.

Mr. O'MALLEY. My latest information is there are over a thousand attorneys and experts who are not under the Civil Service Act and 90 percent of them come from certain sections of the country.

Mr. WOODRUM. I do not think there are that many, but, of course, the attorneys and experts are not under the civil service and are not under the apportionment rule.

Mr. FADDIS. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Pennsylvania.

Mr. FADDIS. Even though they are under the civil service, the apportionment rule has never been carried out.

Mr. WOODRUM. That is not the fault of the Commission.

Mr. FADDIS. If we would write this into the law, they might be a little more particular along that line.

Mr. WOODRUM. But it could not be written into law through a conference report.

Mr. RAMSPECK. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Georgia.

Mr. RAMSPECK. The gentleman from Pennsylvania is in error. The trouble with the apportionment law is not that it has not been carried out, but it was thrown out of balance during the World War and has not applied to dismissals, reinstatements, and things of that sort.

Mr. FADDIS. It has been 18 years since the World War and it has had time to adjust itself somewhat and not get worse.

Mr. RAMSPECK. It has not become worse.

Mr. FADDIS. The statistics show it has.

Mr. RAMSPECK. As a matter of fact, there are fewer employees from the District of Columbia now than there were 2 years ago under the apportionment system. I am as much in favor of the apportionment system as the gentleman. I know he does not want to make an erroneous statement.

Mr. FADDIS. I do not want to make an erroneous statement; but as long as these bureaucrats are allowed to go their way unmolested and are not checked by Members of Congress, just so long will they make a private patronage affair out of everything connected with the civil service.

Mr. RAMSPECK. The Congress by its own act has exempted from the civil service a great many agencies during the past few years. If the gentleman will investigate, he will find that there are more District of Columbia, Maryland, and Virginia people employed in the agencies outside civil service than there are in the civil-service agencies in Washington. I may cite the instance of the Home Owners' Loan Corporation, which I checked up, and I found out of 2,200 people 900 came from those areas indicated.

Mr. FADDIS. We are trying to rectify that here. I introduced an amendment to the relief appropriation bill which would have rectified the situation in that case. I intend to introduce the same amendment to every bill to which it may be germane.

Mr. RAMSPECK. I understand; but the gentleman made a statement which I think is in error.

Mr. O'MALLEY. That was my purpose in trying to get the opportunity to offer my amendment, which dealt with agencies like the Social Security Board, that did not entirely, or perhaps not at all, come under the Classification Act.

Mr. RAMSPECK. The Social Security Board comes under the civil service, except for attorneys and experts, and Congress exempted those by specific language in the act.

Mr. DIRKSEN. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Illinois.

Mr. DIRKSEN. May I say that while the attorneys do not have a civil-service status, they must qualify for the work they are expected to do under the civil service.

Mr. WOODRUM. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Virginia [Mr. WOODRUM] to recede and concur in Senate amendment no. 7.

The question was taken; and on a division (demanded by Mr. FADDIS) there were—ayes 72, noes 24.

So the motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement with the amendment of the House thereto.

The Clerk read as follows:

Amendment no. 8: Page 35, line 1, after amendment no. 7, insert ": *Provided further*, That none of the funds herein appropriated under the heading 'Social Security Board' shall be used to pay the salary of any expert or attorney receiving compensation of $5,000 or more per annum unless and until such expert or attorney shall be appointed by the President, by and with the advice and consent of the Senate."

With the following House amendment:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "*Provided further*, That no part of the appropriation or of the reappropriation contained in this paragraph shall be used to pay the compensation of any employee of the Social Security Board not appointed pursuant to the civil-service laws and regulations."

Mr. WOODRUM. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate numbered 8, and I yield 5 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Speaker, I would like to ask the gentleman from Virginia [Mr. WOODRUM], chairman of the subcommittee, a question: What does the amendment to the Senate amendment provide?

Mr. WOODRUM. The amendment to the amendment provides for putting all employees of the Social Security Board under civil-service requirements.

Mr. COCHRAN. That is, those receiving under $5,000?

Mr. WOODRUM. All of them.

Mr. COCHRAN. Including those receiving $5,000 and over?

Mr. WOODRUM. Yes. That was the House amendment.

Mr. COCHRAN. But the amendment of the Senate still remains as far as experts and attorneys are concerned?

Mr. WOODRUM. That is right.

Mr. COCHRAN. Mr. Speaker, I know it is not very pleasing to some Members of the House to listen to one of their colleagues speak in favor of the merit system. Now, just what does this Senate amendment do? The Senate amendment provides that in the future no expert or attorney who receives $5,000 or more can be appointed by the Social Security Board unless the Senate confirms the appointment. That is a direct slap at the merit system. Who can deny it?

The amendment proposed by the House conferees to the Senate amendment, according to the gentleman from Virginia [Mr. WOODRUM], chairman of the House conferees, places—I use his language—

Puts all employees of the Social Security Board under civil-service requirements.

That would be fine; but the paragraph as it will read if the motion of the gentleman from Virginia prevails does just this: It places all employees of the Security Board under civil service except those receiving $5,000 a year or more, so far as the attorneys and experts are concerned. Therefore you see it does not place all employees in the classified service, as the gentleman from Virginia [Mr. WOODRUM] says, if I understand the language of the amendment. To me it appears that every attorney and every expert now working in the Social Security Board who receives $5,000 a year or more cannot be paid out of this appropriation until the President has sent their names to the Senate and the Senate has confirmed the nominations. It further means that everyone appointed in the future will be subject to confirmation by the Senate if he is an attorney or an expert and is to receive $5,000 or more. Then, again, as I understand the amendment, if an employee now has a civil-service rating and is an attorney or an expert and is now getting $4,000 or $4,500 a year and is promoted to a position paying $5,000 or more he cannot be paid that amount out of this appropriation until his name has been submitted to the Senate and he is confirmed. I further contend that if this attorney or expert who is now in the classified service who will benefit under the retirement law is stepped up to a position paying $5,000 or more and his name is submitted to the Senate and confirmed, when he accepts the new salary he then can no longer be considered to be in the classified service. If this be true, you are going to ruin the morale of the classified service insofar as the attorneys and experts are concerned. It is a step backward, and if the House rejects the amendment, sends it back to the Senate, and says we will not stand for this proposal, I predict the Senate will reverse itself.

What is going to become of the career service insofar as attorneys and experts are concerned? Who is going to define what an expert is? It seems to me every executive will be classed as an expert by the Senate. They will if the Senate has its way. A similar amendment has already been added to the relief bill, the bill appropriating money for the Works Progress Administration. Adopt this amendment and the one in the relief bill, and every appropriation bill in the future will most likely have a similar amendment.

I understand a certain Senator is very much displeased because he cannot have his way about some of the appointments in the Social Security Board and this amendment is the result. If there is one agency of the Government out of which politics should be kept it is the agency which is going to deal with the aged of this country. Put politics into the Social Security Board and it will ruin any administration. We heard a great deal about playing politics with misery. I warn the Congress not to make the Social Security Board a political organization. I do not think it will because public sentiment will not stand for it. This Senate amendment will enable some political appointments.

I think it is a mistake for the House to agree to the Senate amendment, and I hope the Members will vote it down. What is it going to mean to the Members of this House if the amendment carries? Just ask yourselves how many people you are going to appoint under the Social Security Board who will receive a salary of $5,000 or more. You know you will not dictate one appointment. The amendment says "with the advice and consent of the Senate." There is no mention of the House. The Social Security Board will be justified when you seek an appointment in saying "you voted to leave it to the Senate and that is what we must do under the law you enacted. Get the Senators to submit your friend's name and then we will be compelled to consider it." Is not that the situation that will confront you?

I have heard a great many of the Members of the House talk in the cloak room about what they are getting in the way of patronage not only from the Social Security Board but from a lot of other Government agencies. I have heard a lot of Members of the House criticize their Senators for the way they are being treated. When the time comes that my retention in Congress is going to depend entirely upon my securing a few jobs, the time will have arrived when I have outlived my usefulness and should be retired. The election of a Congressman or Senator is not predicated upon his ability solely from the standpoint of securing jobs. The great majority of our constituents expect more than that of us. I want all the patronage I can secure for my district and will fight for it. I believe in the apportionment of Government jobs—those under civil service and those that are not. The people of my district will have a better opportunity to secure positions with the Government if they are under civil service. The people of this country, the taxpayers, believe in civil service and they are in the great majority. They know what it would mean if the merit system was abolished. I feel that I speak the sentiments of my constituents when I say they are willing to compete with the other people of this country, if the positions be properly apportioned among the States of the Union. You know and I know that some States have received far more positions than they are entitled to. This not only applies to civil service but also to the emergency employees. It is the States close to Washington that have been favored and we should keep up the right to see that a fair apportionment of all positions is made among the various States. We are making progress in that direction now.

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. O'MALLEY. Does not this amendment indicate that the Senators will get the good jobs at good salaries if there are to be any, and the Members of the House will have the rest of them?

Mr. COCHRAN. The gentleman does not seem to fully understand. My eyes are wide open. I can see what is going to happen. It means much more than that, because these people to be approved by the Senate are going to have the key positions in the department. Those who control the key positions in a department are going to control appointment in the departments, and do not let anybody tell you any different. They will eventually be the bureau chiefs and when the time comes to select other employees they will make the recommendations. The gentleman certainly should be able to realize that. I sincerely hope the House will vote this amendment down, as it is an assault upon the merit system and means that the career man goes out of the picture so far as the attorneys and experts are concerned, and I ask again who is going to decide what an expert is?

If you adopt the amendment in this bill surely you will do it when the relief bill comes back here, and you will do it when they add amendments to other appropriation bills. Do not let anyone tell you that you are not setting a precedent.

[Here the gavel fell.]

Mr. SIROVICH. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. Yes. I yield 5 minutes to the gentleman from New York.

Mr. SIROVICH. The gentleman and I were on the Committee on Civil Service together 12 years ago, and have served on that committee for many years. He and I have battled for the merit system. We did not want to be glorified job hunters, but we wanted to feel that if we do justice to our constitutents they have to merit it through the medium of civil-service examinations.

May I call the attention of the gentleman to page 82 of the hearings of the Committee on the Civil Service regarding the very subject we are discussing. The gentleman from Pennsylvania [Mr. MOSER] asked the personnel director, Mr. Aronson, the following question:

Mr. MOSER. What is the total number of employees, then?
Mr. ARONSON. The total number of employees is 5,104.
Mr. MOSER. How many veterans were considered?
Mr. ARONSON. I do not know how many veterans were considered.

Further on there appears the following:

Mr. MOSER. How many stenographers have you employed from the Civil Service Commission eligible list that was established as a result of the examination held last August, and that were certified in February of this year?
Mr. ARONSON. I do not know offhand. I should say somewhere between 100 and 150.
Mr. MOSER. How many stenographers do you employ?
Mr. ARONSON. I am afraid that I could not estimate the exact number.

Later on the following appears:

Mr. MOSER. You do not know how many stenographers you have employed now?

Mr. ARONSON. Frankly, I do not. I should say offhand that we had about 300 in the Washington office. I do not know how many we have in our Baltimore office or in the field offices; probably several hundred also.

My distinguished colleague the gentleman from Virginia will agree with me that he and I battled for the merit system, to give a fair and square deal to the men and women of the country. How does any Congressman know who is being appointed, where he is being appointed, and how he is being appointed? We are voting like sheep today. None of us know. I think the time is coming when the gentleman should demand an investigation of all the appointments of the Social Security agency to do justice to the merit system.

Mr. WOODRUM. I have yielded to my friend from New York, but I am interested to know, and I am sure the membership of the House would be interested to know, what the gentleman feels about the action on this amendment.

Mr. SIROVICH. I am going to vote with the gentleman upon the theory that as a fair- and square-minded man who is appropriating hundreds of millions of dollars to protect the aged and the unemployed he is going to be with us in doing justice to the civil-service people. I have done more than any man in Congress on the subject of old-age pensions for 12 years, speaking for hours here, but I do not have a job in the Social Security Board and cannot have people appointed, even though they have the finest standing upon the register.

Mr. WOODRUM. I appreciate the contribution of my friend the gentleman from New York.

Mr. SIROVICH. I am going to support the contention of the gentleman upon the theory that when the time comes he will support a resolution which I or someone else will introduce in the Committee on the Civil Service, because we are all civil-service-minded.

The gentleman does not want to be a glorified job hunter, and neither do I, but I do demand in the name of justice to the civil service that the people who have civil-service standings should be considered, and those who do not have it should be relegated to the background.

Mr. WOODRUM. Mr. Speaker, I am interested in what the gentleman from New York has stated, because he is a distinguished member of the Committee on the Civil Service. Of course, the question here is, What is to be done with the Senate amendment, which provides that the Senate shall have the confirmation of all positions with salaries of over $5,000. The House will remember that early in the procedure the conferees brought back to the House the recommendation that we put the whole works under civil service. This was my thought at that time, that the whole Social Security organization, from top to bottom, lawyers, experts, and everything, should be put under civil service. The House adopted an amendment of this kind. It went to the Senate, but we have not been able to get it acted on. The natural handicap arises of trying to have legislation of that sort considered and acted upon in an appropriation bill.

Mr. MAPES. Mr. Speaker, will the gentleman yield for a question for information?

Mr. WOODRUM. Yes.

Mr. MAPES. In the copy of the bill which I have there is no reference to putting these experts and attorneys under the Civil Service. I do not understand the gentleman's motion. Where is the action of the House amending the Senate amendment to which he refers?

Mr. WOODRUM. The parliamentary situation is this: The Senate adopted the amendment which the gentleman will find is amendment no. 8.

The House agreed to that amendment with an amendment putting them all under civil service from top to bottom. The Senate disagreed to that, and that is where we stand now.

Mr. MAPES. That does not appear, however, in the printed copy of the bill.

Mr. WOODRUM. But that is the existing parliamentary situation.

Mr. DOWELL. And the gentleman now wants the Senate amendment adopted?

Mr. WOODRUM. As a last resort, yes. We have got to get this bill passed. I would like to see something done of a permanent nature on a legislative bill that would put the Social Security Board under the merit system, but we cannot do that now, because we are in the latter part of June and this bill must be passed.

Mr. DOWELL. Mr. Speaker, will the gentleman yield for a question?

Mr. WOODRUM. I yield to the gentleman from Iowa.

Mr. DOWELL. How many appointees are affected, approximately, by this amendment?

Mr. WOODRUM. It is my recollection there are between 250 and 300 experts and attorneys who would be affected by the provision.

Mr. DOWELL. That is the number of both experts and attorneys?

Mr. WOODRUM. Yes; where the salary is over $5,000.

Mr. DOWELL. And are these men to be in the District of Columbia?

Mr. WOODRUM. Anywhere in the Social Security Board; but, as a matter of fact, practically all of them are in the District of Columbia.

Mr. DOWELL. And will their work be in the District of Columbia?

Mr. WOODRUM. Yes.

Mr. WADSWORTH. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from New York.

Mr. WADSWORTH. Assuming the Senate amendment is adopted and a man rising in the ranks of this Board reaches the point where he is about to be promoted to receive a salary of $5,000, it will then be incumbent upon him to see to it that he can be confirmed by the Senate, will it not?

Mr. WOODRUM. That is the way it stands.

Mr. WADSWORTH. If he is confirmed by the Senate, will he lose his civil-service status?

Mr. WOODRUM. I do not so understand it.

Mr. COCHRAN. My information is to the contrary. We should have definite information. We should be informed whether or not a man ceases to become a civil-service employee under such circumstances. It seems to me this is very important. We should protect the civil-service employee.

Mr. WOODRUM. This does not apply to civil-service employees, I may say to the gentleman. This only applies to attorneys and experts who are not under civil service.

Mr. COCHRAN. But the trouble is the amendment does not say "not under civil service." What the intent is amounts to nothing. It is what the amendment says.

Mr. WOODRUM. Now, if the gentleman will permit me a moment, amendment no. 8 of the Senate provides that attorneys and experts are to be appointed by the President and confirmed by the Senate. These people are not civil-service employees. They may have a civil-service status, but they are not civil-service employees with the Social Security Board.

Mr. COCHRAN. Does the gentleman mean to say that a man who was working in the Veterans' Administration and receiving a salary of $6,000 a year, who had knowledge of old-age pensions and qualified as an expert, went over to the Social Security Board at $6,000, who was a civil-service employee, being under the Classification Act and eligible to retirement, when he is transferred to the Social Security Board he ceased to be a civil-service employee and ceased to be entitled to benefits under the Retirement Act?

Mr. WOODRUM. I do not understand that he does.

Mr. COCHRAN. Will not the appointment of such a man have to be confirmed by the Senate?

Mr. WOODRUM. I do not understand it would apply to such an appointment.

Mr. COCHRAN. How do you get around that? I do not understand the gentleman's logic. The amendment certainly applies to those already employed as well as those who will be employed in the future.

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Wisconsin.

Mr. O'MALLEY. The gentleman states this amendment comes over here from the Senate, and we have got to do something to pass this bill. This amendment lets the other body select the appointee and dictate appointments to every job above $5,000 a year. Why does this body always have to give in, even though it is almost July 1? Why can we not send this back to the Senate? Why should we be the good Boy Scouts this week? Next week will be Boy Scout week.

Mr. WOODRUM. I was arguing that with the gentleman a couple of weeks ago, and the gentleman did not agree with me then.

Mr. O'MALLEY. This is different.

Mr. WOODRUM. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. RAMSPECK].

Mr. RAMSPECK. Mr. Speaker, if I may have the attention of the Members of the House for a few minutes, I want to call attention to the fact that the particular question we have up here today with respect to this bill is not an isolated problem.

As the gentleman from Virginia has already said, the Senate has put in the relief bill a similar provision. In addition to this, I am informed by a very prominent Member of the body at the other end of the Capitol that the bill which this House passed, putting postmasters under civil service, will not be permitted to be considered by that body, unless and until the House passes another bill giving the Senate the right to confirm postmasters.

Personally, I may say it is up to the House. I have no particular personal interest in the matter, but I think we may well consider whether or not we are going to turn over to the body at the other end of this Capitol the right to run all the jobs in the Government service and have the key positions in the Government service throughout this land controlled by Members of that body. In this way they will control the promotions and the appointments all the way down the line.

That is exactly what we are facing. If this constitutes a precedent, that is what we may as well look for.

Mr. O'MALLEY. They will not only control the promotions all the way down the line, but they will control the hiring and the firing.

Mr. RAMSPECK. Absolutely, they will control the whole thing. In answer to the question of the gentleman from New York [Mr. WADSWORTH], I say to the gentleman that in my judgment any civil-service employee under this proposal who is promoted to a $5,000 a year job as an attorney or an expert, will lose his civil-service status.

Mr. WADSWORTH. He would?

Mr. RAMSPECK. Yes.

Mr. WADSWORTH. Then, it breaks up the whole career system?

Mr. RAMSPECK. Yes. But he might hold a civil-service position paying over $5,000 a year. As I understand this, it applies only to positions not in the civil service. Is not that correct?

Mr. WOODRUM. I think the gentleman is correct.

Mr. RAMSPECK. And it may be considered as a precedent?

Mr. WOODRUM. Under ordinary circumstances I would not be in favor of this, but I have the definite promise and positive assurance of gentlemen at the other end of the Capitol that it will not be considered as a precedent, but that it is well, because of the large number of experts appointed by the Social Security Board and the manner in which they were appointed and the fact that now no one has control over it, that there should be some opportunity for the legislative branch to have some control over it.

Mr. RAMSPECK. Mr. Speaker, I think the House is just as important as the other branch of Congress, and I know if we do not stand up for our rights, we will not have any rights but we will turn them over to the other body.

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired.

Mr. WOODRUM. Mr. Speaker, I yield the gentleman an additional minute. The gentleman is such an important member of the Civil Service Committee, being the chairman of it, that I would be most interested to know what the gentleman thinks the course of the House should be in this particular case.

Mr. RAMSPECK. I think we ought to insist on the House position but I realize the difficulty in which the gentleman from Virginia and his committee find themselves, with no funds to carry on this great activity. Not only the social security activity is involved, but as I understand it, the Veterans' Administration and various other agencies are tied up in this bill.

Mr. WOODRUM. The gentleman of course knows how difficult it is for conferees of the Committee on Appropriations to try to write civil service provisions in a conference report on an appropriation bill. Does the gentleman think, if the House should adopt this amendment today, that there would be any reason in the world why the Civil Service Committee, or an appropriate committee, should not report appropriate legislation, which would reach this situation in a proper manner?

Mr. RAMSPECK. Yes; I agree with the gentleman. I have no brief for the Social Security Board. I think there is some mismanagement there that should be corrected.

Mr. SIROVICH. Why would it not be possible to eliminate all politics and put attorneys and tax experts and all of them under civil service, where they belong?

Mr. WOODRUM. That ought to be done, but it ought to come from the gentleman's committee and not from the Committee on Appropriations.

Mr. SIROVICH. The gentleman would support such legislation?

Mr. WOODRUM. Of course, I would support it.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FADDIS].

Mr. FADDIS. Mr. Speaker, I am in favor of the House receding and concurring in the Senate amendment, but I want to say, as a Member of the House and as a member of the legislative branch of this Government, I do not see where there is anything disgraceful about a legislator having any say in the appointment of minor officials of this Government. Whether we are Members of this or the other body, we are the direct representatives of the people and as such are responsible to them. Politics and politicians are what made the United States of America, and made it the greatest nation in the world. We are a political people, and when we cease to be so we will cease to be a nation. Let us take an example of political appointments with which no one has anything to do except the members of the legislative branch. Take the appointments to Annapolis and West Point. Where in the United Stats will you find a better or more trustworthy body of men than the graduates of the Military and Naval Academies? They are appointed there with certain limiting qualifications, of course, by Members of Congress.

Mr. RAMSPECK. Mr. Speaker, will the gentleman yield?

Mr. FADDIS. No; I have not the time. Another thing, when the other body read the testimony given by the personnel director of the Social Security himself, as recorded in the pages of the hearings, as read by the gentleman from New York [Mr. SIROVICH], wherein the personnel director of the Department himself admits that he has no knowledge of how many of these various positions he has; that he has no knowledge of the various apportionment among the veterans, and no knowledge of any of the appointments concerned with his own bureau, it is no wonder that another body is determined that they must have a check on the appointments under this situation. I think that all things connected with this social-security matter merit an investigation by the House of Representatives, particularly when Members of Congress give one of their constituents a letter to go down

there and look for a job and that constituent is told that the letter had been thrown into the wastebasket, right in front of the very eyes of the applicant.

Mr. DUNCAN. And is it not a fact that under the present set-up it is neither patronage nor civil service? They have developed a bureaucratic form of political patronage themselves.

Mr. FADDIS. Absolutely; a personal patronage system for the benefit of a few people within it. It is neither fish nor fowl. It certainly merits a thorough investigation.

Mr. WOODRUM. Mr. Speaker, will the gentleman yield?

Mr. FADDIS. I yield.

Mr. WOODRUM. I agree with what the gentleman says. Does not the gentleman think that regardless of what action may be taken here today, it would be eminently proper for the Civil Service Committee of the House, which is supposed to have jurisdiction over this Bureau, with the exception of experts, to go into the matter and have a thorough investigation or consideration of just exactly what rules are applying down there, and report such legislation as in their judgment would remedy that situation?

Mr. FADDIS. Most assuredly no.

Mr. WOODRUM. It is not the function of the Committee on Appropriations. We cannot do it.

Mr. FADDIS. That is quite true. I believe the Civil Service Committee should thoroughly investigate it. Those who upheld the so-called merit system may, if they please, refer to those who oppose it as glorified job hunters. Nevertheless we are the ones responsible for the expenditure of the money we appropriate for the expenses of government. We must obtain this money from the people of the Nation in the form of taxes. When we surrender our control over the appointment of those who administer and expend we are lax in our duties as the direct representatives of the people.

Mr. WOODRUM. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. MAVERICK].

Mr. MAVERICK. Mr. Speaker, I want to call attention to the fact that this amendment does away with the merit system and then it puts all the power in the other body. We say we ought to protect the rights of the politician. The gentleman who just preceded me said that.

I think he is right. He says we should have an investigation of the Social Security. He says that if a Congressman sends a letter down there they throw it into the wastebasket. Why do they throw it into the wastebasket? Because we have given all of our powers to the Senate.

There is not anything in the Constitution of the United States, there is not anything in the statutes which says that the Senate should confirm these employees. When we abandon that power to them we really give away all of our power, and then there is not any chance for us to have anything to do with the Social Security itself. My friends, that is common sense. I am not talking civil service right now. I am talking politics. That is what I am doing. [Applause.]

In the relief organization, we get up here and cuss Harry Hopkins. Why? Because he does not have to, and cannot, pay any attention to us. Why, again? Because we turn over his big jobs to the Senate. When they have that power their appointees give jobs to all of their friends and build up their political machines. Well, then, let us take that power away from the Senate; we can do it if we want to. Let us vote this amendment down. Somebody said we must have the money by July 1. Let us defeat this now, and before July 1 perhaps the Civil Service Committee will come out with a report.

Mr. WOODRUM. Mr. Speaker, will the gentleman yield?

Mr. MAVERICK. I yield.

Mr. WOODRUM. Will the gentleman permit me to send to him all of my inquiries from the State of Texas as to when they are going to get old-age benefits, and let him explain why they do not get them, because we did not vote the money?

Mr. MAVERICK. Yes; I will be glad to do that. I will give the gentleman a further answer, and that is that if we insist on this thing it will be settled by July 1. I have heard the gentleman from Virginia get up here and say the other body is going to recede. I have heard the gentleman say that two or three times. If the House of Representatives is to have any power, it must not abandon all its rights to the Senate.

It is said we must do this because it is an emergency and the Senate "refuses to recede." If the other body is unreasonable, let us stick by our guns and they will have the responsibility of holding up old-age benefits, not this House.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. WOODRUM. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. MOSER].

Mr. MOSER of Pennsylvania. Mr. Speaker and Members of the House, I come before you as one who has served 22 years in the classified civil service of the United States, followed by 10 years in civilian life before becoming a Member of the House, and I yield to no man in my loyalty to a true merit system. But I did not come here expecting to find personal politics exploited by bureaucracy under the guise of civil service that has nothing to do with partisanship, as it is applied by bureaucracy in some of these Government bureaus.

I should like to say to the gentleman from New York [Mr. WADSWORTH] that in the words of Thomas Jefferson, used in the Declaration of Independence, "accordingly all experience hath shewn" any man that gets in a position in the classified service and advances to a position where he is confirmed by the Senate loses his civil-service status. There is no rule governing it, but he does lose it, nevertheless. I have seen those who resigned from Senate-confirmed positions, on the change of an administration, to reacquire their classified status. What more conclusive proof could be asked?

When opportunity was presented to me as a member of the Civil Service Committee to question Mr. Aronson, Personnel Director of the Social Security Board, I rose to the occasion with the greatest of pleasure, because in all of my visits to the Social Security Board he never had time to see me on any one occasion. Prior to my coming to this body Mr. Winant had written me a letter, and he asked me if there was anything he could do to cooperate. I believed he had learned of my stalwart advocacy and defense of the Social Security Act. That was before he resigned to take the platform in the last campaign. I submitted to him the name of a man who had built up a policemen's and firemen's insurance and old-age benefit fund, because these men could not get the insurance in commercial companies that they needed on account of their hazardous occupations. Mr. Winant acknowledged it. It was bandied about in the Social Security Board, and he never qualified as an expert. He had made this policemen's and firemen's insurance and benefit fund an institution that is self-sustaining. I asked Mr. Aronson what constituted expertness. He pointed out what he conceived to constitute expertness. It was the dispensing of social benefits, spending and handing out tax money, with no other occupation. I then recounted to him the qualifications of this man. He replied that this particular individual would be obliged to have devoted his entire energy, instead of doing it gratuitously. The building up of the policemen's and firemen's old-age and social-security fund, with the only exception of assistance to the blind, could not qualify because undivided attention had not been given to it.

The Civil Service Committee hearings on H. R. 5558, 5821, and 6497, pages 85, 86, and 87, will show this interrogation, where two named individuals, whose sole experience heretofore known has consisted of administering relief under the dole system in vogue before the adoption of the Government agencies, and since then under State administration of United States reemployment services as applied. One of these has been qualified as an expert, and the other has acquired a civil-service status and Social Security appointment, with the qualifying examination prescribed to fit the favored applicant's peculiar experiences. Though these men operated in my district for some years past, their activities and qualifying experience has been to draw salaries for

handing out, under the dole systems, what must be gathered by taxation, as contrasted to the experience of the man who served gratuitously, builded a social-security system for firemen and policemen, and made it self-sustaining without appropriations or taxation, but solely from dues paid in by the beneficiaries. I urge my colleagues to read this testimony.

Mr. Speaker, I want to call to the attention of the Members that Mr. Aronson evaded one question after the other. He said that he had appointed between 100 and 150 stenographers. My notes taken at the time show that he said 105, and he declares that he did not know how many stenographers he had. On page 83 of the hearings will be found his admission that he was given 30, 60, then 90 days to appoint from the civil-service roster of February 15, 1937, admitting his time expired May 15, 1937, yet he has not complied.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Speaker, I yield 1 additional minute to the gentleman from Pennsylvania so he can tell us what he thinks about this amendment.

Mr. MOSER of Pennsylvania. I am in favor of the amendment as it is; but I do want to say just briefly for the benefit of my colleague and friend the gentleman from Virginia that while I support the amendment as but a short step in the right direction, I want to embrace this opportunity to call to the attention of the House the necessity of representing the constituency of our respective districts who come to us time after time and to whom we make the statements that must be made in behalf of civil service, that it behooves us to stand up as men and assert ourselves in getting through the type of legislation that it has been suggested should originate in the Civil Service Committee and arrest the progress of the frauds we know are being perpetrated in the name of civil service, to the utter disregard of merit, and highly prejudicial to remotest semblance of a merit system.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas [Mr. LAMBERTSON].

Mr. LAMBERTSON. Mr. Speaker, I am astonished that a man who spent 22 years in civil service could be elected to Congress because while in the civil service he never could be for anyone openly, and how he could come to Congress after 22 years of that kind of inaction, is a mystery to me.

I just want to say that under this administration—this is a little politics, then I will proceed—civil service has never been so jittery as now notwithstanding the fact that early in the administration postmasters were being placed under civil service. What has happened since then, have those who are employed in the civil service shaking in their boots, they do not know where they stand.

I am in favor of this amendment, because one of the wickedest wastes that has occurred in the Government service in the last few years, not to say just in this administration, is the appointment of vast numbers of law-school graduates as assistant attorneys general and solicitors in the departments here. They have been appointed by the hundreds, just out of law school. I have checked up on this during 4 years of hearings in the Appropriations Committee and the subcommittees. The worst waste we have is the appointment of young lawyers without any real need of their services.

Mr. SIROVICH. In what departments are they being appointed?

Mr. LAMBERTSON. In about all of them. The fact that the Senate can check these people up will bring them to our attention and will halt this multiplicity of men being brought here; and I will say that nine-tenths of these $5,000 salaried men are lawyers, not many are experts. They are young lawyers or broken-down old lawyers who cannot earn a living at home. They are brought here and put into the departments. If the Senate can check them up it will be a wholesome thing.

I want to pay my respects to the Senate too. The Senate is three-quarters Democratic. The House is three-quarters Democratic. You know, and I know, that it has been generally admitted that this House would have voted any time this winter for the Court proposal. We know also that the Senate would not.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. BOILEAU].

Mr. BOILEAU. Mr. Speaker, a few moments ago the distinguished gentleman from Pennsylvania [Mr. FADDIS] was making an argument which I concluded to be one in favor of giving legislators, particularly Members of Congress, greater voice in the appointment of public officials. He has made similar statements on the floor before. I know he is sincere in his views, that he believes that the public service can best be served by giving Members of Congress more patronage in the appointment of Government officials. It was rather an ingenious argument.

I believe, however, that he predicated his argument for giving Members of Congress greater patronage on the high type of young men who now serve in the Military and Naval Academies. I would ask the gentleman from Pennsylvania in all fairness whether he believes we would have the high type of young men we now have in these academies if Members of Congress alone were responsible for the appointments of those boys, and if the boys were not required to pass most severe mental and physical examinations? I submit that credit for the high type of student body in these academies does not rest on the shoulders of Members of Congress, because if they had the right to appoint the boys who are to receive this splendid education at Government expense and splendid opportunity for advancement, it would be just as bad as the spoils system has been under the Republican, the Democratic, and every other political party in this country.

I believe that the welfare of this country demands not a weaker but a stronger civil-service system, one that recognizes merit, one that gives an opportunity for a career service; and I commend the House for the action taken in this regard when this bill was before us a short time ago wherein we placed all of the employees of the Social Security Board under the Civil Service. I regret that the Senate has amended that action of the House.

I hope that we will vote down this motion to recede and concur in the interest of having a civil service.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Speaker, my views with reference to this matter of senatorial confirmation are well known. Under ordinary circumstances I would not support the motion of the gentleman from Virginia, but under the circumstances of today I feel as though I can do nothing short of supporting this suggestion.

There is no question in my mind but what there is a condition in the Social Security Board that ought to be opened up and looked into. Also, there is no question in my mind, or in the mind of any other Member of this House, that the 1st of July is approaching. It is almost upon us. Three or four more days of argument between the House and the Senate will probably leave great departments of the Government without any funds whatsoever on which to operate.

I therefore take this time to explain my attitude so that my vote may not be misunderstood, because, as I previously stated, my position with reference to this matter is well known. I express the hope that the motion offered by the gentleman from Virginia will be agreed to so that the business of the Congress may be expedited.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Speaker, I am very glad to have had this expression from the membership of the House today. It demonstrates that the membership feels there should be some inquiry into the situation existing at the Social Security Board. The gentlemen on the Civil Service Committee, who have spoken, have voiced my sentiments exactly. I think we may reasonably expect they will take cognizance of the situation. I may say, as the gentleman from Texas stated, except for the unusual and extraordinary circumstances of the case I would not have offered the mo-

tion that I did today. However, it is impossible, for reasons that every Member will understand, for the conferees of the Appropriations Committee to make an investigation and work out appropriate rules and regulations for such an organization as the Social Security Board.

Mr. RANDOLPH. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. In connection with the work of the conferees, did the Senate absolutely refuse to recede?

Mr. WOODRUM. The Senate absolutely refused to recede and they base their action upon this ground, and I am not divulging secrets: The House conferees told the gentlemen at the other end of the Capitol this action, if taken, would be a precedent, but those gentlemen stated it would not be a precedent. They felt the condition of the Social Security Board is such that the legislative branch of the Government in some way or other ought to have some say-so and they did not know of any other way it could be done. I hope the investigation or inquiry, which the gentlemen have spoken of today and have experienced an interest in will come up and be had if this confirmation is imposed upon employees of the Social Security Board.

May I say further, not only is this an appropriation bill covering the Social Security Board but other independent establishments of the Government, matters you and your constitutents are interested in, and it is absolutely necessary to get this wound up. Then there will be no reason in the world why the Civil Service Committee or any other committee the Congress wishes to constitute cannot go ahead with such action it may deem proper to take to put into effect the rules and regulations of a permanent character.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. WOODRUM] that the House recede from its amendment to Senate amendment numbered 8 and concur in the Senate amendments.

The question was taken; and on a division (demanded by Mr. MAVERICK) there were—ayes 82, noes 43.

Mr. MAVERICK. Mr. Speaker, I object to the vote on the ground a quorum is not present.

The SPEAKER pro tempore. The Chair observes that many Members did not rise when the previous vote was taken; therefore the Chair will count for a quorum. [After counting.] Two hundred and nineteen Members are present, a quorum.

The motion was agreed to.

The SPEAKER pro tempore. Without objection, a motion to reconsider all of the votes taken on this bill will be laid on the table.

There was no objection.

EXTENSION OF REMARKS

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD on the two matters taken up today and to include therein short references from reports on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

(Mr. FADDIS, Mr. DITTER, and Mr. MCLEAN asked and were given permission to revise and extend their own remarks in the RECORD.)

Mr. SEGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein copy of a brief address I made at a centennial exhibition.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RENEWAL OF STAR-ROUTE CONTRACTS

Mr. BURCH. Mr. Speaker, I call up the conference report on the bill (H. R. 4408) to provide for the renewal of star-route contracts at 4-year intervals, and for other purposes, and ask unanimous consent that the statement may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4408) to provide for the renewal of star-route contracts at 4-year intervals, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5 and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, and 8, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: "General: *Provided*, That no contract which has theretofore been sublet, no contract which is held by any contractor who is not eligible to bid under section 5 of this amendatory Act, and no contract which is performed principally by employees of the contractor shall be renewed by virtue of this section: *And provided further*, That prior to the renewal of any regular contract for a four-year period the Post Office Department shall, among other things, take into consideration (1) whether the service rendered by the contractor has been satisfactory to the patrons of the star route and to said Department, (2) whether the roads traversed in serving the star route have been materially improved in the meantime, and (3) the kind and character of the equipment provided by the contractor"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be stricken out by the Senate amendment, insert the following:

"The Postmaster General may, in his discretion, and in the interest of the Postal Service and under such regulations as he may prescribe, allow extra pay to a contractor for necessary increased travel caused by obstruction of roads, destruction of bridges, or discontinuance of ferries occurring during the contract term, but no extra pay allowed shall be proportionately greater than the rate established by the contract involved."

And the Senate agree to the same.

T. G. BURCH,
HARRY L. HAINES,
FRED H. HILDEBRANDT,
FRANK CARLSON,
E. HAROLD CLUETT,
Managers on the part of the House.

CARL HAYDEN,
JOSIAH W. BAILEY,
W. J. BULOW,
LYNN J. FRAZIER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4408) to provide for the renewal of star-route contracts at 4-year intervals, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On amendment no. 1: This amendment makes the language of section 1 of the House bill more specific in order to permit the Postmaster General to exercise his discretion as to renewal of star-route contracts in any case instead of in all cases, as provided in the House bill. The House recedes.

On amendment no. 2: This amendment clarifies the provisions of section 1 of the House bill relating to the basis for the exercise of the Postmaster General's discretion as to renewals of star-route contracts. The House recedes.

On amendment no. 3: This amendment strikes out the provision in section 1 of the House bill permitting an indefinite number of four-year renewals of star-route contracts after the first renewal thereof. The House recedes.

On amendment no. 4: This amendment prohibits the extension or renewal of any contract if theretofore sublet, if performed principally by employees of the contractor, or if the contractor does not meet the residential requirements; and requires the Post Office Department, in connection with renewals, to take into consideration the service rendered and the equipment provided by the contractor, road improvements, and the financial saving, if any, resulting to the Department; and authorizes renewal of contracts which are now being superseded by new contracts. The conference agreement retains the provisions of the Senate amendment except that it eliminates the provision limiting the extension of contracts (as

distinguished from renewals), the provision requiring the Department to take into consideration the financial saving resulting to it in making renewals, and the provision authorizing renewal of contracts which are now being superseded by new contracts.

On amendment no. 5: This is a corrective amendment no longer necessary in view of the conference agreement on Senate amendment no. 6. The Senate recedes.

On amendment no. 6: This amendment strikes out the provisions of the House bill which authorized an upward adjustment in contracts where substantially altered by the assumption of additional mail volume or by substantial change in the condition of the highways, bridges, and ferries included in the route and upward or downward revisions where changes in schedule involve an increase or decrease in units of equipment. The conference agreement retains the provision for upward adjustments in contracts where the travel is increased by the obstruction of roads, destruction of bridges, or discontinuance of ferries.

On amendments nos. 7 and 8: These amendments make the provisions of section 5 of the bill limiting the consideration of proposals for carrying mail on star routes apply to proposals for renewals by contractors on star routes as well as original bidders for star-route contracts; and the House recedes.

On amendment no. 9: This amendment requires the bidder or contractor in case of a star route to be a resident of the county from or to which the mail moves by water on such route; and the Senate recedes.

T. G. BURCH,
HARRY L. HAINES,
FRED H. HILDEBRANDT,
FRANK CARLSON,
E. HAROLD CLUETT,
Managers on the part of the House.

The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. BURCH. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Concurrent Resolution 16.

The Clerk read the Senate concurrent resolution, as follows:

Senate Concurrent Resolution 16

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H. R. 4408) to provide for the renewal of star-route contracts at 4-year intervals, and for other purposes, the Clerk of the House is authorized and directed to strike out in section 2 "stated in" and insert in lieu thereof "required under", and to strike out in section 4 the word "contract" where it appears immediately preceding the word "legally" and insert in lieu thereof the word "contractor."

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. SNELL. Mr. Speaker, reserving the right to object, will the gentleman tell us why it is necessary to make these changes?

Mr. BURCH. The resolution, I may say to the gentleman from New York, changes the wording of the bill from "stated in" as it was when the bill was passed, to "required under", which should be the wording. It should read "required under the contract" instead of "stated in the contract." It is just a change of the wording. The other change is, the print of the bill reads "contract" where it should read "contractor."

Mr. SNELL. It does not in any way change the material effect of the bill?

Mr. BURCH. In no way at all.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ELBERT ARNOLD JARRELL

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 703) for the relief of Elbert Arnold Jarrell, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 5, strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

Page 1, line 6, strike out "$8,211" and insert "$5,000."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. CARLSON. Mr. Speaker, reserving the right to object, will the gentleman explain this particular bill?

Mr. KENNEDY of Maryland. Yes. This particular bill, as it passed the House, carried the amount of $8,211 and involves an injury to a person growing out of an accident with a C. C. C. truck. The Senate reduced the amount to $5,000, so the question is on agreeing to the reduction from $8,211 to $5,000.

Mr. CARLSON. This includes the usual amendment we are now using, regarding taking the money out of the funds of the Civilian Conservation Corps instead of out of the Treasury of the United States?

Mr. KENNEDY of Maryland. Yes; that is already in the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

JOSEPH M. CLAGETT, JR.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 730) for the relief of Joseph M. Clagett, Jr., with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 6, strike out "$10,000" and insert "$1,000, and the additional sum of $40 per month during the remainder of his natural life."

Page 1, line 12, after *"Provided"*, insert "That the guardian of Joseph M. Clagett, Jr., shall file an annual report with the Secretary of the Treasury as to the physical condition of Joseph M. Clagett, Jr.: *Provided further*."

Page 2, line 1, strike out "in excess of 10 percent thereof."

Page 2, line 4, strike out all after "claim" down to and including "notwithstanding", in line 9.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GOLDIE DURHAM

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 937) for the relief of Goldie Durham, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

OTIS CORDLE

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 988) for the relief of Otis Cordle, a minor, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 7, strike out "$5,000" and insert "$4,000."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

MRS. LOUIS ABNER

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 1065) for the relief of Mrs. Louis Abner, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SARAH L. SMITH

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 1275) for the relief of Sarah L. Smith, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "$2,000" and insert "$1,500."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

JOHN KNAACK

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 2090) for the relief of John Knaack, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "$3,500" and insert "$2,500."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

DOROTHY WHITE, MRS. CAROL M. WHITE, AND CHARLES A. WHITE

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 2108) for the relief of Dorothy White, Mrs. Carol M. White, and Charles A. White, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 6, strike out "$1,500" and insert "$1,000."
Page 1, line 7, strike out "$5,000" and insert "$3,000."
Page 1, line 8, strike out "$1,500" and insert "$4,500."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

LEAH LEVINE

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 2226) for the relief of Leah Levine, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

REV. HARRY J. HILL

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 2781) for the relief of Rev. Harry J. Hill, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CLAUDE CURTEMAN

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2801) for the relief of Claude Curteman, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

MONTROSE GRIMSTEAD

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 2935) for the relief of Montrose Grimstead, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, strike out "$1,500" and insert "$2,500."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

JOHN E. CALLAWAY

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3055) for the relief of the estate of John E. Callaway, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Part 1, line 5, strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

F. M. LOEFFLER

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3451) for the relief of F. M. Loeffler, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Part 1, line 5, strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ACHILLE RETELLATTO AND ALBERT RETELLATTO

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R.

3575) conferring jurisdiction upon the United States District Court for the Eastern District of New York to hear, determine, and render judgment upon the claims of Achille Retellatto and Albert Retellatto, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Albert Retellatto, a minor, the sum of $3,000 in full and final settlement of any and all claims for damages resulting from injuries received by said Albert Retellatto when he was struck by a United States mail truck no. 3392 on Bay Twentieth Street, near Benson Avenue, in Brooklyn, N. Y., on November 4, 1929: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

The title was amended.

A motion to reconsider was laid on the table.

MARTIN J. BLAZEVICH

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 3583) for the relief of Martin J. Blazevich, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, strike out "$2,500" and insert "$1,000."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ESTATE OF REES MORGAN

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 3812) for the relief of the estate of Rees Morgan, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

LUCY JANE AYER

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 4023) for the relief of Lucy Jane Ayer, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, strike out "$4,000" and insert "$2,500."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SARAH E. PALMER

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5146) for the relief of Sarah E. Palmer, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, strike out "$3,500" and insert "$2,000."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

CHARLES W. BENTON

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5214) conferring jurisdiction upon the United States District Court for the Eastern District of Arkansas to hear, determine, and render judgment upon the claim of Charles W. Benton, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 7, after "for", insert "alleged."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

HAROLD SCOTT AND ELLIS MARKS

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5456) for the relief of Harold Scott and Ellis Marks, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, lines 4 and 5, strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

EXPLOSION AT NAVAL AMMUNITION DEPOT, LAKE DENMARK, N. J., JULY 10, 1926

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 713) to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926, and ask unanimous consent that the House concur in the Senate amendment to the amendment of the House; and I also ask unanimous consent that the title may be corrected to read "For the relief of J. Harvey Blanchard."

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the amendment of the House, as follows:

Line 3, strike out all after "United States", down to and including "$1,000", in line 11.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment to the amendment of the House was agreed to.

A motion to reconsider was laid on the table.

The title was amended.

JOSEPH M. CLAGETT, JR.

Mr. KENNEDY of Maryland. Mr. Speaker, a moment ago I obtained permission to consider H. R. 730, for the relief of Joseph M. Clagett, Jr., with a Senate amendment, and concur in the Senate amendment. I ask unanimous consent

now to vacate the proceedings by which the Senate amendment to H. R. 730 was agreed to.

The SPEAKER. Is there objection?

There was no objection.

Mr. KENNEDY of Maryland. Mr. Speaker, I now ask unanimous consent to take from the Speaker's table the bill (H. R. 730) for the relief of Joseph M. Clagett, Jr., with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Chair appointed the following conferees: Mr. KENNEDY of Maryland, Mr. RYAN, and Mr. CARLSON.

EVA MARKOWITZ

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 458) for the relief of Eva Markowitz, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Chair appointed the following conferees: Mr. KENNEDY of Maryland, Mr. RYAN, and Mr. CARLSON.

WALTER T. KARSHNER ET AL.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1377) conferring jurisdiction upon the United States District Court for the Southern District of Ohio to hear, determine, and render judgment upon the claims of Walter T. Karshner, Katherine Karshner, Anne M. Karshner, and Mrs. James E. McShane, with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Chair appointed the following conferees: Mr. KENNEDY of Maryland, Mr. RYAN, and Mr. CARLSON.

VENICE LA PRAD

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1945) for the relief of Venice La Prad, with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Chair appointed the following conferees: Mr. KENNEDY of Maryland, Mr. RYAN, and Mr. CARLSON.

WILLIAM SULEM

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2332) for the relief of William Sulem, with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Chair appointed the following conferees: Mr. KENNEDY of Maryland, Mr. RYAN, and Mr. CARLSON.

MR. AND MRS. DAVID STOPPEL

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2562) for the relief of Mr. and Mrs. David Stoppel, with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. CASE of South Dakota. Mr. Speaker, I reserve the right to object. That is the bill that the Clerk spoke to the chairman about this morning, and insisted that in that case the disagreement should be insisted upon.

Mr. KENNEDY of Maryland. Yes; this amendment does not belong in there, because the case grew out of an accident growing out of the Interior Department rather than the C. C. C.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Chair appointed the following conferees: Mr. KENNEDY of Maryland, Mr. RYAN, and Mr. CARLSON.

DAMS AND LOCKS ON MISSISSIPPI RIVER, ETC.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2565) to confer jurisdiction on the Court of Claims to hear, determine, and enter judgment upon the claims of contractors for excess costs incurred while constructing navigation dams and locks on the Mississippi River and its tributaries, with an amendment thereto, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Chair appointed the following conferees: Mr. KENNEDY of Maryland, Mr. RYAN, and Mr. CARLSON.

NOAH SPOONER

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3634) for the relief of Noah Spooner, with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Chair appointed the following conferees: Mr. KENNEDY of Maryland, Mr. RYAN, and Mr. CARLSON.

J. R. COLLIE AND ELEANOR Y. COLLIE

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 455) for the relief of J. R. Collie and Eleanor Y. Collie, with House amendments, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Maryland? [After a pause.] The Chair hears none and appoints the following conferees: Mr. KENNEDY of Maryland, Mr. RYAN, and Mr. CARLSON.

EXTENSION OF REMARKS

Mr. RICHARDS. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein a brief funeral oration on the life of the late Marion Zioncheck, once a Member of this body.

The SPEAKER. Is there objection?

There was no objection.

Mr. MURDOCK of Arizona. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

AN INVASION OF WASHINGTON IMMINENT

Mr. MURDOCK of Arizona. Mr. Speaker, it is no betrayal of tactical secrets for me to say to you what you have already surmised, that this Capital is soon to be a beleaguered city. Every Member of this body who has been down along the water front has no doubt guessed that Washington is about to be invaded. The tents of the invaders may be seen at this moment, lining both banks of the Potomac, covering the grassy lawns of the parks around about the Reflecting Pool, at Hains Point, and along the Memorial Highway on the opposite side of the river. We are

told that 30,000 of these invaders are anticipated. They will come from every State of the Union and from most foreign countries as well. Recently I saw two of the advance guard who had just arrived on foot from South America. They had walked all the way and had worn out several pairs of shoes in the feat, or should I say "and the feet"? This invading host will call their conquest of our Capital a "jamboree." No doubt it will be as complete a conquest under that euphonious term as ever caused the capitulation of a city by a siege.

In view of this approaching invasion, how about the defenses of Washington? The military strategists should be able to tell us about that, but I fear in this case it is an invasion against which the high command has no clear-cut plans. I doubt whether the military could protect the Capital in a case of this sort. My guess is that when this army of 30,000 descends upon us we might as well capitulate, for what have we to offer to resist their onslaught? Numbers is not the chief element of their strength. These thirty thousand come with overwhelming energy and the exuberance of youth. Each one of them is filled with enthusiasm, zeal, idealism, patriotism. How long will staid, conservative, sedate, official Washington last before such an attack? It would not surprise me but that gray and bearded solons from this very assembly will soon be out there in their camp. Bald and rotund Senators will be among the earliest prisoners, and I should not be at all surprised that one of their very first captives will be our Commander in Chief.

I am not so worried about the outcome and results of this invasion as the foregoing remarks imply. I do not expect to see very much physical damage done to our Capital, but no doubt extensive psychic reverberations will be set up. I can almost imagine that our capitulation to the army of Boy Scouts will be a good thing for Washington. These besiegers are armed with ideas and ideals. It would not be a bad outcome if they impress some of these upon us. Strange or logical, a Boy Scout's sense of obligation to his pledge is as deep and sincere as that which a Member of this House entertains for his oath and his official duty.

While we Congressmen like to make ourselves believe that each of us, as a Member of the national lawmaking body, is actuated by unselfish, humanitarian, patriotic motives and love of country, the real truth probably is that most of us could get valuable lessons in idealism and zeal from the Boy Scouts who are soon to be camped among us. To get a measure of this possibility, I suggest that each of us reread and rethink the Scout obligation, which each of these 30,000 holds sacred. While we, in prosaic legislative matters, are fighting the battles of humanity, and sometimes doing a poor job of it, let us recall that each of these Scouts is a young crusader fighting just as valiantly for the right—certainly in his dreams and aspirations—as we have ever hoped to do.

THE ARIZONA CONTINGENT

About a hundred of these invaders of Washington are coming all the way across the continent from Arizona. I know their Scout leaders personally, and some of their rank and file. Although they are besiegers and I am the besieged, I have already surrendered my offices, and I propose to fraternize that part of the invading host coming from the Cactus State. I can speak favorably of these Arizona Scouts, more favorably than of the others, because I have known them in their native haunts. True, they dress up like Indians, give the names of ferocious chiefs to their camps, and the like, but aside from that, they are a splendid lot.

I was on the Roosevelt Council of the Boy Scouts of America, having jurisdiction over Arizona, a number of years ago, and at that time the Scouts of Arizona established a summer camp up in our mountains. This they called Camp Geronimo, after our Apache publicity agent a half century ago. I recall then that a distinguished citizen of Phoenix, Dwight B. Heard, the owner of the State's greatest newspaper, was chairman of our State council. He was a well-to-do man and lost no opportunity of sharing literally of his means and time for the benefit of scouting. For instance, one summer when the boys had to be quarantined at Camp Geronimo, Mr. Heard sent Jersey cows and truckloads of oranges, in addition to medical care, that the boys might lack nothing.

Well do I remember at one meeting of that council when Mr. Heard said to us:

> We must have a State executive, since our present executive is leaving us, and I am as anxious that we pick the right man for this scouting program as I am to find the right manager for my publishing business.

Then he continued:

> Gentlemen, we need a man of varied capabilities, but above all, a leader of the right kind of ideals. I have just heard of such a man in Butte, Mont. He has recently been awarded a medal by the President of the United States for his fidelity to duty and his saving of human life. I have wired this man, asking whether he is available to fill our vacancy.

Fortunately for the Scouts of Arizona, this desirable leader, Ben Owen, was available; he came to Arizona and for several years he carried on a most remarkable program for the Boy Scouts of America in our community. Part of this scouting work was the training of Scout masters and Scout leaders, as the preparation for such is even more important than the organization of troops. Other Scout executives in Arizona have followed like Mr. Miller, continuing the work so well begun by Ben Owen, until today in that far southwestern community, which I represent in this body, and which a hundred Scouts and a dozen Scout masters will represent in the jamboree, the Boy Scout work has been placed upon an enviably high plane.

Now, it would not surprise me much to learn that the lady members of our force are in connivance with this oncoming host. And I have warned you, gentlemen of Congress, of what is immediately ahead for you. I predict that you are going to have to surrender. I have indicated the quality and strength of the Arizona contingent, and I am assuming that the whole 30,000 will be similar. Resistance is hopeless. I suggest that you just as well throw down your defenses, welcome the invaders, and profit more from them than they can profit from us. Such would be wisdom and good strategy—to say nothing of hospitality.

The SPEAKER. The time of the gentleman from Arizona has expired.

SPECIAL ORDER

The SPEAKER. Under the previous order of the House, the gentleman from New York [Mr. SIROVICH] is recognized for 1 hour.

Mr. SIROVICH. Mr. Speaker, for the hour that has been allotted to me to address the House, I intend to analyze the destructive and creative forces of modern world history and shall endeavor to show the relationship between communism, nazism, fascism, and New Deal democracy.

Mr. Speaker, only modern man has problems. The medieval man had no problems at all. Everything—his religion, his science, his economy, his art—was given to him by the church, the supreme authority of life. This happy idyll came to an end as a result of the breakdown of medieval universalism, with its ideal of one church, one language, and one state, and was replaced by individualism, through the Reformation in the north and the Renaissance in the south. Then the real drama of modern man began. Man's age-old conviction that the earth is the center of the world was destroyed. Copernicus showed him that the earth and not the sun is moving. Columbus showed him that the earth has no edge or end. With the destruction of man's century-old cosmological and planetary views, man's old beliefs and convictions concerning himself, nature, destiny, and his position in life slowly underwent radical changes and burdened him with new problems. His new cognitions and convictions fired him to new ambitions. When his old cosmological views were shattered, his religious beliefs and intellectual superstitions were also shaken to their very foundations. In discovering new worlds, he discovered himself, religiously in the Reformation, and intellectually and artistically in the Renaissance. The Reformation led to a new alignment of social and political forces, to the creation of the united German nation as a result of the translation of the Bible, and to the founding

of the British Empire as a result of England's emancipation from Rome and its tremendous sea victories over the Spanish Armada. In the south, however, the discovery of man resulted in the creation of a new art, new philosophy, and new science and notably to a new mathematics which is the beginning of the technological age. Our entire industrial civilization would not be possible without the new mathematics. In the north the rediscovery of man through the Reformation led to a great religious crisis, which was terminated only upon the end of the Thirty Years' War in 1648, in the course of which Germany was nearly destroyed. It was only after that bloody war that the schism within Christianity developed into a new and permanent order, Catholicism on one side and Protestantism on the other. But no sooner was the religious issue settled than the political struggle against the growing despotism of the monarchy began on the European Continent. As a matter of fact, the French Revolution, with its doctrine of the right of the people to resist the despot, had its beginning in the last decade of the seventeenth century. It took almost 100 years for this theory to become the common possession of the masses, and it took all the stupidity of political absolutism to arouse the masses to resistance and rebellion. It can be said without fear of contradiction that to a certain extent the French Revolution, with its program of the political emancipation of man, was only the aftermath of the Reformation, with its doctrine of the religious emancipation of man. In the world in which man is religiously emancipated he also wants to be politically free. Thus the political crisis in the western world epitomized by the French Revolution, was only a logical aftermath of the Reformation, which had spent itself by the middle of the seventeenth century. From that time on western man became politically busy. It took him a hundred years to prepare himself for the political struggle. In 1789 the French Revolution broke out, and by the middle of the nineteenth century the energies which generated from it were exhausted. By 1850 the French Revolution was only a matter of the past. But no sooner had the political struggle come to an end than the economic struggle began.

In 1848, the year of storm and stress, which witnessed the last tremor of the French Revolution, Karl Marx published his Communist Manifesto, which, however, at the time of its publication made but little impression. A few years later Karl Marx published his Critique of Political Economy, which he described in a letter to La Salle, as a prelude to his work Das Kapital. It was not before the eighties of the nineteenth century that the doctrine of Karl Marx became the driving force in political life on the European Continent.

From afar it may seem that Karl Marx in demanding economic equality for all men, is, as a historical phenomenon, a logical consequence of Luther and Danton. Martin Luther demanded religious equality, Danton, political equality, and Karl Marx, economic equality. This, however, is only an optical illusion, for Martin Luther demanded not only religious equality but religious freedom as well. Danton, as the central figure of the French Revolution, demanded not only political equality but also political freedom—freedom from a static order; but Karl Marx abhors freedom. He emphasizes equality, to the exclusion of freedom, because to him the driving force in history is economics. Karl Marx's man is not a thinking, singing, painting, or, in general, a creative man but is primarily an economic hungry man, always in quest of food. Marx's economic interpretation of history, which is the foundation upon which socialism and communism have developed, and upon which Marx's great reputation has been founded, is based upon the philosophical contemplation that the workingman has always been exploited economically, and that the final goal of history is economically satisfied masses, because man's preoccupation in life is food.

As against this economic materialistic conception of history of Karl Marx, with the masses alone being visible on the stage, there is the individualistic conception of history of Thomas Carlyle and Friedrich Nietzsche. Just as to Karl Marx the economically satisfied masses are the objective of the historical process, so to Thomas Carlyle, the great creative personality, the great man is the goal of history. Marx says that the masses make history; Thomas Carlyle contends that the personality makes history. How political history is made Carlyle showed in his biography of Frederick the Great. How international history is made he portrayed in his individualistic history of the French Revolution. It was made by personalities, not by the masses. How cultural history is made is shown in his life of Goethe. But while Thomas Carlyle, the disciplined and refined Scottishman, was satisfied with the thesis that the personality makes history, Friedrich Nietzsche, the ruthless and eccentric German, insisted that the personality is history, and that the masses are only a means of an end—to bring forth the great personality. Consequently, Nietzsche maintained that the great personality has a right to use the masses as he pleases, for the masses are only the fertilizers of history. Just as Karl Marx is inspired by the masses, so is Friedrich Nietzsche inspired by the overpowering personality. His regard for the great personality is not limited to the conqueror, to the great ruler, or to the great artist but also to the great revolutionist, to the great moralist. Hence Nietzsche's admiration for the Bible as a book of great heroes and overtowering personalities.

It is interesting to observe that these two contradicting philosophies of history, the individualistic of Carlyle and Nietzsche and the collectivistic of Karl Marx, drew their inspirations from two self-contradicting philosophies of Nature. The individualistic conception of history took its cue from Darwin, with his doctrine of the survival of the fittest. Carlyle's development of personality anticipated Darwin's biological evolution of man. Nietzsche has applied this theory of Darwin to the historical process in the evolution of personality. The doctrine of the survival of the fittest is a biological doctrine; consequently both Carlyle and Nietzsche took their inspiration from biological nature, of which the jungle is the highest form. In the jungle the overpowering animal personality alone rules, the strongest reigns supreme. But Karl Marx calls his philosophy of history materialistic, not only because of his conviction, that material things alone move men to action, but because he drew his inspiration, not from biological nature, but from inanimate nature, from the world of dead matter, which is governed by the law of cause and effect only.

Marx's philosophy of history was greatly influenced by that of the German philosopher Hegel. Change, says Hegel, is the form in which an unchanging absolute, which he calls "logos", reveals itself. Every true manifestation of the logos discloses itself in three stages. First, there is the creative idea or thesis, which being in a constant state of flux leads irresistibly to the formation of its opposite idea which Hegel calls the antithesis. The thesis and antithesis battle with one another and out of their conflict a new and higher truth emerges which he calls the synthesis. This synthesis, in turn, again becomes a thesis, give rise to its counterpart, the antithesis, with which it battles to form a new and still higher idea, the new synthesis. This process continues to function unendingly, leading always to an ever higher and more developed synthesis. This philosophic conflict is known as the triadic rhythm.

Marx borrowed Hegel's triadic rhythm, but applied it in a restricted sense to materialism, and evolved what he calls his "dialectic materialism." Lenin called "dialectic materialism", the living soul of Marxism, "its fundamental theoretical root." Marx contended that labor is the thesis, capital the antithesis, and the classless society is the synthesis. But here the triadic rhythm ends, and it can be seen, therefore, that Marx's application of Hegel's formula has produced only a limited triadic rhythm. Although Karl Marx was a left Hegelian, he was much more anchored philosophically in the French materialism of the eighteenth century, of Diderot and Lamettrie, who contended that man was a machine, than in German idealistic philosophy of the nineteenth century.

According to Karl Marx, the development of a system of production, based upon the notion of private property, divided society into classes and brought the state into being.

The state is, therefore, a class organization organized for the protection of the interests of the possessing group against the nonpossessing classes. It stands for the protection of private property, and the power to continue to exploit the masses.

Karl Marx contends, however, that the overthrow of the exploiting class, the abolition of private property, the disappearance of class distinctions, and the establishment of a classless society will abolish the need for the state, and will make it entirely superfluous. The state will not be needed for exploitation, since this will be done away with. Neither will the state be needed to carry out economic functions, since these will be performed far more efficiently by economic organizations. Nor will the state be needed to exercise police functions, since private property and class inequality, the causes of crime, will no longer exist. The state will then wither away and a stateless, classless society will be born. Marx nowhere describes the new society which is to replace the old. He declares that each revolution will produce its own laws and systems.

Marx was one of the first men of the nineteenth century to raise the question of the historical destinies of man, and he answered it in his own way. The historical destinies of man are to make possible the economically satisfied masses. This satisfaction can be brought about only by collectivizing production and the distribution of goods and by taking out the private profit of all business. The intellectual reaction to Marx was Thomas Carlyle, and later Friedrich Nietzsche, just as the political reaction to Lenin was, first, Mussolini and later Hitler and Stalin. These speculations regarding man's historical destinies have fired the imagination of other notable contemporaries and have brought forth a number of other interesting philosophical interpretations of history which contradict both Karl Marx and his antagonists, Carlyle and Nietzsche. The great Russian writer, Leo Tolstoi, disgusted with Marxian materialism and Nietzschean sensuousness, proclaimed the doctrine of the pure and pious soul as the goal of history. To purify the soul and to become holy, man has to abandon both pleasure and the search for wealth. He must try to overcome his senses, and attain peace of mind and serenity. This relapse into a mild Buddhism found its reaction in Freud, who proclaimed aloud that man is not primarily a food seeker as is claimed by Karl Marx, or a holiness seeker as maintained by Tolstoi, but that man is primarily a sensuous being, whose actions are motivated by sex and not by hunger or holiness. Man must satisfy his sexual urges, that is his first and last motive in all his actions. Wagner's doctrine of the primacy of force epitomized by the mythological deities, and Bergson's doctrine of the instincts and urges, are only corollaries of the personality doctrines of Carlyle and Nietzsche.

The primacy of hunger, power of personality, pure sex and antisex of holiness are the great motives of the modern philosophy of history, but none has made such a powerful appeal to the masses as that of Karl Marx, who today is the most disputed, the most discussed, and most contested figure in modern history. Today the modern world is divided into two groups, the Marxists and anti-Marxists. The anti-Marxian again is also divided into two camps, the Fascist and anti-Fascist. For the rise of fascism, Marx alone is responsible. The rise and development of this powerful force in contemporary history is solely due to the false phophecy of Karl Marx, who predicted that the modern economic process will lead to the elimination of the middle classes and to the formation of two classes only—the working and the capitalist class. The working class will be the overwhelming majority and the capitalist class a negligible minority. It stands to reason, says Marx, that the vast majority will not permit the small minority to exploit it, and in the course of a revolution will take the power away from it, and introduce through the dictatorship of the proletariat the Communist order of things. But what has really happened is this: The middle class, instead of decreasing in numbers as Karl Marx predicted, grew numerically stronger from decade to decade. Today it can challenge both capital and labor.

This middle class today, and not the small capitalist group, is disputing the position of communism in the world and is fighting communism. The middle class is more avaricious than the big capitalists. Its horizon is small and its perspective narrow. It is more afraid of losing what it has than is big capital. Besides the class of the very rich is not of recent date. It has traditions and perspectives and it takes a calm view of things. The middle class is only 100 years old, a new arrival, which is very jealous of its possessions, and it is easily frightened by rebellion. From its point of view, communism is coequal with compulsory proletarization. The fear of communism on the part of the middle classes is the source of strength of all Fascist movements. It is more anti-Communist, it is more terrorized by communism than the upper classes. Switzerland and Yugoslavia, the two European middle-class nations, have not recognized Russia yet, and Holland, the middle-class nation, is more frightened by communism than rich England and France. To fight it successfully and to form an iron wall against any further expansion of communism, fascism has adopted all the methods of the Inquisition—concentration camps, dictatorships, torture chambers, spying systems, and the deification of the State. Since communism has created for the workers a devil, in the form of capitalists, the Fascists have created for their own adherents an imaginary bogey in the form of communism. Both know that their followers have to have a great object of hate and both give them that object. Both dictatorships need these bogeys to maintain themselves in power.

The division of western humanity into Communist and Fascist places the liberals in a tragic position. The liberals, too, belong to the middle classes. They represent the older and more rooted element of the middle classes—people who are not easily frightened and who take a calmer view of things. These liberals understand the limitations and the shortcomings of communism. They understand that it is a one-sided proposition and that it will never become a tenet of all humanity. They wait for the day when communism in Russia will undergo liberal changes and will adjust itself more to western conditions. These liberals are anti-Communist, but they are also anti-Fascist. They believe in democracy and reject fascism and communism as incompatible with true liberalism. They see in both fascism and communism medieval forms of economics and politics. In the Middle Ages life was regulated by authoritarian and totalitarian powers. The individual was deprived of all freedom. In the Fascist and Communist states human life is mechanized and human beings reduced to the position of machines, without freedom to think or to speak their own mind. Just as democracy rejects both fascism and communism, so both reject democracy as incompatible with their own doctrines. However, their fight with both sinister forces is just a sideshow. The main show is a life and death struggle between fascism and communism, and the success and failure of fascism depends upon the success and failure of communism.

Fascism is a reaction to communism, and the historical experience of the last 20 years bears out this thesis. Mussolini was the answer to Lenin and Hitler the response to Stalin. Marxism in its present form is an intellectual proposition. To the present day the representatives of communism claim that they represent the scientific point of view and that their economic doctrines are based on science only, while the economic doctrines of their Fascist antagonists are based on superstition, traditionalism, mysticism, or ignorance. As a matter of fact, Engels, the collaborator of Karl Marx, claims that Marx was the first scientific economist of modern times. Whether we think that Marx's claims to science have a basis in reality or not, the fact that they are being made proves that Marxism is consciously, at least, a rationalist phenomenon. The Facists, however, admit that they are opposed to rationalism, to intellectualism, and to pure science, and are guided by emotions. It is possible to argue with reason, even if it be beclouded, as is the case with every dogmatic. The place to argue this proposition is not the schoolroom, but the legislative hall, where laws are

enacted for the nation and where every legislator seeks a wider orientation and real intellectual enlightenment on the laws for which he will be called upon to vote.

Mr. Speaker, let me therefore briefly recapitulate some of the fundamental concepts in the trends of contemporary history that I have thus far stated in my address.

The attempt to liberate man economically following upon the attempt to emancipate man religiously by the Reformation and politically by the French Revolution has culminated in a struggle whose outcome may spell the end of western civilization unless liberal America, headed by President Roosevelt, succeeds in preserving for man the great spiritual heritage of the Reformation and the Renaissance. The present struggle is economic in character and is fought today by two contending groups, the Communists and the Fascists. The one group, swearing by Karl Marx, is materialistic and tries to reduce the entire cultural process to an economic process. Karl Marx has invented a man, the homo economicus, the hungry man, who as an isolated type is a pure myth, for this homo economicus does not exist in reality. Man is not only a hungry man but is also a thinking man, a feeling man, a playing man, an ambitious man, a spiritual man. The color white is composed of its spectroscopic colors—violet, blue, green, indigo, yellow, orange, and red. So likewise, man consists of all his attributes, and not of one of them. Just as communism has created a myth, the hungry man, to establish its rule, so has fascism created another myth, the instinctive man, who is thirsty for power to establish his domination. The instinctive man of the Fascist is no more a reality than is the economic man of the Marxists, for man is not only hungry for power but also for beauty and truth. The fight between the Communists and the Fascists is really a fight about the one or the other attribute of man and not about man in general. In the course of this struggle man is being disfigured, for he is being turned into a beast, either a devouring or a domineering beast. It took humanity thousands of years to establish the truth of the spiritual personality of man and of man's totality of personality. The prophets of Israel, Socrates, Plato, Jesus, the Reformation, the Renaissance, Kant, have all taught one great truth, the spiritual personality and spiritual character of man. They all established the truth that man is a citizen of two worlds, the sensuous and supersensuous, and that man has therefore double functions to perform and double duties to fulfill, morally and spiritually. But in the fight of the Communists and the Fascists for the domination of man the latter is reduced to a caricature of real humanity; he is deprived of his spiritual personality and is presented either as a machine, as is the case with Marxian philosophy, which drew its inspiration from French materialism of the eighteenth century, or as a beast, as is the case with Nazis. The greatest teacher of Nazism, Spengler, says: "Man is a beast, and the beast must be curbed, and only the totalitarian state can curb him." The materialistic economists say that man is a machine and has to be driven like a machine and only the dictatorial state can drive him.

The New Deal, on the other hand, as formulated by President Roosevelt, clings tenaciously to the eternal truth that man is a spiritual being and that he is a being of many attributes and, like the color white, cannot be divided into component parts without destroying him. The real philosophy of the New Deal is an effort to preserve the totality of man's personality in the midst of so many attempts to destroy it. The New Deal is a Biblical proposition and President Roosevelt is a Biblical character, because both insist upon the spiritual character of man, who must never be a means to an end but always an end in himself. Consequently he must never be exploited, oppressed, or humiliated. He can never be either a machine or a beast of burden, but must always be treated like a human being, with respect and dignity. The legislation of the New Deal has this object in view: To preserve the dignity of man, so that he be in a position to give the best that is in him to his fellow man. [Applause.] This necessitates the curbing of rugged individualism, which has degenerated into ragged individualism, and bringing about a just distribution of wealth without however destroying the basis of our civilization. The totality of human personality, which is the combination of all of man's urges and instincts, stands for evolution and not for revolution, but whoever identifies man with any one of his instincts, such as hunger, sex, holiness, personality, or the will to power, which is a disintegrated part of the totality of human personality, must stand for revolution, for bloodshed, and for cruelty, and must destroy the image of God in man. The struggle, therefore, between these three contending forces—communism, fascism, and the New Deal—simmers down to a struggle for either the totality or the partiality of the human personality. Either man is identical with all of his attributes or he is identical with any of his many attributes; in short, he is either man or beast. On the basis of the totality of man's personality, humanity has established a culture and a civilization. To preserve it and to guard it is the primary motive and ultimate task of the New Deal. To destroy that culture and civilization and to introduce instead regulated jungle, either in the form of fascism or communism, is the primary motive and ultimate task of either communism or fascism.

To us who believe in the ultimate victory of man's highest ideals there can be no doubt that President Roosevelt will emerge victor from this world historic struggle. [Applause.]

Mr. Speaker, let me therefore attempt to dissect the five fundamental principles underlying Marxian socialism, as conceived by Karl Marx in his tremendous work, Das Kapital, and his Communist Manifesto, which have been translated into every civilized language of the world, and which are the foundation upon which the superstructure of communism and socialism have been evolved. The first, the Economic Interpretation of History:

> In every historic epoch—
>
> Reads the preface to the Communist Manifesto—
>
> the prevailing mode of economic production and exchange, and the social organization necessarily following from it, is the basis upon which is built up, and from which alone can be explained, the political and intellectual history of that epoch.

What is my answer to Karl Marx's economic interpretation of history? Mr. Speaker, whoever is familiar with the Marxist theory will admit that it stands and falls with his economic and materialistic conception of history. Karl Marx contends that the all-driving power in history is economics, the hungry man, or the "homo economicus."

We admit that man is hungry, but we know that he is thirsty, too, thirsty not only for water but for knowledge, for beauty, for inspiration, and that he is ever ready to sacrifice himself for quenching of this thirst, as he is ready to do all kinds of things to satisfy his hunger.

The difference between us and Karl Marx is that we are not denying that man is hungry, but we challenge the assertion that he is driven by hunger only. The hungry man of Karl Marx is a myth. He has never existed and never will exist. Since Marx insists that man's reality is hunger only, it goes without saying that the history of the world should be a history of economic struggles only.

Neither Marx himself nor any of his followers have ever even attempted to explain the first 300 years of Christian history in terms of Marxist history. When tens of thousands of pious men and women adopted Christianity, in spite of the dangers and perils to which they would be subjected, did they do it for economic reasons? Or is it not true that adopting Christianity meant sacrificing everything, not only their properties but also their liberties and their very lives? Of course, you all know the history of early Christianity with its martyrdom and tragedies. You all know the history of revolutions and the tragic fate of revolutionary leaders. Did the thousands and tens of thousands of Russian revolutionists who in adopting the cause of revolution sacrificed their stations in life, their liberties, their privileges, do it only to gain material wealth? Again I say no. Is not the heroism and self-sacrificing idealism of the Russian revolutionary leaders, and even of the masses of the Russian revolution, a living denial of the Marxist interpretation of history? Who can

explain the Huguenot movement in Marxist terms? Who can explain the history of the victims of the Spanish Inquisition in Marxist terms? Here was a group of well-to-do people, deeply rooted in the soil, with the tradition of thousands of years, that preferred exile and torture of body and mind to peace of mind and material happiness only because it would not yield to the purely abstract principle of religious conversion. This history of all nonconformist movements in the world is the very contradiction of the Marxist interpretation of history. Today, 140 years after the French Revolution, we know from its greatest historians, Lavisse, Hanataux, and Jaures, that while famine was one of the incentives of the revolution, it was not its main motive power. Its main motive was the will to power of a rising middle class and the attempt to take away the power from the other classes. Nobody denies that economics was one of the motives of the French Revolution, but no historian today admits that it was the prime and only motive. To Karl Marx, however, it was the only motive.

The greatest and most convincing proof against Marxism is Marx himself. Marxism was not created by the hungry masses about which he speaks, but by a powerful, bitter, and rebellious personality called Karl Marx, who was not a workingman himself, but the son of a middle-class lawyer. There were many shades of socialism before Marx, but Marxism was produced by a personality called Karl Marx and this personality produced a doctrine pronouncing the death sentence against all personality. Marxism, if honestly applied, spells the death of all personality. When you say absolute economic equality, you deny personality. You cannot have both personality and equality. Of all the philosophies of history, created during the nineteenth century, Marxism alone has survived, because it is first a tenet of great personality; second, because it has a great deal of truth in it; third, because it has a greater appeal to the masses of the people than any other conception of history, for it appeals to the belly and not to the mind; and fourth, because of its one-sidedness, giving it the character of religion. If Karl Marx had come along with the proposition that economics is one of the most important factors of history, everyone would have applauded him, and he would be only one of the many philosophers of history. But since he said economics is the only factor in history, the hungry part of humanity applauded him and the satisfied part of humanity cursed him. Marx knew perfectly well that the masses are only guided by slogans and not by subtle intellectual analysis and considerations. He knew that only one idea powerfully expressed would hit and impress the masses and he proved to be right. By assuming that the materialistic conception of history was his innermost conviction of the way the historical process moves he visualized not only a tensionless state and society which is a sort of a sociological nirvana, but he dug the deepest grave for the personality, which is the only source of all creativeness. The creative mind deals with formulas, terms, notions, and ideas, which are manifestations of the intellectual analytical mind. Therefore, in the realm of the mind, you cannot have intellectual equality. Since the creative mind develops wealth, you cannot have economic equality. Equality is not to be found in nature at all. It must be superimposed by force upon man.

Karl Marx's conception of economic equality cannot be translated into a reality without dictatorship, concentration camps, civil war, and the abolition of the rights of man. If religious equality, as Torquemada understood it, was not possible without an inquisition, economic equality, as Karl Marx proposed it as the consequence of his conception of historic materialism, is not possible even with five inquisitions. Economic equality presumes not only economic straitjacketing of the individual but also intellectual imprisonment.

Mr. Speaker, such are the consequences of the materialistic conception of history. It is unrealistic and false in its presumptions and it is tragic in its consequences. Marx's dictum that not the mind makes man's life, but that economic conditions make man's mind, is the greatest violation of the truth ever committed by man, for the fact is that all economic progress and also social and political progress are the products of man's creative mind. Up to the machine age humanity was divided into two classes—the feudal and the peasant class, with the masses of the people being very poor. The middle class was created by the machine civilization. The life of the modern workingman is surely not the life of a pauper. This economic improvement all along the line is due to the machine, and the machine was created by man's mind. It presumes mathematics and physics, mechanics and chemistry. A new engineering principle leading to the creation of the automobile industry, a principle born in man's creative mind, has proved to be a source of wealth and employment to millions of people. The discovery of the Hertzian waves by the late Professor Hertz, a Jewish physicist in Germany, led to the establishment of the radio industry, giving employment to hundreds of thousands of people and a source of wealth to those who know best how to handle it. The same holds good of many other purely abstract principles invented by man's creative mind, whose translation into reality revolutionized our entire economic life. Thus it is not economic life that shapes man's consciousness, but it is man's consciousness that shapes man's life even economically.

Mr. Speaker, "homo sapiens" means thinking man, living man, enterprising man, playful man, searching man, and consequently human history cannot be only economic history, determined by materialistic factors alone. Man is the only animal who is never satisfied; he never has enough. Man's rise to power was brought about by his will to more, and while this will to more, if given full sway, must lead to jungle rule, it cannot be entirely curbed, even economically. This psychological law governing man—the variety of man's desires and aspirations and the inability to satisfy any of his desires completely—reduces Marx's interpretation of history to a dogma, to an article of creed or belief. Belief and creed are not philosophy. Marx's conception of history, therefore, is dogmatic or theological, but not philosophical.

It has been established again and again that Marx was, in his general philosophical views, a follower of eighteenth-century materialism and that his so-called materialistic philosophy of history, far from being a byproduct or a development of the philosophy of Hegel, which was purely logical, is only a continuation of his general materialistic philosophy. Since no materialistic philosopher has ever demonstrated how dead matter can transform itself into a mind or consciousness, materialism as a philosophy is considered today a mere superstition. It is the most unsatisfactory of all answers to the puzzles of life. While no materialistic philosopher has ever demonstrated the possibility of deducing mind from matter, all great philosophers have demonstrated that all human reality is the product of the human mind. Man alone is the tool-making creature because he has a mind to create tools with. This tool-making ability created for him his economic problems. Only man has economic problems—animals have no economic problems, because they have no creative consciousness.

All material human reality as well as all spiritual human reality is born of the mind and not of dead matter. With the help of the principles of mathematics, which are born in our mind, and with the help of the principles of theoretical physics, which are born in our mind, we create means of transportation, machines, and in short, our civilization. A new principle of mathematics or engineering which is born in man's mind may revolutionize the entire economic fabric. If human economics is a continuation of the human mind, the mind comes first and matter or material comes second. The materialistic conception of history is, therefore, subjectively and objectively false; it is plain superstition and a gross form of mysticism.

The second basic contention of Karl Marx is his philosophy of "the class struggle":

> The history of all hitherto existing society—
>
> Begins the Manifesto—
>
> is the history of class struggles. Freeman and slave, patrician and plebeian, lord and serf, guildmaster and journeyman, in a

word, oppressor and oppressed, stood in constant opposition to one another, carried on an uninterrupted fight, now hidden, now open, a fight that each time ended either in a revolutionary reconstitution of society at large or in the common ruin of the contesting classes.

What is my reply to this principle of the "class struggle"? To Karl Marx, the content of the world historic process is a struggle between economic classes, between the master and the slave in ancient times, between the feudal lord and the serf or retainer in the middle ages, and between the capitalists and workingmen of modern times. Class to him means primarily an economic class.

There is a twofold objection to this theory: First, the content of history is not always an economic class struggle; and, second, the classes are not always economic classes. As a matter of fact, the class is not a historical category but a psychological category, developed not only by historical forces from without but by psychological forces from within, and that the struggle of the classes is not always determined by economic factors. There is, first, the struggle of the sexes; second, the struggle of ideas; third, the struggle of religion; and, fourth, the struggle for political power motivated by the will to rule or by the will to get more. There is a class of lettered and a class of illiterate people; the one hates the other. There is a class of gifted and a class of nongifted people; the one hates the other. There is a class of ambitious and a class of sullen people; the one hates the other—and the greatest struggles of history were not only fought out by economic groups, the poor against the rich, but by different religions. The Crusades were religious wars. The Thirty Years War was a religious war. The Seven Years War was a war of Protestant Prussia against Catholic Austria. Most civil wars originate in difference in ideas as well as difference of interests. Even the civil war in Spain is as much a war of ideas as a war of interests.

Since the class is at least as much a psychological as an economic category, and as a psychological category will always be in existence, the proposal of a classless society is bereft of all realism. In Communist Russia today there are as many classes as in any other capitalist country. The official who gets a salary of 3,000 rubles a month has no more in common with the laborer, who draws only a salary of 200 rubles a month, than has the capitalist in the capitalist country in common with the laborer whom he employs.

The third basic contention of Karl Marx is his principle of surplus value. The fundamental doctrine of Marx's economic system and the central theme of Das Kapital is known as the theory of surplus value.

According to Marx, the exchange or market value of a commodity depends upon the amount and degree of labor necessary to produce it. He defines a commodity as a "mass of congealed labor-time." Labor is therefore the source of all value. It is likewise the measure of value, as "commodities in which quantities of labor are embodied or which can be produced in the same time have the same value."

What is the philosophy underlying surplus value? According to Marx, the exchange or market value of a commodity depends upon the amount or degree of labor necessary to produce that article or commodity. By labor Marx means, not that of an individual, but socially necessary labor time that is required to produce a commodity under formal conditions. It includes the labor of highly paid managers as well as that of poorly paid operators.

But the laborer does not receive the full product of his toil, only barely enough to maintain himself and continue to produce. Of course, this theory of surplus value is not Marx's creation. He accepted the theory of wages formulated by the classical economists of modern times. According to this theory, the laborer can get only the mere sustenance under the existing conditions. A contemporary of Karl Marx, Ferdinan La Salle, called this wage theory "the iron wage law." The fact cannot be denied that under the old deal labor was shamefully exploited. In the western democratic countries, however, the worker has not only political but also personal freedom, which is denied to him, however, in dictatorial lands. There not only strikes are forbidden but no worker may leave his job or his abode without the consent of the government. In all Fascist countries the worker is practically a state slave, compelled to take the wage given him by the state and forbidden to express dissatisfaction with his lot. No privilege of which he is the recipient, such as unemployment insurance, socialized medicine, recreation and vacation privileges, can compensate him for his loss of freedom.

In any free democracy it is obviously wrong and unjust that a small group of men organized in a corporation, whose destinies they control, should take all the surplus values created by labor, and be permitted to accumulate infinite wealth, which it later uses or misuses to strengthen its own position economically, politically, and socially. The solution to the problem of surplus value is not the Utopia of absolute economic equality as visualized by Karl Marx, because such equality cannot be brought about without inquisitions, torture chambers, and dictatorships. Our old economic conceptions that labor is entitled to wages only are remnants of a feudalistic age. To solve the problems of surplus value, labor should be entitled, not only to decent wages but also to a fair share of the profits.

The surplus value theory of Karl Marx to the effect that all wealth has its source in labor is only partly true, for wealth has also its source in human inventiveness, in the human creative genius whose economic value cannot be fixed at all—in human skill and demands for goods, which are often developed by purely spiritual factors. It is not true that the market value of a commodity always depends upon the amount and degree of labor necessary to produce it. It also depends upon other factors, such as demand for that commodity, the risk connected with producing it, the inventiveness and skill necessary to create it—in short, it depends upon a number of external and internal conditions over which labor has no control at all and whose value cannot be fixed.

Labor is one of the principal sources of value, but not the only source. It is true that the workingman constructs the machine, but who is going to evaluate the work of the inventive engineer who invented the machine and who can evaluate the mathematical and physical principles upon which the machine is built? To say that labor is the only source of wealth is to place a negative economic evaluation upon man's creative genius. It is true, however, that labor to a great extent is the source of modern wealth. But the answer to the problem arising from this phenomenon is not old Marxism but the New Deal, which subjects accumulated wealth to a process of attrition and aspires to the establishment of an economic balance, giving the poor more and the rich less. It seems to me that there is more realism and more objective truth in the New Deal than in Karl Marx and all his interpreters combined. The law of surplus value, therefore, is as little valid as the theory of the class struggle or the economic process of history. The class struggle today throughout the world is the conflict between capitalism and communism. Classical capitalism is the exploitation of labor by capital. Classical communism is the exploitation of capital by labor. The New Deal democracy synthesizes these two opposing forces, by regulating capital and cooperating with labor, to bring the greatest good to the greatest number, so that labor may receive a fairer share of the distribution of the wealth that it creates without crippling or destroying invested capital. [Applause.]

The fourth important concept of Karl Marx is his tremendous argument pleading for the "inevitability of socialism." What does Karl Marx say about this subject? He says:

> Capitalism produces, above all, its own gravediggers. Centralization of industry and of labor is, according to Marx, the inevitable tendency of the modern system of production; more and more will the capitalists combine and wealth will be consequently in fewer and fewer hands. As with capital, so with labor. The factory tends to centralize many laborers of different trades and localities and to reduce them to a common wage level. Their lot will steadily grow worse, till finally they are reduced to a state of semipauperism.

The theory of increasing misery advanced by Marx is based upon his belief that the workingmen, because of their

low wages, have no purchasing or consuming power and are unable to buy the enormous quantities of goods produced by machinery.

What is my answer to this economic contention of Karl Marx? According to Karl Marx, the Socialist state or the classless state is predetermined by the entire economic process and its arrival is inevitable. This inevitability of socialism Marx deduces from the increasing misery of the masses. According to his calculations, the capitalistic order of things, leading to monopolies and trusts, will destroy the middle classes and in the end there will be only two classes—the working men, who form the majority, and a small capitalist class. The majority will seize power, overcome the capitalist class, and introduce a socialist order. But the economic development of the last 75 years shows that the middle class, far from decreasing in numbers, is constantly increasing in numbers and is constantly gathering strength. Today it is so powerful that in many countries it is the ruling class. It can be the ruling class in every country if it chooses to cooperate either with the workingmen or with the capitalists. Modern legislation in every civilized state tends to limit the power of accumulated capital and to strengthen the middle class. The middle classes are by inclination both antifascist and anticommunist. They are democratically inclined. The inevitability of socialism is a false prophecy based on entirely false calculations. The very fact that communism faces everywhere capitalistic fascism as its enemy, and that both forms of dictatorship are being fought by the democratic middle classes everywhere, demonstrates clearly the falsity of Karl Marx's theory of the destruction of the middle classes and the inevitability of socialism.

Finally we come to the fifth contention of Karl Marx, which is the principle of "internationalism." Karl Marx states: "The proletarians have nothing to lose but their chains; they have a whole world to win." "Workingmen of all countries, unite!"

My answer to the subject of "internationalism" is:

For the last 500 years western history was a history of nations and nationalism. The highest development of western nationalism coincides with the development of our industrial civilization and with the spiritual deepening of the cultures of the major nations. "Nationalism", in the best meaning of the term, is as much a part of white man's reality as is religion, art, literature, and science. The cosmopolitan idea of the French Revolution was nationalistic in its motive. For the French cosmopolites said to the non-French people, "You adopt spiritual France as your fatherland and you will be saved." Today, when Hitler, Mussolini, and Stalin shape the destinies of 275,000,000 people in the West and Gandhi and Nehru do the same in the East, nationalism is a greater reality than it was 120 years ago. Hitler and Mussolini, the aggressors, and Gandhi and Nehru, the resisters, are equally nationalistic-minded. They are primarily interested in the welfare of their own people, to which there cannot possibly be any objection. What one must object to is the methods they use, and not to the nationalistic principle they represent.

If it is true that the principle of nationalism and the nationalistic consciousness of people are part of man's psychological reality, then Karl Marx's internationalism, culminating in the idea that the proletarians have no country, but an accidental birthplace, is a perversion of western man's reality. While it may be conceded that some unscrupulous people use patriotism as a refuge and hideout for their corrupt activities, to most people the love for the native country is as genuine as their love for their family. It makes no difference whether the bearer of this love is a workingman, a businessman, or a manufacturer, an artist, or a scientist. To workingmen their native place is as much their country, the land of their ancestors, the land they love, as to any other stratum of society. The internationalism of Karl Marx is nothing but the revival of a medieval idea of the church. The internationalistic representatives of the medieval church thundered against the love of the native soil in the same way as have Karl Marx and his followers for the last 75 years. The medieval church fought with the same energy, determination, and violence against the rising nationalism and for internationalism. Even long after the victory of modern nationalism was achieved through the Reformation and the Renaissance, the representatives of the medieval church continued their fight against nationalism. The activity of the Jesuit order for the first 200 years of its existence was primarily directed against nationalism. The political ideal of the medieval church state was the one and indivisible world state, headed by the Pontiff. The political ideal of Marxism is the one indivisible economic state. Both state ideals are universalistic; that is to say, they do not permit any borderlines and any limitations lest the personality arise. Goethe, the biographer of Saint Ignatius Loyola, says that it was the ideal of the founder of the order to denationalize all nations. The medieval church was as much opposed to individualistic nationalism as Marxian communism is opposed to nationalism as far as theory is concerned. In reality, however, the Catholics are as patriotically inclined as all other groups of the population. The main struggle of Stalin in Russia today is the battle for Russian nationalism as against the internationalism of spitfire Trotzky, who is pursuing his principle of permanent world revolution as advocated by Karl Marx.

The internationalism of Karl Marx is a violation of all human reality, because our love for our country is actually born with us and cannot be destroyed in normal people. Soon after the German declaration of war against France the first thing the German Social Democratic Party, a purely Marxian organization, did was to vote for the imperial war budget, and many German Social Democrats, to prove their superpatriotism, joined the army voluntarily and asked to be sent to the firing line.

The French, the English, the Italian, and Austrian Socialists did the same. This and similar historical experiences show that the workingman is as much concerned with the welfare of his nation in times of national crisis as are the other strata of the population, and that they do not place their class interest above their national interest. The contention of Karl Marx, that the workingmen had nothing to lose but their chains, is just a militant figure of speech. Would the American workingman permit the invasion of cheap labor? Does Communist Russia permit the invasion of Chinese coolies, who would compete with Russian labor? Would the German Republic permit Polish and Russian laborers to invade the country to compete with German labor? There are justified struggles going on within the ranks of labor itself. Skilled labor is in constant struggle against unskilled labor. Technically developed labor is in constant struggle against intruders who are not technologically trained and experienced. There is just as much an aristocracy of labor as there is an aristocracy within any stratum of the population.

Marx's slogan, "Workingmen of all countries, unite", is based on the stated assumption that the workingman of one country has more in common with the workingman of another country than he has with the different classes of his own country. The workingman is as much rooted in the life and traditions of his nation as is the member of any other class. The workingman is swayed by the same emotions as other people, is as much attached to his native soil as are other people and is carried away by the same patriotic feelings as the rest of the population. To say that the workingman of one nation has more in common with the workingman of another nation, implying that he places his economic interests above his other interests, spiritual, religious, patriotic, is libeling the workingman. As a matter of fact there is more community of interests between the mercantile class of different nations than there is between the laboring class of different nations. Business is business, and many a merchant during the war has been guilty of trading with the enemy. Today the French sell war material to the Germans, the English to the Italians, and vice versa, though knowing that this material will some day be used against them. It seems to me that the two most patriotic classes in the Nation are the farmers and the workingman. [Applause.]

It is thus evident that the principal philosophical and psychological theories of Marxism, the economic interpretation of history, the class struggle, the inevitability of socialism and internationalism, are from the point of view of reality, pure fiction. They are illusions of a fanatical mind, and they have no basis in reality.

Mr. Speaker, for almost an hour I have discussed the historical, social, political, economic, and philosophic conceptions of socialism, communism, and fascism. What is the antidote to these economic philosophies that have challenged the democracies the world over?

Mr. Speaker, after centuries of rich intellectual experience, ancient Greece, as represented by one of its great philosophers, Aristotle, came to the conclusion that in matters of the state the golden middle way is the only solution to all political woes and problems of man. As between the leftist tendencies, culminating in collectivism and resulting in the obliteration of personality and in the dictatorship of the proletariat, and the extreme rightist expressing themselves in rugged individualism and resulting in the economic and political exploitation and enslavement of labor, there is the golden middle way of the New Deal. The solution it offers to the economic, social, and political problems of men of our generation is a synthesis of the two driving forces; each of which is anxious to dominate man entirely—individualism and collectivism. The pendulum swings fast and furiously from one extreme to the other. To have discovered its rhythm somewhere in the middle of the way is the immortal deed of Franklin Delano Roosevelt. It is comparable to the triadic rhythm discovered by the great philosopher, Hegel.

The New Deal as an economic and social solution to our problems is not a purely abstract principle. Born out of dire experience, born of the necessities and problems of life, it is more applicable to life than all the theories of the millenium advanced by economists, sociologists, historians, statesmen, and philosophers. The New Deal is primarily concerned with regularizing and improving upon three spheres of man's life—the home, the factory, and man's relationship to Nature. Millions of American homes in the village are denied the facilities and the comforts of the home in the city.

The oil lamp is still the rule in the village home and cooking is a laborious process for the farmer's wife, because unlike the worker's wife in the city, who uses either gas or electricity in the kitchen, she has to rely on wood to prepare meals for the family. To furnish power to a farmer is to make his home life more tolerable and give the farmer's wife a minimum of comforts to which she, too, is entitled. The improvement of the home of the worker in the city is also one of the main objectives of the New Deal. It proposes to lighten the burden of the two frail members of the home—the child and the aged. The New Deal is committed to the abolition of child labor, to give the young ones a chance to develop physically, morally and intellectually. It is committed to old-age pensions, so that the old father and old mother need not be a burden to the children and suffer want in the last years of their life. It is my candid opinion that these measures, supplemented with unemployment insurance for the worker, security of protection for investments of our people, maternity legislation, child welfare, workingmen's compensation, care of youth through Civilian Conservation Corps, and the protection of the blind, crippled, and paralyzed, all, measures adopted by the New Deal, will greatly strengthen the American home and make it more than ever the very basis of our civilization. The inscription of "God bless our home" on the walls of the dwellings of our citizenry will be the epitaph to Franklin D. Roosevelt's struggle to maintain the home, with slums abolished throughout the United States. [Applause.]

Mr. Speaker, the New Deal is not only concerned with offering the members of the home a minimum of worry and a maximum of happiness, but it is also greatly interested in the well-being of the man in the factory, mine, or shop, and to that end, it proposes to enact laws guaranteeing the worker a minimum wage, that is to say, a saving wage, and maximum hours, as well as unemployment insurance. The New Deal contends that man must never be a means to an end, but must always be an end in himself. He must not be enslaved, oppressed, and exploited. If he has to sell his labor to his fellowmen, the least he can expect out of this sale is a sufficient income to give him economic security, to take care of his needs and to enable him to provide for those who are dependent on him—otherwise the labor that he sells is not human labor, but machine labor, or beast of burden labor. But man is not a machine nor a beast of burden, but a spiritual being, for he has responsibilities and problems which neither the machine nor the beast of burden has. All men have to work for a living, but no man should slave for a living, and the maximum-hour principle, stressed by the New Deal as one of the solutions to the problems of mechanized labor, will prevent the enslavement of man. Men will work a given number of hours in the mine, shop, or factory and the balance of his time he will use for his human needs—for the betterment of his domestic life—for the betterment of his social and intellectual life. The maximum-hour law will humanize labor by enabling the working man to participate in all the joys and pleasures of life.

In the Communist state, labor has certain privileges, especially educational and recreational, but the obligation and duties of labor are so terrific that these privileges amount to very little. It is denied all freedom, the right to strike, the right to free movement, even the right to change jobs; in matters of pay it must take what is given to it. It is the aim of the Communist state to exploit labor as much as possible, and it does this very effectively by reducing the working man to a working machine. In the Fascist states labor has all the obligations and duties of the Communist state, but none of its privileges. From the point of view of employer-employee relations, labor is absolutely enslaved in the Communist state as well as in the Fascist state.

The New Deal offers labor a new Magna Carta. By curbing rugged individualism through collective bargaining, and compelling it to do justice to labor, it transforms labor machines into free workingmen and thus raises the dignity of labor. Labor should not be autocratic and arbitrary in its demands. It should not endeavor to exploit and destroy honest capital. Only by meting out justice to labor and capital will the social unrest disappear and our present economic order be saved. That capital does not see it and does not express its gratitude to Franklin D. Roosevelt, the creator of the New Deal, is one of the greatest paradoxes of our time.

Mr. Speaker, the third link in the chain of the New Deal is man's relationship to nature. To the extent that nature is a source of joy to man, it has been so far, the property of the few, of the classes, and not of the many, of the masses. The classes can afford the luxury of travel, the luxury of everything the eyes take delight in, new scenery and new sights. Through a reorganized merchant marine and the use of the automobile the American workers will be enabled to travel during their vacation time, to enjoy fresh air, to see new scenes and to enrich their life with new experiences. Summer camps for poor children to continue their education in the country is the next move in the onward march of developing the youth of our country, our future citizens.

Mr. Speaker, it is a great privilege, indeed, for me to address myself to you sitting in the middle of the House listening to my remarks. I can well remember many years ago when you asked me to speak for the Sheppard-Bankhead bill that would make it possible for the Government of the United States to appropriate money to take care of the maternal welfare of those of our mothers throughout the Nation who were dying with puerperal sepsis because they were confined by some unclean person working on the farm. No doctor, midwife, or nurse was there to take care of them and provide for their physical comfort. Hundreds of thousands of mothers of that type have died upon the altar of childbirth. It is such humane legislation as you have sponsored, as typified by the Sheppard-Bankhead bill, that is now incorporated in the social-security bill, that is taking care of thousands of innocent mothers by having trained doctors, midwives, and nurses look after them in their hour

of anguish and labor pain they undergo in bringing a child into the world.

While speaking for the preservation of the home and bringing justice to the working people of our country, let us not forget the sacrifices that have been made by our colleagues on the floor of this House, who have died in the performance of their duties. They battled for the preservation of the home and for the day when labor can secure a better distribution of the wealth it creates. Let us not forget the tragic death of our beloved humanitarian colleague, who has made the eternal pilgrimage from whence no traveler ever returns, BILL CONNERY. He will live in the memory of those who love him as an exponent of everything that is sweet and beautiful in ennobling labor and giving of his today that the laboring man may have his tomorrow.

Thus while Marxism promises a dictatorship of the proletariat which in fact has proved to be a source of oppression and enslavement of labor and while fascism promises the disappearance of social unrest by equally enslaving labor, and while both at the same time destroy capitalism, the one totally and the other partially, the New Deal, taking the middle of the road, opens new vistas to labor, guaranteeing a secure and dignified existence, and at the same time leaving our present capitalistic order intact, thus avoiding revolution and bloodshed.

The Bible gave man the new deal for the first time in the world's history. Then the Reformation and the Renaissance gave man a new deal for the second time, because the postulates of the first new deal were forgotten. Now, man is receiving a new deal for the third time, because the postulates of the second new deal were forgotten. It is for that reason that the personality of Franklin Delano Roosevelt is only comparable to that of the great figures of the Bible or to the great figures of the Reformation and the Renaissance. May God bless our great President, Franklin D. Roosevelt, and give him strength and good health to realize all the ideals of the New Deal. May he put into realization the spiritual message of our forbears, when they gave us as our shibboleth and slogan the inspired words, "E pluribus unum." Out of many people let us have one united group of American citizens, all enjoying a totality of personality that will bring happiness into the hearts of our American people, and contentment in the home, hearth, and fireside of every American. [Applause.]

Mr. McSWEENEY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute to ask a question of the gentleman from New York [Mr. SIROVICH].

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. McSWEENEY. Mr. Speaker, I believe that when the culture of a nation dies, the nation dies. I think it is well for us in this great legislative body, where we have material things before us continually, to be elevated and entranced, as I have been by this marvelous and brilliant speech of the gentleman from New York.

May I ask the gentleman his thought with regard to the freedom of the press in this country as compared with the treatment of the press in Communistic and Fascist countries?

Mr. SIROVICH. In the Fascist countries of Europe there is no freedom of the press. There is no freedom for the press of foreign countries to pillory, to excoriate, to denounce, to tell falsehoods, or even to tell the truth about public officials. The editors would be sent to jail and concentration camps for casting aspersions upon rulers or dictators and their papers suppressed.

As an evidence of what our great institution of democracy is doing, behold our President, Franklin D. Roosevelt, when he goes to the Gridiron Club. Here in the presence of the most eminent and distinguished men who run the press of the Nation the President good naturedly sits mute while he allows in panorama to march across the proscenium of time all of his actions, his conduct, and his deeds. The newspaper men roast the President across the gridiron for 2 hours. They lampoon him, ridicule him, laugh at him, pillory him, and he even greatly enjoys these blessings. We Members of Congress are often deeply wounded by unfair criticism, unjust and uncalled-for aspersions, unwarranted and cruel deductions, but in spite of it all there is not a Member of Congress who would vote to destroy the freedom of our press. The freedom of newspapers, magazines, periodicals, and publications to publish news uncensored, unrestricted, and untrammeled must live on to guard and perpetuate our democratic republican institutions. [Applause.]

[Here the gavel fell.]

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, I have listened with intense interest to the very able and instructive address of our distinguished colleague from New York. He has been endowed with splendid talents of retentive genius, historical knowledge, marvelous memory, and clarity of utterance, and he has brought them to us again today. I believe that the highest traditions of the House live again in the speech delivered this afternoon by our colleague. I compliment him with every sincerity of my heart. [Applause.]

Mr. MOSER of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. SIROVICH] may proceed for 2 additional minutes in order that I may ask him a question.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOSER of Pennsylvania. Will the gentleman from New York tell us the difference between an organism and a mechanism?

Mr. SIROVICH. Mr. Speaker, when a child comes into the world, whether it be an embryo or a fetus, it comes in as an organism. It comes in intact; every part that Nature has given it is there. No part is added to it from the outside. Its motive power comes from within.

A machine or mechanism, on the other hand, must be made piecemeal, from part to part, and when the parts are all put together, its motive power or the force that motivates its movement must come from without.

Therefore, no human being should be made a slave or servant of a machine, but every human organism ought to be treated with dignity, with graciousness, with humanity. An organism is created by divine Spirit. A machine is only made by human hand. Man should therefore be master of the machine, and not its servant. [Applause.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. HILL of Washington, for 1 day, on account of official business.

To Mr. LANZETTA, for 1 day, on account of important business.

To Mr. KLEBERG (at the request of Mr. WEST), for 1 day, on account of illness in family.

To Mr. THOMASON of Texas (at the request of Mr. LUTHER A. JOHNSON), for 1 day, on account of important business.

To Mr. MITCHELL, for 1 week, on account of urgent business.

EXTENSION OF REMARKS

Mr. O'CONNELL of Montana. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein two short letters written by Arthur L. Johnson, formerly general legislative chairman of the Townsend organization, explaining his stand on the recent Townsend destruction, which explains my position thereon.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly, under the order previously agreed to, the House adjourned (at 4 o'clock and 32 minutes p. m.) until Monday, June 21, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce, at 10 a. m., Monday, June 21, 1937. Business to be considered: Continuation of hearing on H. R. 6968, amendments to the Securities Act of 1933.

There will be a meeting of the Firearms Subcommittee of the Committee on Interstate and Foreign Commerce, at 10 a. m., Tuesday, June 22, 1937, for the consideration of S. 3, firearms bill.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Will hold hearings on H. R. 7351, to prohibit the use of buildings or premises for the carrying on of certain undesirable industries, in room 345, House Office Building, at 10:30 a. m., on Monday, June 21, and Tuesday, June 22, 1937.

COMMITTEE ON NAVAL AFFAIRS

The Committee on Naval Affairs will hold an open hearing on House Joint Resolution 296, suspending action by Navy selection boards, at 10:30 a. m. on Monday, June 21, 1937. Important.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

668. A letter from the Chairman, Tennessee Valley Autority, transmitting the third annual report for the fiscal year beginning July 1, 1935, and ending June 30, 1936; to the Committee on Military Affairs.

669. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated June 10, 1937, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of Sitka Harbor, Alaska, authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 268); to the Committee on Rivers and Harbors, and ordered to be printed, with illustration.

670. A letter from the Acting Secretary of the Interior, transmitting the draft of a bill to authorize the use of certain facilities of national parks and national monuments for elementary school purposes; to the Committee on the Public Lands.

671. A letter from the Acting Secretary of the Interior, transmitting a proposed bill to govern the leasing of Indian lands for mining purposes; to the Committee on Indian Affairs.

672. A letter from the Acting Secretary of the Interior, transmitting the draft of a bill to set aside certain lands in Oklahoma for the Cheyenne and Arapaho Indians; to the Committee on Indian Affairs.

673. A letter from the Acting Secretary of the Interior, transmitting a draft of a proposed bill to amend the act incorporating Howard University, to provide authority for its trustees to make investments of institution funds in corporate stocks, and to remove an existing limitation upon the amount of income the university may receive from private sources in any one year over and above fees received from students; to the Committee on Education.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. COLDEN: Committee on the Disposition of Executive Papers. A report on the disposition of executive papers in the Department of the Treasury (Rept. No. 1063). Ordered to be printed.

Mr. WOODRUM: Committee on Appropriations. House Joint Resolution 415. Joint resolution making an appropriation to defray expenses incident to the dedication of chapels and other World War memorials erected in Europe, and for other purposes; with amendment (Rept. No. 1064). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES: Committee on Agriculture. H. R. 7562. A bill to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, and for other purposes; with amendment (Rept. No. 1065). Referred to the Committee of the Whole House on the state of the Union.

Mr. CROSSER: Committee on Interstate and Foreign Commerce. H. R. 7519. A bill to amend an act entitled "An act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes", approved August 29, 1935; with amendment (Rept. No. 1069). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. EBERHARTER: Committee on Claims. H. R. 518. A bill for the relief of Francesca Incardone Iacona; with amendment (Rept. No. 1047). Referred to the Committee of the Whole House.

Mr. CASE of South Dakota: Committee on Claims. H. R. 615. A bill granting compensation to John Voorhees; with amendment (Rept. No. 1048). Referred to the Committee of the Whole House.

Mr. CARLSON: Committee on Claims. H. R. 1241. A bill for the relief of Dorothy Krick; with amendment (Rept. No. 1049). Referred to the Committee of the Whole House.

Mr. DICKSTEIN: Committee on Claims. H. R. 1869. A bill for the relief of J. Roy Workman; with amendment (Rept. No. 1050). Referred to the Committee of the Whole House.

Mr. CASE of South Dakota: Committee on Claims. H. R. 2191. A bill for the relief of Roberta Carr; with amendment (Rept. No. 1051). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 2339. A bill for the relief of Orba Caress; with amendment (Rept. No. 1052). Referred to the Committee of the Whole House.

Mr. RYAN: Committee on Claims. H. R. 3503. A bill for the relief of George O. Claypool; with amendment (Rept. No. 1053). Referred to the Committee of the Whole House.

Mr. THOMAS of New Jersey: Committee on Claims. H. R. 3987. A bill for the relief of the estate of Col. C. J. Bartlett, United States Army; with amendment (Rept. No. 1054). Referred to the Committee of the Whole House.

Mr. RYAN: Committee on Claims. H. R. 4156. A bill for the relief of George R. Brown; without amendment (Rept. No. 1055). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. H. R. 4936. A bill for the relief of the legal guardian of Charlotte Sweeney and Howard Sweeney; with amendment (Rept. No. 1056). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. H. R. 5158. A bill for the relief of John P. Ryan; with amendment (Rept. No. 1057). Referred to the Committee of the Whole House.

Mr. EBERHARTER: Committee on Claims. H. R. 5703. A bill for the relief of Thomas H. McLain; with amendment (Rept. No. 1058). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. S. 114. An act for the relief of Mildred Moore; with amendment (Rept. No. 1059). Referred to the Committee of the Whole House.

Mr. RYAN: Committee on Claims. S. 1143. An act for the relief of G. L. Tarlton; with amendment (Rept. No. 1060). Referred to the Committee of the Whole House.

Mr. RYAN: Committee on Claims. S. 1144. An act for the relief of the Frazier-Davis Construction Co.; with amendment (Rept. No. 1061). Referred to the Committee of the Whole House.

Mr. CARLSON: Committee on Claims. S. 1188. An act for the relief of J. E. Sammons; with amendment (Rept. No. 1062). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Immigration and Naturalization. S. 557. An act authorizing the naturalization of James Lincoln Hartley, and for other purposes; without amendment (Rept. No. 1067). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 6468. A bill to authorize the cancelation of deportation proceedings in the case of John Grinwood Taylor; without amendment (Rept. No. 1068). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SHEPPARD: A bill (H. R. 7574) to authorize a preliminary examination and survey of Whitewater River, and the watersheds thereof in the counties of Riverside and San Bernardino in the State of California, for flood control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. BOEHNE: A bill (H. R. 7575) to amend the Revenue Act of 1936 with respect to the surtax on undistributed profits; to the Committee on Ways and Means.

By Mr. DOUGHTON: A bill (H. R. 7576) to levy an excise tax upon carriers and certain other employers and an income tax upon their employees, and for other purposes; to the Committee on Ways and Means.

By Mr. FLANNAGAN: A bill (H. R. 7577) to provide an adequate and balanced flow of the major agricultural commodities in interstate and foreign commerce, and for other purposes; to the Committee on Agriculture.

By Mr. GREEVER: A bill (H. R. 7578) to authorize the Secretary of the Interior to issue patents to States under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), subject to prior leases issued under section 15 of said act; to the Committee on the Public Lands.

By Mr. HILL of Oklahoma: A bill (H. R. 7579) to regulate apportionment of Federal employments, and for other purposes; to the Committee on the Civil Service.

By Mr. PACE: A bill (H. R. 7580) to provide that any veteran of the World War disabled or deceased prior to January 1, 1925, from lymphatic leukemia or pernicious anemia shall be presumed to have acquired such disability during the World War; to the Committee on World War Veterans' Legislation.

By Mr. VINSON of Georgia: Resolution (H. Res. 245) making H. R. 6547, a bill to authorize the Secretary of the Navy to proceed with the construction of certain public works in or in the vicinity of the District of Columbia, and for other purposes, a special order of business; to the Committee on Rules.

By Mr. KOPPLEMANN: Joint resolution (H. J. Res. 417) to provide for the printing of an article by M. W. Hazen entitled "Agriculture in Palestine and the Development of Jewish Colonization" as a House document; to the Committee on Printing.

By Mr. DOUGHTON: Joint resolution (H. J. Res. 418) making an appropriation for expenses of the Joint Committee on Tax Evasion and Avoidance; to the Committee on Appropriations.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

The SPEAKER: Memorial of the Legislature of the State of Wisconsin, memorializing the President and the Congress of the United States with reference to House bill 5538, concerning pensions for blind persons; to the Committee on Pensions.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CULKIN: A bill (H. R. 7581) granting a pension to Luta M. Ash; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7582) granting an increase of pension to Sarah Zufelt; to the Committee on Invalid Pensions.

By Mr. GOLDSBOROUGH: A bill (H. R. 7583) for the relief of Howard P. Bryan; to the Committee on Military Affairs.

By Mr. HARLAN: A bill (H. R. 7584) granting a pension to William Lennox; to the Committee on Pensions.

By Mr. KNUTSON: A bill (H. R. 7585) for the relief of Lt. T. L. Bartlett; to the Committee on Claims.

By Mr. LORD: A bill (H. R. 7586) granting a pension to Clarinda E. Kenyon; to the Committee on Invalid Pensions.

By Mr. TARVER: A bill (H. R. 7587) for the relief of Lon D. Worsham Co.; to the Committee on Claims.

By Mr. TINKHAM (by request): A bill (H. R. 7588) for the relief of Wellington G. Richardson; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2669. By Mr. HAVENNER: Petition of the Chinese Young Woman's Christian Association and other citizens of San Francisco, endorsing the Wagner-Steagall bill; to the Committee on Banking and Currency.

2670. By Mr. HULL: Petition of the Wisconsin State Legislature, memorializing Congress to pass House bill 5538, relating to blind pensions, now pending before the Congress of the United States; to the Committee on Pensions.

2671. By Mr. KRAMER: Resolution of the Senate and Assembly of the State of California, relative to memorializing the President and the Congress to enact House bill 4009, which proposes to appropriate $50,000,000 to cooperate with the States of the United States in the eradication of noxious weeds, etc.; to the Committee on Agriculture.

2672. Also, resolution of the Assembly and Senate of the State of California, relative to Federal aid to State or Territorial veterans' homes; to the Committee on Appropriations.

2673. By Mr. LESINSKI: Resolution of the House of Representatives (the Senate concurring) of the Michigan Legislature, urging the Congress of the United States to adopt legislation providing for the granting of consent to the Mackinac Straits Bridge Authority of Michigan to construct a bridge across the Straits of Mackinac; to the Committee on Rivers and Harbors.

2674. By Mr. McLAUGHLIN: Resolution protesting against the amendment which would require sponsors of Works Progress Administration projects to furnish at least 40 percent of the cost of the project; to the Committee on Appropriations.

2675. By Mr. PFEIFER: Petition of the Waste Material Sorters, Trimmers, and Handlers' Union, Local No. 18445, A. F. of L., Brooklyn, N. Y., concerning the restriction of scrap exportation, Senate bill 2025 and House bill 6278; to the Committee on Military Affairs.

SENATE

MONDAY, JUNE 21, 1937

(Legislative day of Tuesday, June 15, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, June 18, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum, and ask for a roll call.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Hughes	Pittman
Andrews	Clark	Johnson, Colo.	Pope
Ashurst	Connally	La Follette	Radcliffe
Austin	Copeland	Lee	Reynolds
Bailey	Davis	Lewis	Robinson
Bankhead	Dieterich	Lodge	Russell
Barkley	Duffy	Logan	Schwartz
Bilbo	Ellender	Lonergan	Schwellenbach
Black	Frazier	Lundeen	Smathers
Bone	George	McAdoo	Steiwer
Borah	Gerry	McGill	Thomas, Okla.
Bridges	Gibson	McKellar	Thomas, Utah
Brown, Mich.	Gillette	McNary	Townsend
Brown, N. H.	Glass	Minton	Truman
Bulkley	Guffey	Moore	Tydings
Bulow	Harrison	Murray	Vandenberg
Burke	Hatch	Neely	Van Nuys
Byrd	Hayden	Norris	Wagner
Byrnes	Herring	Nye	Walsh
Capper	Hitchcock	O'Mahoney	Wheeler
Caraway	Holt	Overton	White

Mr. LEWIS. I announce that the Senator from Utah [Mr. KING] and the Senator from Connecticut [Mr. MALONEY] are absent because of illness.

The Senator from Tennessee [Mr. BERRY], the Senator from Ohio [Mr. DONAHEY], the Senator from Rhode Island [Mr. GREEN], the Senator from Nevada [Mr. MCCARRAN], the Senator from Florida [Mr. PEPPER], the Senator from Texas [Mr. SHEPPARD], and the Senator from South Carolina [Mr. SMITH] are detained from the Senate upon important public business.

Mr. AUSTIN. I announce that the Senator from Minnesota is necessarily absent from the Senate.

The PRESIDENT pro tempore. Eighty-four Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had agreed to the amendment of the Senate to the amendment of the House to the bill (S. 713) to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N J., July 10, 1926.

The message also announced that the House had severally agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 937. An act for the relief of Goldie Durham;

H. R. 988. An act for the relief of Otis Cordle, a minor;

H. R. 1065. An act for the relief of Mrs. Louis Abner;

H. R. 1275. An act for the relief of Sarah L. Smith;

H. R. 2090. An act for the relief of John Knaack;

H. R. 2226. An act for the relief of Leah Levine;

H. R. 2781. An act for the relief of Rev. Harry J. Hill;

H. R. 2801. An act for the relief of Claude Curteman;

H. R. 2935. An act for the relief of Montrose Grimstead;

H. R. 3055. An act for the relief of the estate of John E. Callaway;

H. R. 3451. An act for the relief of F. M. Loeffler;

H. R. 3583. An act for the relief of Martin J. Blazevich;

H. R. 3812. An act for the relief of the estate of Rees Morgan;

H. R. 4023. An act for the relief of Lucy Jane Ayer;

H. R. 5146. An act for the relief of Sarah E. Palmer;

H. R. 5214. An act conferring jurisdiction upon the United States District Court for the Eastern District of Arkansas to hear, determine, and render judgment upon the claim of Charles W. Benton; and

H. R. 5456. An act for the relief of Harold Scott and Ellis Marks.

The message further announced that the House had severally agreed to the amendments of the Senate to each of the following bills of the House:

H. R. 703. An act for the relief of Elbert Arnold Jarrell;

H. R. 2108. An act for the relief of Dorothy White, Mrs. Carol M. White, and Charles A. White; and

H. R. 3575. An act for the relief of Albert Retellatto, a minor.

The message also announced that the House had insisted upon its amendments to the bill (S. 455) for the relief of J. R. Collie and Eleanor Y. Collie, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KENNEDY of Maryland, Mr. RYAN, and Mr. CARLSON were appointed managers on the part of the House at the conference.

The message further announced that the House had severally disagreed to the amendments of the Senate to each of the following bills of the House, asked conferences with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KENNEDY of Maryland, Mr. RYAN, and Mr. CARLSON were appointed managers on the part of the House at the several conferences:

H. R. 458. An act for the relief of Eva Markowitz;

H. R. 730. An act for the relief of Joseph M. Clagett, Jr.; and

H. R. 1377. An act conferring jurisdiction upon the United States District Court for the Southern District of Ohio to hear, determine, and render judgment upon the claims of Walter T. Karshner, Katherine Karshner, Anne M. Karshner, and Mrs. James E. McShane.

The message also announced that the House had severally disagreed to the amendment of the Senate to each of the following bills of the House, asked conferences with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KENNEDY of Maryland, Mr. RYAN, and Mr. CARLSON were appointed managers on the part of the House at the several conferences:

H. R. 1945. An act for the relief of Venice La Prad;

H. R. 2332. An act for the relief of William Sulem;

H. R. 2562. An act for the relief of Mr. and Mrs. David Stoppel;

H. R. 2565. An act to confer jurisdiction on the Court of Claims to hear, determine, and enter judgment upon the claims of contractors for excess costs incurred while constructing navigation dams and locks on the Mississippi River and its tributaries; and

H. R. 3634. An act for the relief of Noah Spooner.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 7206. An act to permit the temporary entry into the United States under certain conditions of alien participants and officials of the World Association of Girl Guides and Girl Scouts Silver Jubilee Camp to be held in the United States in 1937;

H. R. 7472. An act to provide additional revenue for the District of Columbia, and for other purposes; and

H. J. Res. 415. Joint resolution making an appropriation to defray expenses incident to the dedication of chapels and other World War memorials erected in Europe, and for other purposes.

SUPPLEMENTAL ESTIMATES, NATIONAL BITUMINOUS COAL COMMISSION (S. DOC. NO. 85)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States,

transmitting supplemental estimates of appropriations for the Department of the Interior, National Bituminous Coal Commission, for the fiscal year 1938, amounting to $3,300,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

RELIEF OF FLOOD SUFFERERS IN 1937 (S. DOC. NO. 84)

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Administrator of the Resettlement Administration, transmitting, in response to Senate Resolution 119 (agreed to Apr. 22, 1937), a statement with reference to the relief of flood sufferers in the floods of 1937, which, with the accompanying paper, was ordered to lie on the table and to be printed.

REPORT OF SECURITIES AND EXCHANGE COMMISSION—PART II, COMMITTEES AND CONFLICTS OF INTEREST

The PRESIDENT pro tempore laid before the Senate a letter from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, a further report on the study and investigation of the work, activities, personnel, and functions of protective and reorganization committees, being Part II, Committees and Conflicts of Interest, which, with the accompanying report, was referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the Legislature of the State of Michigan, which was ordered to lie on the table:

Concurrent resolution memorializing the Congress of the United States to continue their appropriations to the Public Works Administration for non-Federal public works

Whereas there is urgent necessity that the State of Michigan continue its building program for State institutions; and

Whereas the funds available for such appropriations in the State of Michigan are not adequate to immediately meet the situation; and

Whereas the Federal Public Works Administration has heretofore assisted the State of Michigan in a valuable and beneficial way in the construction of new buildings at State institutions; and

Whereas the Congress of the United States now has under consideration the question of further appropriations for the Public Works Administration; and

Whereas the State administrative board will be authorized to apply to the Federal Government for assistance in the furtherance of an institutional building program: Now, therefore, be it

Resolved by the senate (the house of representatives concurring), That the Congress of the United States continue their valuable assistance rendered through the Public Works Administration; and be it further

Resolved, That a copy of this resolution be sent to the President and Vice President of the United States and each United States Senator and Congressman from Michigan.

The PRESIDENT pro tempore also laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on Commerce:

Assembly joint resolution relative to memorializing the President and Congress to take such steps as may be necessary to cut a channel through the southerly end of the Coronado Silver Strand to allow seagoing vessels to enter the bay of San Diego at its southerly end

Whereas the bay of San Diego possesses one of the finest harbors in the world; and

Whereas the fleet of the United States of America makes extensive use of said bay; and

Whereas there is only one entrance to said bay, which condition would constitute an extreme hazard to said fleet in the event of war; and

Whereas the construction of a channel through the southerly end of the Coronado Silver Strand would permit of a segregation of the vessels of the United States from ordinary commerce, and thus facilitate the use of said bay by both classes of vessels, and also render the bay more valuable in time of war: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California jointly, That the Legislature of the State of California hereby memorializes and petitions the President and the Congress of the United States to take such steps as may be necessary to cut a channel through the southerly end of the Coronado Silver Strand to allow seagoing vessels to enter the bay of San Diego at its southerly end; and be it further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Member of the House of Representatives from California in the Congress of the United States, and that such Senators and Members from California are hereby respectfully requested to urge such action.

The PRESIDENT pro tempore laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on Finance:

Assembly joint resolution relative to memorializing the President and the Congress of the United States to amend the Social Security Act so as to enable such States as may desire to do so to bring the employees of such State and the employees of its counties, cities, and other political subdivisions within the provisions of such act relating to old-age benefits

Whereas the Federal Social Security Act exempts from the old-age benefit provisions of such act persons performing service in the employ of a State or political subdivision thereof; and

Whereas thousands of employees of the State of California and of its counties, cities, and other political subdivisions are desirous of securing the old-age benefits provided for by the Federal Security Act now denied by them: Now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorialize the President and the Congress of the United States to enact legislation amending the Federal Social Security Act so as to enable any State that may desire to do so to bring the employees of such State, and the employees of its counties, cities, and other political subdivisions, within the beneficent provisions of said act relating to old-age benefits; further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Member of the House of Representatives from California in the Congress of the United States, and such Senators and Members of the House of Representatives from California are respectfully urged to support such legislation.

The PRESIDENT pro tempore also laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on the Judiciary:

Assembly joint resolution relative to memorializing the Congress of the United States to designate Armistice Day as a holiday

Whereas the 11th day of November is the day when all persons throughout the civilized world celebrate the return of peace at the end of the World War; and

Whereas it is desirable to keep alive in the hearts of the American people the memory of that joyous day; and

Whereas the pursuit of routine labor and business is inconsistent with the proper contemplation of the significance of that day: Now, therefore, be it

Resolved That the Assembly and the Senate of the State of California, jointly, respectfully urge the Congress of the United States to enact legislation to declare the 11th day of November a national holiday; and be it further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and the Vice President of the United States, and to the Speaker of the House of Representatives, and to each Senator and Member of the House of Representatives from California in the Congress of the United States, and that the Senators and Members from California are hereby respectfully urged to support such legislation.

The PRESIDENT pro tempore also laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on Military Affairs.

Senate joint resolution relative to memorializing the President and Congress to enact legislation relative to the conscription of wealth and industry in wartime and the effective barring of war profits

Whereas it is the duty of the United States Government to protect the welfare of its people by doing every reasonable thing to avert war; and

Whereas the United States could, to a great extent, accomplish her part in the world's striving for peace by legislating against war profits: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the President and the Congress of the United States are hereby respectively urged to enact legislation that will provide for the conscription of wealth and industry used for war purposes upon a basis similar to that for the conscription of man power, and will effectively bar war profits from the use of property or wealth for war purposes; and be it further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House, and to the Senators and Representatives of the State of California in Congress.

The PRESIDENT pro tempore also laid before the Senate the following joint resolution of the Legislature of the State of California, which was ordered to lie on the table:

Senate joint resolution relative to memorializing the President of the United States and the Members of Congress to extend the life of the Federal Public Works Administration for a period of 2 years after next June 30, and further memorializing Congress to earmark the sum of $350,000,000 of the pending Federal relief appropriation for a continuance of loans and grants under P. W. A. to local communities

Whereas under existing law the life of the Federal Public Works Administration will expire by limitation on June 30, 1937; and

Whereas there has been achieved a remarkable record of accomplishment by this Federal agency in providing useful employment and the construction of needed and permanently useful public works in the form of school buildings, sewage-disposal plants, municipal utilities, and other forms of public projects in every community and to the extent of many thousand in number of such projects; and

Whereas, under the plan of local financial cooperation of the Federal Public Works Administration of loans and grants, hundreds of local communities in the State of California have proceeded in good faith with the voting of bonds, levying of special taxes, and other advance expenditures and commitments in anticipation of loans or grants of Federal P. W. A. funds; and

Whereas all these local communities will be deprived of these public works unless there is a continuance of P. W. A.; and

Whereas the record of performances of P. W. A. has demonstrated that it is the most successful and desirable of the Federal Public Works program in providing maximum relief employment both on the site of the work and in the mills, factories, and sources of production, the survey of the Federal Department of Labor showing that for every person directly employed, three more persons were engaged in producing materials and supplies; and

Whereas it is now thoroughly proven that the prosperity of the Nation depends upon the stimulation of the normal channels of business and trade, thereby increasing private employment in the heavy goods and construction industries rather than in any form of temporary direct relief; and

Whereas the most desirable form of relief is to keep our employables off relief rather than to take them off after they are on; and

Whereas the plan heretofore in effect in P. W. A. of allowing a grant of Federal funds up to a maximum of 45 percent has proven the most feasible, desirable, and practical of all plans in that it means the local community also bears its share of the load; and

Whereas the payment of prevailing wages as against a dole, and the pride and contentment of the worker engaged in useful work adds to the prosperity and comfort of the community as well as to its actual development as a part of our great State: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California hereby respectfully petition the President of the United States and the Members of the Congress to extend and continue the existence of the Federal Public Works Administration for an additional 2 years after June 30, 1937; and be it further

Resolved, That the sum of not less than $350,000,000 of the $1,500,000,000 carried in the pending Federal relief bill be specifically set aside and earmarked for the continuance of P. W. A. loans and grants on the percentage-of-cost basis which has proven so successful in the past; and be it further

Resolved, That we urge this legislation include a specific provision that artisans and workers may be employed through organized labor and local and Federal employment services without the necessity of first declaring themselves as indigents or relief clients; and be it further

Resolved, That we urge that the proven plan of grants on a percentage of cost ranging from a minimum of 30 percent to a maximum of 45 percent be also incorporated therein; and be it further

Resolved, That we respectfully urge the Congress to take prompt action thereon to the end that the many pending projects already approved and on which plans are fully prepared and all preliminary work fully completed may be placed under construction as quickly as possible; and be it further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House, to the members of the Committee on Appropriations of the House, to the members of the Committee on Finance of the Senate, and to the Senators and Representatives of the State of California in the Congress.

The PRESIDENT pro tempore also laid before the Senate a resolution adopted by the Board of Aldermen of the City of Chelsea, Mass., protesting against the laying off by the Federal Government of a certain percentage of W. P. A. workers, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by the Board of Aldermen of the City of Chelsea, Mass., favoring the abrogation of reciprocity treaties permitting the importation of shoes of foreign manufacture into the United States, which was referred to the Committee on Finance.

He also laid before the Senate a resolution adopted by the Thirty-ninth Annual Encampment, Department of the District of Columbia, United Spanish War Veterans, favoring the prompt enactment of legislation reducing the age limit under which Spanish War veterans may receive increased pensions, which was referred to the Committee on Pensions.

He also laid before the Senate a resolution adopted by Revere Post, No. 61, American Legion, of Revere, Mass., favoring the prompt enactment of special legislation to provide a lifetime annuity for the benefit of Marie Antoinette Connery, widow of Hon. William P. Connery, Jr., late a Representative of the State of Massachusetts, which was referred to the Committee on Pensions.

He also laid before the Senate a telegram from the chairman of the national advisory committee, eighteenth annual convention of the United States Junior Chamber of Commerce, Denver, Colo., endorsing in behalf of the convention the enactment of the bill (S. 2) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by aircraft in interstate commerce, and for other purposes, which was ordered to lie on the table.

He also laid before the Senate a telegram in the nature of a petition from Daniel M. Zimmermann, supervisor of Saluda County and president of the South Carolina Association of County Road Officials, Chappell, S. C., praying that all W. P. A. work sponsors contribute at least one-third of W. P. A. project costs, that county supervisors be allowed complete authority to supervise W. P. A. road projects in their respective counties, and to discharge any W. P. A. employee whose work is unsatisfactory, which was ordered to lie on the table.

Mr. CAPPER presented a resolution adopted by the Labette County Bankers Association, Parsons, Kans., protesting against the enactment of legislation providing for the establishment of branch banks within the various Federal Reserve districts, which was referred to the Committee on Banking and Currency.

Mr. COPELAND presented a resolution adopted by Local Union No. 10, Amalgamated Ladies' Garment Cutters' Union, of New York City, favoring the prompt enactment of the pending low-cost housing bill, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Brooklyn (N. Y.) Chapter of the American Institute of Architects, endorsing the basic features of the so-called Wagner-Steagall low-cost housing bill, and favoring the prompt enactment thereof, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by members of the directing committee of the Mount Vernon (N. Y.) Peace Council and the district leaders and block workers of that council, in joint meeting assembled, favoring the prompt enactment of pending legislation to stop the sale of arms to foreign countries in peacetime and to control or prohibit the export of scrap products and pig iron except as licensed by the Secretary of Commerce, which was referred to the Committee on Foreign Relations.

Mr. WALSH presented a resolution adopted by the Massachusetts State Planning Board, endorsing in principle the so-called Wagner-Steagall low-cost housing bill, which was referred to the Committee on Education and Labor.

He also presented a letter from Henry R. Shepley, president of the Boston Society of Architects, embodying a resolution adopted by the Sixty-ninth Convention of the American Institute of Architects held at Boston, Mass., endorsing the basic features of the so-called Wagner-Steagall low-cost housing bill and favoring the prompt enactment thereof, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Board of the Board of Aldermen of the City of Chelsea, Mass., favor-

the laying off by the Federal Government of a certain percentage of W. P. A. workers, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Board of Aldermen of the City of Chelsea, Mass., favoring the abrogation of reciprocity treaties permitting the importation of shoes of foreign manufacture into the United States, which was referred to the Committee on Finance.

He also presented a resolution adopted by the executive committee of the Massachusetts Bar Association, endorsing the adverse report of the Senate Committee on the Judiciary on the reorganization of the Federal judiciary, and protesting against the enactment of the bill (S. 1392) to reorganize the judicial branch of the Government, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. SCHWELLENBACH, from the Committee on Claims, to which was referred the bill (S. 1882) for the relief of the Consolidated Aircraft Corporation, reported it with amendments and submitted a report (No. 770) thereon.

Mr. FRAZIER, from the Committee on Indian Affairs, to which was referred the bill (S. 642) for the relief of the Indians of the Fort Berthold Reservation in North Dakota, reported it without amendment and submitted a report (No. 771) thereon.

Mr. HATCH, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 2086) to authorize appropriations for the construction of the Arch Hurley conservancy district in New Mexico, reported it with amendments and submitted a report (No. 772) thereon.

He also, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1759) to amend an act entitled "An act to eliminate the requirements of cultivation in connection with certain homestead entries", approved August 19, 1935, reported it without amendment and submitted a report (No. 773) thereon.

Mr. BULOW, from the Committee on Civil Service, to which was referred the bill (S. 714) relating to the eligibility of certain persons for admission to the civil service, reported it with an amendment and submitted a report (No. 774) thereon.

Mr. ADAMS, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 2681) to authorize the construction of the Grand Lake-Big Thompson transmountain water-diversion project as a Federal reclamation project, reported it with amendments and submitted a report (No. 775) thereon.

Mr. DIETERICH, from the Committee on the Judiciary, to which was referred the bill (H. R. 3284) to transfer Crawford County, Iowa, from the southern judicial district of Iowa to the northern judicial district of Iowa, reported it without amendment and submitted a report (No. 776) thereon.

Mr. LODGE, from the Committee on Military Affairs, to which was referred the bill (S. 2093) for the relief of George H. Stahl, reported it with amendments and submitted a report (No. 777) thereon.

Mr. TYDINGS, from the Committee on Territories and Insular Affairs, to which was referred the bill (S. 2620) to amend the Hawaiian Homes Commission Act, 1920, reported it with amendments and submitted a report (No. 778) thereon.

Mr. WHEELER, from the Committee on Interstate Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 2410. A bill to amend the Judicial Code, as amended (Rept. No. 779); and

H. R. 6049. A bill to amend the Interstate Commerce Act (Rept. No. 783).

Mr. BURKE, from the Committee on the Judiciary, to which was referred the bill (H. R. 4795) to provide for a term of court at Livingston, Mont., reported it without amendment and submitted a report (No. 780) thereon.

Mr. PITTMAN, from the Committee on Foreign Relations, to which were referred the following bill and joint resolution, reported them each without amendment and submitted reports thereon:

S. 2497. A bill authorizing John Monroe Johnson, Assistant Secretary of Commerce, to accept the decoration tendered him by the Belgian Government (Rept. No. 781); and

H. J. Res. 349. Joint resolution authorizing certain retired officers or employees of the United States to accept such decorations, orders, medals, or presents as have been tendered them by foreign governments (Rept. No. 782).

BILL RECOMMITTED TO COMMITTEE ON PENSIONS AND REPORT FROM COMMITTEE ON IMMIGRATION

Mr. McGILL. Mr. President, on last Friday I intended to submit a report from the Committee on Immigration on the bill (H. R. 1731) for the relief of Angelo and Auro Cattaneo. Inadvertently the report was filed by me on the bill (S. 1731) for the relief of Elizabeth Hanford. I ask unanimous consent that Senate bill 1731 be recommitted to the Committee on Pensions and that I be permitted to report back from the Committee on Immigration without amendment the bill (H. R. 1731) for the relief of Angelo and Auro Cattaneo and to submit a report (No. 769) thereon.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BONE:

A bill (S. 2683) to amend subsection (c) of section 8 of the act entitled "An act to amend the Judicial Code, and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes", approved February 13, 1925, as amended; to the Committee on the Judiciary.

By Mr. JOHNSON of Colorado:

A bill (S. 2684) for the relief of Frederick Stuart Warren; to the Committee on Military Affairs.

A bill (S. 2685) to provide for observing on Monday certain legal public holidays; to the Committee on Education and Labor.

By Mrs. CARAWAY:

A bill (S. 2686) for the relief of Guss Berry and Ernest Dewberry; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 2687) to except yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended; to the Committee on Commerce.

By Mr. CHAVEZ:

A bill (S. 2688) to provide for preliminary examinations and surveys for run-off and waterflow retardation and soil-erosion prevention on the watersheds of the Rio Grande and Pecos Rivers; to the Committee on Agriculture and Forestry.

By Mr. THOMAS of Oklahoma (by request):

A bill (S. 2689) to regulate the leasing of certain Indian lands for mining purposes; to the Committee on Indian Affairs.

By Mr. REYNOLDS:

A bill (S. 2690) to amend the military record of John C. Graham, Jr., and for other purposes; to the Committee on Military Affairs.

A bill (S. 2691) granting the consent of the United States to the exercise of the power of eminent domain with respect to certain Indian lands in Graham County, N. C.; to the Committee on Indian Affairs.

By Mr. CAPPER:

A bill (S. 2692) to provide funds for the initiation of a mapping program in the State of Kansas; to the Committee on Appropriations.

By Mr. NYE:

A joint resolution (S. J. Res. 170) authorizing and directing the Comptroller General of the United States to certify for payment certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920 as per a certain contract authorized by the President; to the Committee on Agriculture and Forestry.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 7206. An act to permit the temporary entry into the United States under certain conditions of alien participants and officials of the World Association of Girl Guides and Girl Scouts Silver Jubilee Camp to be held in the United States in 1937; to the Committee on Immigration.

H. R. 7472. An act to provide additional revenue for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

H. J. Res. 415. Joint resolution making an appropriation to defray expenses incident to the dedication of chapels and other World War memorials erected in Europe, and for other purposes; to the Committee on Appropriations.

CHANGE OF REFERENCE

On motion by Mr. TRUMAN, the Committee on the District of Columbia was discharged from the further consideration of the bill (S. 2571) to incorporate The Bible Foundation, and it was referred to the Committee on the Judiciary.

EXTENSION OF CERTAIN TAXES—AMENDMENT

Mr. COPELAND submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 375) to provide revenue, and for other purposes, which was ordered to lie on the table and to be printed.

EVA MARKOWITZ

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 458) for the relief of Eva Markowitz, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAILEY. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BAILEY, Mr. ELLENDER, and Mr. CAPPER conferees on the part of the Senate.

JOSEPH M. CLAGETT, JR.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 730) for the relief of Joseph M. Clagett, Jr., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAILEY. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BAILEY, Mr. HUGHES, and Mr. CAPPER conferees on the part of the Senate.

WALTER T. KARSHNER ET AL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 1377) conferring jurisdiction upon the United States District Court for the Southern District of Ohio to hear, determine, and render judgment upon the claims of Walter T. Karshner, Katherine Karshner, Anne M. Karshner, and Mrs. James E. McShane, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAILEY. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BAILEY, Mr. BROWN of Michigan, and Mr. CAPPER conferees on the part of the Senate.

VENICE LA PRAD

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 1945) for the relief of Venice La Prad, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAILEY. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BAILEY, Mr. ELLENDER, and Mr. CAPPER conferees on the part of the Senate.

NOAH SPOONER

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 3634) for the relief of Noah Spooner, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAILEY. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BAILEY, Mr. ELLENDER, and Mr. CAPPER conferees on the part of the Senate.

CLAIMS FOR EXCESS COSTS ON MISSISSIPPI DAMS AND LOCKS

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 2565) to confer jurisdiction on the Court of Claims to hear, determine, and enter judgment upon the claims of contractors for excess costs incurred while constructing navigation dams and locks on the Mississippi River and its tributaries, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAILEY. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BAILEY, Mr. BROWN of Michigan, and Mr. CAPPER conferees on the part of the Senate.

WILLIAM SULEM

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 2332) for the relief of William Sulem, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAILEY. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BAILEY, Mr. LOGAN, and Mr. CAPPER conferees on the part of the Senate.

MR. AND MRS. DAVID STOPPEL

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 2562) for the relief of Mr. and Mrs. David Stoppel, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAILEY. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BAILEY, Mr. LOGAN, and Mr. CAPPER conferees on the part of the Senate.

THE ALIEN IN AMERICA—ADDRESS BY SENATOR REYNOLDS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a radio address on the subject of The Alien in America, delivered by him on the evening of June 18, instant, which appears in the Appendix.]

ADDRESS OF COMPTROLLER OF CURRENCY BEFORE WASHINGTON STATE BANKERS' ASSOCIATION

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD the address delivered by Hon. J. F. T. O'Connor, Comptroller of the Currency, at the annual convention of the Washington Bankers' Association, at Bellingham, Wash., on June 17, instant, which appears in the Appendix.]

FAIR LABOR STANDARDS—STATEMENT OF SIDNEY HILLMAN

[Mr. BLACK asked and obtained leave to have printed in the RECORD a statement of Sidney Hillman on June 15, 1937, before the joint session of the Committee on Labor of the Senate and House of Representatives with regard to the bill for the establishment of fair labor standards, which appears in the Appendix.]

RELIEF APPROPRIATIONS

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the joint resolution (H. J. Res. 361) making appropriations for relief purposes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Arkansas [Mr. ROBINSON] to the amendment reported by the committee.

The amendment of Mr. ROBINSON to the amendment of the committee is, on page 4, line 17, to strike out "40" and insert in lieu thereof "25"; after the word "services", in line 18, page 4, to insert a period and strike out the remainder of the amendment down to and including the word "supply", in line 23, page 4, and insert in lieu thereof the following:

Provided, That if the President shall find any project to be necessary in order to provide work relief in the community where the project is to be located, and that the applicant is unable to supply 25 percent of the cost as herein required, he may authorize the project upon such contribution or assurance of contribution as he finds that the applicant is able to make.

Mr. McKELLAR. Mr. President, before a vote is taken on the amendment of the Senator from Arkansas [Mr. ROBINSON] to the amendment reported by the committee, I have a short statement that I wish to make.

Mr. President, whatever may have been our former notions, no one now disputes that unemployment relief is a national question as well as a State and local question, and the Federal Government has a duty to perform in regard to it.

Work and work relief must go to those individuals who are without work and who need relief, regardless of where they live in the Nation and, therefore, any arbitrary plan which would afford such relief to the wealthier States and the wealthier communities and deny it to the poorer States and the poorer communities would defeat the purpose of national work relief.

The requirement as to 25 percent sponsoring contributions would permit only those States and communities which put up the 25 percent to receive Federal work relief, regardless of how many persons in nonsponsoring States need work relief. This would not be fair or just or equitable.

From the evidence before the committee, it is perfectly clear that many States and cities will be unable to put up the 25 percent required by this amendment. Therefore, this arbitrary requirement for such sponsors, contribution will prevent such States and cities from obtaining Federal work relief. In like manner, if this amendment should be adopted, it would provide the needy in the rich cities with work-relief aid, while largely denying the needy in the poorer cities and poorer States all work relief. It would make the national work-relief plan a one-sided, lopsided affair. It would be partial legislation, if not class legislation.

The Senator from Arkansas [Mr. ROBINSON], however, says his amendment will give the President full power to alter and ignore the 25-percent sponsorship requirement. If he is correct in this, why adopt the amendment? The whole subject of the work relief is and has been in the President's hands all the time. Then, why hamper and hamstring him at this late date? It is admitted that the President does not want this amendment; that he thinks it will hamper him in the administration of relief to the best interests of those who need work relief. It is admitted that time and effort and expense will be required to put the program in force. Why place this additional burden on the President? Why place this additional hardship on him? If the amendment takes away no power from the President, as has been stated, why enact it? Why enact a meaningless amendment?

It is admitted that the amendment will change the plan of work relief as it now exists and as it has existed from the beginning of Federal work relief. We all admit that work relief is a national question, we all admit that it has been of great aid to those who were without employment and without hope of getting employment, and that it has greatly aided in restoring better conditions to our country.

Mr. President, we Democrats, I think, practically without exception, in the campaign last fall boasted about the President's administration of work relief. That was one of the issues on which the Democratic Party was returned to power. We all boasted that the President had done a masterly job in work relief. What has happened to change our minds at this late date? What has the President done to make us now have less faith in him in the administration of work relief? What has Mr. Hopkins done in 1937, in his management of work relief, that he did not do in 1936?

Mr. President, the President and Mr. Hopkins, in my opinion, have done a splendid job. Mr. Hopkins and his assistants are experts in work relief. What Member of the Senate feels that he knows more about work relief than do the President and Mr. Hopkins, who have had it in hand all these months and years? Why change an admittedly successful plan for one that no one has tried out? Why should we not continue to create work for the needy unemployed along lines which have been tried and found good?

We have greatly reduced the appropriation for work relief. Our largest appropriation was $4,800,000,000. That was greatly reduced the next year, and the next year, and this year, including the unexpended balances, the appropriation will not be over $1,700,000,000. We are reducing relief expenditures steadily and tremendously every year. Why not let the President make the best use of the funds appropriated by Congress in the same manner that we have been doing?

But it is claimed that under the present system the New York needy get more than do the North Carolina needy. The testimony before the committee is both ways. It is difficult to say which is correct. The funds have not been distributed with absolute equality. Idaho gave the highest sponsoring fund, 28.3 percent; Wyoming came next with 26.7 percent; Tennessee was third with 26.6 percent. North Carolina gave as a sponsoring fund 18.8 percent. I am not complaining because my State contributed a larger proportion than did North Carolina or New York or South Carolina. I think the needy have been taken care of in proportion to their needs, and that is the purpose of the law.

But it is claimed that the Budget must be balanced and at once. Mr. President, no one in the Senate wants to see the Budget balanced more than do I, and I want to see it balanced at the earliest possible moment; but I do not want to balance it at the expense of the needy unemployed of the country.

Mr. President, the Budget can be easily balanced. The President, in the newspapers of this morning, has pointed out one way, and that is to require the heads of the departments to cut down their expenditures. It can be balanced by July 1938 by giving the President power to reduce any and all expenditures 10 percent in all cases where he deems it wise to do so. It can be balanced by cutting down appropriations for war purposes, for the building of larger and larger armies. It can be balanced by cutting down the subsidies we are paying to the suppliant rich for the building of larger vessels. It can be balanced by cutting down the many other subsidies we are paying the rich organizations of this country.

It can be balanced by stopping in the various departments the expensive investigations and studies that are being made and are of very little value to the American people. There are a hundred ways of balancing the Budget if we have the courage to do it. But for one, Mr. President, I am unwilling to cast my vote to balance that Budget by taking away work relief from the needy unemployed. It is through no fault of theirs that they are unemployed; it was through no fault of theirs that they were deprived of work; and I am unalterably opposed to singling out the most unfortunate, the poorest, the most needy class of all our citizens and requiring them to bear the burden of balancing the Budget.

I believe that the abolition of the rich subsidies that we are paying to people who need no subsidies should be the first step to be taken in cutting down expenditures. I believe we should reduce our expenditures for war purposes rather than take away work relief from the suffering unemployed of our land.

Yes, we can balance the Budget by next January if we defeat this bill entirely. Let the poor and unemployed then go hungry and starve if it is wished to do so, but vote against the whole bill if that is the purpose. Do not vote to strangle the bill, to strangle the entire enterprise, by an amendment which, in my opinion, is unfair and unjust and impossible of fulfillment.

Mr. BORAH. Mr. President, the immediate question before the Senate is that of providing a sufficient appropriation to take care of the unemployed and the needy during the coming year. That is the practical problem. In my opinion, the Congress has no very wide discretion in regard to the matter. It is our duty to ascertain, as nearly as we may, the actual amount necessary to take care of the unemployed, and then to provide that amount.

There are some places and in some matters where undoubtedly we can and should cut down expenditures, but the only place where we can have any effect in saving taxes in connection with the pending joint resolution is in the manner of expending the fund. There can be, in my opinion, greater economy in the expenditure of this fund. I do not think that economy in expenditure has been the outstanding characteristic of the administration of this fund, but it has not all been the fault of Mr. Hopkins by any means. Governors and mayors and Members of Congress and everyone seemed willing to call for more and more, and not always measured by the matter of unemployment in their respective places. Nevertheless we have a certain amount of unemployed in the country and we want to take care of them, and we intend to do so. The only question is how we can provide for their relief with as little expenditure as possible in the way of administering the fund.

The Robinson and Byrnes amendments were designed, in my opinion, to urge economy upon the part of the administrators of the fund. Whether they will accomplish that object or not I do not know. It is a little difficult to say. The amendment offered by the Senator from Arkansas [Mr. ROBINSON] provides that those in the States shall contribute 25 percent where they are able to do so. An arbitrary amount would undoubtedly work a hardship, because, as said by the Senator from Nebraska [Mr. NORRIS], it would withhold help from those who might need it most.

However, the Senator from Arkansas has provided in his amendment that where the necessity is made to appear that the applicants be taken care of and that they are unable to contribute, the President may release the effect of the law, as it would then be if the joint resolution is passed. Of course, when we speak of the President we necessarily mean Mr. Hopkins, because he would administer the fund. The effect of the amendment would be to provide that those who are able to do so should contribute 25 percent and those who are not able to do so may be exempted from the operation of the law by the action of Mr. Hopkins. It is undoubtedly the hope of the authors that it will work some economy in administering the fund. It is not designed to take from the unemployed, but rather to help in making the administration less expensive. It may do so. It is worth the effort, it seems to me.

The only question with reference to the amendment, so far as I am concerned, is whether it would change the program in any respect whatever. If it would meet the objective which the authors have in mind it would undoubtedly be helpful, but if Mr. Hopkins will be the person who will pass upon it, will it change the real program of the administration of the fund in any respect whatever? I should have liked to have the view of some of those who have been in the habit of administering this fund, or were near to it, as to how it would aid in the economy of expenditure of the fund, because that is its real merit if it has any. I am hoping it will be of some value.

Mr. President, whether it has any effect on the pending measure or not, the statement of the Senator from Arkansas [Mr. ROBINSON] last Friday with reference to the question of expenditures needed to be made. I observed the other day, from a high authority who is supposed to know, that in 1850 we took 1 cent out of every income dollar for taxes, local, State, and National; that in 1890 we took 5 cents out of every income dollar; that in 1914 we took 16 cents; and in 1936 we took 35 cents out of every income dollar for taxes.

Over these long years, including war and emergency, including peacetime and prosperity, there has been a constant growth of expenditure and a constant increase of the tax burden. We have reached the point, as indicated by the Senator from Arkansas, where this creeping paralysis is reaching near the heart. There must be a reduction because we have not only reached the huge sum which we are now expending, but we have reached the point practically where we are face to face with diminishing tax returns from the taxpayers.

Not much has been said and very little debate has taken place on the great change which has occurred in recent months with reference to the taxing power in the United States. The responsibility now, under the decision of the Supreme Court, is entirely or almost entirely with Congress. The Court has said, and by the unanimous support of all parties and all divisions of the Government, that the Congress may now lay taxes, impose duties and excises, to provide for the common defense and the general welfare of the country. It has further said that the discretion as to what is the general welfare is practically in the hands of Congress.

We have not as yet felt the effect of that policy; but to have established as the policy of this Government, by the consent of all departments of the Government and by the consent of all political parties, that the Congress may lay taxes to take care of anything that Congress regards as the general welfare, constitutes the most serious change in the economic situation of this country of which I can conceive. The unlimited power to tax the people is the unlimited power to bring about economic destitution.

Mr. President, let me read what Mr. Justice Cardozo said on this subject:

> Congress may spend money in aid of the "general welfare." There have been great statesmen in our history who have stood for other views. We will not resurrect the contest. It is now settled by decision. The conception of the spending power advocated by Hamilton and strongly reinforced by Story has prevailed over that of Madison, which has not been lacking in adherents. Yet difficulties are left when the power is conceded. The line must still be drawn between one welfare and another, between particular and general. Where this shall be placed cannot be known through a formula in advance of the event. There is a middle ground or certainly a penumbra in which discretion is at large. The discretion, however, is not confided to the courts. The discretion belongs to Congress, unless the choice is clearly wrong, a display of arbitrary power.

What limitation is there upon the power of Congress to lay taxes and expend money? As a practical question, where is there any limitation? Under that rule, as Hamilton contended, Congress is practically the judge of what constitutes the general welfare. Unless it is unmistakably shown to be arbitrary or capricious, the judgment of Congress prevails.

Of late there has been much contention in this country that Congress should be without restraint; that it represents the people, and therefore that it should not be restricted by other departments of the Government. Now Congress has the entire power on taxes and expenditures.

We are the sole guardian of the taxpayers of the United States, as a practical proposition. We can either make or ruin the great masses of the people of the United States by our expenditures. When the Senator from Arkansas [Mr. ROBINSON] spoke, I thought he must have been speaking in the wake of this tremendous power which has now been assured to the Congress of the United States. As this power fattens by what it feeds upon it will have its effect upon the whole people. Only the utmost vigilance upon the part of voters and the utmost self-restraint in Congress will prevent incalculable burdens being placed upon the taxpayers.

It will be recalled that when the Constitutional Convention was in session at Philadelphia, Mr. Hamilton, as one of the delegates from New York, attended and made his proposal as to the form of government which we should adopt. Among other things, he proposed that the President should hold office for life, and that the Members of the Senate should hold office for life or during good behavior; and these are generally regarded as the distinguishing characteristics of the Hamilton plan. As a matter of fact, however, the distinguishing feature of the Hamilton plan was that the Congress should have power to enact all laws whatsoever, subject to certain minor negations. That was the distinguishing feature of the Hamilton plan, especially as it applies to our conditions today.

The Hamilton plan received little approval. Hamilton therefore returned to New York either disgruntled or discouraged, and took little part in the Convention thereafter. But 6 days before the Convention adjourned this clause, the first clause of section 8 of article I, was inserted in the Constitution, providing that Congress should have power to lay and collect taxes to provide for the general welfare. Whether it was a coincidence or whether the genius of Hamilton saw that his principle had been practically adopted, he returned to the Convention and became, with the possible exception of Madison, the most earnest and enthusiastic advocate of the adoption of the Constitution. When the Constitution was adopted and Hamilton was made Secretary of the Treasury, he did not wait long to place his construction upon the general-welfare clause. It was to the effect that Congress had the power, in its own discretion, to levy taxes and make expenditures for any purpose which Congress thought came within the general-welfare clause.

One hundred and forty-seven years after the Report on Manufacturers was written, the Supreme Court of the United States unanimously, upon the urging of the successor of Madison in administration, adopted the Hamiltonian view. We now have in this country, so far as the economic welfare of the country is concerned, so far as the interests of the taxpayer are concerned, a Congress with practically unlimited power. If the brakes are not put on here, there is no place where they can be put on.

We now have a debt of $36,000,000,000. The States and the counties and the cities have a debt of some $25,000,000,000. For what we shall do in the future with reference to taxes and debts the responsibility is here, upon this Congress and the ones which shall succeed it.

Let us not forget that after all is said and done, and after all the talk that we indulge in about taxes in high brackets and about gift taxes, the great burden of taxation in this country falls upon the masses. Analyze the gift taxes, analyze the income taxes in the higher brackets, set the two sums down beside the other taxes which are passed on and on and on, most of them until they reach the man who cannot pass them on, and we find that the burden falls upon the great mass of the people of this country.

It is sometimes said that we ought to create a tax consciousness among the people, and that if that were done they would be more desirous of economy. Tax consciousness? Is there a man or a woman outside of the insane asylum or the penitentiary who is not tax conscious in the United States today? Are they not conscious of the fact that they are paying heavy taxes, if not in this one way, then in another way; if not in rent, if not by the increased price of their goods, if not by having them passed on, then in some other way? We never can get sufficient taxes in this country from any source to relieve the common people greatly of the unfair burden which falls upon them in the matter of taxation.

The PRESIDENT pro tempore. The Senator's time on the amendment has expired. He has 20 minutes on the joint resolution.

Mr. BORAH. Mr. President, I had about concluded what I had to say.

I suggested in the opening that our immediate problem is to provide for the unemployed and that we have not a very wide discretion in regard to the matter; for the condition in which the country now is, and will be for some time, would make it highly unsafe for anything in the nature of hunger riots to start in this country. We have not, therefore, any considerable discretion to exercise in this matter; but we have discretion with reference to a multitude of things which are coming before us, and which will continue to come before us in time to come. My purpose today was to say that the responsibility is upon the Congress of the United States. As a practical matter we are now the sole guardians of the interests of the taxpayers of the United States. If we fully realize our power, certainly we must realize our stupendous responsibility. The greatest menace to the capitalistic system, the greatest threat to the economic health and welfare of the people is the power of taxation. The responsibility cannot be evaded; and the consequences, whatever they may be, will be the fruits of our action and that of succeeding Congresses.

Mr. BARKLEY. Mr. President, I hesitate to detain the Senate even for a moment; but there are one or two things which I wish to say in connection with the pending amendment and one or two things which I think we ought to keep in mind before we vote upon it.

I am extremely sorry to find myself in disagreement on this matter with my good friend the Senator from Arkansas [Mr. ROBINSON] and my good friend the Senator from South Carolina [Mr. BYRNES]; but in matters of this sort, where we have deep convictions, the only guide we have is our own individual consciences, and unless we follow that light I suppose we shall fail in our duty.

The Senator from North Carolina [Mr. BAILEY] the other day read from two or three speeches made by the President in 1932 when he was Governor of New York, while he was a candidate for the high office which he now holds, in which he stressed the fact that relief was primarily a local matter. We all entertained those views in 1932; but the world has learned a great deal since 1932; the President of the United States has learned a great deal; the Senate of the United States has learned a great deal in the past 5 years. We learned soon after 1932 that relief could not be regarded strictly as a local matter, because there was not a community in the United States, there was not a local government in the United States that was responsible for the conditions which made relief necessary.

Years ago I was a county officer in the State of Kentucky. I was the executive head of the government of the county in which I lived, and in which I still live. We levied a tax which we called the "poor fund tax", by reason of which we created a poor fund for the support of the aged and the indigent, and that fund was inviolable; it could not be expended for any other purpose except to support the poor. Many a winter's day did I spend the entire day writing orders for groceries and clothing and for shelter for those who were unable, by reason of age or by reason of disease, to support themselves. But no one ever contemplated that a great disaster, for which that county was not responsible, that a great national debacle such as we have been going through for the last 5 or 6 years, would make it necessary or make that county able to care for the overwhelming number of those who were unable to care for themselves because of this national depression. That was only typical of every county and city and local community in the United States. While counties and cities and local districts attempted to look after their normal poor and unemployed, neither their financial nor their budgetary arrangements nor their powers were geared to contend with such a condition as we have witnessed in this country for the last 7 years.

Even after the present administration came into power we entertained the delusion that, after all, relief was local. We started out by undertaking to lend money to the States. We deluded ourselves with the belief that it would be repaid, although many of the States and their executive authorities had no constitutional power to borrow money from the Federal Government or from any other source. We soon got away from that delusion, and we accepted relief as a national responsibility, just as we accepted flood control in the Mississippi Valley as a national responsibility, because the waters of 31 States poured down into the Mississippi Valley and we recognized that not a State or a city or a county in that great valley could protect itself against the waters of 31 States.

We soon began to realize the fact that no county or city in the United States could protect itself against the great flood of unemployment, which was brought upon our country without the responsibility of a single mayor, or a single city council, or a single city manager, or a single governor, or school district anywhere in the United States of America. There is not a mayor of any city or council in any city or a city manager or a governor who was responsible, by reason of laws enacted, or through any executive policy that was inaugurated, for the Nation-wide depression which has so devastated the ranks of employment in the United States.

If it be true, therefore, that our cities and our counties and our States may go acquit of any responsibility for this national depression or this national catastrophe, are we ready now to throw back upon these local communities responsibility for caring for those millions of people who have suffered because of this national disaster?

Mr. DIETERICH. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. DIETERICH. May I further call the Senator's attention to the fact that in a great many of these cities which have taken care of their poor there has been an influx of unemployed, until the burden has been so increased that it is far beyond the normal number they would have to take care of; and it would be a burden to ask those local communities, which have been fair to the unemployed and have attracted unemployed who do not necessarily belong to them within their borders, to take care of that increased population not their own?

Mr. BARKLEY. The Senator is absolutely correct. I recall that a few years ago in the great city of Chicago, the second city in the United States, one of the great progressive and beautiful cities of the United States and of the world, as I have walked along Michigan Boulevard and have seen the indirect lighting that was playing upon the skyline of that great city, it presented a picture of fairyland. Yet 3 or 4 years ago that city, without any responsibility for it, was unable to pay its school teachers, not because of any act of the mayor of that city, not because of any shortcoming on the part of the city council, but because either of world conditions or because of the policy of folly inaugurated by our National Government, the city of Chicago was unable to collect the taxes which it levied upon its own people in order to conduct its own government.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BURKE. Does the Senator have any objection to local communities which are able paying 25 percent of the cost of their work relief?

Mr. BARKLEY. No.

Mr. BURKE. Then what objection is there to Congress setting up this standard, and saying, "We think that if you are able you ought to pay 25 percent; if you are not able, you do not have to pay anything"?

Mr. BARKLEY. I am not required to answer the Senator categorically. I intend to discuss that question in its various ramifications in a moment.

Mr. BURKE. Very well.

Mr. BARKLEY. One objection now is that there are many communities which pay more under the present arrangement, but whenever we set the standard at 25 percent there will not be a community in the United States which will not seek to reduce its contribution to 25 percent, although it might be able to pay 30 or 40 or 50 percent. Under the present arrangement, where they sit down around a table and confer informally, I happen to know that some communities are paying 50 percent. In my own State I have participated in services dedicating great public buildings, where the local community contributed 40 percent of the cost of the building, and the Federal Government 60 percent. But if there had been a requirement, or a standard, or a yardstick, of 25 percent, enacted by Congress, is it to be supposed that the community to which I have referred would have been satisfied to put up 40 percent? They would have tried to reduce their contribution to 25 percent, whereas they were willing, under the present plan, to put up 40 percent.

Not only that, but whenever 25 percent is set as the standard, and the President, under the authority given him here, reduces it in any community to 20, or 15, or 10, there will be a cry and combined pressure from every other community in the United States to induce him to reduce their contribution to 20, or 15, or 10, or 5, notwithstanding the fact that they might be able to contribute 25 percent, or even 50 percent. The President will thus become involved in the pulling and hauling between communities to determine their legal and financial ability to contribute at least 25 percent of any project before they can share in this appropriation.

Mr. BURKE. Mr. President, will the Senator yield for just one more question?

Mr. BARKLEY. I yield, but my time is limited, and I have some things I desire to say.

Mr. BURKE. If we set up this 25-percent limit, then, the Senator says, we may discourage some communities which are contributing larger percentages. Does the Senator have any figures to show what percentage of communities contributed over 25 percent last year?

Mr. BARKLEY. No; I have not those figures.

Mr. BURKE. I think that if the Senator will examine the figures he will find it was a mere bagatelle, amounting to nothing.

Mr. BARKLEY. When we find that the average throughout the United States for last year was 13 percent, and now amounts to over 16, we must concede that there must have been a good many paying more than 25 in order to make the average 16.

Mr. President, for the last year we have been throwing back upon the local communities what we call direct relief, and when we threw that burden back upon the communities we threw back more than they had borne in normal times. We threw back more upon them than they had borne prior to 1929. We threw twice as much back upon them as they had ever borne before, and in many communities we threw three times as much back as they had ever borne before.

We entered into a sort of gentlemen's agreement between the Federal Government and the States and communities that if they would take care of direct relief and feed and clothe and shelter the unemployables, the United States Government, through the work-relief program, would take care of those capable of employment, and I contend that the States and local communities have carried out their part of that understanding with generosity and in good faith.

Mr. CONNALLY. Mr. President, I have not been in the Chamber throughout the debate. May I ask the Senator a question?

Mr. BARKLEY. Certainly.

Mr. CONNALLY. To what agreement does the Senator refer? I did not know there was any agreement.

Mr. BARKLEY. I said it was an informal understanding that the Federal Government would withdraw from direct relief; and that was done. The Relief Administration has not been administering direct relief for the past year. We threw that back on the local communities. For the past year we have only been carrying out works projects, administration projects, by employing people who were employable and requesting the States and cities and counties and local communities to feed and clothe and house those who were incapable of employment.

The PRESIDENT pro tempore. The Senator's time on the amendment is about to expire.

Mr. BARKLEY. I will proceed with my 20 minutes on the bill.

In order to prove that the States and the local communities have done their share under this arrangement, I desire to put into the RECORD a few figures showing what the States have done in the last 4 years, and particularly during the last year, since this understanding was entered into.

In 1933 the State of Alabama and all its subdivisions contributed $709,000 for local relief. In 1936 Alabama contributed over $10,000,000 to local relief.

In 1933 Arizona contributed $734,000 for local relief. In 1936 Arizona contributed five and one-half million dollars.

In 1933 Arkansas contributed $322,000 for local relief, while in 1936 it contributed over $8,000,000.

In 1933 California contributed $22,000,000, and in 1936 contributed $80,000,000—an increase of nearly 400 percent.

The State of Delaware is one of two or three States that decreased its contributions in 1936 below what they were in 1933.

Florida in 1933 contributed $1,000,000 for local relief, while in 1936 Florida contributed over $9,000,000.

In 1933 Georgia contributed $743,000, and in 1936 over $10,000,000 for local relief.

Idaho contributed in 1933 for local relief $669,000. In 1936 Idaho contributed $3,600,000.

In 1933 Illinois contributed $19,000,000 to local relief. In 1936 Illinois gave $110,000,000 out of the pockets of her people to feed and clothe and house needy people in Illinois.

Indiana in 1933 gave $7,000,000 for local relief; in 1935 it gave $15,000,000, but in 1936 it gave $27,000,000.

The State of Michigan in 1933 contributed $10,000,000, and in 1936 contributed $48,000,000 for local relief.

In 1933 Massachusetts gave $34,000,000 to local relief, and in 1936 contributed $48,000,000.

Minnesota in 1933 gave $5,000,000, but in 1936 gave $26,000,000 for local relief.

Missouri gave $3,000,000 in 1933, and in 1936 gave $29,000,000.

Nebraska in 1933 gave $2,150,000, but last year Nebraska contributed locally more than $16,000,000 to help feed and clothe and house her unemployed.

In 1933 the State of New Jersey contributed $20,000,000 but last year New Jersey gave $36,000,000.

In 1933 New York contributed $84,000,000 to feed and clothe and house the unemployed, but last year New York gave $282,000,000 for local relief.

The State of Ohio in 1933 gave $18,000,000 for local relief. In 1936 Ohio gave $64,000,000. Ohio increased her contribution from $20,000,000 in 1935 to $64,000,000 in 1936.

The State of Oklahoma gave $2,000,000 in 1933 and $15,000,000 in 1936.

Pennsylvania gave in 1933 $40,000,000. In 1936 Pennsylvania gave $107,000,000 for local relief.

Rhode Island in 1933 gave $2,000,000 for local relief. In 1936 she gave $11,000,000.

Tennessee gave $429,000 in 1933, but in 1936 gave $16,000,000 for local relief.

In 1933 the State of Texas contributed locally $1,140,000, but in 1936 gave $43,000,000 for local relief.

The State of Wisconsin gave $8,000,000 in 1933, $28,000,000 in 1936.

So, Mr. President, these figures show that already the States and counties and cities are doing their share to bear this load. Already they are carrying infinitely more of it than they carried in 1929, or 1931, or 1932, or 1933. They are carrying more than twice as much of it as they carried in 1935, and now, when we may be making the final appropriation by the Congress of the United States for work relief, we are asked to set up a standard of 25 percent contribution for every community in the United States.

Mr. President, when we gave the President $3,300,000,000 we did not set any such standard as that. We were willing to trust him then. When we gave him $4,800,000,000 we did not require that he assess every local community 25 percent. When we gave him $2,500,000,000 we did not set up any such yardstick as this. When in January or February of this year we gave him an additional $789,000,000 for the remainder of this fiscal year we did not say, "You must require 25-percent local contribution unless, by converting yourself into a Moody's Manual, you find that these communities cannot contribute that amount of money."

We have given the President more than $10,000,000,000 with which to relieve unemployment and relieve suffering in the United States. Has any of it been wasted? I dare say some of it has. You cannot build a smokehouse, you cannot build a sidewalk or a highway or a street, you cannot build a cottage in your own home town to house and shelter your own family without taking the chance that somewhere down the line some dollar will stick to fingers that do not deserve it. But I am not afraid to make the statement that no government in all the history of mankind ever expended $10,000,000,000 to relieve human suffering where there was so little waste or graft as has been experienced in the expenditure of the $10,000,000,000 we have given out of the Treasury of the United States to relieve suffering and to start the wheels of industry and start our Nation upon the road back to the crest of prosperity and happiness for 130,000,000 people during the past 4 years.

Mr. BONE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BONE. The Senator will recall some discussion on the floor last Friday about tax delinquencies. I will ask the Senator if that could occur under the Kentucky statute? In a newspaper I received this morning from my own State there is contained a story pointing out that tax delinquency in King County, which is the richest county in the State, on the first day of 1937 stood at more than eleven and one-half million dollars. The total tax delinquency in the State of Washington at that time was $37,157,476. If the State of Washington, which is a small State, not thickly populated, had over $37,000,000 of defaulted taxes, I do not think they can do a whole lot toward carrying this burden. But the people out there, simply through poverty, have been unable to pay their taxes.

Mr. BARKLEY. The Senator is correct, and that is a picture of conditions which exist in many sections of the United States. We all realize that we have turned up the hill of prosperity. Our annual income as a Nation descended from over $80,000,000,000 in 1929 to about $47,000,000,000 at the depth of the depression in 1932. We have turned up the hill, and last year our annual income was over $62,000,000,000, and it is estimated that the annual income for 1937 will be $70,000,000,000. But, Mr. President, there are more than 7,000,000 unemployed men in the United States, and if each one of them represents a family of four there are nearly 30,000,000 people in this Nation of ours to whom so far that increase in income means nothing.

Mr. President, we were willing to trust the President with over $10,000,000,000, but now that we are marching up the hill, though we have not yet reached the crest, now that we are on our way because the policies that he inaugurated have led us out of the depression and out of the valley of tears, now that we are marching toward the top we are asked to hobble him, handcuff him, and put a ring in his nose in the expenditure of a billion and a half dollars, which is a paltry sum compared to the more than $10,000,000,000 we have entrusted to him within the last 4 years.

Having trusted him to spend over $10,000,000,000, I am going to trust him to spend a billion and a half dollars, or I am going to vote not to give it to him at all. Having trusted him thus far, if I am not willing to trust him with another billion and a half dollars I ought to be consistent and take it away from him.

We are told that he can obviate the proposed 25-percent requirement by finding that any community is unable to make the contribution and that, therefore, it does not make any difference whether this amendment is adopted. Well, if it makes no difference, why offer it; why inject it in here

if the President can avoid it by ignoring it? It was not injected here for that purpose, Mr. President.

The first effort was to reduce all appropriations 10 percent after the President sent his message here asking us to observe some rules of economy and in the same message saying that he needed a minimum of a billion and a half dollars for next year for relief. Of course, the effort was abortive. Then it was substituted by an effort to reduce the billion-and-a-half-dollar appropriation to $1,000,000,000, which also proved abortive; and now the 40-percent requirement was introduced as a substitute for the reduction of a half billion dollars. There is no use to deny that. When it was found impossible to reduce the minimum that the President requested from a billion and a half dollars to $1,000,000,000, the 40-percent requirement was injected here in the hope, as the author of the proposal suggested and admitted, that it might reduce the Federal contribution to at least a billion dollars if not to $750,000,000; and when it was found that the 40 percent would not prevail the proposal is whittled down to 25 percent; and it is all with the hope that the United States Government may load still more of this burden upon every town and school district in the United States.

Mr. President, I am as anxious as is any other man on this floor to balance our Budget, and I regret as much as any Member of this body that we ever had to assume the obligation of feeding the hungry; that we ever had to reach the arm of the United States out into the States, the counties, and the cities in order to feed and clothe and house the needy. I regret that it ever became necessary for us to embark in that field, and I will welcome as cordially as will any other Senator our withdrawal from that field at as early a date as may be possible. But, Mr. President, I hope that the floor of the United States Senate is not to be converted into a theater where shall be reenacted the scenes of the Merchant of Venice with Uncle Sam playing the role of Shylock and demanding his pound of flesh from every school district and every city hall and every courthouse and every home in the United States of America.

This is a national problem. It was made so not by the act of any county, city, town, or school district; and, while it may be that in the expenditure of this enormous sum, a few dollars have stuck to fingers that did not deserve them, on the whole, it has been possible through the expenditure of this money to renew the faith of our people in the Government of the United States. They have learned that our Nation and our Government and our politics are not institutions inaugurated in order that men may run for office and draw salaries, and that taxes may be levied in order that officeholders may draw their salaries; but that our Government is the agency and instrumentality of the people to guide and lead them in the solution of their problems.

I am thankful to God Almighty that in this great crisis our Nation has led our people out of the wilderness and that we have a leader who is sufficiently venturesome not to be afraid to plow through new ground in the solution of the difficult economic and social problems that beset our great people.

I hope this amendment, and all other amendments of its type and nature, will be defeated, and that the pending joint resolution will be passed without any such encumbrances upon it.

Mr. GLASS. Mr. President, I do not think we have yet gotten out of the "vale of tears", although it seems to me the Senate has been treated to more lachrymose rhetoric than ever before in the history of the Republic. I individually think that more economic blunders, if not in some instances economic crimes, have been perpetrated by Congress in the name of starving people who never starved and freezing people not one of whom has ever frozen than the imagination can conjure up.

I shall vote for the amendment of the Senator from Arkansas [Mr. ROBINSON] to the amendment reported by the committee. Preferably, I would vote for the amendment proposed by the Senator from South Carolina [Mr. BYRNES], not because I believe it is going to make any amazing difference in the amount of money expended but because I do not agree with the Senator from Idaho [Mr. BORAH] that the people are "tax-conscious", and I believe, in some small measure, the amendment of the Senator from Arkansas would make the people tax-conscious. I do not believe the Governors of the States or the lobby of the mayors of the various cities are in any degree tax-conscious.

The talk about the cities and communities being unable to pay a certain percentage of the cost they incur for the Nation raises the question as to who is to pay the nearly $40,000,000,000 of indebtedness already incurred—not nearly thirty-six billion, but nearly forty billion, if not over that sum, when we count the contingent indebtedness of the United States. Who is to pay it? Are we to repudiate the national debt, or are we to pay the national debt at maturity and as it matures?

Who constitute the States and the communities of the States? The people of the States and of the communities constitute the States and communities, and every man in every community and every State has not only got to pay the percentage that we are talking about but, in the last analysis, he has got to pay the entire indebtedness of this Nation, together with the accrued interest on that indebtedness.

The suggestion was made here the other day that the greater portion of the revenues of the Government was derived from income taxes. That is far from the truth. The greater portion of the revenues of the Government is derived from miscellaneous taxes upon all the people of the country. If we were to take every dollar that the wealthy classes derive in income, if we were to take their very principal, we could not begin to pay a measurable part of the indebtedness that this Nation has already incurred; and if gentlemen think that this indebtedness is not a menace to the Nation itself, they are very much mistaken.

We boast of the credit of the Government; we see it announced in the newspapers that subscriptions to Treasury issues are tremendously oversubscribed. As a matter of fact, they are not subscriptions at all; they are allocations. The Treasury certificates are allocated to the banks, and the banks are compelled to take the bonds, for they have been maneuvered into a position where they cannot refuse to take future issues because they must protect the enormous amount of Federal securities which they already hold; and a reduction of 10 percent under the par value of Federal securities would practically bankrupt 90 percent of the banks of the country. If we keep on constituting ourselves legislative spendthrifts for the Government, pretty soon such a depreciation in Government securities is going to occur, and when it does occur and when the banks with their millions of depositors and stockholders have to meet that issue, we are going to have precipitated upon us a disaster of which none of us can conceive.

As a matter of fact, we are not tax-minded. In nearly every community in this country public officials are taxing their ingenuity to think of and devise projects, a large proportion of which are of no use on earth. The idea of my community, one of the richest towns in the State of Virginia, whose bonds sell away above par, borrowing money from the Federal Government to construct sewers and sidewalks! I think it is a disgrace to the community, and it is not very creditable to the State of Virginia, whose bonds rank above those of the United States Government, that it should come here and borrow Federal money.

Federal money? Where does the Government get any money that it does not first pick from the pockets of the taxpayers of the various States and subdivisions thereof? That is the only way the Federal Government gets any money, and it is going down deeper and deeper into the pockets of every taxpayer in the communities and in the States in order to meet the maturities of the enormous national debt.

For that reason and others I intend to vote for the amendment of the Senator from Arkansas.

Moreover, I never intend so long as I live to vote for lump-sum appropriations to be turned over to minor irresponsible officials, unbonded men, not elected by the people

but appointed, to spend fabulous sums. Seven billion dollars are turned over to a man who never had any real business connection in his life to distribute as he may please at his discretion. I have voted against these lump-sum appropriations every time they have been proposed, and I am going to continue to vote against them at this time and whenever they may be projected here. It is an unbusinesslike way to make appropriations, and it results in ruinous extravagance.

Therefore I shall vote for the pending amendment in order to make the people at least somewhat tax-conscious, and in order that they may understand the implications when their Governors and mayors exhaust their ingenuity in the effort to secure projects for the purpose, in some cases, of teaching people art, of teaching them music, of teaching them how to play golf, and a multitude of other silly things, all at the expense of the taxpayers of the country. Talk about people starving! It would be better to take the money and feed the hungry, if there be any, instead of engaging in all of this foolishness.

Mr. President, I feel so intensely that the Congress of the United States is precipitating this country into actual bankruptcy with its extravagance that I am utterly opposed to the whole business and shall vote against it.

Mr. NEELY. Mr. President, the adoption of the pending amendment or any other similar amendment would impose upon the President labors greater than Hercules ever performed, and subject him to afflictions more intolerable than the boils that covered the man of Uz from the top of his head to the soles of his feet.

He would be obliged to become a more efficient and unerring sleuth than Sherlock Homes, and ascertain the financial sufficiency of every State, every county, every city, every town, and every village in the land.

The acquisition of the information contemplated by the amendment would require an army of investigators, inquisitors, and informers as numerous as the combined hosts that followed Xerxes, Alexander, and the old Napoleon.

The cost of accomplishing the purposes of the amendment would be out of all reasonable proportion to the contributions which it seeks to compel the sponsors of projects to make to the cause of relief.

And after all necessary information had been collected, classified, and considered the President would be required to certify that many of the States are irremediable bankrupts, many of our cities are helpless beggars, and many of our towns are hopeless paupers.

A more undesirable or embarrassing relief situation than that which would result from the adoption of the amendment can scarcely be conceived.

A vote for the amendment will be a vote against the initiation of a single additional Works Progress project in more than 40 States of the Union.

A vote for the amendment will be a vote for the cessation of civic improvement in more than four-fifths of the counties, cities, towns, and villages throughout the Nation.

A vote for the amendment will be a vote for the relief of flourishing American finance and against relief for the languishing American family.

A vote for the amendment will be a vote against the employment, at lifesaving wages, of innumerable faultless, jobless, poverty-stricken men and women.

A vote against the amendment will be a vote to continue the construction of necessary schoolhouses and other public buildings; the improvement of streets and alleys and sewers, and the sanitary conditions of all our centers of population, and the multiplication of the conveniences and comforts of daily life for millions of people.

A vote against the pending amendment will be a vote for the employment of a countless throng of those who are idle, not by choice but because it is impossible for them to find anything to do.

A vote against the amendment will be a vote for roofs over the heads of the homeless, clothes for the backs of the naked, bread for the mouths of the hungry, and blessings for the sick and suffering poor.

It never has been possible, may it never be possible, for me to vote to make deserving men and women idle; to make them homeless; to make them ragged; to make them hungry; to make their innocent little children cry for bread. In the circumstances, I shall, on the pending amendment, plant my feet securely in the tracks of the peerless President and Harry Hopkins, his peerless, patriotic, humanitarian administrator of relief. In this case I shall confidently and enthusiastically follow these two illustrious men who, during the last 4 years, have gone further than any other two men in the entire history of civilization in the matter of making earthly existence not only endurable, but worth while for those who inspired the utterance:

> Knowledge to their eyes her ample page,
> Rich with the spoils of time, did ne'er unroll;
> Chill penury repress'd their noble rage,
> And froze the genial current of the soul.

On the approaching roll call, let us vote instant death to the amendment and more abundant life for God's poor, whose only prospect, until recently, was that of ceaseless suffering on earth, and whose only gleam of hope was that of happiness in the kingdom of heaven.

Mr. ASHURST. Mr. President, history is often very impish in dealing with events. Sometimes circumstances and transactions, apparently unnoticed at the time they occur, later loom large in history when the accurate and painstaking historian estimates and appraises their effect.

The speech of the able Senator from Idaho [Mr. BORAH] caused me to recall that the general-welfare clause of the Constitution was agreed to in the Convention, as the lawyers say, "nemine contradicente"—without contradiction. Yet after 147 years, as the able Senator from Idaho points out, that phrase in the Constitution, "general welfare", is settled in the view that Mr. Hamilton took, and the effect of the Supreme Court's decision lays upon Congress the responsibility for appropriations and taxes.

That decision of the Supreme Court—Commissioner of Internal Revenue against Davis, decided May 24, 1937—is an important event in history, because under it the question of appropriations and taxes is now almost exclusively for Congress to decide.

Another thing as to which history to date has been somewhat impish is Presidential vetoes—that is to say, by failing to reveal their importance. Last summer, after Congress adjourned, I made an investigation of the vetoes of President Franklin Roosevelt. He has vetoed more bills than any other President except President Cleveland; and after my analysis, which required 2 weeks, I assert that President Roosevelt by his vetoes has saved to this country hundreds of millions of dollars. Are Senators aware that he vetoed one bill which alone would have resulted in paying a stale claim approximating $90,000,000?

I was so impressed by the transcendent importance of the services President Roosevelt had rendered to his country by his vetoes that I wrote a statement for the New York Times concerning these vetoes.

I shall read to the Senate the statement I wrote for the Times on July 9, 1936:

> If it be true that Congress loves the people for their votes, it is likewise true that Congress loves President Roosevelt for his vetoes.
>
> President Roosevelt has vetoed more bills than any other Chief Executive except President Cleveland. In Congress bravery is not required to vote for a bill, but when a Member of Congress votes against a bill he exhibits fortitude.
>
> I have just completed a thorough examination of the various bills vetoed by President Roosevelt, and candid men must declare that the Franklin Roosevelt vetoes are courageous and in the interests of economy and retrenchment.
>
> Regarding many, if not most, of the vetoed bills, had President Roosevelt approved them, he would have laid incalculable burdens upon the people; and in not a few instances he would have injected vitality into stale claims of doubtful merit against the Government; indeed, in some cases the bills as to which he withheld approval were not only wholly lacking in merit but called for enormous and wrongful drains upon the Treasury.
>
> President Roosevelt should receive praise and approbation for the superb service to the people he has quietly rendered in protecting the public revenues by his vetoes.

I invite Senators to examine, for example, the batch of bills that President Roosevelt vetoed at the end of the last

session, and they will see that they may safely trust the President. They will perceive that he stood guard over the revenues of the people.

I am content to trust the President, and would rather trust the President than trust Congress on appropriations.

Mr. LEWIS. Mr. President, I ask the attention of the Senator from Idaho [Mr. BORAH] and the Senator from Arizona [Mr. ASHURST].

In pursuit of what we all want—correct history—I am anxious to know if my able friend from Idaho and the eminent chairman of the Judiciary Committee have not both fallen into error in the assertion made respecting the relationship to the Constitution and the respective contributions of effort of Mr. Hamilton and Mr. Madison. The Senators, I fear, have left upon the present Congress the idea that the Supreme Court of the United States, speaking through Mr. Justice Cardozo, has left the conclusion that it was Hamilton who favored the general-welfare clause for general-welfare demands, and that the clause which prescribes that the general welfare of the country is to be guarded by the limitation of taxation was the expression and the creed of Alexander Hamilton.

I ask my able friend from Idaho if he meant to say that Hamilton presented to the Constitutional Convention the idea that the general-welfare clause meant to give to the country the right of taxation for the general welfare, while Mr. Madison represented the thought of limiting it to the mere matter of the national defense. I have understood that the fact was just the reverse. I ask my able friend from Idaho and the chairman of the Judiciary Committee if they do not recall that history is something as follows:

Did not Mr. Hamilton insist that the general-welfare clause, following the clause with reference to the right to tax, levy imposts, and so forth, was to be defined as relating solely to the power of taxation for the national defense, and that it did not carry with it the privilege of going further than the defense of the country required, military or otherwise? Is it not true that Mr. Madison represented the opposite school, and that which we on the Democratic side still today contend for—that the words "general welfare" in the Constitution meant that that which was essential for the welfare of the country, wherever that welfare called for service, was to be taken care of?

It is my viewpoint that the present position as announced by the Supreme Court of the United States in the expression from Mr. Justice Cardozo is directly opposed to what the Supreme Court of the United States in its rulings had previously held in the very case we speak of as the A. A. A.; and that the Security case decision was a deliberate reversal, as I construe it, of the construction that the very same Court had made in the Security case under the general-welfare clause.

Mr. BORAH rose.

Mr. LEWIS. The Senator from Idaho rises. May I yield to him?

Mr. BORAH. Mr. President, my understanding is that neither Madison nor Hamilton in the Convention offered the particular clause which we are discussing. My recollection is that that clause came from the Committee on Redrafting, or the Committee on Style, as it is sometimes called. Hamilton did not offer it, nor did Madison, but they both construed it. Hamilton construed it as including the power to lay and collect taxes for the purpose of providing for the general welfare. Madison construed it as providing for laying and collecting taxes to cover the specific grants which were made in the Constitution to Congress for other purposes, Madison's theory being that it was limited to the specific grants; Hamilton's theory being that the general-welfare clause was a substantive grant, aside from the other specific grants of the Constitution.

Mr. LEWIS. I beg to say to my able friend that upon examination of the debates, and more acquaintance with the details, it will be disclosed that Hamilton contended that the clause brought in by the committee, which the able Senator designates, must be limited in its construction to the right to lay taxes for the general welfare, meaning purely for the welfare of that which had been described, to wit, the national defense; that Mr. Madison, as I understand, insisted upon the doctrine we speak of as a liberal doctrine, directly opposed to the former, and the one for which the Democrats have contended for 50 years, that the right to levy taxes for the general welfare was to be applied wherever it was essential for the control and the protection of the welfare of the land and its people. There did arise the issue, and in the past 15 years it has received various constructions; but not until lately has the Supreme Court of the United States, reversing itself, conceded that the words "general welfare" must now be construed as referring to such action as would be regarded as necessary to the welfare of the Republic.

Mr. BORAH. Mr. President——

Mr. GLASS. Mr. President, may I ask the Senator from Illinois a question?

Mr. BORAH. I defer my question.

Mr. GLASS. I was about to suggest that Mr. Madison, in his review of the Virginia and Kentucky resolutions, clearly pointed out, if I understand the English language, that the levying of taxes for the benefit of any particular group of people was not what was meant by the general-welfare clause.

Mr. LEWIS. It may be, Mr. President, that on that phase, which is not the one on which I assume to express myself at this time, Mr. Madison may have appropriately stated that the right to levy taxes under the general-welfare clause did not give a general privilege to levy general taxes upon all subjects, but was wholly limited to the particular subject then in hand. Where I differ from my able friend from Idaho, if I be not wrong—and, of course, I wish to concede whatever is the truth—is that Mr. Hamilton did not at any time adopt the theory that the general-welfare clause gave the Government any right to take such action, in levying taxes or otherwise, as would justify the view of the Supreme Court of the United States as now given by Mr. Justice Cardozo, but went directly to the opposite. It was Mr. Madison's broad conception which gave us the viewpoint that the words "general welfare" must be construed to mean the general welfare wherever circumstances arise that really concern necessarily the welfare of the Republic.

Mr. BORAH. Mr. President, will the Senator from Illinois yield?

Mr. LEWIS. I yield.

Mr. BORAH. Let me read a paragraph from Hamilton's Report on Manufactures:

> The term "general welfare" was doubtless intended to signify more than was expressed or imported in those which preceded; otherwise numerous exigencies incident to the affairs of a nation would have been left without a provision. The phrase is as comprehensive as any that could have been used, because it was not fit that the constitutional authority of the Union to appropriate its revenues should have been restricted within narrower limits than the general welfare, and because this necessarily embraces a vast variety of particulars, which are susceptible neither of specification nor of definition. * * * The only qualification of the generality of the phrase in question which seems to be admissible is this: That the object to which an appropriation of money is to be made be general and not local, its operation extending in fact or by possibility throughout the Union, and not being confined to a particular spot.

That is quoted from the Government's brief in the A. A. A. case. The Senator was of the opinion, as I understood his statement, that the Court modified its views in the A. A. A. case by the security case.

Mr. LEWIS. I so adopt.

Mr. BORAH. The Court first announced the doctrine of Hamilton in the A. A. A. case and reaffirmed it in the Security case. This brief on the part of the Government was filed in the A. A. A. case, and the unanimous court held to the Hamilton theory in the A. A. A. case, but, if I may be permitted to say so, what seemed to me to be the illogical position of the majority of the Court in the A. A. A. case was that after it was held that we may lay taxes for the general welfare, they then held that agriculture did not come within the general welfare.

It seemed to me that after they had once established the doctrine of Hamilton, the minority in the A. A. A. case were on sound ground. In other words, where we are levying a

tax for the general welfare, State lines do not intervene; it is the question of whether or not it is for the general welfare of the United States, and no one contends that agriculture is not incorporated in the general welfare of the United States.

Mr. LEWIS. I do not see how anyone can escape the conclusion of what I assert. My two able friends have fallen into the error of adopting the construction, as announced this morning, as the one which Mr. Hamilton had represented and adopted; that the general-welfare clause, as stated, comprehended the right to levy burdens, taxes, and otherwise, wherever such appeared to be for the general welfare of the country. It had been my judgment that Mr. Madison contended that such construction should obtain, and that Mr. Hamilton had opposed, and the very reading of my able friend the Senator from Idaho, if I may call his attention to the fact, from the report on manufactures, is not in support of the view Mr. Hamilton recites, but demonstrates that his view opposing it is correct, because the opposite viewpoint would, as he recites, give so general a latitude as would allow general taxes for the general welfare.

Mr. BORAH. Mr. President, I am unable to agree with the Senator on that. What Hamilton contended was that this was a substantial grant to tax for the general welfare. What Madison contended was that it did not add anything whatever to the specific grants in the Constitution to Congress to do certain things, and the dividing line was between the right to tax for a general purpose and the right to tax solely for a specific purpose.

Mr. LEWIS. It does not matter—and with this I conclude my observation, having risen merely to urge that there be a further investigation—whether we are for one construction or the other, this much has to be recorded by history, and the eminent historians of the conning tower called the press gallery can say it comes from Senators, that as a conclusion respecting this opinion we have reached the point where we announce that this Government has experienced a change by which the mere name of "State" is meaningless. Therefore, in the future days of our generation there will be two governments before the country; one will be the Nation, for the general welfare and care of the citizens and the country, and the other will be that local government to which Mr. Jefferson attached so much importance. We speak of it now as "city." Mr. Jefferson referred to it in those days as "county", it then being the local form of government. But the State has no sovereignty, and there is no longer any such organization in this Government as can be regarded a sovereign State as opposed to the sovereignty of the National Government. Such is the result of the last opinions of the Supreme Court of the United States.

Mr. BORAH. Mr. President, I should like to ask the Senator a question, as I have not any time of my own. On page 137 of the Government's brief is found this statement:

> It is said that the general-welfare clause is a limitation on the taxing power; that the clause itself has reference to and is limited by the subsequently enumerated powers; that is, that Congress can tax only to carry out one or more of these latter powers. This is known as the Madisonian theory.

Then it says:

> Thirdly, it is said that while the clause is a limitation on the taxing power, it was intended to embrace objects beyond those included in the subsequently enumerated powers; that is, that, although Congress may not accomplish the general welfare independently of the taxing power, nevertheless it may tax—and appropriate—in order to promote the national welfare by means which may not be within the scope of the other congressional powers. This is commonly known as the Hamiltonian theory.

Then the brief urges that the Hamiltonian theory be adopted and the Madisonian theory rejected.

Mr. COPELAND. Mr. President, I should like to add one word to what has been said about the general-welfare clause.

Let us examine briefly the reasons for the inclusion in the Constitution of this particular clause and attempt to set forth its exact meaning. To this end we turn to the Journal of the Convention, August 21, I quote:

> Governor Livingston, from the Committee of Eleven, to whom was referred the propositions respecting the debts of the several States, and also the militia, entered on the 18th instant, delivered the following report:
>
> "The Legislature of the United States shall have power to fulfill the engagements which have been entered into by Congress, and to discharge as well the debts of the United States and the debts incurred by the several States during the late war, for the common defense and general welfare."

The origin of this proposal lies in the eighth of the Articles of Confederation. There we find that all charges of war and all other expenses that shall be incurred for the common defense and general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States within the time agreed upon by the United States in Congress assembled.

It must be admitted that many persons have distorted the meaning of this clause. It is a discussion which goes back to the lifetime of the framers of the Constitution. In a letter to James Madison, in 1830, Andrew Stevenson said that the terms "common defense" and "general welfare" were still regarded by some as conveying to Congress a substantive and indefinite power.

In reply, under date of November 17, 1830, Mr. Madison wrote at length. I commend to all who are interested in the welfare clause to read this letter carefully. After tracing the origin and history of the clause, as well as its course through the Convention, Madison said:

> If it be asked why the terms "common defense" and "general welfare", if not meant to convey the comprehensive power, which taken literally they express, were not qualified and explained by some reference to the particular powers subjoined, the answer is at hand, that although it might easily have been done, yet the omission is accounted for by an inattention to the phraseology, occasioned, doubtless, by its identity with the harmless character attached to it in the instrument from which it was borrowed.

In the writings of Madison is a memorandum relating to the letter I have just mentioned. I find this:

> It was not the intention of the general or of the State conventions to express by the use of the terms "common defense" and "general welfare", a substantive and indefinite power; or to imply that the general terms were not to be explained and limited by the specified power, succeeding, in like manner as they were explained and limited in the former Articles of Confederation from which the terms were taken.

In short, there is no foundation for the fear expressed by Richard Henry Lee in letters to Samuel Adams and the Governor of Virginia in 1787 that this clause would permit the "submission to Congress of every object of human legislation."

It was the opinion of Mr. Madison, apparently, that this had no reference whatever except to the right to appropriate money for the general defense. He places great emphasis upon the fact that the language was carried over from the Articles of Confederation, and that that accounted for the absence of debate in the Constitutional Convention.

Mr. GLASS. Mr. President, as pointed out by the Senator from Idaho [Mr. BORAH], Mr. Madison always contended that the enumeration of the things for which taxes might be levied constituted the real meaning of the general-welfare clause.

Mr. LOGAN. Mr. President, I do not care to go into the discussion of the subject which has been brought up by the Senator from Idaho more than to state that those Senators who, as the senior Senator from Virginia [Mr. GLASS] has done, plant themselves squarely on the doctrine of Jefferson and Madison, are absolutely right in opposing the present administration in the construction of the Constitution as it relates to the general welfare. I said some weeks

ago in a speech on the floor of the Senate that the trouble with the country was that the Supreme Court had adopted the Jeffersonian and Madisonian theory of the interpretation of the Constitution as it relates to the general welfare. That is true. The Hamiltonian theory of the construction of the Constitution has been advocated by the present administration as it relates to the general welfare. There can be no doubt about that.

Until recently the Supreme Court had adhered to the Madisonian theory of interpretation. It adhered to the Madisonian and the Jeffersonian doctrine, but within the past few weeks it has gone back to the Hamiltonian interpretation of the Constitution; and I think the Senator from Idaho [Mr. BORAH] is exactly correct in what he said, although I dislike to disagree with the Senator from Illinois [Mr. LEWIS], who is nearly always right.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. HATCH in the chair). Does the Senator from Kentucky yield to the Senator from Idaho?

Mr. LOGAN. I yield.

Mr. BORAH. The Supreme Court of the United States had never construed the general-welfare clause until it construed that clause in the A. A. A. case.

Mr. LOGAN. That is true.

Mr. BORAH. So it had not retreated from any position it had taken. That was the first construction the Supreme Court ever put on the clause; and it construed it in that case in the same way that it afterward construed it in the Securities case. As I said a few moments ago, while the court construed the clause in the A. A. A. case, it seemed to me that it did not follow out logically the result of its construction. If it had, it would have upheld the A. A. A. Act. If there is anything that is a part of the general welfare, it would seem that it would be agriculture.

Mr. LOGAN. Perhaps I should have referred to the national power generally, rather than to the general welfare. I think it may be truly said that Marshall, during his more than 30 years as Chief Justice of the Supreme Court, constantly enlarged and broadened the powers of interpretation, and followed very largely the theories of Mr. Hamilton as against the theories of Mr. Madison. Then when Taney came on the Bench there was a drift toward the Madisonian doctrine, and the Dartmouth College case was modified in the Charles River Bridge case. Afterward, the Dred Scott decision culminated in a good deal of trouble; but the Taney court very largely drifted toward the theory of Madison and away from that of Hamilton.

Then the Civil War came on; and during the war and during the reconstruction period the Court did not amount to very much; but it went back toward Hamilton, and it drifted toward Hamilton's theory on and on, until within the past 25 years it began to go back toward Madison. It continued in that way until the present controversy arose, and now it is drifting over toward Hamilton again.

That is the way I read the history of the Supreme Court.

Mr. LEWIS. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. LEWIS. I wish to add only one word.

I know that in this discussion we have gone very far afield from the pending amendment. The Senator from Indiana [Mr. MINTON], in his speech when addressing the Senate on the day after the opinion of the Supreme Court in the A. A. A. case was handed down, brought strongly to the mind of the Senate the application of the general-welfare clause, and particularly the reference in the opinion to seeking to evade the intention and the proper construction of the general-welfare clause. What I respectfully urge is that the present tendency—and I may say the declaration of the Supreme Court of the United States of the present day—is in support of the doctrine that the general-welfare clause of the Constitution allows taxation by the Congress upon any subject that the Congress shall find is essential to the welfare of the people. Therefore, the sovereignty of States, to which we have heretofore attached much importance, is practically abolished, from the fact that the authority of the State does not now exist to maintain the sovereignty of its right to levy taxes for relief, as against the authority to tax for that purpose by the Congress under the general-welfare clause.

Mr. LOGAN. That is true with respect to the sovereignty of the State as the result of the War between the States; but the States have rights which must be maintained. However, there has been no such thing as a sovereign State since that question was settled by the arbitrament of arms.

Mr. LEWIS. And the fourteenth amendment.

Mr. LOGAN. And the fourteenth amendment, which followed. That is true.

Let me call attention, however, to the fact that in the second Legal Tender case the Supreme Court in its opinion took the position, as I recall, that the Court must consider emergencies and the conditions in the country, and what effect an opinion would have, in reaching a conclusion. It so said, and it pointed out that if it should hold invalid the greenbacks it would destroy the business of the country, and that for that reason it was constrained to uphold the Legal Tender Act. That was still Hamilton's theory of government, and not Madison's.

Mr. President, I do not want to take up more of the time of the Senate. I believe it wants to vote, and I join with it in that desire; but I wish to say one or two words about the amendment offered by the Senator from Arkansas [Mr. ROBINSON].

It makes no difference to my State, one way or the other, whether the amendment is agreed to or whether it is not. It is broad enough to permit the granting of relief to every section in Kentucky. I believe none of us will dispute the fact that if a municipality or a county or a subdivision of a State has money on hand, it ought to use it for relief if it is calling upon the Federal Government for aid. No harm can result from matching the Federal Government's contribution. If such municipality or subdivison of the State does not have the money on hand, then under the amendment offered by the Senator from Arkansas the relief may still be extended, because in the States we do not have time to levy and collect the taxes necessary for this purpose even if the taxing power has not been exhausted. It would take a period equal to the life of this legislation to collect taxes; or if the States had to vote a bond issue, it would take a year and a half or 2 years. Consequently, no municipality or subdivision of the State could supply the funds necessary to match the Federal Government's funds. For that reason the amendment does not affect my State one way or the other.

However, I do want to say a few words on the general question of relief. I had hoped we had reached the point where we could abandon it altogether. I know it is a national question, and I cannot pass judgment on what the States, except my own, really need. I have lived in Kentucky all my life. I believe I know Kentucky as well as any Senator knows his own State, having been identified with it in a public manner for almost 35 years in one capacity or another. Kentucky is always an earthly paradise, but it is now a luxurious paradise. The farmers have had the best year they ever had in their lives. The banks are bursting with money. The great coal fields in eastern Kentucky and western Kentucky are operating. The steel mills are operating. The asphalt plants are going all the time. All the great industries in our cities are operating to full capacity. If we cannot get off relief in Kentucky at this time, I do not know when we ever shall be able to do so; and I thought the people in my good State realized that fact. But there was some talk of cutting the appropriation; and many of the various officials in Kentucky, county and State, who have been telling me they can get along without relief, immediately began to cover me up with telegrams, saying it would be a terrible thing to reduce relief at all in my State. So I concluded that since the other sections of the country

were going to get relief, the boys there would "take sugar in theirs" just the same as the rest.

I realize that the projects which have been started ought to be completed, and that the appropriation should be sufficient for that purpose; but I believe it is true today that there is no man in Kentucky who is willing and able to work who cannot get a job if he wants to do so. I do not say that that is true in other portions of the country. I know conditions may be different in other places, and I think Kentucky would be exceedingly selfish if she should undertake to deny privileges and benefits to the other States. So, as I have said, in my judgment, the amendment of the Senator from Arkansas does not affect Kentucky one way or the other.

I know that some of the towns which were destroyed or injured by the flood are in very great need of help. They can get it under the amendment if they apply for it. I expect to vote for a continuation of relief, but I do not know how long we shall have an opportunity to vote for it if we continue our present plan. We have almost reached the limit of the national credit. If we should have another depression, there would be no way to get us out of it by the expenditure of more money. Consequently, it would mean inflation, and inflation would mean repudiation, and repudiation would mean the destruction of the national life and the destruction of all values. I am really apprehensive that unless we begin to reduce expenses somewhere we may be approaching the most dangerous crisis our Nation has ever seen. So, while this seems a modest sum to expend for relief, yet we have a tremendous public debt, and it continues to increase; and I very much hope I may very soon see the time when in some manner we may balance the Budget and begin to reduce the public debt.

Mr. MINTON. Mr. President, in order that the record may be kept straight as to what the Supreme Court has said and done with reference to the general-welfare clause of the Constitution, I wish to call the attention of Senators, for just a moment, to the opinion of the Supreme Court in the case of the United States against Butler, which, as will be recalled, was the A. A. A. decision. In that opinion they did discuss the welfare clause; in fact, they said that the general-welfare proposition was Hamlet in the case. At page 62 of that opinion, which is found in Two Hundred and Ninety-seventh United States Reports, the Supreme Court, speaking of the contention of the Government, said:

> This contention presents the great and the controlling question in the case—

That is the general-welfare clause.

Then the Court proceeds to a discussion of the views of Hamilton and Madison with reference to the general welfare, and takes the Hamiltonian view and says:

> This Court has noticed the question, but has never found it necessary to decide which is the true construction. Mr. Justice Story, in his Commentaries, espouses the Hamiltonian position. We shall not review the writings of public men and commentators or discuss the legislative practice. Study of all these leads us to conclude that the reading advocated by Mr. Justice Story is the correct one.

Therefore, the Hamiltonian theory is the correct one. Then, after the Supreme Court had said that the general-welfare clause was the "Hamlet" in the case, and accepted the Hamiltonian view, they turned around and blandly refused to apply it.

Mr. LOGAN. Mr. President, will the Senator yield?

Mr. MINTON. I will yield in a moment. I wish to read another quotation from the opinion. At the top of page 68 of the same opinion the Court says:

> We are not now required to ascertain the scope of the phrase "general welfare of the United States", or to determine whether an appropriation in aid of agriculture falls within it.

Mr. LOGAN. Mr. President——

Mr. MINTON. I now yield to the Senator from Kentucky.

Mr. LOGAN. I merely wish to say that while I agreed with the position taken by the Senator from Idaho, that the Court had correctly stated the principle, yet it had reached a wrong conclusion in holding that the welfare of agriculture was merely a local concern and not of general concern.

Mr. MINTON. I do not think they reached any conclusion at all except that they refused to apply the doctrine which they accepted.

Mr. LOGAN. I agree with the Senator about that.

Mr. DIETERICH. Mr. President, I had not intended to address myself to this subject, but its importance to my State is such that I would not be discharging my duty as one of its Senators in this body if I should not at least give the Senate the benefit of my views for whatever they may be worth.

I am not going to suggest any alibi nor apologize for the present administration or the expenditures which it has made. I feel that every expenditure which has been made was justified, was made for the purpose of accomplishing a definite end, and I think, in the main, the expenditures, enormous as they have been, have accomplished that purpose.

The necessity of the National Government providing for the relief of needy and distressed citizens of the United States is something, of course, that we should all like to see obviated, but we have the problem with us and cannot escape it.

Heretofore among the agencies that have assisted in fighting the depression has been the W. P. A. The amendment to the joint resolution under consideration seeks to change the policy which we have pursued during the depression and when the problems which we had to meet were the most difficult. I do not understand that the Federal Government in the matter of providing work for citizens who were unemployed looked at it as strictly a charitable proposition. I think it realized that the local communities and the States were having difficulty in dealing with their unemployment situation, and for that reason, in a dignified way, the National Government provided a fund by the use of which there could be constructed certain works which would afford employment. I understand that contributions were made by the various communities, and that the reason it was necessary to vary the amount of such contributions was in view of the difference in the degree of employment any particular work would afford. Therefore the matter of contributions in the various communities necessarily had to be flexible. I understand that the Works Progress Administration was carried on in that way.

Now we come to what we hope is about the last of the depression, when unemployment is largely localized in the industrial centers and when the farming communities throughout the land are pretty well protected and have fairly well recovered from the depression which engulfed agriculture.

Unfortunately some States have within their borders conditions which attract the unemployed. I can see how New York State and the city of New York may attract unemployed persons; and there is no question that the State of Illinois and the city of Chicago at the present time have needy persons within their borders who are not really citizens of Illinois but who migrated there. So the unemployment problem of Illinois is still continuing.

I wish to speak particularly for my State and to indicate the injustice that might be perpetrated if the amendment offered by the Senator from South Carolina [Mr. BYRNES] or the amendment offered by the Senator from Arkansas [Mr. ROBINSON] should prevail. Illinois, like other States, has carried her part of the public burden. Unlike many of the States, Illinois has paid into the Government millions of dollars more revenue than has been received from the Government for any purpose, either for public buildings in normal times, work relief, unemployment relief, or any of the activities which were intended to counteract the depression. The balance has always been in favor of the State of Illinois, and Illinois should not be penalized because of that fact. Now, when perhaps the very last appropriation

the Congress will ever be called upon to make for relief is pending before the Senate, we should not change the policy and say to a State, "Notwithstanding the fact that you have supplied revenue, that you have assisted in every way, that you have done your part in contributing to relief"—and the figures read upon the floor of the Senate show that Illinois has done that—"you shall now be required to pay 25 percent of the cost of any project that is intended to provide relief for unemployment." I say to the Senate that would be manifestly unfair.

The pending amendment simply penalizes those communities whose taxpayers produce the revenues of the Government. The amendment would take from them and give to those who do not produce or who are unable to produce. If the amendment should be adopted, and its provisions be administered as they should be, the President would have to make an investigation not only to determine whether relief is necessary but to determine whether or not a given community is able to contribute 25 percent; and so relief would be placed upon a basis of absolute charity. In other words, every community and every State that wanted to share in this relief, unless they contributed 25 percent, would have to admit that they were insolvent and bankrupt.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. DIETERICH. Yes.

Mr. CONNALLY. If they are bankrupt, why not admit it?

Mr. DIETERICH. If they are bankrupt, they might admit it; but if they are not bankrupt, they should not be forced to say they are, and in the appropriation made from the Federal Treasury those States that have taken care of their citizens who are needy and in distress and that have contributed generously to the fund, should have the same privilege of sharing in it. It is unfair to them to ask them to pay into the Federal Treasury and not receive anything in return.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. DIETERICH. Yes.

Mr. CONNALLY. If they are able to pay, they can pay; and, if they are not able to pay, why should they not admit it?

Mr. DIETERICH. Why not, on the other hand, pass a law requiring every community to pay? Why not pass a law requiring every community that wants to share in this appropriation to contribute its just part? Why penalize those that try to be thrifty and have safeguarded their finances to such an extent that they are able, possibly, by stretching their resources, to raise 25 percent? Why not let it fall alike on all of the States or take it off all of them and not destroy this flexible feature of the program?

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. DIETERICH. Yes.

Mr. CONNALLY. By requiring them to pay 25 percent, we would at least set some standard for all of them instead of allowing the Administrator to proceed as he may see fit.

Mr. DIETERICH. I do not care to have the Senator from Texas inject a speech at the time when I am making my address. He can get the floor afterward.

Mr. CONNALLY. I beg the Senator's pardon; I thought he yielded to me.

Mr. DIETERICH. I understand the Senator's argument, but I am asking for justice for those States that do contribute, and I am asking justice for those communities that are able to contribute; because it is an absolute fact that the communities that have been able to contribute have attracted to their borders a large group of unemployed who do not naturally belong there, and now it is purposed to saddle that burden on them permanently.

I think in justice the joint resolution should be passed by the Senate as it came to us from the House. I am not going to discuss what the administration wants or what it does not want. I am discussing the justice of the proposal. I think the amendment or any other amendment that asks for any contribution should be rejected by the Senate.

Mr. CONNALLY. Mr. President, I want to ask the pardon of the Senator from Illinois for my interruption of his remarks. I labored under some sort of hallucination that he had yielded, and, laboring under such an hallucination, I started to make a suggestion, but learned later when I embarked upon my suggestion that he declined to yield.

The PRESIDING OFFICER. The Senator from Illinois did yield to the Senator from Texas, and later declined to yield.

Mr. BYRNES. Mr. President, I have heretofore discussed the reason prompting me to offer the amendment which was approved and adopted by the Appropriations Committee. Since that time the Senator from Arkansas [Mr. ROBINSON] has offered an amendment, an amendment which does not accomplish all that I had hoped would be accomplished by the committee amendment, but which is at least a step in the direction of causing local governments to bear a greater share of the cost of W. P. A. projects.

I think the amendment of the Senator from Arkansas has been correctly analyzed by the Senator from Idaho [Mr. BORAH]. The Senator from Idaho said he did not believe it would effect a very material reduction in Federal expenditures. He said that the provision that the President could, whenever he decided a sponsor was unable to contribute 25 percent, require a smaller contribution, would authorize a continuance of the discretion exercised by the Administrator, but it would tend to establish a standard for the States, counties, and cities, and was therefore desirable.

It is my opinion that the virtue of the amendment of the Senator from Arkansas, now pending before the Senate, will be to establish a standard and to give to every official of W. P. A. throughout the country an argument to induce a larger contribution by the local sponsors.

When we speak of conferring the power upon the President, we know that is done because in the first lines of the joint resolution the appropriation is made to the President. But in practical operation the determination of the contribution of sponsors is not made by the President of the United States and is not made by the Federal Administrator, but is made by the State administrators in the various States of the Union.

When an application is submitted there is an investigation. The State administrator must determine how much he is going to ask of the sponsor. Today the sponsor can say, "You are asking of this city only 5 percent; of that city 10 percent; so why ask of me 30 or 40 or 50 percent?" If this amendment is adopted, whenever an official of a local government appeals to an administrator of a State, the administrator will say to the sponsor, "The Congress has expressed its sentiment. The Congress believes that if a sponsor is able, the sponsor should pay 25 percent. I think you are able, and therefore you should put up 25 percent."

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. BYRNES. Certainly.

Mr. CONNALLY. As I remember, the statistics from my State show that last year Texas put up 22 percent. Speaking about fairness, why is it not fair to require other States to put up whatever they can up to the extent of 25 percent, and thereby set some sort of standard?

Mr. BYRNES. Of course, that is the theory of the amendment I offered, and also the theory of the amendment of the Senator from Arkansas.

I want Senators to picture the position of the State administrator in any State of the Union. Today there comes to him the president of a State university, for instance. Under the law, in order to qualify as a public project, he must show that the State university is a State-supported institution. When the president of the university proves that his university is State-supported, he then proceeds to show that though State-supported, the State cannot make the contribution to the cost of the project asked by W. P. A.,

and he asks that it be allowed to procure a project by the contribution of only 5 or 10 or 15 percent.

Under the Robinson amendment, the Administrator of W. P. A. could say to the president of the university, "This is a State-supported institution. If you can ask for a project from Public Works Administration and put up 55 percent, certainly you can put up 25 percent for a W. P. A. project. The Congress has expressed its views that 25 percent should be made the standard, and you should put up at least that much." It would give to the Administrator an argument which he does not now possess. It should result in his securing a larger contribution from many sponsors.

However, it is said by someone who spoke this morning that it would have a tendency to reduce the contribution in some instances to 25 percent. It does not follow that in every case where a sponsor is now contributing more than 25 percent, the Administrator would permit the sponsor to have his project approved by contributing only 25 percent. I assume the Administrator would say, "Congress has said you should contribute at least 25 percent, and I ask you to put up 25 percent. If you cannot do so, then I will determine how much you can contribute."

If that is not sound, then today under existing conditions the State putting up 5 or 10 or 15 percent could insist that it should not put up any more because some other cities or counties or States are not putting up a larger percentage of the cost of projects.

It is said that in the platform of the Democratic Party we declared that relief is a national problem. What did the platform say with reference to relief? It said:

> We believe unemployment is a national problem.

But the platform went on in the same paragraph to make this further declaration:

> We believe that work at prevailing wages should be provided in cooperation with State and local governments on useful public projects.

Not that the National Government should pay the entire expense of work projects, but that "work at prevailing wages should be provided in cooperation with State and local governments." How can local governments cooperate except by putting up some part of the expense? If it is a violation of the platform to say that States must contribute 25 percent, then how could we excuse the action of the Administrator today in requiring an average of 16 percent throughout the country? Up to January 1 the average was 13 percent and since then it has increased to 16 percent.

Another argument offered by Members of the Senate opposed to the amendment, is that it would require an investigation of the financial status of every sponsor. What is done today? Let me read to Senators from the testimony of Mr. Hopkins. I asked him how he proceeded in order to determine what should be contributed by the sponsor in each case; and Mr. Hopkins said:

> We determine it by inquiring into their bonded indebtedness. We inquire into the law as to what legal right they have to increase that indebtedness. We inquire into their taxing ability on other fronts. We inquire into the ability of real estate to stand an increased tax. All of those things are taken into consideration in dealing with a sponsor when they ask us to pay what we think is an unreasonable percentage of the cost. We take into consideration what they are doing out of their own funds on other fronts in connection with the relief problem.

Mr. DIETERICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Illinois?

Mr. BYRNES. I yield to the Senator from Illinois.

Mr. DIETERICH. In other words, the Administrator said the relief authorities inquire into the law to determine the ability of the city or the county to raise funds.

Mr. BYRNES. Yes.

Mr. DIETERICH. Does the Senator think it is practical, in providing work relief, to determine that a certain local improvement might be constructed by special taxation, or, if it should be determined that a bond issue might be voted for the purpose of providing the city's or the county's part of the fund, to wait until the proceedings in court might be had and such bond issue determined?

Mr. BYRNES. Mr. President, how practical it is, it would be impossible for me to say, other than that Mr. Hopkins says that is what he is now doing—not what is proposed under the amendment, but what he is now doing.

Mr. DIETERICH. Then, Mr. President, does not the Senator see that if the President is to make the investigation of ability to pay, and he determines—as he must determine if that is the fact—that the city or municipal corporation can pay by starting some proceeding in court whereby, either by special assessment or by the vote of a bond issue, the part of the fund to be raised by the city or the municipal corporation may be provided for, that would practically deny it the right of relief?

Mr. BYRNES. Mr. President, all I can say is that that is what Mr. Hopkins says he has been doing and is now doing. Whether or not it has resulted in denying relief is a matter for the Senator to determine. That is not provided for in this amendment. That is what Mr. Hopkins says he is doing under the existing law.

Mr. DIETERICH. Will the Senator yield further?

Mr. BYRNES. I yield.

Mr. DIETERICH. The fact that Mr. Hopkins did that does not necessarily mean that this amendment enjoins upon the President the duty of following what Mr. Hopkins did. Mr. Hopkins might have done all those things; but this amendment makes the President determine whether or not the municipality is able to pay 25 percent, and since necessarily it would not have the money in its pocket, the President would have to determine whether it would be able to float a bond issue or to make a special assessment that would raise the money.

Mr. BYRNES. Mr. President, of course I cannot agree with my good friend from Illinois. I have called attention only to what is now being done under existing law, and Mr. Hopkins has done none of the things that the Senator fears. As a matter of fact, under this amendment it is provided that the 25 percent may be contributed in money, materials, or services, just as is now being done.

The PRESIDING OFFICER (Mr. RUSSELL in the chair). The time of the Senator from South Carolina on the amendment has expired. The Senator has 20 minutes on the joint resolution.

Mr. BYRNES. Mr. President, I certainly have no intention of using all of it.

The effect of the amendment is just about what the Senator from Idaho [Mr. BORAH] stated today, and what the Senator from Arizona [Mr. HAYDEN] stated last week. There is in effect no change other than that Mr. Hopkins, who now determines the questions set forth in his testimony, would proceed, under the Robinson amendment, to determine them. The effect and the value of the amendment is that it will give to the State administrators throughout the country an argument to bring about a greater contribution by the local sponsors in every case where they seek a project at the hands of the administrator. They can point out that the Congress has expressed its sentiment that those sponsors who are able to do so, should contribute 25 percent.

Now, one other question.

Mr. DIETERICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina further yield to the Senator from Illinois.

Mr. BYRNES. I will yield to the Senator once more.

Mr. DIETERICH. The Senator says the amendment will give the administrators an argument. Does he mean to say, then, that the amendment does not mean what it says; that it simply puts in the mouths of the administrators an argument to use on the municipalities, to try to coerce them into making greater contributions? The amendment does not mean, then, that the relief authorities must follow the amendment as written, and determine whether the locality is or is not able to pay?

Mr. BYRNES. Mr. President, I think the language speaks for itself, and, by reason of the establishment of a stand-

ard, would be bound to furnish an argument to the administrators.

One other argument is made, that this amendment is a restriction upon the power of the President.

We have in the joint resolution as reported a restriction upon the discretion of the Administrator in expenditures. Some Senators had the temerity to call attention to it. They insisted that under the administration of the present law a man often refused to accept private employment because if he got off the W. P. A. relief rolls to accept private employment he would not be restored to those rolls. That is a matter which the Administrator has been handling in his discretion; but the joint resolution specifically provides that hereafter whenever that occurs the man has the right to be restored, and the fact that he has taken private employment cannot be used against him when he asks to be restored to the W. P. A. rolls.

Of course there are upon the rolls some persons who have been on the W. P. A. rolls ever since we established the W. P. A. If Senators are interested in that matter, they should write to their local administrators to find out the percentages in the various States. In some counties in my State 75 percent of the people have been on the rolls and in the employment of W. P. A. ever since it was inaugurated; in others 60 percent and 70 percent. Those are the persons I call career workers.

I believe the amendment we have added to the joint resolution, giving to the persons who secure private employment the right to be restored to the rolls when the private employment ends, will have a most salutary effect upon that situation. It will encourage men to go into private employment.

The last argument which was made by some Senators who are opposed to the amendment is that it is unnecessary to do this in order to balance the Budget. Out of this discussion there has come a realization of the necessity for Congress doing something about the Budget. We cannot transfer to the President of the United States the duty of balancing the Budget. It is the duty of the Congress to levy taxes. It is the duty of the Congress to direct how the money shall be spent. We cannot dodge the responsibility that is ours. The President cannot balance the Budget without the cooperation of the head of every department and without the cooperation of the Congress. The President called to our attention about a month ago the fact that on June 30, 1938, we will be confronted with a deficit of $418,000,000. Now, let us see the situation as of this date.

We know that a farm tenancy bill is to be passed. We know that a housing bill is to be passed. These bills will add at least $50,000,000. I ask Senators to remember that $50,000,000. We are advised that we must appropriate approximately $150,000,000 for a merchant marine. That is $200,000,000. We are advised that a new agricultural bill is pending before the Agricultural Committee, and that an effort is to be made to secure its consideration. It is estimated that it will cost at least $150,000,000 more. That is $350,000,000 more. A bill to be reported by the Banking and Currency Committee, which has already passed the House, reducing the interest on mortgages of the land banks and commissioner loans, will, according to the President, take about $40,000,000 from the Treasury. These appropriations added to the deficit of $418,000,000 estimated by the President will make the deficit on June 30, 1938, at least $800,000,000.

We know that we are going to make an effort to plug the so-called loopholes in the income-tax law. I hope it will be done before we adjourn. Out of it we hope to secure, according to one estimate, $100,000,000; but even with that $100,000,000 we certainly have facing us a possible deficit of $700,000,000 instead of $418,000,000, as estimated by the President about 6 weeks ago.

During the next year what proposals will be made calling for additional expenditures, no man can tell. Every additional expenditure that is made will add to that amount. As the Senator from Virginia [Mr. GLASS] said today, if the cities of the country are in such financial condition—and when we say "cities" we must mean the people of the cities—that they cannot contribute 25 percent toward these projects, then we must realize our difficulty in reducing the $36,000,000,000 of indebtedness, and the impossibility of balancing the Budget by the end of the fiscal year on June 30, 1938. No one individual can be blamed for that. It necessitates a realization by the Congress that somebody has to say "no" to the requests that are made for funds. If we do not reduce expenditures, then we must realize that it is our duty to levy additional taxes, because we cannot forever go on without paying our current expenses, much less making an effort to reduce the $36,000,000,000 indebtedness.

Mr. President, I desire to state that I accept the amendment of the Senator from Arkansas.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas [Mr. ROBINSON] to the amendment of the committee.

Several Senators demanded the yeas and nays.

Mr. BYRNES. I make the point of no quorum.

Mr. McNARY. Mr. President, of course the Senator cannot accept the amendment to the amendment. I think the yeas and nays were not called on the modification of the amendment suggested by the Senator from South Carolina. Is that correct?

Mr. BYRNES. My understanding of the parliamentary situation is that the vote would come on the amendment of the Senator from Arkansas to the amendment of the committee.

The PRESIDENT pro tempore. As the Chair has stated, the question is on agreeing to the amendment of the Senator from Arkansas to the committee amendment.

Mr. McNARY. The Senator from South Carolina stated that he would accept the amendment to the amendment. Of course, he could not do that. It must be voted on.

The PRESIDENT pro tempore. The Chair understood the statement of the Senator from South Carolina to mean that he personally accepted the amendment to the amendment. Of course, the Senate must vote on the amendment to the amendment.

Mr. BARKLEY. Why not have a viva voce vote on the amendment to the amendment, and have a roll call on the amendment?

Mr. BYRNES. Mr. President, I have suggested the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Hughes	Pittman
Andrews	Clark	Johnson, Colo.	Pope
Ashurst	Connally	La Follette	Radcliffe
Austin	Copeland	Lee	Reynolds
Bailey	Davis	Lewis	Robinson
Bankhead	Dieterich	Lodge	Russell
Barkley	Duffy	Logan	Schwartz
Bilbo	Ellender	Lonergan	Schwellenbach
Black	Frazier	Lundeen	Smathers
Bone	George	McAdoo	Steiwer
Borah	Gerry	McGill	Thomas, Okla.
Bridges	Gibson	McKellar	Thomas, Utah
Brown, Mich.	Gillette	McNary	Townsend
Brown, N. H.	Glass	Minton	Truman
Bulkley	Guffey	Moore	Tydings
Bulow	Harrison	Murray	Vandenberg
Burke	Hatch	Neely	Van Nuys
Byrd	Hayden	Norris	Wagner
Byrnes	Herring	Nye	Walsh
Capper	Hitchcock	O'Mahoney	Wheeler
Caraway	Holt	Overton	White

Mr. LEWIS. I beg to again to reannounce the absence of the Senators as stated on the previous roll call and for the reasons assigned at that time.

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment of the Senator from Arkansas [Mr. ROBINSON] to the amendment of the committee, which will be stated.

The LEGISLATIVE CLERK. It is proposed to amend the committee amendment, beginning on page 4, line 7, by striking out "40" in line 17, page 4, and inserting in lieu thereof "25"; also to insert a period after the word "services" in line 18; on page 4, including the word "except", it is proposed to strike out the remainder of the amendment down to and including the word "supply", in line 23, page 4, and insert in lieu of the part stricken out the following:

Provided, That if the President shall find any project to be necessary in order to provide work relief in the community where the project is to be located, and that the applicant is unable to supply 25 percent of the cost as herein required, he may authorize the project upon such contribution or assurance of contribution as he finds that the applicant is able to make.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment. [Putting the question.]

Mr. BAILEY. We desire to have a roll call.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. McKELLAR (when Mr. BERRY's name was called). My colleague the junior Senator from Tennessee [Mr. BERRY] is unavoidably detained from the Senate. However, he is paired with the Senator from Maryland [Mr. TYDINGS]. I am advised that if my colleague were present he would vote "nay" on this question.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Minnesota [Mr. SHIPSTEAD], which I transfer to the senior Senator from Utah [Mr. KING], and vote "yea."

Mr. WHITE (when Mr. HALE's name was called). I announce the unavoidable absence of my colleague the senior Senator from Maine [Mr. HALE]. I understand he has a general pair with the Senator from Texas [Mr. SHEPPARD]. If my colleague were present and permitted to vote, he would vote "yea" on this amendment, and I am advised that the Senator from Texas would vote "nay."

The roll call was concluded.

Mr. LEWIS. I announce that the Senator from Utah [Mr. KING] and the Senator from Connecticut [Mr. MALONEY] are absent because of illness.

The Senator from Ohio [Mr. DONAHEY], the Senator from Rhode Island [Mr. GREEN], the Senator from Nevada [Mr. McCARRAN], the Senator from Florida [Mr. PEPPER], the Senator from Texas [Mr. SHEPPARD], and the Senator from South Carolina [Mr. SMITH] are detained on important public business.

The Senator from Nevada [Mr. McCARRAN] is paired with the Senator from Florida [Mr. PEPPER]. If present and voting, the Senator from Nevada would vote "yea", and the Senator from Florida would vote "nay."

The Senator from South Carolina [Mr. SMITH] is paired with the Senator from Rhode Island [Mr. GREEN]. If present and voting, the Senator from South Carolina would vote "yea", and the Senator from Rhode Island would vote "nay."

Mr. TYDINGS. I understand that prior to my entrance into the Chamber the Senator from Tennessee [Mr. McKELLAR] announced the pair between the junior Senator from Tennessee [Mr. BERRY] and myself. If I were permitted to vote, I should vote "yea."

The result was announced—yeas 34, nays 49, as follows:

YEAS—34

Adams	Capper	Glass	Russell
Austin	Carsway	Harrison	Steiwer
Bailey	Clark	Holt	Townsend
Bankhead	Connally	Johnson, Colo.	Truman
Borah	Copeland	Lodge	Vandenberg
Bridges	Davis	McNary	Van Nuys
Burke	George	Pittman	White
Byrd	Gerry	Radcliffe	
Byrnes	Gibson	Robinson	

NAYS—49

Andrews	Bulkley	Guffey	Lewis
Ashurst	Bulow	Hatch	Logan
Barkley	Chaves	Hayden	Lonergan
Bilbo	Dieterich	Herring	Lundeen
Black	Duffy	Hitchcock	McAdoo
Bone	Ellender	Hughes	McGill
Brown, Mich.	Frazier	La Follette	McKellar
Brown, N. H.	Gillette	Lee	Minton
Moore	O'Mahoney	Schwellenbach	Walsh
Murray	Overton	Smathers	Wheeler
Neely	Pope	Thomas, Okla.	
Norris	Reynolds	Thomas, Utah	
Nye	Schwartz	Wagner	

NOT VOTING—13

Berry	Johnson, Calif.	Maloney	Shipstead
Donahey	King	Pepper	Smith
Green	McCarran	Sheppard	Tydings
Hale			

So the amendment of Mr. ROBINSON to the amendment of the committee was rejected.

The PRESIDENT pro tempore. The question recurs on agreeing to the amendment of the Committee on Appropriations on page 4, line 7, as amended, which will be stated.

The CHIEF CLERK. On page 4, line 7, after the word "its", it is proposed to strike out:

Completion; and no non-Federal project shall be undertaken or prosecuted under this appropriation unless and until adequate provision has been made or is assured for financing such part of the entire cost thereof as is not to be supplied from Federal funds.

And to insert:

Completion: *Provided further*, That after September 30, 1937, no new non-Federal project shall be undertaken or prosecuted under this appropriation unless and until (1) the Works Progress Administrator shall find and certify that adequate provision has been made or is assured for financing such part of the entire cost thereof as is not to be supplied from Federal funds, and (2) at least 40 percent of the cost of the project is to be supplied from non-Federal funds, including money, material, and services, except that in any case in which the applicant for any such non-Federal project certifies in writing that it is unable to supply such 40 percent, the President is authorized, after investigation of the taxpaying capacity and credit of the applicant, to determine the maximum amount possible for such applicant to supply. The President shall furnish to the Secretary of the Senate and the Clerk of the House of Representatives, upon the 1st day of January and the 1st day of July 1938, a list of cases in which less than 40 percent of the cost of non-Federal projects was furnished by applicants, together with a statement of the amount furnished by the applicant in each such case.

Mr. McKELLAR and Mr. BARKLEY called for the yeas and nays, and they were ordered.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. McKELLAR (when Mr. BERRY's name was called). My colleague the junior Senator from Tennessee [Mr. BERRY] is unavoidably detained from the Senate. He is paired with the Senator from Maryland [Mr. TYDINGS]. I am advised that if my colleague were present he would vote "nay" on this question.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Minnesota [Mr. SHIPSTEAD], which I transfer to the senior Senator from Utah [Mr. KING], and will vote. I vote "yea."

Mr. WHITE (when Mr. HALE's name was called). I again announce the unavoidable absence of the senior Senator from Maine [Mr. HALE], and further announce that he has a general pair with the senior Senator from Texas [Mr. SHEPPARD]. If present, the Senator from Maine would vote "yea", and the Senator from Texas would vote "nay."

Mr. TYDINGS (when his name was called). Making the same announcement as on the previous roll call, I withhold my vote.

The roll call was completed.

Mr. LEWIS. I announce that the Senator from Utah [Mr. KING] and the Senator from Connecticut [Mr. MALONEY] are absent because of illness.

The Senator from Ohio [Mr. DONAHEY], the Senator from Rhode Island [Mr. GREEN], the Senator from Nevada [Mr. McCARRAN], the Senator from Florida [Mr. PEPPER], the Senator from Texas [Mr. SHEPPARD], and the Senator from South Carolina [Mr. SMITH] are detained on important public business.

The Senator from Nevada [Mr. McCARRAN] is paired on this question with the Senator from Florida [Mr. PEPPER]. If present and voting, the Senator from Nevada would vote "yea", and the Senator from Florida would vote "nay."

Mr. AUSTIN. I announce that the Senator from Minnesota [Mr. SHIPSTEAD] is necessarily absent. If present, he would vote "nay." His general pair has been announced.

The result was announced—yeas 25, nays 58, as follows:

YEAS—25

Adams	Byrd	Glass	Townsend
Austin	Byrnes	Harrison	Vandenberg
Bailey	Clark	Holt	Van Nuys
Bankhead	Copeland	Lodge	White
Borah	George	Radcliffe	
Bridges	Gerry	Russell	
Burke	Gibson	Steiwer	

NAYS—58

Andrews	Dieterich	Logan	Pittman
Ashurst	Duffy	Lonergan	Pope
Barkley	Ellender	Lundeen	Reynolds
Bilbo	Frazier	McAdoo	Robinson
Black	Gillette	McGill	Schwartz
Bone	Guffey	McKellar	Schwellenbach
Brown, Mich.	Hatch	McNary	Smathers
Brown, N. H.	Hayden	Minton	Thomas, Okla.
Bulkley	Herring	Moore	Thomas, Utah
Bulow	Hitchcock	Murray	Truman
Capper	Hughes	Neely	Wagner
Caraway	Johnson, Colo.	Norris	Walsh
Chavez	La Follette	Nye	Wheeler
Connally	Lee	O'Mahoney	
Davis	Lewis	Overton	

NOT VOTING—13

Berry	Johnson, Calif.	Maloney	Shipstead
Donahey	King	Pepper	Smith
Green	McCarran	Sheppard	Tydings
Hale			

So the amendment of the Committee on Appropriations, as amended, was rejected.

The PRESIDING OFFICER. The next committee amendment passed over will be stated.

The next amendment passed over was on page 5, line 4, to strike out "This appropriation shall be available also" and insert "Not exceeding $100,000,000 of this appropriation shall be available for expenditure by the Resettlement Administration."

Mr. RUSSELL. Mr. President, I move to amend the committee amendment by striking the words "Not exceeding $100,000,000 of". The purpose of this amendment is to permit the Resettlement Administration to use the unexpended balances that were made available in the first deficiency bill of this current session after considerable discussion in the Senate. It is expected that $100,000,000 will be allocated from the fund of one and one-half billion dollars in order to care for the 711,000 farm families that are now being benefited or assisted through the Resettlement Administration. If this limitation be left in the bill it will mean that it will be necessary to strike from the rolls one-quarter of those 711,000 families, or else it will be necessary to abandon the land utilization and development program of the Resettlement Administration.

There are a large number of tracts of land throughout the United States where various projects have been established. In many instances only one-third or one-half of those lands have been actually acquired, due to the time necessary to perfect the titles. If the committee amendment which restricts the amount available to the Resettlement Administration to $100,000,000 remains in the bill it will be impossible to complete those projects. It will mean that many homestead projects will be left in a half-finished condition and cause the loss of much money already expended. It will mean that many people, who in good faith have entered into contracts to sell their land to the Federal Government, will not be able to receive the compensation for their lands. Above all of that, it will mean that the Senate will have directly reversed itself from the action which it took on the first deficiency bill of this year when it was determined that we would permit the completion of all of the projects which already are under way.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from Kentucky?

Mr. BARKLEY. If the Senator's amendment shall be adopted, then, if I understand correctly, the status will be that whatever amount may be allocated by the President for the Resettlement Administration will be available out of this appropriation, but that, if the language remains as it is proposed by the committee amendment, only $100,000,000 will be available. Is that the situation?

Mr. RUSSELL. The very clear effect of the committee amendment would be to restrict the total expenditures of the Resettlement Administration to $100,000,000. As I have stated, there are now 711,000 farm families scattered throughout the entire United States who are receiving assistance either in the form of loans or of grants out of these funds. It was testified before the committee that it was only expected to expend the sum of $100,000,000 for the current activities of the Resettlement Administration, but they have at this time $32,000,000 in the form of unexpended balances. The Senate by its action on this measure, reappropriated unexpended balances to the credit of other agencies. Why should the Resettlement Administration, of all the Federal agencies which have unexpended balances of allocated funds, not have such unexpended funds reappropriated to them?

Mr. BARKLEY. The Senator's amendment and the reasons he gives for it strike me as being worthy of very serious consideration. Regardless of what anyone may think about the Resettlement Administration—and so far as I am concerned I am, on the whole, in sympathy with it, as I have heretofore indicated—I should certainly not like to see any of the projects under way crippled or left half completed or families who have been moved or are in process of being moved left high and dry or uncared for. I do not know just what the proposal of the Senator from Georgia will do to the whole Resettlement situation, but I am very much interested in what the Senator from Georgia is saying about it, and I hope he will give us the picture in detail as clearly as possible, because I want to go along with what I think is in his mind on the subject.

Mr. ADAMS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. RUSSELL. I yield.

Mr. ADAMS. If I recall correctly, I will say to the Senator from Kentucky and also the Senator from Georgia, the testimony before the committee—and I am referring to subsistence homesteads—was that no part of the money appropriated in the joint resolution would be devoted to subsistence homesteads; that there were no housing projects of any kind to be provided for by the money to be appropriated. The representatives of the Resettlement Administration said to the committee that when they came before Congress at the time of the deficiency bill, and the appropriation they asked for then was granted them, they proposed to complete the projects out of that money. They told us, further than that, that all they expected to allocate was $100,000,000 for the Resettlement Administration, of which $75,000,000 was to go into the relief agencies and $25,000,000 was to be used in administration expenses. The Senator from Tennessee, who I see rising on the horizon, had much to say about the expenditure of $25,000,000 for administrative purposes, and this language in the joint resolution largely went into it at the instance of the Senator from Tennessee.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. BYRNES. On page 266 of the hearings Secretary Wallace stated:

> I may say that the $1,500,000,000 under consideration in this particular bill does not include any money for these housing projects. If the funds in the deficiency bill and the previous appropriations are reappropriated to take effect after June 30, we can, out of those existing appropriations which may be reappropriated, clean up the housing projects which are now under way.

Mr. RUSSELL. The point I make is that the language in the joint resolution takes away the opportunity to use the unexpended balances to complete the projects already authorized and on which work has started.

Mr. BYRNES. And the amendment of the Senator proposes to make available the unexpended balance?

Mr. RUSSELL. Yes; to make available to the Resettlement Administration the unexpended balance, as the unexpended balances have already been made available to

every other agency having to its credit unexpended balances, by the action of the Senate in voting down the committee amendment which refused to appropriate the unexpended balances.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. McKELLAR. As I understood, both Secretary Wallace and Mr. Alexander, who I believe is the head of the Resettlement Administration, did not ask for more than $100,000,000, and incidentally they said that it would take $25,000,000 of the $100,000,000 for administration purposes. It seemed to me that that was a very large sum, and I differed with them very considerably about it. They both testified—and I ask the Senator from Georgia, who was also present in the subcommittee, if the statement is not correct—that they both testified they did not intend to carry on any more projects.

Mr. RUSSELL. I did not so understand the evidence. They testified that they did not propose to institute any new projects, but they did desire to complete projects which had already been inaugurated.

Mr. McKELLAR. That may be; but I wish to say to the Senator that I do not think we ought to give them more than they ask for.

Mr. RUSSELL. Neither do I.

Mr. McKELLAR. If the Senator will word his amendment so as to make the amount $100,000,000, I am not going to object, although I think it is a monstrous idea to spend $25,000,000 out of $100,000,000 merely for administration.

Mr. RUSSELL. A short while ago I heard very eloquent words falling from the lips of the distinguished Senator from Tennessee in which he importuned the Senate to be willing to trust the President in the distribution of this entire fund.

Mr. McKELLAR. I am willing to do that; I am willing to vote for the appropriation of $100,000,000 which they ask for; but I am not willing to go further than that. I think the limitation ought to be $100,000,000, and, if that is the meaning of the Senator's amendment, I will go with him.

Mr. LOGAN. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. LOGAN. If I understand the contention of the Senator from Georgia, it is that, while the amendment authorizes the allocation of $100,000,000 from this appropriation to the Resettlement Administration, that would preclude the allocation of the unexpended balance which in other cases is reappropriated by the joint resolution.

Mr. RUSSELL. Precisely. The unexpended balances are reappropriated for all other agencies under the joint resolution.

Mr. LOGAN. And very clearly the Resettlement Administration would be denied the unexpended balances which have already been contracted for and for which we have already provided unless the committee amendment should be changed.

Mr. RUSSELL. Undoubtedly; unless we proceed to take it out of the pitiful grants and loans of the 711,000 farmers who are now receiving benefits from the Resettlement Administration, the projects cannot be completed and utilized unless the unexpended balances are reappropriated.

Mr. LOGAN. Then, may I ask the Senator from Georgia why we could not insert, after "$100,000,000", the words "plus the unexpended balance" and cure it in that way, and thus leave allocated $100,000,000 plus the unexpended balances?

Mr. McKELLAR. That would be entirely satisfactory to me.

Mr. ROBINSON. Mr. President, may I ask what is the amount of the unexpended balances?

Mr. RUSSELL. The amount for all purposes is, as I recall, $32,000,000.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. RUSSELL. I yield.

Mr. BORAH. I understood the Senator from Tennessee [Mr. McKELLAR] to say that it was estimated that it would cost $25,000,000 to administer $100,000,000. Is that correct?

Mr. McKELLAR. That is absolutely correct.

Mr. BORAH. I think such a condition approaches a national scandal.

Mr. McKELLAR. I do not know what it does, but that is the truth.

Mr. BORAH. It simply shows that this money which we are appropriating for the people who ought to have it never gets to them. That is what is happening.

Mr. LEWIS. Mr. President, may I ask the Senator from Tennessee in what way the $25,000,000 is to be used for administrative purposes?

Mr. RUSSELL. Mr. President, I believe I have the floor. I wish to point out that the Senator from Tennessee also offered an amendment, which is found in line 9, page 5, which places responsibility for the cost of administration directly on the President, and that the Senate has already adopted that amendment without any discussion.

Mr. McKELLAR. That is true.

As a compromise, I thought that it was best to leave the matter of the cost of administration to the President. I offered that amendment because I did not believe the President would permit $25,000,000 to be used for the administration of a $100,000,000 fund.

Mr. RUSSELL. I am not here to condone extravagance in the expenses of administration anywhere within the Government, but I think it should be said that the $25,000,000 for administrative expenses is not confined to the administration of the $100,000,000 which it is proposed to expend during the coming year. That fund also goes to defray the administrative expense of every one of these 278 or 279 projects scattered throughout the United States of America. It also provides personnel to supervise the farming activities and the collection of loans from farmers who have borrowed heretofore millions of dollars from the Resettlement Administration. Practically every county in the United States, where there is any agricultural interest of any size, has a representative of the Resettlement Administration whose duty it is to see that the farmers who are being rehabilitated and who have borrowed money for the purchase of livestock and farming tools, repayable, in some instances, over a period of 5 years, pursue sensible farming practices. So it is not strictly correct to say that $25,000,000 of the $100,000,000 is to be used for administrative expenses. It is to be used also to collect and to return to the Treasury of the United States the hundreds of millions of dollars which have been loaned heretofore. It is my recollection that last year there were collected $69,000,000, which went into the miscellaneous receipts of the Treasury of the United States, from funds that had been advanced to farmers who were absolutely down and out and who, therefore, had no means to carry on farming operations without the assistance extended by this agency.

Mr. POPE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. RUSSELL. I yield.

Mr. POPE. In that connection I call attention to page 33 of the Senate hearings, where is shown the percentage of expenditures, and in that case it appears that 7.13 percent of the total money expended was used for collection purposes. It seems to me that confirms the statement made by the Senator from Georgia. I think what the Senator just stated about the work of administration is entirely true. It is in no sense limited to the administration of the $100,000,000. It covers the administration of the entire works of the Works Progress Administration.

The PRESIDENT pro tempore. The time of the Senator from Georgia on the amendment has expired.

Mr. RUSSELL. Then I shall have to take my time on the joint resolution.

I suggest this amendment to the committee amendment, and ask the Senator from Tennessee to give his attention.

Mr. McKELLAR. I shall be very glad to do so.

Mr. RUSSELL. I suggest inserting after the numerals "$100,000,000" the words "in addition to the amounts necessary to pay the obligations and commitments heretofore made and to complete projects heretofore initiated."

Mr. McKELLAR. I would very much prefer to make it read "not exceeding $100,000,000 and the unexpended balances now in the hands of the Department."

Mr. RUSSELL. That is not practicable, because when we had the first deficiency appropriation bill before us that question was fought out on the matter of appropriating the $14,000,000 unexpended balance. That was done, and the President has not yet allocated those funds, and they are still included in the total amount appropriated generally for relief purposes in January.

Mr. McKELLAR. Inasmuch as the amendment at the end of the sentence has not been agreed to, as I understand, but the Senator from Georgia is willing to have it agreed to——

Mr. RUSSELL. Yes; the amendment of the Senator from Tennessee has been agreed to.

Mr. McKELLAR. It has?

Mr. RUSSELL. Yes.

Mr. McKELLAR. If it has already been agreed to, then I shall not object to the language suggested by the Senator from Georgia because it will put the burden on the President to determine about this enormous cost of administration, which I think the President will reduce very materially.

Mr. RUSSELL. I am satisfied that the hearings before the subcommittee showed a reduction of some $14,000,000 or $15,000,000 had already been made in the cost of administration.

Mr. McKELLAR. That is true, but unquestionably the Administrator of this activity stated to the committee that what he wanted was $100,000,000 and that it would take $25,000,000 of that sum to administer it. That is what I want to guard against in this amendment as far as it can be done.

Mr. RUSSELL. If the Senator from Tennessee had listened to all the evidence he would have caught the fact that the $25,000,000 was also to administer and recapture for the Treasury of the United States between $300,000,000 and $400,000,000 heretofore expended through the Resettlement Administration.

Mr. LEWIS. Mr. President, will the Senator from Georgia allow me to ask who it is that administers and distributes this $25,000,000 which has been referred to here?

Mr. RUSSELL. I assume primarily the Secretary of Agriculture, through the Resettlement Administration, which is a part of the Department of Agriculture.

Mr. McKELLAR. It has not been in charge of the Resettlement Administration very long. That Administration was for a long time in the hands of Tugwell. He resigned and a man by the name of Alexander was appointed and I know very little about him. I shall not say anything further about him, but I do trust the Secretary of Agriculture. I think he will properly conduct this division in his Department. For that reason I have agreed to the amendment and for that reason I am willing to agree to the additional words suggested by the Senator from Georgia.

Mr. RUSSELL. Does the Senator from Tennessee insist on having this additional language in the amendment?

Mr. McKELLAR. Oh, yes. It ought to be inserted in the amendment by all means after "$100,000,000." I am not binding anybody but myself, may I say to the Senator from Colorado [Mr. ADAMS], who shakes his head at me, when I make that statement.

Mr. BORAH. Mr. President, may I ask the Senator from Tennessee another question?

Mr. RUSSELL. I yield for that purpose.

Mr. BORAH. I understand the Senator from Tennessee has offered an amendment placing the responsibility upon the President for this expenditure?

Mr. McKELLAR. Yes. That means, of course, it is actually put upon the Secretary of Agriculture, Mr. Wallace, and I believe Mr. Wallace will take a very different view about the expenditures which are made.

Mr. BORAH. Who is the person that came before the committee and testified it would require this amount to administer the fund?

Mr. McKELLAR. Mr. Alexander, head of the Resettlement Administration.

Mr. BORAH. He is under Mr. Wallace?

Mr. McKELLAR. Yes; he is under Mr. Wallace.

Mr. BORAH. Evidently he spoke with some authority?

Mr. McKELLAR. Oh, yes; he spoke with some authority.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. RUSSELL. Mr. President, while I still have a bit of time left I want to complete my statement with reference to the amendment, and then I shall be delighted to yield to the Senator from South Carolina.

I move to amend the committee amendment by striking out the words "not exceeding $100,000,000" and inserting before the word "this", in line 6, the following words:

> In addition to the amounts necessary to pay obligations and commitments heretofore made and to complete projects heretofore initiated—

Oh, no! This language was handed to me on the floor a moment ago, coming from an official of the Resettlement Administration, evidently drafted with a view to leaving the sum of $100,000,000 in the bill. In view of the action of the Senate in deciding to appropriate these funds, as they have always been appropriated heretofore, to the President to be allocated by him, I shall leave the amendment to stand on the basis of striking out the restriction on the appropriation and leaving it in the hands of the President of the United States to say how much shall be allocated to the Resettlement Administration. There is sound reason for that. No man knows how far reaching the droughts from which we have suffered may go in the future. No man can tell just what might be necessary to do in view of crop failures in certain sections. This is the only place where the 30,000,000 farm families of the United States can come to secure any benefits from the gigantic sums we have been appropriating for relief purposes and no restrictions upon the amount which may be necessary should be imposed without more careful investigation.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. RUSSELL. Certainly.

Mr. BLACK. May I ask the Senator if that is not substantially what we voted 2 to 1 in the Senate about a month ago?

Mr. RUSSELL. That is exactly in accord with the action of the Senate on the first deficiency bill. If this amendment is left in the bill as at present worded, it will constitute a revocation of the action of the Senate in appropriating for the Resettlement Administration in the first deficiency appropriation bill.

Mr. BYRNES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. RUSSELL. I yield.

Mr. BYRNES. Is it not necessary for some such language as the Senator offered to be inserted in the bill in order to enable the Resettlement Administration to carry out existing contracts, unless we reduce the $100,000,000?

Mr. RUSSELL. I so stated at the outset of my remarks, when there was considerable confusion in the Senate, that if the $100,000,000 limitation were left in the bill it would mean a great loss in that the administration would be unable to fully utilize the projects already instituted, or else it would mean that thousands of farm families ruthlessly, out of hand, must be stricken from the relief rolls and refused assistance from the Resettlement Administration.

Mr. NORRIS. Mr. President, I do not see any reason why the committee inserted this limitation. It seems to me the amendment of the Senator from Georgia [Mr. RUSSELL] ought to be accepted by the committee.

From my limited observation of it, the Resettlement Administration has done some very important work that has not

been attended to by the various other bureaus and organizations which have had to do with the drought situation. I know that what the Senator from Georgia said is 100 percent true, that we do not know now what the demands are going to be from some of the drought-stricken portions of the country. There are many indications that there will be considerable demand made in that direction.

My observation during the past year has been that where farmers were suffering, particularly in the drought-stricken area, on account of the difficulties that arose because of the drought they were unable to get any relief whatever anywhere except through the Resettlement Administration. I do not know what the result has been all over the country; but, judging from the limited parts of it that I have been able to observe, the Resettlement Administration in a great many instances was the only source of relief left to some of the worst afflicted people of whom I know.

Why should we put on this limitation? There may be some reason for it that I do not understand; but, so far as I know, there has not been any complaint of anything wrong with the Resettlement Administration. It seems to me it has done a wonderful work, and I think there is danger of handicapping it; and what good does the limitation do, anyway? It does not affect the amount of money that is appropriated. It does not say anything shall be allocated for the Resettlement Administration.

Mr. BYRNES. Mr. President, will the Senator yield for a question?

Mr. NORRIS. In just a moment. It will depend upon circumstances which I believe we cannot fully comprehend or know about at the present time; so why not leave the provision just as it was?

I now yield to the Senator from South Carolina.

Mr. BYRNES. Mr. President, that is exactly what I wanted to ask the Senator. Would not the result be accomplished by simply defeating the committee amendment, so that the joint resolution would read as it came from the House in that respect?

Mr. NORRIS. It may be. I am not sure about that.

Mr. BYRNES. I think that would accomplish exactly what the Senator has in mind, and certainly I believe it would be the best way to solve the difficulty.

Mr. ROBINSON. Mr. President——

Mr. NORRIS. I yield to the Senator from Arkansas.

Mr. ROBINSON. It was my understanding that at the conclusion of his remarks, or near that point, the Senator from Georgia, who first offered an amendment adding certain words to the committee amendment, decided that the correct course is to reject the committee amendment.

Mr. RUSSELL. It will have exactly the same effect.

Mr. NORRIS. If that be true, why not do it? Then the proper thing to do is simply to reject the committee amendment.

Mr. RUSSELL. The only difficulty is that the Senate has already adopted a part of the committee amendment in line 9 on page 5, "including such cost of administration as the President may direct."

The PRESIDENT pro tempore. The Senator from Georgia is in error according to the record at the desk. The amendment to which he refers was passed over.

Mr. RUSSELL. I was going on my recollection of the matter. I thought the Senator from Oregon rose and asked to have the first part of this amendment passed over.

Mr. NORRIS. Let me ask the Senator from Georgia whether we would not accomplish the desired purpose by rejecting this committee amendment and the other committee amendment in line 9.

Mr. RUSSELL. Of course, that would give the President all the authority that is needed to deal with the Resettlement Administration.

Mr. NORRIS. That is what he now has.

Mr. RUSSELL. But I supported the amendment of the Senator from Tennessee with regard to the administrative expenses referred to in line 9, which was a compromise within the subcommittee. The view expressed by the Senator from Tennessee was that some limitation should be placed on the administrative expenses, and it was finally compromised by making the administrative expenses subject to the President's discretion.

Mr. NORRIS. I do not see how we can tell now just what will be necessary. That has been true in a great portion of the Mississippi Valley, where the only relief left was the Resettlement Administration; and the necessity for it often came about on account of drought, grasshopper affliction, or some similar occurrence, some happening of nature. It seems to me it is quite a safeguard with which we ought not to interfere.

Mr. ADAMS. Mr. President, may I make a suggestion which I think may solve the problem?

Mr. NORRIS. I yield to the Senator from Colorado.

Mr. ADAMS. As I understand, the Senator from Georgia, so far as the $100,000,000 limitation for the purposes covered by the testimony is concerned, he has no objection to the limitation. What the Senator from Georgia is uneasy about is the fact that there are not carried over the unexpended funds heretofore appropriated for the Resettlement Administration. If the $100,000,000 were available, plus the funds heretofore appropriated for the Resettlement Administration, but unexpended, it would meet the Senator's problem, would it not?

Mr. NORRIS. The Senator from Georgia has not the only problem involved in this joint resolution or in this amendment. There are other Senators here who are interested in the problem; and I think at the present time any limitation would be unwise, for the reasons I have given.

I do not claim to know and do not know, of course, what the effect has been all over the country. I have not investigated the Resettlement Administration, and there may be some reason that I do not know why this language should be in the joint resolution; but I have not heard of any.

Mr. ADAMS. Mr. President, no agency of the Government has been more creditable in its purpose and in its operations than has the Resettlement Administration in its rehabilitation services. Every member of the committee recognized that fact; but in this lump appropriation there is a billion and a half dollars, and limitations have been put upon roads and upon the Youth Administration. If this part of the appropriation were left without limitation, the entire billion and a half dollars, plus the unexpended balances, could be spent for resettlement. The only purpose some of us had was to place upon the Resettlement Administration a proper limitation of the character that was applied to the other agencies of the Government, so that one could not reach in and take from the compartments that were allocated to the others.

The representatives of the Resettlement Administration said that $100,000,000 was adequate for their rehabilitation purposes, as I read the testimony. They were not thinking that perhaps the unexpended balances might be taken away; and under the clause that is now in the joint resolution, as I gather from the Senator from Georgia, he fears—and I think justifiably so—that the unexpended balances of appropriations for resettlement have been put into this common pool; and if they can be taken out of that pool and still made applicable to the Resettlement Administration, it will add that amount and will protect the existing situation.

Mr. RUSSELL. Mr. President, if the Senator will be so generous as to yield to me a moment longer——

Mr. NORRIS. Mr. President, let me use just a little of my own time. It is nearly gone. Senators have forgotten that I should like to use what little time I have left.

The explanation given by the Senator from Colorado is rather satisfactory to me. It appeals to me as being reasonable. It may be that what he suggests is all that will be necessary. If we limit every other expenditure in the joint resolution, it may be perfectly reasonable to limit this one; but certainly it ought not to be limited to $100,000,000.

The Senator from Georgia has well explained that in a prior amendment, agreed to by the Senate after a long

discussion, we appropriated an unexpended balance, and that if no modification were made of this limitation that unexpended balance would be of no benefit whatever to the Resettlement Administration. I hope the matter can be worked out satisfactorily, but I do not think we ought to take any chance on crippling the Resettlement Administration. I am glad to hear the Senator from Colorado—who, I concede, knows more about the matter than I do—say that it is above reproach, and has done a wonderful work. I happen to know instances where that is true, and I am glad to learn that the condition is general over the country.

So I hope the Senator from Georgia will not make any agreement that will limit this appropriation to $100,000,000. I am rather convinced that the better way to meet the difficulty would be to reject this entire committee amendment, and the one on page 9.

Mr. RUSSELL. Mr. President, the Senator from Nebraska has well stated that the Senator from Georgia is making no agreement that would bind anyone except himself. So far as I am concerned, in view of the statement of the Chair that this amendment has not been adopted in part, I think the best procedure to follow is to vote down the committee amendment in its entirety and leave the language as it came from the House.

Mr. McKELLAR. Mr. President, the Senator would have no objection to the last part of the amendment, would he, "including such cost of administration as the President may direct"?

Mr. RUSSELL. Not the slightest. I think the President now has the right to decide as to the cost of administration.

Mr. McKELLAR. I think so, too; but, according to what was said to us, the last part of the amendment will be of value.

So far as I am concerned, I am willing to assent to the suggestion of the Senator from Nebraska to strike out the first part of the committee amendment and leave in the last part.

Mr. WHITE. Mr. President, I desire to say to the Senator from Georgia and others interested in the debate that I am about to speak for some little time, perhaps as long as the limitation on debate will permit; and they may have an opportunity during that time to reconcile their differences as to the pending matter.

Earlier in the day there was some discussion in the Chamber as to the general-welfare clause of the Constitution, as to its meaning, and as to the interpretation put upon it by the present administration and by the Supreme Court of the United States. The Senator from Idaho [Mr. BORAH] asserted the belief that the Supreme Court, in its recent decision, had accepted the Hamiltonian theory with respect to this clause of our Constitution, and had rejected the theory of Madison, which had been followed for most of our life as a Nation since the adoption of the Constitution.

Mr. President, it seems to me that the administration itself has taken a position far in advance of the Hamiltonian theory of construction of this clause of the Constitution, and I have been fearful that the Supreme Court itself has gone to that extreme. I desire somewhat further to explore this question, and to place in the RECORD some historical matter bearing thereon. Some part of what I say will be original, but I shall be guilty of almost shameless plagiarism in what I present to the Senate.

THE PHRASE "TO LAY AND COLLECT TAXES * * * AND PROVIDE FOR THE COMMON DEFENSE AND GENERAL WELFARE OF THE UNITED STATES", AS USED IN THE CONSTITUTION, DOES NOT CONFER ON CONGRESS BROAD AND UNLIMITED POWERS TO ENACT LEGISLATION FOR SUCH PURPOSES

It is the contention of the President, and of other administration spokesmen, that Congress has ample broad powers to "provide for the common defense and general welfare of the United States."

The preamble of the Constitution, which reads:

We the people of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

is considered by the President, and other administration spokesmen, as evidence of the extent of the powers intended to be conferred, and which they claim are conferred, on Congress by the Constitution.

That the preamble of the Constitution has nothing whatever to do with the powers conferred on Congress by that document is beyond question. Nor is there anything in the records of the proceedings of the Federal Convention which in any way indicates that any of the members of that Convention had any intent that the preamble was to be taken into consideration in determining the powers conferred on Congress by the Constitution. On the contrary, the sole object of the preamble was merely to declare that the then existing form of government was not sufficient for the interests of the people, and was merely a declaration of the necessity for establishing a more definite form of government than then existed. The preamble did not create any powers. This is made clear in the resolutions offered to the Convention on May 29, 1787, by Edmund Randolph, then Governor of Virginia. Mr. Randolph's resolutions contained the statement that (Records of the Federal Convention, Farrand, vol. II, pp. 137–138):

A preamble seems proper not for the purpose of designating the ends of government and human politics.

And then, after giving the reasons for a preamble, it is stated in the resolutions:

Let it be next declared that the following are the Constitution and fundamentals of government for the United States.

The President in his radio address of March 9, 1937, after referring to the preamble, said that the powers given to Congress to carry out the purposes of the Constitution "were all the powers needed to meet each and every problem which then had a national character and which could not be met by merely local action." He then said that "the framers went further", and "having in mind that in succeeding generations many other problems then undreamed of would become national problems, they gave to Congress the ample broad powers 'to levy taxes * * * and provide for the common defense and general welfare of the United States.'"

Disregarding the language of the preamble, which does not confer any power, we then find that the only other reference in the Constitution to the terms "common defense" and "general welfare" is in article I, section 8. To keep in mind the provisions of section 8, I quote it in its entirety:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

Mr. President, what does this language mean? What did it mean to the framers of the Constitution? What did it mean to those who contemporaneously construed the Constitution?

The terms "common defense" and "general welfare" were in the old Articles of Confederation, which provided for a limited form of government. When the first general propositions were presented to the Federal Convention on May 29, 1787, as a basis for discussion of the form of a Constitution, the terms "common defense" and "general welfare" appeared therein. However, between May and August 1787 the terms were evidently dropped from the revised drafts, for they do not again appear in any drafts or revisions between those dates. In August the terms again appear in forms of amendments submitted, and on September 4, 1787, a committee reported the following revision:

The legislature shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare.

From that time on, so far as the records of the Convention disclose, the clause "common defense and general welfare" was retained up to September 17, 1787, when the Constitution was agreed to. So far as I know the records of the Convention show no debate or discussion whatever with respect to the terms "common defense" or "general welfare."

Shortly after the ratification of the Constitution, the question arose as to whether the phrase, "To lay and collect taxes * * * and provide for the common defense and general welfare of the United States", as used in article I, section 8, of the Constitution, conferred on Congress unlimited powers to enact legislation for such purposes, or whether it conferred only limited powers.

The question developed sharp differences of opinion pro and con. It is therefore necessary to examine the opinions and views that have been expressed from time to time on the question involved.

We shall take up first the opinions and views of James Madison, who was one of the most active and influential members of the Federal Convention, and to whom Daniel Webster referred on October 3, 1837 (25th Cong., 1st sess.), as an authority and interpreter of the Constitution, in the following language:

Mr. Madison, all will admit, is a competent witness, he had as much to do as any man in framing the Constitution, and as much to do as any man in administering it. Nobody among the living or the dead is more fit to be consulted on a question growing out of it.

John C. Calhoun, in the Senate, on February 18, 1837 (24th Cong., 2d sess.), said:

* * * that we were indebted to Mr. Madison at least as much as to any other man for the form of government under which we live. Indeed, he might be said to have done more for our institutions than any man now living or that had gone before him.

Madison, on February 7, 1792, in addressing himself to the cod fisheries bill, which contained a provision granting a direct bounty on occupations (Annals of Congress, 2d Cong., 1st sess, vol. 3, pp. 386–389), said:

It is supposed by some gentlemen that Congress have authority not only to grant bounties in the sense here used, merely as a commutation for drawbacks, but even to grant them under a power by virtue of which they may do anything which they may think conducive to the "general welfare." This, sir, in my mind, raises the important and fundamental question, whether the general terms which had been cited, are to be considered as a sort of caption or general description of the specified powers, and as having no further meaning and giving no further power than what is found in that specification; or as an abstract and indefinite delegation of power extending to all cases whatever; to all such, at least, as will admit the application of money, which is giving as much latitude as any government could well desire.

I, sir, have always conceived—I believe those who proposed the Constitution conceived, and it is still more fully known, and more material to observe that those who ratified the Constitution conceived—that this is not an indefinite government, deriving its powers from the general terms prefixed to the specified powers, but a limited government, tied down to the specified powers which explain and define the general terms. The gentlemen who contend for a contrary doctrine are surely not aware of the consequences which flow from it, and which they must either admit or give up their doctrine.

It will follow, in the first place, that if the terms be taken in the broad sense they maintain, the particular powers afterward so carefully and distinctly enumerated would be without any meaning and must go for nothing. It would be absurd to say, first, that Congress may do what they please, and then that they may do this or that particular thing; after giving Congress power to raise money, and apply it to all purposes which they may pronounce necessary to the general welfare, it would be absurd, to say the least, to superadd a power to raise armies, to provide fleets, etc. In fact, the meaning of the general terms in question must either be sought in the subsequent enumeration which limits and details them, or they convert the Government from one limited, as hitherto supposed, to the enumerated powers into a government without any limits at all.

It is to be recollected that the terms "common defense and general welfare", as here used, are not novel terms, first introduced into this Constitution. They are terms familiar in their construction and well known to the people of America. They are repeatedly found in the old Articles of Confederation, where, although they are susceptible of as great latitude as can be given them by the context here, it was never supposed or pretended that they conveyed any such power as is now assigned to them. On the contrary, it was always considered as clear and certain that the old Congress was limited to the enumerated powers, and that the enumeration limited and explained the general terms. I ask the gentlemen themselves whether it ever was supposed or suspected that the old Congress could give away the moneys of the States in bounties, to encourage agriculture, or for any other purpose they pleased? If such a power had been possessed by that body, it would have been much less impotent, or have borne a very different character from that universally ascribed to it.

The PRESIDENT pro tempore. The Senator's time on the amendment has expired. Does he desire to proceed on the joint resolution?

Mr. WHITE. I will speak on the joint resolution. I continue the quotation from Madison on the cod fisheries bill:

The novel idea now annexed to these terms, and never before entertained by the friends or enemies of the Government, will have a further consequence, which cannot have been taken into the view of the gentlemen. Their construction would not only give Congress the complete legislative power I have stated—it would do more—it would supersede all the restrictions understood at present to lie on their power with respect to the judiciary. It would put it in the power of Congress to establish courts throughout the United States, with cognizance of suits between citizen and citizen, and in all cases whatsoever. This, sir, seems to be demonstrable; for if the clause in question really authorizes Congress to do whatever they think fit, provided it be for the general welfare, of which they are to judge, and money can be applied to it, Congress must have power to create and support a judiciary establishment, with a jurisdiction extending to all cases favorable, in their opinion, to the general welfare, in the same manner as they have power to pass laws and apply money, providing in any other way for the general welfare.

* * * * * * * * *

* * * If Congress can apply money indefinitely to the general welfare, and are the sole and supreme judges of the general welfare, they may take the care of religion into their own hands; they may establish teachers in every State, county, and parish, and pay them out of the Public Treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may undertake the regulation of all roads, other than post roads. In short, everything from the highest object of State legislation down to the most minute object of police, would be thrown under the power of Congress; for every object I have mentioned would admit the application of money, and might be called, if Congress pleased, provisions for the general welfare.

The language held in various discussions of this House is a proof that the doctrine in question was never entertained by this body. Arguments, wherever the subject would permit, have constantly been drawn from the peculiar nature of the Government, as limited to certain enumerated powers, instead of extending, like other governments, to all cases not particularly excepted. * * *

* * * * * * * * *

* * * I venture to declare it as my opinion, that were the power of Congress to be established in the latitude contended for, it would subvert the very foundation, and transmute the very nature of the limited Government established by the people of America; * * *.

Madison, in a letter, dated November 17, 1830, to Alexander Stevenson, gives the history of, and discusses at length, "common defense" and "general welfare", as used in the Constitution. The letter is enlightening and instructive. It is, in part, as follows (The Records of the Federal Convention, Farrand, vol. III, pp. 483–494):

* * * * * * * * *

In tracing the history and determining the import of the terms "common defense" and "general welfare" as found in the text of the Constitution the following lights are furnished by the printed Journal of the Convention which formed it.

The terms appear in the general propositions offered May 29 as a basis for the incipient deliberations, the first of which "Resolved, that the Articles of the Confederation ought to be so corrected and enlarged as to accomplish the objects proposed by their institution, namely—common defense, security of liberty, and general welfare." On the day following, the proposition was exchanged for "Resolved, that a Union of the States merely federal will not accomplish the objects proposed by the Articles of Confederation; namely, common defense, security of liberty, and general welfare."

The inference from the use here made of the terms and from the proceedings on the subsequent propositions is, that although common defense and general welfare were objects of the Confederation, they were limited objects, which ought to be enlarged by an enlargement of the particular powers to which they were limited—and to be accomplished by a change in the structure of the Union from a form merely federal to one partly national, and as these general terms are prefixed in the like relation to the several legislative powers in the new charter, as they were in the old, they must be understood to be under like limitations in the new as in the old.

In the course of the proceedings between the 30th of May and the 6th of August the term "common defense" and "general welfare", as well as other equivalent terms, must have been dropped for they do not appear in the draft of a Constitution, reported on that day by a committee appointed to prepare one in detail; the clause in which those terms were afterward inserted, being, simply in the draft "The Legislature of the United States shall have power to lay and collect taxes duties, imposts, and excises."

The manner in which the terms became transplanted from the old into the new system of government is explained by a course

somewhat adventitiously given to the proceedings of the Convention.

On the 18th of August, among other propositions referred to the committee which had reported the draft was one "to secure the payment of the public debt", and

On the same day was appointed a committee of 11 Members (one from each State) "to consider the necessity and expediency of the debts of the several States being assumed by the United States."

On the 21st of August this last committee reported a clause in the words following: "The Legislature of the United States shall have power to fulfill the engagements which have been entered into by Congress and to discharge as well the debts of the United States as the debts incurred by the several States during the late war for the common defense and general welfare; conforming herein to the eighth of the Articles of Confederation, the language of which is that "all charges of war and all other expenses that shall be incurred for the common defense and general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common Treasury", etc.

On the 22d of August the committee of five reported, among other additions to the clause giving power "to lay and collect taxes, imposts, and excises", a clause in the words following: "for payment of the debts and necessary expenses", with a proviso qualifying the duration of revenue laws.

This report being taken up, it was moved as an amendment that the clause should read: "the Legislature shall fulfill the engagements and discharge the debts of the United States."

It was moved to strike out "discharge the debts" and insert "liquidate the claims", which being rejected, the amendment was agreed to as proposed, viz, "the Legislature shall fulfill the engagements and discharge the debts of the United States."

On the 23d of August the clause was made to read "the Legislature shall fulfill the engagements and discharge the debts of the United States and shall have the power to lay and collect taxes, duties, imposts, and excises", the two powers relating to taxes and debts being merely transposed.

On the 25th of August the clause was again altered so as to read: "all debts contracted and engagements entered into by or under the authority of Congress (the Revolutionary Congress) shall be as valid under this Constitution as under the Confederation."

This amendment was followed by a proposition (referring to the powers to lay and collect taxes, etc., and to discharge the debts (old debts)) to add "for payment of said debts, and for defraying the expenses that shall be incurred for the common defense and general welfare." The proposition was disagreed to, one State only voting for it.

September 4: The Committee of Eleven reported the following modification: "The Legislature shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare", thus retaining the terms of the Articles of Confederation and covering by the general term "debts" those of the old Congress.

A special provision in this mode could not have been necessary for the debts of the new Congress. For a power to provide money, and a power to perform certain acts of which money is the ordinary and appropriate means, must, of course, carry with them a power to pay the expense of performing the acts. Nor was any special provision for debts proposed till the case of the Revolutionary debts was brought into view, and it is a fair presumption from the course of the varied propositions which have been noticed that but for the old debts and their association with the terms "common defense and general welfare" the clause would have remained as reported in the first draft of a Constitution, expressing generally a "power in Congress to lay and collect taxes, duties, imposts, and excises", without any addition of the phrase "to provide for the common defense and general welfare." With this addition, indeed, the language of the clause being in conformity with that of the clause in the Articles of Confederation, it would be qualified, as in those Articles, by the specification of powers subjoined to it. But there is sufficient reason to suppose that the terms in question would not have been introduced but for the introduction of the old debts, with which they happened to stand in a familiar though inoperative relation. Thus introduced, however, they passed undisturbed through the subsequent stages of the Constitution.

If it be asked why the terms "common defense and general welfare", if not meant to convey the comprehensive power which, taken literally, they express, were not qualified and explained by some reference to the particular powers subjoined, the answer is at hand that, although it might easily have been done, and experience shows it might be well if it had been done, yet the omission is accounted for by an inattention to the phraseology, occasioned, doubtless, by its identity with the harmless character attached to it in the instrument from which it was borrowed.

But may it not be asked with infinitely more propriety, and without the possibility of a satisfactory answer, why, if the terms were meant to embrace not only all the powers particularly expressed but the indefinite power which has been claimed under them, the intention was not so declared; why, on that supposition, so much critical labor was employed in enumerating the particular powers and in defining and limiting their extent?

The variations and vicissitudes in the modification of the clause in which the terms "common defense and general welfare" appear are remarkable, and to be not otherwise explained than by differences of opinion concerning the necessity or the form of a constitutional provision for the debts of the Revolution, some of the Members apprehending improper claims for losses by depreciated emissions of bills of credit, others an evasion of proper claims if not positively brought within the authorized functions of the new Government, and others again considering the past debts of the United States as sufficiently secured by the principle that no change in the Government could change the obligations of the Nation. Besides the indications in the Journal, the history of the period sanctions this explanation.

But it is to be emphatically remarked, that in the multitude of motions, propositions, and amendments, there is not a single one having reference to the terms "common defense and general welfare", unless we were so to understand the proposition containing them, made on August 25, which was disagreed to by all the States except one.

The obvious conclusion to which we are brought is, that these terms copied from the Articles of Confederation were regarded in the new as in the old instrument merely as general terms, explained and limited by the subjoined specifications; and therefore requiring no critical attention or studied precaution.

If the practice of the Revolutionary Congress be pleaded in opposition to this view of the case, the plea is met by the notoriety that on several accounts the practice of that body is not the expositor of the Articles of Confederation. These articles were not in force till they were finally ratified by Maryland in 1781. Prior to that event the power of Congress was measured by the exigencies of the war, and derived its sanction from the acquiescence of the States. After that event, habit and a continued expediency, amounting often to a real or apparent necessity, prolonged the exercise of an undefined authority; which was the more readily overlooked; as the Members of the body held their seats during pleasure, as its acts, particularly after the failure of the bills of credit, depended for their efficacy on the will of the States; and as its general impotency became manifest. Examples of departure from the prescribed rule are too well known to require proof. The case of the old Bank of North America might be cited as a memorable one. The incorporating ordinance grew out of the inferred necessity of such an institution to carry on the war, by aiding the finances which were starving under the neglect or inability of the States to furnish their assessed quotas. Congress was at the time so much aware of the deficient authority, that they recommended it to the State legislatures to pass laws giving due effect to the ordinance, which was done by Pennsylvania and several other States. In a little time, however, so much dissatisfaction arose in Pennsylvania where the bank was located, that it was proposed to repeal the law of the State in support of it. This brought on attempts to vindicate the adequacy of the power of Congress to incorporate such an institution. Mr. Wilson, justly distinguished for his intellectual powers, being deeply impressed with the importance of a bank at such a crisis, published a small pamphlet, entitled, "Considerations on the Bank of North America", in which he endeavored to derive the power from the nature of the Union, in which the Colonies were declared and became independent States; and also from the tenor of the Articles of Confederation themselves. But what is particularly worthy of notice is, that with all his anxious search in those Articles for such a power, he never glanced at the terms "common defense and general welfare" as a source of it. He rather chose to rest the claim on a recital in the text, "that for the more convenient management of the general interests of the United States, Delegates shall be annually appointed to meet in Congress, which he said implied that the United States had general rights, general powers, and general obligations; not derived from any particular State, nor from all the particular States, taken separately, but resulting from the Union of the whole" these general powers, not being controlled by the Article declaring that each State retained all powers not granted by the Articles, because "the individual States never possessed and could not retain a general power over the others."

The authority and argument here resorted to, if proving the ingenuity and patriotic anxiety of the author on one hand, show sufficiently on the other, that the terms "common defense and general welfare", could not according to the known acceptation of them avail his object.

That the terms in question were not suspected, in the Convention which formed the Constitution of any such meaning as has been constructively applied to them, may be pronounced with entire confidence. For it exceeds the possibility of belief, that the known advocates in the Convention for a jealous grant and cautious definition of Federal powers, should have silently permitted the introduction of words or phrases in a sense rendering fruitless the restrictions and definitions elaborated by them.

Consider for a moment the immeasurable difference between the Constitution limited in its powers to the enumerated objects; and expanded as it would be by the import claimed for the phraseology in question. The difference is equivalent to two Constitutions, of characters essentially contrasted with each other; the one possessing powers confined to certain specified cases; the other extending to all cases whatsoever: For what is the case that would not be embraced by a general power to raise money, a power to provide for the general welfare, and a power to pass all laws necessary and proper to carry these powers into execution; all such provisions and laws superseding, at the same times, all local laws and constitution at variance with them. Can less be said with the evidence before us furnished by the Journal of the Convention itself, than that it is impossible that such a Constitution as the latter would have been recommended

to the States by all the members of that body whose names were subscribed to the instrument.

Passing from this view of the sense in which the terms common defense and general welfare were used by the framers of the Constitution, let us look for that in which they must have been understood by the conventions, or rather by the people who through their conventions, accepted and ratified it. And here the evidence is if possible still more irresistible that the terms could not have been regarded as giving a scope to Federal legislation, infinitely more objectionable, than any of the specified powers which produced such a strenuous opposition, and calls for amendments which might be safeguards against the dangers apprehended from them.

Without recurring to the published debates of those Conventions, which as far as they can be relied on for accuracy, would it is believed not impair the evidence furnished by their recorded proceedings, it will suffice to consult the lists of amendments proposed by such of the conventions as considered the powers granted to the new Government too extensive or not safely defined.

Besides the restrictive and explanatory amendments to the text of the Constitution it may be observed, that a long list was premised under the name and in the nature of "Declarations of Rights"; all of them indicating a jealousy of the Federal powers, and an anxiety to multiply securities against a constructive enlargement of them. But the appeal is more particularly made to the number and nature of the amendments proposed to be made specific and integral parts of the Constitution text.

No less than seven States, it appears, concurred in adding to their ratifications, a series of amendments, which they deemed requisite. Of these amendments 9 were proposed by the convention of Massachusetts; 5 by that of South Carolina; 12 by that of New Hampshire; 20 by that of Virginia; 33 by that of New York; 26 by that of North Carolina; 21 by that of Rhode Island.

Here are a majority of the States, proposing amendments, in one instance 33 by a single State; all of them intended to circumscribe the powers granted to the general Government by explanations, restrictions, or prohibitions, without including a single proposition from a single State, referring to the terms, common defense and general welfare; which if understood to convey the asserted power, could not have failed to be the power most strenuously aimed at because evidently more alarming in its range, than all the powers objected to put together. And that the terms should have passed altogether unnoticed by the many eyes which saw danger in terms and phrases employed in some of the most minute and limited of the enumerated powers, must be regarded as a demonstration, that it was taken for granted that the terms were harmless, because explained and limited, as in the Articles of Confederation, by the enumerated powers which followed them.

A like demonstration, that these terms were not understood in any sense that could invest Congress with powers not otherwise bestowed by the constitutional charter may be found in what passed in the first session of the first Congress, when the subject of amendments was taken up, with the conciliatory view of freeing the Constitution from objections which had been made to the extent of its powers, or to the unguarded terms employed in describing them. Not only were the terms "common defense and general welfare", unnoticed in the long list of amendments brought forward in the outset; but the Journals of Congress show that in the progress of the discussions, not a single proposition was made in either branch of the Legislature which referred to the phrase as admitting a constructive enlargement of the granted powers, and requiring an amendment guarding against it. Such a forbearance and silence on such an occasion, and among so many members who belonged to the part of the Nation, which called for explanatory and restrictive amendments, and who had been elected as known advocates for them, cannot be accounted for without supposing that the terms "common defense and general welfare", were not at that time deemed susceptible of any such construction as has since been applied to them.

It may be thought perhaps, due to the subject, to advert to a letter of October 5, 1787, to Samuel Adams and another of October 16 of the same year to the Governor of Virginia, from R. H. Lee, in both which, it is seen that the terms had attracted his notice, and were apprehended by him "to submit to Congress every object of human legislation." But it is particularly worthy of remark, that although a Member of the Senate of the United States, when amendments to the Constitution were before that House, and sundry additions and alterations were there made to the list sent from the other, no notice was taken of those terms as pregnant with danger. It must be inferred that the opinion formed by the distinguished Member at the first view of the Constitution, and before it had been fully discussed and elucidated, had been changed into a conviction that the terms did not fairly admit the construction he had originally put on them, and therefore needed no explanatory precaution against it * * *.

Thomas Jefferson, on February 15, 1791, in his opinion on the power of Congress to establish the Bank of the United States (The Writings of Thomas Jefferson—Memorial edition, vol. III, pp. 147–149), said:

To lay taxes to provide for the general welfare of the United States, that is to say, "to lay taxes for the purpose of providing for the general welfare." For the laying of taxes is the power, and the general welfare the purpose, for which the power is to be exercised. Congress are not to lay taxes ad libitum, for any purpose they please, but only to pay the debts, or provide for the welfare of the Union. In like manner they are not to do anything they please to provide for the general welfare, but only to lay taxes for that purpose. To consider the latter phrase not as describing the purpose of the first but as giving a distinct and independent power to do any act they please, which might be for the good of the Union, would render all the preceding and subsequent enumerations of power completely useless.

It would reduce the whole instrument to a single phrase, that of instituting a Congress with power to do whatever would be for the good of the United States, and as they would be the sole judges of the good or evil, it would also be a power to do whatever evil they pleased.

It is an established rule of construction, where a phrase will bear either of two meanings, to give it that which will allow some meaning to the other parts of the instrument, and not that which will render all the others useless. Certainly no such universal power was meant to be given them. It was intended to lace them up strictly within the enumerated powers, and those without which, as means, these powers could not be carried into effect. It is known that the very power now proposed as a means was rejected as an end by the Convention which formed the Constitution. * * *

Jefferson, in a letter dated September 7, 1803, to Wilson C. Nichols (The Writings of Thomas Jefferson, memorial edition, vol. X, pp. 418–419), said:

* * * When an instrument admits two constructions, the one safe, the other dangerous, the one precise, the other indefinite, I prefer that which is safe and precise. I had rather ask an enlargement of power from the Nation, where it is found necessary, than to assume it by a construction which would make our powers boundless. Our peculiar security is in the possession of a written Constitution. Let us not make it a blank paper by construction. * * *

Jefferson, in a letter dated June 16, 1817, to Albert Gallatin (The Writings of Thomas Jefferson, memorial edition, vol. XV, pp. 133–134), said:

You will have learned that an act for internal improvement, after passing both Houses, was negatived by the President. The act was founded, avowedly, on the principle that the phrase in the Constitution which authorizes Congress "to lay taxes, to pay the debts, and provide for the general welfare" was an extension of the powers specifically enumerated to whatever would promote the general welfare; and this, you know, was the Federal doctrine. Whereas our tenet ever was, and, indeed, it is almost the only landmark which now divides the Federalists from the Republicans, that Congress had not unlimited powers to provide for the general welfare, but more restrained to those specifically enumerated; and that, as it was never meant they should provide for that welfare but by the exercise of the enumerated powers, so it could not have been meant they should raise money for purposes which the enumeration did not place under their action; consequently, that the specification of powers is a limitation of the purposes for which they may raise money. * * *

Jefferson, in a letter dated December 26, 1825, to William B. Giles (The Writings of Thomas Jefferson, memorial edition, vol. XVI, pp. 146–147), said:

* * * I see, as you do, and with the deepest affliction, the rapid strides with which the Federal branch of our Government is advancing toward the usurpation of all the rights reserved to the States, and the consolidation in itself of all powers, foreign and domestic; and that, too, by constructions which, if legitimate, leave no limits to their power. Take together the decisions of the Federal Court, the doctrines of the President, and the misconstructions of the constitutional compact acted on by the Legislature of the Federal branch, and it is but too evident that the three ruling branches of that department are in combination to strip their colleagues, the State authorities, of the powers reserved by them, and to exercise themselves all functions, foreign and domestic. Under the power to regulate commerce, they assume indefinitely that also over agriculture and manufactures, and call it regulation to take the earnings of one of these branches of industry—and that, too, the most depressed—and put them into the pockets of the other, the most flourishing of all. Under the authority to establish post roads, they claim that of cutting down mountains for the construction of roads, or digging canals, and, aided by a little sophistry on the words "general welfare", a right to do not only the acts to affect that which are specifically enumerated and permitted, but whatsoever they shall think or pretend will be for the general welfare. And what is our resource for the preservation of the Constitution? Reasons and argument? You might as well reason and argue with the marble columns encircling them. The representatives chosen by ourselves? They are joined in the combination, some from incorrect views of government, some from corrupt ones, sufficient voting together to outnumber the sound parts; and, with majorities only of one, two, or three, bold enough to go forward in defiance. * * *

Hamilton, in the Constitutional Convention, advocated, contrary to the overwhelming majority of its members, great

centralization of power and a form of government which would have practically abolished the States (Elliott's Debates on the Federal Constitution, vol. V, 199, 202, 212).

James Monroe, in his message in 1822 vetoing an act of Congress for the preservation and repair of the Cumberland Road (Messages and Papers of the Presidents, Richardson, vol. II, pp. 163, 167, 173), said:

> • • • A power to provide for the common defense would give to Congress the command of the whole force and of all the resources of the Union; but a right to provide for the general welfare would go much further. It would, in effect, break down all the barriers between the States and the general Government and consolidate the whole under the latter.
>
> • • • My idea is that Congress have an unlimited power to raise money, and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defense and of general, not local, National, not State, benefit.
>
> • • • Have Congress a right to raise and appropriate the money to any and to every purpose according to their will and pleasure? They certainly have not. The Government of the United States is a limited Government, instituted for great national purposes, and for those only. Other interests are committed to the States, whose duty it is to provide for them. Each government should look to the great and essential purposes for which it was instituted and confine itself to those purposes • • •.

Andrew Jackson, a Democratic President, in a message to Congress in 1830 (Messages and Papers of the Presidents, Richardson, vol. II, pp. 483, 487, 491), vetoing a bill for subscribing to stock in the Maysville Road Turn Pike Co., regretted the precedents for appropriations of money under the Hamilton theory of the welfare clause, deeming them—

> • • • an admonitory proof of the force of implication and the necessity of guarding the Constitution with sleepless vigilance against the authority of precedents which have not the sanction of its most plainly defined powers; • • •.
>
> • • • • • • •
>
> This subject has been one of much, and I may add, painful, reflection to me. It has bearings that are well calculated to exert a powerful influence upon our hitherto prosperous system of government, and which, on some accounts, may even excite despondency in the breast of an American citizen. I will not detain you with professions of zeal in the cause of internal improvements. If to be their friend is a virtue which deserves commendation, our country is blessed with an abundance of it, for I do not suppose there is an intelligent citizen who does not wish to see them flourish. But though all are their friends, but few, I trust, are unmindful of the means by which they should be promoted; none certainly are so degenerate as to desire their success at the cost of that sacred instrument with the preservation of which is indissolubly bound our country's hopes. If different impressions are entertained in any quarter, if it is expected that the people of this country, reckless of their constitutional obligations, will prefer their local interest to the principles of the Union, such expectations will in the end be disappointed; or if it be not so, then, indeed, has the world but little to hope from the example of free government. When an honest observance of constitutional compacts cannot be obtained from communities like ours, it need not be anticipated elsewhere, and the cause in which there has been so much martyrdom, and from which so much was expected by the friends of liberty, may be abandoned, and the degrading truth that man is unfit for self-government admitted. And this will be the case if expediency be made a rule of construction in interpreting the Constitution. Power in no government could desire a better shield for the insidious advances which it is ever ready to make upon the checks that are designed to restrain its action.

John C. Calhoun, an ardent supporter of the Madison and Jefferson theory, in 1851, said (Works of John C. Calhoun, vol. 1, pp. 358–359, 365–367):

> The report of Mr. Madison and the Virginia and Kentucky resolutions constituted the political creed of the State rights Republican Party. They were understood as being in full accord with Mr. Jefferson's opinion, who was its acknowledged head. They made a plain and direct issue with the principles and policy maintained by General Hamilton, who, although not nominally the head of the Federal Party, as they called themselves, was its soul and spirit. The ensuing Presidential election was contested on this issue and terminated in the defeat of Mr. Adams, the election of Mr. Jefferson as President, and the elevation of the Republican Party into power. To the principles and doctrine, so plainly and ably set forth in their creed, they owed their elevation and the long retention of power under many and severe trials. They secured the confidence of the people, because they were in accord with what they believed to be the true character of the Constitution and of our Federal system of government.

Mr. President, there manifestly was a limitation upon the theory of those who advocated what is commonly called the Hamiltonian doctrine, because they all limited the application of the doctrine to the money power, the power to tax for purposes which led to the common defense and which inured to the general welfare. The modern theory, however, seems to be if the object, in the judgment of Congress, is for the common welfare, it may be done without any reference whatsoever to the taxing power of the Congress. We apparently are departing from and going far beyond either the Madisonian theory or the Hamiltonian theory of the general-welfare clause and of the power of the Congress of the United States.

It will be observed that there is conflict in the opinions and views, hereinbefore quoted, in the construction and interpretation of the phrase "to lay and collect taxes • • • and provide for the common defense and general welfare of the United States", as used in the Constitution.

Madison and Jefferson took the view that the phrase does not confer broad and unlimited powers on Congress to tax and appropriate money for any and all purposes which Congress may deem or pretend to be for the general welfare of the United States, but, on the contrary, that they are limited and confined to legislation dealing with such objects and purposes as are authorized by the subjoined enumerated powers, or which may be reasonably implied therefrom, conferred in article I, section 8.

The views of Jackson, Polk, Calhoun, and Cleveland appear to be in harmony with the views of Madison and Jefferson.

Hamilton, on the other hand, took a broader view as to the powers conferred. His view was that the power of Congress to tax and appropriate money for the common defense and general welfare was not confined and limited to objects and purposes authorized by the subjoined enumerated powers in article I, section 8, but that Congress had a discretionary power to tax and appropriate money for such objects and purposes as Congress might deem essential for the general welfare, provided the expenditures were made generally throughout the Union, and not locally or confined to a particular spot.

Monroe appears to have adopted the Hamilton theory. However, Monroe expressed the view that Congress did not have the power to raise and appropriate money "to any and to every purpose according to their will and pleasure", pointing out that "the Government of the United States is a limited government, instituted for great national purposes, and for those only", and that "other interests are committed to the States, whose duty it is to provide for them."

Mr. Justice Story's views (supra, pp. 23–24) appear to be in accord with those of Hamilton and Monroe.

It should be pointed out that neither Hamilton, Monroe, nor Mr. Justice Story went so far as to take the view that Congress had the power to enact any legislation for the general welfare, separate and independent of the taxing power.

But Monroe, as I have undertaken to point out, accepted a limitation upon the Hamiltonian theory, the power to act in behalf of the general welfare being limited in the view of them all to the legitimate exercise of the taxing power of the Government.

In construing and interpreting the phrase in question, it is important to consider its history in the Federal convention. When the terms "common defense" and "general welfare" are discussed, at least in recent years, the impression is conveyed that their meaning and intent were as carefully considered and discussed by the members of the Federal Convention as were other provisions of the Constitution. However, according to Madison, that is not the fact.

I have already quoted his letter to Stevenson, in which he points out that the terms "common defense" and "general welfare" appear, outside of the preamble, in just one place in the Constitution.

Great weight should be given to Madison's explanation of the use of the phrase in drafts and revisions of the form of a constitution. He was one of the most active members

of the Convention, and has been frequently referred to as the father of the Constitution.

In his letter to Stevenson—already quoted—Madison not only expresses his opinion concerning the construction and interpretation of the terms "common defense" and "general welfare", but he also states very clearly their history during the proceedings of the Convention. I have hereinbefore stated that I have been unable to find in the records of the Convention any debates or discussions whatever concerning the above terms, and that there were no such debates or discussions is confirmed by Madison's letter to Stevenson.

The terms "common defense" and "general welfare" appeared in article VIII of the Articles of Confederation, as follows:

All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States, * * *.

The foregoing clearly implies, by the use of the word "other", that the charges of war were considered as expenses for the common defense or general welfare, as well as all other charges incurred for the maintenance of the Government.

Madison states that the words "common defense" and "general welfare" appeared in the general propositions relative to a constitution offered to the Federal Convention on May 29, 1787, as a basis for deliberations. The language there used was—

Resolved, That the Articles of the Confederation ought to be so corrected and enlarged as to accomplish the objects proposed by their institution, namely, common defense, security of liberty, and general welfare.

And on the following day the proposition was exchanged for a resolution which read:

That an union of the States merely federal will not accomplish the objects proposed by the Articles of Confederation; namely, common defense, security of liberty, and general welfare.

In that connection, Madison says (supra, p. 10):

The inference from the use here made of the terms, and from the proceedings on the subsequent propositions is, that although common defense and general welfare were objects of the confederation, they were limited objects, which ought to be enlarged by the enlargement of the particular powers to which they were limited—and to be accomplished by a change in the structure of the Union from a form merely federal to one partly national, and as these general terms are prefixed in the like relation to the several legislative powers in the new charter, as they were in the old, they must be understood to be under like limitations in the new as in the old.

From May 30 up to August 21, 1787, the terms "common defense" and "general welfare" were evidently dropped. On the latter date they again appeared, as follows:

The legislature of the United States shall have power to fulfill the engagements which have been entered into by Congress, and to discharge as well the debts of the United States as the debts incurred by the several States, during the late war, for the common defense and general welfare.

Madison then says:

On the 22d of August, the committee of five reported among other additions to the clause giving power "to lay and collect taxes, imposts, and excises", a clause in the words following "for payment of the debts and necessary expenses", with a proviso qualifying the duration of revenue laws.

This report being taken up, it was moved, as an amendment, that the clause should read "the legislature shall fulfill the engagements and discharge the debts of the United States."

It was then moved to strike out "discharge the debts" and insert "liquidate the claims", which being rejected, the amendment was agreed to as proposed, viz, "the legislature shall fulfill the engagements and discharge the debts of the United States."

On the 23d of August the clause was made to read "the legislature shall fulfill the engagements and discharge the debts of the United States, and shall have the power to lay and collect taxes, duties, imposts, and excises", the two powers relating to taxes and debts being merely transposed.

On the 25th of August, the clause was again altered so as to read "all debts contracted and engagements entered into by or under the authority of Congress (the Revolutionary Congress) shall be as valid under this Constitution as under the confederation."

This amendment was followed by a proposition, referred to the powers to lay and collect taxes, etc., and to discharge the debts (old debts) to add "for payment of said debts, and for defraying the expenses that shall be incurred for the common defense and general welfare." The proposition was disagreed to, one State only voting for it.

September 4: The committee of eleven reported the following modification: "The legislature shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare"; thus retaining the terms of the Articles of Confederation, and covering by the general term "debts" those of the old Congress.

Madison then takes up the construction and interpretation of the terms "common defense" and "general welfare" as they appear in article I, section 8, of the Constitution. His construction and interpretation is enlightening and deserves careful consideration. His conclusion is:

* * * that in the multitude of motions, propositions, and amendments there is not a single one having reference to the terms "common defense and general welfare" unless we were so to understand the proposition containing them, made on August 25, which was disagreed to by all the States except one.

* * * that these terms copied from the Articles of Confederation were regarded in the new as in the old instrument merely as general terms, explained and limited by the subjoined specifications; and therefore requiring no critical attention or studied precaution.

And again:

That the terms in question were not suspected, in the convention which formed the Constitution of any such meaning as has been constructively applied to them may be pronounced with entire confidence. For it exceeds the possibility of belief, that the known advocates in the convention for a jealous grant and cautious definition of Federal powers, should have silently permitted the introduction of words or phrases in a sense rendering fruitless the restrictions and definitions elaborated by them.

Consider for a moment the immeasurable difference between the Constitution limited in its powers to the enumerated objects and expanded as it would be by the import claimed for the phraseology in question. The difference is equivalent to two Constitutions, of characters essentially contrasted with each other, the one possessing powers confined to certain specified cases; the other extending to all cases whatsoever: For what is the case that would not be embraced by a general power to raise money, a power to provide for the general welfare, and a power to pass all laws necessary and proper to carry these powers into execution; all such provisions and laws superseding, at the same time, all local laws and constitutions at variance with them. Can less be said with the evidence before us furnished by the journal of the Convention itself, than that it is impossible that such a Constitution as the latter would have been recommended to the States by all the members of that body whose names were subscribed to the instrument.

Passing from this view of the sense in which the terms common defense and general welfare were used by the framers of the Constitution, let us look for that in which they must have been understood by the conventions, or rather by the people who through their conventions accepted and ratified it. And here the evidence is, if possible, still more irresistible that the terms could not have been regarded as giving a scope to Federal legislation, infinitely more objectionable, than any of the specified powers which produced such a strenuous opposition, and calls for amendments which might be safeguards against the dangers apprehended from them.

As Madison says, if the members of the Constitutional Convention had any thought of conferring broad and unlimited powers on Congress to tax and appropriate money for any objects or purposes which Congress might deem or pretend to be for the general welfare, it is inconceivable that they would have granted such broad and unlimited powers without any debate or discussion whatever, especially in view of the fact that the debates in the Convention are replete with discussions and arguments concerning the limitation of the powers which they intended to confer on the Federal Government. According to the records of the Constitutional Convention, the matter foremost in the minds of the majority of its members was to create a Federal Government with limited powers, and to define, as far as possible, the powers conferred on the Federal Government, reserving all others to the States or to the people.

Furthermore, any legislation enacted by Congress necessarily has to do with the common defense and/or general welfare of the United States, and it will readily be observed

that every one of the subjoined enumerated powers conferred by article I, section 8, relate either to the common defense or general welfare, or both. To take the view that the terms "common defense" and "general welfare" confer on Congress broad and unlimited powers to tax and appropriate money for any objects or purposes which Congress may deem or pretend to be for the general welfare, regardless of whether such objects or purposes have any relation to the subjoined enumerated powers conferred, is to impute to the framers of the Constitution the deliberate insertion of clearly unnecessary provisions. If they intended by the general clauses to confer broad and unlimited powers, in no way qualified or limited by the subjoined enumerated powers, then the latter are mere tautology, because all of the subjoined enumerated powers would have been conferred under the terms "common defense" and "general welfare."

Furthermore, if the framers intended by the terms "common defense" and "general welfare" to confer broad and unlimited powers on Congress to enact legislation for any objects or purposes which Congress might deem or pretend to be for the common defense and general welfare, there was no necessity for the insertion of article X in the Bill of Rights, which provides—

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people—

for the reason that no powers would have been reserved to the States or to the people.

Again, it will be noted that in article I, section 8, after granting the power to tax "and provide for the common defense and general welfare", 17 other enumerated powers are conferred on Congress (supra, pp. 4–5), beginning with the one "to borrow money on the credit of the United States." If it had been the intent of the framers of the Constitution to confer on Congress broad and unlimited powers to tax and provide for the common defense and general welfare, there would have been no necessity whatever for any of the 17 subjoined enumerated powers conferred in that article and section, with the possible exception of the last, which confers on Congress power—

> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

The imposition by Congress of taxes on all citizens of the United States, and the appropriation of the moneys thus realized for the benefit of certain groups of citizens, or certain States, or certain localities, as has been done in the past few years, is a power which Congress, we respectfully submit, has assumed to exercise without any authority therefor in the Constitution. Nor has Congress stopped there, but it has gone farther, and has enacted legislation imposing taxes on certain groups of citizens and has appropriated the money derived from such taxation for the benefit of certain other groups of citizens, and has declared the policy that such taxation and appropriation of moneys is essential for the general welfare of the United States. In other words, as stated by President Cleveland, instead of the people supporting the Government, the Government is supporting the people.

The more thought and consideration I have given to the construction and interpretation of the "common defense" and "general welfare" clauses, as expounded by Madison, Jefferson, and others, viz, that the power—

> To tax * * * and provide for the common defense and general welfare of the United States—

is confined to the subjoined enumerated powers conferred in article I, section 8, the more I am convinced of the soundness of their construction and interpretation. To ignore their theory, and to construe and interpret the phrase to mean that Congress has the power to tax and provide for the "common defense" and "general welfare" so long as the appropriation is for the general, not local, benefit of the people, is to take the view that Congress has the power to invade the rights reserved to the States, and assume control over, if Congress sees fit, whatever in the judgment of Congress would promote the general welfare.

As I understand it, the contention of the President and other administration spokesmen, is that Congress not only has the power to tax and appropriate money for the common defense and general welfare but that independent of the taxing power and the appropriation of moneys for such purposes, Congress also has the power to enact legislation for the general welfare, without regard to the subjoined enumerated powers conferred on Congress in article I, section 8, or any other specific power conferred. In other words, it is their contention that to provide for the "general welfare" constitutes a power in and of itself and is not limited or qualified by the taxing power or by any of the subjoined enumerated powers. If the framers of the Constitution had any such intention, which the records of the Federal Convention would seem to refute, then they did not create a government of limited powers but one of unlimited powers, for if Congress has the power to enact any legislation which it may deem necessary for the general welfare, it necessarily follows that its power is unlimited.

Madison made the point clear when he said:

> I, sir, have always conceived—I believe those who proposed the Constitution conceived, and it is still more fully known, and more material to observe that those who ratified the Constitution conceived—that this is not an indefinite Government, deriving its powers from the general terms prefixed to the specified powers, but a limited Government, tied down to the specified powers which explain and define the general terms. The gentlemen who contend for a contrary doctrine are surely not aware of the consequences which flow from it, and which they must either admit or give up their doctrine.
>
> It will follow, in the first place, that if the terms be taken in the broad sense they maintain, the particular powers afterward so carefully and distinctly enumerated would be without any meaning and must go for nothing. It would be absurd to say, first, that Congress may do what they please, and then that they may do this or that particular thing; after giving Congress power to raise money, and apply it to all purposes which they may pronounce necessary to the general welfare, it would be absurd, to say the least, to superadd a power to raise armies, to provide fleets, etc. In fact, the meaning of the general terms in question must either be sought in the subsequent enumeration which limits and details them, or they convert the Government from one limited, as hitherto supposed, to the enumerated powers, into a Government without any limits at all.
>
> * * * * * * * *
>
> * * * If Congress can apply money indefinitely to the general welfare, and are the sole and supreme judges of the general welfare, they may take the care of religion into their own hands; they may establish teachers in every State, county, and parish, and pay them out of the Public Treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may undertake the regulation of all roads, other than post roads. In short, everything, from the highest object of State legislation, down to the most minute object of police, would be thrown under the power of Congress; for every object I have mentioned would admit the application of money, and might be called, if Congress pleased, provisions for the general welfare.

Jefferson said:

> * * * Under the authority to establish post roads they claim that of cutting down mountains for the construction of roads, of digging canals, and aided by a little sophistry on the words "general welfare", a right to do, not only the acts to affect that, which are specifically enumerated and permitted, but whatsoever they shall think or pretend will be for the general welfare. And what is our resource for the preservation of the Constitution? Reason and argument? You might as well reason and argue with the marble columns encircling them. * * *

Consider also the following comments and warnings by Jefferson on the unconstitutional exercise of Federal legislative power:

> * * * Take together the decisions of the Federal court, the doctrines of the President, and the misconstructions of the constitutional compact acted on by the legislature of the Federal branch, and it is but too evident that the three ruling branches of that department are in combination to strip their colleagues, the State authorities, of the powers reserved by them, and to exercise themselves all functions, foreign and domestic. Under the power to regulate commerce they assume indefinitely that also over

agriculture and manufacturers, and call it regulation to take the earnings of one of these branches of industry—and that, too, the most depressed—and put them into the pockets of the other—the most flourishing of all. * * *

And again, in a letter dated August 18, 1821, to Charles Hammond (The Writings of Thomas Jefferson, memorial edition, vol. XV, pp. 331–332)—

It has long, however, been my opinion, and I have never shrunk from its expression—although I do not choose to put it into a newspaper, nor, like a Priam in armor, offer myself its champion—that the germ of dissolution of our Federal Government is in the constitution of the Federal judiciary; an irresponsible body—for impeachment is scarcely a scarecrow—working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped from the States and the government of all be consolidated into one. To this I am opposed, because when all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power it will render powerless the checks provided of one government on another, and will become as venal and oppressive as the government from which we separated. It will be as in Europe, where every man must either pike or gudgeon, hammer or anvil. Our functionaries and theirs are wares from the same workshop, made of the same materials and by the same hand. If the States look with apathy on this silent descent of their government into the gulf which is to swallow all, we have only to weep over the human character formed uncontrollable but by a rod of iron, and the blasphemers of man, as incapable of self-government, become his true historians.

In the Associated Press case, decided April 12, 1937, Mr. Justice Sutherland, writing the minority opinion, sounds the following timely and emphatic warning:

Do the people of this land, in the providence of God, favored, as they sometimes boast, above all others in the plentitude of their liberties desire to preserve those so carefully protected by the first amendment: Liberty of religious worship, freedom of speech and of the press, and the right as freemen peaceably to assemble and petition their Government for a redress of grievances? If so, let them withstand all beginnings of encroachment. For the saddest epitaph which can be carved in memory of a vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while yet there was time.

If the Supreme Court should ever be so constituted that the majority of its members would construe and interpret the phrase "To lay and collect taxes * * * and provide for the * * * general welfare of the United States" as conferring on Congress broad and unlimited discretionary power (1) to impose taxes and appropriate money for the general welfare of the United States, or (2) that Congress has the power to enact legislation providing for the general welfare of the United States, separate and independent of the taxing power, and that such powers are not qualified or limited by the subjoined enumerated powers conferred by the Constitution, then the powers of the Federal Government would be unlimited, and Congress could enact any legislation which it might deem or pretend to be for the general welfare of the United States. In other words, as stated by Madison, it would be a "government without any limits at all", and Congress would have the power to enact legislation concerning "everything, from the highest object of State legislation down to the most minute object of police."

The PRESIDENT pro tempore. The Senator's time on the joint resolution has expired.

Mr. COPELAND. Mr. President, I inquire what is the parliamentary situation?

The PRESIDENT pro tempore. The parliamentary situation is that the Senator from Georgia [Mr. RUSSELL] has offered an amendment to the committee amendment on page 5, line 5, to strike out the words "not exceeding $100,000,000 of" and to begin the word "this", in line 6, with a capital letter. That is the pending question.

SEVERAL SENATORS. Vote!

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Georgia to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question now recurs on the committee amendment as amended.

The amendment, as amended, was agreed to.

Mr. LA FOLLETTE. Mr. President, in view of the discussion of the administrative cost of the Resettlement Administration, I ask unanimous consent to have printed in the RECORD a statement headed "Statement relative to administrative funds", which appears on page 306 of the hearings before the Senate committee.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT RELATIVE TO ADMINISTRATIVE FUNDS

By the end of the current fiscal year approximately $150,000,000 will have been advanced in the form of rehabilitation loans to assist some 475,000 destitute or low-income farm families to become self-supporting. The cost of furnishing supervision and guidance to these families during the current fiscal year will amount to approximately $9,850,000 and general administration and overhead will amount to approximately $7,050,000. Excluding consideration of the fact that included in these sums are the costs of administering a direct grant program involving over 450,000 farm families who will have received during the current fiscal year an aggregate of approximately $50,000,000, the average outlay during this year for supervision, guidance, and overhead for each farm family benefited by a loan will amount to approximately $35.50, of which $20.70 is for supervision, education, and guidance, and only $14.80 for general overhead. On the basis of experience it is conservatively estimated that at least 75 percent of the funds advanced during the year in the form of loans will eventually be recovered and returned to the Treasury. Thus, the ultimate net cost to the Government during the current year for each farm family who has received a loan will amount to less than $70. Not only is this the least expensive type of relief, being only a small fraction of the annual family cost of direct or work relief, but a farmer and his family will have been reestablished in his regular occupation in their own locality. Barring natural catastrophes such as flood or drought, this family's improved status will be permanent.

As previously indicated, the above analysis overstates the ultimate annual cost per family of carrying on a rehabilitation-loan program because included in the costs of supervision and overhead are the expenses of administering a program of direct grant relief, the nature of which is explained elsewhere in this record. If both loan and grant cases are considered, the average outlay during the year for supervision and overhead per family will amount to only $18.25. Making ample allowance for nonrecoverable expenditures for loans and grants, the total average cost per family will be less than $90. At this low ultimate annual family cost 925,000 farm families will have been aided by either a loan or by grants during the current fiscal year.

As pointed out by the Secretary, the supervision, guidance, and education given to rehabilitation clients is the factor which distinguishes this program from simple credit transactions and is as important to the rehabilitation process as the financial assistance afforded. Without such supervision the average amount of individual loans would be substantially larger and repayments, experience indicates, would be materially decreased. For these reasons the small annual family cost of supervision and guidance represents an investment which will be recovered many times over in a larger proportion of repayments, smaller initial outlays, and in a more rapid and permanent rehabilitation. It should be observed that the more efficient the supervision, the greater the relative cost appears to be because of the reduction in the amounts necessary to advance to clients. Without such guidance the sum of $75,000,000 would be wholly inadequate for the program during the next fiscal year.

Of the total $25,000,000 requested for the costs of administering the program during the next fiscal year, $15,000,000 will be utilized directly in connection with the rehabilitation program. Part of this amount would be necessary to continue supervision of and to service loans previously made and to cover the overhead expenses relative to making collections. The remainder will be necessary to carry on the proposed $75,000,000 loan and grant program. It is planned to convert grant relief cases into rehabilitation loan cases as rapidly as circumstances will permit, thus changing thousands of families from direct relief, a relatively expensive type of aid since such expenditures are permanently lost, to the less costly loan type of assistance where the larger portion of the original outlays will be recovered and the borrower assisted in becoming self-supporting. This conversion process, of course, will increase the amount of necessary supervision and will account for part of the $15,000,000 sum.

Of the $15,000,000 discussed above, almost $11,000,000 will be for personal services. The annual salaries of rural supervisors and assistant supervisors are so small that great difficulty is experienced in recruiting and retaining qualified agriculturally trained men. The estimated amount for this purpose will not permit a sufficient staff to visit each client as often as would be desirable and advantageous to do so, since each such employee will service and supervise an average of more than 150 clients. The traveling expenses of these employees will absorb approximately $3,000,000. These low-salaried employees are required to perform necessary travel in personally owned automobiles at mileage rates considerably below those permitted by law. The average monthly expenses of this type are approximately $50 per supervisor. An additional $1,000,000 will be required for office rents and maintenance, office supplies, miscellaneous items, and for the procure-

ment of forms for applications, agreements, notes, chattel mortgages, and other documents required by Government regulations.

In addition to the direct costs of supervising and administering the rural rehabilitation program as explained above, the share of general administrative and staff services provided for administering the entire Resettlement Administration program would be approximately $2,000,000. This includes legal, financial, personnel administration, and other general staff and service expenses. In measuring the total cost of the rehabilitation program it must be emphasized that the best estimates possible at this time indicate that loan repayments during the next fiscal year will exceed $35,000,000 which will, of course, be covered into the Treasury as miscellaneous receipts. Thus the anticipated net withdrawals from the Treasury will be reduced by at least 40 percent below the total sum requested for rehabilitation purposes.

Of the $25,000,000 administrative funds requested, it is estimated that, as heretofore, approximately $2,000,000 will be required to continue the farm debt adjustment program. This activity is financed entirely with administrative funds since the only expenditures incurred in carrying on this work are the salaries and expenses of Government employees and the funds advanced for actual expenses of voluntary local debt adjustment committees. Because of the very nature of this particular phase of the rehabilitation program administrative expenses cannot be other than 100 percent of the total cost of this activity. The testimony and statistics submitted for this record show that the need for this type of activity is not likely to diminish during the next fiscal year. As a result of this work the size of loans required for rehabilitating farm families has been greatly reduced. More than $47,000,000 have been saved farmers by this program of reducing debts but the entire cost must be financed from funds provided for administrative purposes.

The remainder of $6,000,000 from the proposed $25,000,000 fund will be required to administer the final acquisition of submarginal lands for which contracts of purchase have already been entered into, the administration of and completion of rural and suburban projects, and the development of submarginal land. Projects now under way will be completed with funds already encumbered or with funds made available from previous appropriations provided such funds are reappropriated. The expenditure of $25,000,000 in completing the rural and suburban projects now under way will be involved. The administrative expenses incident to this work must be met from the $6,000,000 referred to above. It must be emphasized that the total investment in permanent or recoverable assets, in addition to the $150,000,000 in outstanding loans, will approximate $190,000,000 by the end of the current fiscal year. The responsibility of managing, protecting, and administering these assets will require part of the $6,000,000 discussed above. Allowing 2½ percent for this purpose, only $1,250,000, or 5 percent, will be available for administering the completion of the land acquisition and project programs now under way.

It should be noted that during the fiscal year 1936 almost $33,000,000 was encumbered from administrative funds. In contrast, only $25,000,000 is requested for the next fiscal year. In May 1936 the Washington administrative and rehabilitation staff consisted of 3,662 employees. At present there are only 1,967 administrative and rehabilitation employees in the Washington offices, a reduction of 46 percent having been accomplished. In the field the present administrative and rehabilitation staff consists of approximately 11,900 employees. This represents a reduction from approximately 13,500 persons employed in the field a year ago. The proposed fund of $25,000,000 would require reducing the Washington administrative and rehabilitation staff to 1,700 employees and the field administrative and rehabilitation staff to 10,500 employees.

Since the hearings held by this committee in January on the First Deficiency Appropriation Act of 1937, the Washington staff has been reduced from 2,778 to 1,967 employees, which has effected a saving of $1,378,000 in aggregate annual salaries. The average Washington and field salaries now paid are believed to be lower than the average salaries of any emergency agency, being $1,924 in Washington, and $1,450 in the field.

Of the total $25,000,000 fund, it is estimated that approximately $21,000,000 will be spent in the field and only $4,000,000 will be spent in Washington.

Additional facts relative to administrative funds appear in the hearings of the Subcommittee of the Committee on Appropriations, House of Representatives, on pages 44–48.

The PRESIDENT pro tempore. The next amendment passed over will be stated.

The CHIEF CLERK. On page 5, line 9, after the word "determine", it is proposed to insert "including such cost of administration as the President may direct."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. THOMAS of Oklahoma. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. THOMAS of Oklahoma. Is line 8 a part of the committee amendment just adopted or is that a part of the original text of the bill?

The PRESIDENT pro tempore. That is a part of the original text.

Mr. THOMAS of Oklahoma. It is not, then, as I understand, open to amendment at this time?

The PRESIDENT pro tempore. It is not open to amendment as yet. It will be later. There is an amendment pending, however, which has just been stated, on page 5, line 9, to insert the words "including such cost of administration as the President may direct." The question is on agreeing to that amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment passed over will be stated.

The CHIEF CLERK. On page 5, line 10, after the word "no", it is proposed to strike out—

Agricultural laborer and no unskilled laborer who refuses or has refused an offer of private employment paying as much or more in compensation for such work as such person has received or could receive under the relief herein provided and who is capable of performing such work shall be eligible for relief hereunder for the period such private employment or any similar subsequent offer of such employment would be available: *And provided further*, That any person who performs such private employment shall at the expiration thereof be entitled to an immediate resumption of his previously existing employment status on the work relief authorized by this act.

And insert:

Persons employed on work projects and certified as in need of relief who refuses a bona-fide offer of private employment under reasonable working conditions which pays as much or more in compensation as such person receives or could receive under this appropriation and who is capable of performing such work, shall be retained in employment under this appropriation for the period such private employment would be available: *Provided further*, That any person who takes such private employment shall at the expiration thereof be entitled to immediate resumption of his previous employment status under this appropriation if he is still in need of relief and if he has lost the private employment through no fault of his own.

So as to read:

Provided, That no person employed on work projects and certified as in need of relief who refuses a bona-fide offer of private employment under reasonable working conditions which pays as much or more in compensation as such person receives or could receive under this appropriation and who is capable of performing such work, shall be retained in employment under this appropriation for the period such private employment would be available: *Provided further*, That any person who takes such private employment shall at the expiration thereof be entitled to immediate resumption of his previous employment status under this appropriation if he is still in need of relief and if he has lost the private employment through no fault of his own.

Mr. WAGNER. Mr. President, I have no criticism to make of this amendment, but there may be an ambiguity present which will affect the matter of construction. It will be noticed that the amendment reads—

Person employed on work projects and certified as in need of relief who refuses a bona-fide offer of private employment under reasonable working conditions which pays as much or more in compensation as such person receives or could receive under this appropriation.

I understand that in most cases relief workers get about 3 days of 8 hours work a week each, and I was wondering when they have an opportunity to work in private industry whether or not the word "compensation" might be interpreted as meaning compensation for a week. That would be very unfair to an individual who might be compelled in industry to work a whole week for the same wage that is received for only 3 days under the W. P. A. I was going to suggest, if I may, inserting after the word "compensation", the words "per hour."

Mr. HAYDEN. Mr. President, I may say to the Senator that the language stricken out was adopted on the floor of the House and applied only to agricultural unskilled labor. When Mr. Hopkins was before the committee he agreed that it should apply to all persons employed on work relief.

Mr. WAGNER. I am in sympathy with the amendment.

Mr. HAYDEN. The matter was taken up with his office and the language of the provision came from the Works Progress Administration.

Mr. WAGNER. Undoubtedly what is intended by the amendment is that the wage for work in private employment shall, in terms of hours, be not less than that received under the W. P. A. Suppose that for 3 days a W. P. A. worker received $12, or $4 a day—perhaps I am taking too large a figure—and he is offered a position in private industry; would he be required to work 8 hours a day and 6 days a week for the same compensation that was paid him for working 3 days a week for the W. P. A.?

Mr. HAYDEN. It seems to me the term "reasonable working conditions" takes care of that situation.

Mr. WAGNER. I do not think so, with all due respect to the Senator. It is undoubtedly intended that he shall receive no less pay than under W. P. A. The insertion of the words "per hour" would, I think, bring about what is desired.

Mr. HAYDEN. My only thought is that, after all, this is very general language which must be interpreted by means of a regulation issued by the Works Progress Arministration.

Mr. WAGNER. Personally I do not want to leave it subject to the interpretation that a man could be asked to go into private industry and work 6 days a week, 8 hours a day, for the same compensation he is given for 3 days under W. P. A. That would be very unfair to the individual.

Mr. COPELAND. Mr. President, may I ask my colleague a question?

The PRESIDENT pro tempore. Does the Senator from New York yield to his colleague?

Mr. WAGNER. Certainly.

Mr. COPELAND. If there were inserted the language my colleague has suggested, a man might only have half a dozen hours per week, but at a higher rate per hour. Under the W. P. A. he might be getting 30 cents an hour, but he has 3 days' work per week. Under the plan suggested, if he had a higher rate per hour, that might mean he would only get 1 day's work per week.

Mr. WAGNER. On the contrary, if he was employed 2 days a week at 30 cents per hour he would have to work 42 hours per week for the same compensation which he received under W. P. A. for, say, 15 hours' work per week.

Mr. HAYDEN. It seems to me the Senator gives the provision very strained interpretation.

Mr. WAGNER. That may be; but why leave it open to question?

Mr. GEORGE. Mr. President, it seems to me very clear that if he is to receive the same rate of pay he must receive an equal rate of pay or something in excess.

Mr. LOGAN. Mr. President, suppose a man works for W. P. A. 3 days a week and gets $10. If industry offers him $10 to work for a week, would he have to work for 6 days 8 hours a day for $10?

Mr. GEORGE. I should not think so. There is nothing in the amendment about days or hours or anything else, but it is merely provided that working conditions must be reasonable and pay must be the same or more.

Mr. WAGNER. Yes; the compensation must be the same, but that may mean for the 3 days. I think the statement compensation "per hour" would qualify it properly.

Mr. GEORGE. I think that is what it means. I can see no possible ground upon which any other construction could be given to the language.

Mr. WAGNER. The Senator knows that often we construe a provision in a certain way and then the courts construe it otherwise.

Mr. HAYDEN. The "court" in this case is the Works Progress administrator having charge of the project. A man takes private employment but gives it up to come back to the W. P. A. We put the burden upon the local administrator to determine whether or not the man has been offered, in private industry, a fair rate of compensation under reasonable working conditions.

Mr. WAGNER. I do not think we ought to leave it to the interpretation of a local administrator, who might not be very much of an advocate of decent wages under W. P. A., to determine that what a man got under W. P. A. for 3 days he must work 6 days in private industry to earn.

Mr. ADAMS. The Senator would not want to tie it right down so that if there was a difference of a cent or half a cent an hour and a man had a permanent job, the amendment would not apply? It seems to me when we use the word "compensation" it means what it honestly is intended to mean. Compensation may vary slightly per hour or per day; but the Senator wants to have workers employed by private industry.

Mr. WAGNER. Of course; but not by offering a rate of pay which is entirely inadequate for the services rendered. That would be very advantageous for some industries in some communities.

Mr. ADAMS. When it is provided that the administrator shall ascertain whether a worker is getting as much or more in compensation, it seems to me it is reasonably clear.

Mr. WAGNER. I may suggest to the Senator that I see no objection to making the provision very definite, because we have administrators in the country who have different views about these matters. I should not want to have any of them interpret this provision to mean that for 3 days' compensation for W. P. A. a man must work 6 days for private industry.

Mr. ADAMS. If a man has been working on W. P. A. 3 days, 7½ hours a day, and could get the same compensation in private employment by working 8 hours a day, there being only a half hour a day difference and permanent employment being involved, would the Senator want to say that such a man must be kept on W. P. A. and that he could not be allowed to take the private employment? There should be a reasonable interpretation, and I think the language is open to no other interpretation than that.

Mr. WAGNER. The wages paid by W. P. A. are very low and nothing like the prevailing wage. They are paying what they call a security wage. If we are merely going to give a man an opportunity to earn in private employment even less than he is being paid under the law, then we are opening the door to some very great difficulties.

Mr. RUSSELL. Mr. President, the only difficulty is that the hourly rate of wage paid by W. P. A. is the prevailing wage. It seems to me it should be "per day" instead of "per hour." All measures relating to such matters have required that the wage paid be at the prevailing hourly rate, while the security wage, the total amount a man can receive for a month's work, is much less than a full month's work would be if he were working a full month at the prevailing wage, because we do not permit a man to work a full month for W. P. A.

Mr. WAGNER. My impression is that it ought to be the prevailing rate of wage, but the Senate does not agree with me as to that.

Mr. RUSSELL. The prevailing rate of wage is paid.

Mr. WAGNER. So far as hours are concerned.

Mr. RUSSELL. Yes.

Mr. WAGNER. But the Senator thinks that if the prevailing rate per hour is paid by W. P. A., private industry ought not to be required to pay twice the prevailing wage.

Mr. RUSSELL. I did not take that position at all. I was pointing out the position we would be in by inserting the words "per hour", because private industry does not employ people for 2 or 3 days a week. It usually employs them for a full week, and they work 5 days at least, and sometimes 5½ days. For that reason it occurred to me that it might be well to give some attention to the wording.

The Senator from New York knows there are two different scales of wages. One is the prevailing rate per hour; but the total amount that a man may receive for a month is based on the arbitrary figure that is fixed by the Administrator of the Works Progress Administration.

Mr. WAGNER. That is what accounts for employment only 3 days a week.

Mr. RUSSELL. Exactly.

Mr. WAGNER. I should not want to make it possible for private industry to get the services of these men at a very low wage.

Mr. SCHWARTZ. Mr. President, I wonder if the Senator in charge of the joint resolution would consider an amendment on line 25, after the word "compensation", to insert "for approximately like hours of service."

The thought I have in mind is that on the basis of the hourly rate, the relief workers are working at the prevailing wage. In some localities they are permitted to work 90 hours during a month, and the greatest compensation they can get for the month's work is 90 hours multiplied by the rate per hour. If they are offered a position by the month, must they then accept the amount they would receive at the prevailing wage for 90 hours under the W. P. A.?

I was not thinking so much about the compensation they would get under the W. P. A.; but the thought which came to me is that if a man should be required to work a month for the amount he would receive for 90 hours' work at the prevailing wage under the W. P. A., then we would break down the wage generally prevailing in that locality for private employment; and I presume there are employers who would be perfectly willing to let their present employees go if they could go to the relief headquarters and say to someone equally competent to do the work, "I am going to offer you a monthly job at an amount of money which is as great as or greater than the amount you receive under the W. P. A."

Mr. ADAMS. Mr. President, let me say to the Senator that I cannot conceive of anybody interpreting the phrase, "which pays as much or more in compensation" in a way that would disregard the time element. In other words, if it were not for that element, an employer could say, "I am paying you $50", and in one case the $50 payment would be for a year, and in another case it would be for a week. The time element necessarily enters into every computation of compensation.

The PRESIDENT pro tempore. The time of the Senator from New York on the amendment has expired. The Senator has 20 minutes on the joint resolution.

Mr. WAGNER. I will speak on the joint resolution.

Mr. LOGAN. Mr. President, if the Senator will yield, let me suggest that if the words "for the same length of service" should be added after "compensation", I believe the object sought by everyone would be accomplished.

Mr. WAGNER. I will accept that amendment—"for the same length of service."

Mr. ADAMS. I am perfectly willing to accept that amendment. I think it is tautological, but I am perfectly willing to accept it.

Mr. WAGNER. I was fearful that what would happen, as was so well pointed out by the junior Senator from Wyoming [Mr. SCHWARTZ], was that in some areas there might be a break-down of the wage scale which the union of that particular locality had been fighting for years to attain. I am sure the Senator does not intend that to happen, and I think the amendment would obviate that possibility.

Mr. ADAMS. I am willing to accept the amendment.

Mr. LOGAN. Mr. President, the amendment which is finally suggested is that after the word "compensation", in the last line on page 5, the words "for the same length of service" be inserted.

The PRESIDENT pro tempore. Without objection, the amendment to the committee amendment is agreed to.

The question is on agreeing to the amendment of the committee, as amended.

The amendment, as amended, was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment passed over.

The next amendment passed over was, on page 6, line 10, after the word "funds", to strike out "allocated hereunder to the Works Progress Administration" and insert "herein appropriated", and in line 15, after the word "year", to strike out "through such agency", so as to make the paragraph read:

> The funds herein appropriated shall be so apportioned and distributed over the 12 months of the fiscal year ending June 30, 1938, and shall be so administered during such fiscal year, as to constitute the total amount that will be furnished during such fiscal year for relief purposes.

The amendment was agreed to.

The next amendment passed over was, on page 7, line 2, after the word "President", to insert:

> *Provided further*, That in the event the Congress or any Federal agency so authorized by act of Congress shall establish minimum rates of pay for persons employed by private employers in any occupation or occupations, thereafter no greater percentage differentials in the amount of compensation paid than the average minimum differentials established by the Congress or such Federal agency shall be applicable to persons engaged upon projects under the foregoing appropriations and in the event no differential be established there shall be no differential in compensation applicable to such persons.

Mr. RUSSELL. Mr. President, I desire to offer a modification of that amendment which has been worked out after a number of conferences.

The PRESIDENT pro tempore. The amendment offered by the Senator from Georgia to the committee amendment on page 7 will be stated.

The CHIEF CLERK. On page 7, lines 2 to 12, it is proposed to strike out the matter proposed to be inserted by the committee amendment and in lieu thereof to insert the following:

> *Provided further*, That in the event the Congress or any Federal agency so authorized by act of Congress shall establish minimum rates of pay for persons employed by private employers in any occupation or occupations and shall establish differentials applicable to different localities or sections of the country in such rates of pay, thereafter no greater percentage differentials shall be applicable to the compensation of persons engaged upon projects under the foregoing appropriation than the average differentials so established by the Congress or such Federal agency and in the event the Congress or such Federal agency shall establish such minimum rates of pay without any differential applicable to different localities or sections of the country there shall be no such differential in compensation applicable to persons engaged on projects under the foregoing appropriation.

Mr. McNARY. Mr. President, frankly I could not keep my mind operating sufficiently fast to understand just what this amendment is about.

Mr. RUSSELL. Mr. President, the language of the amendment may sound somewhat involved, but really the purpose that the words accomplish is very simple. The amendment merely provides that when and if the Congress enacts legislation dealing with hours and wages there shall be no greater differential in the payments to those employed on W. P. A. projects in the several sections of the country than is established or allowed by the Congress or by any body or commission which may be established by Congress to prescribe rates of wages and hours of employment in private industry.

Mr. McNARY. Will the Senator explain the difference between his proposal and that contained in the joint resolution as it stands?

Mr. RUSSELL. It is very slight. I may say to the Senator from Oregon that the amendment has been printed, and doubtless a printed copy of it is on the Senator's desk. It was printed several days ago. It merely provides that if Congress shall establish minimum rates of pay and shall establish differentials applicable to different localities or sections of the country—that is the chief change in the amendment as adopted by the committee—then there shall be no greater average differential in the compensation that is paid by the Works Progress Administration than might be established by Congress or by some commission or organization authorized by Congress to deal with the subject.

It strikes me that the inherent fairness of this proposal will be very readily evident to any Senator. At the present time the Works Progress Administration is paying the prevailing wage for hours of employment, but the total number of hours that persons engaged on prjects may work,

and the total amount of monthly compensation that they may receive have been arbitrarily fixed by the Works Progress Administration. What I say is not critical of the gentlemen who have discharged the enormous responsibility of administering these countless projects and dealing with all the various problems that have arisen all over the country in connection with them; but the fact remains that the wage scale for the same type of work has run from $19 a month in some sections of the country to $60.50 a month in other sections of the country, and Mr. Hopkins very frankly told the committee that those wages were not based upon differences in cost of living, but were based upon differences in living standards. I say it is un-American for the Government of the United States, taking funds from the common Treasury, to freeze certain classes of unfortunates in one section of the Nation at a lower standard of living, or to recognize it in expending funds from the Federal Treasury.

The amendment may sound involved; but the purpose it seeks is fair and is very simple, and I hope there will be no objection to it.

Mr. ADAMS. In the earlier part of the Senator's amendment he provides that if by act of Congress there shall be established "minimum rates of pay for persons employed by private employers in any occupation or occupations." As I read it, if for instance the rate were established in one occupation, then that rate, under the Senator's amendment, must apply to other occupations which were not under consideration.

Mr. RUSSELL. Not at all. If the Senator will read the remainder of the amendment he will find it refers to occupations, and then the payments under the Works Progress Administration are to be based on the percentage of all of the differentials which might be established in all of the various occupations.

Mr. ADAMS. But my point is that there may be two occupations, for instance, in New York City, the pay of one of which, by reason of a shortage of labor, is high, and the other may be low. Yet in Birmingham the supply of labor is reversed. In other words, you might establish a differential in New York based on local conditions, and that would compel the application of the rate not only to that particular occupation but they might go to Chicago and establish it as to all other occupations. They might establish wages as to coal heavers in the Pennsylvania district, and that would apply to bakers in Seattle and other places. The Senator has not limited it to occupations.

Mr. RUSSELL. By chance it might be that the same scale fixed for coal heavers might apply to bakers in other sections of the country, but the amendment clearly provides it shall be based upon the average differential. I do not assume, as the Senator from Colorado imagines, or suggests, that the Congress, or any body established by Congress to deal with this subject, is likely to confine itself to any one occupation in fixing wages. It would be absolutely absurd to believe that Congress would pass a bill relating to coal heavers or bakers alone. The wage would apply to all occupations throughout the entire length of the land.

The Works Progress Administration will work out the average differential as between all of these occupations in the different sections of the country, and if there were such a differential no greater differential should then be allowed to exist in the security wage. If no differential be established whatever, then there would be no difference in the security wage in any section of the country.

Mr. ADAMS. I am frank to say that I am still apprehensive that we might strike a place in the Midwest where there was a very wide differential, but they would apply the same wage differential to some place else where there was not the justification for the wide differential. I do not think the establishment of a differential in one industry should govern the differential in every other industry. It might work decidedly to the disadvantage of those to whom it was being applied.

Mr. RUSSELL. I ask to have printed in the RECORD a table showing the so-called security wages which have been fixed for the various sections of the country.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Schedule of monthy earnings established by Executive order

Wage-rate region [1]	Counties in which the 1930 population of the largest municipality was [2]—				
	Over 100,000 (A)	50,000 to 100,000 (B)	25,000 to 50,000 (C)	5,000 to 25,000 (D)	Under 5,000 (E)
Unskilled work:					
Region I	$55	$52	$48	$44	$40
Region II	45	42	40	35	32
Region III	35	33	29	24	21
Region IV	30	27	25	22	19
Intermediate work:					
Region I	65	60	55	50	45
Region II	58	54	50	44	38
Region III	52	48	43	36	30
Region IV	49	43	38	32	27
Skilled work:					
Region I	85	75	70	63	55
Region II	72	66	60	52	44
Region III	68	62	56	48	38
Region IV	68	58	50	42	35
Professional and technical work:					
Region I	94	83	77	69	61
Region II	79	73	66	57	48
Region III	75	68	62	53	42
Region IV	75	64	55	46	39

[1] Regions as of June 1936 include the following States: I—Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Illinois, Indiana, parts of Kentucky, Michigan, Minnesota, parts of Missouri, Ohio, Wisconsin, Arizona, California, Colorado, Idaho, Iowa, Montana, Nebraska, Nevada, North Dakota, New Mexico, Oregon, South Dakota, Utah, Washington, Wyoming; II—Kansas, parts of Missouri, Delaware, District of Columbia, Maryland, parts of Texas, West Virginia; III—Arkansas, parts of Kentucky, Louisiana, Oklahoma, parts of Texas, Virginia; IV—Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee.

[2] For convenience these groups of counties are usually referred to as urbanization groups (A), (B), (C), (D), and (E) as indicated in the column headings.

Mr. RUSSELL. Mr. President, I might say to the Senator from Colorado that, without regard to the differentials which have been fixed, I do not apprehend that Congress or any body dealing with the subject will find a differential in compensation of 300 percent as between men doing the same type of work in different sections of the country.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment.

The LEGISLATIVE CLERK. It is proposed on page 16, line 21, to strike out the numerals "16" and insert "14", and to strike out the word "This" and insert "Title I of this", so as to make the section read:

SEC. 14. Title I of this joint resolution may be cited as the Emergency Relief Appropriation Act of 1937.

Mr. COPELAND. Mr. President, if I may have the attention of the Senator in charge of the bill for a moment, I should like to say that I made a feeble effort in the committee to have a change made at the bottom of page 8, in the provision relating to aliens. I know an amendment to the language at this place is not in order at this time, but I should like to call attention to it.

The language in the bill as presented is different from the language in the old bill, where aliens illegally within the limits of the United States were prohibited from work. This goes much further. It provides that no aliens who have not, prior to the enactment of this joint resolution, filed a declaration of intention to become citizens, may have relief.

There are a great many aliens in the United States who are here legally, who are married to American women, and who have children who are American children. I fully agree that aliens who are here illegally should not be employed,

but I think that aliens who are heads of families and who are here legally, but who have not yet declared their intention to become citizens, ought not to be denied the privileges of the measure.

Mr. ADAMS. Mr. President, I will ask the Senator from South Carolina to reply to the Senator.

Mr. BYRNES. Mr. President, in considering the section to which the Senator from New York calls attention, the committee had in mind the fact that last year the Senate adopted practically the language contained in the measure now presented to the Senate. In conference there was a change. The fact is that there are 120,000 aliens employed on W. P. A. projects. The cost per man is $800 a year. Therefore it amounts to $96,000,000.

In adopting this language the committee had in mind the statement of Mr. Hopkins that, according to his estimate, he would have to make a reduction in the number of people who could work upon W. P. A. projects. If he is correct, and there must be a reduction of 400,000, the question is whether or not that reduction should take place among American citizens or among aliens who have not declared their intention to become citizens.

Under the language all that an alien has to do to be eligible is to file his declaration of intention to become a citizen. The Senator from New York is more familiar with the law than am I in that respect, and he has always been interested in the subject.

Mr. COPELAND. But it says "prior to the enactment of this joint resolution."

Mr. BYRNES. Mr. President, because I know the Senator from New York has in the committee always evidenced an interest in this subject, I may say that he has spoken to me about the matter on one or two occasions in the last few days, and that the committee has no desire to do any injustice to anyone. The amendment which has been adopted must go to conference. Certainly, the committee will be glad to give cosideration to the views expressed by the Senator from New York, who has evidenced such a great interest in this matter.

The only object the committee determined to endeavor to accomplish was this: If there is to be a reduction in the number of those employed on W. P. A. projects, the reduction should first take place among those who are not citizens of the United States and who have never evidenced a desire to become citizens of the United States rather than to have a citizen dismissed from a job.

I think I speak the view of the Senator from Colorado [Mr. ADAMS], in charge of the joint resolution, when I say that we shall be delighted to confer with the Senator from New York [Mr. COPELAND] and, if possible, to compromise the differences so that no injustice will be done to the Senators interested.

Mr. COPELAND. I thank the Senator from South Carolina. I know his humane instincts. I desire to make it clear for the RECORD that, of course, I have no objection to keeping relief from those who are illegally in this country, provided they are here not only illegally but improperly in every sense. However, there are aliens in the country who are here legally but who, for one reason or another, are not eligible for citizenship. Perhaps they cannot find the record of their admission to the country. There are many technical reasons why they are not eligible for citizenship. The group I have in mind are aliens who are married to American women and who have children who under our laws are American citizens.

With the statement on the part of the Senator from South Carolina, I am satisfied to leave the matter as it is, hoping that in the conference, where the whole subject will be open, some provision will be worked out which will do justice to these people; for out of a study of 4,000 aliens in this country, heads of families, it was found that there was an average of three Americans in the family—a wife and two children. So, of course, we would not wish to deny aid to those American women and those American children by reason of the fact that the father had not yet declared his intention to become a citizen and taken out his first papers.

Mr. ROBINSON. Mr. President, on page 14, near the top of the page, is an amendment which according to my information has been agreed to. I should like to ask unanimous consent to reconsider the vote by which the amendment was agreed to, and to ask the committee to recede from the amendment or ask the Senate to reject the amendment.

On page 14, in lines 1 to 3, the committee presented an amendment, following the date "1935", to strike out the words "or as may be necessary for administrative expenses of any agency heretofore established by the President under section 4 of said act."

The reference there is to the House Joint Resolution 117, approved April 8, 1935. Section 4 in that act is as follows:

> In carrying out the provisions of this joint resolution the President is authorized to establish and prescribe the duties and functions of necessary agencies within the Government.

Under that authority certain agencies were established, including the Prison Industries Reorganization Administration. Comparatively small portions of the fund appropriated in 1935 have been used in promoting necessary and very helpful prison reforms. The work has been under the study and advice of the Prison Industries Reorganization Administration, and the work is now progressing. There are a number of States—I believe there are 12—in which projects have been initiated, and some of them are approaching completion. Others are not so far advanced. There are some other States which under the amendment already agreed to in this joint resolution may have the opportunity of having the facilities improved with a view to promoting better prison conditions.

Having invited the establishment of these agencies, and these projects having been initiated under the authority of the act of 1935, and others being in contemplation, it occurs to me that it is not advisable to withhold all sums from the use of these agencies for administrative purposes.

The amount that would be required by the Prison Industries Reorganization Administration is very small. I cannot state the exact amount that would be required, but it is only a few thousand dollars, and the work that is being done is believed by those who have studied it to be of great value and usefulness.

I ask unanimous consent for the reconsideration of the vote by which the amendment referred to was agreed to.

The PRESIDING OFFICER (Mr. GERRY in the chair). Is there objection to the reconsideration of the vote by which the amendment on page 14, lines 1 to 3, was agreed to? The Chair hears none, and the vote by which the amendment was agreed to is reconsidered.

Mr. ADAMS. Mr. President, before action is taken on the amendment I desire to make an explanation as to why that provision was stricken out.

Mr. ROBINSON. Very well. I think it is an opportune time for the Senator to make his statement. I understand the vote by which the amendment was agreed to has been reconsidered?

The PRESIDING OFFICER. That is correct.

Mr. ROBINSON. And the committee amendment is now before the Senate?

The PRESIDING OFFICER. The amendment is now before the Senate.

Mr. ROBINSON. I have stated all that seems appropriate to say in this immediate connection, and I yield the floor to the Senator in charge of the bill.

Mr. ADAMS. Mr. President, in the effort which the Appropriations Committee made, somewhat unsuccessfully, to restrict the use of funds appropriated to relief purposes, and to study the extent to which relief funds had been devoted to other purposes, we found quite a number of agencies to which relief moneys had been allocated, very commendable agencies created for good purposes, but which in our judgment should have received their funds from appropriations from the Congress, and not from allocations from relief funds. Quite a number of these agencies were expending 100 percent of the moneys allocated to them for administrative purposes—and not one cent of the money which went to

some of these agencies ever went to feed the hungry or clothe the naked. We did feel that if there were agencies to be established they should be established by Congress; that they should be financed through the regular courses of appropriation. We have made certain exceptions in a provision in the earlier part of the joint resolution to endeavor to carry out that suggestion. An amendment on page 3 was adopted, limiting the expense for administration purposes to 5 percent. It was felt that the average which Mr. Hopkins' organization had spent for administrative purposes of about 4 percent should be adequate for the administration of any agency which was spending relief moneys.

In this amendment on page 3 we make exception in the case of the General Accounting Office, the Treasury Department, the Employees' Compensation Commission, and the Resettlement Administration, because they were caring for primary and essential functions of relief.

For instance, the General Accounting Office was handling all the vouchers and the expenses, and necessarily they were going to consume all the money allocated to them; but when we came to the lines on page 14 which the Senator from Arkansas wishes to have reinstated, we concluded that language conflicted with the amendment which we had inserted on page 3 of the bill and was taking away the very thing we had sought to accomplish by giving to the Executive the power to allocate an unlimited amount of money to any agency for administrative purposes. It may be if the agency which the Senator from Arkansas has in mind ought to be excepted from the provisions, it ought to be excepted by name, and we should not make a general exception which may include a multitude of other agencies.

Mr. ROBINSON. Mr. President, I have in mind at this time no other agency than that to which I referred in the beginning; namely, the Prison Industries Reorganization Administration. Of course, that could be added to the exception set forth on page 3 by reconsidering that amendment and adding the Prison Industries Reorganization Administration.

Mr. ADAMS. I think the Senator understands what we have in mind.

Mr. ROBINSON. Yes; and I am in sympathy with requiring more definite appropriations where it is practicable to do so; but I made the point, and I think it is a fair one and one that ought to appeal to all Senators. In 1935 we expressly authorized the President to establish agencies for the purpose of carrying out the resolution. Manifestly those agencies cannot function without some arrangement for administrative expenses. The organization to which I have referred, according to every report that reaches me, has performed very useful services. If the Senator from Colorado would prefer to reconsider the amendment on page 3 in order to modify the exceptions, that would be satisfactory to me.

Mr. ADAMS. That would be my individual preference. As I understand the authority given the President in 1935 no longer exists. It seems to me, in view of that, they ought to come to Congress for their sustenance.

Mr. ROBINSON. In view of the statement of the Senator in charge of the bill I withdraw my opposition to the amendment on page 14, although I think there may be other agencies for which provision should be made, and I shall ask the Senate to recur to the committee amendment on page 3.

Mr. McNARY. Mr. President, that does not dispose of the matter, does it?

Mr. ROBINSON. No.

Mr. McNARY. Had we not better dispose of it?

Mr. ROBINSON. I am going to dispose of it in another way. I ask unanimous consent to recur to page 3 of the joint resolution where there is a provision in the form of an exception that the provisions shall not apply to the General Accounting Office, and so forth, and if that request is granted, I shall move to insert in the committee amendment, in line 15, after the words "Resettlement Administration", the words "or to the Prison Industries Reorganization Administration."

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas to recur to the committee amendment on page 3?

Mr. O'MAHONEY. Mr. President, reserving the right to object, I desire to invite the attention of the Senator from Arkansas and the attention of the Senate to the fact that this agency does not now and never has performed any relief services of any kind or character. The authority by which the President established this agency has disappeared, I understand, so that the suggestion which has been made by the Senator from Arkansas that the action of the Committee on Appropriations and the action of the Senate in approving the amendment of the committee be now rescinded, amounts to little more than an effort upon the part of the Prison Industries Reorganization Administration to secure the perpetuation of its life. It is not a relief agency.

The money which we are appropriating here is for the purpose of relief and work relief. The establishment of a Prison Industries Reorganization Administration has not a thing in the world to do with it. It is an institution which, in my judgment, should be brought into reexistence, so to speak, only by an act of Congress, only after consideration by some standing committee of this body, which should undertake to review the needs for such an organization and the need for the work which it proposes to do.

I venture to say there is not a Member of this body who can state to the Senate now what the Prison Industries Reorganization Administration actually does. I feel that the chairman of the Committee on Reorganization of the Government should actually be the last person to come here with a request to permit the establishment of an agency upon which Congress has never passed.

The PRESIDING OFFICER. Does the Senator from Wyoming object to the reconsideration of the committee amendment on page 3?

Mr. O'MAHONEY. I do not object. I merely wanted to make a statement as to what the fact is.

Mr. ROBINSON. Mr. President, I cannot state all of the services that have been performed and are being performed by the Prison Industries Reorganization Administration, but it has been making studies of prison conditions in the various States in cooperation with the State authorities and State officials, and also studying conditions in Federal prisons and performing a very useful work. Many reforms have already been accomplished, and, as I have stated heretofore, numerous projects have been initiated. If we had not authorized the establishment of the agency, I should think the argument of the Senator from Wyoming would be persuasive, though not conclusive.

The Prison Industries Reorganization Administration makes these studies and furnishes the President with very helpful information. There is in the joint resolution, as Senators well know, a provision which contemplates the continuance of the work for a period of 1 year. In view of these circumstances, I feel justified in offering the amendment which I have offered, and I ask for a vote on my amendment to the committee amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas [Mr. ROBINSON] to reconsider the vote by which the amendment of the committee on page 3, lines 6 to 17, was agreed to? The Chair hears none, and the vote is reconsidered. The question now is on agreeing to the amendment of the Senator from Arkansas to the amendment of the committee. The amendment of the Senator from Arkansas will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 3, line 15, after the words "Commission", it is proposed to strike out "or to", and in the same line, after the words "Resettlement Administration", it is proposed to insert "and Prison Industries Reorganization Administration", so as to make the sentence read:

Except that this provision shall not apply to allocations made to the General Accounting Office, the Department of Justice, the Treasury Department, the Employees' Compensation Commission,

the Resettlement Administration, or to the Prison Industries Reorganization Administration for administrative expenses in performing functions for or on behalf of the relief or work-relief program.

The amendment to the amendment was agreed to.

Mr. McKELLAR. Mr. President, before the committee amendment as amended is agreed to, I wish to offer another amendment to the committee amendment, and I hope the Senator from Colorado [Mr. ADAMS] will accept it.

The Department of Commerce advise me that it will be impossible for them to function on 5 percent; and I ask to insert after the word "Department", in line 14 of the committee amendment, the words "the Department of Commerce."

Mr. ADAMS. Mr. President, will the Senator from Tennessee state why he wishes to make that very broad exception?

Mr. McKELLAR. Because, while I have not the figures before me, the Department of Commerce advise me that they cannot possibly do the work they are now doing on an administration cost of 5 percent.

Mr. ADAMS. The Department of Commerce are not operating under relief money, are they?

Mr. McKELLAR. They are in some instances. They have relief money, and they are performing certain relief functions, and the amendment will apply only to those functions under any circumstances.

I have not the exact figures, and for that reason I cannot give them. All I ask the Senator to do is to let the amendment be adopted and go to conference, with the understanding that if the Department of Commerce cannot show a good reason for it the amendment may be eliminated.

Mr. ADAMS. I think I can give the Senator some figures. I know he has in mind the fact that under the direction of the Bureau of Air Commerce they have had to do with the construction of airways and airfields where relief labor has been used. Eighty-seven million dollars has been expended on that work. The 5 percent which is authorized for administration under the joint resolution is nearly four and a half million dollars; and it seems to me four and a half million dollars ought to be adequate for the administrative purposes of the Department of Commerce, or whoever sees fit to do that work.

Mr. McKELLAR. On the Senator's statement I should think so, too. I entirely agree with him that that ought to be adequate. The only request I make is that the amendment may be adopted now and go to conference.

Mr. ADAMS. If the Senator wants to tie the matter right down to the very agency that is doing the work, that is one thing; but to open it wide to the Department of Commerce is another.

Mr. McKELLAR. Then I will put it in that form. Will the Senator give me the name of the agency? He is familiar with it, and I am not.

Mr. RUSSELL. The Bureau of Air Commerce.

Mr. ADAMS. I will say to the Senator, furthermore, that out of relief money there has been turned over to the Bureau of Air Commerce $30,000 a month. As I say, that is out of relief money. The Bureau of Air Commerce is a bureau of the Department of Commerce. We have a regular appropriation bill appropriating very liberally for the Department of Commerce; and, as the Senator knows, we have been most generous in the matter of airways.

Mr. McKELLAR. Absolutely.

Mr. ADAMS. We have raised the appropriations away beyond what they have ever been heretofore; and it does seem to me that we ought not to have to go into relief funds in order to obtain supervisory personnel to spend money for building airways. If the relief organization wants to take over these people, or to take other people, they do not need to be excepted, because they have an exemption of 5 percent, which will give them four and a half million dollars; and, as a matter of fact, they say they have been spending only $360,000.

Mr. BYRNES. Mr. President——

Mr. McKELLAR. I yield to the Senator from South Carolina.

Mr. BYRNES. This is a Senate committee amendment. I think it was offered by the Senator from Tennessee in the committee.

Mr. McKELLAR. Yes; it was.

Mr. BYRNES. It will be in conference; and I suggest to the Senator that if the amendment is allowed to go to conference, and the Department of Commerce can make out a case, appropriate action can then be taken regarding the matter.

Mr. McKELLAR. That is exactly what I have asked, because I am inclined to think the Senator from Colorado [Mr. ADAMS] is right in his contention that 5 percent is ample; but if the Department officials have specific facts which show that it is not enough, I should like to have the matter in conference.

Mr. BYRNES. The Senator from Tennessee will be on the conference committee, and he can present the matter to the conferees, and it can then be worked out.

Mr. McKELLAR. Even without putting in this language.

Mr. BYRNES. Because it is a Senate committee amendment, and the whole matter will be in conference.

Mr. McKELLAR. I think that is true. If the Senator objects to the insertion of the words I have suggested, it will be all right.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended.

The amendment, as amended, was agreed to.

Mr. ADAMS. Mr. President, I call attention to the fact that on page 14 the Senator from Arkansas [Mr. ROBINSON] requested the reconsideration of an amendment, and later he withdrew his objection to it, so that amendment should be reinstated.

The PRESIDING OFFICER. Without objection, the amendment referred to by the Senator from Colorado will be agreed to.

The clerk will state the next amendment passed over.

The CHIEF CLERK. On page 16, line 21, it is proposed to strike out "This" and insert "Title I of this", so as to read:

SEC. 14. Title I of this joint resolution may be cited as the Emergency Relief Appropriation Act of 1937.

Mr. CONNALLY. Mr. President, I rise not for the purpose of offering an amendment but for the purpose of asking the Senator from Colorado [Mr. ADAMS] a question.

I should like to inquire of the Senator from Colorado whether or not the proviso on page 3, beginning in line 6, is an absolute restriction. Does it apply to all the money appropriated in the joint resolution, or just to this particular preceding appropriation?

Mr. ADAMS. I hope it applies to all of it.

Mr. CONNALLY. That is what I am asking.

Mr. ADAMS. I think it does; but I will say that if the terms "work" and "work relief" do not include all the activities which are enumerated in other parts of the joint resolution, there has been a wide departure from other measures, because the appropriation of $4,800,000,000 and the other measures have all been limited to work and work relief. This measure is a continuation of the old ones.

Mr. CONNALLY. I call the attention of the Senator, however, to a case that I fear will be cut off by this amendment.

In my State, under the prior acts, the President made allocations for the construction of a series of dams on the Colorado River.

By another of the prior acts that work was actually turned over to the Reclamation Bureau. One of those dams is about half completed; and I am afraid that under this language no more money could be allocated to that project, and the result would be to waste everything that has gone before.

Mr. ADAMS. Under the appropriation for work and work relief in some other acts money has been allocated for irrigation enterprises, it has been allocated for dams, it has been allocated for various structures, always upon the theory that

the construction of any of them would provide work for those in need of it, and therefore would come under the definition of "work relief."

Mr. CONNALLY. Then, is it the view of the Senator from Colorado that the words "provide relief or work relief for persons in need thereof" are broad enough to include the allocation of funds for a project, although all of the labor on the project might not be relief labor? Suppose it were necessary to employ technical engineers and others?

Mr. ADAMS. We have already made provision for the payment of administrative expenses. We have a provision that a certain percentage may be used for administrative expenses.

Mr. CONNALLY. The reason why I ask the question is that this whole appropriation of a billion and a half dollars in general, as I view it, is a continuation of similar appropriations made in prior years. It seems to me that a project which has already been approved and half completed ought not to be cut off by a provision which would limit the right of the President to allocate additional funds to go ahead and complete the project.

Mr. ADAMS. Personally I do not think there is any question but that under this language the right will still exist to go on with the project.

Mr. McKELLAR. Unquestionably it will still exist, Mr. President. In the instance the Senator from Texas gives, unquestionably the work would go on.

Mr. CONNALLY. I wish to direct the attention of the Senator from Tennessee to the specific project, if I may. It is a series of dams on the Colorado River, designed both for power and for flood control. One of those dams, known as the Marshall Ford Dam, is in a state of half completion, but the funds have become exhausted.

Mr. McKELLAR. W. P. A. funds?

Mr. CONNALLY. W. P. A. funds, part of them. I am not sure that they are all from W. P. A. or whether some of them are from P. W. A.

Mr. McKELLAR. I think some of them are, and probably all of them are; and they will come in under the title we are just about to consider.

Mr. HAYDEN. No, Mr. President. All the allocations made to the Department of the Interior from the $4,800,000,000 and the $3,300,000,000, heretofore appropriated for relief purposes, if unexpended, will be made available for those particular purposes by a provision in the Interior Department appropriation bill, which has passed the House of Representatives. In other words, the curative legislation is contained in that bill, just as curative legislation has been enacted with respect to the employees' compensation funds that have been set up. The Senator from Texas need have no fear that any of the previous allocations to the United States Reclamation Service will be lost. It is not expected, however, that any substantial part of the $1,500,000,000 carried in this bill for relief will be expended upon regular public-works projects.

Mr. CONNALLY. Now we are getting down to the point. Eminent members of the Committee on Appropriations are disagreeing about this matter. The Senator from Colorado [Mr. ADAMS] says money could be allocated for this purpose. The Senator from Tennessee [Mr. McKELLAR], the acting chairman of the committee, says it could be. Now probably the most eminent authority on Government money in the Senate tells me it cannot be done.

Mr. HAYDEN. The Senator stated that allocations had heretofore been made from previous relief appropriations to certain projects in Texas, and that the work was undertaken by the Reclamation Service.

Mr. CONNALLY. That is true.

Mr. HAYDEN. If the allocations to reclamation projects are in existence and the money has not been spent the Interior Department appropriation bill provides that the money so allocated shall be reappropriated and made available for the next fiscal year.

Mr. CONNALLY. Suppose the actual amount that was allocated has been expended, but the project has not been completed, what will the situation be?

Mr. ADAMS. I think we would be justified in construing it as a relief measure, even in the situation the Senator from Texas states.

Mr. CONNALLY. I think it would be relief.

Mr. HAYDEN. There is no question but what relief labor could be assigned to a project of that type, but it is not expected, as I understand it, that large allocations shall be taken from the billion and a half and applied to what are normally known as public-works projects. Congress is either taking care of public-works projects by title 2 of this bill or by regular appropriations from the Treasury for the public-works projects which have been heretofore adopted for construction.

Mr. CONNALLY. The Senator is no doubt correct in that, but I want to know whether legally, according to the practice of the Committee on Appropriations, it could be done.

Mr. HAYDEN. There is no doubt about the power of the President under this bill to allocate money for the purpose suggested by the Senator from Texas. The chairman is right in so stating what it is possible for the President to do.

Mr. CONNALLY. Now that we have an agreement of all three of the eminent Senators, I subside.

The PRESIDENT pro tempore. The question is on agreeing to the amendment on page 16, line 21.

The amendment was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment of the committee.

The CHIEF CLERK. On page 16, after line 22, it is proposed to insert title 2, as follows:

TITLE II

SECTION 201. The Federal Emergency Administration of Public Works (herein called the "Administration") is hereby continued until June 30, 1939, and until said date is hereby authorized to continue to perform all functions which it is authorized to perform on the date of the enactment of this joint resolution. All provisions of existing law relating to the availability of funds for carrying out any of the functions of said Administration are hereby continued until June 30, 1939, except that the date specified in the Emergency Relief Appropriation Act of 1936, prior to which, in the determination of the Federal Emergency Administrator of Public Works (herein called the "Administrator") a project can be substantially completed is hereby changed from "July 1, 1938" to "July 1, 1939."

SEC. 202. The Reconstruction Finance Corporation (herein called the "Corporation") is hereby authorized to purchase, from time to time, upon the request of the Administrator, securities now held and securities hereafter acquired by the Administrator in order to provide such funds as the Administrator shall deem necessary or advisable to carry out the provisions of this title. The amount which the Corporation is authorized by existing law to have invested at any one time in securities purchased from the Administrator is hereby increased by such an amount as may be necessary to enable the Corporation to make such purchases.

SEC. 203. For the purpose of maintaining or increasing employment by providing for useful public works, the Administrator is hereby authorized to use, in his discretion and under his direction, from funds on hand or to be realized from the sale of securities now held and securities hereafter acquired by the Administrator, not to exceed $200,000,000 for grants, and not to exceed $100,000,000 for loans, to aid in the financing of any projects for which allotments have been recommended by the examining divisions of the Administration prior to the enactment of this joint resolution, but for which no grant or loan contracts have been made and which are of the kind and character specified in section 205 of this title, without regard to any provision of the Emergency Relief Appropriation Act of 1936 limiting the amount of such funds which may be used for grants: *Provided*, That the grant for any such project shall be in an amount equal to 45 percent of the cost of such project, as determined by the Administrator, except that the grant for any project for which an allotment is made under subdivisions (e) or (f) of section 205 of this title shall be as provided in such subdivision.

SEC. 204. The Independent Offices Appropriation Act, 1938, is hereby amended by striking out the words "in connection with the liquidation" in the provision relating to administrative expenses of the Administration; and in addition to the funds made available for administrative expenses in said act, the Administrator is hereby authorized to use during the fiscal year 1938 not to exceed $5,000,000, and during the fiscal year 1939 not to exceed $10,000,000 from funds on hand or to be realized from the sale by the Administrator of securities now held and securities hereafter acquired by him, for the payment of administrative expenses of a character for which funds are authorized to be used by the Administrator pursuant to existing law.

SEC. 205. The funds made available to the Administrator under section 203 of this title shall be used by the Administrator for

the making of loans or grants, or loans and grants for projects of the following classes, in amounts not to exceed the sums specified for each such class: (a) For school projects [other than those included in subdivisions (b) and (c) of this section] to replace, eliminate, or ameliorate existing school facilities or conditions which, in the determination of the Administrator, are hazardous to the life, safety, or health of school children, $60,000,000 for grants and $11,000,000 for loans; (b) for projects which have been authorized, or for the financing of which bonds or other obligations have been authorized, at elections held prior to April 24, 1937, or for projects for which revenue bonds have been authorized by State legislatures under the law of the State where the project is located; $58,000,000 for grants and $7,000,000 for loans; (c) for projects for which appropriations have been made by the legislatures of the States, $15,000,000 for grants and $2,000,000 for loans; (d) for projects to be financed, except for the grant, by the issuance to contractors of tax or assessment securities at not less than their par value: *Provided*, That an allotment shall not be made for any such project unless the applicant has, in the determination of the Administrator, made or incurred substantial expenditures or obligations in contemplation of receiving an allotment, $5,000,000 for grants; (e) for projects for which funds have been tentatively earmarked by the Administrator but for which formal allotments have not been made, $54,000,000 for grants and $78,000,000 for loans: *Provided*, That the grant for any such project shall not exceed the amount tentatively earmarked as a grant for such project; (f) for miscellaneous projects not included within any of the foregoing groups, $8,000,000 for grants and $2,000,000 for loans: *Provided*, That the grant for any such project may be less than 45 percent of the cost of such project, as determined by the Administrator.

SEC. 206. No new applications for loans or grants for non-Federal projects shall be received or considered by the Administration after the date of enactment of this joint resolution.

SEC. 207. The Administrator is hereby authorized, from funds on hand or to be realized from the sale by the Administrator of securities now held and securities hereafter acquired by him, to make loans which are necessary, in the determination of the Administrator, to protect investments in securities purchased and held by him: *Provided*, That the total amount of such loans shall not exceed the sum of $10,000,000.

Mr. McNARY. Mr. President, let me suggest to the able Senator who has this amendment in charge that we now recess until tomorrow at 12 o'clock. I understand there will be some debate on this proposal.

Mr. HAYDEN. So far as I know, there are only two or three minor amendments to be offered to the committee amendment, and they will be accepted. I can state in a brief time the objects sought to be accomplished by the amendment.

The Senate will remember that a recommendation came to this body from the President to extend the life of the Works Progress Administration for another 2 years. That recommendation is carried out in this amendment.

The first section of title II provides for the continuation of the Public Works Administration until June 30, 1939, and authorizes it to perform its existing functions in connection with projects of States, municipalities, and other public bodies which can be substantially completed by July 1, 1939, instead of July 1, 1938, as now provided by the Emergency Relief Appropriation Act of 1936. It is essential to continue the Public Works Administration, not only to complete projects now under construction but also to enable the Government to aid in financing those projects where a clear moral obligation exists to make the necessary loans and grants.

The second section of title II authorizes the Reconstruction Finance Corporation to make available the amount of money necessary to enable the Public Works Administration to carry out these functions. The Reconstruction Finance Corporation is also released from the provisions of the Emergency Appropriation Act of 1935, which limits to $250,000,000 the amount of securities purchased from the Public Works Administration which the Reconstruction Finance Corporation may hold at any one time. Under the committee amendment, for every dollar turned over from the Reconstruction Finance Corporation to the Public Works Administration at least an equal amount of bonds will be delivered by the Public Works Administration to the Reconstruction Finance Corporation. Similar bonds purchased by the Reconstruction Finance Corporation from the Public Works Administration have already been sold by the Reconstruction Finance Corporation at a profit in excess of $10,000,000.

Section 203 is intended to permit the Administrator of Public Works to use the moneys realized from the sale of securities to the Reconstruction Finance Corporation, and otherwise, to finance projects authorized by this part of the joint resolution. This section removes the limitation of $300,000,000 on the amount of grants which can be made from the revolving fund of the Public Works Administration which was imposed by the Emergency Relief Appropriation Act of 1936 but limits the amount of money which the Administration is authorized to use to $200,000,000 for grants and to $100,000,000 for loans to aid in the financing of any projects for which allotments have been recommended by the examining divisions of the Administration prior to the enactment of this act but for which no grant or loan contracts have been made, provided that such projects are of the kind and character authorized by this joint resolution.

This section also requires that the grant for any of these previously approved projects shall be equal to 45 percent of the cost of the projects, except (1) that the grant for any project for which funds have been tentatively earmarked by the Administration but for which formal allotments have not been made, shall not exceed the amount so earmarked, and (2) that the grant for any miscellaneous projects may be less than 45 percent. In this way, projects may be financed as originally intended on a 45 percent grant basis without regard to Administrative Order No. 197, which now limits the grant to the amount of wages paid to workers taken from relief rolls plus 15 percent of such amount.

The fourth section of title II permits the use from the Public Works Administration revolving fund of the sum of $5,000,000, excluding $10,000,000 authorized by the Independent Offices Administration Act, 1938, for administrative expenses during the fiscal year 1938. The sum of $10,000,000 is made available from funds on hand or to be realized from the sale of securities now held and hereafter acquired for such expenses during the fiscal year 1939.

The Senate will also remember that on the floor of the body at the other end of the Capitol the relief bill, the first part of the measure we are now considering, was earmarked to the extent of $300,000,000 for public-works projects; that is, to take $300,000,000 out of the $1,500,000,000 and assign it to public works. An amendment to that effect was adopted in the Committee of the Whole. Then the majority leader, after consultation with the President, reported to the Members of the other body, on June 1, that all that could be accomplished by handling the matter in that way could just as well be done by using the revolving fund of the Public Works Administration. It was set out in some detail in the other body what various kinds of projects would be undertaken within the limitations of the Public Works revolving fund.

To accomplish that same purpose I offered an amendment which was referred to the Committee on Appropriations. The committee called Colonel Hackett before it and asked him to indicate by classes what would be necessary to carry out the commitments made to the House. What Colonel Hackett has recommended is found in section 205 of the pending amendment.

The total of the loans and grants included in the classes of projects specified by section 205 of title II equals the total loans and grants which the Public Works Administration is authorized to make under that title. The total amount of grants is $200,000,000, and the total amount of loans is $100,000,000.

Class (a) covers those projects involving the construction of school facilities to ameliorate conditions hazardous to the life, safety, or health of school children. As of April 20, 1937, there were projects of this character in every State in the Union except one. The total amount of grant involved is approximately $80,000,000, and the total amount of loan involved is approximately $12,000,000. Since almost $20,000,000 in grants and $1,000,000 in loans for this type of project are included in the amounts set forth in subdivisions (b) and (c) of section 205 it has been possible to fix the maximum limitation on the grants at $60,000,000 and the

maximum limitation on the loans at $11,000,000. The hazards covered are fire, health hazards, including sanitation and ventilation, panic hazards due to overcrowding, and similar perilous conditions.

Class (b) covers those projects for the construction or financing of which elections have been held prior to April 24, 1937. April 24, 1937, is the date of Administrative Order No. 197. As to elections held prior to that date, it was felt that a moral obligation existed. Based upon statistics submitted by Colonel Hackett to the committee, the amount of $58,000,000 has been fixed for grants for such projects and $7,000,000 for loans.

Mr. BULKLEY. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. BULKLEY. May I ask the Senator whether the amount here provided is sufficient to take care of all those obligations where bond elections have been held?

Mr. HAYDEN. Colonel Hackett reported to the committee that it is sufficient, and it is so understood by the committee.

Mr. BULKLEY. That is the intention of the committee?

Mr. HAYDEN. Exactly. The item set out here as presented by the Works Progress Administrator will carry out all of the commitments made in that respect to the House of Representatives.

Class (c) covers those projects for which appropriations have been made by the legislatures of the States. The amount of $15,000,000 has been fixed for grants and the amount of $2,000,000 for loans in this class. The Legislatures of Alaska, Arizona, Connecticut, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Minnesota, Missouri, Montana, North Dakota, New Hampshire, New Jersey, North Carolina, New Mexico, New York, Ohio, Oklahoma, Oregon, Rhode Island, South Dakota, South Carolina, Vermont, Washington, and West Virginia have made appropriations in contemplation of 45-percent grants. The amount included in subdivision (c) may not be sufficient to cover all such projects, but a fair proportion of them will be made possible by the sums thus fixed.

Class (d) covers those projects which cannot be financed by municipalities in many States in the ordinary way by the issuance of bonds on the open market. In some States certain types of public improvements, especially street and sewer improvements, can be financed only by the issuance of warrants or bonds payable from taxes or assessments to the contractors who do the job. In other States, although this is not the only way of financing such improvements, it is the usual way. Unless aid is received from the Public Works Administration by way of grant, as contemplated by these municipalities, it will be practically impossible for these obligations to be discharged. Approved applications in this class have been filed by municipalities in Kansas, Missouri, Oklahoma, Pennsylvania, Washington, Texas, and other States. It should be pointed out that no grant will be made under this subdivision unless the Administrator finds that the community has incurred substantial expenditures in contemplation of receiving such a grant.

Class (e) includes those projects for which funds have been tentatively earmarked but for which allotments have not been made. This category includes a few large projects for which funds have already been earmarked and a few scattered miscellaneous projects. The large projects are as follows:

	Loan	Grant
The General State Authority of Pennsylvania (earmarked for a State-wide institutional-building program)	$45,000,000	$20,000,000
The South Carolina Public Service Authority (also called the Santee-Cooper project, earmarked in addition to the allotment)	14,850,000	16,650,000
The Central Nebraska Public Power and Irrigation District	11,053,000	9,043,000
A slum-clearance and low-rent housing project for the city of Chicago	6,800,000	5,500,000

Class (f) allocates $8,000,000 for grants and $2,000,000 for miscellaneous projects not included within any of the foregoing groups. It was suggested to the committee that those applicants who are willing to receive less than a 45-percent grant and accept a grant in the amount of 115 percent of the wages paid to workers taken from relief rolls, as provided by administrative order 197, should not be discriminated against but funds should be made available so that such applicants could go ahead with their projects. About 25 such projects have been approved by the examining divisions of the Public Works Administration.

The committee did not desire to exceed the amount of $200,000,000 for grants and $100,000,000 for loans provided in section 203, and therefore the amounts in subdivision (f) represent the difference between the total amounts fixed in the other categories and the $300,000,000 loan and grants provided for by that section.

The sixth section of title II provides that no new applications shall be received or considered by the Administrator after the enactment of this act.

The last section of title II authorizes the Administrator to make loans to the extent of $10,000,000 from the funds available to him, whenever such loans are deemed necessary to protect investments held or purchased by him.

Title II offers a practical solution of the problem faced by the Government in fulfilling its moral commitments, and is consistent with the representations that have been made to the House of Representatives. The appropriation for the Works Progress Administration is left intact. The committee amendment does not earmark any of the funds appropriated by title I of the joint resolution, nor does it necessitate any increase in the appropriation of $1,500,000,000, and thus it will not unbalance Treasury estimates of expenditures. At the same time it permits the Public Works Administration to complete that portion of its program of non-Federal public works which appear to be most desirable.

Mr. THOMAS of Oklahoma. Mr. President, I desire to offer an amendment on page 19, at the end of line 20, to add certain language.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. It is proposed, on page 19, line 20, after the numerals "1937", to insert "for projects for which revenue bonds have been authorized by State legislatures under the law of the State where the project is located."

Mr. THOMAS of Oklahoma. Mr. President, in some cases cities have voted bonds to pay the contributions. There are a few cases where the legislatures have authorized authority to issue bonds, and the amendment is to expand the word "election" to include those cases where legislatures have passed measures authorizing authority to issue bonds which has the same effect as if the authority should vote the bonds. That is the only purpose of the amendment.

Mr. HAYDEN. I have conferred with members of the committee, and we are willing to take the amendment to conference.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Oklahoma to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. RUSSELL. Mr. President, on page 19, line 20, I move to strike out "April 24, 1937", and to insert in lieu thereof "the approval of this act."

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. WHEELER. Mr. President, in section 205, on page 20, line 15, I move to strike out the period after the word "Administrator" and to insert a colon and the following:

Provided further, That the amount specified for any of the foregoing classes may be increased by not to exceed 15 percent thereof by transferring an amount or amounts from any other class or classes in order to effectuate the purposes of the title.

I call attention to the fact that this provision is in title 1 of the bill, on page 4, and it should also be in title 2. It merely advises the Department that in the event some of the money is not going to be used in one of the classes, it may be transferred and used in a different class.

I am sure this is entirely agreeable to the Department. I have taken the matter up with the Senator from Arizona, and I think he is willing to accept the amendment.

Mr. HAYDEN. Mr. President, the amendment seeks to provide the same rule with respect to the Public Works Administration as is provided in title I of the joint resolution for the Works Progress Administration, where classes or categories of projects are limited. I see no reason why we should not take the amendment to conference.

Mr. McNARY. Mr. President, if the provision is in title I, I think it should be in title II. I ask the Senator where the language is to be inserted.

Mr. WHEELER. On page 20, line 15, after the word "Administrator."

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. McNARY. Mr. President, does that complete the committee amendments?

The PRESIDENT pro tempore. That completes the committee amendments.

Mr. McNARY. Is it the purpose and desire of the Senator in charge of the joint resolution to proceed further today?

Mr. ADAMS. Mr. President, it just depends on the Senator from Arkansas, and how much there may be ahead of us to intervene between now and the final passage of the joint resolution.

Mr. ROBINSON. Mr. President, I should like to see the joint resolution completed today, if it is practicable to do so. However, I do not think the Senate would be justified in remaining in session a long time for that purpose.

Mr. VANDENBERG. Mr. President, I have been waiting patiently to submit an amendment in the nature of a substitute. I have no illusions as to its fate, but I feel required to extend the philosophy behind it in the RECORD. I think the joint resolution ought to go over until tomorrow. The whole thing can be out of the way in 30 minutes. Of course, I shall proceed tonight if I am required to do so.

Mr. ROBINSON. May I ask whether there are other amendments to be offered?

Mr. McNARY. I understand the Senator from Massachusetts [Mr. LODGE] has an amendment which he desires to present, and that the Senator from New Hampshire [Mr. BRIDGES] wishes to offer an amendment.

Mr. ROBINSON. I understand there are a number of Senators on this side, including the Senator from Mississippi [Mr. BILBO], the Senator from Kentucky [Mr. BARKLEY], and perhaps some other Senator who would like to offer amendments. That being so, I think perhaps the joint resolution may just as well go over until tomorrow.

Mr. BARKLEY. The amendment I have in mind will take only a moment, because I understand it will not be objected to by the Senator having the measure in charge.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations (and withdrawing a nomination), which were referred to the appropriate committees.

(For nominations this day received and nomination withdrawn, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The PRESIDENT pro tempore. As chairman of the Committee on Foreign Relations, the Chair reports back favorably from that committee the following nominations:

George Gregg Fuller, of California, to be a Foreign Service officer of class 5, a consul, and a secretary in the Diplomatic Service of the United States of America; and

John W. Bailey, Jr., of Texas, to be a Foreign Service officer of class 5, a consul, and a secretary in the Diplomatic Service of the United States of America.

Mr. DIETERICH, from the Committee on the Judiciary, reported favorably the nomination of T. Hoyt Davis, of Georgia, to be United States attorney for the middle district of Georgia.

Mr. LOGAN, from the Committee on the Judiciary, reported favorably the following nominations:

Edward B. Doyle, of Georgia, to be United States marshal for the middle district of Georgia, and Carl C. Donaugh, of Oregon, to be United States attorney for the district of Oregon.

Mr. VAN NUYS, from the Committee on the Judiciary, reported favorably the following nominations:

James E. Fleming, of Indiana, to be United States attorney for the northern district of Indiana;

Val Nolan, of Indiana, to be United States attorney for the southern district of Indiana; and

Al W. Hosinski, of Indiana, to be United States marshal for the northern district of Indiana.

Mr. BURKE, from the Committee on the Judiciary, reported favorably the following nominations:

Frank LeBlond Kloeb, of Ohio, to be United States district judge for the northern district of Ohio, vice George P. Hahn, deceased; and

Jim C. Smith, of Alabama, to be United States attorney for the northern district of Alabama.

Mr. McGILL, from the Committee on the Judiciary, reported favorably the nomination of Earl Hoffman, of Florida, to be United States attorney for the northern district of Florida.

Mr. AUSTIN, from the Committee on the Judiciary, reported favorably the nomination of James A. Bough, of the Virgin Islands, to be United States attorney of the Virgin Islands, to fill an existing vacancy.

Mr. WHEELER, from the Committee on Interstate Commerce, reported favorably the nomination of John W. Scott, of Indiana, to be a member of the Federal Power Commission for the term expiring June 22, 1942, vice Herbert J. Drane.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDENT pro tempore. The reports will be placed on the Executive Calendar.

JOSEPH A. M'NAMARA

Mr. AUSTIN. Mr. President, from the Committee on the Judiciary I report favorably the nomination of Hon. Joseph A. McNamara, of Vermont, to be United States attorney for the district of Vermont; and I ask unanimous consent for the immediate consideration of the nomination.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The question is, Will the Senate advise and consent to the nomination?

The nomination was confirmed.

Mr. AUSTIN. I also ask that the President be notified.

The PRESIDENT pro tempore. Without objection, the President will be notified.

GUY M'NAMARA

Mr. CONNALLY. Mr. President, from the Committee on the Judiciary I report favorably the nomination of Guy McNamara, of Texas, to be United States marshal for the western district of Texas. I ask unanimous consent for the immediate consideration of the nomination.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The question is, Will the Senate advise and consent to the nomination?

The nomination was confirmed.

Mr. CONNALLY. I ask that the President be notified.

The PRESIDENT pro tempore. Without objection, the President will be notified.

If there be no further reports of committees, the clerk will state in order the nominations on the Executive Calendar.

WAR DEPARTMENT

The legislative clerk read the nomination of Louis A. Johnson, of West Virginia, to be Assistant Secretary of War.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

VIRGIN ISLANDS

The legislative clerk read the nomination of Lawrence W. Cramer, of New York, to be Governor of the Virgin Islands.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. ROBINSON. I ask that the nominations in the Army be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the Army nominations are confirmed en bloc.

IN THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

Mr. WALSH. I ask that the nominations in the Navy be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations in the Navy are confirmed en bloc.

RECESS

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, June 22, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 21 (legislative day of June 15), 1937

DIPLOMATIC AND FOREIGN SERVICE

The following-named persons for appointment as Foreign Service officers, unclassified, vice consuls of career, and secretaries in the Diplomatic Service of the United States of America:

W. Stratton Anderson, Jr., of Illinois.
William Barnes, 3d, of Massachusetts.
Aaron S. Brown, of Michigan.
Harlan B. Clark, of Ohio.
William E. Cole, Jr., of New York.
J. Dixon Edwards, of Oregon.
Herbert P. Fales, of California.
Jule L. Goetzmann, of Illinois.
Edmund A. Gullion, of Kentucky.
Kingsley W. Hamilton, of Ohio.
Fred Harvey Harrington, of New York.
Francis C. Jordan, of North Carolina.
G. Wallace LaRue, of Missouri.
Perry Laukhuff, of Ohio.
Gordan H. Mattison, of Ohio.
Roy M. Melbourne, of Virginia.
John F. Melby, of Illinois.
Herbert V. Olds, of Massachusetts.
Elim O'Shaughnessy, of New York.
Paul Paddock, of Iowa.
Henry V. Poor, of New York.
G. Frederick Reinhardt, of California.
Milton C. Rewinkel, of Minnesota.
Walter Smith, of Illinois.
Charles W. Thayer, of Pennsylvania.
Ray L. Thurston, of Wisconsin.
Evan M. Wilson, of Pennsylvania.
Glen W. Bruner, of Colorado.

UNITED STATES ATTORNEYS

Thomas J. Morrissey, of Colorado, to be United States attorney for the district of Colorado. (Mr. Morrissey is now serving in this office under an appointment which expired June 13, 1937.)

William A. Holzheimer, of Alaska, to be United States attorney, division no. 1, District of Alaska. (Mr. Holzheimer is now serving in this office under an appointment which expired June 13, 1937.)

CONFIRMATIONS

Executive nominations confirmed by the Senate June 21 (legislative day of June 15), 1937

ASSISTANT SECRETARY OF WAR

Louis A. Johnson to be Assistant Secretary of War.

UNITED STATES ATTORNEY

Joseph A. McNamara to be United States attorney for the district of Vermont.

UNITED STATES MARSHAL

Guy McNamara to be United States marshal for the western district of Texas.

GOVERNOR OF VIRGIN ISLANDS

Lawrence W. Cramer to be Governor of the Virgin Islands.

PROMOTIONS IN THE REGULAR ARMY

MEDICAL CORPS

Ralph Hayward Simmons to be lieutenant colonel.
Henry Edgar Keely to be lieutenant colonel.
John Pierce Beeson to be lieutenant colonel.

APPOINTMENT IN THE REGULAR ARMY

MEDICAL CORPS

Frank Rodney Drake to be first lieutenant.
Joseph Wallace Batch to be first lieutenant.

CHAPLAIN

Ralph Warren D. Brown to be chaplain.

PROMOTIONS IN THE NAVY

TO BE REAR ADMIRAL

Andrew C. Pickens

TO BE CAPTAINS

Frank T. Leighton
Alva D. Bernhard
Alan G. Kirk
Francis W. Scanland

TO BE COMMANDERS

Fred W. Connor
John E. Ostrander, Jr.
Houston L. Maples
Colin Campbell
Albert G. Noble
Ingolf N. Kiland
Donald B. Duncan
Andrew G. Shepard
Simon P. Fullinwider, Jr.
Nicholas Vytlacil
Robert G. Tobin

TO BE LIEUTENANT COMMANDER

Ralston B. Vansant
LaRue C. Lawbaugh
Theodore G. Haff
Elmer D. Snare
Edwin C. Bain
John G. Winn
Burton G. Lake
Atherton Macondray, Jr.
Timothy F. Wellings
James C. Pollock
George M. Brooke
William R. Cooke, Jr.
Lawrence C. Grannis
Howard N. Coulter
George G. Herring, Jr.
Elmer P. Abernethy
John E. Rezner
Ward C. Gilbert
Thomas M. Dell, Jr.
Apollo Soucek
Logan McKee
Willard R. Gaines
Edmund C. Mahoney
Goeffrey E. Sage

TO BE LIEUTENANTS

Roger M. Daisley	Corben C. Shute
Jesse J. Underhill	Thomas P. Wilson
Robert W. Wood	Francis R. Duborg
Donald A. Lovelace	William H. McClure
Weldon L. Hamilton	George W. Ashford
Lex L. Black	Lamar P. Carver
Phillip G. Stokes	John A. Collett
John A. Scott	William W. White
Knight Pryor	John R. Yoho

TO BE LIEUTENANTS (JUNIOR GRADE)

Edward W. Abbot	Juan B. Pesante
Porter F. Bedell	Charles B. Paine, Jr.
William H. Sublette	Richard D. Shepard
Robert C. H. Hird	James E. Smith
Edward R. Nelson, Jr.	William A. Smyth
George P. Koch	Clarence E. Dickinson, Jr.
Garrett S. Coleman	Lyle E. Strickler
Poyntell C. Staley, Jr.	Albert L. Gebelin
Frank S. Fernald	Douglas M. Swift
Isthmian L. Powell	John W. Florence
Howard F. Kuehl	Martin H. Ray, Jr.
John M. Stuart	Irving S. Presler
Bernard A. Smith	Hugh Q. Murray
Edward J. Fahy	Robert W. Leeman
James E. Halligan, Jr.	William T. Kinsella
John V. Smith	Harold E. Cole
George H. Browne	Frederick A. Gunn
Lester R. Schulz	George H. Wigfall
Donald A. Scherer	Edward H. Worthington
Reuben T. Whitaker	

TO BE MEDICAL DIRECTORS

Joseph R. Phelps	Frank H. Haigler

TO BE MEDICAL INSPECTOR

Charles P. Archambeault

TO BE PASSED ASSISTANT SURGEONS

Frederick R. Lang	Giffin C. Daughtridge
Elbert F. Penry	Howard L. Puckett
Willard M. Gobbell	Clarence F. Morrison
Robert A. Bell	Lawrence E. Bach
John J. Wells	Thomas L. Willmon
George B. Ribble, Jr.	Marcy Shupp
Edward F. Kline	Frank A. Latham
Fitz-John Weddell, Jr.	Powell W. Griffith
Ralph D. Handen	Morris M. Rubin
Ernest M. Wade	Louis M. Harris

TO BE PASSED ASSISTANT PAYMASTER

Elmer A. Chatham

TO BE NAVAL CONSTRUCTORS

Theodore L. Schumacher
Homer N. Wallin

POSTMASTERS

FLORIDA

Mamie M. Carnell, Ormond.

MONTANA

Amy P. Bartley, Fort Benton.

NEW YORK

John H. Otten, Blauvelt.

WITHDRAWAL

Executive nomination withdrawn from the Senate June 21 (legislative day of June 15), 1937

POSTMASTER

CONNECTICUT

William Liberty to be postmaster at Voluntown, in the State of Connecticut.

HOUSE OF REPRESENTATIVES

MONDAY, JUNE 21, 1937

The House met at 12 o'clock noon.

Rev. C. E. Hawthorne, pastor of the Wallace Memorial United Presbyterian Church, Washington, D. C., offered the following prayer:

O God, our help in ages past, our hope for years to come, we bow reverently and humbly before Thee, and would offer our prayer in the confident faith that Thou art able to do exceeding abundantly above all that we ask or think. As we look back over the years our hearts are filled with gratitude and praise, for Thou hast blessed our Nation, Thou hast guided through the hard places, Thou hast reached toward us Thy hand of blessing. By the grace of God we are what we are, and we thank Thee. But past blessings do not suffice. The challenge of the present hour confronts us. And we come seeking for this day Thy continued guidance and blessing. Guide these Thy servants, the Members of Congress, in the deliberations of this day. Grant them Thy wisdom and the guiding strength of Thy hand. O God, bless our Nation. Our hearts are troubled as we see strife and bitterness among our people. Have mercy upon us; and in the solution of these problems may we seek the will of our God and become obedient to it. Hear our prayer this day and answer us, for we come in the name of Jesus Christ, our Lord. Amen.

The Journal of the proceedings of Friday, June 18, 1937, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 18. Concurrent resolution to authorize and direct the Clerk of the House, in the enrollment of the Independent Offices Appropriation Act, 1938 (H. R. 4064), to make a change in the text of the appropriation for pensions under the Veterans' Administration.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 10. Concurrent resolution accepting the statue of Gen. William Henry Harrison Beadle, to be placed in Statuary Hall.

DELIVERY OF THE MAILS

Mr. COX. Mr. Speaker, I ask unanimous consent to proceed for 4 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COX. Mr. Speaker, the most scandalous exhibition of cowardice I have ever witnessed is that now displayed by the Government as regards delivery of the mails. Time sufficient for further consideration and reversal of position has elapsed. It appears nothing will be done. The power of the Government has been set at naught. It has surrendered to a handful of lawless people and stands before the country a discredited thing.

So long as this lawless, revolutionary movement does not obstruct the normal functions of instrumentalities of the Federal Government it may properly be considered as a local question and dealt with by the States affected; but when it stops the delivery of the mails and dams up the channels of interstate commerce it becomes national in character and should be dealt with by the National Government.

It is no concern of ours, Mr. Speaker, that a partnership between politics and the C. I. O. should exist in the strike-ridden States, but it becomes a matter of our deepest concern when effort is made to broaden this partnership to include the Federal Government or should reach the point

of denying to the people in the States affected a democratic form of government.

It is my belief that if the existing police force is inadequate to cope with the situation, every soldier of the Republic should be summonsed to be used as civil instruments to enforce Federal power and uphold the majesty of the law. This lawlessness of the C. I. O. and its affiliates and this shameful cringing of government to them is not only wrecking the great labor movement, as guided by the A. F. of L., but, unchallenged and unchecked, will wreck the Government as well.

Mr. Speaker, I am fully aware of the fact that the urge is to turn away from orderly government as practiced for more than a hundred and fifty years, and that to speak up for liberty is to invite ridicule; but there are those who still love liberty and want government by law. It is to give voice to their fears and indignation that I speak.

There is still time sufficient to stop the play of this tragedy of tragedies, this wrecking of the Government of the United States. Shall we sit here like huddled, terror-stricken cattle and see the country swept into a state of anarchy, or shall we, like brave soldiers, bare our bosoms and meet the attack on every hand?

The hour for action has struck. The crisis is on. So let us, according to our understanding and ability, be up and doing. Let us see that our Government is worthy of the support which law-abiding and God-fearing people give it. [Applause.]

[Here the gavel fell.]

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mrs. NORTON. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have permission to sit during the sessions of the House today and tomorrow.

The SPEAKER. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

SALARY OF DEPUTY UNITED STATES MARSHALS

The Clerk called the first bill on the Consent Calendar, H. R. 6453, to increase the minimum salary of deputy United States marshals to $2,000 per annum.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That effective beginning July 1, 1937, the compensation of deputy United States marshals who are paid on a salary basis, other than those whose principal duties are of a clerical nature, shall be at the rate of not less than $2,000 per annum.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REVISION OF AIR-MAIL LAWS

The Clerk called the next bill, H. R. 4732, to revise the air-mail laws.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PREFERRED EMPLOYMENT OF AMERICAN CITIZENS BY THE GOVERNMENT

The Clerk called the next bill, H. R. 3423, to provide for the preferred employment of American citizens by the Government of the United States.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. COCHRAN. Mr. Speaker, I reserve the right to object to the gentleman's request.

Just for the purpose of information, will the gentleman tell us what the objection is, so that we may be able to come to some agreement on this bill?

Mr. WOLCOTT. I think perhaps eventually we may come to some agreement on it, but I understand there is a minority report on the bill, and I do not see the signers of the minority report on the floor. I am merely protecting the signers of the minority report in asking that the bill be passed over without prejudice.

Mr. COCHRAN. All right.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

HARRY W. BLAIR

The Clerk called the next bill, H. R. 4740, limiting the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States with respect to counsel in certain cases.

Mr. SNELL, Mr. WOLCOTT, and Mr. MICHENER objected.

FEDERAL SUBSISTENCE HOMESTEADS CORPORATIONS

The Clerk called the next bill, H. R. 3058, for the relief of former employees of the Federal Subsistence Homesteads Corporations.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I wonder if there is some one here who can give us some information about what is involved in this bill. I would like very much to be advised, and I am sure the House is interested in discovering what these corporations are, the stock of which is owned by the Subsistence Homesteads Corporation.

Mr. Speaker, I ask unanimous consent that this bill may go to the end of the calendar.

The SPEAKER. Does the gentleman intend by his request that the bill shall again be called today?

Mr. WOLCOTT. Yes.

The SPEAKER. The gentleman from Michigan asks unanimous consent that this bill may go to the foot of the call of today's calendar. Is there objection?

There was no objection.

INDIAN CLAIMS COMMISSION

The Clerk called the next bill, S. 1902, to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes.

Mr. COCHRAN. Mr. Speaker, reserving the right to object, this is a very important bill. It has to do with the creation of an Indian Claims Commission, and under the terms of the bill all the cases now pending in the Court of Claims can be transferred to this proposed commission.

The Committee on Indian Affairs has the call on Wednesday next, and I believe this to be too important a matter to be taken up at this time, and therefore I shall object. If the committee wants the bill considered, it can call up the measure Wednesday.

Mr. ROGERS of Oklahoma. Mr. Speaker, will the gentleman withhold his objection a moment and yield to me?

Mr. COCHRAN. I will.

Mr. ROGERS of Oklahoma. Does the gentleman realize that this is an administration measure?

Mr. COCHRAN. It does not make any difference to me whether this is an administration measure or not. I am aware the Commissioner of Indian Affairs wants this bill, and through his influence a favorable report came from the Department of the Interior, but I will say if this bill is called up Wednesday I am prepared to show just what it is going to cost the Government if it should pass. I cannot conceive the House will put its stamp of approval on such a bill if the facts are in possession of the Members. You can disregard millions and think of billions if the Indian claims ever gets in the hands of this commission and the right to offset the claims by the Government is denied. I repeat, disregard millions but think of billions in judgments.

Mr. Speaker, Friday I placed in the RECORD a statement about Indian claims. On June 1 the Court of Claims decided a suit based on a bill that was favorably reported by the Department of the Interior that will cost the people of this country over $4,000,000. Three days ago another case was decided by the Court of Claims, the claim of the Klamath Indians, and this after the Court of Claims and the Supreme Court had denied that there was any obligation on the part of the Government. The decision which was rendered the other day resulted from a change in the jurisdictional act. This change was made by this Congress after two courts had spoken. I was sick in bed at the time or the bill would never have passed. While I do not know the exact amount of money involved, it is going to cost the taxpayers of this country several million dollars, and I may say to the gentleman that his committee reported the bill that changed the jurisdictional act in the last Congress which enabled the Indians to obtain this judgment. The decision will probably be published by the Court of Claims today. It has already been handed down.

You have any number of bills pending asking that Congress change the jurisdictional acts. The gentleman from Montana [Mr. O'CONNOR] asked that we change a jurisdictional act in, I think, the Crow case, and he argued that you did so for the Klamaths, why not in this case. Well, I say to the gentleman that if I had been here the Klamath's bill would not have passed, at least under the unanimous-consent rule. The day is not far distant when Members of Congress are going to pay more attention to these bills. I do not blame the Representatives of the Indians, as the Indians are their constituents, but it is for the lawyers that most of the bills are passed. The Indians sign up and the lawyers have a binding agreement.

What was the contention in the Klamath case? The lawyers contended that the amount paid the Indians for land was not in keeping with the value at the time. Then 50 or 75 years after they come in and want the Government to raise the price of the land and make up the difference. Why not bring in a bill to reimburse the great-great-grandchildren of the original owners of the land the Capitol now stands on, saying that the price paid the original owner was below the real value. It would be just as meritorious as this Indian claim was. Mr. Speaker, I decline to withdraw my objection.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COCHRAN, Mr. WOLCOTT, and Mr. RICH objected.

COINAGE OF 50-CENT PIECES IN COMMEMORATION OF THE BATTLE OF ANTIETAM

The Clerk called the next bill, S. 102, to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the Battle of Antietam.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, there are three coinage bills on the calendar. I understand that the Committee on Coinage, Weights, and Measures has definitely decided that these are the only three bills that are going to be reported out and considered at this session of Congress. I would like to inquire of some member of the committee whether my understanding in this respect is correct or not.

Mr. RICH. Mr. Speaker, will the gentleman yield for a question?

Mr. WOLCOTT. Yes.

Mr. RICH. Last week we had two bills on the calendar and the same statement was made. I notice now there are three similar bills on the calendar.

Mr. WOLCOTT. No; I understand that at that time the Committee was considering and had agreed to report out the California bridge bill, which is now on the calendar.

Mr. COCHRAN. In the absence of the chairman of the committee and as ranking member, I will say to the gentleman that bill has been reported out by the committee and is on the calendar and can be considered today.

Mr. WOLCOTT. Is the gentleman from Missouri in position to assure us that these three bills are the only measures of this nature which the committee expects to report out at this session of Congress?

Mr. COCHRAN. I cannot speak for the committee, but I can speak for myself as ranking member of the committee, and so far as I am concerned, these are the only bills of this kind that will be reported out. I will further say that in the very near future I propose to address the House on this subject and I am sure I will then present to the House an argument that will prevent the passage of such measures for all time. I have the facts, will assemble them, and I propose to show what a graft the issuance of commemorative half dollars has been. We offer some protection by amendments to these bills.

The reason it was agreed to report the three bills on the calendar today was that in the last session the Maryland and Virginia bills both passed the House, one passed the Senate, but a slight amendment kept it from being sent to the White House. A promise was made then, as I understand it, that the two bills would be passed at this session and the committees in charge of the celebrations went along with preparation for the events. Had this not been presented to the committee in this way I would have opposed these bills. The third bill, the San Francisco Bridge commemorative coin bill, passed in the closing days of the session. There were two bridges, but the bill as drawn provided for 200,000 coins for one bridge. When an effort was made to amend it, we were advised it was too late. The officials in charge of one celebration agreed to issue only 100,000 coins and kept the promise. Now, this bill provides that the other 100,000 can be issued to commemorate the construction of the second bridge. In view of the understanding in the last session I offered no objection to the favorable report on this bill, but knowing the situation as I do I cannot retain my self-respect and agree to the passage of any additional commemorative coin bills. I can tell the House now I will show the coins are not issued so much to commemorate an event as they are to make money to pay expenses of the celebrations.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in commemoration of the seventy-fifth anniversary of the Battle of Antietam there shall be coined at a mint of the United States to be designated by the Director of the Mint not to exceed 50,000 silver 50-cent pieces of standard size, weight, and composition and of a special appropriate single design to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, but the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

SEC. 2. The coins herein authorized shall bear the date 1937, irrespective of the year in which they are minted or issued, shall be legal tender in any payment to the amount of their face value, and shall be issued only upon the request of the Washington County Historical Society of Hagerstown, Md., upon payment by it of the par value of such coins, but not less than 25,000 such coins shall be issued to it at any one time and no such coins shall be issued after the expiration of 1 year after the date of enactment of this act. Such coins may be disposed of at par or at a premium by such Washington County Historical Society of Hagerstown, Md., and the net proceeds shall be used by it in defraying the expenses incidental and appropriate to the commemoration of such event.

SEC. 3. All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material, and for the transportation, distribution, and redemption of coins, for the prevention of debasement or counterfeiting, for the security of the coins, or for any other purposes, whether such laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized.

With the following committee amendments:

Page 1, line 4, strike out "a" and insert "one", and after the word "mint", insert the word "only."

On page 2, line 14, after the word "Maryland", insert "subject to the approval of the Director of the Mint."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TWO HUNDREDTH ANNIVERSARY, NORFOLK, VA.

The Clerk called the bill (S. 4) to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the original Norfolk (Va.) land grant and the two hundredth anniversary of the establishment of the city of Norfolk, Va., as a borough.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in commemoration of the three hundredth anniversary of the original Norfolk (Va.) land grant and the two hundredth anniversary of the establishment of the city of Norfolk, Va., as a borough there shall be coined at a mint of the United States to be designated by the Director of the Mint not to exceed 20,000 silver 50-cent pieces of standard size, weight, and composition and of a special appropriate design to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, but the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

SEC. 2. The coins herein authorized shall bear the date 1936, irrespective of the year in which they are minted or issued, shall be legal tender in any payment to the amount of their face value, and shall be issued only upon the request of the Norfolk Advertising Board, Inc., affiliated with the Norfolk Association of Commerce, upon payment by it of the par value of such coins, but not less than 5,000 such coins shall be issued to it at any one time and no such coins shall be issued after the expiration of 1 year after the date of enactment of this act. Such coins may be disposed of at par or at a premium by such association, and the net proceeds shall be used by it in defraying the expenses incidental and appropriate to the commemoration of such event.

SEC. 3. All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same; regulating and guarding the process of coinage; providing for the purchase of material and for the transportation, distribution, and redemption of coins; for the prevention of debasement or counterfeiting; for the security of the coins, or for any other purposes, whether such laws are penal or otherwise shall, so far as applicable, apply to the coinage herein authorized.

With the following committee amendments:

Page 1, line 6, strike out the article "a" and insert "one", and after the word "mint", in line 7, insert the word "only."

Page 1, line 8, strike out the word "twenty" and insert "twenty-five."

Page 2, line 1, after the word "appropriate", insert the word "single."

Page 2, line 12, strike out the word "five" and insert "twenty-five."

Page 2, line 17, after the word "association", insert "subject to the approval of the Director of the Mint."

The committee amendments were agreed to; and the bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

UNITED STATES CONSTITUTION SESQUICENTENNIAL COMMISSION

The Clerk called House Joint Resolution 363, to authorize an additional appropriation to further the work of the United States Constitution Sesquicentennial Commission.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I reserve the right to object. By the adoption of this joint resolution we declare whether we want the United States Constitution Sesquicentennial Commission to continue throughout this year. The bill originally provided for an appropriation of $350,000, but in accordance with our desire to keep our appropriations within the fiscal years, that was cut $200,000, and this joint resolution undertakes to appropriate the remaining $150,000, which was in the original bill last year. This is the year commemorating the sesquicentennial of the adoption of the Constitution. For that reason personally I have no objection to the bill, but I think the House should understand that this bill means the continuation of this Sesquicentennial Commission.

Mr. SNELL. Does not the gentleman from Michigan think that we have spent a reasonable amount on this celebration up to the present time?

Mr. WOLCOTT. It seems to me that $200,000 should have been all that is necessary. We have to stop this somewhere.

Mr. SNELL. I agree with the gentleman that we have to stop it somewhere, and I am one who will endeavor to stop it right now. I am willing to take the responsibility to be one of three to object to any further expenditure along that line, although I think they have done good work heretofore. With the present condition of the Treasury, every man on the Democratic side ought to object.

Mr. BLOOM. Mr. Speaker, will the gentleman yield?

The SPEAKER. Is there objection?

Mr. SNELL, Mr. RUTHERFORD, and Mr. CRAWFORD objected.

JEFFERSON DAVIS NATIONAL HIGHWAY

The Clerk called the bill (S. 1468) authorizing the erection in the District of Columbia of a suitable terminal marker for the Jefferson Davis National Highway.

Mr. WOLCOTT, Mr. RICH, and Mr. WADSWORTH objected.

BRIDGE ACROSS MISSOURI RIVER, POPLAR, MONT.

The Clerk called the bill (H. R. 6496) granting the consent of Congress to the State of Montana, or the counties of Roosevelt, Richland, and McCone, singly or jointly, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Consent of Congress is hereby granted to the State of Montana, the counties of Roosevelt, Richland, and McCone thereof, or any of them, to construct, maintain, and operate a free highway bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Poplar, Mont., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

DIKE IN MISSOURI RIVER, PIERRE, S. DAK.

The Clerk called the bill (H. R. 6693) to legalize a dike in the Missouri River, 6$^{9}/_{10}$ miles downstream from the South Dakota State highway bridge at Pierre, S. Dak.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the dike constructed from the left bank of the Missouri River to Farm Island, mile 1167.1 above the mouth, or 6$^{9}/_{10}$ miles downstream from the South Dakota State highway bridge at Pierre, S. Dak., by the South Dakota State Highway Commission, be, and the same is hereby, legalized to the same extent and with like effect as to all existing or future laws and regulations of the United States as if it had been constructed in accordance with the approved plans: *Provided*, That any changes in said dike which the Secretary of War may deem necessary and order in the interest of navigation shall be promptly made by the owner thereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

BRIDGE ACROSS WABASH RIVER, LOCKPORT, IND.

The Clerk called the bill (H. R. 6636) granting the consent of Congress to the county of Carroll, in the State of Indiana, to construct, maintain, and operate a free highway bridge across the Wabash River at or near Lockport, Ind.

The SPEAKER. Is there objection?

Mr. HILL of Oklahoma. Mr. Speaker, I object.

BRIDGE ACROSS MERRIMACK RIVER, MASS.

The Clerk called the bill H. R. 6920, granting the consent of Congress to the Commonwealth of Massachusetts, Middlesex County, and the city of Lowell, Mass., or any two of them, or any one of them, to construct, maintain, and operate a free highway bridge across the Merrimack River at Lowell.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Commonwealth of Massachusetts, Middlesex County and the city of Lowell, Mass., or any two of them, or any one of them, to construct, maintain, and operate a free highway bridge and approaches thereto across the Merrimack River, at a point suitable to the interests of navigation, at or near Lowell, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

JURISDICTION OF UNITED STATES COMMISSIONERS TO TRY PETTY OFFENDERS

The Clerk called the bill (H. R. 4011) to confer jurisdiction upon certain United States commissioners to try petty offenses committed on Federal reservations.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That any United States commissioner specially designated for that purpose by the court by which he was appointed shall have jurisdiction to try and, if found guilty, to sentence persons charged with petty offenses against the law, or rules and regulations made in pursuance of law, committed in any place over which the Congress has exclusive power to legislate and within the judicial district for which such commissioner was appointed. The probation laws shall be applicable to persons so tried before United States commissioners. For the purposes of this act, the term "petty offense" shall be defined as in section 335 of the Criminal Code (U. S. C., title 18, sec. 541). If any person charged with such petty offense shall so elect, however, he shall be tried in the district court of the United States which has jurisdiction over the offense.

SEC. 2. In all cases of conviction by United States commissioners an appeal shall lie from the judgment of the commissioner to the district court of the United States for the district in which the offense was committed. The Supreme Court shall prescribe rules of procedure and practice for the trial of cases before commissioners and for taking and hearing of appeals to the said district courts of the United States.

SEC. 3. United States commissioners specially designated under authority of section 1 of this act shall receive for services rendered under this act the same fees, and none other, as provided for like or similar services in other cases under section 21 of the act of May 28, 1896 (29 Stat. 184; U. S. C., title 28, sec. 597).

SEC. 4. This act shall not be construed as in any way repealing or limiting the existing jurisdiction, power, or authority of United States commissioners, including United States commissioners appointed for the several national parks and United States commissioners in Alaska.

With the following committee amendments:

Page 2, line 7, after the period, insert:

"The commissioner before whom the defendant is arraigned shall apprise the defendant of his right to make such election and shall not proceed to try the case unless the defendant, after being so apprised, signs a written consent to be tried before the commissioner."

Page 3, at the end of the bill, insert a new section, as follows:

"SEC. 5. The provisions of this act shall not apply to the District of Columbia."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT TO BANKRUPTCY ACT

The Clerk called the bill (H. R. 4343) to amend section 77B of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That subdivision (c) of section 77B of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended (U. S. C., 1934 ed., title 11, sec. 207 (c)), is amended by inserting after clause (3) thereof the following: "(3½) may, for cause shown, and in accordance with such rules as to notice and hearing as the Supreme Court may prescribe, authorize the debtor, or the trustee or trustees, if appointed, to lease or sell, upon such terms and conditions as may be approved by the judge, any property of the debtor, whether real or personal."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

INTERNATIONAL CONGRESS OF ARCHITECTS

The Clerk called Senate Joint Resolution 111, to provide that the United States extend to foreign governments invitations to participate in the International Congress of Architects, to be held in the United States during the calendar year 1939, and to authorize an appropriation to assist in meeting the expenses of the session.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That the President be, and is hereby, authorized and requested to invite foreign governments to participate in the International Congress of Architects to be held in the United States during the calendar year 1939.

SEC. 2. That the sum of $20,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for the expenses of organizing and holding the Fifteenth International Congress of Architects, including personal services in the District of Columbia and elsewhere without regard to the Classification Act of 1923, as amended, communication services, stenographic, and other services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); travel expenses, local transportation, hire of motor-propelled passenger-carrying vehicles, rent in the District of Columbia and elsewhere, printing and binding, entertainment, official cards, purchase of newspapers and periodicals, necessary books and documents, stationery, membership badges, and such other expenses as may be actually and necessarily incurred by the Government of the United States by reason of observance of appropriate courtesies in connection therewith, and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments have been made for any purposes herein specified, for the fiscal year 1939.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

The Clerk called the next bill, H. R. 6762, to amend the act known as the Perishable Agricultural Commodities Act, 1930, approved June 10, 1930, as amended.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. BUCK. Mr. Speaker, reserving the right to object, is the gentleman referring to Calendar No. 283?

Mr. WOLCOTT. Yes. I am making this request for this purpose. It is a long bill and a very complicated bill, and I think should be given consideration.

Mr. BUCK. I thought I had discussed this matter with the gentleman and that there was no possible objection to the bill. It has a unanimous report from both sides of the House in the committee.

Mr. WOLCOTT. May I clear up in my own mind——

Mr. BUCK. Certainly. I will be glad to answer any question about it, but the bill is one which deals with a subject that has been approved by the Department of Agriculture and has met with the approval of the committee.

Mr. WOLCOTT. Mr. Speaker, I think the gentleman is right. I have the wrong bill in mind. I withdraw my request.

The SPEAKER. The gentleman from Michigan withdraws his request that the bill be passed over without prejudice.

Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That paragraph 6 of section 1 of the Perishable Agricultural Commodities Act, 1930, as amended, is hereby amended to read as follows:

"(6) The term 'dealer' means any person engaged in the business of buying or selling in carloads any perishable agricultural commodity in interstate or foreign commerce, except that (A) no producer shall be considered as a 'dealer' in respect of sales of any such commodity of his own raising; (B) no person buying any such commodity solely for sale at retail shall be considered as a 'dealer' in respect of any such commodity in any calendar year until his purchases of such commodity in carloads in such year are in excess of 20; and (C) no person buying any such commodity for canning and/or processing within the State where grown shall be considered a 'dealer' whether or not the canned or processed product is to be shipped in interstate or foreign commerce, unless such product is frozen or packed in ice within the meaning of paragraph 4 of this section. Any person not considered as a 'dealer' under clauses (A), (B), and (C) may elect to secure a license under the provisions of section 3, and in such case and while the license is in effect such person shall be considered as a 'dealer'. As used in this paragraph, the term 'in carloads' includes wholesale or jobbing quantities as defined for any such commodity by the Secretary;".

SEC. 2. That subsection 5 of section 2 of the Perishable Agricultural Commodities Act, 1930, as amended, is hereby amended to read as follows:

"(5) For any commission merchant, dealer, or broker, to misrepresent by word, act, mark, stencil, label, statement, or deed the character, kind, grade, quality, condition, degree of maturity, or State or country of origin of any perishable agricultural commodity received, shipped, sold, or offered to be sold in interstate or foreign commerce."

SEC. 3. That subsection 6 of section 2 of the Perishable Agricultural Commodities Act, 1930, as amended, is hereby amended to read as follows:

"(6) For any commission merchant, dealer, or broker, for a fraudulent purpose, to remove, alter, or tamper with any card, stencil, stamp, tag, or other notice placed upon any container or railroad car containing any perishable agricultural commodity, if such card, stencil, stamp, tag, or other notice contains a certificate or statement under authority of any Federal or State inspector or in compliance with any Federal or State law or regulation as to the grade or quality of the commodity contained in such container or railroad car or the State or country in which such commodity was produced."

SEC. 4. That section 2 of the Perishable Agricultural Commodities Act, 1930, as amended, is hereby amended by adding a new subsection, no. 7, and reading as follows:

"(7) For any commission merchant, dealer, or broker, without the consent of an inspector, to make, cause, or permit to be made any change by way of substitution or otherwise in the contents of a load or lot of any perishable agricultural commodity after it has been officially inspected for grading and certification, but this shall not prohibit re-sorting and discarding inferior produce."

SEC. 5. That section 3 (a) of the Perishable Agricultural Commodities Act, 1930, as amended, is amended by adding thereto the following:

"Any person violating this provision may, upon a showing satisfactory to the Secretary of Agriculture, or his authorized representative, that such violation was not willful but was due to inadvertence, be permitted by the Secretary, or such representative, to settle his liability in the matter by the payment of the fees due for the period covered by such violation and an additional sum, not in excess of $25, to be fixed by the Secretary of Agriculture or his authorized representative. Such payment shall be deposited in the Treasury of the United States in the same manner as regular license fees."

SEC. 6. That section 4 of the Perishable Agricultural Commodities Act, 1930, as amended, is hereby amended to read as follows:

"(a) Whenever an applicant has paid the prescribed fee the Secretary, except as provided elsewhere in this act, shall issue to such applicant a license, which shall entitle the licensee to do business as a commission merchant and/or dealer and/or broker unless and until it is suspended or revoked by the Secretary in accordance with the provisions of this act, or is automatically suspended under section 7 (d) of this act, but said license shall automatically terminate on any anniversary date thereof unless the annual fee has been paid: *Provided*, That notice of the necessity of paying the annual fee shall be mailed at least 30 days before the anniversary date: *Provided further*, That if the annual fee is not paid by the anniversary date the licensee may obtain a renewal of that license at any time within 30 days by paying a fee of $15;

"(b) The Secretary shall refuse to issue a license to an applicant (1) if he finds that the applicant has previously been responsible in whole or in part for any violation of the provisions of the act for which a license of the applicant, or the license of any partnership, association, or corporation in which the applicant held any office or, in the case of a partnership, had any share or interest, was revoked under the provisions of section 8; or (2) if at any time within 2 years he has found after notice and hearing that said applicant was responsible in whole or in part for any flagrant or repeated violation of the provisions of section 2; or (3) if he finds, in case the applicant is a partnership, association, or corporation, that any individual holding office or, in the case of a partnership, having any interest or share in the applicant, has previously been responsible in whole or in part for any violation of the provisions of the act for which the license of such individual, or of any partnership, association, or corporation in which such person held any office or, in the case of a partnership, had any share or interest, was revoked under the provisions of section 8; or (4) if at any time within 2 years he has found after notice and hearing, in case the applicant is a partnership, association, or corporation, that any individual holding any office or, in the case of a partnership, having any interest or share in the applicant was responsible in whole or in part for any flagrant or repeated violation of the provisions of section 2; or (5) if he finds that the applicant, subject to his right of appeal under section 7 (c), has failed, except in case of bankruptcy, to pay within the time limit provided therein any reparation order which has been issued within 2 years against him as an individual, or against a partnership of which he was a member, or an association or corporation in which he held any office, or, in case the applicant is a partnership, association, or corporation, that any individual holding any office or, in the case of a partnership, having any interest or share in the applicant, subject to his right of appeal under section 7 (c), has failed, except in the case of bankruptcy, to pay within the time limit provided therein any reparation order which has been issued within 2 years against him as an individual or against a partnership of which he was a member, or an association or corporation in which he held any office. Notwithstanding all of the foregoing provisions of this paragraph, the Secretary, in the case of such applicant, may issue a license if the applicant furnishes a bond or other satisfactory assurance that his business will be conducted in accordance with the provisions of the act and that he will pay all reparation orders which may previously have been issued against him for violations, or which may be issued against him within 2 years following the date of the license, subject to his right of appeal under section 7 (c), but such license shall not be issued before the expiration of 1 year from the date of revocation of license or from the date of the Secretary's finding that the applicant has been responsible, in whole or in part, for any flagrant or repeated violation of section 2. Such bond shall be in an amount sufficient in the judgment of the Secretary of Agriculture to insure payment of such reparation orders;

"(c) The Secretary shall refuse to issue a license to an applicant if he finds after notice and hearing that at any time within 2 years said applicant has been found guilty in a Federal court of having violated the provisions of the act known as the Produce Agency Act (7 U. S. C., secs. 491–497), or of having violated section 14 (b) of this act, or, in case the applicant is a partnership, that any member of the partnership was found guilty within 2 years of having violated the Produce Agency Act, or section 14 (b) of this act, or, if the applicant is an association or corporation, that any officer or any person holding a responsible position therein has been found within 2 years to have been guilty of violating the Produce Agency Act or section 14 (b) of this act;

"(d) The Secretary may withhold the issuance of a license to an applicant, for a period not to exceed 30 days pending an investigation, for the purpose of determining (a) whether the applicant is unfit to engage in the business of a commission merchant, dealer, or broker by reason of having prior to the date of the application engaged in any practice of the character prohibited by this act, or (b) whether the application contains any materially false or misleading statement or involves any misrepresentation, concealment, or withholding of facts respecting any violation of the act by any officer, agent, or employee of the applicant. If after investigation the Secretary believes that the applicant should be refused a license, the applicant shall be given an opportunity for hearing within 60 days from the date of the application to show cause why the license should not be refused. If after the hearing the Secretary finds that the applicant is unfit to engage in the business of a commission merchant, dealer, or broker by reason of having prior to the date of the application engaged in any practice of the character prohibited by this act, or because the application contains a materially false or misleading statement made by the applicant or by its representative on its behalf, or involves a misrepresentation, concealment, or withholding of facts respecting any violation of the act by any officer, agent, or employee, the Secretary shall refuse to issue a license to the applicant."

SEC. 7. That paragraph (a) of section 5 of the Perishable Agricultural Commodities Act, 1930, as amended, is hereby amended to read as follows:

"(a) If any commission merchant, dealer, or broker violates any provision of section 2 he shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of such violation."

SEC. 8. That paragraph (b) of section 6 of the Perishable Agricultural Commodities Act, 1930, as amended, is hereby amended to read as follows:

"(b) Any officer or agency of any State or Territory having jurisdiction over commission merchants, dealers, or brokers in such State or Territory and any employee of the United States Department of Agriculture or any interested person may file, in accordance with rules and regulations of the Secretary, a complaint of any violation of any provision of this act by any commission merchant, dealer, or broker and may request an investigation of such complaint by the Secretary."

SEC. 9. That paragraph (e) of section 6 of the Perishable Agricultural Commodities Act, 1930, as amended, is hereby amended to read as follows:

"(e) If a complaint is made by a nonresident of the United States, the complainant shall be required, before any formal action is taken on his complaint, to furnish a bond in double the amount of the claim conditioned upon the payment of costs, including a reasonable attorney's fee for the respondent if the respondent shall prevail, and any reparation award that may be issued by the Secretary of Agriculture against the complainant on any counter claim by respondent: *Provided*, That the Secretary shall have authority to waive the furnishing of a bond by a complainant who is a resident of a country which permits the filing of a complaint by a resident of the United States without the furnishing of a bond."

SEC. 10. That section 7 of the Perishable Agricultural Commodities Act, 1930, as amended, is hereby amended to read as follows:

"(a) If after a hearing on a complaint made by any person under section 6, or without hearing as provided in section 6, paragraphs (c) and (d), or upon failure of the party complained against to answer a complaint duly served within the time prescribed, or to appear at a hearing after being duly notified, the Secretary determines that the commission merchant, dealer, or broker has violated any provision of section 2, he shall, unless the offender has already made reparation to the person complaining, determine the amount of damage, if any, to which such person is entitled as a result of such violation and shall make an order directing the offender to pay to such person complaining such amount on or before the date fixed in the order;

"(b) If any commission merchant, dealer, or broker does not pay the reparation award or the judgment of the court within the time specified in the Secretary's order, or within 10 days from the date of the judgment, the complainant, or any person for whose benefit such order was made, may within 3 years of the date of the order file in the district court of the United States for the district in which he resides or in which is located the principal place of business of the commission merchant, dealer, or broker, or in any State court having general jurisdiction of the parties, a petition setting forth briefly the causes for which he claims damages and the order of the Secretary in the premises. The orders, writs, and processes of the district courts may in these cases run, be served, and be returnable anywhere in the United States. Such suit in the district court shall proceed in all respects like other civil suits for damages, except that the findings and orders of the Secretary shall be prima-facie evidence of the facts therein stated, and the petitioner shall not be liable for costs in the district court, nor for costs at any subsequent state of the proceedings, unless they accrue upon his appeal. If the petitioner finally prevails, he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit;

"(c) Either party adversely affected by the entry of a reparation order by the Secretary may, within 30 days from and after the date of such order, appeal therefrom to the district court of the United States for the district in which said hearing was held. Such appeal shall be perfected by the filing of a notice thereof, together with a petition in duplicate, which shall recite prior proceedings before the Secretary and shall state the grounds upon which petitioner relies to defeat the right of the adverse party to recover the damages claimed, with the clerk of said court, with proof of service thereof upon the adverse party, together with a bond in double the amount of the reparation award, conditioned upon the payment of the judgment entered by the court plus interest and costs, including a reasonable attorney's fee for the appellee, if the appellee shall prevail. The clerk of court shall immediately forward a copy thereof to the Secretary of Agriculture, who shall forthwith prepare, certify, and file in said court a true copy of the Secretary's decision, findings of fact, conclusions, and order in said case, together with copies of the pleadings upon which the case was heard and submitted to the Secretary. Such suit in the district court shall be a trial de novo and shall proceed in all respects like other civil suits for damages, except that the findings of fact and order or orders of the Secretary shall be prima-facie evidence of the facts therein stated. Appellee shall not be liable for costs in said court; and if appellee prevails, he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of his costs. Such petition and pleadings certified by the Secretary upon which decision was made by him shall upon filing in the district court constitute the pleadings upon which said trial de novo shall proceed subject to any amendment allowed in that court;

"(d) Unless the licensee against whom a reparation order has been issued shows to the satisfaction of the Secretary within 5 days from the expiration of the period allowed for compliance with such order that he has either taken an appeal as herein authorized or has made payment in full as required by such order, his license shall be suspended automatically at the expiration of such 5-day period until he shows to the satisfaction of the Secretary that he has paid the amount therein specified with interest thereon to date of payment: *Provided*, That if on the appeal the appellee prevails or if the appeal is dismissed the automatic suspension of license shall become effective at the expiration of 10 days from the date of the judgment on the appeal unless prior thereto the judgment of the court has been satisfied."

SEC. 11. That section 8 of the Perishable Agricultural Commodities Act, 1930, as amended, is hereby amended to read as follows:

"(a) Whenever (a) the Secretary determines, as provided in section 6, that any commission merchant, dealer, or broker has violated any of the provisions of section 2, or (b) any commission merchant, dealer, or broker has been found guilty in a Federal court of having violated section 14 (b) of this act, the Secretary may publish the facts and circumstances of such violation and/or, by order, suspend the license of such offender for a period not to exceed 90 days, except that, if the violation is flagrant or repeated, the Secretary may, by order, revoke the license of the offender;

"(b) The Secretary may, after 30 days' notice and an opportunity for a hearing, revoke the license of any commission merchant, dealer, or broker who, after the date given in such notice, continues to employ in any responsible position any individual whose license was revoked or who was responsibly connected with any firm, partnership, association, or corporation whose license has been revoked. Employment of such individual by a licensee in any responsible position after 1 year following the revocation of any such license shall be conditioned upon the filing by the employing licensee of a bond, in such reasonable sum as may be fixed by the Secretary, or other assurance satisfactory to the Secretary that its business will be conducted in accordance with the provisions of this act;

"(c) If, after a license shall have been issued to an applicant, the Secretary believes that the license was obtained through a false or misleading statement in the application therefor or through a misrepresentation, concealment, or withholding of facts respecting any violation of the act by any officer, agent, or employee, he may, after 30 days' notice and an opportunity for a hearing, revoke said license, whereupon no license shall be issued to said applicant or any applicant in which the person responsible for such false or misleading statement or misrepresentation, concealment, or withholding of facts is financially interested, except under the conditions set forth in paragraph (b) of section 4.

"(d) In addition to being subject to the penalties provided by section 3 (a) of this act, any commission merchant, dealer, or broker who engages in or operates such business without a valid and effective license from the Secretary shall be liable to be proceeded against in any court of competent jurisdiction in a suit by the United States for an injunction to restrain such defendant from further continuing so to engage in or operate such business, and, if the court shall find that the defendant is continuing to engage in such business without a valid and effective license, the court shall issue an injunction to restrain such defendant from continuing to engage in or to operate such business without such license."

SEC. 12. That section 14 of the Perishable Agricultural Commodities Act, 1930, as amended, is hereby amended to read as follows:

"(a) The Secretary is hereby authorized, independently and in cooperation with other branches of the Government, State, or municipal agencies and/or any person, whether operating in one or more jurisdictions, to employ and/or license inspectors to inspect and certify, without regard to the filing of a complaint under this act, to any interested person the class, quality, and/or condition of any lot of any perishable agricultural commodity when offered for interstate or foreign shipment or when received at places where the Secretary shall find it practicable to provide such service, under such rules and regulations as he may prescribe, including the payment of such fees and expenses as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That fees for inspections made by a licensed inspector, less the percentage thereof which he is allowed by the terms of his contract of employment with the Secretary as compensation for his services, shall be deposited into the Treasury of the United States as miscellaneous receipts; and fees for inspections made by an inspector acting under a cooperative agreement with a State, municipality, or other person shall be disposed of in accordance with the terms of such agreement: *Provided further*, That expenses for travel and subsistence incurred by inspectors shall be paid by the applicant for inspection to the United States Department of Agriculture to be credited to the appropriation for carrying out the purposes of this act: *And provided further*, That official inspection certificates for fresh fruits and vegetables issued by the Secretary of Agriculture pursuant to any law shall be received by all officers and all courts of the United States, in all proceedings under this act, and in all transactions upon contract markets under Commodities Exchange Act (7 U. S. C., supp. 2, secs. 1 to 17 (a)), as prima-facie evidence of the truth of the statements therein contained;

"(b) Whoever shall falsely make, issue, alter, forge, or counterfeit, or cause or procure to be falsely made, issued, altered, forged, or counterfeited, or willingly aid, cause, procure, or assist in, or be a party to the false making, issuing, altering, forging, or counterfeiting of any certificate of inspection issued under authority of this act, the Produce Agency Act of March 3, 1927 (7 U. S. C., secs. 491–497), or any act making appropriations for the Department of Agriculture; or shall utter or publish as true or cause to be uttered or published as true any such false, forged, altered, or counterfeited certificate, for a fraudulent purpose, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than $500 or by imprisonment for a period of not more than 1 year, or both, at the discretion of the court."

With the following committee amendments:

Page 2, line 20, after the word "broker", insert "for a fraudulent purpose."

Page 10, line 4, strike out the word "If" and insert the words "In case."

Page 11, line 8, strike out "or the judgment of the court."
Page 11, line 9, strike out "or within 10 days from the date of the judgment."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAPAGO INDIAN RESERVATION IN ARIZONA

The Clerk called the next bill, S. 1806, to extend the boundaries of the Papago Indian Reservation in Arizona.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, inasmuch as the Committee on Indian Affairs has the call on Calendar Wednesday this week, I ask unanimous consent that this bill be passed over without prejudice.

Mr. ROGERS of Oklahoma. Mr. Speaker, reserving the right to object, the committee has a number of bills on the calendar and if this is a bill that can be considered on this calendar I see no reason why it should not be considered.

Mr. WOLCOTT. I may say there are several Members who would object to the bill. I think the gentleman had better take it up and discuss it, because any bill which adds land to an Indian reservation ought to be explained more fully than we are able to explain it on this calendar.

Mr. ROGERS of Oklahoma. We will be glad to do so right now if the gentleman will allow us.

Mr. MURDOCK of Arizona. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Oklahoma. I yield.

Mr. MURDOCK of Arizona. There is frequently objection to adding land to an Indian reservation. I know that to be true in several Western States. In this case the Board of Supervisors of Pima County, Ariz., has given consent, so the bill has merit, I am sure, or objection would have been made.

The SPEAKER. Is there objection to the request of the gentleman from Michigan that this bill go over without prejudice?

Mr. RICH. Mr. Speaker, reserving the right to object, how much land does this bill put into the reservation?

Mr. ROGERS of Oklahoma. It adds 640 acres that are now occupied by a full-blooded Papago Indian who has been on the land for 40 years. It adds 52,000 acres, some of which is privately owned and some of which is public land. The amount that is involved in the bill is coming from funds that have already been appropriated under the Reorganization Act of June 18, 1934, and it would not cost any additional money; no additional appropriation is required.

Mr. RICH. It takes 52,000 acres of land which you are going to put in a reservation and the Government has to maintain that. The State will lose taxation on it.

Mr. ROGERS of Oklahoma. This land is now occupied by the Indians. They are using the land now. This bill is merely to straighten out the reservation.

Mr. RICH. Was it approved by the Indian Service?

Mr. ROGERS of Oklahoma. Yes. It is a departmental bill.

Mr. MURDOCK of Arizona. This land, having never been on the tax rolls, has paid no taxes to Arizona nor to Pima County. If a considerable tax loss would result from the passage of this measure, I would oppose it. I, too, feel that we must be very careful about taking land off the local tax rolls to bring it under governmental control. However, this bill does not do that.

The SPEAKER. Is there objection to the request of the gentleman from Michigan that the bill go over without prejudice?

There was no objection.

INDIAN LANDS IN ARIZONA

The Clerk called the next bill, S. 2188, to amend section 3 of the act of June 18, 1934 (48 Stat. 984–988) relating to Indian lands in Arizona.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, for the same reason I ask that this bill may be passed over without prejudice.

Mr. ROGERS of Oklahoma. Reserving the right to object, Mr. Speaker, is the gentleman going to continue this procedure on all these Indian bills? As I said before, the Committee on Indian Affairs has several bills on the calendar. It will save a lot of time on Calendar Wednesday to dispose of some of the bills today. We may not be able to reach all these bills on Wednesday.

Mr. WOLCOTT. I am trying to save time today, and to provide an opportunity to take the bill up and discuss it if we want to discuss it.

Mr. ROGERS of Oklahoma. But the Committee on Indian Affairs has a right to be heard on Consent Calendar day the same as any other committee. Just because the Indian Affairs Committee happens to have the call on Wednesday is no reason why Indian bills on the Consent Calendar should not be considered today along with other bills.

Mr. WOLCOTT. I am not denying the committee any right to be heard today, but Calendar Wednesday is set aside for the purpose of discussing these bills.

Mr. ROGERS of Oklahoma. All the committees have their turn on Calendar Wednesdays.

Mr. WOLCOTT. The Indians Affairs Committee happens to have the call on Wednesday. Some of these bills are of a controversial nature. If when they are taken up the House does not care to discuss them they will be passed, so no time is lost if the bill is passed over without prejudice.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. O'CONNOR of New York. These bills are also on the Union Calendar. If we have to go into the Committee of the Whole House on the state of the Union as to every one of these bills we will not be able to dispose of many of them on Calendar Wednesday. If they were House bills it would be a little different.

Mr. WOLCOTT. The gentleman will bear in mind that last year we were dispensing with business in order on Calendar Wednesday week after week and, as a consequence, this Consent Calendar was cluttered up with bills of very great importance and we had to spend a great deal of time on controversial matters on Consent Calendar day. The purpose of Consent Calendar day, as I understand it, is to facilitate the passage of bills about which there is little or no dispute.

I may say to the gentleman that in all probability there will be some dispute concerning some of these bills, for there always is dispute concerning Indian bills; and inasmuch as the Indian Affairs Committee has the call on Wednesday I can see no particular harm in these bills going over.

Mr. MURDOCK of Arizona. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. MURDOCK of Arizona. Mr. Speaker, I think we should consider this bill. I see no objection whatever to its passage. It comes out of the Indian Affairs Committee with a favorable report. In fact, it is a departmental measure which I was only too glad to introduce. The bill rights a wrong and attempts to do justice to the Papago Indians. It has great merit on that ground.

Mr. WOLCOTT. Regardless of the merits of the bill, I think it should be considered, and I insist upon my request that it go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. ROGERS of Oklahoma. Mr. Speaker, I object.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT and Mr. RICH objected.

BRIDGE ACROSS WABASH RIVER, LOCKPORT, IND.

Mr. HILL of Oklahoma. Mr. Speaker, I ask unanimous consent to return to Calendar No. 278, H. R. 6636, a bill grant-

ing the consent of Congress to the county of Carroll, in the State of Indiana, to construct, maintain, and operate a free highway bridge across the Wabash River at or near Lockport, Ind.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Carroll, in the State of Indiana, to construct, maintain, and operate a free highway bridge and approaches thereto across the Wabash River, at a point suitable to the interests of navigation, at or near Lockport, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to to reconsider was laid on the table.

ADMISSION TO CITIZENSHIP OF CERTAIN ALIENS

The Clerk called the next bill, H. R. 6785, for the admission to citizenship of aliens who came into this country prior to February 5, 1917.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARDEN. Mr. Speaker, inasmuch as there is no departmental report accompanying this bill I ask unanimous consent that it may go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

TERM OF UNITED STATES DISTRICT COURT AT MALONE, N. Y.

The Clerk called the next bill, H. R. 5963, providing for the establishment of a term of the District Court of the United States for the Northern District of New York at Malone, N. Y.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That a term of the District Court of the United States for the Northern District of New York shall be held annually at Malone, N. Y., on the second Tuesday in July: *Provided*, That suitable rooms and accommodations for holding court at Malone, N. Y., are furnished without expense to the United States.

Mr. O'CONNOR of New York. Mr. Speaker, I move to strike out the last word, and I do so to ask a question of the distinguished minority leader. Will this bill, which the gentleman introduced, place any added cost on the Government?

Mr. SNELL. I am very pleased to announce to the distinguished gentleman from New York that it does not put any added cost on the Government; furthermore, it will save money for the Government.

Mr. O'CONNOR of New York. There will be no expense for courtroom or marshals?

Mr. SNELL. Not a single thing. We have plenty of them there now.

Mr. O'CONNOR of New York. That is fine.

Mr. MEAD. Will the gentleman yield?

Mr. O'CONNOR of New York. I yield to the gentleman from New York.

Mr. MEAD. May I say that the United States Federal attorney for that district is a very good Democrat.

Mr. SNELL. I thought so.

Mr. MEAD. And he recommended this legislation to me personally.

Mr. SNELL. Then it must be all right.

Mr. MEAD. And he urged me to cooperate with the distinguished gentleman; therefore I can see no objection to this bipartisan attempt to improve the situation.

The SPEAKER. Is there objection to the present consideration of the bill?

The Clerk read the Committee amendment, as follows:

Page 1, after line 8, insert the following: "until, upon the recommendation of the Attorney General, such accommodations are furnished by the United States."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time. was read the third time, and passed, and a motion to reconsider was laid on the table.

UNITED STATES COURT OF COLUMBIA, TENN.

The Clerk called the next bill, H. R. 6358, to amend section 107, as amended, of the Judicial Code so as to eliminate the requirement that suitable accommodations for holding court at Columbia, Tenn., be provided by the local authorities.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the second proviso of section 107, as amended, of the Judicial Code (U. S. C., 1934 edition, title 28, sec. 188) is amended by striking out "that suitable accommodations for holding the courts at Winchester, Columbia, and Cookeville shall be provided by the local authorities without expense to the United States", and inserting in lieu thereof "that suitable accommodations for holding the courts at Winchester and Cookeville shall be provided by the local authorities without expense to the United States."

With the following committee amendments:

Page 1, line 5, after the word "out", strike out the remainder of line 5 and all of lines 6, 7, 8, and 9, and on page 2, strike out lines 1 and 2 and insert the following: "until, subject to the recommendation of the Attorney General of the United States with respect to providing such rooms and accommodations for holding court at Columbia, a public building shall have been erected or other Federal space provided for court purposes in said city."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONVEYANCE BY THE UNITED STATES TO THE STATE OF WISCONSIN OF A PORTION OF THE TWIN RIVER POINT LIGHTHOUSE RESERVATION

The Clerk called the next bill, H. R. 1961, to authorize the conveyance by the United States to the State of Wisconsin of a portion of the Twin River Point Lighthouse Reservation, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That subject to the conditions hereinafter specified, the Secretary of Commerce is authorized to convey to the State of Wisconsin for State park purposes all the right, title, and interest of the United States in and to that portion of the Twin River Point Lighthouse Reservation, Manitowoc County, Wis., which is not required to be retained for lighthouse purposes. The Secretary of Commerce shall describe by metes and bounds in the deed of conveyance the exact portion of such reservation transferred.

SEC. 2. Such conveyance shall contain the express condition that if the State of Wisconsin shall at any time cease to use the property as a State park for public recreation, or shall alienate or attempt to alienate such property, title thereto shall revert to the United States.

SEC. 3. The United States reserves the right to resume ownership, possession, and control for Government purposes, of any property conveyed under authority of this act, at any time and without the consent of the State of Wisconsin.

SEC. 4. The Secretary of Commerce is also authorized, in his discretion, to lease to the State of Wisconsin for a period of 25 years that portion of the Twin River Point Lighthouse Reservation not conveyed by him under authority of this act. Such lease shall be subject to revocation at any time by the Secretary of Commerce.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COAST GUARD STATION AT OR NEAR MANISTIQUE, MICH.

The Clerk called the next bill, H. R. 3414, to provide for the establishment of a Coast Guard station at or near Manistique, Mich.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 1374, to provide for the establishment of a Coast Guard station at or near Manistique, Mich., may be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish a Coast Guard station at or in the vicinity of Manistique, Schoolcraft County, Mich., at such point as the Commandant of the Coast Guard may recommend.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 3414) was laid o nthe table.

COAST GUARD STATION AT MENOMINEE, MICH.

The Clerk called the next bill, H. R. 3416, to provide for the establishment of a Coast Guard station at Menominee, Mich.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. Without objection, a similar Senate bill, S. 119, to provide for the establishment of a Coast Guard station at or near Menominee, Mich., will be considered in lieu of the House bill.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized to establish a Coast Guard station at or near Menominee, Mich., at such point as the Commandant of the Coast Guard may recommend.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 3416) was laid on the table.

THREE COAST GUARD STATIONS ON THE NORTH SHORE OF LAKE SUPERIOR

The Clerk called the next bill, H. R. 5040, to provide for the establishment of three Coast Guard stations on the north shore of Lake Superior.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized to establish a Coast Guard station on the north shore of Lake Superior, at or near Hovland, Minn., at such point as the Commandant of the Coast Guard may recommend.

SEC. 2. The Secretary of the Treasury is authorized to establish a Coast Guard station on the north shore of Lake Superior, at or near Beaver Bay, Minn., at such point as the Commandant of the Coast Guard may recommend.

SEC. 3. The Secretary of the Treasury is authorized to establish a Coast Guard station on the north shore of Lake Superior, at or near Two Islands, Minn., at such point as the Commandant of the Coast Guard may recommend.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That the Secretary of the Treasury is authorized to establish a Coast Guard station at or near Beaver Bay, Minn., at such point as the Commandant of the Coast Guard may recommend."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill to provide for the establishment of a Coast Guard station at or near Beaver Bay, Minn."

COAST GUARD STATION AT ST. AUGUSTINE, FLA.

The Clerk called the next bill, H. R. 5140, to provide for the establishment of a Coast Guard station at St. Augustine, Fla.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized to establish a Coast Guard station at St. Augustine, Fla., at such point as the Commandant of the Coast Guard may recommend.

With the following committee amendment:

Page 1, line 4, after the word "at", insert the words "or near."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill to provide for the establishment of a Coast Guard station at or near St. Augustine, Fla."

FISHERIES OF ALASKA

The Clerk called the next bill, H. R. 5860, making further provision for the fisheries of Alaska.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I understand this bill prohibits the taking of salmon with a stake or set net by anyone for commercial purposes only and does not affect an individual who is fishing for his own family, regardless of whether he has lived in the area for 5 years or not?

Mr. BLAND. I am not sure about that question.

Mr. WOLCOTT. Perhaps I did not make myself clear. I have in mind if a person moves into this area and takes it up as his bona-fide residence, then he may take fish for his own use.

Mr. BLAND. I think that is probably true. The Delegate from Alaska [Mr. DIMOND] is particularly informed about this matter, but he is unable to be here today. I think if there is any question about this it would be better to pass it over without prejudice.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

NATURALIZATION OF ALIEN VETERANS

The Clerk called the next bill, H. R. 4291, to extend further time for naturalization to alien veterans of the World War under the act approved May 25, 1932 (47 Stat. 165), to extend the same privileges to certain veterans of countries allied with the United States during the World War, and for other purposes.

Mr. BARDEN. Mr. Speaker, reserving the right to object, I would like to ask the author of the bill to explain it. There are several questions raised in the report that I would like to have answered. In view of the fact the gentleman is not present at the moment, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PAYMENT OF CERTAIN SIOUX INDIANS

The Clerk called the next bill, H. R. 7328, to authorize an appropriation to carry out the provisions of the act of May 3, 1928 (45 Stat. L. 484), and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That an appropriation is hereby authorized in the sum of $79,038 to pay various Sioux Indians of the Pine Ridge Reservation, S. Dak., the amounts which have been awarded to them by the Secretary of the Interior under the act of May 3, 1928 (45 Stat. L. 484), on account of allotments of land to which they were entitled but did not receive: *Provided*, That the Secretary of the Interior is authorized and directed to determine what attorney or attorneys have rendered services of value in behalf of said Indians and to pay such attorney or attorneys on such findings when appropriation is available the reasonable value of their services, not to exceed 10 percent of the recovery on each individual claim, which payment shall be in full settlement for all services rendered by the attorney or attorneys to the claimants in such claim.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RECORDS OF THE HOUSE OF REPRESENTATIVES

The Clerk called House Resolution 222, as follows:

Resolved, That the Clerk of the House of Representatives is authorized and directed, upon the requisition of the Archivist of the United States, in accordance with sections 3 and 6 of the National Archives Act (48 Stat. 1122–1124), to transfer to his custody for storage and preservation in the National Archives Building any and all archives and records of the House of Representatives of the United States which the Clerk of the House may deem not necessary for use in the current business of the House of Representatives or which he may consider to be in such physical condition that they cannot be used without danger of damage to them, and for which, in his opinion, he is unable to provide adequate or safe storage.

Mr. KELLER and Mr. WOLCOTT rose.

Mr. KELLER. Mr. Speaker, I ask unanimous consent that the resolution may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

FLOOD CONTROL

The Clerk called the joint resolution (H. J. Res. 175) to authorize the submission to Congress of a comprehensive national plan for the prevention and control of floods of all the major rivers of the United States, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, it appears to me the committee has taken a very desirable flood-control bill and changed its identity into that of a power bill. This bill provides by the committee amendment that "the Board of Engineers shall set forth the values of such projects for hydroelectric development and other conservation purposes."

I do not believe flood control should be tied up with hydroelectric development at the present time. We have an emergency concerning these flood conditions. The quicker we can get at the control of floods the better it will be for the country. I do not think the Board of Engineers of the War Department should be encumbered with hydroelectric development in the protection of the lives and property of our citizens in a flood-control program.

Furthermore, I call attention to the fact that hydroelectric power development should be given a great deal of consideration by the House, because every time we authorize a Passamaquoddy, a T. V. A., and a Coulee Dam we take that much business away from the coal miners. We have passed bills here—the Guffey coal bill, and so forth—for the purpose of protecting the coal miner. If we would give more thought to the protection of the coal-mining industry in this country and less thought to the development of hydroelectric power, which is putting the coal miners out of employment, we might not have as much labor trouble in the United States as we have today.

For this reason, Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FEDERAL SURPLUS COMMODITIES CORPORATION

The Clerk called the next bill, S. 2439, to extend the time for purchase and distribution of surplus agricultural commodities for relief purposes and to continue the Federal Surplus Commodities Corporation.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice, and pending that request, I call the attention of the House to the fact the Federal Surplus Commodities Corporation is a Delaware corporation and is in the business of taking agricultural surpluses off the market, the same as the Commodity Credit Corporation. The opponents of the old Farm Board, which was accomplishing the same purpose with respect to wheat and corn, should give consideration to this set-up along with the Commodity Credit Corporation, and determine whether they want to continue this policy.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SALE OF CHICKASAW DORMITORY PROPERTIES

The Clerk called the next bill, H. R. 7409, providing for the sale of the two dormitory properties belonging to the Chickasaw Nation or Tribe of Indians, in the vicinity of the Murray State School of Agriculture at Tishomingo, Okla.

Mr. WOLCOTT. Mr. Speaker, to be consistent, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. ROGERS of Oklahoma. I object.

Mr. WOLCOTT. Then, Mr. Speaker, I object to the present consideration of the bill.

ARCHIVES OF THE TERRITORIES OF THE UNITED STATES

The Clerk called the next bill, S. 2242, to further amend an act entitled, "An act to authorize the collection and editing of official papers of the Territories of the United States now in The National Archives", approved March 3, 1925, as amended.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 168d of the act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in national archives", approved March 3, 1925, as amended by the act approved February 28, 1929 (U. S. C., Supp. 7, title V, sec. 168a), and by the act approved February 14, 1936 (49 Stat. 1139), be, and the same is hereby, amended by striking out the words "there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not more than the sum of $125,000, and under this authorization not more than $50,000 shall be appropriated for any one year" and inserting in lieu thereof the following "there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not more than the sum of $250,000, and under this authorization not more than $25,000 shall be appropriated for any one year."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ACCOMMODATIONS FOR HOLDING COURT AT SHAWNEE, OKLA.

The Clerk called the next bill, H. R. 4605, relating to the accommodations for holding court at Shawnee, Okla.

Mr. COSTELLO. Mr. Speaker, reserving the right to object, it is my understanding that the proposal here is to allow the Federal Government to build court facilities in Shawnee, Okla., when a Federal building is constructed there. However, I understand the amount of business requires that the court sit for only one week during the year and, therefore, I believe the expenditure that would be required is excessive and unnecessary and for this reason I shall object to the present consideration of the bill.

Mr. BOREN. Mr. Speaker, will the gentleman withhold his objection a moment?

Mr. COSTELLO. I reserve the right to object, Mr. Speaker.

Mr. BOREN. Shawnee, Okla., is the fourth largest town in the State of Oklahoma. It has been designated as a Federal court town for approximately 2 years now but has never yet had a session of Federal court there because there are not proper facilities available. The Joint Committee of the Post Office and Treasury Departments is preparing to construct adequate facilities for a post office in a year or two hence, and the necessity has been clearly shown. They advise me it is reasonable in constructing this building, if it can be so arranged, to provide court accommodations, and I do not want to quote them. But I do say that they must recognize two factors: First, they must erect the building, and, in the second place, court can never be held in Shawnee under present arrangements. I am only asking for the removal of a restriction.

Mr. COSTELLO. According to the committee report, it is shown that the proposed building would cost $250,000, but in order to hold court there it would be necessary to construct two additional stories on the proposed building. As a result, the cost of the building would be not in excess of $450,000. It appears to me this is an excessive amount, and, further, it is my understanding the Attorney General has reported that adequate facilities are available at the present

time for the holding of court. So it seems to me, if adequate facilities are available without expense to the Federal Government, certainly there cannot be any justification for incurring an expense of approximately $200,000 for the holding of court in the Federal building rather than in facilities provided by the city of Shawnee, and for this reason, Mr. Speaker, I shall insist upon the objection.

Mr. BOREN. If the gentleman will further withhold his objection, it is my understanding that the proposed building which is to cost $250,000, would be adequate to house the court, and for this reason I want to challenge the gentleman's figures.

Mr. COSTELLO. The figures I am quoting are taken from the committee's report on the bill, and, apparently, the figures are taken from a letter from the Director of Procurement under date of April 19, 1937, which appears on page 2 of the committee report. This is the basis on which I made my statement that the present proposal for constructing the Federal building there would only cost $250,000 and that an additional expense of $200,000 would be necessary if the additional stories were added to the building in order to provide courtroom facilities.

Mr. BOREN. If I may make one further statement in reply to the gentleman, I would remind the gentleman that the city of Shawnee is the fourth largest city in the State and it is many miles removed from any other sitting of the Federal court, and I call attention to the further point that the figures the gentleman has stated are not in accordance with my own conference with the Post Office and Treasury committee about the matter.

Mr. COSTELLO. Mr. Speaker, in view of the fact there appears to be some doubt about the accuracy of the figures set forth in the committee report, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

SARATOGA NATIONAL HISTORICAL PARK, N. Y.

The Clerk called the next bill, H. R. 4852, to provide for the creation of the Saratoga National Historical Park in the State of New York, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That when title to all the lands, structures, and other property in the military battlefield area and other areas of Colonial and Revolutionary War interest at and in the vicinity of Saratoga, N. Y., as shall be designated by the Secretary of the Interior, in the exercise of his discretion, as necessary or desirable for national historical park purposes, shall have been vested in the United States, such areas shall be, and they are hereby, established, dedicated, and set apart as a public park for the benefit and inspiration of the people and shall be known as the Saratoga National Historical Park: *Provided*, That such areas shall include at least that part of the Saratoga Battlefield now belonging to the State of New York.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to accept donations of land, interests in land, and/or buildings, structures, and so forth, within the boundaries of said historical park as determined and fixed hereunder and donations of funds for the purchase and/or maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided*, That he may acquire on behalf of the United States, out of any donated funds, by purchase when purchasable at prices deemed by him reasonable, otherwise by condemnation under the provisions of the act of August 1, 1888, such tracts of land within the said historical park as may be necessary for the completion thereof.

SEC. 3. That the administration, protection, and development of the aforesaid national historical park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes", as amended.

SEC. 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistency.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OYSTER CULTURE IN ALASKA

The Clerk called the next bill, H. R. 1561, for the protection of oyster culture in Alaska.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the act of Congress approved June 6, 1924, entitled "An act for the protection of the fisheries of Alaska, and for other purposes" (43 Stat. 464), as amended by the act of Congress approved June 18, 1926 (44 Stat. 752), is further amended by striking the period after the words "Alaskan Territorial waters", where they occur at the end of the second proviso, and inserting a colon in lieu thereof and after the colon the following: "*Provided further*, That the Secretary of Commerce, in his discretion, and upon such terms and conditions as he may deem fair and reasonable, is hereby authorized to lease bottoms in Alaskan Territorial waters for bona-fide oyster cultivation for commercial purposes."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STONY POINT LIGHT STATION RESERVATION, ROCKLAND COUNTY, N. Y.

The Clerk called the next bill, H. R. 7401, to authorize the Secretary of Commerce to convey to the Commissioners of the Palisades Interstate Park, a body politic of the State of New York, certain portions of the Stony Point Light Station Reservation, Rockland County, N. Y., including certain appurtenant structures, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized to convey to the Commissioners of the Palisades Interstate Park, for use for public-park purposes, certain portions of the Stony Point Light Station Reservation, State of New York, including certain appurtenant structures, which are not required to be retained for lighthouse purposes. The Secretary of Commerce shall describe by metes and bounds in the deed of conveyance the exact portions of the reservation transferred. The deed of conveyance shall also contain a clause that should the property so transferred at any time cease to be used for park purposes or for some other wholly public use, title thereto shall revert to the United States.

SEC. 2. In exchange for the property to be transferred the Commissioners of the Palisades Interstate Park shall transfer title to the United States to the dwelling now erected on the portion of land retained by the United States for lighthouse purposes. The United States also reserves the rights-of-way over, underground, or across the area to be transferred for any use whatsoever in conducting the Lighthouse Service or other activities of the Government.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARINE HOSPITAL, FLORIDA

The Clerk called the bill (H. R. 4716) authorizing the construction and equipment of a marine hospital in the State of Florida.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to acquire by gift, purchase, condemnation, or otherwise, a suitable site in the State of Florida, to be selected by the Federal Board of Hospitalization, and to cause to be erected thereon a suitable building or buildings for a marine hospital, together with the necessary auxiliary structures, equipment, furniture, accessories, appurtenances, approaches, walkways, roads, parkways, ground improvements, wharfage, dockage, and trackage facilities, heating, ventilation, air conditioning, water, sewers and sanitary facilities, and the necessary preparation and improvements to the site.

SEC. 2. That the plans, specifications, and full estimates for said building shall be previously made and approved according to law, and the cost thereof, including the cost of the site and the improvement thereof, shall not exceed the sum of $1,500,000.

SEC. 3. There is hereby authorized to be appropriated the sum of $1,500,000 to carry out the provisions of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

RED LAKE BAND OF CHIPPEWA INDIANS

The Clerk called the bill (H. R. 4540) authorizing the Red Lake Band of Chippewa Indians in the State of Minnesota to file suit in the Court of Claims, and for other purposes.

The SPEAKER. Is there objection?

Mr. COCHRAN. I object.

PER-CAPITA PAYMENT TO RED LAKE BAND OF CHIPPEWA INDIANS, MINNESOTA

The Clerk called the bill (H. R. 4539) authorizing a per-capita payment of $25 each to the members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I object.

Mr. BUCKLER of Minnesota. Mr. Speaker, will the gentleman reserve his objection?

Mr. WOLCOTT. Yes.

Mr. BUCKLER of Minnesota. Mr. Speaker, I do not see why there should be any objection to this bill. It does not cost the Government one cent. The Red Lake Band of Indians in Minnesota has a large reservation and they have a great deal of timber. They have a sawmill, and operate it. This year $110,000 was set aside out of that sawmill fund to operate the mill, and the mill is running at the present time. After the $110,000 is deducted, $211,000 is left in the fund. After deducting the $25 per-capita payment, which would be about $45,000, there would still be $166,000 left in the fund. This money belongs to the Indians, and I can see no reason why this bill should not pass. Again I hope the gentleman does not object.

Mr. WOLCOTT. Mr. Speaker, I am doing this to preserve the tribal funds. The Acting Secretary of the Interior reports that the Indians have been taken care of pretty well. The sum of $75,000 has been allocated this year for the construction of roads and buildings on the reservation, and in addition he says that a very generous emergency conservation work program, amounting to about $130,000 this year, has been carried out on the Red Lake Reservation for the benefit of the Indians; also, that the logging and sawmill operations have provided opportunity for work for these Indians, and that a total of $110,000 has been allotted so far this year for these operations.

I think probably more important than that is his statement that money paid out in small amounts to the Indians is soon spent with nothing of any permanent nature to show for it. I dislike very much to let the bill go through because of the adverse report of the Acting Secretary of the Interior, and for the further reason that the Indian Affairs Committee has the call on Wednesday next; I am being consistent in objecting to the bill in order that it may be considered on Calendar Wednesday.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I object.

MEMORIAL TO WILL ROGERS

The Clerk called the bill (H. R. 6482) providing for cooperation with the State of Oklahoma in constructing a permanent memorial to Will Rogers.

The SPEAKER. Is there objection?

Mr. COSTELLO. Mr. Speaker, I reserve the right to object. The present bill before the House apparently would appropriate some $500,000 to cooperate with the State of Oklahoma in constructing a Will Rogers memorial. In reading over the legislation and in reading the committee report it appears that this memorial, instead of being a memorial to the late Will Rogers, would in fact be nothing more than an Indian museum, in which a large variety of Indian relics would be stored and collected for public exhibition. In spite of the fact that I join with every Member of the House in paying tribute to the memory of the late Will Rogers, I still do not believe that the use of his name should be made an excuse for taking from the Federal Treasury the sum of $500,000 to create a museum of Indian relics. If it were just a memorial to be devoted entirely to the memory of Will Rogers, I certainly would have no objection, but it seems this is merely an attempt to use the name of Will Rogers in creating a new museum for Indian relics in the State of Oklahoma.

Mr. KELLER. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. Yes.

Mr. KELLER. Mr. Speaker, the gentleman has arrived at an entire misconception, in my judgment, of the object of the bill, because it is a matter that had been studied very carefully and thoroughly before it was brought to the Library Committee. There the whole matter was presented very fully, so that the committee reports unanimously that the bill ought to become a law.

It is not an Indian museum at all, but there is a movement there for the retention of Indian relics because Mr. Rogers was part Indian, as we all know. He was very much interested in those things. On the other hand, the gentleman fails to call attention to the fact that the bill provides for public subscriptions to take up part or all of this $500,000, and it is my opinion, and the opinion of the committee, that the entire amount can be raised through public subscription, and the commission provided for is empowered to go at it in that way. It is the feeling of the committee as it is my own that the public is tremendously interested in a proper memorial, and the memorial provided here is a proper memorial, in the judgment of the committee.

Mr. COSTELLO. Mr. Speaker, in answer to the statement of the gentleman from Illinois that I have arrived at an entire misconception of the object of the bill, I will state that I have received my information in reading the report of which he is the author, on page 5, the following appears:

> The opportunity to further the collection of many of the relics of the story of the Indians as they are concentrated in this region, and to further the interest of the "newer" sections of the Nation in preserving what is still available of their traditions and relics, in such a way that they become public is one that the committee feels should not be lost.

Mr. KELLER. That is quite true, of course, but that is only a small part of the report.

Mr. COSTELLO. The balance of the report is a letter and some of the testimony that was presented to the committee. Apparently very little concerning the late Will Rogers will be incorporated in this museum, from what I gather after reading the committee report very thoroughly. For that reason I do not believe it is proper to simply play upon the name of Will Rogers in creating a number of memorials all over the country, not actually memorials to him. If they are going to build a memorial to Will Rogers I should be glad to see the Federal Government cooperate and join therein, but I do not think we should play upon that name as a means of creating a museum for some other purpose.

Mr. KELLER. The implication of the gentleman that there is any possible desire on the part of the committee or on the part of the people of Oklahoma to play upon the name of Will Rogers is entirely gratuitous and I am sure the gentleman does not believe that.

Mr. TOBEY. Mr. Speaker, will the gentleman yield for me to ask the gentleman from Illinois a question?

Mr. COSTELLO. I yield.

Mr. TOBEY. Is the amount of money $500,000?

Mr. KELLER. Yes.

Mr. TOBEY. Would the gentleman be favorable to an amendment to this bill limiting the raising of this money to public subscriptions rather than from the Treasury of the United States?

Mr. KELLER. That is provided for in the bill; that the commission shall have that power.

Mr. TOBEY. Solely?

Mr. KELLER. Not solely; no, sir.

Mr. TOBEY. Will the gentleman permit me to amend the bill to make it solely from that source?

Mr. KELLER. Since the author of the bill does not happen to be here, I should rather that would be put up to him.

Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

Mr. COSTELLO. Mr. Speaker, I should like to ask the gentleman from Illinois whether this matter has been submitted to the Bureau of the Budget or any other governmental department for their consideration?

Mr. KELLER. The author of the bill can state that. I do not know.

Mr. DISNEY. It has not.

Mr. COSTELLO. Mr. Speaker, in view of the fact that the departments have not given any opinion with regard to this legislation it may be well to agree to the request of the gentleman from Illinois that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Illinois that the bill be passed over without prejudice?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. WARREN. Mr. Speaker, this afternoon after the disposition of legislative matters, the gentleman from Pennsylvania [Mr. RICH] has been allotted 15 minutes in which to address the House. Following that address, the gentleman from Massachusetts [Mr. MCCORMACK] was allotted 15 minutes. I have just been advised that the gentleman from Massachusetts [Mr. MCCORMACK] is unable to be here, and I ask unanimous consent, with the consent of the gentleman from Massachusetts [Mr. MCCORMACK], that I be permitted to use his time following the gentleman from Pennsylvania [Mr. RICH].

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

EXTENSION OF REMARKS

Mr. POWERS. Mr. Speaker, I ask unanimous consent that I may extend my own remarks in the RECORD and include therein a speech made by General Craig, Chief of Staff of the United States Army, at the commencement exercises at West Point last week.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. MCFARLANE. Mr. Speaker, reserving the right to object, what is the nature of the article?

Mr. POWERS. It was a commencement address at West Point made last week to the graduating class.

The SPEAKER. Is there objection?

There was no objection.

CONSENT CALENDAR

UNITED STATES BOARD OF AWARDS

The Clerk called the next bill, H. R. 171, to create a United States Board of Awards and to provide for the presentation of certain medals.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may go over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

RIGHT OF APPEAL FROM SUSPENSION OF LICENSES

The Clerk called the next bill, H. R. 7017, to amend section 4450 of the Revised Statutes of the United States, as amended by the act of May 27, 1936 (49 Stat. 1380, 1383; U. S. C., 1934 edition, title 46, sec. 239).

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 4450 of the Revised Statutes of the United States, as amended by the act of May 27, 1936 (49 Stat. 1380, 1383; U. S. C., 1934 edition, title 46, sec. 239), is amended by inserting in the third sentence of paragraph (g) of said section the words "suspended or", after the word "is" and before the word "revoked", so that the said paragraph (g) of said section, when amended, shall read as follows:

"(g) In any investigation of acts of incompetency or misconduct or of any act in violation of the provisions of this title, or of any of the regulations issued thereunder, committed by any licensed officer or any holder of a certificate of service, the person whose conduct is under investigation shall be given reasonable notice of the time, place, and subject of such investigation and an opportunity to be heard in his own defense. The whole record of the testimony received by the board conducting such investigation and the findings and recommendations of such board shall be forwarded to the Director of the Bureau of Marine Inspection and Navigation, and if that officer shall find that such licensed officer or holder of certificate of service is incompetent or has been guilty of misbehavior, negligence, or unskillfulness, or has endangered life, or has willfully violated any of the provisions of this title or any of the regulations issued thereunder, he shall, in a written order reciting said findings, suspend or revoke the license or certificate of service of such officer or holder of such certificate. The person whose license or certificate of service is suspended or revoked may, within 30 days, appeal from the order of the said Director to the Secretary of Commerce. On such appeal the appellant shall be allowed to be represented by counsel. The Secretary of Commerce may alter or modify any finding of the board which conducted the investigation or of the Director of the Bureau of Marine Inspection and Navigation, but the decision of the Secretary of Commerce shall be based solely on the testimony received by the said board and shall recite the findings of fact on which it is based."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LABOR DISORDERS

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes out of order.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts that he may address the House for 5 minutes at this time, out of order?

There was no objection.

Mr. TREADWAY. Mr. Speaker, for several years it has been a self-made rule with me to devote my attention almost exclusively, so far as the House itself is concerned, to subjects originating in the Ways and Means Committee, or having a direct bearing thereon. I have very seldom spoken on other subjects, and hesitate to do so at this time except from a very personal angle.

At the outset I want to be distinctly understood as being a friend of union labor. I believe that labor should be granted and should receive the same consideration and protection under rational law as is accorded to capital. In other words, they are coordinate. I never have taken the part of capital in unfair treatment toward labor, and, conversely, I believe that labor should respect and cooperate with capital for the best interests of both.

Strikes under certain conditions are justifiable; but I can see no reason why the most ardent believer in fair and honest labor organization can possibly justify such methods as have been pursued during the past few months in Michigan, Ohio, and Pennsylvania. I am particularly incensed against developments in Youngstown, Ohio. According to press accounts, my nearest relative, aside from my own immediate family, barely escaped being killed there on Saturday. In addition to this, the son of this same person was seriously injured in Muncie, Ind., a few weeks ago, nearly losing his leg as a result of being shot. Both these injuries occurred in connection with this labor warfare.

Let me first rehearse briefly the son's case. A young man by the name of Heaton Vorse, reputed to be a press representative, approached a building where a riot had been in progress. When leaving the car in which he had been riding he was hit by a bullet fired from within the tavern where the riot had taken place. He was there as a press representative, in a sense an innocent bystander, not a participant, and was the victim of reckless shooting by an armed mob.

This young man's mother, a well-known writer who has specialized on labor subjects, was in the streets of Youngstown on Saturday, near a picket line, when it is reported that a bullet grazed her forehead. This woman, Mary Heaton Vorse, is my own cousin and naturally such events as I have referred to arouse a feeling of resentment. The significant thing is that these persons were acting entirely within their rights as American citizens but nevertheless their lives were imperilled. Whatever may have been their reasons for being on the scene of such events is of no moment in this connection.

So let me pass to what seems to me to be the critical point in these occurrences. Thousands of persons have been out of work for weeks, blood has been shed, property has been destroyed, production has ceased, the law has been defied, and courts ignored. Not for shorter hours, not for higher wages, not for better conditions of labor, but solely on the orders of one man that these thousands of people must belong to one particular organization and that their employers must recogninze that one organization in all dealings with their employees. In labor language, this means the closed shop and the check-off, whereby all employees will belong to one organization and the employers must withhold their union dues from their wages and pay the same into the organization.

I do not hesitate to say that the effort to carry out this program is being aided and abetted by the administration. The President has given indirect support to the C. I. O. organization by stating that the officials of the corporations concerned should be willing to sign this kind of an agreement. It is said that the head of the C. I. O. has demanded this support in return for a $500,000 contribution to the Democratic campaign fund. The Post Office Department, according to testimony before the Senate committee on Saturday, instructed its employees not to deliver packages of food sent to nonstrikers remaining within the limits of the plant.

It is not necessary to remind this administration of what Grover Cleveland said about mail when he was President of the United States at the time of the celebrated Pullman strike. He said in effect that a postal card, if properly addressed, would be delivered by the Government if it required the Army of the United States to effect such delivery. Nor is it necessary to remind the administration of the statement made by a former Governor of Massachusetts, the late Calvin Coolidge, to the effect that there is no right to strike against the public safety anywhere, any time, any place.

The present attitude of the administration in these matters is a surface indication of its socialistic and communistic leanings, which remind us of Hitler, Mussolini, and Stalin. We are rapidly progressing toward the same ends and accomplishments as have occurred in certain foreign countries. The outstanding difference, however, is the foundation. This is supposed to be a country composed of 125,000,000 free people, whereas those countries have had generations of the rule of autocratic power.

My further indictment against the administration goes to the type of legislation being brought forward in the Halls of Congress, all tending toward the centralization of authority in Washington and the building up of one-man power in America. We are further told that there must be a reorganization of Government functions to remove all independence of action on the part of officials and, under the guise of such reorganization, to place all authority in the hands of the Executive. We are told that a third of the population must divide its personal holdings with another third, leaning very definitely toward the type of government we abhor.

These strikes which are paralyzing industry are the surface indications of a pronounced outbreak. With the aid of the administration and with the forcefulness of the C. I. O. leader, there are two possibilities of relief, namely, dissension in the ranks of labor itself or an uprising of public opinion which will change the attitude of the administration. The time has come when those of us not chained to the chariot of a temporary majority through fear of loss of patronage and the insidious ways of the administration must come out into the open and see if we cannot induce the sensible people of the country, particularly those employed for wages, to throw off this yoke and restore normalcy to the country. In taking this position I am absolutely confident that I represent the views not only of an overwhelming majority of the people of my section of the country, particularly those who have honored me with their support for these many years, but of all right-thinking people everywhere. I shall consider it a privilege to aid in the effort to restore to these people sane and sensible conditions of government and its control. [Applause.]

The SPEAKER. The time of the gentleman from Massachusetts has expired.

CONSENT CALENDAR

PROTECTION OF THE NORTHERN PACIFIC HALIBUT FISHERY

The Clerk called the next bill, H. R. 6149, for the protection of the northern Pacific halibut fishery.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BLAND. Mr. Speaker, I ask unanimous consent that the bill S. 1984 may be considered in lieu of this House bill. The Senate bill carries certain slight changes.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, may I ask the gentleman if the Senate bill is identical with the House bill?

Mr. BLAND. It is practically identical. I have had it looked over. There are, for instance, such changes as this: On page 8, line 17, of the Senate bill the word "hereof" is used instead of the words "of this act." In another place the words "this act" are used instead of the phrase "such provisions of law", and there is a slight change of subsection (c) of section 6. The changes are not substantial at all.

Mr. McFARLANE. Mr. Speaker, reserving the right to object, will the gentleman kindly explain this bill?

Mr. BLAND. The general purpose of this bill is to carry out the halibut convention, which deals with the catch of halibut. It is an international convention that was made many years ago. Recently some changes have been made in the convention. These changes have been ratified by the Senate and by Canada. The result is that unless this bill is passed, under the terms of that old law there may be some question about the enforcement of the old law. In order to provide proper enforcement it is necessary to pass this bill. It was so reported by the State Department and by the Bureau of Fisheries.

The SPEAKER. Is there objection to the consideration of the Senate bill?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That this act may be cited as the "Northern Pacific Halibut Act of 1937."

SEC. 2. When used in this act—

(a) Convention: The word "Convention" means the convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Ottawa on the 29th day of January 1937, and shall include the regulations of the International Fisheries Commission promulgated thereunder.

(b) Commission: The word "Commission" means the International Fisheries Commission provided for by article III of the Convention.

(c) Person: The word "person" includes partnerships, associations, and corporations.

(d) Territorial waters of the United States: The term "Territorial waters of the United States" means the territorial waters contiguous to the western coast of the United States and the territorial waters contiguous to the southern and western coasts of Alaska.

(e) Territorial waters of Canada: The term "territorial waters of Canada" means the territorial waters contiguous to the western coast of Canada.

(f) Convention waters: The term "Convention waters" means the territorial waters of the United States, the territorial waters of Canada, and the high seas of the Northern Pacific Ocean and the Bering Sea, extending westerly from the limits of the territorial waters of the United States and of Canada.

(g) Halibut: The word "halibut" means the species of Hippoglossus inhabiting Convention waters.

(h) Vessel: The word "vessel" includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water.

SEC. 3. It shall be unlawful for—

(a) any person other than a national or inhabitant of the United States to catch or attempt to catch any halibut in the territorial waters of the United States;

(b) any person to transfer to or to receive upon any vessel of the United States, or to bring to any place within the jurisdiction of the United States any halibut caught in Convention waters by the use of any vessel of a nation not a party to the Convention, or caught in Convention waters by any national or inhabitant of the United States or Canada in violation of the Convention or of this act;

(c) any national or inhabitant of the United States to catch, attempt to catch, or to possess any halibut in the territorial waters of the United States or in Convention waters in violation of any provisions of the Convention or of this act;

(d) any person within the territory or jurisdiction of the United States to furnish, prepare, outfit, or provision any vessel, other than a vessel of the United States or Canada, in connection with any voyage during which such vessel is intended to be, is being, or has been employed in catching, attempting to catch, or possessing any halibut in Convention waters or the territorial waters of the United States or Canada;

(e) any person within the territory or jurisdiction of the United States to furnish, prepare, outfit, or provision any vessel of the United States or Canada in connection with any voyage during which such vessel is intended to be, is being, or has been employed in catching, attempting to catch, or possessing any halibut in violation of any provision of the Convention or of this act;

(f) any person within the territory or jurisdiction of the United States or any national or inhabitant of the United States within Convention waters knowingly to have or have had in his possession any halibut taken, transferred, received, or brought in in violation of any provision of the Convention or of this act;

(g) any person to depart from any place within the jurisdiction of the United States in any vessel which departs from such place in violation of the Convention or of this act;

(h) any person in the territorial waters of the United States or any national or inhabitant of the United States in convention waters to catch or attempt to catch any halibut, or to possess any halibut caught incidentally to fishing for other species of fish by the use of or in any vessel required by the Convention to have on board any license or permit unless such vessel shall have on board a license or permit which shall comply with all applicable requirements of the Convention, and which shall be available for inspection at any time by any officer authorized to enforce the Convention or by any representative of the Commission;

(i) any person to take, retain, land, or possess any halibut caught incidentally to fishing for other species of fish, in violation of any provision of the Convention or of this act.

SEC. 4. It shall be unlawful for the master or owner or person in charge of any vessel or any other person required by the Convention to make, keep, or furnish any record or report, to fail to do so, or to refuse to permit any officer authorized to enforce the Convention or any representative of the Commission to examine and inspect any such record or report at any time.

SEC. 5. (a) The provisions of the Convention and of this act and any regulations issued under this act shall be enforced by the Coast Guard, the Customs Service, and the Bureau of Fisheries. For such purposes any officer of the Coast Guard, Customs, or Fisheries may at any time go on board of any vessel in territorial waters of the United States, or any vessel of the United States or Canada in Convention waters, except in the territorial waters of Canada, to address inquiries to those on board and to examine, inspect, and search the vessel and every part thereof and any person, trunk, package, or cargo on board, and to this end may hail and stop such vessel, and use all necessary force to compel compliance.

(b) Whenever it appears to any such officer that any person, other than a national or inhabitant of Canada, on any vessel of the United States is violating or has violated any provision of the Convention or of this act, he shall arrest such person and seize any such vessel employed in such violation. If any such person on any such vessel of the United States is a national or inhabitant of Canada, such person shall be detained and shall be delivered as soon as practicable to an authorized officer of Canada at the Canadian port or place nearest to the place of detention or at such other port or place as such officers of the United States and of Canada may agree upon.

(c) Whenever it appears to any such officer of the United States that any person, other than a national or inhabitant of the United States, on any vessel of Canada in Convention waters, except in the territorial waters of Canada, is violating or has violated any provision of the Convention, such person, and any such vessel employed in such violation, shall be detained and such person and such vessel shall be delivered as soon as practicable to an authorized officer of Canada at the Canadian port or place nearest to the place of detention, or at such other port or place as such officers of the United States and of Canada may agree upon. If any such person on any such vessel of Canada is a national or inhabitant of the United States, such person shall be arrested as provided for in subsection (b) of this section.

(d) Officers or employees of the Coast Guard, Customs, and Fisheries may be directed to attend as witnesses and to produce such available records and files or certified copies thereof as may be produced compatibly with the public interest and as may be considered essential to the prosecution in Canada of any violation of the provisions of the Convention or any Canadian law for the enforcement thereof when requested by the appropriate Canadian authorities in the manner prescribed in article V of the convention to suppress smuggling concluded between the United States and Canada on June 6, 1924 (44 Stat. (pt. 3), 2097).

SEC. 6. (a) Any person violating any provision of section 3 of this act upon conviction shall be fined not more than $1,000 nor less than $100 or be imprisoned for not more than 1 year, or both.

(b) The cargo of halibut of every vessel employed in any manner in connection with the violation of any provision of section 3 of this act shall be forfeited; upon a second violation of the provisions of section 3 of this act, every such vessel, including its tackle, apparel, furniture, and stores may be forfeited and the cargo of halibut of every such vessel shall be forfeited; and, upon a third or subsequent violation of the provisions of section 3 of this act, every such vessel, including its tackle, apparel, furniture, cargo, and stores shall be forfeited.

(c) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this act: *Provided*, That except as provided in section 5 hereof all rights, powers, and duties conferred or imposed by this act upon any officer or employee of the Treasury Department shall, for the purposes of this act, be exercised or performed by the Secretary of Commerce or by such persons as he may designate.

SEC. 7. Any person violating section 4 of this act shall be subject to a penalty of $50 for each such violation. The Secretary of Commerce is authorized and empowered to mitigate or remit any such penalty in the manner prescribed by law for the mitigation or remission of penalties for violation of the navigation laws.

SEC. 8. None of the prohibitions contained in this act shall apply to the Commission or its agents when engaged in any scientific investigation.

SEC. 9. The Secretary of the Treasury and the Secretary of Commerce are authorized to make such joint rules and regulations as may be necessary to carry out the provisions of this act.

SEC. 10. This act shall take effect on the date of exchange of ratifications of the Convention signed by the United States of America and Canada on January 29, 1937, for the preservation of the halibut fishery of the northern Pacific Ocean and Bering Sea, unless such date shall be prior to the date of approval of this act, in which case it shall take effect immediately.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider and a similar House bill (H. R. 6149) were laid on the table.

INSTRUCTIONS TO JURIES IN FEDERAL COURTS

The Clerk called the next bill, H. R. 4721, relative to pleading and practice in civil and criminal causes in the district courts of continental United States.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon the trial of any case, civil or criminal, before a jury, in any district court of continental United States, or in any other Federal court of the continental United States, authorized to try cases with the aid of a jury, the practice and procedure in such courts, including the granting of instructions to the jury, shall be the same as is followed in the State courts of the State in which such trial may be had.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That upon the trial of any case, civil or criminal, before a jury, in any district court of continental United States, or in any other Federal court of the continental United States, authorized to try cases with the aid of a jury, the form, manner, and time of giving and granting instructions to the jury shall be governed by the law and practice in the State courts of the State in which such trial may be had, and the judge shall make no comment upon the weight, sufficiency, or credibility of the evidence or any part thereof, or upon the character, appearance, demeanor, or credibil-

ity of any witness or party, unless such comment is authorized in trials of such cases by the law and practice in the State courts of the State where such trial is had."

Mr. WOLCOTT. Mr. Speaker, I rise in opposition to the committee amendment for the purpose of asking the author of the bill if consideration has been given to the wording on page 2, line 9. As I understand the purpose of the bill, it is to make the rules concerning the charging of juries in district courts the same as the rules in the State courts.

Mr. RAMSAY. That is right.

Mr. WOLCOTT. Would it not be better language and more understandable if the words "unless such", on page 2, line 9, were stricken out and the words "except as" substituted?

Mr. RAMSAY. The gentleman's suggestion is agreeable to me.

Mr. WOLCOTT. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. WOLCOTT to the committee amendment: Page 2, line 9, strike out the words "unless such" and insert in lieu thereof "except as."

The amendment to the committee amendment was agreed to.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title of the bill was amended to read: "A bill relative to granting and giving instructions in civil and criminal cases in the district courts of continental United States."

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF INAUGURATION OF GEORGE WASHINGTON AS FIRST PRESIDENT OF THE UNITED STATES

The Clerk called House Joint Resolution 366, providing for the preparation and completion of plans for a comprehensive observance of the one hundred and fiftieth anniversary of the inauguration of George Washington as first President of the United States and authorizing the President to invite foreign countries to participate therein.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the joint resolution may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. BLOOM. Mr. Speaker, I object.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. WOLCOTT. Mr. Speaker, I object.

COMMEMORATIVE 50-CENT PIECES OF OPENING OF GOLDEN GATE BRIDGE

The Clerk called the next bill, H. R. 4087, to reduce by 100,000 the number of 50-cent pieces authorized to be coined in celebration of the opening of the San Francisco-Oakland Bay Bridge, and to authorize the coinage of not to exceed 100,000 50-cent pieces in celebration of the opening of the Golden Gate Bridge.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to authorize the coinage of 50-cent pieces in celebration of the opening of the San Francisco-Oakland Bay Bridge", approved June 26, 1936, is amended by striking out the words "two hundred thousand silver 50-cent pieces" and inserting in lieu thereof the words "one hundred thousand silver 50-cent pieces."

SEC. 2. In celebration of the opening of the Golden Gate Bridge, San Francisco, Calif., there shall be coined at a mint of the United States, to be designated by the Director of the Mint, not to exceed 100,000 silver 50-cent pieces of standard size, weight, and composition, and of a special appropriate single design to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, but the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

SEC. 3. The coins herein authorized shall bear the date 1937, irrespective of the year in which they are minted or issued, shall be legal tender in any payment to the amount of their face value, and shall be issued only upon the request of the Bank of America, upon payment by it of the par value of such coins, but not less than 25,000 such coins shall be issued to it at any one time, and no such coins shall be issued after the expiration of 1 year after the date of enactment of this act. Such coins may be disposed of at par or at a premium by such bank, and the net proceeds shall be used by it in defraying the expenses incidental and appropriate to the celebration of such event.

SEC. 4. All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material, and for the transportation, distribution, and redemption of coins, for the prevention of debasement or counterfeiting, for the security of the coins, or for any other purposes, whether such laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized.

With the following committee amendments:

Page 2, line 2, strike out the word "a" and insert in lieu thereof the word "one."

Page 2, line 3, after the word "mint", insert the word "only."

Page 2, line 20, after the word "bank", insert a comma and the words "subject to the approval of the Director of the Mint."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADMISSION TO THE UNITED STATES AND EXTENSION OF NATURALIZATION PRIVILEGES TO ALIEN VETERANS OF THE WORLD WAR

The Clerk called the next bill, H. R. 6176, to admit to the United States and to extend naturalization privileges to alien veterans of the World War.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That (a) as used in this act, the term "alien veterans" means an individual, a member of the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918, who is now an alien not ineligible to citizenship but does not include (1) any individual at any time during such period or thereafter separated from such forces under other than honorable conditions, (2) any conscientious objector who performed no military duty whatever or refused to wear the uniform, or (3) any alien at any time during such period or thereafter discharged from the military or naval forces on account of his alienage.

(b) Terms defined in the Immigration Act of 1924 shall, when used in this act, have the meaning assigned to such terms in that act.

SEC. 2. An alien veteran shall for the purposes of the Immigration Act of 1924 be considered as a nonquota immigrant, but shall be subject to all the other provisions of that act and of the immigration laws, except that—

(a) He shall not be subject to the head tax imposed by section 2 of the Immigration Act of 1917;

(b) He shall not be required to pay any fee under section 2 or section 7 of the Immigration Act of 1924;

(c) If otherwise admissible, he shall not be excluded under section 3 of the Immigration Act of 1917, unless excluded under the provisions of that section relating to—

(1) Persons afflicted with a loathsome or dangerous contagious disease, except tuberculosis in any form;

(2) Polygamy;

(3) Prostitutes, procurers, or other like immoral persons;

(4) Contract laborers;

(5) Persons previously deported; and

(6) Persons convicted of crime.

SEC. 3. The unmarried child under 18 years of age, the wife, or the husband, of an alien veteran shall, for the purposes of the Immigration Act of 1924, be considered as a nonquota immigrant when accompanying or following within 6 months to join him, but shall be subject to all the other provisions of that act and of the immigration laws.

SEC. 4. The foregoing provisions of this act shall not apply to any alien unless the immigration visa is issued to him before the expiration of 1 year after the enactment of this act.

SEC. 5. An alien veteran admitted to the United States under this act shall not be subject to deportation on the ground that he has become a public charge.

SEC. 6. Nothing in the immigration laws shall be construed as subjecting any person to a fine for bringing to a port of the United States an alien veteran who is admissible under the terms if this act, even though such alien would be subject to exclusion if this act had not been enacted.

With the following committee amendments:

Page 3, line 1, strike out "18" and insert "21."
Page 3, line 10, strike out "1 year" and insert "2 years."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill to admit to the United States certain alien veterans of the World War."

NATURALIZATION OF CERTAIN ALIEN SPOUSES OF CITIZENS OF THE UNITED STATES

The Clerk called the next bill, H. R. 6607, to provide for the naturalization of certain alien spouses of citizens of the United States, and to validate the naturalization of certain persons.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BARDEN. Mr. Speaker, reserving the right to object, may I ask the gentleman who introduced this bill, the gentleman from Alabama [Mr. SPARKMAN], to explain the bill?

Mr. SPARKMAN. Mr. Speaker, I may say that in 1934 an act was passed amending the so-called Cable Act, and an interpretation was given to the amendment uniform in all courts except two of our circuit courts and the District Court of the District of Columbia. The latter court differs with the others and this act is simply to clarify the law in order to make uniform the application of the amendment. The purpose of the amendment is to remove discrimination as between husbands and wives.

Mr. BARDEN. I am wondering why the Department of Justice, the Department of State, or some other department, was not informed about this matter and asked for a report.

Mr. SPARKMAN. I may say that the bill was drawn at the suggestion of and with the help of the Labor Department, which Department submitted a memorandum. One of their members testified before the committee at the time and stated it was desirable to accomplish this purpose.

Mr. BARDEN. Mr. Speaker, there is no report available. However, I will withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That any alien who, prior to 12 o'clock noon, eastern standard time, May 24, 1934, and after September 21, 1922, married a citizen of the United States, or any alien who was married prior to 12 o'clock noon, eastern standard time, May 24, 1934, to a spouse who was naturalized during such period and during the existence of the marital relation may, if eligible to naturalization, be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(a) No declaration of intention shall be required.

(b) In lieu of the 5-year period of residence within the United States, and the 6 months' period of residence in the county where the petitioner resided at the time of filing the petition, the petitioner shall have resided continuously in the United States, Hawaii, Alaska, or Puerto Rico for at least 1 year immediately preceding the filing of the petition.

SEC. 2. Any alien who, after 12 o'clock noon, eastern standard time, May 24, 1934, has married or shall hereafter marry a citizen of the United States, or any alien whose husband or wife was naturalized after such date and during the existence of the marital relation or shall hereafter be so naturalized may, if eligible to naturalization, be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(a) No declaration of intention shall be required.

(b) In lieu of the 5-year period of residence within the United States, and the 6 months' period of residence in the county where the petitioner resided at the time of filing the petition, the petitioner shall have resided continuously in the United States, Hawaii, Alaska, or Puerto Rico for at least 3 years immediately preceding the filing of the petition.

SEC. 3. The naturalization of any women since 12 o'clock noon, eastern standard time, May 24, 1934, by any naturalization court of competent jurisdiction, upon proof of marriage to a citizen or the naturalization of her husband and proof of 1 year's residence in the United States is hereby validated only so far as relates to the period of residence required to be proved by such person under the naturalization laws.

SEC. 4. The naturalization of any male person after 12 o'clock noon, eastern standard time, May 24, 1934, by any naturalization court of competent jurisdiction, upon proof of marriage to a citizen of the United States after September 21, 1922, and prior to 12 o'clock noon, eastern standard time, May 24, 1934, or the naturalization during such period of his wife, and upon proof of 3 years' residence in the United States, is hereby validated only so far as relates to the period of residence required to be proved by such person under the naturalization laws and the omission by such person to make a declaration of intention.

SEC. 5. The act of September 22, 1922 (42 Stat. 1021), as amended, and the act of May 24, 1934 (48 Stat. 926), are amended from and after the effective date of this act to the extent provided in this act and not otherwise.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUSPENSION OF ANNUAL ASSESSMENT WORK ON MINING CLAIMS

The Clerk called the next bill, S. 187, providing for the suspension of annual assessment work on mining claims held by location in the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, this bill would suspend the annual assessment work on all mining claims in the United States during the year beginning at 12 o'clock, July 1, 1936, and ending at 12 o'clock, July 1, 1937, 9 days from the present time. I notice the reason why this bill has been reported out by the committee at this late time is to keep faith with those who have filed their claims but were not given notice that the policy of the Congress of suspending assessment work would be discontinued. The suspension has been approved each year since 1932.

I also notice that the committee has agreed that any further attempt to waive the annual assessment work will not be considered. I think we may consider therefore that notice is given to those holding claims upon which the assessments have been suspended that we stop right here the policy of continuing these suspensions.

Mr. O'CONNOR of Montana. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Montana.

Mr. O'CONNOR of Montana. I may say to the distinguished gentleman from Michigan I sincerely hope he will not insist upon his objection for the reason that many of the owners of small mining claims have relied upon the passage of this law. They have had no notice otherwise, and the result is they have not done their assessment work.

The policy of the suspension of the assessment work was necessary on account of the depression we have been going through. Many of the people who have had these mining claims are in the same condition now as they were then. If we do not pass this act now many of the people who own these claims would lose them and the claims would be jumped, so to speak, by other parties and it would work an injustice to the miners of our western country, particularly Montana.

Mr. MURDOCK of Arizona. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. This bill is for the protection of the prospector who goes out in the hills with his burro or has gone out into the wilderness with that useful, stoical, little Asiatic beast as his sole companion, to search out the treasures of the mountains and make them available to the Nation. It is not a bill for the protection of the big mining companies. There is a provision which safeguards only a few claims for each hard-pressed individual. We have only 9 days in which to enact this legislation. While we do not expect to extend this again, I do feel we have a moral duty to offer this last-minute relief. For this reason I hope the gentleman will not insist on his objection.

Mr. ENGLEBRIGHT. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from California.

Mr. ENGLEBRIGHT. Permit me to say to the gentleman that there are a great many prospectors and miners of extremely limited financial means throughout the country

who, in order to support themselves and families, have had to work in other capacities or apply their resources for living purposes. Many are on relief. These men in many instances have been working their claims for years and have a large investment in time and money tied up in these claims, and now have neither resources nor time element to hold their titles. Claims in many portions of the West are in the mountain regions in the snow country, which will make it impossible at this late date to perform their assessment work. At this late date for Congress to refuse to grant them the relief afforded through this bill that they fully expected to be enacted into law would do them a great injustice. Many have a life savings in their mining claims and have worked for years in an endeavor to build up and contribute to the mining industry of this country. I sincerely hope the gentleman will not object to the passage of the bill.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. I should like to call attention to the exact wording here:

Notwithstanding the report of the Department, the committee recommends the passage of the bill, because prospectors were not put on notice that the practice of granting moratoriums from year to year would be discontinued. The committee agreed that any further attempt to waive the annual assessment work or payment will not be considered.

Mr. WOLCOTT. I understand if this bill is passed it may be considered by the prospectors that this is the last time we will extend this right?

Mr. CASE of South Dakota. Yes. It seems to me it is important that it be understood at this time so that they will be on notice during the coming year.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Colorado.

Mr. MARTIN of Colorado. I may say to the gentleman from Michigan [Mr. WOLCOTT] that as one who asked for the passage of this bill I have no quarrel with the ultimatum served by the Committee on Mines and Mining. I realize that the Government has exercised extraordinary forbearance in the matter of suspending this annual assessment work so many years in succession, and I shall not be among those who may be here in the future pressing such legislation. But the gentleman himself has stated the present urgent situation when he said that, after the expiration of 9 days, without the passage of this bill, all mining claims that are now suspending assessment work under the law will be forfeited. They should be given another year to get their houses in order, and I hope the gentleman will not press his objection.

Mr. McFARLANE. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of section 2324 of the Revised Statutes of the United States, which requires on each mining claim located, and until a patent has been issued therefor, not less than $100 worth of labor to be performed or improvements aggregating such amount to be made each year, be, and the same is hereby, suspended as to all mining claims in the United States during the year beginning at 12 o'clock meridian July 1, 1936, and ending at 12 o'clock meridian July 1, 1937: *Provided*, That the provisions of this act shall not apply in the case of any claimant not entitled to exemption from the payment of a Federal income tax for the taxable year 1936: *Provided further*, That every claimant of any such mining claim, in order to obtain the benefits of this act, shall file, or cause to be filed, in the office where the location notice or certificate is recorded, on or before 12 o'clock meridian July 1, 1937, a notice of his desire to hold said mining claim under this act, which notice shall state that the claimant, or claimants, were entitled to exemption from the payment of a Federal income tax for the taxable year 1936: *Provided further*, That such suspension of assessment work shall not apply to more than 6 lode-mining claims held by the same person, nor to more than 12 lode-mining claims held by the same partnership, association, or corporation: *And provided further*, That such suspension of assessment work shall not apply to more than 6 placer-mining claims not to exceed 120 acres (in all) held by the same person, nor to more than 12 placer-mining claims not to exceed 240 acres (in all) held by the same partnership, association, or corporation.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FORMER EMPLOYEES OF THE FEDERAL SUBSISTENCE HOMESTEAD CORPORATIONS

The SPEAKER. The Clerk will call Calendar No. 264.

The Clerk called the bill (H. R. 3058) for the relief of former employees of the Federal Subsistence Homestead Corporations.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I reserved the right to object and asked that this bill go to the foot of the call only for the purpose of getting some information on it. I stated at that time I should like to know what corporations were owned entirely by the Subsistence Homesteads Corporations, and how much money there was involved in the differences between the salaries of the employees of these corporations then and at the present time.

Mr. COLMER. Is this H. R. 4740?

Mr. WOLCOTT. No. This is H. R. 3058, which provides that where persons have been employed by any corporation, all of the stock of which was owned by the Federal Subsistence Homesteads Corporations of Delaware, and have been transferred to a position in the Department of the Interior, they shall be reimbursed for the difference between their salaries with the corporation from which they came and the salaries paid in a like class in the department where they are now working. What I particularly wanted to know was, What are the names of these corporations the entire stock of which was owned by the Subsistence Homesteads Corporations?

Mr. COLMER. Mr. Speaker, I regret that I cannot give the gentleman that specific information. There were a number of these corporations organized for the purpose of carrying out the Subsistence Homesteads program. Among them was one at Richmond, in my own State.

Mr. WOLCOTT. I may say to the gentleman I think that information should be in the RECORD in order that we may have the information and have some idea as to how much is involved.

Mr. COLMER. As to how many corporations there were?

Mr. WOLCOTT. As to the names of the corporations, the entire stock of which was owned by the Subsistence Homesteads Corporations, from which these employees were transferred to the Subsistence Homesteads Corporations, or any other department.

Mr. COLMER. As I have stated, I cannot give the gentleman that information.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. In view of the fact we do not have the information before us, and until it is available, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. This concludes the call of the calendar with respect to the bills eligible for consideration today.

FEDERAL SURPLUS COMMODITIES CORPORATION

Mr. BARDEN. Mr. Speaker, I ask unanimous consent that we may return to Consent Calendar No. 300, the bill (S. 2439) to extend the time for purchase and distribution of surplus agricultural commodities for relief purposes and to continue the Federal Surplus Commodities Corporation.

Mr. WOLCOTT. Mr. Speaker, I reserve the right to object, and yield to the gentleman from North Carolina.

Mr. BARDEN. Mr. Speaker, the gentleman from Michigan asked that this bill be passed over when we were considering it a few minutes ago. I have since been informed that the present act will expire July 1, and that this Corporation at present is rendering a very valuable service in the potato belt, which includes my district in North Carolina, and is expected to move farther north. It has rendered very, very valuable service to the State of Florida in the citrus fruit section and to the dairy industry. In view of these facts, I thought the gentleman from Michigan would like to withdraw his objection to the bill.

Mr. WOLCOTT. I may say to the gentleman I consider this a very important bill. The Federal Surplus Commodities Corporation is a Delaware corporation, organized, as I understand it, primarily to carry out the intent of clause 2 of section 32 of the act approved August 24, 1924, which seeks to encourage domestic consumption of commodities or products by diverting them by the payment of benefits or indemnities or by other means from the normal channels of trade and commerce.

A very serious question is also involved in this bill, which may be subject to a point of order, of whether the funds appropriated by Congress to the Secretary of Agriculture may be diverted and transferred to a private corporation without a reappropriation of such funds. If this constitutes a reappropriation of the funds, it may be subject to a point of order, the Committee on Agriculture not being a committee which has the authority under our rules to appropriate money or recommend the appropriation of money.

There are so many points in this bill that I think it should be considered by the House at a time when we would have a chance to discuss it more fully than we have today. This is why I asked that the bill be passed over without prejudice.

Mr. BARDEN. At the time the gentleman made the request I was not informed of just the status of the Corporation. I may say that it is one organization which, I understand, spent only approximately 10 percent of the funds available to it out of the last appropriation and has rendered invaluable service to sections such as the citrus-fruit section of Florida, the dairy industry, and Irish-potato growers.

Mr. WOLCOTT. I do not doubt that it is true, because I understand the Corporation takes the surplus agricultural commodities and distributes them to the poor in the States, which is a very worthy undertaking.

Mr. BARDEN. We are just experiencing a bad potato situation now in North Carolina.

Mr. WOLCOTT. In that particular, also, I call the attention of the House to the fact that we on this side of the aisle have been belabored with criticism of the Farm Board since 1932. Your President's election was in part based on his opposition to the Farm Board.

Mr. BARDEN. I do not care to get into that argument at this time. We are talking about the Surplus Commodities Corporation.

Mr. WOLCOTT. The Commodity Credit Corporation is doing exactly the same work now that the Farm Board was set up to do in the Hoover administration.

Mr. BARDEN. I disagree with the gentleman on that. I think if the gentleman will investigate, he will find his statement is entirely unjustified.

Mr. WOLCOTT. Mr. Speaker, we should consider this bill more thoroughly in the House.

Mr. BOILEAU. Many people who are interested in the dairy problem confronting this country are of the opinion more benefit has been derived by the dairy industry of the gentleman's State and my State through the operations of this agency than all the other programs put together. I have personally received communications and requests from those who are interested in dairying to support this legislation. I hope the gentleman will not ultimately force the House to delay its consideration.

Mr. WOLCOTT. I may say to the gentleman I think this bill is one of the best sounding boards to show what this Administration is doing in my State and the gentleman's State of all that has come before us, and this is the reason we want time to talk about it. I doubt not that if the bill is considered on the floor and there is time for it, I will take the floor and say what I have already said, that I think in all probability this is a pretty good set-up. However, I am surprised nobody from the Committee on Appropriations, which has always been so jealous of its jurisdiction, has raised the point of order I suggested awhile ago. Merely for the purpose of protecting the integrity of one of our greatest committees I want to give further consideration to this bill, and determine if it is not one, perhaps, for the Committee on Appropriations to consider as well as the Committee on Agriculture.

Mr. BOILEAU. I may say to the gentleman that the committee had hearings, which, while not extensive, were sufficient, and at the request of several Republican members of the committee we had additional hearings, at which time I felt every member of the committee was satisfied the bill should be passed.

Mr. WOLCOTT. I have no doubt that all that the gentleman has said, and all that all the gentlemen here have said, is true, but I think we should be given an opportunity to express ourselves on the bill; and I may add that probably I would be one who would express himself as favorable to a continuation of the Federal Surplus Commodity Corporation, but I am not so sure I am in favor of transferring funds appropriated to the Department of Agriculture to a private corporation without some discussion on this floor by which the fact is generally known and recorded that that is what we are doing. I may say now that I think this Federal Surplus Commodities Corporation is doing a wonderfully fine work, but I think we should either make appropriations directly to it or know most definitely we are transferring these funds from the Department of Agriculture to this Corporation to do the same thing which we have been so often criticized for trying to do under the Farm Board. I do not hold any brief for the old Farm Board, but I do want to stop you gentlemen from criticizing the Republican administration for setting up the Farm Board and then trying to prevent us from criticizing your administration for setting up similar agencies to do the same thing.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina to return to the bill?

Mr. WOLCOTT. Mr. Speaker, I do not object to returning to the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. BOILEAU. I object, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I make a point of order against consideration of the bill——

The SPEAKER. The gentleman cannot make a point of order against the bill because it is not before the House.

Mr. WOLCOTT. Then I object to the present consideration of the bill, Mr. Speaker.

THE LATE HONORABLE FRANKLIN W. FORT

Mr. WOLVERTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WOLVERTON. Mr. Speaker, it is with profound sorrow I announce to the membership of the House the death of our former colleague, Franklin W. Fort, who served in this House as a Representative from the State of New Jersey.

During his service he took an active part in the proceedings of the House. He rendered outstanding and distinguished service to the congressional district he represented and to the country at large. He always gave careful, studious, and serious consideration to every problem that came before the House for action. He never treated any matter lightly.

When he had made a decision he was zealous in upholding the principle involved. His ability and honesty of purpose were recognized by all and gained for him the respect and confidence of his colleagues.

Nor are we unmindful of all the splendid qualities of heart and mind he possessed, and the friendly disposition that made for him a host of enduring friends in this House, on both sides of the aisle who, today, mourn his passing away.

RAILROAD RETIREMENT ACT

Mr. CROSSER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 7519) to amend an act entitled "An act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes", approved August 29, 1935, as amended.

The Clerk read the bill, as follows:

Be it enacted, etc.,

PART I

That the act of August 29, 1935, entitled "An act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes", be, and it is hereby, amended to read as follows:

"DEFINITIONS

"SECTION 1. For the purposes of this act—

"(a) The term 'employer' means any carrier (as defined in subsection (m) of this section), and any company which is directly or indirectly owned or controlled by one or more such carriers or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such employer: *Provided, however,* That the term 'employer' shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Interstate Commerce Commission is hereby authorized and directed upon request of the Board, or upon complaint of any party interested, to determine after hearing whether any line operated by electric power falls within the terms of this proviso. The term 'employer' shall also include railroad associations, traffic associations, tariff bureaus, demurrage bureaus, weighing and inspection bureaus, collection agencies and other associations, bureaus, agencies, or organizations controlled and maintained wholly or principally by two or more employers as hereinbefore defined and engaged in the performance of services in connection with or incidental to railroad transportation; and railway labor organizations, national in scope, which have been or may be organized in accordance with the provisions of the Railway Labor Act, as amended, and their State and national legislative committees and their general committees and their insurance departments and their local lodges and divisions, established pursuant to the constitution and bylaws of such organizations.

"(b) The term 'employee' means (1) any individual in the service of one or more employers for compensation, (2) any individual who is in the employment relation to one or more employers, and (3) an employee representative. The term 'employee' shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after the enactment date. The term 'employee representative' means any officer or official representative of a railway labor organization other than a labor organization included in the term 'employer' as defined in section 1 (a) who before or after the enactment date was in the service of an employer as defined in section 1 (a) and who is duly authorized and designated to represent employees in accordance with the Railway Labor Act, as amended, and any individual who is regularly assigned to or regularly employed by such officer or official representative in connection with the duties of his office.

"(c) An individual is in the service of an employer whether his service is rendered within or without the United States if he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of his service, which service he renders for compensation: *Provided, however,* That an individual shall be deemed to be in the service of an employer not conducting the principal part of its business in the United States only when he is rendering service to it in the United States.

"(d) An individual is in the employment relation to an employer if he is on furlough, subject to call for service within or outside the United States and ready and willing to serve, or on leave of absence, or absent on account of sickness or disability; all in accordance with the established rules and practices in effect on the employer: *Provided, however,* That an individual shall not be deemed to have been on the enactment date in the employment relation to an employer not conducting the principal part of its business in the United States unless during the last pay-roll period in which he rendered service to it prior to the enactment date, he rendered service to it in the United States.

"(e) The term 'United States', when used in a geographical sense, means the States, Alaska, Hawaii, and the District of Columbia.

"(f) The term 'years of service' shall mean the number of years an individual as an employee shall have rendered service to one or more employers for compensation or received remuneration for time lost, and shall be computed in accordance with the provisions of section 3 (b): *Provided, however,* That where service prior to the enactment date may be included in the computation of years of service as provided in subdivision (1) of section 3 (b), it may be included as to service rendered to a person which was on the enactment date an employer, irrespective of whether, at the time such service was rendered, such person was an employer; and it may also be included as to service rendered to any express company, sleeping-car company, or carrier by railroad which was a predecessor of a company which, on the enactment date, was a carrier as defined in subsection (m), irrespective of whether, at the time such service was rendered to such predecessor, it was an employer. Twelve calendar months, consecutive or otherwise, in each of which an employee has rendered such service or received such wages for time lost, shall constitute a year of service. An ultimate fraction of 6 months or more shall be taken as 1 year. An ultimate fraction of less than 6 months shall be taken at its actual value.

"(g) The term 'annuity' means a monthly sum which is payable on the 1st day of each calendar month for the accrual during the preceding calendar month.

"(h) The term 'compensation' means any form of money remuneration earned by an individual for services rendered as an employee to one or more employers, or as an employee representative, including remuneration paid for time lost as an employee, but remuneration paid for time lost shall be deemed earned in the month in which such time is lost. Such term does not include tips, or the voluntary payment by an employer, without deduction from the remuneration of the employee, of any tax now or hereafter imposed with respect to the compensation of such employee.

"(i) The term 'Board' means the Railroad Retirement Board.

"(j) The term 'enactment date' means the 29th day of August 1935.

"(k) The term 'company' includes corporations, associations, and joint-stock companies.

"(l) The term 'employee' includes an officer of an employer.

"(m) The term 'carrier' means an express company, sleeping-car company, or carrier by railroad, subject to part I of the Interstate Commerce Act.

"(n) The term 'person' means an individual, a partnership, an association, a joint-stock company, or a corporation.

"ANNUITIES

"SEC. 2. (a) The following-described individuals, if they shall have been employees on or after the enactment date, shall, subject to the conditions set forth in subsections (b), (c), and (d), be eligible for annuities after they shall have ceased to render compensated service to any person, whether or not an employer as defined in section 1 (a) (but with the right to engage in other employment to the extent not prohibited by subsection (d)):

"1. Individuals who on or after the enactment date shall be 65 years of age or over.

"2. Individuals who on or after the enactment date shall be 60 years of age or over and (a) either have completed 30 years of service or (b) have become totally and permanently disabled for regular employment for hire, but the annuity of such individuals shall be reduced one one-hundred-and-eightieth for each calendar month that they are under age 65 when the annuity begins to accrue.

"3. Individuals, without regard to age, who on or after the enactment date are totally and permanently disabled for regular employment for hire and shall have completed 30 years of service.

"Such satisfactory proof of the permanent total disability and of the continuance of such disability until age 65 shall be made from time to time as may be prescribed by the Board. If the individual fails to comply with the requirements prescribed by the Board as to proof of the disability or the continuance of the disability until age 65, his right to an annuity under subdivision 2 or subdivision 3 of this subsection by reason of such disability shall, except for good cause shown to the Board, cease, but without prejudice to his rights under subdivisions 1 or 2 (a) of this subsection. If, prior to attaining age 65, such an individual recovers and is no longer disabled for regular employment for hire, his annuity shall cease upon the last day of the month in which he so recovers and if after such recovery the individual is granted an annuity under subdivisions 1 or 2 (a) of this subsection, the amount of such annuity shall be reduced on an actuarial basis to be determined by the Board so as to compensate for the annuity previously received under this subdivision.

"(b) An annuity shall be paid only if the applicant shall have relinquished such rights as he may have to return to the service of an employer and of the person by whom he was last employed; but this requirement shall not apply to the individuals mentioned in subdivision 2 (b) and subdivision 3 of subsection (a) prior to attaining age 65.

"(c) An annuity shall begin to accrue as of a date to be specified in a written application (to be made in such manner and form as may be prescribed by the Board and to be signed by the individual entitled thereto), but—

"(1) not before the date following the last day of compensated service of the applicant, and

"(2) not more than 60 days before the filing of the application.

"(d) No annuity shall be paid with respect to any month in which an individual in receipt of an annuity hereunder shall render compensated service to an employer or to the last person by whom he was employed prior to the date on which the annuity began to accrue. Individuals receiving annuities shall report to the Board immediately all such compensated service.

"COMPUTATION OF ANNUITIES

"SEC. 3. (a) The annuity shall be computed by multiplying an individual's 'years of service' by the following percentages of his 'monthly compensation': 2 percent of the first $50; 1½ percent of the next $100; and 1 percent of the next $150.

"(b) The 'years of service' of an individual shall be determined as follows:

"(1) In the case of an individual who was an employee on the enactment date, the years of service shall include all his service subsequent to December 31, 1936, and if the total number of such years is less than 30, then the years of service shall also include his service prior to January 1, 1937, but not so as to make his total years of service exceed 30: *Provided, however,* That with respect to any such individual who rendered service to any employer after January 1, 1937, and who on the enactment date was not an employee of an employer conducting the principal part of its business in the United States no greater proportion of his service rendered prior to January 1, 1937, shall be included in his 'years of service' than the proportion which his total compensation (including compensation in any month in excess of $300) for service after January 1, 1937, rendered anywhere to an employer conducting the principal part of its business in the United States or rendered in the United States to any other employer bears to his total compensation (including compensation in any month in excess of $300) for service rendered anywhere to an employer after January 1, 1937.

"(2) In all other cases, the years of service shall include only the service subsequent to December 31, 1936.

"(3) Where the years of service include only part of the service prior to January 1, 1937, the part included shall be taken in reverse order beginning with the last calendar month of such service.

"(4) In no case shall the years of service include any service rendered after June 30, 1937, by an individual who is 65 years of age or over, except for the purpose of computing his monthly compensation as provided in subsection (c) of this section.

"(c) The 'monthly compensation' shall be the average compensation earned by an employee in calendar months included in his 'years of service', except (1) that with respect to service prior to January 1, 1937, the monthly compensation shall be the average compensation earned by an employee in calendar months included in his years of service in the years 1924–31, and (2) that where service in the period 1924–31 is, in the judgment of the Board, insufficient to constitute a fair and equitable basis for determining the monthly compensation for service prior to January 1, 1937, the Board shall determine the monthly compensation for such service in such manner as in its judgment shall be just and equitable. If the employee earned compensation after June 30, 1937, and after the last day of the month in which he attained age 65, such compensation shall be disregarded if the result of taking such compensation into account would be to diminish his annuity. In computing the monthly compensation, no part of any month's compensation in excess of $300 shall be recognized.

"(d) The annuity of an individual who shall have been an employee representative shall be determined in the same manner and with the same effect as if the employee organization by which he shall have been employed were an employer.

"(e) If the individual was an employee when he attained age 65 and has completed 20 years of service, the minimum annuity payable to him shall be $40 per month: *Provided, however,* That if the monthly compensation on which his annuity is based is less than $50, his annuity shall be 80 percent of such monthly compensation, except that if such 80 percent is less than $20, the annuity shall be $20 or the same amount as the monthly compensation, whichever is less. In no case shall the value of the annuity be less than the value of the additional old-age benefit he would receive under title II of the Social Security Act if his service as an employee after December 31, 1936, were included in the term 'employment' as defined therein.

"(f) Annuity payments due an individual but not yet paid at death shall be paid to a surviving spouse if such spouse is entitled to an annuity under an election made pursuant to the provisions of section 4; otherwise they shall be paid to the same individual or individuals who may be entitled to receive any death benefit that may be payable under the provisions of section 5.

"(g) No annuity shall accrue with respect to the calendar month in which an annuitant dies.

"(h) After an annuity has begun to accrue, it shall not be subject to recomputation on account of service rendered thereafter to an employer, except as provided in subdivision 3 of section 2 (a).

"(i) If an annuity is less than $2.50, it may, in the discretion of the Board, be paid quarterly or in a lump sum equal to its commuted value as determined by the Board.

"JOINT AND SURVIVOR ANNUITY

"SEC. 4. An individual whose annuity shall not have begun to accrue may elect prior to January 1, 1938, or at least 5 years before the date on which his annuity begins to accrue, or upon furnishing proof of health satisfactory to the Board, to have the value of his annuity apply to the payment of a reduced annuity to him during life and an annuity after his death to his spouse during life equal to, or 75 percent of, or 50 percent of such reduced annuity. The amounts of the two annuities shall be such that their combined actuarial value as determined by the Board shall be the same as the actuarial value of the single-life annuity to which the individual would otherwise be entitled. Such election shall be irrevocable, except that it shall become inoperative if the individual or the spouse dies before the annuity begins to accrue or if the individual's marriage is dissolved or if the individual shall be granted an annuity under subdivision 3 of section 2 (a): *Provided, however,* That the individual may, if his marriage is dissolved before the date his annuity begins to accrue, or if his annuity under subdivision 3 of section 2 (a) ceases because of failure to make the required proof of disability, make a new election under the conditions stated in the first sentence of this subsection. The annuity of a spouse under this subsection shall begin to accrue on the first day of the calendar month in which the death of the individual occurs.

"DEATH BENEFITS

"SEC. 5. The following benefits shall be paid with respect to the death of individuals who were employees after December 31, 1936:

"(a) If the deceased should not be survived by a widow or widower who is entitled to an annuity under an election made pursuant to the provisions of section 4, there shall be paid to such person or persons as the deceased may have designated by a writing filed with the Board prior to his death, or if there be no designation, to the legal representative of the deceased, the amount, if any, by which 4 percent of the aggregate compensation earned by the deceased after December 31, 1936, exceeds the sum of the total of the annuity payments actually made to the deceased plus the total of the annuity payments due the deceased but not yet paid at death. If the person or persons designated to receive the death benefit do not survive the deceased, the death benefit shall be paid to the legal representative of the deceased.

"(b) If the deceased should be survived by a widow or widower entitled to an annuity under an election made pursuant to the provisions of section 4, there shall, on the death of the widow or widower, be paid to such person or persons as the deceased may have designated by a writing filed with the Board prior to his death, or if there be no designation, to the legal representative of the deceased, the amount, if any, by which 4 percent of the aggregate compensation earned by the deceased after December 31, 1936, exceeds the sum of the total of the annuity payments actually made to the deceased plus the total of the annuity payments actually made to the widow or widower under an election made pursuant to the provisions of section 4 and under the provisions of section 3 (f), plus the total of the annuity payments due the widow or widower but not yet paid at death. If the person or persons designated to receive the death benefit do not survive the widow or widower, the death benefit shall be paid to the legal representative of the deceased.

"In computing the aggregate compensation for the purpose of this section, no part of any month's earnings in excess of $300 shall be recognized.

"PENSION TO INDIVIDUALS ON PENSION OR GRATUITY ROLLS OF EMPLOYERS

"SEC. 6. (a) Beginning July 1, 1937, each individual then on the pension or gratuity roll of an employer by reason of his employment who was on such roll on March 1, 1937, shall be paid on July 1, 1937, and on the 1st day of each calendar month thereafter during his life, a pension at the same rate as the pension or gratuity granted to him by the employer without diminution by reason of a general reduction or readjustment made subsequent to December 31, 1930, and applicable to pensioners of the employer: *Provided, however,* That no pension payable under this section shall exceed $120 monthly; *And provided further,* That no individual on the pension or gratuity roll of an employer not conducting the principal part of its business in the United States shall be paid a pension under this section unless, in the judgment of the Board, he was, on March 1, 1937, carried on the pension or gratuity roll as a United States pensioner.

"(b) No individual covered by this section who was on July 1, 1937, eligible for an annuity under this act or the Railroad Retirement Act of 1935, based in whole or in part on service rendered prior to January 1, 1937, shall receive a pension payment under this section subsequent to the payment due on October 1, 1937, or due on the 1st day of the month in which the application for an annuity of such individual has been awarded and certified by the Board, whichever of the two dates is earlier. The annuity claims of such individuals who receive pension payments under this section shall be adjudicated in the same manner and with the same effect as if no pension payments had been made: *Provided, however,* That no such individual shall be entitled to receive both a pension under this section and an annuity under this act or the Railroad Retirement Act of 1935, and in the event pension payments have been made to any such individual in any month in which such individual is entitled to an annuity under this act or the Railroad Retirement Act of 1935, the difference between the amounts paid as pensions and the amounts due as annuities

shall be adjusted in accordance with such rules and regulations as the Board may deem just and reasonable.

"(c) The pension paid under this section shall not be considered to be in substitution for that part of the pension or gratuity from the employer which is in excess of a pension or gratuity at the rate of $120 a month.

"SEC. 7. Nothing in this act or the Railroad Retirement Act of 1935 shall be taken as restricting or discouraging payment by employers to retired employees of pensions or gratuities in addition to the annuities or pensions paid to such employees under such acts, nor shall such acts be taken as terminating any trust heretofore created for the payment of such pensions or gratuities.

"CONCLUSIVENESS OF RETURNS OF COMPENSATION AND OF FAILURE TO MAKE RETURNS OF COMPENSATION

"SEC. 8. Employers shall file with the Board, in such manner and form and at such times as the Board by rules and regulations may prescribe, returns under oath of monthly compensation of employees, and, if the Board shall so require, shall furnish employees with statements of their monthly compensation as reported to the Board. Any such return shall be conclusive as to the amount of compensation earned by an employee during each month covered by the return, and the fact that no return was made of the compensation claimed to be earned by an employee during a particular calendar month shall be taken as conclusive that no compensation was earned by such employee during that month, unless the error in the amount of compensation returned in the one case, or the failure to make return of the compensation in the other case, is called to the attention of the Board within 4 years after the last date on which return of the compensation was required to be made.

"ERRONEOUS PAYMENTS

"SEC. 9. (a) If the Board finds that at any time more or less than the correct amount of any annuity or pension has theretofore been paid to any individual under this act or the Railroad Retirement Act of 1935, then, under regulations made by the Board, proper adjustments shall be made in connection with subsequent payments under such acts to the same individual.

"(b) There shall be no recovery of payments of annuities, death benefits, or pensions from any person who, in the judgment of the Board, is without fault and if, in the judgment of the Board, such recovery would be against equity and good conscience. No disbursing officer shall be held liable for any amount paid by him to any person where the recovery of such amount is waived under this section.

"RETIREMENT BOARD

"Personnel

"SEC. 10. (a) There is hereby established as an independent agency in the executive branch of the Government a Railroad Retirement Board, to be composed of three members appointed by the President, by and with the advice and consent of the Senate. Each member shall hold office for a term of 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of the term and the terms of office of the members first taking office after the enactment date shall expire, as designated by the President, one at the end of 2 years, one at the end of 3 years, and one at the end of 4 years after the enactment date. One member shall be appointed from recommendations made by representatives of the employees and one member shall be appointed from recommendations made by representatives of carriers, in both cases as the President shall direct, so as to provide representation on the Board satisfactory to the largest number, respectively, of employees and carriers concerned. One member, who shall be the chairman of the Board, shall be appointed initially for a term of 2 years without recommendation by either carriers or employees and shall not be in the employment of or be pecuniarily or otherwise interested in any employer or organization of employees. Vacancies in the Board shall not impair the powers or affect the duties of the Board or of the remaining members of the Board, of whom a majority of those in office shall constitute a quorum for the transaction of business. Each of said members shall receive a salary of $10,000 per year, together with necessary traveling expenses and subsistence expenses, or per-diem allowance in lieu thereof, while away from the principal office of the Board on official duties.

"Duties

"(b) 1. The Board shall have and exercise all the duties and powers necessary to administer this act and the Railroad Retirement Act of 1935. The Board shall take such steps as may be necessary to enforce such acts and make awards and certify payments. Decisions by the Board upon issues of law and fact relating to pensions, annuities, or death benefits shall not be subject to review by any other administrative or accounting officer, agent, or employee of the United States.

"2. If the Board finds that an applicant is entitled to an annuity under the provisions of this act or the Railroad Retirement Act of 1935, then the Board shall make an award fixing the amount of the annuity and shall certify the payment thereof as hereinafter provided; otherwise the application shall be denied.

"3. The Board shall from time to time certify to the Secretary of the Treasury the name and address of each individual entitled to receive a payment, the amount of such payment, and the time at which it should be made, and the Secretary of the Treasury through the Division of Disbursements of the Treasury Department, and prior to audit by the General Accounting Office, shall make payment in accordance with the certification by the Board.

"4. The Board shall establish and promulgate rules and regulations to provide for the adjustment of all controversial matters arising in the administration of such acts, with power as a Board or through any member or designated subordinate thereof to require and compel the attendance of witnesses, administer oaths, take testimony, and make all necessary investigations in any matter involving annuities or other payments, and shall maintain such offices, provide such equipment, furnishings, supplies, services, and facilities, and employ such individuals and provide for their compensation and expenses as may be necessary for the proper discharge of its functions. In the employment of such individuals under the civil-service laws and rules the Board shall give preference over all others to individuals who have had experience in railroad service, if, in the judgment of the Board, they possess the qualifications necessary for the proper discharge of the duties of the positions to which they are to be appointed. All rules, regulations, or decisions of the Board shall require the approval of at least two members, except as provided in subdivision 5 of this subsection, and they shall be entered upon the records of the Board, which shall be a public record. Notice of a decision of the Board, or of an employee thereof, shall be communicated to the applicant in writing within 30 days after such decision shall have been made. The Board shall gather, keep, compile, and publish in convenient form such records and data as may be necessary to assure proper administration of such acts. The Board shall have power to require all employers and employees and any officer, board, commission, or other agency of the United States to furnish such information and records as shall be necessary for the administration of such acts. The several district courts of the United States and the District Court of the United States for the District of Columbia shall have jurisdiction upon suit by the Board to compel obedience to any order of the Board issued pursuant to this section. The orders, writs, and processes of the District Court of the United States for the District of Columbia in such suits may run and be served anywhere in the United States. The Board shall make an annual report to the President of the United States to be submitted to Congress. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"5. The Board is authorized to delegate to any of its employees the power to make decisions on applications for annuities or death benefits in accordance with rules and regulations prescribed by the Board: *Provided, however,* That any person aggrieved by a decision so made shall have the right to appeal to the Board.

"COURT JURISDICTION

"SEC. 11. An employee or other person aggrieved may apply to the district court of any district wherein the Board may have established an office or to the District Court of the United States for the District of Columbia to compel the Board (1) to set aside an action or decision of the Board claimed to be in violation of a legal right of the applicant or (2) to take action or to make a decision necessary for the enforcement of a legal right of the applicant. Such a court shall have jurisdiction to entertain such application and to grant appropriate relief. The decision of the Board with respect to an annuity, pension, or death benefit shall not be subject to review by any court unless suit is commenced within 1 year after the decision shall have been entered upon the records of the Board and communicated to the person claiming the annuity, pension, or death benefit. The jurisdiction herein specifically conferred upon the Federal courts shall not be held exclusive of any jurisdiction otherwise possessed by such courts to entertain actions at law or suits in equity in aid of the enforcement of rights or obligations arising under the provisions of this act or the Railroad Retirement Act of 1935.

"EXEMPTION

"SEC. 12. No annuity or pension payment shall be assignable or be subject to any tax or to garnishment, attachment, or other legal process under any circumstances whatsoever, nor shall the payment thereof be anticipated.

"PENALTIES

"SEC. 13. Any officer or agent of an employer, as the word 'employer' is hereinbefore defined, or any employee acting in his own behalf, or any individual whether or not of the character hereinbefore defined, who shall willfully fail or refuse to make any report or furnish any information required, in accordance with the provisions of section 10 (b) 4, by the Board in the administration of this act or the Railroad Retirement Act of 1935, or who shall knowingly make or cause to be made any false or fraudulent statement or report when a statement or report is required to be made for the purpose of such acts, or who shall knowingly make or aid in making any false or fraudulent statement or claim for the purpose of causing an award or payment under such acts, shall be punished by a fine of not more than $10,000 or by imprisonment not exceeding 1 year.

"SEPARABILITY

"SEC. 14. If any provision of this act or the Railroad Retirement Act of 1935, or the application thereof to any person or circumstance, should be held invalid, the remainder of such act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

"RAILROAD RETIREMENT ACCOUNT

"SEC. 15. (a) There is hereby created an account in the Treasury of the United States to be known as the Railroad Retirement Account. There is hereby authorized to be appropriated to the account for each fiscal year, beginning with the fiscal year ending June 30, 1937, as an annual premium an amount sufficient, with a reasonable margin for contingencies, to provide for the payment of all annuities, pensions, and death benefits in accordance with the provisions of this act and the Railroad Retirement Act of 1935. Such amount shall be based on such tables of mortality as the Railroad Retirement Board shall from time to time adopt, and on an interest rate of 3 percent per annum compounded annually. The Railroad Retirement Board shall submit annually to the Bureau of the Budget an estimate of the appropriation to be made to the account.

"(b) At the request and direction of the Board, it shall be the duty of the Secretary of the Treasury to invest such portion of the amounts credited to the account as, in the judgment of the Board, is not immediately required for the payment of annuities, pensions, and death benefits in accordance with the provisions of this act and the Railroad Retirement Act of 1935 in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired on original issue at par or by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the account. Such special obligations shall bear interest at the rate of 3 percent per annum. Obligations other than such special obligations may be acquired for the account only on such terms as to provide an investment yield of not less than 3 percent per annum. It shall be the duty of the Secretary of the Treasury to sell and dispose of obligations in the account if it shall be in the interest of the account so to do. Any obligations acquired by the account, except special obligations issued exclusively to the account, may be sold at the market price. Special obligations issued exclusively to the account shall, at the request of the Board, be redeemed at par plus accrued interest. All amounts credited to the account shall be available for the payment of all annuities, pensions, and death benefits in accordance with the provisions of this act and the Railroad Retirement Act of 1935.

"(c) The Board is hereby authorized and directed to select two actuaries, one from recommendations made by representatives of employees and the other from recommendations made by representatives of carriers. These actuaries, along with a third who shall be designated by the Secretary of the Treasury, shall be known as the Actuarial Advisory Committee with respect to the Railroad Retirement Account. The committee shall examine the actuarial reports and estimates made by the Railroad Retirement Board and shall have authority to recommend to the Board such changes in actuarial methods as they may deem necessary. The compensation of the members of the committee of actuaries, exclusive of the member designated by the Secretary, shall be fixed by the Board on a per-diem basis.

"(d) The Board shall include in its annual report a statement of the status and the operations of the Railroad Retirement Account. At intervals not longer than 3 years the Board shall make an estimate of the liabilities created by this act and the Railroad Retirement Act of 1935 and shall include such estimate in its annual report. Such report shall also contain an estimate of the reduction in liabilities under title II of the Social Security Act arising as a result of the maintenance of this act and the Railroad Retirement Act of 1935.

"APPROPRIATION FOR ADMINISTRATIVE EXPENSES

"SEC. 16. There is hereby authorized to be appropriated from time to time such sums as may be necessary to provide for the expenses of the Board in administering the provisions of this act and the Railroad Retirement Act of 1935.

"SOCIAL SECURITY ACT

"SEC. 17. The term 'employment', as defined in subsection (b) of section 210 of title II of the Social Security Act, shall not include service performed by an individual as an employee as defined in section 1 (b).

"FREE TRANSPORTATION

"SEC. 18. It shall not be unlawful for carriers by railroad subject to this act to furnish free transportation to individuals receiving annuities or pensions under this act or the Railroad Retirement Act of 1935 in the same manner as such transportation is furnished to employees in their service."

PART II

SECTION 201. The act entitled "An act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes", approved August 29, 1935, as in force prior to its amendment by part I of this act, may be cited as the "Railroad Retirement Act of 1935"; and such act, as amended by part I of this act, may be cited as the "Railroad Retirement Act of 1937."

SEC. 202. The claims of individuals (and the claims of spouses and next of kin of such individuals) who, prior to the date of the enactment of this act, relinquished all rights to return to the service of a carrier as defined in the Railroad Retirement Act of 1935 or ceased to be employee representatives as defined therein, and became eligible for annuities under such act, shall be adjudicated by the Board in the same manner and with the same effect as if this act had not been enacted: *Provided, however,* That with respect to any such claims no reduction shall be made in any annuity certified after the date of the enactment of this act because of continuance in service after age 65: *And provided further,* That service rendered prior to August 29, 1935, to a company which on that date was a carrier as defined in the Railroad Retirement Act of 1935, shall be included in the service period in connection with any annuity certified in whole or in part by the Board after the date of the enactment of this act, irrespective of whether at the time such service was rendered such company was a carrier as defined in the Railroad Retirement Act of 1935; and service rendered prior to August 29, 1935, to any express company, sleeping-car company, or carrier by railroad which was a predecessor of a company which on that date was a carrier as defined in the Railroad Retirement Act of 1935, shall also be included in the service period in connection with any annuity certified in whole or in part by the Board after the date of the enactment of this act, irrespective of whether at the time such service was rendered such predecessor was a carrier as defined in the Railroad Retirement Act of 1935: *And provided further,* That annuity payments due an individual under the Railroad Retirement Act of 1935 but not yet paid at death shall be paid to a surviving spouse if such spouse is entitled to an annuity under an election made pursuant to the provisions of section 5 of such act; otherwise they shall be paid to such person or persons as the deceased may have designated by a writing filed with the Board prior to his death, or if there be no designation, to the legal representative of the deceased.

SEC. 203. Any individual who, prior to the date of the enactment of this act, relinquished all rights to return to the service of a carrier as defined in the Railroad Retirement Act of 1935 or ceased to be an employee representative as defined in such act, and who is not eligible for an annuity under that act but who would have been eligible for an annuity under the Railroad Retirement Act of 1937 had such act been in force from and after August 29, 1935, shall have his right to an annuity adjudicated under the Railroad Retirement Act of 1937: *Provided, however,* That no such annuity shall begin prior to the date of the enactment of this act.

SEC. 204. The Railroad Retirement Act of 1935 shall continue in force and effect with respect to the rights of individuals granted annuities prior to the date of the enactment of this act.

SEC. 205. The enactment of this act shall have no effect on the status, tenure of office, or compensation of the present members, officers, and employees of the Railroad Retirement Board; except that individuals who have had experience in railroad service shall be retained in the employ of the Board, whether or not qualified under the civil-service laws and rules, if in the judgment of the Board they possess the qualifications necessary for the proper discharge of the duties of the positions which they are holding.

The SPEAKER. Is a second demanded?

Mr. MAPES. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. CROSSER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LEA], chairman of the Committee on Interstate and Foreign Commerce.

Mr. LEA. Mr. Speaker, in 1934 the gentleman from Ohio [Mr. CROSSER] introduced a Railroad Retirement Act which Congress passed and which was subsequently held unconstitutional in the Supreme Court by a vote of 5 to 4.

In 1935 Congress passed another retirement act which was contested in the courts, but, so far, has not been passed upon by the Supreme Court.

In December 1936 the President suggested that railway management and the men in railway industry negotiate with a view of agreeing upon a railway retirement act.

Representatives of the 21 standard railway employees' organizations representing substantially all railway employees on class I railroads participated in the negotiations. Railway management representing 98½ percent of the total mileage of class 1 railways of the United States participated in the negotiations. Class 1 railroads, as the membership of the House is aware, embrace every railroad whose annual income is over $1,000,000.

Members of the Federal Railroad Retirement Board participated with representatives of the management and men in these conferences. Finally an agreement was reached, the substance of which was embodied in a bill brought before the Interstate and Foreign Commerce Committee of the House. As a result of the hearings and further consid-

eration of that measure by our committee a number of changes were made which were approved of by these two groups and embodied in the bill now presented to the House.

This is the most far-reaching agreement ever entered into between capital and labor in this or any other country.

It is accomplished in noticeable contrast with the deplorable conflicts and strife now abroad in our country and sapping at its economic life.

This plan completely carried out would place one-half of its burden upon the employees and the other half upon the employers. The burden thus borne will include administrative expense of the Federal Government.

The legislation affects 1,150,000 employees in the service and is based on the pay roll of about $2,200,000,000.

I will not attempt to make a detailed analysis of the provisions of the bill but will roughly refer to some of its important features.

EMPLOYERS

Employers subject to the act are express companies, sleeping-car companies, rail carriers subject to the Interstate Commerce Act, companies controlled by one or more of the employers in the transportation business or in railway service, and certain railroad and labor organizations having slightly less than 4,000 employees, which are also treated as employers in the bill.

EMPLOYEES

The employee is one in the service, for compensation, of an employer under the act. The relationship is one where the employee is subject to the direction and continued authority of the employer.

An important feature of the bill is a provision making those in "employment relation" subject to benefits under the bill. That term includes, outside of those actually working in the service of the employer, those who are not actually working but who are temporarily absent because of reductions in business or on account of sickness or disability or under furlough. Such persons might be entitled to an annuity at 65 years of age; or after 60 years of age without 30 years of service in case of permanent and total disability, or after 30 years of service.

These provisions will cover the cases of about 8,000 who were disabled on the enactment date, August 29, 1935.

Employees on carrier pension rolls on March 1, 1937, will be transferred and receive annuities after July 1, 1937. The annuity granted to such employees under this act will not exceed $120 per month. The remainder, if any, annuity in excess of that amount which they are now receiving will be paid by the carrier.

These pensioners are also to have restored any general reduction made in their pensions by the carriers since December 31, 1930.

ANNUITIES

Annuities are based on an employment relation on the enactment date, August 29, 1935; on an age of 65 years or over and on a voluntary surrender of the employment on which the annuity is based; also on a 60-year basis as above indicated.

This bill provides for no compulsory retirement. The existing law reduces annuity benefits by one-fifteenth for each year after the employee remains for service after 65 years of age. That restriction is removed from this bill. It was originally intended for the purpose of inducing men to leave employment after 65 years of age.

Annuities are computed on a basis of monthly compensation and years of employment.

July 1, 1937, is the controlling date for computing prior and subsequent service. Service prior to that date is computed so far as necessary to make up the 30 years required to qualify for an annuity. Full credit is given for all service subsequent to that date in computing an annuity.

The computation for an annuity includes increased compensation after 65 years of age, if any. The employee is not charged with lower compensation after that date in computing his annuity.

The average annuity received under this legislation will be slightly less than one-half of the compensation received by the employee while in the service.

RETIREMENT AGE

The employee acquires retirement rights at 60 years after 30 years of service; or when he becomes totally and permanently disabled, but subject to a deduction of one-fifteenth of the annuity for each year less than 65 years of age.

The average entrance of age of the present railway employee is 26 years. This rather high age of entrance is due to the fact that skill is required in so many branches of railway employment and to the further fact that to a large extent the nature of the work calls for men of mature judgment.

Generally, the railroads do not employ unexperienced persons after 35 years of age or experienced persons after 45 years of age.

NUMBER OF EMPLOYEES

In 1929 class 1 railroads employed 1,600,000; in 1933 the number had decreased to 931,000, or 669,000 less than 4 years before. At the last report for 1937 there were 1,150,000 employees on these railroads. It is now estimated that a return to the business level of 1929 would require the employment of 1,400,000 employees, or 200,000 less than required in 1929. This decreased number would be due to more efficient and labor-saving methods adopted in the last 8 years.

COST OF PLAN

There are uncertainties as to the number who may become beneficiaries under this act; the age and amount to which they will be entitled when they apply. The best estimates available indicate that an appropriation of $118,250,000 will be required for the fiscal year 1938 and that the maximum appropriation required will be in 1950, $162,250,000.

For a good many years to come it is estimated the taxes received will largely exceed the necessary expenditures to carry the plan. Funds accumulated in excess of current requirements will develop a contingent reserve which, to a material degree, will lighten the load when disbursements reach their peak, about 1975.

It is estimated that the disbursements for 1938 will be $58,280,000, or $60,000,000 less than the receipts.

It is estimated by 1948 the disbursements will be $107,099,000, or over $50,000,000 less than receipts for that year.

By 1975 it is estimated the maximum annual expense will be reached amounting to $231,390,000.

It may be safely assumed that experience developed in the administration of this act will demonstrate the desirability of changes to adjust the plan The maintenance of a proper balance between receipts and disbursements will of necessity require adjustment from time to time. No doubt at least minor adjustments will be required as to the extent of liabilities or the amount of funds estimated to meet such liabilities. The general plan, however, seems to be on a sound basis. There is no reason to anticipate any such changes will be found necessary as to destroy the substantial features of the plan embodied in this legislation.

It is the belief of the committee that this act, and particularly its substantial features, will be held constitutional should the Supreme Court be called upon for its decision.

Friends of this legislation, in my judgment, need not particularly fear ultimate Court disposal of this problem.

The two great groups entering into agreement resulting in this legislation have agreed not to contest it. Other interested parties may possibly do so. The time may easily come when the Government or friends of the legislation will desire the certainty of a Supreme Court decision to finally define the rights and liabilities under this legislation.

COMMENDS COOPERATION OF MEN AND MANAGEMENT

This legislation is the most notable action taken for age-retirement benefits in private industry in the history of this country. It is expected legislation will, in effect, place the burden of maintaining the system directly upon the men and

management whose agreement led to this legislation. Like all retirement systems however, the burden of its maintenance must ultimately reach the consumer. To the employer a retirement system is part of his labor cost which must in the main, be passed on to the consumer of his products or service. To the employee, his retirement benefit is an additional compensation. To the extent that he may contribute, it is in effect a savings account, or a premium for insurance of age benefits.

Students of retirement systems seem to agree they tend to reduce the current compensation of the employee, but to increase the ultimate reward of his employment. The payments he receives after retirement more than compensate for the decreased pay he receives during his employment.

The employee acquires an assurance against age and disabilities that tends to stabilize him from an economic standpoint and gives him an assurance for aid that should add to his comfort and happiness.

Probably no other class of employees in the country, engaged in private industry, can more readily be adjusted to a retirement system under the general plan of this bill than railway employees. Their employment is well graded and standardized, comparatively constant, with a comparatively limited number of employers who are always subject to public regulation.

The fixing of pay and benefits, as well as the employer pay roll, are comparatively easy of ascertainment as contrasted with most employment in private industry.

OLD-AGE PENSIONS

Most of our present private retirement systems are founded on labor cost and include increased pay or at least a different method of payment for labor performed. In this respect such systems must be contrasted with general old-age pensions based on age and need.

The greatest reason for old-age pensions is the humane reason; the need of protecting worthy people against poverty and misfortune against which they are unable to protect themselves. Generally speaking, the care of such persons cannot be based on assessment against pay rolls. The support of such a system is more equitably placed among the tax liabilities of the Nation, local, State, or Federal. Men and women do not need or deserve age pensions primarily on account of what they may have collected from pay rolls.

The burden of pensions to the aged must rest on the consumers of the country. Taxes of all kinds primarily add to the living cost of the Nation, and the consumers of the country pay the bill.

Consumer contributions and increasing compensation to limited groups increases costs to all consumers and give the benefits to limited groups of beneficiaries. All of the needy pay with our whole population, but only part of the needy are beneficiaries of the plan. This situation, with due regard to justice and equity, leads us to seek a more universal application of age-retirement benefits. In turn, we must seek a more universal and just distribution of the burden of age retirement.

I regard our social-security plan as transitory because it fails in a just distribution of both its burdens and its benefits. It is too limited in its benefited classes from a humane standpoint of need and too limited in applying its burdens. There is a sane and necessary balance that must be maintained between what the Nation would like to do and what it is practicable to do.

It is with hope that this act may be wisely administered with wholesome advantages to the Nation and that it may contribute toward a yet more widespread and equitable system of social security.

We submit this measure to the Members of Congress.

For those who may be interested in comparisons of this proposed law with the existing act I submit a more detailed explanation.

DIFFERENCES BETWEEN THE RAILROAD RETIREMENT ACTS OF 1937 AND 1935

The Railroad Retirement Act of 1937 differs in many points from the Railroad Retirement Act of 1935. Apart from minor changes in phraseology, these differences may be discussed under six headings:

First. The Railroad Retirement Act of 1937 has a broader coverage, both as to employers and employees, than the present act.

(a) All employees of American lines, wherever they may be, are employees under the act. For example, American lines operate extensively in Canada; employees of these American railroads in Canada would be covered by the act.

(b) Railroad labor organizations are now to be included as employers. While it had been thought that the present act embraces railroad traffic associations, bureaus, and similar organizations, the doubt has now been removed by specific inclusion of such organizations in definite terms.

(c) Under the present act employees include, among others, persons who are on furlough or leave of absence, subject to call for service and ready and willing to serve. Many railroad employees, most of them old, comply with all the parts of this definition except that, because of permanent and total physical disability, they are not now, and never will be, ready to serve. The bill would include such persons as employees.

Second. Requirements for the receipt of benefit have been changed.

(a) Under the bill an employee would be required to cease rendering compensated service to any person, whether an employer under the act or not, before he may become eligible to receive an annuity. At the present time an employee who leaves the railroad service may begin to receive his annuity even though he may be employed regularly in another industry. The new provision is fortified by another which specifies that the annuity shall cease if the annuitant renders compensated service to an employer as defined in the act, or to the last person by whom he was employed prior to the date on which the annuity begins to accrue.

(b) An annuity may be paid under the present act to an employee who has completed 30 years of service if he shall have been, after the enactment date, retired by a carrier on account of mental or physical disability. The bill will provide that the annuity is payable only if the employee is permanently and totally disabled for regular employment for hire.

(c) Under the present act an employee may begin to receive an annuity when under the age of 65, even though not disabled, provided he has completed 30 years of service, but the annuity is to be reduced at the rate of one-fifteenth for each year by which he is under 65 at the time of the first annuity payment. This means that annuities of this character may begin as early as 50 years and 1 month, although in such case the annuity would be reduced to almost nothing. Under the bill annuities of this class may not begin prior to age 60, at which time the reduction would be one-third.

(d) Persons who are permanently and totally disabled for regular employment for hire may, under the bill, be eligible for annuities, irrespective of the length of service, but with the provision that such annuity is to be reduced by one-fifteenth for each year by which the employee is under 65 when the annuity begins to accrue.

Third. Benefits have been changed in several respects.

There have been several changes which affect the amount of benefits. The benefit that is paid upon death has been changed both as to deaths for which compensation is paid and as to form, and finally a new benefit has been added.

(a) The first change affecting the amount of benefits is one which removes the limitation on creditability of future service. At the present time no annuity may be based on more than 30 years of service, irrespective of the length

of the service period. This change in the bill will mean that in 1967 and thereafter annuities may be based on more than 30 years of service.

(b) Annuities based on prior service would not be paid under the bill to persons who are not employees on the date of enactment. Such persons will, of course, receive annuities based on all subsequent service. At the present time all persons who become employees may receive annuities based on both prior and future service.

(c) The reductions in annuities which are prescribed, except for officials, for employees over the age of 70, or over the age of 65, unless an agreement to continue in service is filed, have been removed. Under the present act these reductions in annuity have been at the rate of one-fifteenth for each year of continued service after the age of 65.

(d) In the event an employee is granted an annuity because of permanent and total disability and subsequently recovers, the annuity payable on retirement at the age of 65 or thereafter is to be reduced to take account of the payments made because of the disability. This is a new provision.

(e) Provision is made for a minimum annuity of $40 per month for persons who retire at the age of 65 or over, after 20 years or more of service, and whose average compensation on which the annuity is based is $60 or more. If such average compensation is less than $60, the annuity is to be 80 percent thereof, unless such 80 percent is less than $20, in which case the annuity is to be $20 or the average monthly compensation, whichever is less. Moreover, the annuity is not to be less than the additional amount which would be payable under title II of the Social Security Act if the employment under the retirement act were employment under title II of the former. No minimum is provided at the present time.

(f) Service after the age of 65 is to be disregarded in calculating annuities; except that if the compensation is such that it would increase the average which would be used to calculate the annuity at age 65, such compensation will be taken into account for the purpose of calculating the average.

(g) The death benefit is changed in two respects: First, instead of being payable only in respect of persons receiving or entitled to receive an annuity, it now becomes payable on the death of any person who has been an employee, and who has received compensation for service after December 31, 1936; second, instead of being one-half of the annuity which the deceased was receiving or entitled to receive, the benefit is to be 4 percent of the compensation, not in excess of $300 a month, for service on or after January 1, 1937.

(h) The present act instructs the Railroad Retirement Board to make a report as to the feasibility and practicability of substituting the provisions of the act for any existing provisions for the voluntary payment of pensions to employees not subject to the act. This provision has been deleted in the bill, and instead provision is made for the payment to persons now in receipt of voluntary pensions and gratuities of pensions equal to those granted by the employer, but without reduction caused by changes or adjustments of any plan after December 31, 1930.

Fourth. Railroad retirement account.

The present Railroad Retirement Act authorizes the appropriation of only such moneys from time to time as will be necessary to carry the act into effect. This provision has been understood to mean that every year there will be appropriated an amount necessary to pay the benefits currently due. Following the precedent of the Social Security Act, in language substantially the same, and having the same meaning, the new bill would create a reserve account to which there is authorized to be appropriated as annual premiums amounts "sufficient with a reasonable margin for contingencies to provide for the payment of all annuities, pensions, and death benefits, according to the provisions of this act and the Railroad Retirement Act of 1935."

It is not always possible to determine in advance (ordinarily, in fact, more than a year and a half in advance) how many deaths and retirements will take place. Consequently, unless there is a reserve to draw upon, it is possible that at some time embarrassing situations will arise because of unexpected drains on the appropriation. Moreover, it is clear that for a number of years there will be a strong tendency for benefit disbursements to rise. This rise will occur because of the inevitable increase in the number of employees who will attain retirement age and because of the fact that of any considerable number who do attain retirement age, some will survive for periods as long as 30 to 40 years. In view of this inescapable tendency for disbursements to rise, it is entirely reasonable and prudent that reserves be accumulated in anticipation thereof.

The amount of the appropriations to be made will depend on experience as it develops under the act. There will necessarily be involved the ages of retirement and entry into service; the rates of mortality, permanent and total disability, withdrawal from the industry, change in compensation by age and length of service, and so on. Since the appropriation contemplates the accumulation of reserves in anticipation of future payments, the basis of premiums must necessarily be recomputed from time to time in order to make allowance for variations between experience and estimates. Increases and decreases in the volume of employment and general decreases and increases in wage levels, all rising out of variations in general economic conditions, must also be taken into account from time to time as they occur. The provision for contingencies is intended to safeguard against sudden changes in these factors. All these factors, of course, have a bearing not only on the amounts to be appropriated but the amounts to be disbursed for benefits.

Fifth. Free transportation.

Section 1, subsection 7, of the Interstate Commerce Act prohibits the giving of free transportation except to certain enumerated classes of people. Among the excepted classes are employees and their families. The term "employees" is defined as including "furloughed, pensioned, and superannuated employees." It has been clear that the railroads could grant free transportation to employees on their own pension rolls, and those who might be superannuated even though not on such rolls. It is not clear whether there is any change in the status of such employees when they do not receive pensions from their employers, but rather annuities or pensions from the United States Treasury. It is clear that Congress, in passing the present Railroad Retirement Act, did not intend to preclude the giving of free transportation to employees receiving benefits from the United States Treasury rather than under the private pension systems of the carriers. The new bill would make it clear that the carriers may continue to furnish free transportation to employees in receipt of annuities or pensions under the Railroad Retirement Act in the same manner as they furnish free transportation to employees in the service.

Sixth. Administrative changes.

A considerable number of administrative changes would be effected by the bill. Some of the more important of these follow:

(a) The status of American employees of Canadian lines would be clarified.

(b) All service with an employer who was such on the enactment date is to be made creditable, removing the necessity for laborious searching into past records to determine the former status with respect to the Interstate Commerce Act. Until recent years, and particularly before 1908, the Interstate Commerce Commission did not make definite rulings as to the applicability of the act in many instances. At the present time the Retirement Board must attempt to determine whether a company was subject to the Interstate Commerce Act, for example, in 1887 or in 1900, as the case may be. The Board at the present time must also fix the date at which the act did become applicable.

(c) The definition of "compensation" would be clarified by making it clear that the earning of compensation rather than its receipt is what is significant, and by specifically excluding tips and taxes levied against the employees' compensation but paid by the employer, without deduction from the employees' pay.

(d) The Board is to be given discretion in fixing a compensation base for prior service where there was no service, or insufficient service, in the 8-year period 1924–1931, which will normally form the base for the determination of prior service compensation.

(e) No greater amount of prior service will need to be taken into account beyond that necessary to bring the total service up to 30 years. At the present time it is necessary to secure service records as far back as 1887, even though no more than 30 years will be used as the multiplier in computing the annuity.

(f) Returns as to compensation are to be made incontestable after 4 years. The Board is authorized to require that employers shall furnish to their employees statements of their monthly compensation as reported to the Board.

(g) The payment of death benefits is facilitated by providing for the designation of beneficiaries. At the present time all death settlements must be made under the laws of the several States.

(h) The provisions for the election of the joint and survivor annuity form, in lieu of the life annuity, is changed so as to preclude adverse selection and increased cost but without impairing the element of protection.

(i) Recovery of payments may be waived if such recovery would defeat the purposes of the benefits otherwise authorized or would be against equity and good conscience. Authority is given to the Board to adjust erroneous payments in subsequent payments to the same individual.

(j) The Board is to be authorized to delegate to any of its employees the power to make decisions on applications for annuities or death benefits in accordance with rules and regulations prescribed by the Board.

(k) The district courts of the United States and the District Court of the United States for the District of Columbia would have jurisdiction, upon suit by the Board, to compel obedience to such orders, and it would also provide that the orders, returns, and processes of the Supreme Court of the District of Columbia may run and be served anywhere in the United States. At present, though the act provides that the Board shall have the power to require carriers and employees of the United States to furnish information and records needed for the administration of the act, it contains no provision pursuant to which the Board can compel obedience to its orders.

(l) Suits against the Board by a person aggrieved by a decision are barred unless filed within 1 year after the decision has been entered upon the records of the Board and communicated to the claimant.

(m) An actuarial advisory committee is to be created to examine the actuarial reports and valuations made by the Retirement Board.

(n) The exclusion of employments covered by the act from the provisions of title II of the Social Security Act would be clarified.

Mr. MAPES. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. WOLVERTON].

Mr. WOLVERTON. Mr. Speaker and Members of the House, the Railroad Retirement Act now under consideration deserves the unanimous support of the Membership of the House. It provides a safe and sound system of retirement pensions or annuities for all who are employed, in any capacity, by the railroad systems of the country, and represents another outstanding achievement of the cooperative effort of management and men in the Nation's largest industry, to improve working conditions.

The circumstances under which this legislation is presented to the House are of such a character as to deserve special emphasis. Never during my experience in this House has legislation of such widespread importance been presented under more favorable conditions. First and foremost is the fact that it represents absolute and complete unanimity of thought and desire between management and men. There is no feature of this bill that presents any controversy or disagreement as between these two parties. Every provision has the support of both without any reservation upon the part of either. It represents a united effort to produce legislation that will be satisfactory and mutually beneficial, and comes before the House with the united support of railroad management and all the standard brotherhoods.

At a time when the Nation is sorely distressed with industrial turmoil, arising from conflicting interests, this action of management and men in the railroad industry comes as an assurance of what can be accomplished when both parties are willing to sit down together in a cooperative spirit that recognizes the respective rights and obligations of the other. And it is particularly gratifying to realize that the results have been attained without leaving that feeling of bitterness which so often accompanies agreements where either one side or the other feels that they have been driven to conclusions with which they are not in full accord. The absence of any such feeling in this instance is a splendid testimonial of the sincerity, fairness, and consideration with which the representatives of management and men approached and solved the many complex problems that demanded settlement in order that a satisfactory plan of retirement might result.

It is also worthy of note that the same spirit of cooperation that has been shown by both of the interested parties to the retirement plan was also shown by the membership of the Committee on Interstate and Foreign Commerce. At no time was there any appearance of partisan division nor divisions of any other character.

There was at all times a manifest desire upon the part of members of both political parties to make this worth-while legislation as perfect as it was humanly possible to do. It was realized that the problems, legal, financial, and economical, were of a character that required the most thoughtful consideration. In all of the discussions within the committee the underlying and controlling thought was to produce a plan that would be secure and prove beneficial to those who through the years would come within its provisions. And it is pleasing to report that this bill comes before the House with the unanimous support of the entire membership of the Committee on Interstate and Foreign Commerce.

This background of cooperative effort, first, upon the part of all those engaged in the railroad industry, management and men, and, secondly, by the membership of the committee, that has labored diligently and thoughtfully to provide worth-while legislation, creates, it seems to me, an obligation upon the part of the membership of this House to support wholeheartedly the result that has been reached.

There is, in my opinion, a very definite duty upon the part of the House to give approval to this type of legislation. No one will doubt that it is mutually beneficial to all parties, the railroad company, the railroad workers, and the traveling public. It provides a sense of security for old age that will create a satisfied state of mind upon the part of the workers. It removes doubt and uncertainty as to the future when the worker, because of advanced age can no longer measure up to the high standards that railroading, today, requires in all of its branches. A satisfied mind, wherein worry and fear are removed, enables the worker to give attention to his duties without disturbing influences that otherwise result, thereby promoting the element of safety for the traveling public, and giving to the company a quality of service that cannot be measured in dollars and cents.

The present bill is the third to be presented to Congress dealing with railroad retirement legislation. The first act was signed by the President on June 27, 1934. It was declared unconstitutional by the Supreme Court on May 6, 1935. Another act to take its place was passed and became law on August 29, 1935. This act is now and has been in

litigation since it became effective. Because of this fact it has been impossible for the Railroad Retirement Board to function effectively. This condition prompted the President to suggest to representatives of railroad labor organizations and railroad management that an effort be made to work out between them a retirement plan which would be mutually satisfactory.

In accordance with the suggestion of the President, a committee was appointed by the Association of American Railroads to confer with a committee appointed by the Railway Labor Executives Association, representing the employees. As a result of the conferences held by these two representative groups a plan of retirement was agreed upon and is embodied in amendments to the existing law. The bill now before the House (H. R. 7519) represents the plan as agreed upon by the carriers and their employees and approved by the Committee on Interstate and Foreign Commerce after careful study and extensive hearings. The enactment of this bill in its present form has been agreed upon by all the interested parties. Furthermore, it has been agreed by each of the parties that they will upon its enactment support and defend its provisions and cease further litigation of the present act to which this pending bill is an amendment. Consequently, the enactment of this bill will bring to a satisfactory conclusion all pending legislation, clear up all doubts and uncertainties, and provide a safe, sound, and highly beneficial plan of retirement for all railroad and affiliated employees.

For many years some of the railroads of the country have voluntarily maintained pension systems for the benefit of those who are retired from active service. In some instances the pension benefits have been highly satisfactory, but, it is also true that in some other instances the system in effect was not entirely satisfactory to the employees. And on some railroads there was no pension or retirement benefits whatsoever for retired employees. This bill will create a national system, uniform throughout the country, and eliminate the ever-present fear that a voluntary plan might, because of economic conditions, be discontinued by the company or the payments greatly reduced at any time. With the enactment of this bill into law, the basis for any such fears in the future will be removed. It makes permanent and sure that which was formerly uncertain or doubtful.

The enactment of this legislation will represent one of the most forward and progressive steps ever taken by any single industry.

I hope that the approval of this bill by the House will also indicate to industry in general the favorable results that can be attained when the spirit of cooperation prevails in the settlement of problems affecting the welfare of those who labor.

It is a privilege to have had a part in the enactment of this legislation that will mean so much to those who through a period of years have rendered faithful, efficient, and conscientious service in the different branches of railroad transportation. [Applause.]

Mr. MAPES. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. WITHROW].

Mr. WITHROW. Mr. Speaker, I regret very much that it is necessary to take this bill up under suspension of the rules, because I realize it is not possible to amend it and also that there is not sufficient time to properly discuss it. My purpose in obtaining this time is to clear up what I believe to be a misunderstanding which exists relative to the agreement entered into between the carriers and the representatives of the employees. There has been agreement entered into, but it is being misconstrued that that agreement pertains to all railroad legislation, and that the rest of the railroad legislation now pending before the Congress is to be thrown into the scrap heap and that the retirement act is to be passed, and no more of the brotherhood legislative program. I challenge any Member of the House to contradict my statement that that agreement has nothing to do with any other legislation than the retirement act, which is before us today, and this retirement act stands on its own feet, because it has merit and because it is generally recognized by the railroad carriers and the employees that men who work on the railroads should be retired when they become 65 years of age. In order to substantiate that argument I call attention to the testimony before the Interstate and Foreign Commerce Committee of the House in respect to it. I quote the testimony of Mr. Harrison, who appeared on behalf of the 21 railroad labor organizations, including the brotherhoods, and who spoke officially for them at that time. He was asked a question by Mr. BOREN:

> Does this agreement between the carriers and the employees' representatives in any way affect other legislation that might be introduced as regards railroad labor or railroads?
>
> Mr. HARRISON. I am glad you asked that question. This agreement we made with the railroads stands on its own bottom. It has no relation whatever to any other legislation. There were no promises made by representatives of labor that anything would be forgotten because of this agreement, nor did the railroads make any promises that they would even give up anything because of this agreement. It stands by itself on its own bottom.

Then I quote from the testimony of Mr. Fletcher, general counsel of the railroads of the United States. In his testimony, in referring to the agreement between the railroad carriers and the employees' representatives relative to this legislation, he said:

> I rise, therefore, mainly for the purpose of asserting what has been said by Mr. Harrison as to the complete agreement between the parties with reference to this measure and largely to emphasize and reiterate what he said in that respect.

Mr. Speaker, the above-mentioned agreement has nothing to do with other pending railroad legislation, and I realize that the argument is being made in the cloak rooms and elsewhere in this Chamber from mouth to ear, that this agreement between the railroad carriers and the employees' representatives pertains to other legislation than this retirement act, and it does not, and at this time if anyone has that argument in mind, if anyone believes that there are such agreements entered into, now is the time for him to speak up, and not when we are considering other railroad legislation in the committee or on the floor of this House. [Applause.]

Mr. CROSSER. Mr. Speaker, I yield now to the gentleman from Kentucky [Mr. FRED M. VINSON].

Mr. FRED M. VINSON. Mr. Speaker, it is a pleasure to see what can be accomplished when patriotic men sit around the same table and work toward the same objective. It should be pointed out in respect to the history of social legislation, particularly old-age retirement benefits, that the railroad boys have blazed the trail. They are the pioneers in this character of legislation. I think we would be remiss in our duty if we did not pay compliment to the old war horse BOB CROSSER, our colleague from Ohio, who has done such valiant service in this cause. [Applause.]

In my connection with this legislation, it has been a most heartening sight to observe the conduct of George Harrison, and Judge Charles Hay, of St. Louis, on behalf of the Railroad Brothedhood, and Mr. Pelley, and Judge Fletcher, of the Railroad Executives, working out this far-reaching humanitarian problem. It is a splendid job, and we all can look forward to increased pleasure in having participated in it. [Applause.]

Mr. CROSSER. Mr. Speaker, I yield now to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Speaker, in its origin this piece of legislation is probably without precedent in the history of American legislation. As has been already stated, it is the result of an agreement in writing between the railroad systems of the United States and their 1,200,000 employees. This is their bill, written by them. More extraordinary than that, however, is the fact that not only the pensions to be paid under this law but the cost of the administration of the law will be borne by self-imposed assessments upon the railway companies and the railway employees.

All the facts may not appear in this bill, but in my opinion, since the Social Security Act decision by the Supreme

Court, they could be made to appear, and this great forward step in social security in a great industry could now be safely taken in one act instead of two acts.

This measure may not be entirely satisfactory to all the railroad employees of the country. It is not in every respect entirely satisfactory to me. It may require future revision. But to those of the employees who are not satisfied with one feature or another of the bill, I want to remind them that the railroad companies of the country voluntarily agreed with the employees on this measure after the railroad companies had been virtually assured by the Supreme Court that no compulsory pension act for railroad employees could stand the test of the Constitution. This measure had been agreed upon before the rendition of the Social Security Act decision, and when it seemed certain that the contributory old-age pension title and the unemployment insurance title of that act would be held unconstitutional, and when it seemed certain that the fate of the first Railroad Retirement Act awaited the second act.

In order that the foregoing statements may not rest simply on my word, I want to quote three very short paragraphs from the able dissenting opinion of Chief Justice Hughes in the first Railroad Retirement Act case.

The Chief Justice opened his dissenting opinion with these statements:

> The gravest aspect of the decision is that it does not rest simply upon a condemnation of particular features of the Railroad Retirement Act but denies to Congress the power to pass any compulsory pension act for railroad employees.
>
> That is a conclusion of such serious and far-reaching importance that it overshadows all other questions raised by the act. Indeed, it makes their discussion superfluous.

Now, while this measure is produced and agreed upon by the railway companies and their employees, it will nonetheless be a compulsory pension law when it gets on the statute books. That is why I say that when it was entered into it was known by the contracting parties that in all human probability it could not be made binding without their consent. Moreover, it indicates on the part of the contracting parties an apprehension that the second Railroad Retirement Act would be held unconstitutional.

Now, with the fact accomplished, I want to repeat a statement made by me before it was accomplished, which appears in the Appendix of the CONGRESSIONAL RECORD at page 437. I quote:

> If, as is now reported, the railroad companies are getting together with their million-odd employees to accept and establish the provisions of the Railroad Retirement Act and dismiss the pending cases, doing this in the face of the Court's virtual assurance that it will relieve them from the law, full credit should be given the railway managements for such an enlightened and humane step.

Viewed in the right light, perhaps the history of this legislation has been for the best. It has shown us that one of the major industries of the country and their employees, numbering now about 1,200,000, could get together and settle the question for themselves—a major question, materially affecting the public welfare, in a field embracing all industries and all groups and every man, woman, and child in the country. It should prove an encouragement to other industries and groups falling under the Social Security Act to go forward and make an earnest effort to fulfill the provisions of the law. If our mechanized processes contribute to unemployment and create premature superannuation—and I claim that they do—and we have millions in each class, society owes them a living in decency and comfort. These laws are intended to meet that requirement, and this self-imposed act should help to show the way.

Mr. Speaker, I shall not undertake in my brief time to itemize and explain the provisions of this bill or to make a comparison with the act now pending in the courts. That has been done by the sponsor of the bill, the able gentleman from Ohio [Mr. CROSSER], who has the unique distinction of sponsoring the railroad pension acts of the Seventy-third and Seventy-fourth Congresses and now the proposed act of the Seventy-fifth Congress.

Having said so much for the bill, I feel at liberty to point out one unsatisfactory feature. It is in its failure to carry a compulsory retirement provision when the employee reaches the retirement age. I think I know as well as any Member here the genesis of railroad pension legislation. As motive power and other equipment have been improved and vastly increased in capacity, the number of operatives required on the railways of the country has become less and less. I can remember when there was no agitation for train-limit legislation. None was needed. No trains were of sufficient length to raise the question. I know of my own knowledge that one engine and train crew are today moving over the railways of the country a tonnage which 40 years ago would have required four and five crews. So it is the same in transportation as in other lines of industry—the machine displaces the man. In railroading this development has all but destroyed hope for advancement. When I was a young man a locomotive fireman could reasonably hope to become an engineer in 3, 4, or 5 years. Now locomotive firemen on the railways of this country are being superannuated without ever reaching promotion. What is true of this particular class is true of others in the railway service, and this was true before the depression.

Pensions for railway employees have had two objectives, pensions for men when they reached the retirement age, and jobs for younger men. To reach the employment objective the Railroad Retirement Act of 1935 carries not an arbitrary compulsory retirement but a penalty for continuing in the service after retirement age is reached of one-fifteenth of the annuity for each year the employee continues in service after being entitled to retire on a pension. I regret that that provision is not in this bill and in view of its authorship perhaps cannot now be put in the bill and certainly cannot be put in in the House under the suspension rule. The absence of this provision, in my opinion, will be the most unsatisfactory feature of the law to great numbers of railway employees. I have no doubt if submitted to a referendum compulsory retirement would be approved. As it is, the measure will, of course, provide no new employment.

The very fact that the absence of compulsory retirement will reduce the load thirty-five to forty million dollars a year indicates the failure of the measure to produce new employment. Compulsory retirement in the railway service at the retirement age would be nothing new. Nearly all the railways of the country have their own pension systems, which are noncontributory by the employees. And I know of none without a compulsory retirement age, and I have in mind the principal railroad system in my State, in which every man, from general manager to section hand, is given a retirement notice on his seventieth birthday.

However, a great thing is being accomplished in this bill, and greater even in its origin than in its accomplishment. Should it develop that the feature which I have mentioned calls for consideration at a future time, it will no doubt be given. I offended a constituent recently by writing him that if I agreed with the President on most points, I could not help him or the situation either by throwing rocks at him over something on which I did not agree with him. Judging from his answer my constituent got the point, even if I lost a vote. I feel the same about this measure. To say that I am pleased with it is expressing it mildly. My attitude toward many industrial practices in this country during my lifetime does not rate me as a very friendly critic, but that does not limit me in expressing my approval of such a forward step and very great step.

One more thought. I know labor. I am familiar with its movements, and while, as the result of some experience and long observation, I support all legislative measures tending to protect labor and better its condition, the conviction has abided with me for many years that the self-government of labor in its relationships to industry, so far as practicable, is preferable to a Government paternalism, no matter how kind. The conduct of labor's industrial relationships through organizations of its own choosing gives labor a ca-

pacity for handling its own affairs and a sense of discipline and responsibility which it can never realize in any other way. Government should have laws for the protection of labor and should set up standards, but under this protection and within these standards we will produce a higher and more self-reliant type of citizenship through collective bargaining than if everything is written in the law. This bill embodies a notable achievement in that direction, and it sets an example worthy of emulation in other fields of industry in the United States. [Applause.]

Mr. MAPES. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, as has been stated, this bill was worked out by representatives of the 21 brotherhoods, which include practically all of the employees of the railroads, and the representatives of the railroads, and it is recommended for passage by both of them. It is to take the place of the existing Railroad Retirement Act which was passed in 1935. It is agreed between the representatives of the railroads and the brotherhoods that they will not contest the constitutionality of this legislation, that they will not themselves bring any action to contest its constitutionality, and that they will use their influence against having anyone else bring such action. It is further understood that any suit or suits now pending in court to test the constitutionality of the existing railroad retirement law will be withdrawn.

Speaking generally, this legislation proposes to give an annuity to everyone in the employ of the railroads, from the chief executive down to the section hand. The maximum, however, which can be paid to any one person is $120 per month.

Mr. TAYLOR of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. MAPES. I yield.

Mr. TAYLOR of Tennessee. Does this bill make any provision for old employees who have worked for 25 or 30 years, who are not now actually employed by the railroad company?

Mr. MAPES. Yes. If they were in an "employment relation to an employer", as defined in the act, on August 29, 1935.

The House should know that this bill is to be accompanied by a companion bill to be reported by the Ways and Means Committee to raise the money with which to pay the annuities provided for in this bill. This bill on its face provides for the payment of the annuities out of the general fund of the Treasury, but it is anticipated that the Committee on Ways and Means will report, and I understand that that committee is in session at this very moment for the purpose of reporting a bill which will raise the money with which to meet the obligations incurred by the passage of this bill. The Treasury is to be reimbursed from moneys collected from the railroads and the employees themselves.

It is expected that this legislation will involve no additional drain upon the Treasury, but that the tax bill which the Committee on Ways and Means is about to report will raise sufficient funds with which to meet all obligations incurred by this legislation. As has been pointed out, there is no opposition to this bill on the part of the management of the railroads or on the part of the representatives of the 21 brotherhoods. It is a constructive piece of legislation and will provide security in their old age to the railway employees of the country. I congratulate all parties concerned in the successful culmination of years of earnest work and effort in the accomplishment of their objective in the passage of this legislation. At the same time I congratulate my distinguished friend, the gentleman from Ohio [Mr. CROSSER] upon the passage of legislation which has been so dear to his heart. This bill is due very largely to his loyalty to the cause and to his persistence and ability in advancing it at every opportunity.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. MAPES. I yield.

Mr. CRAWFORD. Does this bill in any way provide that employees working for a trucking company, where a railroad ownes a large percentage of the stock, will be covered, or is it restricted to rail employees only?

Mr. MAPES. It covers employees of subsidiary or any other companies which are controlled by the railroads.

Mr. CRAWFORD. Whether overland or by rail?

Mr. MAPES. Whether overland or by rail. In fact, it does not matter what business they may be engaged in so long as that business is "controlled" by a railroad. To give the whole picture I might add that there is a dispute between the representatives of the brotherhoods and the managements of the railroads as to what is meant by the term "controlled." They are agreed upon the language of the bill, but what is to be the interpretation of the term "controlled" is to be the subject of further negotiation and determination. It is a pleasure to support and to speak in behalf of this legislation so dear to the heart of every railroad man or woman.

[Here the gavel fell.]

Mr. CROSSER. Mr. Speaker, I yield ½ minute to the gentleman from Iowa [Mr. EICHER].

Mr. EICHER. Mr. Speaker, as a member of the Committee on Interstate and Foreign Commerce, I simply want to take this opportunity to assure the membership of the House that this measure was given the most sympathetic and careful consideration, not only by the subcommittee but by our full committee. I am hopeful that the House will follow the example of the committee and adopt it unanimously. [Applause.]

Mr. CROSSER. Mr. Speaker, I yield to the gentleman from Maryland [Mr. COLE] such time as he may desire.

Mr. COLE of Maryland. Mr. Speaker, as a member of the Committee on Interstate and Foreign Commerce for several terms, during the entire time the subject of this legislation has been before us, I want to call especially to the attention of my colleagues the outstanding service and signal accomplishment of the gentleman from Ohio [Mr. CROSSER], who has consistently sponsored this legislation and successfully steered it through Congress in two previous sessions. One of the real privileges of service in this body is the opportunity of close association and the development of lasting friendships, which committee service more than in any other contact offers to the members. The gentleman from Ohio has been one of the ranking and admittedly one of the most able members of the Interstate and Foreign Commerce Committee and during the trying days of the depression, during the last two terms of Congress, when the committee was under the leadership of the present distinguished floor leader, Mr. RAYBURN, of Texas, Mr. CROSSER, despite his physical handicap, rendered service of immeasurable value as he is now doing under the present leadership of the industrious and popular chairman, the gentleman from California, Mr. LEA. I am sure that the majority leader, should he have an opportunity in the brief period assigned for the debate on this bill to say something, will find an acknowledgment of Mr. CROSSER's service while he was chairman of the committee the uppermost thought in his mind.

The first legislation providing for retirement of railroad employees passed in 1934 in a form which I am frank to say, as I explained in the commmittee sessions, was of doubtful constitutionality. The Supreme Court later so declared by a closely divided Court and, in 1935, the second bill was passed. I believe that bill, now the subject of litigation before the Supreme Court, is constitutional, but I have some doubt of the constitutionality of the companion measure, which was the tax bill to provide the necessary revenue. With the hope that some of the apparent difficulties in the existing law—and there must be difficulties in legislation of this magnitude calling for frequent changes by Congress—can be eliminated and the further hope that this bill, coming to us as it does with railroad management and employees pretty much in agreement as to its provisions, will eliminate further litigation which complicates the administration of the entire measure, Mr. CROSSER presents

the third measure and, I believe, the final solution of this important problem.

I have never known a man during my fairly long experience in the House who has sponsored with more fairness, intelligence, and industry than Mr. CROSSER has this and other railroad-labor legislation. As is known, more to the committee members than the House in general, I have seen fit to differ at times with his views on some of the legislation bearing his name, but those differences and discussions which have taken place between us have always ended in a greater enlightment of the legislation and a more satisfied feeling as to its intent. It must be a happy period in the long and capable career which Mr. CROSSER has enjoyed to find at this time the realization of one of the main ambitions of his legislative career, and this with practically the uninanimous support of his colleagues.

Mr. Speaker, there is not time to discuss the provisions of this bill but I commend to those interested the report of the committee and the remarks of Mr. CROSSER. My sole purpose in arising at this time is to give expression to the genuine feeling of regard and esteem I possess for the distinguished author of this bill and one of my colleagues on this great committee.

Mr. MAPES. Mr. Speaker, I yield such time as he may desire to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Speaker and ladies and gentlemen of the House, we have before us H. R. 7519, known as the railroad workers' retirement bill. I am not a member of the Interstate and Foreign Commerce Committee that had under consideration and favorably reported this bill, but it has been stated that the committee was unanimous in its report, and we have also been told that this bill was unanimously agreed upon and its passage urged by the representatives of the 21 standard railroad labor organizations and approved by the representatives of the railroads.

I wish to commend the action of the railroad brotherhoods and railroad managements in presenting this bill to Congress, and I wish to express my appreciation for the unanimous action of this fine committee in approving the action of the railroad workers and management. And may I urge that the House of Representatives show the same fine spirit of cooperation and unanimity in passing this bill without a dissenting vote.

I have been identified with legislation affecting the railroads and railroad workers since 1919 and have had an opportunity to make a study of and compare American railroads and railroad workers with the railroads and workers of other countries. It can be said without fear of successful contradiction that American railroads are the finest and best in all the world and that the railroad workers of this country are the best trained, the most loyal, and most dependable, and can render the highest type and best service of any railroad workers on earth. A single American railroad worker can and does perform as much service as two or even five railroad workers in other countries of the world. American railroad workers receive the highest wages, have the shortest hours, and the best working conditions of any railroad workers.

And, by the way, passenger and freight rates are lower in this country than in any other country. Most of the railroads of other countries are owned and operated by the government. These comparisons, it would seem to me, should prove that in order to give good service and enjoy reasonable rates and pay good wages to the workers it is not necessary for the railroads to be owned and operated by the Government.

INTELLIGENT, DEPENDABLE, AND LOYAL

As a class the railroad workers of our country are intelligent, dependable, and loyal. They constitute a high type of patriotic American citizenship. They strive to own their own homes, they have business interests of their own, they show deep interest in schools and every other measure for the benefit and uplift of their respective communities. All in all, they constitute a great body of God-fearing, honest, law-abiding, patriotic citizens. They have always shown wisdom in the selection of their representatives. The men who head these great brotherhoods have the training, experience, and good judgment to fill with distinction key positions in industry and to occupy high places in the service of the Government. Many of them would make capable members of the President's Cabinet. Some years ago I had the honor to urge the appointment of one of the representatives of one of the great railroad brotherhoods, the Honorable William Doak, as a member of the President's Cabinet. He was appointed and served with great distinction in that high office. There are many others just as capable.

The railroad brotherhoods select as their leaders men of outstanding wisdom, experience, fairness, and high character. The railroad management of this country has in recent years shown a fine spirit of cooperation in dealing with their workers, and in this period of great strife it is most heartening indeed to see the representatives of 1,150,000 workers and the management of the American railroads sit down around a table together and work out a measure that each side considers fair to both. Neither side feels that it has overreached the other.

This bill amends the Railroad Retirement Act of 1935, and while this measure may not be perfect, the representatives of the workers urged and had adopted in this amendment many features that will be, as I understand it, of great benefit to the workers, and it is a great improvement over the act of 1935. If in the operation of this amended retirement act it should be found that amendments are necessary, I have no doubt but what Congress will by appropriate legislation adopt them.

Through all the years the representatives of railroad workers have been not only reasonable and fair with the railroads, but they have also been reasonable and fair with Congress, and it is because of this attitude that measures backed by the representatives of the workers of the railroads have always found favor with Congress. The management and workers in industry might study the record of the railroad workers and the railroads with profit.

It has been hinted that the agreement as to this bill precludes action on other railroad measures urged by the representatives of the workers. I have not so understood it. The agreement, so far as I understand it, applies solely and only to this particular bill before us. I know so far as I am concerned that after speaking and voting for this bill, I shall feel free to support other measures that may appear to be just and necessary.

I cannot refrain from again commending the railroad management, the railroad workers, and the members of the Interstate and Foreign Commerce Committee for their fine contribution in bringing to us this splendid measure that we hope will greatly benefit the railroad workers and at the same time be fair and just to the railroads of this country. [Applause.]

Mr. MAPES. Mr. Speaker, I may announce that the Committee on Ways and Means has already reported the tax bill to which I referred.

Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. WHITE].

Mr. WHITE of Ohio. Mr. Speaker, I wish to congratulate the committee and all those responsible for this bill—the Railroad Retirement Act of 1937. Regardless of minor changes or additional features that we might like to see included, I think we will all agree that this is a most constructive piece of legislation and that it should be passed with our hearty and enthusiastic endorsement.

National recognition and national commendation is deserved by railroad employees and employers for the example of peaceful mediation they gave the country when they got together and agreed upon the features of this legislation. That action provides an illuminating contrast with the methods of strike warfare we see on all sides today. The contrast should add laurels of respect and confidence for railroad labor and management.

One of the many things about this bill that pleases me a great deal is the action for correction of the disability feature. It covers a number of points. Here is one of them: Under the old law, employees who met the age requirements, who had necessary years of service, who were on the seniority rolls, but unable to report for active service by reason of disability, were excluded from the benefits of the law.

I understand it was not originally intended that way, but that is the way it worked out. When a man reaches the prescribed age, has the required service, and is still on the seniority roster, I do not think it is fair to exclude him on account of his disability. As a matter of fact, a disability under these conditions is all the more reason why he should receive these benefits. Now, in passing this bill we include those cases and extend a fair deal to hundreds of railroad men who were denied it under the old law.

For my part, the privilege of helping make this measure a law is the source of no small amount of satisfaction—the kind of satisfaction that comes from connection with service that is constructive and worth while. [Applause.]

Mr. CROSSER. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. BOREN] such time as he may desire.

Mr. BOREN. Mr. Speaker, I simply wish to say that this bill is a good example of the splendid cooperation that can be reached by labor and management in all American industries, and I hope it will become a guidepost for labor and management in all industries of the United States. It is evident that the first rule of a happy productive life in the American economic structure is wholehearted cooperation of the various factors of production toward the end of common good.

One of the greatest privileges that has come to me as a member of this body and as a member of the great Committee on Interstate and Foreign Commerce has been to participate as an aid in this legislation which is the product of the great leadership of our colleague Mr. CROSSER. This bill is a splendid tribute to the thoughtful and considerate and careful analytical study that has made Mr. CROSSER an authority on the solution of the problems of the railroad industry. You and I know Mr. CROSSER to be fearless, firm, and forceful in the advocacy of his convictions, and this bill is born of the tireless energy which has been his in arriving at the proper conclusions as to the solution of these problems.

This bill becomes a constructive example for all future legislation of a similar character.

Step by step the investigations Mr. CROSSER has made have brought the truths upon which agreement could be reached. Differences of opinion that at the outset might have existed between labor and management have been reconciled upon the patriotic recognition of justice.

Always persevering, undaunted, tenacious, BOB CROSSER has labored toward the goal that is reached today. In this evidence of agreement between labor and management the railroad industry has given sight to the social blindness that has sometimes existed in our industrial and economic organization.

From the standpoint of the broad problem of industrial cooperation in all enterprises throughout the Nation, this bill is only a step toward victory in the solution of that problem, but it is a force which will be in the years to come continuously conquering the resisting powers. In bringing this legislation to this House today, BOB CROSSER has turned a searchlight on the darkness of confusion that exists in a part of industrial America and has demonstrated to the world that where reason sits at the conference table, patriotism will make sufficient sacrifice and concession to reach the goal of common good.

I feel a deep personal pride in being a participant in the production of this legislation, and the Seventy-fifth Congress will have reason to be lastingly proud of the contribution that we are here today making to the general welfare of this Nation.

Finally, further about the author of this bill, I only want to say that time will long remember though men may soon forget his great achievement in this today. And though the God-kept score of years does not reveal to us the memories that history will hold for this achievement, it still remains that the centuries will show that this great monumental work will live after him to the lasting benefit of mankind.

Mr. CROSSER. Mr. Speaker, I yield such time as he may desire to the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Speaker, I am in favor of suspending rules in order that we might pass the bill which has been reported by the Member from Ohio [Mr. CROSSER].

This bill is a move in the right direction. While by no means a perfect bill itself, it is designed to meet certain difficulties which have developed since the enactment of the act approved August 29, 1935.

The purpose of this measure is to make possible and permanent a retirement system for the employees of our railroad-transportation lines. It is in keeping with the philosophy of the present administration for it extends the frontiers of social progress and makes it possible for our veteran railroad workers to enjoy a fair measure of economic security in the closing years of their lives.

This bill is the third of its kind that has come before the House in the last several years. The first act was invalidated by the courts; the second has not run the entire gauntlet of our judicial system but it has been acted upon by our district courts; this, the third measure, we hope will meet all the objections raised against the two previous measures. We have every reason to believe that the issue will now be definitely settled with the passage of this measure and that the principle of retirement will be as permanent as the railroads themselves.

This measure contains the objectives of both of its predecessors. It protects the personnel of the Retirement Board and both the claimants and the annuitants recognized under the law of 1935 are given protection and consideration under the terms of this proposal. This bill adds rail-service associations to the list of employers and organizations, and their representatives, to those who are entitled to retirement. In some respects it broadens existing law, while in some of its provisions it is more restrictive. Taken all in all, it represents a fine accomplishment, a splendid achievement, a forward step along the road of social progress and economic security.

I desire to compliment the sponsor of the measure, the gentleman from Ohio, my colleague [Mr. CROSSER], who has sponsored numerous measures improving the conditions of our railroad workers. His service has been commendable.

Our Committee on Interstate and Foreign Commerce, the President and his advisers, the representatives of the railroad organizations, and the representatives of the railroad management, are to be congratulated for the great part they all played in bringing before us this splendid legislation. The bill is the result of many happy and successful conferences. It is indicative of what can be done when there is real democracy in industry. It is an example which I trust will be emulated throughout the industrial life of our Nation, for it presents a real solution of our difficulties.

With democracy in government and in industry we will enjoy a greater measure of peace, both within and without the confines of our Republic.

The bill provides for the payment of annuities out of the Treasury of the United States to employees upon their retirement from the service of our railroad transportation lines on account of age, service, or disability.

Among the changes from existing law included in this proposal can be listed the following:

This measure extends the provisions of the existing law and includes in the category of employers, in addition to carriers and companies directly or indirectly controlled by them, groups which are not clearly or specifically included

in the law of 1935. These groups include railroad associations, traffic associations, traffic bureaus, demurrage bureaus, weighing and inspection bureaus, collection agencies and other associations, bureaus, agencies, or organizations controlled and maintained wholly or principally by two or more employers as defined in the bill and engaged in the performance of services in connection with or incidental to railroad transportation, as well as railway labor organizations which are national in scope, organized in accordance with the provisions of the Railway Labor Act, and their State and National legislative committees, general committees, insurance departments, local lodges, and divisions.

Another change from present law is that in the bill the language has been amended to include a company or companies owned or controlled in common by several companies.

Casual service and the casual operation of equipment or facilities is excluded by this bill.

Employees coming under the provisions of this bill are those in the service of persons defined as "employers", or in an employment relation to such employers, as well as officers or official representatives of employee organizations, other than labor organizations, included in the term "employer", in the service of such employer, and duly authorized and designated to represent employees, in accordance with the Railway Labor Act.

The term "employment relation" refers to those persons absent on account of sickness or disability. A slight change from existing law is made here in that only persons on furlough will be required to be "ready and willing" to return to service in order to be in an employment relation. Those on leave of absence or absent because of sickness or disability are to be considered, under this bill, to have an employment relation.

The following persons will be eligible for annuities under this bill:

First. Persons who are 65 years old or over.

Second. Persons who were 60 or over on August 29, 1935, with 30 years of service but with a reduction of one one-hundred-and-eightieth of the annuity for each month the person may be under age 65.

Third. Persons 60 years of age, totally and permanently disabled for regular employment for hire, irrespective of the number of years of service, but with a reduction of one one-hundred-and-eightieth for each month under age 65.

Fourth. Persons with 30 years of service who are totally and permanently disabled for regular employment for hire.

The above shows three differences from existing law: First, a disability annuity at the age of 60 is granted to persons having less than 30 years of service; second, the age is changed from 50 to 60 for retirement, with reduced annuity of those with 30 years of service; and third, in granting a disability annuity the requirement that a person be retired by the carrier on account of physical or mental disability is changed so as to require that he be totally and permanently disabled for regular employment for hire according to the decision of the Retirement Board and not of the carrier.

I trust the bill will pass without delay and that it will be improved as time and experience indicates the need for such changes.

Mr. CROSSER. Mr. Speaker, I yield one-half minute to the gentleman from Ohio [Mr. SWEENEY].

Mr. SWEENEY. Mr. Speaker, I want to go on record in support of this legislation and pay a tribute to my colleague, ROBERT CROSSER. I think the House is cognizant of his work and his labor in behalf of the railroad men of the country. Living, as he has, under severe handicap of ill health, it is a tribute to him. In the full vigor of health it is easy for some of us to go forward, but I have watched my colleague, day in and day out, for months, for years, devoting every ounce of his strength trying to pass legislation of this kind. It is a tribute to him, it is a tribute to the great railroad brotherhoods to have him as their spokesman in this House of Representatives, it is a tribute to the great railroad industry to know that he plays the game on the level and plays fair with both sides.

This railroad retirement bill under consideration represents a substitute for the Retirement Act of 1935. It may be termed a compromise measure agreed upon by the representatives of the railroad brotherhoods and the railroad industry of the country.

In these days of industrial discord and bloody strikes the Nation may well look to a precedent established by these groups representing employer and employee of a great industry, demonstrating that it is possible to perfect a meeting of the minds and reach a common agreement satisfactory to both sides through the orderly process of mediation. Not only in the matter of perfecting this Railroad Retirement Act, but in matters of industrial disputes have the railroads and the great brotherhoods averted strikes and inconvenience to the traveling public and the shippers, but they have by their example given a fine demonstration of leadership in the field of organized labor.

With all respect to the leaders of the railroad brotherhoods who have worked untiringly for this and similar legislation, in my opinion there emerges one individual who has all the qualities of leadership so necessary today in this age of collective bargaining. I refer to George Harrison, president of the railroad clerks, whose trained mind and thorough knowledge of the problems that beset organized labor and whose fairness on every occasion has stamped him as a courageous leader with a splendid future before him.

Mr. Speaker, there are thousands and thousands of railroad employees who will rejoice in knowing this measure has passed the House of Representatives. No longer need they fear retirement or lay-offs at the age of 65 without security. It will give opportunity to many more for work in the railroad industry, and with the information before the House today that a tacit agreement has been made between both parties to this controversy that no attempt will be made to test the constitutionality of this act, bringing to the workers good cheer and the incentive to continue loyal in the service where many of them have spent the greater portion of their lives.

I am happy to have this privilege today to express my views on this legislation as a friend of labor for many years, and one who in the past was identified with organized labor in seeking to bring about a shorter working day and better working conditions for those who toil. The tremendous sentiment expressed in the House of Representatives in favor of this sort of legislation, the well-deserved compliments and tributes paid to the gentleman from Ohio [Mr. CROSSER], is an indication that the rank and file of our citizenry are deeply in sympathy with the problem of old-age security, a living wage, and better working conditions for those who struggle in the field of industry, irrespective of its nature.

Mr. LEA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their own remarks on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MAPES. Mr. Speaker, I understand there is to be only one other speech on the part of those having the bill in charge.

Mr. Speaker, I yield such time as he may desire to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Speaker, I was a Member of the House and voted for the first retirement bill. I was a member of the Ways and Means Committee that prepared the second retirement bill. I had much to do with its preparation and consideration before the committee, but the distinguished gentleman from Ohio [Mr. CROSSER] is the father of all this class of legislation. Without him these bills may never have been considered. Too much credit cannot be given him. I have voted for each retirement bill that has passed this House. I expect to support this measure because I think it is the best of all of them, and because I believe that

the bill is so drawn as to successfully withstand any attack on the ground of constitutionality. [Applause.]

The second retirement bill was drawn with two special and distinct parts or sections. One was the provision providing for the amount the railroads and the employees were to pay to be used as a fund out of which the pensions might be paid. The other provision was one that provided who was to be entitled to receive this pension and how much each man was to receive and how long the service must be, and so forth. The Supreme Court had found the first bill to be unconstitutional, and it looked as if the second would also be held to be unconstitutional. It was thought advisable to divide these bills and permit the bill providing the amount the railroads should pay and the amount the employees should pay and the manner of payment and all incidents thereto to be considered by the Ways and Means Committee, which of right should consider it. And it was also thought advisable that another bill should be introduced providing who should be entitled to draw this pension and how much each class should draw, and also to provide what age men should be required or be eligible to draw the pension. Also whether men who had been on furlough, and so forth, should be entitled to a pension. This bill was referred to the Committee on Interstate and Foreign Commerce. That is the bill under consideration by us today. This bill should pass and it will pass today. The other bill has been reported out by the Ways and Means Committee and will, no doubt, come up in a day or two for consideration and will pass. These two bills will make the whole retirement plan complete. One bill is of no benefit without the other. The bill we will pass today is a bill that deals with a great many details. The bill that we will pass in a few days will be a financial bill, and while it is all important in that it supplies all of the money with which to operate both of the bills, it will not deal with so many details.

I am taking the liberty of making a rather extended explanation of the bill, and in doing so am quoting extensively from the report of the Committee on Interstate and Foreign Commerce. The bill is divided into two parts. Part 1 amends the Railroad Retirement Act of 1935. Part 2 sets forth in detail the status of the Retirement Board and its rights and powers, and also the rights and powers of the claimants who have heretofore paid in certain payments, and so forth. Under the terms of the pending bill disabled persons who had lost their right to return to the service and were unable to qualify under the present law may qualify under the law that we are about to pass.

The bill includes as "employees" all who may be in the service of any person defined as an employer or who may be in the employment relation to any such person. The term "employee" also includes any officer or official representative of an organization of employees, other than a labor organization, included in the term "employer", as defined in section 1 (a), who shall have been in the service of such employer and who shall have been duly authorized and designated to represent employees, in accordance with the Railway Labor Act, as amended.

Under the pending bill only persons on furlough will be required to be "ready and willing" in order to be in "employment relation." Persons "on leave of absence or absent on account of sickness or disability", by the terms of the bill, will be considered to be in "employment relation", without regard to their ability to return to service when called.

Under the bill (sec. 2 (a)) the following persons, upon complying with the conditions hereafter stated will be eligible for annuities:

First. Persons 65 years of age or over.

Second. Persons who on the enactment date (Aug. 29, 1935) were 60 or more years of age, with 30 years of service, but with a reduction of one one-hundred-and-eightieth of the annuity for each month the person may be under age 65.

Third. Persons 60 years of age, who shall have been totally and permanently disabled for regular employment for hire, regardless of the number of years of service, but with a reduction of one one-hundred-and-eightieth for each month the person may be under age 65.

Fourth. Persons, regardless of age, who shall have had 30 years of service and who shall have been totally and permanently disabled for regular employment for hire.

The bill differs, therefore, from the existing law in three particulars:

First. It grants a disability annuity at age 60 to one with less that 30 years of service.

Second. It changes from 50 to 60, the age at which one with 30 years service may retire with a reduced annuity.

Third. With respect to a disability annuity, the requirement that a person be "retired by the carrier on account of physical or mental disability" is changed so as to require that he be "totally and permanently disabled for regular employment for hire" according to the decision of the Retirement Board and not of the carrier.

The existing law (sec. 215 (H) and sec. 217), requires a person, in order to be entitled to an annuity, to cease the service of a "carrier."

The bill (sec. 2) requires a person to cease rendering "compensated service to any person", whether or not an "employer" as defined in the act. In other words, he must cease to be employed for hire by any person and relinquish his right to return to carrier or other "employer" service or to the service of the person by whom he may have been employed when he shall have become eligible for his annuity. A person is not required by the bill to relinquish his right to engage in other employment—that is, in the employment of persons other than "employers" as defined in the act, or of other than the last person by whom he shall have been employed before receiving his annuity.

Neither the present act nor the bill makes retirement compulsory.

The present act (sec. 216) requires a person to retire at 65 or suffer a loss of one-fifteenth of his annuity for each year he may continue in service after that age unless he shall file with the Board a written agreement with the carrier each year for his continuance in service beyond age 65 but not beyond age 70. It further provides that regardless of any written agreement he shall suffer a reduction of one-fifteenth of his annuity for each year he continues after 70. The bill does not contain such provision but does provide that the service of a person 65 or more years of age may continue in service after July 1, 1937, shall not be considered in calculating his years of service (sec. 3 (b) (4)). It further provides that his compensation received after July 1, 1937, shall be disregarded in calculating his annuity if to include it would diminish his annuity.

The method of computing an annuity is the same in the bill as in the present act—that is, by multiplying the "years of service" by an amount equaling the total resulting from adding 2 percent of the first $50 of the average monthly compensation, 1½ percent of the next $100, and 1 percent of the next $150. For example, if a person's average monthly compensation should be $250, and his "years of service" 30, we should then add 2 percent of the first $50, or $1; 1½ percent of the next $100, or $1.50; and 1 percent of the next $100, or $1, and this would make a total of $3.50. If we then multiply this amount—$3.50—by 30, the result would be the amount of the annuity—that is, $105.

For service which may have been rendered after December 31, 1936, or what is called in the bill "subsequent service", the average monthly compensation shall be determined by taking the actual pay-roll average for such service rendered after December 31, 1936. For prior service—that is, for service rendered prior to January 1, 1937—the average monthly compensation shall be the average monthly compensation earned by the employee in calendar months in his years of service in the years 1924–31.

According to the terms of the pending bill, service which may have been rendered prior to January 1, 1937, will be included only in the cases of persons who may have been

employees on the enactment date, August 29, 1935. It is not necessary under the pending bill that persons should have been actually engaged in compensated service on the enactment date. Prior service is allowed those on furlough or leave of absence or absent on account of sickness on such date, even though they may not have resumed compensated service since the enactment date. The bill includes in the years of service all service subsequent to December 31, 1936. If prior service should be included in order to make up the service period, the number of years so included is limited by the bill so as to prevent the total service period from exceeding 30 years.

The pending bill (sec. 3 (e)) makes the following provision:

Persons who may be employed when they shall have attained the age of 65 years and shall have completed 20 years' service shall be entitled to a minimum annuity of $40 per month: *Provided, however*, That if the monthly compensation on which his annuity may be based should be less than $50, the annuity shall be 80 percent of such monthly compensation, unless such 80 percent should be less than $20, in which case the annuity shall be either $20 or if such monthly compensation should be less than $20 then the annuity shall be equal to such monthly compensation. The bill also provides that the value of the annuity shall not be less than the value of the old-age benefit he would receive under title II of the Social Security Act if his service as an employee after December 31, 1936, were included in the term "employment" as defined in the Social Security Act.

The pending bill provides that upon the death of any employee at any time there shall be paid his widow, or, if there be no widow, to the person or persons designated by the employee, a sum equal to 4 percent of the total compensation, not exceeding $300 in any one month, paid to the employee on and after January 1, 1937, less any amount which may have been paid as an annuity to the employee or his spouse.

Persons on the carrier pension rolls who, on July 1, 1937, were eligible for annuities based in whole or in part on service rendered prior to January 1, 1937, shall from and after July 1, 1937, be paid an annuity under the Retirement Act and shall not be carried as pensioners transferred from the carrier pension rolls. In order, however, to avoid delay and confusion in qualifying such persons under the Retirement Act, provision is made to continue them as pensioners transferred from the carrier penson rolls until October 1, 1937, or to the date, prior to that time, on which they shall have qualified under the Retirement Act.

It is my confident hope that this bill will be found to be such a success as that in the future it will continue to meet the support of the men and of the railroad companies. This will be a great example of how successfully the employer and the employee can get along when they have an understanding and when each works for the benefit of the other. [Applause.]

Mr. CROSSER. Mr. Speaker, I yield to the gentleman from Texas [Mr. RAYBURN] such time as he may desire.

Mr. RAYBURN. Mr. Speaker, I have asked for this minute to say two things: First, I congratulate industry and labor on this happy conclusion of a long controversy. Second, I would be untrue to my feelings if, when a bill from the Committee on Interstate and Foreign Commerce was being considered, I did not take the floor for a moment and reexpress my loyalty and my love for this great committee and its members. Furthermore, Mr. Speaker, I want to pay a tribute to a man who, in my opinion, is as good a man as there is in Congress or as has ever served in Congress, the man who has led this fight through all these years. I pay tribute to the fine statesman, the splendid gentleman from Ohio, ROBERT CROSSER. [Applause.]

Mr. MAPES. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts [Mr. TREADWAY.]

Mr. TREADWAY. Mr. Speaker, I am very glad, as a member of the minority, to compliment the remarks that the majority leader has just made in reference to the service of the gentleman from Ohio [Mr. CROSSER.] I served with the gentleman for a good many years, and certainly nothing can be said that he does not fully deserve in the way of compliment for the work he has done in connection with this legislation.

It has been my privilege to be a member of the Ways and Means Committee during the time the companion bill to this measure has been under consideration. And now that the House is about to pass this bill recommended by the Committee on Interstate and Foreign Commerce, I am glad to say that the Ways and Means Committee today unanimously voted the tax measure which is supposed to accompany the bill we now have before us.

I know of nothing that will redound more to the credit of both committees than the passage of these two bills, which benefit so many deserving men who have stood behind the railroads in this country for a long period of years. I therefore join with other Members of the House in congratulating the Committee on Interstate and Foreign Commerce for bringing this matter to a head.

Further, I think it is fair to say that the railroad interests, the employee interests, and the administration interests are united on this measure that we are about to pass. This was brought out in the testimony before the Ways and Means Committee this morning.

Mr. Speaker, I am glad to join with the others in the hope that these two bills will soon become law. [Applause.]

Mr. CROSSER. Mr. Speaker, for the third time in 3 years, I have the privilege of presenting for the approval of the House, legislation providing for the retirement of railway workers on account of age. When, years ago I began the effort to have enacted a law providing a pension for aged railway workers there was enthusiasm in Congress for such a measure, though few were willing to believe that such a law could be passed in less than a decade.

In the year 1934, however, we succeeded in passing a measure providing substantially the benefits which are now provided by the bill before the House. That law was however declared unconstitutional by a 5-to-4 decision of the Supreme Court.

We then immediately started work for the passage of another measure in 1935, we were again successful in passing the present retirement law. I firmly believe that the 1935 law would have been upheld by the Supreme Court.

The desire was expressed, however, by railroad workers, railroad officials, and Government officials that the long conflict might be settled in a friendly way and an effort for such a settlement was begun early in January of this year.

A committee representing the Railway Labor Executives' Association worked with a committee representing the railroad officials, and by the exercise of great patience were remarkably successful in overcoming many of the antagonisms which had heretofore existed between them. These representatives then informed the Congress of the modification of their previous contentions.

The Committee on Interstate and Foreign Commerce have endeavored to report a bill which will remove, as completely as possible, the causes of dissatisfaction on the part of both railroad workers and railroad officials. We have tried to remove the grounds which caused antagonism to the previous railroad-retirement laws. We present for the approval of the House a measure which will assure railroad workers of comfort when the evening of life overtakes them. No longer need railroad men approach old age with the dread of poverty or in fear of want, but may continue through the closing years of life with the assurance that there will be no danger of starvation and that they will never be compelled to be in real want.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. CROSSER. I yield to the gentleman from New York.

Mr. O'CONNOR of New York. The gentleman will recall my interest in this bill, especially in one feature. Under the existing situation if a man retires at the age of 60 or 65, he would be prevented from engaging in any occupation. If he is a lawyer, he could not practice law, or he could not run a little gasoline station or engage in any other business.

Mr. CROSSER. I understand what the gentleman means.

Mr. O'CONNOR of New York. I understand this bill has corrected this feature?

Mr. CROSSER. The bill has corrected that in this way: It requires, as it always did require, a man, if he is in the railroad service, to quit his job. In other words, he may not receive a pension and at the same time continue at his work on the railroad. Or, if when he becomes eligible for a pension and should be working for someone else in another line of work, he must discontinue that work. But then he may go to work for whomever he pleases other than a railroad or for the particular employer last mentioned. I think that answers the gentleman's question.

Mr. Speaker, I have probably had more to do with railroad-retirement legislation than any other Member of Congress. While I derive much satisfaction from the feeling that I have done something to assure railroad workers comfort and freedom from worry during the evening of life, yet my chief desire for them is to see such an adjustment to sound economic principles as will assure men equal rights and opportunity and which will make certain that they will receive as compensation the full value of their toil. Then men will be truly independent and will be free from worry. We must abolish unemployment, and by so doing we shall make it unnecessary for anyone to accept as compensation for his work anything less than what is fair and just. When unemployment no longer harasses men I can vision the time when harmony will prevail among the people and men will march arm in arm along the highway of life with songs of joy pealing from their hearts in the glorious cause of brotherhood. Then men will be freemen and the grandeur of creation will be manifest throughout the land.

Mr. DOWELL. Will the gentleman yield?

Mr. CROSSER. I yield to the gentleman from Iowa.

Mr. DOWELL. The gentleman himself introduced all three of these bills?

Mr. CROSSER. That is so.

Mr. DOWELL. And he has followed them up until their final passage?

Mr. CROSSER. Yes.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. CROSSER. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. I may say to the gentleman that practically every Member of the House appreciates the good work he and the committee has done on this important legislation. The gentleman mentioned a while ago something about another similar retirement act having been declared unconstitutional. The gentleman and his committee, I assume, are now convinced that this bill is constitutional?

Mr. CROSSER. I think the retirement law of 1935 now on the statute books is constitutional. I do not wish to have any misunderstanding about that. The bill now pending before us is based upon the same principle as the act of 1935 but removes some of the grounds of controversy between the railroad companies and the men. It does not add anything to the constitutionality of the legislation. I think the legislation now on the statute books is constitutional. We have tried to be fair and to bring in legislation which will be supported by both the workers and the companies.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. CROSSER. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. I know the marvelous work the gentleman has done for the railroad men throughout this country. I know he feels, just as other Members feel, that the railroad men of this country deserve a great deal of credit for carrying safely day after day the great number of human beings who travel on their trains. Their responsibility is heavy, and their record for safety and efficiency excels the performance of those in any other means of transportation. Almost unbelievable safety records have been made by our railroad men. In 1935 not a passenger was killed by collision or derailment; one passenger was killed as the result of the explosion of a heater, while 24 were killed while about to become passengers, in getting on or off of cars. For the year 1936 seven passengers were killed in train accidents and 10 died in getting on or off of trains. What a blessing it would be if our citizens, and particularly automobilists, had the same regard for their lives and the lives of others as do the railroad men.

Mr. CROSSER. I thank the gentlewoman.

Mr. Speaker, there is little more that I can say in the few moments remaining at my disposal on this subject.

The whole purpose of this legislation is to give practical expression to the great principle of human brotherhood—that is fundamental democracy.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. CROSSER. Yes.

Mr. JENKINS of Ohio. In view of the fact the gentleman is the outstanding authority on railroad-retirement legislation, I hope he will extend his remarks copiously in the RECORD so that we may look to his speech as being the authority on the facts and figures of this great legislation.

Mr. CROSSER. I shall endeavor to do so.

I am not under any misapprehension. I think this legislation will, of course, have to be amended in the future in the light of experience, as is the case with all legislation.

Mr. SHORT. Mr. Speaker, will the gentleman yield?

Mr. CROSSER. Yes; briefly.

Mr. SHORT. I merely want to say as a friend of railroad men that I think that all the Members of the House feel deeply indebted to the gentleman from Ohio for his pertinacity and skill and for his untiring efforts and unfailing interest in behalf of this worthy cause.

Mr. CROSSER. I thank the gentleman very much.

Mr. SHEPPARD. May I ask the gentleman if my interpretation is correct with respect to section 2, from line 17 down?

Mr. CROSSER. I cannot stop to answer long questions. I will answer the question in the RECORD, if the gentleman will put the question in the RECORD.

Mr. SHEPPARD. I merely wanted to know if a man who had been employed 29 years and 4 months would enjoy the annuity?

Mr. CROSSER. It would require a long statement to answer that question, and I cannot take the time to do so now.

Mr. Speaker, to those who have been so complimentary and kind in their references to me, let me say, that if I have helped to make this world a better place in which to live, if I have done something to promote the cause of universal brotherhood, I am gratified, for I believe with Edwin Markham, who said:

> There is a destiny that makes us brothers,
> None goes his way alone;
> All that we send into the life of others,
> Comes back into our own.

I have tried and I hope I have succeeded in sending into the lives of others nothing that I would not welcome back into my own. [Applause.]

[Here the gavel fell.]

The SPEAKER. The question is on the suspension of the rules and the passage of the bill as amended.

The question was taken; and on a division (demanded by Mr. CROSSER) there were—ayes 340, noes 0.

Mr. CROSSER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were yeas 363, nays 1, not voting 68, as follows:

[Roll No. 94]

YEAS—363

Aleshire	Andrews	Beiter	Boland, Pa.
Allen, Del.	Arends	Bell	Boren
Allen, Ill.	Arnold	Biermann	Boyer
Allen, La.	Ashbrook	Binderup	Boykin
Allen, Pa.	Atkinson	Bland	Boylan, N. Y.
Amlie	Barden	Bloom	Bradley
Anderson, Mo.	Barry	Boehne	Brooks
Andresen, Minn.	Beam	Boileau	Brown

Buck	Fries, Ill.	Lewis, Md.	Richards
Buckler, Minn.	Fuller	Long	Robertson
Bulwinkle	Gambrill	Lord	Robinson, Utah
Burch	Garrett	Luce	Robsion, Ky.
Burdick	Gasque	Ludlow	Rogers, Mass.
Byrne	Gavagan	Luecke, Mich.	Rogers, Okla.
Caldwell	Gearhart	McClellan	Rutherford
Cannon, Mo.	Gehrmann	McFarlane	Ryan
Carlson	Gildea	McGehee	Sabath
Carter	Gingery	McGranery	Sacks
Cartwright	Goldsborough	McGrath	Sanders
Case, S. Dak.	Gray, Ind.	McKeough	Sauthoff
Casey, Mass.	Gray, Pa.	McLaughlin	Schaefer, Ill.
Champion	Green	McMillan	Schneider, Wis.
Chandler	Greenwood	McSweeney	Schulte
Chapman	Greever	Maas	Scrugham
Church	Gregory	Magnuson	Secrest
Clark, Idaho	Griffith	Mahon, S. C.	Seger
Clark, N. C.	Griswold	Mahon, Tex.	Shanley
Clason	Guyer	Maloney	Shannon
Claypool	Gwynne	Mansfield	Sheppard
Cochran	Halleck	Mapes	Short
Coffee, Nebr.	Hamilton	Martin, Colo.	Simpson
Coffee, Wash.	Harrington	Martin, Mass.	Smith, Va.
Colden	Hart	Mason	Smith, Wash.
Cole, Md.	Harter	Massingale	Snell
Cole, N. Y.	Hartley	Maverick	Snyder, Pa.
Collins	Havenner	May	Somers, N. Y.
Colmer	Hendricks	Mead	South
Cooley	Hennings	Meeks	Sparkman
Cooper	Higgins	Merritt	Spence
Costello	Hildebrandt	Michener	Stack
Cox	Hill, Ala.	Millard	Starnes
Crawford	Hill, Okla.	Miller	Steagall
Creal	Hobbs	Mills	Stefan
Crosby	Hoffman	Mitchell, Tenn.	Sullivan
Crosser	Honeyman	Moser, Pa.	Sumners, Tex.
Crowe	Hook	Mosier, Ohio	Sutphin
Culkin	Hope	Mott	Sweeney
Cullen	Houston	Mouton	Swope
Curley	Hull	Murdock, Utah	Tarver
Daly	Hunter	Nelson	Taylor, S. C.
Delaney	Imhoff	Nichols	Taylor, Tenn.
Dempsey	Izac	Norton	Teigan
DeMuth	Jarman	O'Brien, Ill.	Terry
DeRouen	Jarrett	O'Brien, Mich.	Thom
Dickstein	Jenckes, Ind.	O'Connell, R. I.	Thomas, Tex.
Dies	Jenkins, Ohio	O'Connor, Mont.	Thomason, Tex.
Dingell	Jenks, N. H.	O'Connor, N. Y.	Thompson, Ill.
Dirksen	Johnson, Luther A.	O'Leary	Thurston
Disney	Johnson, Lyndon	O'Malley	Tinkham
Ditter	Johnson, Okla.	O'Neal, Ky.	Tobey
Dixon	Johnson, W. Va.	O'Neill, N. J.	Tolan
Dondero	Jones	O'Toole	Towey
Dorsey	Kee	Oliver	Transue
Doughton	Keller	Owen	Treadway
Dowell	Kelly, Ill.	Pace	Turner
Doxey	Kelly, N. Y.	Palmisano	Umstead
Drew, Pa.	Kennedy, Md.	Parsons	Vinson, Fred M.
Drewry, Va.	Kennedy, N. Y.	Patman	Vinson, Ga.
Driver	Kenney	Patrick	Voorhis
Duncan	Keogh	Patterson	Wadsworth
Dunn	Kerr	Patton	Wallgren
Eaton	Kinzer	Pearson	Walter
Eberharter	Kirwan	Peterson, Fla.	Warren
Eckert	Kitchens	Pettengill	Wearin
Edmiston	Kleberg	Pfeifer	Weaver
Eicher	Kloeb	Pierce	Welch
Elliott	Kniffin	Poage	West
Engel	Kocialkowski	Polk	Whelchel
Englebright	Kopplemann	Powers	White, Ohio
Evans	Kramer	Quinn	Whittington
Faddis	Lambertson	Rabaut	Wilcox
Fitzgerald	Lambeth	Ramsay	Williams
Fitzpatrick	Lamneck	Ramspeck	Withrow
Flannagan	Lanham	Randolph	Wolfenden
Flannery	Lanzetta	Rankin	Wolverton
Fleger	Larrabee	Rayburn	Wood
Fletcher	Lea	Reece, Tenn.	Woodruff
Forand	Leavy	Reed, Ill.	Woodrum
Ford, Calif.	Lemke	Rees, Kans.	The Speaker
Ford, Miss.	Lesinski	Reilly	
Frey, Pa.	Lewis, Colo.	Rich	

NAYS—1

O'Connell, Mont.

NOT VOTING—68

Bacon	Farley	Kvale	Sadowski
Bates	Ferguson	Lucas	Schuetz
Bernard	Fernandez	Luckey, Nebr.	Scott
Bigelow	Fish	McAndrews	Shafer, Mich.
Brewster	Fulmer	McCormack	Sirovich
Buckley, N. Y.	Gifford	McGroarty	Smith, Conn.
Cannon, Wis.	Gilchrist	McLean	Smith, Maine
Celler	Haines	McReynolds	Smith, W. Va.
Citron	Hancock, N. Y.	Mitchell, Ill.	Taber
Cluett	Hancock, N. C.	Murdock, Ariz.	Taylor, Colo.
Cravens	Harlan	O'Day	Thomas, N. J.
Crowther	Healey	Peterson, Ga.	Vincent, B. M.
Cummings	Hill, Wash.	Peyser	Wene
Deen	Holmes	Phillips	White, Idaho
Dockweiler	Jacobsen	Plumley	Wigglesworth
Douglas	Johnson, Minn.	Reed, N. Y.	Wolcott
Ellenbogen	Knutson	Romjue	Zimmerman

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. BANKHEAD, and he voted "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

Mr. BIGELOW rose.

The SPEAKER pro tempore (Mr. NICHOLS). Was the gentleman present and listening when his name was called?

Mr. BIGELOW. Mr. Speaker, I cannot qualify. I was engaged on committee work. Had I been present, I would have voted "yea."

The Clerk announced the following pairs:

General pairs:

Mr. Taylor of Colorado with Mr. Taber.
Mr. Cravens with Mr. Gifford.
Mr. Deen with Mr. Bacon.
Mr. Fernandez with Mr. Holmes.
Mr. Harlan with Mr. Reed of New York.
Mr. Fulmer with Mr. Thomas of New Jersey.
Mr. McAndrews with Mr. Bates.
Mr. Lucas with Mr. Crowther.
Mr. McReynolds with Mr. Gilchrist.
Mr. Romjue with Mr. Fish.
Mr. Schuetz with Mr. Knutson.
Mr. McCormack with Mr. McLean.
Mr. Zimmerman with Mr. Wigglesworth.
Mr. Sirovich with Mr. Wolcott.
Mr. Smith of West Virginia with Mr. Cluett.
Mr. Haines with Mr. Douglas.
Mr. Peterson of Georgia with Mr. Shafer of Michigan.
Mr. Hancock of North Carolina with Mr. Hancock of New York.
Mr. Dockweiler with Mr. Smith of Maine.
Mr. White of Idaho with Mr. Kvale.
Mr. Ferguson with Mr. Johnson of Minnesota.
Mr. Scott with Mr. Bernard.
Mr. Celler with Mr. Mitchell of Illinois.
Mr. Peyser with Mr. Farley.
Mr. Smith of Connecticut with Mr. Buckley of New York.
Mr. Cummings with Mrs. O'Day.
Mr. Jacobsen with Mr. Beverly M. Vincent.
Mr. Cannon of Wisconsin with Mr. Sadowski.
Mr. Murdock of Arizona with Mr. Wene.
Mr. Luckey of Nebraska with Mr. Hill of Washington.
Mr. Phillips with Mr. McGroarty.
Mr. Citron with Mr. Ellenbogen.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FEDERAL SURPLUS COMMODITIES CORPORATION

Mr. BARDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 2439) to extend the time for purchase and distribution of surplus agricultural commodities for relief purposes and to continue the Federal Surplus Commodities Corporation.

The Clerk read the title of the bill.

Mr. SNELL. Mr. Speaker, reserving the right to object, I think there was a misapprehension when the bill was objected to this morning. As I understand it, the gentlemen who objected are willing that the bill may be considered at this time.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in carrying out the provisions of clause (2) of section 32 of the act approved August 24, 1935 (49 Stat. 774), as amended, the Secretary of Agriculture may transfer to the Federal Surplus Commodities Corporation, which Corporation is hereby continued, until June 30, 1939, as an agency of the United States under the direction of the Secretary of Agriculture, such funds, appropriated by said section 32, as may be necessary for the purpose of effectuating said clause (2) of section 32: *Provided*, That such transferred funds, together with other funds of the corporation, may be used for purchasing, exchanging, processing, distributing, disposing, transporting, storing, and handling of agricultural commodities and products thereof and inspection costs, commissions, and other incidental costs and expenses, without regard to the provisions of existing law governing the expenditure of public funds and for administrative expenses, including rent, printing and binding, and the employment of persons and means, in the District of Columbia and elsewhere, such employment of persons to be in accordance with the provisions of law applicable to the employment of persons by the Agricultural Adjustment Administration.

In carrying out clause (2) of section 32, the funds appropriated by said section may be used for the purchase, without regard to the provisions of existing law governing the expenditure of public funds, of agricultural commodities and products thereof, and such commodities, as well as agricultural commodities and prod-

ucts thereof purchased under the preceding paragraph hereof, may be donated for relief purposes.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. BEITER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short report from the Department of Commerce.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a brief editorial.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

(Mr. LUCE asked and was given permission to revise and extend his own remarks in the RECORD.)

Mr. RICH rose.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. RICH. Mr. Speaker, may I inquire of the Chair when the special orders set for today will be called?

The SPEAKER. At the conclusion of all legislative business.

Mr. PEARSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address I recently delivered at Lexington, Tenn.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. CROSSER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their own remarks in the RECORD on the railroad pension bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CIVILIAN CONSERVATION CORPS

Mr. RAMSPECK. Mr. Speaker, I call up the conference report on the bill (H. R. 6551) to establish a Civilian Conservation Corps, and for other purposes.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6551) to create a Civilian Conservation Corps, and for other purposes, having met, after full and free conference, have come to no agreement.

WILLIAM P. CONNERY, Jr.,
MARY T. NORTON,
ROBERT RAMSPECK,
RICHARD J. WELCH,
FRED A. HARTLEY, Jr.,
Managers on the part of the House.

HUGO L. BLACK,
ROYAL S. COPELAND,
DAVID I. WALSH,
WILLIAM E. BORAH,
ROBERT M. LA FOLLETTE, Jr.,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6551) to create a Civilian Conservation Corps, and for other purposes, have been unable to reach an agreement.

WILLIAM P. CONNERY, Jr.,
MARY T. NORTON,
ROBERT RAMSPECK,
RICHARD J. WELCH,
FRED A. HARTLEY, Jr.,
Managers on the part of the House.

The SPEAKER. The Clerk will report the Senate amendment in disagreement.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert:

"That there is hereby established the Civilian Conservation Corps, hereinafter called the corps, for the purpose of providing employment and training for citizenship for youthful citizens of the United States who are unemployed, and to a limited extent as hereinafter set out, for war veterans and Indians, through the performance of useful public work in connection with the conservation and development of the natural resources of the United States, its Territories and insular possessions.

"SEC. 2. The President, by and with the advice and consent of the Senate, is authorized to appoint a Director at a salary of $10,000 per annum. The Director shall have complete and final authority in the functioning of the corps, including the allotment of funds to cooperating Federal departments and agencies, subject to such rules and regulations as may be prescribed by the President in accordance with the provisions of this act.

"SEC. 3. In order to carry out the purpose of this act the Director is authorized to provide for the employment of the corps and its facilities on works of public interest or utility for the protection, restoration, regeneration, improvement, development, utilization, maintenance, or enjoyment of the natural resources of lands and waters, and the products thereof, including forests, fish, and wildlife on lands or interest in lands (including historical or archeological sites), belonging to, or under the jurisdiction or control of, the United States, its Territories and insular possessions, and the several States: *Provided*, That the President may, in his discretion, authorize the Director to undertake projects on lands belonging to or under the jurisdiction or control of counties, and municipalities and on lands in private ownership, but only for the purpose of doing thereon such kinds of cooperative work as are or may be provided for by acts of Congress, including the prevention and control of forest fires, forest-tree pests and diseases, soil erosions, and floods: *Provided further*, That no projects shall be undertaken on lands or interests in lands other than those belonging to or under the jurisdiction or control of the United States unless adequate provisions are made by the cooperating agencies for the maintenance, operation, and utilizations of such projects after completion.

"SEC. 4. There are hereby transferred to the corps all enrolled personnel, records, papers, property, funds, and obligations of the Emergency Conservation Work established under the Act of March 31, 1933 (48 Stat. 22), as amended, and the corps shall take over the institution of the camp exchange heretofore established and maintained, under supervision of the War Department, in connection with and aiding in administration of Civilian Conservation Corps work camps conducted under the authority of said act as amended.

"SEC. 5. The Director and, under his supervision, the heads of other Federal departments or agencies cooperating in the work of the corps are authorized within the limit of the allotments of funds therefor to appoint such civilian personnel as may be deemed necessary for the efficient and economical discharge of the functions of the corps, in accordance with the civil-service laws and regulations made thereunder, and their compensation shall be fixed in accordance with the Classification Act of 1923, as amended: *Provided*, That the employment of employees of the Emergency Conservation Work and of the cooperating Federal agencies whose compensation is paid from Emergency Conservation Work funds, as of June 30, 1937, and for at least 2 months prior thereto, may be continued, and such employees who do not have a competitive classified civil-service status appropriate for the positions to be occupied shall be permitted to take an appropriate noncompetitive examination to be given by the Civil Service Commission within a period of 10 months and those employees who do not receive an eligible rating as a result of said examination shall be dropped from the rolls not later than June 30, 1938: *Provided further*, That the provisions of this section shall not apply to Reserve officers on active duty with the corps, enrollees of the corps, or unskilled labor: *Provided further*, That notwithstanding any contrary provisions of this or any other act the employment of Indians shall be in accordance with section 12 of the act of June 18, 1934 (48 Stat. 984).

"SEC. 6. The President may order Reserve officers of the Army and officers of the Naval and Marine Reserves to active duty with the corps under the provisions of section 37a of the National Defense Act and the Act of February 28, 1925, respectively.

"SEC. 7. The Director is authorized to have enrolled not to exceed 300,000 men at any one time, of which not more than 30,000 may be war veterans: *Provided*, That in addition thereto camps or facilities may be established for not to exceed 10,000 additional Indian enrollees and 5,000 additional Territorial and insular-possession enrollees.

"SEC. 8. The enrollees in the corps (other than war veterans, enrollees in the Territories and insular possessions, Indians, not to exceed one mess steward, three cooks, and one leader per each company) shall be unmarried male citizens of the United States between the ages of 17 and 23 years, both inclusive, and shall at the time of enrollment be unemployed: *Provided*, That the Director may exclude from enrollment such classes of persons as he may consider detrimental to the well-being or welfare of the corps, except that no person shall be excluded on account of race, color, or creed: *Provided further*, That enrollments shall be for a period of not less than 6 months and reenrollments shall not exceed a total term of 2 years: *Provided further*, That in the discretion of the Director continuous service by the enrollee during

his period of enrollment shall not be required in any case where the enrollee attends an educational institution of his choice during his leave of absence: *Provided further*, That the Director shall be authorized to issue certificates of proficiency and merit to enrollees under such rules and regulations as he may provide.

"SEC. 9. The compensation of enrollees shall be in accordance with schedules approved by the President, and enrollees shall be permitted, under such regulations as may be prescribed by the Director, to make allotments of pay to dependents; to make deposits of pay in amounts specified by the Director with the Chief of Finance, War Department, to be repaid in case of an emergency or upon completion of or release from enrollment; and to receive the balance of their pay in cash monthly: *Provided*, That Indians may be excluded from these regulations: *Provided further*, That the pay of enrollees shall not exceed $30 per month, unless such enrollees are used as leaders or for special services for which an additional amount of pay is justified.

"SEC. 10. Enrollees shall be provided, in addition to the monthly rates of pay, with such quarters, subsistence, and clothing, or commutation in lieu thereof; medical attention; hospitalization; and transportation as the Director may deem necessary: *Provided*, That burial, embalming, and transportation expenses of deceased enrolled members of the Corps, regardless of the cause and place of death, shall be paid in accordance with regulations of the Employees' Compensation Commission applicable to employees injured in line of duty: *Provided further*, That the provisions of the act of February 15, 1934 (U. S. C., title 5, sec. 76), relating to disability or death compensation and benefits, shall apply to the enrolled personnel of the Corps.

"SEC. 11. The Chief of Finance, War Department, is hereby designated, empowered, and directed, until otherwise ordered by the President, to act as the fiscal agent of the Director in carrying out the provisions of this act: *Provided*, That funds allocated to Government agencies for obligations under this act may be expended in accordance with the laws, rules, and regulations governing the usual work of such agency, except as otherwise stipulated in this act: *Provided further*, That in incurring expenditures the provisions of section 3709, Revised Statutes (U. S. C., title 41, sec. 5), shall not apply to any purchase or service when the aggregate amount involved does not exceed the sum of $300.

"SEC. 12. The President is hereby authorized to utilize the services and facilities of such departments or agencies of the Government as he may deem necessary for carrying out the purposes of this act.

"SEC. 13. The Director and, under his supervision, the cooperating departments and agencies of the Federal Government are authorized to enter into such cooperative agreements with States and civil divisions as may be necessary for the purpose of utilizing the services and facilities thereof.

"SEC. 14. The Director may authorize the expenditure of such amounts as he may deem necessary for supplies, materials, and equipment for enrollees to be used in connection with their work, instruction, recreation, health, and welfare, and may also authorize expenditures for the transportation and subsistence of selected applicants for enrollment and of discharged enrollees while en route upon discharge to their homes.

"SEC. 15. That personal property as defined in the act of May 29, 1935 (49 Stat. 311), belonging to the corps and declared surplus by the Director, shall be disposed of by the Procurement Division, Treasury Department, in accordance with the provisions of said act: *Provided*, That unserviceable property in the custody of any department shall be disposed of under the regulations of that department.

"SEC. 16. The Director and, under his supervision, the heads of cooperating departments and agencies are authorized to consider, ascertain, adjust, determine, and pay from the funds appropriated by Congress to carry out the provisions of this act any claim arising out of operations authorized by the act accruing after the effective date thereof on account of damage to or loss of property or on account of personal injury caused by the negligence of any enrollee or employee of the corps while acting within the scope of his employment: *Provided*, That the amount allowed on account of personal injury shall be limited to necessary medical and hospital expenses: *Provided further*, That this section shall not apply to any claim on account of personal injury for which a remedy is provided by section 10 of this act: *Provided further*, That no claim shall be considered hereunder which is in excess of $500, or which is not presented in writing within 1 year from the date of accrual thereof: *Provided further*, That acceptance by any claimant of the amount allowed on account of his claim shall be deemed to be in full settlement thereof and the action of the Director or of the head of a cooperating department or agency upon such claim so accepted by the claimant shall be conclusive.

"SEC. 17. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the purpose of carrying out the provisions and purposes of this act: *Provided*, That no part of any such appropriation shall be used in any way to pay any expense in connection with the conduct, operation, or management of any camp exchange, save and except such camp exchanges as are established and operated, in accordance with regulations to be prescribed by the Director, at such camps as may be designated by him, for real assistance and convenience to enrollees in supplying them and their supervising personnel on duty at any such camp with articles of ordinary use and consumption not furnished by the Government: *Provided further*, That the person in charge of any such camp exchange shall certify, monthly, that during the preceding calendar month such exchange was operated in compliance herewith.

"SEC. 18. This act, except as otherwise provided, shall take effect July 1, 1937."

Mr. RAMSPECK (interrupting the reading of the Senate amendment). Mr. Speaker, I ask unanimous consent that the further reading of the Senate amendment be dispensed with.

Mr. DICKSTEIN. Mr. Speaker, reserving the right to object, I would like to hear the amendment read.

Mr. NICHOLS. Mr. Speaker, reserving the right to object, and I shall not object, I think the chairman should explain the Senate amendment.

Mr. RAMSPECK. I shall explain the situation in full.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. RAMSPECK. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate to the bill (H. R. 6551) to establish a Civilian Conservation Corps, and for other purposes.

The SPEAKER. The Clerk will report the motion of the gentleman from Georgia.

The Clerk read as follows:

Mr. RAMSPECK moves that the House recede from its disagreement to the Senate amendment to the bill (H. R. 6551) to establish a Civilian Conservation Corps, and for other purposes.

Mr. RAMSPECK. Mr. Speaker, I hope I may have the careful attention of the Members of the House while I offer an explanation which it is absolutely necessary for you to hear if you are to understand what we are trying to do here this afternoon. We have a most unusual parliamentary situation, and, unless you understand what we are trying to do, we are going to have a lot of trouble and confusion.

At the time the Civilian Conservation Corps bill was sent to conference, the gentleman from New York [Mr. SNELL] reserved the right to object and stated that "the important matter in this conference is the continuation of the Civilian Conservation Corps camps. I think the gentleman from Massachusetts should give the House to understand that he will bring this matter back to the House on the question of any permanent extension of the Civilian Conservation Corps." After some discussion of what action the House conferees would take in the conference, the gentleman from Massachusetts, the late Mr. Connery, stated:

I may say that we will not agree to anything upon which the House has passed by a vote until we ask for a further vote in the House.

To carry out Mr. Connery's promise, I am now bringing back to the House for a separate vote the various matters to which the statement relates. First, the matter of vocational education; second, the matter of applicability of the civil-service laws and regulations to the civilian personnel of the Corps; and third, the pay of enrollees who may be classified as leaders. Since the conferees do not propose a permanent Civilian Conservation Corps, but have informally agreed to recommend a 3-year extension for the 2-year extension in the House bill, I do not construe Mr. Connery's promise to apply to that provision and I hope the gentleman from New York [Mr. SNELL] will agree with me.

First, let me explain the parliamentary situation, briefly. After having reported a conference agreement to the House, Mr. Connery asked that the bill be recommitted to the conferees in order to give the House an opportunity to express its choice on the three matters. In pursuance of this desire, the conferees have reported a disagreement. I propose to offer a motion that the House recede from its disagreement to the Senate amendment. If that motion carries, which I trust it will, I then propose to offer three separate amendments to the Senate amendment which will substitute for the Senate provisions in controversy the House provisions. On each of these amendments a separate vote may be had if desired.

After the disposition of the three motions, I shall move to offer as a substitute for the entire Senate amendment a proposal which will contain, first, all the matters tentatively agreed on by the conferees, about which I am sure there is no substantial controversy; and, second, the matters which the House has just voted on in the previous separate three motions.

By following this procedure we shall be able to dispose of the noncontroversial matters, give the House the desired separate votes, and offer a proposition to the Senate which it can agree to or send to conference and which will set forth in definite fashion the position of the House.

I may say further that the reason for this complicated procedure is the fact that the Senate, in considering the House bill, struck out all after the enacting clause and substituted the Senate bill. It therefore became impossible for the conference, under the parliamentary situation, to carry out the promise which Mr. Connery made the gentleman from New York [Mr. SNELL] when the bill was taken from the Speaker's table and sent to conference. This is the only parliamentary method by which we can carry out that promise, and I am sure the Members of the House, in view of what has happened since, will join with me in helping to keep a promise for a man who never broke one. [Applause.]

Mr. SNELL. Mr. Speaker, will the gentleman from Georgia yield?

Mr. RAMSPECK. I yield to the gentleman.

Mr. SNELL. I may say to the gentleman that I think the committee of conference has done all it could in the matter. I had a short talk with our late colleague, Mr. Connery, a few days before he passed away, and he explained the matter to a certain extent, and his explanation was along the same line as that of the gentleman from Georgia. I think under the circumstances you have done all you could, and, while I would have preferred an extension of 2 years rather than 3 years, I think you have done your part, and I shall not raise any further objection. [Applause.]

Mr. RAMSPECK. I thank the gentleman from New York.

Mr. MAPES. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Michigan.

Mr. MAPES. I do not understand clearly the parliamentary situation. As I understand the gentleman's motion, it is to recede and concur in the Senate amendment?

Mr. RAMSPECK. No; the motion now is simply to recede from our disagreement to the Senate amendment. If this motion is adopted, then I have some other motions which embody the position of the House on the question and upon which the House will have the opportunity of voting.

Mr. MAPES. I misunderstood the gentleman's motion.

Mr. RAMSPECK. If the pending motion is adopted, then I shall offer a motion to put back in the bill the provisions of the House bill and we will then go to conference on that.

Mr. MAPES. After the House recedes, the gentleman then proposes to offer amendments to the Senate amendment?

Mr. RAMSPECK. That is correct.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. NICHOLS. Do I understand the gentleman proposes in these three motions to put the bill back in the shape it was in when it passed the House?

Mr. RAMSPECK. The gentleman is absolutely correct with the exception of the difference between 3 years and 2 years.

Mr. NICHOLS. Will the motions of the gentleman be debatable, as the gentleman understands it?

Mr. RAMSPECK. I shall have to ask the Chair that question.

The SPEAKER. If the question is submitted in the form of a parliamentary inquiry, the Chair may state that the motions will be debatable under the 1-hour rule.

Mr. RAMSPECK. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The motion was agreed to.

Mr. RAMSPECK. Mr. Speaker, I offer the following motion, which I send to the desk.

The Clerk read as follows:

Mr. RAMSPECK moves that on page 1, line 3, of the Senate amendment, strike out "and training for citizenship" and insert ", as well as vocational training", and on page 1, line 9, before the period, insert ": *Provided*, That at least 10 hours each week may be devoted to general education and vocational education."

The SPEAKER. The gentleman from Georgia is recognized for 1 hour.

Mr. WADSWORTH. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. WADSWORTH. In listening to the second half of the amendment, as I understand it, it reads that at least 10 hours may be devoted each week to vocational training.

Mr. RAMSPECK. The gentleman is correct.

Mr. WADSWORTH. Does not the gentleman mean that not more than 10 hours may be devoted to vocational training?

Mr. RAMSPECK. This is the language that was in the House bill, and what I am attempting to do is to give the House a chance to vote either up or down the provisions of the House bill.

Mr. WADSWORTH. But let us say what we mean. We do not mean to say that at least a certain number of hours may be provided.

Mr. RAMSPECK. I understand the gentleman's point, but I am trying to stick to the agreement to bring this back to the House. Frankly, I like the language of the Senate bill on this particular matter better than I like the language of the House bill, but I am moving to put in the House provision to carry out the promise made.

Mr. WADSWORTH. My only observation is that if the language now proposed ever reaches the statute books, it will not have any meaning.

Mr. FULLER. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. FULLER. If we adopt the gentleman's amendment, the gentleman still has the right on this particular language to change it in conference and bring it back to the House?

Mr. RAMSPECK. That is correct.

Mr. COLLINS. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. COLLINS. Regarding the question of the gentleman from New York [Mr. WADSWORTH] it seems to me, in view of the fact that these boys are expected after their terms of enlistment have expired to go out into the world and earn a livelihood, they ought to have at least 10 hours of training in vocational education as provided in the House bill. I think therefore the language in the House bill is preferable to the language in the Senate bill.

Mr. WADSWORTH. Which is not mandatory. It says at least 10 hours may be provided. If we want the 10 hours, we should say that not less than 10 hours shall be provided.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. WHITTINGTON. I listened as carefully as I could to the reading of the proviso and it occurred to me that it is not in the language of the House bill. Will the gentleman be good enough to repeat it.

Mr. RAMSPECK. The language of the proviso is:

Provided, That at least 10 hours each week may be devoted to general education and vocational education.

Mr. WHITTINGTON. "Vocational education" is not the language originally used in the House bill. It was "vocational training." I have the bill before me.

Mr. RAMSPECK. If that is the case, then the language ought to be changed.

Mr. WHITTINGTON. I suggest that the gentleman ask unanimous consent to correct that language.

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to modify the last word in the amendment and change it from "education" to "training."

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER. The Clerk will report the modified amendment.

The Clerk read as follows:

Mr. RAMSPECK moves that on page 1, line 3, of the Senate amendment, strike out "and training for citizenship" and insert ", as well as vocational training"; and on page 1, line 9, before the period insert ": *Provided*, That at least 10 hours each week may be devoted to general education and vocational training."

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. DINGELL. As I understood the gentleman from Georgia has stated that he prefers personally the wording of the Senate.

Mr. RAMSPECK. That is correct.

Mr. DINGELL. They both seek the same objective.

Mr. RAMSPECK. That is correct.

Mr. DINGELL. Then, according to that, for the benefit of the membership of the House, am I correct in presuming that to attain the same objective and to be more certain it would be wiser on the part of the House to vote down the motion of the gentleman from Georgia?

Mr. RAMSPECK. It is a question of language, of course. I think the Senate language is broader, because it uses the words "training for citizenship", which includes everything.

Mr. DINGELL. I have a great deal of confidence in any advice the gentleman from Georgia gives to the House, and for that reason desire to follow him. I realize that he presents a problem here to carry out a certain agreement heretofore entered into, but that is merely the discharge of an obligation on the part of the gentleman from Georgia. I want to vote against the gentleman's motion if he thinks the Senate objects and the Senate wording is better.

Mr. RAMSPECK. Personally, I think the Senate language is preferable from a number of standpoints. However, I am not saying that to influence the vote of any Member. The Members can vote any way they please, but personally I like the Senate provision, because I think "training for citizenship" includes vocational training as well as every other kind of training that they might think would be worth while to make these boys better citizens.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from New York.

Mr. DICKSTEIN. As I understand, you are not teaching "training for citizenship", which is very important under that section of the bill. You are adding to the training——

Mr. RAMSPECK. No, no. The gentleman is mistaken. We are moving to substitute "vocational training and general education" for the Senate language, which is "training for citizenship."

Mr. DICKSTEIN. Will your language take care of those who want to train for citizenship, to make them better citizens?

Mr. RAMSPECK. I do not think, under the language which I am moving to substitute, that they could teach anything except general education and vocational training.

Mr. DICKSTEIN. Then you are practically repealing that training for citizenship that some men would like to get while in the camps?

Mr. RAMSPECK. We have taken out the Senate language. The gentleman knows the difference between the two provisions.

Mr. DICKSTEIN. But I think you are taking the heart out of the bill.

Mr. RAMSPECK. We are trying to put back what was in the House bill.

Mr. LUTHER A. JOHNSON. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Texas.

Mr. LUTHER A. JOHNSON. Would the gentleman kindly report in full the Senate language, especially that portion of it, if it contains any reference, concerning the number of hours they shall teach? Does the Senate language have any provision with reference to the minimum or maximum number of hours?

Mr. RAMSPECK. The Senate has no provision as to the number of hours. They struck out the House bill and substituted an entirely different bill. It contains this language:

That there is hereby established the Civilian Conservation Corps, hereinafter called the corps, for the purpose of providing employment and training for citizenship.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. Since the language in the Senate provision is so broad and general in nature, is there not danger of one camp having one idea about what citizenship is, and in following that idea teach some particular thing, while the man in charge of another camp would have an entirely different idea as to citizenship, and he would teach another thing, and would that not encourage lack of uniformity of training among these boys?

Mr. RAMSPECK. Of course the gentleman is as well able to judge that as I am, but I do not think so, for this reason: The educational program is directed from the Washington office of the corps. They have educational advisers in each camp, and I presume they are told what to teach.

Mr. NICHOLS. At least, if we did adopt the Senate provision, it is possible that any person in charge of instruction in any particular camp or section might teach anything so long as he was able to interpret it as being a course in good citizenship. That is right, is it not?

Mr. RAMSPECK. I presume so, subject, of course, to the direction of the chief officer in Washington.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. RANDOLPH. Regardless of what the House does in connection with the matter of vocational education or general education program, personally I believe the Senate language is preferable, because, as the gentleman says, the direction of the educational program is from Washington, and the camp educational directors of course follow their own initiative, and we will provide for it in whichever way we adopt this amendment; but regardless of that fact, we must not overlook that whereas it is important to bring out the educational program for these boys, we must not fail to take into consideration the splendid accomplishments of the work program of the C. C. C.

Mr. GRISWOLD. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. GRISWOLD. I call the gentleman's attention to some statements made in the hearings with relation to this very matter, and if I am wrong I want my colleague to correct me. The basis of Mr. Fechner's testimony on this training was that we were now training them for citizenship, and he did not think the camps could train them vocationally because they were not so equipped, but that they were training them for citizenship. Is not that the basis of his testimony?

Mr. RAMSPECK. I think so, in substance. However, he did say that they were receiving vocational training in connection with the work to a certain extent.

Mr. GRISWOLD. That is, on the job. They obtained that as a part of the work they were doing, but he claimed that the whole system of the camp was an education for citizenship.

Mr. RAMSPECK. Yes; that is correct.

Mr. GRISWOLD. And also the director of education, or whatever his title is, who appeared before the committee along with Mr. Fechner, testified to practically the same thing, I believe.

Mr. RAMSPECK. Yes.

Mr. GRISWOLD. Is it not true, then, that on the basis of that testimony of the present administration, both on the educational system and the camps in general, the Senate language would leave us in the position of having the same educational facilities and the same educational program that we have now, with practically no change?

Mr. RAMSPECK. I think the gentleman's assumption is correct.

Mr. COLDEN. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. COLDEN. The phrase in the Senate amendment "training for citizenship" has a very restricted meaning in a great many of the schools and colleges of the country, their contention being that it relates particularly to the question of government. As I understand it, the gentleman does not want to exclude vocational training. I am wondering whether that language is definite enough to cover the purposes of the C. C. C. camps.

Mr. RAMSPECK. I think it is, I will say to the gentleman.

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. BOILEAU. I presume that the conferees had some discussion as to the meaning of the term in the Senate amendment "training for citizenship." For the sake of the RECORD, will the gentleman inform us as to whether there was any discussion among the conferees, or any suggestion in the minds of the members of the House Committee on Labor that training for citizenship should include military training?

Mr. RAMSPECK. It was never in the minds of the conferees that it should include military training.

Mr. BOILEAU. Then it is the gentleman's idea that the expression "training for citizenship" does not include military training?

Mr. RAMSPECK. The gentleman is correct; I have no such idea.

Mr. SNYDER of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. SNYDER of Pennsylvania. Regarding this inquiry in respect of military training, may I say that Dr. Fechner appeared before the Appropriations Subcommittee on the War Department and at that time stated very emphatically that he did not want to have military training go any further than it does now in the camps.

I rose, Mr. Speaker, primarily to ask the gentleman if there was any objection to substituting the word "shall" for the word "may" in the amendment, making it read "that not less than 10 hours shall be devoted to educational training"?

Mr. RAMSPECK. Yes; I may say to the gentleman from Pennsylvania that there is a good deal of objection to that. In the first place, if it is made mandatory it would take many millions of dollars to carry it out, for it would involve the building of many buildings and the acquisition of much equipment and facilities that the Administration at present lacks for such a mandatory program.

Mr. WADSWORTH. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. WADSWORTH. I do not want to torture this subject, but I do want this sentence to mean something. As it is presently written it does not mean anything. It reads that "at least 10 hours each week may be devoted." That is meaningless. The gentleman from Georgia has raised the objection to the suggestion of the gentleman from Pennsylvania that changing the word "may" to "shall" would be too expensive. Would the gentleman from Georgia favor changing the language to read "not more than 10 hours may be devoted"? This will mean something.

Mr. RAMSPECK. I personally would not have any objection to that; but I do not think we want to start amending these motions.

Mr. JENKS of New Hampshire. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. JENKS of New Hampshire. As I understand the gentleman's motion, it is to eliminate vocational training. Am I right?

Mr. RAMSPECK. Oh, no; my motion is to restore the language that was in the bill as it passed the House. The gentleman is familiar with that, I am sure. It calls for "vocational training and general education."

Mr. JENKS of New Hampshire. In other words, it will be as the House passed the bill.

Mr. RAMSPECK. Exactly.

Mr. JENKS of New Hampshire. I thank the gentleman.

Mr. RAMSPECK. Mr. Speaker, I move the previous question on the amendment.

The previous question was ordered.

Mr. WADSWORTH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. WADSWORTH. To offer an amendment to the amendment.

The SPEAKER. The previous question has already been ordered, the Chair will state to the gentleman. It is too late to offer an amendment to the amendment.

The question is on the amendment offered by the gentleman from Georgia.

The amendment was agreed to.

Mr. RAMSPECK. Mr. Speaker, I offer a further motion.

The Clerk read as follows:

Mr. RAMSPECK moves that on page 3, lines 15 to 25, and page 4, lines 1 to 11, of the Senate amendment, strike out "in accordance with the civil-service laws and regulations made thereunder, and their compensation shall be fixed in accordance with the Classification Act of 1923, as amended: *Provided*, That the employment of employees of the emergency conservation work and of the cooperating Federal agencies whose compensation is paid from emergency conservation work funds, as of June 30, 1937, and for at least 2 months prior thereto, may be continued, and such employees who do not have a competitive classified civil-service status appropriate for the positions to be occupied shall be permitted to take an appropriate noncompetitive examination to be given by the Civil Service Commission within a period of 10 months and those employees who do not receive an eligible rating as a result of said examination shall be dropped from the rolls not later than June 30, 1938: *Provided further*, That the provisions of this section shall not apply to Reserve officers on active duty with the corps, enrollees of the corps, or unskilled labor: *Provided further*, That notwithstanding any contrary provisions of this or any other act the employment of Indians shall be in accordance with section 12 of the act of June 18, 1934 (48 Stat. 984)" and insert "without regard to the civil-service laws and regulations."

Mr. RAMSPECK. Mr. Speaker, in the nearly 8 years I have been a Member of Congress, this is the first time I have ever made a motion to take civil service out of a bill. I am doing it now in order to carry out the promise of my beloved colleague who has passed away.

If the House adopts this motion as I have made it, it will take out the civil-service provision inserted by the Senate and restore the language of the House bill which provides for appointments in the Civilian Conservation Corps without regard to the civil service. Personally, of course, I shall vote against my own motion, but this gives the House a chance to reassert its position.

I think there is probably no necessity for further discussion.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the amendment offered by the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. RAMSPECK) there were—ayes 143, noes 77.

Mr. SNELL. Mr. Speaker, I make the point of order there is not a quorum present, and I object to the vote on that ground.

The SPEAKER. The Chair just announced a vote totaling 220 Members.

Mr. SNELL. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

So the amendment was agreed to.

A motion to reconsider was laid on the table.

Mr. RAMSPECK. Mr. Speaker, I offer another motion, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. RAMSPECK moves that, on page 6, lines 3 to 6, of the Senate amendment, strike out "That the pay of enrollees shall not exceed $30 per month unless such enrollees are used as leaders or for special services for which an additional amount of pay is justified" and insert "That the pay of enrollees shall not exceed $30 per month, except for not more than 10 percent who may be designated as leaders and who shall receive not more than $36 a month: *Provided further*, That not to exceed 6 percent shall receive $45 as leader."

Mr. RAMSPECK. Mr. Speaker, this substitutes the language of the House bill in the Senate bill.

Mr. RANDOLPH. That is the present pay schedule, is it not?

Mr. RAMSPECK. I understand so.

Mr. RANDOLPH. That is right.

Mr. NICHOLS. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. Does the gentleman know that 10 percent of the present enrollees are now used as assistant leaders and 6 percent are used as leaders? I am frank to say I do not know.

Mr. RAMSPECK. I do not know about the percentage. I know some of them are.

Mr. NICHOLS. As a matter of fact I am heartily in sympathy with this amendment and supported it; however, there is not a great deal of disagreement between the Senate proposal and the House proposal, is there?

Mr. RAMSPECK. The Senate proposal is similar to what we have always had in the law; that is, $30 a month.

Mr. NICHOLS. But it does make an exception?

Mr. RAMSPECK. It makes an exception of the leaders.

Mr. NICHOLS. Is that because of existing law?

Mr. RAMSPECK. In the existing law there is no limit on the pay, as I understand it. That is fixed by the President.

Mr. NICHOLS. Did not the hearings before the gentleman's committee indicate that the percentage of 10 percent and 6 percent were about right as it was being worked now?

Mr. RAMSPECK. I think the gentleman is correct.

Mr. NICHOLS. I wonder if any member of the committee is able to answer that question?

Mr. RANDOLPH. In connection with the percentages which have been discussed by the gentleman from Oklahoma, and in answer to his question, may I say it has been brought out that the 10 percent and the 6 percent are in excess of those who are now what we call leaders in the camps. In relation to the other question that has been raised of the pay schedule, although it is not in existing law, they are operating upon the plan which is offered in the amendment, paying up to $45 a month for a certain number of leaders. That is by virtue of the director of the Emergency Conservation work himself.

Mr. NICHOLS. Then the real purpose of the House provision is to provide a uniform percentage throughout the United States which will apply to all camps alike? That is, so as not to exceed 10 or not more than 10 percent. This fixes the top, but fixes it so that it will be uniform throughout all of the camps in the United States?

Mr. RANDOLPH. The gentleman is absolutely correct in his interpretation, as I understand it.

Mr. FADDIS. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Pennsylvania.

Mr. FADDIS. Will the gentleman tell us which of these provisions in regard to the pay schedule, the Senate or the House provision, is the most economical?

Mr. RAMSPECK. I may say to the gentleman very frankly I do not think anybody could answer that question. It depends on the administration. I do not think they would ever have more than the percentages set out here because where there has been no regulation I do not think they would exceed that; although, of course, under the language of the Senate amendment they could exceed that. The House provision is a limitation which the Senate provision does not provide.

Mr. Speaker, I move the previous question on the amendment.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

A motion to reconsider was laid on the table.

Mr. RAMSPECK. Mr. Speaker, I offer another amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. RAMSPECK moves that, on page 5, line 10, of the Senate amendment, after "reenrollment", insert "(except in the case of one mess steward, three cooks, and one leader, in each company, and war veterans)."

Mr. RAMSPECK. Mr. Speaker, the necessity for this motion arises from the fact that the language in the bill as adopted by the Senate is considered by the Director and those in charge as a limitation on the time the enrollees could stay in the camps. The Director and those who are responsible for administering this legislation feel that the language would also limit the time war veterans could stay in the camps, and also it would limit the time that the mess steward, the three cooks, and the leader might stay in the camp. Therefore, I have offered this motion amending the Senate bill so as to take those classes out of the limitation.

Mr. NICHOLS. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. Do the provisions of the Senate bill limit the time that enrollees may stay in the camps?

Mr. RAMSPECK. The junior enrollees cannot stay for over 2 years, under the language of the Senate bill. There are war veterans who have already been in camp 2 years who would have to be dismissed without this amendment.

Mr. NICHOLS. In the bill as it passed the House there was no limitation on enrollees?

Mr. RAMSPECK. I cannot answer the gentleman's question. I do not have the bill before me. I do not remember the language. However, this matter was called to my attention by the Acting Director himself, and we are trying to straighten it out here.

Mr. NICHOLS. I can see how the gentleman's amendment is necessary in order to have some nucleus of permanent organization in the camp, but I am wondering if it is wise to go as far as to limit enrollees, when that is an administrative matter which should be handled by those in charge of enrollees, and so forth. If it is left open, they can by administrative order govern the time for enrollees and the number of enrollees as they have done in the past. Of course, the gentleman's amendment will go back to conference, and even if the question is not voted on at this time, I would suggest that the conferees discuss rather thoroughly and consider rather thoroughly the advisability of limiting the time enrollees may stay in the camp, and report back to the House. Of course, I shall support the gentleman's pending amendment.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. RANDOLPH. As the gentleman from Oklahoma has stated, I think that if we pass this amendment it will be in order for the conferees to discuss the matter of the time of enrollees. As the bill passed the House, there was no time limit set upon the enrollee himself, but we realize that today there are about 25,000 war veterans in the C. C. C. program. The language of the amendment offered by the gentleman from Georgia certainly would take care of that

group and protect it. It will also be helpful as the conferees discuss the further subjects of enrollment and of the enrollees themselves. I trust the amendment will be adopted.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to. A motion to reconsider was laid on the table.

Mr. RAMSPECK. Mr. Speaker, I offer a further motion.

The Clerk read the motion, as follows:

Mr. RAMSPECK moves that the House concur in the Senate amendment with an amendment.

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That there is hereby established the Civilian Conservation Corps, hereinafter called the corps, for the purpose of providing employment, as well as vocational training, for youthful citizens of the United States who are unemployed and in need of employment, and to a limited extent as hereinafter set out, for war veterans and Indians, through the performance of useful public work in connection with the conservation and development of the natural resources of the United States, its Territories, and insular possessions: *Provided*, That at least 10 hours each week may be devoted to general educational and vocational training: *Provided*, That the provisions of this act shall continue for the period of 3 years after July 1, 1937, and no longer.

"SEC. 2. The President, by and with the advice and consent of the Senate, is authorized to appoint a Director at a salary of $10,000 per annum. The Director shall have complete and final authority in the functioning of the corps, including the allotment of funds to cooperating Federal departments and agencies, subject to such rules and regulations as may be prescribed by the President in accordance with the provisions of this act.

"SEC. 3. In order to carry out the purposes of this act, the Director is authorized to provide for the employment of the corps and its facilities, on works of public interest or utility for the protection, restoration, regeneration, improvement, development, utilization, maintenance, or enjoyment of the natural resources of lands and waters, and the products thereof, including forests, fish, and wildlife on lands or interest in lands (including historical or acheological sites), belonging to, or under the jurisdiction or control of the United States, its Territories and insular possessions, and the several States: *Provided*, That the President may, in his discretion, authorize the Director to undertake projects on lands belonging to or under the jurisdiction or control of counties and municipalities and on lands in private ownership, but only for the purpose of doing thereon such kinds of cooperative work as are or may be provided for by acts of Congress, including the prevention and control of forest fires, forest-tree pests and diseases, soil erosion, and floods: *Provided further*, That no projects shall be undertaken on lands or interests in lands other than those belonging to or under the jurisdiction or control of the United States, unless adequate provisions are made by the cooperating agencies for the maintenance, operation, and utilization of such projects after completion.

"SEC. 4. There are hereby transferred to the corps all enrolled personnel, records, papers, property, funds, and obligations of the Emergency Conservation Work established under the act of March 31, 1933 (48 Stat. 22), as amended; and the Corps shall take over the institution of the camp exchange heretofore established and maintained, under supervision of the War Department, in connection with and aiding in administration of Civilian Conservation Corps work camps conducted under the authority of said act as amended: *Provided*, That such camp exchange shall not sell to persons not connected with the operation of the Civilian Conservation Corps.

"SEC. 5. The Director and, under his supervision, the heads of other Federal departments or agencies cooperating in the work of the corps, are authorized within the limit of the allotments of funds therefor to appoint such civilian personnel as may be deemed necessary for the efficient and economical discharge of the functions of the corps, without regard to the civil-service laws and regulations.

"SEC. 6. The President may order Reserve officers of the Army and officers of the Naval and Marine Reserves and warrant officers of the Coast Guard to active duty with the corps under the provisions of section 37a of the National Defense Act and the act of February 28, 1925, respectively.

"SEC. 7. The Director is authorized to have enrolled not to exceed 300,000 men at any one time, of which not more than 30,000 may be war veterans: *Provided*, That in addition thereto camps or facilities may be established for not to exceed 10,000 additional Indian enrollees and 5,000 additional Territorial and insular possession enrollees.

"SEC. 8. The enrollees in the corps (other than war veterans, enrollees in the Territories and insular possessions, Indians, not to exceed one mess steward, three cooks, and one leader per each company) shall be unmarried male citizens of the United States between the ages of 17 and 23 years, both inclusive, and shall at the time of enrollment be unemployed and in need of employment: *Provided*, That the Director may exclude from enrollment such classes of persons as he may consider detrimental to the well-being or welfare of the corps, except that no person shall be excluded on account of race, color, or creed: *Provided further*, That enrollments shall be for a period of not less than 6 months and reenrollments (except in the case of one mess steward, three cooks, and one leader in each company, and war veterans) shall not exceed a total term of 2 years: *Provided further*, That in the discretion of the Director continuous service by the enrollee during his period of enrollment shall not be required in any case where the enrollee attends an educational institution of his choice during his leave of absence: *Provided further*, That the Director shall be authorized to issue certificates of proficiency and merit to enrollees under such rules and regulations as he may provide.

"SEC. 9. The compensation of enrollees shall be in accordance with schedules approved by the President, and enrollees with dependent member or members of their families shall be required, under such regulations as may be prescribed by the Director, to make allotments of pay to such dependents. Other enrollees may make deposits of pay in amounts specified by the Director with the Chief of Finance, War Department, to be repaid in case of an emergency or upon completion of or release from enrollment and to receive the balance of their pay in cash monthly: *Provided*, That Indians may be excluded from these regulations: *Provided further*, That the pay of enrollees shall not exceed $30 per month, except for not more than 10 percent who may be designated as leaders and who shall receive not more than $36 a month: *Provided further*, That not to exceed 6 percent shall raceive $45 as leader.

"SEC. 10. Enrollees shall be provided, in addition to the monthly rates of pay, with such quarters, subsistence, and clothing, or commutation in lieu thereof, medical attention, hospitalization, and transportation as the Director may deem necessary: *Provided*, That burial, embalming, and transportation expenses of deceased enrolled members of the corps, regardless of the cause and place of death, shall be paid in accordance with regulations of the Employees' Compensation Commission: *Provided further*, That the provisions of the act of February 15, 1934 (U. S. C., 1934 ed., title 5, sec. 796), relating to disability or death compensation and benefits shall apply to the enrolled personnel of the corps.

"SEC. 11. The Chief of Finance, War Department, is hereby designated, empowered, and directed, until otherwise ordered by the President, to act as the fiscal agent of the Director in carrying out the provisions of this act: *Provided*, That funds allocated to Government agencies for obligation under this act may be expended in accordance with the laws, rules, and regulations governing the usual work of such agency, except as otherwise stipulated in this act: *Provided further*, That in incurring expenditures, the provisions of section 3709, Revised Statutes (U. S. C., 1934 ed., title 41, sec. 5), shall not apply to any purchase or service when the aggregate amount involved does not exceed the sum of $300.

"SEC. 12. The President is hereby authorized to utilize the services and facilities of such departments or agencies of the Government as he may deem necessary for carrying out the purposes of this act.

"SEC. 13. The Director and, under his supervision, the cooperating departments and agencies of the Federal Government are authorized to enter into such cooperative agreements with States and civil divisions as may be necessary for the purpose of utilizing the services and facilities thereof.

"SEC. 14. The Director may authorize the expenditure of such amounts as he may deem necessary for supplies, materials, and equipment for enrollees to be used in connection with their work, instruction, recreation, health, and welfare, and may also authorize expenditures for the transportation and subsistence of selected applicants for enrollment and of discharged enrollees while en route upon discharge to their homes.

"SEC. 15. That personal property as defined in the act of May 29, 1935 (49 Stat. 311), belonging to the corps and declared surplus by the Director, shall be disposed of by the Procurement Division, Treasury Department, in accordance with the provisions of said act: *Provided*, That unserviceable property in the custody of any department shall be disposed of under the regulations of that department.

"SEC. 16. The Director and, under his supervision, the heads of cooperating departments and agencies are authorized to consider, ascertain, adjust, determine, and pay from the funds appropriated by Congress to carry out the provisions of this act any claim arising out of operations authorized by the act accruing after the effective date thereof on account of damage to or loss of property or on account of personal injury to persons not provided for by section 10 of this act, caused by the negligence of any enrollee or employee of the corps while acting within the scope of his employment: *Provided*, That the amount allowed on account of personal injury shall be limited to necessary medical and hospital expenses: *Provided further*, That this section shall not apply to any claim on account of personal injury for which a remedy is provided by section 10 of this act: *Provided further*, That no claim shall be considered hereunder which is in excess of $500, or which is not presented in writing within 1 year from the date of accrual thereof: *Provided further*, That acceptance by any claimant of the amount allowed on account of his claim shall be deemed to be in full settlement thereof, and the action of the Director or of the head of a cooperating department or agency upon such claim so accepted by the claimant shall be conclusive.

"SEC. 17. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the purpose of carrying out the purposes

of this act: *Provided*, That no part of any such appropriation shall be used in any way to pay any expense in connection with the conduct, operation, or management of any camp exchange, save and except such camp exchanges as are established and operated, in accordance with regulations to be prescribed by the Director, at such camps as may be designated by him, for real assistance and convenience to enrollees in supplying them and their supervising personnel on duty at any such camp with articles of ordinary use and consumption not furnished by the Government: *Provided further*, That the person in charge of any such camp exchange shall certify, monthly, that during the preceding calendar month such exchange was operated in compliance herewith.

"SEC. 18. This act, except as otherwise provided, shall take effect July 1, 1937."

Mr. RAMSPECK (interrupting the reading of the amendment). Mr. Speaker, I ask unanimous consent to dispense with the reading of the amendment and that the amendment be printed in the RECORD.

Mr. Speaker, I may state to the House in explanation of the amendment that it contains the amendments which the House has just adopted, together with the other language necessary to carry out the parliamentary procedure. The amendment also contains the noncontroversial matters informally agreed to by the conferees and the substance of House Concurrent Resolution 15. This resolution provides that in the enrollment of the bill there shall be stricken out language which does not permit the payment of cost of shipment home of bodies of deceased enrollees. The resolution was to correct this mistake, and it has been deemed advisable to include its provisions in the present amendment. The conferees and the administration are in agreement that this correction should be made.

The SPEAKER. The gentleman from Georgia asks unanimous consent to dispense with the further reading of the amendment to the Senate amendment, and that it be printed in the RECORD. Is there objection?

Mr. NICHOLS. Mr. Speaker, reserving the right to object, may I ask the gentleman from Georgia if after the conferees have again met on this matter, if there is disagreement regarding the position expressed by the House today the bill will be brought back to the House in such shape the House can again express itself separately on the amendments offered by the conferees?

Mr. RAMSPECK. I may say to the gentleman I do not think that is possible under the parliamentary procedure, because we are dealing with a Senate amendment, which is language inserted after striking out all after the enacting clause of the House bill. The very reason we have gone through this complicated procedure today is simply to carry out a promise similar to the one the gentleman is now asking me to make, which I would have no authority to make, anyway, because I am not in charge of the proposed legislation. I do not think it will be possible, but I certainly would not agree that we should go through this procedure again, because if we did, we would never get through with it, and this law must be enacted by the 30th of June.

Mr. NICHOLS. Of course, it could be done by doing the same thing we have done today.

Mr. RAMSPECK. Yes; by having a complete disagreement and coming back and following this procedure again. I may say to the gentleman I think I know what he has in his mind, and, so far as I am concerned, although I personally do not agree with the action of the House, if I am appointed a conferee again, I expect individually to uphold the position of the House on the civil-service provision, as far as possible.

Mr. NICHOLS. And on the other amendment, too, I presume?

Mr. RAMSPECK. Oh, yes.

Mr. FADDIS. Mr. Speaker, reserving the right to object, would the gentleman explain briefly just what this amendment is which he proposes, so the House will understand?

Mr. RAMSPECK. This amendment includes the amendments which we have adopted and certain other minor changes in the bill which were not in controversy and were not the subject of debate, motions, and votes in the House. This simply puts the bill back in parliamentary shape to go back to the Senate, so they can either accept it or send it to conference again.

Mr. MEAD. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from New York.

Mr. MEAD. Not being familiar with the conference report, may I ask the gentleman if the salary of the Director is an item in controversy?

Mr. RAMSPECK. The salary of the Director is not in controversy, and remains as fixed by the House, the Senate having adopted the same amount.

Mr. MEAD. That is too bad.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. RANDOLPH. It is my understanding the action today by the House will bring about this situation. The Senate could agree to what we have done, and then it would not go to conference and we would not have to take it up again on this floor. Am I correct in that understanding?

Mr. RAMSPECK. The gentleman is correct. They could accept the situation and the bill would go into effect.

The SPEAKER. Is there objection to the request of the gentleman from Georgia to dispense with the further reading of the amendment?

There was no objection.

Mr. RAMSPECK. Mr. Speaker, I move the previous question on the amendment.

The previous question was ordered.

The motion was agreed to.

A motion to reconsider was laid on the table.

EXCISE TAX UPON CARRIERS AND CERTAIN OTHER EMPLOYERS AND INCOME TAX UPON CERTAIN EMPLOYEES

Mr. DOUGHTON, from the Committee on Ways and Means, submitted a report on the bill (H. R. 7589, Rept. No. 1071) to levy an excise tax upon carriers and certain other employers, and an income tax upon their employees, and for other purposes, which was read a first and second time, and with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered printed.

PERMISSION TO ADDRESS THE HOUSE

Mr. SNELL. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from New York [Mr. CULKIN], on Monday next, after the disposition of matters on the Speaker's table and the legislative program for that day, may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENSION OF REMARKS

Mr. COCHRAN asked and was given permission to revise and extend his own remarks.

STAMP PROVISIONS OF THE BOTTLING IN BOND ACT

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6737) to amend the stamp provisions of the Bottling in Bond Act.

The Clerk read the title of the bill.

Mr. TREADWAY. Mr. Speaker, reserving the right to object, and I shall not object, I think the matter is of sufficient administrative importance for the chairman of the Ways and Means Committee or some member of the majority to explain the measure to the House.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? (After a pause.) The Chair hears none and the gentleman from North Carolina is recognized.

Mr. BOILEAU. Mr. Speaker, a parliamentary inquiry. I understood the gentleman from Massachusetts [Mr. TREADWAY] reserved the right to object, and the gentleman from North Carolina was going to explain the bill.

The SPEAKER. The Chair understood the gentleman from Massachusetts to state that he would not object.

Mr. TREADWAY. Mr. Speaker, I stated that I reserved the right to object, but would not object.

Mr. BOILEAU. Mr. Speaker, I would like at this time to reserve the right to object simply to get an explanation of the bill.

The SPEAKER. The gentleman from North Carolina is recognized to explain the bill, and the gentleman from Wisconsin [Mr. BOILEAU] reserves the right to object.

Mr. DOUGHTON. Mr. Speaker, this bill has a unanimous report from the Committee on Ways and Means. The measure was considered very carefully and is one introduced at the instance of the Treasury Department.

The purpose of H. R. 6737 is to amend the stamp provisions of the Bottling in Bond Act of 1897 so as to permit the stamping of bottled in bond spirits under precisely the same conditions as those which under the provisions of the Liquor Taxing Act of 1934 now attend the stamping of other spirits.

The Bureau of Internal Revenue is now required under the provisions of present statutes to follow two entirely different systems in regulating the distribution and application of strip stamps to be affixed to bottled spirits. One applies to spirits not bottled in bond and the other to spirits bottled in bond.

The system applicable to spirits not bottled in bond is provided pursuant to the Liquor Taxing Act of 1934. The now familiar red strip stamps are supplied under the provisions of this act. Such stamps are manufactured in sheets by the Bureau of Engraving and Printing, serially numbered, and supplied in quantity to all collectors of internal revenue, who keep them in stock awaiting orders from the distillers, rectifiers, and other bottlers. Upon the receipt of any such order, the stamps are registered by the collector in the name of the purchasing bottler and sent by registered mail to the Government officer in charge of the bottling plant. This officer keeps them in his official safe and issues them to the bottler to meet his daily requirements. This system is simple and inexpensive to the Government and convenient for the bottler, and it provides every necessary safeguard against the fraudulent use of the stamps.

In contrast with this simple system, the system applicable to spirits bottled in bond is extremely cumbersome and imposes a heavy burden upon the Bureau of Engraving and Printing. A separate manufacturing job is necessary to produce the stamps required for each separate lot of spirits which any distiller may propose to bottle in bond. This is necessitated by the provisions of the Bottling in Bond Act, which require that the green stamps to be affixed to the immediate containers of distilled spirits bottled in bond state the proof of the spirits, the registered distiller's number, the State and collection district in which the distillery is located, the distiller's name, the year and distilling season, such as spring or fall, and the year and season of bottling. In view of these complicated requirements, it is not practicable to place sheets of bottled-in-bond stamps in the hands of the various collectors of internal revenue as is done in the case of red-strip stamps. These sheets of bottled-in-bond stamps are first printed in blank by the Bureau of Engraving and Printing, and upon the receipt of an order for a stated quantity of particular stamps, it overprints them with the required information. The simplification of the bottled-in-bond stamps, as contemplated under this bill, would in no way alter the requirement that spirits bottled in bond must be of domestic production, straight; that is to say, unmixed or unblended, of precisely 100° proof and at least 4 years old.

Distilleries have been accumulating stocks of liquor since the beginning or resumption of their operations at the time of repeal, and the time will soon come when a very large quantity of distilled spirits will be bottled in bond. When this time arrives, it will become a matter of extreme difficulty to supply the stamps which will be required, if the present law is not changed so as to permit a simplification of the method of manufacture and distribution. The system which has been followed for more than 3 years in the issuance and use of red-strip stamps for distilled spirits not bottled in bond has proved satisfactory in every respect. These stamps are issued under regulations and safeguards which are calculated to insure that they will not fall into unauthorized hands, and that when applied to bottled spirits they may be relied upon both by the public and by officers of internal revenue as positive evidence that the Federal revenue laws have been fully complied with by the bottler. They are proof against counterfeiting.

Moreover, the change contemplated by the bill in the present method of stamping bottled-in-bond spirits will not only not be a source of expense to the Government, but will actually furnish an accretion to the annual revenue of the United States. The application of the unbonded liquor strip-stamp system to bonded liquor will mean an additional cost of at least 2 cents a case for the bottled-in-bond stamps. The distilled-spirits industry, however, will be amply compensated for the increased cost by the convenience of the new spstem. Representatives of the Treasury Department who appeared before the Committee on Ways and Means stated that the present bill has the approval of the distillers.

Thus, both from the standpoint of convenience to the distillers and bottlers and increased revenue to the Government, the passage of H. R. 6737 is desirable so that bottled-in-bond spirits may be stamped under the same conditions as now attend the stamping of other spirits. This bill is strongly recommended by the Treasury Department and is in accord with the program of the President.

The measure has been agreed upon by the distiller, the bottler, and the Government, and I hope the explanation of the bill is satisfactory to the gentleman from Wisconsin.

Mr. BOILEAU. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the first and fourth paragraphs of section 1 of the act entitled "An act to allow the bottling of distilled spirits in bond", approved March 3, 1897, as amended (U. S. C., 1934 ed., Supp. II, title 26, sec. 1276), are designated "(1)" and "(6)", respectively, and the second and third paragraphs of said section are amended to read as follows:

"(2) Every bottle when filled shall have affixed thereto and passing over the mouth of the same a stamp denoting the quantity of distilled spirits contained therein and evidencing the bottling in bond of such spirits under the provisions of this act, and of regulations prescribed hereunder.

"(3) The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe (a) regulations with respect to the time and manner of applying for, issuing, affixing, and destroying stamps required by this section, the form and denominations of such stamps, applications for purchase of the stamps, proof that applicants are entitled to such stamps, and the method of accounting for receipts from the sale of such stamps, and (b) such other regulations as the Commissioner shall deem necessary for the enforcement of this act.

"(4) Such stamps shall be issued by the Commissioner of Internal Revenue to each collector of internal revenue, upon his requisition in such numbers as may be necessary in his district, and, upon compliance with the provisions of this act and regulations issued hereunder, shall be sold by collectors to persons entitled thereto, at a price of 1 cent for each stamp, except that in the case of stamps for containers of less than one-half pint, the price shall be one-quarter of 1 cent for each stamp.

"(5) And there shall be plainly burned, embossed, or printed on the side of each case, to be known as the Government side, such marks, brands, and stamps to denote the bottling in bond of the whisky packed therein as the Commissioner may by regulations prescribe."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. FARLEY, for 7 days, on account of important business.

To Mr. FERNANDEZ, for 10 days, on account of illness.

To Mr. JACOBSEN, for 5 days, on account of important business.

To Mr. KLEBERG, for today, on account of illness in family.

To Mr. BEVERLY M. VINCENT, for 3 days, on account of important official business.

GOVERNMENT RUM

The SPEAKER. Under special order heretofore made, the gentleman from Pennsylvania [Mr. RICH] is recognized for 15 minutes.

Mr. RICH. Mr. Speaker, I have here a quart of Government rum presented to me by Secretary Harold Ickes, and I suggest the Sergeant at Arms protect it until I need it during the course of my remarks.

For 3 weeks or more I have been trying to get a few moments' time to speak to the House of Representatives. When the minority Members of the House of Representatives do not have a right to talk to the House, then their power is practically gone, because, with a majority in the House such as we have here of the New Deal party, it is very difficult, it is impossible, for a minority member to have any legislation brought to the floor of the House and enacted into law. His principal power is constructive criticism.

Mr. MARTIN of Colorado. Mr. Speaker, will the gentleman yield?

Mr. RICH. Mr. Speaker, I yield to no man at the present time. When the minority loses that right, then practically they lose all of the power they have. Ever since I have been trying to get this time, the gentleman from Massachusetts [Mr. MCCORMACK] has asked me what I intended to talk about. I told him Jim Farley, and the fact that the Guffey-Earle-Lawrence political machine of Pennsylvania has taken all of the postmasters out of civil service and are putting politics into effect in Pennsylvania, in the Post Office Department, worse than ever the Vare or the Penrose machine could think of. Gentlemen, I have noticed that Mr. MCCORMACK always asked for time after I asked for time. He wanted to follow me. Mr. MCCORMACK has been sent to Massachusetts the past week on a sad mission, the death of our colleague, Mr. Connery. I would not betray that gentleman in his effort to uphold anything that Mr. Farley might do. I know that he is not here today, and for that reason I am not going to use the subject I had intended to use because I do not want to trouble the gentleman from North Carolina [Mr. WARREN], a good friend of mine, to get up here and try his best to take up the time alloted to Mr. MCCORMACK in saying something about the party machine, and I shall protect my colleague from North Carolina [Mr. WARREN] this afternoon to that extent. I could talk about the New Deal legislation, and I could criticize many things that have transpired in the last 3 or 4 years. You gentlemen know that you have passed legislation and that you have found out afterward that it is faulty, and have repeatedly come back to the House of Representatives to have recent laws repealed. You know now that many of the New Deal laws you have still on the statute books should be eliminated or repealed for the country's good. You gentlemen on this side of the House are responsible for the conduct and the running of this Government, but when you pass such legislation as that which you passed several years ago, for the killing of pigs and the plowing under of cotton, for the burning of wheat, and the stamping of potatoes, for the confiscating of gold and taking it down to Kentucky and burying it, for better-housing administration, which you will find is going to be one of the biggest millstones around the neck of the country that was ever placed there, and when you find out what the National Emergency Council is doing, spending $100,000 a month and setting up in 48 States 48 political machines, you will want to consider trying to do away with a little of that legislation, because it will kill you if you do not. Since Frank C. Walker resigned 18 months ago it has been a real farce, a travesty to the taxpayers.

Another thing, you have been talking about these 5-to-4 decisions of the Supreme Court. I wonder what you fellows think about the 10-to-8 decision in the Senate lately, filed just last week, about the Supreme Court. That 10-to-8 decision will stand out for all time as one of the greatest decisions ever rendered for the protection of our Constitution and form of government; and if the President could, he would change that decision today, and you will find out that he is going to try to do something with the Senate when he gets you down to Jefferson Island on Friday and Saturday of this week and Sunday of next week. The New Dealers will all be there; and as for the Jefferson Democrats, are you fellows going to follow them down there and be contaminated with a lot of New Deal ideas? It is a pretty serious thing when the President of the United States has to get you together about every week or two and drive it home that he wants you to be rubber stamps. For God's sake, are you not going to use your own initiative and your own minds? If you have any, you ought to do it.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. RICH. I would if I could get the time, but I am afraid it will not be extended. It is very strange to find the President of the United States condemning the Supreme Court, charging that members should resign when 70 years old, when we find him appointing men like Frederic A. Delano, his uncle, who is 74 years old, to a 6-year term on the National Park and Planning Commission; and Mr. R. Walton Moore, who is 78 years old, to be Counselor of the State Department; and having the Senate confirm them. He is just not consistent. He cannot be consistent, when he promises the American people one thing and then is doing something else. I never in all my life knew one who had so little respect for his own words as the President of the United States.

I come to the subject that I want to talk to you about this afternoon. First let me read you the following letter, which explains itself, and the presence of "the evidence" here this afternoon:

THE VIRGIN ISLANDS CO.,
Washington, D. C., April 26, 1937.

Hon. ROBERT F. RICH,
House of Representatives.

MY DEAR MR. RICH: I am sending you herewith a laboratory sample of Government House rum, manufactured by the Virgin Islands Co. in St. Croix.

This is the same rum which is about to be marketed through a distributing agency in the United States. It is distilled from pure sugar cane juice under the most modern conditions. The cane was raised by natives of the Virgin Islands in connection with the rehabilitation program, which has been most sucessful in improving the standards of living on the islands.

Sincerely yours,

HAROLD L. ICKES,
Chairman, Board of Directors.

If there ever was a time in the history of this Congress when you fellows tried to evade the issue it was this afternoon when you would not permit a vote on the civil service in the C. C. C. You talk about civil service, but you do not mean it. You do not want it. You would not even permit a vote to be had on it, you are afraid to be recorded, and there were not enough Republicans to get a roll call. You talk one thing and do another.

Mr. MAVERICK. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state the point of order.

Mr. MAVERICK. Mr. Speaker, I make the point of order that the gentleman has no right to display a liquor bottle in the House of Representatives.

Mr. RICH. Mr. Speaker, this is Government rum, presented to me by Secretary Ickes.

The SPEAKER. The gentleman will suspend. The gentleman from Texas makes the point of order that the gentleman from Pennsylvania has no right to exhibit the bottle without permission of the House. The point of order is well taken.

Mr. TOBEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOBEY. The Speaker called the attention of the gentleman from Texas to the fact that the gentleman had a bottle of liquor.

How does the Speaker know it is liquor, sir?

The SPEAKER. That is a question of which the House cannot take judicial notice. The point of order is well taken.

The Chair will submit it to the House, if the gentleman insists on displaying the exhibit.

Mr. MAVERICK. I insist on the point of order, Mr. Speaker.

The SPEAKER. As many as are in favor of granting the gentleman from Pennsylvania the right to exhibit the bottle which he now holds in his hand will say "aye" and those opposed will say "no."

The vote was taken and the Speaker announced that the ayes have it, and the permission is granted. [Applause and laughter.]

Mr. RICH. I wish to call attention to this bottle of Government House rum.

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. PETTENGILL). Does the gentleman from Pennsylvania yield?

Mr. RICH. If it is not taken out of my time.

The SPEAKER pro tempore. It will be taken out of the gentleman's time.

Mr. RICH. Then I do not yield, Mr. Speaker.

Mr. HOFFMAN. I will waive it.

Mr. RICH. Mr. Speaker, the design on this bottle of liquor, a ship, according to the record I have here, was suggested to the Secretary of the Interior by the President of the United States. This Government House rum is manufactured by a corporation owned by every individual in the United States who is a taxpayer, and anybody who ever buys anything certainly is a taxpayer. The sole agent is W. A. Taylor & Co. of New York City. Why does the Government confine the sale to one company? The Government, under the New Deal, bought in the Virgin Islands, two old sugar mills, and an old distillery, and 5,000 acres of land. The Government, New Deal, has spent, under W. P. A., $2,520,000 for purchase and to get this Government plant in shape to manufacture rum. They have today, inventory, 600,000 gallons of rum on hand, at $1 a gallon, and 3,800 tons of sugar, at $70 a ton. That would be an inventory of $866,000. That is what you have for the $2,520,000 that you have expended, plus the land and rum mill. Mr. Ickes is president of this company. He is also Secretary of the Interior.

Now, the point is this, that we put the Government in business in more things in the last 4 years than ever in the history of our Nation. Do you not think it is time to take the Government out of business and especially the rum business? The Government is in competition with the distillers of this country who pay taxes. It is in competition with the breweries of this country who are paying taxes to help support this Nation. You are putting the Government into direct competition with them. It is not right to those people. It is not right for any individual citizen of this Government to have the Government in competition with them. I think the time has arrived for you to go back to the promises you made in your platform and that the President made in his speeches. Let me quote the President of the United States from a speech he made in Brooklyn on November 4, 1932:

> The people of America demand a reduction of Federal expenditure. It can be accomplished not only by reducing expenditures of existing departments, but it can be done by abolishing many useless commissions, bureaus, and functions, and it can be done by consolidating many activities of the Government.

Now, if the President meant what he said, then he ought to get the Government out of this business. He ought to get the Government out of many lines of business that it is in today. He ought to try to consolidate offices.

I take my hat off to Senator BYRD. He has been trying in every way he possibly could to consolidate offices. We have a man right here from St. Louis, JACK COCHRAN, who knows more about consolidation of Government offices than anybody else in this House. [Applause.] If he and Senator BYRD will get together they could bring in a bill that you men ought to support for consolidation and economy. I hope you are going to try to carry out these promises, not only the statements of the President but the statements in your Democratic platform, where you claim we ought to eliminate the Government in business? Have you the will to do it? Have you the backbone to do it?

Mr. Speaker, we have come to the point not only where we find the Government in business but to the point where the daily financial statement of the Treasury is very disquieting. In this connection I want to call your attention to the recent statement of the majority leader of the Senate and to the statement made by the gentleman from Virginia [Mr. WOODRUM] a few weeks ago on economy in Government. It is too serious a matter to laugh at when you have jumped the Federal deficit, according to the statement of the Treasury, up to $36,833,907,802.90. The highest in our history and still mounting. It is no laughing matter, it is serious; and I want to plead with you, I want to ask you with all the seriousness that I possess, to take the Government out of business, to get it out of these activities where it loses money every day. I want to ask you to cut down governmental expenses. I ask you to remember that you have now appropriated over $8,000,000,000 at this session of Congress for 1938.

June 30, for the fiscal year 1937, you are going to be over $2,800,000,000 in the red, this at the end of the year during which the President promised that he would balance the Budget. Do you expect him to do it? Your President now is figuring on what the expenditures for 1939 are going to be. If he has a Congress of New Dealers instead of a Congress of Jeffersonian Democrats, we will never get any place with economy in Government.

I ask you in closing to give every consideration to the necessity that you take the Government out of the field of business, as one means of economy.

[Applause.]

The SPEAKER pro tempore (Mr. PETTENGILL). Under special order of the House heretofore made the gentleman from North Carolina [Mr. WARREN] is recognized for 15 minutes.

Mr. WARREN. Mr. Speaker, in view of the speech just made by the gentleman from Pennsylvania it is not my desire to detain the House. I yield back the time allotted to me.

Mr. GILDEA. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GILDEA. Mr. Speaker, when my colleague the gentleman from Pennsylvania [Mr. RICH] asked permission to address the House today, Monday, June 21, I was interested to know on what subject he might choose to lecture this body.

Doubly interested, because if he elected to berate the C. I. O. as an agency of the New Deal, I believed you would want to know that on Friday of last week a delegation came down here to Washington from the gentleman's mill in Pennsylvania to ask action on the part of the National Labor Relations Board on a complaint filed with the district office of that Board at Philadelphia charging discrimination and coercion on the part of the Woolrich Woolen Mills against certain employees of that company.

The charge was signed by Austin C. Derr, district representative of the Textile Workers Organizing Committee; and in the charge was stated:

> Complaint against Woolrich Woolen Mills charging violations of section 8, subsections (1) and (3) of the National Labor Act by reason of discrimination in tenure of employment, also coercion through the discharge of four workers, namely, Lloyd Verbeck, Martin Myers, James Warren, and Harold Bicket, and the demotion of Albert Geise, said suspension and demotion being as of June 1, 1937.

These men have been long-time workers with the Woolrich Woolen Co. Their dismissal can hardly be laid to lack of experience or inefficiency. This afternoon, when the gentleman from Pennsylvania [Mr. RICH] condemned certain

New Deal legislation and referred to split decisions of the Supreme Court, he failed to mention that the Wagner Act stood up under a split decision and that coercion and discrimination today are branded as unfair labor practices, applicable to the Woolrich Woolen Co. as well as to all other industrial concerns throughout the United States.

Conditions imposed by industry on labor make union organization necessary.

"Where are we going to get the money?" is the challenge the gentleman from Pennsylvania continuously hurls at the Members of Congress and at the President of the United States.

We might take a note from the book of the Woolrich Woolen Co., and by assessing everything in sight answer that question to the satisfaction of the gentleman propounding it, if not to the satisfaction of the country.

The Woolrich Woolen Co. deducts from the pay envelopes of its employees—and I quote from the printed slip on the outside of the envelope—these items:

House rent, water rent, lights, insurance, garage rent, store account, Federal O. A. B. tax.

Leaving, as can be noted from the envelopes of two employees which I hold in my hand, absolutely nothing in the way of cash money in the instance of one—Clarence Baker—and very meager cash balance in the envelope of Lloyd Verbeck. Incidentally, Mr. Verbeck is one of the employees dismissed because he had the effrontery to attempt to organize the workers of the Woolrich mill, and I have also been informed the reason Mr. Geise was demoted and not dismissed was because his company-store bill was too high to warrant his dismissal without giving him a chance to work it off.

Mr. Speaker, I yield back the balance of my time, with the suggestion that if the President really wants to know where we are going to get the money, he can learn from the Woolrich Woolen Co. Take everything the country earns, and evict as undesirable any who question the procedure.

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from New York [Mr. DICKSTEIN] is recognized for 15 minutes.

Mr. DICKSTEIN. Mr. Speaker, I again rise to call attention to some matters with which I think the Members and the public should be acquainted, if they are not already acquainted with what is going on in our country. Public opinion in this country is both shocked and amazed at the cruel execution of one Helmuth Hirsch, the 21-year-old American who was convicted and executed in spite of repeated appeals by the Government of the United States to the dictator of Germany, whose name I discovered was not originally Hitler, but Herr Schuckelgruber. That was his name before he controlled the German situation. That was his name before he took the name Hitler, under which he is known as the man who is seeking to bring about the world's destruction.

This boy was convicted after a secret hearing in a so-called people's court, where under the German laws no rules of evidence apply and here any plea can be meted out without any regard to law or justice.

This is another instance of dictatorial brutality. Orders are given and a secret trial held, and before one realizes it his head is on the block, and the ruthless machine of dictatorship pursues its merry course again.

A special dispatch to the New York Times from Berlin under date of June 4, 1937, says:

The utmost secrecy surrounded the execution as it did the trial. To this day virtually nothing is known of the evidence against Hirsch presented to the people's tribunal.

It is most amazing to find in this day and age a country which lays claim to being a civilized community behaving in a manner such as Germany has done during this so-called trial. No evidence of any kind was presented to the public, and it is perfectly obvious that no such evidence was in existence. It reminds me very much of the famous purge of June 30, 1934, when Hitler caused the execution of a hundred or so persons, and when called to task for his act, he bluntly announced that he was the "chief judge of the nation." Not only is he the chief judge of the nation but also the sole and exclusive jury. If anything in Germany displeases its ruler, all he has to do is to order a trial and have the man executed.

The amazing thing about this situation is that even representatives of the American Government had been unable to obtain from Germany a copy of the alleged evidence against this young boy, and the dispatch to the New York Times says, "A record of the evidence has been promised to the United States Embassy for its own information at some future date." And when the American consul requested the prison authorities to let him see the condemned boy before he was executed, he was refused admission on the plea that the condemned boy did not want to see him.

Instances like this are unfortunately not unique in Germany. Nearly every day presents some instance of outrages committed under the guise of law against inoffensive persons. Anyone reading about what is going on in Germany today can only hark back to the Middle Ages and the torture chambers of the Spanish Inquisition to find a parallel. The amazing thing in this whole situation is not so much the disregard of all rules of decency and propriety in Germany but the fact that in spite of all these activities, Germany finds itself so slighted and sulked if any criticisms of its actions finds its way into the newspapers.

I venture the prediction that one of the reasons why Germany is so brazen about its actions in this matter is because this boy was merely a citizen of the United States. If he were a British subject, I dare say Hitler would think twice before he would allow this execution to be carried out, because he knows that any such action would result in reprisals and retaliation. But we are easygoing about things and have never done anything to hurt the feelings of the German Chancelor outside of making feeble and ineffectual protests, and even these slight protestations Germany cannot "take."

The powers that be in Germany refuse to listen to the truth and if an impartial newspaper dares to utter a word of criticism, it is immediately barred from circulation in Germany and the nation to which the paper belongs is assailed and assaulted.

Germany will brook no criticism of its actions, and at the same time is most vitriolic in denouncing other nations.

My question is, "How long, O Lord, how long" is this going to continue?

Mr. Speaker, I wonder what is wrong with us and why we, as a nation, are not entitled to the same courtesy as other nations from this Herr Schuckelgruber, commonly known as Hitler. I am not quarreling with his form of government in Germany, but I do want to call attention to just a few facts concerning the activities of his agents carried on in this country in the way of the most pernicious and un-American activities.

In Chicago, Ill., where they are pretty well organized, in which State the State militia ought to be checked into by somebody, whether it be by the Governor of the State or some committee, there are these alien German spies who are fomenting trouble. One of their headquarters is at Northbrook, Ill. I repeat the name of that place, Northbrook, Ill. At that place are located several thousand German Nazis in uniform. They have ammunition. They are drilling both by foot and in the air, and it is all done by order of the German Government.

Mr. Speaker, before these men are accepted into the aviation outfit their applications must be sent to the German consul in New York, who in turn sends the application to the War Department in Germany. If the man is approved, the application is returned to the German consul in New York, who in turn notifies the alien secret spy system of Illinois. The man is then made a member of the aviation outfit.

I am going to surprise some of my associates in a very few days. I was able to obtain a moving picture photograph

of many hundreds and maybe thousands of men who have taken up arms, who have taken belts with guns and bullets. Some of this outfit with bullets and belts took these pictures for the purpose of sending them to Germany to prove to Hitler that they are well organized in the United States of America and that they are ready at any time to carry out his will and his commands upon call.

Pictures do not lie. Here is the madman of the world trying to destroy every race of people. He started with the Jews; he then picked on the Catholics; he is now trying to destroy the Protestants. He has appointed a god of his own. He is the whole boss and the dictator. He not alone confines his propaganda to his own country, which I have no objection to, but he puts out this propaganda in every section of the world. What I am concerned with is to get some form to stop this drilling and arming of a group of foreign agitators in the United States.

Mr. Speaker, I appeal to the Members of Congress. This is not my job alone. I am calling this to the attention of the Members because I have practically slept with this problem for 3 years. I have definite, positive proof, backed up by pictures. Northbrook, Ill., is the place where they are drilling in German uniforms. They have ammunition, and they have airplanes. They have horses and a cavalry ready to go over to Germany to bring about another World War. Yet we say we are a neutral people; we do not want war. . What are they doing over here? Are we going to sit back and tolerate this? Where are these Members who on April 8 voted down my investigation? Why do they not do something? I will join with them. Why do they not suggest a remedy? They have destroyed my suggestion. .I am willing to work with them, and I do not have to talk very much to convince any reasonable man what they are doing in Northbrook, Ill. They are going to do the same in New York City and other places.

Here is a paper that is published by the German Government in this country. This paper was issued last Wednesday. In the German language an order is issued by Mr. William Goer, district leader of the New Nazi Party, calling upon all Germans or all Hitlerites to appear at a convention some place in my own State, somewhere out in the woods, and by orders of their leaders they are to bring their German uniforms and they must be ready to carry out the orders from without.

Mr. BOILEAU. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. The gentleman in his quotation said an order had been issued to "all Germans" or "all Hitlerites." I assume he was making a correction and does not mean "all Germans."

Mr. DICKSTEIN. I did not mean all Germans. I mean all Hitlerites. I agree with the gentleman. The committee which investigated un-American activities in this country has no quarrel with the German people. In fact, our committee gives them an excellent report and states they are loyal Americans. It is the newcomers in the last 3 or 4 years—and we have had thousands of them—who have created most of the trouble. They no more pledge allegiance to this country than I would pledge allegiance to Hitler. They are not interested in this country. We are allowing them under our very noses to carry on this drilling in uniform. We permit them to carry arms. They are ready to serve this madman who is ready now, if you want to know it, to declare war against everybody.

Mr. FLETCHER. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Ohio.

Mr. FLETCHER. Does not the Governor of Illinois know all about this, and does not our own State Department know about it, and have we not laws to take care of the situation?

Mr. DICKSTEIN. I agree with the gentleman. They should know about it, but they do not know because we always mind our own business. We never go into these things. We are asleep.

Mr. FLETCHER. This is in our own country. It is up to us to find out.

Mr. DICKSTEIN. I agree with the gentleman, it should be made our business. There should be a standing committee of this House known as the Committee on un-American Activities, which should watch every subversive group in this country—and that applies to the Communists and all other groups that seek to overthrow this Government in one form or another. I say in answer to the gentleman, the Governor of Illinois should know it, the State police should know it, and the country should know it, but they do not take the trouble to find out, and these people are carrying on.

Mr. BOYER. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Illinois.

Mr. BOYER. I am interested in the State of Illinois. I represent a district in Illinois. I do not know where the town of Northbrook is. Will the gentleman tell me where it is? What part of the State is it in?

Mr. DICKSTEIN. I cannot give the gentleman the description, but I shall be very glad to furnish it. I have some affidavits and some documents here, and I shall be glad to have the gentleman locate it for me.

Let me call your attention to something else that is very interesting. Only about 3 or 4 weeks ago some groups, both Fascists and Loyalists, have taken from this country several hundred young Americans by soliciting their aid to join the war in Spain.

They have been taken away from their mothers and fathers. I do not have to tell you it takes very little salesmanship to induce a boy to put on a uniform and to go on a big boat and fight over there. There are recruiting stations upon recruiting stations in this country. Can any man in this House or in this country tell me, should it not be our business to stop it? Have we done anything to stop it? Eighty percent of the boys who were taken over there have already been killed. Have we done anything to be neutral? No. Are we interfering with them? Are we interfering with Germany? No. But Germany is interfering in this country every day in the week.

I venture to say the trouble in Palestine is the result of Mr. Hitler's propaganda. The trouble in Poland is the result of Hitler's maneuvers and propaganda. The taking of Danzig and, pretty soon, Austria, is the work of propaganda. Naturally they could get along much faster in those countries than they can in this country.

Mr. Speaker, my appeal to this House is, Why should we as Americans tolerate any form of "isms" in this country which brings hatred, ill feeling, and fear into the hearts of millions of American citizens who are becoming victims of this propaganda? I am not quarreling with the Members of the House, and I am not criticizing your action. I am merely stating the facts to you. I would be willing to cooperate with any Member or group of Members to submit all the information I have received, because unfortunately I get it every day in the week. However, I submit something ought to be done to eradicate all of these people who seek in one form or another to bring about the rise of foreign idealogies and foreign thoughts. Such people ought to be removed from this country.

[Here the gavel fell.]

CONTROL OF CANCER

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAVERICK. Mr. Speaker, I have introduced a bill which is known as the cancer bill, H. R. 6767. It provides for cancer research, the training of technicians, and the establishment of a central cancer clinic. On Sunday I read a review in the New York Times of a book entitled "Cancer—The Great Darkness", prepared by the editors of Fortune. The introduction is written by Morris Fishbein, Fellow of the American Medical Association. (See below I, Comment by Dr. Morris Fishbein.)

This book tells us a great deal about cancer research in this country. I have been reading the book since I sent out and got it this morning, and it has been scaring me to death. It is a valuable book; it answers some important questions. (See below II, Important Questions Answered by Fortune.)

In the last hour I have done some figuring; I find that according to established statistics that 60 Members of the present Congress, including both the Senate and the House, will inevitably die of cancer. So this is bringing it close to home. One out of every eight persons over 40 who die, die of cancer. As most of us are over 40, I have figured there will be around 60 of us who thus meet death.

GREATEST HINDRANCE—LACK OF FUNDS FOR RESEARCH AND LABORATORIES

This book states the greatest hindrance to the war against cancer is lack of sufficient funds to support the necessary laboratories and research workers. Nevertheless, the American people spend more money on a football afternoon in October than is available in the whole United States for carrying on the fight against this great disease. Think of that, my colleagues.

The book goes on to explain something which I already knew—that one of the reasons people evade the question of cancer is that it absolutely grips them with horror and fear, so they evade the question.

COTTON, $846,000 PER ANNUM FOR RESEARCH; CANCER, $95,000

According to this book concerning the amount of money spent on research, on cotton we spend $846,000 a year; on forest products, $507,000 a year; and on dairy cattle, $387,000. Then there are numerous others, on all of which we spend more than we do on cancer. The average amount we have spent for the last 10 years on cancer is $95,000. (See below III, Foundations on Cancer.)

It is generally recognized throughout the United States that much more money must be spent on cancer research if any progress is to be made at all. The figures I have cited are enough to prove it. But let me read further:

Fortune believes that the eventual solution for cancer can be hastened by financial assistance. Laboratories cannot create genius but they can prepare the way. And laboratories presume money, and money presumes a public interest that the cancer people have failed to enlist.

The bill which I have introduced provides for spending $2,400,000 for a central cancer clinic, which would be established in Washington, D. C., free from any political influence, under the Public Health Service. It also provides for spending a million dollars a year. The Service would coordinate the cancer work of the United States. They find that cancer work west of the Mississippi River is very poorly organized, and is principally organized in the East and New England States. The Service would provide for the distribution of radium and other facilities all over the United States, in a proper way.

This project is not opposed by any member of the medical profession, as far as I know. All of the leading cancer specialists of the United States, including Dr. James Ewing, Dr. C. C. Little, and Dr. George Morris Dorrance, in Philadelphia, and various others, are in favor of this work. Hundreds of doctors have specifically endorsed the bill, including Dr. William Mayo of the famous Mayos' Clinic.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. MAVERICK. Yes.

Mr. DICKSTEIN. Would the gentleman include tuberculosis?

CANCER KNOWN FOR 3,000 YEARS—BUT CAUSE UNKNOWN

Mr. MAVERICK. Of course; but they are doing good work on tuberculosis now and great strides have already been made. The disease is under control. Also, they are doing good work on syphilis, and it is under control. May I also say to the gentleman that cancer has been known as a disease for 3,000 years, but no one has ever been able to ascertain its cause.

No one, my friends, has ever found a cause for cancer.

The cause of syphilis is known and it is also known there is a cure for it in a certain phase. The same may be said of tuberculosis and other diseases. Those diseases are known, gentlemen; in syphilis we have the Wassermann test—but there is nothing like that in cancer. The lack of a cure is the reason cancer is called "The Great Darkness."

It just happens that I anticipated that question, and I would like to read two short paragraphs:

The basic reason for the rise in cancer mortality is that medical research in other fields has outstripped medical research in cancer.

Also, my friends, I read on another page:

What the public wants and what the public will never get until research accomplishes a miracle is some cure such as salvarsan provides for syphilis, quinine for malaria, antitoxin for diphtheria. Cancer has nothing like that.

This last quotation explains my reference to the Wassermann test.

FINANCE THE BRAINS AND EQUIPMENT TO FIGHT CANCER

Let me quote from the conclusion of the book:

So, in the end, darkness broods upon cancer. And until the cancer laboratory creates a light that mankind has never before seen, darkness will remain. This is the pessimistic conclusion to which any honest analysis of the cancer situation leads by relentless syllogisms.

And yet the pessimism of the conclusion is in a sense relative. The history of cancer research, as we have reviewed it, is a brilliant history of men working under difficulties, from whose labors some sparks have been struck.

Society has within it the power, if not directly to call forth light from those sparks, at least to finance the brains and equipment by which it might conceivably be called forth. This is a thing which society has not done—which it must do.

HERE IS A CHANCE TO REALLY SERVE HUMANITY

I call upon you to be interested in cancer and do everything you can to combat it. Let us get this bill on the floor, appropriate the money. I have a feeling every Member of Congress favors this bill, but it still lies in the committee. Let us have hearings—let us know the real truth.

If this bill is adopted we can truly say we have done a service to humanity.

I

COMMENT BY DR. MORRIS FISHBEIN

Education of public is of greatest importance

Dr. Morris Fishbein, able Fellow of the American Medical Association, writes the introduction to the book and, therefore, endorses its representations. He recognizes, as all doctors recognize, the importance of the subject. He compliments the editors of Fortune and gives the following important advice:

The editors of Fortune have rendered a service to medicine and the public by the extremely lucid explanation and review of our present knowledge of cancer included in the excellent article which forms the bulk of the content of this book. The one real hope in cancer under present conditions is early diagnosis and early operation, or else the use of the X-ray or of radium, or perhaps a combination of all three methods. Statistical evidence accumulated in many places proves the truth of this statement.

Dr. Fishbein also emphasizes the need of public education, prompt treatment, and diagnosis as follows:

In cancer particularly, therefore, education of the public is of the greatest importance; it should lead to earlier diagnosis and more prompt action in relationship to control of the cancerous growth. It has been said that the chief items which any person over 40 should keep in mind about cancer are four in number:

(1) Early cancers can be cured.
(2) Everyone is liable to cancer.
(3) Diagnosis demands scientific knowledge.
(4) Consult a physician on the slightest suspicion of the presence of cancerous growths.

II

IMPORTANT QUESTIONS ANSWERED BY FORTUNE

1. What is being done to discover the cause of cancer?

Criminally little. This is largely due to public apathy and ignorance. If this book, in even the smallest measure, aids in overcoming that apathy and ignorance its publication will be thoroughly justified.

2. Are deaths from cancer increasing?

Yes. The cancer mortality rate has increased 60 percent in this century!

3. Is cancer infectious—is it hereditary?

Probably not. But you will have to wait until science somewhere finds the money to carry on the necessary research work to prove this before you can be sure.

4. How long has cancer been recognized, if so little is known about it?

About 3,000 years. This book reveals that the ancient Egyptians used remedies as effective as many modern nostrums.

5. Are quack cures still sold?

Yes. If this book can play a part in starting legislation to stop one of the most cruel frauds ever practiced on the American public it will have further justified its publication.

III

FOUNDATIONS ON CANCER

Sums spent "criminally little" in comparison to needs

I insert here from the book information concerning what research is being done. Cancer—The Great Darkness, says that there is a loosely held belief that a tremendous effort is being made to solve the cancer problem, but that "unhappily, such is not the case", and that "the amount of money provided for the search for cancer causes is dramatically small."

It is also emphasized that the work is scattered throughout 48 States; that much of the work is repetitive, some of it elementary, and not a little of it wasted. It proceeds concerning the various foundations:

In the entire cancer field there are only two funds whose capitalizations are in excess of $1,000,000. The biggest is the International Cancer Research Foundation founded in Philadelphia in 1932 by William H. Donner with a capital of $2,000,000, which that shrewd ex-steel master (Donner Steel, Republic Steel) has ably administered ever since. Headed by Mr. Donner, an advisory committee of scientists, and a board of trustees, the foundation's income is parceled out to a number of cancer-research projects in various parts of the world.

The next biggest fund is that of the Crocker Cancer Research Fund, of New York, created by the will of George Crocker in 1911 with a capital of $1,400,000, and headed by the distinguished cancer authority, Dr. Francis Carter Wood. The income from this fund goes entirely to Columbia University's Institute of Cancer Research, which is therefore the most heavily endowed cancer research organization in the United States.

Smaller funds are the $650,000 Anna Fuller fund of New Haven; the $400,000 Jonathan Bowman fund at the University of Wisconsin; the $200,000 Henry Rutherford fund at the Rockefeller Institute, which aids the Institute's division of cancer research, headed by Dr. James B. Murphy; the $100,000 C. P. Huntington fund, which goes to New York's Memorial Hospital, headed by the renowned Dr. James Ewing (but of $500,000 spent on cancer by this institution in 1936, only $50,000 went to research); the $100,000 Bondy fund at Columbia University; the $100,000 Charles F. Spang Foundation, whose income goes to the University of Pittsburgh's medical school; and the $100,000 Mack Memorial Foundation, which is partly for cancer research and goes entirely to the University of California.

All other funds in the field are less than $100,000. A vital unit in the research field is Dr. Clarence Cook Little's laboratory in Bar Harbor, Maine (the Roscoe B. Jackson Memorial Laboratory), which has virtually no working capital at all save that which Dr. Little raises by personal efforts. Dr. Little breeds pedigreed mice and sells about 50,000 of them a year to cancer researchers.

Mr. MAGNUSON. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MAGNUSON. Mr. Speaker, my only purpose in rising on this occasion is because I have listened with great interest to the speech of the gentleman from Texas [Mr. MAVERICK] with reference to his cancer bill, and I wish to call the attention of the House at this time to the fact that there are pending in the House and Senate numerous cancer bills, the most prominent of which is one introduced in the Senate and signed by 94 Senators, which was likewise introduced in the House by myself sometime previous to the introduction of the bill of the gentleman from Texas.

There are to be public hearings in the Senate on this bill, and these hearings are to take place within the next month. I have no quarrel with the gentleman from Texas [Mr. MAVERICK], or any other Member of the House, and what the gentleman points out is absolutely correct, and there should be something done in the matter.

I spent the last week-end at Bar Harbor with Dr. Little, one of the most eminent specialists in the United States, and, as the gentleman from Texas [Mr. MAVERICK] has stated, they are all in agreement about the matter.

I want the House at this time to be informed of the fact that within the next month we are going to try, in conjunction with the gentleman from Texas [Mr. MAVERICK] and anyone else who may be interested, to get action in the matter, and I shall be pleased to cooperate with the gentleman from Texas [Mr. MAVERICK] in support of his bill.

RAILROAD RETIREMENT BILL

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HARRINGTON. Mr. Speaker, my colleague the gentleman from Iowa, Mr. JACOBSEN, was not able to be present today when the bill H. R. 7519, the railroad retirement bill, was under consideration. He was absent on official business. Had he been present, he would have voted "yea" on the passage of the bill.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WOLCOTT. Mr. Speaker, when the railroad retirement bill was voted upon this afternoon I was necessarily absent from the Chamber. Had I been present, I would have voted "yea."

EXTENSION OF REMARKS

Mr. GILDEA. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made this afternoon and to include therein the authority from which I derived the statements I made.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 713. An act to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926.

ADJOURNMENT

Mr. WARREN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 44 minutes p. m.) the House adjourned until tomorrow, Tuesday, June 22, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the firearms subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, June 22, 1937, for the consideration of S. 3, firearms bill.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization Wednesday, June 23, 1937, at 10:30 a. m., on H. R. 4710 and H. R. 4353, H. R. 4354, H. R. 4355, and H. R. 4356 (Starnes). Executive session.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., Tuesday, June 29, 1937, at 10 a. m., on H. R. 6039 and H. R. 7309, known as the Fishery Credit Act bills.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, June 29, 1937, on H. R. 5182 and H. R. 6917, textile bills.

EXECUTIVE COMMUNICATIONS, ETC.

674. Under clause 2 of rule XXIV, a letter from the Chairman, Securities and Exchange Commission, transmitting a further part of the Commission's study and investigation of the work, activities, personnel, and functions of

protective and reorganization committees, was taken from the Speaker's table and referred to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. HILL of Washington: Committee on Indian Affairs. H. R. 4290. A bill to authorize acquisition of complete title to the Puyallup Indian Tribal School property at Tacoma, Wash., for Indian sanatorium purposes; without amendment (Rept. No. 1070). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOUGHTON: Committee on Ways and Means. H. R. 7589. A bill to levy an excise tax upon carriers and certain other employers and an income tax upon their employees, and for other purposes; without amendment (Rept. No. 1071). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7430) for the relief of Mary Lucia Haven; Committee on Claims discharged, and referred to the Committee on Foreign Affairs.

A bill (H. R. 5259) for the relief of John S. Monahan; Committee on Claims discharged, and referred to the Committee on Pensions.

A bill (H. R. 6531) for the relief of Bertha Hymes Sternfeld; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 6992) for the relief of John Toko; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 7065) granting a pension to Georgia A. Tinney; Committee on Claims discharged, and referred to the Committee on Pensions.

A bill (H. R. 7097) for the relief of Minnie D. Gadle; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 7121) for the relief of Ella B. Kimball; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 7169) for the relief of Sanford N. Schwartz; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 7303) for the relief of David W. Morgan; Committee on Claims discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DOUGHTON: A bill (H. R. 7589) to levy an excise tax upon carriers and certain other employers and an income tax upon their employees, and for other purposes; to the Committee on Ways and Means.

By Mr. SPARKMAN: A bill (H. R. 7590) to quiet title and possession to certain islands in the Tennessee River in the counties of Colbert and Lauderdale, Ala.; to the Committee on the Public Lands.

By Mr. DUNCAN: A bill (H. R. 7591) to make available to each State enacting in 1937 an unemployment-compensation law a portion of the proceeds from the Federal employers' tax in such State for the years of 1936 and 1937; to the Committee on Ways and Means.

By Mr. CANNON of Missouri: A bill (H. R. 7592) to regulate the manufacture and sale of stamped envelopes; to the Committee on the Post Office and Post Roads.

By Mr. STEAGALL: A bill (H. R. 7593) to provide for the establishment of Fort Mitchell National Park in Russell County, Ala.; to the Committee on the Public Lands.

By Mr. VINSON of Georgia: A bill (H. R. 7594) to give the United States Board of Tax Appeals jurisdiction to decide controverted questions relating to manufacturers' excise taxes in certain cases; to the Committee on Ways and Means.

By Mr. BEITER: A bill (H. R. 7595) to provide that the wording of Medals of Honor and accompanying certificates for blind ex-service men shall be in Braille; to the Committee on Military Affairs.

By Mr. DISNEY: A bill (H. R. 7596) to authorize a preliminary examination and survey of the Neosho River and its tributaries in the States of Kansas and Oklahoma with a view to the control of its floods; to the Committee on Flood Control.

By Mr. ALLEN of Delaware: A bill (H. R. 7597) to provide for the construction of a highway bridge across Chesapeake Bay at the most advantageous location in the immediate vicinity of Annapolis, Md., and Matapeake, Md.; to the Committee on Interstate and Foreign Commerce.

By Mr. HOFFMAN: A bill (H. R. 7598) to amend the act of June 24, 1936, the same being chapter 746, United States Statutes at Large, entitled "An act making it a felony to transport in interstate or foreign commerce persons to be employed to obstruct or interfere with the right of peaceful picketing during labor controversies" by adding four new sections thereto; to the Committee on the Judiciary.

By Mr. SNYDER of Pennsylvania: A bill (H. R. 7599) to provide for the acquisition of all additional, suitable, and appropriate acreage necessary for a national historical park at Fort Necessity site (Fayette County, Pa.); to the Committee on the Public Lands.

By Mr. DEMPSEY: A resolution (H. Res. 246) to provide for inquiry into the administration of law in Puerto Rico; to the Committee on Rules.

By Mr. HOFFMAN: A resolution (H. Res. 247) requesting the Administrator of the Works Progress Administration to furnish certain information to the House of Representatives; to the Committee on Appropriations.

Also, a resolution (H. Res. 248) requesting the Secretary of Labor to furnish the House of Representatives with information; to the Committee on Labor.

By Mr. RANKIN: Resolution (H. Res. 249) providing for the printing of the report of the De Soto Expedition Celebration Commission; to the Committee on Printing.

By Mr. TEIGAN: Resolution (H. Res. 250) authorizing the chairman of the House Committee on Labor to request the chairman of the subcommittee of the Senate Committee on Education and Labor to arrange for a showing of a Paramount newsreel before House Members, showing the riot at the Republic Steel Plant in Chicago, Ill., May 31, 1937; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States relative to conscription of wealth and industry in wartimes and the effective barring of war profits; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States to amend the Social Security Act; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States to designate Armistice Day as a holiday; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States to take such steps as may be necessary to cut a channel through the southerly end of the Coronado Silver Strand to allow seagoing vessels to enter the bay of San Diego at its southerly end; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United

States to extend the life of the Federal Public Works Administration for a period of 2 years after next June 30, and further memorializing Congress to earmark the sum of $350,000,000 of the pending Federal relief appropriation for a continuance of loans and grants under Public Works Administration to local communities; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRY (by request): A bill (H. R. 7600) for the relief of Julius Zimmern; to the Committee on Claims.

By Mr. BOYKIN: A bill (H. R. 7601) for the relief of Eula Scruggs; to the Committee on Claims.

By Mr. DALY: A bill (H. R. 7602) for the relief of A. D. Cummins & Co., Inc.; to the Committee on Claims.

By Mr. DEMPSEY: A bill (H. R. 7603) for the relief of San Juan Coal & Coke Co.; to the Committee on Claims.

Also, a bill (H. R. 7604) for the relief of Maria J. Martinez; to the Committee on Claims.

By Mr. DEMUTH: A bill (H. R. 7605) for the relief of William G. Dean; to the Committee on Claims.

By Mr. LESINSKI: A bill (H. R. 7606) for the relief of Albert Richard Jeske; to the Committee on Immigration and Naturalization.

By Mr. MOTT: A bill (H. R. 7607) for the relief of Frank B. Decker; to the Committee on Claims.

By Mr. MURDOCK of Utah: A bill (H. R. 7608) to authorize the cancelation of deportation proceedings in the case of Christian Josef Mueller; to the Committee on Immigration and Naturalization.

By Mr. NICHOLS: A bill (H. R. 7609) for the relief of Iona Cazenave; to the Committee on Claims.

By Mr. ROBINSON of Utah: A bill (H. R. 7610) granting an increase in compensation to William B. Lancaster; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2676. By Mr. BEITER: Petition of the Propeller Club of the United States, port of Jacksonville, Fla., opposing any bill which may be brought before Congress proposing to transfer the supervision, maintenance, and improvement of the navigable waters of the United States, including flood control, from the Engineer Corps of the United States Army to other agencies; to the Committee on Military Affairs.

2677. By Mr. BUCK: Petition of residents of city of St. Helena, Napa County, Calif., protesting against the passage of Senate bill 1270 and House bill 3291; to the Committee on the District of Columbia.

2678. Also, memorial of the State of California Legislature, Senate Joint Resolution No. 24, relative to memorializing the President and Congress to enact legislation relative to the conscription of wealth and industry in wartime and the effective barring of war profits; to the Committee on Foreign Affairs.

2679. Also, memorial of the State of California Legislature, Assembly Joint Resolution No. 18, relative to memorializing the President and the Congress of the United States to amend the Social Security Act so as to enable such States as may desire to do so to bring the employees of such State and the employees of its counties, cities, and other political subdivisions within the provisions of such act relating to old-age benefits; to the Committee on Ways and Means.

2680. Also, memorial of the State of California Legislature, Senate Joint Resolution No. 26, relative to memorializing the President of the United States and the Members of Congress to extend the life of the Federal Public Works Administration for a period of 2 years after next June 30, and further memorializing Congress to earmark the sum of $350,000,000 of the pending Federal relief appropriation for a continuance of loans and grants under Public Works Administration to local communities; to the Committee on Appropriations.

2681. Also, memorial of the State of California Legislature, Assembly Joint Resolution No. 51, relative to memorializing the President and Congress to take such steps as may be necessary to cut a channel through the southerly end of the Coronado Silver Strand to allow seagoing vessels to enter the bay of San Diego at its southerly end; to the Committee on Rivers and Harbors.

2682. By Mr. COFFEE of Washington: Petition of the Everett District Council of Lumber and Sawmill Workers, Everett, Wash., resolving that they unanimously endorse President Roosevelt's program for reorganization of the United States Supreme Court, and urge the United States Congress to carry out the expressed will of the American people by immediately passing this legislation, and further resolving that copies of this resolution be sent to Senators BONE and SCHWELLENBACH, and to Congressmen MONRAD WALLGREN and JOHN M. COFFEE; to the Committee on the Judiciary.

2683. Also, petition of the District Council Sawmill and Timber Workers and Central Labor Council, Everett, Wash., unanimously endorsing the President's proposals for reform of the Federal judiciary, and urging adoption by Congress of the Supreme Court plan; to the Committee on the Judiciary.

2684. Also, petition of the International Association Heat and Frost Insulators and Asbestos Workers, Local No. 7, Seattle, Wash., urging the revocation of administrative order no. 197 of the Federal Emergency Administration of Public Works which restricts pending projects of Public Works Administration for approval to relief labor only; to the Committee on Appropriations.

2685. By Mr. LUTHER A. JOHNSON: Petition of R. H. McCoy, of Ennis, and Mrs. R. P. Garrett, of Corsicana, Tex., favoring the so-called agricultural adjustment bill now being considered by the Committee on Agriculture; to the Committee on Agriculture.

2686. Also, petition of J. M. Fountain, of Bryan; H. H. Porter, of Maypearl, and C. F. Farrar, of Maypearl, Tex., favoring the so-called agricultural adjustment bill now being considered by the Committee on Agriculture; to the Committee on Agriculture.

2687. By Mr. KEOGH: Petition of the Endicott Johnson Corporation, Endicott, N. Y., concerning a tariff on shoes coming from Czechoslovakia; to the Committee on Ways and Means.

2688. Also, petition of the Welfare Council of New York City, concerning the Maverick Joint Resolution 395; to the Committee on Labor.

2689. By Mr. KRAMER: Resolution of the Assembly and the Senate of the State of California, relative to memorializing Congress to designate Armistice Day as a holiday; to the Committee on Military Affairs.

2690. By Mr. LAMNECK: Petition of Mrs. William S. Van Fossen and other citizens of Columbus, Ohio, opposing any bills proposing to change our present form of Government; to the Committee on the Judiciary.

2691. By Mr. LESINSKI: Resolution of the Michigan State Senate (House of Representatives concurring), memorializing the Congress of the United States to continue their appropriations to the Public Works Administration for non-Federal public works; to the Committee on Appropriations.

2692. By Mr. MOTT: Petition signed by Lenora A. Gilm and 10 other citizens of Medford, Oreg., protesting against the passage of Senate bill 1270 and House bill 3291, both of which are compulsory Sunday observance bills; to the Committee on the District of Columbia.

2693. Also, memorial of the Southwestern Oregon Miners Association, Grants Pass, Oreg., urging the enactment of Senate bill 187 and House bill 2254, providing for the suspension of annual assessment work on mining claims held by location in the United States; to the Committee on Mines and Mining.

2694. By Mr. SPARKMAN: Petition of Nancy Vintson and various other citizens of Madison County, Ala., urging the enactment of the old-age pension bill as embodied in House bill 2257, introduced by Representative WILL ROGERS, of Oklahoma; to the Committee on Ways and Means.

2695. Also, petition of Matilda Allen and various other citizens of Limestone County, Ala., urging the enactment of the old-age pension bill as embodied in House bill 2257, introduced by Representative WILL ROGERS, of Oklahoma; to the Committee on Ways and Means.

2696. Also, petition of Paul D. Blaxton and various other citizens of Lawrence County, Ala., urging the enactment of the old-age-pension bill as embodied in House bill 2257, introduced by Representative WILL ROGERS, of Oklahoma; to the Committee on Ways and Means.

2697. Also, petition of Sam Williams and various other citizens of Jackson County, Ala., urging the enactment of the old-age-pension bill as embodied in House bill 2257, introduced by Representative WILL ROGERS, of Oklahoma; to the Committee on Ways and Means.

2698. By Mr. WELCH: Resolution relative to memorializing the President and Congress to take such steps as may be necessary to cut a channel through the southerly end of the Coronado Silver Strand to allow seagoing vessels to enter the bay of San Diego at its southerly end; to the Committee on Rivers and Harbors.

2699. Also, resolution relative to memorializing the President and Congress to enact legislation relative to the conscription of wealth and industry in wartime and the effective barring of war profits; to the Committee on Foreign Affairs.

2700. By Mr. BUCK: Memorial of the State of California Legislature, Assembly Joint Resolution No. 10, relative to memorializing the Congress of the United States to designate Armistice Day as a holiday; to the Committee on Military Affairs.

2701. By Mr. WELCH: Resolution relative to memorializing the President of the United States and the Members of Congress to extend the life of the Federal Public Works Administration for a period of 2 years after next June 30, and further memorializing Congress to earmark the sum of $350,000,000 of the pending Federal relief appropriation for a continuance of loans and grants under Public Works Administration to local communities; to the Committee on Appropriations.

2702. Also, resolution relative to memorializing the President and the Congress of the United States to amend the Social Security Act so as to enable such States as may desire to do so to bring the employees of such State and the employees of its counties, cities, and other political subdivisions within the provisions of such act relating to old-age benefits; to the Committee on Ways and Means.

2703. Also, resolution relative to memorializing the Congress of the United States to designate Armistice Day as a holiday; to the Committee on Military Affairs.

2704. By Mr. WIGGLESWORTH: Petition of the Revere Post, No. 61, American Legion, urging the enactment of special legislation for the establishment of a lifetime annuity to Marie Antionette Connery, widow of the late Representative William P. Connery, Jr.; to the Committee on Pensions.

2705. By the SPEAKER: Petition of the United Spanish War Veterans, Washington, D. C., with reference to House bill 5030, affecting Spanish War veterans; to the Committee on Pensions.

2706. Also, petition of the Board of Aldermen of the city of Chelsea, Mass., protesting reported Works Progress Administration lay-offs; to the Committee on Appropriations.

2707. Also, petition of Revere Post, No. 61, American Legion, Massachusetts, memorializing the Congress to enact special legislation for the establishment of a lifetime annuity to Marie Antoinette Connery, widow of the late William P. Connery, Jr., a late Representative to Congress from the State of Massachusetts; to the Committee on Pensions.

2708. Also, petition of the Board of Aldermen of the city of Chelsea, Mass., urging elimination of the present reciprocity treaty; to the Committee on Ways and Means.

SENATE

TUESDAY, JUNE 22, 1937

(Legislative day of Tuesday, June 15, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, June 21, 1937, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. I note the absence of a quorum, and ask for a roll call.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Johnson, Colo.	Reynolds
Andrews	Connally	La Follette	Robinson
Ashurst	Copeland	Lee	Russell
Austin	Davis	Lewis	Schwartz
Bailey	Dieterich	Lodge	Schwellenbach
Bankhead	Duffy	Logan	Smathers
Barkley	Ellender	Longeran	Smith
Bilbo	Frazier	Lundeen	Steiwer
Black	George	McAdoo	Thomas, Okla.
Bone	Gerry	McGill	Thomas, Utah
Borah	Gibson	McKellar	Townsend
Bridges	Gillette	McNary	Truman
Brown, Mich.	Glass	Minton	Tydings
Brown, N. H	Guffey	Moore	Vandenberg
Bulkley	Harrison	Murray	Van Nuys
Bulow	Hatch	Neely	Wagner
Burke	Hayden	Nye	Walsh
Byrd	Herring	O'Mahoney	Wheeler
Byrnes	Hitchcock	Overton	White
Capper	Holt	Pittman	
Caraway	Hughes	Pope	
Chavez	Johnson, Calif.	Radcliffe	

Mr. LEWIS. I announce that the Senator from Utah [Mr. KING] and the Senator from Connecticut [Mr. MALONEY] are absent because of illness.

The Senator from Tennessee [Mr. BERRY], the Senator from Rhode Island [Mr. GREEN], the Senator from Ohio [Mr. DONAHEY], the Senator from Nevada [Mr. MCCARRAN], the Senator from Florida [Mr. PEPPER], and the Senator from Texas [Mr. SHEPPARD] are detained from the Senate on important public business.

Mr. POPE. I announce that the Senator from Nebraska [Mr. NORRIS] is detained from the Senate because of a slight illness.

Mr. AUSTIN. I announce that the Senator from Minnesota [Mr. SHIPSTEAD] is necessarily absent.

The PRESIDENT pro tempore. Eighty-five Senators having answered to their names, a quorum is present.

RETIREMENT OF RAILROAD EMPLOYEES

Mr. WAGNER. Mr. President, yesterday the House of Representatives, with but one dissenting vote, passed the bill (H. R. 7519) to establish a retirement system for employees of the railroads. As a similar Senate bill (S. 2395) has been reported by the Committee on Interstate Commerce and is now on the Senate calendar, the bill passed by the House, under our rules may be placed on the calendar without reference to the committee.

I desire to give notice, if Senators wish to study the bill, that on tomorrow, in the course of the day, I hope to bring the bill up for the consideration of the Senate. I do not anticipate any opposition to it in the Senate, since on two other occasions similar bills were passed by unanimous vote of the Senate.

REPORT OF RECONSTRUCTION FINANCE CORPORATION

The PRESIDENT pro tempore laid before the Senate a letter signed by the Chairman and secretary of the Reconstruction Finance Corporation, reporting, pursuant to law, relative to the operations of the Corporation for the first quarter of 1937, and also for the period from the organization of the Corporation on February 2, 1932, to March 31, 1937, inclusive, which, with the accompanying papers, was referred to the Committee on Banking and Currency.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the petition of Julio Villalobos and several other citizens of Colon, Republic of Panama, praying that compensation be granted them for lands acquired by the Government of the United States in connection with the acquisition of the Panama Canal Zone, which was referred to the Committee on Interoceanic Canals.

Mr. LODGE presented a petition of sundry citizens of Springfield, Mass., praying for the abolition of the Federal Reserve System as at present constituted, and also praying that Congress exercise its constitutional right to coin money and regulate the value thereof, which was referred to the Committee on Banking and Currency.

Mr. COPELAND presented a resolution adopted by the Herrick Labor Club (affiliated with the American Labor Party), of Richmond County, N. Y., protesting against the enactment of the bill (S. 25) to prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense, and promote peace, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Fifth A. D. Bronx Branch of the American Labor Party, New York City, favoring declaration by the Government of the United States of the existence of a state of war between the Spanish Republic and the Governments of Germany and Italy, and also the placing of embargoes on all munitions and other implements of war against such alleged belligerents, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Federal Bar Association of New York, New Jersey, and Connecticut, assembled in annual convention at Newark, N. J., favoring the enactment of the bill (H. R. 6391) to authorize the prompt deportation of criminals and certain other aliens, and for other purposes, which was referred to the Committee on Immigration.

He also presented a resolution adopted at a recent meeting in Albany, N. Y., by representatives of various civic organizations from the cities in which collegiate centers are located, favoring the appropriation of funds for the continuance of emergency collegiate centers in New York State, which was ordered to lie on the table.

DEDICATION OF CHAPELS AND OTHER WORLD WAR MEMORIALS

Mr. GLASS. From the Committee on Appropriations I report back favorably, without amendment, House Joint Resolution 415. It is a noncontroversial measure, proposing to appropriate $175,000 to the American Battle Monuments Commission for the dedication of chapels and other World War memorials in France.

The joint resolution also contains a transfer of $40,000 from one branch of the Department of Justice, which does not need it, to another branch, which does need it, and, further, it makes a correction of $80 in an engrossed act. I ask unanimous consent for the immediate consideration of the joint resolution.

Mr. ROBINSON. Mr. President, I presume it will be necessary to have the unfinished business temporarily laid aside, and I ask that that be done in order that the joint resolution may be considered.

The PRESIDENT pro tempore. Without objection, the unfinished business is temporarily laid aside. Is there objection to the request of the Senator from Virginia for the present consideration of the joint resolution reported by him?

There being no objection, the joint resolution (H. J. Res. 415) making an appropriation to defray expenses incident to the dedication of chapels and other World War memorials erected in Europe, and for other purposes, was considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That for the purpose of providing for the dedication of the chapels and other World War memorials erected in Europe under the authority of the act of March 4, 1923 (42 Stat. 1509), there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $175,000, to remain available until June 30, 1938, and to be available for expenditure by the American Battle Monuments Commission for such objects and in such manner as the Commission may deem necessary and proper to accomplish the purposes hereof without regard to the provisions of other laws or regulations relating to the expenditure of public funds except that this exemption shall not be construed as waiving the requirement for the submission of accounts and vouchers to the General Accounting Office for audit. The Commission may utilize the services, materials, supplies, equipment, and other facilities of any other agency of the Government when, in the discretion of such other agency, it is convenient and practicable to furnish the same, the cost thereof to be paid from this appropriation, except that when, in the discretion of the furnishing agency, the public interest will be subserved thereby such services, materials, supplies, equipment, and other facilities may be furnished free of charge to the Commission. The Commission may, within such limits and under such terms and conditions as it may prescribe, delegate to its chairman, secretary, or other designated representatives such of its authority as it may deem necessary and proper in carrying out the purposes hereof. The official delegation designated by the Commission to attend such dedication shall include three Members of the United States Senate, to be appointed by the Vice President or the President pro tempore of the Senate, and three Members of the House of Representatives to be appointed by the Speaker.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed, upon the request of the Secretary of Commerce, to transfer, during the fiscal year 1937, from the appropriation "Salaries and general expenses for the Bureau of Marine Inspection and Navigation, fiscal year 1937", to the appropriation "Departmental salaries, Bureau of Marine Inspection and Navigation, fiscal year 1937", not to exceed $8,000.

SEC. 3. There is hereby transferred from the appropriation "Fees of jurors and witnesses, United States courts, 1937" to the appropriation "Pay of special assistant attorneys, United States courts, 1937", the amount of $40,000.

SEC. 4. The appropriation in the Legislative Branch Appropriation Act, 1938 (Public Act No. 94, 75th Cong.), for an assistant clerk at $2,800 for the Committee to Audit and Control the Contingent Expenses of the Senate, is hereby amended to make the salary of such assistant clerk read "$2,880."

SEC. 5. The Comptroller General of the United States is authorized and directed to approve payment for nine airplanes obtained from the Stinson Aircraft Corporation, Wayne, Mich., under contract Cc-2510, dated October 1, 1936, out of an allotment of $83,000 made by the President of the United States on March 23, 1937, for this purpose from the Emergency Relief Appropriation Act of 1935.

REPORTS OF COMMITTEES

Mr. WALSH, from the Committee on Naval Affairs, to which was referred the bill (S. 1918) to authorize the award of a decoration for distinguished service, namely, the Congressional Medal of Honor, to Acors Rathbun Thompson, reported it with amendments and submitted a report (No. 784) thereon.

Mr. SMITH, from the Committee on Agriculture and Forestry, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 1762. A bill to add certain lands to the Rogue River National Forest in the State of Oregon (Rept. No. 785); and

S. 2221. A bill to facilitate the control of soil erosion and flood damage originating upon lands within the exterior boundaries of the Cache National Forest in the State of Utah (Rept. No. 786).

Mr. SMITH also, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 1998) to amend the act entitled "An act to provide for the collection and publication of statistics of peanuts by the Department of Agriculture", approved June 24, 1936, reported it with amendments and submitted a report (No. 787) thereon.

Mr. LOGAN, from the Committee on the Judiciary, to which was referred the joint resolution (S. J. Res. 144) proposing an amendment to the Constitution of the United States prohibiting child labor, reported it with an amendment and submitted a report (No. 788) thereon.

Mr. VAN NUYS, from the Committee on the Judiciary, to which was referred the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching, reported it with an amendment and submitted a report (No. 793) thereon.

Mr. ADAMS, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 5394) to provide for the acquisition of certain lands for, and the

addition thereof to, the Yosemite National Park, in the State of California, and for other purposes, reported it with an amendment and submitted a report (No. 789) thereon.

He also, from the same committee, to which was referred the bill (H. R. 7021) validating and confirming certain mineral patents issued for lands situated in township 5 south, range 15 east, Montana principal meridian, in the State of Montana, reported it without amendment and submitted a report (No. 790) thereon.

Mr. O'MAHONEY, from the Committee on Irrigation and Reclamation, to which was referred the bill (H. R. 2512) to authorize an appropriation for the construction of small reservoirs under the Federal reclamation laws, reported it with an amendment and submitted a report (No. 791) thereon.

Mr. ELLENDER, from the Committee on Claims, to which was referred the bill (S. 972) for the relief of Ethel Smith McDaniel, reported it without amendment and submitted a report (No. 792) thereon.

Mr. RUSSELL, from the Committee on Immigration, to which were referred the following bills, reported them each without amendment and submitted a report thereon as indicated:

S. 2664. A bill to permit the temporary entry into the United States under certain conditions of alien participants and officials of the World Association of Girl Guides and Girl Scouts Silver Jubilee Camp to be held in the United States in 1937 (Rept. No. 794); and

H. R. 7206. A bill to permit the temporary entry into the United States under certain conditions of alien participants and officials of the World Association of Girl Guides and Girl Scouts Silver Jubilee Camp to be held in the United States in 1937.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 2693) to add certain lands to the Siuslaw National Forest in the State of Oregon; to the Committee on Agriculture and Forestry.

A bill (S. 2694) granting an increase of pension to James S. Blankenship (with accompanying papers); to the Committee on Pensions.

By Mr. GUFFEY:

A bill (S. 2695) for the relief of A. D. Cummins & Co., Inc.; to the Committee on Claims.

By Mr. McKELLAR:

A bill (S. 2696) for the relief of certain postal employees at Knoxville, Tenn.; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 2697) for the relief of Paul Stolnitzky (also known as Max Stone), his wife and three children; to the Committee on Immigration.

By Mr. THOMAS of Oklahoma (by request):

A bill (S. 2698) to set aside certain lands in Oklahoma for the Cheyenne and Arapahoe Indians; to the Committee on Indian Affairs.

APPROPRIATIONS DISBURSED AT THE DISCRETION OF THE PRESIDENT

Mr. HOLT presented a statement of appropriations made by Congress and disbursed at the discretion of the President, which was ordered to lie on the table and to be printed in the RECORD, as follows:

[From the United States News]

Appropriations made by Congress to be disbursed at the discretion of the President

1789 TO MAR. 4, 1933

Foreign intercourse, act of Mar. 20, 1794	$1,000,000
Territorial possessions, act of Oct. 31, 1803 (as authorized under the act of Mar. 3, 1803)	1,500,000
Territorial possessions, act of Jan. 15, 1811	100,000
National defense, act of Mar. 3, 1839	10,000,000
Treaty with Mexico, act of Jan. 29, 1854	10,000,000
Civil War, act of July 31, 1861	2,000,000
Civil War, act of July 31, 1861	10,000,000
Yellow fever, joint resolution of Oct. 12, 1888	100,000
National defense, deficiency act of Mar. 9, 1898	50,000,000
Panama Canal, act of June 28, 1902	$10,000,000
Transportation of Americans in Europe (Public Resolution of Aug. 3, 1914)	250,000
Transportation of Americans in Europe (Public Resolution of Aug. 5, 1914)	2,500,000
Naval emergency fund, act of Mar. 4, 1917	115,000,000
National defense, act of Apr. 17, 1917 (extended by act of Dec. 15, 1917)	100,000,000
Emergency shipping fund, act of June 15, 1917	405,000,000
War expenditures, Oct. 6, 1917	635,000,000
Emergency housing, acts of June 4 and July 8, 1918	100,000,000
National defense, act of June 27, 1918	50,000,000
National defense, act of July 1, 1918	50,000,000
Emergency shipping, act of Nov. 4, 1918	34,662,500
European food relief, act of Feb. 25, 1919	100,000,000
Total	1,687,112,500

MAR 4, 1933, TO MAY 1937

Emergency conservation work, act of Mar. 31, 1933	$101,875,200
National Industrial Recovery Act, June 16, 1933	3,300,000,000
Gold Reserve Act of Jan. 30, 1934	2,000,000,000
Additional relief appropriation, act of Feb. 15, 1934	950,000,000
Investigation of electric rates, act of Apr. 14, 1934	
Silver Purchase Act of June 19, 1934	500,000
Relief, Farm Relief and Public Works Act of June 19, 1934	1,424,675,000
Reappropriated	500,000,000
Emergency Relief Act of Apr. 8, 1935	4,000,000,000
Reappropriated	534,448,615
Emergency Conservation Work Deficiency Appropriation Act of June 22, 1936	308,000,000
Emergency Relief, act of June 22, 1936	1,425,000,000
First Deficiency Appropriation Act, 1937	884,000,000
Total	15,428,498,815

Appropriations for making contracts for construction, etc., limited to $135,000,000 if Panama route was chosen, and $180,000,000 if Nicaragua route was chosen.

The President was given the authority to spend unobligated balances previously appropriated for public works plus a new appropriation equal to that amount plus unexpended balances remaining under the Emergency Relief and Construction Act of 1932. The figure here given is the actual amount expended.

This act made available such an amount as was necessary in the judgment of the President.

A total of $880,000,000 was reappropriated under this act but $345,551,385 of this amount was taken from unspent balances of earlier discretionary appropriations already listed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 119. An act to provide for the establishment of a Coast Guard station at or near Menominee, Mich.;

S. 187. An act providing for the suspension of annual assessment work on mining claims held by location in the United States;

S. 1374. An act to provide for the establishment of a Coast Guard station at or near Manistique, Mich.;

S. 1984. An act for the protection of the northern Pacific halibut fishery;

S. 2242. An act to further amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in The National Archives", approved March 3, 1925, as amended;

S. 2439. An act to extend the time for purchase and distribution of surplus agricultural commodities for relief purposes and to continue the Federal Surplus Commodities Corporation; and

S. J. Res. 111. Joint resolution to provide that the United States extend to foreign governments invitations to participate in the International Congress of Architects to be held in the United States during the calendar year 1939, and to authorize an appropriation to assist in meeting the expenses of the session.

The message also announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 4. An act to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the original Norfolk (Va.) land grant and the two hundredth anniversary of the establishment of the city of Norfolk, Va., as a borough; and

S. 102. An act to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the Battle of Antietam.

The message further announced that the House had receded from its disagreement to the amendment of the Senate to the bill (H. R. 6551) to establish a Civilian Conservation Corps, and for other purposes, and concurred therein with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1561. An act for the protection of oyster culture in Alaska;

H. R. 1961. An act to authorize the conveyance by the United States to the State of Wisconsin of a portion of the Twin River Point Lighthouse Reservation, and for other purposes;

H. R. 4011. An act to confer jurisdiction upon certain United States commissioners to try petty offenses committed on Federal reservations;

H. R. 4087. An act to reduce by 100,000 the number of 50-cent pieces authorized to be coined in celebration of the opening of the San Francisco-Oakland Bay Bridge, and to authorize the coinage of not to exceed 100,000, 50-cent pieces in celebration of the opening of the Golden Gate Bridge;

H. R. 4343. An act to amend section 77B of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended;

H. R. 4716. An act authorizing the construction and equipment of a marine hospital in the State of Florida;

H. R. 4721. An act relative to granting and giving instructions in civil and criminal cases in the district courts of continental United States;

H. R. 4852. An act to provide for the creation of the Saratoga National Historical Park in the State of New York, and for other purposes;

H. R. 5040. An act to provide for the establishment of a Coast Guard station at or near Beaver Bay, Minn.;

H. R. 5140. An act to provide for the establishment of a Coast Guard station at or near St. Augustine, Fla.;

H. R. 5963. An act providing for the establishment of a term of the District Court of the United States for the Northern District of New York at Malone, N. Y.;

H. R. 6176. An act to admit to the United States certain alien veterans of the World War;

H. R. 6358. An act to amend section 107, as amended, of the Judicial Code so as to eliminate the requirement that suitable accommodations for holding court at Columbia, Tenn., be provided by the local authorities;

H. R. 6453. An act to increase the minimum salary of deputy United States marshals to $2,000 per annum;

H. R. 6496. An act granting the consent of Congress to the State of Montana, or the counties of Roosevelt, Richland, and McCone, singly or jointly, to construct, maintain, and operate a free highway bridge across the Missouri River, at or near Poplar, Mont.;

H. R. 6607. An act to provide for the naturalization of certain alien spouses of citizens of the United States, and to validate the naturalization of certain persons;

H. R. 6636. An act granting the consent of Congress to the county of Carroll, in the State of Indiana, to construct, maintain, and operate a free highway bridge across the Wabash River at or near Lockport, Ind.;

H. R. 6693. An act to legalize a dike in the Missouri River 6⁹⁄₁₀ miles downstream from the South Dakota State highway bridge at Pierre, S. Dak.;

H. R. 6737. An act to amend the stamp provisions of the Bottling in Bond Act;

H. R. 6762. An act to amend the act known as the Perishable Agricultural Commodities Act, 1930, approved June 10, 1930, as amended;

H. R. 6920. An act granting the consent of Congress to the Commonwealth of Massachusetts, Middlesex County, and the city of Lowell, Mass., or any two of them, or any one of them, to construct, maintain, and operate a free highway bridge across the Merrimack River at Lowell;

H. R. 7017. An act to amend section 4450 of the Revised Statutes of the United States, as amended by the act of May 27, 1936 (49 Stat. 1380, 1383; U. S. C., 1934 ed., title 46, sec. 239);

H. R. 7328. An act to authorize an appropriation to carry out the provisions of the act of May 3, 1928 (45 Stat. L. 484), and for other purposes;

H. R. 7401. An act to authorize the Secretary of Commerce to convey to the Commissioners of the Palisades Interstate Park, a body politic of the State of New York, certain portions of the Stony Point Light Station Reservation, Rockland County, N. Y., including certain appurtenant structures, and for other purposes; and

H. R. 7519. An act to amend an act entitled "An act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes", approved August 29, 1935.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 713) to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926, and it was signed by the President pro tempore.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, or ordered to be placed on the calendar, as indicated below:

H. R. 1561. An act for the protection of oyster culture in Alaska;

H. R. 1961. An act to authorize the conveyance by the United States to the State of Wisconsin of a portion of the Twin River Point Lighthouse Reservation, and for other purposes;

H. R. 4716. An act authorizing the construction and equipment of a marine hospital in the State of Florida;

H. R. 5040. An act to provide for the establishment of a Coast Guard station at or near Beaver Bay, Minn.;

H. R. 5140. An act to provide for the establishment of a Coast Guard station at or near St. Augustine, Fla.;

H. R. 6496. An act granting the consent of Congress to the State of Montana, or the counties of Roosevelt, Richland, and McCone, singly or jointly, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont.;

H. R. 6636. An act granting the consent of Congress to the county of Carroll, in the State of Indiana, to construct, maintain, and operate a free highway bridge across the Wabash River at or near Lockport, Ind.;

H. R. 6693. An act to legalize a dike in the Missouri River 6⁹⁄₁₀ miles downstream from the South Dakota State highway bridge at Pierre, S. Dak.;

H. R. 6920. An act granting the consent of Congress to the Commonwealth of Massachusetts, Middlesex County, and the city of Lowell, Mass., or any two of them, or any one of them, to construct, maintain, and operate a free highway bridge across the Merrimack River at Lowell;

H. R. 7017. An act to amend section 4450 of the Revised Statutes of the United States, as amended by the act of May 27, 1936 (49 Stat. 1380, 1383; U. S. C., 1934 edition, title 46, sec. 239); and

H. R. 7401. An act to authorize the Secretary of Commerce to convey to the Commissioners of the Palisades Interstate Park, a body politic of the State of New York, certain portions of the Stony Point Light Station Reservation, Rockland County, N. Y., including certain appurtenant structures, and for other purposes; to the Committee on Commerce.

H. R. 4011. An act to confer jurisdiction upon certain United States commissioners to try petty offenses committed on Federal reservations;

H. R. 4343. An act to amend section 77B of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended;

H. R. 4721. An act relative to granting and giving instructions in civil and criminal cases in the district courts of continental United States;

H. R. 5963. An act providing for the establishment of a term of the District Court of the United States for the Northern District of New York at Malone, N. Y.;

H. R. 6358. An act to amend section 107, as amended, of the Judicial Code so as to eliminate the requirement that suitable accommodations for holding court at Columbia, Tenn., be provided by the local authorities; and

H. R. 6453. An act to increase the minimum salary of deputy United States marshals to $2,000 per annum; to the Committee on the Judiciary.

H. R. 4087. An act to reduce by 100,000 the number of 50-cent pieces authorized to be coined in celebration of the opening of the San Francisco-Oakland Bay Bridge, and to authorize the coinage of not to exceed 100,000, 50-cent pieces in celebration of the opening of the Golden Gate Bridge; to the Committee on Banking and Currency.

H. R. 4852. An act to provide for the creation of the Saratoga National Historical Park in the State of New York, and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 6176. An act to admit to the United States certain alien veterans of the World War; and

H. R. 6607. An act to provide for the naturalization of certain alien spouses of citizens of the United States, and to validate the naturalization of certain persons; to the Committee on Immigration.

H. R. 6737. An act to amend the stamp provisions of the Bottling in Bond Act; to the Committee on Finance.

H. R. 6762. An act to amend the act known as the Perishable Agricultural Commodities Act, 1930, approved June 10, 1930, as amended; to the Committee on Agriculture and Forestry.

H. R. 7519. An act to amend an act entitled "An act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes", approved August 29, 1935; to the calendar.

COINAGE OF 50-CENT PIECES COMMEMORATIVE OF SEVENTY-FIFTH ANNIVERSARY OF BATTLE OF ANTIETAM

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 102) to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the Battle of Antietam, which were on, page 1, line 4, to strike out "a" and insert "one"; on page 1, line 4, after "mint", to insert "only"; and on page 2, line 10, after "Maryland", to insert "subject to the approval of the Director of the Mint."

Mr. TYDINGS. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

COINAGE OF 50-CENT PIECES COMMEMORATIVE OF THREE HUNDREDTH ANNIVERSARY OF ORIGINAL NORFOLK, VA., LAND GRANT, ETC.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4) to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the original Norfolk (Va.) land grant and the two hundredth anniversary of the establishment of the city of Norfolk, Va., as a borough, which were, on page 1, line 6, to strike out "a" and insert "one"; on page 1, line 7, after "mint", to insert "only"; on page 1, line 8, to strike out "twenty" and insert "twenty-five"; on page 2, line 2, after "appropriate", to insert "single"; on page 2, line 13, to strike out "five" and insert "twenty-five"; and on page 2, line 17, after "association" to insert "subject to the approval of the Director of the Mint."

Mr. GLASS. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

EXTENSION OF SECTION 7 (A) OF SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives on the amendment of the Senate to House bill 3687, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
June 14, 1937.

Resolved, That the House agree to the amendment of the Senate to the bill (H. R. 3687) to extend the period during which the purposes specified in section 7 (a) of the Soil Conservation and Domestic Allotment Act may be carried out by payments by the Secretary of Agriculture to producers, with the following amendment:

Omit the matter proposed to be inserted by said amendment, and on page 2, after line 9, of the House engrossed bill, insert:

"SEC. 2. Section 9 of such act is amended by inserting at the end thereof the following: 'The Secretary shall transmit to the Congress a report, for the fiscal year ending June 30, 1937, and for each fiscal year thereafter, of the operations for such year under sections 7 to 14, inclusive, of this act, which report shall include a statement of the expenditures made and obligations incurred, by classes and amounts.'"

Mr. SMITH. Mr. President, when this measure was before the Senate the Senate made one amendment. The House of Representatives has practically agreed to that amendment, adding a few clarifying words. Therefore I move that the Senate concur in the amendment of the House to the Senate amendment.

The motion was agreed to.

RELIEF APPROPRIATIONS

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the joint resolution (H. J. Res. 361) making appropriations for relief purposes.

Mr. VANDENBERG. Mr. President, on May 11 I introduced Senate bill 2390, to provide relief, work relief, and increase employment by grants to the States, Territories, and the District of Columbia, and for other purposes. The bill was referred to the Committee on Appropriations and has since been available to Senators for study. I shall now offer it as a substitute for the pending joint resolution. I have no illusions as to the reception which the proposed substitute will receive at the hands of the Senate. Previous roll calls have clearly disclosed the purpose of this body not only to cling to the existing relief system but also to defeat any economical limitations. But I am convinced that the substitute represents a philosophy of action which must one day be embraced if the Federal credit shall not ultimately be destroyed. Therefore, to preserve the continuity of the record—for I have offered similar substitutes before—I am presenting the proposal; but, in order to conserve the time of the Senate, which I should like to encourage to the earliest possible sine die adjournment, I shall content myself with the briefest possible argument, and I shall be satisfied with a viva-voce vote.

Mr. President, in a word, this substitute proposes to cure many of the challenging difficulties of the relief problem—difficulties that have been spectacularly emphasized in the debates of the past week—by returning responsibility for relief decisions and for relief administration to the States; and it proposes to save $250,000,000 for the harassed Treasury by making the lesser amount do the work of the larger sum after the needless burden of Federal bureaucracy has been eliminated. A nonpartisan Federal relief board, with the approval of the President, would make one annual allocation of available Federal relief funds to nonpartisan relief commissions in the States on the basis of population, financial resources, unemployment, and living costs. The only requirements would be that each State shall add at least 25 cents to each Federal dollar, and that it shall not divert Federal money to other than the relief program certified to Washington as its purpose. Each State, knowing the limit of its Federal aid for all types of relief, would map its own relief methods within the limitations of its own willingness to supplement the Federal funds. Out of the total Federal fund, $100,000,000 would be held back for emergency distribution. This condensed sketch will suffice for the purpose of this discussion.

Now, Mr. President, it seems to me that any realistic discussion of the matter falls under two headings. First, have we reached a point where Federal retrenchment in expenditures, including relief expenditures, is irresistibly necessary in the public interest and for that "general welfare" which has been so widely debated the last few days? Second, can we retrench in relief expenditures without unwarrantably penalizing those of our people who are legitimately entitled to relief? If both questions may be answered in the affirmative—and I undertake to say this is the fact—then the substitute is preferable to the pending joint resolution.

Let us deal with the initial question first.

Mr. President, the proof stands too clear for any need of repetition that we must start swiftly to conserve the financial resources of this Government in all aspects, including relief, unless we shall plead guilty to reckless speculation in the public credit. No one has a greater stake in such conservation than those who must depend upon Government for their subsistence, because a solid public credit is their sole reliance. Whenever this reservoir is exhausted, there will be no relief of any amount for anybody. Those who have most eloquently pleaded the cause of the unemployed upon this floor in this debate render grievous disservice to their intended beneficiaries if and when they ignore this axiom. Therefore, it is my deep conviction that the remaining victims of the late depression are best served, in the long view, by those of us who stress the necessity for a restoration of a larger measure of home responsibility and home construction as a means of forcing greater respect for the value of the relief dollar, and as a means of lightening the load upon a Treasury which, despite the greatest public revenue in all history, continues ominously in red ink, and which today faces a colossal debt in excess of 36 staggering billions of dollars.

As a matter of fact, Mr. President, I might say in passing that today America is "in the red" in more than one sinister meaning of the phrase.

I take the liberty of commending what has been bluntly said upon this subject during the last few days by the distinguished leader of the majority, the Senator from Arkansas [Mr. ROBINSON], and by the distinguished senior Senator from Idaho [Mr. BORAH], and by the distinguished junior Senator from South Carolina [Mr. BYRNES], and by the distinguished senior Senator from North Carolina [Mr. BAILEY], and others. They may not follow me in the proposal which I submit to implement their logic; but, in my view, their logic has been invincible; and a vital public service has been rendered in the presentation of it. They may disagree with my application of their admonitions, but I cannot escape the feeling that everything that has been said about our pressing need to protect the public credit and to rationally circumscribe relief expenditures argues for a fundamental change in relief methods so that we may economize at the expense of relief administrators and relief experimenters rather than at the expense of legitimate relief clients themselves. I simply assert my belief that their cogent arguments, carried to their logical, ultimate objective, sustain the philosophy of action which I am again proposing in this substitute.

Then, too, I wish approvingly to recall the timely address of the distinguished senior Senator from Illinois [Mr. LEWIS], who on May 24, at page 4971 of the RECORD, found in the Presidential message of that day an occasion to use the following language:

> I congratulate the President that he has found it agreeable now to sound, as it were, a tocsin and a warning that he expects the States to turn to the discharge of their duties in their local governments, and not sit idly by and attempt to put upon the Federal Government the necessity of maintaining them, their counties, their cities, their people out of the Federal Treasury, as though, sir, it were a source to be drawn on for favor or gratuity and ever to be imposed upon because it silently or cowardly accepts that status and yields to it.

But, Mr. President, I fail to understand how the President or any of the rest of us can "expect the States to turn to the discharge of their duties in their local governments", how we can expect to reestablish the vital American principle of home responsibility and home rule, how we can expect to shake loose from the plagues of seeping bureaucracy, how we can hope to circumscribe the false and fatal notion that Federal subsidies are manna from a benevolent heaven which never need be repaid—how we can do any of these things, not to mention a sometime balanced Federal Budget, if the existing relief formula goes on and on and on.

I cannot believe that any Senator will view with equanimity our persistent Federal operating deficits following one another for 7 straight years. In his address yesterday the distinguished senior Senator from Tennessee [Mr. MCKELLAR] recited numerous methods for balancing the Budget. Indeed, he said "the Budget can be easily balanced." But it is not balanced. Nothing is done about it. If it is an "easy" task, the more discredit to us that it does not happen. If recent Senate roll calls are any criterion, it will not be so "easy."

This year's deficit, despite the biggest Federal income in history, and despite a recovery index which crowds the peaks of 1929, will be larger—think of it—than last year.

Our estimated production index for May is 117 as compared with 119 in 1929. Employment is at the index at 102 as compared with 105 in 1929. Pay rolls are at 105 as compared with 109 in 1929. Yet the index of our national debt raced yesterday to an all-time high.

As the able senior Senator from Maryland [Mr. TYDINGS] has so well said, How can we ever hope to bring Uncle Sam within his income if it cannot be done under existing auspices, and how can we then ever hope to face another recession with unimpaired resources if we do not bring Uncle Sam within his income now? Indefinitely continued deficits, financed with bond-backed money, pile up the raw materials of a suicidal inflation and tear down the maintained confidence which is its only offset. The relief problem, and particularly experimental relief which too often wastes money on ambitious dreams, is inevitably a key part of this contemplation. Despite the fact that 10,000,000 workers have found jobs since 1933, Federal relief outlays are eight times as high as they were then, while State and local expenditures are twice as high. The increase is due, not to the increase of those in need of relief but to costly forms of work relief and other experiments.

It is all very well to be solicitous lest the fiscal resources of our States and cities and other subdivisions become inadequate to the burdens they must bear. It has been repeatedly reiterated this week that many of these subdivisions have limited their borrowing capacities by self-imposed constitutional restraints. But I do not accept this argument as final in respect to the measure of their relief resources and responsibilities, any more than I would agree that a State is entitled to wash itself free of all such obligation by the simple device of constitutionally saying for itself that it will not borrow for such purposes at all.

But shall those who are so solicitous of local credit entirely ignore the economic fact that there is, too, a limit beyond which the Federal credit may not be safely stretched? Is Federal credit inexhaustible? It is not. And I submit that it is sheer folly to measure the potency of this Federal credit by the superficial test that our new bond issues continue to be oversubscribed in a glutted money market where private investment is dangerously discouraged and where public securities, at any price, are about the only place that these swollen inflationary investment funds may go.

No, Mr. President, I venture the assertion that the Governors of the Federal Reserve bank will take no such easy view; on the contrary, they will tell you, as Governor Eccles did last March 15, that the time has come to quit talking about balancing the Federal Budget and actually to do something about it.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. VANDENBERG. Will the Senator forgive me? I am speaking under limitation of time; and if I have any time left, I shall be glad to yield.

Mr. CONNALLY. Very well.

Mr. VANDENBERG. But we are asked, "Would you talk arithmetic when citizens are hungry?" No, Mr. President, although it is never prudent wholly to ignore arithmetic. "Would anyone measure money against human souls?" Again, and emphatically, no, although it would be the

greatest of all disservice to dependent human souls to one day exhaust the money that feeds and shelters them.

I take it that no Senator would put any obligation ahead of the necessity that none shall go unsheltered or unfed in the United States. That comes first. But, in the face of these associated problems, the practical, the realistic question is: Can we meet this obligation fully and adequately at less expense and with less hazard to the perpetuation of those resources upon which any sort of response to the obligation ultimately depends?

There is a large school of thought in America which answers "yes."

Of course, it is a matter of opinion. Indeed, it is entirely too much a matter of speculation and guesswork since there is persistent and successful resistance to any realistic census of the unemployed and to any adequate investigation of the means we have been federally using to dictate relief from Washington. So we are thrust into the field of opinion. I may be wrong; but I agree emphatically with those who believe that a restoration of State decisions, more substantial local contributions, and a complete restoration of basic State responsibility for relief administration, is the inevitable answer. At least it is worthy of a trial.

It will be resisted, as long as possible, by many local authorities which obviously find it easier to let us struggle with Federal deficits than to struggle with their own. It will be resisted, to the bitter end, by thousands upon thousands of happy bureaucrats who relatively enjoy a personal bonanza out of their well-paid attachment to the relief administrative pay rolls—and who, in some instances, are responsible for whipping up the mayoralty protests which have descended upon the Senate during the past few weeks. It will be resisted by those who might be termed professional relief clients, and who hope to make a life career out of their place upon the rolls. It will be resisted, of course, by all devotees of the authoritarian state. Then, too, it will be resisted in complete good faith by many, whose opinions I entirely respect, who sincerely believe that the existing plans are best.

The PRESIDENT pro tempore. The Senator's time on the amendment has expired.

Mr. VANDENBERG. I will proceed on the joint resolution.

I distinctly do not condemn our whole relief adventure. In the beginning it was unavoidably necessary to rush into experimental programs which were bound to involve elements of error. Many fine public works, too, dot this Nation as a result of what has been done. Both the President and Administrators Hopkins and Ickes have borne burdens in this connection almost beyond human endurance. I simply ask, in complete good faith, whether out of our long experience we have not learned some lessons which may now be helpfully capitalized for the benefit of the commonweal before it is too late.

These are some of the advantages which I would expect to flow from the philosophy of action which is embedded in the substitute that I am submitting to the Senate—a plan which would, through a bipartisan national commission, pro rate to bipartisan commissions in each State the State's share of the total Federal relief allotment, subject to a minimum State contribution of at least 25 cents out of each relief dollar; then leaving to each State the decision as to what kind of relief shall be provided, where, when, and how; and leaving to each State the responsibility of administration within its own prospectus.

First. I should expect that this decentralized simplification would relieve relief expenditures of a dreadful and costly burden of duplicated overhead which is inevitable in the existing dual set-up. There would be more of each dollar for the reliefers themselves, or, put differently, fewer dollars would buy the same relief results.

Second. I should expect this exercise of home authority to result in decisions far better suited to intimate local needs than is the case when we try to apply a national formula to local necessities, which cannot be thus regularized in so big and so complex a country as the United States. The very fact that there is such insistence upon earmarking portions of the lump-sum relief appropriation for specific purposes deemed intimately necessary to local and sectional needs is complete vindication of the idea that localized decisions are the wisest and most practical decisions. Thus, again, we may reasonably expect more results from less money.

Third. I should expect these intimate home responsibilities to obviate many interesting but costly sociological experiments in the name of relief, which are all very well if and when we can afford them, but which have no legitimate place in the naked relief challenge itself at a moment when new taxes are inevitable unless reduced expenditures can close our fiscal gap. Thus, again, it is my contention that less money would go just as far.

Fourth. I should expect such a system largely to obviate inequities in the distribution of Federal relief funds as between the various States, because the Federal distribution would be in cash rather than in projects—and the former is far more susceptible of rule of thumb than is the latter. There would be infinitely less chance for the invidious comparisons with which this debate has been studded.

Fifth. I should expect such a system to be better policed against exploitation, whether political or economic or otherwise, because, on the one hand, the power of neighborhood opinion would become effectively critical under the impulse of restored responsibility, and, on the other hand, the larger consciousness of local contribution would make it less likely that any sort of exploitation would be quite so complacently condoned. Thus, again, less money could buy more relief.

An infinity of examples could sustain the fifth contention. I content myself with one, indicating how decentralization, in lesser units, achieves this claimed advantage. I quote an editorial from the Columbia (Ohio) Despatch of June 7:

> The rapid decline in the relief rolls in Ohio since the General Assembly turned them back to the local communities brings forcefully to the public mind the excessive waste under the former Federal-State administration, designed in no small part for political purposes.
>
> Not only has the relief load been reduced from 71,000 cases, representing treble that number of individuals, to about 41,000 cases in the short space of 3 months, but what is more enlightening, this drastic reduction has been made without injury or suffering being reported in any case.

One additional significant paragraph may be worth reading:

> As part of this reasonable, economic, and efficient handling of the problem, Auditor Ferguson has instructed local officials now in direct charge of relief to compel prospective clients to reregister, which alone has caused the drop of thousands and to attempt to get work before applying for aid to which the response on the part of those formerly on relief has been gratifying.

It is my contention that the experience thus reported from Ohio—an experience that has been repeated under kindred circumstances in many other sections of the land—demonstrates to what an extent, under a reversion to home responsibility and home obligation, there can be a cleansing of the illegitimate in respect to relief, and the full meeting of legitimate relief at lower expense.

Mr. President, I shall not extend the argument. I have said enough fully to indicate the philosophy of action which my substitute addresses. I only add, in conclusion, that the substitute proposes a total Federal relief appropriation of $1,250,000,000, of which $100,000,000 shall be held back for allocation to emergencies, on the theory that the lesser sum, under such methods of administration, can buy as much, if not more, actual relief than the $1,500,000,000 expended under the existing system, which the President establishes as the measure of our need for the next fiscal year. In other words, it is not proposed to economize at the expense of those legitimately deserving relief. It is proposed to economize in the method and the spirit and the efficiency of the scheme of distribution and administration.

Therefore, Mr. President, I move to strike out all after the enacting clause of the joint resolution and to insert the matter which I send to the desk.

(Mr. VANDENBERG's amendment, in the nature of a substitute, is as follows:)

That to provide relief and work relief and to increase employment, there is hereby appropriated the sum of $1,250,000,000, which shall be available for the fiscal year ending June 30, 1938.

SEC. 2. (a) Not more than $1,150,000,000 of the sum appropriated by section 1 shall be available for grants-in-aid to States to assist them in financing and administering such forms of relief and work relief and methods of increasing employment as may be determined upon and undertaken by them. Such amount shall be allocated by the Federal Relief Board (hereinafter established), with the approval of the President, among the several States upon the basis of the Board's findings and conclusions with respect to the facts concerning and weight to be given to unemployment and living costs in, and population and financial resources of, the several States. Not more than 15 percent of such amount shall be paid to any State.

(b) The sum allocated to a State under subsection (a) shall be paid quarterly by order of the Federal Relief Board to the State if—

(1) The Governor (or in the case of the District of Columbia, the District Commissioners) has certified to the Federal Relief Board that there has been established a board of relief trustees in such State the membership of which is not composed solely of individuals who are members of the same political party, and that such board has the power and duty of receiving and disbursing sums which may be granted such State under this section;

(2) The State board has certified to the Federal Relief Board that the State, or its subdivisions, or both, have provided or are prepared to provide an amount equal to not less than 33⅓ percent of the amount allocated to it under this section for relief, work relief, or methods of increasing employment; and

(3) The State board has agreed to furnish to the Federal Relief Board such reports (respecting the administration of the relief, work relief, or methods of increasing employment with respect to which funds allocated to the State under this section are used) in such form and containing such information as the Federal Relief Board may from time to time require, and to comply with such provisions as the Federal Relief Board may from time to time find necessary to assure the correctness and verification of such reports.

(c) If the Federal Relief Board finds that any part of an amount granted to a State under this section has been diverted to a purpose not reasonably within the purpose of furnishing relief, work relief, or increasing employment, or that more than 75 percent of the amount devoted to such purposes has been expended out of grants under this section, the amount of future grants to be made to the State shall be reduced by an amount equal to the amount the Board determines has been diverted or the amount the Board determines to be such excess.

(d) The Federal Relief Board shall allocate, out of the sum specified in subsection (a), such sums as it deems necessary on the basis of the needs of Puerto Rico, the Virgin Islands, and the Canal Zone for relief, work relief, and increasing employment. Such sums shall be expended as the Board prescribes as necessary for such purposes and subject to such requirement, if any, as the Board may prescribe for contribution by the possessions to such purposes.

SEC. 3. Not more than $100,000,000 of the sum appropriated by section 1 shall be available to enable the Federal Relief Board, with the approval of the President, in its discretion and on its order, to make such grants or loans to States as it deems necessary in order to meet extraordinary and unforeseen emergencies, and such grants or loans shall be made without regard to the provisions of section 2. The sum specified in this section shall also be available for all administrative expenses of the United States in carrying out the provisions of section 2 and this section.

SEC. 4. (a) There is hereby established the Federal Relief Board, which shall be composed of three members appointed by the President, by and with the advice and consent of the Senate. Not more than two of the members of the Board shall be members of the same political party and the President shall designate one of the members as chairman. Each member shall receive a salary at the rate of $10,000 per annum.

(b) The Board shall have the power and duty of carrying out sections 2 and 3 of this act, and such powers and duties shall be exercised under the direction and subject to the approval of the President.

(c) The Board is authorized to make such expenditures, and, subject to the civil-service laws and rules and regulations made thereunder and the Classification Act of 1923, as amended, to appoint and fix the compensation of such officers and employees, as may be necessary to carry out its powers and duties.

SEC. 5. Any person who knowingly makes any false statement in connection with securing a grant or loan or making any report or furnishing any information under section 2 or 3, or who solicits or receives political contributions from any person who directly or indirectly receives any part of a grant or loan made under section 2 or 3, or any person who, in administering any such grant or loan, discriminates against any person on account of race, religion, or political affiliation shall, on conviction thereof, be deemed guilty of a misdemeanor and fined not more than $2,000 or imprisoned not more than 1 year, or both. For the purposes of this section, each payment made by a State to which a grant or loan has been made under section 2 or 3 for relief, work relief, or increasing employment shall be considered to consist one-fourth of funds of the State and three-fourths of funds of the United States.

SEC. 6. There is hereby appropriated the sum of $10,000,000, which shall be available for carrying out during the fiscal year ending June 30, 1938, the provisions of written contracts made prior to the date of the enactment of this act under authority of the Emergency Relief Appropriation Act of 1935, or the Emergency Relief Appropriation Act of 1936. Except the sums appropriated under this section, no part of the sums appropriated under this act shall be available for carrying out such acts. No contract shall be entered into under such act of 1935 or 1936 after the date of the enactment of this act.

SEC. 7. As used in this act the term "State" means the several States, Alaska, Hawaii, and the District of Columbia.

SEC. 8. This act may be cited as the "Relief Appropriation Act of 1937."

Mr. VANDENBERG. I think I have a few moments left, and I am now very happy to yield to the Senator from Texas.

Mr. CONNALLY. I do not care to interrupt the Senator at this time.

Mr. SCHWELLENBACH. Mr. President, I should like to ask the Senator a question.

Mr. VANDENBERG. I yield to the Senator from Washington.

Mr. SCHWELLENBACH. I should like to ask the Senator from Michigan, in connection with his argument, to discuss the facts which I presented here last week, to the effect that on direct relief handled by the States and the local communities, during the first 11 months of last year—I have the figures for the first 11 months totaled—a total of $494,000,000 was spent. Of that, $480,000,000 was spent in the first 11 months. Of that $484,000,000 spent on direct relief, only $401,000,000 went to the recipients of relief. Eighty-three million dollars was spent in administrative costs, or an administrative cost of 16 percent on direct relief handled by the States and communities, as compared with an administrative cost of 3.5 percent on Works Progress Administration projects handled by the Federal Government.

Further, I should like to have the Senator discuss the fact that direct relief handled by the States and local communities increased the number of persons on their rolls from 1,571,000 in June of 1936 to 1,725,000 in February of 1937, while at the same time W. P. A. rolls were being decreased.

Mr. VANDENBERG. Mr. President, I listened to the able Senator's presentation 2 or 3 days ago with a great deal of interest, and I found his figures very challenging. I made some inquiries respecting them. I am sorry I cannot respond conclusively. They are figures collected by Mr. Hopkins himself. Everything depends upon how books are kept.

Mr. SCHWELLENBACH. Mr. President, may I interrupt the Senator?

Mr. VANDENBERG. Certainly.

Mr. SCHWELLENBACH. It is true that the compilation of the figures was made by someone in W. P. A., but it was simply a compilation taken from the reports made by the various State and local agencies.

Mr. VANDENBERG. I understand that; but, of course, everything depends on the basis on which the figures are assembled and mobilized. I understand, for instance, that practically all the standard social-service functions in these communities, which would be in operation anyway, are included in the figures. I have no right to say that dogmatically; I am told that those statistics are part of the figures. That simply illustrates what I am saying about the impossibility of knowing what the figures mean except as we have the complete break-down.

Regardless of what the disparity may be, however, it seems to me it cannot be gainsaid that the existence of a dual system, a duplicated system, Federal and State, is bound to involve duplicated overhead; and I distinctly recall the evidence which was submitted a year ago to the Committee on Appropriations from a section of New York City which demonstrated, it seemed to me, beyond peradventure at that time, that the Federal system was almost a complete and often needlessly duplicated system of administration. So that whatever the disparity may be, still there must be duplication, it seems to me.

The PRESIDENT pro tempore. Let the Chair state the parliamentary situation. The Senator from Michigan has

offered an amendment in the nature of a substitute, which the Chair understands is the same as Senate bill 2390. The substitute is, of course, open to amendment. At the same time the text of the joint resolution is open to amendment. If such amendments are presented, they will be treated as in the nature of perfecting amendments and acted upon first. If amendments are not offered at this time, then the action will come immediately upon the proposed substitute.

Mr. VANDENBERG. I assume the substitute will not be presented until the original text has been perfected.

The PRESIDENT pro tempore. The Senator desires, however, to present it now?

Mr. VANDENBERG. To be held for submission at the proper parliamentary moment.

The PRESIDENT pro tempore. Under the parliamentary rule the substitute may be offered now; and, having been offered, it may be perfected, if the Senate sees fit, by adopting amendments to it. On the other hand, the text of the joint resolution is open to amendment at the same time. The presentation of such amendments would not make the substitute out of order but would permit both the substitute and the text to be perfected. So that there is no reason why the Senator should not offer the substitute now if he sees fit to.

Mr. McNARY. Mr. President, the Chair is unquestionably correct in the statement of the rule, but the Senator from Michigan does not desire to offer the substitute at this time. It may be offered later, after the joint resolution now before the Senate shall have been perfected.

Mr. CONNALLY. Mr. President, the Senator from Michigan is always interesting and sometimes fascinating. I regret that on account of an enforced absence I missed much of the debate on the pending measure which occurred during the last few days. However, I was present yesterday and voted for the amendment offered by the Senator from Arkansas [Mr. ROBINSON].

I am as anxious as is any Senator in this Chamber that the necessity for Federal expenditures in behalf of unemployment and the Works Progress Administration shall decrease as rapidly as possible. After all, the objective of this legislation is to get rid of itself. The objective is to get men back into private employment as soon as possible. Therefore it is a sort of a suicide club within the organization, if properly administered.

What the Senator from Michigan proposes is, after we have conducted Federal relief measures and organizations over a considerable period, and as we are preparing to draw in the lines and reduce expenditures for such purposes, with the hope of demobilizing the organization, that we adopt a wholly new plan, abolish the Federal system and the Federal organization which is supposed to have learned something from experience during the past 3 or 4 years, and turn over Federal grants to the States, so that they may then establish new organizations, without experience in this particular line of work, or without much experience, and start all over.

I submit that that is not sound business. I marvel that a Senator from a great industrial State, which has grown rich and great on business organization and new theories of developing business organizations, should propose in the Senate the abandonment of what we have been doing with a large measure of success, and setting up an entirely new system of State administration.

I quite agree with the theory of the amendment offered by the Senator from Arkansas. I believe that if we can put a reasonable part of the relief burden on the local communities, we will thereby decrease the urge for getting unneeded appropriations, and we will impart to each project a local character and a local interest, through the contributions of the people's own tax money, which will give a good flavor to the whole administration. But a proposal to turn over a billion and a quarter dollars of Federal money to State political and other machines throughout the country, for their administration through untried organizations ought never to receive the approval of the Senate; and that is what the Senator's amendment would do.

The Senator says he wants a nonpartisan board. If there has ever been a nonpartisan board in history I have not seen it. Some of them may be called nonpartisan, but someone is going to predominate; one group is going to outvote the other group, and if this activity were put entirely under State administration, all the cheap politics in disbursing the Federal money that has been seen in America would result. I do not say that at present the administration of relief is without some political color or taint; of course not. We are in political life, and practically every one in this country is more or less in political life; but, so far as possible, we ought to keep the political angle out of this matter.

If the management of this activity is put into the hands of a local administrator in Michigan, for instance, or Texas, or anywhere else, we are going to see that Federal money is very easily spent, and we are going to find out that the "boys who vote right", and all that, are not going to be neglected. That may be the theory of the Senator from Michigan, but it is not the theory of the Senator from Texas.

If relief is a Federal responsibility, then the Federal Government ought to keep its hands on the purse strings, and see where the money goes. It is all right to talk about local responsibility and local contributions. We had them prior to 1933. I regret that the Federal Government ever had to enter the field of providing relief; but it entered that field because local responsibility had fallen down, and because local funds had been exhausted. It went into the business of providing relief because the marvelous things which, it is said, would be accomplished in case the amendment of the Senator from Michigan should be adopted failed to materialize; and the local people had to come to Washington with their hands out asking for Federal money. So long as it is Federal money, the Federal responsibility is on us, and we would be derelict in our duty if we should delegate to State authorities the right to squander and spend Federal money. If it is to be squandered, let us squander it, because then we will be the ones responsible; then we will be the ones the people can hold accountable. Let us not "pass the buck", as it were, to someone else, and say, "Well, we were kind of depending on local responsibility, and we turned the money over to them, and if they squandered it, it is their fault." We cannot shirk the responsibility. It is here on our desks.

There is always someone like the Senator from Michigan who thinks that, no matter what is being done, we ought to do it in some other way. If I remember, the Senator from Michigan did not vote for the last relief bill. Is that correct?

Mr. VANDENBERG. Yes.

Mr. CONNALLY. Did the Senator vote for the first one?

Mr. VANDENBERG. The Senator voted for the first two emergency relief measures, and voted against the $5,000,000 grab-bag bill.

Mr. CONNALLY. The Senator voted against the last relief bill, and it is therefore to be assumed that he is against the whole movement. When I am having a house built I want someone to build it who wants the house built. I do not want sabotage; I do not want someone aiding me in work who does not believe in it, who does not favor it, and does not want my plan to work.

So I am not going to be led off into the miasma of the swamp by the Senator from Michigan. His heart is not in the present plan of relief. He does not believe in it. He is against it. Why should he now ask the Senate to follow his plan of relief? He ought to vote against it all. I do not want a doctor fooling with me who does not believe in recovery. [Laughter.] I do not want a surgeon operating on me who believes in predestination and that nothing can be done about it. [Laughter in the galleries.]

The PRESIDENT pro tempore. There must not be any expressions of approval or disapproval or demonstrations of any sort in the galleries.

Mr. CONNALLY. Mr. President, the Senator from Michigan complains about bureaucrats. I am just as strongly

against the bureaucrats as is the Senator from Michigan, but my observation is that a bureaucrat is some official in a department who does not do what you want him to do [laughter]; and an official in a department who does do what you want him to do is a wonderful executive and a marvelous administrator.

Mr. President, we are all against bureaucrats. The present Congress and other Congresses have given to many bureaus power which I wish had never been conferred upon them; but who conferred the power upon them? They did not get their power anywhere but here. If there is in existence a bureau which can use power it is because Congress, the representatives of the people—and we speak of being the representatives of the people when we beat our breasts on picnic occasions—gave it to them. In the final analysis the power belongs, of course, to the people themselves. But we are their representatives here, and every little bureaucrat in the departments who is exercising authority can trace his title to that authority from the sovereignty of the Senate and the sovereignty of the House of Representaitves. That is where he got it. Let us not do what is proposed to be done by the amendment of the Senator from Michigan. If bureaucrats have more power than they ought to have, let us take it away from them.

Yesterday I voted for the amendment of the Senator from Arkansas [Mr. ROBINSON] to put on a little hobble and to slow down relief agencies, and to make the local communities contribute something toward their maintenance, but I am not going to be misled by the Senator from Michigan, who right in the middle of the creek wants to change the whole basis of the administration of relief, and put it in the States and their subdivisions. If the States and their subdivisions want to undertake relief and W. P. A. they have a perfect right to do it. The States are sovereign. If they have the money with which to do it, let them do it, but when they come to the Federal Government and ask the Federal Government to furnish the money they ought to be willing for the Federal Government to exercise some control not only over the expenditure of those funds but over the organization which disburses them. That is what we are trying to do. We have built up such an organization. Whether it is better than it used to be I do not know, but it ought to be better. It should have learned something in the last 3 or 4 years. Shall we dissipate whatever experience it has gained and now go out and recruit 48 separate State organizations from the boys over in ward 5 and some of them from ward 6, and put them on the local boards of administration, simply because they know how to get the boys to the ballot box on election day?

It is said that relief is not a national project. Perhaps it ought not to be, but it is. The Senator from Michigan comes from a great industrial State. He comes from a State which contains the city of Detroit, the great automobile center—the great, rich city.

Do Senators mean to say that the taxpayers of that city should not contribute anything in the way of income taxes to aid in the relief of a needy individual in South Carolina or in Colorado or in the State of Washington? Detroit does not live on the products coming from the soil within its city limits. It is not nourished only by the land of Michigan, but flowing into Detroit is the wealth that comes from the sweat and the blood of every man who runs an automobile, when probably he ought to be buying something to eat. However, everyone who runs an automobile pays his tribute into the coffers of those who live in Michigan.

I am not prepared to go back and tell that man, when he loses his job, when he is hungry, and when he is naked, that he must rely on a justice of the peace in precinct no. 8 in some poor little county to provide relief for him, and deny the Federal Government any power to reach up to the bloated billionaires and millionaires of Michigan and take back a little, in the form of taxation, of the inordinate profits they have extorted with high-pressure jacks from the little fellows all over the United States who are running their automobiles, and who with every pulsation of the old engine are adding a little more wealth to Michigan and to Detroit.

No, Mr. President; I cannot vote for the amendment of the Senator from Michigan.

Mr. LODGE. Mr. President, to House Joint Resolution 361, I offer the amendment which I send to the desk and ask to have read, and I ask to speak on it briefly.

The PRESIDENT pro tempore. The Clerk will read the amendment.

The LEGISLATIVE CLERK. On page 3, line 4, after the figures "$380,000,000", it is proposed to insert a comma and the following: "of which sum not more than $20,000,000 shall be allocated for a national census of population, employment, and unemployment to be taken at the earliest date, for the purpose of obtaining authentic information as to the number of persons in each of the several States and all subdivisions thereof who are employed and unemployed, classified by sex, age, customary occupation, and such other pertinent standards as may be advisable of all such employed and unemployed persons, and the causes and duration of such unemployment."

Mr. LODGE. Mr. President, there can be no doubt that necessity demands a continuation of Federal relief. Unemployment is still with us, but the extent is still unknown.

It is fundamental that in order to improve and correct our relief system, making it more humane, more economical, and more just, we must have all the facts. Not estimates, not guesswork, not an average struck from the compilation of statistics gathered from varied official and unofficial sources—but information gathered thoroughly and completely from an official source.

It is obvious that neither in our private nor in our public affairs can we decide wisely without a knowledge of the facts. It is little short of astounding that in the United States of America we still do not know the facts on our most important single national problem—the problem of the man and woman who are willing and able to work but cannot find a job. We do not know how many of them there are, where they are, or what the nature of their unemployment is.

The result of this lack of knowledge is plain in every corner of the United States. We see waste of money in one place and lack of money in others. We see men and women who are trained for some particular line of work put to work on something entirely different, with misery to themselves and a wastage of their possible contribution to the community.

If I thought for even a single moment that this amendment which I am offering would jeopardize the employment of a single person in need of relief, I would be the last person to propose it. But it does no such thing. To the contrary, it provides that the person who cannot do manual labor but who is fitted for this type of work can be suitably employed in a real constructive job which will be of lasting benefit to the unemployed of this Nation. The elderly educated person no longer wanted in private employment, the young school and college graduate who finds no place for himself or herself in the business world, the clerk, the professional man and woman who cannot perform work that requires a strong muscular body, can once again find courage in the knowledge that here is work which justifies the drawing of pay and is a definite contribution to a major problem.

My proposal is in agreement with many of the authorities in governmental employ and others who are familiar with the national problem of unemployment and relief who desire a census.

Until we have the facts we can never deal with this problem, either in the interest of the taxpayer or in the interest of the unemployed man and woman. As long as we are in ignorance, this question will continue to frighten us and we shall be like ships lost in the fog. I say give light and we will find our way. Let us get the facts on this problem. We can then apply the magnificent resources of the United States to its solution.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Massachusetts [Mr. LODGE].

Mr. AUSTIN. Mr. President, the announcement of the Senator from Michigan [Mr. VANDENBERG] and the address

by the Senator from Texas [Mr. CONNALLY] excite me to make a statement at this time. I judge that probably I shall have no chance to register my vote on the proposal of the Senator from Michigan. Therefore, I wish to say that on a viva-voce vote or any other form of vote taken on that measure I shall support it by my vote. I shall do so because I seek, as I know all other Members of the Senate do, the great objective of economy, though I disagree with some of my colleagues with respect to what will effectuate economy, and I shall so vote also because I believe in decentralization of authority and the return of the control of a purely domestic affair to the several States.

With respect to economy, it has always appeared to me whenever a trustee or any other person is given a very large sum of money to expend upon the happening of an emergency or upon the happening of an event, that usually the emergency or the event happens and the money is expended. I believe that it is almost simple in its accuracy to state that if one desires to economize in the management and expenditure of other people's money he must do it, in part, by limiting the amount of the money to be devoted or appropriated to the use. Therefore, I think that the most simple step toward economy for us to take is one which reduces the total amount that may be expended for the purpose of relief. We differ about what is required; we differ about how much reduction can be made; but I believe that an appropriation limited to $1,000,000,000 would be huge enough to take care of the necessary relief.

As to changing the method of administering this fund, I favor a return to the several States of the administration of relief because I believe that the local administrator has infinite acquaintance with the people to whom relief is granted, knows their circumstances, and is less likely to be imposed upon than is an administrator here in Washington undertaking to administer relief all over this great continent.

It is, of course, possible that such administration of relief might be tainted with some politics, but let us not omit to consider what the special committee of the Senate found with respect to the administration of relief as it is now conducted. I think this matter has not as yet been called to the attention of the Senate and that it is worthy of consideration. The sixth recommendation of the committee, which will be found at page 137 of Report No. 151 of the investigation of campaign expenditures in 1936, reads as follows:

VI

It should be made unlawful for any person, corporation, group, organization, association, or for any officer, director, or agent of any corporation, or for any officer, director, or agent of any organization or association, unincorporated, or for any person holding a position, office, or employment, under or by the Government of the United States or any bureau, department, or agency thereof, to influence or attempt to influence through fear, intimidation, or coercion, the vote of any person employed by them, or of any person who is dependent on public funds, in connection with an election at which Presidential and Vice-Presidential electors, or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for.

Mr. President, that recommendation was founded upon the studies of the special committee, which I can testify were very impartially made. The committee, of course, was composed in such manner that a majority of its membership consisted of Democrats, and I testify that they viewed this whole problem, in my opinion, with great fairness, and studied the evidence with deliberation.

I will not take the time of the Senate to read, but I will epitomize what appears on page 19 of the report, and ask unanimous consent to have the portion which I have marked inserted in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, the matter may be inserted in the RECORD.

The matter referred to is as follows:

Literature to Civilian Conservation Corps camps: After the election the special committee received information regarding the mailing of literature to educational advisers of the Civilian Conservation Corps, relating to procedure for absentee voting, and decided to make inquiry to determine whether such literature, sent out by the Democratic National Committee in mimeograph form, operated improperly to influence members of the corps with respect to their voting franchise.

Two letters, in particular, were called to the committee's attention, and are set forth as follows:

The Democratic National Committee, through its secretary, on September 17, 1936, mailed to all camp educational advisers of the Civilian Conservation Corps camps a mimeographed letter of the following substance:

"MY DEAR SIR: In connection with our general circularization of bulletins to the absentee voters here in the District and throughout the various States, it has occurred to us that the bulletins giving information regarding the necessary requirements for the registration of a voter, the payment of poll tax (if necessary), and the qualifications of voters in the different States would be of interest to the enrollees in the Civilian Conservation Corps camps.

"Since you probably have a large number of absentee voters in your camp, as well as "first voters", we are attaching hereto for the general information of your department some printed bulletins which will answer the usual questions regarding qualifications of a voter, registration dates, and dates on which to apply for absentee ballots.

"If you consider this plan of any value as information bulletins we shall, of course, appreciate your posting same.

"Yours very truly,

"_____ _____."

On September 21, 1936, the Democratic National Committee sent a letter to Democratic city chairmen and to Democratic county chairmen in certain States and counties where Civilian Conservation Corps camps were located reading as follows:

"MY DEAR SIR: We note from our mailing list that you have in your county a Civilian Conservation Corps camp, and we are writing to suggest that you contact all the absentee voters from the various States in this camp. In order to assist in furnishing information on the various State voting laws, we are attaching an information sheet showing whether or not they can vote absentee.

"We feel sure from the experience we have had in the past that it will be more effective for you as local representative of your Democratic Party to contact these camps locally and urge the voters to make application in ample time to receive their absentee ballots from their respective official.

"If there is any information we can furnish from our bureau, please write us immediately and we shall be glad to assist you further in this connection.

"Sincerely yours,

"_____ _____."

There were attached to the letters above quoted four sheets of information showing in what States one could vote by mail, in what States absentee voting was not allowed, in what States voting was permitted by registered mail, and also information relating to States where registration was still possible by mail and otherwise before the Presidential election, together with instructions relating to registration and voting.

The secretary of the national committee, responding to inquiry by this committee, wrote in part:

"This information was posted as a bulletin in various Civilian Conservation Corps camps, making it available in a nonpartisan manner to any interested enrollees of the Civilian Conservation Corps of voting age. No attempt whatsoever was made to coerce the enrollees or force them to vote and the information contained in the bulletin was made available as mere factual data for those who might care to vote in the election by absentee ballot.

"Since it is more or less considered as a patriotic duty for every citizen of voting age to exercise his franchise as guaranteed him by the Constitution, I feel sure that our thoughtfulness in making this information available to the enrollees of the Civilian Conservation Corps camps, without any attempt to influence their decisions, ties in admirably with the educational programs being promoted by the Civilian Conservation Corps."

Mr. AUSTIN. Epitomized, it appeared to us that, among other political misuses of the unfortunate position of people on relief and of organizations and a vast amount of money that was in the hands of the Democratic administration in Washington, that the National Democratic Party reached into one of those organizations, the Civilian Conservation Corps, and made use of it politically in the following manner. I read from a letter, dated September 21, 1936, the letter having been sent by the Democratic National Committee to Democratic city chairmen and Democratic county chairman in certain States and counties where Civilian Conservation Corps camps were located. The letter reads as follows:

MY DEAR SIR: We note from our mailing list that you have in your county a Civilian Conservation Corps camp, and we are writing to suggest that you contact all the absentee voters from the various States in this camp. In order to assist in furnishing information on the various State voting laws we are attaching an information sheet showing whether or not they can vote absentee.

We feel sure, from the experience we have had in the past, that it will be more effective for you as local representative of your Democratic Party to contact these camps locally and urge the

voters to make application in ample time to receive their absentee ballots from their respective official.

If there is any information we can furnish from our bureau, please write us immediately and we shall be glad to assist you further in this connection.

Sincerely yours.

Mr. President, I need not discuss that letter. There is not a Senator on the floor who does not fully understand its import, however artfully the letter was drawn. That and many other things, which I will not take the time of the Senate to refer to, caused this recommendation to be made by the committee.

A man must undress in the dark who lives in a glass house; it does not behoove a distinguished member of the Democratic Party to stand here and charge in advance that there may be some political use of the powers of an administrator in a State of this Union if the method of administration of relief were changed from the centralized form which we now have to a decentralized form in which the administrators will know the people with whom they are dealing and the circumstances in which they live and will know the need they have for help.

Mr. President, I have said perhaps more than I intended to say. The principal objective I have is to register myself not against relief, for I shall vote for the pending relief measure when the time comes to vote upon the main issue, but I am glad to have an opportunity to vote for the proposed substitute, and I record my position in this manner.

Mr. McKELLAR. Mr. President, just a word about the amendment offered by the Senator from Massachusetts [Mr. LODGE]. The Senate a few days ago adopted a resolution providing for the appointment of a committee to investigate the number of unemployed and all questions relating to unemployment. So it is certainly not necessary to order another investigation by a provision attached to the pending joint resolution to do exactly the same thing. The resolution to which I have referred was submitted, as I recall, by the Senator from New Mexico [Mr. HATCH] and the Senator from Montana [Mr. MURRAY], and I am quite sure that resolution will bring out the facts and that it will be unnecessary to duplicate the work of the special committee by providing that another agency shall engage in a similar undertaking. I hope the amendment of the Senator from Massachusetts will be voted down.

Mr. LODGE. Mr. President——

Mr. McKELLAR. I yield to the Senator from Massachusetts.

Mr. LODGE. I should merely like to point out that according to the Bureau of the Census it would take between $17,000,000 and $20,000,000 to make a census of the unemployed. My amendment does not seek to appoint a committee to study the question of unemployment relief at all. I think that the committee of which the Senator speaks has a very useful function to fulfill, but with the small appropriation at the command of the special committee—which I think is $10,000, quoting the figure from memory—they cannot possibly undertake to make a census in the way the Bureau of the Census could make it.

Mr. McKELLAR. The Senate resolution to which I have referred reads, in part, as follows:

> That a special committee consisting of five Senators, to be appointed by the Vice President, is hereby authorized and directed to study, survey, and investigate the problems of unemployment and relief, including an estimate of the number of persons now unemployed by reason of the use of labor-saving devices, mechanical and otherwise, in operation in the United States, and obtaining all facts possible in relation thereto.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. McKELLAR. I will yield in a moment.

In addition to that, the Senate has passed a joint resolution introduced by the Senator from Montana [Mr. MURRAY] and the Senator from New Mexico [Mr. HATCH] which covers the same objective as that suggested by the amendment of the Senator from Massachusetts. It seems to me that under the Senate resolution we will be more likely to get the facts.

Mr. HATCH. Mr. President, will the Senator from Tennessee yield to me for a moment?

Mr. McKELLAR. I promised to yield to the Senator from Massachusetts. Then I will yield to the Senator from New Mexico.

Mr. LODGE. Mr. President, as the Senator from Tennessee says, the resolution authorizing the appointment of a senatorial committee provides for an "estimate" of unemployment, which is entirely different from a census. We have had hundreds of estimates.

Mr. McKELLAR. That is all any report would be.

Mr. LODGE. Whereas the amendment submitted by me provides for a census. As I have said, the special committee has a useful function to fulfill, but an estimate by a senatorial committee having an appropriation of only $10,000 at its command is not the same thing as a census of unemployment conducted by the Bureau of the Census with an appropriation of $20,000,000.

Mr. McKELLAR. I now yield to the Senator from New Mexico.

Mr. HATCH. I have some remarks I desire to make, and I will wait until the Senator from Tennessee concludes.

Mr. McKELLAR. Mr. President, I have said about all I wanted to say. An investigation having already been provided for, I do not see the necessity for providing for another one by the pending joint resolution and earmarking the enormous sum of $20,000,000 for the work. I do not think the committee appointed under the resolution submitted by the Senator from New Mexico and the Senator from Montana will experience any difficulty in obtaining the information, and they will probably obtain it for a very much less sum. Therefore, I hope the Senate will vote down the pending amendment.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. McKELLAR. Certainly.

Mr. McNARY. What is the present status of the resolution to which the Senator refers?

Mr. McKELLAR. As I understand, the Senator from New Mexico [Mr. HATCH] is now about to take the floor, and, inasmuch as it is his resolution, I will let him answer the Senator's inquiry.

Mr. HATCH. Mr. President, I will answer first the question of the Senator from Oregon [Mr. McNARY]. He desires to know the present status of the Senate special committee. The committee has been appointed by the Vice President. After the appointment was made I submitted another resolution increasing the size of the committee by two members. That latter resolution was referred to the special committee and has not yet been reported by that committee. As yet no meetings of the committee have been held. I am quite sure they will begin work shortly. I think probably the consideration of the present relief bill has tended to delay the commencement of the work of the committee.

Mr. BORAH. Mr. President, may I ask the Senator the kind and extent of the work contemplated by the committee?

Mr. HATCH. I am going to comment a little upon that in connection with the pending amendment of the Senator from Massachusetts [Mr. LODGE]. I want to say first that I am in hearty accord with the idea of the Senator from Massachusetts and the assembling of the information he seeks to assemble through his amendment. I doubt the efficacy of the amendment. I doubt whether the amendment in its present form prescribes the definitions and other matters which are necessary to assemble the information which he wants.

The resolutions to which the Senator from Tennessee [Mr. McKELLAR] has referred do not provide for a census of unemployed.

Mr. LODGE. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Massachusetts.

Mr. HATCH. Certainly.

Mr. LODGE. The wording of my amendment is based on information which I received from Mr. Isador Lubin,

Commissioner of Labor Statistics of the United States Department of Labor. In a letter to me dated March 22, 1937, he said:

> There is no doubt but that there is an essential need for authentic information on the number of persons unemployed in the United States at the present time.
>
> In order adequately to assess the extent of the unemployment problem it will be necessary not only to secure the number of unemployed but also the number who are employed and their relationship to the total population. Accordingly, I should like to recommend to you that the census, if taken, should be one of population, employment, and unemployment.

That is the language I followed in preparing my amendment. If the census cannot be taken by the Bureau of the Census under the terms of the language indicated by the Commissioner of Labor Statistics, then I do not see how a census of anything can ever be taken.

Mr. HATCH. I understand the position of the Senator from Massachusetts in reference to his amendment. As I have said, I am not at all in disagreement as to the desirability of obtaining all the information he seeks, and a great deal more besides. That was the purpose, I may say to the Senator from Idaho [Mr. BORAH], in asking for the senatorial investigation, in order that the Congress for itself, through its committee, might study the entire problem of unemployment and relief, and assemble all the information possible not only from every agency of the Government engaged in work along such lines but from industry, from labor, and from every available source so that the Congress might legislate on the subject and lay down the program to be followed by the executive department.

Yesterday I voted against both of the amendments offered, the one by the Senator from South Carolina [Mr. BYRNES] and the other by the Senator from Arkansas [Mr. ROBINSON], but not because I was not in sympathy with reducing expenditures and economizing and with placing a proper share of the burden on the local subdivisions of government. All those objectives, I agree, are exceedingly desirable and certainly we all want to balance the Budget. But are we in a position at this time to write into this appropriation bill provisions which may fundamentally change the whole system of relief without first making a study and making the investigation to which the Senator from Tennessee [Mr. MCKELLAR] has referred in the resolutions which he mentioned.

I believe not, and that is the reason why I voted against the amendments yesterday. I believe they involved a proposal to place the cart before the horse. I believe that throughout the past years we have established a policy of appropriating sums of money and turning them over to the executive department and telling the executive to take care of the relief situation. Until we investigate and until we know that some other system is better, it is my belief that we must continue to follow the recommendations of the executive department.

I do not believe that should be our permanent policy. I believe that we must act, that it is our duty as legislators to examine into all the factors involved, including the problems recited the other day by the Senator from Washington [Mr. BONE] in his address.

We talk about the national credit and the possible bankruptcy of our credit and the downfall of the Nation through inflationary methods. I do not see that prospect now, but unless we can so arrange our economic order that men who want to work can find the opportunity to work, I cannot say how long our experiment in democracy will last. That, I may say to the Senator from Idaho [Mr. BORAH], is another one of the reasons why I have urged a study and investigation of the entire problem of unemployment and relief.

To the Senator from Massachusetts [Mr. LODGE] I will say that I should like very much to have his amendment referred to our committee, together with other resolutions and bills which have been introduced and are now pending before this body, in order that we may recommend some form of census of unemployed and employed, together with all the other elements necessary to give us real information.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. HATCH. Certainly.

Mr. LODGE. May I ask the Senator whether he is in favor of the adoption of the amendment at this time?

Mr. HATCH. I do not favor the adoption of the amendment at this time.

Mr. LODGE. Will the Senator tell me why?

Mr. HATCH. As I have said, I want the committee now studying the question of unemployment not only to consider the thought set forth in the amendment of the Senator from Massachusetts but also the plan suggested by the Senator from Connecticut [Mr. MALONEY], whose resolution is pending before one of the committees of the Senate, together with other resolutions and bills looking toward doing exactly what the Senator from Massachusetts asks.

Mr. MCNARY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Oregon?

Mr. HATCH. Certainly.

Mr. MCNARY. I do not see the practicability of the Senator's proposal. The distinguished Senator from Massachusetts [Mr. LODGE] wants to divert, from the sum of $380,000,000 appropriated for educational purposes, $20,000,000 to make the survey he suggests. It does not propose to take any more money out of the Treasury. It does not contemplate a new appropriation. It is a diversion of funds from one particular line to another, the two being similar in their nature.

The amendment could not properly be referred to the special committee. That committee can only hold meetings and consider matters for the purpose of framing legislation. The amendment of the Senator from Massachusetts does not in any way contemplate the work to be done under the resolutions mentioned by the Senator from Tennessee [Mr. MCKELLAR] a moment ago, but it does authorize a bureau of the Government to make a census of employment and unemployment, the cost of which has been estimated by the authority in charge of that work to be about $20,000,000. That is the basis for the amendment of the Senator from Massachusetts and he has asked to divert only $20,000,000 for this specific purpose.

Therefore the attitude of the Senator from New Mexico is not, in my opinion, consistent. He favors the resolution and I favor the resolution to increase the personnel of the special committee, but that resolution has not as yet been reported to the Senate. That special committee has for its purpose the acquiring of data upon which we may base future legislation. The amendment of the Senator from Massachusetts simply proposes to take part of a sum already authorized to be appropriated and use it in making a census of employed and unemployed, a wholly unrelated duty to be performed. I think it is idle to have the amendment of the Senator from Massachusetts referred to the special committee, because that committee could not do anything with it in any event.

Mr. HATCH. I am not saying that it ought to be referred to that committee, but I think one of the first objects of the committee should be to go into the question of a census of unemployed, to determine the kind, nature, and method of taking such a census. That is one of the studies to be made by the special committee.

Mr. MCNARY. I realize that. That is confirmatory of what I have said. The committee must go into that matter for the purpose of determining whether they shall recommend legislation of that kind.

Mr. HATCH. That is the purpose.

Mr. MCNARY. That is as far as the committee can go; but that is not what the amendment of the Senator from Massachusetts contemplates. His amendment proposes to have a census made in the usual form by the Bureau of the Census, which has the power and the ability to do that work.

Mr. HATCH. And my point is that I object to the amendment being offered to the joint resolution at this time because of the many complications that present themselves in taking a census of the unemployed.

In that connection, without taking the time of the Senate unduly, I wish to read, just briefly, part of a letter from

the chairman of the Central Statistical Board, Dr. Rice, which was published in the New York Times recently, pointing out some of the difficulties that a mere census would encounter and how inconclusive some of the facts assembled would be:

To begin with, unemployment is a subjective phenomenon. The mere lack of a job does not of itself make a person unemployed. If he lives on income from investments; if he is a student in college; a small farmer or a small tradesman on the road to bankruptcy, he is not, in the usual sense, unemployed. But if the retired investor seeks to get back into harness; if the student decides to supplement the family income; if the small farmer and tradesman give up the struggle, they become unemployed.

And many other instances are given here by Dr. Rice. He concludes with a discussion of the Johnson plan. General Johnson has proposed some sort of a plan for registration at noon by all the unemployed; and this is the conclusion of Dr. Rice's article:

The Nation needs such a census, but it would be much more than a census of unemployment. The time at which a special census of this kind could be taken profitably has now passed, and it has become a simple matter of good judgment to wait until the established decennial enumeration of 1940.

I am presenting this especially for the benefit of the Senator from Massachusetts to show the differences of opinion regarding this matter. It may be that the census we would take now, and for which we would spend $20,000,000, would be out of date and would be really ineffectual in accomplishing the object the Senator desires to accomplish.

It is for that reason that I oppose the amendment at this time. Later on, after the committee shall have made a thorough study of those matters, I may support the identical amendment which the Senator today proposes; but, like the Senator from Tennessee [Mr. McKELLAR], I believe that the Senate having authorized this investigation and study by the Senate committee, we should not now set aside $20,000,000 for a census of the unemployed.

At this point I ask unanimous consent to have printed in the RECORD not only the letter by Dr. Rice but also the editorial of the New York Times which appears on the same page.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter is as follows:

[From the New York Times of May 15, 1937]

CENSUS OF THE UNEMPLOYED—STATISTICAL BOARD CHAIRMAN POINTS OUT DIFFICULTIES IN THE WAY

To the EDITOR OF THE NEW YORK TIMES:

The proposal to take a census of unemployment has become the "houn' dawg" of the New Deal. Few public issues have been so persistently "kicked aroun'," and few have been more consistently misunderstood by advocates and opponents alike. As Chairman of the Central Statistical Board, a Federal agency charged with the duty of planning and promoting the improvement, development and coordination of governmental statistical services, I believe it is timely to remove some of the misconceptions.

The term "census of unemployment" is a misnomer. It implies that the unemployed may be counted without reference to any other class of persons, just as children would be counted in a school census. Actually, such a count is feasible only in connection with a general census.

Beyond doubt there will be a census of unemployment as a part of the 1940 population census. To take a special census as early as it could now be provided for—in the spring of 1938—would be practicable only on the condition that the 1940 census be deferred at least 2 years. Only so could administrative and technical conflicts be avoided. But this would introduce important new issues. To comply with the Constitution, the special census would have to become the Sixteenth Decennial Census and be used as a basis for the next congressional reappointment. The "regular" census, if taken after 1940, would legally become a special census. It is doubtful whether general approval for such an arrangement could be secured.

A special census of population, to include data on employment status, would have been highly useful in 1935, 1936, or even in the spring of the present year. It was provided for by the Lozier bill, which passed the House of Representatives with administrative support in the Seventy-third Congress, but was crowded off the Senate calendar at the end of that session.

DIFFICULTIES TO BE MET

It may be useful to consider some of the difficulties that will be encountered if and when the unemployed are counted.

To begin with, unemployment is a subjective phenomenon. The mere lack of a job does not of itself make a person unemployed. If he lives on income from investments, if he is a student in college, a small farmer or a small tradesman on the road to bankruptcy, he is not, in the usual sense, unemployed. But if the retired investor seeks to get back into harness, if the student decides to supplement the family income, if the small farmer and tradesmen give up the struggle, they become unemployed.

Consider the case of an employed father, his wife in the home and his daughter in high school. He loses his job, the wife and daughter seek work. Can we say in this case that the number of unemployed has been increased by one or by three? One employee has been displaced, but the subjective effect is that three people start looking for jobs, to glut an already oversupplied labor market.

Similarly, many men and women who are "unemployable" because of age or physical or mental handicaps are nevertheless looking for work. Are they "unemployed"? As a matter of economic and psychological fact, employability is largely a matter of labor demand; and this is true, as well, of the "work shy", who appear to be avoiding employment.

Unemployment is not only subjective; it is also negative. It is a state of not doing something. Employment, by contrast, is positive. It is much easier to record and count the things people do, such as work, than to record and count what they do not do. Only by the most careful definition of the "universe", within which people might be doing something but actually are not, can we count the number of persons who are un-anything.

JOHNSON PLAN DISAPPROVED

The proposal to conduct a census through self-registration of the unemployed, as proposed by Gen. Hugh S. Johnson, attempts to escape these difficulties by evading them. It asks each individual to answer for himself whether or not he is unemployed. No available inducements would bring about the self-registration of all genuinely unemployed persons. If jobs could be offered to all registrants, the appeal to register might be effective; but the implication that jobs or relief would be forthcoming would infinitely harass all concerned with the program.

On the other hand, many who were not genuinely unemployed would register. Many who are not actively in the labor market, as well as many who hope to secure better jobs, would place their names on the registration lists. The net result would defy analysis.

A positive national policy for the collection of information needed by government, business, and the public generally would include three requirements:

1. A complete census of population, occupations, employment, unemployment, and other data related thereto should be taken once in every 5 years.

2. This census should secure an account of the employment status of every potentially employed person. Data on unemployment is not enough. Employment is most usefully regarded as a variable, not as a fixed, condition. One may work overtime, full time, part time, occasionally, or not at all. Hence unemployment, instead of being the antithesis of employment, is one extreme on the scale of employment status. We are essentially interested, not in the lack of work per se, but in the human miseries and the social problems that such a lack brings forth. These are not confined to unemployment.

3. The census should be so tied to existing current data as to provide a base line or benchmark for the periodic revision and correction of the latter. If this tie-up were perfected, there would exist a satisfactory means of estimating the volume of employment and unemployment at frequent intervals. This would dispose of the oft-repeated argument that the results of a census would be out of date as soon as they were issued. Current data to which the census might be attached by statistical methods would include the employment and pay-roll figures of the Bureau of Labor Statistics, the active files of applicants for jobs maintained by the United States Employment Service, and the industrial returns for covered establishments now being developed by the Social Security Board.

The Nation needs such a census, but it would be much more than a census of unemployment. The time at which a special census of this kind could be taken profitably has now passed, and it has become a simple matter of good judgment to wait until the established decennial enumeration of 1940.

STUART A. RICE,
Chairman, Central Statistical Board.

WASHINGTON, D. C., *May 10, 1937.*

The editorial is as follows:

[From the New York Times of May 15, 1937]

MEASURING "UNEMPLOYMENT"

We print on this page today an important and unusually interesting letter from Stuart A. Rice, chairman of the Central Statistical Board, regarding the question of an unemployment census. Dr. Rice points to the inherent difficulties of counting the "unemployed" at any time, and argues that, while a census would have been valuable in 1935, 1936, or even in the spring of the present year, the time has now passed when a special census could usefully be undertaken without conflicting with the regular census of 1940.

With Dr. Rice's insistence that unemployment is a negative and partly a "subjective" phenomenon the Times is in full agreement. It has frequently called attention to the difficulty of defining "unemployment" for census purposes, and has contended that a useful census would be primarily one of employment, which, however, in addition to determining how many persons were employed

and in which industries, would also classify the unemployed in several groups according to the length of time they had been out of work, the length of time, if any, that they had been on relief, and their status in other respects. Such classifications might not yield any single group all of whom could confidently be called "unemployed", but it would certainly throw greatly needed light on the nature and extent of our unemployment and relief problem.

Whether it is now too late, as Dr. Rice contends, to undertake a census of employment and unemployment without serious conflict with the regular census of 1940 is for the officials of the Bureau of the Census and other statistical experts to determine. Their opinions on the point should be obtained promptly and made public. If it is really too late, then responsibility for failure to obtain an earlier census must rest with the administration. Dr. Rice speaks of a bill for the purpose which came to grief in the Seventy-third Congress. But that was in 1933 and 1934, and there have been many opportunities since to push such a bill. This newspaper has been editorially urging a census of employment since 1935.

If we must now wait until 1940 to determine how many employed and unemployed there are, what are we to say meanwhile of the various estimates that are still so confidently cited as if they were factual? Who are these 9,721,575 persons which the American Federation of Labor declared to be unemployed in February of this year? Who are the 8,914,000 persons said to be unemployed by the National Industrial Conference Board? What are we to say of assertions emanating from the W. P. A. that there will always be at least 4,000,000 unemployed in the United States, even at the peak of prosperity? Here is the head of the Federal Government's Central Statistical Board declaring that we could not be sure who the unemployed really were even after we had asked and counted them. And here is another Government agency, the W. P. A., which without a count seems willing to predict exactly how many unemployed there are going to be. There is a lack of coordination somewhere.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Massachusetts?

Mr. HATCH. I yield.

Mr. LODGE. Does not the Senator think it would be helpful to the committee if they obtained the facts with relation to the subject they are going to study?

I desire to refer briefly to certain opinions which have been expressed by persons who are prominent in the administration.

The Secretary of Commerce, Daniel C. Roper, under date of March 9, 1937, said:

> It would seem essential to the proper solution of this national problem that specific information be gathered as to the causes of unemployment, experience of the unemployed, their occupational aptitude and availability for absorption in other phases of industry.

Harry L. Hopkins is quoted in the Washington Star of January 7 of this year as follows:

> One major obstacle in the path of meeting the problem of unemployment has been the absence of really adequate unemployment figures. I am convinced that we ought to find out about this by taking an unemployment census. The job must be done.

Frances Perkins, Secretary of Labor, is quoted as saying, on March 22, 1937:

> It seems to me desirable that comprehensive and accurate determination be made both of the number of unemployed and, so far as possible, of the reasons for their idleness. As you know, a start in this direction was made in the census of 1930; that survey was, however, not designed to be a comprehensive one and the figures assembled are far from complete. No other authoritative census has been made.

There are a great many other official statements from persons in official life; and I cannot get out of my head the idea that in the case of a committee that is going to study the question of unemployment relief and recommend improvements in the present system it would be useful to have the facts as the committee goes along.

Mr. HATCH. Mr. President, I think we shall have to have the facts; but does the Senator from Massachusetts believe that the amendment which he offers outlines the manner and method of determining all these questions? Who is to decide what is an unemployed person, under the amendment?

Mr. LODGE. Such questions would be determined by the Bureau of the Census.

The PRESIDENT pro tempore. The time of the Senator from New Mexico on the amendment has expired.

Mr. HATCH. I will speak on the joint resolution, if I have any more time. And all these other complicated and conflicting questions will be decided by the Bureau of the Census?

Mr. LODGE. The amendment sets forth the general precept, the general end we have in mind. It is the result of conferences that I have had with Government authorities on the question. I do not believe we want to be too specific and bind the administrative branch too much in carrying out this precept.

Mr. HATCH. My idea is that the Congress itself should lay down the specifications and the definitions for whatever census is undertaken if that census is to afford much information to the Congress. Frankly, I do not now possess the information necessary to draft the definitions and specifications which I believe to be necessary. I think we would get only a general census under this amendment, spend $20,000,000, and it might not be of a great deal of worth to the Congress by the time they received it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. LODGE].

Mr. McNARY and other Senators called for the yeas and nays, and they were ordered.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I have a session pair with the Senator from Minnesota [Mr. SHIPSTEAD], which I transfer to the Senator from Utah [Mr. KING], and will vote. I vote "yea."

The roll call was concluded.

Mr. WHITE. I desire to announce the unavoidable absence of my colleague [Mr. HALE]. I understand that on this amendment he has a pair with the Senator from Texas [Mr. SHEPPARD]. If present and at liberty to vote, my colleague would vote "yea." I am informed that the Senator from Texas would vote "nay."

Mr. BARKLEY. I desire to announce the unavoidable absence of the Senator from Arkansas [Mr. ROBINSON] on important business, and further to announce that if present he would vote "nay."

Mr. POPE. The Senator from Nebraska [Mr. NORRIS] is absent on account of illness.

Mr. McKELLAR. My colleague the junior Senator from Tennessee [Mr. BERRY] is unavoidably detained from the Senate. If present, he would vote "nay."

Mr. MINTON. I announce the absence of the Senator from Utah [Mr. KING] and the Senator from Connecticut [Mr. MALONEY] because of illness.

The Senator from Texas [Mr. SHEPPARD], the Senator from Florida [Mr. PEPPER], the Senator from Rhode Island [Mr. GREEN], the Senator from Nevada [Mr. McCARRAN], the Senator from Ohio [Mr. DONAHEY], the Senator from Arizona [Mr. ASHURST], the Senator from Iowa [Mr. HERRING], the Senator from Illinois [Mr. LEWIS], the Senator from Louisiana [Mr. OVERTON], the Senator from Indiana [Mr. VAN NUYS], and the Senator from Montana [Mr. WHEELER] are absent on important public business.

Mr. AUSTIN. The Senator from Minnesota [Mr. SHIPSTEAD] is necessarily absent.

The result was announced—yeas 30, nays 48, as follows:

YEAS—30

Austin	Davis	Johnson, Calif.	Steiwer
Bailey	Duffy	La Follette	Townsend
Borah	Frazier	Lodge	Tydings
Bridges	Gerry	Lonergan	Vandenberg
Byrd	Gibson	McNary	Walsh
Capper	Gillette	Nye	White
Clark	Glass	Pittman	
Copeland	Holt	Smith	

NAYS—48

Adams	Byrnes	Hughes	O'Mahoney
Andrews	Caraway	Johnson, Colo.	Pope
Bankhead	Chavez	Lee	Radcliffe
Barkley	Connally	Logan	Reynolds
Bilbo	Dieterich	Lundeen	Russell
Black	Ellender	McAdoo	Schwartz
Bone	George	McGill	Schwellenbach
Brown, Mich.	Guffey	McKellar	Smathers
Brown, N. H.	Harrison	Minton	Thomas, Okla.
Bulkley	Hatch	Moore	Thomas, Utah
Bulow	Hayden	Murray	Truman
Burke	Hitchcock	Neely	Wagner

NOT VOTING—18

Ashurst	Herring	Norris	Shipstead
Berry	King	Overton	Van Nuys
Donahey	Lewis	Pepper	Wheeler
Green	McCarran	Robinson	
Hale	Maloney	Sheppard	

So Mr. LODGE's amendment was rejected.

Mr. McKELLAR. Mr. President, on page 10 of the joint resolution, line 8, I move to strike out the word "No" and insert "So far as not inconsistent with efficient administration, no."

I have talked with Senators who have varying views of the matter, and the explanation of the amendment is that there appears to be some little conflict between the paragraphs immediately preceding and those immediately following the place where I have offered the amendment, and for that reason it is offered at this place.

Mr. McNARY. Mr. President, is not that the language which was suggested by the Comptroller General?

Mr. McKELLAR. No; this is not the amendment to which the Senator refers. This is largely a clarifying amendment.

Mr. McNARY. It is not the one about which the Senator spoke to me?

Mr. McKELLAR. No; I will offer that amendment in a moment and call the Senator's special attention to it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Tennessee.

The amendment was agreed to.

Mr. McKELLAR. I offer virtually the same amendment on page 11, line 20, after the word "Hereafter", to insert a comma and the words "so far as not inconsistent with efficient administration" and a comma.

The amendment was agreed to.

Mr. McKELLAR. On page 12, after the word "preference", in line 7, I move to insert a comma and the words "as nearly as good administration will warrant" and a comma. That is substantially the same amendment as the others offered.

The amendment was agreed to.

Mr. McKELLAR. I have one other amendment to offer. On page 4, lines 9 and 10, I move to strike out the words "adequate provision has been made or is assured for financing" and to insert "the sponsor has made a written agreement to finance."

The reason for the amendment is that the General Accounting Office thinks these are the proper words to be employed. I have spoken to the chairman of the subcommittee in regard to the matter, and we think it best to take these words to conference and work out a proper provision.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CONNALLY. Mr. President, I offer an amendment on page 3. I have consulted the Senator from Colorado [Mr. ADAMS], and I think he will have no objection to the amendment. It merely clarifies the point which was brought out yesterday in the debate. Senators think the language of the joint resolution is sufficient as it is, but I have consulted the Accounting Office, and the officials of that Office suggested that the language I have suggested would be an improvement over the language now in the measure. It does not change the amount.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. On page 3, line 9, it is proposed to strike out the word "thereof" and to insert "or for completion of flood-control projects already begun and for which other relief money has heretofore been allocated."

Mr. BARKLEY. A parliamentary inquiry. Was the committee amendment at this place agreed to or did it go over? The amendment offered by the Senator from Texas is to a committee amendment, I understand, which already has been agreed to.

The PRESIDENT pro tempore. That is the situation.

Mr. CONNALLY. I ask unanimous consent that the vote by which the committee amendment on page 3, line 6, was agreed to be reconsidered.

The PRESIDENT pro tempore. Is there objection. The Chair hears none; and the vote is reconsidered.

Mr. ADAMS. Mr. President, I have discussed the matter with the Senator from Texas, but I do not like to have the amendment inserted in this particular section of the bill. It seems to me it ought to go in the general list of projects which are appropriate for expenditure under the joint resolution. In this particular section we endeavor to place limitations upon the use of money.

Mr. CONNALLY. Mr. President, that is exactly why the Senator from Texas wants it done in this way. The Senator from Colorado suggests that the amendment be placed in the general flood-control provision, but the language on page 3 is a limitation on every project mentioned later on. I should like to have the Senator take the amendment to conference and work it out there. All I want is to be sure that the joint resolution covers the point.

Mr. ADAMS. The difficulty is that the implication of putting it in at this place is that it is not for relief or work relief.

Mr. CONNALLY. Not necessarily. I hope the Senator will exercise his usual graciousness and permit the amendment to go to conference.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Texas to the committee amendment.

The amendment to the amendment was agreed to.

Mr. ADAMS. Mr. President, I desire to offer an amendment to this section before the amendment as amended is acted on.

Mr. President, this amendment had placed a limit upon the amount which may be expended for administrative purposes. It has been called to my attention that the United States Employment Service of the Department of Labor performs a very essential part of the relief work in certifying those who are available and who are qualified for employment for relief work. Therefore I move as an amendment to this proviso that in line 15, after the word "Commission", there be added as an additional exception "the United States Employment Service of the Department of Labor."

Mr. McKELLAR. Mr. President, I am not opposed to the amendment. Yesterday I offered a similar amendment with respect to the Bureau of Air Commerce of the Department of Commerce, but the amendment was left out on the understanding that it would be perfectly proper to put it into the joint resolution when it went to conference if there was a reason for it. I am just wondering if the Senator from Colorado would not let his proposed amendment take the same course. I favor his amendment. I think it should go in the joint resolution, but I should not like to have that course taken with regard to one amendment and not with the other.

Mr. ADAMS. Mr. President, the course suggested by the Senator from Tennessee is entirely agreeable to me. The Senator from Kentucky [Mr. BARKLEY] I know had another amendment having to do with the National Emergency Council. All three amendments can be handled together and worked out in conference. I think it would be much better to do it in that way.

Mr. BARKLEY. I did not know that the Senator from Tennessee had suggested such an amendment. Yesterday my attention was called by the Bureau of Air Commerce to the fact that if that Bureau were not included in this exception it would be left out entirely.

Mr. McKELLAR. I offered an amendment with reference to that Bureau yesterday, and I think, as does the Senator from Colorado [Mr. ADAMS], that it can be taken care of in conference.

Mr. BARKLEY. The same situation exists with respect to the National Emergency Council. Instead of leaving a large number of exceptions to be considered by the conference committee, inasmuch as exceptions have been made in the amendment offered by the Senator from Colorado, and the amendment offered yesterday by the Senator from Tennessee, and the one that I am now suggesting as to the

National Emergency Council, I think they ought to be included with the exceptions now provided in the measure.

Mr. McKELLAR. I have no objection to whatever course is taken with respect to them. I think all three will probably be put into the joint resolution.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. ADAMS. I yield.

Mr. LA FOLLETTE. I desire to point out to the Senators interested in including other agencies in the exceptions that, in my opinion, unless they are included in this amendment it will not be within the power of the conference committee to add them. This is a Senate amendment, and the only opportunity the conference will have to deal with the proposals will be through the Senate excepting some of these departments, and having the House accept the amendments. If they are to be considered in conference I think they should be incorporated in the amendment before it is agreed to.

Mr. McKELLAR. Mr. President, there can be no objection to that. I will ask the Senator from Colorado [Mr. ADAMS] to include in his amendment the Bureau of Air Commerce of the Department of Commerce and the organization referred to by the Senator from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. There should be included in the proposal of the Senator from Colorado the Bureau of Air Commerce of the Department of Commerce and the National Emergency Council.

Mr. ADAMS. I will accept those two and ask that they be added to my proposed amendment.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Colorado, as modified, to the committee amendment will be read.

The CHIEF CLERK. On page 3, line 15, after the word "Commission", it is proposed to insert "the United States Employment Service of the Department of Labor, the Bureau of Air Commerce of the Department of Commerce, the National Emergency Council."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Colorado, as modified.

The amendment, as modified, was agreed to.

The PRESIDENT pro tempore. If there are no further amendments to be proposed to the committee amendment which has just been amended, the question is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. Are there any other amendments to be offered?

Mr. BILBO. I offer an amendment in section 6, which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. In section 6, on page 10, in line 22, after the word "who", it is proposed to add the words "holds or"; and in the same section, in line 25, after the word "salary", it is proposed to add "or per diem."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Mississippi.

The amendment was agreed to.

Mr. BRIDGES. I offer an amendment, which I send to the desk and ask to have read.

The PRESIDENT pro tempore. The amendment will be read.

The CHIEF CLERK. On page 2, in line 2, it is proposed to strike out "$1,500,000,000" and insert "$1,000,000,000."

Mr. BRIDGES. Mr. President, there has been a good deal of talk in the last few months, and particularly in the last few days, about economy, both by the administration and by different Members of both branches of Congress. I have no idea that the amendment which I offer will be agreed to. However, I should like to give the Senate an opportunity of voting either for or against a legitimate reduction in this relief appropriation on the basis that this is the one spot where a substantial reduction in Federal expenditures may be made.

The PRESIDING OFFICER (Mr. DUFFY in the chair). The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment was rejected.

Mr. DAVIS. Mr. President, I offer the amendment which I send to the desk and ask to have read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 9, line 14, after the word "Administration", it is proposed to insert "The Administrator of the Works Progress Administration shall upon request make available to representatives of the public the names, positions, and salaries of all administrative personnel heretofore or hereafter appointed by the Works Progress Administration, or any subdivision or adjunct thereof, whose annual compensation is $1,000 or more."

Mr. DAVIS. Mr. President, for the last 18 months I have been endeavoring in every possible way consistent with my office to persuade Mr. Hopkins to make available to authorized representatives of the public and to the newspapers the names, addresses, and positions of all the administrative personnel of the W. P. A. whose salaries are $100 a month or more. I have repeatedly written to Mr. Hopkins on this point. I have addressed a communication to him through the Secretary of the Senate, but my petition has consistently been disregarded.

When pressed for an explanation, Mr. Hopkins has said that I seek to make political capital out of the use of these names. Therefore he justifies himself in withholding them. Irrespective of the motive which he attributes to me, I ask if such an answer would be acceptable if made by any State, county, or municipal administrator of public affairs? Would it be possible for a governor, a mayor, or a county commissioner to carry the names of their appointees on the public pay roll without permitting the taxpayers to know who were being employed and for what purpose? Obviously not, and I see no reason why the information which concerns the Federal Government should be withheld, unless it be that Mr. Hopkins fears the investigation of appointments which such listing would bring.

I wish to make it clear, as I have always done in the past, that I am not asking for the names of those who are receiving relief or the small-salaried person on work relief. I have no desire to bring unwanted publicity to the average person on relief. I do, however, maintain that the names and positions of all persons on W. P. A. who exercise administrative authority, whether it be large or small, and who have an opportunity to exert political influence because of the jobs they hold, be made available to the public immediately.

I have consistently asked for this information, and I have asked for it many times. Mr. Hopkins indicated last year during the election campaign that I had asked for it as a campaign publicity measure. The fact is that I had often asked for it long before the November election, and I have continued to ask for it ever since. By withholding this essential information, Mr. Hopkins has placed himself in the light of desiring it kept as a permanent campaign issue, for I expect to continue to ask for it until some adequate explanation be given why these names are kept from the public. Not only that, Mr. President, but I have tried time and again to get the names of the political appointees in Pennsylvania, and I have been unable to get them.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Tennessee?

Mr. DAVIS. I yield.

Mr. McKELLAR. I see no objection whatsoever to the amendment of the Senator from Pennsylvania, and, if he is willing and other Senators are willing, I see no reason in the world why it should not be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania.

The amendment was agreed to.

The PRESIDING OFFICER. The joint resolution is still before the Senate and open to further amendment.

Mr. THOMAS of Oklahoma. Mr. President, referring to page 18, I am advised that the House of Representatives had an estimate of the amount of money necessary to take care of the projects already promised in the sum of $340,000,000. The Senator from Arizona in drafting this amendment divided the item and eliminated $40,000,000 and made one item $200,000,000 and the other item $100,000,000. In order to take care of the projects that have been approved or tentatively approved, as I understand, it may require more than $300,000,000; and inasmuch as the joint resolution is to go to conference, I shall offer an amendment to increase the appropriation to the amount suggested by the House of Representatives in the total sum of $340,000,000. The matter could be adjusted then in conference so as to take care of such projects as have been approved and contemplated in this act.

I submit an amendment increasing the figure in line 4 on page 18 to $220,000,000, and likewise the figures in line 5, on page 18, from $100,000,000 to $120,000,000. That will make it necessary to increase two items on page 19 in line 21, namely, the item of $58,000,000 should be increased to $70,000,000, and the appropriation of $7,000,000 should be increased to $22,000,000.

The PRESIDING OFFICER. As the Chair understands, the Senator is seeking to amend a committee amendment, which has been agreed to. Therefore, it will be necessary to reconsider the vote by which the committee amendment was agreed to. Without objection, the vote is reconsidered.

Mr. THOMAS of Oklahoma. I submit this amendment for the conferees to consider, and, if necessary, to adjust.

Mr. McNARY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Oregon?

Mr. THOMAS of Oklahoma. I yield.

Mr. McNARY. Do these items increase the total sum above a billion a half dollars?

Mr. THOMAS of Oklahoma. No.

Mr. McKELLAR. The amendment comes in title II relating to the P. W. A. It does not refer to the billion-and-a-half-dollar appropriation.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Oklahoma to the amendment reported by the committee.

Mr. ADAMS. Mr. President, I gather from his remarks that the Senator from Oklahoma is proposing the amendment by reason of some commitments made in the House. At the same time it does not seem to me that we are necessarily obligated to abide by the commitments that have been made in the House. These matters have been considered by the Senate Appropriations Committee, and it is my understanding that the amounts recommended by the committee were satisfactory to the Public Works Administration and would cover the items which would seem to be necessary. Of course, there are various projects in various sections of the country which could be constructed with $340,000,000, but which could not be constructed with $300,000,000. The same argument would apply if the amount were raised to $400,000,000. It is just a question whether or not the Senate wants to spend $40,000,000 more. It is true the amendment would go to conference, but I think, as a practical matter, the House having voted for $340,000,000 in an independent measure, if we go to conference with a $340,000,000 item there is not much doubt that the outcome of the conference will be a $340,000,000 appropriation; and I am very reluctant to see the amount increased.

Mr. BULKLEY. Mr. President, the amounts provided in the joint resolution are adequate to cover all commitments that the committee reported to the Senate. By adopting an amendment yesterday at the instance of the Senator from Oklahoma—and I have no objection to his amendment—we have increased somewhat the class of projects which are recognized as moral obligations, and, in order to follow out the committee's policy of providing sufficient funds to meet all moral commitments the increases now suggested by the Senator from Oklahoma are necessary. I hope the Senator from Colorado [Mr. ADAMS] will not object to carrying this amendment to conference. I am sure that the Senator from Arizona [Mr. HAYDEN] recognizes that this amendment is needed.

Mr. HAYDEN. Mr. President, there is a distinction between what the House of Representatives and the Senate propose to do with respect to these amounts. As I read the House bill (H. R. 7363) it would increase to $340,000,000 the amount that might be used for grants by the Public Works Administration.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HAYDEN. Yes.

Mr. McKELLAR. That was in a separate bill, and the increase would not be binding on the conferees. They would have the power to fix the appropriation at any amount between that they wished. Is not that true?

Mr. HAYDEN. Yes; but the next question, of course, is what is a moral obligation? As the Senator from Oklahoma stated in connection with his proposal yesterday, the reason why the project in his State could not qualify under class (b) in the committee amendment is that under this Oklahoma situation the State legislature has created an authority that could issue bonds without an election; that they had submitted a project; that it had the approval of the three divisions of the Public Works Administration and was in every manner qualified, except that no bond election was required. For that reason the Senator from Oklahoma thought that the project ought not to be considered among the other moral obligations. Whether the House will agree when the joint resolution goes to conference that the sum total of money made available should be the same remains to be determined. I think the Senator in charge of the measure will find that the House proposition for $340,000,000 is not a combination of grants and loans but relates to grants only and includes sums heretofore allocated to grants for projects now under construction.

Mr. ADAMS. I suggest to the Senator from Arizona that if we go to conference with a $340,000,000 appropriation, all the House will do will be to say, "We concur in the Senate amendment." In other words, there is not much opportunity for us to debate it; they will merely agree to the increase in the appropriation made by the Senate.

Mr. BARKLEY. Mr. President, the parliamentary situation, though, in the conference will be that, the House joint resolution containing no provision whatever on this subject, and the Senate measure providing $300,000,000, the only ground for a conference will be somewhere between nothing and $300,000,000. The conferees could not go above three hundred million. If we put in $340,000,000 now they could reduce it, but without the amendment they could not go beyond $300,000,000. Therefore the amendment ought to go in now, so that the $40,000,000 will be in conference.

Mr. HAYDEN. That is a correct statement of the parliamentary situation, but I want to make clear to the Senate that $340,000,000 as listed by the House does not mean $340,000,000 in the same way as provided in title II of this joint resolution. When this joint resolution goes to conference there will be arguments with the House conferees as to what are moral obligations. The moral obligations set out by the Senate are not exactly the same moral obligations that were contemplated by the House. If the House desires to go as far, and only so far, as was stated to the House by the majority leader and by those in charge of the joint resolution in the course of the debate on the measure that has passed the House, the ultimate amount for both loans and grants may be less than $340,000,000. I am satisfied of that, because there is not the latitude in the House joint resolution that there now is in the pending joint resolution with respect to the use of money from the revolving fund of the Public Works Administration.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Oklahoma to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. THOMAS of Oklahoma. Mr. President, there is some question in the minds of many as to whether or not the funds made available in the pending measure will be open to our Indian citizens or Indian wards. In order to make that matter clear I tender an amendment. On page 5, line 8, after the word "persons", I suggest an amendment by inserting two words "including Indians." Then there can be no question that the funds appropriated will be available for Indians in the event the President sees fit to make allocations.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Oklahoma.

The amendment was agreed to.

The PRESIDING OFFICER. The joint resolution is still before the Senate and open to further amendment.

Mr. VANDENBERG. Mr. President, I ask for a vote on the amendment in the nature of a substitute presented by me early in the day.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute proposed by the Senator from Michigan.

The amendment was rejected.

Mr. ADAMS. I ask unanimous consent that the Secretary may be authorized to renumber the sections.

The PRESIDING OFFICER. Without objection, consent is granted.

If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the joint resolution.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

APPROPRIATIONS FOR WAR DEPARTMENT

Mr. COPELAND. I move that the Senate proceed to the consideration of House bill 6692, being the War Department appropriation bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New York.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 6692) making appropriations for the Military Establishment for the fiscal year ending June 30, 1938, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. COPELAND. I ask unanimous consent that the formal reading of the bill may be dispensed with and that it be read for amendment, the amendments of the committee to be first considered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will state the first amendment reported by the Committee on Appropriations.

The first amendment of the Committee on Appropriations was, on page 1, after line 6, to insert the following:

Title I—Military activities and other expenses of the War Department incident thereto.

The amendment was agreed to.

The next amendment was, under the heading "Military activities—Contingencies of the Army", on page 7, line 17, after the word "proper", to insert a comma and "and his determination thereon shall be final and conclusive upon the accounting officers of the Government", so as to read:

For all emergencies and extraordinary expenses, including the employment of translators, and exclusive of all other personal services in the War Department or any of its subordinate bureaus or offices in the District of Columbia, or in the Army at large, but impossible to be anticipated or classified, and for examination of estimates of appropriations and of military activities in the field, to be expended on the approval or authority of the Secretary of War, and for such purposes as he may deem proper, and his determination thereon shall be final and conclusive upon the accounting officers of the Government, $17,500.

The amendment was agreed to.

Mr. McNARY. Mr. President, I am obliged to leave the Chamber for a few moments. Would the Senator object to considering the amendment on page 53 at this time? I have a telegram from Gen. George A. White, a prominent officer of the National Guard in my State, to the effect that the proviso found on page 53 is unsatisfactory to the National Guard. The amendment provides for the extension of the camp at Fort Sill, Okla. Can the Senator from New York advise me as to that?

Mr. COPELAND. In answering the Senator from Oregon I can answer several other Senators who have asked about the matter.

Mr. McNARY. Would the Senator rather take it up later?

Mr. COPELAND. No; I shall be very glad to do so now.

The House exceeded the Budget estimate by $1,468,310 in one item. The Department had been given very liberal appropriations all along the line, and then the House succeeded in going beyond the estimate by that amount. We were not willing to do this because we desired to keep the amount of the bill under the Budget estimate, but we found that we could go half way with the House, so we decided to strike from the bill $734,000 which had been appropriated in excess of the Budget estimate. With that in reserve we had appeals made to us by the War Department and others to take care of the Fort Sill project, and so that was added and the necessary amount taken out of the sum saved, as I have suggested.

The National Guard is not going to suffer. There will be the same number of members as contemplated, but the sums of money which were distributed all through the bill in the House for construction and maintenance at camps, for gas and oil, correspondence courses, articles of uniform, ammunition, band music, and various other items, enabled us to make this reduction in order that the Budget estimate might be preserved.

The PRESIDING OFFICER. The next amendment will be stated.

The next amendment of the Committee on Appropriations was, under the subhead "Finance Department—Pay, etc., of the Army", on page 10, line 15, after the word "thousand", to strike out "one hundred and seventy-five" and insert "six hundred and fifty-three"; in line 16, after the word "officers" and comma, to strike out "$34,329,995" and insert "$34,843,745"; in line 19, after the word "exceed", to strike out "five" and insert "thirty-six"; in line 20, after the word "officers" and the comma, to strike out "$2,270,900" and insert "$2,398,304"; on page 11, line 2, after the word "Scouts" and the comma, to strike out "$67,042,594" and insert "$67,798,594"; in line 8, after the word "exceed", to strike out "eleven" and insert "twelve"; in line 9, after the word "duty" and the comma, to strike out "$14,234" and insert "$14,831"; in line 18, after the word "available" and the comma, to strike out "$6,343,960" and insert "$6,418,349"; in line 19, after the word "allowances" and the comma, to strike out "$6,150,421" and insert "$6,221,925"; and on page 12, line 2, after the words "in all" and the comma, to strike out "$161,548,460" and insert "$163,092,107", so as to read:

For pay of not to exceed an average of 12,653 commissioned officers, $34,843,745; pay of officers, National Guard, $100; pay of warrant officers, $1,371,836; aviation increase to commissioned and warrant officers of the Army, including not to exceed 36 medical officers, $2,398,304, none of which shall be available for increased pay for making aerial flights by nonflying officers at a rate in excess of $1,440 per annum, which shall be the legal maximum rate as to such nonflying officers; additional pay to officers for length of service, $9,610,595; pay of an average of 165,000 enlisted men of the line and staff, not including the Philippine Scouts, $67,798,594; pay of enlisted men of National Guard, $100; aviation increase to enlisted men of the Army, $574,798; pay of enlisted men of the Philippine Scouts, $1,050,447; additional pay for length of service to enlisted men, $5,170,468; pay of the officers on the retired list, $12,999,525; increased pay to not to exceed 12 retired officers on active duty, $14,831; pay of retired enlisted men, $13,521,730; pay not to exceed 60 civil-service messengers at

not to exceed $1,200 each at headquarters of the several Territorial departments, corps areas, Army and corps headquarters, Territorial districts, tactical divisions and brigades, service schools, camps, and ports of embarkation and debarkation, $72,000; pay and allowances of contract surgeons, $46,320; pay of nurses, $933,340; rental allowances, including allowances for quarters for enlisted men on duty where public quarters are not available, $6,418,349; subsistence allowances, $6,221,925; interest on soldiers' deposits, $45,000; payment of exchange by officers serving in foreign countries, and when specially authorized by the Secretary of War, by officers disbursing funds pertaining to the War Department, when serving in Alaska, and all foreign money received shall be charged to and paid out by disbursing officers of the Army at the legal valuation fixed by the Secretary of the Treasury, $100; in all, $163,092,107; and the money herein appropriated for "Pay of the Army" shall be accounted for as one fund.

The amendment was agreed to.

The next amendment was, on page 12, line 17, after the word "Academy", to insert "or to Filipinos in the Army Transport Service", so as to make the further proviso read:

Provided further, That no part of this or any other appropriation contained in this act shall be available for the pay of any person, civil or military, not a citizen of the United States, unless in the employ of the Government or in a pay status under appropriations carried in this act on July 1, 1937, nor for the pay of any such person beyond the period of enlistment or termination of employment, but nothing herein shall be construed as applying to instructors of foreign languages at the Military Academy, or to Filipinos in the Army Transport Service, or to persons employed outside of the continental limits of the United States except enlisted men of the Regular Army, other than Philippine Scouts, upon expiration of enlistment.

The amendment was agreed to.

The next amendment was, under the subhead "Travel of the Army", on page 15, line 1, before the word "which", to change the appropriation for travel allowances and travel in kind, as authorized by law, for persons traveling in connection with the military and nonmilitary activities of the War Department from $2,250,000 to $2,486,150.

The amendment was agreed to.

The next amendment was, under the subhead "Quartermaster Corps", on page 19, line 6, after the words "in all" and the comma, to strike out "$29,329,150" and insert "$29,601,900", so as to read:

Subsistence of the Army: Purchase of subsistence supplies: For issue as rations to troops, including retired enlisted men when ordered to active duty, civil employees when entitled thereto, hospital matrons, applicants for enlistment while held under observation, general prisoners of war (including Indians held by the Army as prisoners but for whose subsistence appropriation is not otherwise made), Indians employed by the Army as guides and scouts, and general prisoners at posts; ice for issue to organizations of enlisted men and offices at such places as the Secretary of War may determine, and for preservation of stores; for the subsistence of the masters, officers, crews, and employees of the vessels of the Army Transport Service; meals for recruiting parties and applicants for enlistment while under observation; for sales to officers, including members of the Officers' Reserve Corps while on active duty, and enlisted men of the Army. For payments: Of the regulation allowances of commutation in lieu of rations to enlisted men on furlough, and to enlisted men when stationed at places where rations in kind cannot be economically issued, including retired enlisted men when ordered to active duty. For payment of the regulation allowance of commutation in lieu of rations for enlisted men, applicants for enlistment while held under observation, civilian employees who are entitled to subsistence at public expense, and general prisoners while sick in hospitals, to be paid to the surgeon in charge; advertising; for providing prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed $900 per annum; and for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; in all $29,601,900.

The amendment was agreed to.

The next amendment was, on page 22, line 8, after the word "reasons" and the comma, to strike out "$11,851,320" and insert "$11,901,320", so as to read:

Clothing and equipage: For cloth, woolens, materials, and for the purchase and manufacture of clothing for the Army, including retired enlisted men when ordered to active duty, for issue and for sale; for payment of commutation of clothing due to warrant officers of the mine planter service and to enlisted men; for altering and fitting clothing and washing and cleaning when necessary; for operation of laundries, existing or now under construction, including purchase and repair of laundry machinery therefor; for the authorized issues of laundry materials for use of general prisoners confined at military posts without pay or allowances, and for applicants for enlistment while held under observation; for equipment and repair of equipment of existing dry-cleaning plants, salvage and sorting storehouses, hat repairing shops, shoe repair shops, clothing repair shops, and garbage reduction works; for equipage, including authorized issues of toilet articles, barbers' and tailors' material, for use of general prisoners confined at military posts without pay or allowances and applicants for enlistment while held under observation; issue of toilet kits to recruits upon their first enlistment, and issue of housewives to the Army; for expenses of packing and handling and similar necessaries; for a suit of citizen's outer clothing and when necessary an overcoat, the cost of all not to exceed $30, to be issued each soldier discharged otherwise than honorably, to each enlisted man convicted by civil court for an offense resulting in confinement in a penitentiary or other civil prison, and to each enlisted man ordered interned by reason of the fact that he is an alien enemy, or, for the same reason, discharged without internment; for indemnity to officers and men of the Army for clothing and bedding, etc., destroyed since April 22, 1898, by order of medical officers of the Army for sanitary reasons, $11,901,320, of which amount not exceeding $60,000 shall be available immediately for the procurement and transportation of fuel for the service of the fiscal year 1938, and not exceeding $50,000 shall be available exclusively for increasing the compensation of employees in laundries and dry-cleaning establishments whose compensation on June 30, 1937, is at a rate of $600 per annum or less or $1 per diem or less.

The amendment was agreed to.

The next amendment was, on page 22, line 15, after the word "less", to strike out the colon and the following proviso:

Provided, That laundry charges, other than for service now rendered without charge, shall be so adjusted that earnings in conjunction with the value placed upon service rendered without charge shall aggregate an amount at least equal to the cost of maintaining and operating laundries and dry-cleaning plants.

The amendment was agreed to.

The next amendment was, on page 24, line 4, after the word "to", to strike out "$819,520" and insert "$829,520", so as to read:

Army transportation: For transportation of Army supplies; of authorized baggage, including packing and crating; of horse equipment; and of funds for the Army; for transportation on Army vessels, notwithstanding the provisions of other law, of privately owned automobiles of Regular Army personnel upon change of station; for the purchase or construction, not to exceed $282,700, alteration, operation, and repair of boats and other vessels: *Provided,* That the amount authorized for the purchase or construction of vessels in the appropriation for "Army transportation", contained in the War Department Appropriation Act, fiscal year 1937, is hereby increased from $786,000 to $829,520; for wharfage, tolls, and ferriage; for drayage and cartage; for the purchase, manufacture (including both material and labor), maintenance, hire, and repair of pack saddles and harness; for the purchase, hire, operation, maintenance, and repair of wagons, carts, drays, other vehicles, and horse-drawn and motor-propelled passenger-carrying vehicles required for the transportation of troops and supplies and for official military and garrison purposes; for hire of draft and pack animals; for travel allowances to officers of National Guard on discharge from Federal service as prescribed in the act of March 2, 1901 (U. S. C., title 10, sec. 751), and to enlisted men of National Guard on discharge from Federal service, as prescribed in amendatory act of September 22, 1922 (U. S. C., title 10, sec. 752), and to members of the National Guard who have been mustered into Federal service and discharged on account of physical disability; in all, $12,580,000, of which amount not exceeding $250,000 for the procurement and transportation of fuel for the service of the fiscal year 1938, and not exceeding $1,000,000 for the procurement of motor vehicles, shall be available immediately.

The amendment was agreed to.

The next amendment was, under the subhead "Military posts", on page 27, line 1, after the word "For", to insert "work authorized by the act of June 4, 1936 (49 Stat. 1462), at Edgewood Arsenal, Md., $854,000; for work authorized by the act approved May 6, 1937, at Fort Niagara, N. Y., $54,000; for work authorized by the act approved May 14, 1937, at Camp Stanley, Tex., $578,050, and at Savanna Ordnance Depot, Savanna, Ill., $861,190; for"; in line 14, after the name "Virginia", to strike out "$338,000" and insert "$258,000"; and in line 15, after the words "in all", to strike out "$8,756,000" and insert "$11,023,240", so as to read:

For construction and installation of buildings, flying fields, and appurtenances thereto, including interior facilities, fixed equipment, necessary services, roads, connections to water, sewer, gas, and electric mains, purchase and installation of telephone and

radio equipment, and similar improvements, and procurement of transportation incident thereto, without reference to sections 1136 and 3734, Revised Statutes (U. S. C., title 10, sec. 1339; title 40, sec. 267); general overhead expenses of transportation, engineering, supplies, inspection and supervision, and such services as may be necessary in the office of the Quartermaster General; and the engagement by contract or otherwise without regard to section 3709, Revised Statutes (U. S. C., title 41, sec. 5), and at such rates of compensation as the Secretary of War may determine, of the services of architects or firms or corporations thereof and other technical and professional personnel as may be necessary; to remain available until expended and to be applied as follows: For work authorized by the act of June 4, 1936 (49 Stat. 1462), at Edgewood Arsenal, Md., $854,000; for work authorized by the act approved May 6, 1937, at Fort Niagara, N. Y., $54,000; for work authorized by the act approved May 14, 1937, at Camp Stanley, Tex., $578,050, and at Savanna Ordnance Depot, Savanna, Ill., $861,190; for work authorized by the act of August 12, 1935 (49 Stat. 610–611): At Bolling Field, District of Columbia, $746,000; at Northwestern air base, Washington, $625,000; at Albrook Field, Panama Canal Zone, $717,000; at Hickam Field, Hawaii, $3,250,000; at Air Corps depot, Sacramento, Calif., $3,000,000; at Langley Field, Va., $258,000; and at Barksdale Field, La., $80,000; in all $11,023,240.

The amendment was agreed to.

The next amendment was, under the subhead "Acquisition of land", on page 27, after line 16, to strike out "For the acquistion of land, as authorized by the act of August 12, 1935 (49 Stat. 610): Vicinity of Mitchel Field, N. Y., 342 acres, more or less, to be used exclusively for runways and to cost not to exceed $1,520,000, $750,000" and insert "For the acquisition of land, as authorized by the act of August 12, 1935 (49 Stat. 610): Vicinity of Mitchel Field, N. Y., 342 acres, more or less, $500,000: *Provided*, That in addition to the amount herein appropriated the Secretary of War may acquire by condemnation or may enter into contracts for the acquisition of the above land in the vicinity of Mitchel Field to an additional amount not in excess of $1,020,000, and his action in so doing in either case shall be deemed a contractual obligation of the Federal Government for the payment thereof"; and on page 28, line 19, after the words "in all" and the comma, to strike out "$1,202,000" and insert "$952,000", so as to read:

For the acquisition of land, as authorized by the act of August 12, 1935 (49 Stat. 610): Vicinity of Mitchel Field, N. Y., 342 acres, more or less, $500,000: *Provided*, That in addition to the amount herein appropriated the Secretary of War may acquire by condemnation or may enter into contracts for the acquisition of the above land in the vicinity of Mitchel Field to an additional amount not in excess of $1,020,000, and his action in so doing in either case shall be deemed a contractual obligation of the Federal Government for the payment thereof; vicinity of Kelly Field, Tex., $2,000; vicinity of Tacoma, Wash., to be available immediately, $60,000; and for the acquisition of all privately owned land and rights within the boundaries of the area in San Bernardino and Kern Counties, Calif., reserved and set aside for the use of the War Department as a bombing and gunnery range by Executive Order No. 6588, dated February 6, 1934, and, in addition, all privately owned land and rights within an area of approximately 59,163 acres of land adjacent to the tract described in such Executive order, located in San Bernardino, Kern, and Los Angeles Counties, Calif., $390,000; in all, $952,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 20, to strike out:

For the acquisition of land in the vicinity of West Point, N. Y., as authorized by the act approved March 3, 1931 (46 Stat. 1491), $150,000, and such sum, in conjunction with the appropriation of $431,000 for a like purpose, contained in the War Department Appropriation Act for the fiscal year 1937, without regard to the proviso attached to such former appropriation, shall be available solely for the acquisition of the tracts of land designated as priorities 1 to 9, both inclusive, on the map on file in the office of the Quartermaster General, designated as "Map 'C', tract locator", and dated June 22, 1936.

And in lieu thereof to insert:

For the acquisition of land in the vicinity of West Point, N. Y., as authorized by the act approved March 3, 1931 (46 Stat. 1491), $431,000, and such sum, in conjunction with the appropriation of $431,000 for a like purpose contained in the War Department Appropriation Act for the fiscal year 1937 without regard to the proviso attached to such former appropriation, shall be available until expended: *Provided*, That in addition to the amount herein appropriated the Secretary of War may acquire by condemnation or may enter into contracts for the acquisition of land in the vicinity of West Point to an additional amount not in excess of $638,000, and his action in so doing in either case shall be deemed a contractual obligation of the Federal Government for the payment thereof: *Provided further*, That no land shall be acquired east of the west boundary of the Highway 9–W, or east of the west boundary of the Highway 9–W as it may be relocated by the State of New York prior to the acquisition of this land.

The amendment was agreed to.

The next amendment was, under the subhead "Signal Corps—Signal Service of the Army", on page 35, line 8, after the word "required" and the comma, to change the appropriation for "Telegraph and telephone systems: Purchase, equipment, operation, and repair of military telegraph, telephone, radio, cable, and signaling systems, etc.", from $5,702,920 to $5,894,520.

The amendment was agreed to.

The next amendment was, under the subhead "Air Corps—Air Corps, Army", on page 38, line 5, after the name "Secretary of War" and the comma, to strike out "$60,500,000" and insert "$57,745,300", so as to read:

For creating, maintaining, and operating at established flying schools and balloon schools courses of instruction for officers, students, and enlisted men, including cost of equipment and supplies necessary for instruction, purchase of tools, equipment, materials, machines, textbooks, books of reference, scientific and professional papers, instruments, and materials for theoretical and practical instruction; for maintenance, repair, storage, and operation of airships, war balloons, and other aerial machines, including instruments, materials, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith and the establishment of landing and take-off runways; for purchase of supplies for securing, developing, printing, and reproducing photographs in connection with aerial photography; improvement, equipment, maintenance, and operation of plants for testing and experimental work, and procuring and introducing water, electric light and power, gas, and sewerage, including maintenance, operation, and repair of such utilities at such plants; for the procurement of helium gas; for travel of officers of the Air Corps by air in connection with the administration of this appropriation, including the transportation of new aircraft from factory to first destination; salaries and wages of civilian employees as may be necessary; transportation of materials in connection with consolidation of Air Corps activities; experimental investigations and purchase and development of new types of airplanes, autogyros, and balloons, accessories thereto, and aviation engines, including plans, drawings, and specifications thereof, and the purchase of letters patent, applications for letters patent, and licenses under letters patent and applications for letters patent; for the purchase, manufacture, and construction of airplanes and balloons, including instruments and appliances of every sort and description necessary for the operation, construction (airplanes and balloons), or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith; for the marking of military airways where the purchase of land is not involved; for the purchase, manufacture, and issue of special clothing, wearing apparel, and similar equipment for aviation purposes; for all necessary expenses connected with the sale or disposal of surplus or obsolete aeronautical equipment, and the rental of buildings, and other facilities for the handling or storage of such equipment; for the services of not more than four consulting engineers at experimental stations of the Air Corps as the Secretary of War may deem necessary, at rates of pay to be fixed by him not to exceed $50 a day for not exceeding 50 days each and necessary traveling expenses; purchase of special apparatus and appliances, repairs, and replacements of same used in connection with special scientific medical research in the Air Corps; for maintenance and operation of such Air Corps printing plants outside of the District of Columbia as may be authorized in accordance with law; for publications, station libraries, special furniture, supplies and equipment for offices, shops, and laboratories; for special services, including the salvaging of wrecked aircraft; for settlement of claims (not exceeding $250 each) for damage to persons and private property resulting from the operation of aircraft at home and abroad when each claim is substantiated by a survey report of a board of officers appointed by the commanding officer of the nearest aviation post and approved by the Chief of Air Corps and the Secretary of War, $57,745,300, of which $10,669,786 shall be available under the appropriation "Air Corps, Army, 1937", for payments under contracts for the procurement of new airplanes and of equipment, spare parts, and accessories for airplanes, as authorized by said appropriation.

The amendment was agreed to.

The next amendment was, on page 38, line 18, after the word "of", to strike out "$17,245,300" and insert "$20,000,000", so as to make the further proviso read:

Provided further, That in addition to the amounts herein appropriated the Chief of the Air Corps, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1938, for the procurement of new airplanes and for the procurement of equipment, spare parts, and accessories for airplanes to an

amount not in excess of $20,000,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof.

The amendment was agreed to.

The next amendment was, under the subhead "Ordnance Department—Ordnance service and supplies, Army", on page 43, line 23, after the figures "$22,137,000" and the comma, to strike out "and, in adidtion, $144,000 of the appropriation 'Ordnance service and supplies, Army, 1937', which is hereby reappropriated", and on page 44, line 1, after the word "available", to strike out "$288,000" and insert "$144,000", so as to read:

For manufacture, procurement, storage, and issue, including research, planning, design, development, inspection, test, alteration, maintenance, repair, and handling of ordnance material, together with the machinery, supplies, and services necessary thereto; for supplies and services in connection with the general work of the Ordnance Department, comprising police and office duties, rents, tolls, fuel, light, water, advertising, stationery, typewriting and computing machines, including their exchange, and furniture, tools, and instruments of service; to provide for training and other incidental expenses of the ordnance service; for instruction purposes, other than tuition; for the purchase, completely equipped, of trucks, and for maintenance, repair, and operation of motor-propelled and horse-drawn freight and passenger-carrying vehicles; for ammunition for military salutes at Government establishments and institutions to which the issues of arms for salutes are authorized; for services, material, tools, and appliances for operation of the testing machines and chemical laboratory in connection therewith; for the development and procurement of gages, dies, jigs, and other special aids and appliances, including specifications and detailed drawings, to carry out the purpose of section 123 of the National Defense Act, as amended (U. S. C., title 50, sec. 78); for publications for libraries of the Ordnance Department, including the Ordnance Office, including subscriptions to periodicals; for services of not more than four consulting engineers, as the Secretary of War may deem necessary, at rates of pay to be fixed by him not to exceed $50 per day for not exceeding 50 days each, and for their necessary traveling expenses, $22,137,000, and of the total sum hereby made available $144,000 shall be available exclusively for equipping 75-millimeter guns with high-speed adapters.

The amendment was agreed to.

The next amendment was, on page 44, line 12, after the word "chemical", to strike out "warfare", so as to make the subhead read:

Chemical Service.

The amendment was agreed to.

The next amendment was, under the subhead "Seacoast defenses", on page 47, line 16, after the name "United States" and the comma, to strike out "$2,443,410, of which not less than $200,000 shall be applied to the procurement of mobile antiaircraft guns and mounts" and insert "$2,243,410"; in line 19, after the word "departments" and the comma, to strike out "$1,092,710" and insert "$992,710"; in line 20, after the word "than", to strike out "$300,000" and insert "$200,000"; in line 22, after the word "Canal" and the comma, to strike out "$1,467,200" and insert "$1,367,200"; in line 23, after the word "than", to strike out "$300,000" and insert "$200,000"; and in line 25, after the words "In all" and the comma, to strike out "$5,003,320" and insert "$4,603,320", so as to read:

For all expenses incident to the preparation of plans and the construction, purchase, installation, equipment, maintenance, repair, and operation of fortifications and other works of defense, and their accessories, including personal services, ammunition storage, maintenance of channels to submarine-mine wharves, purchase of lands and rights-of-way as authorized by law, and experimental, test, and development work, as follows:

United States, $2,243,410;

Insular departments, $992,710, of which not less than $200,000 shall be applied to the procurement of mobile antiaircraft guns and mounts;

Panama Canal, $1,367,200, of which not less than $200,000 shall be applied to the procurement of mobile antiaircraft guns and mounts;

In all, $4,603,320.

The amendment was agreed to.

Mr. COPELAND. Mr. President, we have just stricken out the word "warfare" in line 12, page 44. I ask unanimous consent that the word "warfare" be stricken out wherever it appears in the bill in the phrase "chemical-warfare service", so it will read "chemical service" instead of "chemical-warfare service."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEWIS. Mr. President, since interruption of the consideration of amendments has been permitted by the able Senator from New York in charge of the bill, I seek at this time to obtain information from him, first by informing him that I had a similar protest in the nature of an inquiry from members of the National Guard of my State of Illinois as that referred to by the Senator from Oregon [Mr. McNARY]. It appears that the appropriation necessary for their welfare has been limited to a degree which they feel is harmful.

I have replied that there is nothing in the measure which prevents the application for some future relief, should such become necessary, either from the War Department direct or through a special measure before this honorable body in what may be called a deficiency bill.

I ask the able Senator from New York, who is in charge of the bill, if such statement is correct and may be relied upon as one upon which they can likewise rely?

Mr. COPELAND. The statement of the Senator from Illinois is entirely correct.

Mr. REYNOLDS. Mr. President, I should like to have permission to bring to the attention of the able Senator from New York [Mr. COPELAND], in charge of the bill, several communications I have had in the form of letters and telegrams.

I have before me a telegram from R. C. McClelland, of Wilmington, N. C., reading as follows:

WILMINGTON, N. C., *June 21, 1937.*

Hon. R. R. REYNOLDS:

War Department appropriation bill unsatisfactory to States and urge your assistance as follows: Restore amount to House figures in line 1, page 53; strike out entire proviso reference construction camp at Fort Sill, four-hundred-odd-thousand dollars in line 17, page 53; restore item to House figures in line 5, page 67.

R. S. McCLELLAND.

In addition to that I have a telegram from J. Van B. Metts, president of the Adjutant Generals' Association, sent to me from Raleigh, N. C., and reading as follows:

RALEIGH, N. C., *June 18, 1937.*

Senator ROBERT R. REYNOLDS,
United States Senate:

War Department appropriation bill unsatisfactory to States and urge your assistance as follows: Restore amount to House figures in line 1, page 53; strike out entire proviso reference construction camp at Fort Sill, four-hundred-odd-thousand dollars in line 17, page 53; restore item to House figures in line 5, page 67. All other States will be penalized to provide this construction of benefit only to Oklahoma.

J. VAN B. METTS,
President the Adjutant Generals' Association.

I also have a telegram from Don E. Scott, brigadier general of the National Guard of North Carolina, at Graham, in that State, reading as follows:

GRAHAM, N. C., *June 21, 1937.*

Senator ROBERT R. REYNOLDS,
Senate Chamber:

War Department appropriation bill unsatisfactory to State and urge your assistance as follows: Restore amount to House figures in line 1, page 53; strike out entire proviso reference construction camp at Fort Sill, four hundred-odd thousand dollars in line 17, page 53; restore item to House figures in line 5, page 67. All other States will be penalized to provide this construction of benefit to Oklahoma.

DON E. SCOTT,
Brigadier General, N. C. N. G.

I wanted to bring these telegrams to the attention of the Senator in charge of the bill and ask if there is not some way he can suggest that we can make restoration of the amount originally appropriated for the benefit of the National Guard.

Not only are the National Guard men of North Carolina interested in the item, but it is my understanding, from the information I have derived from other Members of this body, that the National Guard men of other States are equally interested.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. REYNOLDS. Gladly.

Mr. WHITE. May I say at that point that I have had similar protests from the adjutant general of Maine with respect to this action of the committee? The complaint is substantially the same as that made by the Senator from North Carolina. I join with him in the expression that there will be some satisfactory explanation of the amendment made by the committee, and I express also the hope that something may be done to preserve the interests of the National Guard.

Mr. REYNOLDS. I thank the Senator from Maine very much for his contribution. I am confident that if the Senator from New York in charge of the bill will make inquiry, he will find a great number of the Members of this body have received similar complaints.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Massachusetts?

Mr. REYNOLDS. I am glad to yield.

Mr. WALSH. Apparently every Member of the Senate has received from members of the National Guard of his State telegrams similar to the ones presented by the Senator from North Carolina. In order that we may properly inform the adjutants general of our States, I think it is quite essential that an explanation should be made of the reduction in the amount in line 1, page 53, the amendment in the middle of page 53, and the amendment on page 67. The complaint about the amendment on page 53 seems to be based not on opposition to the expenditure in Oklahoma, but on opposition to the amount being taken out of the regular National Guard funds. The telegram which my colleague and I have received protest against the funds of the National Guard being used for the construction work which is proposed by the amendment.

Mr. THOMAS of Oklahoma. Mr. President, this amendment was incorporated in the bill at my request, as I happened in part to represent Oklahoma, and the Fort Sill Reservation is immediately adjacent to my home. The request came to me from the adjutant general of my State, General Barrett, and I presented the request, and the committee kindly accepted it.

In the event that this fund is to be taken from the fund that serves the National Guard of the Nation, and in the event it is disclosed that this appropriation will diminish the funds available for such purpose, I shall not urge it. In that event I shall be glad to withdraw it. If the Senate shall see fit to let this amendment go into the bill and into conference, if the National Guard authorities object to it, it will be entirely agreeable to me to have it withdrawn.

Mr. WALSH. Mr. President, the position taken by the Senator from Oklahoma is an exceedingly fair one. In view of his statement, I think the amendment should be adopted. Nothing could be fairer than the statement of the Senator from Oklahoma.

Mr. COPELAND. Mr. President, not only has each Senator had a telegram from his National Guard unit but I have had telegrams from every National Guard unit in the United States. Knowing the source of the telegrams, I did not reply to them all, but I talked by telephone with the man who facilitated these expressions, General Reckord, of Baltimore, and he now understands the situation.

Mr. WALSH. He is referred to in my telegram as one who is interested in and leading the movement.

Mr. COPELAND. Let me tell Senators the explanation. I had already explained it for the benefit of the Senator from Oregon, but I wish to have all Senators understand it. There is no relationship whatever between the Fort Sill project and this reduction, except that we use $400,000 of the reduction to pay for the Fort Sill project. If we had not taken it in that way, we would have taken it elsewhere; but that is the reason why we made the reduction.

Mr. LA FOLLETTE. Mr. President——

Mr. COPELAND. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. I desire to ask the Senator how it can be said, then, that the Fort Sill appropriation is not affected by or does not come out of the appropriation intended for the National Guard of the country?

Mr. COPELAND. If we had made no appropriation for Fort Sill, we still would have reduced the item $734,000. Let me tell the Senator why.

After the National Guard had received very generous treatment in the bill about armory drills and increased equipment and everything they wanted, they succeeded in the House in adding $1,468,000 above the Budget estimate. They had everything that the Budget Bureau had given them; the Budget Bureau had been very generous; but the House added $1,468,000. The Senate committee decided that it could not go along with the House to the extent of going above the Budget estimate for the National Guard nearly a million and a half dollars, so we decided that we would reduce the amount; we would cut it in two in the middle, and we would go along and give them half of it.

Senators all know how bills are made up. Having made that cut, and being desirous of building the Fort Sill camp—which, by the way, is helpful to the National Guard—we took some of the money that we saved there to build the Fort Sill camp. If the Fort Sill camp should be taken out, the National Guard would not get any more money. Do Senators see what I mean? They would be just where they are now.

Mr. WALSH. So it is apparent that those who communicated with the various Senators did not know all the facts.

Mr. COPELAND. They did not.

Mr. WALSH. They assumed that the cost of the Oklahoma camp project was deductible from the total appropriation for the National Guard, and that is not the fact.

Mr. COPELAND. The Senator is correct.

Mr. LA FOLLETTE. Mr. President, if the Senator will yield, I may say that I cannot subscribe to the statement that there is no relation between the cut in the National Guard appropriation as allowed by the House and the $625,000 added for Fort Sill, because the Senator from New York has just stated that "we all know how bills are made up", and that having slashed this amount from the appropriation for the National Guard the committee proceeded to give it to Oklahoma. If the Senator from Massachusetts can say that there is no relation between the two, it is all right so far as he is concerned; but I do not want that to stand as my understanding of what happened.

Mr. WALSH. I do not know the method of making up bills in the Committee on Appropriations.

Mr. COPELAND. Suppose we put it in another way. It would have been more tactful if we had just cut $734,000 off this item, and then had put Fort Sill in some other part of the bill where provision is made for construction. That could have been done, and then there would not have been a flood of telegrams relative to Fort Sill.

Mr. LA FOLLETTE. If the Senator will yield further, may I inquire, is it not also a fact that the cut in the National Guard item is one of the reasons why the committee felt that it could add $625,000 for some work at Fort Sill?

Mr. COPELAND. That is one reason.

Mr. LA FOLLETTE. Is it not the primary reason? The committee would not have liked to come in here with a bill adding $625,000 to the appropriations contained in the House bill, would it?

Mr. COPELAND. We came in here determined to have a bill under the Budget estimate, and we succeeded in doing so.

Mr. LA FOLLETTE. Therefore, insofar as the members of the committee were very desirous of adding $625,000 for Fort Sill, it put under a lot of pressure any items that were lying around which the committee felt could be cut. I have always noticed that the committee feels that it can slash the National Guard with a little more immunity than it can slash items of the regular service. I, therefore, still contend that it cannot be said that there is no connection or relation between these two items, and I still believe that there is something to be said in behalf of the protests which have come up from the adjutant generals all over the United States.

Mr. COPELAND. Mr. President, I desire to say to the Senator from Wisconsin that I do not care how devoted he

is to the National Guard; I am more devoted, or certainly as devoted. There is not any arm of the service which makes such a strong appeal to me as that, perhaps, unless it is the R. O. T. C. I would rather spend money for the National Guard and the R. O. T. C. than to spend it anywhere else; and I know just as well as I know anything that when the bill goes back to the House they will insist upon this appropriation, and we will put it back.

But there is another reason why some money can be taken from the National Guard. They have something that no other arm of the service has; they have 100-percent interchangeability in their appropriations. If they do not spend money for equipment here, they can spend it for uniforms there. There is not any other branch where that can be done.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. WHITE. Is it not a fact that whatever may have been the purpose, however it was done, the practical effect is that something was taken away by the Appropriations Committee from the National Guard of North Carolina and Massachusetts and Maine and other States?

Mr. COPELAND. And New York—$50,000 from New York.

Mr. WHITE. And New York; and a portion of that which was taken away from us was given to the Fort Sill project. In other words, we lost and Fort Sill will have the money.

Mr. COPELAND. The Fort Sill project would have been in the bill anyway; and, of course, if I had to do it over again, I would put it in at a different place.

Mr. WALSH. Mr. President, may I inquire of the Senator from New York if the amount of money allotted to the National Guard in the Senate bill is more than or equal to the sum allowed by the Budget Bureau?

Mr. COPELAND. Oh, yes; it is equal to it, and is far in excess of last year's appropriation.

Mr. WALSH. The House increased the Budget allowance?

Mr. COPELAND. It went a million and a half dollars beyond it.

Mr. WALSH. The Senate committee removed a portion of that increase—half of it?

Mr. COPELAND. That is correct.

Mr. WALSH. And, in addition to the amount allowed in the Budget, the Senate committee provided an appropriation for Fort Sill, Okla.?

Mr. COPELAND. Because there are other savings in the bill beside the one here.

Mr. BANKHEAD. Mr. President, was the appropriation which was made for Fort Sill included in the Budget estimate?

Mr. COPELAND. I am not sure that it was.

The PRESIDING OFFICER. The clerk will state the next amendment of the Committee on Appropriations.

The next amendment was, under the subhead "Arms, uniforms, equipment, etc., for field service, National Guard", on page 52, line 20, after the word "trucks" and the comma, to insert "motorcycles,", so as to read:

To procure by purchase or manufacture, and issue from time to time to the National Guard, upon requisition of the Governors of the several States and Territories or the commanding general, National Guard of the District of Columbia, such military equipment and stores of all kinds and reserve supply thereof as are necessary to arm, uniform, and equip for field service the National Guard of the several States, Territories, and the District of Columbia, including animals, motortrucks, motorcycles, field ambulances, and station wagons and to repair such of the aforementioned articles of equipage and military stores as are or may become damaged when, under regulations prescribed by the Secretary of War, such repair may be determined to be an economical measure and as necessary for their proper preservation and use, etc.

The amendment was agreed to.

The next amendment was, on page 53, line 1, to strike out "$12,360,591" and to insert "$12,032,229", so as to read:

ARMS, UNIFORMS, EQUIPMENT, ETC., FOR FIELD SERVICE, NATIONAL GUARD

To procure by purchase or manufacture and issue from time to time to the National Guard, upon requisition of the Governors of the several States and Territories or the commanding general, National Guard of the District of Columbia, such military equipment and stores of all kinds, and reserve supply thereof as are necessary to arm, uniform, and equip for field service the National Guard of the several States, Territories, and the District of Columbia, including animals, motortrucks, motorcycles, field ambulances, and station wagons and to repair such of the aforementioned articles of equipage and military stores as are may become damaged when, under regulations prescribed by the Secretary of War, such repair may be determined to be an economical measure and as necessary for their proper preservation and use $12,032,229, of which $500,000 shall be available exclusively for defraying the cost of increasing the strength of the National Guard from approximately 200,000 to not exceeding an average of 205,000 officers and men, and all of the sums appropriated in this act on account of the National Guard, except the subappropriation of $8,952,290 for expenses, camps of instruction, etc., and the subappropriation of $14,194,000 for pay of National Guard (armory drills), shall be accounted for as one fund, and of the total of all sums appropriated in this act on account of the National Guard, $1,500,000 shall be available immediately.

Mr. LA FOLLETTE. Mr. President, I have no interest in this matter so far as the amendment reported by the committee, beginning on line 12, which provides $625,000 for some construction work at Fort Sill, Okla., is concerned, but I think it is very clear from the discussion that went on prior to the time we reached this committee amendment on line 1, page 53, which cuts the National Guard appropriation from $12,360,591 to $12,032,229, that one of the reasons why the committee cut this National Guard item was that it desired to provide an additional sum of money to complete the construction work at Fort Sill, Okla.

It seems to me that no argument can be made in favor of the committee reducing the total for the National Guard on the ground that the House exceeded the Budget estimate when it has just been stated by the Senator from New York, in charge of the bill, that the item of $625,000 for the construction work at Fort Sill, Okla., was not estimated for by the Budget Bureau. Therefore, so far as these two items are concerned in relation to Budget estimates, they stand on exactly the same footing.

As I stated a moment ago, so far as I am concerned, I have no objection to the item providing $625,000 for Fort Sill, Okla., but I believe that the Senate should reject the committee amendment reducing the National Guard's appropriation, and I hope that we may have a record vote on that amendment before it is disposed of.

Mr. TYDINGS. Mr. President, does the Senator know whether or not in this reduction the amount for the National Rifle Association matches, in which the National Guard and the Army engage, was reduced?

Mr. LA FOLLETTE. As I understand, that is a separate item. What the committee did was to reduce the total, on the theory that the National Guard has the privilege of interchangeability of appropriations, and that, therefore, all they had to do was to reduce the total. What I am contending for is that we should separate the two items, and pass on each one on its merits, and not in relation to the other. I fear that that policy was not followed by the committee, and I hope the committee amendment on line 1, page 53, will be rejected.

Mr. POPE. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. POPE. I desire to ask the Senator whether he knows why the item in line 1 at the top of page 53 has been reduced by the committee?

Mr. LA FOLLETTE. The Senator from New York stated that the reason why the committee reduced the item for the National Guard was that the House had gone above the Budget estimates for the National Guard.

Mr. POPE. Was it reduced to the Budget estimate?

Mr. LA FOLLETTE. No; they cut it in two. My contention is that the two amendments should not be considered in conjunction with each other, that each ought to stand on its own merits. I hope the Senate will reject the committee amendment in line 1, page 53.

Mr. THOMAS of Oklahoma. Mr. President, before action is taken on this amendment I think a short explanation is in order.

Fort Sill is a Regular Army establishment. It is the site of the school of fire for small artillery. On this reservation, which covers a large area, there is a National Guard

camp. The National Guard camp is the residue of old Camp Donovan, which was established there during wartimes, and the National Guird which assembles on this reservation is using to a large extent Federal equipment.

Fort Sill is headquarters for the Forty-fifth National Guard area, embracing Kansas, Colorado, New Mexico, Missouri, and, I think, Arkansas. The National Guard of these several States are sent to Fort Sill to train, and frequently the National Guard from two or three States are there at the same time.

It is the desire of the Army board representing all these States to have this camp improved. At the present time the tents have no floors excepting old wooden floors, and the item before us is to complete some concrete floors for the tents used when the guard is in camp in the summertime, and for the construction of some mess halls. The amendment specifies what the money is to be used for.

An Army board was assembled to consider this matter, and it went on record as favoring the improvements. Then the project was approved by the War Department. Colonel Chaffee was before the committee and recommended that this item be included in the bill. Of course, he did not state that of his own motion, but upon inquiry he made the statement.

The item was not in the Budget estimate, it is true; but the Department is for it, and with the understanding we had when the committee met that it would do no substantial injustice to any other State, the committee saw fit to include this item in the bill because it had been recommended by the War Department.

As I suggested a moment ago, if this money was to come from other States, I would not stand upon the floor and ask that money be taken from outside our area in order to make improvements in my State, and if it should be disclosed in the conference that the money will come from other States' allocations or quotas, I would ask the conferees on behalf of the Senate to withdraw the item from the bill entirely.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. LA FOLLETTE. The only way by which those of us who do not desire to have the National Guard provide this money for Fort Sill can make sure that it will come out of some other item is to reject the committee amendment on line 1, page 53, and adopt the House provision. Then when the conference committee come to produce the $625,000 for the improvement at Fort Sill, it will not take it out of the National Guard.

If the Senator will yield further, let me say that I am not opposing his amendment. All I want to make sure of is that if we reject the committee amendment in line 1, page 53, the conferees will not take the $625,000 out of the appropriation which the House granted the National Guard. So far as improvements are concerned there are many other States in the Union which are in need of construction work at their National Guard encampment posts. If we reject the committee amendment, the committee can find the $625,000 for Fort Sill somewhere else.

Mr. LODGE. Mr. President, I have received a number of communications on this subject, as have other Senators. I should like to ask the Senator from New York what the effect of the reduction in line 1, page 53, would be on the National Guard, and whether I am correct in my understanding that the reason for the reduction is that the House figure was above the Budget estimate.

Mr. COPELAND. Mr. President, the National Guard was given an appropriation far in excess of last year's appropriation. Besides that, the Senate committee recommended them $734,000 more than the Budget estimate. If this bill shall be passed in its present form, the National Guard will have more than it had last year; it will have all that the Budget Bureau estimates for this year, and, besides that, it will have $734,000. That is pretty generous treatment.

I admit that we would have been more tactful if we had put the provision for Fort Sill somewhere else in the bill, but I wish to speak about Fort Sill in order to show its justification in connection with the National Guard appropriation.

The concurrent camp at Fort Sill is a semipermanent plant, which accommodates the summer training of C. M. T. C., R. O. T. C., Organized Reserves, and the National Guard. The investment there now is $427,490, which has been gradually built up from C. M. T. C., R. O. T. C., and Organized Reserve funds, the National Guard bearing very little of the cost.

The extension described in this amendment involves $405,638, instead of $625,000. The Senator from Wisconsin was talking about the privilege of transfer, but he will find at the end of the item that the amount is $405,638. As I have said, very little of the money for the building up of the camp at Fort Sill has come from the National Guard. The extension which is provided for in the amendment before us is to build mess halls, concrete tent floors in the camp, camp headquarters building, assembly buildings, canteen buildings, and regimental infirmary, together with roads, trackage, and grading sufficient to allow an entire division of the National Guard troops to be accommodated there each summer for a period of training.

Since the existing camp is large enough for the purpose of training organizations other than the National Guard, it is proper that the National Guard appropriation should bear the cost of the extension. The point I make there is that the camp is now large enough.

Mr. LA FOLLETTE. The Senator is now arguing, as one of the reasons for the reduction in this item, that the National Guard should bear the expense of the extension.

Mr. COPELAND. No, no, Mr. President. If the Senator from Wisconsin will just be patient, and not get the idea that I am seeking to frustrate the desires of the Senate and particularly the desires of the Senator from Wisconsin, he will be happier, and so will I. I am simply trying to convey to the Senate what we saw in the committee.

Mr. President, in one sense the present arrangement at Camp Sill is sufficient for the C. M. T. C. and the R. O. T. C.; but since the camp is to be made large enough for an entire division of the National Guard in that section of the country, it certainly should bear the cost of the extension. The National Guard division which trains in this camp is composed primarily of Texas and Oklahoma troops. The amount allowed is based on an estimate by Regular Army and National Guard officers, and has been reduced by the War Department to absolutely essential items.

I think the Senator from Oklahoma [Mr. THOMAS], when he presented this matter, asked for nearly a half million dollars, as I recall; but the Army engineers went over the estimate and found that $405,000 would be sufficient.

Mr. THOMAS of Oklahoma. Then there was a provision for a swimming pool, and a hostess house, and some other items.

Mr. COPELAND. Yes. I presume, from what has been said, that there is no objection to the Fort Sill item; but it is for the Senate to determine whether it desires to go twice as far as the committee went in the appropriation for the National Guard in this respect.

Bear in mind, now, that for the National Guard there is provided all that the Budget Bureau estimated, and then we have given it in this bill $734,000 above the estimate. We have the testimony of the Army that the appropriation which is proposed will not cause the reduction by a single man of those in training in the National Guard. The proposal applies simply to a miscellaneous lot of items such as band music, gas, and oil, and that sort of thing to the extent of $1,468,000; and, as I said, we thought in the subcommittee and in the full committee that we were very liberal if we gave them half that amount in excess of the estimate.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. TYDINGS. Then, this reduction, as I understand, in view of the Senator's explanation, has nothing to do with the rifle training of the National Guard?

Mr. COPELAND. No; it has not.

Mr. TYDINGS. While I am on my feet, and in order not to punctuate debate further, may I ask the Senator, then, why on page 67 the appropriation was cut from $700,000 to $645,726?

Mr. COPELAND. It was cut $54,000.

Mr. TYDINGS. Why was that?

Mr. COPELAND. The rifle matches which will be eliminated by that reduction do not affect the National Guard or the R. O. T. C. The ones affected are the members of Schutzenbunds and shooting clubs, and white-haired men like myself who like to go there and shoot.

Mr. TYDINGS. Will the national rifle matches be disturbed?

Mr. COPELAND. They will not be disturbed in the least.

Mr. TYDINGS. Is the Senator certain that no National Guard activities of that kind will be eliminated?

Mr. COPELAND. Absolutely.

Mr. TYDINGS. This is only to eliminate private rifle shooting?

Mr. COPELAND. This is only to eliminate private rifle shooting and giving free ammunition to men who like to practice shooting.

Mr. TYDINGS. It applies only to private individuals?

Mr. COPELAND. It applies only to private individuals. It has nothing whatever to do with the Army.

Mr. TYDINGS. Then the rifle training for the National Guard and the Reserve organizations will continue to be just as thorough?

Mr. COPELAND. Yes; just the same.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. CLARK. On that point, I do not wish to divert the discussion from the matter to which the Senator from Wisconsin has called attention, but since the question of the national rifle matches has been injected into the debate, does not the Senator know that when facilities are afforded a member of the National Guard who devotes himself to the Guard, and gives up time on Saturday afternoon and Sunday to train himself in rifle practice, with the possibility that he may some day be on one of the teams participating in a national rifle match, such facilities provide the very greatest and cheapest incentives which have ever been devised in this country toward the improvement of musketry in the National Guard?

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. TYDINGS. As I understand from what the Senator from New York told me at his desk several days ago, and which he has just reiterated on the flood, none of those activities of the National Guard will be impaired at all.

Mr. COPELAND. Not a particle.

Mr. TYDINGS. In other words, under the appropriation herein provided they can practice on Saturdays and receive free ammunition with which to develop their skill, and if they are sufficiently proficient they can participate in the national rifle matches.

Mr. COPELAND. We have made a very generous appropriation, an appropriation of $645,000, to take care of the rifle practice for the National Guard and the R. O. T. C., and it also provides for the national rifle matches. The reduction merely cuts out the old fellows.

Mr. TYDINGS. The reason I mentioned this matter, I may say to the Senator from New York, is that, as he probably knows, the impression has gone abroad that the opportunity for rifle training which the National Guard has expected in connection with the rifle matches has been denied because of this reduction in the appropriation. I do not want to have any question about it. I doubt very much that the Senate would want to maintain the National Guard in part and not permit it to have rifle practice, because we then would have many soldiers, but they would have no training in shooting.

Mr. COPELAND. Mr. President, let me answer the Senator again. This provision does not eliminate any of the regular work. The Budget estimates which were reduced would have provided additional gratuitous ammunition for the members of civilian rifle clubs. The provision does not affect in any way the Organized Reserve or the National Guard.

Mr. REYNOLDS. Mr. President, I am in thorough accord with what has just been stated by the Senator from Wisconsin [Mr. LA FOLLETTE] in reference to this appropriation. I am desirous of seeing the appropriation left as it originally was, at $12,360,591. But, as the Members of the Senate will note, in line 1, page 53, the committee saw fit to reduce that amount to $12,032,229. I desire to have the first amount restored, because I do not want the present members of the National Guard, or those who may be inclined later to become members of the National Guard, to become discouraged.

I think the National Guard is one arm of our national defense service which unquestionably should be given as much consideration as is given to the members of the Regular Army by way of providing them with substantial and pleasurable conveniences. In using the words "pleasurable conveniences" I wish to mention the fact that a moment ago my friend the Senator from Oklahoma [Mr. THOMAS] stated that as a result of the appropriation to be provided by this bill, amongst other improvements there would be a swimming pool, and likewise a hostess house would be constructed. I recognize the fact that there is nothing more enjoyable during hot weather than a plunge in a swimming pool, and I likewise recognize the fact that the erection of a hostess house at Fort Sill would be indeed a very attractive addition. At the same time, Mr. President, we must take care of our National Guard units.

As I stated a moment ago when I brought this matter to the attention of the Senator from New York [Mr. COPELAND], who is in charge of the bill, I not only received a communication by telegraph from the adjutant general of my State but I likewise received other telegrams from those who were interested in the subject. After having brought the subject to the attention of the Senator from New York I was very happy to learn that most of my colleagues received similar telegrams, and as a consequence they are as much interested in this matter as I am, because they recognize that we must give due attention and consideration to the members of the National Guard. We must do that because we are all interested at the present time in national defense. We all know that we should interest ourselves in national defense, for the reason that the whole world is preparing for war, and one of these days we shall be involved in war. That date will not come until after there have passed to the Great Beyond all the mothers who lost sons beyond the seas; but regardless of what the sentiment is now, and regardless of what any of us may say, there will come a time when we shall be involved in another war.

The best way to keep out of war, as all Senators will agree, is to be prepared for war; and in the preparation for war we must consider our National Guard. To our National Guard must be given as much consideration as we give to the Regular Army, for this reason: Of the 2,000,000,000 persons constituting the population of the earth's surface today, there are 55,000,000 men in uniform and under arms; and with the 55,000,000 men in uniform and under arms and ready for war and in preparation for war, I am ashamed to say that the Regular Army of our country, which is the richest and the most prosperous on earth, stands nineteenth in the list of the armies of the world.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield.

Mr. CLARK. Would the Senator be willing to make the comparison on the basis of expenditures? We certainly do not rank nineteenth on the basis of expenditures.

Mr. REYNOLDS. No; we do not.

Mr. CLARK. No country in the world squanders more money in preparation for war than does the United States, as is demonstrated by this bill.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. REYNOLDS. I yield to the Senator from Maryland.

Mr. TYDINGS. I think the Senator might very well point out, in connection with his argument, that maintenance of the National Guard is the most economical kind of defense which we can have, because the National Guard is not constantly either on the pay roll or constantly in training. The training of the National Guard is very limited, and if we had no National Guard we would have to have a standing army much larger than we now have, as we would have no partially prepared force to fill the gap in case of emergency.

Mr. REYNOLDS. I thank the Senator from Maryland very much for his contribution; and in connection therewith I recall the contribution made a moment ago by the Senator from Missouri in reference to rifle-range practice. In pursuance of the subject in which we are all interested, I wish to repeat that, from the standpoint of the number of men under arms, we stand nineteenth in relation to the armies of all the other countries of the earth. It is my recollection on that point that Russia today has more men in uniform and under arms than has any other nation in the world, despite the fact that Russia has a population of only 178,000,000 it has more than a million men in uniform and under arms.

Returning to the question of appropriations, it is my recollection that last year the seven Soviet states comprising the Union of Soviet Socialist Republics of Russia made what was the largest peacetime appropriation for war preparation that had ever theretofore been made, an expenditure in the sum of $3,000,000,000.

In further pursuance of the question as to the amount of money expended and appropriated by the various governments of the earth, it is my recollection that Great Britain now has under advisement an appropriation of $7,000,000,000 to be expended over a period and duration of 5 years.

Mr. FRAZIER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from North Dakota?

Mr. REYNOLDS. I yield.

Mr. FRAZIER. The Senator from North Carolina was referring to the nations that are best prepared, and suggested that the best method of keeping out of war is preparedness for war. History hardly bears out that statement. If we go back to the time of the World War, we find that the nations best prepared were the ones which got into that war first.

Mr. REYNOLDS. In that connection, I should like to say to the Senator that if on April 6, 1917, we had been properly prepared for war the occasion never would have arisen for us to have declared war or to have sent our men to Europe, where we lost 50,334 men and had 250,000 injured in battle. As a further result of our entry into the World War, in addition to the lives lost and the men who were wounded, it is going to cost us a hundred billion dollars before we get through paying for that war. That sum may seem a little large, but the Senator from North Dakota, who was here when President Coolidge, who was a very conservative man, was at the head of the Government, said—the statement may have been made after he had retired from the office of President of the United States—that before we got through the World War would cost us $100,000,000,000. I believe the records will reveal that up to date the World War has cost us about $53,000,000,000 of the $100,000,000,000 that we may count on paying.

Mr. FRAZIER. And we are not yet through paying.

Mr. DAVIS. We have not as yet begun to pay.

Mr. REYNOLDS. No; we have not as yet begun to pay. I believe in being well prepared, for I believe that if we are well prepared nobody is going to attack us. To bring that down to the personal standpoint, in other words, I know if Jack Dempsey or Braddock were out here in the corridor I would not pick a fight with either one of them. I would be as nice and pleasant to them as I could be.

Mr. FRAZIER. There are, however, many people who would pick fights with them.

Mr. REYNOLDS. So it is in the case of nations, because, after all, a nation is nothing but an aggregation of individuals.

Mr. FRAZIER. If the Senator was as well prepared as Jack Dempsey he would be ready to take him on, and that is the way with nations.

Referring to the World War and preparedness in 1917, as I recall Hon. William Jennings Bryan, who was well informed on the war situation at that time, having been Secretary of State a short time previously, said, in substance, that the nations that were best armed were the nations that got into the war, and he said further, if the United States had been as well armed as the big Army and Navy crowd had advocated, undoubtedly the United States would have been in the war among the first instead of getting into it, as it did, 2 or 3 years later.

Mr. REYNOLDS. Mr. President, I am not in accord with that contention. As I said a moment ago, I believe that if we had been properly prepared in April 1917 it never would have been necessary for the United States to have sent any men to foreign shores, because we could have delivered word to Germany to the effect that, unless the war was brought to an end, we would participate, and the Germans would have known that we would have been in a position to have stopped the war. However, Germany knew in April 1917 that we were not prepared, and, as a result, just a mere statement of our position would not have had any effect. We never would have had to have sent any transports over there, the first of which, I believe, went over on June 14, 1917, if we had been prepared at the time.

Getting back to the question of the National Guard, I think that is one arm of our service of defense that we should develop, because, as the Senator from Missouri has said, and likewise as has been stated by the Senator from Maryland, the men who participated in the activities of the National Guard are not paid. They join the service merely as a result of their patriotism, and we should lend encouragement to them and not reduce the appropriation, as it has been reduced in this instance.

I am in accord and agreement with my colleague from Oklahoma. I should like to see him get $1,000,000 for Oklahoma, because I know how he loves his State and how the people of Oklahoma love him. I know how thoroughly and sincerely interested he is in the State of Oklahoma. The people there could not have a representative here who would work harder in their interest or be of any greater benefit to them than is the Senator from Oklahoma, and I should like to see him have the money for his State; but, at the same time, I do not want to see any money taken away from my State of North Carolina or any other State of the Union. I want the National Guard to have the benefit of the money, and I am going to ask the Senate to reject the committee amendment in line 1, page 53.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on line 1, page 53.

Mr. BORAH. Mr. President, I should like to ascertain if I understand the question properly. As I understand, the committee has recommended an appropriation for the National Guard to the full amount allowed by the Bureau of the Budget?

Mr. COPELAND. And $734,000 in addition.

Mr. BORAH. I was going to ask how much was the amount which the Bureau of the Budget allowed for the National Guard.

Mr. COPELAND. The Bureau of the Budget allowed $1,468,000 less than we have in the bill, to put it the other way, for it is a little difficult for me to answer without having a break-down of the figures.

Mr. BORAH. In any event, the bill carries what the Bureau of the Budget allowed and $734,000 in addition?

Mr. COPELAND. That is correct.

Mr. President, I wish to say a word to the Senator from Oklahoma. He is no more guilty in this case than is the Senator from North Carolina. He made an appeal for Fort Sill, so effective an appeal that it reached the hearts of the committee, and that is doing pretty well. He did not have any idea where we were going to put the amendment in the bill and neither did I; the experts did that; but, anyway, we decided, separate and apart and independent of Fort Sill

and everything else, that the House had gone too far when it exceeded the Budget by nearly a million and a half dollars.

There are those in this Chamber who believe in some degree of economy. I do. I do not want it to be in connection with the National Guard, but the National Guard is not going to be hurt at all. It may have a little less band music when it wants it; it may have a little less gasoline for the officers' cars; but the National Guardsmen, the human beings who make up the rank and file, will be exactly the same in number; they will have the same subsistence; they will have the same uniforms; they will have the same travel pay. There will not, however, be the frills and other things which would be provided if we went beyond the needs of the Guard, and provided a million and a half dollars more. So, in our wisdom or lack of it, whichever way you may care to put it, we said, "Here is a place where we can save several hundred thousand dollars", and we proceeded to do so.

Then when the experts wrote the bill they placed the amendment of the Senator from Oklahoma [Mr. THOMAS] in this unfortunate place, and he is being "damned from hell to breakfast" for something he did not have anything to do with, and which has nothing to do with the matter at issue. [Laughter.]

So far as the Senate is concerned, if it wants to vote more money for the National Guard and exceed the Budget estimate by that amount, that is a matter for the Senate to determine for itself.

The PRESIDING OFFICER. The question is on the committee amendment on page 53, line 1, striking out "$12,360,591" and inserting "$12,032,229."

The amendment was rejected.

The next amendment of the Committee on Appropriations was, on page 53, line 12, after the word "immediately", to insert a colon and the following proviso:

Provided, That the subappropriation for expenses, camps of instruction, etc., may be increased not to exceed $625,000 by transfer from other sums appropriated in this act under the heading "National Guard", exclusive of pay for armory drills: *Provided further*, That there shall be expended for the extension of the concurrent camp, Fort Sill, Okla.: For construction and installation of buildings and appurtenances thereto, including interior facilities, fixed, movable, and office equipment, necessary services, roads, swimming pool, connections to water, sewer, gas, and electric mains, purchase and installation of telephone equipment, and similar improvements, and procurement of transportation incident thereto, without reference to sections 1136 and 3734 of the Revised Statutes, including general overhead expenses of transportation, engineering, supplies, inspection, and supervision, travel connected therewith, and such services as may be necessary in the office of the Quartermaster General, not to exceed $405,638.

Mr. FRAZIER. Mr. President, I have a telegram from the adjutant general of North Dakota, in which he states:

Fort Sill camp item unfair to all States except Oklahoma, and all other States will be penalized to make up total amount for this construction.

That is apparently the way the National Guard of North Dakota feel about this appropriation for Oklahoma. They feel that if Oklahoma is going to have money for a fine National Guard swimming pool and all that, they should have as much in their States. I am inclined to think the adjutant general of North Dakota is right.

Mr. COPELAND. Mr. President, that has just been taken care of by rejecting the committee amendment on page 53, line 1. Let us leave Oklahoma alone. That is taken care of in the natural way, and, so far as I am concerned, I am very happy over the whole arrangement. If I had not been in charge of the bill I should have voted to reject the amendment, but I did the best I could, and I hope the RECORD shows that I did.

Mr. McKELLAR. Mr. President, in connection with the amendment just adopted, and for which I voted, I want to place in the RECORD as a part of my remarks sundry telegrams concerning the matter which has just been settled, as I understand, in accordance with the wishes of the senders of the telegrams.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

MEMPHIS, TENN., *June 22, 1937.*

Senator K. D. MCKELLAR,
United States Senate, Washington, D. C.:

Appropriation bill, War Department, unsatisfactory in three items. Page 53, line 1, please restore amount to House figures. Page 53, line 17, please strike out entire provision. Page 67, line 5, please restore House figures. All States except Oklahoma would be penalized in favor Fort Sill item if item for construction is voted as therein proposed. Thanks for consideration.

WRAY C. REEVES.

MEMPHIS, TENN., *June 21, 1937.*

Senator K. D. MCKELLAR,
United States Senate, Washington, D. C.:

Appropriation bill, War Department, unsatisfactory in three items. Page 53, line 1, please restore amount to House figures. Page 53, line 17, please strike out entire provision. Page 67, line 5, please restore House figures. All States except Oklahoma would be penalized in favor Fort Sill item if item for construction is voted as therein proposed. Thanks for consideration.

WM. L. TERRY,
One Hundred and Fifteenth Field Artillery.

JACKSON, TENN., *June 21, 1937.*

Senator K. D. MCKELLAR,
Washington, D. C.:

The War Department appropriation bill not agreeable in following items: Page 53, line 1, restore amount to House figures. Page 53, line 17, strike out entire proviso, reference construction camp, Fort Sill. Page 67, line 5, restore item to House figures. The Fort Sill camp item unfair to all States except Oklahoma, and we would be penalized to make up total amount for this construction. Urge your attention to this matter in accordance with above, as best interests of entire National Guard demands same.

Col. R. H. BOND.
Maj. HU I. MAINORD.
Maj. LEE F. WARE.
Capt. A. U. TAYLOR.
Capt. W. L. FRANKLAND.
Capt. A. P. REASONOVER.
Capt. G. R. WINDROM.

Mr. POPE. Mr. President, I ask permission to have inserted in the RECORD at this point a telegram from Frederick C. Hummell, president of the Idaho National Guard Association, in opposition to the Fort Sill appropriation.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

BOISE, IDAHO, *June 19, 1937.*

Senator JAMES P. POPE,
Senate Office Building, Washington, D. C.:

Request your influence in making following changes Army appropriation bill: Page 53, line 1, restore amount to House figures; page 53, line 17, strike out entire proviso reference construction camp Fort Sill, $405,638; page 67, line 5, restore item to House figures. Fort Sill camp item unfair to all States except Oklahoma; all other States will be penalized to make up total amount for this construction.

FREDERICK C. HUMMEL,
President, Idaho National Guard Association.

Mr. McNARY. Mr. President, in the same connection I ask permission to have inserted in the RECORD at this point a message of protest from Gen. George A. White, of the Oregon National Guard.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

SALEM, OREG., *June 18, 1937.*

Hon. CHARLES L. MCNARY,
United States Senate:

War Department appropriation bill unsatisfactory to National Guard in three items. Will appreciate your help to accomplish following: Page 53, line 1, restore amount to House figures; page 53, line 17, strike out entire proviso reference construction camp Fort Sill, $405,638; page 67, line 5, restore item to House figures. The Fort Sill item unfair to all States except Oklahoma, since other States would be penalized to make up amount for this construction. Will appreciate your cooperation.

Regards,

Gen. GEORGE A. WHITE.

Mr. NEELY. Mr. President, I, too, have received telegrams relating to this provision in the bill. I ask unanimous consent that they may be inserted in the RECORD at this point.

There being no objection, the telegrams were ordered to be inserted in the RECORD, as follows:

CHARLESTON, W. VA., *June 18, 1937.*

Senator MATTHEW M. NEELY,
Washington, D. C.:

Respectfully request that War Department appropriation bill, page 53, line 1, be restored to House figures. Also proviso

reference construction of camp at Fort Sill, Okla., be stricken out; unfair to all States except Oklahoma. Further request page 67, line 5, be restored to House figures. Your assistance in this matter urgently requested.

H. B. CORNWELL,
Executive Officer,
One Hundred and Fiftieth Infantry.

CHARLESTON, W. VA., *June 18, 1937.*

Senator MATTHEW M. NEELY:

War Department appropriation bill very unsatisfactory to West Virginia; urge that page 53, line 1, be restored to House figures. Also that the proviso reference construction of camp at Fort Sill, Okla., be stricken out; unfair to all States except Oklahoma. Further requested page 67, line 5, be restored to House figures. Your assistance in this matter urgently requested.

WM. L. HORNOR,
Adjutant General.

Mr. AUSTIN. Mr. President, may I inquire what relation there is between the appropriation contained on page 53 of the pending bill, beginning in line 18, relating to Fort Sill, and the item in S. 2649, Calendar 773, page 3, entitled "Fort Sill, Okla., barracks, $330,000; telephone construction, $1,000; total, $331,000"? The object of my question is to ascertain whether there is a sum of $331,000 authorized in Senate bill 2649 in addition to the sum of $405,638 appropriated in House bill 6692, which is now before the Senate.

Mr. THOMAS of Oklahoma. Mr. President, on this reservation in Oklahoma we have a Regular Army Establishment known as Fort Sill. It is headquarters for a school of fire, which is headquarters for training Army officers in the handling of small cannon. For some 4 or 5 years the Government has been building up the Regular Establishment and there is an authorization in the pending bill to add some new buildings at the Regular Establishment.

The item in the bill before the Senate at the moment is for what is known as a concurrent camp, a camp for training National Guardsmen, the C. M. T. C., the R. O. T. C., and other Reserve officers. While they are both on the same reservation, the two establishments are some distance apart and are two separate and distinct camps. The item just inquired about by the Senator from Vermont is for the Regular Establishment and will come up hereafter. The item in the bill before us this afternoon is for the Guard camp on the same reservation, but some distance away from the Regular Army camp.

Mr. AUSTIN. I thank the Senator from Oklahoma.

Mr. McKELLAR. Mr. President, among the telegrams which I asked a moment ago to have inserted in the RECORD is one from a number of officers, and I wish to invite the particular attention of the Senator from Oklahoma [Mr. THOMAS] to this telegram. The senders of the message urge me to vote to "strike out entire proviso reference construction Camp Fort Sill", and "page 67, line 5, restore item to House figures." They continue in the message as follows:

The Fort Sill camp item unfair to all States except Oklahoma and we would be penalized to make up total amount for this construction. Urge your attention to this matter in accordance with above as best interests of entire National Guard demands same.

The message is signed by Col. R. H. Bond, Maj. Hu. I. Mainord, Maj. Lee F. Ware, Capt. A. U. Taylor, Capt. W. L. Frankland, Capt. A. P. Reasonover, and Capt. G. R. Windrom. It seems that these gentlemen think this camp is to be paid for out of the general expense fund of the National Guard. Will the Senator from Oklahoma state what are the facts?

Mr. COPELAND. Mr. President, I may say to the Senator from Tennessee that we have just gone over that matter from start to finish. It is all in the RECORD. If the Senator wants to take the time to go into it again, very well. We have restored the amount of money proposed by the House to be appropriated. This sum does not come out of the National Guard. It comes out of a saving which, unfortunately, the Senate committee attempted to make, but which has now been thwarted, overcome, dissolved, and dissipated by the action of the Senate in rejecting the amendment of the Senate Committee on Appropriations.

Mr. McKELLAR. I am one of the Senators who did not vote with the committee with reference to that amendment. I voted to retain the amount proposed to be appropriated by the House. I was not in the Chamber at the moment and did not hear the explanation of the Senator from Oklahoma in regard to the matter. May I ask him if the Senator from New York has correctly stated the situation?

Mr. THOMAS of Oklahoma. Mr. President, as I understand the matter, if this money is made available it will not affect the National Guard establishment in the other States. If in conference it is found by the conferees that the building of this equipment at Fort Sill is going to reduce the appropriation for the National Guard camp in other States, then I shall request that this item be withdrawn.

Mr. McKELLAR. That is entirely satisfactory to me.

Mr. CLARK. Mr. President, I am not opposed to the amendment, although I think that even rejection of the committee amendment on page 53, line 1, necessarily does affect to some extent the support which is to be given to the National Guard as a whole. I am not in opposition to the amendment, because if there is any place in the United States where troops are located that the Government ought to spend money for additional and extraordinary comfort for the troops, it is at Fort Sill, Okla.

It was extremely unfortunate, in my opinion, that the War Department ever saw fit to place troops at Fort Sill. I put in one of the best years of my life at Camp Doniphan, in Fort Sill, during the World War. I think the records of the War Department, if they have been maintained, will show that during the occupation of Camp Doniphan by the Thirty-fifth Division in 1917–18 we had the honor of having the highest temperature of any camp in the United States, and a few months later had the honor of having the lowest temperature of any camp in the United States. We also had the honor of having the longest protracted dry spell during that fall, and the following spring had the longest wet spell of any camp in the United States. When we moved in, it was in the midst of a dust storm so terrific that it blinded the drivers of our wagons and artillery. When we moved out, some months later, it was after such terrific rains that our wagons and guns, as well as our men, were almost engulfed in mud.

While I think it is very unfortunate that the War Department in its wisdom ever saw fit to compel troops, particularly in peacetime, when it is not necessary, to endure the rigors of Camp Doniphan at Fort Sill, yet since the Government has done so, I think it owes an obligation to those troops to spend money there for every possible comfort, even luxury, for those troops.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee, on page 53, beginning at line 12.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The next amendment was, under the subhead "Organized Reserves", on page 58, line 7, after the words "in all" and the comma, to change the appropriation for pay and allowances of members of the Officers' Reserve Corps on active duty in accordance with law, etc., from $10,297,906 to $9,355,506.

The amendment was agreed to.

Mr. NYE. Mr. President, I desire to address myself briefly to the bill. Perhaps my remarks might more properly be directed to the joint military appropriations that are made for both the Army and the Navy.

The Senator from North Carolina [Mr. REYNOLDS] this afternoon presented an estimate of the cost up to date of the participation of the United States in the World War. He estimated that at the moment he understood it to be in the neighborhood of $50,000,000,000. A more recent study which has come to my attention has revealed that the cost has already gone beyond the $70,000,000,000 mark. That it will ultimately reach $100,000,000,000 I think no man can longer doubt.

I have before me at the moment a very interesting study revealing how much money $70,000,000,000 is. This study

tells us that the cost of the World War to the United States up to date is equal to the cost of all the schools in the United States, plus the cost of education for 5 years in the United States, plus the cost of all the surfaced roads in the United States, plus the cost of all medical care for 5 years in the United States, plus all fire losses for 20 years in the United States. Those items alone make a total of $55,000,000,000. When we contemplate the fact that before the entire cost of the World War is met it is going to aggregate $100,000,000,000, or twice the figure I have just given, one can better understand the keen resentment throughout the land toward those who contemplate our possible participation in another foreign war.

It was Victor Berger who originally estimated, and the president of Columbia University, Nicholas Murray Butler, who has so well repeated the picture of what the war has cost the world. It is his estimate that if we today had what 4 years of war cost the world, we could go forth and build homes costing $2,500 apiece on 5-acre plots of ground costing $100 an acre, place $1,000 worth of furniture in each such home, give a home like that free of all incumbrance to every family residing today in Russia, Italy, France, Belgium, Germany, Holland, Wales, Ireland, Scotland, England, Australia, Canada, and the United States, and then find ourselves with a balance that would enable us to go into every community of 20,000 persons or more in all the countries I have named and bestow a $2,000,000 library, a $3,000,000 hospital, and a $10,000,000 university and, after doing that, have enough money left so that if we invested a part of the balance so wisely as to make certain a return of 5 percent per year, that return alone would enable us to pay salaries of $1,000 apiece to 125,000 school teachers and 125,000 nurses. Then we should find a sufficient balance left so that, if we chose to do it, we could go into France and Germany and possess ourselves of every penny's worth of property that exists in those lands today.

It is only when we have the cost of war pictured to us in that manner that we can properly appreciate the keen desire of so many persons to avoid, if possible, a recurrence of costs which can bring only one result, that result that all war has brought; namely, what in this modern day we term "depression", the degree of depression only reflecting the degree of cost of the waste involved in war itself, with, in the end, no really worth-while object accomplished.

We now have before us the annual appropriation bill for the War Department. I have before me the annual report of the Secretary of the Treasury for the year ending June 30, 1936. At page 362 of that report is an accounting of our Government's military expenditures down to the past year, starting with 1877. Following in that report the columns devoted to the showing of expenditures for our Military Establishment, one is impressed with the tremendous increase that has come year after year in the name of national defense here in our own country.

We may take out our displeasure on other nations for their mad expenditures in the name of national defense; but up until a very few years ago, I think only 3 years ago, there was no nation on earth which was spending so much money in preparation for another war as we were spending here in the United States.

The Senator from North Carolina speaks of the tremendous number of men who are engaged in the standing Army of Russia at the present time and the tremendous consequent outlay, and at the same time he pleads that the best way to prevent war is to be prepared for it. One wonders, when he puts the two conclusions together, if the Senator from North Carolina desires to Russianize the United States so far as the size of its Army is concerned. Does the fact that one country may have greatly enlarged its military strength indicate that our national defense requires equal strength in a military way so far as we are concerned?

Back in 1913, the year before the World War broke out, the total outlay of the United States in preparation for war was a little less than $350,000,000. That, of course was exclusive of the so-called nonmilitary activities of both the Army and the Navy. This year, with the passage of the bill that is pending before us, our outlay in the name of the national defense for both the Army and the Navy will be $1,123,000,000. We are spending today between three and four times as much in preparation for another war or in the name of national defense as we were spending the year before the war came which finally led the United States off into the cause of "ending war"—a cause which, if we won, was to free the world from the necessity of this mad preparation for more and more wars.

Reverting to the table in the report of the Secretary of the Treasury, I ask unanimous consent that the columns of that report revealing the annual expenditures for the Navy Department and for the War Department may be included in my remarks.

The PRESIDING OFFICER (Mr. POPE in the chair). Without objection, it is so ordered.

The table is as follows:

Annual expenditures

Year	War Department (including rivers and harbors and Panama Canal)	Navy Department
1877	$37,082,736	$14,959,935
1878	32,154,148	17,365,301
1879	40,425,661	15,125,127
1880	38,116,916	13,536,985
1881	40,466,461	15,686,672
1882	43,570,494	15,032,046
1883	48,911,383	15,283,437
1884	39,429,603	17,392,601
1885	42,670,378	16,021,080
1886	34,324,153	13,907,888
1887	38,561,026	15,141,127
1888	38,522,436	16,926,438
1889	44,435,271	21,378,909
1890	44,582,938	22,006,206
1891	48,720,065	26,113,896
1892	46,895,456	29,174,139
1893	49,641,773	30,136,084
1894	54,567,930	31,701,294
1895	51,804,759	28,797,796
1896	50,830,921	27,147,732
1897	48,950,268	34,561,546
1898	91,992,000	58,823,985
1899	229,841,254	63,942,104
1900	134,774,768	55,953,078
1901	144,615,997	60,506,978
1902	112,272,216	67,803,128
1903	118,029,505	82,618,034
1904	165,199,911	102,956,102
1905	126,093,894	117,550,308
1906	137,326,066	110,474,264
1907	149,775,084	97,128,469
1908	175,840,453	118,037,097
1909	192,486,904	115,546,011
1910	189,823,379	123,173,717
1911	197,199,491	119,937,644
1912	184,122,793	135,591,956
1913	202,128,711	133,262,862
1914	208,349,746	139,682,186
1915	202,160,134	141,835,654
1916	183,176,439	153,853,567
1917	377,940,870	239,632,757
1918	4,869,955,286	1,278,840,487
1919	9,009,075,789	2,002,310,785
1920	1,621,953,095	736,021,456
1921	1,118,076,423	650,373,836
1922	457,756,139	476,778,194
1923	397,050,596	333,201,362
1924	357,016,878	332,249,137
1925	370,980,708	346,142,001
1926	364,089,945	312,743,410
1927	369,114,122	318,909,096
1928	400,989,683	331,335,492
1929	425,947,194	364,561,544
1930	464,853,515	374,165,639
1931	478,418,974	354,071,004
1932	477,449,816	357,617,834
1933	449,395,013	349,561,925
1934	408,894,976	297,029,291
1935	489,155,454	436,447,860
1936	618,919,108	529,031,666

Mr. NYE. In the name of national defense we enact these appropriation bills. I am not opposed to national defense. Indeed, I am sure no one is more solicitous than I am that his country be adequately prepared to repulse an attack, if attack comes; but daily I grow stronger in my conviction that the things we do in the name of

national defense do not really, honestly, sincerely have national defense as their purpose.

Recently published by the Foreign Policy Association is a so-called headline book entitled "Billions for Defense." I am going to bother the Senate to the extent of reading only three or four paragraphs from that very interesting presentation, which carries a splendid array of charts revealing the comparative costs of military preparation throughout the world.

Opening the volume is this very interesting approach:

How much have the nations of the world spent for national defense during the past 5 years? Sixty governments spent nearly $4,000,000,000 in 1932, five billion in 1934, eleven billion in 1936. A total of $32,000,000,000 during just 5 years! And how much is $32,000,000,000? So much that you can't count it. It's enough to build 46 Panama Canals. It would replace the buildings of all American colleges and universities 14 times.

Or let us compare present-day expenditures for armament with what was spent before the World War. The year before that war the nations spent approximately two and a half billion dollars. Today the nations are spending four times as much as they did then, and are increasing their budgets at twice the rate. What is more, the standing armies are stronger by a million men than they were then. And there are strange, amazingly powerful weapons, that were unknown to the men who marched off to war only 23 years ago.

Several nations are spending more than half of their total budgets for armaments while many others are using from 20 to 40 percent for war preparations. This means that out of every dollar raised by the government from 20 to 50 cents goes into national defense.

WHO PAYS THE BILL

Who pays for all this? Why, the people, of course. And how does the government raise the money? First, by collecting taxes. Many kinds of taxes have been devised—on individual incomes, on profits from business, on luxuries, on tobacco, on theater tickets, even on food. In Germany Nazi leaders tell their people that they must prefer "cannon to butter." In Italy millions of men and women gave their wedding rings and their jewelry to the Government to provide gold to pay for the Ethiopian war.

And secondly, these huge bills are paid with borrowed money on which the people must pay the interest for years to come. Not one of the great powers is now able to meet its expenses without borrowing. Great Britain recently startled the world by announcing a colossal rearmament program costing $7,500,000,000 over a period of 5 years. Unable to pay the full costs out of its normal budget, the British Government is following in the path of other countries by floating an armament loan. France has borrowed heavily from its citizens to meet its military budget ever since Hitler came to power in Germany in 1933. Italy borrowed millions of lira to meet the cost of its campaign in Ethiopia. And no one knows how much Germany has borrowed to carry out its gigantic rearmament program.

The world has learned from bitter experience what it means to spend borrowed money for such purposes. For one thing prices begin to rise. The spending of money for war materials creates an increased demand for iron, steel, copper, coal, and other commodities. At first, perhaps, it is the prices of these articles only which go up. But later, as costs of production increase, other prices begin to rise, too. In the end, the price of practically everything which men and women need goes up. Meanwhile, their fixed salaries do not rise, and their savings which mean their insurance against a rainy day begin to disappear. When wage earners can no longer afford to pay high prices, the demand for goods stops abruptly and there is a crash in prices. Economists call this spiral of rising prices inflation. In the crash of 1929, millions of Americans learned what such a boom meant. In recent months economists have begun to warn that the armament race is leading rapidly to another period of dangerous inflation. But military budgets continue to expand.

WHAT THE PEOPLE ARE TOLD

Of course, no government is willing to admit that it is preparing for a war of aggression. All countries at all times have said that their armaments are not for purposes of attack but only for defense. The governments give their people various reasons for their swollen war budgets.

The people of France have been told that they must sacrifice for "security", and to most Frenchmen the word "security" means defense against invasion from across the Rhine. British statesmen have explained to their people that armaments are needed to preserve peace and to make it possible for England to support a strong League of Nations. Russian workers and peasants have contributed from their wages in order that the first Socialist state may be protected from the dangers of attack by "greedy capitalist nations" or Fascist enemies. Germans have become convinced that without powerful armaments they cannot hope to win "equality" among the nations of Europe. Americans are told that a navy "second to none" is essential for "adequate" defense of the Nation.

And so on, and on and on, revealing in the end only the mad circle in which every generation down through all the time of civilization has been made to run in the name of national defense.

Mr. President, though believing in national defense, I deny that preparation for war is any guarantee against war. I do not think there can be cited any case where preparation for war on a large scale has done anything other than ultimately lead to war. However that may be, the question of what constitutes national defense is the one which occasioned my asking the Senate for time this afternoon, and I shall be as brief as I possibly can.

Because of these mad expenditures, increasing from year to year, in the name of national defense, some people are growing thoroughly uneasy about the frightful increases in national budgets and about the direction in which the nations of the world are moving. There is a great effort to explain from day to day some of these expenditures in the name of national defense. Our own military establishment is disowning some of the expenditures made in its name. There was effort made in connection with the very bill pending before us at the present time to separate the military from the alleged nonmilitary activities of the Government.

The War Department is charged with the administration of the national military cemeteries, but the Department, according to its effort of recent weeks, wants this item charged as being nonmilitary. It would seem that once a man dies in the military service, after giving his life to it, the care of his grave no longer becomes in any degree a military obligation.

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. NYE. I yield to the Senator.

Mr. REYNOLDS. The Senator stated a moment ago that many of the nations which are making appropriations of billions upon billions of dollars annually have given as a reason the fact that they were preparing for self-defense. I ask the Senator whether he does not think that in some instances of the larger nations making tremendous appropriations for expenditure for war purposes they are really forced to do so?

The Senator a moment ago, reading from a magazine relative to peacetime appropriations for war in the future, mentioned Great Britain having recently made an appropriation of $7,400,000,000 to be spent over a period of a certain number of years. I am of the opinion that in a very large sense Great Britain was warranted in making such an appropriation, and the probabilities are she did make the appropriations in order to prepare to defend her own, having this in mind: As the Senator knows, Great Britain controls 500,000,000 people, which is one-fourth of the population of the earth. She virtually controls a fourth of the earth; her possessions being in the Dutch East Indies, in the West Indies, in Central America, in Australia, in New Zealand, in India, in South Africa, in northern Africa, and in North America. On the British Isles there reside a population of from forty to fifty million, all of whom are dependent upon industries the products of which go to the various possessions in the four corners of the earth which are controlled by Great Britain. As we know, Great Britain has a life line. That life line extends from the British Isles southward to Gibraltar, then through the Mediterranean, and down through the Suez Canal to the Red Sea, the Indian Ocean, to Singapore, southward through the Dutch East Indies, to Melbourne, to Sydney, to Brisbane, and to Wellington, the capital of New Zealand.

The greatest enemy Great Britain has today upon the face of the earth, and the most dangerous enemy, an enemy which is in a position to sever the life line of Great Britain, is Italy, because Italy has just about gotten to a point where she is virtually in control of all shipping through the Mediterranean. She is seeking today to get control of Spain so that she may construct fortifications on the Spanish coast. She has possessions in northern Africa. About 50 or 60 years ago she acquired what was known as Italian Eritrea, and just below there she has Italian Somaliland. She of all nations is in a position actually to sever the life line of Great Britain. That is the trouble Great Britain is experiencing in that part of the world.

In the Orient, where Great Britain has tremendous interests, as we all know she owns the island of Hong Kong, the capital of which is Victoria, which is usually referred to as the city of Hong Kong. Great Britain realizes that the day will come when the Japanese, in their desire to create the empire of the Orient, are going to have to take possession of the island of Hong Kong; and they have pushed their frontier to Singapore. Great Britain evidently realizes her danger in the Orient. Otherwise she would not have already made an expenditure of more than $350,000,000 in constructing fortifications at Singapore and in the Province of Johore.

In view of the tremendous territory where Great Britain controls 500,000,000 people in all parts of the world, in view of that well-known life line of Great Britain, I am rather inclined to think that in a large sense she is warranted in making appropriations of $7,400,000,000 for defense because the prosperity of the forty or fifty million who make up the population of the British Isles today depends upon their finding an outlet, and a profitable one, for the products issuing from the factories in England, principally at Birmingham, and Lancaster, and the other centers.

In view of that situation confronted by Great Britain, I will ask the Senator whether he does not in a sense concur with me that she is warranted in making that expenditure.

Mr. NYE. Mr. President, it is not for me even to undertake to ascertain what the needs of another power upon this earth may be from the standpoint of national defense. There is not a nation that is not made to feel that it needs the national defense which the increasing appropriations called for are presumed to afford. There is not a power on earth that is not sold on the idea that it is not so much national defense they need to keep prepared for as it is an ability to take the offensive in the event some other power gets saucy some day.

However much we may want to prevent it, there is at least one power on this earth which is thoroughly sold on the idea that its entire national defense is called for by reason of the preparations which the United States has made to attack that particular country. There is not a soul in the United States who would not at once deny that the United States has any such idea as that; but it does occasion the large budget for national defense of that particular country; and so it goes on down through all the powers.

Mr. REYNOLDS. I desire to state to the Senator that it is my understanding of his attitude that he believes in an Army and Navy purely for self-defense.

Mr. NYE. Precisely.

Mr. REYNOLDS. I wish to say to the Senator that I am in thorough accord with his position.

Mr. NYE. And I may say to the Senator that I am undertaking now to elaborate somewhat upon what we mean by "national defense."

I had made the point of the manner in which military leaders are now seeking to get away from responsibility for some of the expenditures made in the name of national defense, and I had referred to the Military Establishment being anxious to get away from the responsibility for military cemeteries. The incident was interesting, and I want to make the point only because it reveals the present effort to run away from the responsibility for the annual increase in the military budget, which today alone in our country is larger than was the cost of maintaining all the departments of our Government, including the Army and the Navy, in the year before we went into the World War.

It is time indeed that men did begin to fear responsibility for the mad "defense" races of nations, especially ours. Particularly is this true at a time when we fuss about expenditures for relief of the needy, and talk about the need for "balancing budgets." There never was such an opportunity for the practice of economy as in the appropriations for the Army and the Navy, but we seldom, if ever, even consider economy there. We have devoted the better part of a week to the discussion of the possibility of accomplishing economies in the relief joint resolution. I venture to say that the pending military bill, calling for an appropriation of over $600,000,000, which came before the Senate at about half-past two this afternoon, will be passed before the day is much older.

More and more are mounting military budgets challenging the people. More and more are the people demanding to know just what is our goal through these expenditures. There has been a lot of earnest thinking on the subject during late years, some of it culminating in splendid works by authors of renown. A most challenging work is that by Hallgren entitled "The Tragic Fallacy", recently off the press.

The Tragic Fallacy is a straightforward challenge to the War and Navy Departments, to the General Staff, and the General Board. It is a challenge which they may elect to ignore, but neither the Congress nor the American people can afford to ignore the issues Mauritz Hallgren raises in this book; for, in short, he declares that the Army and Navy are preparing not for a war in defense of American territory but for another war abroad, for another war to be fought on foreign soil. He asserts, for example, that the General Staff is even neglecting the territorial defenses in developing its plans for another huge expeditionary force to be sent across the ocean.

Hallgren analyzes the problem of invasion. His analysis is based largely, if not exclusively, upon official documents, upon the records of the A. E. F., and similar sources. He comes to the conclusion, which cannot successfully be disputed, that the probabilities of an invasion of our country are practically nil. Indeed, he goes further and declares that invasion is wholly out of the question, for political and economic as well as for strategic reasons.

Thus he says (pp. 53–54):

> • • • which power or powers might be likely to try to invade American territory? Certainly not Canada or Mexico or any of the Latin American countries. A European power? Great Britain would never dare take its eyes off Europe long enough to endeavor to invade and conquer America; it would never dare expose itself to a possible attack from the Continent while the whole of its navy and most of its army were off fighting the United States. France, ever fearing a German war of revenge and gradually losing its hegemony in European affairs, would surely not think of further weakening its position at home by diverting any part of its military machine to such a risky venture.
>
> Germany has all that it can do to keep from bankruptcy at the same time that it seeks to divide Europe against itself in the hope of creating an opening for a war of conquest in eastern Europe; it would certainly not drop everything, leave its French frontier unguarded, and give up all of its ambitions in central and eastern Europe on the virtually impossible chance that it might succeed in making a colony of America. For all of Mussolini's bombast, Italy is a minor power, a poor country, which may be able to subdue another minor power in its own neighborhood, but which must rely mainly on bluff in dealing with a major power.

This is not my language, I may say to the Senate. That is the language of the author of The Tragic Fallacy, Mr. Hallgren.

Mr. Hallgren continues:

> The Soviet Union, with a hopeful Germany on one flank and a distraught and reckless Japan on the other, and with, moreover, a tremendous economic problem at home likely to engage its attention for years to come, neither has the desire nor could spare the men and equipment for a war of dubious purposes on the other side of the earth. Japan lacks ships and natural resources and allies, all of which it would have to have for a hostile expedition to be undertaken across 7,000 miles of open sea. Besides, Japan has cut out for itself a job—the stupendous one of bending the Chinese giant to its will—that is certain to keep it well occupied for years, perhaps decades.
>
> Looking over the international situation, it seems very difficult indeed to find a respectable enemy.

And what would the enemy hope to gain by invading and conquering our country or any substantial part of it? Would loot be the objective? Tribute? Trade? If none of these, what, then? These are some more of the questions Hallgren asks—questions that the admirals and generals never bother to answer when they ask for more and still more money for "defense."

A victorious enemy—

Hallgren continues (pp. 54–56)—

> would not take the currency of a conquered nation. It would do him no good in his own territory, and its removal would wreck the economy of the beaten country. He would not confiscate

securities, for these would be worthless paper unless he could keep the conquered nation's credit on a solvent basis and its industry operating at a normal rate. How many enemy soldiers would be needed to stand over the bankers, manufacturers, workers, and farmers of the United States in order to compel them to continue producing goods so that the enemy might enrich himself by clipping coupons and collecting dividends? In truth, the sabotage, even supposing that enough enemy soldiers could be found for the purpose, would reach such enormous proportions that again the national economy would break down. Witness only what happened in Germany after France marched its troops into the Ruhr on just such a mission.

Nor could the enemy afford to take goods, either capital or consumption goods, in lieu of money or interest and dividends. He would himself be faced with a problem of overproduction and unemployment, as every industrial power is today. What good, then, would it do him to add to his own industrial surplus by taking American products? And would that not throw still more millions of his own workers out of employment? (Indeed, if an enemy could be persuaded to do just this, would that not provide a solution for the American economic problem?) Moreover, as Beverly Nichols has asked, why should a nation that erects prohibitive tariffs to keep out another nation's goods as a matter of self-protection in time of peace, suddenly abolish its protective tariffs and let in such goods just because it has defeated the other nation? But that is the truly ridiculous step a victorious country would have to take if it were to seek to exact payment or tribute from a defeated America in the form of goods. * * *

Lastly, would the victor attempt bodily to annex the United States? If American property rights, political institutions, and civil liberties were left undisturbed, the average American would hardly notice the change, though that would not mean that the American people would ever consent to the annexation. However, the conqueror would derive no profit from an arrangement under which the American Republic, apart perhaps from swapping its flag for that of the victor, was left to go on as before. This would not compensate him in the slightest for the effort and expense he had gone to. If he were to annex the country, he would certainly try to rule it as he saw fit. How long could this alien rule last? How many policemen would be needed to keep 130,000,000 free-born Americans in their place? Where is the foreign country that would even dream of attempting anything like this? One has only to ask the questions to demonstrate how utterly absurd the whole business is.

So, as Hallgren says, the likelihood of invasion is so remote from the political and economic point of view as to be practically nonexistent. But even if by some miracle one foreign power or another should find an excuse for making the attempt, that power would still have to solve the problem of getting its army across the ocean. Here, again, Hallgren goes into painstaking detail to show that the problem is virtually impossible of solution. He points out that Army officers have supposed that an enemy force of 300,000 men might be brought against the United States in a single expedition. This supposition is based on the fact that the largest number of American soldiers transported in a single month to France during the World War was 306,000. But Hallgren proves conclusively that that feat cannot possibly be duplicated, or even approached, by an enemy seeking to invade the United States.

He inquires at length into the records of the A. E. F. and into studies of naval experts both here and abroad to determine what would be needed to move such an expeditionary force across the ocean. He shows that the expedition itself would have to include at least 580 ships, not including the naval escort. Then he cites the latest shipping statistics to show that, save Great Britain, no power on earth has enough ocean-going shipping to provide for such a monstrous expedition, and that the British would never dare to divert as many ships as this from their vital food services and industries, for such diversion would mean hunger and economic collapse in England.

More than that, Hallgren continues (p. 61):

> It would be madness itself to send such an armada across the open ocean on a hostile mission. To maintain reasonably effective command and intership communication, such as would be indispensible to the movement of the expedition, would be a superhuman task. The fleet could never be kept together in adverse weather. To protect it from harassment by American submarines and surface raiders (it must be supposed that the American battle fleet has already been wiped out) would require an enormous naval guard, and that would add to the difficulties of command and communication. Lastly, the expedition could move no faster than its slowest unit, which would mean that its speed would have to be kept down to about or below 10 knots. To imagine such a ponderous and slow-moving giant launching a surprise attack upon the American coast is to give way to sheer fantasy.

Hallgren estimates that at the very outside—and there he is generous in the extreme—an enemy might consider moving a force of 50,000 men against this country. Even that would require about 58 ships. But before an enemy could as much as think of getting together an expedition of this smaller but still unwieldly size he must first dispose of the American Navy; and it must be remembered that in its own waters the American Navy is supreme; no other fleet on earth can defeat it there. The A. E. F. faced no such problem, for in 1917 the British and American Navies controlled the Atlantic. Defeat of the Navy would be only the first step. Then the expedition would have to be sent across, a gigantic task in itself. A landing place would have to be found and captured, and that landing place could be in none of our harbors, since, as Hallgren points out elsewhere in his book, not one of our harbors, if properly fortified, can be taken by a hostile fleet. The first attack would have to take place somewhere along the naked and unprotected coast, and then, presuming that victory has fallen to the enemy in this initial attack, he would have to begin the superhuman task of landing his expedition, which, without harbor facilities and the like, would take him weeks. And then the war will have only just begun.

Step by step this work from which I am quoting so liberally traces the difficulties that would confront an enemy bent upon invading this country. Step by step it shows the impossible becoming ever more impossible. The enemy must perform one miracle after another in order to achieve even his first objective. Having performed these several miracles, having attained the impossible, having finally, that is, landed a small force on American soil, where would the enemy then be? He would be thousands of miles from home, in a hostile foreign land. His would be an isolated force of definitely limited strength, dependent solely upon the equipment and supplies it had brought along. And this enemy force would be facing an American army defending its own soil, an army with the resources of a nation of 130,000,000 people at its immediate command, in control of a great network of railroads and highways and other lines of communication, and intimately acquainted with the terrain over which the war would be fought; an army, in short, that would be overwhelmingly superior, man for man, to any invading force that could possibly be landed on American shores. In other words, the enemy would be facing certain suicide.

Where is the foreign power that is going to try anything like that? Where is the foreign government so mad that it will deliberately set out to achieve the impossible, to send a hostile force across either ocean to invade the United States, when it knows that even if it succeeded in this undertaking, certain and complete destruction would be awaiting its army upon our shores? No one is going to try that, no one is even going to dream of trying it.

"Indeed", as Hallgren says in The Tragic Fallacy (p. 69), "the generals and admirals simply cannot show that America stands in any danger of being invaded." Moreover, he continues, "so little has the probability of invasion figured in the making of 'defense' policy that, were the impossible to happen and an invader actually to approach American shores, the Army might not be found ready to meet the emergency."

This, I point out, is a most startling statement, and I am going to repeat it:

> So little has the probability of invasion figured in the making of defense policy that, were the impossible to happen and an invader actually to approach American shores, the Army might not be found ready to meet the emergency.

That is because the Army is not built for defense but for participation in another mass war abroad. Hallgren declares that for land defense the country might have a small force, not exceeding 50,000 men, and even that number, he asserts, would be a luxury under the circumstances. But this force would have to be highly mobile, compact, complete in itself. The American Army, he says, is anything but that.

The country has instead—

Hallgren declares (p. 70)—

an army made up of far more divisions, brigades, and regiments than will ever be needed for such defense; and the available personnel, instead of being concentrated in a few units, has been spread exceedingly thin over these many units. For the Army is today that "expansible" affair for which Upton and his followers had long agitated. It is a sprawling military skeleton which it is intended in time of war to cover with flesh and blood, in the form of some hundreds of thousands—nay, millions—of raw or half-trained recruits. And until that is done the skeleton can hardly move; certainly it cannot fight.

Would such an army be able to stand off and defeat an invading force of, say, 50,000 men? Perhaps so, but it is obvious that it would take more time and cost more lives for such a lumbering, makeshift army to repel an invader than it would for a small, compact army which is complete in itself. That is all we need for territorial defense. Why do we lack such an army? Why do we have in its place this skeletonized affair that could not be gotten ready for war upon a moment's notice and has no place whatever in any bona-fide plan for the defense of the country's territory?

It is not for territorial defense that we have created this skeleton as a nucleus for another mass army. It is not for territorial defense that upward of 125,000 boys and men are now being trained to serve as officers of that army, enough officers to command an expeditionary force of 3,000,000 men. It is not for territorial defense that the General Staff envisages the employment of a "covering force" of 600,000 to 1,000,000 men. It is not for territorial defense that the General Staff plans to conscript "the manpower of the Nation" and so to add several million raw soldiers to this "covering force." Hallgren recalls that one general thought that as territorial defense this tremendous mass army is being provided for, since by no stretch of the imagination will it ever be needed to guard our soil.

We cannot charge the military men with being stupid in this regard, for that they most certainly are not. They know what they are about. They know that the danger of invasion is virtually nil. They know that a mass army, such as that for which they are making preparations, would be a handicap rather than a help in repelling a genuine invader. They know that this mass army, to which they are devoting practically all of their time and energy, can never be used for defense; that they can never hope to employ it except in another mass war on foreign soil. Indeed, it is all too painfully clear that that is the real objective of the present military policy. It is all too painfully clear that the Army is getting ready for another war abroad.

If—

As Hallgren says—

the generals have been reluctant to discuss this side of America's war preparations, the admirals have been forthright enough.

The admirals—

He declares—

do not pretend that their navy is nonaggressive or that it is intended merely to keep unwelcome intruders out of American waters. * * * Their major war plans all call for war in the enemy's waters.

But the Navy has a different problem. In trying to solve this problem, the Tragic Fallacy asserts, the admirals have fallen between two stools. They have a fleet much bigger than they need for actual territorial defense and yet not large enough to carry out the primary purpose of their existing policy, which is to guard the country's commerce and policies wherever they may be threatened. In truth, as the Tragic Fallacy puts it, that purpose can never be achieved.

Hallgren quotes at length from the writings and studies of naval experts, from testimony given before congressional committees by the admirals themselves, to show that the British would have to have a fleet at least twice as large as ours and the Japanese would have to have one three to five times as big in order to meet the American Fleet on anything like equal terms in its own territorial waters. Citing the very language of these admirals and other authoritative witnesses, he tells of the great loss of efficiency which a hostile fleet must expect in crossing thousands of miles of open ocean from either Europe or Asia. He goes into the question of naval bases and reveals that neither Britain nor any other power has fortified bases on this side of the ocean that can be used for offensive operations against the United States. He arrives at the inevitable conclusion that so long as the American Fleet stays in its own waters it is invulnerable; that, indeed, the United States could get along with less than parity and still enjoy perfect security as against any of its maritime rivals.

The admirals, of course, do not see it that way. Still deluded by all of Mahan's nonsense about "control of the seas", Hallgren declares they—

Continue to draw plans for fleet operations in distant waters. They continue to talk before congressional committees and elsewhere about steaming off in the grand manner to the British Isles (or to Japan), there to seek to defeat and destroy the British Fleet (or the Japanese).

All of which Hallgren denounces as "suicidal strategy."

Obviously, if a European power needs more than twice our strength to cross 3,000 miles of ocean, invade American waters, and there defeat our Navy, we must need twice the strength of any European fleet, say the British, in order to go into European waters and defeat that fleet or even to meet it on equal terms. As things stand at present, Hallgren says:

It would be little short of deliberate suicide for the American Fleet to venture out of its own territorial waters for the purpose of challenging British supremacy in the eastern Atlantic or the control which they exercise in the western Pacific.

It would be foolhardy for the United States to attempt anything of that sort unless it had a powerful naval ally abroad. But where and how is it to get such an ally? On the Pacific side there are only China and the Soviet Union, and neither of them has a navy. In Europe Germany, France, and Italy together have 105 percent of Britain's naval strength. But it would be impossible to add their navies to the American Fleet, not only because of political realities but also because of the technical difficulties that would be involved. Moreover, would not such an alliance automatically involve us in European politics, and would that not be the easiest and quickest way of involving us in another war abroad?

The only alternative would be for this country to try to outbuild its naval rivals. But that is next to impossible, Hallgren declares.

Under present political and economic circumstances—

He says—

the United States cannot hope to attain decisive superiority in numbers. Does anyone suppose that the British and the Japanese would sit idly by while the United States was doubling its fleet? Such a fleet could only be used against Britain or Japan. The mere fact that it was being built would in London and Tokyo be considered prima-facie evidence of aggressive intent on the part of the United States. Indeed, the British and Japanese would not waste time inquiring at length into American motives, but would hasten to match the new American strength. The competition would be wholly automatic. The chances of America's successfully invading British or Japanese waters would remain as slim as ever. And no amount of naval bases abroad would help to mend this situation, for it is as certain as anything can be that, even though the United States had an adequate harbor placed at its disposal in Europe or Asia, the American Fleet could never reach that haven unless and until it were first to dispose of the enemy fleet, British or Japanese, and for that purpose the American Navy would have to be at least twice as big as the present British Fleet and more than three times as strong as the present Japanese Fleet.

These solid facts bother the admirals very little, if at all. They have today a fleet far larger than we need to defend our homes, but they still want a much bigger one. They want one big enough to go over and fight a first-class war in Europe or Asia. All of their plans look toward that one eventuality. In short, the admirals, like the generals, are not thinking in terms of territorial defense but almost exclusively in terms of another major war abroad. Their preparations, too, are pointed toward just such a war. Is that what the American people want?

As one who wants this country prepared at all hours to successfully defend itself against invasion, I plead that we

undertake to determine the meaning of defense; that we sense the direction in which the generally used term of defense is taking us; that we stop this futile course, which has found us madly spending for defense, with no lessening in the demand for more and more of defense; that we confine ourselves strictly to defense if we would avoid national bankruptcy in an effort to obtain the impossible.

Mr. BONE. Mr. President, will the Senator yield?

Mr. NYE. I yield to the Senator from Washington.

Mr. BONE. Can the Senator from North Dakota advise us concerning the amount Congress has spent during the past 5 or 6 years to maintain the military and naval establishments of the country and to take care of the cost of war?

It may be that the Senator referred to that subject at the beginning of his remarks.

Mr. NYE. No; I have not any such group of figures, but let us see what the appropriations were, say, for the past 6 years.

Mr. BONE. Yes.

Mr. NYE. Let us start in with 1930, when the appropriation for the War Department was $464,000,000, and for the Navy $374,000,000.

In 1931 the appropriation for the Army was $478,000,000, and for the Navy $354,000,000.

In 1932 the appropriation for the Army was $477,000,000, and for the Navy $357,000,000.

In 1933 the appropriation for the Army was $449,000,000, and for the Navy $349,000,000.

I should like to point out to the Senator from Washington and to the Senate the manner in which, during these years, the Navy has managed to catch up pretty well with the Army in the matter of national outlay in the Budget.

In 1934 the appropriation for the Army was $408,000,000, and for the Navy $297,000,000.

In 1935 the appropriation for the Army was $489,000,000, and for the Navy $436,000,000.

In 1936 the appropriation for the Army was $618,000,000, and for the Navy $529,000,000.

This year we have already appropriated $528,000,000 for the Navy, and now we are proposing to appropriate $610,000,000 for the Army.

Mr. BONE. Do the Senator's figures include the $238,000,000 allocated to the Navy from Public Works funds?

Mr. NYE. They do not.

Mr. BONE. Then that item should be added to the figures given by the Senator.

Mr. NYE. It should be.

Mr. BONE. The Senator also has not included the figures for the care of veterans, including hospitals, hospitalization, pensions, and the bonus.

Mr. NYE. No. The Senator might have included also the cost of war-debt retirement.

Mr. BONE. That is what I am getting at. I think the total probably would run close to $4,000,000,000 in the year 1936 alone, including the bonus, the cost of taking care of the veterans, their pensions, and the Army and the Navy. Has the Senator any figures indicating the total cost of war in the period he has covered?

Mr. NYE. No; I have not those figures readily at hand.

Mr. BONE. It probably would be a staggering sum.

Mr. NYE. It would be, of course. The more staggering conclusion, though, must be that those who have been responsible for these increases and for this staggering load are crying just as loudly today about the "inadequacy" of our national defense as they have ever cried before, and are just as madly striving for more and more on the pretense that our defense is inadequate. What is the end to be?

Mr. BONE. Mr. President, there are two very interesting aspects of this problem. One is that we rarely hear on the floor of the Senate any discussion about these very large sums of money that run into billions of dollars, while there are hours and hours and hours of discussion here on the floor about a billion and a half dollars to feed the hungry. I am not going to set myself up in judgment on the merits of this matter, except to point out that we have had weeks and weeks of discussion here about the matter of relief of the poor, but scarcely a murmur here about the expenditures for the cost of war, which is consuming a very large part of our Budget.

Second, another astonishing aspect of this problem is that we hear very little comment on these expenditures from the public at large, from church groups, or from those who are interested in peace and its various ramifications and aspects.

The PRESIDING OFFICER (Mr. McGILL in the chair). The clerk will state the next amendment of the committee.

The next amendment of the Committee on Appropriations was, under the subhead Citizens' military training—Reserve Officers' Training Corps, on page 62, line 12, after the word "wagons" and the comma, to strike out "$3,601,720" and insert "$4,219,570", so as to read:

For the procurement, maintenance, and issue, under the regulations as may be prescribed by the Secretary of War, to institutions at which one or more units of the Reserve Officers' Training Corps are maintained, of such public animals, means of transportation, supplies, tentage, equipment, and uniforms as he may deem necessary, including cleaning and laundering of uniforms and clothing at camps; and to forage, at the expense of the United States, public animals so issued, and to pay commutation in lieu of uniforms at a rate to be fixed annually by the Secretary of War; for transporting said animals and other authorized supplies and equipment from place of issue to the several institutions and training camps and return of same to place of issue when necessary; for purchase of training manuals, including Government publications and blank forms; for the establishment and maintenance of camps for the further practical instruction of the members of the Reserve Officers' Training Corps, and for transporting members of such corps to and from such camps, and to subsist them while traveling to and from such camps and while remaining therein so far as appropriations will permit, or, in lieu of transporting them to and from such camps and subsisting them while en route, to pay them travel allowance at the rate of 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp and for the return travel thereto, and to pay the return travel pay in advance of the actual performance of the travel; for expenses incident to the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department; for pay for students attending advanced camps at the rate prescribed for soldiers of the seventh grade of the Regular Army; for the payment of commutation of subsistence to members of the senior division of the Reserve Officers' Training Corps, at a rate not exceeding the cost of the garrison ration prescribed for the Army, as authorized in the act approved June 3, 1916, as amended by the act approved June 4, 1920 (U. S. C., title 10, sec. 387); for the medical and hospital treatment of members of the Reserve Officers' Training Corps, who suffer personal injury or contract disease in line of duty, and for other expenses in connection therewith, including pay and allowances, subsistence, transportation, and burial expenses, as authorized by the act of June 15, 1936 (49 Stat., p. 1507); for mileage, traveling expenses, or transportation, for transportation of dependents, and for packing and transportation of baggage, as authorized by law, for officers, warrant officers, and enlisted men of the Regular Army traveling on duty pertaining to or on detail to or relief from duty with the Reserve Officers' Training Corps; for the purchase, maintenance, repair, and operation of motor vehicles, including station wagons, $4,219,570, and, in addition, $517,850 of the appropriation "Reserve Officers' Training Corps, 1937", which is hereby reappropriated, and of the total amount hereby made available $400,000 shall be available immediately.

The amendment was agreed to.

The next amendment was, under the subhead "National Board for Promotion of Rifle Practice, Army", on page 67, line 5, after the name "Secretary of War", to strike out "$700,000" and insert "$645,726", so as to read:

Promotion of rifle practice: For construction, equipment, and maintenance of rifle ranges, the instruction of citizens in marksmanship, and promotion of practice in the use of rifled arms; for arms, ammunition, targets, and other accessories for target practice, for issue and sale in accordance with rules and regulations prescribed by the National Board for the Promotion of Rifle Practice and approved by the Secretary of War; for clerical services, including not exceeding $25,000 in the District of Columbia; for procurement of materials, supplies, trophies, prizes, badges, and services, as authorized in section 113, act of June 3, 1916, and in War Department Appropriation Act of June 7, 1924; for the conduct of the national matches, including incidental travel, and for maintenance of the National Board for the Promotion of Rifle Practice, including not to exceed $7,500 for its incidental expenses as authorized by act of May 28, 1928; to be expanded under the direction of the Secretary of War, $645,726.

The amendment was agreed to.

The next amendment was, on page 67, after line 19, to insert:

TITLE II—NONMILITARY ACTIVITIES OF THE WAR DEPARTMENT

QUARTERMASTER CORPS

CEMETERIAL EXPENSES

For maintaining and improving national cemeteries, including fuel for and pay of superintendents and the superintendent at Mexico City, and other employees; purchase of land; purchase of tools and materials; purchase of one motor-propelled hearse at a cost not to exceed $3,150; and for the repair, maintenance, and operation of motor vehicles; care and maintenance of the Arlington Memorial Amphitheater, chapel, and grounds in the Arlington National Cemetery; repair to roadways but not to more than a single approach road to any national cemetery constructed under special act of Congress; headstones for unmarked graves of soldiers, sailors, and marines under the acts approved March 3, 1873 (U. S. C., title 24, sec. 279), February 3, 1879 (U. S. C., title 24, sec. 280), March 9, 1906 (34 Stat., p. 56), March 14, 1914 (38 Stat., p. 768), and February 26, 1929 (U. S. C., title 24, sec. 280a), and civilians interred in post cemeteries; recovery of bodies and disposition of remains of military personnel and civilian employees of the Army under act approved March 9, 1928 (U. S. C., title 10, sec. 916); for repairs and preservation of monuments, tablets, roads, fences, etc., made and constructed by the United States in Cuba and China to mark the places where American soldiers fell; care, protection, and maintenance of the Confederate Mound in Oakwood Cemetery at Chicago, the Confederate Stockade Cemetery at Johnstons Island, the Confederate burial plots owned by the United States in Confederate Cemetery at North Alton, the Confederate Cemetery, Camp Chase, at Columbus, the Confederate Cemetery at Point Lookout, and the Confederate Cemetery at Rock Island, $1,227,009, of which $295,477 shall be available immediately: *Provided*, That no railroad shall be permitted upon any right-of-way which may have been acquired by the United States leading to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States: *Provided further*, That no part of this appropriation shall be used for repairing any roadway not owned by the United States within the corporate limits of any city, town, or village.

SIGNAL CORPS

ALASKA COMMUNICATION SYSTEM

For operation, maintenance, and improvement of the Alaska Communication System and for purchase, including exchange, of one motor-propelled passenger-carrying vehicle, and for operation and maintenance of vehicles of this character, $166,338, to be derived from the receipts of the Alaska Communication System which have been covered into the Treasury of the United States, and to remain available until the close of the fiscal year 1939: *Provided*, That the Secretary of War shall report to Congress the extent and cost of any extensions and betterments which may be effected under this appropriation.

BUREAU OF INSULAR AFFAIRS

UNITED STATES HIGH COMMISSIONER TO THE PHILIPPINE ISLANDS

For the maintenance of the office of the United States High Commissioner to the Philippine Islands as authorized by subsection 4 of section 7 of the act approved March 24, 1934 (48 Stat. 456), including salaries and wages; rental, furnishings, equipment, maintenance, renovation, and repair of office quarters and living quarters for the High Commissioner; supplies and equipment; purchase and exchange of lawbooks and books of reference, periodicals, and newspapers; traveling expenses, including for persons appointed hereunder within the United States and their families, actual expenses of travel and transportation of household effects from their homes in the United States to the Philippine Islands, utilizing Government vessels whenever practicable; operation, maintenance, and repair of motor vehicles, and all other necessary expenses, $152,600, of which amount not exceeding $10,000 shall be available for expenditure in the discretion of the High Commissioner for maintenance of his household and such other purposes as he may deem proper: *Provided*, That the salary of the legal adviser and the financial expert shall not exceed the annual rate of $12,000 and $10,000 each, respectively: *Provided further*, That section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), shall not apply to any purchase or service rendered under this appropriation when the aggregate amount involved does not exceed the sum of $100.

CORPS OF ENGINEERS

RIVERS AND HARBORS

To be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, and to remain available until expended:

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation; for survey of northern and northwestern lakes and other boundary and connecting waters as heretofore authorized, including the preparation, correction, printing, and issuing of charts and bulletins and the investigation of lake levels; for prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City; for expenses of the California Debris Commission in carrying on the work authorized by the act approved March 1, 1893 (U. S. C., title 33, sec. 661); for such works, hereby authorized, as may be necessary for the protection of the town of Collinsville, Ala.; for removing sunken vessels or craft obstructing or endangering navigation as authorized by law; for operating and maintaining, keeping in repair, and continuing in use without interruption any lock, canal (except the Panama Canal), canalized river, or other public works for the use and benefit of navigation belonging to the United States; for payment annually of tuition fees of not to exceed 35 student officers of the Corps of Engineers at civil technical institutions under the provisions of section 127a of the National Defense Act, as amended (U. S. C., title 10, sec. 535); for examinations, surveys, and contingencies of rivers and harbors; and for printing, including illustrations, as may be authorized by the Committee on Printing of the House of Representatives, either during a recess or session of Congress, of surveys authorized by law, and such surveys as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress, and for the purchase of motor-propelled passenger-carrying vehicles and motorboats, for official use, not to exceed $197,971: *Provided*, That no funds shall be expended for any preliminary examination, survey, project, or estimate not authorized by law, $128,000,000: *Provided further*, That from this appropriation the Secretary of War may, in his discretion and on the recommendation of the Chief of Engineers based on the recommendation by the Board for Rivers and Harbors in the review of a report or reports authorized by law, expend such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality, or other public agency, outside of harbor lines and serving essential needs of general commerce and navigation, such work to be subject to the conditions recommended by the Chief of Engineers in his report or reports thereon: *Provided further*, That no appropriation under the Corps of Engineers for the fiscal year 1938 shall be available for any expenses incident to operating any power-driven boat or vessel on other than Government business: *Provided further*, That not to exceed $3,000 of the amount herein appropriated shall be available for the support and maintenance of the Permanent International Commission of the Congresses of Navigation and for the payment of the actual expenses of the properly accredited delegates of the United States to the meeting of the congresses and of the commission.

FLOOD CONTROL

Flood control: For the construction of certain public works on rivers and harbors for flood control, and for other purposes, in accordance with the provisions of the Flood Control Act, approved June 22, 1936 (49 Stat. 1570–1595), including printing and binding and office supplies and equipment required in the office of the Chief of Engineers to carry out the purposes of this act, the purchase (not to exceed $47,250) of motor-propelled passenger-carrying vehicles and motorboats for official use, and not to exceed $500,000 for preliminary examinations and surveys of flood-control projects authorized by law, $60,000,000: *Provided*, That $500,000 of this appropriation shall be transferred and made available to the Secretary of Agriculture for preliminary examinations and surveys for run-off and water-flow retardation and soil-erosion prevention on the watersheds of flood-control projects authorized by law, including the employment of persons in the District of Columbia and elsewhere, purchase of books and periodicals, printing and binding, rent in the District of Columbia, the purchase (not to exceed $30,000) of motor-propelled passenger-carrying vehicles and motorboats, and for other necessary expenses: *Provided further*, That the Chief of Engineers, when authorized by the Secretary of War, may enter into construction contracts prior to July 1, 1938, to an amount not in excess of $38,000,000, in addition to the sum herein appropriated, and his action in so doing shall be deemed a contractual obligation of the Federal Government payable after the next regular annual appropriation becomes available: *And provided further*, That if any funds are made available for the above purposes from the Emergency Relief Appropriation Act of 1937, the appropriation herein made shall be reduced by an amount equal to the sum so made available, but this proviso shall not operate to reduce this appropriation below $30,000,000.

Flood control, Mississippi River and tributaries: For prosecuting work of flood control in accordance with the provisions of the Flood Control Act, approved May 15, 1928 (U. S. C., title 33, sec. 702a), as amended by the Flood Control Act approved June 15, 1936 (49 Stat. 1508), and for the purchase of motor-propelled passenger-carrying vehicles and motorboats, for official use, not to exceed $56,300, $45,000,000: *Provided*, That the Chief of Engineers, when authorized by the Secretary of War, may enter into construction contracts prior to July 1, 1938, to an amount not in excess of $10,000,000, in addition to the sum herein appropriated, and his action in so doing shall be deemed a contractual obligation of the Federal Government payable after the next regular annual appropriation becomes available: *Provided further*, That if any funds are made available for the above purposes from the Emergency Relief Appropriation Act of 1937, the appropriation herein made shall be reduced by an amount equal to the sum so made available, but this proviso shall not operate to reduce this appropriation below $22,500,000.

Emergency fund for flood control on tributaries of Mississippi River: For rescue work and for repair or maintenance of any flood-control work on any tributaries of the Mississippi River threatened or destroyed by flood, in accordance with section 9 of the Flood Control Act, approved June 15, 1936 (49 Stat. 1508), $100,000.

Flood control, Sacramento River, Calif.: For prosecuting work of flood control in accordance with the provisions of the Flood Control Act approved March 1, 1917 (U. S. C., title 33, sec. 703), as modified by the Flood Control Act approved May 15, 1928 (U. S. C., title 33, sec. 704), including not to exceed $2,600 for the purchase of motor-propelled passenger-carrying vehicles and motorboats, for official use, $814,500.

Flood control, Lowel Creek, Alaska: For maintenance of flood-control works in accordance with the act approved February 14, 1933 (47 Stat., p. 802), $1,000.

Flood control, Salmon River, Alaska: For maintenance repairs to dikes in the flood-control works at the town of Hyder, Alaska, as authorized by the act approved June 18, 1934 (48 Stat., p. 991), $800.

UNITED STATES SOLDIERS' HOME

For maintenance and operation of the United States Soldiers' Home, including maintenance, repair, and operation of horse-drawn and motor-propelled freight- and passenger-carrying vehicles and the purchase of one motor-propelled vehicle of the station-wagon type at a cost not to exceed $1,000, including the value of a vehicle exchanged, to be paid from the Soldiers' Home Permanent Fund, $804,456: *Provided*, That notwithstanding any other provisions of law, the administration, control, procurement, expenditure, accounting, audit, and methods thereof, of funds appropriated from the Soldiers' Home Permanent Fund (trust fund) shall be according to the laws governing and in effect prior to July 1, 1935, relating specifically to the United States Soldiers' Home, and in accordance with procedure followed prior to such date: *Provided further*, That not to exceed five retired officers of the Regular Army may be assigned to active duty at the United States Soldiers' Home, and such officers while so assigned shall be entitled, notwithstanding any other provisions of law, to the pay and allowances of officers of the same rank and length of service on the active list of the Army: *Provided further*, That, effective July 1, 1937, the Board of Commissioners of the Home may prescribe the duties to be performed and fix the compensation to be paid for personal services rendered by hospital orderlies and member employees of the Home without regard to the provisions of the Classification Act, 1923, as amended, or any other law relating to payment for personal services.

THE PANAMA CANAL

The limitations on the expenditure of appropriations hereinbefore made in this act shall not apply to the appropriations for the Panama Canal.

For every expenditure requisite for and incident to the maintenance and operation, sanitation, and civil government of the Panama Canal and Canal Zone, including the following: Compensation of all officials and employees; foreign and domestic newspapers and periodicals; lawbooks not exceeding $1,000; textbooks and books of reference; printing and binding, including printing of annual report; rent and personal services in the District of Columbia; purchase or exchange of typewriting, adding, and other machines; purchase or exchange, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles; claims for damages to vessels passing through the locks of the Panama Canal, as authorized by the Panama Canal Act; claims for losses of or damages to property arising from the conduct of authorized business operations; claims for damages to property arising from the maintenance and operation, sanitation, and civil government of the Panama Canal; acquisition of land and land under water, as authorized in the Panama Canal Act; expenses incurred in assembling, assorting, storing, repairing, and selling material, machinery, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal which are unserviceable or no longer needed, to be reimbursed from the proceeds of such sale; expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus; expenses incident to any emergency arising because of calamity by flood, fire, pestilence, or like character not foreseen or otherwise provided for herein; traveling expenses, when prescribed by the Governor of the Panama Canal to persons engaged in field work or traveling on official business; transportation, including insurance, of public funds and securities between the United States and the Canal Zone; and for such other expenses not in the United States as the Governor of the Panama Canal may deem necessary best to promote the maintenance and operation, sanitation, and civil government of the Panama Canal, all to be expended under the direction of the Governor of the Panama Canal and accounted for as follows:

For maintenance and operation of the Panama Canal: Salary of the Governor, $10,000; purchase, inspection, delivery, handling, and storing of materials, supplies, and equipment for issue to all departments of the Panama Canal, the Panama Railroad, other branches of the United States Government, and for authorized sales; payment in lump sums of not exceeding the amounts authorized by the Injury Compensation Act approved September 7, 1916 (U. S. C., title 5, sec. 793), to alien cripples who are now a charge upon the Panama Canal by reason of injuries sustained while employed in the construction of the Panama Canal; in all, $8,519,000, together with all moneys arising from the conduct of business operations authorized by the Panama Canal Act.

For sanitation, quarantine, hospitals, and medical aid and support of the insane and of lepers and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable, and the purchase of artificial limbs or other appliances for persons who were injured in the service of the Isthmian Canal Commission or the Panama Canal prior to September 7, 1916, and including additional compensation to any officer of the United States Public Health Service detailed with the Panama Canal as chief quarantine officer, $918,000.

For civil government of the Panama Canal and Canal Zone, including gratuities and necessary clothing for indigent discharged prisoners, $1,131,760.

Total, Panama Canal, $10,568,760, to be available until expended.

In addition to the foregoing sums there is appropriated for the fiscal year 1938 for expenditures and reinvestment under the several heads of appropriation aforesaid, without being covered into the Treasury of the United States, all moneys received by the Panama Canal from services rendered or materials and supplies furnished to the United States, the Panama Railroad Co., the Canal Zone government, or to their employees, respectively, or to the Panama Government, from hotel and hospital supplies and services; from rentals, wharfage, and like service; from labor, materials, and supplies and other services furnished to vessels other than those passing through the Canal, and to others unable to obtain the same elsewhere; from the sale of scrap and other by-products of manufacturing and shop operations; from the sale of obsolete and unserviceable materials, supplies, and equipment purchased or acquired for the operation, maintenance, protection, sanitation, and government of the Canal and Canal Zone; and any net profits accruing from such business to the Panama Canal shall annually be covered into the Treasury of the United States.

In addition, there is appropriated for the operation, maintenance, and extension of waterworks, sewers, and pavements in the cities of Panama and Colon, during the fiscal year 1938, the necessary portions of such sums as shall be paid as water rentals or directly by the Government of Panama for such expenses.

Memorial to Maj. Gen. George W. Goethals: For necessary expenses incident to the selection of the site, and preparation of plans and estimates of cost, for the erection of a memorial to Maj. Gen. George W. Goethals within the Canal Zone, authorized by the act approved August 24, 1935 (49 Stat. 743), including travel expenses of the members of the Goethals Memorial Commission appointed by the President under authority of said act, and of the employees of said Commission; employment of an architect or architects without regard to the provisions of other laws applicable to the employment or compensation of officers and employees of the United States; stationery and supplies; and all other necessary expenses, $5,000, to be available immediately and also for payment of expenses heretofore incurred in carrying out the purposes of such act of August 24, 1935.

SEC. 2. Three million dollars of the appropriation "Capital stock, Inland Waterways Corporation" are hereby repealed.

Mr. COPELAND. Mr. President, I ought to say at this point that this year the House undertook to divide the War Department bill into two parts, one of the military character and the other of a nonmilitary character, so that the casual student might not be deceived as to what part was for possible war and what part was for civil activities.

I think perhaps on general principles that may be a good plan; but, unfortunately, the surgery was not well performed. We find that the Army engineers' salaries and the civil engineers' salaries, and certain items for the High Commission in the Philippines, and so forth, were not deducted; likewise, the supplies of the Army engineers, their travel allowances, and so forth. Perhaps in another year it may be done.

In the meantime, we had had our hearings. There were necessary delays in the House, so that we did not get to the second bill. So we proceeded, as the bill indicates, and added the nonmilitary activities as an amendment to the regular bill.

Mr. SCHWELLENBACH. Mr. President, in the light of the remarks of the Senator from North Dakota [Mr. NYE] and the events of the past few weeks, I wish to make a few remarks.

Members of the Senate are familiar with the fact that a few weeks ago the Spanish ship *España* was sunk off the coast of Spain by an aerial bomber. The Members of the Senate also are familiar with the fact that a few weeks ago a group of Russian flyers landed at the North Pole and established a base of operations at the North Pole, and that within the past week a Russian plane starting from Russia, going over the North Pole on a trip the destination of which was San Francisco, landed in the city of Vancouver, in the State of Washington.

I think these events have demonstrated the fact that it is possible, through the use of military bombers and through the use of large planes, to create an effective weapon of defense. The old type of Army bomber was a pretty in-

effectual instrument; but in the year 1935, acting under plans of the War Department, the Boeing Airplane Co., located in the city of Seattle, State of Washington, developed a bombardment airplane, type Y–B–17. It is a large four-engine plane. Eight of these planes have been manufactured for the Government and are under test at the present time. The tests that have been made by the Army air force have been eminently satisfactory.

I call this matter to the attention of the Senate because of my belief that through the use of the large bombing plane it is going to be possible for this Government very materially to reduce its necessary military and naval expenditures.

We are told by those interested in military and naval affairs that our Army and Navy are purely for purposes of defense. Assuming that to be true, with planes of the type which are being produced under these plans it will be possible, by the maintenance of a comparatively small number of places within the United States and the Territories of the United States, to develop a defensive weapon which will make unnecessary many of our present expenditures for the Army and the Navy.

Mr. CLARK. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Missouri?

Mr. SCHWELLENBACH. I yield to the Senator.

Mr. CLARK. In addition to the very pertinent discussion of the Senator from Washington with regard to the probable developments and changes in warfare by reason of the demonstrations of the Russian aviators, possibly either making many of the mobile military defenses unnecessary or requiring them to be of a different character, the Senator will recall that very recently an aviator flying on behalf of the Spanish loyalist government probably brought about in the near future a great change in naval warfare by sinking from a bombing plane a first-line battleship—an event which will probably render much of the naval construction to be done in the next couple of years by the United States and other nations of the world in the way of battleships obsolete before the ships are even constructed.

Mr. SCHWELLENBACH. Mr. President, I may say, in reference to what the Senator from Missouri has stated, that it is interesting to note that within the same day when that battleship was sunk our Navy Department, through its publicity office, made the announcement that the battleship was simply an old one and of an obsolete type.

If it is possible for a plane to sink an old battleship, I have not been able to see that the fact that it is old has anything to do with the effectiveness of the bombing plane.

Mr. CLARK. And if a bomb were dropped down the funnel of one of the new battleships to be constructed, it would probably have the same effect on that ship the bomb had on the old battleship.

Mr. SCHWELLENBACH. The reason why the use of these larger planes will be effective is the cruising range which they have. They have a cruising range of 1,500 miles. The original plane, which was built in 1935, left Seattle, went to Dayton, Ohio, a distance of 2,000 miles, and reached Dayton in a period of 9 hours. It is possible through the use of such planes, by establishing one base in Alaska, a base in the Pacific Northwest, a base in California, one at Honolulu, one at the Panama Canal, one at Miami, Fla., and one in the vicinity of Washington, D. C., to completely cover the area which the United States desires to protect. Heretofore small planes, single-engine planes or two-engine planes, have had such a limited cruising range that they were simply of use to the mobile forces.

In the bill before us there is a large appropriation for the purchase of new airplanes. I understand it is contemplated that we shall purchase more of the bombing type of plane. Since it has been demonstrated that it is possible for planes to travel the distances they can travel effectively, since it is possible by the use of the larger four-engine bombers to have planes with a cruising range of 1,500 miles, it will be possible, under a program of that kind, to reduce the number of places where we would establish air bases for the bombing planes to the small number I have described, and still completely cover the area which we feel we must defend.

I sincerely hope the War Department and the General Staff will give proper attention to the possibility of the development of this type of airplane, and that as a result it will be possible in the near future to bring about a reduction in our necessary military appropriations.

Mr. COPELAND. I may say that in formulating the amendment we have now reached we followed the progress of the bill in the House, and, so far as we could, closely approximated the bill. The chief difference lies in the appropriation for flood control.

Mr. President, would it be in order now for us to perfect the amendment we have before us?

The PRESIDING OFFICER. It would be proper.

Mr. COPELAND. I desire to call attention to an item under rivers and harbors on page 71, lines 22 and 23. I ask that those lines be stricken out. The reason is that this project has never been surveyed, it has never been approved by the Army engineers, it has never been approved by the Congress. Therefore it has no place in this bill under our rules.

I ask that on page 71, lines 22 and 23, there be stricken out the words "for such works, hereby authorized, as may be necessary for the protection of the town of Collinsville, Ala."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. COPELAND. Mr. President, on page 75, at the bottom of the page, beginning in line 21, will be found an emergency fund for flood control on the tributaries of the Mississippi River, for rescue work, for repair, and so forth. Since this language was inserted in the bill an estimate has come from the Budget Bureau, with the approval of the President, with a request that the sum at the end of line 26 be changed to $300,000 instead of $100,000.

The PRESIDING OFFICER. The clerk will state the amendment to the amendment.

The CHIEF CLERK. On page 75, line 26, it is proposed to strike out "$100,000" and insert in lieu thereof "$300,000", so as to make the paragraph read:

> Emergency fund for flood control on tributaries of Mississippi River: For rescue work and for repair or maintenance of any flood-control work on any tributaries of the Mississippi River threatened or destroyed by flood, in accordance with section 9 of the Flood Control Act, approved June 15, 1936 (49 Stat. 1508), $300,000.

The amendment to the amendment was agreed to.

Mr. BARKLEY. Mr. President, as the Senator knows, I am interested in the whole subject of flood control. I note that in the Senate committee amendment, which is supposed to incorporate the so-called nonmilitary or flood-control provisions of the bill which I believe has passed or is under consideration in the House, the committee provides $60,000,000 for flood-control projects authorized under the act of 1936.

Mr. COPELAND. Mr. President, will the Senator defer his suggestion on that for just a moment?

Mr. BARKLEY. Certainly.

Mr. COPELAND. I call attention to page 77, the proviso on line 13, running to the end of line 20. That is a repetition of language found in an earlier part of the bill and I ask that the proviso at this point be stricken out.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 77, line 13, after the word "Army" and the colon, it is proposed to strike out the following proviso:

> *Provided further*, That, effective July 1, 1937, the board of commissioners of the home may prescribe the duties to be performed and fix the compensation to be paid for personal services rendered by hospital orderlies and member employees of the home without regard to the provisions of the Classification Act, 1923, as amended, or any other law relating to payment for personal services.

The amendment to the amendment was agreed to.

Mr. BARKLEY. Mr. President, I was interested to know whether I had properly interpreted the language of the bill

on pages 74 and 75. On page 74 the committee recommends the appropriation of $60,000,000 to begin the construction of certain flood-control projects authorized in the act of 1936, and also authorizes the Chief of Engineers to enter into contracts prior to July 1, 1938, up to the amount of $38,000,000. So that the committee is authorizing the expenditure and the contracting of an amount equal to $98,000,000 under the act of 1936.

The committee provides that if the President shall, out of the relief funds, allocate any amount to that work under the act of 1936, this appropriation shall be reduced by whatever amount the President allocates, provided this appropriation shall not be less than $30,000,000.

In other words, if the President should allocate $30,000,000, then the total amount to be expended would be $60,000,000—$30,000,000 out of this appropriation and $30,000,000 out of his allocation. If he allocated more than $30,000,000, then the amount available for next year would be $60,000,000 plus whatever more than $30,000,000 he allocated in addition to the $38,000,000 that might be contracted for.

Mr. COPELAND. Yes.

Mr. BARKLEY. So that clears up the matter so far as the act of 1936 is concerned.

Mr. COPELAND. I may say to the Senator that the discussion on the floor of the House made it quite clear, in the words of Mr. RAYBURN, that in all probability the President would allocate $11,000,000 more than the $30,000,000 which we speak of to cover certain unauthorized projects, particularly at Paducah and some other points in Kentucky.

Mr. BARKLEY. That probably is not under the appropriation of the $60,000,000. That comes in on page 75, where provision is made for flood control on the Mississippi River and its tributaries.

Mr. COPELAND. Yes.

Mr. BARKLEY. Forty-five million dollars is appropriated there, and authority is given for additional contracts in an amount not in excess of $10,000,000; and the same provision is made as to any allocation out of relief funds, with the exception that the minimum appropriation, no matter how much the President may allocate, is twenty-two and one-half million dollars.

Mr. COPELAND. That is correct.

Mr. BARKLEY. I wish to inquire of the Senator what information he has to the probable amount. No one, of course, can commit the President on that subject, and no one would attempt to do so; but if the Senator has any information as to the probable amount that is running in the mind of the President, or if anybody knows what he probably will do in that regard, I should like to have the Senator state it, if it is not confidential information.

Mr. COPELAND. I have no confidential information. Mr. RAYBURN in the House made certain statements. I should think the Senator who addressed the question to me perhaps would be better qualified to answer the question than I am.

Mr. BARKLEY. Far from it.

Mr. COPELAND. As I understood Mr. RAYBURN's statement, it was to this effect: In view of the floods in the Ohio and Mississippi River Basins quite a large sum of money was earmarked for flood control, and Mr. RAYBURN stated that he had no doubt that the amount which would be allocated for emergency relief would be at least $30,000,000 for the so-called Copeland bill, and twenty-two and one-half million dollars for the Overton bill, and then eleven or twelve million dollars for unauthorized projects.

Mr. BARKLEY. Yes; projects made necessary by reason of the recent floods.

Mr. COPELAND. Projects made necessary by reason of the experience of the recent floods.

Mr. BARKLEY. And none of which is authorized, and none of which may be authorized by the acts passed at this session.

Mr. COPELAND. That is correct.

Mr. BARKLEY. So, if all of that should happen, there would be not less than $60,000,000 to spend under the Copeland Act, and not less than $45,000,000 under the Overton Act, with possibly $11,000,000 or $12,000,000 for projects unauthorized in either act, growing out of the recent floods in the Ohio Valley.

Mr. COPELAND. And in addition to what the Senator has said, the contractual obligation under the Copeland Act of $38,000,000, and $10,000,000 under the Overton Act.

Mr. BARKLEY. Yes.

Mr. CLARK. Mr. President, I should like to ask the Senator what his construction of this language would be with regard to the particular situation which has arisen as the result of the flood of this year.

The Senator will recall that the so-called Bird's Point-New Madrid spillway was originally constructed for the protection of Cairo, Ill., not for the protection of any of the people on the Missouri side of the river. The understanding was that it was to be a fuse-plug levee, which would automatically be blown when it had reached a certain point, and therefore the act authorized only the acquisition of flowage rights by the United States Government. Under the contention made by the Corps of Engineers, the damages to these flowage rights were held down to the absolute minimum.

In the tremendous floods of this year, not only for the protection of Cairo, Ill., but for the protection of the lower river, the Army engineers did not wait for the situation to occur which had been contemplated, that the levee should automatically go out, but ordered the dynamiting of the levee, and inundated the whole territory, and drove the people out of their homes. Shortly thereafter there was a recurrence of the flood in the Ohio Valley, and the Army engineers again ordered the people out of their homes after they had come back and had just begun to plant their crops.

In line with the recommendations of the Army engineers contained in the bill pending in the House as to future projects of that sort, it seems that it should be the policy of the Government in future cases to acquire this land in fee; but, in view of the fact that the lands have already been practically ruined, would this provision for projects not specifically authorized cover the acquisition in fee of lands in the Bird's Point-New Madrid Spillway? I may say that it is my purpose to offer a substantive amendment to that effect when the bill comes over from the House.

Mr. COPELAND. Mr. President, the man best qualified to answer that question is the Senator from Louisiana [Mr. OVERTON]. I will say, in justice to the committee, that the matter was very thoroughly discussed in the committee. While I do not always believe everything I read in the newspapers, there was a statement in the press to the effect that the President gave the impression to the newspaper men that this land should be acquired in fee.

Mr. CLARK. Mr. President, the reference was in the report of the Chief of Engineers, as I recall, to the House committee. That had to do with the Morganza and Eudora spillways, and these other settlements on the lower river. But in those cases the people have already been driven out of their homes by the action of the Army engineers, undoubtedly in the public welfare, but in absolute contravention of the terms by which the flowage rights were acquired; and it seems only just that the Government should purchase those lands in fee.

Mr. COPELAND. Of course, there is another question involved there which the Senator from Louisiana will discuss, and that is the effect upon the State of Louisiana and its various parishes if all that land is taken off the tax list.

A very dramatic thing happened in connection with the flood at Cairo. The Army engineers made every effort to evacuate the territory in the flood area, but it could not do so in time to make certain that all the residents were out; and even though they were under the impression that there were 200 persons left in the possibly flooded area, they felt it wise to dynamite the levees and let the water in.

Mr. CLARK. Of course, the point is that they had no authority whatever to dynamite the levee. The levee, under the law, was constructed for the purpose of being a fuse plug which would go out automatically when the river had reached a certain point. I make no criticism of the course

the Army engineers pursued, but the Army engineers did not wait for the situation contemplated by law to arise. They proceeded to dynamite the levee. Unfortunately, several persons were drowned.

I am not now discussing whether any responsibility can be laid at the doors of the Army engineers for the lives being lost. What I am saying is that under the policy pursued by the Army engineers under the authority of the Government, an entirely different situation has arisen as to the use made of the land by the Government.

Mr. COPELAND. I am going to ask the Senator from Louisiana [Mr. OVERTON] to take up the discussion of the subject in detail.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. COPELAND. I yield.

Mr. LODGE. Am I correct in my assumption that the flood-control section, beginning on page 73 of the bill, which makes provision for the appropriation of $60,000,000 and $38,000,000, takes in the flood-control work in the Merrimack and Connecticut River Basins?

Mr. COPELAND. I am glad to say that it does. The project in this division of the bill, if it shall be adopted by the Congress, will take care of the reservoirs in the Merrimack River Basin, the reservoirs in the Connecticut River Basin in Vermont, New Hampshire, Massachusetts, and Connecticut; will take care of reservoirs and channel enlargements in southern New York and eastern Pennsylvania, the Susquehanna Basin levees for protection of Williamsport, Pa., the Potomac River Basin levees for protection of cities, the Tar River channel clearing, the Savannah River levee at Augusta, Ga., the Mobile River Basin, Buffalo River, Miss., Red River Basin, Ouachita River Basin, Arkansas River Basin, White River Basin, upper Mississippi and Illinois Rivers, reservoir system for the protection of Pittsburgh, Wabash River, Cumberland River, Kansas River Basin, Cheyenne, Yellowstone, and Milk Rivers, Los Angeles and San Gabriel Rivers, Santa Ana River, Columbia River Basin, Willamette River, Puyallup River, Umatilla River, Lewis River, Stilaguamish River, Cowlitz River, and various surveys.

I have purposely read the list, because I thought someone else might ask a question relating to some river or projects involved. It does take care of the projects to which the Senator from Massachusetts has referred.

Mr. McKELLAR. Mr. President, the Senator referred to the upper Mississippi. Where does that begin in accordance with the Senator's understanding?

Mr. COPELAND. I suppose it begins at Cairo.

Mr. McKELLAR. What about the Mississippi River below Cairo?

Mr. COPELAND. That is all taken care of in the other bill which the Senator from Louisiana [Mr. OVERTON] will discuss.

Mr. BONE. Mr. President, I do not have before me a copy of the flood-control bill of last year. The bill now before us does not carry definite allocations of money for the projects which the engineers mention in their testimony, and the text of the bill is not an appropriation or allocation of money. What is there in the wording of the law itself that will require the engineers to do the things which they discussed in their testimony?

Mr. COPELAND. The Senator will find, in the hearings before the Senate Committee on Appropriations, with reference to the War Department appropriation bill, a list of the projects which will be carried on if $98,000,000 is made available. Those projects will be found on pages 197 and 198 of the Senate committee hearings.

The lower Mississippi begins at Cairo, I may say to the Senator from Tennessee.

Mr. BONE. As I said, I do not have last year's flood-control bill before me. I have forgotten whether it contains a provision that the engineers themselves shall lay out the projects as they determine upon their advisability and feasibility, and that they shall have authority to spend the money as indicated on page 198 of the committee hearings to which the Senator has just called my attention.

Mr. COPELAND. Under the law the President has the final say about it; but the projects will be carried out exactly in harmony with the list I read a moment ago. We discussed that matter, as the Senator will find if he will read the hearings. During the next year projects to the amount of $60,000,000 will be completed and other projects to the amount of $38,000,000 will be begun. Of course, the determination of priority will be made by the Army engineers, I suppose, upon consultation with the President.

Mr. BONE. Assuming $60,000,000 is appropriated in this bill, is it also a fair assumption that the projects listed on page 198 of the committee hearings will be undertaken within the fiscal year?

Mr. COPELAND. Yes.

Mr. BONE. I have referred to this because the list contains the names of four rivers in Washington.

Mr. COPELAND. Yes. The Senator will observe that had we not taken the course we have taken, and unless the Congress should appropriate the money, the projects on these rivers would not be undertaken this year.

Mr. BONE. The only one contemplated for first-year development is Puyallup.

Mr. COPELAND. Yes; but if the bill passes in its present form, everything contemplated for the first and second years, as set forth in the first two columns, will be undertaken at once.

Mr. BONE. That is to say, if $60,000,000 is carried in the bill?

Mr. COPELAND. That is correct.

Mr. BARKLEY. Mr. President, the Senator has just given the information I wanted. Some of the items in the column marked "second year" have no corresponding sum in the first year, so that, regardless of that, they would be begun during the first year under the $60,000,000 appropriation. Is that correct?

Mr. COPELAND. That is correct. Under this appropriation as planned, everything in the first and second years will be begun.

Mr. OVERTON. Mr. President, in reference to the suggestion made by the Senator from Missouri [Mr. CLARK] as to the acquisition in fee simple of lands in floodways, I may say that the Overton Act does not provide or contemplate that any of the land shall be acquired in fee simple.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. OVERTON. Certainly.

Mr. CLARK. I am perfectly aware of that. I understand that under the Jadwin Act the language was construed in a very different way than was contemplated when the act was passed. That is the point I was making.

Mr. OVERTON. It is my understanding that neither under the act of May 15, 1928, referred to as the Jadwin Act, nor under the Overton Act, is it contemplated that the land in the Birds Point floodway shall be acquired in fee simple.

Mr. CLARK. I had no idea that the act provided that it should be acquired in fee simple. The act specifically provided that it should be acquired for use in a particular way. The land has been used in a very different way and the suggestion is made that in justice to the owners of the land the Congress should provide that the land shall be acquired in fee simple.

Mr. OVERTON. It is possible that the position taken by the Senator from Missouri may be correct, but, in order to accomplish that purpose, there would have to be legislation and the act of May 15, 1928, would have to be amended or some independent bill would have to be enacted into law providing for the acquisition, in fee simple, of the lands in the Bird's Point-New Madrid floodway. As the law now stands, there is no authority vested in the Secretary of War or the Chief of Army Engineers to acquire any of the land in fee simple in the Bird's Point-New Madrid floodway.

The appropriation bill now before us does not contemplate that any of the sums appropriated shall be used for the acquisition of any of those lands in any of the floodways under either the act of May 15, 1928, or the act of June 15, 1936, or that they shall be acquired in fee simple.

It is simply an appropriation to carry into execution the existing law, and that would be to acquire flowage easements in the Eudora floodway, in the West Atchafalaya floodway and in the floodway east of the Atchafalaya River known as the Morganza floodway.

I shall be very glad to answer any questions in reference to this appropriation that the Senator may address to me, or to furnish any information I can supply regarding it.

Mr. COPELAND. Mr. President, I take it the Senator from Louisiana would consider it a misfortune if, at this stage of the negotiations, any effort were actually made to acquire a fee-simple title.

Mr. OVERTON. It would indeed be very unfortunate.

Mr. COPELAND. I think so.

Mr. CLARK. Mr. President——

Mr. OVERTON. Before I yield further, let me say, in answer to the Senator from New York, that the floodways contemplated in southeastern Arkansas and in Louisiana embrace, in round figures, about a million acres of land. The Eudora floodway, starting in southeastern Arkansas, has a width of approximately 10 miles, and has a length of approximately 100 miles. Starting in southeastern Arkansas, it runs down through Louisiana into the Red River backwater area. If the Government should acquire the ownership of the eight-hundred-and-some-odd thousand acres embraced in the Eudora floodway alone, all that property would be taken off the assessment rolls, and would not be subject to State taxation or to local taxation.

Mr. ROBINSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Arkansas?

Mr. OVERTON. I yield to the Senator from Arkansas.

Mr. ROBINSON. Much of the land is in a very high state of cultivation, and if the Government should acquire the land it would be difficult to conceive what use the Government could make of it other than for flood purposes. It is expected that these lands will continue to be cultivated; in fact, the greater portions of them have been cultivated for many, many years, and they can be cultivated in the future. Even after the establishment of this floodway, there will be periods and years when the lands will not be valuable for crop raising by reason of the floods; but in other years, when the floods do not come, they may still be used by their owners as they are now used.

I agree with the Senator from Louisiana that it would be impracticable, and would raise a new and very large issue, to provide now for the acquisition of titles in fee simple. The proposal is to acquire easements or flowage rights; and, of course, that represents a very material difference in value from that which would be involved if the fee-simple title were to pass to the Government.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. CLARK. The Senator from Arkansas, I believe, happened to be out of the Chamber when the matter was brought up. The point I was raising had nothing to do with the flowage rights of the lower spillways but was confined entirely to the so-called Birds Point-New Madrid spillway, which was not created by the Government for the protection of the lands contained in the spillway, or even in the vicinity of the spillway. It was constructed by the Government for the protection of Cairo, Ill., on the other side of the river, and the lower river. The contemplation of the act was that that was to be a "fuse plug" levee which was only to be put in operation when the river reached a certain height, and then the fuse plug would necessarily go out.

In view of the unprecedented flood in the Ohio Valley this year, the Government engineers did not wait for the "fuse plug" point to be reached. They did not wait to see whether, under the terms contemplated in the act, it was necessary. They dynamited the levee. A number of persons in the area covered by the spillway lost their lives. Their property was almost completely devastated. Then a few weeks later, when the survivors were going back there and endeavoring to rehabilitate their land, a secondary flood came down the Ohio Valley, still having nothing to do with the people connected with that spillway, and the Army engineers again ordered them out of their homes.

If the spillway is to be put to that extraordinary use, I say the Government ought to acquire it in fee simple, instead of acquiring in the courts of the country at a very low rate flowage rights for an entirely different situation.

I realize that a provision of this sort is subject to a point of order on the pending bill, and I merely injected the question in connection with the discussion of the problematic development of the flood situation. I propose to offer an amendment on the subject to the very first bill that comes over from the House having to do with flood control. This seems to me to be an extraordinary situation, but one in which the Government, while possibly acting in the general public interest, certainly has done a very grave injustice to the people having homes in the spillway.

Mr. ROBINSON. Mr. President, in view of the statement made by the Senator from Missouri, and some facts which I learned from press reports during the flood, I think this is a subject which may very well receive consideration. I do not understand that the Senator from Missouri contemplates offering an amendment to this bill, however.

Mr. CLARK. No; I am aware that such an amendment would be subject to a point of order.

Mr. OVERTON. Mr. President, I realize that there is quite a difference between the Bird's Point-New Madrid floodway, so-called, and such a floodway as the Eudora floodway. The Bird's Point-New Madrid floodway is simply a little detour where the water is taken from the Mississippi River, as the Senator from Missouri has well said, in order to relieve the situation at Cairo; and, after being taken from the river, a few miles farther down it empties back into the Mississippi River. The floodway is intended for temporary relief and for local relief, and does not affect, to any extent, the stage of the Mississippi River either above or below it.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Texas?

Mr. OVERTON. I yield.

Mr. CONNALLY. I should like to ask the Senator from Louisiana about the flood-control provision of the bill on page 75, relating to the Mississippi River and its tributaries. Of course, this is merely an appropriation to carry on the authorization in existing law, as I understand, within the Mississippi River tributaries.

Mr. OVERTON. That is all.

Mr. CONNALLY. Does it include the Red River and the Arkansas River?

Mr. OVERTON. No; it does not, except up to a certain point. On the south bank of the Arkansas, the levee comes within the provisions of what might be called the lower Mississippi River Valley or flood-control legislation. Those tributaries come under the lower Mississippi Valley legislation only insofar as the Mississippi River itself affects those tributaries. The legislation does not go to the upper reaches of the Arkansas, nor to those of the Red.

Mr. CONNALLY. It would not refer in any wise, then, to the proposed dam on the Red River near Denison, Tex.?

Mr. OVERTON. No; that would come more properly under the omnibus flood-control bill, if approved. The dams and reservoirs on the upper tributaries were taken care of under the Copeland bill. The Overton Flood Control Act relates to the Mississippi Valley proper, and to those portions of the tributaries in the lower reaches that are directly influenced by the Mississippi waters.

Mr. CONNALLY. I thank the Senator.

Mr. ROBINSON. Mr. President, there is a provision in this committee amendment repealing the authorization of a portion of the capitalization of the Inland Waterways Corporation. Will the Senator state the justification for that provision? Section 2 on page 82 reads:

Three million dollars of the appropriation, "Capital stock, Inland Waterways Corporations", are hereby repealed.

Mr. COPELAND. Mr. President, the story about that, as I understand, is this: The Inland Waterways Corporation have a larger reserve than they need, and this is to give them authority to get rid of it. The provision has no relationship to building the new ships, which are to be constructed out of other funds.

Mr. ROBINSON. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee known as title II, as amended.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The next amendment was, on page 83, after line 9, to strike out:

SEC. 4. This act may be cited as the Military Appropriation Act, 1938.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is still before the Senate and open to amendment.

Mr. COPELAND. Mr. President, I send to the desk an amendment, which I offer and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 74, after line 26, it is proposed to insert the following:

The act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936, is hereby amended by adding to the first paragraph of section 5 a proviso reading as follows: *"Provided further,* That the Secretary of War is authorized to receive from States or political subdivisions thereof, such funds as may be contributed by them to be expended in connection with funds appropriated by the United States for any authorized flood-control work whenever such work and expenditure may be considered by the Secretary of War, on recommendation of the Chief of Engineers, as advantageous in the public interest, and the plans for any reservoir project may, in the discretion of the Secretary of War, on recommendation of the Chief of Engineers, be modified to provide additional storage capacity for domestic water supply or other conservation storage, on condition that the cost of such increased storage capacity is contributed by local agencies and that the local agencies agree to utilize such additional storage capacity in a manner consistent with Federal uses and purposes: *And provided further,* That when contributions made by States, or political subdivisions thereof, are in excess of the actual cost of the work contemplated and properly chargeable to such contributions, such excess contributions may, with the approval of the Secretary of War, be returned to the proper representatives of the contributing interests."

Mr. COPELAND. Mr. President, the significance of that amendment is, as follows, to give a specific example:

The city of Oklahoma City desires to take advantage of what the Goverment is doing in the way of building a flood-control reservoir above the city.

It desires to contribute $2,000,000 in order to increase the height of the dam, and then make use of the additional water in the mill pond for purposes of supplying the city with potable water. The Army engineers stated to us that there are some other similar instances. Of course, there is no added expense to the Federal Government, and there is no loss of efficiency by reason of the development of the project; but the project is enlarged in order that the surplus water may be used, and I think the amendment should be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. COPELAND. Mr. President, I send forward two amendments, which ought not to be necessary because we have passed in the Senate legislation covering both matters, but we did not have the language at the time the bill was written, and therefore I ask that the bill be amended by the insertion of the language which I send to the desk.

The PRESIDING OFFICER. The clerk will state the first amendment.

The LEGISLATIVE CLERK. On page 16, line 4, after the word "Department", to insert a colon and the following additional proviso:

Provided further, That the appropriation "Travel of the Army" current at the date of relief from duty station of personnel traveling under orders shall be charged with all expenses properly chargeable to such appropriation in connection with the travel enjoined, including travel expenses of dependents, regardless of the dates of arrival at destination of the persons so traveling.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the second amendment sent forward by the Senator from New York.

The LEGISLATIVE CLERK. On page 10, line 18, after the numerals "$34,843,745", to insert a colon and the following proviso:

Provided, That on and after July 1, 1937, there shall be authorized 1,083 officers of the Medical Corps and 208 officers of the Dental Corps, notwithstanding the provisions of the act of June 30, 1922 (42 Stat. 721), and the authorized commissioned strength of the Army is hereby increased by 75 in order to provide for the increase herein authorized in the number of officers in the Medical Corps and the Dental Corps.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. COPELAND. I ask unanimous consent that the clerks be authorized to correct the totals in the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. COPELAND. I move that the title be amended.

The PRESIDING OFFICER. The Chair suggests to the Senator that that motion will properly come after the passage of the bill.

Mr. FRAZIER. Mr. President, I send an amendment to the desk which I ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 63, line 20, after the words "Officers' Training Corps", it is proposed to insert the following:

Provided further, That none of the funds appropriated in this act shall be used for or toward the support of any compulsory military course or military training in any civil school or college, or for the pay of any officer, enlisted man, or employee of any civil school or college which suspends, expels, or otherwise penalizes students who, because of conscientious convictions or because of religious beliefs, object to enrollment in a course in military training; but nothing herein shall be construed as applying to essentially military schools or colleges.

Mr. COPELAND. Mr. President, will the Senator yield for just a moment? The Senator from Mississippi wishes to ask a question.

Mr. FRAZIER. I yield.

Mr. BILBO. I desire to ask the Senator from New York a question about the sums designated in the bill for rivers and harbors and other projects. I am keenly interested in knowing just how this amount was arrived at because I am interested in some authorizations affecting my State contained in the bill passed in 1936.

Mr. COPELAND. Mr. President, I may say to the Senator that he can thank God and take courage, because there is an appropriation of $131,000 for the Tombigbee River, an appropriation for the Yazoo River, as well as appropriations for the Tallahatchie and the Big Sunflower Rivers. Besides that, the Army engineers have made a favorable report to the House on Pearl River. General Pillsbury has promised that in the work of this year the Pearl River project will be undertaken.

I may say to the Senator from North Dakota that unless he cares to go on we are willing to go over now until tomorrow. It is wholly in his hands.

Mr. FRAZIER. Mr. President, I would rather have a recess until tomorrow. It is now a quarter past 5, and I should like to speak for 15 or 20 minutes on the amendment I have offered, and I assume others will also desire to discuss the amendment.

Mr. COPELAND. I leave it in the hands of the leader on this side.

Mr. HARRISON. Mr. President, is this the last amendment to be offered, so far as the Senator in charge of the bill knows?

Mr. COPELAND. Yes; it is, so far as I know.

Mr. OVERTON. Mr. President, I have an amendment which I expect to offer.

Mr. HARRISON. About how long will it take? There is a joint resolution extending certain taxes which must be passed at a very early date. I had hoped that the pending bill would be out of the way in 2 or 3 hours, as I had been informed it would be, and I was wondering about how long the pending amendment would take tomorrow before we could proceed with the other matter.

Mr. AUSTIN. Mr. President, I have but recently read the draft of the amendment proposed by the Senator from North Dakota. It is my impression that it is controversial, and, of course, I cannot say who else may desire to discuss it, but I must give notice that I shall discuss it. It is a matter which will probably take an hour, unless general discussion ensues.

Mr. COPELAND. Mr. President, I suggest to the Senator from Arkansas that perhaps the Senate had better take a recess until tomorrow.

Mr. HARRISON. I shall raise no objection, except that if the debate is to be prolonged I shall have to ask the Senator in charge of the bill to consent to it being set aside so as to take up the measure I have suggested.

Mr. ROBINSON. Mr. President, I am satisfied consideration of the bill will be concluded within a comparatively short time. All amendments, except possibly that of the Senator from North Dakota and the amendment which the Senator from Louisiana will propose, have been acted upon.

Mr. LA FOLLETTE. Mr. President, in view of the statement of the Senator from Mississippi that he intends to ask that the joint resolution extending the excise taxes be taken up, and in view of the further fact that I intend to offer certain amendments to the joint resolution proposing to increase the individual income-tax rates, I ask unanimous consent to have inserted in the RECORD at this point a table which may be of some help in discussing my amendment tomorrow. I ask to have it printed in the RECORD so that Senators may readily refer to it.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Income tax, individual—Comparison of total tax payable on specimen net income by a married person without dependents and entitled to the maximum earned-income allowance under existing United States and British laws and La Follette plans

Net income	Existing law	Plan no. 1 [1]	Plan no. 2 [2]	Plan no. 3 [3]	Plan no. 4 [4]	Great Britain
$1,000	0	0	0	0	0	
$1,500	0	0	0	0	0	$25.00
$2,000	0	0	0	0	0	62.50
$2,500	0	$10	0	$5	$5	162.50
$3,000	$8	28	$8	18	18	262.50
$4,000	44	64	44	54	54	462.50
$5,000	80	100	80	90	90	662.50
$6,000	116	176	136	166	126	862.50
$7,000	172	272	222	262	202	1,062.50
$8,000	248	368	318	358	278	1,287.50
$10,000	415	600	540	590	470	1,787.50
$12,000	602	872	802	862	702	2,397.50
$14,000	809	1,184	1,104	1,174	974	3,028.13
$16,000	1,044	1,544	1,454	1,534	1,294	3,706.88
$18,000	1,299	1,944	1,844	1,934	1,654	4,426.88
$20,000	1,589	2,384	2,274	2,374	2,054	5,146.88
$25,000	2,489	3,664	3,524	3,654	3,234	7,221.88
$30,000	3,569	5,124	4,969	5,114	4,594	9,434.38
$40,000	5,979	8,404	8,234	8,394	7,674	14,134.38
$50,000	8,869	12,224	12,024	12,214	11,334	19,384.38
$60,000	12,329	16,544	16,324	16,334	15,414	24,909.38
$70,000	16,449	21,264	21,024	21,254	19,934	30,434.38
$80,000	21,269	26,384	25,124	26,374	24,854	36,096.88
$100,000	32,469	37,824	37,524	37,814	35,894	47,696.88
$150,000	63,394	68,784	68,474	68,774	65,854	78,071.88
$200,000	95,344	100,744	100,424	100,734	96,814	109,821.88
$300,000	162,244	167,664	167,324	167,654	161,734	174,696.88
$500,000	304,144	309,584	309,224	309,574	299,654	307,196.88
$1,000,000	679,044	684,504	684,124	684,494	664,574	638,446.88
$2,000,000	1,449,019	1,454,484	1,454,099	1,454,474	1,424,534	1,300,946.88
$5,000,000	3,788,994	3,794,464	3,794,074	3,794,454	3,764,494	3,288,446.88
$10,000,000	7,738,969	7,744,444	7,744,049	7,744,434	7,714,474	6,600,946.88
$20,000,000	11,688,909	15,644,444	15,644,049	15,644,434	15,614,474	13,225,946.88

[1] New surtax schedule, applying to surtax net incomes in excess of $3,000 (see attached amendment); personal exemptions reduced $500 for married persons and $200 for single persons.

[2] Same surtax schedule as in plan no. 1; personal exmptions as in existing law.

[3] Same surtax schedule and personal exemptions as in plan no. 1; normal tax rates are 2 percent on the exemption reduction and 4 percent on the balance.

[4] Same personal exemptions and normal tax rates as in plan no. 3; new surtax schedule, applying to net incomes in excess of $4,000. (See attached amendment.)

PAYMENT TO SIOUX INDIANS OF THE PINE RIDGE RESERVATION

Mr. THOMAS of Oklahoma. Mr. President, a few days ago the Senate passed Senate bill 2556, to authorize an appropriation to carry out the provisions of the act of May 3, 1928. The bill was introduced by the Senator from South Dakota [Mr. BULOW]. It went to the House, and at a later date the House passed an identical bill, House bill 7328. In order to simplify the RECORD, I ask that the Senate proceed to the consideration of House bill 7328.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 7328) to authorize an appropriation to carry out the provisions of the act of May 3, 1928 (45 Stat. L. 484), and for other purposes, which was read the first time by title and the second time at length, as follows:

Be it enacted, etc., That an appropriation is hereby authorized in the sum of $79,038 to pay various Sioux Indians of the Pine Ridge Reservation, S. Dak., the amounts which have been awarded to them by the Secretary of the Interior under the act of May 3, 1928 (45 Stat. L. 484), on account of allotments of land to which they were entitled but did not receive: *Provided*, That the Secretary of the Interior is authorized and directed to determine what attorney or attorneys have rendered services of value in behalf of said Indians and to pay such attorney or attorneys on such findings when appropriation is available the reasonable value of their services, not to exceed 10 percent of the recovery on each individual claim, which payment shall be in full settlement for all services rendered by the attorney or attorneys to the claimants in such claim.

The bill was ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Megill, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 102) to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the Battle of Antietam, and it was signed by the President pro tempore.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. HARRISON, from the Committee on Finance, reported favorably the nomination of Marion H. Allen, of Milledgeville, Ga., to be collector of internal revenue for the district of Georgia, in place of William E. Page, resigned.

Mr. HUGHES, from the Committee on the Judiciary, reported favorably the nomination of Charles Harwood, of Rye, N. Y., to be United States district judge of the Canal Zone, vice Richard C. P. Thomas, whose term has expired.

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of sundry officers for promotion in the Marine Corps; and also the nominations of sundry noncommissioned officers and citizens for appointment as second lieutenants in the Marine Corps, revocable for 2 years, from the 1st day of July 1937.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nomination of Vera P. Ramsey to be postmaster at Pinconning, Mich., in place of W. P. Hartingh.

The PRESIDING OFFICER (Mr. McGILL in the chair). The reports will be placed on the Executive Calendar.

If there be no further reports of committees the calendar is in order.

THE JUDICIARY

The legislative clerk read the nomination of Frank LeBlond Kloeb to be United States district judge for the northern district of Ohio.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES ATTORNEYS

The legislative clerk read the nomination of Jim C. Smith to be United States attorney for the northern district of Alabama.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of George Earl Hoffman to be United States attorney for the northern district of Florida.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of T. Hoyt Davis to be United States attorney for the middle district of Georgia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. ROBINSON. I ask unanimous consent that the remaining nominations of United States attorneys on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the remaining nominations of United States attorneys are confirmed en bloc.

UNITED STATES MARSHALS

The legislative clerk read the nomination of Edward B. Doyle to be United States marshal for the middle district of Georgia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Al W. Hosinski to be United States marshal for the northern district of Indiana.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

FEDERAL POWER COMMISSION

The legislative clerk read the nomination of John W. Scott, of Indiana, to be a member of the Federal Power Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MINTON. I ask unanimous consent that the President may be notified of the confirmation of the nomination of John W. Scott, of Indiana, to be a member of the Federal Power Commission, in order that his term of office may begin tomorrow, in view of the fact that his predecessor's term expires today.

The PRESIDING OFFICER. Without objection, the President will be notified.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of John W. Bailey, Jr., of Texas, to be Foreign Service officer of class 5, a consul, and a secretary in the Diplomatic Service.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of George Gregg Fuller, of California, to be Foreign Service officer of class 5, a consul, and a secretary in the Diplomatic Service.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. ROBINSON. I ask unanimous consent that the nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

That concludes the Executive Calendar.

RECESS

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 21 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, June 23, 1937, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 22 (legislative day of June 15), 1937

DIPLOMATIC AND FOREIGN SERVICE

John W. Bailey, Jr., to be a Foreign Service officer of class 5, a consul, and a secretary in the Diplomatic Service of the United States of America.

George Gregg Fuller to be a Foreign Service officer of class 5, a consul, and a secretary in the Diplomatic Service of the United States of America.

UNITED STATES DISTRICT JUDGE

Frank LeBlond Kloeb to be United States district judge for the northern district of Ohio.

UNITED STATES ATTORNEYS

Jim C. Smith to be United States attorney for the northern district of Alabama.

George Earl Hoffman to be United States attorney for the northern district of Florida.

T. Hoyt Davis to be United States attorney for the middle district of Georgia.

James R. Fleming to be United States attorney for the northern district of Indiana.

Val Nolan to be United States attorney for the southern district of Indiana.

Carl C. Donaugh to be United States attorney for the District of Oregon.

James A. Bough to be United States attorney of the Virgin Islands.

UNITED STATES MARSHALS

Edward B. Doyle to be United States marshal for the middle district of Georgia.

Al W. Hosinski to be United States marshal for the northern district of Indiana.

FEDERAL POWER COMMISSION

John W. Scott to be a member of the Federal Power Commission.

POSTMASTERS

COLORADO

Mary Burrous, Genoa.

INDIANA

Richard Chester Fields, Carbon.
Georgia M. Mougeotte, Lagro.
Eva M. Schantz, Lyons.
Harry W. Behlmer, Sunman.

MISSOURI

Egbert F. Arnold, Lewistown.

HOUSE OF REPRESENTATIVES

TUESDAY, JUNE 22, 1937

The House met at 12 o'clock noon.

The Reverend Simpson B. Daugherty, D. D., National Memorial United Brethren Church, Washington, D. C., offered the following prayer:

Our gracious Father-God, we approach Thee in humility and contrition to thank Thee for another day which marks a new beginning of life, for we realize that each day the world is made anew. We adore Thee for Thy presence. Thou dost ever stand amid the shadows keeping watch above Thine own.

Give wisdom and understanding to these Thy children who have upon their hearts the best interests and welfare of our Nation. May they have light and guidance from above. Give us sympathetic discernment of their desire to do that which shall be pleasing in Thy sight. May this session of our Congress light the torch that shall guide us into prosperity and happiness.

May we not complain, but may we proclaim the everlasting power of a supreme God. May we bring the hand

of the Great Physician to the fevered pulse of our times, so that the beauty of holiness shall dwell in our hearts and under the mastery of the Master we shall usher in the reign of righteousness and peace.

And in His name we ask it. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate insists upon its amendments to the bill (H. R. 458) entitled "An act for the relief of Eva Markowitz", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BAILEY, Mr. ELLENDER, and Mr. CAPPER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 730) entitled "An act for the relief of Joseph M. Clagett, Jr.", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BAILEY, Mr. HUGHES, and Mr. CAPPER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 1377) entitled "An act conferring jurisdiction upon the United States District Court for the Southern District of Ohio to hear, determine, and render judgment upon the claims of Walter T. Karshner, Katherine Karshner, Anne M. Karshner, and Mrs. James E. McShane", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BAILEY, Mr. BROWN of Michigan, and Mr. CAPPER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 1945) entitled "An act for the relief of Venice La Prad", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BAILEY, Mr. ELLENDER, and Mr. CAPPER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 2332) entitled "An act for the relief of William Sulem", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BAILEY, Mr. LOGAN, and Mr. CAPPER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 2562) entitled "An act for the relief of Mr. and Mrs. David Stoppel", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BAILEY, Mr. LOGAN, and Mr. CAPPER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 2565) entitled "An act to confer jurisdiction on the Court of Claims to hear, determine, and enter judgment upon the claims of contractors for excess costs incurred while constructing navigation dams and locks on the Mississippi River and its tributaries", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BAILEY, Mr. BROWN of Michigan, and Mr. CAPPER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 3634) entitled "An act for the relief of Noah Spooner", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BAILEY, Mr. ELLENDER, and Mr. CAPPER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H. R. 3687) entitled "An act to extend the period during which the purposes specified in section 7 (a) of the Soil Conservation and Domestic Allotment Act may be carried out by payments by the Secretary of Agriculture to producers."

The message also announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 415. Joint resolution making an appropriation to defray expenses incident to the dedication of chapels and other World War memorials erected in Europe, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 4. An act to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the original Norfolk (Va.) land grant and the two hundredth anniversary of the establishment of the city of Norfolk, Va., as a borough; and

S. 102. An act to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the Battle of Antietam.

CHANGE OF REFERENCE

Mr. BLAND. Mr. Speaker, I ask unanimous consent that the bill (H. R. 7488) to provide funds for the initiation of a mapping program in the State of South Dakota be rereferred from the Committee on Merchant Marine and Fisheries to the Committee on Appropriations.

The SPEAKER. Is there objection?

There was no objection.

Mr. BLAND. Mr. Speaker, I make a similar request in respect to the bill (H. R. 7476) to provide funds for the initiation of a mapping program in the State of Florida.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on taxation evasion and to include therein excerpts from the statement of Elmer E. Irey, Chief of the Division of Intelligence of the Internal Revenue Department.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address which I delivered at memorial exercises held in the Capitol under the auspices of the United Spanish War Veterans, and also an address which I delivered at a joint meeting of the veterans' organizations at Norfolk, Va.

The SPEAKER. Is there objection?

There was no objection.

TRANSPOLAR FLIGHT

Mr. SMITH of Washington. Also, Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, on Sunday at 11:22 o'clock in the forenoon the three triumphant Russian aviators, linking the Union of Soviet Republics of Russia with the Republic of the United States by air in a nonstop flight over the North Pole from Moscow, after traversing 5,520 miles of dangerous country in 63 hours and 17 minutes of flying, made a safe landing at the Vancouver Army air field at Vancouver, Wash., in my district. Vancouver is a thriving, progressive city, located at the head of deep-water navigation on the Columbia River, and is 4 miles above the mouth of the Willamette River and 39 miles from the great Bonneville Dam project on the Columbia River.

Chief Pilot Valeria Chkaloff, Copilot George Baiudkoff, and Navigator Alexander Beliakoff brought their huge monoplane down at 8:22 a. m. Pacific standard time—11:22 a. m. eastern standard time. They were the guests of Brig. Gen. and Mrs. George C. Marshall at Vancouver Barracks, an historic spot. Old Fort Vancouver, established by British forces in 1825, when it was an important station of the Hudson's Bay Co., is the oldest continuous settlement of the white race in the territory that now comprises the State of Washington. Early in their military careers, both Gens. George B. McClellan and Ulysses S. Grant were stationed at Fort Vancouver.

President Franklin D. Roosevelt and Secretary of State Cordell Hull hailed the Soviet transpolar flight in messages to Russian Ambassador Alexander Troyanovsky.

In a telegram to the Soviet envoy at Vancouver, President Roosevelt said:

I have learned with the greatest pleasure of the successful conclusion of the first nonstop flight from the Soviet Union to the United States.

The skill and daring of the three Soviet airmen who have so brilliantly carried out this historic feat command the highest praise. Please convey to them my warmest congratulations.

Secretary Hull wired:

Please accept my most hearty congratulations upon the successful termination of the hazardous flight of three Soviet airmen from Moscow to the United States over the North Pole. Will you express to them my warmest admiration for their splendid achievement?

The United States Embassy at Moscow was instructed to deliver appropriate felicitations to the Soviet Government.

LOG OF POLAR FLIGHT

(Time is eastern standard)

THURSDAY, JUNE 17

8:05 p. m. Russian-built monoplane bearing three "Soviet heroes" hopped from Moscow on projected 6,000-mile transpolar flight to San Francisco Bay.

FRIDAY, JUNE 18

5:00 p. m. Reported "all well" and flight proceeding normally.
8:00 p. m. William E. Gillmore, National Aeronautics Association agent, estimated plane was 550 miles from the North Pole. Ice formed on wings as plane approached polar region.

SATURDAY, JUNE 19

12:10 a. m. Plane passed North Pole.
3:20 a. m. "Everything all right" as plane reached point 320 miles beyond pole on North American side.
3:25 p. m. Fliers reported position 100 miles south of Fort Norman, N. W. T., about 1,250 miles north of Edmonton, Alberta.
4:30 p. m. Flew over Fort Mackenzie.
11:40 p. m. Reported they had turned toward Pacific Coast from Great Slave Lake vicinity and were following British Columbia coast line to Seattle.

SUNDAY, JUNE 20

12:05 a. m. United States Signal Corps at Seattle said plane gave position over Queen Charlotte Islands, "Everything going well." Islands approximately 500 miles north of Seattle.
2:10 a. m. Asked Signal Corps station at San Francisco for weather report.
2:25 a. m. Reported they were 50 miles west of the north tip of Vancouver Island, approximately 1,130 miles from Oakland.
3:02 a. m. Messaged they might have to land between Seattle and San Francisco because of lack of fuel. Reported flying at height of about 13,000 feet.
3:53 a. m. Without giving position, fliers reported they were in clouds and heavy weather. They requested Air Commerce Station at Bellingham, Wash., to help plane get radio bearings.
11:00 a. m. Without giving position, fliers reported to United States Signal Corps headquarters at Seattle, Wash., "Pump does not work, will land."
11:22 a. m. Landed at Pearson Field, Vancouver Barracks, Wash.

EXTENSION OF REMARKS

Mr. MERRITT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a radio address I delivered on Sunday in connection with a resolution I introduced, and also to extend my remarks in regard to aviation reserves.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

HEROISM OF BOY SCOUTS RICHARD CHRISTY AND BILL CHRISTY

Mr. MASSINGALE. Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER. Is there objection?

There was no objection.

Mr. MASSINGALE. Mr. Speaker, it is my pleasure to say a few words about the Boy Scouts of America apropos their coming to Washington within a few days for their national jamboree. Oklahoma is peculiarly interested in this jamboree by reason of unusual circumstances occurring in my district about a year ago. Two brothers there, Richard Christy and Bill Christy, sons of Mr. and Mrs. Barney E. Christy, of Granite, Greer County, Okla., recently received certificates of heroism for saving the lives of two girls last summer. The boys are 15 and 13 years of age, respectively, and are members of Troop No. 189, of Granite, Okla.

The brothers were not together at the time these lives were saved. The happenings were 1 day apart. The life of one girl was saved by Bill Christy on one day, and on the following day Richard Christy chanced to see a girl about to drown and plunged into the river and rescued her from drowning. The incidents are unusual in that each of the boys rescued a drowning girl 1 day apart in different bodies of water near their own home; and the awards are unusual in Scouting because the two recipients of these certificates are brothers.

In recognition of such distinguished conduct on the part of these young boys, the National Court of Honor of the Boy Scouts of America announced awards of certificates of heroism to these boys. My understanding is that on very few occasions has the Boy Scout organization given to brothers certificates of heroism for lifesaving at or near the same time. There were only seven Boy Scouts in the United States awarded these certificates during the year, and two of them came to the boys mentioned from my district. Naturally, I am proud that we have in the Seventh District of Oklahoma such boys as the Christy boys.

It goes without saying that this Scouting spirit will force itself into any community that can produce boys such as these. Scouting has made it possible for these boys to perform acts of heroism that will, in all probability, be to them an inspiration for great things in their future lives. These are just simply prairie boys, living in a small town in the right kind of environment, and directed by parents who are themselves teachers and believers in Scouting.

The incidents are so worthy of note that I feel impelled to ask the Congress to give to Richard Christy and Bill Christy, of Granite, Okla., this space in the CONGRESSIONAL RECORD. It is small recognition to them, for they have made in the beginning of their lives as great a contribution to real Scouting as is possible for a boy to make.

They have my sincere congratulations, and I am sure the Seventy-fifth Congress is glad thus to honor them.

GOOD BEHAVIOR OF FEDERAL JUDGES

Mr. SMITH of Virginia. Mr. Speaker, I call up House Resolution 227, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 227

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 2271, a bill to provide for trials of and judgments upon the issue of good behavior in the case of certain Federal judges. That after general debate, which shall be confined to the bill and continue not to exceed 3 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage

without intervening motion except one motion to recommit, with or without instructions.

Mr. SMITH of Virginia. Mr. Speaker, I yield 30 minutes to the gentleman from Massachusetts [Mr. MARTIN]. I now yield myself 5 minutes.

Mr. Speaker, this is a rule for the consideration of the bill H. R. 2271, reported from the Committee on the Judiciary, generally known as the judicial good behavior bill.

I shall not consume very much time on a discussion of the rule. There are to be 3 hours of general debate on the bill, and as far as I know there is no opposition to the rule, and I think there will be very little opposition to the bill when it has been explained to the House.

As you know, our customary way for the trial of Federal judges is through impeachment. I think we have all, over a period of years, come to feel that the only way to get rid of a Federal judge is through impeachment. Under the Sumners bill a method is provided which will relieve the Senate of the burden of the trial of impeachment cases of the inferior judges of the Federal courts. The bill only applies to district judges of Federal courts.

First, I will call your attention to the constitutional provision, which provides that Federal judges shall hold office not for life but during good behavior. We have rather come to assume that they hold office for life. They do not. They hold office, under the Constitution, only during good behavior. The purpose of this bill is to set up a court to judicially try the question of the good behavior of a Federal judge against whom impeachment charges have been preferred. Under the procedure set up in this bill we would proceed just exactly as we do today up to the point where an impeachment is voted by the House of Representatives. In other words, impeachment charges would be filed against a district judge. They would go to the Committee on the Judiciary, and that committee would consider the matter thoroughly and investigate it, and it would come into the House and be debated, and we would vote upon an impeachment resolution just as we have always done. After the House has voted the impeachment resolution, then under this bill the procedure changes. Under this bill a court is set up, consisting of three judges of the circuit courts of appeals, to be selected by the Supreme Court of the United States. Those judges would then proceed to try the question of the good behavior of the judge whose good behavior has been questioned, and if upon trial of that cause they determine that his behavior was other than good behavior, he would then be removed from office; but no other penalty would attach.

There will be an amendment offered by the committee which will provide in case of those trials that after trial by the court in the first instance either side shall have the right of appeal to the Supreme Court of the United States. I believe you will readily grasp the benefits and advantages of this plan. Under our present procedure, which has been in effect for the past 150 years, there have been something like 13 impeachment trials.

The SPEAKER. The time of the gentleman from Virginia [Mr. SMITH] has expired.

Mr. SMITH of Virginia. Mr. Speaker, I yield myself 2 additional minutes.

In only three of those cases, as I recall, have there been convictions. Whenever there is an impeachment trial it is necessary to consume the time of the entire Senate of the United States sometimes for a period of weeks on the trial of a question of whether a minor Federal judge shall continue to hold his office. In other words, the whole time and attention of one branch of the Congress is consumed in the trial of that relatively minor question as far as the country is concerned. Necessarily, with the manifold duties of Members of the Senate, that is an unsatisfactory trial. The Members of the United States Senate, with their other duties, are not able to sit through weeks of trial to determine whether a Federal judge has been good or bad. The result is that many of them are absent from the trial. If you have seen an impeachment trial in the Senate, you may have seen a half a dozen or a dozen Senators sitting there during the trial of the matter and the others are absent attending more pressing duties. It is most unsatisfactory to the Senate and to the judge whose conduct is being investigated.

This bill will protect the judges in every way, because it will give them as fair and impartial a tribunal as they now have, but one which will give its undivided attention to the trial of the issue. There will be no danger that a judge may be hauled up and tried for some trivial charge, because, first, it has to come under the present procedure, and there has to be an impeachment resolution offered on the floor. It must be considered by the Committee on the Judiciary and voted out, and then it must come back to the floor of this House and be debated before an impeachment resolution is voted. Only after that impeachment is voted can his conduct be tried.

[Here the gavel fell.]

Mr. SMITH of Virginia. Mr. Speaker, I yield myself 2 additional minutes, and I yield to the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. The gentleman has stated that a special trial court is to be named and convened to hear the cause?

Mr. SMITH of Virginia. Yes.

Mr. WADSWORTH. The House having in effect brought an indictment, generally known as an impeachment?

Mr. SMITH of Virginia. That is right.

Mr. WADSWORTH. Who is to prosecute the defendant before that court?

Mr. SMITH of Virginia. The Attorney General does that, or whomsoever he may designate.

Mr. WADSWORTH. Then we are to invoke an officer of the executive branch of the Government to prosecute a judge?

Mr. SMITH of Virginia. Well, that is the duty of the Attorney General when anybody is charged with anything.

Mr. WADSWORTH. It is a new thought to me.

Mr. SMITH of Virginia. It is a new thought, but a very good one.

Mr. WADSWORTH. He is a political officer.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. COX. Does the gentleman understand that this measure supersedes the impeachment methods now practiced, or that it is merely suppplemental thereto?

Mr. SMITH of Virginia. It is only supplemental.

Mr. COX. In other words it will still be within the rights of the House to proceed as is now the practice if it should so determine?

Mr. SMITH of Virginia. Absolutely. This is a mere matter of convenience.

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. SUMNERS of Texas. I shall make a statement which will be of interest to the gentleman from New York. It is true that the Attorney General under the provisions of this bill should prosecute, but before he could institute a prosecution the House must first have determined upon and caused to be instituted the prosecution.

Mr. WADSWORTH. I understand that, but I should think that the consistent thing would be for the managers on the part of the House to follow the prosecution into this special court and not call upon an appointee of the President to do it.

Mr. SUMNERS of Texas. May I say to the gentleman that that was in the bill.

[Here the gavel fell.]

Mr. SMITH of Virginia. Mr. Speaker, I yield myself 1 additional minute.

Mr. COX. Mr. Speaker, will the gentleman from Virginia yield that I may propound a question to the chairman of the Judiciary Committee.

Mr. SMITH of Virginia. Yes.

Mr. COX. Would it be the right of the House to proceed with impeachment as is now the practice rather than adopt the course made possible by the enactment of the pending measure?

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman from Virginia yield?

Mr. SMITH of Virginia. I yield.

Mr. SUMNERS of Texas. As I understand the question propounded by the gentleman from Georgia it is whether it would be legal, should this bill pass, for the House still to proceed and the Senate still to proceed under the impeachment power.

Mr. COX. That is right.

Mr. SUMNERS of Texas. The answer to that question is yes.

[Here the gavel fell.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 10 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Speaker, this bill is one which comes at an opportune time. Its purpose is to provide procedure for the removal of judges who are guilty of misbehavior. There should be a method of removing Governors—yes; and the President—for misbehavior in office.

For the first time in the history of the United States armed forces of a State, Pennsylvania, acting on the orders of its Governor, who shall remain unnamed, have driven men—peace-loving, innocent, law-abiding men—who desire to work in their regular places of employment at their usual tasks, from the jobs which have enabled them to provide themselves and their families with the necessities of life.

For the first time in the history of our country a President of the United States has approved of the acts of a Governor who prevented the enforcement of the lawful orders of the courts of Michigan.

For the first time in the history of our country a President of the United States has approved of the acts of a Governor of a State, Pennsylvania, in driving peaceful citizens, lawfully employed, from their places of employment by armed force, because of the threat of a labor leader to incite violence.

For the first time in the history of our country a President of the United States violates his oath of office, refuses to comply with the provisions of section 5299, which makes it his duty, by the employment of the land and naval forces of the United States, or otherwise, to suppress insurrection and domestic violence.

On the contrary, he permits the invasion of the State of Michigan by armed forces from other States. His political friend, John L. Lewis, makes the invasion.

The statement of the foregoing facts discloses a situation so un-American, so unjust, so pregnant with disaster for us all that none would believe were the fact not known to all.

The Governor of Michigan had, we thought, plumbed the depths of infamy when he used the National Guard of that State to block the orderly processes of the courts.

The Governor of Pennsylvania has gone one step farther and has surpassed in effectiveness the action of Michigan's Governor.

Michigan used her armed National Guard to prevent interference with those who had kidnaped and were holding to ransom real estate, personal property, and jobs. The Governor of Pennsylvania, by show of force, threw men from the tasks which they were performing.

The Governor of Pennsylvania had a choice on Saturday last of determining the course which his State would follow. He refused to align himself with the organization which would give employment. He refused to align himself with the lawful worker.

He refused to align himself with the home owner and the taxpayer. He refused to align himself with the head of the family, who would provide food and shelter and clothing for those dependent upon him. He refused to align himself with the children, with the wives, who were dependent upon the worker for the shelter which protected them from the elements, for the food which sustained life, for the clothing which covered them.

He refused to align himself with the God-fearing, peaceable, law-abiding citizens of Johnstown, who but asked the right to proceed in a lawful manner about their business.

The Governor of Pennsylvania aligned himself with those marauding bands of gangsters who went about, under cover of darkness, throwing stones and bricks against the doors, through the windows, of the homes of workers.

He aligned himself with those who forced peaceful, law-abiding citizens to sit in their homes with loaded gun in order to protect themselves from night riders in automobiles.

He refused, when Johnstown was threatened with invasion, when her workers were threatened with being driven from the mills by force, to uphold the law of the State; to give those citizens and those workers the protection guaranteed to them by the Constitution and the statutes of the State.

He aligned himself with those who threatened invasion, and he fought and won their battle by using the forces of the State to close the mills, which was the object of their invasion.

The Governor of Pennsylvania aligned himself with the forces of lawlessness, of violence. Figuratively speaking, he took his place on the picket line with those who, by force, prevent men from working.

The Governor aligns himself, not with the lawful, peaceful, taxpaying citizens, not with the man who wants to sit by his fireside at night in the company of his family and in the enjoyment of his home——

Mr. MAVERICK. Mr. Speaker, I make the point of order that the gentleman has evaded the instructions of the Chair; that he is palpably speaking outside of the rule; and now that the ruling has been made by the Chair, by rephrasing his words he is not speaking in order. We are talking about judges. We are not talking about Governors. eW are talking about the judiciary and not State governments.

The SPEAKER. The Chair is of the opinion that the gentleman, since the admonition of the Chair, has not transgressed the ruling; but the gentleman will proceed in order.

Mr. HOFFMAN. Mr. Speaker, I thank the Speaker for the liberality of his ruling and will endeavor to follow it in spirit as well as in letter.

GOVERNOR OF PENNSYLVANIA DRIVES MEN FROM THEIR WORK

The Governor of the State of Pennsylvania stood, and he is standing; he marched, and he is marching, arm in arm and shoulder to shoulder, with that organization which declares through the public press that it will call a general strike throughout the United States to enforce the will of its leader.

The Governor of Pennsylvania hails as a friend the man who, as president of the United Mine Workers, signed a contract with the coal operators, which provided that they should—

> At all times be at liberty to load coal into any transportation equipment whatsoever, regardless of ownership; to sell and deliver coal * * * to any person, firm, or corporation—

and who now threatens to call a strike of the workers in the mines of those operators, if they exercise the rights granted them in their contract with him.

The Governor of the State of Pennsylvania and the Governor of the State of Michigan stand squarely behind the forces of rebellion, of insurrection. The President of the United States, unable to pack the Supreme Court, has, through his Secretary of Labor, packed the Board appointed to mediate disputes between employer and employees.

The Governor of Pennsylvania has established the doctrine that whenever John L. Lewis threatens to stage a riot, to invade a city, county, or State, the troops of that State will be called out to close the industrial plants, which have refused to sell their men down the river to Lewis, to acknowledge him as a dictator of labor.

How long are owners of plants to be deprived of their property, of their opportunity to give employment to the

unemployed? How long are those who desire to work to be kept by armed troops from their places of employment?

What is to be the punishment of those who insist upon working? Of those who resist this effort of Lewis, Pennsylvania's Governor, and the President? Are they to be treated as were those who opposed authority in Germany or in Russia? In just what manner are they to be liquidated?

The President has just been given a billion and a half dollars to spend to assist in putting men to work, and the Governor of Pennsylvania, using the armed forces of the State, drives men from their jobs.

It is time we talked about good behavior not only of judges but of Governors; of the good behavior of the President, of the Secretary of Labor, and of those officers charged with the enforcement of the law.

Mr. SACKS. Mr. Speaker, I make the point of order that the gentleman is out of order; that he is not speaking to the rule under consideration.

The SPEAKER. The gentleman from Michigan will suspend. The gentleman from Pennsylvania makes the point of order that the gentleman from Michigan is not proceeding in order in that he is not discussing the rule now under consideration. The gentleman, under the rule, should confine himself to the discussion of the resolution now pending.

Mr. HOFFMAN. I thank the Speaker.

This bill is not broad enough. Not only should judges, in their officeholding, be limited to the period during which they are on good behavior but the Governors of the various States should be removed from office if they fail to align themselves on that side which will enforce the laws, the orders of the courts lawfully made.

The President, by his request to the steel companies to close their plants, admits either his inability or his unwillingness to enforce law and order; to guarantee to the citizens of the States the right to life, liberty, and the pursuit of happiness—the right to work.

John L. Lewis—I quote, "In the name of God"—calls upon the President to halt the back-to-work movement.

Think of this request. With a third of our people ill-housed, ill-nourished, and ill-clothed, John L. Lewis, who day by day is sending men to their death in his effort to prevent honest men from working merely because he wants more power, has the effrontery to again call upon the President, this time to close factories to workers.

And, stranger still, the President of the United States, instead of performing his duty and telling Lewis to order his picket lines away from the companies' gates, calls upon the plant owners to close those places which give work to the unemployed, bread to the hungry.

Is the President, like those who control in Russia, endeavoring to starve the workers into submission to Lewis' demands?

To bolster his cause, Lewis does not hesitate to send men to their death, usually staging a march on the workers in a struck plant on a Saturday night, so that a mass meeting can be held on Sunday and the deaths which he has caused be used to inflame the minds of those who listen.

Nine men went to their death at Chicago on Sunday, May 30, because they followed the methods approved by Lewis. In many other places throughout the land men have gone to their death, women and children have been injured, because they were seeking, under Lewis' instructions, to invade private property, to drive peaceful workers from their jobs.

It is significant that in practically all these cases where life has been lost and many severely injured it has been upon private property where those who suffered had no legal right to be.

John L. Lewis is the man whose United Mine Workers, in June of 1922, at Herrin, Ill., beat, shot, and hanged 25 unarmed, defenseless men because they opposed the will of Lewis.

The hands of John L. Lewis are red with their blood. Those red, dripping, bloody hands the President of the United States grasps in friendliness and he assists Lewis in his plans which have brought armed insurrection to many cities through the Union; who would bring about the deaths of thousands of our citizens in order to establish Lewis' supremacy over labor.

The President, by lending aid to Lewis, by bringing about the closing of mills in various places, has driven more than a hundred thousand men from their jobs.

Lewis, in his drive for power, has used the name of the President of the United States on literature, which gave the impression that Franklin Delano Roosevelt wanted men to join the C. I. O. Lewis has claimed, without contradiction, that four departments of the Federal Government were back of him. Lewis organizers' cars have carried the legend that the car was the car of a "United States Senate car, La Follette Civil Liberties Committee, investigators."

Notwithstanding all this active assistance given by the Federal Government, Lewis' drive for selfish power was met and turned back at Johnstown, Pa.; Youngstown, Ohio; at Monroe, Mich.; and now the President of the United States lends aid to this force of gangsters, armed with clubs, knives, bricks, stones, and guns; this gang which obstructs the delivery of the United States mail, kidnaps men, intimidates women and children, deprives people in want of the means to buy food and clothing; and, I repeat, the President aids them in these unlawful activities; and now, because of his acts, the purpose of Lewis has been accomplished and the fires in the mills have died and they stand silent, mute witnesses to the disgrace of Governors and of a President.

The situation cannot be confused by argument, sophistry, or a multitude of words. The question before our country today is, Shall men be permitted to work in a lawful manner at lawful tasks?

The false issue, the red herring which John L. Lewis and the President of the United States have dragged across the trail, is this question of signing a written agreement. That, however, as everyone knows, is not the real issue. The issue, restated, is: Shall men be permitted to work?

The President of the United States, the Secretary of Labor, the Governor of Michigan, the Governor of Pennsylvania, and many, many officers charged with the enforcement of the law have declared, either by word or by action, that they stand behind the C. I. O., which says that man shall not be permitted to work in these United States until his employer signs a contract with C. I. O.

This is the last of many, many steps which have been taken to bring about a revolution in this country.

If we sit here today and let the call which is going up all over this country for law enforcement, for the right to work, go unanswered, the day will come—and that soon—when we shall either acknowledge the President or Lewis as a dictator or be taken out and shot.

You may sit here today in fancied security, believing that the thing which came to the people of Germany, to the people of Russia, and of Italy, cannot touch you.

You gentlemen of the South who hold the balance of power in this Congress, who think that this thing cannot touch you; those very, very few of you—I know of but one—who now stand high in the councils of the C. I. O., should not be led to believe that your present position of favoritism and of security is permanent.

You should not forget those eight generals of Russia who were so recently lined up against a wall and shot. Here today, but gone tomorrow is a true saying in all revolutionary governments.

You may laugh; you may sneer at the words which I utter. You may ignore the facts, the situation which now exists, but not one man in this House but knows that the question is as stated.

Shall men have the right to work? Shall the protection thrown about them by the Constitution and the laws of State and Nation be given them? Or shall Lewis, backed by the President, maintain the dictatorship which he has established?

Not one man in this House but knows that today, now, we are faced with this question of whether we shall continue to retain our liberities or whether we shall yield them.

For myself, the decision has been made. I will take the chance of injury or of what may come, in order to maintain

the right of men to toil; to furnish the necessities of life to wife and children; to live peaceably in their homes; to sit at fireside with wife and children, as evening shadows gather.

I would rather go back to my home folks, my friends, and my neighbors, those with whom I have lived and worked and played during the long, long years; join with them, fight with them and, if necessary, end my life in that fight, than to quietly, shamefully, and without resistance yield to this attempt to destroy our liberties and, in the end, if it succeeds, be led out and shot like a dog, on the orders of a dictator like Lewis.

The opportunity is still open to us to, by demanding enforcement of the laws, enactment of any needed legislation, employing the armed forces of the United States, bring about a peaceful settlement of this trouble.

All it needs is a declaration from the Chief Executive that, as long as men desire to toil, they will be protected in that right. All it needs is a declaration from the Chief Executive that protection under the Constitution, under the law, will be given to our people in their daily activities.

So far, the Chief Executive has failed in this respect. Violence has come upon us. Violence will continue, for our people will not quietly submit to the robbery of the heritage which they have enjoyed through the shedding of the blood of their ancestors.

Let us act now, or, in the days all too soon to come, see those near and dear to us meet the fate of those who have opposed dictatorship in the countries of the Old World; meet the fate of those who battle now in Spain.

The Chief Executive having failed, let us now unanimously pass a resolution calling upon him to take action, to make real the guaranties contained in our Constitution—the right to work, the right to life, liberty, and the pursuit of happiness.

[Here the gavel fell.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I have no further requests for time, and I therefore yield back the balance of my time.

Mr. SMITH of Virginia. Mr. Speaker, I yield 7 minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, this resolution, to me, is of such importance that I will not take the time to answer some of the statements made by the gentleman from Michigan [Mr. HOFFMAN], who just preceded me, who only a few days ago urged his son or someone to obtain for him guns and ammunition with a threat to go to Detroit to shoot down all those who were trying and striving to obtain a better living wage to provide a better existence for their families and loved ones. No one regrets more than I the loss of lives in the city of Chicago and in other parts of our country. I hope that henceforth there will be no bloodshed and that the officers of the law will not lose their heads or abuse their powers. I express the further hope that we will shortly have a peaceful and favorable adjustment of all existing conditions and the elimination of all labor abuses. The gentleman, I regret, cannot refrain from feeding the House with political buncombe as he has tried today in attacking the administration and especially the great Governor of Pennsylvania.

Mr. COX. Will the gentleman yield?

Mr. SABATH. I cannot yield now.

Mr. COX. The gentleman does not mean by his statement that he approves what is being done, does he?

Mr. SABATH. I regret I cannot yield just now. I am only answering the gentleman from Michigan. Nor is it necessary for me or anyone else to defend the action of the great Governor of Pennsylvania. I am convinced and satisfied that he, who has been so assailed by the gentleman from Michigan [Mr. HOFFMAN], is endeavoring in a diplomatic and statesmanlike manner to put an end to the disorders and to prevent bloodshed, and to adjust this troublesome and grave situation with a view to early peace and settlement of differences. He is an able, honest, and conscientious executive, one who will have in mind the rights of labor and capital. It is to be regretted and deplored that the industrial leaders, profiteers, and overlords have in many cases refused to be fair or just to the wage earners who have made it possible for them to enjoy profits, the paying of large dividends, and the accumulation of great surpluses. I am immensely pleased that what I have said of the Governor of the great State of Pennsylvania applies to the Governors of Michigan, Ohio, Indiana, and of my State, Illinois. I have the honor and privilege of knowing each of them personally and regard them as men of sterling quality, capable and intensely interested in the welfare of the peoples of their respective States, all of whom are desirous of attaining the same results as the Governor of Pennsylvania. I feel that the people of these five States should be grateful that they have such honest, sincere, and well-meaning Governors.

God only knows what the conditions would be if they had Governors controlled by the vested interests. But I cannot refrain to say that it appears to me that the gentleman from Michigan must have been enlisted by the vested interests and joined hands with a reputed eminent writer from North Carolina, one J. W. Lindau, who claims that he has wired the Governor of Pennsylvania he would raise $2,000,000 to prevent his nomination as the Democratic candidate for President in 1940, and who, according to press reports, further states that he will raise an equal sum to prevent the nomination of Governor Murphy, of Michigan. I do not know Mr. Lindau but it seems that the gentleman from Michigan [Mr. HOFFMAN] like Mr. Lindau, is not for a square deal for the wage earners of America. I fear that Mr. Lindau, who is so wrought up by the efforts of organized labor, may not have a great deal of trouble raising $2,000,000, but not by $10 donations from the profiteers and tax evaders. However, I wish to assure him that all the millions the reactionaries and vested interests may raise will not avail them and a candidate who will have the endorsement of the greatest President this country has ever had, a man fully as brave and courageous and possessing the same sterling qualities as our President, will be nominated and elected. I assure him that we have many outstanding men of such caliber.

IMPEACHMENT

Mr. Speaker, I wish to compliment the chairman and the Committee on the Judiciary on the resolution which is before us. If ever there was a proposition before the House which deserved the unanimous support of the membership it is this bill. I am interested in our judiciary. Years of investigation and the study of thousands of complaints which I have received proves to me that the people of our country are losing confidence in the judiciary. Consequently, I feel that legislation that will purge it of the weak, irresolute, lax, biased, and special-interest-controlled judges is legislation in the right direction.

Mr. Speaker, I am familiar with the unfortunate position in which the Committee on the Judiciary of the House has been placed three or four times during my service in the House, when they were obliged to go to another body and cope with its rulers, gentlemen who would defend the activities of some of the judges the House had impeached.

I am satisfied the action today will have a wholesome effect upon our judiciary. I know all the honest judges in the United tSates are in favor of such legislation, and I know it will have a wholesome effect upon the dishonest ones. During our investigation for 2½ years we found, I regret to say, that we have many judges in the United States who have brought shame and disgrace upon our judiciary. By rights these judges should not remain upon the bench any longer than is necessary to bring about their removal. I have called to the attention of the membership how many collusive activities are going on in many of our courts, and I am satisfied this measure will bring about the elimination of many of these abuses.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield to my colleague the gentleman from Georgia.

Mr. COX. I am for the bill. However, would it not have been well if the agency set up to try the Federal district judges had been composed of men other than the district judges themselves? In other words, to go to a district

judge or a group of district judges for trial of one of their fellows is something like going to a coach house for wolves.

Mr. SABATH. As I understand, the bill provides that circuit judges and not district judges will act.

I am indeed gratified and immensely pleased that this resolution is before us and that we shall have a chance to vote on it.

Mr. COX. Mr. Speaker, will the gentleman yield to me to correct my statement?

Mr. SABATH. I cannot yield. I may say this, however, to my splendid colleague from the great State of Georgia, who has such a fine legal mind, that perhaps he might be able to improve the bill now, but that is nothing unusual. The Committee on the Judiciary reported my bondholders' conservator bill, and I thought I had a perfect bill. However, the Committee on the Judiciary has seen fit to eliminate some provisions which I thought would have been much better than the ones they inserted.

Mr. COX. I misread the bill. It is the circuit judges who are to try the district judges.

Mr. SABATH. Yes; the circuit judges.

Therefore, I say the resolution should be passed by a unanimous vote, as well as the bill. [Applause.]

[Here the gavel fell.]

Mr. SMITH of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. SACKS].

Mr. SACKS. Mr. Speaker, there are no words I can utter to defend that great Governor of Pennsylvania, George H. Earle, which would explain his humane qualities and true democratic principles more than his own action. Does the gentleman from Michigan prefer the action of the President of his own party at Anacostia, or would he prefer the orderly prevention of bloodshed in Johnstown?

Mr. TAYLOR of South Carolina. Mr. Speaker, I make the point of order that the gentleman is not proceeding in order.

The SPEAKER. The gentleman from South Carolina makes the point of order the gentleman is not proceeding in order. The Chair will state the rule and its proper interpretation.

Rule XIV provides as follows:

> When any Member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker", and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personality.

The matter now under debate is the resolution reported out of the Committee on Rules for the consideration of a bill from the Committee on the Judiciary. The gentleman from Pennsylvania will kindly proceed in order under the rule.

Mr. SACKS. This bill, which deals with the behavior of judges, and, of course, all other officials, carries with it the implication that those officials will carry out their duties in accordance with their oath. I am sure the protection of human rights and the prevention of bloodshed are just as important to the orderly carrying on of government in a State as the protection of individual property rights. It is just as important for our officials to prevent bloodshed, prevent slaughter, and prevent people from being armed against others who are not, as it is to protect the right of a property to continue to operate. I feel that the great principle enunciated by our President, that in a democracy the protection of those human rights are just as important as protecting the watered stock of large corporations, structured on the sweat and blood of Pennsylvania citizenry.

Mr. TAYLOR of South Carolina. Mr. Speaker, I make the point of order that the gentleman is still proceeding out of order.

The SPEAKER. The gentleman from Pennsylvania will kindly proceed in order.

Mr. SABATH. Mr. Speaker, I think the gentleman is proceeding in order.

Mr. SACKS. That the good behavior of those officials is just as important to the continuance of the democracy as is the protection of property rights. In this case the officials did only what was necessary under the circumstances.

Mr. TAYLOR of South Carolina. Mr. Speaker, may we have a ruling on the point of order?

The SPEAKER. The Chair has stated the rule to the gentleman from Pennsylvania. The measure under debate is the resolution reported from the Committee on Rules. It is impossible for the Chair to draw hard and fast lines as to the pertinency of debate, but the Chair trusts the gentleman will bear in mind the general proposition now pending before the House.

Mr. SACKS. The courage of his conviction, to establish a principle of government based upon the general welfare of the great masses, underlies his position of preventing bloodshed as against the former principles of special privilege to special groups, the economic royalists. To send troops into Johnstown to protect the mills was the policy of Republican overlords, which crushed the citizens of Pennsylvania for 40 years previous to his administration. Thank God that the phrase uttered by him in his campaign for election, "human rights above property rights", was not a mere utterance of the lips but a principle of action. This is true democracy. How different this picture from the one about 40 years ago in western Pennsylvania when armed forces slaughtered Pennsylvania labor in the then steel area. This was Republican glory—steel muskets and bullets to beat down labor. Democratic authority saved Pennsylvania this disgrace. More glory to you, George Earle.

[Here the gavel fell.]

Mr. SMITH of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. MAVERICK].

C. I. O. HAS RIGHT TO ORGANIZE LIKE ANY OTHER UNION

Mr. MAVERICK. Mr. Speaker, referring to the behavior of judges, the gentleman from Michigan [Mr. HOFFMAN] turned to me and said that I had gone into the State of Michigan and had made a speech for the C. I. O., stating that I hoped the C. I. O. would be organized in the South. That is not wholly correct. I want labor organized in the South and everywhere, and the citizens can choose what organization they please. I am frank to say that I hope the C. I. O. is organized in mass industries.

Let us remember that the gentleman from Michigan made a statement the other day that he was going into some State, either Pennsylvania or Michigan, and that he was going to arm himself and march in the State. He said he had wired his son to get 200 rounds of ammunition.

Now, while we are talking about the behavior of judges let us talk about the behavior of Congressmen. [Applause.] I am getting a little bit tired of constantly hearing this ranting and roaring of the gentleman from Michigan [Mr. HOFFMAN]. It is getting very boresome. But, speaking of his getting together an army and marching into a State, if we go back into history and study one of the famous judicial trials of the South, when Mr. John Brown came into the State of Virginia with arms and ammunition, he was tried for treason. Suppose Mr. John Lewis would announce, like a Congressman, that he was getting up an army to invade a State, what would happen?

But a Congressman can get up and say that he can invade a State with arms and ammunition, and have his son get ammunition, like John Brown's son did, and that is all right. That is fine; that is wonderful. But if John Lewis said that, he would be tried for treason, as John Brown was. He would be called a traitor on this floor; but we permit one of our own Members to do it. What is sauce for the goose is sauce for the gander; and a Congressman has no more right to violate the law of the land than John Lewis or anybody else.

We do a lot of talking here about these terrible, organized unions. But I want to know when came the time when an American could not get up and organize his fellow Americans into an organization to protect themselves. That is a democratic right, an inalienable Anglo-Saxon right, an American right, and a right of common sense and decency.

NINE MEN MURDERED BY POLICE IN CHICAGO

Over there in Chicago, nine men, something like six blocks from a steel plant, were attacked by the police and nine of them were murdered; and we stand here and not a soul has said a word about those nine free-born Americans who were murdered out there in cold blood. All we do is to spend our time criticizing organized labor; and then they criticize Governor Earle for correcting a bad situation.

GOVERNOR EARLE HAS PREVENTED BLOODSHED

What has Governor Earle done?

Governor Earle has prevented bloodshed. He has prevented the killing of human beings.

Oh, they say we ought to get the American troops, and a Congressman rises on this floor, who does not have to wear a uniform, and says, "We will have to use all the troops of the United States to have order."

NO CONGRESSMAN WILL ENTER THE ARENA OF BLOODSHED

There will not be any Congressmen among those troops that will shoot down the strikers; none of us will risk our skins in such bloodshed. There will not be a single Congressman there. We will stay on this floor, complain if the air conditioning is not good, say wise things, and be quite safe. Oh, my colleagues, all we do is to damn our fellow Americans because they are organized, and it is also a covert attack on the President of the United States because he does not call out the Army to shoot people down.

As far as I am concerned, I think the President has been wise and I think that Governor Earle has been wise. They have prevented the shedding of American blood. [Applause.]

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. MAVERICK. Yes; I yield.

Mr. RANDOLPH. I do not want the gentleman to be misunderstood. I am certain he would not want to imply that the Members of this House are not patriotic. I have the deepest respect for my colleagues in this body. We may differ on public questions, but Members desire, I know, to do what appears right and best for their country which they serve.

Mr. MAVERICK. No; and I have not said anything like that, either. I am saying, however, that one Member said he was going into a certain State and that he was going in there armed, and that is the same thing that John Brown did in 1859, and got hung for it.

Mr. FISH. Mr. Speaker, will the gentleman yield for the sake of the record?

Mr. MAVERICK. Yes.

Mr. FISH. I call the attention of the gentleman to the fact that the Regular Army, under Robert E. Lee, put down John Brown.

Mr. MAVERICK. Who did it, or quelled the rebellion is not the point. I refer to the overt act of John Brown, who marched into Virginia with guns, and that action was called treason.

[Here the gavel fell.]

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question on the resolution.

Mr. MASSINGALE. Mr. Speaker, may I ask the gentleman from Virginia to withhold that motion for the purpose of answering a question I desire to submit to him?

Mr. SMITH of Virginia. Mr. Speaker, if I may, I withhold the motion a moment, although I think the gentleman is mistaken, because I do not recall his having spoken to me about the matter.

Mr. MASSINGALE. I have not spoken to the gentleman and I simply want to ask the gentleman a question now.

The SPEAKER. It is within the discretion of the gentleman from Virginia to withhold his motion.

Mr. MASSINGALE. I want the opinion of the gentleman from Virginia, or some member of his committee, on the constitutionality of this resolution. It occurs to me, I may say by way of explanation, that the resolution runs right into the teeth of a constitutional provision on impeachment. I may be wrong.

Mr. SMITH of Virginia. May I say to the gentleman that I think he is wrong and I believe he will be thoroughly convinced, as I have been, when he hears the statement of the chairman of the Judiciary Committee, which will be made in a very few moments.

Mr. MASSINGALE. That is what I want to hear.

Mr. SMITH of Virginia. Mr. Speaker, I renew my motion on ordering the previous question.

The previous question was ordered.

The resolution was agreed to.

Mr. SUMNERS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 2271) to provide for trials of and judgments upon the issue of good behavior in the case of certain Federal judges.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 2271, with Mr. COFFEE of Nebraska in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. SUMNERS of Texas. Mr. Chairman, I yield myself 15 minutes. This is a very important bill. I am going to explain it in a purely conversational way. There appear on the blackboard [indicating] the applicable provisions of the Constitution, to which I shall refer later.

We have had an interesting experience in the committee in developing this bill. I became interested in the subject matter of the bill during the first impeachment trial in which I participated a good many years ago. We had not gone very far in the trial of the case until it seemed to me clear that with us impeachment is not a criminal action or proceeding. Finally, we quite generally accepted that idea. The next step was to move away from criminal procedure and toward the procedure recognized in civil actions. The next step was in favor of the Senate availing itself of a committee to act as a master to hear the evidence, and so forth. While this has found some acceptance in theory, nothing definite has been done in that direction.

Finally, about 4 or 5 years ago I became thoroughly convinced that the good-behavior provision in the tenure clause of the Constitution is an issue that can be tried in a court. To me it has not been easy to work out a procedure and a tribunal which would provide the necessary safeguards, protecting judges against being harassed and at the same time providing a proper and fair tribunal to try the issue of good behavior. This bill is the best we have been able to do. I hope to help to make clear the scope and purpose of the bill and to establish the necessity for it and the constitutional warrant for it.

The great difficulty with the average American lawyer in properly considering what is proposed is that he came to the profession when it was an accepted notion among lawyers and laymen that judges can be ousted only by impeachment. He has never stopped to examine the question himself. A preaccepted notion has to be dislodged first before the mind will examine the new thing suggested it seems. That is going to be the trouble today.

This bill does not at all rest upon the provision of the Constitution dealing with impeachment. The thing which we are attempting to do here has absolutely no relationship to the impeachment power. The last part of article II deals with impeachment. That provision is written here on the blackboard. All civil officers are subject to the exercise of the power of impeachment. Judges are civil officers.

The other of the two applicable provisions of the Constitution appears on the other half of the blackboard. In this is the good-behavior clause which this bill seeks to have recognized; that is, "good behavior" as a justiciable issue. When we read that provision we find that judges are not appointed for life, but are appointed during good behavior. It is a condition attached to their right to hold office. When they violate that condition they not only bring disgrace upon

the giver of their commission but they forfeit their right to hold office. If we get that in our mind, we then have the second proposition.

Then when we come to figure out how we are going to make effective the good-behavior provision in the Constitution, that provision in article III, we find that we cannot do it under the impeachment provision. If you read the impeachment provision, section 4 of article II, as it is written here, you will find that all power, all the jurisdiction which the Senate sitting as a Court of Impeachment can have or exercise is contained in that provision.

Let me physically demonstrate that. Suppose I erase the "good behavior" provision on the right-hand side of the blackboard and write in lieu thereof words which give unconditional life tenure. The power to impeach would not be disturbed. All civil officers are subject to removal by impeachment regardless of whether they may be commissioned for 1 year or a hundred years. Everybody agrees to that. Very well, we will rewrite the stricken words and we find that nothing has thereby been added to the powers of the Senate to remove by a judgment of impeachment.

Here is the third proposition, but perhaps I should make this preliminary statement. No rule of constitutional construction will admit that there are dead words in the Constitution. That is the third proposition I want to make. Everybody knows that every word in the Constitution is a living word. I believe we have demonstrated that the Senate does not and cannot make those words alive, those words which constitute the good-behavior clause in the judicial tenure provision. They cannot reach down to the next article of the Constitution where this provision is found. Their whole power is a power to impeach. That power is absolutely bound within the confines of section 4 of article II of the Constitution which I have quoted.

If the Senate cannot make vital the "good behavior" provision in the judicial tenure clause, and clearly it cannot do it, what agency of government can do it? The historical background precludes any notion that the President can effectuate those words, because those words went into the framework of the English constitution, from which we appropriated them, in order to prevent the Executive from having anything to do with it. So, by the process of elimination we come to a court as the only agency of government that can keep those words from being dead words in the Constitution. I think everybody must agree with that.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. MOTT. I do not agree and I want to tell the gentleman my interpretation just in a word and ask him what is the matter with it. It has always been my opinion that the reason why "good behavior" was inserted in that clause of the Constitution was so that judges appointed for life could be impeached. In other words, if this provided that judges should hold their terms for life, then the language would be repugnant to section 4 of article II, and it is doubtful if you could impeach, and I think it is for that reason that section 1 specified the term during good behavior instead of life. What is wrong with that?

Mr. SUMNERS of Texas. I say with all respect that is the expression of an immature judgment which is to be found in nine-tenths of American lawyers. I went through the same process or rather from the same starting point. We all start with the notion that we can only remove a judge by impeachment. This is what is wrong with it. All civil officers are subject to removal by impeachment. The length of the terms of office has nothing to do with it. Whether for 4 years, during good behavior, or for life, it is all the same. If they commit "high crimes and misdemeanors" and so forth they bring themselves within the powers of the Senate to remove by impeachment.

"Good behavior" by its nature is a justiciable issue. By its use it is made a condition in the right of every judge to hold office. It is a triable issue. There is no court to try it. This bill provides the court. If there is no court there is no agency to make effective that important condition in this particular section of the Constitution.

Impeachment had its origin in the fact that there were in England great offenders, too powerful to be tried in the ordinary courts. As a result of that, a custom grew up of the House of Commons preferring charges in the House of Lords against those great offenders and trying them before that house because it was in fact the supreme court of England. Do not forget that. They were tried before the supreme court of England, the House of Lords, sitting as the supreme court of that country.

Mr. EATON. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. EATON. As a layman I should like to ask, does not good behavior mean that there is an absence of treason, bribery, or other high crimes? Is that not all that means?

Mr. SUMNERS of Texas. No, not necessarily.

Mr. EATON. Why not?

Mr. SUMNERS of Texas. I think if my friend will let me move along for a while as I am going I can probably be more helpful.

Unquestionably it is a fact as everybody will agree that we took the provision of our Constitution under consideration from the English Constitution. Everybody knows that. I have in my hand a recognized authority as a commentator on the English Constitution, Todd. He says that "good behavior" in the English Constitution has always been recognized as a justiciable issue, triable in their courts by scire facias, a proceeding similar to our quo warranto.

May I make this statement, that I do not know of a single commentator on the English Constitution who does not recognize that "good behavior" is a justiciable issue. I do not know of a single one. Taking that provision from the English Constitution under the well-accepted rule of construction, it came to us explained and conditioned by the constructions attached at the time of our appropriation.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. No. I am sorry, because the gentleman has one notion and I have another, and I just cannot turn aside for a private discussion with my good friend.

Mr. MOTT. I just wanted to ask the gentleman if he confines his definition of "justiciable" to justiciable in court. It is justiciable if it is tried in Congress, is it not?

Mr. SUMNERS of Texas. No; it is not.

Mr. O'CONNOR of Montana. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. O'CONNOR of Montana. Is it not a fact that the clause in section 1 is simply a matter of contract between the appointee and the United States Government, that he holds office only as long as he behaves himself?

Mr. SUMNERS of Texas. Surely.

Mr. O'CONNOR of Montana. Is that not the fact?

Mr. SUMNERS of Texas. Surely. Everybody knows that, except one or two of my friends here. [Laughter.]

Mr. Chairman, I am not trying to make a speech now in the ordinary sense. I am trying to explain in a conversational sort of way to intelligent people who have got sense enough to understand that we are dealing with an important matter.

It was recognized in England, when we brought this provision into our Constitution, that there were four methods of getting rid of judges: By impeachment; by joint address of the two Houses; by conviction for an offense; and by writ of scire facias, which is exactly the process that we expect to institute under this provision.

I do not understand any attitudes now. One group does not seem to want the judges to have any privileges or presumptions of decency at all, and another group wants to make it difficult to enforce the good-behavior condition in their contract with the people. A half dozen crooked judges can give character to the whole bench. [Applause.] The time has come when, if we are to preserve our courts, we have to do something about it by a method more sensible, fairer, and more effective than impeachment provides. I am friendly to the courts. I want them respected, but we cannot make the courts in America respected unless we

compel obedience to the condition of good behavior contained as a condition in the judges' right to hold office. The only way to get rid of a crooked district judge now is to go over there to the Senate and take the time of the entire Senate, the United States Senate, away from all of the other business of a great nation, and make them sit there for days and days and days while we introduce evidence as though they were an ordinary trial court, when we know they are not a trial court. They will not sit there and try a district court judge. They would sit there to try a Supreme Court Justice, or the President, or the circuit court of appeals judges, but we know they will not to try district judges, and we can hardly ask them to do so. I am ashamed to go over there as the representative of this House of Representatives and ask the Senate of my Nation to sit and try a district court judge.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield myself 5 additional minutes.

We propose to take advantage of the centuries of experience of the people in England and of our own experience and submit ourselves to the direction of common sense and to do a sensible, practical thing within the Constitution. We propose to take advantage of the suggestions of common sense and try to bring about a better method. We have got a man sitting today on the Federal bench when more than a majority of the Senate said he should go off. We must have a favorable vote of two-thirds of the Senate, coming in and going out while the trial is going on. I do not blame them much. They will not sit there. We have got to do something about it if we have the constitutional power. The whole procedure is too ridiculous. The machinery is too cumbersome. The other business of the Senators is too important and pressing. There is not a sensible practical thing about the whole business of trying a district judge by impeachment in the Senate. We have done our best within the limits of due caution. We expect that experience will suggest improvements. But I would risk my life and what little reputation I may have for knowing a little something about the Constitution, that we are undertaking by a constitutional method to make alive the good behavior provision in the judicial-tenure clause of the Constitution.

It is a condition in our contract with these judges. How do you enforce a contract? You go into a court of the country, allege a violation of the contract, offer evidence in support of that allegation, and if you establish that the contract has been breached you get a judgment. We propose to make that possible.

Has any man the right to sit on the bench of this great Nation secure in a job for life, who will not behave himself? This is a serious matter and a matter about which we cannot afford to be squeamish. The only way we can reach a crooked judge is to go yonder to the Senate. This committee of which I happen to be the chairman consists of a fine lot of conscientious lawyers. We have studied this question and brought in the proposition almost unanimously. We are good friends of the judiciary of this country. You know and I know that we have got a fine lot of men sitting on the bench. They are too fine in the average to be messed up by half a dozen crooks on the bench.

I do not know of a single American or English lawyer or law writer of rank who after mature consideration does not recognize the living force of the good-behavior clause in article III, section 1.

It is a queer thing that the notion is so deeply rooted that because we may remove a judge by impeachment we may not remove him by court action in a suit brought to enforce a clear condition attached to his right to hold office. Let us consider the constitution of the average State. The constitutions of most of them have impeachment provisions practically identical with the Federal provisions. Suppose the State treasurer steals the money of the State. You would oust him from office by a trial and judgment of a court, but the fact that you could oust him by suit does not prevent your impeaching him, nor does the fact that you could impeach him prevent you from ousting him through the processes of the court. It is identically such an arrangement as is here proposed.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield myself 2 additional minutes.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. MOTT. I have a great deal of respect for the gentleman's legal learning. I want to ask the gentleman if in his opinion he thinks that the framers of the Constitution drafted section 1 with the idea that a Federal judge could or would ever be removed from office in any other manner except impeachment?

Mr. SUMNERS of Texas. I do think so, and I think if the gentleman will follow my reasoning he, too, will reach my conclusion. Suppose we wipe out the good-behavior clause of article III, section 1, could we not still impeach him under article II, section 4?

Mr. MOTT. You could impeach him.

Mr. SUMNERS of Texas. Yes; you could impeach him even if we struck out the good-behavior clause.

Mr. MOTT. But with that clause stricken out of article III there would be no tenure of office for the judges.

Mr. SUMNERS of Texas. No; you could put him in for life.

Mr. MOTT. Oh, no; not if you put him in for life.

Mr. SUMNERS of Texas. You could not impeach him?

Mr. MOTT. The only way you could impeach him at all would be under section 4 of article 2.

Mr. SUMNERS of Texas. I am certain of my position; I will risk the opinion of the House on that. [Applause.]

Mr. O'NEAL of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. O'NEAL of Kentucky. Is there any accepted definition of the term "good behavior"? And if you reduce the seriousness which is presupposed by impeachment proceedings, are you in any way endangering trial for matters of much less importance than those now accepted as infringing on good behavior?

Mr. SUMNERS of Texas. I think good behavior is a matter for judicial construction and is a matter of fact.

Mr. Chairman, it is suggested that I answer some questions. I yield myself 10 additional minutes.

Mr. LEWIS of Colorado. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Colorado.

Mr. LEWIS of Colorado. Knowing how jealous the gentleman is of the prerogatives of the House of Representatives, I am wondering why in lines 5, 6, and 7, page 2, the words "or such counsel as may be designated by the House of Representatives" were stricken from the bill, thus placing the entire conduct of the trial in the hands of the Attorney General.

Mr. SUMNERS of Texas. Mr. Chairman, perhaps I should make some explanation of the structure of the bill. There was a lot of difficulty encountered. I had the responsibility of framing the bill in the first instance. There was a lot of difficulty about it. First, we recognized that we had to keep some sort of a buffer between the judges and disgruntled litigants and attorneys.

That notion had grown out of our experience. Every man on the committee recognized that fact. The House of Representatives is the best buffer we could locate or provide. We could not beat that. Besides, if we used the House of Representatives to make the preliminary examination, there would be just that much less new structure, which is valuable in the building of a new law. Then we came to the point of determining who should prosecute. The first determination was that in addition to the Attorney General and as an alternative the House might designate other counsel to prosecute. Some question as to constitutionality and of the reaction of the Senate to that arrangement arose, and we

struck out the provision allowing counsel other than the Attorney General or his designatee to prosecute. Prior to that suggestions were made that the Attorney General might institute prosecutions. We decided we would not permit the Attorney General to institute the suit in the first instance. We thought that would be putting too much power in the hands of the executive branch of the Government. We decided we would make this a suit of the United States against the particular judge involved, who is an officer of the United States, and we would ask the Attorney General, in view of the fact the Attorney General represents the United States in all litigation, to represent the Unted States in this suit.

Then we had a lot of difficulty about the set-up of the court. We have an amendment here. We provide a special session of the Circuit Court of Appeals shall be assembled. Then we undertook to give the power to the Chief Justice of the Supreme Court to constitute a court of inquiry, to be composed possibly of members other than of the Circuit Court of Appeals of the circuit where the case is to be tried.

Mr. GRAY of Indiana. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Indiana.

Mr. GRAY of Indiana. Substantially, this legislation has the effect of taking away the trial and impeachment of Federal judges appointed for life from the Senate, to be prosecuted by the House, the Members of which are chosen by the people, and puts the trial wholly within the power of judges who are appointed for life?

Mr. SUMNERS of Texas. Yes. We did not attempt to repeal, of course, any of the powers of the Senate with reference to trials of impeachment. This is in addition to the right of trial by impeachment and it leaves the House in a position so that we can try out this new method and use either method which experience proves is the better.

Mr. SHORT. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Missouri.

Mr. SHORT. I realize the question I am about to ask should not determine the action to be taken by this body, but I should like to propound a question of the distinguished Chairman of the Judiciary Committee if in his opinion the House passed this bill as it is written, would it stand a ghost of a show of passing in the other body?

Mr. SUMNERS of Texas. I do not know. That is not my responsibility and I am glad it is not. My judgment is the Senate should be glad to be relieved of the necessity to sit in the trial of district court judges.

Mr. SHORT. I should like to ask the chairman of the Judiciary Committee if in his opinion he can conceive of a case where a judge, if tried by members of his own profession, might not, out of jealousy, be perhaps persecuted or under other extenuating circumstances might perhaps not be prosecuted to the full extent he would be if tried by an independent body?

Mr. SUMNERS of Texas. Here is what I think about that. I think a judge who is afraid to be tried by three judges of the circuit court of appeals, with the right of appeal to the Supreme Court, probably is just in a situation where he does not feel very easy anyhow.

Mr. KERR. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from North Carolina.

Mr. KERR. The question involved in this matter, as I understand it, involves two concepts, one social misbehavior and the other legal misbehavior. Do I understand the gentleman thinks this three-judge court should have jurisdiction to try both the law and the facts in respect to whether there was involved either legal misbehavior or social misbehavior?

Mr. SUMNERS of Texas. We did not believe the question should be submitted to a jury. That was our conclusion. We threshed that out very carefully. There is not a provision in here that has not some objection to it. We recognize this is more or less experimental legislation, but it is the very best we could do. The only substantial difference between this method of ouster and that by impeachment is in the trial forum.

Mr. SABATH. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Illinois.

Mr. SABATH. The gentleman undoubtedly remembers that in 1909 when a resolution was introduced to impeach a judge for misbehavior, before that judge would submit to trial he resigned. That was the case of Judge Grosscup, judge of the United States District Court of the Northern District of Illinois. That might happen in many instances.

Mr. SUMNERS of Texas. Yes.

Mr. McFARLANE. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Texas.

Mr. McFARLANE. Do I understand that the bill now under consideration is cumulative as to remedies or is it exclusive?

Mr. SUMNERS of Texas. It is cumulative.

Mr. McFARLANE. Does the House have the right to impeach a Federal district judge if this becomes law or would it be taken from our jurisdiction and given to these lifetime judges?

Mr. SUMNERS of Texas. It would not disturb the existing right to try by impeachment.

Mr. MOSER of Pennsylvania. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Pennsylvania.

Mr. MOSER of Pennsylvania. If the gentleman would permit, may I say that in the impeachment John Randolph, of Roanoke, introduced a constitutional amendment to provide for the removal of a judge by joint address of both Houses under the section just referred to.

Mr. SUMNERS of Texas. But not under this section. In England since 1701 they have had the power to remove judges by joint address. That arrangement came as part of the Acts of Settlement, when Mary and William came on the throne after Cromwell.

Mr. HILL of Washington. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Washington.

Mr. HILL of Washington. As Members of the House have authority to determine the qualifications of the Members of the House and their good behavior, is this more than an attempt to have the judges do the same thing with reference to district judges?

Mr. SUMNERS of Texas. May I say to the gentleman that I aimed to touch on that later. The gentleman has made a very fine suggestion.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. MOTT. The gentleman thinks this bill would not violate the Constitution. May I ask if the gentleman thinks a bill like this would violate the Constitution: When the House was of the opinion a judge was guilty of misbehavior and ought to be ousted from office they should so report or decide by resolution, and then the matter should be left to the President to decide whether the judge ought to be ousted, instead of being left to a court. Would this be constitutional?

Mr. SUMNERS of Texas. No; it would not. The historical background behind the whole thing establishes the fact that the reason those very words were put in the Constitution was to prevent the exercise of Executive power in that regard. I may not have clearly understood the gentleman's point, but I may say we cannot take such action. We have no power of removal by address; I think that is what the gentleman has in mind. We cannot do it that way.

Mr. MOTT. No; that was not quite it.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to my colleague on the committee.

Mr. ROBSION of Kentucky. First, I would like to inquire, for the information of the House, how many district judges there are.

Mr. SUMNERS of Texas. I believe there are one-hundred-and-eighty-odd, but I do not know.

Mr. ROBSION of Kentucky. More than that; there are 280.

Mr. SUMNERS of Texas. I yield to my friend on that.

Mr. ROBSION of Kentucky. The House does not give up anything by following the procedure here contemplated?

Mr. SUMNERS of Texas. The gentleman is correct.

Mr. ROBSION of Kentucky. The House institutes this proceeding.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield 5 additional minutes to myself. I guess this is just as good a way to use time as trying to make a speech.

Mr. ROBSION of Kentucky. The resolution is introduced in the House and goes to the Committee on the Judiciary for investigation?

Mr. SUMNERS of Texas. That is right.

Mr. ROBSION of Kentucky. After the Committee on the Judiciary investigates it reports to the House, expressing the belief that some Federal district judge has been guilty of misbehavior, and then the House acts upon it. We can proceed in that way and get the matter before the three circuit judges for trial, and we still have the power of impeachment?

Mr. SUMNERS of Texas. The gentleman is correct.

Mr. ROBSION of Kentucky. We give up nothing.

Mr. SUMNERS of Texas. That is right. These Republicans are as smart as anybody at times. [Laughter.]

Mr. ROBSION of Kentucky. I hope we are smarter.

Mr. SUMNERS of Texas. That is right; that is true, too.

Mr. O'CONNOR of Montana. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. O'CONNOR of Montana. As I understand, a judge could be guilty of gross misbehavior and not come within any of the provisions of section 4 of article II as to what would be a cause for impeachment, such as drunkenness or incessantly talking with the representative of one party when the representative of the other party was not present? This would be ground for removal because of misbehavior, but it would not be ground for impeachment under section 4. Is that correct?

Mr. SUMNERS of Txas. Technically, yes; but as a matter of practice there is not so much difference. The difference is more in theory than in practice, because when the Senate renders a judgment the court does not go behind it. The gentleman is right in theory.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. MAY. I have not had the pleasure of hearing all the gentleman's address.

Mr. SUMNERS of Texas. That is the gentleman's fault.

Mr. MAY. I know, but I want to ask a question with respect to an amendment of the bill. In the provision relating to the court of three judges of the circuit court of appeals, I think the bill should have added to it by amendment at the proper place that none of the judges who constitute this court shall be a judge of the circuit court of appeals in the circuit within which the district judge resides.

Mr. SUMNERS of Texas. I understand. We had the same question up, but we came up against this difficulty. We were not sure we could authorize the Chief Justice to set up a court, so we attempted to utilize the present machinery but gave the Chief Justice the power to designate judges other than judges who are in that circuit. We met the gentleman's point as far as we could go.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. LEAVY. This procedure would be in the nature of a civil action?

Mr. SUMNERS of Texas. Yes.

Mr. LEAVY. Proof would have to be established only by the greater weight of the evidence rather than beyond a reasonable doubt?

Mr. SUMNERS of Texas. The gentleman is correct.

Mr. LEAVY. Would a unanimous decision of the three-judge court be required?

Mr. SUMNERS of Texas. I do not believe so. I think in America the principle that the majority in the absence of some provision to the contrary may speak the judgment is pretty well established.

Mr. LEAVY. The bill itself does not seem to cover this point.

Mr. SUMNERS of Texas. No; I do not believe it does. If the gentleman thinks it is necessary, I wish the gentleman would look it up.

Mr. LEWIS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. LEWIS of Colorado. There is an election of remedies here.

Mr. SUMNERS of Texas. That is right.

Mr. LEWIS of Colorado. Does the gentleman think that after having elected one remedy and pursued it, and failed in it, we could pursue the other one?

Mr. SUMNERS of Texas. I believe we could, but I hope we would not try to. I believe we could.

Mr. O'NEAL of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. O'NEAL of Kentucky. Will the trial court be circumscribed by the terms of the indictment of the House? Can they go beyond the indictment under the bill?

Mr. SUMNERS of Texas. I do not believe they would be bound by the terms of the indictment.

Mr. O'NEAL of Kentucky. They must confine themselves to the indictment brought by the House?

Mr. SUMNERS of Texas. I do not believe they would be limited. It would not be an indictment. It would be a civil action.

Mr. KITCHENS. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. KITCHENS. In the Ritter impeachment recently held by the Senate, Judge Ritter was acquitted of all the specific charges, but I understand was convicted for failure to maintain good behavior while a judge. The Senate having assumed jurisdiction under section 4, article II, to try judges for good behavior, and claiming this right under the Constitution, how can we take that right away from the Senate?

Mr. SUMNERS of Texas. By passing this bill you will not take any right away from them. You cannot touch the power of the Senate. We do not attempt to do that.

Mr. KITCHENS. There cannot be any question about that in the gentleman's opinion?

Mr. SUMNERS of Texas. Not a bit.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield for some factual information?

Mr. SUMNERS of Texas. Yes.

Mr. LUDLOW. The bill applies only to Federal district judges?

Mr. SUMNERS of Texas. Yes.

Mr. LUDLOW. How many of them are there?

Mr. SUMNERS of Texas. Somebody said about 200.

Mr. HOBBS. One hundred and fifty-four.

[Here the gavel fell.]

Mr. GUYER. Mr. Chairman, I yield myself 5 minutes, or such part of that time as I may use.

Mr. Chairman, I have great respect for the legal opinion of the chairman of this committee. I have told him that if he will convince me that this is constitutional I will vote for the bill. I had some experience with him, in a humble way, in trying an impeachment proceeding before the Senate, and I think I am justified in saying there was not an average attendance in the Senate of 15 Members during that entire impeachment trial. I think a judge would get a fairer trial

under this kind of an arrangement, and as I have said, if I were sure of the constitutionality of it, I would certainly be in favor of the bill.

Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. WADSWORTH].

Mr. CRAWFORD. Mr. Chairman, will the gentleman from Kansas yield for a question?

Mr. GUYER. Yes.

Mr. CRAWFORD. I consider the gentleman one of the great legal minds of this House——

Mr. GUYER. The gentleman is mistaken about that.

Mr. CRAWFORD. Is the gentleman in favor of this bill or opposed to it?

Mr. GUYER. I am in favor of it if I am convinced it is constitutional, because I believe it is a better way to get a fair trial for a Federal judge than by trial in the Senate when only a dozen of the Members stay there and listen to the evidence.

Mr. CRAWFORD. From the gentleman's study of the bill, does he believe it to be constitutional?

Mr. GUYER. I am not sure about that, and I am waiting for these great legal minds to convince me.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. GUYER. Yes.

Mr. SHORT. If this bill is enacted into law, it will transfer from the Senate to the three judges appointed by the Chief Justice the prerogative of the Senate to sit as a trial court and pass judgment in the matter.

Mr. GUYER. You cannot take any power from the Senate. It has sole power to try all impeachment proceedings. The chairman of the committee contends this is not an impeachment trial but a trial upon good behavior.

Mr. Chairman, I reserve the balance of my time and yield 10 minutes to the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Chairman, I am quite confident my appearance upon the floor will not be greeted with the assertion that I am a great legal mind. As a matter of fact, I approach the discussion of this matter with considerable trepidation and shall only discuss one phase of it. I cannot boast of having studied the subject to the extent that the chairman of the committee has studied it or the other members of the committee. Whether or not we have the power to set up a device which may, in effect, prevent the Senate from ever passing upon the qualifications of a district judge, I do not know. It strikes me, at first glance, as somewhat startling, but there is one phase of this bill to which I should like to call your attention, and that is the provision which lodges with the Attorney General of the United States, at the behest of the House, the duty of prosecuting a judge who is under charges.

The machinery, of course, has been described. Someone comes to the House of Representatives, responsible people, we will assume, and especially to members of the Committee on the Judiciary, and brings a complaint against the behavior of a district judge. The committee makes its preliminary investigation, makes up its mind that the judge's behavior has been unworthy, that he is unfit to be a judge, and so reports to the House of Representatives, and upon the passage of a resolution the House, by a majority vote, starts the judicial process under which this judge will be put on trial, and as it starts that process it designates the Attorney General of the United States to be the prosecuting officer. It strikes me that whereas this procedure, as described by the gentleman from Texas, might be smoother, might do away with some of the admitted faults of the old-fashioned procedure involving the trial of impeachment in the Senate, this provision calling upon the Attorney General of the United States to be the prosecuting officer is a fly in this ointment so large that, for one, I could not support the measure.

When we call upon the Attorney General to prosecute a judge we are calling upon an executive officer appointed by the President of the United States, subject to the President's will, a member of his intimate Cabinet, his own personal choice, with political implications inevitably involved in their relationship. We might just as well say—because I think the effect in practice would be the same—that the President should prosecute this judge.

I would hesitate, indeed, I would resist any proposal for the dragging in of the executive department of the Government when a judge is on trial. Remember, the executive department is headed by a President who will have appointed these three judges.

Mr. O'CONNOR of Montana. Oh, no.

Mr. WADSWORTH. Yes; appointed by the President and confirmed by the Senate. The President appoints the circuit judges.

Mr. SUMNERS of Texas. The gentleman means to say that some President appointed these judges.

Mr. WADSWORTH. Yes; I stand corrected, of course. That was my error.

At any rate, they are Presidential appointees and the principle still holds, and I do not believe that a Presidential servant, the Attorney General of the United States, should prosecute a judge, himself a Presidential appointee, before other judges who themselves are Presidential appointees. You are injecting the Executive power into this situation in such fashion as to create very, very dangerous possibilities.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. SUMNERS of Texas. Does not the gentleman's argument lead to the conclusion that judges ought not to try issues in which the President is involved; in other words, what is the use of having judges?

Mr. WADSWORTH. This is an issue somewhat different from the issues to which judges give their attention in their long years of judicial tenure. This is a special sort of issue, and the Executive should be kept out of it. The Executive is kept out of it in our present procedure. Would the House of Representatives, for example, change the present procedure, and when it brings impeachment charges against a judge and takes them over to the Senate designate the Attorney General of the United States to be the manager on the part of the House? It would not. Yet that is what you propose to do here.

Mr. MASSINGALE. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. Yes.

Mr. MASSINGALE. I am always interested in any position that the gentleman from New York takes, because he gives it thought; but does not the attitude that the gentleman assumes in this case about the right of the Attorney General to appear in behalf of the prosecution, if followed to a conclusion, lead to this kind of absurdity of analogous terms, that because the President of the United States appoints under the law and the Constitution a Federal district attorney it is unfair to a man prosecuted in the Federal courts for violation of law that he do so, especially in view of the fact that the judge who tries the case is also a Presidential appointee?

Mr. WADSWORTH. I think the suggestion of the gentleman is not analogous. Here we are dealing with three independent branches of the Government, and it should be our hope and intention never to let any one of them become supreme over another. [Applause.] It is quite different from a case at law where the United States attorney is prosecuting somebody for violation, we will say, of a provision of the Interstate Commerce Act. This proposal involves the position of the judiciary, and it incidentally involves the position of the House of Representatives. In my judgment, if the House is to bring the charges before a court, the House should prosecute them through its own managers and keep the Executive out of the whole picture.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. Yes.

Mr. BOILEAU. It might be on occasion that the judge may be indicted by this House for an offense or for misbehavior in a case in which the Attorney General might have been involved.

Mr. WADSWORTH. Certainly.

Mr. BOILEAU. And in view of the fact that the bill with the committee amendment provides the Attorney General or someone appointed by him shall prosecute the case, there is no escape from a situation of that kind, and does not the gentleman believe that the matter can be properly safeguarded by striking out the committee amendment and leaving the language in the bill as originally written, so that the House could, if it saw fit, take it away from the Attorney General and appoint counsel?

Mr. WADSWORTH. I would not have the bill provide that the House could designate the Attorney General at all. Otherwise I think the gentleman is correct.

Mr. DONDERO. And you could go further and say that the Chief Justice is a Presidential appointee and he must designate the three judges who shall constitute the court to try the judge charged?

Mr. WADSWORTH. That might be possible, though the analogy does not exist to quite the same extent, because the Chief Justice is a member of the same department as the judge under trial.

Mr. DONDERO. But he is a Presidential appointee.

Mr. SUMNERS of Texas. The gentleman does not mean to imply that we have Chief Justices of the Supreme Court of the United States and circuit judges, merely because appointed by the President, who would not give a fair trial? That seems to be the strongest accusation against the judiciary of this country that I have ever heard.

Mr. WADSWORTH. I have made no such accusation with respect to the Chief Justice of the United States, and I would not make any such intimation against the judges of the circuit court of appeals; but I have been in public life long enough to gage public opinion and know that when the executive department is authorized to interfere in a case of this kind, the public begins to suspect "politics." [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GUYER. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. GWYNNE].

Mr. GWYNNE. Mr. Chairman, I believe this legislation is beyond the constitutional powers of this Congress and I desire to confine my remarks only to the constitutional question. I cannot agree with the chairman of my committee that the words "during good behavior", upon which the constitutionality must hang if it hangs anywhere, are dead words, no matter how you construe the Constitution. They were put there to fix the tenure of office of the judges. In England, as you know, the judges held their office subject to the will of the King, and the matter was discussed very thoroughly to make it very sure that our judges should hold their office for life or as long as they behaved themselves. I agree with the chairman that they are justiciable, that is, I think the issue of good behavior is justiciable. The obligation is put by the Constitution upon the judges to behave themselves, and it allows them to hold office only so long as they behave themselves. If that is true, and it is, of course, the framers of the Constitution must have had in mind some machinery to determine when the judges had not behaved themselves and were subject to removal. That would be clear, I take it.

I think there are four possible theories as to where the framers meant to vest that authority. First, you might say they meant to vest it in the executive department to determine this question of good behavior. That theory you can put out of the window at once. The entire history is against it.

The second theory, and it is one which has often been advanced, is that the Constitution meant the judges to have authority to determine when members of the judiciary were guilty of misbehavior. There is some argument both for and against that proposition. We need not discuss it here, however, for the simple reason that if they do have this authority they have it by virtue of the Constitution, and nothing we can do can add to or detract from it.

The third theory would be that the framers meant that Congress could set up machinery to determine this question of good behavior, such as this bill.

The fourth theory would be that the machinery set up in the Constitution itself, impeachment, is the exclusive means for trying out this question of good behavior.

I realize arguments can be made in favor of both the third and fourth theories. It is my judgment, however, that the weight of the argument is in favor of the fourth theory—that is, that this justiciable issue of good behavior can be determined solely by the impeachment remedy in the Constitution.

I want to just mention four arguments that bring me to that conclusion, and I shall only have time to mention them. The first is a principle of statutory construction, very familiar to every lawyer, which is this: If a written instrument sets up or creates a certain obligation and also creates machinery to enforce that obligation, it is deemed that that machinery is exclusive. That is a rule that has been applied probably in a thousand cases. I do not wish to take the time to cite the cases, but, Mr. Chairman, I would ask unanimous consent to revise and extend my remarks to insert a collection of authorities on this and other questions on this general proposition.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. GWYNNE. It is a general rule of construction that where an instrument creates an obligation and sets up procedure for enforcing that obligation, that such procedure is exclusive of all others.

The general rule is stated in *Pollard* v. *Bailey* (20 Wall. 520) as follows:

> A general liability created by statute, without a remedy, may be enforced by an appropriate common-law action; but when the provision for the liability is coupled with a provision for a special remedy, that remedy and that alone must be employed.

The Supreme Court of the United States has followed and applied this rule in many cases.

In *Globe Newspaper Company* v. *Walker* (28 Sup. Ct. Rept. 726), the Court held that the remedies of forfeiture and penalty and of injunction given by Congress to the owner of a copyright, in case of infringement, are exclusive, and preclude resort to action at law to recover damages.

The principle was again applied in *Middleton National Bank* v. *Toledo A. A. & N. M. R. Company* (197 U. S. 394), which was an action brought outside the State of Ohio to enforce the stockholders liability given by the statutes of that State. The Court held that the statutory method providing for enforcement of this obligation in the courts of the State must be followed, and excluded all others.

This rule is universally recognized throughout the various courts. The authorities are summarized in Twenty-fifth Ruling Case Laws, section 228, as follows:

> A liability created by statute without a special remedy may be enforced by an appropriate common-law action. However, it is a general principle of interpretation that the mention of one thing implies the exclusion of another thing, expressio unius est exclusio alterius.
>
> A statute that directs a thing to be done by a specified officer or tribunal implies that it shall not be done by a different officer or tribunal.
>
> A statute that directs a thing to be done in a particular manner ordinarily implies that it shall not be done otherwise.

As examples of cases applying this general doctrine, see the following: *Taylor* v. *Taylor, Administrator* (66 W. Va., 283); *People* v. *Gibson* (53 Colo., 231); *Newcomb* v. *City of Indianapolis* (141 Ind., 451); and *City of Des Moines* v. *Gilchrist* (67 Iowa, 210).

It is a generally accepted rule that provisions in a constitution are mandatory and not directory.

For cases in which this rule has been applied, see the following: *Commissioners of Sedgwick County* v. *Bailey* (13 Kans., 600); and *Cohn* v. *Kingsley (Idaho)* (38 L. R. A., 74; 34 L. R. A., 487; 32 L. R. A., 203).

However, before we can say that rule would apply here, we must determine first of all that the remedy of impeachment is as broad as the obligation of good behavior—if you

see what I mean. In other words, can you impeach a judge for everything which is not good behavior? I say clearly you can. I think most of our misunderstanding of this subject comes from what may have been the unfortunate use of the words "high crimes and misdemeanors." The trouble is we use those words in a criminal sense usually. They are not used here in their criminal sense but in their social sense. The framers of the Constitution experimented with various words and finally adopted those words because they took them out of the English impeachment which they knew so well.

Now, what do they mean by "high crime and misdemeanor" for which a judge may be impeached? In England it was never held that to be subject to impeachment the judge or any other individual need to have committed any crime. If you will read the debate in the Constitutional Convention and particularly the statement may be Alexander Hamilton in the Federalist, it clearly indicates that they meant a judge could be removed through impeachment, for anything which made him unfit as a judge.

For example, they asked Alexander Hamilton, "What would you do if a judge became insane?" He said, "Clearly, he is subject to impeachment." As a matter of fact, we have impeached a judge solely because his insanity rendered him unfit to be a judge.

I suppose no one has expressed that thought better than the late Chief Justice Taft, speaking before the American Bar Association in 1913, when he said this:

> Under authoritative construction by the highest court of impeachment, the Senate of the United States, a high misdemeanor for which a judge may be removed is misconduct involving bad faith or wantonness or recklessness in his judicial actions, or in the use of his official influence for ulterior purposes. By the liberal interpretation of the term "high misdemeanor" which the Senate has given there is now no difficulty in securing the removal of a judge for any reason that shows him unfit.

In other words, if I make myself clear, a judge can be impeached for anything which is not good behavior. That is, the remedy in the Constitution is as broad as the obligation. Therefore, that well-known rule of construction applies, that rule that is a refinement of the well-known rule that the inclusion of one is the exclusion of others.

The second reason I want to give is this, and this is based on another principle of constitutional construction: Many times in construing statutes a court must decide whether a certain provision is mandatory or directory. In deciding that question the court determines what the intent of the Congress was in passing the statute. In construing the Constitution, however, in construing every constitution, every single provision in it is not directory but is mandatory.

Here we have a provision which provides how this question of good behavior may be determined. I maintain under this well-known rule that we cannot treat it as directory and set up some machinery ourselves, but we must treat it as mandatory and use the machinery that is set up in the Constitution.

The third reason is based upon the debates had in the Constitutional Convention and statements made in the Federalist, which lead me to believe that they had in mind very clearly to limit the removal of judges exclusively to this impeachment proceeding.

Someone suggested in the Convention that at the time in England they could remove a judge by an appeal of Parliament to the Crown. Somebody suggested that should be in our Constitution, but it was voted down. The question of impeachment received a great deal of consideration.

[Here the gavel fell.]

Mr. GUYER. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. GWYNNE. I think no one has expressed that thought better than Alexander Hamilton in the Federalist, where he said this, speaking about the judiciary:

> The precautions for their responsibility are comprised in the article respecting impeachment. They are liable to be impeached for malconduct by the House of Representatives and tried by the Senate, and if convicted may be dismissed from office and disqualified for holding any other.
>
> This is the only provision on the point which is consistent with the necessary independence of the judicial character, and is the only one which I find in our own Constitution in respect to our own judges.

That was the opinion, at least, of Mr. Hamilton.

Let me call attention also to the statements made by Delegate Rufus King and others who clearly indicated that they had in mind putting in this impeachment machinery as the sole means of removing judges.

The fourth argument that I would make against this bill is based upon the history of impeachment itself. Back in the early days of England, as we all know, all the powers of government were under the Crown. There was no real distinction between impeachment and indictment. A battle was going on constantly between the Commons and the Crown to get for the Commons some part in their own government. Somewhere along that road they discovered the machinery of an independent judiciary, and that was the time when liberty and freedom really came on earth. [Applause.] Now, if you are going to have an independent judiciary, or an independent Executive, or an independent Legislature, you must have some system of checks and balances for them to protect themselves and to check the other coordinate branches of the Government.

At the time we adopted our Constitution impeachment had been developed to the place where it was a legislative check in England against the judges and against the Crown itself.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. Yes.

Mr. SUMNERS of Texas. Does not the gentleman know that when we adopted our Constitution there had not been an impeachment in Englahd for 125 years?

Mr. GWYNNE. That is true.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. GWYNNE. I yield.

Mr. SHORT. Does not the gentleman feel that the reason for the framers of the Constitution adopting section 4 of article II and section 1 of article III was really to maintain the independence of the judiciary and to make it forever free from Executive domination and interference?

Mr. GWYNNE. I have not the slightest doubt of it. In answer to the question suggested by the chairman of the committee, the framers of the Constitution understood, at least, and realized the value of impeachment as a check and balance, and they adopted it for that purpose. One thing indispensably necessary to constitutional government is that the checks and balances must be in the Constitution itself. It is impossible to have constitutional government with checks and balances if one body can devise out of its own ingenuity schemes for checking the other body which are not in the Constitution itself. [Applause.]

[Here the gavel fell.]

Mr. GUYER. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, it is indeed with great reluctance that I take exception to the position taken by our distinguished chairman, for whom we have indeed a most abiding affection; but I deem it my duty, notwithstanding, to take issue with him, because this question is highly important and should be deliberated from every possible angle.

Mr. Chairman, from my review of the cases, the Constitution itself, the authorities, and the debates in the original Constitutional Convention, I am firmly of the conviction that we have no authority whatsoever to pass this bill. I sympathize fully with the objectives sought; I believe that the trial of an accused judge by impeachment is highly unsatisfactory; nevertheless, despite my sympathy with the objectives of the bill, I do not believe that it can be accomplished legally or constitutionally. There is no short cut. If we want to change the method of trial of judges accused, we must follow the Constitution. To do it in the way that our distinguished chairman wishes to do it would require, beyond peradventure of doubt, a constitutional amendment.

We often grow impatient with our judiciary, and especially so when they decide against us or when they in their deci-

sions or opinions develop economic or political views differently than we would, or when we do not agree with the results generally, even though it does not affect us materially; but when sensible men viewing in retrospect what our district courts, our circuit courts, and our Supreme Court have done they will have naught but praise for our courts. Consider the record for years and our courts will come forth triumphant. I grow somewhat impatient when I hear so many improvident attacks upon our judiciary. Even in the debate on this bill today intemperate remarks have been made with reference to their work. Those remarks have no place here.

I want to punish judges when they merit punishment. I would be derelict in my duty if I would not impeach a judge whom I felt was guilty of high crimes and misdemeanors or guilty of misbehavior, but I do not want to take means of punishing the judges unless those means are legal and constitutional.

I want to maintain as much independence for our judiciary as is possible, and the only way that we can maintain an independent judiciary is to make attack upon them difficult, not too easy; otherwise the judges will no longer be independent, but will truckle to this influence and that influence, to this personage and that personage, and we would, therefore, strike a decided blow at the judiciary and destroy their independence. [Applause.] Now, insofar as you make these attacks upon the judiciary easier I am against it.

The other evening I was reading from the famous French philosopher Montesquieu. He said:

> There can be no liberty if the power of judging be not separated from the legislative and the executive powers.

Insofar as this bill will make attacks upon the judiciary easier, since the impeachment is more difficult, you will not have that distinct and necessary separation between the Executive and the judiciary, between the legislative and the judiciary, particularly since the prosecuting officer in these proceedings would be a member of the President's Cabinet, a most responsible agent of the Executive, the Attorney General. The power to attack courts, especially in these parlous times, should be sparingly used. Impeachment is difficult. It should remain so.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. SABATH. But the Attorney General could not proceed until the House by majority vote had decided that impeachment was necessary.

Mr. CELLER. That is true beyond question, but there is the gravest and the highest responsibility placed upon the Attorney General with reference to the duties outlined for him in this bill.

When we consider the history of our district judges and our circuit judges, it is well to keep in mind that there have been comparatively few impeachments during the 150 years of our existence as a nation, very few. District judges as a class, just like Congressmen as a class, have had within their ranks a few renegades. The judges are not all perfect, you cannot help it, they are human; but just as we in the House have had our renegades and have punished them, so the outside agencies have punished theirs.

In 148 years since the Constitution only nine judges have been impeached. Of the nine judges impeached, five were found innocent. Only four were found guilty.

Since the bill has been changed to include an appeal to the Supreme Court, my criticisms in my minority record against failure of appeal were well taken. We now have appeal.

Just because one or two have strayed from the path is no reason why we should bring a wholesale indictment against all of the judiciary in the land. That is the feeling behind this bill, and that is one of the reasons why I am opposing it.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Texas.

Mr. SUMNERS of Texas. May I ask the gentleman from New York if it is not a fact that the small number of prosecutions has resulted from the protection which the House has given, acting as a buffer, and if we do not reserve that in this bill?

Mr. CELLER. I do not agree with the gentleman. It is a very simple matter for a man to rise and impeach a judge. If he wants to take the responsibility, let him do so, but Members may be fearful at times to take the responsibility of impeachment. That is unfortunate. The mere fact that during 150 years we have only had nine judges impeached, and only four successfully, I repeat that our judiciary is as good as the judiciary of any land under the sun.

Mr. SHORT. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Missouri.

Mr. SHORT. The gentleman is making a splendid argument. Does he not feel it is much better to tolerate the abuses of a very few than to intimidate all the members of the judiciary by setting up a new plan?

Mr. CELLER. I agree with the gentleman.

Mr. HANCOCK of New York. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New York.

Mr. HANCOCK of New York. Is it not true that one of the nine judges the gentleman mentioned a moment ago was a Justice of the Supreme Court and would not come within the jurisdiction of this bill?

Mr. CELLER. The gentleman is right, and I thank him for his observation.

Mr. HANCOCK of New York. And the judges of the Commerce Court have been abolished, which further reduces the number.

Mr. CELLER. Even taking the nine, the House was mistaken apparently in five and only four were found guilty of the charges for which impeachment was had.

I may say with all due deference to the author of the bill that the best argument against its validity is its novelty. I said this in the minority report and I am going to repeat it:

> It scarcely can be believed that the framers intended vesting Congress with an important power and then so skillfully concealed it it could not be discovered save after 150 years.

[Applause.]

Speaking of the independence of the judiciary, I meant to say a few moments ago what Hamilton said so skillfully and effectively:

> This independence of judges is equally requested to guard the Constitution and the right of individuals. The precautions for their responsibility are comprised in the article respecting impeachment. They are liable to be impeached for malconduct by the House of Representatives and tried by the Senate, and if convicted may be dismissed from office and disqualified from holding any office. This is the only provision on the point which is consistent with the necessary independence of the judicial character.

I have before me the Federalist, volume 2, numbers 65 and 66, with contributions by Hamilton, Madison, and Jay. It covers the matter of impeachment. There is a clear indication that the framers of the Constitution wished to limit beyond any question the right to impeach and try judges, to limit the right of removal, to the Congress of the United States. Particularly we are told that efforts were made to set up a different tribunal. An effort was made to set up the Supreme Court as a tribunal to try these recreant judges. We are told by these savants that the framers in the Constitutional Convention rejected every solitary one of the proposals other than the one we find in the Constitution.

Now, that is the best argument in the world. They rejected every single proposal, except that the House shall impeach and the Senate shall try the cause. The House shall be the sole entity to bring impeachment charges. We are told in article I, section 2:

> And the House of Representatives shall have the sole power of impeachment.

We are told in article I, section 3:

> The Senate shall have the sole power to try all impeachments.

The use of the word "sole" in those two particulars undoubtedly is most significant, particularly in the light of the history of the Constitutional Convention, which we are told rejected all alternatives except the one we have followed for 150 years. Therefore, I cannot lay too great emphasis on the use of the word "sole" in two instances. To my mind the conclusion is inescapable that the only way you can try

these judges is by the method that the Constitution allows us to use, and I do not care what you call the trial, whether impeachment, ouster, removal, or by any other name.

Mr. LEAVY. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Washington.

Mr. LEAVY. Under this act is not the sole method, manner, or way in which proceedings may be instituted still lodged with the House of Representatives?

Mr. CELLER. Yes; but we are adding another remedy. We cannot add that remedy because the Constitution forbids, because the Constitution says there shall be one sole tribunal, not a tribunal composed of the Supreme Court Judges or a tribunal composed of three Circuit Court of Appeals judges selected by the Supreme Court, not three Daughters of the American Revolution or three presidents of chambers of commerce. If we have the right to say that a Supreme Court Justice shall select the Circuit Court judges to act as a tribunal, then we have the equal right to say Tom, Dick, and Harry shall be the court to try these district judges. We would equally have the right to say that three presidents of three distinct chambers of commerce, or three members of the Daughters of the Nile, or three Members of Congress, or three women of the Ladies' Sewing Circle of Tallahassee, Fla., may try these judges. You have the same right in one case as you have in the other. I deny that you can do that. If we have the right to set up another ouster court, we can with equal grace pick our own judges. We are the sole judges of the judges.

Just because the Senators have not done their duty in hearing the causes, and just because Senators walk in and out of an impeachment trial and few, if any, remain throughout the entire proceeding, and few, if any, have encompassed in their minds what it was all about, so far as these prior impeachments are concerned, is no reason why we should change the method or attempt to change the method. There is only one answer to the argument the Senators have not done their duty. They must do their duty, and they should be criticized into doing their duty. They must be made to do their duty. They could easily have a subcommittee hear the case, and that subcommittee could report to the Senate. The fewer members of the subcommittee could and would attend all hearings.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Tennessee.

Mr. TAYLOR of Tennessee. Whether the Senators are actually present or not, they read the hearings and are informed when the time comes to vote.

Mr. CELLER. I think that may be sound. However, it was argued that if the Senators do not do their duty and therefore we must change the method, but I cannot see any efficacy in that argument.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes.

Mr. SHORT. Sometimes Members of the House are a little derelict in their duty. I am sorry that more Members are not on the floor now to hear the very clear, cogent, and convincing speech of the gentleman from New York.

Mr. CELLER. I thank the gentleman for those kind words. I agree to settle for half.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes.

Mr. LUDLOW. I am trying to get at the truth of this matter with the limitations of a layman's mind. May I ask the gentleman if we do not hear it said all the time that Federal judges are too far removed from the people? We hear that criticism reiterated over and over again. If we enact a system whereby punitive measures will be applied to delinquent Federal judges by the courts, and thus remove their trial from Members of Congress who are elected by the people, will not judges be further removed than ever from the people? Is that not an objection to this bill?

Mr. CELLER. I think that is, indeed, a very sound argument.

Mr. KERR. Does the gentleman think the question of good behavior refers to the offenses designated here for which a person is impeachable?

Mr. CELLER. I shall come to that in a moment.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. DICKSTEIN. Under the present system, before a Member of Congress presents charges he at least gives them study and consideration before the House is asked to act. If this bill becomes law, a Member could at any time submit a charge, whether right or wrong, and then, automatically, from what I gather from this argument, the matter would be referred to some committee and then referred to this tribunal of three judges.

Mr. CELLER. I think the gentleman is somewhat in error. Under our present practice there must be a resolution of the House to impeach.

Mr. DICKSTEIN. I appreciate that.

Mr. CELLER. Under this proposal there must likewise be a resolution to start the proceedings.

Mr. DICKSTEIN. But it comes from no responsible source. We would have to take the word of some other people who say this judge did this, that, or the other thing. Has the Committee on the Judiciary power under this bill, if it becomes law, to investigate?

Mr. CELLER. Oh, yes.

Mr. DICKSTEIN. That is what I want to know.

Mr. CELLER. I presume our Committee on the Judiciary would not act unless they had investigated, and they would undoubtedly initiate the proceeding in both instances, under the present practice and under the proposed practice.

[Here the gavel fell.]

Mr. GUYER. Mr. Chairman, I yield 5 additional minutes to the gentleman from New York.

Mr. COLE of Maryland. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes.

Mr. COLE of Maryland. If the present system, principally because of the attitude of the Senate, justifies this legislation, and we create a more dignified forum, so to speak, for future trials, why is it the judges of the circuit court of appeals are not entitled to the same consideration?

Mr. CELLER. I do not know why. I think the point is well taken. If one district judge can be tried by three circuit judges, I can see no reason why the reverse should not be true. I cannot see why a tribunal of three district judges could not be set up to try one circuit judge. What is sauce for the goose is sauce for the gander, and if we have the power to do all this, we can try circuit judges in one way and district judges in another way. There is no question about the fact we could try the district judge one way and the circuit judge another way. But why treat them differently. They are all Presidential appointees.

Mr. O'CONNOR of Montana. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I want to get on with my argument, and this is the last time I shall yield.

Mr. O'CONNOR of Montana. I want to get the gentleman's view as to whether or not the term "during good behavior" is not more elastic than the provision set forth in section 4 of article II with reference to impeachment?

Mr. CELLER. I shall come to that in a moment.

With reference to the matter of good behavior, here we are setting up a court which is in its nature a criminal court, and we deny right to jury trial, a right granted to the meanest smuggler. The remedy this bill provides is of a criminal nature because there are important punishments and serious sanctions. The judge loses his job as it were, and is relegated to private life and disgraced. This is really a criminal proceeding, a criminal trial.

What do you do? You say to one of the judges, "You are guilty of misbehavior. You have not been behaving yourself." What in the world is good behavior? I do not know what good behavior is. No standard is set up in this bill. The commonest felon, when he is informed against or when an indictment is brought against him, must be charged with a specific crime, and the crime must be indicated specifically and succinctly. He must know unmistakenly and exactly of

what he is accused. In this case you do not do that. You say that a man shall be answerable because he did not behave himself. Where lies the truth in this regard? I do not know. What is one man's meat is another man's poison. What may be good behavior to Green may be misbehavior to Lewis. Roosevelt today may be accused of an impeachable offense by one great class of people, and by another great class of people may be praised to the skies for the same activity.

I repeat, where does the truth lie? What is good behavior? What is the standard of good behavior? I maintain, therefore, this term is so indefinite that there is no due process, and every one of us is entitled to due process of law. This right is imbedded in the Constitution. If due process is not provided for in this bill the courts will undoubtedly frown upon it. What is due process?

In the case of *United States* v. *Cohn Grocery Co.* (256 U. S. 81) it was held that due process of the law requires that acts defining the offense should be specific enough so that its meaning could be determined from the law itself. The Court said:

> The Congress alone has the power to define crimes against the United States. This power cannot be delegated to the courts or juries of the country.

We cannot, therefore, delegate this power to circuit judges to try a particular judge who is accused in this indefinite, vague way.

> Therefore, because the law is vague, indefinite, and uncertain; and because it fixed no immutable standard of guilt but leaves such standard to the variant views of different courts and juries, one may be called upon to define it; and because it does not inform the defendant of the nature and cause of the accusations against him, I think it is constitutionally invalid, and the demurrer ought to be sustained.

This is important also. Every one of us should have the right to set up the defense of res adjudicata, namely, that we were accused of some crime or some offense and had been acquitted; but in this particular instance, of what have you been acquitted? You have been acquitted because you were good. Somebody else may bring another charge against you at some subsequent time based on the same state of facts. You cannot tell. The charges are too indefinite.

For these reasons, and many others which I shall put in the RECORD, I believe this is clearly and palpably unconstitutional. [Applause.]

I herewith insert some of my remarks from my minority report:

CONGRESS CANNOT LEGISLATE CONCERNING THE TERMS AND TENURE OF OFFICE OF THE JUDGES

This is purely a constitutional matter imbedded in the Constitution. The tenure of office for life during good behavior—anything that affects the tenure of the judges—must be as the Constitution dictates. It is not a matter of legislation. A trial for misbehavior, therefore, must be in pursuance of the Constitution.

INTENT OF FRAMERS OF CONSTITUTION CONCERNING OUSTER OF JUDGES

A study of the debates in the Constitutional Convention, and particularly those of Monday, August 27, 1787, clearly indicate that the framers of the Constitution intended only one method of ouster of judges, impeachment. It was on that day that they discussed the provision that judges should hold office during good behavior. Delegate Dickinson, of Delaware, proposed, as a method for removing judges, additional to impeachment, that they "may be removed by the Executive on the application by the Senate and House of Representatives." (It is not recorded that he argued that what the Congress may do it may undo.) The champions of an independent judiciary were stirred to vigorous and immediate dissent. The proposal almost unanimously was voted down. (See Warren's The Making of the Constitution, 532.) Would not the framers of the Constitution have been surprised to learn that, themselves spurning an alternative of impeachment almost identical with it, unwittingly they had empowered Congress to adopt any alternative it chose.

The power to try judges, or remove them from office, would clearly be limited to impeachable offenses, under the general doctrine that where a constitution names certain things as constituting offenses, and gives specific powers with reference to certain subject matter, it is intended to be exclusive. Mr. Cooley, in his work on Constitutional Limitations (eighth edition, p. 139), quotes this rule as follows:

"Another rule of construction is, that when the Constitution defines the circumstances under which a right may be exercised or a penalty imposed, the specification is an implied prohibition against legislative interference to add to the condition, or to extend the penalty to other cases."

The Supreme Court of Mississippi in *State* v. *J. J. Henry* (87 Mississippi Reports, 125; 40 Southern Reporter, 152), under clause (d) of the first syllabus, says:

"Where the Constitution enumerates power granted or denied, it must be held to have named all of the powers so dealt with and as being, with the necessary implications, the sole limit of authority or restriction."

To the same effect is the case of *Rhode Island* v. *Massachusetts* (12 Peters, 657; L. Ed. 1233) and *Myers* v. *United States* (272 U. S. 52; 71 L. Ed. 160).

Mr. SUMNERS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from Arkansas [Mr. MILLER].

Mr. MILLER. Mr. Chairman, I do not presume I can make a logical argument in 10 minutes, if I were capable of making one; but this matter is now in such shape that I think a few desultory remarks may be in order on some of the things that seem to be misunderstood.

I do not think there is anything specially new or novel about this proceeding at all. I believe it is admitted by everyone who has thought about it that the words "good behavior" constitute and raise a justiciable issue. I think this is admitted.

It is further admitted that the proposed bill takes nothing from the power of Congress—takes nothing from the Senate and takes nothing from the House on the question of instituting impeachment proceedings or the Senate in trying impeachment proceedings. The only thing it does is that it initiates or sets up machinery whereby we may in fact judicially try the question of good behavior. Now, what do we mean by this? When a man is appointed to hold office during good behavior, he receives a life estate in that office subject to that condition precedent or subject to his good behavior.

This was the law in England at the time of the adoption of the Constitution. The argument has been made here with respect to the necessity of preserving the independence of the judiciary. I do not think there is anybody in this House who wants to preserve the independence of the judiciary any more than I do, or will go any further than I will in preserving the independence of the judiciary.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Not right now, please.

But let me ask you this question: Is the judiciary of the United States any more independent than the judiciary of England? Is it not a well-known historical fact that the judiciary of England is probably the most independent judiciary of any country in the world? Now, what is the law in England and what was the law at the time the words "good behavior" were placed in this particular provision of the Constitution? The Acts of Settlement, passed in 1700, contains the words "good behavior", stating that the judges of the English courts shall hold office during good behavior.

Now, what was the law at that time as to how they might be removed, and how can they be removed now in England? Suppose a judge in England today is guilty of conduct that is not good behavior, how is he removed? There are four proceedings by which he may be removed. Understand, a so-called impeachment in England is just as effective as it is here. One is a proceeding by a writ resembling the writ of scire facias, and he is tried in a court. The commentators say that in a case of misconduct not amounting to a legal misdemeanor the appropriate course appears to be by scire facias to repeal the patent or to repeal that provision of the patent that has been issued to him, his commission to hold the office. The next is, when the conduct amounts to what a court might consider a misdemeanor, then by information in the courts. Third, if it amounts to an actual crime, then by impeachment. Fourth—and in all cases at the discretion of the Parliament—by the joint exercise of the inquisitorial jurisdiction by joint address.

Now, you talk about destroying the independence of the judiciary by the passage of this bill. You will not destroy the independence of the judiciary by doing this, but you will serve notice on every one of the members of the Federal

judiciary that we simply expect them to make a reality out of the limitation on their tenure during good behavior. This is all you will do. You are not taking anything from these judges. You are not hampering them in the least, and you are not interfering with the free and untrammeled exercise of their duty.

It has been suggested by my distinguished friend from New York that if this law is passed there will be a flood of resolutions and there will be a number of trials. There will not be any such thing unless a judge ought to be tried. Do you think the House of Representatives would pass a resolution and put a man upon trial if we were not convinced he was guilty of conduct which was other than good behavior? Certainly, we would not, and on the other hand, suppose a man had committed a crime, a high crime or misdemeanor, what would happen? We would impeach him. Why would we impeach him? Because that kind of man not only ought to be removed from office under this section of the Constitution but the Senate ought to have the right to pass further judgment upon him, as provided by the Constitution, and bar him from ever holding another office of trust under the United States Government.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield now?

Mr. MILLER. Let me proceed just a little further, please.

The distinguished gentleman from New York pleads that we must protect the judiciary, and that to pass this resolution will be letting down the bars to Tom, Dick, and Harry to bring charges against them.

I do not know, but I do not think a majority of this House would ever place a district judge or any other judge of a court upon trial on any frivolous charges. It has not been done in England. We have given some serious consideration to this matter. The trouble about the whole thing is that in the average mind, and even the distinguished gentleman from New York [Mr. CELLER] in his minority views said, that Federal judges hold office during life or during good behavior. That is just a common expression of a belief that has grown up. There is not anything mentioned about holding office for life. The distinguished gentleman further said that there were no dead words in the Constitution. I agree with him. There are no dead words in the Constitution. Good behavior means something. If it means something, where are we going to try the issue, and is it included in high crimes and misdemeanors or is it not a more comprehensive term? It is, and that is the point in this case. Good behavior is a wider term, because under the law in England at the time good behavior was put into our Constitution it included things that were not recognized under the English law as high crimes and misdemeanors, and therefore the writ of scire facias was applicable for removal of a judge for other than conduct of good behavior.

There is nothing wrong in this. Something was said in the minority views that intimated that this question was debated on the floor of the Convention. It was debated on the floor of the Convention, and I refer you to Mr. Madison's notes as my authority. When the tenure section was agreed upon, Mr. Dickinson proposed an amendment by adding the words "and may be removed by the Executive upon a joint address of the two Houses." That amendment was rejected, and Mr. Sherman said that would be all right if it were not for the fact that a joint address does not mean a trial. [Applause.] He was for a trial and that is provided for under the proposed bill.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. GUYER. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. REED].

Mr. REED of Illinois. Mr. Chairman, since February 5, when the President transmitted to this Congress his message relative to a proposed reorganization of the Federal judiciary, Nation-wide interest has been manifest concerning that branch of our Government that deals with the administration of justice. Senators, Representatives, public officials, bar associations, newspapers, and magazines have tendered approval or disapproval of the President's plan and our Constitution has been quoted, requoted, and misquoted with vehemence by partisans espousing both sides of the controversy that has been raging since that date. At the present time it appears as if the net results of that now famous contest will be a definite understanding of the power that the Executive shall exercise affecting the judiciary, and a liberal education accorded the people of the United States in constitutional law. Unfortunately, legislation at this session which would tend to strengthen and make more effective the administration of justice has not had the consideration it merited owing to the sensational attraction that has occupied the center of the stage.

The tumult and the shouting having somewhat subsided, I trust that the Congress will today give its favorable consideration to the bill introduced by the eminent chairman of the Committee on the Judiciary providing for trials and judgments upon the issue of good behavior in the case of certain Federal judges.

When the framers of our Constitution met in Philadelphia 150 years ago, they realized that public officers thereafter entrusted with the control of our Government would, after all, be human beings with all the faults, weaknesses, and frailties to which mankind is subject. Accordingly, they wrote into the fundamental law a provision that "the President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors" (art. II, sec. 4). They provided that "the House of Representatives * * * shall have the sole power of impeachment" (art. I, sec. 2) and that "the trial of all crimes except in cases of impeachment shall be by jury * * *" (art. III, sec. 2). They further provided that "the Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the Members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law (art. I, sec. 3).

And finally they provided that "the President * * * shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment" (art. II, sec. 2).

Mr. MASSINGALE. Mr. Chairman, will the gentleman yield?

Mr. REED of Illinois. Yes.

Mr. MASSINGALE. There, in my judgment, is a matter for at least serious thought upon my own part. The gentleman is reading the words of the Constitution about the judgment in impeachment cases.

Mr. REED of Illinois. Yes.

Mr. MASSINGALE. And the language is before the gentleman, that the judgment in impeachment cases shall be removal from office.

Mr. REED of Illinois. And it may be disqualification for holding office of honor thereafter.

Mr. MASSINGALE. Yes. The judgment in this proposed bill shall be only removal from office.

Mr. REED of Illinois. That is correct.

Mr. MASSINGALE. Here is a question I should like to have the gentleman's opinion on. Suppose we rendered a judgment of removal from office under this bill and then impeachment proceedings should be instituted and had and a conviction obtained, what would the gentleman think, for instance, of a plea of res adjudicata? The basis upon which a conviction and judgment can be entered in an impeachment proceeding is removal from office. If removal from office has already been effected, then would it be possible to render a complete and constitutional judgment in an impeachment proceeding?

Mr. REED of Illinois. I do not think impeachment would lie after removal from office, because there have been many times when impeachments have been commenced in the

Senate and have been dismissed because of the constitutional question that you cannot remove a man from office when he is already out.

Mr. MASSINGALE. That is a matter explained somewhat differently by other members of the committee.

Mr. REED of Illinois. Mr. Chairman, these clauses of the Constitution which I have read are the sole and only provisions of that document that relate to impeachments, and constitute a means by which the President, Vice President, and all civil officers can be removed from office upon conviction of certain specified offenses, to wit: "Treason, bribery, or other high crimes and misdemeanors" (art. 11, sec. 4), by the Senate sitting as a court of impeachment.

In the 150 years that the American people have enjoyed constitutional government 12 public officials have been brought to the bar of the Senate on charges preferred against them by the House of Representatives. Of these 12 persons, one was a President of the United States, one an Associate Justice of the Supreme Court of the United States, one a Secretary of War, one a United States Senator, one a judge of the United States Commerce Court, and seven were United States district judges. Experience in these cases has taught us that trials by impeachment are long, cumbersome, and unsatisfactory. At the time of the adoption of the Constitution, the Senate was composed of 26 Members—one more than the present membership of the Committee on the Judiciary of this House. Several of the standing committees of this body today exceed in number the total membership of the United States Senate of that period. The addition of new States has swelled its membership to 96, an unwieldy body to sit and act, as it must in impeachment trials, as both a court and jury. It is composed of busy men, who cannot and will not divest themselves of the time they must necessarily devote to their lawmaking activities and concentrate, analyze, and digest the intricate testimony offered and evidence adduced in an impeachment trial. They are legislators rather than jurists. Except in cases involving high public officials they should not be required to set aside their legislative duties, paralyzing for weeks the lawmaking function of our Government, and don the robes of a judicial tribunal. It is an imposition to require them to sit in judgment on proceedings to oust a Federal district judge when matters of vastly greater importance should occupy their time and energies. As a court and jury acting under these handicaps they render fair and impartial justice to neither the accused nor the accuser.

Roger Foster in his Commentaries on the Constitution of the United States said:

> Impeachment trials are a survival of the earliest kinds of jurisprudence, when all cases were tried before an assembly of the citizens of the tribe or State. Later, ordinary cases, both civil and criminal were assigned to courts created for that purpose but matters of great public importance were still reserved for a decision of the whole body of citizens or subsequently of the council of elders, heads of families or holders of fiefs."

Surely now, after 150 years, when our Nation has grown in population from 3,929,214 to 128,429,000 souls, when it has expanded from 13 to 48 sovereign States, when its domain stretches from the Atlantic Ocean on the east to the Pacific on its west, when its trade and commerce have increased a millionfold, when its citizens have had the rich experience of a century and a half of self-government, it would seem advisable, if permitted by the basic law of the land to discard an archaic and cumbersome mode of discharging unworthy and incompetent minor officials from the public service for a better method that would be more simple, efficient, and just.

But let us look again to the Constitution. Section 1 of article III says, "The judges, both of the Supreme and inferior courts shall hold their offices during good behavior * * *." This necessarily means that they may be removed in case of bad behavior. It means that the tenure of their offices is determined by their own personal and official conduct. If they misbehave their actions in so doing create a justiciable issue to be passed upon in a manner prescribed by law. Some tribunal must determine whether the actions of the accused judge were of such a nature as to constitute misconduct and if so, that his tenure of office has expired by his own misdeeds.

But some will say "What is good behavior? This bill doesn't define it. What is good behavior to one man may be bad behavior to another." My answer to that inquiry would be to propound another. "What is good behavior now under the Constitution? And what is the meaning of 'high crimes and misdemeanors'? What is the definition of 'fraud', 'due process of law', and 'life, liberty, and the pursuit of happiness?'" These are general terms, and there has never been a court or a legislator that has had the wisdom to be able to state a definition of these terms in language capable of including every possible state of facts, and write it into the law of the land.

An eminent former member of this body who was one of the managers on the part of the House in an impeachment proceeding some years ago in defining "high crimes and misdemeanors" to the Senate said:

> Mr. President, * * * outside of the language of the Constitution * * * there is no law which binds the Senate in this case today except the law which is prescribed by their own conscience, and on that and on that alone, must depend the result of this trial. Each Senator must fix his own standard; and the result of this trial depends upon whether or not these offenses we have charged * * * come within the law laid down by the conscience of each Senator for himself.

Can it be said that a court composed of legally trained jurists is less capable of passing upon the admissibility of evidence and the merits of a case involving the right of a judge to continue in an office he is alleged to have disgraced than a group of legislators many of whom are not trained in law? An innocent judge would prefer to be tried by his colleagues.

Let us look again at the Constitution and let us suppose for the moment that all of the provisions thereof that relate to impeachments had been omitted therefrom. Judges would still hold office only "during good behavior." Can it be said that these words have no meaning and that they are dead words in the Constitution? I think not. They are not self-executing. They require enabling legislation to give them vitality. They have lain dormant for 150 years because Congress chose to proceed by the more cumbersome method. The eighteenth amendment to the Constitution prohibited the manufacture, sale, or transportation of intoxicating liquors for beverage purposes, but this amendment, too, would have remained a dead provision of the fundamental law if Congress and the several States had not enacted legislation to make it operative.

It has been pointed out that judges are not appointed for life but merely during "good behavior", and it has been said that these words must be construed with the "high crimes and misdemeanor" clause in the impeachment section. Most authorities admit that there is little, if any, difference in the meaning of the two terms. It is plainly apparent that the President, Vice President, and all civil officers—which includes judges—may be removed from office by impeachment. The terms of the President and Vice President are 4 years. Yet their tenure of office can be terminated by a judgment of the United States Senate that they have been guilty of the offenses specified in the Constitution. Does not the same thing apply to judges, even though their term of office is not fixed definitely? Suppose our forefathers in the Constitutional Convention had fixed the tenure of judges at "life" instead of "during good behavior", as was at one time proposed. Would they not be removable by impeachment just the same as they are now? Would the insertion of the word "life" in place of the words "during good behavior" make one single iota of difference in the trial of judges by impeachment? Why, then, was there an exception placed in the Constitution as to judges as compared with other civil officers? Perhaps an uncanny insight into the future led the framers of the fundamental law of our land to believe that the less the legislative or executive branches of our Government had to do with the removal of judges the more independent they would be in their judgments. Senators and Representatives may be expelled by their colleagues for good cause. The Executive may remove his subordinates if they

are dishonest or inefficient. Why should the courts not possess the same power?

The bill under consideration is merely an exercise by Congress of its legislative power to "constitute tribunals inferior to the Supreme Court" and to "make laws • • • necessary and proper for carrying into execution" its constitutional prerogatives (art. I, sec. 8).

Briefly, this proposed legislation provides that upon the passage of a proper resolution by the House of Representatives stating that in the opinion of the House any Federal district judge has been guilty of misbehavior within the meaning of section I of article 3 of the Constitution, the Chief Justice of the United States shall convene or cause to be convened the circuit court of appeals of the circuit in which the judicial district of the judge is situated in a special term for the trial of the issue of good behavior of such judge. It provides that judges of other circuits may be called by the Chief Justice to sit on said court; that the Attorney General shall prosecute on behalf of the United States; and that the judgment of the court, in case of conviction, shall be that the judge is removed from office. It provides for an appeal from that judgment to the Supreme Court of the United States and that the judgment of that tribunal shall be final and binding.

It assures both the accuser and the accused of a trial before a tribunal that is judicially minded and learned in the law.

It relieves the United States Senate of the burden of constituting itself as a court at the sacrifice of its legislative duties.

It accomplishes everything that is contemplated by impeachment but does it efficiently and impartially.

It surrenders none of the rights now existing to try judges by the impeachment method if Congress so prefers.

It gives the courts the opportunity to purge themselves of those who are unworthy.

Mr. Chairman, in my judgment, this is one of the most constructive measures that has been proposed at this session of Congress, and I trust it will receive the enthusiastic support of this House. [Applause.]

Mr. GUYER. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. TOLAN].

Mr. TOLAN. This is indeed a large question to discuss in the short time of 5 minutes, but shall do the best I can. When this legislation was first mentioned I was not in favor of it, but having served on the Judiciary Committee with our great chairman, Mr. SUMNERS—and by the way he is one of the great constitutional lawyers in the United States, if not the greatest—he finally persuaded me that he is right. Men, and particularly lawyers, are so married to precedents that it takes a mental crowbar to pry them loose. We have been going along here for 150 years saying that the only remedy for removal of judges is by impeachment. I call attention to a fact that probably has not been brought out today. Do you Members realize that the constitution of every State in the Union provides for impeachment of various officials of States, and that by statute in nearly every State in this Union we have independent remedies such as accusation and others where the sole issue tried is the question of removal from office and this trial is by the court and independent of impeachment and criminal proceedings. For instance, the Attorney General of the United States was mentioned. The attorney general of the State of California has a perfect right to file an accusation against the secretary of the treasury in that State and remove him, independent of impeachment. There you have it in the States of the Union. That is all we are asking here now.

Let me say another thing, if I may. I do not know all about this by any means, and I answer this proposition on account of someone mentioning that this legislation was an attack on the judiciary. Do you mean to tell me that the judiciary of the United States would not rather be tried in a court where the judges will listen to the evidence and look into their faces? Would you not, as a judge, rather be tried before three judges of the circuit court of appeals than to be tried before the Senate of the United States? This is no disparagement of the Senate, because they have other work to do; but would you not rather be tried before three judges of the circuit court than before the Senate and have 4 or 5 Members out of 96 listen to the testimony and decide upon your fate? I certainly think you would. When the framers of the Constitution said the judicial power of the United States shall be vested in one Supreme Court and such inferior courts as Congress may provide, and that the judges shall hold office during good behavior, and that their salaries shall not be diminished during their continuance in office, nothing was mentioned about impeachment, and it means that judges can hold office just so long as they behave themselves. It means the judiciary has the right to purge itself by removing its members when they are guilty of misbehavior. Why is that so? The President of the United States can remove officers under him. He is the executive branch. He does not have to impeach them. A Member of the House of Representatives can be removed without being impeached.

[Here the gavel fell.]

Mr. SUMNERS of Texas. I yield the gentleman from California 1 additional minute.

Mr. TOLAN. So the House of Representatives can purge itself of a Member who has been guilty of misbehavior, and this without impeachment. The Senate can do it without impeachment. The executive branch can do it. Therefore why cannot a Federal judge be removed without impeachment?

I think this is a constitutional measure, very meritorious legislation, and hope you will support it. [Applause.]

[Here the gavel fell.]

Mr. GUYER. Mr. Chairman, I yield 15 minutes to the gentleman from Alabama [Mr. HOBBS].

Mr. MICHENER. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. HOBBS. Certainly.

Mr. MICHENER. Mr. Chairman, the gentleman who is yielding time on this side is yielding much of the time to those in favor of the bill. As a member of the committee, I do not like that kind of treatment.

Mr. GUYER. I beg the gentleman's pardon. I gave him time but neglected to mark it on my pad. I will yield him time later.

Mr. HOBBS. Mr. Chairman, in order to relieve the embarrassment, I yield back to the gentleman from Kansas the time he so kindly gave me, in order that the gentleman from Michigan or anyone else who cares to may oppose the bill.

Mr. MICHENER. How much time is there left on that side?

Mr. SUMNERS of Texas. Forty-one minutes.

Mr. MICHENER. And the gentleman on our side has yielded most of the time to those in favor of the bill.

Mr. HOBBS. I have relieved that embarrassment.

Mr. GUYER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. HANCOCK].

Mr. HANCOCK of New York. Mr. Chairman, I will try to keep within the 5 minutes, because I have already cluttered up the RECORD with my views on this subject. On Thursday I put some remarks in the RECORD in opposition to the bill, thinking it was coming up on Friday when I could not be present. But let me briefly make a résumé of my arguments against the bill before us.

In the first place, I am afraid I have one of those immature minds referred to by our genial chairman, which cannot find in article III any authority for the removal of a Federal judge from office. If article I did not exist, the article in which the House is given sole authority to impeach and the Senate the sole power to try impeachment cases, and if article II did not exist, which states the grounds on which a civil officer may be removed, then I think I could find in article III some authority for setting up a tribunal to try the issue of good behavior; but as I look at it, when you use such general language as the good behavior clause of section I, article III for authority to remove a judge from office, you

must look elsewhere in the Constitution for specific grounds of removal and the procedure to be followed. The vague ambiguous language of article III is limited by the definite provisions of article I and article II.

It was not any oversight or carelessness that made it difficult to remove judges from office. The framers of the Constitution made every possible effort to make judges independent and secure in their tenure of office. They knew that popular rulers sometimes become despots and they knew, too, that legislative bodies frequently become the rubber stamps of the Executive; so they safeguarded the judiciary as a separate and coordinate branch of Government by freeing them from unconsequential charges and assuring them of fair trials by the direct representatives of the people. Waiving the question of constitutionality, is it wise to enact such a law as this at the present time when there is a spirit of lawlessness and revolution in the land? Is it wise to put on the statute books what must be construed as an attack on the courts? Is it going to give aid and comfort to those who are opposed to our form of Government? When the judiciary is no longer independent we will have no protection against fascism, communism, despotism, absolutism, and the other isms which are so repugnant to Americanism. The framers deliberately set up safeguards for the judiciary of this country.

Have you read the bill carefully? Please read the first page at least. It states that the House of Representatives may pass a resolution stating that in its opinion reasonable grounds exist for believing that Judge So-and-so's conduct or behavior has been other than good behavior within the meaning of section 1 of article III. This bill purports to provide the causes and method of removing Federal judges entirely independent of any law or constitutional provision except section 1 of article III. What is there in that section which defines good behavior? There is no hint as to what good behavior might be, or bad behavior, or fair behavior. This bill would leave the judges open to attack on the most trivial charges. It would make it possible for a hysterical or prejudiced House of Representatives to attack and harrass every honest courageous judge in the judiciary, and to intimidate all the rest of them. It is extremely unwise to have such a bill on the books at this time. It constitutes a very definite threat to the independence of the court, without which democracy cannot survive.

The third question I have in mind is whether such a bill is necessary to accomplish the change which our distinguished chairman seeks. I know that it is not even remotely in his mind to weaken the court. He does feel, however, that an impeachment trial is a burdensome, lengthy, awkward, unsatisfactory method of trying judges for misconduct. We agree with him in all that. I want to call attention to the fact that this bill does not offer the sole remedy for obtaining the reform which the chairman of the Committee on the Judiciary seeks to accomplish. He himself has suggested another means of reaching his objective, constitutional, satisfactory, and fair. Since the Senate sits as a court, it has the power of a court to appoint what might be likened to a referee, or a special master in a court of law to hear evidence and make findings. Through such a procedure it would not be necessary to take up the 2 or 3 weeks' time of the Senate that the average impeachment trial requires while other public business is delayed. It is entirely within the power of the Senate to delegate to a special master, namely, a committee of its own making, the duty to hear whatever evidence it thinks necessary, to make a determination and report, on which the Senate would take final action.

I appeal to you, gentlemen, not to pass this bill hastily or without serious thought and a realization of its implications. There is a grave question as to its constitutionality; the bill contains language under which some future House, elected on a wave of prejudice or temporary emotion, could persecute honest judges when the country needs them most; if the objective is to save the Senate from the duty of remaining in session for long periods to hear the evidence in impeachment trials, that purpose can be accomplished in another way. The potentialities of this bill, taken in connection with recent developments in this country, seriously threaten the permancy of American institutions.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 15 minutes to the gentleman from Alabama [Mr. HOBBS].

Mr. HOBBS. Mr. Chairman, before I begin a discussion of this most important and wise piece of legislation, a manifestation of the real statesmanship of the author of the bill, I cannot refrain, even though the time be limited, from pausing to pay tribute to him whom I consider one of the major prophets of constitutional law in this Nation—yea, in the world today—the gentleman from Texas, the Honorable HATTON W. SUMNERS. [Applause.]

My distinguished colleague on the Judiciary Committee, the gentleman from New York [Mr. CELLER], asks: "Where does the truth lie?" He reiterates it both in his minority report and on the floor three times here today. It gives me pleasure to point to the majority report, penned by HATTON SUMNERS, and to answer the question by saying, "There is the truth with respect to this matter." [Applause.]

Mr. Chairman, in common with many of you, I love the distinguished chairman of the Committee on the Judiciary, but that is not the reason that I am for this bill. I have the utmost confidence in his legal opinion on any subject, but that is not the reason I am for this bill. I think it marvelous that we have with us today as the author of this bill the only man, living or dead, who has ever participated in three impeachment trials before the Senate of the United States; and, therefore, I the more respect his judgment; but that is not why I am for this bill. I glory, however, in the fact that the cause we are pleading for here today is led by such a man, a man in whose integrity of thought and judgment this House may well repose the utmost confidence. [Applause.]

It seems to me perfectly true that the experience we have had with impeachment in these 150 years of our national existence has abundantly proven that there is no need of a 16-inch gun to shoot the twig from under a sparrow! We laboriously load, we shoot, and the twig falls, once in a while. The sparrow flies away to other fields. But such a big cannon is absolutely unnecessary and a waste of time, effort, and ammunition.

We respectfully submit that in this bill there is a better way. A smaller gun with a surer aim has been devised by the master mind who heads this committee, and it is presented for your acceptance or rejection today.

I want to emphasize again that this bill does not mean change of one jot or one tittle of the law of impeachment. Not if we would, could we, and we would not if we could, change one syllable of the impeachment power. We take nothing away from this House. The same deliberation must be a condition precedent to this mode of procedure that there is to the other, but we say to the House that after a complaint has been made by a responsible person and after the Judiciary Committee of the House has weighed it on the scales of its judgment with the utmost of its scrupulous care, we will then report to the House what we think on the subject.

Then the House has the choice of the two roads.

Is it a matter of such moment to the Nation that the usual functions of Senate and Senators should be paralyzed for weeks? Is it of such importance that we should pay, as we did in the Louderback case, from $500 to $1,000 per witness to bring them across the continent from San Francisco? Or shall we designate three judges to go to San Francisco and there sit and try the case and dispose of it in an orderly and expeditious manner?

In my judgment, the first great reason for the enactment of this bill is for the sake of the bench; for the sake of the men who are now adorning the woolsack, who lend glory to the administration of justice in this country.

Not 1 percent of the occupants of the bench of the district courts of the United States have ever disgraced themselves, or their office, or brought the administration of justice into disrepute. For those honored judges the ninety and nine percent, I plead, in the first place, for the

enactment of this bill. We need a more expeditious, a more certain remedy than that which is provided in the impeachment power. I want to say today that which I think needs to be said, that in all of the history of the American Nation there has been only one conviction of a district judge of the United States in a contested impeachment trial. We have had 150 years of experience. One hundred and fifty years are gone and with all of the hundreds of complaints that have been registered in that time, only 12 impeachment trials have been ordered by this House. There have been two convictions of judges in contested cases, one of a judge of the Court of Commerce and the other a district judge.

Am I critical of the Senate? No. The next reason I am for this bill is for the sake of the Senate. The Senators need the relief which this bill gives them. When the Constitution was written that body had only 26 Members. If my recollection be correct, there were then only 15 district judges in the United States. Now we have 96 Senators and 154 United States district judges. Each district judge at that time loomed large on the national horizon because of the fewness of their number. Now they are lost in the crowd, so to speak.

This bill might well be entitled: "For the relief of the Senate." We come before you and ask that some relief be given to that august body that has measured up splendidly under the handicaps with which it has contended. It has done as much of its duty as those men, who have always been worthy to sit in the seats of the mighty, have been able to perform, as beset as they are with public business and other official duties.

Mr. HANCOCK of New York. Will the gentleman yield?

Mr. HOBBS. I yield to the gentleman from New York.

Mr. HANCOCK of New York. According to the present practice the Senate does not hear the evidence. Is it not the rule that only a very few Senators hear the evidence, usually members of the Judiciary Committee?

Mr. HOBBS. I think that is so.

Mr. HANCOCK of New York. Would it not be just as satisfactory for the Senate to designate a committee of its own to hear the evidence outside the Senate Chamber and thus save the time of the Senate? There would be more justice. You would not delay public business and you would be within the Constitution. Does not the gentleman believe that?

Mr. HOBBS. I believe that with all my heart and I made a speech along that line 2 years ago. But may I say in response to the inquiry that I do not think such a practice would be in the class with this remedy in satisfaction. I believe this is infinitely better.

Let me hasten to a discussion of the constitutionality of this bill. Is it constitutional? You have every bit of the law in the world right here on this blackboard. That is all there is. Someone has injected into this debate—I think it was the gentleman from Oregon [Mr. MOTT]—the question as to whether or not if we struck out the words "during good behavior" and substituted "for life", the power of impeachment would apply. He says we could not use impeachment if the tenure of office was definitely fixed. How about the tenure of office of the President of the United States? Is there anything indefinite about 4 years? The Constitution says he shall hold office for 4 years. It does not say anything about good behavior in his tenure, and yet we impeached a President and came within one vote of convicting him.

I think that is a full and complete answer to the gentleman's objection. We can impeach even though the tenure is fixed and definite. That is the only place in the Constitution where you will find any good behavior clause, and the reason for it is that the members of the Constitutional Convention knew the time would come when there would be a statesman of the caliber and stature of HATTON W. SUMNERS who would bring life to a provision which they wrote in the Constitution and work out a constitutional method of enabling the judiciary to purge itself.

They talk about the doctrine of expressio unius, exclusio est alterius, a lot of Latin which in this connection means nothing. The Supreme Court of the United States nine different times has held it not applicable in the connection here contended for. Here are the words of the Constitution: "The President, Vice President, and all civil officers." That includes judges. Therefore, if there be any civil officer who can be removed from office withcut impeachment, their logic and that argument falls, does it not?

The Supreme Court of the United States has nine different times held that there are civil officers who may be ousted without impeachment—Myers against United States, Wallace against United States, Shurtleff against United States, Parsons against United States, and Blake against United States. All were civil officers appointed by the President with the advice and consent of the Senate. The Supreme Court of the United States held that without consulting the Senate, without consulting any person whomsover, the President could, ex mero motu, kick them out.

Heads of departments have power to remove their appointees, as decided in United States versus Perkins and Keim versus United States. Courts of law have the same power, as decided in Ex parte Hennen and Reagan against United States.

I want to ask the gentleman from New York [Mr. CELLER] one question. Does the gentleman think the framers of the Constitution were dumb? Of course he does not. The gentleman knows they knew what they were talking about and doing.

Mr. CELLER. Does the gentleman want me to answer?

Mr. HOBBS. Yes.

Mr. CELLER. Of course they were not dumb.

Mr. HOBBS. They knew their business.

Mr. CELLER. They knew their business, and we must realize they knew their business. Therefore, when they said the Senate shall be the sole tribunal to try impeachments and the House shall be the sole power to bring the impeachment we should abide by what they said. This is the only method they wrote into the Constitution.

Mr. HOBBS. I will answer that in just a minute, but I am asking the gentleman if the framers meant to say this method of impeachment was to be the sole method of removal from office, then why, in God's name, did they not say so?

Mr. CELLER. They did say so, beyond question.

Mr. HOBBS. Where is it? I challenge that statement. I demand the proof. If the gentleman proves it, I will vote against the bill. The gentleman cannot prove it, because there is not a word in the Constitution such as he states. I demand the proof or retraction.

Mr. CELLER. I shall be glad to give to the gentleman if the gentleman will yield the balance of his time to me.

Mr. HOBBS. I yield nothing, and I demand proof of what the gentleman has just stated. I say there is no truth in it. There is not a word in the Constitution to support such a statement.

Mr. HANCOCK of New York. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. No; I cannot yield. I am sorry. I have only 3 minutes.

Of the five methods of ouster known to the English common law, which is in large part the law of America today, this method of impeachment was given to Congress when the Constitution was written. Why? It had to be put into the Constitution because it was a ceding to the legislative branch of the Government of a power over both the executive and judicial branches, and without this express grant no vestige of any such power could even be claimed. I cite you to the Myers case and to the latest pronouncement of the Supreme Court in the Humphreys case, where the coordinate and separate functions of the three coordinate branches of the Government are stressed, and where that doctrine of separation is laid down.

In conclusion, may I say this bill is the only hope of the judiciary. It is the only hope of this Nation to survive as a democracy. It is the hope of the administration of justice. Justice must be kept pure. It is not only for the sake of the judges, but for the sake of the Nation, and for the perpetuity of our democratic institutions that we are pleading today. The spring from which the stream of justice flows must be pure. All men should be able, confidently, to drink therefrom, tasting the sweetness of its purity, while slaking the thirst of their souls for the essence of truth, for righteousness saturated with mercy.

I beg of you your most earnest consideration, not in a partisan spirit, but in a spirit of statesmanship, for we are challenging you to the long view, the high view. Opportunity knocks at your door today. You have a chance to strike a blow for the salvation of the soul of our institutions and the administration of justice. [Applause.]

Mr. GUYER. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Chairman, it is, indeed, in a spirit of temerity that I venture to express my views about the constitutionality or the advisability of enacting this bill into law. I say temerity, because the chairman of the committee has vouchsafed that all of the good lawyers of the country are agreed as to its constitutionality. Now, of course, I do not claim to be a constitutional lawyer or a good lawyer of any other variety, but in my judgment there is more than serious doubt as to the constitutionality of this measure.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. I hope the chairman of the committee will excuse me, because my time is so limited.

Mr. SUMNERS of Texas. I will yield the gentleman 1 minute. I simply want to say that I take it all back. I did not know how the gentleman stood. [Laughter.]

Mr. MICHENER. The chairman is always a courteous gentleman. I admire him much. However, I think possibly he does "overstate himself" a mite when he indicates that there is a unanimity of opinion in the legal profession as to the constitutionality of this bill.

The gentleman from Texas, the chairman of the committee, has to my personal knowledge been giving serious study and doing much work on this subject for more than 10 years. He feels that under the present law the procedure providing for the removal of Federal judges from office is too cumbersome, and he has been casting about in an effort to discover the solution. I was associated with the gentleman from Texas as one of the managers on the part of the House in the impeachment case of Judge English, of the eastern district of Illinois, in 1926. I, too, realize some of the difficulties under the present system. I, too, have given considerable thought to proposed remedies. I think my mind ran along with that of the chairman in this regard until he discovered this hidden power in the Constitution. The study of the chairman has made it possible for him to discover a latent power in the Constitution which this bill attempts to vitalize. In other words, in language that will be well understood by old-time Methodists, we have both been at the mourners' bench seeking light. At last the chairman has received the revelation while, possibly unfortunately, the spirit has not yet made itself manifest to me. I realize that in these days it is sometimes difficult to maintain a consistent position and, at the same time, keep pace with the times. Possibly my mind is not flexible enough to grasp modern-day interpretations of our Constitution. The truth is that I have grown up in that school respecting the Constitution and the fundamental things for which it stands, and I know that in that instrument is the only place where we find the rights, freedom, and liberty of our people written in plain words. There is the guaranty.

I have great respect and admiration for the chairman's legal opinion and his well-thought-out conclusions. The fact that I cannot always agree with him possibly indicates that I am sometimes wrong. Maybe the whole world is out of step on this thing but me. However, be that as it may, I am willing to proffer several suggestions.

The Congress can be engaged in no more serious or fundamental work than the impeachment or removal from office of the judiciary. The importance of the task warrants solemnity of treatment. As we approach the consideration of this measure two questions necessarily present themselves.

First, has the Congress the constitutional power to do that which is contemplated?

Second, is the policy embarked upon in this bill desirable and advisable?

In reaching an answer to the first question it is well that we have before us the pertinent provisions of the Constitution, which are as follows:

Section 2 of article I of the Constitution provides that—

> The House of Representatives * * * shall have the sole power of impeachment.

Section 3 of article I provides that—

> The Senate shall have the sole power to try all impeachments.

Section 4 of article II provides that—

> The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

Section 1 of article III provides that—

> The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

It is conceded by the proponents of this bill that section 4 of article II cannot in any way be changed or altered by congressional action without constitutional amendment. Therefore the Federal judges are civil officers within the meaning of the Constitution and removable by impeachment. Regardless of any legislation enacted by Congress, the right to impeach Federal judges remains in the Senate. That is admitted.

It is the contention, however, that section 1 of article III limits the tenure of office of the Federal judiciary to a term "during good behavior", and that article III has no relation whatever to section 4 of article II, but that in the judicial section another method is provided for removing these "civil officers." The chairman of the committee says "this is to be a suit by the United States against a judge for violating the conditions of his contract" and that the question of good behavior is a justiciable issue and, therefore, can be tried and disposed of by the judiciary. The bill goes so far as to provide that the prosecution shall be by the Attorney General, the legal arm of the executive department, and shall be before a court selected by the Chief Justice, who is appointed by the Executive, from the circuit court of appeals of the district in which the accused judge resides. The most appealing thing about this proposal is its novelty. The gentleman from Alabama [Mr. HOBBS], who has just preceded me, would have us believe that the framers of the Constitution intended that members of the judiciary might be removed by impeachment but, at the same time, they tucked away in article III a concurrent or an additional power to do the same job. He indicates in his argument that the Constitutional Convention—

> knew the time would come when there would be a statesman of the caliber and stature of HATTON W. SUMNERS, who would bring life to a provision which they wrote in the Constitution, and work out a constitutional method of enabling the judiciary to purge itself.

In view of what actually happened in the Constitutional Convention, I find no warrant for Judge HOBBS' conclusion.

Alexander Hamilton, one of the framers of the Constitution, in The Federalist (no. LXXIX) speaking about the judiciary, wrote:

> This independence of judges is equally requisite to guard the Constitution and the rights of individuals * * *. The precautions for their responsibility are comprised in the article respecting impeachments. They are liable to be impeached for malconduct by the House of Representatives, and tried by the Senate, and if convicted may be dismissed from office and disqualified from

holding any other. This is the only provision on the point, which is consistent with the necessary independence of the judicial character, and is the only one which I find in our own Constitution in respect to our own judges.

I doubt not that further evidence is obtainable indicating that the Constitutional Convention intended that judges should be removed by impeachment only, and had no idea that 150 years after the adoption of the Constitution, in the name of expediency, a microscopic examination of the Constitution would bring to light a hidden power, always present but never visible, whereby a short cut might be adopted to remove from the judiciary members whose conduct was other than good.

I listened with much interest to the constitutional argument made by the gentleman from Iowa [Mr. GWYNNE], and for the additional reasons given by him I do not believe that the Congress has the power to deprive a member of the judiciary from trial by the impeachment court, as above indicated. If this were a new question, that would be different, but the master legal minds for more than a century and a half have given study to the same proposition, and up to this time none have been bold enough to contend that this type of legislation is constitutional. A well-established practice, based upon precedent, is now available as a guide in the trial of impeachment cases. There is no difficulty in understanding what treason or bribery comprehend, but there has been question as to whether or not behavior other than good behavior constitutes "high crimes and misdemeanors" within the meaning of section 4 of article II. This question, however, has finally been settled as expressed by the late Chief Justice Taft, speaking before the American Bar Association in 1913, when he said:

> Under authoritative construction by the highest court of impeachment, the Senate of the United States, a high misdemeanor for which a judge may be removed is misconduct involving bad faith or wantonness or recklessness in his judicial actions, or in the use of his official influence for ulterior purposes. By the liberal interpretation of the term "high misdemeanor" which the Senate has given there is now no difficulty in securing the removal of a judge for any reason that shows him unfit.

It seems strange that the late Chief Justice, in his study of the Constitution in connection with the removal of Federal judges for misbehavior, overlooked this power which is here proclaimed.

The chairman of the committee and the gentleman from Alabama [Mr. HOBBS], the principal proponents of this innovation, have presented no court decisions in support of their contention as to the constitutionality. Mr. HOBBS tells us: "You have every bit of the law in the world right here" in section 4 of article II and in article III of the Constitution on this proposition. We are told this is pioneering; therefore let us apply common sense in the light of what the framers of the Constitution did and said at the time, not forgetting the interpretation accepted, practiced, followed, and believed to be the law for the last 150 years.

There is another thing that makes this procedure impossible to me. Section 1 of article III provides that—

> The judges, both of the Supreme and the inferior courts, shall hold their offices during good behavior.

I repeat this language to call your attention to the fact that "the Supreme and the inferior courts" are treated as a class and as a group, and it is my judgment that even though the Congress had the right to create another inferior court for the purpose of deciding the justiciable question of good behavior, the Constitution does not give power to set up one type of standard of good behavior for Supreme judges and circuit judges and another type of behavior for district judges. If this article of the Constitution gives the Congress power to do what is here claimed, it surely requires a uniform law and procedure as to all judges coming within the class enumerated. Particular attention is called to the punctuation in article III.

Bear in mind that no definition of good behavior is to be found in this bill, and its proponents will refuse to accept any amendments attempting to set up any standards. Yet it is insisted that punishment shall be meted out to a judge whose conduct does not meet the approbation of the specific tribunal happening to be called to determine his case. If this same judge was charged with murder, embezzlement, or robbery, the statutes would define the crime. The court would have a yardstick or guidebook. Here all is left to the discretion of the particular forum operating on the particular judge. Is this reasonable or constitutional? If the Congress can do this, then it can create any partisan court it sees fit to try the judge. The forefathers never intended anything of the sort. Just a resolution by the House that there is reasonable cause to believe that the conduct is not good is all that is necessary.

Mr. HOBBS. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Yes.

Mr. HOBBS. To ask if the accused under such a case as would be made under this bill would not have the time-honored right, as every other accused has had, of demanding a bill of particulars?

Mr. MICHENER. I do not know and the gentleman does not know. Under the bill he would not. He would have no rights. Congress provides nothing. He is turned over to a tribunal to be tried with authority in that tribunal to make rules and regulations.

Mr. HOBBS. And to ask further if there has been any proceeding in impeachment yet where the accused has not always been granted a bill of particulars.

Mr. MICHENER. We are not dealing with impeachment. A code of rules, or a practice has grown up in the Senate and has been established, and we have there a set practice.

If we should find that there is constitutional warrant for this legislation, then we must give consideration to the question as to whether or not its enactment at this time is desirable and advisable.

That this measure is prompted by expediency can hardly be controverted. The gentleman from Alabama complains that throughout the preceding 150 years only 12 impeachments have been ordered by the House, and there have been only two convictions in the Senate. It is said that the time of the Senate is too valuable to be toyed away in determining whether or not a United States district judge has misbehaved. It is also insisted by the gentleman that even though the proposed bill only requires the House to pass a resolution that there is reasonable cause to believe that a judge's conduct is bad, the House in each case will prepare specifications the same as under the impeachment procedure. I agree that this is a possibility but not a requirement.

If the specifications are prepared, however, and the House passes on these cases, the same as it does in impeachment cases, then the gentleman's argument in one particular fails, because there is no reason to believe that future Houses will act differently than past Houses. At the same time it is insisted that the Senate is too busy and that it will not give consideration to the cases, and therefore will not impeach. Special reference has been made to the Louderback and Ritter cases, with which cases the present Congress is familiar. The vote in the House on the Louderback case was 183 for impeachment and 142 against impeachment. The vote in the House on the Ritter case was 181 for impeachment and 146 against impeachment. There was some doubt in the House. It requires a two-thirds vote in the Senate to convict. Louderback was acquitted. Ritter was acquitted on each specific count; and then, giving the most liberal interpretation to the term "good behavior", was convicted of misbehavior on the theory that the sum total of the things charged against him brought his high office into disrepute. It has been argued here that it should not require a 16-inch gun to remove a district judge from the bench, and that this bill provides "a smaller gun with a surer aim."

Mr. GUYER. He also said the caliber was too big.

Mr. MICHENER. Yes; he said the Senate caliber was too big.

In view of this debate, I am just wondering what the real purpose of this bill is. In one breath we are told that present impeachment is too cumbersome; in another breath that the time of the Senate is too valuable to be wasted on

such minor matters; in another breath that this bill, if enacted into law, will "purge the bench of those few who still disgrace it by dishonesty and corruption"; in another breath that this measure is necessary "to protect the honest judiciary of this country against being smeared up by a little handful of crooks that ought to be off the bench."

If there are crooks, corrupt and dishonest judges on the bench at this time, if these facts are known to Members of Congress, then it would seem to be their duty to proceed, giving the facts to the House, invoking the power of impeachment, and let the House vote upon these specific charges, and then let the Senate discharge its duty as the high Court of Impeachment.

If the effect of this bill is to make it easy to threaten, intimidate, and impeach district judges, then I am sure that we should all be opposed to it. If there are corrupt judges serving at this time, and we have knowledge of that fact, there is no justification in waiting for a supplemental law to try the cases. We have the machinery now.

If there is a shorter, more expeditious, legal, and just method of examining and determining the question of misbehavior on the part of Federal judges, then we all want to adopt that method. We do not want to indulge in any doubtful experiments or resort to a rule of trial and error at this particular time. The courts should have the confidence of the country, and the House should do everything within its power to guarantee integrity in the courts.

I appreciate the importance of this measure, but I cannot agree with my good friend, the gentleman from Alabama [Mr. HOBBS] when he says, "In conclusion, may I say this bill is the only hope of the judiciary. It is the only hope of the Nation to survive as a democracy."

In times like these we need honest, courageous judges just the same as we need honest, courageous legislators and executives. The decisions of the courts cannot please everyone. There are always two sides to a lawsuit. There always has been and there always will be disgruntled litigants yelping at the heels of courageous courts. We may be able to simplify the procedure of impeachment but there can be no substitute. A trial by the Senate and a two-thirds vote cannot be superseded by a trial by a statutory creation and a majority vote.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. GUYER. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. SAUTHOFF].

Mr. SAUTHOFF. Mr. Chairman, not being a member of the Committee on the Judiciary, I was not familiar with the discussions held in that committee, but I have listened very attentively all afternoon to the arguments made on the floor, and certain questions have arisen in my mind which have not yet been answered. I trust some member of the committee can enlighten me in regard to those questions.

When Judge Ritter was tried I attended some of the hearings. I became convinced, as must everyone else who attended that trial, that no judge, under the present system of impeachment, could possibly have a fair and impartial trial. Judge Ritter did not have it, and I do not think any other judge ever could get it, because the jury absents itself from the room during the trial, and that would make a mistrial in any court in any jurisdiction in the United States. Yet that is what occurs in the Senate during an impeachment trial. So when this measure was brought in I felt greatly relieved that something was being devised that might bring about a fairer, more just, more equitable method of trying judges whose conduct was in question.

Let me point out to you what occurs to me as something that ought to be considered. Let us say that the House impeaches a district judge, that it certifies this resolution to the Chief Justice, calling upon him to constitute a court of three circuit judges to try this man, and they proceed under this law, conceding for the moment that it is constitutional, and that at the same time a hostile Senate of the United States, jealous of its prerogatives, proceeds to try this man under impeachment proceedings, as it is conceded it has a perfect right to do. The three judges of the circuit court find him guilty of misconduct and misbehavior and unfit for the bench, while the Senate of the United States, constitutionally created, finds him not guilty. What is he, guilty or not guilty? As far as I can see there is no method under the present bill which would obviate such a situation arising.

One more thing. Everyone is entitled to a trial by jury. I am a firm believer in the right of trial by jury. Even a common bootlegger has the right to trial by jury, and the verdict of a jury of 12 of his peers must be unanimous to find him guilty of the offense with which he is charged. Yet here is a judge of a district court who may be tried by only three men, and they may find him guilty and mark him for life, bring his name down into eternal disgrace, on the judgment of what? Of two of these judges, or unanimously? We do not know from the bill. In the case of the Senate, its verdict must be by two-thirds of those sitting. This bill does not say whether a two-thirds vote on the judge being tried is sufficient. Let us concede that it is. Then he is to be found guilty and marked for life by the votes of two men. I cannot lend myself to that kind of a trial. I am opposed to it. I would at least give him an equal chance with the bootlegger.

I am satisfied that the bill is unconstitutional. Section 1, article III, relates only to the terms of the judges and their compensation, while section 4, article II, relates to the method of removal of all civil officers.

Another objection to the bill is the fact that it gives no definition of what constitutes bad behavior. Is drunkenness off the bench and not in a public place misbehavior? If a judge off the bench voices his opinion against war, is he misbehaving? If a judge off the bench bets on a horse race or a ball game, has he misbehaved? To some people these actions constitute grave offenses, to others they are not sufficient grounds for removal.

Another serious objection is found on page 2, lines 21 and 22. I read from the bill:

> No appeal shall lie from the judgment of the court.

What kind of justice is this? Surely it is not American justice, for the humblest of our citizens has the right of appeal.

This measure requires many changes before it is satisfactory. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Chairman and colleagues, I yield to no Member of this House in my devotion to uphold and maintain an independent Federal judiciary or in my devotion to the Constitution of the United States. On the 17th day of May of this year I made a speech on the floor of this House in which I expressed as forcefully as I could my opposition to the President's so-called court-reform bill, and I shall continue to oppose that measure with vigor, because in my opinion it will break down the independence of the Federal judiciary and make this coordinate branch of our Government subservient to the Executive. I also stated in that speech:

> The very life of a democracy depends upon an able, fearless, honest, impartial, and independent judiciary.

It is my opinion that the measure before us would have a tendency to make the judiciary more independent and at the same time provide a means to remove from the district bench any dishonest or unworthy member. This measure is not a part of and has no connection whatever with the President's so-called court reform bill. If I had the impression that this measure would in the least lessen the independence of the judiciary, I should be opposing and not supporting it. Knowing our distinguished chairman of the Judiciary Committee, Judge SUMNERS, as I do, I am thoroughly convinced that he is an able and honest advocate of an independent judiciary and of the Constitution. I may be wrong, but it is my opinion that there is no Member of the House or Senate,

Republican or Democrat, who is more sincerely in favor of an independent judiciary and in upholding the Constitution than Judge SUMNERS.

I am unable to understand the alarm that is expressed by some Members on each side of the Chamber. For instance, my good friend from Wisconsin [Mr. SAUTHOFF] says:

> Suppose that three judges should try a judge under this bill, and suppose that at the same time the United States Senate would try him on impeachment charges.

That could not happen because this three-judge court, under the terms of this bill, could not try any judge unless and until the House of Representatives by a resolution authorized such action. The Senate could not try anyone on impeachment charges unless and until the House of Representatives had voted a bill of impeachment. We cannot conceive of the House passing a resolution authorizing the three-judge court to try a judge, as provided under this bill, and at the same time voting impeachment proceedings and have the judge tried before the Senate. The House of Representatives would not do such an inconsistent and foolish thing. Our friend from Wisconsin also insists that accused judges should have a trial by a jury, as a bootlegger has. The proceeding set up in this bill is not a criminal proceeding. It is a civil action instituted to determine whether or not the judge has been guilty of bad behavior. Our friend argues at the same time for impeachment of judges before the Senate. The accused would not have a jury trial there. He also says he attended the impeachment trial before the Senate of District Judge Ritter, and that many of the Senators absented themselves from the Chamber during the trial and did not hear the testimony and see the conduct of the witnesses.

He asserts that Judge Ritter did not and could not have a fair trial under such circumstances. I cannot understand why any Federal judge would not prefer to be tried by a court of his peers—three Federal judges—instead of being tried in such a haphazard way by the United States Senate. I should think that every Federal judge, if he were innocent, would welcome an opportunity to be tried by these circuit judges rather than by the Senate. He is bound to prefer such a trial unless he is guilty and feels that these judges would see his guilt and find him guilty. If he were an honest man and an innocent man why should he object to being tried by three experienced and capable judges? [Applause.]

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield.

Mr. MICHENER. But is that not the position of the judges? The judges are not objecting to this bill.

Mr. ROBSION of Kentucky. My friend [Mr. MICHENER] has pointed out that he has been present and observed one or more impeachment trials before the United States Senate and many of the Senators were absent. They did not hear the witnesses testify and that under those circumstances the accused did not have a fair trial. My friend from Michigan says that this measure proposing a trial before three circuit court judges would break down the independence of the judiciary and would cause judges to fail in their duty for fear they might be tried before this tribunal of judges. Now he says that the judges themselves are not objecting to this bill. Why is my friend from Michigan objecting to it if the judges who may be tried before this tribunal are not objecting? [Laughter and applause.]

Mr. MICHENER. Some of us are devoted to the Constitution.

Mr. ROBSION of Kentucky. I am just as devoted to the Constitution of my country as my friend from Michigan or any other man or woman of this House.

FEDERAL JUDGES HOLD DURING GOOD BEHAVIOR

Section 1, article III, of the Constitution provides:

> The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

The Constitution creates but one court, and that is the Supreme Court. It gives Congress the power to create inferior courts. Congress has created district, circuit, and other Federal courts, and does not this provision of the Constitution give Congress the power to set up the court provided in this bill to try district judges? We now have approximately 165 Federal district judges. Many people have been led to believe that a Federal judge is appointed for life. They are not appointed for life. They hold their offices "during good behavior." If they are of good behavior for life then they can hold their offices for life.

A Federal judge has tremendous power and exercises a very wide influence. In order that our judges might be free from the control or domination of the other two coordinate branches of our Government and might be free and independent to hear and determine all cases coming before them on their merits and give equal justice to all, the Constitution set them apart in a class by themselves. No change can be made in their salaries during their terms of office. They serve as long as they are of "good behavior."

As we have pointed out, the very life of our democracy depends upon an independent, honest, impartial, and courageous judiciary. The judges themselves should appreciate the honor they have been given and meet the conditions under which they were selected. It is of great moment to the future welfare of this Nation that the people have faith in our courts, and I deplore the attacks that have been made on our courts by the President and some other leading men of this country.

If the influence of our Federal judiciary is to be maintained and the people continue to respect our courts, the judges must by their good behavior justify the confidence and respect of the people. Is there a man or a woman in this House who favors continuing in office a Federal judge who is not of "good behavior?" It will hurt and not help our country to have judges free and independent who are not honest and not of "good behavior."

This bill proposes to set up a tribunal of three circuit court judges to try any judge charged with bad behavior. This court would hear the evidence, and if the court finds that the accused district judge has been of bad behavior, they find him guilty. If the judge is guilty of bad behavior, he certainly cannot complain, because he was appointed and accepted the high office under the conditions set out in the Constitution that he is to hold office "during good behavior."

How is one of these district judge brought to trial under this bill? It is not done in a careless or haphazard manner. In the first place, there must be a resolution introduced in the House charging the judge with bad behavior, and, of course, this resolution would set out in terms wherein the accused had been guilty of bad behavior. It might be treason, high crimes, misdemeanors, or other bad conduct unbecoming a Federal district judge. This resolution would then be referred to the Judiciary Committee of the House, made up of 25 members, Democrats and Republicans. The Judiciary Committee would hear witnesses and other testimony that it might desire, and that great committee would then report the resolution to the House with the recommendation that it pass or do not pass. The House, in its wisdom, would then take up the resolution, debate it, and vote on it. If the House favored the resolution, the Chief Justice of the Supreme Court would select three United States circuit court judges to hear and determine the issue as to whether or not the accused judge was guilty. Under this bill the House would appoint managers or prosecutors to institute the proceedings in court and appear before this special court, and they would present the evidence and the law in support of the charges against the accused judge.

The Judiciary Committee and the House itself have over a period of 150 years exercised great care in the making of charges against Federal judges. I am advised that in 150 years impeachment charges have been voted by the House against only nine Federal judges. The introduction of the resolution in the House and its consideration by the Judiciary Committee and by the House of Representatives under

this bill will require just as much formality and no doubt will be given just as careful consideration as an impeachment resolution. The accused will appear for trial before three trained and experienced circuit court judges. It will mean a real trial. The court will hear all the evidence and see the demeanor and conduct of the witnesses, and, of course, to convict will require the votes of two of the three judges. The accused judge is entitled to a fair and impartial trial.

The conviction of a Federal judge under this bill or by impeachment takes from him not only his high position but takes from him and his family something of much greater value if he is an honest man, and that is his good name. We cannot for a minute entertain the idea that these circuit judges who constitute this court, who themselves hold their offices during good behavior and who are free from political influence, would stultify themselves by convicting one of their innocent brother judges. The House of Representatives and the United States Senate are each the judges of the conduct of their own Members, and each one can expel its own Members who they think have been guilty of such conduct as does not entitle him or her to remain a Member of these respective bodies. The executive branch of the Government, without any interference from the Congress or the courts, may remove the appointees of the President and other executive officers.

The proceeding authorized by this bill gives the judiciary branch of the Government, after the House of Representatives has submitted the charges, the authority to clean its own house if it needs cleaning, and I am unable to understand why anyone would maintain that this measure, if adopted, would break down the independence of the judiciary. It seems to me that it would strengthen the judiciary in its own thinking and in the respect and confidence of the American people. No judge need have any fear except one who has broken the terms of his contract and has failed to be of good behavior.

There is no stronger defender of the Supreme Court and the Federal judiciary than I am. They are a splendid group of men. I have never known of any Federal district judge in my own State that has not been of good behavior. The Savior found one crook and traitor among the Twelve. Even in the ministry we find a few who are disloyal to their principles and to their church. And now and then a Federal judge falls by the wayside and brings the Federal judiciary into disrepute. The Federal judiciary must be kept clean, honest, impartial, and independent. If we permit a few dishonest, corrupt, or bad-behavior judges to remain in office it will break down the confidence of the American people in this great branch of our Government and result in irreparable damage to our Nation.

How long should a Federal judge who is not "of good behavior" continue to hold one of these high positions? He should not hold any longer than charges can be properly made and a fair trial had and ousted from his office. [Applause.]

IMPEACHMENT

Section 4, article II of the Constitution provides, "The President, vice president, and all civil officers of the United States shall be removed from office on impeachment and for conviction of treason, bribery, or other high crimes and misdemeanors." It is urged that there is no other method of ousting a Federal judge than by impeachment. May I point out that it has been held time and again by the Supreme Court of the United States that the President and other officials of the executive branch of the Government may remove their appointees without impeachment. To impeach a judge a resolution of impeachment is introduced in the House and referred to the Committee on the Judiciary and, after investigation, it reports the resolution back to the House for action. If a majority of the House votes favorably on the resolution the accused official is ordered before the United States Senate for trial, and it requires a two-thirds majority in the Senate to convict the accused. On conviction the Senate removes the accused from office and may disqualify the accused from holding any other office under the United States Government in the future. It will be observed that impeachment proceedings in the House are identical with the proceedings authorized under this bill, except under the impeachment proceedings the accused is tried before the United States Senate and under this bill he is tried before a court composed of three circuit judges.

The bill before us does not take away any of the power of the House to impeach any district judge. It merely gives the House additional right to proceed as set forth in this bill. No other civil officer of the Government is appointed with the conditions in his appointment such as there is for Federal judges.

The President, other executive and civil officers, members of the House and Senate are appointed or elected for a definite period of years, while judges of the Supreme Court or a judge of the lower Federal court is selected for a period of good behavior. We contend that when a judge ceases to be of good behavior his term of office may be brought to an end, and in the very nature of the case Congress has the right to set up a course of procedure to try out the issue of fact as to whether or not the judge has been or has not been of good behavior, and under this bill Congress merely sets up a three-judge court to try that issue, and if it is found that he has not been of good behavior this court may enter a judgment terminating the term of office of the accused judge, but this court cannot disqualify the accused judge for holding office in the future as in the case of impeachment before the Senate. There is nothing in this bill to prevent the House from using the impeachment procedure against a district judge if it desires to do so. Impeachment proceedings are cumbersome and unsatisfactory. There are 96 United States Senators. Every minute of their time is taken up with pressing legislative and other official business. In order to give the accused a real trial, the sort of trial that any accused person is entitled to, it would be necessary for these 96 Senators to lay aside practically all of their other duties and for 10 days or perhaps 2 weeks sit as a jury, hear testimony and arguments for and against the accused. In the impeachment trial of a district judge at times there were less than a dozen Senators present. Eighty or more were absent, yet at the conclusion of the trial the roll was called and all of these Senators were called upon to vote to convict or acquit the accused.

It is not my purpose to speak disparagingly of the Senate in handling an impeachment proceeding. Anyone who has been a Member of that body knows that it is humanly impossible to have all of the Senators present all of the time for a period of 10 days, 2 weeks or more, sitting as a jury. If they did, momentous and pressing interests of the Nation and their respective States and thousands of individuals would suffer. Yet the accused, as a matter of fairness, is entitled to have all of the Senators present to hear every witness and see the demeanor and conduct of each witness.

We now have approximately 165 Federal district judges. In the very nature of things there will be questions arising from time to time as to the conduct of some of these district judges. As a group, there has been no finer group occupying the bench in this country or in any other country, but some no doubt will fall by the wayside, and if this should occur, the bill before us provides a sane, sound, fair, and expeditious method by which the guilt or innocence of the accused may be established. The accused with his good name and all at stake is entitled to a fair and impartial trial by persons peculiarly fitted in training and experience to give him such a trial. I am giving this measure my support because I think it will be good for the bench, for the country, and for the accused. [Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, I am sure that the Members of this House want to do what is right about this thing. Some apprehension is expressed here that is remarkable. Members want to protect the judiciary, they say. They are afraid for judges to be tried by judges.

Now, let us look at this bill a minute. What do we do? We give to the judges of this country the best protection. Let us see if that is not so. We are going to either leave the Senate as the only tribunal or we are going to pass this bill. We protect those judges against disgruntled litigants. How? We leave the power to protect them in this House. Is that not right? All the testimony here is that this House has sent very few cases to the Senate. The House of Representatives stands between the judiciary and the opportunity of anybody to harass them or destroy their independence of judicial action. We leave that arrangement undisturbed; that remains. Then we give them another protection under this bill. We undertake by a better method than impeachment to protect the honest judiciary of this country against being smeared up by a little handful of crooks that ought to be off the bench. Is that not right? [Applause.] Then what else do we do by this bill? Do we send them to the Senate, where gentlemen who criticize this bill say they cannot get a fair trial? No; we send them to a court of three judges. What is the objection to that? We provide the House an opportunity to choose between that court and the Senate, which you criticize. True, they are prosecuted by the Attorney General. The Attorney General represents the United States in all suits of the United States.

This is to be a suit by the United States against a judge for violating the conditions of his contract. Is the judge helpless? The judge can be represented before three other judges, by the best lawyer he can employ. It is difficult to understand some of the attitudes today with regard to what is here proposed. There is a man over there who has as sound judgment as anybody I have ever seen, and I believe, if it were not for this present controversy about the Supreme Court, he would not have any question about this bill. He will not have it by tomorrow morning, because he thinks, and he thinks fast. [Laughter and applause.]

Now we have done a good job. I do not take credit for this. By the way, I want to say to the gentleman from Michigan [Mr. MICHENER] I take back everything I said about these constitutional lawyers, but I will tell you the truth; I do not know a single man who can rank as an authority on constitutional law, who has examined this question, who does not believe this to be a justiciable issue that can be tried in a court. There may be, but I have not found them. I had this matter examined, after I had arrived at a tentative conclusion, by the legislative reference bureau, and they gave the opinion that under English procedure there were four methods of removal, and one of the methods was to proceed by scire facias. Try it in a court as we propose. There was no greater authority in the world on English constitutional law than Mr. Coke, and he wrote that judges were removable by scire facias. There is not any question about it. Todd in his Parliamentary Government in England, at page 192, says:

> When the office is granted for life * * * the forfeiture must be enforced by scire facias whether judicial or ministerial offices.

Now, what are we going to do about it? It is constitutional. These words "during good behavior" mean something. I want to protect the courts. I realize that our system of government, like our bodies, must have these three vital organs through which to function. We must have an independent judiciary. We must have a responsible legislature; responsible to the people; we must have an executive branch of the Government, but I know in my study of government that the way to protect government is to keep it clean. [Applause.]

There is too much tendency in a popular government, when power is being abused, to take the power from the office.

When the time comes in some great crisis when a strong government is necessary we find that the government has been so weakened by this process that it cannot meet the crisis and the people in disgust turn from a weak government to a dictator. Instead of taking power from the office, what we should do is to take from the office the man who abuses power. [Applause.]

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. MICHENER. If we have this bunch of crooks on the bench today about whom the gentleman is talking we have the power to impeach them now and have the law on them. Why does not the gentleman bring in some resolutions against these men he thinks should be removed?

Mr. SUMNERS of Texas. We are talking about the system now, and about the law we are trying to pass now. The gentleman is fixing to vote against it. He wants to continue to send the House in its charge against judges over to the Senate which he knows cannot afford to take the time of the Nation properly to try the case. I say that to my distinguished friend. Why, if Dickens were to look in on that situation and see a whole Senate turn aside from its duties in order to determine a case that ought to be determined by a court, he would make us ridiculous through all history—the idea, serious men and women like you hesitating in decision between an opportunity to try a justiciable issue in a court where it ought to be tried or sending it over yonder and making the Senate turn aside from the Nation's business and sit there hearing a case that should be tried in the courts. You know they will not do it. I do not blame the Senate for not wanting to turn aside from the big questions before them to try an issue that in all common sense ought to be tried in a court. That is where it ought to be tried, before a court, not before a legislative body, a political body, talking about politics.

I have heard many things said about the court since this controversy but I never heard it said until today, never even heard it intimated by anybody that three judges of the circuit court of appeals trying a district judge might stultify themselves in order to convict an honest man and remove him from office. [Applause.] I have heard a good many things, but I never heard that until today. If I believed that, I would not for a minute believe our courts could live. No, sir; it is not true, it is not true. I do not believe that the Chief Justice of the Nation would pick three men who would go on the bench trying a Federal judge, a brother judge, and because they were appointed by a President stultify themselves and bring in a judgment of guilt against an innocent man. Why do men talk that way now? What do we mean now?

Here is the horse-sense thing to do, and that is all this committee has tried to do. We have set up a tribunal to try an issue that ought to be tried in a court. That is not all; we have left the House of Representatives standing between the judges and any disgruntled litigants who might want to put them on trial. No judge will have to face that court of three men until the Committee on the Judiciary shall have investigated under the commission of the House and said that he ought to be tried. That is not all; no judge will face trial before that tribunal until this House, after consideration of the facts, shall have sent its request to the Chief Justice of the United States to assemble the tribunal. If you believe that the Chief Justice of the Supreme Court would assemble a tribunal that would not give any man a fair trial, if you do, then you ought to join with those who would strike it down and remove it from the whole structure of our Government. That is the most remarkable argument I have heard against this bill; the most remarkable argument I have heard in this House since I have been a Member of the Congress.

What do you mean? What are you driving at? Where do you want a justiciable issue tried? We have got to choose between two methods. The Committee on the Judiciary has done its part. I appreciate the generous words of my

friend, HOBBS. I do not deserve them. I, having pioneered in this thing, I have worked it out as best I could in the bill that we have brought in here. It is based on 20 years of actual contact with the problems that are involved.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. SABATH. Is it not the gentleman's opinion and conviction that these judges against whom charges will be preferred, will obtain a fairer trial and more just treatment than they themselves have accorded in many instances to unfortunate litigants who have appeared before them?

Mr. SUMNERS of Texas. Yes; my friend from Kentucky [Mr. ROBSION] made one of the best statements in a short length of time ever made on the floor of the House. He pointed out that it is not a fair trial that these judges get now. We want them to have a fair trial. How are they going to have it? Where do you want them to have it? Where do people go for fair trials? They go to the courts of the country. Let it be in the courts of the country. That is what we propose to give to these judges by this bill. We want them to be independent of any politics, of anybody. We want them to be independent of the crooks in office.

Mr. MASSINGALE. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes; for a brief question.

Mr. MASSINGALE. What does the gentleman think of the direction of the judgment in this case? It says here he shall be simply removable.

Mr. SUMNERS of Texas. That is right.

Mr. MASSINGALE. When we take into consideration the Constitution which prescribes the terms and form of the judgment in impeachment cases.

Mr. SUMNERS of Texas. It has nothing to do with impeachment. That is the constant confusion in our minds.

Mr. MASSINGALE. The question I wanted the gentleman to answer, if he would, is this, if I am not bothering him.

Mr. SUMNERS of Texas. No; if the gentleman will be quick. I have just a few minutes left.

Mr. MASSINGALE. Impeachment provides for removal from office and this just simply says "if removed."

Mr. SUMNERS of Texas. Yes.

Mr. MASSINGALE. Can the two coexist?

Mr. SUMNERS of Texas. They can coexist for the same reason in your State you can impeach an officer who steals public money and you can bring him into court in an ouster suit and put him out of office.

Mr. MASSINGALE. If I thought the gentleman was absolutely right, without doubt, I would go along with him.

Mr. SUMNERS of Texas. Take it on faith and leave out the doubt.

Mr. MILLARD. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from New York.

Mr. MILLARD. I appreciate the ability of the gentleman.

Mr. SUMNERS of Texas. I am all right. Proceed a little faster.

Mr. MILLARD. Does not the gentleman see danger in turning over to a partisan Attorney General the prosecution of a judge?

Mr. SUMNERS of Texas. No.

Mr. MILLARD. The gentleman does not see any danger in that?

Mr. SUMNERS of Texas. Of course, this is not perfect.

Mr. MILLARD. The Attorney General is partisan.

Mr. SUMNERS of Texas. Yes; the gentleman and I are partisan. We are both partisan, but we legislate for the Nation.

Mr. MILLARD. I am talking about the Attorney General. The gentleman does not see any danger in that?

Mr. SUMNERS of Texas. No. It could hurt, of course. But the Attorney General is the law officer of the Nation; you cannot get away from that, and he represents the United States in all prosecutions. This is a national prosecution. It gives the judge the protection of being tried by three judges. This judge has the right to have as good a lawyer to represent him as the Attorney General and, remember, the Attorney General cannot initiate this suit. He prosecutes all other suits for the Government. The Judge being charged, is represented by his own counsel.

[Here the gavel fell.]

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That whenever a resolution of the House of Representatives is directed to the Chief Justice of the United States which states that in the opinion of the House there is reasonable ground for believing that the behavior of a judge of any court specified in section 4 has been other than good behavior within the meaning of that term as used in section 1 of article III of the Constitution, the Chief Justice shall convene, at a place and time designated by him, a court consisting of any three judges of the circuit courts of appeal designated by him. Such court shall have jurisdiction to determine the right of such judge to remain in office.

Mr. MILLER. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Committee amendment offered by Mr. MILLER: Strike out section 1 and insert in lieu thereof the following:

"That whenever a resolution of the House of Representatives is directed to the Chief Justice of the United States, stating that in the opinion of the House there is reasonable ground for believing that the behavior of a judge to whom this act applies, as provided in section 6, has been other than good behavior within the meaning of that term as used in section 1 of article III of the Constitution, the Chief Justice shall convene, or cause to be convened, the circuit court of appeals of the circuit in which the judicial district of the judge is situated in special term for the trial of the issue of good behavior of such judge. The Chief Justice shall designate three judges of the circuit courts of appeal (one of whom he shall designate as presiding judge and any one or more of whom may be judges of the circuit court of appeals of circuits other than the one convened in special term) to serve on such court. Such court shall have jurisdiction to determine the right of such judge to remain in office.

"SEC. 2. All of the facilities, services, and equipment of the United States in the circuit in which any such court may sit which may be appropriate and useful for the purpose of such court are hereby made available for its use, and every officer of the United States is hereby required to cooperate with each such court and its several members and to make available all necessary courtroom and office facilities, stenographic and other services; and the clerk and marshals of the circuit court of appeals in any circuit in which any such court may sit are each hereby required to serve such court in the same manner, and as fully as they are, respectively, required to serve the United States Circuit Court of Appeals of that circuit.

"SEC. 3. It shall be the duty of the Attorney General, by himself or by counsel designated by him, to institute on behalf of the United States, and to represent the United States in, a civil action in such court to determine the right of such judge to remain in office. In any such action the United States shall be a party to such controversy and shall have all the rights and duties of a plaintiff in a civil action in the Federal courts, and the judge shall have all the rights and duties of a defendant in such an action. All matters of procedure in any such action shall be governed by rules prescribed by the Supreme Court, but the trial shall be without a jury.

"SEC. 4. If the court determines that the behavior of the judge has been other than good behavior within the meaning of that term as used in section 1 of article III of the Constitution, the judgment of the court shall be that the judge is thereupon removed from office, but no other penalty shall be imposed by the court.

"SEC. 5. From the judgment of any such court, either the United States or the defendant may, within 30 days after its rendition, but not later, appeal to the Supreme Court of the United States. Notice in writing of the taking of such appeal must be filed in the office of the clerk of the trial court and also of the Clerk of the Supreme Court of the United States, and a copy thereof must be served on opposing counsel. Such appeals shall be subject to and governed by the rules of practice and procedure now regulating appeals to the Supreme Court of the United States, or such rules as may hereafter be adopted by the Supreme Court of the United States. The judgment appealed from shall remain in full force and effect and shall be final and binding unless or until it be reversed by the Supreme Court of the United States upon appeal. If the judgment appealed from be that of removal from office, the appellant shall forthwith cease to have any power, authority, or right to act as judge, but his salary shall be paid him until the determination of such appeal.

"SEC. 6. This act shall apply to all judges of courts of the United States, the District of Columbia, and the Territories and possessions who hold their offices during good behavior, except the judges of the United States Court of Appeals for the District of Columbia, the judges of the circuit courts of appeals, and the Justices of the Supreme Court of the United States."

Mr. CELLER (interrupting reading of amendment). Mr. Chairman, a parliamentary inquiry, or shall I wait until the Clerk concludes the reading of the amendment?

The CHAIRMAN. The Chair would suggest the gentleman wait until the reading of the amendment is completed.

Mr. MICHENER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The Clerk will finish the reading of the amendment.

Mr. WADSWORTH (interrupting reading of amendment). Mr. Chairman, a point of order. This is an amendment to the second section.

Mr. MICHENER. Mr. Chairman, an amendment should be offered to only one section at a time. The gentleman offered an amendment at the end of section 1. If he is going to offer these other amendments, and it is in the shape of a single amendment, then we will accept that if he will give notice that he will offer amendments striking out the other sections as we reach them.

Mr. MILLER. That is right.

The CHAIRMAN. The gentleman will have the opportunity to make that announcement at the conclusion of the reading of the amendment.

Mr. WADSWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WADSWORTH. Is it necessary for the Clerk to read amendments which the gentleman intends to offer to section 2 at this time? We have not reached section 2.

Mr. MILLER. I am offering this as a substitute for the entire bill now pending before the House.

Mr. WADSWORTH. The entire bill?

Mr. MILLER. Yes.

Mr. MICHENER. It is a substitute for the bill.

Mr. CELLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CELLER. Can an amendment in the form of a substitute amendment for the entire bill be offered without striking out all after the enacting clause?

The CHAIRMAN. You can strike out the first section and insert a substitute for the bill.

Mr. MICHENER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MICHENER. After the first section is read, do I understand the ruling of the Chair is that the rest of the bill may be read where an amendment to one section has been offered? If that is the ruling, it is something new.

The CHAIRMAN. The gentleman from Arkansas is offering an amendment striking out section 1 of the bill and inserting in lieu thereof a substitute for the entire bill.

Mr. MICHENER. If it is a substitute, that is something else. The gentleman did not so state. Of course, the only difference is with respect to the time for debate.

Mr. WADSWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WADSWORTH. When the Clerk finishes reading the amendment as offered, what is the question then before the House?

The CHAIRMAN. The amendment which is now offered.

Mr. WADSWORTH. The question will be on the substitute?

Mr. MILLER. On the substitute; yes.

Mr. CELLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CELLER. Suppose some Member wishes to offer an amendment to the substitute, in what form shall he have the right to offer such an amendment?

The CHAIRMAN. He may offer it as an amendment to the substitute.

Mr. CELLER. Then it will be an amendment in the second degree in every case.

Mr. CASE of South Dakota. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CASE of South Dakota. Under the ruling of the Chair, when may amendments to the substitute amendment be offered? Will the bill then be read by sections?

The CHAIRMAN. Amendments to the substitute may be offered while it is pending. The Chair may say that it is in order to perfect the substitute by amendment before the question is put on agreeing to the substitute.

The Clerk concluded the reading of the amendment.

Mr. EBERHARTER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. EBERHARTER. Mr. Chairman, I make the point of order that the substitute amendment offered by the gentleman from Arkansas [Mr. MILLER] is not germane to section 1 of the bill.

The CHAIRMAN. The amendment is offered as a substitute for the bill and is obviously germane to the pending bill. Therefore, the Chair overrules the point of order.

Mr. MILLER. Mr. Chairman, this amendment is offered in accordance with the action of the committee. The committee first reported the bill H. R. 2271, which you all have. Later it became necessary, in the judgment of the committee, that the original bill (H. R. 2271) be amended. On June 17 the chairman of the committee, the gentleman from Texas [Mr. SUMNERS], had printed in the RECORD at page 7740 the proposed bill as it would appear with various amendments which the committee had adopted.

In order that the matter may be presented logically this amendment is offered as a substitute for the bill H. R. 2271 by offering an amendment to strike out all after the enacting clause and substituting the amendment of the committee. If the substitute is adopted, I then propose, when sections 2, 3, and 4 of the original bill are reached, to move to strike such sections from the bill, so the bill then before the House will be the one which has been passed upon by the committee and recommended by the committee, and which appears in the RECORD at pages 7740 and 7741.

This is the bill which has been discussed in the debate this afternoon. Section 1 of the bill is the section in which we set up the court composed of circuit judges. The next section provides the machinery for the trial. The third section designates the Attorney General the prosecuting officer. Then further provision is made for appeal, and so forth. In other words, the bill which has been discussed and argued before the Committee of the Whole House this afternoon is the one which I am offering now on behalf of the committee as a substitute for the original bill.

Mr. MICHENER. Will the gentleman state wherein any constitutional objection to the original bill, which everybody was urged in the debate awhile ago, is corrected by this amendment?

Mr. MILLER. I am not undertaking to say. However, I do say that this is the bill which was discussed by the proponents this afternoon. The one I have offered as a substitute is the one which was discussed.

Mr. MICHENER. This is a better bill than the one which everybody thought they were discussing this afternoon.

Mr. MILLER. I did not think anybody was mistaken about what was being discussed this afternoon.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Yes.

Mr. BOILEAU. I may say I have heard a number of Members around here who have said they did not know anything about it, and I confess I did not know anything about it.

Mr. MILLER. I am sure the gentleman from Wisconsin knew about it, because a man who is as studious as the gentleman in reading the RECORD would have known of the amendment.

Mr. BOILEAU. I thank the gentleman, but I assure the gentleman that studious as I may be, I am not a mind reader. I have been on the floor all the afternoon with the exception of about 15 minutes and nothing was said about any other bill during the afternoon. I am advised by other gentlemen who have been here all the time that until this minute nothing has been stated on the floor about any other

bill except the bill which has been the subject of debate today. I assume all Members thought that bill was the only one to be considered today.

Mr. MILLER. I am sure the gentleman knew or should have known by the exercise of the ordinary diligence and great intelligence he usually exercises that the original bill would be amended.

Mr. BOILEAU. What gentleman on the floor, Member of the committee or anybody else, referred to this bill in the debate?

Mr. MILLER. The provisions of the amendment which I am offering were discussed generally. I defy the gentleman to apply the arguments which were made here to any bill other than the one which has just been offered.

Mr. BOILEAU. I submit to the gentleman that all the argument which was made this afternoon can apply very well to the bill H. R. 2271, which all of us had in our hands this afternoon.

[Here the gavel fell.]

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I listened with a great deal of attention to the remarks of the chairman of the committee, the distinguished gentleman from Texas [Mr. SUMNERS]. The gentleman stated that he knew no one who was more or less expert on the Constitution who would say this bill was unconstitutional.

I took the trouble to go to the United States Law Review to obtain an expression of opinion from judges and lawyers all over the country. The editor of the United States Law Review, without taking sides, published some questions which I pointedly asked with reference to the bill. I have received over 150 replies from judges, students, professors of law at various colleges, and others throughout the country, conversant with constitutional law, and the preponderant majority of my replies have been to the effect that the bill is unconstitutional. Even most of the judges down in Texas who have replied to me, say in so many words that in their opinion there is no warrant in the Constitution for this provision.

If there is no objection, I should like to insert in the RECORD the letters and communications which I have received from these students and experts throughout the country, indicating that the bill is unconstitutional.

The gentleman from Alabama [Mr. HOBBS], my very dear friend who sits next to me, has issued a challenge to me, and has asked me to show by reference to the Constitution or by reference to the debates in the Constitutional Convention, that there was any argument or any basis for this additional method of removal. I refer the gentleman to the debate in the Constitutional Convention held as of Monday, August 27, 1787, which clearly indicates, to my mind, that the framers of the Constitution intended only one method of ouster of judges, namely, impeachment; I shall read briefly from the debates in the Constitutional Convention of that day, when they considered the matter of the judiciary and the ouster or removal of judges:

Dickinson of Delaware, seconded by Gerry and Sherman—all adherents of State sovereignty—now moved that the judges "may be removed by the Executive on the application by the Senate and House of Representatives."

In other words, an additional remedy was offered.

G. Morris objected that "it was fundamentally wrong to subject judges to so arbitrary an authority." Rutledge said that "if the Supreme Court is to judge between the United States and particular States, this alone is an insuperable objection." Wilson observed that "the judges would be in a bad situation if made to depend on every gust of faction which might prevail in two branches of our Government." Randolph said that it would weaken the independence of the judges. The motion was rejected, Connecticut alone supporting it.

If our good friend will read further, he will find that similar motions involving different or other methods of ouster or removal of judges were also considered and rejected. So the conclusion is inescapable. The distinguished chairman of our committee stated at the inception of his remarks that at the time of the framing of the Constitution there were four well-known methods of ouster. Inasmuch as the framers of the Constitution selected one method of impeachment, by inference, beyond any question of doubt, all other methods were rejected by the framers; but even beyond that the debates indicate that all the other methods were debated and considered and every one of them was rejected.

So I believe I may say I have met the challenge of my good friend from Alabama.

The letters referred to by Mr. CELLER are as follows:

UNITED STATES COURT, EASTERN DISTRICT OF NEW YORK,
Brooklyn, N. Y., June 21, 1937.

Hon. EMANUEL CELLER,
Judiciary Committee, House of Representatives,
Washington, D. C.

MY DEAR CONGRESSMAN: Thank you for sending me copy of your minority report in connection with H. R. 2271.

I trust that it will not be considered indelicate for me to observe that the document seems to present unanswerable arguments. If it is desired to facilitate or accelerate the removal of district judges from office, the right way to do it is through an amendment to the Constitution.

With every respect, I beg to remain,
Faithfully yours,

MORTIMER W. BYERS.

SUPREME COURT,
Jackson, Miss., June 7, 1937.

Hon. NELSON W. WARNER,
United States Law, 253 Broadway, N. Y.

DEAR SIR: Replying to your letter of May 29, with reference to the bill introduced by Hon. HATTON W. SUMNERS, providing for the trial of certain Federal judges upon the issue of good behavior, I desire to say that in my opinion the bill would be unconstitutional. Section 4 of article II provides that "the President, Vice President, and all civil officers shall be removed from office upon impeachment for and conviction of treason, bribery, and other high crimes and misdemeanors." Article I of the Constitution provides that the Senate shall be the sole power to try all impeachments, etc.; and it also provides that the House of Representatives shall choose its Speaker and other officers, and shall have the sole power to impeach. Section 1 of article III of the Constitution provides, "The judges of the Supreme Court and inferior courts shall hold their offices during good behavior, and shall at stated times receive for their services compensation which shall not be diminished during their term of office."

These sections are to be construed together, and the words "during good behavior", in my judgment, mean so long as they have not committed an offense named in section 4 of article 2, quoted above. It will be noted from this section that the offenses for which a judge may be removed from office are treason, bribery, "or other high crimes and misdemeanors." The words "high crimes and misdemeanors" are not perfectly defined, and it is possible that Congress might specify what crimes other than treason and bribery would constitute impeachable offenses. The power to try judges, or remove them from office, would clearly be limited to impeachable offenses, under the general doctrine that where a constitution names certain things as constituting offenses, and gives specific powers with reference to certain subject matter, it is intended to be exclusive. Mr. Cooley, in his work on Constitutional Limitations, eighth edition, page 139, quotes this rule as follows:

"Another rule of construction is that when the constitution defines the circumstances under which a right may be exercised or a penalty imposed, the specification is an implied prohibition against legislative interference to add to the condition, or to extend the penalty to other cases."

The Supreme Court of Mississippi, in *State* v. *J. J. Henry* (57 Miss. Repts. 125, 40 Southern Reporter 152), under clause (d) of the first syllabus, says "Where the constitution enumerates power granted or denied, it must be held to have named all of the powers so dealt with and as being, with the necessary implications, the sole limit of authority or restriction."

To the same effect is the case of *Rhode Island* v. *Massachusetts* (12 Peters, U. S. Repts. 657, 9 L. Ed. 1233) and *Myers* v. *U. S.* (272 U. S. 52, 71 L. Ed. 160).

In my opinion it was clearly contemplated that impeachment would be the only method of removing judges from office. Of course, judges would be subject to the criminal law and punishable for other offenses than those named, as any other citizen; but it would not be permissible for the House of Representatives to institute proceedings from the concurrent resolution, or by action of the House alone, because amendment no. 5 to the Federal Constitution would require the action to be instituted by indictment if there was to be a trial for crime.

The comment of Mr. CELLER, your Congressman, that the bill "does not define or explain 'good behavior'" is well taken, as due process of law would require the acts constituting good behavior to be defined with reasonable certainty before rights could be forfeited.

The Constitution of the United States created a government of separate departments, and the giving to one department power

over another would clearly be confined to the grant in the Constitution itself, and could not be extended by the Congress to include other powers or subjects.

In an article in volume 8 of the Mississippi Law Journal (February 1936), at page 283, I have dealt at considerable length with the subject of impeachment, and that article may be considered in connection with this letter upon the subject. I have no objection to the publication of this letter, or to any use that may be made of it in discussions in the Congress upon the Sumners bill. It will be seen from the article on impeachment that it is my view that an impeachment is a judicial trial, and that the charges of offenses committed, which are relied upon to constitute misbrhavior, must be high crimes and misdemeanors, as distinguished from petty crimes and misdemeanors, and that the offenses must be defined by the law. It was never intended to give any officers or persons arbitrary powers.

Yours very truly,

GEO. H. ETHRIDGE.

UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF ILLINOIS,
Danville, June 7, 1937.

Mr. NELSON W. WARNER,
United States Law Review,
253 Broadway, New York, N. Y.

MY DEAR MR. WARNER: I have your letter of May 29 enclosing copy of Sumners' bill and Congressman CELLER's letter.

I feel a great hesitancy in commenting upon the bill, because of my official position. So far as my personal feelings are concerned, I would have no objection whatever to the legislation. It occurs to me, however, that there would be a serious question as to constitutionality. I have not gone into that feature.

Yours very truly,

WALTER C. LINDLEY.

WATKINS, GRANT & WATKINS,
Atlanta, Ga., June 7, 1937.

Mr. NELSON W. WARNER,
United States Law Review,
253 Broadway, New York City.

DEAR SIR: Receipt is acknowledged of your letter of May 29 in which you ask a discussion of a bill proposed by Congressman EMANUEL CELLER. Knowing Chairman SUMNERS and Congressman CELLER as I do, I feel some diffidence in expressing an opinion about a bill prepared by them.

It does not seem to me that the proposed bill sent out with your letter could be held constitutional.

In article I of the Constitution, sections 6 and 7, there is conferred judicial power to try impeachment cases and a limit is fixed as to the judgment in such cases. It seems to me this is an exclusive remedy. In article II, section 4, "civil officers" are included in those officers removable by impeachment. This would seem to include judicial officers.

In article III, section 1, good behavior is prescribed as a requirement. It seems to me probable that good behavior, being so indefinite, furnishes another evidence of the exclusive power of the Senate.

There is another question suggested by section 2 of article III, Is an impeachment trial a case "in law and equity"? I am aware of the fact that a quo warranto was at common law a case at law but that writ ran to title and not to the political question. If this is a political question, of what constitutes good behavior.

Briefly, these are my reasons for believing that the proposed statute would be unconstitutional. I can see reasons why it would be an advisable statute if it could be constitutionally passed. You have leave to print this if you desire.

Yours truly,

EDGAR WATKINS.

TYE, SILER, GILLIS & SILER,
Williamsburg, Ky., June 7, 1937.

UNITED STATES LAW REVIEW,
253 Broadway, New York City, N. Y.

GENTLEMEN: I have your circular letter of May 29, together with clipping from your issue of June 1937, and I have carefully read and considered the letter of Representative EMANUEL CELLER, as well as the copy of bill recently introduced by the chairman of the Judiciary Committee of the House.

In the language of the wild and woolly West, it occurs to me that this is simply an effort on the part of Congress to pass the buck. In the first place, I have a very serious doubt as to the constitutionality of this bill. It might be well characterized as an effort to circumvent the Constitution, of which we have had overmuch in recent days.

I know of no legislation more important than that of impeaching an unworthy official, high or low, and certainly Congress should not shirk from this plain, constitutional duty. The argument that it does not have time will not appeal to the average American. I have a half-grown suspicion that it would be quite difficult to find a Representative or Senator who does not waste enough time during his term of office to try all impeachments from now to kingdom come. My attitude toward this and kindred legislation can be summed up in four words, "I am agin it." Why turn over such highly important procedure to three judges of the circuit courts of appeal or to any number of judges, for that matter, when the New Deal would seem to question the competency and honesty of the judiciary as a whole? Let the matter rest and remain where the framers of the Constitution saw fit to place it. In the light of recent legislation I have become quite fearful lest the multiplication table, or the Ten Commandments, be either repealed or amended.

Leave is hereby granted to print this letter, or any part thereof, together with the name of the writer.

Yours truly,

H. H. TYE.

LAW OFFICES, DULLAM & YOUNG,
Bismarck, N. Dak., June 7, 1937.

UNITED STATES LAW REVIEW,
253 Broadway, New York City.

GENTLEMEN: I have yours regarding the bill providing for ouster proceedings against United States district judges for misbehavior.

In my judgment there is doubt as to the constitutionality of the bill. Laying that to one side, the measure seems inequitable and unnecessary. It will tend to impair the independence of the judiciary. It does not prescribe a guide for use by the judges who will be called to determine the right of one against whom charges have been preferred to remain in office.

Should use be made of this letter I prefer that it be done without my name.

Very truly yours,

CLYDE L. YOUNG.

BOSTON, *June 7, 1937.*

Mr. NELSON W. WARNER,
United States Law Review:

Replying to your letter of May 29, 1937, addressed "to a limited number of members of the bar", asking for an expression of opinion relative to the subject matter of Congressman CELLER's letter with reference to "a bill to provide for trials of and judgment upon the issue of good behavior in the case of certain Federal judges", I am perfectly willing to express my opinion thereon.

As I view the question, the queries of Mr. CELLER, other than the first referring to the constitutionality of the proposed bill, are immaterial for I believe that the method proposed is outside of constitutional authority and that the proposed legislation cannot be considered without relation to the provision of the Constitution referring to impeachment.

It seems to me clear that article I, section 3, "the Senate shall have the sole power to try all impeachments", was intended to, and does, cover the entire field. It was intended to place the judges in a situation where they might act with freedom and fearlessness, subject only to removal by the Senate. The present comprehensive constitutional provision does not permit the removal of a judge by the method proposed by merely changing the name of the impeachment and the tribunal.

In my opinion such new authority might well impair the independence of the judiciary, particularly under the circumstances so well stated in Mr. CELLER's letter.

So far as I am informed, no such condition of affairs exists with reference to the judges of the District Court of the United States as to make such legislation necessary.

I do not agree with the theory that "there is a sort of legal contract between the Government and a judge." A judgeship creates a status which can be changed solely by the method provided in the Constitution, that is by the Senate upon impeachment.

It does not seem to me a reason for such legislation that in trials for impeachment the Members of the Senate do not perform their full duty. The Constitution evidently assumes the Senators would act conscientiously and in accordance with their duty in such proceedings. If they do not carry out this expectation, some method should be devised to secure the proper performance of such duty. This seems to be another case of an attempt to short-circuit constitutional requirements, of which there have been other examples within recent times.

JAMES M. SWIFT.

UNITED STATES DISTRICT COURT,
Dallas, Tex., June 8, 1937.

UNITED STATES LAW REVIEW,
253 Broadway, New York, N. Y.

GENTLEMEN: Being on the bench, I have hesitated to respond to your request of May 29.

I have concluded, however, that a judge is still a citizen and may appropriately speak upon such critical legislation as may be directed at the fundamental law of the land—provided, of course, he does so in a proper, dignified, and nonpolitical attitude.

The United States Constitution fixes the method for amendment. Time and again the people have exercised their rights thereunder.

That instrument having fixed the method of impeaching and depriving national judges of office may not be superseded by any congressional act which would shorten the life tenure in some unauthorized, unconstitutional manner.

The most serious malady of 1937 is the tinkering with the Constitution by legislation rather than by the vote of the people—the real masters in this Government.

A constitutional amendment which defines "good behavior" or which fixes other methods of trial than in the Senate, would place the matter squarely before the people.

The question is not exactly like the perpetual inquiry made by the expedientists who sporadically attack the constitutional requirements as to indictment, but it grows out of impatience with fixed methods. Many would like to do away with the so-called cumbersome method of bringing the citizen to trial.

It is rarely wise to forget that truth is everlasting, and, that fundamentals are never unnecessary, though at times they may defeat us.

Sincerely,

WM. H. ATWELL.

CONNOR & CONNOR,
Wilson, N. C., June 5, 1937.

EDITORS OF UNITED STATES LAW REVIEW:

Your circular letter of May 29, signed by Mr. Warner, enclosing copy of letter from Representative CELLER and copy of bill introduced by Representative SUMNERS received.

For 150 years it has at least tacitly been understood that the removal of a judge from office shall be by impeachment.

A judge is a civil officer; the Senate is constituted a Court of Impeachment. If a district judge may be removed by an act of Congress, a circuit court of appeals judge may be removed; a member of the Supreme Court may be removed; in fact, any civil officer may be removed without a trial by jury and with no appeal.

If three justices of the circuit court of appeals may constitute the court, then any three citizens appointed by the President or by any other officer named by Congress, they likewise constitute the court.

The recited fact that the Senators do not properly discharge the functions of their office is no excuse for the creating of an extra constitutional court. The proper remedy is for the Senators to perform their duty.

H. G. CONNOR, Jr.

BALTIMORE, MD., *June 8, 1937.*

Personally, I can see constitutional authority existing nowhere to justify such legislation. While the existing method is burdensome and cumbersome, that fact gives no power to Congress to shift such trials from the Senate to the courts referred to. Many times the C. C. A. is no better than the lower courts. There is very little difference between the two types of judges. The responsibility should remain where it is now placed. If any change is to be made, a specially constituted court should be created, though I don't like that, either. A high type of court, of that kind, would, however, be less objectionable than any other.

GEO. WASHINGTON WILLIAMS.

RAPID CITY, S. DAK., *June 9, 1937.*

EMANUEL CELLER,
Judiciary Committee, House of Representatives,
Washington, D. C.

DEAR SIR: The United States Law Review sent me a copy of a letter written by you to the Review appending a copy of the bill introduced by Mr. SUMNERS of Texas, chairman of that committee.

I have some doubt about the constitutionality of such an act, but I do not think myself competent to express an intelligent opinion as to its constitutionality. Assuming that such an act would be constitutional, I would prefer to have the fitness of judges to continue in office determined by such a court as is contemplated by the bill. This assumes that the judiciary is to continue to be independent.

Spokesmen for the administration now admit what was formerly evaded or denied; namely, that the executive branch of the Government is trying to control the judiciary. Until this matter is settled, it would be well to wait before such a bill as has been introduced is enacted.

In other words, even though the bill contemplates a trial before a court—which I prefer—it would be, in my opinion, better to wait until we find out whether the courts are to maintain their status as a coordinate instead of a subservient department of the National Government.

Yours very truly,

WALTER G. MISER.

This morning's mail brings a letter from the United States Law Review containing your own letter on Chairman SUMNERS' bill providing a new form of ouster proceeding against United States district judges for "misbehavior." Without being able now to take the time to study the question more closely, I had always supposed that the removal of a Federal judge could only take place by formal impeachment, and that inasmuch as the Senate has "the sole power to try all impeachments", this precluded assigning the function of trying "good behavior" to any other body. Offhand, therefore, I should have supposed that the attempt to assign this function to three judges of the circuit court of appeals would conflict with the provision that the Senate shall have the sole power to try all impeachments. Impeachment, as I understand it, is a method of trial reserved for high officials of the Government. Lack of good behavior is a ground for instituting an impeachment by the House before the Senate. Chairman SUMNERS must, however, have some argument available to support his bill, and I should be glad of an opportunity to read that argument.

With kind regards, I am,

Very sincerely yours,

EDWIN M. BORCHARD,
Professor of Law, Yale University.

SOUTH BEND, IND., *June 5, 1937.*

In re House bill—Judicial good behavior.

Hon. EMANUEL CELLER,
House Office Building, Washington, D. C.

MY DEAR MR. CELLER: I have read with a great deal of interest your letter to the United States Law Review and also the circular letter issued by it under date of the 29th ultimo.

I offer my comments in respect to the bill designed to supplant the present method of impeachment of Federal judges briefly and succinctly in this way:

Those responsible for the authorship of the bill are clearly ignoring the fundamental imports and connotation of the word "impeachment" as the same is used in article I, section 3, of the Federal Constitution. Those conceiving the bill assume that the word "impeachment" as in that section used and the term "good behavior" as used in article III, section 1, have no relationship to each other or the method of determining the grounds for impeachment and the method of ascertaining the existence of "good" or "bad" behavior are separable.

Essentially, of course, the word "impeachment" as used in the Constitution has the clear and distinct meaning of "official accusations." The term "high crimes and misdemeanors", in my judgment, also envisages every conceivable misconduct on the part of an encumbent of judicial office which would affect his capacity to discharge his duties as judge or seriously reflects upon the dignity of his office. The authors unquestionably assume that the term "misdemeanors" has the technical aspect of misconduct amounting to perpetration of an offense prohibited by law. The founders of the Constitution, I am certain, meant to give to the term the broader signification, to wit, any ill behavior or misconduct of sufficient gravity to indicate the unfitness of the encumbent to continue in office.

To summarize, unless, in my opinion, the Constitution be amended so as to permit the vestiture of a body other than the Senate to try out articles of impeachment (accusation), the proposed act would be clearly unconstitutional.

Very truly yours,

WALTER R. ARNOLD.

Mr. BOILEAU. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. BOILEAU moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. BOILEAU. Mr. Chairman, I have taken this means of obtaining the floor because I want to talk as soon after the discussion of the gentleman from Arkansas [Mr. MILLER] as possible. The gentleman from Arkansas stated that one with my diligence should certainly have discovered the fact that the committee intended to offer this substitute amendment. I appreciate the fact that the gentleman's statement was made with some suggestion of good humor, but I call his attention to the fact that not one single member of the Committee on the Judiciary and not one single Member speaking on the floor this afternoon made any suggestion that a substitute amendment was going to be offered at this time. Only one statement was made by anybody about any proposed amendment, and that was a statement made by the gentleman from Texas, the chairman of the Committee on the Judiciary, when he said that at the proper time he was going to offer an amendment that would provide for an appeal, either on the part of the United States or on the part of the judge involved in the particular case.

This is the only suggestion of any amendment, and no one, including the gentleman from Arkansas, in the debate today referred to any committee amendment, other than the statement about appeals, and not a single Member of this House gave any intimation that we were going to have a substitute amendment offered at this time.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. Yes.

Mr. MILLER. A comparison of the substitute offered by me with the original bill would reveal that the only material difference is the fact that we provide for an appeal by the judges in section 5 of the proposed substitute.

Mr. BOILEAU. I did not have opportunity to thoroughly analyze this bill that appears in the CONGRESSIONAL RECORD of some days ago, but section 2 is far different from section 2 of the bill before the House.

Mr. MILLER. There is some difference there.

Mr. BOILEAU. And I submit that there is a material difference between the two bills. The gentleman said that I should, by the exercise of due diligence, have discovered that

we were talking about two different bills, and he said that all of the argument this afternoon was with reference to the bill that appears on page 5946 of the RECORD and not with reference to this bill before the House. I defy the gentleman from Arkansas [Mr. MILLER] or anyone else to refer to one single item on the floor this afternoon which does not apply to the bill before the House. It may be that the gentleman and others had the other bill in mind, but I submit to the gentleman that I read this bill before we considered it on the floor, and that all the argument presented this afternoon was applicable to this bill, H. R. 2271.

Mr. MILLER. H. R. 2271 does not provide for appeal.

Mr. BOILEAU. I made the statement about the amendment, which the gentleman said he was going to offer, providing for an appeal, but the other arguments apply to the bill H. R. 2271.

Mr. MILLER. There have been some arguments this afternoon based on the personnel of the court.

Mr. BOILEAU. Yes.

Mr. MILLER. And the methods suggested and debated are in accordance with the substitute rather than with the original bill.

Mr. BOILEAU. Discussion with reference to the selection of judges provided that the Chief Justice of the United States should appoint three of the judges of the circuit courts of appeal, and that is practically all the discussion there was this afternoon with reference to that procedure, and that applies to the bill H. R. 2271.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. Yes.

Mr. SHORT. And the resolution and report both apply to H. R. 2271.

Mr. BOILEAU. Yes. I submit there are not 10 Members of this House, outside of the Committee on the Judiciary, who had any idea that this substitute amendment was to be introduced. I do not desire to make such a point as to that, but the gentleman from Arkansas indicated that I should have known. I submit that all of the other Members of the House had the same impression that I had, and none of us, except perhaps those on the Committee on the Judiciary, were informed that this amendment was to be offered in the form of a substitute for the whole bill.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BOILEAU. Mr. Chairman, I ask unanimous consent to proceed for 2 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. O'CONNOR of Montana. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. Yes.

Mr. O'CONNOR of Montana. If there is practically no difference in these bills, what difference does it make whether we discuss this bill or the substitute?

Mr. BOILEAU. I submit my only purpose at the time I addressed my remarks to the gentleman from Arkansas [Mr. MILLER] was to ask for information; and I submit to my friend from Arkansas—and I am glad to recognize him as a good friend of mine—in reply to my query, when I was looking for information, tried to give the impression that the Members of the House should realize what the members of the committee had in mind. For that reason I absolve myself of all blame, and I do not believe anyone can say that I have not made a reasonable effort to ascertain what was in the minds of the committee when this bill was under consideration.

Mr. SHORT. And there was not the slightest inkling during all of the debate about the substitute until the debate had entirely closed.

Mr. BOILEAU. I thank the gentleman for substantiating my remarks.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. Yes.

Mr. MICHENER. I hope the substitute will be adopted. There are some very important amendments.

Mr. BOILEAU. I have not been addressing my remarks with reference to the merits of the two proposals. I have not had a chance to read over the substitute. I do not know what it is. I know what this bill is, and I know that I would not vote for it. I do not know whether I would vote for the substitute or not. I hope the members will have ample opportunity to consider the bill we are about to consider.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. SUMNERS of Texas. Mr. Chairman, I rise in opposition to the amendment. I hope that this confusion may not disturb our vote on this very important matter. As a matter of fact, as has been stated, there is but one important change proposed. I admit that we have not been as careful as we ought to have been, in making reference to these amendments, but I shall make a statement as to what was done. The Committee on the Judiciary agreed to two amendments in all, the important one granting the right of appeal. That has been discussed. The one dealing with the construction of the court, as the gentleman will observe, has only to do with the question which might have arisen as to the constitutionality of the original arrangement, but the amendment with reference to the court leaves untouched the fact that the court is to be convened by the Chief Justice, and that he may bring in additional judges after the court has been convened.

There was some question as to whether or not the facility of the court would be available to this new court, and that was made clear by amendment. In addition to that explanation, in justice to the committee, I direct attention to the fact that anticipating the importance of this matter, I made a statement on June 17 calling the attention of the House to the fact that this identical amendment which has been offered by the gentleman from Arkansas [Mr. MILLER], would be offered. That amendment was printed in the RECORD for the information of the House. Due to the fact that that amendment had been printed in the RECORD with notice given from the floor of the House and there was not any important amendment offered except the one giving the right of appeal which has been discussed here today, the committee certainly did not realize it was unfair to the House. We are sorry Members feel we have been. When you examine the debate and read the proposed amendment that was printed in the RECORD for your information on the 17th you will see that the bill which you are going to be asked to pass upon is the bill that has been debated here today and which was printed in the RECORD several days since.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. BOILEAU. I wish to make it clear that I do not make any insinuation that the committee deliberately misled the House. I do say, however, that practically all Members with whom I have had an opportunity to discuss this matter did not happen to know about this particular amendment. I was one of those, and I think we should not be accused by the gentleman from Arkansas [Mr. MILLER] or anybody else of not using due diligence.

Mr. SUMNERS of Texas. I will straighten him out. I will make him come over and apologize to the gentleman. [Laughter and applause.]

Mr. HOBBS. Did not the chairman state in presenting this amendment that this amendment was going to be considered?

Mr. SUMNERS of Texas. Yes. You will find that in the RECORD. The main thing is that this bill which you are going to be asked to vote on directly is the bill that was debated today.

Mr. TERRY. In section 2 of the original bill it says, "It shall be the duty of the Attorney General, by himself or by counsel designated by him", and this committee had also "or of such counsel as may be designated by the House of Representatives."

Mr. SUMNERS of Texas. We did not feel justified in risking the proposition of the House designating somebody to institute and prosecute a suit in the name of the Federal Government.

Mr. TERRY. There has been some criticism of that sentence.

The CHAIRMAN. The time of the gentleman has expired. All time on this motion has expired.

The question is on the motion of the gentleman from Wisconsin to strike out the enacting clause.

The quesiton was taken, and the motion was rejected.

Mr. WADSWORTH. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. WADSWORTH to the committee amendment: Section 3, line 1, strike out the words "Attorney General" and insert in lieu thereof "managers designated by the House of Representatives."

Mr. WADSWORTH. Mr. Chairman, the amendment which I have just offered is an attempt—perhaps a feeble one—to carry out my suggestion made in my remarks on this bill during general debate. It is impossible for any Member of the House to identify any amendment, because none of us has a copy of this substitute. The amendment cannot be designated by page or line. It is merely offered as an amendment to section 3. It was in the second section of the original bill. I understand it must be offered before the substitute is acted upon or it may not be offered at all.

Perhaps a great many Members who are now present heard my protest against the injection of the executive department into the trial of a judge. My protest was against that provision of the bill which has the effect of naming the Attorney General of the United States as the prosecuting officer to try this judge before this special court made up of circuit court judges. The gentleman from Texas, chairman of the Committee on the Judiciary, has intimated in the remarks he made this afternoon that were it not for another court issue now pending—and I hope dead—it would not have occurred to me to have made this suggestion or this argument. As a matter of fact, I am thinking entirely upon the form of our Government. I do not care who is President or who is Attorney General when I give consideration to the machinery set up in this bill for the prosecution of a judge. I do not believe it is wise or safe with respect to the future independence of our judiciary to place in the hands of the President of the United States—and that is what you do when you name the Attorney General—the power to prosecute a judge before a court. In my judgment, if the House of Representatives is to initiate the proceedings that this resolution transmits to the Chief Justice of the United States to start this judicial process by which a judge is tried, the House of Representatives should stay in the picture until the case is closed.

Why should the House, which presents the charges, step aside and pass the "buck"? Why should it be handed to the Attorney General and have him marshal all the executive power—and no one can tell the character of the power that may be marshaled by the executive branch against the judge whose opinions may have been unpopular to the administration—why should the House subject a judge to that kind of treatment from another branch of the Government not affected? The House should pursue the charges with its own managers, just as it does under present procedure. When we bring impeachment proceedings against a judge and it goes to the Senate, the evidence is presented by the managers on the part of the House. That is the plea I make—that the managers on the part of the House, if there is to be a prosecution, do the prosecuting.

[Here the gavel fell.]

Mr. GREENWOOD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I cannot see the potency of the argument of the gentleman from New York against the cause being tried by the Attorney General, who represents the United States Government. In the first place, if the House of Representatives should send managers, they would represent another department of the Government that would be trying the judiciary or prosecuting the cause. The gentleman assumes that the executive department would be less competent or more inclined to prejudice than the House of Representatives. I cannot see the potency of this argument. The Attorney General tries all cases in which the United States is a party, and certainly within this class of cases would fall a good-behavior case against one of the members of the judiciary after the indictment or charges have been filed by this House. Under the laws of Indiana an indictment for crime is brought by the grand jury summoned by the court, but they do not try the cause. The prosecuting attorney or the attorney for the Commonwealth tries the cause upon the indictment brought by the inquisitorial body, the grand jury.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. GREENWOOD. I yield.

Mr. MICHENER. That is true, and that is the very objection here, that the Executive executes the laws, the courts determine the laws. The Attorney General would undoubtedly be a party when he appeared as a prosecutor.

Mr. GREENWOOD. I understand the question of the gentleman, and I do not agree with his position at all. The Attorney General up to this time has had nothing to do with this case. The evidence has been presented before the Judiciary Committee of this House. This committee has inquired into it and brings the charges for trial because of misbehavior. He has only one thing to do as the representative of the United States Government—that is, to try the issue on the charges that have been brought by this body and which will be substantiated by evidence introduced by him the same as in any other lawsuit.

Mr. TERRY. Mr. Chairman, will the gentleman yield?

Mr. GREENWOOD. I yield.

Mr. TERRY. Under the provisions of this bill the House would prefer charges in a resolution sent to the Chief Justice. May not the Attorney General add charges of his own accord?

Mr. GREENWOOD. I understand that the issue will be joined upon the articles of indictment that are brought from this body.

Mr. TERRY. Is the Attorney General confined to the charges preferred by the House?

Mr. GREENWOOD. He is confined, under the rules of the court, to present his evidence in an orderly way, according to rules laid down by the court, the same as he would have to do in any other case that he were trying, and I think that that is quite proper.

All three departments of the Government are interested in the judiciary being kept clean and being kept on a high and dignified plane. One department brings the charges, this body. The Attorney General, who is not accountable to anybody except to perform his duty under his oath, in representing the United States Government is charged with presenting the case to a court that is summoned by the Chief Justice of the United States, a court of judges to try one of the members of their judiciary. What could be fairer? Would any judge object to his fellow judges on the bench trying his cause when they have been selected by the Chief Justice of the United States? It seems to me this would give him a fairer trial than he would receive through the political processes of impeachment to be tried by the Senate of the United States; and we must bear in mind the fact that the time of the Senate is needed for other purposes.

Mr. TERRY. Mr. Chairman, will the gentleman yield?

Mr. GREENWOOD. I yield.

Mr. TERRY. Then it is my understanding that the gentleman believes that the Attorney General cannot add charges to those brought by the House.

Mr. GREENWOOD. I have no reason to believe, from a reading of the bill, that he could add to the charges.

[Here the gavel fell.]

Mr. MICHENER. Mr. Chairman, I move to strike out the last word.

Mr. MILLER. Mr. Chairman, will the gentleman yield to permit me to submit a unanimous-consent request?

Mr. MICHENER. I yield.

Mr. MILLER. Mr. Chairman, I ask unanimous consent that all debate on the amendment offered by the gentleman from New York to the substitute do close in 10 minutes.

Mr. WADSWORTH. Mr. Chairman, reserving the right to object, the only request I would make is that I be given the opportunity to perfect the amendment. As it was read to the House it was not complete. This indicates how difficult it is to draft amendments.

Mr. MILLER. Of course, the House will act on the amendment as it is finally reported by the Clerk.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MICHENER. Mr. Chairman, this substitute provides—

> That whenever a resolution of the House of Representatives is directed to the Chief Justice of the United States, stating that in the opinion of the House there is reasonable ground for believing that the behavior of a judge to whom this act applies, as provided in section 6, has been other than good behavior within the meaning of that term as used in section 1 of article III of the Constitution, the Chief Justice shall convene—

And so forth. This is the only resolution required to compel the Chief Justice to convene a court and notify the Attorney General. No indictment is drawn.

I presume the Attorney General will then start an investigation. The House does not have to give a single particular. All that is necessary is to allege that the House has reason to believe that the conduct of a certain United States judge is not good conduct, whereupon the Attorney General is turned loose with his Department to ferret out and find out, if he can, wherein the conduct is bad. An indictment is then drawn. There is no indictment provided for in this bill. Here we are writing a statute. We are abandoning the regular impeachment proceedings as heretofore known. All that is necessary is to comply with the statute. Its terms are clear and unmistakable. All that is necessary is a reasonable belief in the mind of Congress that something might be wrong with some judge's conduct. Mere rumor or the political influence of a disappointed litigant might put the judge on trial. I say it is perfectly ridiculous.

Mr. CHURCH. Will the gentleman yield?

Mr. MICHENER. I yield to the gentleman from Illinois.

Mr. CHURCH. Could not these charges grow out of the lower courts, where the Attorney General has prosecuted before this judge, and that same Attorney General go back before that judge in this proceeding?

Mr. MICHENER. Yes. If you want to talk about possibilities, not probabilities, you might try the man under this procedure here, if it is constitutional, and if you do not like the result, you could then have some Member here impeach the judge, because you cannot get rid of the impeachment feature of the Constitution. You cannot eliminate impeachment proceedings against Federal judges, and you cannot impeach a Federal judge under the Constitution unless he is a civil officer. If after 150 years we discover that a Federal judge is not a civil officer, then we have wrongfully prosecuted judges in impeachment trials.

Mr. CHURCH. Then will not this amount to a club that can be used by an Attorney General of the United States to be held over every district judge in the United States if the lower House happens to vote in favor of proceeding against some judge, thereby enabling the Attorney General to go out to try that judge?

Mr. MICHENER. The same Attorney General would go out and investigate and would file an information embodying the charges. He would not be limited by anything other than the statutory resolution taking the case to the Chief Justice.

[Here the gavel fell.]

Mr. HOBBS. I rise in opposition to the pro-forma amendment.

Mr. Chairman, methinks I see in the distant future prosecutions inaugurated under the bill that we are going to pass this afternoon, and methinks I hear the distinguished gentleman from Michigan snorting in the same old rage against it, when we are drawing the bill of particulars in this House, as we will.

The gentleman knows when we talk about an indictment for murder, the indictment does not read "for murder." It reads that John Smith killed Pete Brown by shooting him with a pistol against the peace and dignity of the State. Yet we call it murder. The same thing applies here.

There is not a man, woman, or child with intelligence above the level of that of an imbecilic doodle who does not know what misbehavior on the part of a judge is. Yet we have no other idea than to set forth in detail, exactly wherein every accused judge has failed to maintain good behavior. We will be glad to give each one of them a bill of particulars.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I yield to the gentleman from Oregon.

Mr. MOTT. It is true under the law by which an indictment is drawn, the same law defines what is murder?

Mr. HOBBS. Yes.

Mr. MOTT. So that when the indictment states what John Doe did it definitely states he has committed murder and murder is then proven. But in this bill good behavior is not defined.

Mr. HOBBS. Nor is any other constitutional provision defined, but the courts have the power and capacity to define every one and can do so with no difficulty whatever in the instance of the good-behavior clause.

Mr. DIES. Will the gentleman yield?

Mr. HOBBS. No; I am sorry I cannot, because I want to pay my respects again to my good friend the senior member of this committee. In my former remarks I asked him if the framers meant that impeachment should be the sole mode of ouster, why did not they say so? He said they did. I demanded the proof. He has not produced it, and has shifted from his claim of support in the Constitution to his new position that the debates of the Convention justify his assertion. I accept the new challenge. The debates, according to Madison and his notes, give absolutely not one syllable to justify his comment that this bill is outlawed by the Constitution or any provision of it. Why, of course, the Constitutional Convention voted down the proposal to give the Executive the power to kick any judge out of office on the application by Congress. That was but a modification of the English mode of ouster by an "address to the Crown." Thank God, we then had and now have no Crown in the United States! The Supreme Court was rejected as a "high court of impeachment" because it was thought that in impeachment trials a member of the Supreme Court would frequently be the defendant. You will search in vain for a word against anything even resembling what this bill proposes. There is not an intimation or hint of opposition to any such suggestion.

The framers of the Constitution knew why that good-behavior clause was put in there. They wrote a contract with every judge that he should only hold office during good behavior. They knew that eventually we would need an enabling act to utilize the power implicit therein. We are supplying that need today.

May I assure my good friend from Michigan, and the other distinguished gentlemen who seem worried that a corrupt judge might not know about his own sin, that this House will always see to it that the accused is furnished with a full, clear, and specific bill of particulars.

Mr. MICHENER. Will the gentleman yield?

Mr. HOBBS. I yield gladly to the gentleman from Michigan.

Mr. MICHENER. I am sure that we will, if it ever comes to that, but under this bill as drawn we are not required to do it. All you need to do is to pass a resolution that you believe a certain judge should be investigated and

that is the purpose of sending this thing to the courts and have the Attorney General make an investigation.

Mr. HOBBS. I do not believe, and the gentleman does not believe, and nobody else believes, there will be any such foolish resolution ever passed by the House of Representatives as one reading that such-and-such a judge has been guilty of conduct which is not good behavior. We will say that he misbehaved in the following stated particulars. We will specify them, to the complete satisfaction of the accused judge and his counsel, then, what is more, we will prove those charges, and purge the bench of those few who still disgrace it by dishonesty and corruption. [Applause.]

[Here the gavel fell.]

Mr. WADSWORTH. Mr. Chairman, in accordance with my understanding with the gentleman in charge of the bill, I ask unanimous consent to modify my amendment in order to make it fit the text of the committee amendment and ask the Clerk to read the amendment as so modified.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read, as follows:

Modified amendment offered by Mr. WADSWORTH to the committee amendment: Section 3, line 1, after the word "the", strike out "Attorney General by himself or by counsel designated by him" and insert in lieu thereof the following, "managers designated by the House of Representatives", so that the first sentence of section 3 will read, "It shall be the duty of the managers designated by the House of Representatives to institute on behalf of the United States, and to represent the United States in, a civil action in such court to determine the right of such judge to remain in office."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York, Mr. WADSWORTH, to the committee amendment offered by the gentleman from Arkansas, Mr. MILLER.

The question was taken, and on a division (demanded by Mr. WADSWORTH) there were—ayes 83, noes 45.

So the amendment to the committee amendment was agreed to.

Mr. HANCOCK of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Hancock of New York to the committee amendment:

On page 1, line 6, after the word "that", strike out "the behavior of", and after the figure "4", in line 7, strike out the balance of the line, all of line 8, and all of line 9, down to and including "Constitution" and insert in lieu thereof "has been guilty of acts of corruption, neglect of duty, or incompetence (which must be specifically set forth in said resolution)."

Mr. HANCOCK of New York. Mr. Chairman, possibly this amendment is not offered at the appropriate place in the substitute amendment, but I do not know how to do so. We have no copy of the substitute before us. I would like to have it considered at the proper place in the substitute amendment.

The object of my proposed amendment is perfectly clear. It has been stated before by myself and a half dozen other speakers, and cannot be denied, that if this bill becomes law it will be possible for the House of Representatives to hale a judge before a court of three on the most trivial charges or on charges containing no specifications of misconduct. It would be sufficient to pass a resolution reading something like this—

Resolved, That a certain judge has been guilty of behavior other than good behavior, and be it further resolved that the Chief Justice of the Supreme Court be directed to convene a court to try that issue.

There is a limitation, "good behavior within the meaning of section 1 of article III of the Constitution." But in that section there is no difinition of good behavior. There is no guidepost, there is no standard, there is no measuring stick whatever. Whatever the House designates as misbehavior becomes misbehavior, or it need not specify anything. In order to give the accused judge the same small safeguard enjoyed by the humblest defendant in a criminal case, my amendment proposes to let the judge know the specific charges against him. I define "misbehavior" as incompetence, neglect of duty, or corruption, and requires specifications. If there are other forms of judicial misconduct than these, I would be glad to include them, but it seems to me it is an utter absurdity to leave it open for a future Congress—I am not talking about this Congress—to persecute a good judge on a general charge of "behavior other than good behavior."

The gentleman from Alabama [Mr. HOBBS] says he cannot conceive of any House of Representatives bringing in what is in the nature of an indictment against a Federal judge without a bill of particulars, without specifications. The gentleman is in favor, in each case, of giving the charge with great particularity. If so, why should he object to putting such language in the bill? I can conceive of a Congress which would be so political, so prejudiced, a Congress such as those we had after the Civil War, that it would deny to stout-hearted judges the rights of the lowliest criminal. If you believe judges should be entitled to know the charges against them, then vote for this amendment. The most contemptible crook has a right to know the accusation against him in every jurisdiction I ever heard of, except modern Russia.

Mr. SUMNERS of Texas. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is a pretty serious matter. Good behavior is not defined in the Constitution. I would not be candid or honest with the House if I did not say this legislation in a sense is experimental. However, I believe enough in the institutions of this Government and the persons who are in charge of administering the affairs of this Government to believe that the things about which gentlemen are apprehensive will not develop. As a matter of fact, if we now have a House of Representatives and courts which will do the things these gentlemen seem apprehensive will be done, it is proof positive we have passed the time when we can operate a system of free representative government.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. MILLER. As a matter of fact the only provision in the Constitution about impeachment is simply that the House of Representatives shall have the sole power of impeachment, and under that provision of the Constitution there has never been an article of impeachment preferred which was not particularized, and that is what will necessarily follow here.

Mr. HANCOCK of New York. If the gentleman will yield, this is not an impeachment proceeding; it is something entirely different.

Mr. MILLER. I know; but it is an ouster proceeding.

Mr. SUMNERS of Texas. It is provided in this bill that the whole proceeding shall be under rules promulgated by the Supreme Court. We cannot undertake to set out what constitutes bad behavior, because we cannot anticipate what a judge may do. The minute you enumerate what cannot be done, then you exclude all other bad behavior for which judges should be removed.

Mr. HANCOCK of New York. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. HANCOCK of New York. Can the gentleman think of any form of official misconduct other than corruption, neglect of duty, or incompetence, for which a judge should be removed? If so, I should be glad to include it in my amendment.

Mr. SUMNERS of Texas. That is the point. My distinguished friend says if there is any act of a judge which would constitute misconduct within the meaning of that provision of the Constitution, he now would be glad to enumerate it. In other words, he wants it to be so that a judge can be removed for any act which is violative of the good-behavior provision of the Constitution. The way to make that certain is to leave the good-behavior provision

in the Constitution exactly as it is and to make provision for removal if he violates it.

May I call attention again to the fact that the distinguished gentleman from New York has just stated that if he knew there were any other things which would constitute misbehavior within the meaning of that provision of the Constitution, he now would include it. The way to be sure we include it is not to enumerate them. [Applause.]

[Here the gavel fell.]

Mr. MILLER. Mr. Chairman, I ask unanimous consent that all debate on the amendment offered by the gentleman from New York to the committee substitute do now close.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. HANCOCK] to the committee amendment offered by the gentleman from Arkansas [Mr. MILLER].

The amendment to the committee amendment was rejected.

Mr. CASE of South Dakota. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. CASE of South Dakota to the committee amendment: In section 1, line 15, after the word "court", to strike out the period, insert a semicolon and the following words: "the Senate shall designate four of its Members to serve on such court."

THE SENATE'S VOICE IN REMOVAL OF JUDGES IS THE VOICE OF THE STATES AND THE PEOPLE

Mr. CASE of South Dakota. Mr. Chairman, I offer this amendment to call attention to what this bill is actually doing. This bill is changing the entire procedure in the matter of court tenure. It proposes to take from the Senate all voice in the removal of Federal judges.

Judges of district courts at the present time are appointed with the consent of the Senate, and section 3 of article I of the Constitution says "the Senate shall have the sole power to try all impeachments."

This means that at the present time the Senate has a voice in the appointment and a voice in the removal of any Federal judge. It has "the sole power to try all impeachments." If the proposed removals should be impeachment proceedings, if they had the dignity of impeachment proceedings, undoubtedly, the trial would have to be by the Senate.

You must hold one of two things, either charges are serious enough to impeach a judge, or they are too trivial to go through that procedure. If they are too trivial, then why should the power of the Senate to have a voice in the removal or nonremoval of the judge be curbed?

A removal from office is a removal whether you call it an impeachment, an ouster, or something else. By any name, it is a check on judicial tenure.

I do not know what the sentiment of this body may be. Perhaps we are not concerned with upholding the power and dignity of the Senate, but every argument in the development of the American Government with respect to the power of the Senate or the right of each State to have two Senators, is at stake here so far as the protection of the people or the protection of the judiciary is concerned. [Applause.]

If you say to the Senate that it shall have no voice in the removal of judges, there is no possibility of this bill being accepted by the Senate, because it strikes directly at what the Senate may or may not do at any time in preserving the integrity and independence of the judiciary.

You may vote this amendment down; it is probably unworkable to have a removal court consist of three judges and four Senators; but as surely as this bill goes to the Senate I look for the Senate to reassert its right to have a voice in the matter to tenure of judges in the United States. [Applause.] And for the sake of the rights of the people and the Union, which was made possible by the compromise which gave each State two Senators, I hope it does.

Mr. SUMNERS of Texas. Mr. Chairman, I hope the Committee will vote down the amendment of my distinguished friend, and I ask unanimous consent that all debate on this amendment do now close.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota to the committee amendment offered by the gentleman from Arkansas.

The amendment to the committee amendment was rejected.

Mr. BURDICK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURDICK to the committee amendment: Section 1, line 7, after the word "shall", insert the word "immediately."

Mr. BURDICK. Mr. Chairman, there is nothing serious about this amendment at all. The only purpose in offering this amendment is to get a chance to say just a few words in favor of the bill itself.

The way the rules of this House are organized there is no chance for anyone to discuss these bills unless he becomes a member of the committee. As everyone knows, I am a member of no committee except this Committee of the Whole House, and if we stayed here all night, I was determined that I would offer an amendment so that I could be heard on the bill. I want the people of this country to know how difficult it is to express yourself in the Congress of the United States. Some men have spoken four or five times on this bill who have indicated they do not know anything about it at all. [Laughter.] Let me say that there never has been and there never will be a prosecution of any Federal judge in this country under article III, section 1 of the Constitution that has been read here this afternoon, for bad behavior unless we set up the machinery for it. Every judge who has ever been tried and every judge who has been found guilty has been found guilty of one of these charges enumerated in article II, section 4 of an act amounting to treason, bribery, or other high crimes or misdemeanors. No judge has ever even been tried for misbehavior, and as one who has practiced in the Federal courts for a great number of years I know of a hundred different things that Federal judges are guilty of that make them unfit to sit on the bench, and none of these come under the provisions of treason, bribery, or high crimes or misdemeanors.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. No. Everybody has been yielding to the gentleman for the last 4 hours, and we have not received any further information. [Laughter.] Mr. Chairman, I did not make this motion for the purpose of inserting the word "immediately." I do not care what you do with it. I want to be heard in favor of this bill, and unless this Congress sets up machinery by which you can try judges whose conduct is bad but not amounting to treason, bribery, or other high crimes or misdemeanors, they will never be tried. [Applause.]

Mr. MILLER. Mr. Chairman, I ask unanimous consent that all debate upon the substitute amendment and all amendments thereto be now closed.

Mr. MICHENER. Mr. Chairman, I want to have 2 minutes.

Mr. MILLER. Then, Mr. Chairman, I modify that request by having debate close in 2 minutes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that all debate upon the substitute amendment and all amendments thereto close in 2 minutes. Is there objection?

There was no objection.

Mr. MICHENER. Mr. Chairman, I have asked these 2 minutes in order to tell the gentleman from North Dakota——

Mr. BURDICK. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. No; not now.

Mr. BURDICK. Then I want as much time as the gentleman has.

Mr. MICHENER. Mr. Chairman, I want to take this minute or two to tell my courteous friend, the gentleman from North Dakota, that the Senate of the United States has determined that any conduct on the part of a judge which brings into disrepute his office as a judge is bad behavior. So there has been established a yardstick as to what constitutes behavior that is not good behavior on the part of a Federal judge. The Court of Impeachment has settled quite definitely that question. The accepted definition as announced by former Chief Justice Taft, and quoted by the gentleman from Iowa [Mr. GWYNNE], by the rule of precedent has become fixed and definite. Under the procedure contemplated by this bill no standard is provided.

The CHAIRMAN. The time of the gentleman from Michigan has expired. All time has expired. The question is on the amendment offered by the gentleman from North Dakota.

Mr. BURDICK. Mr. Chairman, I ask unanimous consent to withdraw that amendment.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Arkansas [Mr. MILLER].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read.

Mr. MILLER (interrupting the reading). Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with, and that sections 2, 3, and 4 of the original bill be stricken therefrom.

The CHAIRMAN. Is there objection?

There was no objection.

The matter referred to is as follows:

SEC. 2. It shall be the duty of the Attorney General, by himself or by counsel designated by him, or of such counsel as may be designated by the House of Representatives, to institute on behalf of the United States, and to represent the United States in, a civil action in such court to determine the right of such judge to remain in office. In any such action, the United States shall have all the rights and duties of a plaintiff in a civil action in the Federal courts and the judge shall have all the rights and duties of a defendant in such an action. All matters of procedure in any such action shall be governed by rules prescribed by the Supreme Court, but the trial shall be without a jury.

SEC. 3. If the court determines that the behavior of the judge has been other than good behavior within the meaning of that term as used in section 1 of article III of the Constitution, the judgment of the Court shall be that the judge is thereupon removed from office, but no other penalty shall be imposed by the Court. No appeal shall lie from the judgment of the Court.

SEC. 4. This Act shall apply to all judges of courts of the United States, the District of Columbia, and the Territories and possessions, who hold their offices during good behavior, except the judges of the United States Court of Appeals for the District of Columbia, the judges of the circuit courts of appeal, and the Justices of the Supreme Court of the United States.

Mr. MILLER. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the amendment.

The CHAIRMAN. Under the rule the Committee will rise.

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. COFFEE of Nebraska, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill H. R. 2271, and pursuant to House Resolution 227, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered. The question is on agreeing to the amendment.

The question was taken and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. MICHENER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 221, nays 125, not voting 85, as follows:

[Roll No. 95]

YEAS—221

Aleshire	Duncan	Johnson, W. Va.	Posge
Allen, Del.	Dunn	Jones	Quinn
Allen, Pa.	Eberharter	Kee	Ramsay
Amlie	Eckert	Keller	Randolph
Anderson, Mo.	Edmiston	Keogh	Rayburn
Atkinson	Elcher	Kirwan	Reed, Ill.
Barden	Elliott	Kitchens	Reilly
Barry	Faddis	Kocialkowski	Rigney
Bell	Ferguson	Kopplemann	Robertson
Biermann	Fish	Lambertson	Robinson, Utah
Bigelow	Fitzpatrick	Lanham	Robsion, Ky.
Binderup	Flannagan	Lanzetta	Rogers, Okla.
Bland	Flannery	Larrabee	Ryan
Bloom	Fleger	Lea	Sabath
Boland, Pa.	Fletcher	Leavy	Sacks
Boyer	Forand	Lemke	Sanders
Boykin	Ford, Miss.	Lesinski	Schaefer, Ill.
Boylan, N. Y.	Frey, Pa.	Lewis, Colo.	Schulte
Bradley	Fries, Ill.	Long	Shanley
Brooks	Fuller	Luckey, Nebr.	Sheppard
Buck	Gambrill	Luecke, Mich.	Smith, Va.
Buckler, Minn.	Garrett	McClellan	Smith, Wash.
Burch	Gasque	McCormack	Snyder, Pa.
Burdick	Gavagan	McFarlane	South
Caldwell	Gearhart	McGehee	Sparkman
Cannon, Mo.	Gehrmann	McLaughlin	Spence
Cartwright	Gildea	McMillan	Stack
Champion	Gingery	Mahon, S. C.	Starnes
Chandler	Gray, Pa.	Martin, Colo.	Steagall
Clark, N. C.	Green	Mead	Sumners, Tex.
Claypool	Greenwood	Merritt	Sweeney
Cochran	Greever	Miller	Swope
Coffee, Nebr.	Gregory	Mitchell, Tenn.	Tarver
Coffee, Wash.	Griffith	Moser, Pa.	Teigan
Colden	Haines	Mouton	Terry
Colmer	Hamilton	Murdock, Ariz.	Thom
Cooley	Harlan	Murdock, Utah	Tolan
Cooper	Harter	Nelson	Transue
Costello	Havenner	Nichols	Turner
Creal	Hendricks	Norton	Umstead
Crosby	Hennings	O'Brien, Ill.	Vinson, Fred M.
Crosser	Hildebrandt	O'Brien, Mich.	Vinson, Ga.
Crowe	Hill, Ala.	O'Connell, Mont.	Voorhis
Cullen	Hill, Okla.	O'Connell, R. I.	Wallgren
Curley	Hill, Wash.	O'Connor, Mont.	Walter
Deen	Hobbs	O'Connor, N. Y.	Warren
Delaney	Honeyman	Pace	Weaver
Dempsey	Houston	Palmisano	Welch
DeMuth	Hunter	Patman	West
Disney	Imhoff	Patrick	Whelchel
Dixon	Izac	Patterson	Wilcox
Dorsey	Jarman	Patton	Williams
Doughton	Jenckes, Ind.	Peterson, Fla.	Woodrum
Doxey	Johnson, Lyndon	Pettengill	
Drew, Pa.	Johnson, Minn.	Pfeifer	
Driver	Johnson, Okla.	Pierce	

NAYS—125

Allen, La.	Evans	McKeough	Rutherford
Andresen, Minn.	Fitzgerald	McLean	Sauthoff
Andrews	Goldsborough	McSweeney	Secrest
Arends	Gray, Ind.	Maas	Seger
Ashbrook	Griswold	Mahon, Tex.	Shannon
Beiter	Guyer	Mapes	Short
Boehne	Gwynne	Martin, Mass.	Simpson
Boileau	Halleck	Mason	Smith, Maine
Brown	Hancock, N. Y.	Massingale	Snell
Bulwinkle	Harrington	Maverick	Stefan
Carlson	Hart	May	Sutphin
Carter	Hoffman	Meeks	Taylor, S. C.
Case, S. Dak.	Holmes	Michener	Taylor, Tenn.
Celler	Hope	Mills	Thomas, Tex.
Chapman	Huil	Mosier, Ohio	Thomason, Tex.
Church	Jarrett	Mott	Thompson, Ill.
Clark, Idaho	Jenkins, Ohio	O'Day	Thurston
Cluett	Jenks, N. H.	O'Malley	Tinkham
Cole, Md.	Kennedy, Md.	O'Neal, Ky.	Tobey
Cole, N. Y.	Kennedy, N. Y.	O'Neill, N. J.	Towey
Collins	Kenney	O'Toole	Treadway
Crawford	Kerr	Oliver	Wadsworth
Daly	Kinzer	Parsons	Wearin
Dickstein	Kleberg	Pearson	Wene
Dies	Kniffin	Polk	Whittington
Dirksen	Kramer	Powers	Wolcott
Ditter	Lambeth	Rabaut	Wolfenden
Dondero	Lamneck	Rankin	Wolverton
Douglas	Lord	Reece, Tenn.	Woodruff
Dowell	Luce	Rees, Kans.	
Eaton	Ludlow	Rich	
Englebright	McGranery	Rogers, Mass.	

NOT VOTING—85

Allen, Ill.	Drewry, Va.	Lucas	Schuetz
Arnold	Ellenbogen	McAndrews	Scott
Bacon	Engel	McGrath	Scrugham
Bates	Farley	McGroarty	Shafer, Mich.
Beam	Fernandez	McReynolds	Sirovich
Bernard	Ford, Calif.	Magnuson	Smith, Conn.
Boren	Fulmer	Maloney	Smith, W. Va.
Brewster	Gifford	Mansfield	Somers, N. Y.
Buckley, N. Y.	Gilchrist	Millard	Sullivan
Byrne	Hancock, N. C.	Mitchell, Ill.	Taber
Cannon, Wis.	Hartley	O'Leary	Taylor, Colo.
Casey, Mass.	Healey	Owen	Thomas, N. J.
Citron	Higgins	Peterson, Ga.	Vincent, B. M.
Clason	Hook	Peyser	White, Idaho
Cox	Jacobsen	Phillips	White, Ohio
Cravens	Johnson, Luther A.	Plumley	Wigglesworth
Crowther	Kelly, Ill.	Ramspeck	Withrow
Culkin	Kelly, N. Y.	Reed, N. Y.	Wood
Cummings	Kloeb	Richards	Zimmerman
DeRouen	Knutson	Romjue	
Dingell	Kvale	Sadowski	
Dockweiler	Lewis, Md.	Schneider, Wis.	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Ellenbogen (for) with Mr. Bacon (against).
Mr. Magnuson (for) with Mr. Culkin (against).
Mr. Byrne (for) with Mr. Thomas of New Jersey (against).
Mr. Buckley of New York (for) with Mr. Knutson (against).
Mr. Arnold (for) with Mr. Bates (against).
Mr. McAndrews (for) with Mr. Allen of Illinois (against).
Mr. O'Leary (for) with Mr. Reed of New York (against).
Mr. Sullivan (for) with Mr. Kvale (against).
Mr. Schuetz (for) with Mr. Taber (against).

General pairs:

Mr. Luther A. Johnson with Mr. Crowther.
Mr. Cox with Mr. Gifford.
Mr. McReynolds with Mr. Millard.
Mr. Drewry of Virginia with Mr. White of Ohio.
Mr. Beam with Mr. Brewster.
Mr. Fulmer with Mr. Wigglesworth.
Mr. Mansfield with Mr. Plumley.
Mr. Taylor of Colorado with Mr. Clason.
Mr. Smith of West Virginia with Mr. Withrow.
Mr. Ramspeck with Mr. Shafer of Michigan.
Mr. Peterson of Georgia with Mr. Gilchrist.
Mr. Fernandez with Mr. Engel.
Mr. Cravens with Mr. Hartley.
Mr. Maloney with Mr. Schneider of Wisconsin.
Mr. Lewis of Maryland with Mr. Bernard.
Mr. Kelly of Illinois with Mr. Scrugham.
Mr. Smith of Connecticut with Mr. Boren.
Mr. Lucas with Mr. Kelly of New York.
Mr. Sirovich with Mr. Cannon of Wisconsin.
Mr. Somers of New York with Mr. Zimmerman.
Mr. McGrath with Mr. Casey of Massachusetts.
Mr. Citron with Mr. White of Idaho.
Mr. McGroarty with Mr. Cummings.
Mr. DeRouen with Mr. Wood.
Mr. Beverly M. Vincent with Mr. Dingell.
Mr. Owen with Mr. Ford of California.
Mr. Romjue with Mr. Dockweiler.
Mr. Peyser with Mr. Mitchell of Illinois.
Mr. Richards with Mr. Scott.
Mr. Farley with Mr. Hancock of North Carolina.
Mr. Sadowski with Mr. Phillips.
Mr. Healey with Mr. Jacobsen.
Mr. Hook with Mr. Higgins.

Mr. WOLVERTON changed his vote from "aye" to "no."

Mr. HAMILTON changed his vote from "no" to "aye."

Mr. WEARIN. Mr. Speaker, I voted by mistake for the gentleman from New York, Mr. MERRITT, when his name was called. I should like to have that correction made.

The result of the vote was announced as above recorded.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their own remarks on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. BOILEAU. Reserving the right of object, Mr. Speaker, this afternoon during the debate under the 5-minute rule there was some discussion between the gentleman from Arkansas [Mr. MILLER] and myself as to what had transpired during the general debate, with particular reference to a statement made by the gentleman from Arkansas that some Members had referred to the committee amendment during the general debate, at which time I stated I knew of no Member who referred particularly to the substitute amendment offered by the committee to the bill. If the Members of the House are to revise and extend their remarks, and any Member should, in the revision of his remarks, make reference to that substitute amendment, of course that would put me in a ridiculous position. If, on the other hand, the RECORD indicates I was in error I should be glad to apologize to the gentleman from Arkansas. I still think I am right in the matter. I shall not object, with the understanding that any remarks made prior to the statement I made on the floor should not contain any reference to the substitute amendment.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. SUMNERS]?

Mr. SUMNERS of Texas. Mr. Speaker, I am not sure that I understand the workability of that.

The SPEAKER. The Chair thinks it is proper to state that the Chair cannot undertake to censor any remarks that may have been made. The gentleman must object or not object to the request.

Is there objection?

Mr. BOILEAU. Further reserving the right to object, I shall not object, Mr. Speaker——

The SPEAKER. The Chair thinks it is proper to state that the statement made in explanation by the gentleman from Wisconsin will appear in the RECORD.

Mr. BOILEAU. I shall not object, Mr. Speaker; but in the event something should appear in the RECORD which would make it appear that I was wrong in my statement it would be necessary for me to make a further statement, and I would have to check up on the original transcript, which I would certainly do.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CHAIRMAN OF THE COMMITTEE ON LABOR

Mr. DOUGHTON. Mr. Speaker, I offer a privileged resolution.

The Clerk read as follows:

House Resolution 251

Resolved, That MARY T. NORTON, of New Jersey, be, and she is hereby, elected chairman of the standing Committee of the House of Representatives on Labor.

The resolution was agreed to.

MEMBER OF COMMITTEE ON LABOR

Mr. DOUGHTON. Mr. Speaker, I offer a further privileged resolution.

The Clerk read as follows:

House Resolution 252

Resolved, That GRAHAM A. BARDEN, of North Carolina, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on Labor.

The resolution was agreed to.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, I should like to ask the majority leader about the program for tomorrow. Of course, it is Calendar Wednesday, but I understand there will be an effort made to bring up a matter from the Committee on Ways and Means. Is that correct?

Mr. RAYBURN. That is correct.

Mr. RANKIN. Mr. Speaker, I desire to propound an inquiry to the gentleman from Texas. I understood the gentleman from Texas to say he intends to bring up a measure from the Ways and Means Committee tomorrow. Tomorrow is Calendar Wednesday, and the committees that have the call are entitled to the time, as I understand it, under the rules of the House.

Mr. RAYBURN. That is correct; and anybody can object who desires to object. However, it is thought that the matter from the Ways and Means Committee will take but a short time, and then we will go on with the Committee on Indian Affairs, and it will have its day tomorrow.

Mr. RANKIN. Mr. Speaker, I have objected to everybody getting time to speak on Calendar Wednesday for the reason that it seems that the only chance we have to get up a bill for veterans' legislation we now have on the calendar is when our turn comes on Calendar Wednesday. The Committee on Ways and Means can call up their legislation at any time because it is privileged. They do not need to ask unanimous consent. I hope that the gentleman from Texas will let that measure go over until Thursday instead of trying to take it up on Calendar Wednesday.

Mr. RAYBURN. The gentleman from North Carolina is going to ask unanimous consent tomorrow to call up the bill, which is very necessary.

Mr. RANKIN. What subject does it deal with?

Mr. RAYBURN. It provides funds for the operation of the railroad retirement act, and should be passed before the 1st of July.

Mr. RANKIN. I serve notice on the gentleman from Texas now that I am going to object to the Ways and Means Committee taking up any time on Calendar Wednesday until after we get our veterans' bill considered. That measure can wait till Thursday.

Mr. SNELL. The calendar has been called twice. The gentleman has had more than usual opportunity to get his bill before the House.

Mr. RAYBURN. Mr. Speaker, I may say to the gentleman from New York that we have called the calendar four times this session.

Mr. RANKIN. The Ways and Means Committee reports are privileged and can just as well be called up on Thursday as to be called up on Calendar Wednesday. I certainly shall object to the Ways and Means Committee taking up time on Calendar Wednesday until after we dispose of this widows, orphans, and gold star mothers' bill.

Mr. RAYBURN. Does the gentleman think his bill would be advanced by objecting to this request? I may say to the gentleman that the chairman of the Committee on Indian Affairs has agreed to this and will call up his Indian bills after the Ways and Means Committee bill is disposed of.

Mr. RANKIN. I understand; but it takes up the time of the House. After bills from the Committee on Indian Affairs are disposed of the call goes to other committees. Every other bill that is taken up on Calendar Wednesday by unanimous consent just postpones by that much the time when we can get a vote on this gold star mothers' bill.

Mr. RAYBURN. If the gentleman from Mississippi knew that the Committee on Indian Affairs had 15 bills, all controversial, he probably would not object.

Mr. RANKIN. I know, too, however, that Indian bills sometimes pass in the House as rapidly as they do in the Senate, and we might get rid of all the bills from that committee tomorrow. I hope the gentleman from Texas will carry the matter over until Thursday.

CONSTRUCTION OF PUBLIC WORKS IN THE DISTRICT OF COLUMBIA BY SECRETARY OF NAVY

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to file a supplementary report on the bill (H. R. 6547) to authorize the Secretary of the Navy to proceed with the construction of certain public works in or in the vicinity of the District of Columbia, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PIERCE. Mr. Speaker, I ask unanimous consent that on Thursday next after the reading of the Journal and the disposition of matters on the Speaker's table I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

EXTENSION OF REMARKS

Mr. SACKS asked and was given permission to revise and extend his own remarks.

The SPEAKER. The Chair thinks it is proper to state that under the previous order of the House the gentleman from Illinois [Mr. MASON] is entitled to be recognized for 15 minutes. The gentleman from Illinois has informed the Chair that it is not his purpose to use all of that time.

Does the gentleman from Illinois yield for the purpose of permitting the Chair to entertain these unanimous-consent requests?

Mr. MASON. I yield for that purpose, Mr. Speaker.

Mr. CHANDLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include some remarks which I made at the dedication of the new Marine Hospital at Memphis a few days ago.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. POLK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the life and character of Warren J. Duffey, late a Member of the House from the State of Ohio.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein an address delivered by my colleague the gentlewoman from Indiana [Mrs. JENCKES] in my district a few evenings ago in which she made many pertinent and kindly remarks relative to the subject of the payment of the war debts owed to the United States by foreign countries. I believe that her remarks on this subject deserve the careful reading of the Members of this House.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. QUINN. Mr. Speaker, I ask unanimous consent to revise my remarks in the RECORD and to include therein an address delivered by David Lawrence.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

[Mr. ALLEN of Delaware asked and was given permission to revise and extend his own remarks.]

Mr. O'NEILL of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the life and character of a former Member of this House, the late Franklin W. Fort, of New Jersey.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein a resolution passed by the Oklahoma State Legislature.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERSONAL EXPLANATION

Mr. MURDOCK of Arizona. Mr. Speaker, on yesterday I was unable to be present at the roll call on the passage of the railroad retirement bill, being unavoidably detained. Had I been present, I would have voted "yea."

Mr. MASON. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SOIL CONSERVATION AND THE EVER-NORMAL GRANARY

Mr. MASON. Mr. Speaker and Members of Congress, I propose to use the time alloted to me, first, to discuss in general terms the so-called farm problem; and, second, to point out the major provisions of H. R. 3687, the Agricultural Adjustment Act of 1937, and comment briefly upon those provisions.

History records many attempts of man to ignore the unchangeable laws of God. Without exception each attempt has ended in disaster. History teaches, therefore, that mankind cannot ignore natural law and prosper.

In 1929 a Republican administration made a sincere attempt to solve the so-called farm problem by establishing a Federal Farm Board under the chairmanship of Alexander Legge. The intention of the Republican leaders was praiseworthy, the plan was unsound. In an address at that time to a group of Illinois farmers I said, "Congress has given the Federal Farm Board an impossible task to perform. It is bound to end in failure." It did end in failure. Many millions were spent, but little accomplished.

In 1933, when Secretary Wallace set out to bring about "the more abundant life" by destroying foodstuffs and curtailing production, he went contrary to natural law. He thought he could create wealth by destroying wealth. He attempted to feed the hungry by making foodstuffs scarce. It was an expensive experiment. It cost the Nation billions of dollars, yet to be paid, but did not solve the problem.

At that time I advocated the ever normal granary plan in speeches and newspaper articles. The following article, published in September 1934, expressed my views then; and I have had no reason to change them since:

WHICH—OVERPRODUCTION OR UNDERCONSUMPTION?

Times have changed. Twenty years ago every farmer, every farm adviser, and every farm expert were bending their energies, concentrating their thought, upon the problem of soil fertility. They advised rotation of crops. They studied the effect of limestone and phosphate upon the soil. They planned to capture nitrogen from the air and imprison it in the soil by growing clover and alfalfa. Their whole purpose was to make two blades of grass grow where one grew before, two bushels of corn grow where one bushel grew before. Our dairy, poultry, cattle, and hog experts devoted their energies toward breeding cows that would give twice the quantity of milk per cow; hens that would lay twice as many eggs per hen; cattle and hogs that would give more pounds of beefsteak and bacon per animal for the amount of feed consumed. The whole aim or object of farm life was to make foodstuffs plentiful, available to all, and thereby bring about prosperity and happiness for all.

But times have changed. Today, our farmers and our farm advisers seem intent upon making one blade of grass grow where two blades grew last year; 1 bushel of corn grow where 2 bushels of corn grew last year. Today, we deliberately plan to curtail milk production, pig production, beef production, to create a scarcity, to force higher prices, to bring back prosperity and happiness for all.

I am wondering about this new scheme of things. I am doubtful about the soundness of this scarcity plan. Most people are also wondering. I ask myself the question: With millions of people in need of food, starving, with millions of people in rags, is there a surplus of foodstuffs and cotton that must be destroyed? Should we plow under cotton, throw pigs into rivers, and destroy foodstuffs? Is the problem not one of underconsumption rather than one of overproduction, because the millions in want haven't the purchasing power to buy what they need and should have?

I am wondering today also why the Federal Government is spending millions of dollars out West to build dams, to impound water, to irrigate desert acres, to produce more crops, and at the same time the Federal Government is spending millions of dollars to keep out of production fertile Illinois acres. I confess I am confused. I am doubtful. I am wondering. I believe this deep, black, fertile Illinois soil was placed here to be made use of. I believe we are going contrary to common sense, and to nature, when we spend millions of dollars of taxpayers' money to make desert acres produce crops, and at the same time order fertile Illinois acres to grow weeds. Because I believe many of our Illinois farmers are wondering about these things, I want to tell an old, old story, a true story, one found in God's Holy Word, a story that has a direct bearing upon the farmer's problem today.

Many years ago in the land of Egypt the King was confronted with the problem of a real crop surplus. He didn't know what to do, so he called his Brain Trust in and held a consultation over the matter. One bright young professor, only 30 years old—Joseph, by name—suggested a plan that was approved by the King. So the King made Joseph a dictator over all the land and gave him full power over all crop production. Did Joseph order cotton plowed under? Did Joseph order cattle and pigs destroyed? He did not. What did Joseph do? He sent out word to all the farmers of Egypt to grow as much grain as they could, to make their fertile acres produce as much as possible, and he gave orders at the same time that all surplus crops should be bought from the farmers by the Government at a fair price. By doing this he pegged the price of corn and prevented prices of farm products from falling below a fair established price, and the farmers prospered and were happy.

You know the rest of the story; how the 7 fat years gave place to the 7 lean years. How chinch bugs, grasshoppers, and the drought brought about a scarcity, and famine was in the land. Then Joseph unsealed the cribs, opened the storehouses and granaries, and fed the people with the accumulated surplus. The Government even made a profit by selling to other nations who were also suffering from famine.

I wonder if the Egyptian plan, Joseph's plan, God's plan, as recorded in His Holy Word, was not set forth for the guidance and information of our Tugwells and Wallaces. I believe it was. I also feel that insofar as our Federal Government has followed this plan, it has done well. Pegging the price of corn at 45 cents was a good thing. Buying up wheat, cattle, hogs, and feeding the starving people with them was also a good thing. But the destruction of foodstuffs, the plowing under of cotton, the killing of millions of little pigs and brood sows about to farrow cannot be justified, even as an experiment. To my way of thinking it is nothing less than a national crime. As a boy I was taught that it was sinful to waste good food, to destroy anything needed by society. Wholesale destruction by the Government, with millions in need, can only be classed as sin on a large scale. Nothing good can come out of wanton, deliberate, ordered destruction of foodstuffs by any government that calls itself Christian. I am wondering if the gentlemen that ordered it, Tugwell & Co., consider themselves Christians.

I was criticized very severely by some of the farm leaders at that time for daring to find fault with Wallace's farm program. You will recall that September 1934 was before the "honeymoon was over." It gives me considerable satisfaction today to see that the ever-normal granary is now a part of the Wallace program for farm relief.

H. R. 3687, the Agricultural Act of 1937, now before the Committee on Agriculture, but not yet before the House, is a composite bill that covers the following major farm relief programs:

a. Soil conservation. (Good.)
b. The ever-normal granary. (Good.)
c. Restricted production. (Doubtful.)
d. Marketing quotas. (Doubtful.)

The soil-conservation program contained in the bill is designed, according to the language of the bill, "To conserve our national soil resources and prevent the wasteful use of soil fertility." This is in line with the program that Frank O. Lowden has advocated for many years. It is necessary in order to guard against a scarcity of food products in the future, with consequent high prices and necessity for large importations. I have labeled this section of the bill "Good."

The need for the ever-normal granary, provided for in this bill, has been brought home to the American people very forcibly the last few years by the unpredictable droughts, the devastating dust storms, and the grasshopper and chinch-bug plagues that have offset the puny, futile efforts of man to regulate production, and that made necessary the importation of $1,000,000,000 worth of farm products during the past year. Because of this, I have also labeled this section of the bill "Good."

The program of restricted production contained in the bill gives the Secretary of Agriculture power to determine the acreage that may be planted in each basic crop; to estimate the normal yield; to make allowance for a stated carryover; and, when necessary, to require the cooperating farmer to reduce the acreage allowed him for that crop, and divert it to other uses. This program is inconsistent when we consider the millions of dollars already spent, the millions of dollars now being spent, and the millions more just appropriated to be spent, for the purpose of placing in production vast stretches of desert acres, now idle, to compete with fertile acres already under cultivation. This is a plain case of one branch of the Government working at cross purposes with another branch; a case of "the right hand not knowing what the left hand doeth." Restricted reclamation of desert acres should go hand in hand with restricted production upon fertile acres. Until that is brought about I label this provision "doubtful."

The marketing quota provision, which is the only mandatory provision contained in the bill, states that the American farmer, whenever the total supply of any basic crop reaches a certain level above the established normal supply, shall be given a marketing quota by the Secretary of Agriculture,

and that if he sells any more than the marketing quota assigned him, he will be required to pay a penalty upon the excess sold of 50 percent of the parity price. The bill provides that penalties are to be recovered by civil action brought in the name of the United States by the United States district attorney in each district.

These are the provisions of the section concerning excess-marketing penalties. These penalties are to be applied to all farmers, whether cooperators or not, and are mandatory and restrictive upon all alike.

The argument advanced for this mandatory requirement is the necessity for stabilizing the market price for all; and the claim is that this is the only possible method of doing so when surpluses exist. Until more light is shed upon this provision of the bill, I have labeled it also "doubtful."

And now Mr. Speaker, I cannot resist calling the attention of the Congress to the fact that the two outstanding good features of the bill, soil conservation and the ever-normal granary, comprise essentially the farm program long advocated by the Honorable Frank O. Lowden, the grand old man of Illinois. He knows more about the Nation's farm problem than any other man in the United States. He has given more study to the problem than any other man.

He has given more time to it than any other man. He was interested in and fully aware of this problem when most of our present Government farm experts were still wearing diapers. He would have solved our farm problem long ago if he had been given the opportunity.

As you know, Lowden was a candidate for the Presidency in 1920 and again in 1928. Both times he was the farmer's candidate, the farmer's champion. If the Republican Party had nominated Lowden for the Presidency either in 1920 or in 1928, he would have been elected. But the Republican leaders that were in control of the Elephant upon each of those occasions could not see that there was a serious farm problem, and so they turned thumbs down upon Lowden. The result was continued distress for the farmers of the Nation, and the defeat of the Republican Party in 1932.

The farm problem is not a partisan problem. It is a problem that needs the best thought of the leaders on both sides of the aisle. It is one that requires sane, sound, careful, farseeing action if it is to be properly and permanently solved. It affects the welfare of the city dweller as well as the farmer. It has been with us a long time awaiting a proper solution. It should be solved by this Congress.

In conclusion, Mr. Speaker, I ask, Is Congress big enough and nonpartisan enough to solve the vexing farm problem? The answer is "yes", emphatically "yes"! The question is, however, Will we do it?

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. LUTHER A. JOHNSON, of Texas (at the request of Mr. THOMASON of Texas), on account of death in family.

To Mr. KVALE (at the request of Mr. BOILEAU), for 1 week, on account of illness.

To Mr. DEEN, for several days, on account of important business.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 10. Concurrent resolution accepting the statue of Gen. William Henry Harrison Beadle, to be placed in Statuary Hall; to the Committee on the Library.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 703. An act for the relief of Elbert Arnold Jarrell;

H. R. 937. An act for the relief of Goldie Durham;

H. R. 988. An act for the relief of Otis Cordle, a minor;

H. R. 1065. An act for the relief of Mrs. Louis Abner;

H. R. 1275. An act for the relief of Sarah L. Smith;

H. R. 2090. An act for the relief of John Knaack;

H. R. 2108. An act for the relief of Dorothy White, Mrs. Carol M. White, and Charles A. White;

H. R. 2226. An act for the relief of Leah Levine;

H. R. 2630. An act for the relief of R. N. Teague and Minnie Teague;

H. R. 2781. An act for the relief of Rev. Harry J. Hill;

H. R. 2801. An act for the relief of Claude Curteman;

H. R. 2935. An act for the relief of Montrose Grimstead;

H. R. 3055. An act for the relief of the estate of John E. Callaway;

H. R. 3451. An act for the relief of F. M. Loeffler;

H. R. 3575. An act for the relief of Albert Retellatto, a minor;

H. R. 3583. An act for the relief of Martin J. Blazevich;

H. R. 3812. An act for the relief of the estate of Rees Morgan;

H. R. 4023. An act for the relief of Lucy Jane Ayer;

H. R. 4064. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1938, and for other purposes;

H. R. 4408. An act to provide for the renewal of star-route contracts at 4-year intervals, and for other purposes;

H. R. 5146. An act for the relief of Sarah E. Palmer;

H. R. 5214. An act conferring jurisdiction upon the United States District Court for the Eastern District of Arkansas to hear, determine, and render judgment upon the claim of Charles W. Benton; and

H. R. 5456. An act for the relief of Harold Scott and Ellis Marks.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 4. An act to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the original Norfolk (Va.) land grant and the two hundredth anniversary of the establishment of the city of Norfolk, Va., as a borough;

S. 102. An act to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the Battle of Antietam;

S. 119. An act to provide for the establishment of a Coast Guard station at or near Menominee, Mich.;

S. 187. An act providing for the suspension of annual assessment work on mining claims held by location in the United States;

S. 1374. An act to provide for the establishment of a Coast Guard station at or near Manistique, Mich.;

S. 1984. An act for the protection of the northern Pacific halibut fishery;

S. 2242. An act to further amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in The National Archives", approved March 3, 1925, as amended;

S. 2439. An act to extend the time for purchase and distribution of surplus agricultural commodities for relief purposes and to continue the Federal Surplus Commodities Corporation; and

S. J. Res. 111. Joint resolution to provide that the United States extend to foreign governments invitations to participate in the International Congress of Architects to be held in the United States during the calendar year 1939, and to authorize an appropriation to assist in meeting the expenses of the session.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 54 minutes p. m.), the House adjourned until tomorrow, Wednesday, June 23, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON NAVAL AFFAIRS

There will be a meeting of the full committee at 10:30 a. m. (open) on Wednesday, June 23, 1937, for the consideration of H. J. Res. 296, suspending action by Navy selection boards. Important.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the committee on Thursday, June 24, 1937, at 10 a. m., to continue hearings on H. R. 6968, to amend the Securities Act of 1933.

The Bridge Subcommittee of the Interstate and Foreign Commerce will hold a hearing at 10 a. m. Thursday, June 24, 1937, on H. R. 7405 and S. 2156, Omaha-Council Bluffs Missouri River bridge.

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, June 29, 1937, on H. R. 5182 and H. R. 6917, textile bills.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization, Wednesday, June 23, 1937, at 10:30 a. m., on H. R. 4710, and H. R. 4353, 4354, 4355, and 4356 (Starnes). Executive session.

COMMITTEE ON THE DISTRICT OF COLUMBIA

A subcommittee of the committee will meet at 9:30 a. m. in room 345, House Office Building, on Thursday, June 24, 1937, to consider H. R. 6811, to require each streetcar and bus * * * to carry a crew of two men; and H. R. 6862, to prescribe the maximum fare on streetcars and busses; and other matters relating to the transportation system.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., Tuesday, June 29, 1937, at 10 a. m. (eastern standard time), on H. R. 6039, and H. R. 7309, known as the Fishery Credit Act bills.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

675. A communication from the President of the United States transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1938, for the Department of Agriculture, for rent of buildings in the District of Columbia (H. Doc. No. 270); to the Committee on Appropriations and ordered to be printed.

676. A communication from the President of the United States transmitting a supplemental estimate of appropriation for the Executive Office for the fiscal year 1938, amounting to $17,000 (H. Doc. No. 269); to the Committee on Appropriations and ordered to be printed.

677. A letter from the Secretary of War transmitting a letter from the Chief of Engineers, United States Army, dated June 21, 1937, submitting a report, together with accompanying papers, on a preliminary examination and survey of Chandler River, Maine, authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. VINSON of Georgia: Committee on Naval Affairs. S. 2193. An act to authorize the construction of certain auxiliary vessels for the Navy; with amendment (Rept. No. 1072). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAY: Committee on Military Affairs. H. R. 4705. A bill to authorize the transfer of a certain piece of land in Breckinridge County, Ky., to the Commonwealth of Kentucky; without amendment (Rept. No. 1075). Referred to the Committee of the Whole House on the state of the Union.

Mrs. HONEYMAN: Committee on Indian Affairs. H. R. 5974. A bill to authorize payments in lieu of allotments to certain Indians of the Klamath Indian Reservation in the State of Oregon, and to regulate inheritance of restricted property within the Klamath Reservation; with amendment (Rept. No. 1076). Referred to the Committee of the Whole House on the state of the Union.

Mrs. HONEYMAN: Committee on Indian Affairs. H. R. 5976. A bill authorizing the establishment of a revolving loan fund for the Klamath Indians, Oregon, and for other purposes; with amendment (Rept. No. 1077). Referred to the Committee of the Whole House on the state of the Union.

Mr. WARREN: Committee on Merchant Marine and Fisheries. H. R. 4642. A bill to provide for the conveyance by the United States to the county of Beaufort, S. C., of the Hunting Island Lighthouse Reservation; with amendment (Rept. No. 1078). Referred to the Committee of the Whole House on the state of the Union.

Mr. WARREN: Committee on Merchant Marine and Fisheries. H. R. 6045. A bill authorizing and directing the Secretary of Commerce to transfer to the Government of Puerto Rico a portion of land within the Catano Rear Range Light Reservation, P. R., and for other purposes; with amendment (Rept. No. 1079). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. HAMILTON: Committee on Naval Affairs. S. 1474. An act to provide for the advancement on the retired list of the Navy of Clyde J. Nesser, a lieutenant (junior grade), United States Navy, retired; without amendment (Rept. No. 1073). Referred to the Committee of the Whole House.

Mr. PHILLIPS: Committee on Naval Affairs. H. R. 6402. A bill for the relief of Emory M. McCool, United States Navy, retired; with amendment (Rept. No. 1074). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 7611) to adjust the pay of certain Coast Guard officers on the retired list who were retired because of physical disability originating in line of duty in time of war; to the Committee on Merchant Marine and Fisheries.

By Mr. MARTIN of Colorado: A bill (H. R. 7612) to add certain lands to the San Isabel National Forest in the State of Colorado; to the Committee on the Public Lands.

By Mr. SMITH of Washington: A bill (H. R. 7613) to amend section 601 (c) (6) of the Revenue Act of 1932, as amended, with respect to the tax on imported lumber; to the Committee on Ways and Means.

By Mr. BLAND: A bill (H. R. 7614) to amend the act entitled, "An act for the establishment of marine schools, and for other purposes", approved March 4, 1911; to the Committee on Merchant Marine and Fisheries.

By Mr. DEMUTH: A bill (H. R. 7615) to authorize a preliminary examination and survey of Girtys Run, in Allegheny County, Pa., with a view to providing flood protection for the borough of Millvale; to the Committee on Flood Control.

By Mr. KELLER: A bill (H. R. 7616) to make available to each State enacting in 1937 an unemployment-compensation law a portion of the proceeds from the Federal employers' tax in such State for the years 1936 and 1937; to the Committee on Ways and Means.

By Mr. DEEN: A bill (H. R. 7617) to permit the filing of a suit by a claimant under a contract of Government insurance within 1 year from the date of denial of claim; to the Committee on World War Veterans' Legislation.

By Mr. DEROUEN: A bill (H. R. 7618) relating to the revested Oregon and California Railroad and reconveyed

Coos Bay Wagon Road grant lands situated in the State of Oregon; to the Committee on the Public Lands.

By Mr. WHITTINGTON: A bill (H. R. 7619) to authorize a preliminary examination and survey of Quiver River and the watershed thereof, in the State of Mississippi, for flood control, for run-off and waterflow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

Also, a bill (H. R. 7620) to authorize a preliminary examination and survey of Sunflower River and the watershed thereof, in the State of Mississippi, for flood control, for run-off and waterflow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. HILL of Oklahoma: A bill (H. R. 7621) to amend title 45, chapter 2, sections 51–59, of the Code of Laws of the United States; to the Committee on the Judiciary.

By Mr. LUECKE of Michigan: A bill (H. R. 7622) to amend the National Firearms Act; to the Committee on Ways and Means.

By Mr. PIERCE: A bill (H. R. 7623) to amend the act entitled "An act to provide for rural electrification, and for other purposes", approved May 20, 1936; to the Committee on Interstate and Foreign Commerce.

By Mr. REES of Kansas: A bill (H. R. 7624) to amend section 18 of the Judicial Code, as amended (U. S. C., 1934 ed., title 28, sec. 22); to the Committee on the Judiciary.

By Mr. DUNN: A bill (H. R. 7625) to regulate the hours of work and the workweek in civilian branches of the Federal Government, and for other purposes; to the Committee on the Civil Service.

By Mr. ROGERS of Oklahoma (by departmental request): A bill (H. R. 7626) to regulate the leasing of certain Indian lands for mining purposes; to the Committee on Indian Affairs.

By Mr. BINDERUP: A bill (H. R. 7627) to restore to Congress the sole power to issue money and to regulate its value as provided in article I, section 8, of the Constitution of the United States; to restore full employment and production; and to prevent inflation and depression; to provide a stable currency; to the Committee on Banking and Currency.

By Mr. HOFFMAN: Resolution (H. Res. 253) calling upon the President of the United States to issue a proclamation; to the Committee on Labor.

By Mr. MEAD: Resolution (H. Res. 254) to provide for an investigation of the operation and administration of the Postal Service in strike-bound areas; to the Committee on Rules.

By Mr. VINSON of Georgia: Resolution (H. Res. 255) making S. 2193, a bill to authorize the construction of certain auxiliary vessels for the Navy, a special order of business; to the Committee on Rules.

By Mr. SNYDER of Pennsylvania: Joint resolution (H. J. Res. 419) proposing an amendment to the Constitution of the United States relative to taxes on certain incomes; to the Committee on the Judiciary.

By Mr. CROSBY: Joint resolution (H. J. Res. 420) to authorize the coinage of 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the settlement of Meadville, Pa.; to the Committee on Coinage, Weights, and Measures.

By Mr. RYAN: Joint resolution (H. J. Res. 421) authorizing and directing the Comptroller General of the United States to certify for payment certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920 as per a certain contract authorized by the President; to the Committee on War Claims.

By Mr. BINDERUP: Joint resolution (H. J. Res. 422) proposing an amendment to the Constitution of the United States providing for direct proportional primaries to nominate candidates for President and Vice President, and for direct proportional election of such candidates; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. LAMNECK: Concurrent resolution (H. Con. Res. 19) requesting that Congress adjourn July 16; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CASE of South Dakota: A bill (H. R. 7628) granting a pension to Andrew Fox or Black War Bonnet; to the Committee on Pensions.

By Mr. CLAYPOOL: A bill (H. R. 7629) for the relief of Carl H. Enderlin, executor of the estate of Richard Enderlin, deceased; to the Committee on Claims.

Also, a bill (H. R. 7630) granting a pension to Hazel M. Beeman; to the Committee on Pensions.

By Mr. HAMILTON: A bill (H. R. 7631) for the relief of Charles L. Kee; to the Committee on Naval Affairs.

By Mr. HENNINGS: A bill (H. R. 7632) for the relief of Arthur Stein; to the Committee on Military Affairs.

Also, a bill (H. R. 7633) for the relief of James P. Spelman; to the Committee on Claims.

Also, a bill (H. R. 7634) for the relief of Gertrude Becherer; to the Committee on Claims.

By Mr. JOHNSON of West Virginia: A bill (H. R. 7635) for the relief of Sherman W. White; to the Committee on Claims.

By Mr. LANZETTA: A bill (H. R. 7636) for the relief of Olympio Medina; to the Committee on Claims .

By Mr. SIROVICH: A bill (H. R. 7637) for the relief of Marko Bralich, Anka Bralich, Ivan Bralich, Marija Bralich, and Marijan Bralich; to the Committee on Immigration and Naturalization.

By Mr. SMITH of Virginia: A bill (H. R. 7638) for the relief of John F. Bethune; to the Committee on Claims.

By Mr. SMITH of Washington: A bill (H. R. 7639) for the relief of Al D. Romine and Ann Romine; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2709. By Mr. COFFEE of Washington: Resolution of the Tacoma Central Labor Council, Tacoma, Wash., H. S. McIlvaigh, secretary, pointing out that employees of municipalities ought in all logic be given the benefits of the Social Security Act, and therefore requesting that Members of Congress support an amendment to the Social Security Act blanketing under such act such employees for the benefit and protection thereby accorded; to the Committee on Ways and Means.

2710. Also, resolution of the American Radio Telegraphists' Association, Local No. 6, Seattle, Wash., T. J. Van Ermen, secretary, stating that the pending Sheppard-Hill bill lays the basis for military dictatorship and industrial mobilization, and instead of removing the causes of war tends to increase the danger of war; insisting that such legislation will promote fascism under the excuse of war emergency, and therefore urging that Congress defeat the Sheppard-Hill bill, and thus protect our citizens and their civil liberties; to the Committee on Military Affairs.

2711. Also, resolution of the American Radio Telegraphists' Association, Local No. 6, Seattle, Wash., T. J. Van Ermen, secretary, opposing Senate bill 1710 and House bill 5193, known as the Guffey-Bland bill, on the ground that though the railway workers can enforce their demands because of the organized status of the Railway Labor Act, disputes affecting maritime workers can now be satisfactorily settled under the National Labor Relations Act, and that the Guffey-Bland bill would have the effect of regimenting the unions of maritime workers and would be detrimental to their best interests; to the Committee on Merchant Marine and Fisheries.

2712. Also, resolution of 1,000 citizens in mass meeting assembled in Tacoma, Wash., under the sponsorship of organized labor, pointing out that the uncontrovertible evidence has established the innocence of Tom Mooney and Warren K. Billings as to the alleged offenses for which they were incarcerated in California prisons, and pointing out further they were the victims of a disgraceful frame-up, and their continued imprisonment is a reproach to our Nation, and therefore demanding that the President and Congress request Governor Merriam forthwith to pardon Mooney and Billings and thus help to wipe out the blot upon our national reputation; to the Committee on the Judiciary.

2713. Also, resolution of American Radio Telegraphists' Association, Local No. 6, Seattle, Wash., T. J. Van Ermen, secretary, insisting that the United States Chamber of Commerce and the United States Association of Manufacturers are seeking to emasculate the National Labor Relations Act, pointing out that such act is labor's magna carta and guarantees for the first time in history the right of the worker to bargain collectively, free from interference by the employer, and therefore requesting that Congress resist any attempt to amend the National Labor Relations Act; to the Committee on Labor.

2714. Also, resolution of American Radio Telegraphists' Association, Local No. 6, Seattle, Wash., T. J. Van Ermen, secretary, urging the amendment of the Social Security Act to include maritime workers so that these latter will participate in the benefits of the act, and urging the support of a measure which is shortly to be introduced by Representative VOORHIS, of California; to the Committee on Ways and Means.

2715. By Mr. COLDEN: Assembly Joint Resolution No. 10, adopted by the Legislature of California, relative to memorializing the Congress of the United States to designate Armistice Day as a holiday; to the Committee on Military Affairs.

2716. Also, Assembly Joint Resolution No. 18, adopted by the Legislature of the State of California, relative to memorializing the President and the Congress of the United States to amend the Social Security Act so as to enable such States as may desire to do so to bring the employees of such States and the employees of its counties, cities, and other political subdivisions within the provisions of such act relating to old-age benefits; to the Committee on Ways and Means.

2717. Also, resolution adopted by the Pacific Coast Garment Manufacturers, of Los Angeles and San Francisco, Calif., approving certain portions of House bill 7200, known as the Fair Labor Standards Act of 1937, and disapproving certain other portions of said bill; to the Committee on Labor.

2718. Also, resolution adopted by the Sonoma County Real Estate Board on June 15, 1937, endorsing House bill 6873; also opposing the inclusion of hops in the reciprocal trade agreement now under negotiation with Czechoslovakia or other foreign hop-growing countries and the importation of hops by brewers, hop importers, or dealers so long as there is a surplus of hops available in this country; to the Committee on Agriculture.

2719. Also, resolution adopted by the Sixtieth Grand Parlor of the Native Sons of the Golden West, at Sonoma, Calif., May 17–20, 1937, urging that the Federal Government withhold action on the sale of the historic customhouse at Monterey, Calif., until representation can be made to the next session of the California State Legislature, following negotiations for the fixing of a reasonable price for the said property; to the Committee on Public Buildings and Grounds.

2720. By Mr. HILDEBRANDT: Resolution presented by National Farm Loan Association, of Hecla, S. Dak., favoring continuation of reduced rate of interest on farm-loan mortgages; to the Committee on Banking and Currency.

2721. Also, petition of Detroit Local, 295, National Federation of Post Office Clerks, in behalf of House bill 2691; to the Committee on the Post Office and Post Roads.

2722. Also, petition of Detroit Local of Post Office Clerks, in behalf of House bill 167; to the Committee on the Post Office and Post Roads.

2723. Also, petition of Detroit Local 295, National Federation of Post Office Clerks, in behalf of House bill 3415; to the Committee on the Post Office and Post Roads.

2724. By Mr. JARRETT: Petition of members of Protected Home Circle, Ridgway, Pa., favoring passage of House bill 6320; to the Committee on Ways and Means.

2725. Also, petition of Protected Home Circle, No. 20, of Franklin, Pa., opposing passage of House bill 6320; to the Committee on Ways and Means.

2726. By Mr. KENNEY: Petition of the Allied Democratic Club of Englewood, N. J., endorsing the Lindenthal railroad bridge across the Hudson River from New Jersey to New York; to the Committee on Interstate and Foreign Commerce.

2727. By Mr. WITHROW: Joint Resolution No. 117, A, passed by the Wisconsin Legislature, memorializing the Congress of the United States to pass House bill 5538, relating to blind pensions, now pending before the Congress; to the Committee on Pensions.

SENATE

WEDNESDAY, JUNE 23, 1937

(Legislative day of Tuesday, June 15, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, June 22, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting several nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

CALL OF THE ROLL

Mr. LEWIS. Mr. President, as the Army appropriation bill is to come before the Senate this morning, in order to assure the presence of a quorum, I ask that the roll be called.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	La Follette	Radcliffe
Andrews	Connally	Lee	Reynolds
Ashurst	Copeland	Lewis	Robinson
Austin	Davis	Lodge	Russell
Bailey	Dieterich	Logan	Schwartz
Bankhead	Duffy	Lonergan	Schwellenbach
Barkley	Ellender	Lundeen	Smathers
Bilbo	Frazier	McAdoo	Smith
Black	Gerry	McGill	Steiwer
Bone	Gillette	McKellar	Thomas, Okla.
Borah	Glass	McNary	Thomas, Utah
Bridges	Green	Minton	Townsend
Brown, Mich.	Guffey	Moore	Truman
Brown, N. H.	Harrison	Murray	Vandenberg
Bulkley	Hatch	Neely	Van Nuys
Bulow	Hayden	Nye	Wagner
Burke	Herring	O'Mahoney	Walsh
Byrnes	Hitchcock	Overton	Wheeler
Capper	Holt	Pepper	White
Caraway	Johnson, Calif.	Pittman	
Chavez	Johnson, Colo.	Pope	

Mr. SCHWELLENBACH. I am requested by the office of the senior Senator from Nebraska [Mr. NORRIS] to announce that he is absent on account of illness. I ask that this announcement stand for the day.

Mr. LEWIS. Mr. President, let me announce for the RECORD that the Senator from Utah [Mr. KING] and the Senator from Connecticut [Mr. MALONEY] are detained from the Senate because of illness.

The Senator from Tennessee [Mr. BERRY], the Senator from Virginia [Mr. BYRD], the Senator from Ohio [Mr. DONAHEY], the Senator from Georgia [Mr. GEORGE], the Senator from Delaware [Mr. HUGHES], the Senator from Nevada [Mr. MCCARRAN], the Senator from Texas [Mr. SHEPPARD], and the Senator from Maryland [Mr. TYDINGS] are all detained on important public business.

I ask that this announcement be entered for the day.

Mr. AUSTIN. I announce that the Senator from Vermont [Mr. GIBSON] and the Senator from Minnesota [Mr. SHIPSTEAD] are necessarily absent.

The PRESIDENT pro tempore. Eighty-two Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the joint resolution (H. J. Res. 361) making appropriations for relief purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOODRUM, Mr. BOYLAN, Mr. CANNON of Missouri, Mr. LUDLOW, Mr. MCMILLAN, Mr. SNYDER of Pennsylvania, Mr. TABER, Mr. BACON, and Mr. WIGGLESWORTH were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H. R. 2271) to provide for trials of and judgments upon the issue of good behavior in the case of certain Federal judges, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 4. An act to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the original Norfolk (Va.) land grant and the two hundredth anniversary of the establishment of the city of Norfolk, Va., as a borough;

S. 119. An act to provide for the establishment of a Coast Guard station at or near Menominee, Mich.;

S. 187. An act providing for the suspension of annual assessment work on mining claims held by location in the United States;

S. 1374. An act to provide for the establishment of a Coast Guard station at or near Manistique, Mich.;

S. 1984. An act for the protection of the northern Pacific halibut fishery;

S. 2242. An act to further amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in The National Archives", approved March 3, 1925, as amended;

S. 2439. An act to extend the time for purchase and distribution of surplus agricultural commodities for relief purposes and to continue the Federal Surplus Commodities Corporation;

H. R. 703. An act for the relief of Elbert Arnold Jarrell;

H. R. 937. An act for the relief of Goldie Durham;

H. R. 988. An act for the relief of Otis Cordle, a minor;

H. R. 1065. An act for the relief of Mrs. Louis Abner;

H. R. 1275. An act for the relief of Sarah L. Smith;

H. R. 2090. An act for the relief of John Knaack;

H. R. 2108. An act for the relief of Dorothy White, Mrs. Carol M. White, and Charles A. White;

H. R. 2226. An act for the relief of Leah Levine;

H. R. 2630. An act for the relief of R. N. Teague and Minnie Teague;

H. R. 2781. An act for the relief of Rev. Harry J. Hill;

H. R. 2801. An act for the relief of Claude Curteman;

H. R. 2935. An act for the relief of Montrose Grimstead;

H. R. 3055. An act for the relief of the estate of John E. Callaway;

H. R. 3451. An act for the relief of F. M. Loeffler;

H. R. 3575. An act for the relief of Albert Retellatto, a minor;

H. R. 3583. An act for the relief of Martin J. Blazevich;

H. R. 3812. An act for the relief of the estate of Rees Morgan;

H. R. 4023. An act for the relief of Lucy Jane Ayer;

H. R. 4064. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1938, and for other purposes;

H. R. 4408. An act to provide for the renewal of star-route contracts at 4-year intervals, and for other purposes;

H. R. 5146. An act for the relief of Sarah E. Palmer;

H. R. 5214. An act conferring jurisdiction upon the United States District Court for the Eastern District of Arkansas to hear, determine, and render judgment upon the claim of Charles W. Benton;

H. R. 5456. An act for the relief of Harold Scott and Ellis Marks; and

S. J. Res. 111. Joint resolution to provide that the United States extend to foreign governments invitations to participate in the International Congress of Architects to be held in the United States during the calendar year 1939, and to authorize an appropriation to assist in meeting the expenses of the session.

REPORT OF BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

The PRESIDENT pro tempore laid before the Senate a letter from the Chairman of the Board of Governors of the Federal Reserve System, transmitting the twenty-third annual report of the Board of Governors of that System, covering operations during the year 1936, which, with the accompanying report, was referred to the Committee on Banking and Currency.

RELIEF APPROPRIATIONS

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the joint resolution (H. J. Res. 361) making appropriations for relief purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ADAMS. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. ADAMS, Mr. MCKELLAR, Mr. HAYDEN, Mr. BYRNES, and Mr. STEIWER conferees on the part of the Senate.

CIVILIAN CONSERVATION CORPS—CONFERENCE REPORT

Mr. BLACK. Mr. President, the conferees on the part of the House and the Senate on the bill (H. R. 6551) to establish a Civilian Conservation Corps, and for other purposes, failed to reach a final and definite agreement, and a report to that effect was made to the House. I submit on behalf of the conferees on the part of the Senate the conference report on that bill.

The PRESIDENT pro tempore. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6551) to create a Civilian Conservation Corps, and for other purposes, having met, after full and free conference, have come to no agreement.

HUGO L. BLACK,
ROYAL S. COPELAND,
DAVID I. WALSH,
WM. E. BORAH,
ROBERT M. LA FOLLETTE, JR.,
Managers on the part of the Senate.

WILLIAM P. CONNERY, JR.,
MARY T. NORTON,
ROBERT RAMSPECK,
RICHARD J. WELCH,
FRED A. HARTLEY, JR.,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the report.

Mr. BLACK. Mr. President, after that report was made to the House the question was submitted to the House with respect to certain matters as to which there was substantial accord between the House and the Senate. The House has sent over to us an engrossed amendment to the original bill, House bill 6551. It is my intention in a moment to move that the Senate concur in that amendment with an amendment. Before making the motion, however, I wish to explain exactly what the result will be should it be agreed to.

The Senate will recall that there was a disagreement between the two Houses as to the length of time for which the Civilian Conservation Corps should be continued. The Senate voted to make it a permanent institution. The House, on the other hand, voted to extend it for 2 years. On full discussion between the conferees, the conclusion was reached that it was impossible to get the House to agree to making it a permanent institution. We therefore substantially reached an agreement, which was submitted to the House and is contained in the amendment which has been adopted by the House, to continue the Civilian Conservation Corps for a period of 3 years. For that reason, if the Senate shall concur in the House amendment, the corps will be continued for a period of 3 years.

The Senate bill contained a provision for civil service. The House bill did not contain such a provision; in fact, the House voted against the civil-service provision in the beginning of the consideration of the measure. They again voted against the inclusion of civil service in the engrossed amendment which is dated June 21, 1937. The result is that if we concur in the amendment of the House there will be no provision for civil service during the period of 3 years for which the Civilian Conservation Corps will be continued. As one of those who supported the idea of civil service in the beginning, and joined in insisting upon it in conference, I am of the opinion that it is wholly useless to attempt to reach an agreement with the House concerning the Senate provision for civil service.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. BLACK. I yield to the Senator from Idaho.

Mr. BORAH. In view of the fact that if the House amendment is adopted the Civilian Conservation Corps will be continued for only 3 years, the civil-service question is not nearly so important as it would have been if the corps were to be made permanent.

Mr. BLACK. I agree with the Senator fully. I may say I have talked with the Senator from Idaho, who is a member of the conference committee, about this, and I have also talked with other members of the conference committee. That is one of the reasons why it is my intention to make a motion to concur in the amendment of the House.

With reference to the other amendments which were placed on the bill by the Senate, one at the instance of the junior Senator from Utah [Mr. THOMAS], I will state that the amendment suggested by the House substantially carries out the idea which was favored by the Senator from Utah.

There is only one thing left in the bill which it is impossible for us to accept. It is for that reason I am going to move to accept the amendment of the House with an amendment which I shall submit in a moment.

It will be recalled that when the bill was before the Senate a question arose as to limiting the pay of enrollees. We did provide a limitation of pay of enrollees within certain defined boundaries. In adopting the amendment, however, the House provided:

> That the pay of enrollees shall not exceed $30 per month, except for not more than 10 percent, who may be designated as leaders and who shall receive not more than $36 a month: *Provided further*, That not to exceed 6 percent shall receive $45 as leader.

The amendment, therefore, as it comes to us provides $36 pay for some leaders and $45 pay for other leaders. In my judgment, it would be impossible to determine exactly which should prevail, the $45 wage or the $36 wage. Evidently what was intended was that the bill should provide for not more than 10 percent of enrollees to be designated as assistant leaders and that they should receive not more than $36 a month, and that not more than 6 percent of enrollees might be designated as leaders who should receive not more than $45 per month. That is the way it is operated now.

I send to the desk an amendment to correct the matter, and I shall move that the Senate concur in the House amendment with the amendment.

The PRESIDENT pro tempore. Let the Chair suggest to the Senator that the conference report should first be agreed to.

Mr. BLACK. That is true.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDENT pro tempore. The bill is now open to action by the Senate.

The Chair lays before the Senate the action of the House of Representatives on the amendment of the Senate to House bill 6551, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES,
UNITED STATES,
June 21, 1937.

Resolved, That the House recede from its disagreement to the amendment of the Senate to the bill (H. R. 6551) to establish a Civilian Conservation Corps, and for other purposes, and concur therein, with the following amendment:

In lieu of the matter proposed to be inserted by said amendment to insert:

"That there is hereby established the Civilian Conservation Corps, hereinafter called the Corps, for the purpose of providing employment, as well as vocational training, for youthful citizens of the United States who are unemployed and in need of employment, and to a limited extent as hereinafter set out, for war veterans and Indians, through the performance of useful public work in connection with the conservation and development of the natural resources of the United States, its Territories, and insular possessions: *Provided*, That at least 10 hours each week may be devoted to general educational and vocational training: *Provided*, That the provisions of this act shall continue for the period of 3 years after July 1, 1937, and no longer.

"SEC. 2. The President, by and with the advice and consent of the Senate, is authorized to appoint a Director at a salary of $10,000 per annum. The Director shall have complete and final authority in the functioning of the Corps, including the allotment of funds to cooperating Federal departments and agencies, subject to such rules and regulations as may be prescribed by the President in accordance with the provisions of this act.

"SEC. 3. In order to carry out the purpose of this act, the Director is authorized to provide for the employment of the Corps and its facilities on works of public interest or utility for the protection, restoration, regeneration, improvement, development, utilization, maintenance, or enjoyment of the natural resources of lands and waters, and the products thereof, including forests, fish, and wildlife on lands or interest in lands (including historical or archeological sites), belonging to, or under the jurisdiction or control of, the United States, its Territories, and insular possessions, and the several States: *Provided*, That the President may, in his discretion, authorize the Director to undertake projects on lands belonging to or under the jurisdiction or control of counties, and municipalities, and on lands in private ownership, but only for the purpose of doing thereon such kinds of cooperative work as are or may be provided for by acts of Congress, including the prevention and control of forest fires, forest tree pests and diseases, soil erosion, and floods: *Provided further*, That no projects shall be undertaken on lands or interests in lands, other than those belonging to or under the jurisdiction or control of the United States, unless adequate provisions are made by the cooperating agencies for the maintenance, operation, and utilization of such projects after completion.

"SEC. 4. There are hereby transferred to the Corps all enrolled personnel records papers, property, funds, and obligations of the Emergency Conservation Work established under the act of March 31, 1933 (48 Stat. 22), as amended; and the Corps shall take over the institution of the camp exchange heretofore established and maintained, under supervision of the War Department, in connection with and aiding in administration of Civilian Conservation Corps work camps conducted under the authority of said act as amended: *Provided*, That such camp exchange shall not sell to persons not connected with the operation of the Civilian Conservation Corps.

"SEC. 5. The Director and, under his supervision, the heads of other Federal departments or agencies cooperating in the work of the Corps, are authorized within the limit of the allotments of funds therefor, to appoint such civilian personnel as may be deemed necessary for the efficient and economical discharge of the functions of the Corps without regard to the civil-service laws and regulations.

"SEC. 6. The President may order Reserve officers of the Army and officers of the Naval and Marine Reserves and warrant officers of the Coast Guard to active duty with the Corps under the provisions of section 37a of the National Defense Act and the act of February 28, 1925, respectively.

"SEC. 7. The Director is authorized to have enrolled not to exceed 300,000 men at any one time, of which not more than 30,000 may be war veterans: *Provided*, That in addition thereto camps or facilities may be established for not to exceed 10,000 additional Indian enrollees and 5,000 additional territorial and insular possession enrollees.

"SEC. 8. The enrollees in the Corps (other than war veterans, enrollees in the Territories and insular possessions, Indians, not to exceed one mess steward, three cooks, and one leader per each company) shall be unmarried male citizens of the United States between the ages of 17 and 23 years, both inclusive, and shall at the time of enrollment be unemployed and in need of employment: *Provided*, That the Director may exclude from enrollment such classes of persons as he may consider detrimental to the well-being or welfare of the Corps, except that no person shall be excluded on account of race, color, or creed: *Provided further*, That enrollments shall be for a period of not less than 6 months and reenrollments (except in the case of one mess steward, three cooks, and one leader, in each company, and war veterans) shall not exceed a total term of 2 years: *Provided further*, That in the discretion of the Director continuous service by the enrollee during his period of enrollment shall not be required in any case where the enrollee attends an educational institution of his choice during his leave of absence: *Provided further*, That the Director shall be authorized to issue certificates of proficiency and merit to enrollees under such rules and regulations as he may provide.

"SEC. 9. The compensation of enrollees shall be in accordance with schedules approved by the President, and enrollees with dependent member or members of their families shall be required, under such regulations as may be prescribed by the Director, to make allotments of pay to such dependents. Other enrollees may make deposits of pay in amounts specified by the Director with the Chief of Finance, War Department, to be repaid in case of an emergency or upon completion of or release from enrollment and to receive the balance of their pay in cash monthly: *Provided*, That Indians may be excluded from these regulations: *Provided further*, That the pay of enrollees shall not exceed $30 per month, except for not more than 10 percent who may be designated as leaders and who shall receive not more than $36 a month: *Provided further*, That not to exceed 6 percent shall receive $45 as leader.

"SEC. 10. Enrollees shall be provided, in addition to the monthly rates of pay, with such quarters, subsistence, and clothing, or commutation in lieu thereof, medical attention, hospitalization, and transportation as the Director may deem necessary: *Provided*, That burial, embalming, and transportation expenses of deceased enrolled members of the corps, regardless of the cause and place of death, shall be paid in accordance with regulations of the Employees' Compensation Commission: *Provided further*, That the provisions of the act of February 15, 1934 (U. S. C., 1934 ed., title 5, sec. 796), relating to disability or death compensation and benefits shall apply to the enrolled personnel of the corps.

"SEC. 11. The Chief of Finance, War Department, is hereby designated, empowered, and directed, until otherwise ordered by the President, to act as the fiscal agent of the Director in carrying out the provisions of this act: *Provided*, That funds allocated to Government agencies for obligation under this act may be expended in accordance with the laws, rules, and regulations governing the usual work of such agency, except as otherwise stipulated in this act: *Provided further*, That in incurring expenditures, the provisions of section 3709, Revised Statutes (U. S. C., 1934 ed., title 41, sec. 5), shall not apply to any purchase or service when the aggregate amount involved does not exceed the sum of $300.

"SEC. 12. The President is hereby authorized to utilize the services and facilities of such departments or agencies of the Government as he may deem necessary for carrying out the purposes of this act.

"SEC. 13. The Director and, under his supervision, the cooperating departments and agencies of the Federal Government are authorized to enter into such cooperative agreements with States and civil divisions as may be necessary for the purpose of utilizing the services and facilities thereof.

"SEC. 14. The Director may authorize the expenditure of such amounts as he may deem necessary for supplies, materials, and equipment for enrollees to be used in connection with their work, instruction, recreation, health, and welfare, and may also authorize expenditures for the transportation and subsistence of selected applicants for enrollment and of discharged enrollees while en route upon discharge to their homes.

"SEC. 15. That personal property as defined in the act of May 29, 1935 (49 Stat. 311), belonging to the Corps and declared surplus by the Director, shall be disposed of by the Procurement Division, Treasury Department, in accordance with the provisions of said act: *Provided*, That unserviceable property in the custody of any department shall be disposed of under the regulations of that department.

"SEC. 16. The Director and, under his supervision, the heads of cooperating departments and agencies are authorized to consider, ascertain, adjust, determine, and pay from the funds appropriated by Congress to carry out the provisions of this act any claim arising out of operations authorized by the act accruing after the effective date thereof on account of damage to or loss of property or on account of personal injury to persons not provided for by section 10 of this act, caused by the negligence of any enrollee or employee of the Corps while acting within the scope of his employment: *Provided*, That the amount allowed on account of personal injury shall be limited to necessary medical and hospital expenses: *Provided further*, That this section shall not apply to any claim on account of personal injury for which a remedy is provided by section 10 of this act: *Provided further*, That no claim shall be considered hereunder which is in excess of $500, or which is not presented in writing within 1 year from the date of accrual thereof: *Provided further*, That acceptance by any claimant of the amount allowed on account of his claim shall be deemed to be in full settlement thereof, and the action of the Director or of the head of a cooperating department or agency upon such claim so accepted by the claimant shall be conclusive.

"SEC. 17. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the purpose of carrying out the purposes of this act: *Provided*, That no part of any such appropriation shall be used in any way to pay any expense in connection with the conduct, operation, or management of any camp exchange, save and except such camp exchanges as are established and operated, in accordance with regulations to be prescribed by the Director, at such camps as may be designated by him, for real assistance and convenience to enrollees in supplying them and their supervising personnel on duty at any such camp with articles of ordinary use and consumption not furnished by the Government: *Provided further*, That the person in charge of any such camp exchange shall certify, monthly, that during the preceding calendar month such exchange was operated in compliance therewith.

"SEC. 18. This act, except as otherwise provided, shall take effect July 1, 1937."

Mr. BLACK. I now submit my amendment and move that the Senate concur in the amendment of the House with the amendment which I ask may be read.

The PRESIDENT pro tempore. The amendment to the House amendment will be stated.

The CHIEF CLERK. On page 5 of the amendment of the House of Representatives, in section 9, it is proposed to strike out the last proviso, as follows:

Provided further, That the pay of enrollees shall not exceed $30 per month, except for not more than 10 percent who may be designated as leaders and who shall receive not more than $36 a month: *Provided further*, That not to exceed 6 percent shall receive $45 as leader.

And to insert in lieu thereof the following:

Provided further, That the pay of enrollees shall not exceed $30 per month except for not more than 10 percent who may be designated as assistant leaders and who shall receive not more than $36 per month: *Provided further*, That not to exceed an additional 6 percent of such enrollees who may be designated as leaders and may receive not more than $45 per month as such leaders.

So as to make section 9 of the amendment of the House read:

SEC. 9. The compensation of enrollees shall be in accordance with schedules approved by the President, and enrollees with dependent member or members of their families shall be required, under such regulations as may be prescribed by the Director, to make allotments of pay to such dependents. Other enrollees may make deposits of pay in amounts specified by the Director with the Chief of Finance, War Department, to be repaid in case of an emergency or upon completion of or release from enrollment and to receive the balance of their pay in cash monthly: *Provided*, That Indians may be excluded from these regulations: *Provided further*, That the pay of enrollees shall not exceed $30 per month except for not more than 10 percent, who may be designated as assistant leaders and who shall receive not more than $36 per month: *Provided further*, That not to exceed an additional 6 percent of such enrollees who may be designated as leaders and may receive not more than $45 per month as such leaders.

The amendment of Mr. BLACK to the amendment of the House was agreed to.

The amendment of the House, as amended, was agreed to.

LOW-COST HOUSING

Mr. WAGNER presented sundry newspaper articles and editorials endorsing or pertaining to the pending low-cost housing bill, which were referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES

Mr. COPELAND (for Mr. SHEPPARD), from the Committee on Commerce, to which were referred the following bills,

reported them each without amendment and submitted reports thereon:

S. 2661. A bill granting the consent of Congress to a compact entered into by the States of Maine and New Hampshire for the creation of the Maine-New Hampshire Interstate Bridge Authority (Rept. No. 795); and

S. 2662. A bill authorizing the Maine-New Hampshire Interstate Bridge Authority to construct, maintain, and operate a toll bridge across the Piscataqua River at or near Portsmouth, State of New Hampshire (Rept. No. 796).

Mr. LOGAN, from the Committee on the Judiciary, to which was referred the bill (S. 1986) to amend section 42 of title 7 of the Canal Zone Code, reported it with an amendment and submitted a report (No. 797) thereon.

He also, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 1851. A bill for the relief of W. D. Davis (Rept. No. 798);

H. R. 2757. A bill to carry out the findings of the Court of Claims in the claim of the Morse Dry Dock & Repair Co. (Rept. No. 799);

H. R. 2774. A bill for the relief of certain employees of the Division of Investigation, Department of the Interior, and certain disbursing officers of the Department of the Interior (Rept. No. 800);

H. R. 4682. A bill for the relief of W. R. Fuchs (Rept. No. 801);

H. R. 5337. A bill for the relief of Charles B. Murphy (Rept. No. 802); and

H. R. 6230. A bill for the relief of certain former disbursing officers of the Veterans' Administration and of the Bureau of War Risk Insurance, Federal Board for Vocational Education, and the United States Veterans' Bureau (now Veterans' Administration) (Rept. No. 803).

Mr. ELLENDER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 607. A bill for the relief of Dorothy McCourt (Rept. No. 804);

H. R. 1235. A bill for the relief of John Brennan (Rept. No. 805); and

H. R. 1761. A bill for the relief of Paul J. Francis (Rept. No. 806).

Mr. TOWNSEND, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 3565. A bill for the relief of the Northwestern Ohio Mutual Rodded Fire Insurance Co. (Rept. No. 807);

H. R. 3809. A bill for the relief of H. E. Wingard (Rept. No. 808); and

H. R. 4623. A bill for the relief of C. O. Eastman (Rept. No. 809).

Mr. BROWN of Michigan, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 563. A bill for the relief of E. W. Garrison (Rept. No. 810);

H. R. 2482. A bill for the relief of Lonnie O. Ledford (Rept. No. 811); and

H. R. 3262. A bill for the relief of John H. Wykle (Rept. No. 812).

Mr. SMATHERS, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 2934. A bill for the relief of Raymond E. Payne and Anna R. Payne (Rept. No. 813); and

H. R. 5102. A bill for the relief of Mr. and Mrs. Frank Muzio (Rept. No. 814).

Mr. PITTMAN, from the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 150) to provide for the appointment of a delegate to the Fifth World Congress of the Deaf, reported it without amendment and submitted a report (No. 815) thereon.

HISTORICAL AND EDUCATIONAL MATERIAL OF THE NORTHWEST TERRITORY CELEBRATION COMMISSION

Mr. BARKLEY. From the Committee on the Library, I report back favorably, without amendment, the joint resolution (H. J. Res. 380) to provide for the publication and sale by the Northwest Territory Celebration Commission of certain historical and educational material, and ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That the joint resolution entitled "Joint resolution to provide for the observance and celebration of the one hundred and fiftieth anniversary of the adoption of the Ordinance of 1787 and the settlement of the Northwest Territory", approved August 2, 1935, is amended by adding at the end thereof a new section to read as follows:

"SEC. 5. (a) The Commission is authorized to prepare, publish, and sell such historical and educational material pertaining to the Ordinance of 1787 and the settlement of the Northwest Territory as it deems advisable for the dissemination of information and the advancement of knowledge concerning such ordinance and settlement. Sums received from the sale of such published material are hereby authorized to be appropriated as a revolving fund for the continued publication and sale of such material.

"(b) The Commission is authorized to have printing, binding, photolithography, and other work done at establishments other than the Government Printing Office."

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills and joint resolution:

On June 22, 1937:

S. 102. An act to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the Battle of Antietam; and

S. 713. An act to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926.

On June 23, 1937:

S. 4. An act to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the original Norfolk (Va.) land grant and the two hundredth anniversary of the establishment of the city of Norfolk, Va., as a borough;

S. 119. An act to provide for the establishment of a Coast Guard station at or near Menominee, Mich.;

S. 187. An act providing for the suspension of annual assessment work on mining claims held by location in the United States;

S. 1374. An act to provide for the establishment of a Coast Guard station at or near Manistique, Mich.;

S. 1984. An act for the protection of the northern Pacific halibut fishery;

S. 2242. An act to further amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in The National Archives", approved March 3, 1925, as amended;

S. 2439. An act to extend the time for purchase and distribution of surplus agricultural commodities for relief purposes and to continue the Federal Surplus Commodities Corporation; and

S. J. Res. 111. Joint resolution to provide that the United States extend to foreign governments invitations to participate in the International Congress of Architects to be held in the United States during the calendar year 1939, and to authorize an appropriation to assist in meeting the expenses of the session.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. COPELAND:

A bill (S. 2699) for the relief of Max D. Ordmann; to the Committee on Claims.

By Mr. ROBINSON:

A bill (S. 2700) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a General Auditing Office and a Department of Welfare, and for other purposes; to the Select Committee on Government Organization.

By Mr. WHEELER:

A bill (S. 2701) relating to certain lands within the boundaries of the Crow Reservation, Mont.; to the Committee on Indian Affairs.

HOUSE BILL REFERRED

The bill (H. R. 2271) to provide for trials of and judgments upon the issue of good behavior in the case of certain Federal judges was read twice by its title and referred to the Committee on the Judiciary.

EXTENSION OF CERTAIN TAXES—AMENDMENT

Mr. MOORE submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 375) to provide revenue, and for other purposes, which was ordered to lie on the table and to be printed.

ADDRESSES BY SENATOR CONNALLY AT OPENING OF PAN AMERICAN EXPOSITION, DALLAS, TEX.

[Mr. HATCH asked and obtained leave to have printed in the RECORD two addresses delivered by Senator CONNALLY at the opening of the Greater Texas and Pan American Exposition at Dallas, Tex., on June 12, 1937, which appear in the Appendix.]

ADDRESS BY SENATOR REYNOLDS TO LAW ENFORCEMENT OFFICERS' ASSOCIATION OF NORTH AND SOUTH CAROLINA

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an address delivered by him on Sunday, June 20, 1930, at Asheville, N. C., before the Law Enforcement Officers' Association of North and South Carolina, which appears in the Appendix.]

MAXIMUM HOURS AND MINIMUM WAGES—ADDRESS BY SENATOR BRIDGES

[Mr. MCNARY asked and obtained leave to have printed in the RECORD a radio address delivered by Senator BRIDGES on the purposes and provisions of the so-called Black-Connery bill and his substitute therefor, which appears in the Appendix.]

STATEMENT BY WILLIAM GREEN: LOW-COST HOUSING LEGISLATION

[Mr. WAGNER asked and obtained leave to have printed in the RECORD a statement issued today by William Green, president of the American Federation of Labor, pertaining to delay in acting on the pending low-cost housing bill, which appears in the Appendix.]

APPROPRIATIONS FOR WAR DEPARTMENT

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H. R. 6692) making appropriations for the Military Establishment for the fiscal year ending June 30, 1938, and for other purposes.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from North Dakota [Mr. FRAZIER].

Mr. FRAZIER. Mr. President, just before the Senate recessed last evening I offered an amendment to the pending War Department appropriation bill. For the benefit of Senators who were not present last evening when the amendment was stated I shall read it again:

On page 63, line 20, after the words "Officers' Training Corps", it is proposed to insert the following proviso:

"*Provided further*, That none of the funds appropriated in this act shall be used for or toward the support of any compulsory military course or military training in any civil school or college, or for the pay of any officer, enlisted man, or employee of any civil school or college which suspends, expels, or otherwise penalizes students who, because of conscientious convictions or because of religious beliefs, object to enrollment in a course in military training; but nothing herein shall be construed as applying to essentially military schools or colleges."

Mr. President, this is a modification of the amendment which I offered to the War Department appropriation bill last year. At that time I offered an amendment to provide that none of the funds should be used at institutions where there was a compulsory course in military training. This amendment applies only to those who have conscientious or religious objections to taking military training.

It seems to me there should be no objection to the amendment. The Congress itself, at the time of the World War, included in the draft bill a provision that conscientious or religious objectors should be exempted from bearing arms. The Constitution itself, of course, gives us the right to worship as we wish and to have any religious belief we desire.

Under the present situation there have been several cases where young men have been expelled from universities or colleges or high schools because they objected on religious grounds to military training. My amendment would prevent such expulsions. It would not affect the R. O. T. C. enrollment in any way, but would protect the rights of individual students who may have conscientious objections.

Several State institutions have suspended or expelled students who have had such objections. In 1931 three high-school boys, sons of Seventh-Day Adventists, were suspended from the Council Bluffs, Iowa, high school.

In 1932 two students, a Methodist and a Unitarian, were suspended from the University of Maryland.

In 1932 two students, Methodists, were suspended from the University of California at Los Angeles.

In 1933 seven students, of four or five different religious denominations, were suspended from the Ohio State University.

In 1934 a student, a Baptist, was suspended from the University of Missouri, and two students were suspended from the Kansas State College, a local court upholding the suspensions.

One student was suspended in 1935 from the University of West Virginia. In 1935 the high school at Bangor, Maine, suspended a 14-year-old boy because he did not want to take military training.

In 1936 in a case at Massachusetts Institute of Technology a boy was suspended, and in January 1937 at Ohio State University two students were suspended because they had conscientious scruples against taking military training.

Mr. President, my amendment would protect only young men of that type. The land-grant colleges, of course, have military training. There is nothing in the Morrill Act, which established the land-grant colleges, to authorize compulsory military training. It seems to me unfair to compel boys, especially those who have conscientious objections or religious scruples against military training, to take the military training course.

While I might speak at length in regard to the amendment I do not intend to do so, for I know Members of the Senate are anxious to complete consideration of the measure. So far as I know, at the present time in only three States have the land-grant colleges, supported by the Government of the United States, made their military course an elective one. Those three States are Wisconsin, where the State legislature a few years ago prohibited the compulsory features of military training in their land-grant college; the State of Minnesota, where the State board of regents prohibited the compulsory feature of military training; and the State of North Dakota, the legislature of which at the beginning of 1937 enacted a law prohibiting the compulsory feature of military training in our State institutions.

Mr. DUFFY. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield to the Senator from Wisconsin.

Mr. DUFFY. Does not the Senator feel that it is better to have either the State legislature or the board of regents or the board of trustees of an educational institution pass on that matter, knowing their local situation, rather than for us to lay down an arbitrary rule?

Mr. FRAZIER. Of course that is a matter of opinion; but in the California case, which was taken into the courts, involving some young men who were expelled from one of the universities there, I desire to quote briefly from the opinion of the Supreme Court:

> The conscientious objector is relieved from the obligation to bear arms in obedience to no constitutional provision, express or implied, but because, and only because, it has accorded with the policy of Congress thus to relieve him. * * * The privilege of the native born conscientious objectors to avoid bearing arms comes not from the Constitution but from the acts of Congress. That body may grant or withhold the exemption as in its wisdom it sees fit.

That was the opinion of the Court in upholding the action of the State board in expelling some young men from the University of California. The Court held that the young men, if they entered the college, must comply with the course of study that was laid down in the college, and of course the State authorities said they must take military training in order to graduate. The Court held that the young men must take it in order to get their degrees.

Mr. DUFFY. Mr. President, will the Senator yield further?

The PRESIDENT pro tempore. Does the Senator from North Dakota further yield to the Senator from Wisconsin?

Mr. FRAZIER. I yield.

Mr. DUFFY. Does the Senator contend that there is anything in the Federal laws or regulations which compels a State board of regents or board of trustees to require military training?

Mr. FRAZIER. No; there is nothing of that kind in the law. I so stated; but it was held that way until recent years. I think until about 1930 it was generally contended that the land-grant colleges must have compulsory military training in order to get the benefits of the Morrill Act from the United States Government; but at that time there was an opinion by Attorney General Mitchell, which I put in the RECORD a year ago, holding that there was no compulsory feature in the Morrill Act.

Mr. President, I should like very much to have a record vote on this amendment. I believe it is only fair to protect the religious scruples of our young men who attend our colleges. I am not saying anything about the lack of religious scruples in a number of our young people; but there is some criticism along that line, and it is made, too, with regard to old people. But where people have religious scruples I believe they should be protected; and if their religious scruples are against military training, let Congress provide that no school shall have the benefit of the money appropriated in this bill for military training where the school authorities take the ground that they must expel boys who refuse or do not want to take the military training because of religious beliefs or conscientious objections.

Mr. BORAH. Mr. President——

Mr. FRAZIER. I yield to the Senator from Idaho.

Mr. BORAH. The Senator read from a decision of the Supreme Court. Was the Court there construing a State law or an act of Congress?

Mr. FRAZIER. It was construing the act of the State authorities, upholding their decision to expel these boys from college.

Mr. CONNALLY. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Texas?

Mr. FRAZIER. I yield.

Mr. CONNALLY. Does not the Senator recognize the right of State institutions to prescribe the manner in which they shall be conducted?

Mr. FRAZIER. Oh, yes; of course.

Mr. CONNALLY. Suppose a State school requires military training to be taken by every one who attends it, would the Senator wish to disrupt that whole school because a young man had conscientious scruples about fighting?

Mr. FRAZIER. I do not see that it would disrupt the whole school by any means.

Mr. BORAH. I do not think that would be the effect of the amendment.

Mr. CONNALLY. The Senator from North Dakota said he wanted to withhold funds from any school which prescribes that its students shall take military training, or which makes military training compulsory.

Mr. BORAH. As I understand, the funds are to be withheld only in case the schools expel students for failure to take such training.

Mr. CONNALLY. The schools do not admit students if they will not take military training. If they do get in, though, and then do not abide by the rules of the college, under the Senator's amendment the school authorities could not expel them. The school authorities would have to keep the students and exempt them from military training.

I wonder if the Senator would exempt persons from paying taxes who have conscientious scruples against paying taxes.

Mr. FRAZIER. That is a far-fetched suggestion.

Mr. CONNALLY. It is not far-fetched at all. We owe to the Government the duty of defending it with our bodies, if necessary, in time of war, and of defending it in time of peace by paying taxes.

Mr. FRAZIER. I called attention to the fact that the Congress itself had exempted conscientious objectors.

Mr. CONNALLY. Exactly. Congress did, in the Draft Act, exempt conscientious objectors; and the authorities had more trouble in looking after them than they did with the Germans. As a matter of fact, Congress has been generous; but I am not going to vote for an amendment which undertakes to dictate to the States how they shall operate their educational institutions.

Mr. FRAZIER. I do not think the Government had any particular trouble in looking after conscientious objectors. They were given what were termed "nonmilitary duties", such as washing dishes in the camps, or something of that kind.

Mr. DUFFY. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Wisconsin?

Mr. FRAZIER. I yield.

Mr. DUFFY. I note that the Senator's amendment reads:

> Or otherwise penalizes students who * * * object to enrollment in courses of military instructions.

I should suppose that if a student objected, and was not required to take one of these courses, the faculty or the board of regents might require that some substitute course be taken in order to get in the usual number of hours of study. Is that what the Senator means by penalizing a student?

Mr. FRAZIER. I referred to cases such as the one in Massachusetts, where a boy was expelled or threatened with expulsion, and the school authorities finally compromised by telling him that he could stay there and take the courses of study but could not get a diploma. That was what I particularly referred to.

Mr. DUFFY. It was not the idea of objecting to the student filling in those 2 hours a week, say, by some other study that might be prescribed?

Mr. FRAZIER. Oh, no. That would not be penalizing him at all, as I see it.

Mr. AUSTIN. Mr. President, I do not interpret the amendment offered by the Senator from North Dakota [Mr. FRAZIER] in exactly the same way that the Senator from North Dakota does. I think his amendment, by the ordinary meaning of words and punctuation, has two parts. One of them prohibits the use of—

> Funds appropriated in this act * * * for or toward the support of any compulsory military course or military training in any civil school or college.

The other part of the amendment prohibits the use of such funds—

> For the pay of any officer, enlisted man, or employee at any civil school or college which suspends, expels, or otherwise penalizes students who, because of conscientious convictions or because of

religious belief, object to enrollment in courses of military instructions.

As to the first part of the proposal, it, of course, would comprehend land-grant colleges, and it would completely nullify the provisions contained on pages 60 to 63 relating to the financing of citizens' military training camps and the Reserve Officers' Training Corps, because the land-grant colleges are under condition to carry out the training for Reserve officers by virtue of the act of 1916 and the subsequent act of 1920.

Mr. FRAZIER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from North Dakota?

Mr. AUSTIN. I yield.

Mr. FRAZIER. If the Senator from Vermont makes that technical point with regard to the language of the amendment, I shall be very glad to have him correct either the punctuation or the language. All I intended was to cover the case of schools or colleges where military training is compulsory, where officers or enlisted men are paid, and where students who refuse to take military training are suspended or expelled or otherwise penalized.

Mr. AUSTIN. Mr. President, my impression is that the entire amendment would have to be rearranged and rewritten to do that. I have tried to imagine amending the amendment by striking out or changing a word or two and changing the punctuation to effectuate that object, and I cannot quite make it work. If, however, that were done, and we were dealing with an amendment which would bar the use of the money appropriated for the purpose of maintaining and carrying on the education of young men in land-grant colleges and other colleges that include in their curricula military training, then we should run into trouble with the words "otherwise penalizes"; for if the law of 1916 is to be carried out, then anybody who enters upon a course of study which includes military training, either by option or by compulsion, is penalized if he fails to carry on his work. In the event the amendment were amended as suggested by the Senator from North Dakota, it would have for its object control of the schools and colleges to such an extent that they must submit to a lack of discipline by the student. They must let the student, having either elected or come under the compulsion of the statute of the State, choose whenever he likes to take classes in military science or to stay away from them, to take part of the course and drop it, or to carry it through to completion while conforming to the requirements of the curriculum for a degree in the particular course in which military science is included. That, of course, is an absurd thing for Congress to undertake to do, and it ought not to be done in any event.

I am opposed to this amendment in any form in which it may be written, primarily because it violates an obligation between the United States and every State in the Union; secondarily because it violates a general policy in which I believe, that is, that the Federal Government should keep its hands off the regulation of education in each and every State of the Union. The matter of what courses shall be prescribed and what courses shall be elective is a matter entirely up to the school or university, save in a case where the State has bound itself to maintain a college which must have for its leading object military education.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. FRAZIER. As I understand the Senator, he contends that the amendment violates an agreement or an understanding between the Government and the various States.

Mr. AUSTIN. Yes.

Mr. FRAZIER. I should like to know just what the Senator means by that.

Mr. AUSTIN. I will indicate it at this point. I call attention to section 3 of the act approved July 2, 1862—Twelfth Statutes, page 503—which is commonly called the first Morrill Act, and which reads as follows:

> Third. Any State which may take and claim the benefit of the provisions of this act shall provide, within 5 years, at least not less than one college, as described in the fourth section of this act, or the grant to such State shall cease; and said State shall be bound to pay to the United States the amount received of any lands previously sold and that the title to purchasers under the State shall be valid.

I call attention to the proviso to the grant of this land to the States to which reference is made in the section I have read, the section providing for the forfeiture for nonperformance of the conditions I am to read. In the original, section 4 read as follows:

> That all moneys derived from the sale of the lands aforesaid by the States to which the lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States or of the States, or some other safe stocks, yielding not less than 5 percent upon the par value of said stocks; and that the moneys so invested shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in sec. 5 of this act), and the interest of which shall be inviolably appropriated by each State which may take and claim the benefit of this act to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, and in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

That language has been confirmed on several different occasions since 1862. In 1883 it was reenacted, save for a change in the investment provision, the proviso reading in the act of 1883 as follows:

> *Provided*, That the moneys so invested or loaned shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in sec. 5 of this act), and the interest of which shall be inviolably appropriated by each State which may take and claim the benefit of this act to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life.

I pause in the reading of the act to call attention to the provisions here. First, the condition of this grant is that the leading object of the college which shall be created by the State which accepts the grant shall be the instruction in military science; second, the grant is made in such manner that a certain discretion is given to the State with respect to the exercise of its control over education within its own borders. It reads, "In such manner as the legislatures of the States may respectively prescribe." That is to say, Congress may not, and Congress cannot, without violation of this agreement between the Federal Government and the States, prescribe that the course or courses in that one college which was created by the State in order to enable it to receive this money from the Federal Government shall not be military science or shall not include military science. Congress cannot meddle with this subject without violating the grant that was made, and subjecting the State, if the State conforms to it, to the forfeiture expressed in the first quotation I made from the law.

On the interpretation of the words "leading object" I call attention to other acts of the Congress which I claim constitute a practical legislative interpretation of those words.

I refer next to the National Defense Act approved June 3, 1916.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. FRAZIER. The Senator has quoted from the Morrill Act:

> The leading object shall be, without excluding other scientific and classical studies, including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts.

There is nothing there which would make military training compulsory, as I take it. I do not think the Senator will make the statement that there is.

Mr. AUSTIN. Mr. President, if the words of a grant are such that they require the leading object of the expenditure of the money to be such as to include military training, who will question the fact that there follows an obligation? And if there is a penalty for nonperformance of that obligation, then who will undertake to say that the Congress can, with any honor or respect for the obligation created thereby, pass a law which would utterly flout, utterly defeat that leading object?

Mr. FRAZIER. Mr. President, will the Senator yield again?

Mr. AUSTIN. I yield.

Mr. FRAZIER. As I understand, the act not only includes military training but it also includes agriculture and the mechanic arts. Is that correct?

Mr. AUSTIN. That is correct.

Mr. FRAZIER. Does the Senator know of any land-grant college where agriculture is required to be taught, and where there is a compulsory requirement for the teaching of mechanic arts?

Mr. AUSTIN. Oh, yes, indeed. I think any student who enrolls in the agricultural course of any college must conform to the requirements of the college in order to obtain his degree.

Mr. FRAZIER. Mr. President, I have a catalog of the North Dakota Agricultural College. which is a land-grant college. Various courses are set forth in this catalog in four or five different schools—the school of agriculture, the school of chemistry and technology, the school of home economics, the school of pharmacy, and the school of general education—and the only subject that is required in those courses is military training.

Mr. AUSTIN. I am astonished.

Mr. FRAZIER. The Senator may well be.

Mr. AUSTIN. Moreover, I am surprised.

Mr. FRAZIER. The Senator is undoubtedly familiar with his own land-grant college in Vermont.

Mr. AUSTIN. Yes; I think so.

Mr. FRAZIER. I understand that the Senator is a trustee of the University of Vermont.

Mr. AUSTIN. Yes.

Mr. FRAZIER. And he has been for a number of years. I should like to ask if agriculture is required there—if the city boys and girls who go to the University of Vermont must take a course in agriculture in order to obtain a degree?

Mr. AUSTIN. No, Mr. President; that is not the use of the term "required." No course is required. That is one of the troubles with this amendment; it deals with a course of military training. That is not the way the matter is handled. As I understand the English language, it is not a course of military instruction. Military instruction is only one element of a course; and any university that I know of that has prescribed studies for its students in order to fulfill a course, and thereby obtain a degree, must have the power, untrammelled by the Federal Congress, to maintain sufficient discipline so that a student who does not come to classes may be suspended or expelled, if necessary, and, in any event, a student who does not keep up his ratings made be denied his degree. Military science is in no different relation than the other studies which enter into an agricultural course. They include, under the Morrill Act, languages, mathematics, the mechanic arts, and many of the subjects that enter into what is known as literary-scientific courses, or the courses that result in an A. B. degree in many of our colleges and universities.

Mr. FRAZIER. Mr. President, will the Senator yield again?

Mr. AUSTIN. I yield.

Mr. FRAZIER. The Senator is becoming rather technical and is splitting hairs over the proposition. I cannot understand how, by any stretch of the imagination, the Senator can say that a course in agriculture does not mean something about agriculture and about farming.

Mr. AUSTIN. Mr. President, I think if the Senator is becoming technical it is because he is being asked technical questions, and the last question seems to me to be of a technical nature. A course in agriculture probably does have such subjects as agronomy and biology and many other special subjects which relate to tilling the soil, or relate to raising animals and other agricultural pursuits. I do not see, however, where this discussion is gaining us anything in the consideration of this amendment. I should like to proceed.

Mr. FRAZIER. Mr. President, will the Senator again yield?

Mr. AUSTIN. I yield.

Mr. FRAZIER. The only point I wished to make was that there was nothing compulsory about military training or the course in agriculture or mechanic arts. All that is provided is that the land-grant colleges are to teach those subjects but not as a compulsory proposition. In the case of the University of Vermont, I take it the young ladies who attend there are not required to take military training, or agricultural courses, either.

Mr. AUSTIN. A young lady is no different from a young man in that respect.

Mr. FRAZIER. No; of course not; and if the training is compulsory, it ought to apply to the girls as well as to the boys.

Mr. AUSTIN. A young lady who enters upon a course which involves military training will have to take military training, of course. She can do as she pleases about entering upon such a course.

Mr. FRAZIER. The Senator is evading the question again.

Mr. AUSTIN. There is nothing compulsory about a man or a woman entering upon a course of study that includes some military science. There is nothing compelling any boy or girl in this country to enter an institution which teaches military science. One who is a conscientious objector is just as free and has just as many rights as other citizens of this country with respect to his demand or his request upon his State for an education. But he cannot fairly have a representative come to the Congress of the United States and ask the Congress to say to the State which he calls upon for his education, "Congress, limit your appropriation of funds so that this institution in which I am seeking an education, and which my State provides for me, cannot possibly discipline me if I do not conform to its laws or to the laws of the State."

That is neither fair nor just. There is nothing right about it. If we have any vision at all as to what is right and what is wrong, I think we ought to say, when we read the statute which I am about to read, that the Congress of the United States has recognized the obligation of the States to maintain at least one institution in which a primary object shall be the teaching of military science.

I now read from the National Defense Act, approved June 3, 1916. This act provides for the establishment of the Reserve Officers' Training Corps, concerning which the appropriations are made on pages 60, 61, 62, and 63 of the pending bill:

> The President is hereby authorized to establish and maintain in civil educational institutions a Reserve Officers' Training Corps, one or more units in number, which shall consist of a senior division organized at universities and colleges granting degrees, including State universities and those State institutions that are required to provide—
>
> Notice this—
>
> that are required to provide instruction in military tactics under the act of Congress of July 2, 1862, * * *.

Mr. President, I pause in the reading to emphasize that Congress itself pointed to the Morrill Act and said that it required these colleges to provide military education.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. AUSTIN. I shall yield in a moment. I wish to read further:

> Donating lands for the establishment of colleges where the leading object shall be practical instruction in agriculture and the mechanic arts, including military tactics, * * *.

I digress again to call attention to the fact that this is a legislative construction of the Morrill Act. There is a re-

arrangement of the words. There is a closer bringing together of the words "leading object" and "military tactics", so that now it reads:

Where the leading object shall be practical instruction in agriculture and the mechanic arts, including military tactics—

I continue reading:

And at those essentially military schools not conferring academic degrees, especially designated by the Secretary of War as qualified, and a junior division organized at all other public and private educational institutions, and each division shall consist of units of the several arms, corps, or services in such number and such strength as the President may prescribe: *Provided*, That no such unit shall be established or maintained at any institution until an officer of the Regular Army shall have been detailed as professor of military science and tactics, nor—

Observe this—

nor until such institution shall maintain under military instruction at least 100 physically fit male students, except that in the case of units other than Infantry, Cavalry, or Artillery the minimum number shall be 50: *Provided further*, That, except at State institutions described in this section, no unit shall be established or maintained in an educational institution until the authorities of the same agree to establish and maintain a 2-year elective or compulsory course of military training at a minimum for its physically fit male students, which course, when entered upon by any student, shall, as regards such student, be a prerequisite for graduation unless he is relieved of this obligation by regulations to be prescribed by the Secretary of War.

The regulations of the Secretary of War, made under an authority contained in this act, included no. 13, reading as follows:

Land-grant institutions: The obligations to provide military instruction imposed on land-grant institutions by the act of July 2, 1862, are not altered by the National Defense Act as amended, nor by these regulations.

The War Department has given us their views about this matter, holding that the act creating this benefit and extending it to the several States carried with it a condition. It was a grant clogged with a condition. That condition was that the State should maintain at least one college in which the leading object would be the teaching of military science.

This is a trade between the Government of the United States and the government of the State of Vermont and with every other State in the Union. Note that it is not a trade between the United States and a land-grant college.

I think that the moral obligation and the legal obligation would be just the same if it were a trade between the United States and a college. In the Lynch case the Supreme Court held that a contract between the United States and a single citizen was of just as much obligation and solemnity as a contract between two individuals. So it would be if it were a contract with the University of Vermont and the State Agricultural College or with any of the other land-grant colleges. It is, however, a contract with the State and an obligation on the State. It is right in line with our system of government; it is in line with our theory that the Federal Government should be confined and limited in its operations to the things of national scope and national interest, and that all other powers are reserved to the several States and to the people thereof.

Particularly is it important for the welfare of this country that control over educational policies, control over what shall enter into the curricula of the different schools and colleges in a State should be kept in that State and not dictated from on high somewhere far away, from some place where men meeting together from all over this vast continent, representing different cross sections of the country, representing diverse and many interests, cannot possibly understand the genius of the people of a remote State, who certainly cannot understand it as well as can its own citizens, and who cannot be expected to provide as wisely as the citizens of the State may provide measures relating to education and relating to its own self-defense.

Every State in the Union was guaranteed by the trade between the States and the Federal Government the right to maintain an armed force for its own use, for its own defense. The militia was expressly provided for in the Constitution, and when Representative Morrill, afterwards Senator Morrill, was discussing his bill he referred to that fact. This country was then in imminent danger of war, and he discussed and urged the necessity of every State in the Union being able to raise up and educate an armed force of its own.

As we have progressed, and events have changed our social order, we find it necessary to create a more perfect Union than ever before, and this control over the armed forces of the several States has been merged, as it were, in the act of 1916, the National Defense Act, which gave the Federal Government a certain amount of influence upon military training in the several States, as I have pointed out. Therein it clearly implies an obligation upon the State to carry out its part; that is, the State which receives the money, clogged with the condition that it maintain at least one university in which the leading object would be the teaching of military science. That the State must do, and the State ought not to be crippled by an act of Congress which deprives it of the necessary money contained in this bill with which to carry on such education and training. No matter in what form this amendment might appear, it would always have for its objective the crippling of any State which undertook to maintain one college which had for one of its leading objects the teaching of military science; otherwise, there is no sense whatever to the proposal.

Mr. President, I am not speaking without authority on this subject. Some reference has already been made by the learned Senator who preceded me and who offered the pending amendment to the case of Hamilton against Regents, and others, a California case, reported in volume 293 of United States Reports at page 245, and even at the risk of wearying Senators, I am going to refer at length to this case, because it has an important bearing upon this discussion, a discussion which should not arise every time a military appropriation bill comes before the Senate, and yet this subject has now been discussed, I believe, at every single session of Congress since I have been a Member of the Senate.

The Court dealt there with the case of the expulsion of students because they would not conform to a rule of the Regents of the University of California which prescribed, as a part of the course they were taking, military training, and prescribed it by virtue of a statute creating the corporation called the Regents of the University of California, an agency of the State. This is what was required, according to the record at page 256.

September 15, 1931, pursuant to the provisions of the organic act and constitution, the regents promulgated the following order:

Every able-bodied student of the University of California who, at the time of his matriculation at the university, is under the age of 24 years and a citizen of the United States and who has not attained full academic standing as a junior student in the university and has not completed the course in military science and tactics offered to freshmen and sophomore students at the university, shall be and is hereby as a condition to his attendance as a student to enroll in and complete a course of not less than one and one-half units of instruction in military science and tactics each semester of his attendance until such time as he shall have received a total of six units of such instruction or shall have attained full academic standing as a junior student.

Mr. President, in the court below the exercise of this power was sustained. The Supreme Court of the United States, speaking of that holding, said at page 257:

The State court, without announcing an opinion, denied the petition for a writ of mandate. Appellants applied for a rehearing. The court, denying the application, handed down an opinion in which it held that article IX, section 9, reposes in the regents full powers of organization and government of the university subject to legislative control in respect of its endowments and funds; that by section 6 of the organic act, and article IX, section 9, military tactics is expressly required to be included among the subjects which shall be taught at the university, and that it is the duty of the regents to prescribe the nature and extent of the courses to be given and to determine what students shall be required to pursue them, and that the suspension of the petitioning students because of their refusal to pursue the compulsory courses in military training involved no violation of their rights under the Constitution of the United States.

Turning to page 258, we find this statement in the reasoning of the Court:

While, by acceptance of the benefits of the Morrill Act of 1862 and the creation of the university in order appropriately to comply with the terms of the grant, the State became bound to offer students in that university instruction in military tactics, it remains untrammeled by Federal enactment and is entirely free to determine for itself the branches of military training to be provided, the content of the instruction to be given, and the objectives to be attained. That State—as did each of the other States of the Union—for the proper discharge of its obligations as beneficiary of the grant made the course in military instruction compulsory upon students. Recently Wisconsin and Minnesota have made it elective. The question whether the State has bound itself to require students to take the training is not here involved. The validity of the challenged order does not depend upon the terms of the land grant.

I turn now to page 259 and read the following:

The War Department has not been empowered to determine or in any manner to prescribe the military instruction in these institutions. The furnishing of officers, men, and equipment conditioned upon the giving of courses and the imposing of discipline deemed appropriate, recommended, or approved by the Department does not support the suggestion that the training is not exclusively prescribed and given under the authority of the State. The States are interested in the safety of the United States, the strength of its military forces, and its readiness to defend them in war and against every attack of public enemies (*Gilbert* v. *Minnesota*, 254 U. S. 325, 328–329; *State* v. *Holm*, 139 Minn. 267, 273). Undoubtedly every State has authority to train its able-bodied male citizens of suitable age appropriately to develop fitness, should any such duty be laid upon them, to serve in the United States Army or in State militia (always liable to be called forth by Federal authority to execute the laws of the Union, suppress insurrection, or repel invasion; Constitution, art. I, par. 8, cls. 12, 15, and 16; *Selective Draft Law Cases*, 245 U. S. 366, 380–383; *State* v. *Industrial Comm'n. 1925*, 186 Wis. 1; 202 N. W. 191) or as members of local constabulary forces, or as officers needed effectively to police the State. And when made possible by the National Government, the State, in order more effectively to teach and train its citizens for these and like purposes, may avail itself of the services of officers and equipment belonging to the Military Establishment of the United States. So long as its action is within retained powers and not inconsistent with any exertion of the authority of the National Government, and transgresses no right safeguarded to the citizen by the Federal Constitution, the State is the sole judge of the means to be employed and the amount of training to be exacted for the effective accomplishment of these ends.

I pass now to page 261 and read further, this relating to a point discussed by the learned Senator from North Dakota [Mr. FRAZIER], who seemed to claim some special privileges for men who hold special views with respect to religion or who have conscientious convictions that they ought not to engage in war. The Supreme Court referred to this matter in the following manner:

Appellants assert—unquestionably in good faith—that all war, preparation for war, and the training required by the university, are repugnant to the tenets and discipline of their church, to their religion, and to their consciences. The "privilege" of attending the university—

That word "privilege" is quoted in the text—

The "privilege" of attending the university as a student comes not from Federal sources but is given by the State. It is not within the asserted protection.

That is where the Court refers to protection given by the fourteenth amendment.

The only "immunity" claimed by these students is freedom from obligation to comply with the rule prescribing military training. But that "immunity" cannot be regarded as not within, or as distinguishable from, the "liberty" of which they claim to have been deprived by the enforcement of the regents' order. If the regents' order is not repugnant to the due-process clause, then it does not violate the privileges and immunities clause. Therefore we need only decide whether by state action the "liberty" of these students has been infringed.

I omit a portion and come to this statement on page 262:

California has not drafted or called them to attend the university. They are seeking education offered by the State and at the same time insisting that they be excluded from the prescribed course solely upon grounds of their religious beliefs and conscientious objections to war, preparation for war, and military education. Taken on the basis of the facts alleged in the petition, appellants' contentions amount to no more than an assertion that the due-process clause of the fourteenth amendment as a safeguard of "liberty" confers the right to be students in the State university free from obligation to take military training as one of the conditions of attendance.

Viewed in the light of our decisions that proposition must at once be put aside as untenable.

Government, Federal, and State, each in its own sphere, owes a duty to the people within its jurisdiction to preserve itself in adequate strength to maintain peace and order and to assure the just enforcement of law. And every citizen owes the reciprocal duty, according to his capacity, to support and defend government against all enemies.

This case cites and quotes some other cases, pointing out that the obligation of the citizen to come to the defense of his country, to support the liberty which he claims, to conform to the provisions for the regulation of educational institutions in which he asks for, and receives so generously from his State, an education. Among other things the Court quotes from *United States* v. *Schwimmer* (279 U. S. 644) as follows:

Whatever tends to lessen the willingness of citizens to discharge their duty to bear arms in the country's defense detracts from the strength and safety of the Government.

I quote now from page 263 the following:

The opinion of this Court quotes from petitioner's brief a statement to the effect that it is a "fixed principle of our Constitution, zealously guarded by our laws, that a citizen cannot be forced and need not bear arms in a war if he has conscientious religious scruples against doing so." And, referring to that part of the argument in behalf of the applicant, this Court said (p. 623): "This, if it means what it seems to say, is an astonishing statement. Of course, there is no such principle of the Constitution, fixed or otherwise. The conscientious objector is relieved from the obligation to bear arms in obedience to no constitutional provision, express or implied; but because, and only because, it has accorded with the policy of Congress thus to relieve him * * * The privilege of the native-born conscientious objector to avoid bearing arms comes not from the Constitution but from the acts of Congress. That body may grant or withhold the exemption as in its wisdom it sees fit; and if it be withheld, the native-born conscientious objector cannot successfully assert the privilege. No other conclusion is compatible with the well-nigh limitless extent of the war powers as above illustrated, which include, by necessary implication, the power, in the last extremity, to compel the armed service of any citizen in the land, without regard to his objections or his views in respect of the justice or morality of the particular war or of war in general.

I omit some of the opinion and call attention to the Maryland case to which reference was made by the learned Senator from North Dakota:

And see *University of Maryland* v. *Coale* (165 Md. 224; 167 Atl. 54), a case, similar to that now before us, decided against the contention of a student in the University of Maryland who, on conscientious grounds, objected to military training there required. His appeal to this Court was dismissed for the want of a substantial Federal question (290 U. S. 597).

Mr. President, it is significant that all the judges of the Supreme Court concurred in this opinion, and that the matter was of such grave import and far-reaching effect that two opinions were written. The one from which I have been quoting was written by Mr. Justice Butler. I am about to quote from one written by Mr. Justice Cardozo.

Following the reading of the opinion of the Court by Mr. Justice Butler, the action of the State court below was affirmed, which upheld the University of California in penalizing or disciplining certain students for not conforming to the rules of the university requiring them to take military science as a part of the course they had elected to pursue. Now I quote from Mr. Justice Cardozo, beginning at page 265:

Concurring in the opinion, I wish to say an extra word.

And I am skipping about, so as not to put in all of this opinion.

Accepting that premise, I cannot find in the respondents' ordinance an obstruction by the State to "the free exercise" of religion as the phrase was understood by the founders of the Nation, and by the generations that have followed.

And Mr. Justice Cardozo cites a case there. Omitting, again:

If they elect to resort to an institution for higher education maintained with the State's moneys, then and only then they are commanded to follow courses of instruction believed by the State to be vital to its welfare. This may be condemned by some as unwise or illiberal or unfair when there is violence to conscientious scruples, either religious or merely ethical. More must be shown to set the ordinance at naught. In controversies of this order courts do not concern themselves with matters of

legislative policy, unrelated to privileges or liberties secured by the organic law. The first amendment, if it be read into the Fourteenth, makes invalid any State law "respecting an establishment of religion or prohibiting the free exercise thereof." Instruction in military science is not instruction in the practice or tenets of a religion. Neither directly nor indirectly is Government establishing a State religion when it insists upon such training. Instruction in military science, unaccompanied here by any pledge of military service, is not an interference by the State with the free exercise of religion when the liberties of the Constitution are read in the light of a century and a half of history during days of peace and war.

I now turn to page 267:

Never in our history has the notion been accepted, or even, it is believed, advanced, that acts thus indirectly related to service in the camp or field are so tied to the practice of religion as to be exempt, in law or in morals, from regulation by the State. On the contrary, the very lawmakers who were willing to give release from warlike acts had no thought that they were doing anything inconsistent with the moral claims of an objector, still less with his constitutional immunities, in coupling the exemption with these collateral conditions.

That reference is to the fact that, when exempted, these conscientious objectors were bound to provide substitutes, either in money or in men, to take their places.

I continue the quotation:

Manifestly a different doctrine would carry us to lengths that have never yet been dreamed of. The conscientious objector, if his liberties were to be thus extended, might refuse to contribute taxes in furtherance of a war whether for attack or for defense, or in furtherance of any other end condemned by his conscience as irreligious or immoral. The right of private judgment has never yet been so exalted above the powers and the compulsion of the agencies of government. One who is a martyr to a principle—which may turn out in the end to be a delusion or an error—does not prove by his martyrdom that he has kept within the law.

Mr. President, this amendment is dangerously within the last paragraph of the opinion I have read—that is, the part which relates to the refusal to pay taxes to support war. The matter of raising taxes and making appropriations to sustain the military branch is a very important function of the Federal Government; and in acting upon this matter I think we should bring to bear upon it the same type of conscience that one individual may be called upon to bring to the question.

Suppose I were a conscientious objector; suppose I belonged to a certain religious organization that was opposed to war, and to preparation for war, and to teaching anyone to be efficient in the activities of war; ought I to refuse to pay taxes that are assessed against me? Ought I to get in the way of my Government when it makes efficient efforts to provide for the national defense? It comes down to that question right here. We ought not to engage, as a branch of the Congress of the United States, in a bit of propaganda that will promote the broadcasting of the idea of conscientious objectors, and of those who belong to an organization that is opposed to teaching military science.

As I conceive our duty here—and it bears upon whether we shall vote for or against this amendment—it is, first, to carry out that obligation; second, not to hinder and impede the States in the performance of their duty under that obligation; third, not to encourage and disseminate the theory of conscientious objectors.

I do not object to any man's holding such theories if he wants to; but I do object to his making use of the Federal Congress as a sounding board to propagate the idea in the land, especially in these days, when we must, if we are sensible, so prepare the United States of America that no other nation will dare to challenge us to war. That is the assurance of peace which we can give to the world. That would be our contribution to peace; whereas if we lie down meekly, if we undertake to tell the world that we are so opposed to preparations for national defense that we will not carry out our obligations, that we will hamstring the States in their performance of the obligation, then I say we are contributing in a great way to the cause of international disturbance, and exposing ourselves to attack.

Mr. President, I hope this may be the last time we shall have to consider an amendment of this character.

Mr. LEWIS and Mr. FRAZIER addressed the Chair.

The PRESIDING OFFICER (Mr. CONNALLY in the chair). The Senator from Illinois.

Mr. LEWIS. Mr. President, unless the Senator from North Dakota desires to address the Senate at this time in response to the speech of the able Senator from Vermont, I should like the floor for a few moments on the amendment; but I will yield to the Senator if he wishes to reply.

Mr. FRAZIER. The Senator is about to speak on the amendment?

Mr. LEWIS. I purpose speaking on the amendment; yes.

Mr. FRAZIER. Very well.

Mr. LEWIS. Mr. President, my desire is to consider a phase of the question which I feel we are losing sight of, but which I regard as very important to the hour.

The Senator from Vermont [Mr. AUSTIN], in his very able discussion, closed with an observation along the line of that which it was my purpose to touch upon in the moment I shall occupy.

Eminent Senators on this floor have opposed the pending military appropriation bill sincerely and from the impulse of conscience, some on the ground of the weight of taxation, some upon the theory that the doctrine of military preparation incites to assault and awakens enemies to the country.

Mr. President, I cannot concur in any of these objections. I wish to say, however, that I respect very much the views, but more do I respect and esteem the sincerity of the distinguished senior Senator from North Dakota [Mr. FRAZIER], and his ally from North Dakota, the junior Senator [Mr. NYE], and commend as sincere others who occupy similar positions to those expressed by these able Senators in their addresses.

I prefer to bring to you suddenly, sir, if it is suddenly, a fact of which our country seems unconscious, or to which it seems indifferent. This Nation is in a great peril, as I see it. I behold America as it now stands upon the eve of a turbulence which can result in a conflict inwardly very similar to that which preceded the Civil War between the States. I invite attention to the fact that this very serious situation should be alarming to the public mind, and that the mind of the public should not be indifferent and sit in quiescence upon the theory that we will be exempt from all the results which follow similar occurrences and conditions arising in every other land of civilization.

There is not a State in our Union which just now is not threatened with what may be called a form of riotous confusion. Everywhere there seems to be conflict between what is called labor on the one hand and its employers on the other. Without entering in any wise whatever into the merits of the conflict, or touching in any wise upon the morals of the dispute, we cannot overlook the fact that it is such conditions as those which now confront us that brought on the early state of anarchy and revolution in Russia by which the army of that land was seized by the discontented, and likewise evoked upon Germany a situation where its local army was possessed by those who contended in their revolt that it was their right to overturn the State in order to take possession of the military instrumentalities.

Shall we overlook at this time and forget that it was in like manner that Italy yielded, bringing on a condition which has finally resulted in a tyranny and a form of despotism we shrink to mention? Shall we refuse to reflect that our affairs of state and industry may likewise become victims as was the case in Italy, Russia, and now in Spain?

Mr. President, conditions cannot remain as they now are. They bid too much danger, they threaten too much a severe result, whether we shall apply our observations to those from abroad in their attitude of mind toward us or to the industrial conditions here at home.

The Senator from Vermont very wisely, and in the most illuminating manner, alluded to the necessity of preparation and confessed an acknowledged situation which in itself is warning to anyone who seeks to assault us. We put forward our force of national defense as giving us the assurances of protection against the prospect of assault. There is no doubt

what was meant by President Washington when in his famous message he gave the admonition, "In time of peace prepare for war." Our great progenitor did not mean that we should prepare for war upon any people, but that we should be prepared for any war upon us, whether it be brought about by assaults from without or by insurrections within. Therefore, such preparation as the bill before us is intended to assure and this proposed legislation to secure serves a double purpose which I beg to press upon the Senate as being wholly overlooked and, I fear, ignored.

Our country is being educated to the thought that we are expending vast sums of money unnecessarily, that we are doing so merely to build up an army or machinery for war. Those taking that position overlook two facts which I feel I must press upon the Senate. In the lands abroad there has been no disposition to serve or befriend us, apart from that of some form of reciprocity of trade, some benefit commercially where effort is made to obtain it from us. Then it is accompanied with a smile. After that, in every other feature of life from all the foreign nations we are met with a frown. This Nation must look justly to the truth that this America has not one real friend among European and Asiatic nations in all the world. Their attitude of mind is one of direct opposition, if not complete hatred. We may deplore the situation, but we cannot be unconscious that it is born either of rivalry of trade or their natural jealousy because of the permanence of our prosperous situation before the world.

Here within ourselves we are nearer to insurrection and apparently, sir, confronting an army of revolt in the largest numbers, whether from the employers or the employees becomes secondary. It is sufficient to note that if it be true that there is an element in politics which, for want of any other designation, goes by the name of "communism", that has for its design the seizing of the Army of America and possession of its property and different forms of sabotage to destroy the possessions of property and the independence of this country, now is the time fitting for such an undertaking, and it is making its advent and now dares lift its head and intrude itself in its audacious design as under the encouragement that our Army cannot be relied on to protect the Nation.

Are we a wise set of people to behold these designs and signs and attach no import to them? Are we to be indifferent and unconscious, indeed, sir, defiant of the fact that it was just exactly such circumstances by which other nations now in the throes of revolution, insurrection, riot, and disorder, came to their inheritance of destruction?

Do we do an injustice to invite the heads of our great Government to behold the aspect and to call attention to the fact that it is only by an army conscious of its duty to the Republic, zealous in its own patriotism, but secure in its compact organization that we are safe? As against the outside world, the very knowledge that we are so firmly entrenched warns them to beware and to keep away from an advance which threatens their destruction.

Whoever under the guise of any form of conflict, any form of disorder within our Nation, would wholly upset every form of order and overturn every form of law and justice, should be warned that they must beware; that there comes a point with all governments where, if government is to survive, it must assert itself as a government or it must melt, wither, and die in the contempt of civilization.

It is not sufficient to assume that a dispute may be called labor or capital or take any other form and, because of that name, excuse the invading of the realms of order and justice and perchance destroy the whole domestic security of the Republic.

Therefore, sir, I must insist that our honorable friends who are so conscientious, as represented by distinguished gentlemen who have addressed the Senate in opposition to the pending measure, be reminded that every opposition to a military force of defense here on this floor is an invitation to the lawless to assume that there is a division in this country as to the right of the country to defend itself, and as legislative opposition to its preparing for that necessary protection in its inward as well as outward defense and security.

Mr. President, therefore I wish to assert that we must, for a moment, consider the uses of these forces and educate the public. We are not expending millions of money merely because the privilege is afforded us. We are not building an army to parade itself in this place. We are not creating a force to assail anyone. We are doing that which we feel is an essential guardianship of America as against her foes without, but surely, sir, to provide that all those within, who may attempt disturbance and assault, will find the combined forces of the defense of their country, in the spirit of patriotism, protecting the Nation as the Republic and the United States of America.

Mr. President, let this be said as I conclude: The world can observe that there has been no party division among our honorable opponents on the other side of the aisle and on this as to the defense of the country, the protection of the Constitution, and the maintenance of the Republic. Therefore, since there is that spirit, let it be understood likewise they stand behind every effort which looks to the guardianship of the Republic, the protection of its citizens, and the maintenance of honest property.

We cannot go too far in encouraging assaults when they are unjustified without inviting that which is much more serious, a deliberate attack upon the Republic itself. Since we therefore have reached the stage where we point with great glory and delight to this conjunction of harmony on the part of all political parties, and, as against any threat of insurrection, they are a unit for the maintenance of peace and security, let us recall and appropriate to ourselves that great consolation expressed in King John, where Shakespeare puts in the mouth of Phillip of Falconbridge, when he returned from France to join the other princes in the common defense of his country, the words:

> Now these her princes are come home again,
> Come the three corners of the world in arms,
> And we shall shock them. Naught shall make us rue,
> If (America) to itself do rest but true.

I thank the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Dakota [Mr. FRAZIER].

Mr. BORAH. Mr. President, I believe in the general principles stated by the Senator from Illinois [Mr. LEWIS]; that is to say, in an adequate defense—in an adequate Navy and in an adequate Army. There will be differences of view as to what is adequate, but we should not in these times long debate that. But the first line of defense in any country is the character of the citizenship, the loyalty of the citizen to his government. There is not a large city in the United States today north of Mason and Dixon's line which does not have a very large number of youth being trained in disloyalty to the American Government. I say north of Mason and Dixon's line because my investigation shows that such does not prevail to any marked extent in the South. But throughout the large cities of the North there are night drilling and night teaching of hundreds, even thousands, of the young of this country in disloyalty to the American flag. Of course, when you speak to them about it, their leaders, the traitors who are at the head of the organizations, will tell you that there is no incompatibility between their loyalty to fascism and nazi-ism and loyalty to the American Government. They will tell you that they can be loyal to fascism and nazi-ism and still be true Americans. They will explain and philosophize and tell you that while they are spreading and teaching the things which would destroy our Government and uproot all our institutions, still they are faithful to our Government and our principles.

Everyone must know that that cannot be true, and it cannot be thought to be true by any man possessed of intellectual integrity.

The teachings which are being given these young people train them to disbelieve in our form of government and train them to believe in loyalty to a form of government which is at war with our system of government. That, Mr. President, is going on to a marked extent all over the country.

It is the same kind of duplicity, the same kind of deception, that is being practiced by fascism and naziism internationally now in the war against Spain. The Governments of Germany and of Italy are carrying on war against the Government of Spain, although the war is unavowed, and although they are professing almost every fortnight a desire to advance the cause of peace throughout the world. The guns and the men which massacred the people of Guernica were furnished by the German and the Italian Governments. The guns and the men in a large measure which took the capital of the Basques were furnished by the German and the Italian Governments. The war is being carried on, and would not be sustained, in all probability, a fortnight if it were not for the duplicitous and treacherous support which is being given by the German and the Italian Governments against the Spanish Government.

I call particular attention to their methods for the reason that we ought to realize nationally, here at home, and internationally, that the basic principle of fascism and naziism is deception, is duplicity, is professing to do what they are not doing, or professing the contrary of what they propose to do. So here in this country our youths are being poisoned with the doctrine which is at war with every principle upon which our institutions rest. And they will say to you that they are not teaching doctrines inimical to the principles of the American Government. It is simply their method of deception.

It recalls an incident which happened sometime ago. It will be remembered that the master of Germany a few months ago in a long, devious speech gave an account to the world, and to his own people incidentally, of his 4 years of arbitrary reign. According to the press dispatches, toward the close of his account he said that this reign was characterized by all the principles of a beautiful and perfect democracy. The press dispatches also said that the vast throng before him cheered as he used this strange hyperbole—and not one of them in the great audience could call his life his own.

As an evidence of his "beautiful and perfect democracy" which he advertised to the world, he had called his legislative body together for the first time in 4 years. He had called it together not for the purpose of establishing and enacting laws by which the people of Germany might be guided and under which their rights might be protected. He had called it together apparently to exhibit to the world to what utter and pitiful degradation the legislative body of Germany had been reduced under this "perfect and beautiful democracy." And when he was through with his speech he, in effect, said to his legislative body, "begone, until I suffer myself to be disturbed by your presence again."

In this "perfect and beautiful democracy" there is no law, only the will of the master; there is no liberty, there is no freedom, there is no security; intolerance is a creed and religious persecution a national policy. Men and women are hunted like wild beasts—guilty of no crime save race—and all this is advertised to the people of the world and being taught to our children here in this country as the most perfect form of a real democracy.

Mr. President, it is wise to make appropriations for our physical defense. It is wise to have an adequate Navy and an adequate Army. It is wise to have the physical appropriation for what might be another conflict. But it is wiser, it is more necessary, it is indispensable that we have that defense which arises out of the spiritual and moral devotion of the people to their country. Those forces and influences which would sap and undermine the character and the stamina, and the loyalty of the American people ought not to find any compromise or any palliation or excuse by anyone in this country.

No man can be loyal to American institutions or loyal to the American flag and believe in a single fundamental principle of fascism or nazi-ism. Those who preach it are disloyal regardless of what they may profess to the public. While preparing with battleships and machine guns, while filling the heavens with airplanes, let us keep the soul of American youth clean of those teachings and beliefs which are torturing millions in the Old World and writing history in the blood of women and children.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Dakota [Mr. FRAZIER].

Mr. COPELAND. Mr. President, we have today listened to a very illuminating discussion of this subject, but I am unwilling to have a single detail of the proposal of the Senator from North Dakota [Mr. FRAZIER] go unanswered. I want him to know, as he does know, but he will now be reassured, that what I say is said with great respect to him. I know his honesty of purpose and the purity of his thought, so I would not have him believe that what I say is in any sense a reflection upon him. But the question he has raised is a very delicate one, and whatever we do in the Senate regarding it will be misunderstood by many lofty-minded persons and will be criticized bitterly by many of the subversive groups of our country.

I do not need to say that I am in bitter opposition to the amendment, and I desire to outline briefly what I have to say regarding it.

The Senator proposes that there shall be a withdrawal of Federal aid of any description to any school or college, other than essentially military schools and colleges, which should undertake to suspend, expel, or otherwise penalize a student who, because of conscientious convictions or because of religious beliefs, objects to enrollment in a course in military training.

It is not alone from the standpoint of national defense that I object to the amendment, although that is sufficient ground. The lasting benefits to the individual students are worth much more than can be measured by mere words. I myself have a feeling as to my own son that the training he had in the R. O. T. C. at Syracuse University was worth more to him in many ways than all the other training he had in that fine institution.

This amendment will have the effect of materially changing section 40 of the National Defense Act, an act which I think most of us believe to be fundamentally sound in its present form. If enacted, the amendment would prevent Federal aid from being given to the military department of all the land-grant colleges in America. For the sake of the RECORD, Mr. President, I wish to include at this point the names of the 53 land-grant colleges. I do not need to remind Senators that each one is interested in the matter before us, because of the fact that in his State there is a land-grant college. Then, besides the R. O. T. C. units in land-grant colleges, there are some in high schools and professional schools. So we have altogether Reserve Officers' Training Corps training in about 275 institutions. In 101 of them the training is elective, but in 174 of these institutions it is required. I ask that the list found on page 14 of the Senate hearings on this bill may be included in the RECORD at this point.

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). Without objection, the list will be printed in the RECORD.

The list referred to is as follows:

There are 53 land-grant colleges as follows:

First Corps Area: Connecticut State College, University of Maine, Massachusetts Institute of Technology, Massachusetts State College, University of New Hampshire, Rhode Island State College, University of Vermont and Medical School.

Second Corps Area: University of Delaware, Rutgers University, Cornell University, University of Puerto Rico.

Third Corps Area: University of Maryland, Pennsylvania State College, Virginia Polytechnic Institute.

Fourth Corps Area: Alabama Polytechnic Institute, University of Florida, University of Georgia, Louisiana State University, Mississippi State College, North Carolina State College, Clemson Agricultural College, University of Tennessee.

Fifth Corps Area: Purdue University, University of Kentucky, Ohio State University, West Virginia University.

Sixth Corps Area: University of Illinois, Michigan State College, University of Wisconsin (elective).

Seventh Corps Area: University of Arkansas, Iowa State College, Kansas State College, University of Minnesota (elective), Missouri School of Mines, University of Missouri, University of Nebraska, North Dakota Agricultural College, South Dakota State College.

Eighth Corps Area: University of Arizona, Colorado State College, New Mexico College of A. & M., Oklahoma A. & M. College, A. & M. College of Texas.

Ninth Corps Area: University of California (Berkeley), University of California (Los Angeles), University of Idaho, Montana State College, University of Nevada, Oregon State Agricultural College, Utah State Agricultural College, State College of Washington, University of Wyoming.

Hawaiian Department: University of Hawaii.

Mr. COPELAND. Mr. President, I had intended to consider the decision of the Supreme Court in the California case, which was so ably discussed this morning by the Senator from Vermont [Mr. AUSTIN]. To me it is most conclusive that the amendment offered by the Senator from North Dakota is unwise. If I had any doubt of that from the fact brought out by the Senator from Vermont this morning, the concurring opinion of Mr. Justice Cardozo, joined in by Mr. Justice Brandeis and Mr. Justice Stone, the great liberals of the Court, would convince me that the position we are taking this morning in opposition to the amendment offered by the Senator from North Dakota is a sound one. However, I shall not go into that, as I had intended to do, because the Senator from Vermont has stated the case so much better than I could possibly do.

Mr. FRAZIER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from North Dakota?

Mr. COPELAND. I yield.

Mr. FRAZIER. The Senator from Vermont, in discussing the decision of the Court in the California case, neglected or at least omitted to read a certain extract from the opinion that bears particularly on this question. I refer to the statement that—

> The privilege of the native-born conscientious objector to avoid bearing arms comes not from the Constitution but from the acts of Congress.

That is all I am asking now, namely, that the Congress carry out what they have already done in the Universal Draft Act granting religious objectors exemption from bearing arms. All the amendment offered by me would do, if adopted, would be to exempt students in colleges which now have compulsory military training from taking military training if they had religious scruples against such training.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. AUSTIN. I believe that the Senator from North Dakota did not hear me when I read that part of the opinion. I do not wish to engage in a dispute, but my recollection is that I read that statement. My comment on it would be that, of course, the Congress may extend this leniency to a citizen for a consideration, as it has done. When it has excused a person who, for such a reason, asked to be excused from the defense of his country in time of war, it has exacted from such citizen an equivalent in some form, money or a substitute person to perform military service for him. The citizen may thus be excused; I have not questioned that. I raised the grave question of policy which has been so ably discussed by the Senator from Illinois [Mr. LEWIS] and the Senator from Idaho [Mr. BORAH], which I also discussed, and which is now being discussed by the Senator from New York.

Mr. FRAZIER. Mr. President, will the Senator from New York yield again?

Mr. COPELAND. I yield.

Mr. FRAZIER. I beg the pardon of the Senator from Vermont; I did not understand that he had read the particular statement from the decision of the Supreme Court to which I referred.

Mr. COPELAND. Mr. President, I am much obliged to the Senators for their interruptions. I had not intended to say anything more about this decision, but the Supreme Court in the opinion of Mr. Justice Cardozo, in which he was joined by Mr. Justice Brandeis and Mr. Justice Stone, says:

> The first amendment, if it be read into the fourteenth, makes invalid any State law "respecting an establishment of religion or prohibiting the free exercise thereof." Instruction in military science is not instruction in the practice or tenets of a religion. Neither directly nor indirectly is Government establishing a State religion when it insists upon such training. Instruction in military science, unaccompanied here by any pledge of military service, is not an interference by the State with the free exercise of religion when the liberties of the Constitution are read in the light of a century and a half of history during the days of peace and war.

I do not think the Senator from North Dakota can get any consolation from the opinion of the Court.

The effect of the amendment offered by the Senator from North Dakota would be to take away from the States, the board of regents, curators, or other governing bodies of the institutions in question, and from the presidents or principals of schools and colleges, the administration and the right to determine, first, whether or not military training in their institutions of learning is to be elective or required, and, secondly, the right to discipline any individual student who desires to attend any such institution and yet does not desire to comply with its rules and regulation insofar as any military activities are concerned. In effect, the amendment places the administration of the college or school and the right to discipline the students therein in the hands of the individual student himself rather than retaining them in the hands of the administrative authority of the school, its governing body, or the State.

The amendment of the Senator from North Dakota would by force of Federal enactment compel the universities, colleges, and high schools of the country in which there is now required military training to make the course in military science strictly elective; it would take out of the hands of the governing body or administrative authority of a university or college which has a required course in military science as a prerequisite for a degree the right to discipline any student who differed in opinion or who refused to comply with the rules and regulations of the particular institution insofar as they pertain to military training. The Congress would indeed be going far afield if by Federal enactment it should attempt to tell governing bodies of institutions of learning of the Nation what they can or cannot do. This amendment says in effect that, no matter what the State authorities may determine, no matter what the governing body of the institution may or may not think, no matter what the president or principal of the school may say, there will be no required military courses in any State, except for the essentially military schools.

The Morrill Act of 1862, which made grants of land scrip which could be converted into money for the purpose of maintaining and establishing universities and colleges in every State of the Union, did so upon the condition that it should "support and maintain at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanical arts."

Mr. AUSTIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Vermont?

Mr. COPELAND. I yield.

Mr. AUSTIN. I wonder if it has occurred to the Senator, while considering the condition he has just pointed out, that one effect of this amendment would be to transform that condition into an option, or, to put it in another way, it would have the effect of substituting for that condition the option of the student himself?

Mr. COPELAND. It would submit the condition to the will of the student and destroy the purpose of the act. As I view it, it would be just as logical for the Congress to legislate and dictate to the various States, universities, and colleges that in order to obtain a bachelor of science degree from an agricultural college the student should not be re-

quired to study the chemistry of soils, or that if he seeks a degree in mechanics he should not be required to take a course in physics as a prerequisite to such degree. Some universities require a compulsory course in English or in citizenship as a prerequisite for any degree. It would be just as logical for the Congress to legislate that these courses should not be required. It would be just as logical for the Congress to prescribe under the National Youth Administration, which is part of the Works Progress Administration, that no student in high school or college should receive any Federal aid under that act unless he did or did not take certain courses, which the governing bodies of the various colleges say are prerequisite for graduation, or that if he did not want to take a certain course he could take the discipline of his case into his own hands.

If this amendment should be written into law, it would arbitrarily take away from the several States every vestige of right to determine for themselves whether military science shall be required or elected. A more flagrant effort to set aside the expressed will of the people could not be imagined.

I am familiar with the fact that the legislature of the Senator's State of North Dakota has recently made elective the course in military science in the State institutions of that State. That is the privilege of the people of North Dakota. That is the prerogative of the people of the State of North Dakota acting through their legislative body. I have no fault to find with it. In a region where the issue, as to whether or not military training in the State colleges should be compulsory, was placed squarely up to the people of that State in the form of a direct referendum, the people of Oregon very wisely voted overwhelmingly in favor of the R. O. T. C. and demanded that military training be made compulsory.

It is clearly an issue for the States, the local governing bodies, and the heads of the institutions to decide, and not a case for the Congress to meddle into the affairs of the far-flung campuses of the country. It is for the authorities of the various institutions to judge what is or is not to be a balanced course of instruction and what shall or shall not be required of students. Surely it is not for the Congress of the United States to dictate through appropriation bills whether or not State schools and colleges shall teach English or military science or physics or mathematics or anything else. Surely those responsible for the conduct of our schools and colleges should be in a position to judge the curriculum and to prescribe the course of study rather than to have the Senate do so. If there is one thing the States have done very well indeed it is in the matter of education. So far as I am concerned, I do not wish to interfere or have the Federal Government interfere with what shall be done in the individual States in an educational way.

Furthermore, in publicly owned and controlled institutions, supported mainly by general taxation, a person ordinarily has no constitutional right to enter or to remain save upon the terms and conditions prescribed by the governing authorities, acting within the scope of their delegated powers. Attendance upon such a place is a privilege, not a right except in a most limited sense.

Once more let me say that I am not reflecting at all upon the Senator from North Dakota when I say this, but the fact is that others than the Senator, others less high-minded, less devoted to the flag, less devoted to the country, have made attacks upon certain activities of the Government and certain laws of the Government. These subversive elements in our country have turned their attacks upon the civilian components of the Army, which is the greatest proof that could be obtained of their insincerity in claiming to be the advocates of the cause of peace and democracy. It is remarkable that we do not find attacks made upon the military activities, those which are professional in a sense, but the attack is always made, not alone upon the floor of Congress but in the public press and in speeches elsewhere and in soap-box oratory, upon the civilian components of the Army. As I have said, this is the greatest proof that could be obtained of their insincerity in claiming to be advocates of the cause of peace and democracy. Without civilian reserve components, and particularly the R. O. T. C., we would have to maintain a standing army of at least several times the size of our present establishment, and at many times the cost.

I think it is a tribute to our country that we have in this bill an appropriation not for an Army of a million or 2,000,000, but an Army of only 165,000. This is not a war bill. This is not a bill providing appropriations for the purchase of implements of offensive warfare. This is a bill which has to do wholly with our national defense. I have taken pains to quiz Army officers who came before our committee asking for appropriations: "Why do you want the appropriation? Have you war in mind?" With one accord they have said, "No. We seek only a decent national defense."

Many of the European and Asiatic nations have compulsory military training for all male citizens; every young man, upon reaching military age, is required to serve for a period from 2 to 4 years in the army or navy, at the conclusion of which he becomes a reservist, available for service at the will of the government, war or no war.

In America, we shun that undemocratic policy. No person, in college or out, is compelled by the Federal Government to take military training or enter the military or naval service except after the Congress has declared a state of war. We seek to maintain a small standing Army, with a trained civilian reserve of reasonable strength; both of these are strictly volunteer so far as the Federal Government is concerned. Our main reliance in time of emergency is in our Organized Militia, by which we nowadays mean the National Guard and the Organized Reserves; it is the best insurance we could have against the militarism which the radical pacifists preach about despising.

Mr. President, I pray that this amendment may be overwhelmingly defeated.

Mr. FRAZIER. Mr. President, I am not going to undertake to answer all the arguments which have been offered, but I want to say a few words in defense of my amendment.

There is nothing in the Morrill Act or in the National Defense Act to require compulsory military training in a land-grant college or any other college, any more than there is a requirement for compulsory training in agriculture or the mechanical arts. Certainly no one will try to make the argument that a course in agriculture is made compulsory under the Morrill Act or any other act applying to our land-grant colleges. Such courses are admittedly elective. In the National Defense Act reference is made to colleges where a course in military training is either elective or compulsory.

Mr. President, my amendment would simply protect students at the universities and colleges which have compulsory military training against being thrown out of college because they have religious scruples against military training. It has been stated that if their right to object to military training were recognized they might object to paying taxes. It seems to me that is a very far-fetched argument. There is a special provision for the collection of taxes, and I have never heard anyone object to paying taxes because of any religious scruples, or anything of the kind; and if they did I am sure they would not get far with it. I am surprised that that argument should be made by anyone.

The eminent Senator from Vermont stated that we should be prepared, and that this was a part of our preparedness program. He stated that we should be prepared so that no other nation would dare to attack us.

Mr. President, that sounds rather strange to me, because while I will admit that we probably might be prepared so that no other one nation would dare to attack us; but in recent wars it has been customary for a group of nations to form an alliance and make war together; and if half a dozen or a dozen foreign nations should "gang-up" against the United States, it would be absolutely impossible for this country to arm so that such a group of nations could not successfully attack us. Of course, under the modern system

of warfare, there is no such thing as adequate defense. It is absolutely impossible for any nation to prepare adequately to defend itself; and that fact has been demonstrated time after time by the modern methods of warfare.

The eminent Senator from New York [Mr. COPELAND], who has charge of this bill, says that this is not a war bill, but a bill for defense. I call the attention of Members of the Senate to the fact that in the hearings on this bill before the House committee on page 138 there is given the increased expense for increase of the Army carried in this bill, and the increased expense is $5,681,329. Of course, that does not amount to much as compared with our total appropriations for war purposes, but it is for increase in the Army in this bill over what we have ever had before in peacetime; and this is one of the largest appropriations we have ever had in peacetime. We are spending this year a billion dollars for war purposes—not for defense, but for preparations for war—and we are appropriating another billion dollars for the coming year.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New York?

Mr. FRAZIER. I shall be glad to yield.

Mr. COPELAND. I desire to reply very briefly, because there is a reply to the reference the Senator has made to the House hearings.

We decided here, in this very place, and the House agreed to it, that the standing Army of the United States should be 165,000. It so happened that it took a little time to bring the enrollment up to 165,000, so the appropriation was made for the number we had—one hundred and sixty-two or one hundred and sixty-three thousand. This appropriation is not for something new. The appropriations here are for an Army of the size which the Congress, after due consideration, established—165,000 men.

Mr. FRAZIER. Mr. President, of course the increase in the Army has been authorized by Congress. That is a part of the war propaganda; but it is something new to have 165,000 trained soldiers, because we never have had that number of soldiers in peacetime up until this present provision in the pending bill. We have not that number now.

Mr. COPELAND. Mr. President, will the Senator further yield?

Mr. FRAZIER. Certainly.

Mr. COPELAND. The Senator from North Dakota himself was here when we enacted 2 years ago the law in which we fixed the size of the Army at 165,000 men.

Mr. FRAZIER. Oh, I appreciate that. I voted against it, just as a number of other Senators did; but it was put over as a part of the war propaganda. We have been spending more money in peacetimes since the World War than any other nation on the face of the earth has been spending for so-called preparedness, until during the last year or two some of the other nations have outstripped us. Why? Because the United States has been spending so much money, has been setting such an example of preparation for war, building battleships costing $50,000,000 apiece that one bomb will sink to the bottom of the ocean.

It is said that this bill is for defense. That is what was said about the Navy bill, too, that it was for defense. We do not need great battleships for defense. We do not need aircraft carriers for defense. We do not need this increase of the Army for defense, because there is no country that we know of, or that anyone else knows of, that is even thinking of attacking the United States at the present time.

Up on the 3,000 miles of border between Canada and the United States we have an undefended frontier, and have had it for 120 years. This is the one hundred and twentieth anniversary of the treaty with Canada under which there were to be no fortifications, no military armament, along that border. The one hundred and twentieth anniversary of that treaty is being celebrated all over the Nation this year, especially along the Canadian border.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. COPELAND. I suppose Ethiopia felt moderately safe, too; did she not? No doubt the Ethiopians thought they had protection because nobody would attack them.

Mr. FRAZIER. That is a rather far-fetched question, too. A few years ago Ethiopia made a pretty good showing in a war against Italy, and Italy was trying to get even; that is all.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. FRAZIER. Certainly.

Mr. DAVIS. Is any part of the appropriation contained in this bill for the purpose of building fortifications between the United States and Canada?

Mr. FRAZIER. Not a cent of it. None is needed.

Mr. DAVIS. I should protest against it if that were the case.

Mr. FRAZIER. None is needed.

Mr. DAVIS. I agree with the Senator that none is needed.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield to the Senator from Indiana.

Mr. MINTON. We all know the great interest of the Senator from North Dakota in appropriations for matters of national defense. I notice that the bill carries a considerable appropriation. Does not the Senator think we ought to be thinking about balancing the Budget? We cannot continue to spend more than we are taking in without coming face to face with the possibility of the collapse of our credit structure. As a gesture in that direction, does not the Senator think we ought to require the States along the seacoast, at any rate, to put up at least 40 percent of the money carried in this bill? [Laughter.]

Mr. FRAZIER. I think that is a very appropriate question; but when it comes to appropriations for war purposes, balancing the Budget does not count. Not even the 40 percent or the 25 percent that the States should put up has any bearing at all on our so-called adequate national defense appropriations.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. FRAZIER. Yes.

Mr. COPELAND. One of the interesting things about this bill is that when it came here, it came with figures which were given us by the Budget Bureau. So the official body having to do with balancing the Budget determined how much we should spend for the military bill; and that is the amount carried by the bill, except that it is a few thousand dollars less than the amount suggested by that body.

Mr. CLARK. Mr. President——

Mr. FRAZIER. That is another interesting thing—to think that our Budget Bureau will approve appropriations of almost any amount for war purposes; but when it comes to something for relief, or for the Indians, or for agriculture, it is "contrary to the President's financial program", and cannot be approved.

That is the situation. It is rather strange that our Budget Bureau will go the limit—"the sky is the limit"—on war appropriations, appropriations for an increase in the Army, increase in the Navy, and the air forces. That is all right; yes, that is what we must have; but many other bills authorizing appropriations for the general welfare of the people are held to be contrary to the President's financial program, and must not be approved.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. FRAZIER. I am glad to yield.

Mr. CLARK. Does not the Senator regard it as singular that when the Congress of the United States in 1933, at a time of most profound national crisis, appropriated a sum of money for the purpose of reemployment, putting people back to work immediately, the first allocation which was made from that sum was nearly $400,000,000 for the purpose of building battleships and other naval craft, many of which have not yet been constructed? So far from having any effect on reemployment in 1933, a great deal of that construction has not yet been undertaken, and 2 years later plans had not even been drawn for some of it.

Mr. FRAZIER. I have thought that was very queer, but I did not intend to say anything about it. I appreciate the Senator's action in bringing it up, however.

In the United States today there are 174 colleges and schools, including all of the land-grant colleges in the United States except three, in which military training is compulsory. All I ask in this amendment is that the boys who have religious scruples against taking instruction in military tactics shall be exempted from such military training, and be allowed to take their courses in the colleges and get their degrees. That is all I am asking.

Mr. President, I shall not take any more time. If there is no further discussion, I should like to have a roll call on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Dakota [Mr. FRAZIER].

Mr. FRAZIER. I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. CLARK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Colo.	Pope
Ashurst	Copeland	La Follette	Radcliffe
Austin	Davis	Lee	Reynolds
Bailey	Dieterich	Lewis	Robinson
Bankhead	Duffy	Lodge	Russell
Barkley	Ellender	Logan	Schwartz
Bilbo	Frazier	Lonergan	Schwellenbach
Black	Gerry	Lundeen	Smathers
Borah	Gillette	McKellar	Smith
Bridges	Green	McNary	Steiwer
Brown, Mich.	Guffey	Minton	Thomas, Okla.
Brown, N. H.	Harrison	Moore	Thomas, Utah
Bulow	Hatch	Murray	Townsend
Byrnes	Hayden	Neely	Truman
Capper	Herring	Nye	Vandenberg
Caraway	Hitchcock	Overton	Wagner
Chavez	Holt	Pepper	Wheeler
Clark	Johnson, Calif.	Pittman	White

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment of the Senator from North Dakota [Mr. FRAZIER].

Mr. FRAZIER. I again ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. COPELAND. Mr. President, may we have the amendment stated?

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed, on page 63, line 20, after the words "Officers' Training Corps", to insert the following:

Provided further, That none of the funds appropriated in this act shall be used for or toward the support of any compulsory military course or military training in any civil school or college, or for the pay of any officer, enlisted man, or employee at any civil school or college which suspends, expels, or otherwise penalizes students who, because of conscientious convictions or because of religious belief, object to enrollment in courses of military instructions; but nothing herein shall be construed as applying to essentially military schools or colleges.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. WHITE. I announce the unavoidable absence of my colleague the senior Senator from Maine [Mr. HALE]. I understand that on this question he is paired with the senior Senator from Texas [Mr. SHEPPARD]. If present, my colleague [Mr. HALE] would vote "nay."

Mr. LEWIS. I desire to announce that the Senator from Florida [Mr. ANDREWS], the Senator from Washington [Mr. BONE], the Senator from Ohio [Mr. BULKLEY], the Senator from Nebraska [Mr. BURKE], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Indiana [Mr. VAN NUYS], the Senator from Massachusetts [Mr. WALSH], the Senator from Maryland [Mr. TYDINGS], the Senator from Georgia [Mr. GEORGE], the senior Senator from Virginia [Mr. GLASS], the junior Senator from Virginia [Mr. BYRD], the Senator from Delaware [Mr. HUGHES], and the Senator from Kansas [Mr. MCGILL] are necessarily detained from the Senate on official business.

The Senator from Tennessee [Mr. BERRY], the Senator from Ohio [Mr. DONAHEY], the Senator from Nevada [Mr. MCCARRAN], and the Senator from Texas [Mr. SHEPPARD] are detained from the Senate on important public business.

The Senator from Utah [Mr. KING] and the Senator from Connecticut [Mr. MALONEY] are detained because of illness.

Mr. AUSTIN. Mr. President, my colleague the junior Senator from Vermont [Mr. GIBSON] is necessarily absent. He is paired with the Senator from Kansas [Mr. MCGILL]. If my colleague were present and permitted to vote, he would vote "nay", and I understand that if present and voting the Senator from Kansas [Mr. MCGILL] would vote "yea."

I also announce that the Senator from New Hampshire [Mr. BRIDGES] has a general pair with the Senator from Virginia [Mr. BYRD].

I also announce that the Senator from Minnesota [Mr. SHIPSTEAD] has a general pair with the Senator from Virginia [Mr. GLASS].

Mr. ROBINSON. The Senator from California [Mr. MCADOO] is detained in a meeting of the Committee on Patents.

Mr. MCKELLAR. I have a general pair with the Senator from Delaware [Mr. TOWNSEND]. I transfer that pair to the Senator from Maryland [Mr. TYDINGS] and vote "nay."

The result was announced—yeas 15, nays 55, as follows:

YEAS—15

Bulow	Frazier	Johnson, Colo.	Pope
Capper	Gillette	La Follette	Thomas, Utah
Clark	Hitchcock	Lundeen	Wheeler
Davis	Holt	Nye	

NAYS—55

Adams	Connally	Lewis	Reynolds
Ashurst	Copeland	Lodge	Robinson
Austin	Dieterich	Logan	Russell
Bailey	Duffy	Lonergan	Schwartz
Bankhead	Ellender	McKellar	Schwellenbach
Barkley	Gerry	McNary	Smathers
Bilbo	Green	Minton	Smith
Black	Guffey	Moore	Steiwer
Borah	Harrison	Murray	Thomas, Okla.
Brown, Mich.	Hatch	Neely	Truman
Brown, N. H.	Hayden	Overton	Vandenberg
Byrnes	Herring	Pepper	Wagner
Caraway	Johnson, Calif.	Pittman	White
Chavez	Lee	Radcliffe	

NOT VOTING—26

Andrews	Donahey	McAdoo	Shipstead
Berry	George	McCarran	Townsend
Bone	Gibson	McGill	Tydings
Bridges	Glass	Maloney	Van Nuys
Bulkley	Hale	Norris	Walsh
Burke	Hughes	O'Mahoney	
Byrd	King	Sheppard	

So Mr. FRAZIER's amendment was rejected.

Mr. COPELAND. Mr. President, I present one more amendment from the committee.

Yesterday the Senate agreed to a blanket amendment providing that wherever the word "Warfare" appeared in the phrase "the Chemical Warfare Service", the word "Warfare" should be omitted. I ask that that action may be reconsidered, with the exception of the title on page 45, in order that a more formal amendment may be offered.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New York that the vote by which the amendment was agreed to be reconsidered? The Chair hears none, and it is so ordered. The amendment offered by the Senator from New York will be stated.

The CHIEF CLERK. On page 45, line 8, after the words "Chemical Warfare Service", and wherever they appear in the bill, it is proposed to insert a comma and the words "which shall hereafter be known as the Chemical Service."

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New York on behalf of the committee.

The amendment was agreed to.

The PRESIDENT pro tempore. The bill is still before the Senate and open to further amendment.

Mr. CAPPER. Mr. President, much as I regret it, I feel that I must oppose the amount recommended by the committee in the pending appropriation bill for the War Department.

I am for a reasonable expenditure for the needs of the Military Establishment, but the $600,000,000 carried by this bill is entirely too large. The Congress already has directly appropriated $528,000,000 for the Navy for the next fiscal year. These two measures mean a total of $1,123,000,000 for the Army and Navy for the coming fiscal year.

Mr. President, we cannot afford to ignore the rapidly increasing national debt and the ever-mounting Federal taxes.

This month the Treasury financed another issue of Federal securities, $800,000,000 in all. Of this total, $300,000,000 was for refinancing; the other half-billion dollars was added to the national debt.

By June 30 the national debt will have reached the stupendous total of thirty-six and one-quarter billions of dollars, by far the highest in our history. Thirty-six and a quarter billion dollars is just too much money for the mind to grasp. One of the things it means is that the American taxpayer has to raise practically $1,000,000,000 a year to pay interest on the total.

The worst of it is that the national debt continues to grow each year. The Treasury deficit this year will be between two and three billion dollars. Uncle Sam keeps on spending nearly twice as much as his income.

The time has come to quit borrowing for operating expenses. Congress must see to it that existing governmental expenditures are held within reasonable bounds, and provide only the amounts necessary to carry on. We must call a halt on this huge spending program.

It is my deliberate judgment, Mr. President, that this vast expenditure of one and one-eighth billion dollars in preparations for war is uncalled for. It is extravagant. It is unfair to the taxpayer. It will call for increased appropriations by other nations to "keep up with Uncle Sam" in the matter of war preparations. It is wicked, and in the larger sense criminal, for the United States to spend these immense sums.

We are now spending nearly four times as much in preparing for another war as we were spending just prior to our entry into the World War. We talk loudly of peace, and then prepare for war—not a war of defense, but a war of aggression—on a scale that causes at least one foreign nation to race madly into certain bankruptcy because its leaders tell their people they must arm to defend against the United States. You and I know this is not true, but they point to our more than a billion dollars a year for war, and believe it.

Mr. President, I yield to no one in my sincere desire to appropriate sufficient funds for adequate national defense; but these appropriations we are making are not for national defense. They are of a size that indicates preparation for making war in foreign lands.

Look at the record. In 1930 we appropriated some $838,000,000 for the Army and Navy. In 1931 we appropriated about the same amount; a little more in 1932; still more in 1933, though by this time relief funds were being poured into the Army and Navy by the hundreds of thousands of dollars. In 1934 the direct appropriation for the Navy was cut to $297,000,000; for the Army it was $408,000,000. The Navy drew heavily on funds intended to be expended for work relief.

In 1935 we apparently entered thoroughly into the world-wide armament race. The Army appropriation jumped to four hundred and eight-nine millions; the Navy appropriation to four hundred and thirty-six millions. Last year the Army appropriation was six hundred and eighteen millions, the Navy appropriation five hundred and twenty-nine millions. This year we have appropriated five hundred and twenty-eight millions for the Navy, and today are proposing another six hundred and ten millions for the Army.

Mr. President, I do not see how civilization is going to survive these preparations for wars, to say nothing of the wars themselves. Last year some 60 nations expended eleven thousand million dollars for so-called national defense. In the past 5 years, $32,000,000,000 have been spent on armaments. The United States has spent four and one-half billion dollars on its Army and Navy.

Now we are planning to expend another one and one-eighth billion dollars next year, at a time when the Budget is unbalanced, and every resource is being strained to carry the burdens of government.

Mr. President, I cannot allow this appropriation bill to pass without raising my voice in protest. I do not want our boys sent abroad again to fight another nation's wars. I will never vote to do that. It is my firm conviction that building up these extravagant war machines in this Nation will lead inevitably to another war abroad, and will again call our boys overseas.

Mr. COPELAND. Mr. President, I wish to say a word in reply to what the Senator from Kansas has just said. I am just as much for peace as he is.

I want the Senate to see how well the Department itself dealt with this problem. It asked the various divisions of the Army for their requests for this year. The figures, when they came in, amounted to approximately $590,000,000. The Secretary of War went over these figures with the Chief of Staff and the headquarters staff, and reduced the figures to $450,000,000. The Department itself cut off $140,000,000. Then these figures were submitted to the Bureau of the Budget. The Bureau of the Budget allowed $410,936,000. The bill, as we have it before us now, is under the Budget by a few thousand dollars.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. CLARK. Will the Senator tell the Senate how the present bill compares with the bill of last year?

Mr. COPELAND. It appropriates more money than the bill of last year, and more money than the bill of the year preceding that.

Mr. CLARK. I ask the Senator, then, instead of comparing the figures with the estimates of the various departments and the estimates of the various bureaucrats in the departments and the estimates of the Bureau of the Budget, if he will compare the present bill with the Army appropriation bill of last year, and the one of the year before that, and the one of the year before that.

Mr. COPELAND. When we come to total figures this year, of course we shall have an increase over last year, on account of our liberal appropriation for flood control.

Mr. CLARK. The Senator also knows that the appropriation for military purposes is considerably in excess of that of last year.

Mr. COPELAND. Yes.

Mr. CLARK. And the appropriation of last year was considerably in excess of the appropriation of the previous year.

Mr. COPELAND. It was.

Mr. CLARK. And the appropriation of the year before last was considerably in excess of the appropriation of the year before that. So, in times of profound peace, when there is expressed on every side a desire and necessity for economy, we go on, year after year and year after year, appropriating more money, squandering more money for the purpose of preparing for another war.

Mr. COPELAND. Mr. President, in reply to the Senator from Missouri, I will say that the increase this year is found in the increased cost of subsistence for the Army, and increased cost of uniforms and equipment. So, Mr. President, as we have increasing prosperity and higher prices, we shall have to pay more for the maintenance of the same sized force.

Mr. CLARK. I should like to ask the Senator another question. What was the decrease in the military appropriation bill during the years of depression, when prices of uniforms and prices of subsistence and prices of foodstuffs were

continually going down? When wheat was selling for two-bits a bushel out in Kansas, during the days of the Hoover depression, how much was the military appropriation bill reduced in amount?

Mr. COPELAND. I cannot answer that question, because I was not in charge of the bill.

Mr. CLARK. No; but the Senator was a member of this great body at that time.

Mr. POPE. Mr. President, will the Senator yield for a question?

Mr. COPELAND. I yield.

Mr. POPE. The Senator stated that the amount of this appropriation bill exceeds the estimate of the Bureau of the Budget. Will the Senator state how much it exceeds the estimate of the Bureau of the Budget?

Mr. COPELAND. Mr. President, the Senator misunderstood me. The appropriation bill is under the Budget estimate.

Mr. POPE. How much under the Budget estimate?

Mr. COPELAND. Five or six thousand dollars. It is a very small amount, but we are under the Budget estimate.

Mr. POPE. Yesterday, when there was discussion with reference to certain items, I understood that they exceeded the estimate of the Budget Bureau. The amount appropriated for the National Guard, for instance, exceeded the estimate of the Bureau of the Budget.

Mr. COPELAND. That is true; but the committee was able to exercise economies in other quarters, so that the sum total of the Budget estimates that came to us was in excess of the appropriations contained in the bill.

Mr. POPE. Some five or six thousand dollars?

Mr. COPELAND. Yes; it is a very small amount.

Mr. THOMAS of Oklahoma. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On pages 82 and 83 it is proposed to strike out section 4 and insert in lieu thereof the following:

SEC. 4. No part of any appropriation made by this act shall be used in any way to pay any expense in connection with the conduct, operation, or management of any post exchange, branch exchange, or subexchange within any State, Territory, or the District of Columbia, save and except for real assistance and convenience to military personnel and civilians employed or serving at military posts and to retired enlisted naval personnel in supplying them with articles of small personal needs, not similar to those furnished by the Government: *Provided*, That the commanding officer of the post at which any such exchange is situated shall certify on the monthly report of the post exchange council that such exchange was, during the period covered by such report, operated in compliance with this section.

Mr. THOMAS of Oklahoma. Mr. President, I ask the chairman of the committee if he is willing to accept the amendment and take it to conference.

Mr. COPELAND. Mr. President, in order that the amendment may be considered in conference, and deliberately considered, I am willing, for the committee, so far as I am concerned, to take it to conference. I do not make any apologies to the Senator as to the fate of the amendment in the conference, but at least it will be considered there on its merits.

Mr. THOMAS of Oklahoma. In explanation of the amendment, I wish to say very briefly that when the military establishments were first installed, small post exchanges and canteens were provided. At that time the canteens sold small articles for personal use for the Military Establishment, such as soft drinks, cigarettes, and articles of similar character. The post exchanges, however, have developed until today they have become great department stores where everything is sold that the soldier personnel may wish to buy. If the personnel cannot purchase what they desire at a post exchange, orders are placed, and in that way whatever they may desire is purchased, including automobiles, radios, and what not. The amendment offered by me is intended to curb post-exchange activities and to limit somewhat the articles that may be sold in such canteens or post exchanges.

I ask that the amendment be adopted, if agreeable to the Senate, and that it may go to conference, so that the conferees may work out, if possible, some schedule of the articles that should be sold in the post exchanges.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

The amendment was agreed to.

Mr. SCHWELLENBACH. Mr. President, I wish to refer to a proviso in the bill which is part of the amendment under the heading "United States Soldiers' Home", and I will say that at the conclusion of my remarks I will ask unanimous consent for reconsideration of the vote by which the amendment was adopted with the idea in mind of moving to strike out that portion of the amendment which begins in line 13, on page 77, and which reads as follows:

Provided further, That effective July 1, 1937, the Board of Commissioners of the Home may prescribe the duties to be performed and fix the compensation to be paid for personal services rendered by hospital orderlies and member employees of the Home without regard to the provisions of the Classification Act, 1923, as amended, or any other law relating to payment for personal services.

The PRESIDENT pro tempore. The Chair will state to the Senator from Washington that that amendment was rejected yesterday.

Mr. COPELAND. Mr. President, I apparently anticipated what the Senator from Washington might say, and yesterday the Senate struck out the language to which he has referred.

Mr. SCHWELLENBACH. Very well.

The PRESIDENT pro tempore. The bill is still before the Senate and open to amendment. If there are no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1938, and for other purposes."

Mr. COPELAND. I move that the Senate insist upon its amendments, ask for a conference with the House of Representatives thereon, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. COPELAND, Mr. HAYDEN, Mr. THOMAS of Oklahoma, Mr. SHEPPARD, and Mr. TOWNSEND conferees on the part of the Senate.

EXTENSION OF CERTAIN TAXES

Mr. HARRISON. I move that the Senate proceed to the consideration of Calendar No. 845, being House Joint Resolution 375, which proposes to extend certain taxes.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Mississippi.

The motion was agreed to; and the Senate proceeded to the consideration of the joint resolution (H. J. Res. 375) to provide revenue, and for other purposes, which had been reported from the Committee on Finance with amendments.

Mr. WAGNER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from New York?

Mr. HARRISON. I yield.

Mr. WAGNER. I was going to ask the Senator if he would consent to having the unfinished business temporarily laid aside, in order that I may ask the Senate to consider the railway employees retirement bill, about which, I think, there will be very little debate and, I am sure, no opposition?

Mr. HARRISON. Mr. President, of course the Senator appreciates that the joint resolution provides for an extension of the so-called nuisance taxes, many of which will expire on the 30th of June. I am very much interested also

in the Railroad Retirement Act, and I know that it should pass before a definite date. I understand that its provisions have been agreed upon, and from the information I have received it will not take over 30 minutes or so to pass the bill. I cannot imagine there will be any opposition to it. So, with the understanding that the joint resolution affecting the revenue may be proceeded with immediately following the disposition of the railroad retirement bill, I am willing to lay aside temporarily the joint resolution, and I hope the measure in which the Senator from New York is interested will be expedited just as much as possible.

Mr. WAGNER. I thank the Senator for his cooperation.

Mr. McNARY. Mr. President, what was the request made by the Senator from New York?

The PRESIDENT pro tempore. The Senator from New York asks that the unfinished business, the joint resolution providing for the extension of certain taxes, be temporarily laid aside in order that the Senate may consider House bill 7519.

Mr. McNARY. The request is that the unfinished business be laid aside merely temporarily?

The PRESIDENT pro tempore. That it be temporarily laid aside.

Mr. McNARY. Very well.

RETIREMENT OF RAILWAY EMPLOYEES

Mr. WAGNER. I ask unanimous consent that the Senate consider at this time Order of Business 812, which is House bill 7519. Except for a few changes in grammar, the House bill is practically identical with Senate bill 2395, which the Committee on Interstate Commerce has reported favorably, and which is now upon the Senate Calendar.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. WHITE. I understand that the bill which has passed the House, and which is now before the Senate, is identical in substance with the bill reported by the Interstate Commerce Committee of the Senate?

Mr. WAGNER. That is correct.

Mr. WHITE. And which was a compromise between conflicting groups?

Mr. WAGNER. Exactly.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New York that the Senate proceed to the consideration of the bill named by him?

There being no objection, the Senate proceeded to consider the bill (H. R. 7519) to amend an act entitled "An act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes", approved August 29, 1935.

Mr. WAGNER. Mr. President, I shall cooperate with the Senator from Mississippi by making as brief a statement as possible upon this bill. I am sure that all Senators, except those who became Members of the body during the present year, remember the subject matter of the bill. The first bill on the subject was passed in 1934, but was declared to be unconstitutional by the United States Supreme Court by a decision of 5 to 4. In order to meet the objections raised by the United States Supreme Court, the Congress passed another act in 1935, which is now the law. The railroads began an action for the purpose of testing the constitutionality of the second act, and succeeded in securing an injunction in the district court here, enjoining the board from imposing the tax upon the railroads and the employees.

While this litigation was proceeding, I think it was the President of the United States who suggested to the contending parties that they make an effort to agree upon legislation which would protect the workers and at the same time obviate the necessity of further litigation and thereby eliminate the running of the gauntlet by the second law. I may say, however, that my personal view is that the second law is constitutional. So the two parties, the representatives of all the railroads, employing now about a million and a half men, met with the representatives of 21 unions, which represent 92 or 93 percent of all the workers upon the railroads of the country, and, after a prolonged series of conferences, they finally agreed upon the measure which is now before the Senate.

So I am authorized to say that the 21 unions—and there are no other unions in the railway industry—and all the representatives of the railroads of the country agreed upon the provisions of the pending bill. It was considered by the House, and after very short debate was passed with only one dissenting vote. There are very few changes made. This bill is really an amendment to the 1935 act, which I had the honor of introducing in the Senate. I may state briefly the changes.

Mr. ASHURST. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Arizona.

Mr. WAGNER. I do.

Mr. ASHURST. I have confidence in the Senator's judgment as a lawyer. Does the Senator believe, inasmuch as the Supreme Court of the United States has executed a volte-face and has lately handed down 11 decisions sustaining New Deal laws, that this bill would pass the test before that honorable tribunal?

Mr. WAGNER. I am very confident that it would, but, as a matter of fact, I may say to the distinguished Senator from Arizona that the railroads agreed with the representatives of the workers that if this measure were enacted they would not test its constitutionality, but accept it as law of the land.

Mr. ASHURST. The Senator from New York, who is as able a lawyer as is any Justice of the Supreme Court of the United States, believed——

Mr. WAGNER. I wish that were so.

Mr. ASHURST. That the original law was constitutional?

Mr. WAGNER. Yes.

Mr. ASHURST. This next question may not be fair—and if it be unfair I shall withdraw it—does the Senator believe, assuming that the Supreme Court of the United States has not executed a volte-face, that this bill would be sustained?

Mr. WAGNER. That is a very difficult question. I am sure that under the recent decisions of the United States Supreme Court, particularly in the Social Security case, this proposed law would be declared to be constitutional.

Mr. ASHURST. Mark you, there is not even a remote suggestion of criticism on my part against that honorable body, the Supreme Court, for executing a volte-face and practicing inconsistency. I rejoice that the Court did it; they probably saved the country by so doing.

Mr. WAGNER. I think, of course, there is another very gratifying thing involved in this particular proposed legislation, and that is that the great railroads of the country and the representatives of the workers have gotten together and, by cooperation, have agreed upon a bill which is new in the railroad industry.

Mr. CLARK and Mr. BARKLEY addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from New York yield; and if so, to whom?

Mr. WAGNER. I yield first to the Senator from Missouri.

Mr. CLARK. In response to what the Senator from Arizona said, as a matter of fact is it not true that this bill is drawn with particular reference to the line laid down by the Supreme Court decision in the first railroad labor case?

Mr. WAGNER. Yes. We are trying to avoid, and I am sure we have avoided, all the questions raised by the Supreme Court in that decision.

Mr. CLARK. While I am on my feet let me say, in consonance with what the Senator from New York has said, that I believe the procedure with regard to this bill is the most hopeful thing that has happened in the United States in a great many years with regard to the relationship between employer and employee. We have had the employers in a great industry of the United States and their employees sit down across a table and work out a scheme by which

and under which they are able to come together and ask the Congress of the United States to enact a law for their larger mutual development, which, as I said, is one of the most hopeful things that has happened in the United States in a great many years.

Mr. WAGNER. I agree with the Senator, and I want them to be encouraged by Congress rather than discouraged.

Mr. CLARK. I am proud of the fact that a distinguished citizen of Missouri, Hon. Charles M. Hay, whom I am happy to call my personal friend, has borne so important a part in working out this epoch-making legislation.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. WHEELER. Undoubtedly the Supreme Court of the United States, in reversing itself in one or two cases and practicing inconsistency, was emulating the example set by the distinguished Senator from Arizona [Mr. ASHURST]. [Laughter.]

Mr. ASHURST. Mr. President, if I had never done anything else in public life I am glad that I have taught at least the Supreme Court not to persist in error when they perceive they are in error. If Senators, when they know they are in error, will not cling with too great a steadfastness to the error, but will reverse themselves, they will render even a nobler service than they are rendering now. [Laughter.]

Mr. WHEELER. If that is the case I am sure the Senator from Arizona will join with me and the rest of us in fighting the bill to pack the Supreme Court.

Mr. ASHURST. It would be unfair to the Senator from New York to prolong this colloquy, and I have no intention of doing so.

Mr. WAGNER. I think we have settled the controversy.

Mr. ASHURST. I cannot join the able Senator from Montana, and let me say that I regard him as one of the ablest lawyers in the United States.

Mr. WHEELER. I thank the Senator.

Mr. ASHURST. I cannot join with the Senator from Montana in opposing a reasonable bill that labor throughout the country has unanimously approved. On the one side are the laboring interests, the farmers, and the producers; on the other side the Liberty League and Wall Street. Choose which side you wish. I have made my choice.

Mr. WAGNER. Mr. President, I decline to yield further, I think we have gotten far afield and the Senator from Mississippi [Mr. HARRISON] will charge me with lacking cooperation.

I am going to point out only a few of the changes in the law of last year which are proposed by the bill now before the Senate. I think this bill embodies a great improvement of that act.

I suppose those of us familiar with the subject of pensions know that one of the leading authorities on that subject is Mr. Murray Latimer, a member of the Railway Retirement Board, who has made a life study of the subject. He told me that the bill which we are considering now is a generous measure judged in terms of all the measures of social insurance for workers throughout the entire world. That is a very broad statement, but he is willing to stand on it.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. MINTON. Is not that condition to which the Senator just referred the final culmination of the relationship between labor and the railroad officials around the table practicing collective bargaining for years and years?

Mr. WAGNER. Yes; and that is the reason why I made the statement I did. Of course, someone can always find objections to any pension bill. There are always some seeking to get under the coverage; and we sympathize with their efforts, no doubt. But in all these cases we have to consider the cost, we have to consider the question of a pleasant relationship between employer and employee, and, finally, we have to consider the matter of justice for all concerned. Here and there individuals may find fault with the bill, but I really think it is one of the finest pension bills ever considered. It has certain advantages over the present act.

In the first place, the coverage is extended expressly to railroad labor organizations, railroad associations, traffic associations, and is made more clearly applicable to subsidiaries of railroad companies such as refrigerator storage and other facilities. In other words, it covers a greater number of employees, not only those directly in the railroad business but those associated with it, and in that regard it is more liberal than the present act.

Secondly, coverage is extended by the express provision, which is absent from the present act, that periods of absence from work because of sickness shall be counted in estimating the period of service upon which the amount of retirement benefits are to be based. The Board has had some difficulty in interpreting the present law and determining, when a man was sick for a period of time, whether he during his absence retained the relationship of employee to employer. The pending bill will clarify that difficulty.

Another extension of coverage is that retirement for disability with benefits, even without 30 years of service, may be taken advantage of at the age of 60 instead of 65. That represents a reduction of 5 years. In return for this benefit the general retirement age after 30 years of service is raised from 50 to 60, and I think that is a very fair provision.

Let me state what else the bill now before us provides which last year's act did not provide. There are 47 out of about 50,000 workers who have long ago retired from service and are receiving pensions from the railroads for whom they worked for a long number of years. These are men of 70 years of age and over. They are now receiving a pension from the railroads. Under the act of last year that pension was cut out. We did not provide for that pension and that raised a very serious question. Now we transfer those funds and the 47 pensioners will now become pensioners of the national system and will be paid by the Railway Retirement Board the pensions which they were being paid previously by the railroads. If there are any employees now receiving a pension who receive more than $120 a month they are not transferred, but the railroads of the country have made an agreement, in the conference of which we are speaking, that they will continue until death to pay these benefits to those employees. These are benefits which heretofore were not provided for in the act of last year.

Mr. VANDENBERG. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Michigan?

Mr. WAGNER. Certainly.

Mr. VANDENBERG. I have had a number of inquiries regarding this point and I wish the Senator would discuss it briefly for the RECORD. Were there substantial collections under the old law, and what becomes of those funds if there were such collections?

Mr. WAGNER. The collections were restrained by the courts.

Mr. VANDENBERG. And none was made?

Mr. WAGNER. There was a small amount collected and that will be taken care of in the tax bill which will follow this measure. It has nothing to do with the pending measure.

Under the second Railway Retirement Act, all years of service before the passage of the act could be counted in calculating the benefits. Under the amendments to the act in the bill now before us, the period before the passage of the act of August 1929 can be counted only if the employee was in service on that date.

Some objection has been raised to this provision by a very small group representing not more than 4,000 out of 1,500,000. Let us analyze the situation.

Here is an example: A young man might have worked for a railroad 15 or 20 years, and then have severed his connection with it altogether and gone to other employment. As a matter of fact, the case I am now relating is a case which actually came before the Board. He read that this bill would give him credit for all prior service if

he should be reemployed by the railroad; so he returns to the railroad to be employed for a day, leave it, go back to his own employment, and then apply for this pension. His original employment took place at a time when a law of this kind was not under consideration; and if we were to provide for all such cases, of course the younger men who are now employed on the railroads would have to bear a large part of that burden, and the Retirement Board has estimated that the total capitalized value of the annual payments necessary to meet such cases would amount to a half billion dollars—and that for men who really have no rights at all.

I think it is unfair to ask the younger men in the service to carry that burden by yearly contributions into the fund totaling half a billion dollars in the aggregate, for men who had absolutely severed their relationship with the railroads. If such men wish to begin participating in a pension system, they may reenter the service. Many of them are men around 40 years of age. They would still easily have 20 to 25 years service. They may thus begin a period of service which will eventuate, when they are 65 years of age, in their receiving a pension.

Mr. WHITE and Mr. WHEELER addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from New York yield, and, if so, to whom?

Mr. WAGNER. I yield first to the Senator from Maine, who first rose.

Mr. WHITE. Mr. President, as I understand, the men to whom the Senator refers as leaving the service are men who left voluntarily in large part because they saw better opportunities elsewhere.

Mr. WAGNER. Yes.

Mr. WHITE. Their retirement was voluntary.

Mr. WAGNER. That is true. If we could stand the burden, I should be delighted to help those men; but most of them severed their connection with the railroads some years ago, and severed it completely.

Mr. WHEELER. Mr. President——

Mr. WAGNER. I yield to the Senator from Montana.

Mr. WHEELER. But what about the workers who have been laid off during the depression, employees who may not have been furloughed, so as clearly to come under the act? Notwithstanding the fact that they have been laid off during the past 5 years, and have not worked since they were laid off or furloughed, many of these men have served for a considerable length of time, and yet do not come under this pension bill.

Mr. WAGNER. That is true.

Mr. WHEELER. From my State I have had at least 1,500 communications calling attention to the fact that some employees are not being treated as fairly as they ought to be under this measure.

Mr. WAGNER. I know their grievance, and I sympathize with their situation; but a pension system must start somewhere. We cannot provide a pension system for an industry, or for a large class of persons, and then go back to men who years ago worked for the same employer, and say, "Because you have had that service, although you have made no contribution, we are going to give you a portion of the pension provided under this system."

Frankly, the younger men in the system complain that they would have to carry over all a burden of half a billion dollars which they think, if any one is to carry, the Government ought to carry. If there is any distress among these older workers, I am quite willing that the Government shall make some provision for them; but such a provision would not logically come in a bill of this kind, and it would upset the entire arrangement and agreements that have been made, and the financial consideration that has been given this legislation.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WAGNER. Yes.

Mr. BARKLEY. If I correctly understand the Senator, in any case where a railroad employee had voluntarily severed his relation with the company in order to accept other employment, no matter how long he had been out of the railroad service, if he came back into the service for only a week——

Mr. WAGNER. An hour; there is a case where a man worked for 2 hours.

Mr. BARKLEY. He would then revive all the rights he would have enjoyed if he had been continuously in the service?

Mr. WAGNER. Exactly. That situation cannot be reconciled with a pension system such as this. What will happen, of course, will be that the railroads will not carry this terrific burden, either, so they will refuse to reemploy such men; whereas, if we do not have this provision, since most of these are still young men, they will be reemployed, and then will begin the service which ultimately will entitle them to a pension. I think it is really helping these men, therefore, to deny them credit for time of prior service.

Mr. WHEELER. Mr. President, at the outset I desire to say that I feel that probably the railroad brotherhoods and the railroads themselves have attempted to work out the best possible bill. However, there is no question in my mind but what injustices have been done, particularly with reference to the employees upon the Milwaukee Railroad, which runs through my State and through the rest of the Northwest. I intend to offer an amendment, and I am doing it at the request of the men who are employed or have worked for the Milwaukee Railroad and who feel that they have been discriminated against in this measure.

I appreciate the fact that this amendatory bill is a compromise measure between the class I railroads and railroad employees, and I understand that they have come to an agreement whereby the class I railroads claim that they will not contest the constitutionality of the measure.

Mr. ROBINSON. Mr. President, will the Senator yield at that point?

Mr. WHEELER. I yield; yes.

Mr. ROBINSON. Assuming that the bill as presented here represents a contract or agreement between the railroads and their employees, what effect would result from materially changing the contract into which they have entered? Would the adoption of an amendment such as has been discussed alter the relationship between the railways and their employees? Would the railroads be bound by it if their arrangement should be changed? Would the employees be bound by it?

Mr. WHEELER. Let me say to the Senator, in answer to that question——

Mr. WAGNER. Mr. President, the Senator from Arkansas was looking at me. Did he wish to have me answer the question?

Mr. ROBINSON. I was looking at the Senator from New York only because of the contrast between his appearance and that of the Senator from Montana. [Laughter.]

Mr. WHEELER. I appreciate that the Senator from New York is a much better-looking man.

Mr. WAGNER. Will the Senator from Montana let me answer that question, or would the Senator from Montana himself prefer to answer it? I should like very much to answer it.

Mr. WHEELER. I should like to answer it, because I do not think I will give the answer that the Senator from New York would make.

Mr. WAGNER. I speak with authority upon that subject.

Mr. WHEELER. No agreement which could be entered into between the railroads and the brotherhoods would be binding upon the Congress of the United States.

Mr. ROBINSON. That is true; but wait just one moment. The Congress could not bind the railroads and the brotherhoods to a contract by the passage of legislation.

Mr. WHEELER. Of course not.

Mr. ROBINSON. Of course that is elementary law. I fully understand that the Senator realizes that. My point is this: I am not sure, but I believe I shall have to look at the Senator from New York again if I am to get the answer that I anticipate.

Mr. WHEELER. The answer that the Senator wants.

Mr. ROBINSON. No; I would not say the answer that I want. I would say the answer that, as a lawyer, I believe would be the correct answer.

If two persons enter into a contract, and a legislative body is asked to validate that contract by giving it the form of law, and the legislative body, instead of validating the contract entered into, changes the contract, it seems to me either party to it might very well say, "That is not what we were willing to do, and that is not what we agreed to do. Now we will contest its constitutionality. We will fight it if we do not like it"; and the implication arises from the statement of the Senator from New York that at least one of the groups who entered into the contract, and who joined in the preparation of the bill, is unwilling that this change shall be made.

Mr. WHEELER. I understand that. Let me say to the Senator that no matter what agreement the class I railroads entered into with the railroad brotherhoods, that would not prevent any stockholder of the class I railroads from contesting this law.

Mr. ROBINSON. That is entirely true.

Mr. WHEELER. Not only that, but the railroad presidents, the railroad lobby, or the American Railway Association here in Washington, could not bind the stockholders of the railroads of the country. They represent only the class I railroads, as I understand. This bill not only affects the class I railroads but it affects the small railroads of the country which have not participated in the agreement. So there is nothing to this talk about their entering into an agreement, and our changing the agreement, because there cannot be any contract between private parties or groups which will bind Congress.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. WHEELER. Yes.

Mr. WHITE. Passing by the question of the binding character of the agreement, I think we were all given to understand that there was such an agreement between the railroad executives on the one part and the 21 unions making up the labor organizations of the railroads on the other part.

Mr. WHEELER. That is correct.

Mr. WHITE. It seems to me perfectly clear that if there is a departure in substance from the legislation upon which those parties agreed, we are either giving an excuse or extending an invitation to contest the validity of the legislation.

Mr. WHEELER. I think that is true; but when Senators talk about a binding agreement, there cannot be any agreement which will bind Congress.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. WHEELER. Certainly.

Mr. ROBINSON. I thank the Senator.

Of course, nothing I have said is to be interpreted as indicating an opinion that any private parties, organizations, or others can bind Congress touching a matter of legislation. That also is elementary.

The point I make is that the justification for this legislation is that it represents an accord between the parties especially interested, and an understanding that they will both observe it and both assist in its execution. It follows that if we change the contract contrary to the will of either or both, we relieve them from the undertaking to observe and enforce the statute.

Mr. WHEELER. Of course, the class I railroads have a moral obligation not to contest the constitutionality of the law; but any stockholder can contest its constitutionality. Not only that, but a stockholder of a class of railroads not represented in the formulation of the agreement, as well as such class railroad itself may contest the constitutionality. So as a matter of practical effect the so-called agreement into which they enter is not worth the paper it is written on.

Mr. ROBINSON. Mr. President, will the Senator yield further?

Mr. WHEELER. I yield.

Mr. ROBINSON. I do not think that conclusion follows. We all know that the right of a stockholder to sue the officers of a corporation for an alleged breach of their trust and failure to perform their duties, is a very different thing from having the corporation itself undertake not to bring such a suit.

Mr. WHEELER. A stockholder can say, "You are paying out money"——

Mr. ROBINSON. "Which you have no right to pay out."

Mr. WHEELER. "Which you have no right to pay out." They can say the law is unconstitutional and that consequently they are paying out money unnecessarily, for the law is unconstitutional.

I do not think this measure is unconstitutional, and I think it will be upheld. I do not care to go into that, and would not have mentioned that point if the Senator had not called attention to the fact that that would disrupt it.

I appreciate the fact that the railroads and the railroad brotherhoods have entered into this agreement, but I do desire to call attention to the fact that a large portion of the men who work on the Milwaukee Railroad in my State not only have written to me and sent telegrams to me, but when I was out there recently they came to see me in droves about it. I do not want to disturb the legislation, but I do, as a matter of record, desire to offer some amendments.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. WHITE. We have talked about the railroad executives and about the members of the railroad brotherhoods. I think it is also fair to say that the members of the committee who participated in the deliberations when this proposed legislation was framed ought to be considered in connection with efforts to change it. There were provisions in the proposed legislation which I did not like. Probably my opposition to those particular provisions would have been impotent anyway; nevertheless, I joined with other members in the committee, after listening to the representatives of the parties, in a unanimous report on the bill to this body.

I just have the feeling—and I say this with great respect—that members of the committee should not undertake to change the proposed legislation to which we all gave our assent in the understanding that we had worked out a compromise satisfactory to the principal parties in interest, and satisfactory to the members of the Senate committee.

Mr. SMITH. Mr. President, will the Senator from Montana allow me to interrupt?

Mr. WHEELER. I yield.

Mr. SMITH. I have been chairman of the Committee on Interstate Commerce twice, and I also know something of the difficulty that always ensues when there is a bill affecting employer and employee, I desire to bear testimony to the fact that the atmosphere which surrounded the hearings and the report on the pending bill was most helpful, there was a spirit of give and take, of good comradeship. I think every member of the committee was gratified at the atmosphere that surrounded the report of the employees through their representatives and the action of the 21 A–1 railroads.

I predict that the bill as it now stands will become the model for all other agreements, in that not only is it mutually agreed to, but it is perfectly fair to both sides.

I think where a situation such as this occurs, with the unanimous support of the members of the committee, and with the support of the executives and the employees, we ought to let the measure have a fair chance to be worked out, because of the very facts I have stated.

Mr. WHEELER. Mr. President, I agree with the statement of the Senator. I said to the men in my State that it was exceedingly difficult to handle a matter of this kind because their own representative here in Washington had agreed with the railroads with reference to this bill. I wish to point out, however, because of the situation to which attention has been called, some of the things which the men feel are unjust to them.

Mr. McNARY. Mr. President, is it the purpose of the Senator to offer an amendment, or has one been offered?

Mr. WHEELER. I am just about to offer the amendment, and will submit it.

Mr. McNARY. Then the Senator particularly desires to make a statement on behalf of the employees of the railroads?

Mr. WHEELER. Mr. President, the adoption of certain amendments which I should like to submit to the Senate would correct and make of the bill a far more equitable and liberal measure. Railroad men from all over this Nation have informed me that there is a danger, under section 1 (d) of the Senate bill, as to whether or not there exists an employment relationship if these men were furloughed at the time of the enactment date, August 29, 1935.

Another objection registered to the Senate bill was as to section 2 (a), which apparently denied one receiving benefits under the act the right to engage in other gainful employment. Representatives of the brotherhoods have informed me this morning that these two objections have been overcome by the House bill, which we are now considering.

I wish to offer an amendment to section 3, subsection (b), subdivision (1), by striking out, on page 10, in line 7, the words "shall be", all of lines 8 and 9, and the part of line 10 ending with the word "service."

This amendment would strike from the bill the requirement that to obtain prior-service annuity the employee must have been an employee on the enactment date; and if he was not then employed, an employee's annuity would be based only on service rendered after December 1936. This would permit those whose employment relationship on August 29, 1935, had been voluntarily or involuntarily severed to obtain benefit of their prior service.

I submit the amendment without further statement.

Mr. WAGNER. Mr. President, I merely desire to say that those who are interested in the proposed legislation in the first place assert that the adoption of the amendment would dislocate their entire costs, and would eventually add to the capital cost half a billion dollars, and they feel they could not require the railroads to live up to an agreement which these 21 unions made with them.

Mr. LA FOLLETTE. Mr. President, would the amendment take care of the situation of employees who happened to be working for railroads which did not have transient systems?

Mr. WHEELER. No. The next amendment which I intend to offer will take care of that. The amendment I am now offering takes care, for instance, of a switchman who was laid off on account of the depression, who was not furloughed, but was laid off in such manner that he cannot satisfactorily establish the necessary employee-employer relationship.

Mr. LA FOLLETTE. Who was "fired."

Mr. WHEELER. The worker may have served 20 years, he may have served 25 years, and was then laid off. He has not been able to get back, but if he does get back into the employment, he may not have had a thing to do in the meantime. This would take care of him by giving him a pension determined by service rendered prior to as well as subsequent to the enactment date. A man who has followed railroad service for 25 or 30 years is not ordinarily good for anything else; I mean that it is not easy for him to find other employment.

Mr. LA FOLLETTE. Is it not a fact that the date which has been fixed in the bill is a date when the number of employees on the railroads, due to the depression, was at a very low figure, taking the average over a period of years, so that those who were discharged during the depression are those who would be the sufferers, under the bill as it is now drawn?

Mr. WHEELER. That is my understanding. I am willing to submit the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Montana [Mr. WHEELER] which will be stated.

The CHIEF CLERK. It is proposed to amend section 3, subsection (b), subdivision (1), by striking out on page 10 in line 7 the words "shall be", all of lines 8 and 9, and the part of line 10 ending with the word "service."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. WHEELER. Mr. President, I offer an amendment in section 6. The amendment which I wish to offer to section 6 merely eliminates the requirement in the bill that a person to be eligible to an annuity shall have been an employee on or after the enactment date, as to former employees, who on March 1, 1937, were 70 years of age or over, and who are not being pensioned under the company pension plan or who have relinquished all rights to such pension. This simply places all workers on an equal footing whether they are now under the company pension plans or have been denied their pensions under such plans or have been employed on railroads having no pension plans. This is limited in its application to those who are 70 years of age or over on March 1, 1937, for the reason that the company pensions taken over up to that time are generally not granted before age 70. This amendment, however, does not affect the taking over of all pensions being paid under company plans up to a maximum limit of $120 per month.

I might make the purposes and objectives of the amendment more clear by a specific case. In Montana, the Northern Pacific, the Great Northern, and the C., B. & Q. all have pension systems, the present beneficiaries of which will be transferred under this amendatory retirement act. The Milwaukee Railroad has no pension system, and an employee of that railroad who has retired will receive no annuities under this bill, because his employer, like the Southern Pacific Railroad, failed to establish a pension system for their employees. The retired Milwaukee employee is just as deserving of consideration as the one who worked for another railroad who had established a pension system for its workers.

With that explanation of the amendment I send it to the desk and ask that it be stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. In section 6 on page 18, in line 6 after the period it is proposed to insert the following:

An individual who shall not be eligible to a pension under this section or shall relinquish all rights thereto and on March 1, 1937, was 70 years of age or over, shall be eligible, subject to other conditions of this act, to an annuity based upon service prior to the enactment date, without having been an employee on or after the enactment date.

Mr. WAGNER. Mr. President, of course that involves the same question as the previous amendment did, except that it applies to another group. It would provide a pension for one who is not now employed by a railroad, but who has had prior service. It would add tremendously to the cost, Mr. Latimer has assured me, and it would entirely upset the proposed plan.

Mr. WHEELER. Let me say to the Senator that the present beneficiaries on the Northern Pacific, the Great Northern, and the Chicago, Burlington & Quincy would be transferred under this amendatory retirement act—that is, all those who have retired on those roads would come in because those railroads have a pension plan. But on the Milwaukee Railroad, employees who have retired and who are over 70 years of age will get no pension under this plan.

I submit the amendment for the Senate's approval.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Montana.

The amendment was rejected.

Mr. WHEELER. I wish to add only one word. I appreciate the fact that this is a great step toward a permanent and enduring pension plan in the United States for the railroad men. I very much hope that notwithstanding the fact that some of these men have been eliminated, that when the plan gets under operation we can amend it at some subsequent time to take care of some of those people who

have been eliminated, and who feel, as I feel, that they are entitled to come under the terms of the measure.

Mr. WAGNER. Mr. President, the Board has assured me, and I am sure the Senator knows the personnel of that Board, that they will investigate all of these questions, and if there are any injustices which they can discover, they will bring them to the Congress for action next year.

Mr. WHEELER. I am very glad to get that statement from the Senator from New York, and I hope that the Board will do so, because there is a general feeling in my State and some other States that there are some injustices in the bill at the present time which should be rectified. I have informed those interested that I feel that under the circumstances the railroad brotherhoods had done everything they could to get a start, but workers and others wanted the amendment presented with the idea that the subject should be considered by the Senate, and that at some later date, at least, these apparent defects can be corrected.

Mr. BARKLEY. Mr. President, I wish to take only a moment of the Senate's time to call attention to the proposed legislation, and to an act effective in the same field of action which is now on the statute books, as a wholesome and reassuring example to other industries and those engaged in industrial disputes in the United States.

Some 11 or 12 years ago, after the Transportation Act had been on the statute books for some years, under which there was set up the Railroad Labor Board which turned out to be unsatisfactory, an effort was made to repeal that part of the Transportation Act, and to enact a law creating the Board of Mediation.

The late Senator Howell, of Nebraska, was the author of the bill in the Senate, and I had the honor to be the author of the bill in the other body. There was a terrific fight in the other branch of the Congress over the proposed legislation. It failed. During the interim between the adjournment of Congress and the next session, the railroad executives and the railroad labor employees, through their organizations, got together and worked out a measure which was unanimously enacted at the following session of the Congress. That was in 1926, 11 years ago; and that has been one of the most successfully operated and administered laws ever passed by Congress to adjust labor disputes. There has not been a major controversy among the railroad employees from that day to this.

Two or three years ago Congress passed a pension act which was declared unconstitutional by the Supreme Court. Then we passed another one which the district court likewise declared unconstitutional, but which did not reach the Supreme Court. In the meantime the same railroad organizations, the 21 standard brotherhoods, representing more than one million and a half employees, and the executives of all the class I railroads of the United States, have gotten together and agreed upon this pension bill, which, while it may not be perfect, and probably will be subject to amendment in the future, is the most successful effort at real collective bargaining, not only from an industrial standpoint but from a legislative standpoint, that has ever come before the Houses of Congress.

I mention these two instances as wholesome and encouraging examples of what can happen when employers and employees themselves sit down around a table and try to iron out their differences. Because of the legal and parliamentary and constitutional situation, it is necessary that Congress give the stamp of its approval to the action that has been taken; but, as a matter of fact, the measure only constitutes the Government of the United States the agency through which this understanding and agreement between the employers and the employees may be carried out and sanctified by legislative approval.

I hope this example set by more than a million and a half railroad employees and by the more important railroads of the United States may have some effect upon other branches of industry in this country and lead to their trying to adjust their difficulties by mutual agreement.

Mr. DAVIS. Mr. President, I desire to make a few brief remarks.

As a member of the Senate Committee on Interstate Commerce, which has had in charge the railroad retirement bill now before us, I have been genuinely interested in the development of this legislation. I believe the measure now before us, which was so heartily approved by the House of Representatives on June 21, is an improvement over the Act which was declared unconstitutional.

The enactment of the Railroad Retirement Act of 1934 was attempted to be predicated upon the power of Congress to regulate commerce among the States. By a vote of 5 to 4, the Supreme Court decided that the Congressional grant of power in this respect did not include the power to establish an annuity system for retired employees. The measure now before us is not predicated upon the power to regulate commerce, but upon two separate and distinct powers vested by the Constitution in Congress, neither of which was involved in the case holding the Retirement Act of 1934 to be void.

The measure now before us is predicated upon the right of Congress to appropriate money. Section 12 authorizes an appropriation for the purposes of the bill out of the Treasury of the United States. This appropriation is not payable out of any particular fund, nor out of any money earmarked for that purpose.

I submit that the agreement between the railroads and their employees is a great tribute to the principle of collective bargaining, which in reality is nothing more than the systematic cooperation of groups having mutual as well as different responsibilities. Various important legislative enactments have been necessary to serve as the foundation of the present amicable understanding between railway brotherhoods and management; but these steps have been taken, and little by little additions and improvements have been made. I do not hold that the pending legislation completes this process, but it is subject to modification as need shall arise, and is, in my judgment, a continuation of the peaceful and practical settlement of railroad retirement problems, which will do much to establish a pattern for all industry in this most important field of social welfare.

Mr. President, the statesmanship of labor leaders has been matched by the executive wisdom of industrial leaders, and through the cooperation of both sides has come constructive legislation which will bring a benefit not only to railroad employees but to labor and industry generally. This bill will be regarded as a precious document in the home of every railroad man. He will want to have a copy of it to file with his personal papers, for it represents a value comparable to an annuity policy. One railroad veteran told me that he expected to put a copy of this bill in his family Bible; and in truth it rightly belongs there representing, as it does, the intelligent good will of labor and industry using the instrument of collective bargaining for the common good of all.

I submit the statement of Charles M. Hay, counsel for the committee of railroad labor executives, giving a summary of differences and improvements between the act of 1934 and the present measure. I ask that it be incorporated in the RECORD at this point in my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The statement referred to is as follows:

STATEMENT OF CHARLES M. HAY, COUNSEL FOR COMMITTEE OF RAILROAD LABOR EXECUTIVES GIVING SUMMARY OF CHANGES PROPOSED

1. The bill broadens the coverage of the act so as to include in the capacity of employers groups not included in the present act, namely, railroad associations, bureaus, and other joint agencies and the 21 standard railroad labor organizations.

2. The bill broadens the definition of "employment relation" so as to include persons absent on account of sickness and disability who are not "ready and willing" to return to service, thus enabling some 8,000 men now applying for annuities and unable to quality under the existing law, to receive annuities.

3. The bill changes the age from 50 to 60 at which an employee under 65 with 30 years of service may retire with a reduction of one-fifteenth for each year he is under 65. Due to this reduction requirement, this change is, in the practical effect, of little consequence.

4. The bill broadens the definition of "compensation" to include wages for time lost.

5. The bill provides an alternative to determine a fair average monthly wage of an employee where the test period 1924–31 is insufficient to constitute a just and equitable basis.

6. The bill permits a person who is permanently disabled to retire at 60 although having less than 30 years of service, with a reduction of one-fifteenth for each year he is less than 65. This provision is not in the present act.

7. The present act requires a person to retire at 65 or suffer a loss of one-fifteenth of his annuity for each year he continues in service after that age unless he filed with the board a written agreement of the carrier each year for his continuance in service, and it further provides, unconditionally, that he shall suffer a reduction of one-fifteenth of his annuity for each year he continues after 70. The bill contains no such provision but provides that service of a person 65 years of age or over who continues in service after July 1, 1937, shall not be added to his years of service. It further provides that his compensation received after July 1, 1937, shall be disregarded in calculating his annuity if to include it would diminish his annuity.

8. The present act limits the years of service to 30, whether prior or subsequent or both, thus limiting the annuity to $120, whereas the bill has no limit on service after January 1, 1937.

9. The present act has no minimum annuity, whereas the bill provides for a minimum as follows: For persons with 20 years of service who are employed when attaining age 65, the minimum of $40, provided that if the monthly compensation is less than $50 the annuity shall be 80 percent of the monthly compensation, except that if the 80 percent is less than $20 the annuity shall be $20, or the same amount as the monthly compensation, whichever is less. It is further provided that in no case shall the value of the annuity be less than the value of the old-age benefit he would receive under title II of the Social Security Act if his service as an employee after December 31, 1936, were included in the term "employment" as defined in the Social Security Act.

10. The present act provides for the payment upon the death of a person receiving or eligible to receive an annuity of an amount equal to one-half of 1 year's annuity. It provides no death benefit in the case of a person who dies before becoming eligible for an annuity, whereas the bill has a provision applicable to all employees regardless of the time death occurs, allowing as death benefit a sum equal to 4 percent of the aggregate compensation after January 1, 1937, less the amount paid as annuities to the employee or spouse.

11. The bill has a section contemplated and planned for but not contained in the present act, which provides for the taking over of pensioners on the carriers' private pension rolls, and the payment to them of the pensions in the amount originally granted by the carriers, thus restoring the reductions made since 1930.

12. The present act allows prior service to a person who is an employee on enactment date (Aug. 20, 1935) or who is in the service of any railroad at any time thereafter for any length of time, whereas the bill provides that in order to be entitled to prior service a person must be in the service or in employment relation, or totally and permanently disabled on the enactment date.

The PRESIDENT pro tempore. The bill is still before the Senate and open to amendment. If there are no further amendments to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, Order of Business 723, being the bill (S. 2395) to amend an act entitled "An act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes", approved August 29, 1935, will be indefinitely postponed.

EXTENSION OF CERTAIN TAXES

The Senate resumed the consideration of the joint resolution (H. J. Res. 375) to provide revenue, and for other purposes.

Mr. HARRISON. Mr. President, I will make just a brief statement concerning the pending measure. The joint resolution extends the so-called "nuisance" taxes for a period of 1 year. As the joint resolution passed the House it provided for an extension of the taxes for a period of 2 years. It was my opinion that they should have been extended for 2 years, but the committee thought it was best merely to extend them for 1 year, in view of the fact that if the suggestion of the President is followed, there will be a general revision of the tax laws next January.

That is one of the first questions, I should say, that we ought to decide this afternoon, namely, whether the Senate is going to adopt the 2-year extension or the 1-year extension. I think we are going to need the money derived from these taxes for at least 2 years the way things are now going.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. BARKLEY. Would the defeat of the committee amendment, so as to provide for a 2-year extension, interfere in any way with the consideration of any readjustment of taxes at any time during the 2-year period? In other words, if we extend these taxes for 2 years we can still consider, when the time comes, a readjustment of the whole tax structure?

Mr. HARRISON. The Senator is correct. It would not interfere at all; and certainly I am sure that every Senator wants to remove some of these taxes—all of them if possible—at the earliest possible date.

Mr. BARKLEY. If the Senator from Mississippi will permit another question, if we only extend them for 1 year, the chances are we will be back here next year extending them again, whereas we might as well do it now for the 2-year period.

Mr. McNARY. Mr. President, may I ask the Senator in charge of the measure did the committee report favorably on the 1-year extension?

Mr. HARRISON. The committee struck from the House joint resolution the 2-year provision and inserted instead 1 year.

Mr. McNARY. I assume that, as chairman of the committee, the Senator from Mississippi desires that action to be approved by the Senate.

Mr. HARRISON. I just stated that personally I would have preferred to have the extension for 2 years, but the committee recommended 1 year. It is up to the Senate to determine whether they want 2 years or 1 year.

Mr. McNARY. But the proposal for the 1-year period of extension is now before the Senate on a committee amendment, which the chairman of the committee reported and supports?

Mr. HARRISON. I just expressed my views as to that. I will say, in answer to the Senator, that, of course, if the joint resolution were unamended, as the Senator knows perhaps better than anyone else, it would not have to go to conference. I dislike to have to go to conference on the joint resolution. I had hoped that the Senate might pass the joint resolution without amendment, send it on its way to the President, and let him approve it.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. WHITE. Does the resolution affect, directly or indirectly, existing excise or tariff rates otherwise than by the extension of the taxes covered by the measure?

Mr. HARRISON. It does not. It extends excise taxes.

Mr. WHITE. And in no other way affects either the tariff or the excise rates?

Mr. HARRISON. It affects them in no other way.

Mr. CONNALLY. Mr. President, may I ask the Senator a question?

Mr. HARRISON. I yield.

Mr. CONNALLY. When did the committee pass on this joint resolution?

Mr. HARRISON. I think it was the latter part of last week.

Mr. CONNALLY. Was there a close vote on the amendment to extend the taxes for 1 year instead of 2 years?

Mr. HARRISON. I may state to the Senator there was not a very full attendance of the committee. I think the Senator at that time was in Texas on some mission.

Mr. CONNALLY. Yes; I was out of the city.

Mr. HARRISON. On this question there was no yea-and-nay vote in the committee.

Mr. CONNALLY. Let me say to the Senator from Mississippi that we all know that the Federal Treasury is going to need the money which will be raised by these taxes, not for 1 year but for 2 years and perhaps for 10 years; I do not know as to that; but most certainly the Government will need it for 2 years. If we extend these taxes for only 1 year, this time next year many Senators are going to be busy in their campaigns and probably they will not be here. So it seems to me, if we are going to extend the taxes at all, we ought to extend them for 2 years. Some Senators might have to face the question right in the middle of their

campaign. Fortunately I do not have to come up for election next year, so I will be here to vote on the question; but I wish to say——

Mr. HARRISON. It is my opinion that none of the members had very strong convictions as to whether the taxes should be extended for 2 years or 1 year.

Mr. CONNALLY. There will always be a disposition on the part of timid souls to put off and just take as little of an unpleasant thing as possible; but we know we must have these taxes, and I would rather pull a tooth once and be done with it than to pull it twice. That is what we are going to have to do; we are going to have to extend the taxes now, and then extend them next year, and have the patients kicking and snorting all over the lot. Why not kill the committee amendment and extend the taxes for 2 years?

Mr. HARRISON. Since some of the Senators who have amendments have expressed themselves to me to the effect that there is no question about securing a final vote on the joint resolution tomorrow—I know we cannot pass it this afternoon, because several Senators have indicated that they desire to propose amendments—rather than take up further time this afternoon, and with the assurance of the Senator from Wisconsin and the Senator from Michigan and other Senators who have amendments to offer that we can conclude the consideration of the joint resolution tomorrow, in their belief, within a reasonable time, I thought we would settle the question as to whether there should be a 1-year or 2-year extension this afternoon, and then, if it meets the approval of the Senator from Arkansas, that the Senate could adjourn or recess until tomorrow.

Mr. LA FOLLETTE. Mr. President, if the Senator will yield, let me say that, so far as I am concerned, I wish to assure him that I will cooperate with him to make certain that the joint resolution shall be disposed of tomorrow, and I feel sure that it can then be finally acted on.

Mr. HARRISON. I had hoped we could dispose of it tomorrow, for the very simple reason that the 30th of June is the last day these taxes may be levied unless the law is extended, and for another very potent reason, that the Democrats desire to celebrate on Friday and probably we will not be here on Saturday.

Mr. LA FOLLETTE. Mr. President, I understand there are two very compelling reasons for the passage of the joint resolution tomorrow, and, for both those reasons, I shall be glad to cooperate with the Senator.

Mr. VANDENBERG. Mr. President, if the Senator's question is addressed to me, I make the same expression as the Senator from Wisconsin does, but I wish to say something about the 1-year extension.

Mr. HARRISON. The Senator is always helpful in his cooperative spirit.

Mr. VANDENBERG. I thank the Senator.

The PRESIDENT pro tempore. The amendments reported by the committee will be stated.

The amendments of the Committee on Finance were, on page 1, line 6, after the word "therefore", to strike out "1939" and insert "1938", and on page 2, line 2, after the word "thereof", to strike out "1939" and insert "1938", so as to make the joint resolution read:

Resolved, etc., That title IV, as amended, and parts I, II, III, and IV, of title V, as amended, of the Revenue Act of 1932, are further amended by striking out "1937" wherever appearing therein and inserting in lieu thereof "1938". Section 1001 (a), as amended, of the Revenue Act of 1932, and section 2, as amended, of the act entitled "An act to extend the gasoline tax for 1 year, to modify postage rates on mail matter, and for other purposes", approved June 16, 1933, are further amended by striking out "1937" wherever appearing therein and inserting in lieu thereof "1938."

Mr. VANDENBERG. Mr. President, there are some very potent reasons for changing the time of the extension from 2 years to 1 year. It is not a matter of "timid souls" or a matter of running away from an issue, but this tax extension involves $650,000,000. It includes the extension of the 3-cent postage, the addition of 1 cent, for another year. It includes excise taxes which, so far as I am concerned, I should like to have extended for many years. But, beyond that, it includes the equivalent of sales taxes upon gasoline, electric energy, lubricating oil, telegraph, telephone, cable, radio facilities, and leased wires, toilet preparations, transportation of oil by pipe lines, mechanical refrigerators, matches, sporting goods, radio sets, and so forth, articles made of fur, firearms, shells, and so forth, brewer's wort and malt sirup, chewing gum, cameras and lenses. It includes taxes on transfers of bonds and deeds of conveyance.

It includes the equivalent of sales taxes upon automobiles and motorcycles, tires and tubes, automobile accessories, and automobile trucks. It includes taxes on issues of bonds and capital stock, on the sales of stock, and upon general amusement admissions.

This in its essence is a general sales tax bill.

Mr. President, there were many affected persons who sought a hearing respecting these taxes. I do not know whether or not, under the present dispensation, a taxpayer has any rights; perhaps all that he is entitled to is a chance to pay after he is "soaked"; but it happens to be the fact that many taxpayers sought an opportunity to present arguments not only to the end that the taxes should be reduced but, in many instances, to show that a reduction of the taxes would increase the revenue. They sought a hearing before the House Ways and Means Committee and were denied it. They sought a hearing before the Senate Finance Committee and were denied a hearing.

Why were they denied a hearing? A motion was made in the Senate Finance Committee to permit them to be heard. It was resisted by the distinguished chairman of the committee solely on the ground that there was not time to hear them, that the joint resolution had to be passed before the 1st of July, as, of course, it does, and there was not time to hear them.

In the face of that situation the committee voted to decline to hear them, but after the committee had voted to decline to hear them, the committee, with 14 members present, including the Senator from Mississippi [Mr. HARRISON], unanimously voted that a year was long enough to extend the taxes; that there was no possible justification to extend them for 2 years without hearings; and that during the intervening year the taxpayers could be heard, and there could be a rational review of the entire situation.

Mr. President, there is no question in the world as to the necessity for the taxes. There probably is not any question in the world about the fact that they are going to be needed for 2 years and probably for more than 2 years. I am very sure they are going to be needed for a very considerable time if the existing program, which defies all economy, continues; and I am perfectly sure they are going to be needed if the gold purchase program continues, because the $650,000 which is to be raised by this extension only pays for the sterile gold which Mr. Morgenthau has purchased since January 1 and put back in the ground again in Kentucky.

By the way, just in passing, I happened to notice in the Paris edition of the New York Herald Tribune today, a dispatch from London dated June 8, from which I read:

The London bullion market, which has been nervous, today took courage after the Chancelor's statement. Although approximately $1,248,000 worth of gold was sold at 140s. per fine ounce, a decrease of 1½s. from yesterday's price, there were no signs of panic. Most of today's gold was taken by arbitrage houses which will export it to the United States at a handsome profit.

So that for the sake of creating a handsome profit for gold arbitrage houses across the sea, a substantial portion of this money manifestly must be raised.

I am not contesting the fact that the taxes are necessary; I am not contesting the fact that this extension must be immediately voted; but I am submitting, in the face of the refusal of the committee, for good reasons, to hear any of the protests and to entertain any of the discussion respecting what ought to be done in regard to these taxes, that an extension of 1 year is the utmost limit in fair play to

those who must assume the burden of paying the assessments.

I think the committee amendment should stand, and I remind the Senate again that it had the unanimous approval of 14 members of the Finance Committee, including its chairman.

Mr. ASHURST. Mr. President, I am opposed to the amendment, and it would be proper for me at this time to thank the chairman of the Committee on Finance [Mr. HARRISON] and all the members thereof for the consideration they gave to this measure and for what, in my judgment, is the statesmanlike attitude they have taken.

I speak more particularly of the tax on copper. I am not familiar with the coal industry or the oil industry, but all my lifetime I have been familiar with the copper-producing industry. I said when the depression came upon us, "Give us a high protective tariff on copper and Arizona will not ask a dollar of relief." I repeated that in 1932. I said it in 1934. I say again now, "Give us a high protective tariff upon copper and Arizona will need no assistance in the way of charity or largesses from the Federal Treasury."

For many years—indeed, for decades—Arizona produced one-sixth of all the copper of the world, and for the past 25 years has produced nearly one-third of the copper of the United States. The copper-producing industry in the State of Arizona has increased wages six times within the past year. True, some of the increases were small, but taken altogether they are considerable.

I hope ultimately, with the assistance of my Republican friends if I cannot secure sufficient aid from my Democratic friends, to secure a high protective tariff for the copper-producing industry, and, indeed, for all other American industries.

Mr. VANDENBERG. Mr. President, will the Senator from Arizona yield?

Mr. ASHURST. Certainly.

Mr. VANDENBERG. I do not need to tell the Senator that I have been as warm a friend of copper protection as he has been. I do not need to tell him that I am just as much interested as he is in having the copper excise tax extended for 2 years or for 10 years. I completely believe in the necessity.

In the face of the situation and in the face of my very deep interest in having this long extension of the copper excise tax, I submit to the Senator that it is evidence of my very deep good faith that I am insisting the extension should be for only 1 year in fairness to all the other people in the country who have to pay $650,000,000 under the terms of this bill.

Mr. ASHURST. Mr. President, I have been unfortunate if anything I have said would indicate that the able Senator from Michigan has ever been remiss or slacking in any way in his splendid work in behalf of a tariff on copper. Indeed I do not forget that when it looked doubtful as to whether this industry would have any protection at all, it was his strong voice and his splendid power of research that brought forth the material which, in my judgment, was an argument that helped put into law the tariff of 4 cents on copper.

While I am on the subject—and I must ride myself on a "curb bit" and not speak too long—let me say that I have been the subject of some gentle raillery throughout the country, and I am complimented by having the papers even deign to criticize me for the right-about-face that I executed on the tariff question. Mr. President, one-third of a good lifetime has elapsed since I was inducted into the Senate. When I first came here I was a peripatetic, bifurcated volcano, going over the United States speaking for low tariffs and free trade. I made a speech in 1913 for free trade and low tariffs and the Democratic National Committee circulated 200,000 copies of that speech.

Later, having visited the various countries of Europe, having seen the squalor, having seen the poverty, misery, and distress in those countries operating under low tariffs and under free trade, and after making a careful investigation which lasted some years, with the assistance of men able in research, I abandoned my erroneous views regarding tariffs.

Call it inconsistency if you choose, I saw the error of my way, and reverted to the old Jeffersonian, Jacksonian, Madisonian democratic policy of protective tariffs for American industries. Since that time, in order after a fashion to secure unction for the sins I committed as a free-trader and a low-tariff man, I have sought every sensible opportunity to try to spread the doctrine of high protective tariffs for our country. I believe that our country, our working men, and our industries will not have prosperity without high tariffs. That is democratic doctrine; and those Democrats who are for low tariffs have been led away by some heresy that was declared more than 50 years ago.

I know how tiresome is any tariff discussion. James G. Blaine, in his Twenty Years of Congress, said that in the first debate in the House of Representatives in 1789 all was then said that ever could be said in behalf of or against a tariff. I therefore contribute nothing new to the tariff discussion, more than to say that the copper-producing industries of Arizona are now fairly prosperous. Copper industries in Arizona pay almost one-half the wages paid in Arizona. Copper industries in Arizona directly and indirectly pay almost one-half the taxes paid in Arizona. Senators, therefore, will be inclined to forgive any zeal that might appear to be inordinate on my part, and will be inclined to forgive me if I should, from time to time, venture to vex their ears by urging a tariff on copper.

I do not pause merely with a tariff on copper. It would be a selfish, certainly a narrow and circumscribed view, for me to say, "I am for a tariff on copper, but for free trade on what you produce." Hence, I am for a protective tariff on products of the American farm, field, forest, factory, ranch, and mine.

I conclude by thanking the able chairman of the Committee on Finance, the Senator from Mississippi [Mr. HARRISON], and the other members of the committee, without regard to their political affiliations, for what I think is their wise and just action in continuing these tariffs; and when I say I am against the amendment, of course, my able friend from Michigan [Mr. VANDENBERG] has no right to assume that I think he is in any way lacking in diligence or is remiss in any duty, or that he has slacked in any way as a protectionist.

Mr. McNARY. Mr. President, I have conferred with the Senator in charge of the bill, and I think probably we have now reached a point where we can agree upon a unanimous-consent proposal, which I ask the Senator to submit.

Mr. HARRISON. Mr. President, this is the only amendment in the joint resolution, so I ask unanimous consent that not later than 12:30 o'clock on tomorrow, following a recess today, the Senate vote on the pending committee amendment.

Mr. McNARY. That is perfectly agreeable.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request of the Senator from Mississippi? The Chair hears none, and the unanimous-consent agreement is entered into.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The PRESIDENT pro tempore. As chairman of the Committee on Foreign Relations, the Chair reports back favorably from that committee, with a declaration of understand-

ing to be made a part of the ratification, Executive P (75th Cong., 1st sess.), being a convention to coordinate, extend, and assure the fulfillment of the existing treaties between the American states, signed at Buenos Aires on December 23, 1936, by the respective plenipotentiaries of the United States of America and the other 20 American republics, represented at the Inter-American Conference for the Maintenance of Peace, held at Buenos Aires in December 1936, and submits a report (Ex. Rept. No. 17) thereon.

The Chair also reports back favorably from the Committee on Foreign Relations the nominations of sundry citizens for appointment as Foreign Service officers, unclassified, vice consuls of career, and secretaries in the Diplomatic Service.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nomination of William A. Coates to be postmaster at Arlington, Va. (Office established.)

Mr. COPELAND (for Mr. KING), from the Committee on the District of Columbia, reported favorably the nomination of Riley E. Elgen, of the District of Columbia, to be a member of the Public Utilities Commission of the District of Columbia for a term of 3 years from July 1, 1937. (Reappointment.)

Mr. COPELAND, from the Committee on Commerce, reported favorably the nominations of several officers for promotion in the Coast Guard.

He also, from the same committee, reported favorably the nominations of several citizens and officers for appointment or promotion in the Coast and Geodetic Survey.

The PRESIDENT pro tempore. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state in their order the nominations on the Executive Calendar.

THE JUDICIARY

The legislative clerk read the nomination of Charles Harwood, of Rye, N. Y., to be United States district judge of the Canal Zone.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

COLLECTOR OF INTERNAL REVENUE

The legislative clerk read the nomination of Marion H. Allen to be collector of internal revenue, district of Georgia.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

POSTMASTER

The legislative clerk read the nomination of Vera P. Ramsey to be postmaster at Pinconning, Mich.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

IN THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

Mr. ROBINSON. I ask unanimous consent that the nominations in the Marine Corps be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, it is so ordered, and the nominations are confirmed en bloc.

That concludes the Executive Calendar.

RECESS

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate took a recess until tomorrow, Thursday, June 24, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 23 (legislative day of June 15), 1937

UNITED STATES DISTRICT JUDGE

Ralph E. Jenney, of California, to be United States district judge for the southern district of California, to fill an existing vacancy.

COMPTROLLER OF CUSTOMS

John J. Kennedy, of Biloxi, Miss., to be comptroller of customs in customs collection district no. 20, with headquarters at New Orleans, La. (Reappointment.)

WORKS PROGRESS ADMINISTRATION

Harry W. Witters, of Vermont, to be State administrator in the Works Progress Administration for Vermont.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 23 (legislative day of June 15), 1937

UNITED STATES DISTRICT JUDGE OF THE CANAL ZONE

Charles Harwood to be United States district judge of the Canal Zone.

COLLECTOR OF INTERNAL REVENUE

Marion H. Allen to be collector of internal revenue, district of Georgia.

PROMOTIONS IN THE NAVY

MARINE CORPS

To be captains

Francis J. Cunningham	Zebulon C. Hopkins
Bernard H. Kirk	Robert H. Williams
Richard P. Ross, Jr.	Randall M. Victory
James V. Bradley, Jr.	James R. Hester

To be first lieutenant

Charles A. Miller

To be second lieutenants

Charles R. Boyer	Gregory J. Weissenberger
Brooke H. Hatch	Howard F. Bowker, Jr.
Clair W. Shisler	Gregory Boyington
Herbert H. Townsend	Fred R. Emerson
Alfred T. Greene	Freeman W. Williams
Virgil E. Harris	

POSTMASTER

MICHIGAN

Vera P. Ramsey, Pinconning.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JUNE 23, 1937

The House met at 12 o'clock noon.

Rev. John Compton Ball, D. D., of the Metropolitan Baptist Church, Washington, D. C., offered the following prayer:

Our Father, who art in heaven, we open Thy Book and read that "In the beginning God said let there be light and there was light", and all through the ages the light of Nature has been shining on our pathway; the light of Thy wisdom has guided us and the light of Thy love cheered us. Today we come to utter anew the words given Moses, but we utter them in prayer. O God, let Thy light shine on us. Illuminate our path and problems so that as private individuals and national representatives we may be guided by divine wisdom, actuated by divine love, and motivated by divine power, that we may dwell in the land Thou hast given us as brethren who recognize the same Father and rejoice in a common sonship. May Thy will be done in us this day and Thy kingdom speedily be established over all the earth. In the name of Thy Son, Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 7328. An act to authorize an appropriation to carry out the provisions of the act of May 3, 1928 (45 Stat. L. 484), and for other purposes.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House is

requested, a joint resolution of the House of the following title:

H. J. Res. 361. Joint resolution making appropriations for relief purposes.

STATUS OF APPROPRIATION BILLS

Mr. TABER. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Speaker, I have asked for this time in order to call attention to the condition of the calendar as it confronts the House. The last regular appropriation bill was not passed until June 15. There are at the present time five regular appropriation bills pending, three of which have not even passed the Senate, and this is the 23d day of June. It seems to me the House or the Senate should not be considering minor bills at this time, but should be considering and disposing of the appropriation bills, which must be considered and passed before the 30th of June. The calendar is in the worst condition I have ever known in my legislative experience.

UN-AMERICAN ACTIVITIES

Mr. STACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a resolution on un-American activities.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

RELIEF BILL

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H. J. Res. 361) making appropriations for relief purposes, with Senate amendments, disagree to the Senate amendments, and ask for a conference .

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. COCHRAN. Mr. Speaker, I reserve the right to object, in order to ask a question of the gentleman from Virginia [Mr. WOODRUM] with reference to a Senate amendment. It appears that the Senate will have the power under the Senate amendment to confirm all employees of the Works Progress Administration receiving over a certain amount of money. The Senate now has the power of confirmation over the State administrators. This amendment is somewhat similar to the provision in the Social Security Board appropriation bill. Is the House going to have an opportunity to express itself on this important amendment?

Mr. WOODRUM. I may say to the gentleman that, so far as I am concerned, I am very bitterly opposed to permitting the amendment to remain in the joint resolution, and, if it is necessary, I would be in favor of bringing it back to the House for an expression of its opinion.

Mr. COCHRAN. With that assurance, Mr. Speaker, I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. WOODRUM, BOYLAN, CANNON of Missouri, LUDLOW, MCMILLAN, SNYDER of Pennsylvania, TABER, BACON, and WIGGLESWORTH.

FEDERAL CONTROL OF FISHING ON THE GREAT LAKES

Mr. LUECKE of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LUECKE of Michigan. Mr. Speaker, how many of us realize that many varieties of fish which were quite plentiful only a few years ago are today approaching the vanishing point? The sturgeon has all but disappeared from both coastal and inland waters. The salmon has been utterly exterminated in many streams on our eastern seashore, and greatly reduced even in certain streams on the Pacific, with which all of us associate salmon.

On both Atlantic and Pacific coasts the halibut have been definitely reduced in numbers, due to the so-called overfishing. The shad and mullet are diminishing, and the marked decline in the production of oysters has caused great concern in those areas whose economic livelihood depends on what is known as "farming" of oysters.

Turning to the Great Lakes—three of which border the district I have the honor to represent—what do we find? The whitefish that forms one of the most important catches of Michigan fisheries, has been affected in several respects. One of the threats to the whitefish was the deep-trap net which was introduced into Michigan waters in 1928 and proved so effective in catching the fish that the succeeding years aroused grave doubts as to the future developments resulting from the use of such effective equipment.

The fears of fishing experts proved to have been well founded in this respect. At first the introduction of the deep-trap net caused a rise in the production of whitefish far above normal. This continued for a couple of years, but by the end of that period the yield began to decline, and by the third year production began to decline very noticeably.

According to Elmer Higgins, head of the Division of Scientific Inquiry of the United States Bureau of Fisheries, 12 species of fish in the Great Lakes have been either exterminated or are seriously threatened. The blackfin, bloater, and salmon of Lake Ontario have been completely exterminated. The sturgeon, blackfin, chub, and Lake Erie cisco of Lake Erie are no longer commercially important. The other six species of chubs are severely depleted, and the whitefish is threatened with commercial extinction, just as happened in Lake Winnipeg in Canada.

The yellow perch of Lake Michigan has been reduced to 50 percent of its former production, while on Lake Huron production has dropped 75 percent. On Lake Erie the yellow perch is stricken from the list of commercial fishing.

The bluefin of Lake Superior is gone, together with the blackfin of Lake Michigan and the bloater of Lake Ontario. These fish have become negligible as a commercial asset.

In 1924 Lake Erie produced 21,250,000 pounds of cisco, against 111,000 pounds in 1934.

WHITEFISH PRODUCTION

To complete the record I wish at this time to submit brief statistics which show clearly that the whitefish is on its way out. The year 1931 was the greatest catch of all time for a total of 8,453,338 pounds, against 2,516,836 pounds in 1936. And that in spite of the fact that twice as many nets are in the waters today. The above figures are for Michigan waters of all lakes, including Saginaw Bay.

Taking the Lakes separately, we find that Lake Michigan—Michigan waters only—produced in 1929 an all-time high of 4,840,139 pounds, against 768,042 for 1936. Lake Superior fell from 476,650 in 1931 to 230,643 for 1936; Lake Huron 2,819,448 in 1933 to 1,059,651 in 1936. Lake Erie produced only 1,368 in 1936, against 18,613 in 1932; Saginaw Bay from 2,189,958 in 1932 to 457,132 in 1936.

Taking the Lakes as a whole, we find that from an all-time high in 1931 of 10,761,000 pounds, production dropped to 6,276,000 pounds in 1934, or approximately 4,500,000 pounds in 3 years. These are the latest figures available. It has also been impossible to get production by States up to this time, but I hope to do so very soon in order that a true picture of the situation may be had.

From the above figures it is obvious that the time has come for uniform regulation. At the present time the various States have their own laws. These laws are conflicting, and we must take Canada into consideration, because she plays an important part in the fishing industry.

In the laws of the various States affecting the whitefish we find that the size limits are as follows: Michigan, 2 pounds round, 1 pound 12 ounces dressed; Ohio, Pennsylvania, and New York, 1¾ pounds round; Ontario, 2

pounds round; Indiana, 2 pounds round, 1 pound 10 ounces dressed, 1 pound 6 ounces dressed, head off, and salted; Wisconsin, 13 inches on Lake Michigan, 15 inches on Lake Superior; Minnesota, 16 inches.

The sizes of the mesh used in nets to catch the whitefish are interesting. Lake Erie, gill net mesh: Michigan, 4¾-inch as used; Ohio, 3-inch as used; Pennsylvania, 4¾-inch steel rule; New York, 4¾-inch; Ontario, 4¾-inch as used when adopted by States fronting Erie, 3⅛- to 4¾-inch prohibited if enforced in United States.

Lake Erie, pound net mesh: Michigan, 4½-inch pot, but 3½-inch or smaller may be used in one side, except tunnel side for shoaling; 4½-inch heart and tunnel, 5-inch lead, Meshes between 3½ and 4½ inches prohibited in pot. Net may not be set in water deeper than 80 feet. Ohio, one-fourth of each side next to back 2¾-inch as used; rest of pot 2¼-inch as used; meshes must hang squarely strung on one-third; twine not heavier than 18-thread. Pennsylvania, 2¼-inch pot as used—insert steel rule. New York, 4¾-inch mesh. Ontario, no law on mesh of pound nets. Maximum number to any licensee, 10. Department designates which nets may be set.

Lake Ontario, gill-net mesh: New York, 4¾ inches; Ontario, 4½ inches, as used. Pound-net mesh: New York, 4¾ inches; Ontario, no law on mesh of pound nets. Maximum to any licensee, 10. Department designates where nets may be set.

Lake Huron, gill-net mesh: Michigan and Ontario, 4½-inch as used. Pound-net mesh: Michigan, same as on Lake Erie. Ontario, same as on Lake Ontario. (Michigan permits the use of the deep-trap net, the regulation of which is before the State legislature at this time.)

Lake Michigan, pound-net mesh: Michigan, same as Lake Erie and Lake Huron. Wisconsin, no mesh prescribed. Illinois, 4½-inch pot (2¼ inches square, not less). Net to be not more than 20 meshes deep. Indiana, 3½-inch pot, not less; 2-inch back, not more. For 15 feet below surface, 4-inch heart and funnel and 5-inch lead. All meshes as manufactured. Gill-net mesh: Michigan, 4½-inch, as used. Wisconsin, 4-inch after July 1, 1937, 4¼-inch; southern Green Bay, 4-inch. All mesh as used. Illinois, 4½-inch (2½ inches square, not less). Not any more than 20 meshes deep; 10 percent undersized allowed; these to be sold on shore and not shipped. Indiana, 4½-inch as used.

Lake Superior, gill-net mesh: Michigan, 4½-inch as used. Wisconsin, 4½-inch, as used (leg. mesh, leg. fish). Minnesota, 4½-inch as possessed; 5 inches for whitefish. Ontario, 4½-inch as used. Pound-net mesh: Michigan, see Lake Erie. Wisconsin, no mesh prescribed. Minnesota: Pound nets are not mentioned for Lake Superior, but the following laws apply to Lake of the Woods, Rainy, and Namekan Lakes: Not less than 3-inch pot for all fish; in Lake of the Woods, not more than 2 nets in string; in other two lakes, one net; 2,500 feet between strings for nets; leads not to exceed 50 or 60 rods to shore. Ontario: No law on mesh of pound nets in Great Lakes waters. Maximum number, 10 to licensee. Department designates where nets may be set.

Michigan and Indiana have a closed season from November 5 to December 15 on whitefish, while Wisconsin closes from October 15 to December 1, and Illinois from October 20 to November 20. On Lake Superior, Michigan closes from November 1 to November 26; Wisconsin from September 25 to November 15; while Minnesota has no closed season. Canada has no closed season at any time, and during the closed seasons ships fish into the United States which cannot be caught lawfully. This seems a situation which is not desirable, and unfair to the American fishing industry.

The foregoing paragraphs show very clearly the need for uniform regulation. Obviously it must come if not only the whitefish but other species are to survive. The importance of taking steps toward uniform regulation cannot be overstated.

IMPORTANCE OF THE GREAT LAKES

Some of you good friends from other States may question whether the problems of which I speak are of sufficient magnitude for our consideration in this Chamber. May I remind you that the Great Lakes—my principal interest at this time—form a vital artery of Nature-given transportation for the commerce of many of our States, furnish vacation and recreational facilities for millions of us, and are the chief source of the fresh-water fish we consume? These Lakes and their connecting waters are the greatest fresh-water area in the entire world.

Those of you from agricultural regions can appreciate the magnitude of the Great Lakes when we tell you that the surface area is 60,000,000 acres or almost a hundred thousand square miles. Of some hundred and fifty million pounds of fresh-water fish produced every year in the United States, about 65 percent is gotten from the water on our side of these five Lakes. Or if we count in the Canadian production we find that in a recent year there were some hundred and eleven million pounds of fish valued at six and a half million dollars produced. Engaged in this production there were more than 10,000 men and over 5,000 boats, not to mention the millions of dollars invested in the industry.

FISHERIES DEPLETED LIKE FORESTS

Our wastefulness of our natural resources has been often commented upon, but relatively little of a practical sort has been done about it. The stripping of our forests by haphazard lumbering methods and with no thought to replanting is perhaps the best advertised of our tendencies toward short-sighted policies.

In spite of the justified alarm in informed quarters, the general public seems blissfully unaware of the seriousness of the problems facing the fisheries of the Great Lakes.

VALUE OF UNIFORM REGULATION

There is no better way to show the need of greater attention to our fisheries' problems than to get down to actual cases. Alaska, as you know, is still a Territory and as such is governed entirely by the Federal Government. When this area was bought from Russia in 1867, neither party to the transaction realized how extensive were the resources of that great Territory.

One thing we acquired by the purchase was the Pribilof Islands, which at that time were inhabited by some 2,000,000 seals. For the half century following acquisition, seal-killing privileges were granted to private companies on a lease basis. These firms obtained over 2,000,000 skins during this period and lost many more due to the reckless practice of shooting the animals in the open waters, so that many sank and were lost. This shooting in the water is destructive in another sense in that it kills males and females alike. The loss of the females not only diminishes future breeding possibilities but often means the loss of the mother's pup, which is waiting back on the land for feeding from the mother's milk, only to starve if the mother does not return.

By 1910 the herd had decreased to only 132,000 seals. To meet this alarming situation which threatened to extinguish the seal, the Federal Government took complete control of the remnants of the herd, placing the entire control of this valuable resource with the Bureau of Fisheries of the Commerce Department. The following year, in 1911, an international agreement was concluded between Great Britain, Japan, Russia, and ourselves to prohibit pelagic sealing, and this is enforced by the United States Coast Guard.

The wisdom of conservation as applied to the seals is shown by the fact that the herd is now well over a million again, which is about 10 times the low point we have referred to in 1910. In spite of this there have been steadily increasing numbers of young bull seals slaughtered each year, always, of course, reserving enough for breeding at a normal rate of growth.

The necessity of conservation is indicated by the fact that indiscriminate slaughter has almost extinguished seals the world over, the only sizable herds remaining being one owned by Japan on Robben Island, one by Russia on the Commander Islands, and the one on Lobos Island in the

mouth of La Plata River in Uruguay, South America. Incidently, each of these herds has been protected by the governments concerned for many years. Without such foresight they, too, would in all probability have been extinguished as the others have.

THE CASE OF CRAB CONSERVATION

Seventy-five percent of the world's blue-crab supply comes from the Chesapeake. This member of the crustacean group has only been in great demand since the advent of refrigeration in transport service about 1900. As usual demand caused "overfishing", waste occurred and production declined. Little was done about it until in 1917 Dr. E. H. Churchill was detailed by the Bureau of Fisheries to make a study of the life history of the crab.

This study showed that some 80 percent of all female crabs pregnant with eggs were found in winter in the waters of the lower Chesapeake near the Virginia Capes, and 80 percent of the males remained in Maryland waters. Why male and female should part for the winter is not entirely clear, but the fact is they do.

With the young a similar migration likewise exists. Without going into the biological details of the many stages of crab growth, in which it often does not even look like a crab, we find many migrations back and forth between the Maryland and Virginia waters. The Bureau in its recommendations recommended that the female crab bearing the egg sponge should be protected at all times, and the so-called "green" crab, heretofore placed in floats to shed its shell, should be allowed freedom until it reached the peeler stage.

Although Maryland passed the requisite laws, Virginia, which perhaps even more controlled the fate of the crab, did nothing for a long time, with the result that production continued to decline until in 1925 a low ebb of 29,000,000 pounds was reached. A number of conferences between the commissioners of the two States were held, and in 1926 Virginia passed legislation protecting the female crab bearing eggs. As a result, 5 years later crab production had more than doubled, having jumped to 68,000,000 pounds. Could the benefits of conservation be more dramatically shown?

FEDERAL AND STATE COOPERATION

The sphere of action by the Federal and State authorities is based on the ancient Roman code and the old English common law, as well as affected by our Constitution. According to these old principles, all animals are the property of the State which holds title to them until they are reduced to private possession. Pursuant to this the various States have passed laws relating to the manner in which hunting and fishing may be conducted.

When our Federal Constitution was drafted there was no specific control of fish and game delegated to the Federal Government, so that, except for the Territories or the parks and other lands actually owned by the Central Government, it is doubtful that Congress has power to legislate as to hunting and fishing. The Federal control of the marine fisheries under the maritime laws applies only to Americans on the high seas, and control of boundary waters is obtained only through the treaty-making power of the Government.

The Federal control of black bass is based upon the interstate-commerce clause of the Constitution but is narrowed by the fact that it applies only to interstate shipments of fish and otherwise depends upon voluntary cooperation of State and Federal officers for its effectiveness.

WHAT THE FEDERAL GOVERNMENT CAN DO

There is no doubt that under the welfare clause of the Constitution that the Federal Government is fully justified in proceeding along the lines which the Congress has already laid down in the fishery laws to the effect that there shall be determined "whether and to what extent the fishery resources have declined, what the cause of the same may be, and what remedial measures may be recommended."

Our policy thus far has been that the remedies recommended must be applied by the governments of the several States to the waters within their jurisdiction, so that responsibility for fishery conservation is mutually divided between the Federal and State Governments. The actual enforcement has been in the main the responsibility of the States but the leadership and guidance on fundamental and practical matters has been the way in which the Federal authorities have been of greatest service.

Since it has been so often found that the migration of aquatic life from one State's waters to those of other States has often vitiated the regulations of the stricter States, it has been wondered whether the interstate movement of fish in the waters might not come under the interstate commerce clause and so be subject to uniform Federal regulation. There is also the shipment of caught fish from the borders of one State into other States. From the broader viewpoint it would seem that fisheries are endowed with sufficient interstate characteristics to justify such Federal control.

Perhaps the best means of regulation of the Great Lakes fisheries, and the prevention of the extinction of many commercial fisheries, is to be found in the treaty-making power, in spite of the none too favorable results of attempts in the past to regulate this by agreements between Canada and the United States.

The necessity of uniform regulation is apparent from the fact that in many cases, fishermen from two States or two nations depend upon the same population of fish for their catches. Lack of uniformity causes much unfair competition between fishermen of adjoining States and in addition fails utterly to give the fish the necessary protection.

There are many things which can be done on this broad problem of conservation of fisheries. The prime thing is to develop a broader sense of viewing it as "aquiculture" rather than hunting, just as we now have agriculture rather than merely living from wild fruits and vegetables. If we can instill people with this feeling, we shall be able to take the fishing industry out of ruthless despoliation and bring it up to date as a part of modern rational production.

Mr. Speaker, since I am convinced that Federal aid and guidance must come eventually to conserve the fishing industry on the Great Lakes, I am introducing a resolution which will give the Commissioner of the Bureau of Fisheries the authority to cooperate with the departments of the various States for the purpose of carrying out the policy outlined in the fishery laws, to wit: "Whether and to what extent the fishery resources—of the Great Lakes—have declined, what the cause of the same may be, and what remedial measures may be recommended."

RESCISSION OF ADMINISTRATIVE ORDER 197

Mr. BEITER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BEITER. Mr. Speaker, at the time the relief bill was discussed on the floor of the House and during the consideration of the bill to continue the authority of the Public Works Administration the matter of the stringent relief restrictions imposed on all P. W. A. projects through administrative order 197 was brought up and complained of. Assurances were given that this order would be rescinded in order that grants for projects already approved and for which no funds were available could be advanced on the original 45-percent grant basis.

Some time has passed since this assurance was received, but I have just been notified that the order in question was definitely rescinded on order of the President yesterday. This means that the Public Works Administration can now go ahead on the old 45-percent grant basis, as originally planned, with no relief labor restrictions.

Of interest also is the action of the Senate in amending the relief bill, providing for the extension of the Public Works Administration for 2 years and going a little further than the House bill on this subject. Under the provisions of the Senate amendment a total of $300,000,000 is made available to P. W. A. for future projects, $200,000,000 to be

used in making grants and $100,000,000 to be used in making loans. This $300,000,000 would be made available within the limitations of the revolving fund; that is, P. W. A. would be permitted to sell to the R. F. C. securities now held and at present unauthorized for sale, and the R. F. C. is released from the limitations imposed upon it by the Emergency Relief Act of 1935 to make this possible.

I hope that when the bill goes to conference the House conferees will find it possible to accept the Senate amendment, since it incorporates the provisions of the House bill on this subject and is consistent with the representations made in this body by administration leaders when the relief bill was under discussion.

Adoption of this amendment would insure the consummation of projects which have been approved by the examining divisions of P. W. A., and for which no funds are now available.

EXTENSION OF REMARKS

Mr. BEITER asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. DIRKSEN asked and was given permission to extend his own remarks in the RECORD.

CABINET GORGE PROJECT

Mr. ROBINSON of Utah presented a conference report and statement to accompany the bill (H. R. 114) to provide for studies and plans for the development of a hydroelectric power project at Cabinet Gorge, on the Clark Fork of the Columbia River, for irrigation pumping or other uses, and for other purposes.

PERMISSION TO ADDRESS THE HOUSE

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes today after the disposition of Calendar Wednesday business and any other legislative matters that may be presented.

Mr. RANKIN. Mr. Speaker, reserving the right to object, the gentleman from New York understands, I presume, that if the Committee on Indian Affairs gets through with its call on the calendar, other committees will then come in.

Mr. FISH. I realize that, and I am just taking a chance on getting the time.

Mr. RANKIN. In other words, if we all get through and the House does not take out, the gentleman wants permission to speak?

Mr. FISH. Yes.

Mr. RANKIN. I do not object, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to address the House for 30 seconds.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, tomorrow final legal action in the District of Columbia will be taken which will permit the St. Louis Jefferson Memorial to proceed.

I wish to emphasize the fact that the more I study this matter the more thoroughly I am convinced of the fraud, graft, and corruption that surrounds it. We should do something concrete to forestall this expenditure.

I am convinced, beyond any question of doubt, that the National Park Service knows of the corruption that exists.

Mr. Speaker, $6,750,000 of Federal work-relief money is about to be spent to initiate the National Park Service into the brotherhood of fraud, graft, and corruption—the building of the Nation's folly, the $30,000,000 second memorial to Jefferson in St. Louis. As hard-pressed as this administration is for money and facing the necessity of a balanced Budget, it is the Members of this Congress who will have to bear the onus of the blame if this nefarious scheme is not halted before it gets started. Already suits have been filed in the United States district court in St. Louis for the condemnation of 10 blocks of property in the downtown business section in furtherance of a well-designed plan of certain interested groups to unload onto the Federal Government 37 blocks of commercial and industrial property where upward of 5,000 are permanently employed. All of this is being carried forward, as has previously been told, under the guise of improving historic sites, which for the most part are nonexistent.

The induction of the National Park Service into this partnership with crime is not unknown to them.

For more than 18 months the Citizens' Nonpartisan Committee of St. Louis have been seeking first in one department and then another here in Washington to bring about an investigation of this fake scheme and the use of Federal funds for it.

The Department of Justice has been informed of the frauds in connection with the bond-issue election in St. Louis. The Department of Justice has been informed of the false and fraudulent representations made by the promoters of the scheme when they applied for a loan and grant of $21,015,000 in August 1935. The Post Office Department has been informed of the misuse of the mailing privileges in the attempt to deceive the voters of St. Louis in the election of September 10, 1935. The Department of the Interior is thoroughly familiar with the facts concerning the fraud in the bond issue election in St. Louis and all of the irregularities in the promotion and presentation of this scheme for hoodwinking the Government into an ultimate expenditure of $30,000,000, contrary to all the rules of honesty and common decency.

The National Park Service is fully aware of the frauds which have been committed in St. Louis and know all the circumstances under which the bonds of the city have been sold and the efforts which have been made by St. Louis businessmen to protect their very means of making a living by trying to halt this matter in the courts. The National Park Service also know that this is neither a necessary nor useful project but are willing to enter the brotherhood of corruption at the order of the President without further compunction. The President of the United States, I am sure, knows nothing about this fraud which has come to light. Now what are the circumstances which will cause this Congress to be wary of spending a measly $3,000,000 for a memorial to Jefferson here in Washington, yet allow this monument to fraud, corruption, graft, and waste to be built in St. Louis?

How is it that the citizens of St. Louis who are deprived of due processes of law in their own city by some mysterious influence which reaches out and overwhelms both the courts and grand juries, can get no satisfaction from the various governmental departments I have mentioned? How is it that this Congress is willing to allow this project to get under way without an immediate investigation?

Mr. Speaker, there is every element in this promotion which cries for action on the part of this body. We pass laws, and the Executive, or some of his aides, promptly appropriate to themselves the powers reserved to us by the Constitution. In the matter of preserving historic sites, the act itself no less than three times reserves to Congress the handling of money for the purposes of the act, yet in this instance the President, by Executive order, has taken money appropriated for work relief and placed it at the disposal of the National Park Service to complete the compact with the corruptionists of St. Louis. Now, who are these corruptionists? They are the people who, prior to the bond-issue election of September 10, 1935, in St. Louis, initiated and financed a campaign of misrepresentation, wherein they set up that this project, the building of a $30,000,000 improved national park or plaza in St. Louis, was part of the Federal Government's $4,800,000,000 work-relief program and that the Government had already approved the project

and the St. Louis plans for the memorial. This was a shameful lie.

The corruptionists are also the promoters who furnished the money to debauch the ballot on September 10, 1935, and who have since furnished bail and counsel for those who have been indicted for election crimes in St. Louis. The corruptionists also include those who applied for a loan and grant of $21,015,000 and set forth that "this is a national project to be constructed by the United States or its qualified authority."

This statement was made ostensibly for the purpose of deceiving someone in authority in Washington into the belief that this particular project was approved by the Federal Government, which it turns out never has happened even to this day.

The only approval this useless scheme has is that of the President and the officials of the National Park Service, who seem more than willing to proceed in a partnership with the St. Louis money raised in an election in which fraud has been established in each of 19 wards.

While there may be nothing new in this attitude of the National Park Service, considering recent revelations of payroll padding, there is something new and dangerous in this entire disregard for the rights of the people to honesty in the counting of ballots for a bond-issue election anywhere, and in this case where the result is so intermingled with the Government's aims and intentions, it should be the first insistence of the National Park Service that money contributions to them shall come from sources beyond all question and without any taint of either fraud or corruption. The handling of this St. Louis money without a complete investigation into the charges which have been made and are in nowise denied, will be a blot on the escutcheon of the National Park Service, and a reflection on the character of this Congress, unless we call a halt to this wasteful spending as well as the characteristic disregard for common decency which is here so well exhibited.

Mr. Speaker, there is yet another and deeper issue behind this situation. It is the apparent break-down of justice in Missouri. For several years we have read stories coming out of that State of the workings of the Pendergast machine in Kansas City.

Two courageous Federal judges have gone far in the last few months to check the machine for awhile at least. In Kansas City 176 persons have been indicted for frauds and misdemeanors at the last regular election in November. The St. Louis election manipulators who took their cue from the Pendergast machine in Kansas City have been more fortunate. Although a great many of the St. Louis election crooks have been indicted, that mysterious power which I mentioned before has intervened to delay and thwart justice in St. Louis. The law-enforcement record of the State is not one to be proud of. The individual who commits an ordinary crime in Missouri has, according to statistics compiled by the Bureau of the Census, 42.8 percent chances that he will not be convicted and subjected to a penalty even if caught and brought to trial. In Missouri the election crooks seem particularly immune to punishment by the courts. This is an added reason for a congressional investigation of this memorial promotion and the strange and irregular use to which work-relief funds are now being put.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Crockett, its Chief Clerk, announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H. R. 6551) entitled "An act to establish a Civilian Conservation Corps, and for other purposes", with an amendment.

The message also announced that the Senate insists upon its amendments to the joint resolution (H. J. Res. 361) entitled "Joint resolution making appropriations for relief purposes", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ADAMS, Mr. MCKELLAR, Mr. HAYDEN, Mr. BYRNES, and Mr. STEIWER to be conferees on the part of the Senate.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

INDIAN CLAIMS COMMISSION

Mr. ROGERS of Oklahoma (when the Committee on Indian Affairs was called). Mr. Speaker, by direction of the Committee on Indian Affairs I call up the bill (S. 1902) to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes.

The Clerk read the title of the bill.

Mr. COCHRAN. Mr. Speaker, this is a very important matter, and I make the point of order there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present.

Mr. ROGERS of Oklahoma. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 96]

Bates	Engel	Kelly, N. Y.	Romjue
Bernard	Farley	Knutson	Sabath
Biermann	Ferguson	Kvale	Sadowski
Buckley, N. Y.	Fernandez	Lamneck	Schuetz
Cannon, Wis.	Ford, Calif.	Lucas	Scott
Casey, Mass.	Fulmer	McAndrews	Sirovich
Celler	Gasque	McClellan	Smith, Conn.
Champion	Gifford	McGroarty	Smith, W. Va.
Chapman	Gilchrist	McReynolds	Sullivan
Cravens	Green	Magnuson	Sweeney
Crosby	Gregory	May	Taylor, Colo.
Crowther	Hancock, N. Y.	Millard	Thomas, N. J.
Culkin	Hancock, N. C.	Mitchell, Ill.	Vincent, B. M.
Cummings	Harrington	O'Brien, Mich.	White, Idaho
DeMuth	Hartley	O'Connell, Mont.	Wigglesworth
DeRouen	Healey	Pace	Wilcox
Dickstein	Hendricks	Peterson, Fla.	Williams
Dockweiler	Hennings	Peterson, Ga.	Wood
Drew, Pa.	Jacobsen	Peyser	Zimmerman
Drewry, Va.	Jarrett	Phillips	
Duncan	Johnson, Luther A.	Ramsay	
Ellenbogen	Keller	Reed, N. Y.	

The SPEAKER. Three hundred and forty-six Members have answered to their names, a quorum is present.

Mr. ROGERS of Oklahoma. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

EXTENSION OF REMARKS

Mr. GRISWOLD and Mr. VOORHIS asked and were given permission to revise and extend their own remarks in the RECORD.

PERSONAL EXPLANATION

Mr. McCORMACK. Mr. Speaker, on roll call 94 of last Monday, relating to the railroad retirement bill, I was unavoidably absent. If present, I would have voted "yea."

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to insert in the CONGRESSIONAL RECORD the speech made by Mr. Douglas, notwithstanding it is more than two pages. It is two and a quarter pages.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CITRON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a radio address delivered by my colleague, the gentleman from Connecticut [Mr. FITZGERALD].

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. KENNEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address by Chester Jordan, Jr.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

INDIAN CLAIMS COMMISSION

Mr. ROGERS of Oklahoma. Mr. Speaker, I would like to inquire as to the time on this bill.

The SPEAKER. The gentleman from Oklahoma submits a parliamentary inquiry which the Chair will undertake to answer.

The gentleman's committee has the call, and he can call up any bill he desires by instruction of his committee. The time for debate is controlled by the rules of the House.

Mr. ROGERS of Oklahoma. I understand that, Mr. Speaker. I understand there is an hour on each side.

The SPEAKER. The Chair will read the rule:

Provided, That not more than 2 hours of general debate shall be permitted on any measure called up on Calendar Wednesday, and all debate must be confined to the subject matter of the bill, the time to be equally divided between those for and against the bill.

Mr. O'MALLEY rose.

The SPEAKER. For what purpose does the gentleman from Wisconsin rise?

Mr. O'MALLEY. Mr. Speaker, I rise to ask for the time in opposition.

The SPEAKER. That is a matter within the control of the Chairman of the Committee of the Whole House on the state of the Union.

This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 1902) to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes, with Mr. BEAM in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

Mr. TABER. I object.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That a Commission be, and hereby is, created and established to be known as the Indian Claims Commission, which shall be composed of a Chief Commissioner and two Associate Commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. The Commissioners shall continue in office during the existence of the Commission or until resignation or removal by the President only for inefficiency, neglect of duty, or malfeasance in office. Vacancies in the Commission shall be filled by the President in the same manner as original appointments. No vacancy shall interrupt the functioning of the Commission, nor impair the right of the remaining Commissioners to exercise all of its powers and to perform all its duties. The Commissioners shall not engage in any other business, vocation, or employment during their term of office. Each of the Commissioners shall receive an annual salary of $10,000, payable in the same manner as the salaries of judges of the courts of the United States.

SEC. 2. It shall be the duty of the Commission to investigate all claims against the United States of any Indian tribe, band, or other communal group of American Indians residing within the territorial limits of the United States or Alaska, to ascertain and determine all of the facts relating thereto and all questions of mixed law and fact as may be incidental to such determination, and, on the basis of the facts found by it, to ascertain and determine the merits of all such claims and to make findings with reference thereto. Such claims shall include all claims arising under the Constitution, laws, or treaties of the United States and all those whether sounding in contract or tort or otherwise with respect to which the claimant would have been entitled to redress in any court of the United States if the United States were subject to suit; and all claims of whatsoever nature on account of any breach of duty committed by any officer or agent while purporting to act in the name or on behalf of the United States; and all further claims under all treaties heretofore negotiated between the claimant and the United States but not formally ratified or executed by all of the parties thereto; and those claims of whatsoever nature which would arise on a basis of fair and honorable dealings unaffected by rules of law, and those which would result if the treaties, contracts, and agreements between the claimant and the United States were revised on the ground of fraud, duress, or mutual or unilateral mistake whether of law or fact. Any such claim now pending in the Court of Claims, and any such claim previously referred by Congress to the Court of Claims and not yet filed in such court may be transferred, together with all the documents and certified copies of all the records relating thereto, by the complainants to the Commission at any time within the period provided for presentation of claims to the Commission; and in connection with claims so transferred all further proceedings with respect thereto shall be had under the provisions of this act regardless of the provisions of any other law or of any act giving jurisdiction of such claims to the Court of Claims: *Provided*, That in cases now pending in the Court of Claims the transfer thereof to the Commission shall be made upon motion of the attorney of record for claimant in each case with the approval of the Secretary of the Interior and such attorney or attorneys shall proceed under his or their approved existing contract according to its terms. No claim shall be excluded because of the provisions of any other statute; nor because it has already been presented to the Congress; nor on the ground that it has become barred under any rule of law or equity, or by reason of any treaty or statute; nor on the ground of a prior adjudication with respect thereto in any judicial, administrative, or other proceeding between the same parties: *Provided, however*, That the Commission, when ascertaining the merits of any claim, shall take into consideration, and may inquire into, all previous adjudications or settlements of such claim and all payments made by the United States on its account. In any case wherein the Commission determines that a claim has merit under the provisions of this act, the General Accounting Office and the Indian Office upon request of the Commission shall furnish such information as in the judgment of the Commission is required for the determination of set-offs.

SEC. 3. The Commission shall make a detailed report to the Congress of its findings of the facts of each claim, the conclusion reached as to the merits of such claim, and the reasons therefor, together with an appropriate recommendation for action or nonaction by that body. Such report shall show how each commissioner voted upon such claims. If any claim shall be ascertained to be without merit in law or in fact, the Commission shall so report. If any claim shall be found to rest on some legal, equitable, or sound moral obligation, the recommendation shall be for a direct appropriation by the Congress in a specific amount, or other adequate relief, or for the passage of an act giving jurisdiction of such claim to the Court of Claims.

In all proceedings brought pursuant hereto in the Court of Claims all determinations of fact by the Commission shall be admissible in evidence but may be reviewed by the court either on the basis of evidence taken before the Commission, or on additional evidence, or both.

SEC. 4. The Commission shall be authorized to receive claims for a period of 3 years after the approval of this act, and no claim existing before such period not presented within such period may thereafter be submitted to any Federal court or administrative agency for consideration or action, nor will such claim be entertained by Congress.

Any claim within the provisions of this act may be presented to the Commission by any member or members of an Indian tribe, band, or other communal group, as representative of all such members, regardless of the present status of such members as allottees, citizens or unrestricted Indians; but wherever any tribal organization exists, recognized by the Secretary of the Interior as having authority to represent such tribe, band, or group, such organization shall be accorded the exclusive privilege of representing such Indians, unless fraud, collusion, or laches on the part of such organization be shown to the satisfaction of the Commission.

SEC. 5. Immediately after its formation the Commission shall send a written explanation of the provisions of this act to the recognized head of each Indian tribe and band, and to any other communal groups of Indians existing as a distinct entity, and shall request that a detailed statement of all claims be sent to the Commission, together with the names of aged or invalid Indians from whom immediate depositions should be taken and a summary of their proposed testimony.

SEC. 6. The recognized representatives of each such tribe, band, or other communal group of Indians may retain to represent its interest in the presentation of claims before the Commission an attorney or attorneys at law, whose employment and the terms thereof shall be subject to the provisions of sections 2103, 2104, 2105, and 2106 of the Revised Statutes, and whose practice before the Commission shall be governed by rules and regulations hereby authorized to be formulated by the Commission. The Attorney General or his assistants shall represent the interests of the United States in connection with all matters pertaining to this act.

SEC. 7. The Commission shall make a complete and thorough search for all evidence affecting such claims, utilizing all documents and records in the possession of the Court of Claims and the several Government bureaus and offices. The Commission or any of its members or authorized agents may hold hearings, examine witnesses, and take depositions in any place in the United States or Alaska, and any of the commissioners may sign and issue subpenas for the appearance of witnesses and the production of documents from any place in the United States or Alaska at any designated place of hearing. In case of disobedience to a subpena the Commission may obtain an order from any court of the United States requiring obedience to that subpena; and any failure to obey such order shall be punished by such court as a contempt thereof. Witnesses subpenaed to testify before the Commission, witnesses whose depositions are taken pursuant to this act, and the officers or persons taking the same, shall severally be entitled to the same fees and mileage as are paid for like services in the courts of the United States.

SEC. 8. The Commission shall give notice and an opportunity for a hearing to the interested parties before making any final determination upon any claim. A full written record shall be kept of all hearings and proceedings of the Commission and shall be open to inspection by the attorneys concerned. Whenever a final determination is reached by the Commission upon any claim, notice thereof shall be given to the tribe, band, or group concerned. Within 20 days thereafter written objections thereto may be filed with the Commission by any interested party. If such objections are not accepted by the Commission, they shall be recorded as a part of the report on the claim presented to the Congress.

SEC. 9. The Commission may adopt all such rules for its own procedure, for the organization of its work, and for the effectuation of the purposes of this act as it may deem appropriate. The Commission may employ, subject to the provisions of the Classification Act of 1923, as amended, and fix the terms of employment of such experts, field investigators, and professional and clerical assistants as may be necessary to fulfill duties which cannot be properly performed by persons already engaged in the Government service. At the Commission's request, the General Accounting Office, the Land Office, and the Bureau of Indian Affairs may transfer or temporarily assign to the Commission such of their employees as are specially qualified to assist the Commission in the performance of any of its duties under this act.

SEC. 10. All necessary expenses of the Commission, including all reasonable traveling expenses incurred by the Commissioners, or under their orders, upon official business in any place outside the city of Washington, and including necessary expenses for suitable rooms and equipment for the principal office of the Commission in the city of Washington and for the performance of duty outside the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Chief Commissioner.

SEC. 11. Annual reports shall be submitted by the Commission to Congress showing the progress of its work. The Commission shall cease to exist on the fulfillment of its duties under this act; or, in any event unless extended by act of Congress, on the expiration of 10 years after the formal organization of the Commission. When the Commission shall cease to exist, all its books, documents, letters, official records, and other papers shall be transferred to the Indian Office.

SEC. 12. There is authorized to be appropriated for the purpose of carrying out the provisions of this act such sums as the Congress may from time to time determine.

SEC. 13. This act may be cited as the "Indian Claims Commission Act."

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. ROGERS]. The Chair inquires if any member of the minority on the committee is opposed to the bill? Is any other member of the committee opposed to the bill?

Mr. O'MALLEY. Mr. Chairman, I am opposed to the bill and I ask to control the time in opposition to it.

The CHAIRMAN. The Chair recognizes the gentleman for 1 hour.

Mr. JENKINS of Ohio. Mr. Chairman, before recognition is granted, may I be permitted to ask this question? On this side some Members are for the bill and some are against it and I should like to know if some time can be yielded to us.

Mr. O'MALLEY. I shall be glad to yield some time to the gentleman.

Mr. JENKINS of Ohio. How much time?

Mr. O'MALLEY. I can yield the gentleman 5 minutes, possibly 10.

Mr. JENKINS of Ohio. Let us have 20 minutes on our side out of the hour.

Mr. O'MALLEY. Very well.

Mr. JENKINS of Ohio. We are not ready to use it right now.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. ROGERS] for 1 hour.

Mr. ROGERS of Oklahoma. Mr. Chairman, at the outset I assure gentlemen that this bill, S. 1902, represents an honest effort upon the part of your Committee on Indian Affairs, upon the part of the Senate Committee on Indian Affairs, the Office of Indian Affairs, the Department of the Interior, the Department of Justice, the administration itself, and all others interested in Indian affairs to settle a very troublesome question. Before the bill was ever introduced in Congress, during the Seventy-fourth Congress, representatives of these various groups that I have designated held several conferences to draft the measure that is now before you. During the Seventy-fourth Congress H. R. 7837 was introduced in the House. It represented the material contained in the bill before you today. That bill was reported to the House on June 19, 1935, a little more than 2 years ago. During the Seventy-fourth Congress there was introduced in the Senate S. 2731. This bill was reported to the Senate and passed the Senate July 29, 1935, almost 2 years ago. During the Seventy-fifth Congress the bill H. R. 5817 was introduced in the House, and S. 1902 was introduced in the Senate. The Senate bill which is before you today passed the Senate April 22, 1937. The Senate bill came to your Committee on Indian Affairs, and your committee reported the bill on May 22 of this session.

I shall now briefly call your attention to the bill itself.

The Indian Claims Commission bill proposes to create a commission to investigate and to determine the facts and the merits of all existing claims of Indian tribes against the United States and to report its findings with appropriate recommendations to Congress.

The bill does not provide for the adjudication of any Indian claim. Its provisions will expedite the settlement of all claims on their merits. Its enactment will make possible final settlements, whereas present procedures have frequently resulted in incomplete or limited settlements.

Under existing procedure Congress is constantly confronted with claims by Indian tribes against the United States. Legislation dealing with these claims is of two kinds: (1) To provide direct settlement; (2) jurisdictional acts to permit suits in the Court of Claims. Congress is now required to pass on the merits of these claims in such legislation and in almost every case without adequate data upon which to reach a decision. The immediate and sufficient justification for the creation of this commission is the fact that the commission would relieve Congress of this burden and would submit findings of fact which would enable Congress to pass intelligently upon the merits of the claims.

Under existing procedures the enactment of a jurisdictional bill is always preceded by extended preliminary negotiations and by lobbying by Indians and their attorneys. The resulting jurisdictional acts are often inconsistent with one another, depending upon the limited information now available and upon the ability and resources of the Indians' representatives. The presentation to the Congress and to the committees is necessarily partisan and sometimes includes claims for unjustifiably large sums. Such claims stimulate the charge that the Indians are making a raid on the Treasury. Such a charge would be wholly unfounded and would, in fact, be impossible if the presentation of Indian tribal claims to this Congress were accompanied by a finding of fact by the Indian Claims Commission.

Second. The bill now before you, S. 1902, as amended by the House Committee on Indian Affairs, would establish a commission composed of three commissioners, one of whom would be an Indian, appointed by the President with the advice and consent of the Senate, and would be equipped with the usual powers of a fact-finding commission to hold hearings and to examine witnesses (sec. 7). The commission is directed to "make a complete and thorough search of all evidence" affecting claims upon its own initiative, through investigations in the field and in Government records, utilizing in doing so, insofar as possible, Government employees now qualified in the work (secs. 7, 9). The interests of the Indian claimants in the investigations and determinations of the commission are amply protected by the provisions of the bill requiring notice to all possible claimants (sec. 5), and notice and opportunity for hearing to all interested parties before making findings on any claim (sec. 8), and authorizing representation by attorneys (sec. 6).

Third. Upon the completion of its investigations the commission will make formal findings of fact and recommendations to Congress for action or nonaction upon the claims by Congress. If the claim has no merit Congress will be so informed and may disregard such claim thereafter. However, where the claim has merit, the commission will recommend either a direct settlement, or in those few cases where

judicial action may be unavoidable, a jurisdictional act giving adequate jurisdiction of such claim to the Court of Claims.

Fourth. It is provided that all existing claims must be presented to the commission within 5 years (section 4) and that the work of the commission will end 10 years (section 10) from the date of organization, unless otherwise provided by Congress. Annual reports of the progress of its work are required to be presented to Congress (section 11).

The outstanding benefits which would follow the establishment of such a commission may be summarized as follows:

First. The proposed method of handling Indian claims will expedite necessary work and will eliminate a great volume of unnecessary work since it will be free of the present divided responsibility between the Department of the Interior, Department of Justice, and General Accounting Office, and since the commission can direct and standardize research, discard at the outset worthless claims, and avoid duplication of research by handling related claims simultaneously.

Second. The commission will be prepared to determine claims in a more competent manner than that afforded by the present system. Instead of hasty, political decisions by Congress upon individual jurisdictional bills, and haphazard and partisan preparation of the claim for trial, the commission, as an impartial expert body, will assume the burden of investigation and the accurate advising of Congress in an authoritative and conclusive manner.

Third. A commission, acting as adviser to Congress, offers the only way in which claims founded upon political wrongs, mainly those claims which seek revision of or compensation for inequitable treaties, can be settled. The Court of Claims repeatedly dismisses such claims for lack of jurisdiction, placing at no avail the prolonged effort required to reach that Court.

Fourth. From the foregoing, it is evident that great expense will be saved the Government and the Indians. The present cumbersome and inconclusive method, estimated to require a century to reach completion, means increasing direct and intangible costs to the Government and prohibitive expense or exorbitant outlay of tribal funds to the tribes.

Fifth. Finally, just determination and settlement of just claims will improve the morale of the Indians and the effectiveness of the Government service among them.

As can be learned by reading the hearings on the bill that was in the Senate during the Seventy-fourth Congress and the bill that was in the House during the same Congress, also the letter of the Secretary of the Interior, the Indian Office is supporting the bill, the Department of the Interior supports the bill, the Bureau of the Budget has approved the bill, as will be seen in the Secretary's letter, wherein the Bureau of the Budget said this legislation would not be in conflict with the President's financial program provided certain changes were made in the bill, and those changes have been made to meet the requirements of the Budget Bureau. Also, the Department of Justice recommends the bill. Finally, the President of the United States has asked that this bill be enacted during this session of Congress. The Senate has twice passed the bill. Your committee has twice reported this measure, and now we ask its adoption by the House.

I reserve the remainder of my time.

Mr. O'MALLEY. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. COSTELLO].

Mr. COSTELLO. Mr. Chairman, the present bill was placed on the Consent Calendar for consideration by the House and was passed over without prejudice because of the nature of the legislation. As has been explained to you, this bill sets up a new Indian commission to be known as the Indian claims commission. I want Members to bear in mind that we have had for over a period of a century an Indian Bureau in this Government to look after the affairs of the Indians, and if there is any indictment against that Bureau that is more pronounced and more effective than this legislation presented here, I do not know what it is. This legislation is brought in here apparently to protect the rights of the Indians. For what purpose does the Indian Bureau exist? The legislation offers a means of determining the claims and the rights of the Indians.

It can go over the records of the Indian Bureau and check the records of the General Accounting Office. For what purpose does the Indian Bureau exist? All you are going to do by this legislation is to set up a new Indian Bureau consisting of three members, who shall serve during the lifetime of the commission or until they reach the age of 70 years.

The legislation attempts to limit the time for the existence of this commission. But this House knows that, regardless of any time limitation, these claims will not end due to the work of this commission. Instead the claims rejected by these three commissioners will be presented to you Members for special consideration.

For that service they shall receive a salary of $7,500 per annum. There is going to be a definite increase in the cost to the Government if this legislation is enacted.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. I only have 5 minutes. I cannot yield now.

I want to call to the attention of the House section 2 of the bill. I suggest that each Member get a copy of the bill and read it. It authorizes a complete search of all records of the Indians since the time this country was established. More particularly it provides that no claim shall be barred on the grounds of the provisions of any other statute, nor because it has heretofore been presented to Congress, nor because of any rule in law or equity, or by reason of any treaty or statute, nor because of res judicata. In other words, if the Indians have taken their claim to the Court of Claims and had a decision and the Congress perhaps has paid out the money in accordance with that decision, that is to be no bar. They can still come to this commission and present their claim all over, open it up again, and perhaps have the entire claim paid from the beginning.

The particular language to which I wish to call your attention is on page 4 of the bill:

> No claim shall be excluded because of the provisions of any other statute; nor because it has already been presented to the Congress; nor on the ground that it has become barred under any rule of law or equity, or by reason of any treaty or statute; nor on the ground of a prior adjudication with respect thereto in any judicial, administrative, or other proceeding between the same parties.

I should like to ask you Members one question, and that is this: What constituent of yours can come before the Congress and present a claim to the Committee on Claims that has been barred by the statute of limitations for 10, 30, 50, or 80 years and have the statute of limitations waived? Yet by this bill you are doing just that. In fact, we have had bills on the calendar that the committee has reported out, waiving the statute of limitations for the benefit of the Indians, although the matter occurred some 80 years previously.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. FITZPATRICK. Assuming the Commission would make a recommendation, the Congress would still have to pass upon that recommendation. Is that not true?

Mr. COSTELLO. That is quite true. I read from page 5:

> If any claim shall be found to rest on some legal, equitable, or sound moral obligation, the recommendation shall be for a direct appropriation by the Congress in a specific amount, or other adequate relief, or for the passage of an act giving jurisdiction of such claim to the Court of Claims.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. O'MALLEY. Mr. Chairman, I yield the gentleman from California 2 additional minutes.

Mr. COSTELLO. In other words, the commission will report back and tell you to appropriate so much money, because they think that amount should be paid. They will

act as a court in presenting these claims. As a result you will be called upon to pay out millions of dollars under this legislation.

Furthermore, on page 6 you will find that if the Department of the Interior recognizes a particular band of Indians where they have a tribal organization, the individuals of that tribe cannot present their claim to this commission. It has to be done through the recognized heads of that tribe.

There are other objections to this bill. The limitation of 5 years that is put upon the time in which these claims are to be presented, you know and I know, is absolutely meaningless. Ten years from now they will come back with more claims and present them, just as though this commission had never acted upon them, and they will ask you to take action thereupon.

I am frank to state if this legislation passes, all you are doing is to create a new bureau to dig down into the records to try to find some plausible excuse for presenting Indian claims to the Congress. It will not relieve the work of this particular House committee. It will only augment it. It will simply mean you will be confronted with continued added raids upon the Treasury through this commission.

I might state I believe many Members received a form letter from the American Indian Federation opposing this legislation. [Applause.]

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. ROGERS of Oklahoma. Mr. Chairman, I yield such time as he may desire to the gentleman from Montana [Mr. O'CONNOR].

Mr. O'CONNOR of Montana. Mr. Chairman, I sincerely hope that the membership of this body will bear in mind throughout the consideration of legislation involving Indians and their rights, that we are dealing here with an involuntarily subjected class of people. It is to this body that the Indians of this country must appeal. They are inarticulate except through us.

I want first to answer the argument made by the distinguished gentleman from California a moment ago. He asked:

> What have we got the Indian Department for? Why should we create another commission?

Mr. Chairman, the answer is that the Indian Department is not a court to which the red man may submit his cause, just or unjust. The Congress of the United States is the only tribunal to which the red man may appeal. Remember again what I said a moment ago—that the relationship of guardian and ward exists between the United States and the red man. We are their guardians; we must not violate our duty toward those people.

The argument has been made here and will again be made upon the floor of this House that this bill creates another commission; that it may result in two trials of the same issues. Mr. Chairman, this is not the fact. The same argument could be interposed to the creation of the Federal Trade Commission, which acts as an agency to enable Congress to pass laws curbing trusts throughout the United States, a commission whose findings are persuasive in court actions dealing with trusts. Through this bill we are creating a fact-finding body for the purpose of doing away with the endless bills now before this House and that have been before this House for 20 or 30 years, as my distinguished colleague from Missouri told you. It will go a long step in that direction.

Would any Member of this House, Mr. Chairman, refuse to lend an ear to the report of a commission filed with Congress, a commission appointed by the President of the United States and confirmed by the Senate of the United States? Would any Member of Congress refuse to pay attention to an impartial investigating committee reporting to the body which was hired for the purpose of ascertaining the facts? Every day we see bills introduced in the House extending jurisdiction to the Arapahoes, the Crows, the Assiniboines, the Gros Ventres, and various other tribes. Our time is taken up with them. This commission will prove to be the greatest saving agency that the Congress of the United States could establish in the interest of doing justice to the Indians to whom we owe a duty. We owe them just the same kind of duty that any of us would owe to a ward of whom the court might appoint us guardian. We cannot do less than give them a fair deal.

It will be argued here today that an Indian should not sit upon this commission. I am a member of the Committee on Indian Affairs. I proposed to amend the Senate bill so we could put a red man upon that commission. I believe there is just as good a brain in the skull of a red man as there is in the skull of a white man. We find them going ahead in literary lines wherever they have had the opportunity to develop along those lines. Is it not the fair, the decent, the honorable thing to do for us, a guardian, to say to our wards, if they are competent, to give them representation? Let us put a member of their class upon the commission that is going to secure to them the administration of justice in their claims. Is not that the proper thing to do?

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR of Montana. I yield.

Mr. PIERCE. If the Indians have the brain power the gentleman suggests, why do we constantly tie them to the apron strings of the Government? Why not let them be American citizens?

Mr. O'CONNOR of Montana. We should, as a matter of fact.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR of Montana. I yield.

Mr. FITZPATRICK. At the hearing on the Interior Department appropriation bill, in connection with the Bureau of Indian Affairs, it was brought out that the Indians of the United States are less self-supporting than any other Indian in North or South America. There must be something radically wrong with the administration of Indian Affairs.

Mr. O'CONNOR of Montana. I will tell the gentleman why it is. It is because we have never treated them as our equals. It is because we have driven them from pillar to post. It is because whenever they get anything of value it is taken away from them by the white man. [Applause.] That is the reason, and that is the answer to the gentleman's question. You can take a man from any walk of life or any class of society, deprive him of his freedom, his rights, his liberties, and his opportunities and make a useless being out of him.

Mr. FITZPATRICK. One further question if the gentleman will permit: It was also brought out that there are thousands and thousands of Indian children today who are not receiving any kind of education. Something is wrong where such a condition exists.

Mr. O'CONNOR of Montana. It is our fault. This is the only tribunal to which the red man may appeal and ask for help. I ask you to do your duty by the people you have forced under your supervision and over whom you have established the involuntary relationship of guardian and ward.

Mr. ROGERS of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. JOHNSON].

Mr. JOHNSON of Minnesota. Mr. Chairman, in the few minutes at my disposal I wish to answer some of the statements made by the gentleman from California [Mr. COSTELLO]. I am, of course, a new Member of Congress and also a new member of a so-called minor committee, the Committee on Indian Affairs, but this committee is loaded with claims and the Members of Congress cannot get to the bottom of them, we cannot get at the facts.

The Indian Bureau says we have not the means to sift these claims and give a real fair and accurate report, one that is fair to the country, one that is fair to Congress and one that is fair to the Indians. Of course, the gentleman from California [Mr. COSTELLO] states this is a Treas-

ury raid. When we talk about a Treasury raid being conducted under the leadership of the Indian chiefs of America, do not forget the land raid that we conducted against the Indians during the last 300 years in this country.

The opposition to this bill today should remember one thing. The reason we have these claims and the reason that this bill is in here backed by administration forces is the fact that the claims of the Indians have never been properly adjudicated. They have been treated on a charitable basis. They have had to go before a committee and they have had to proceed through lobbies. Under this bill they will go before a commission of a quasi-judicial nature and present the facts and arguments to the commission, which will merely advise Congress. Of course, the commission can no more order Congress to pass a bill or to kill a bill than this House can tie the hands of the Seventy-sixth Congress.

Another criticism of the gentleman from California [Mr. COSTELLO] is that this bill is too wide open. The bill was made wide open, sounding either on the basis of a legal consideration, moral consideration, or an equitable consideration. The reason is that an attempt is being made to be fair with the Indians and to give them no more than the law, equity, or moral consideration should give them.

May I close with the request on behalf of the committee that the Members of the House give this bill fair consideration because of the fact that the Committee on Indian Affairs should not deal with the Indians on the basis of charity, but should deal with them as other groups of the country have been dealt with, on the basis of law and equity. We should not denominate this as an Indian raid on the Treasury but simply as a bill to expiate the unfairness that the American people in the last 300 years have visited on the Indians of this country.

[Here the gavel fell.]

Mr. O'MALLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi [Mr. COLMER].

Mr. COLMER. Mr. Chairman, I had no desire to inject myself into this debate, because I do not know a great deal about the subject; but I have made two unsuccessful attempts to solicit information from gentlemen who addressed the Committee. Now, I had to get at it this way.

I want to ask the chairman of the Indian Affairs Committee how much it will cost annually to operate this commission?

Mr. ROGERS of Oklahoma. The gentleman will observe that under the terms of the bill funds for the operation of this commission are to be appropriated by the Congress, with no stated amount. It will receive whatever the Congress deems necessary. It will be necessary for the commission, through its representatives, to make a showing before the Appropriations Committee and convince that committee as to what will be necessary to operate the commission.

Mr. COLMER. Very well. I thought I could get the information, but I still do not have it.

Mr. DISNEY. Will the gentleman yield?

Mr. COLMER. No; I regret I do not have the time to yield to my friend.

Mr. Chairman, it appears to one who sits on the side lines that this is just another effort to set up another bureau. What is the Bureau of Indian Affairs doing now?

Mr. ROGERS of Oklahoma. Will the gentleman yield for an answer?

Mr. COLMER. Mr. Chairman, this year a total of $31,100,000 has been appropriated for the Bureau of Indian Affairs. In addition to that, over $500,000 has been appropriated annually for the payment of the salaries of the officials of this Bureau. It is proposed under this bill to set up another bureaucracy which will include a lot of high-paid people who will sit in swivel chairs here in Washington and pass upon these claims. Why cannot this work be done by the present Bureau?

I am in favor of giving justice to the Indians. Personally, I think they were done a great injustice in the beginning. However, I have a keen desire to be fair with some 130,000,000 American citizens who are taxpayers, and I am against a bill which provides for an additional bureaucracy. I hope the bill will be defeated.

[Here the gavel fell.]

Mr. O'MALLEY. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Chairman, I am probably looked upon as the outstanding enemy of the Indians in this Congress, but I may say I am not an enemy of the Indian but I might be properly classed as an enemy of the attorneys for the Indians.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. COCHRAN. I refuse to yield as I desire to present my case.

Mr. Chairman, my interest in Indian legislation started some years ago. Information came to the committee of which I am chairman, the Committee on Expenditures in the Executive Departments, to the effect that the Congress had passed 114 resolutions extending jurisdiction to the Court of Claims to consider various claims of the Indians. I was further advised if some action was not taken by the Congress the Government of the United States would be required to pay billions of dollars if all the claims that had been filed were allowed and paid.

Mr. NICHOLS. Will the gentleman yield?

Mr. COCHRAN. I refuse to yield at this time as I must present my views on this subject.

Mr. NICHOLS. Will the gentleman give us the source of that information?

Mr. COCHRAN. I do not yield. I will give the gentleman the source of the information.

Mr. Chairman, I called a meeting of the committee and invited the Assistant Attorney General who handles the Indian claims in the Court of Claims, as well as a representative of the Comptroller General's office, to appear before our committee. Let me impress upon the Members now that it is the Comptroller General's office, not the Bureau of Indian Affairs or the Department of the Interior, that has the records relating to the Indians and the amount of money that has been spent for the benefit of the Indians since the Constitution and various treaties with the Indians have been signed.

This is not an idle statement, because I hold in my hand the hearings. Assistant Attorney General Blair told our committee that up to that time the petitions filed in the Court of Claims under the jurisdictional acts passed by the Congress by unanimous consent, and without any debate whatsoever, either on the floor of the House or on the floor of the Senate, involved some three and one-fourth billion dollars and the Indians still had the right to file additional petitions.

Mr. O'CONNOR of Montana. Will the gentleman yield?

Mr. COCHRAN. Not right now. Permit me to go on. The gentleman can get time from the committee chairman. We were told something had to be done. My experience over a period of years in this House convinced me it could not be done through the Committee on Indian Affairs. So, by direction of the members of my committee, I appeared before the Appropriations Committee and presented the matter to that committee. I suggested that the Appropriation Committee call members of the Court of Claims before their committee, and they did. I suggested they call the Assistant Attorney General, and they did. I suggested they call the Comptroller General, and an assistant of the Comptroller General appeared. These men confirmed the statement I made, and in a deficiency bill an amendment was carried where the Government was given the right to offset the claims of the Indians by showing advances and gratuities which had been made to the Indians by the Government of the United States. This helped, but what happened? A number of cases were dismissed because it was shown beyond a doubt by the records of the Comptroller General's office that the Government had advanced more money to the Indians than the Indians were claiming. The Court of

Claims had passed on cases and the Supreme Court had passed on cases, and denied money to the Indians. The Indians were not entitled to the money, the courts said.

Right away the attorneys for the Indians came before the Committee on Indian Affairs of the House and the Committee on Indian Affairs of the Senate and asked that the jurisdictional acts be amended so that the Government would not be permitted to charge off the advances and gratuities which had been made to the Indians.

Last May the doctor sent me back to bed for 10 days. I had stopped the passage of a bill changing a jurisdictional act. However, while I was in bed that bill passed the House. It had already passed the Senate. The case was reopened in the Court of Claims, although it had been passed on by the Court of Claims and had already been passed on by the Supreme Court of the United States. On June 1 of this year as a result of the jurisdictional act to which I have referred, the Court of Claims rendered another decision in this case, and I have the decision here. There will be submitted to the Committee on Appropriations of the House to be included in the next deficiency bill an estimate for this judgment amounting to $5,313,347, with interest at 5 percent per annum on $2,271,000 from June 7, 1937, to date of payment.

Mr. DISNEY. Mr. Chairman, I make the point of order the gentleman is not proceeding in order, in that he is not confining his remarks to the bill.

The CHAIRMAN. The gentleman from Missouri will proceed in order.

Mr. COCHRAN. Mr. Chairman, I insist the gentleman from Oklahoma state in what way I am not proceeding in order.

Mr. DISNEY. The gentleman is not discussing the bill. The gentleman is discussing his own prowess and the activities of his committee in defeating some claims. This bill goes to the question of finding the facts with reference to claims. What the gentleman has done in the past does not relate to this bill.

The CHAIRMAN. The gentleman from Missouri will proceed in order.

Mr. COCHRAN. My statements are being made with the view of showing the Members of the House exactly what is happening in connection with Indian claims, because every one of the claims to which I am now referring under the terms of this bill is to be taken out of the Court of Claims and turned over to a commission of three men, one of whom is to be an Indian and claims decided against the Indians can be reopened. If this is not in order, I do not know what is in order.

Mr. DISNEY. It is in order, but it is not a correct statement of the facts.

Mr. COCHRAN. Mr. Chairman, well, I can prove my statements by records. Another of the claims which, under the terms of this bill, can be taken out of the Court of Claims and turned over to the commission provided for in the bill is a claim of the Shoshone Tribe of Indians. This case was also decided this month. This judgment will also be submitted to the Committee on Appropriations, and over $4,000,000 is involved. In other words, if they are not satisfied they can ask this commission for more. During the present month nearly $10,000,000 in judgments against the United States has been awarded by reason of the jurisdictional acts, referring these cases to the Court of Claims and they are all based on something that happened 75 years or more ago.

Another case which can be taken out of the Court of Claims is in the amount of $252,000,000. Why, in claims which are pending before the Court of Claims and which can be taken before this proposed commission the claimants even want money for the mineral which has been taken out of the ground and the timber that has been taken off the ground. Do not take my word for it. Look up the claims yourself and read the petitions. I have spent 3 years in working, not playing, on Indian claims, and I have stopped dozens of them from being passed by this House.

[Here the gavel fell.]

Mr. O'MALLEY. Mr. Chairman, I yield 5 additional minutes to the gentleman from Missouri.

Mr. COCHRAN. Mr. Chairman, another claim that can be taken before this commission was defeated in the closing days of the last session, when I refused to permit a bill to be passed which would prevent the Government from offsetting advances and gratuities against the claim. This is the California claim. What happened? The same people who recommend the passage of this bill, the Bureau of Indian Affairs, and so forth, sent their representatives to me and called me over the telephone, and pleaded with me to let the bill pass, stating it did not amount to much. However, the Assistant to the Attorney General of the United States told me, "If you let that bill pass, we will be compelled to walk into the Court of Claims and confess judgment in the amount of $17,000,000." You can see this is an important question, one which deserves your consideration. I am perfectly willing that the bill be called up and voted on by the House, because I think it will make the Members of the House realize there is something more behind Indian claims than merely the desire of a Member of Congress to get such bills passed. Lawyers, not Indians, are pushing these claims, lawyers who get the Indians to sign up and then forevermore have the Indians in their hands.

Do you know that all the evidence which is going to be presented to this commission in the event the commission is established must be prepared by the Government of the United States and laid on the table for the attorney of the Indians? The attorney does not get any evidence. In one claim pending before the Court of Claims, and which can be taken over by this commission, the General Accounting Office has been working for 9 years on the matter, and it has cost the General Accounting Office $200,000 to try to assemble the evidence to protect the taxpayers of this country against a raid on the Treasury.

If you go back and find out the amount of money the Congress of the United States has appropriated for the upkeep of the Indians since the Constitution was signed and since treaties were signed, you will realize the Indian has been treated pretty fairly. Remember every claim is 75 or 100 years or more old, some based on treaties signed before 1800. Surely, Mr. Chairman, this should be stopped. This bill will reopen dozens of claims which the Court of Claims and the Supreme Court have rendered adverse decisions. Remember that. What tribe of Indians could you get to consent to reopen a case that they had already won? Why, then, should you ask the Government to reopen a case decided in the Government's favor?

Now, another feature of the bill worth mentioning: Under the terms of this bill the Government is to be responsible for the acts of any of its agents. The Supreme Court time and again has held that the Government of the United States is not responsible for the acts of any agent. I will move to strike out that language at the proper time.

Mr. Chairman, I am not going to exert myself any further on this bill. There are others here who, I am sure, will present additional information to the committee.

Mr. O'CONNOR of Montana. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I decline to yield, but I will say to the gentleman from Montana, in closing, that I compliment him on his activity on behalf of the Indians. The gentleman has only been here since January, but he has been more active and has got more bills out of the Indian Affairs Committee since we met in January than any new Member of this House since I have been around here, and I have been around here now for nearly 25 years.

This bill, Mr. Chairman, should be defeated. We have a Court of Claims, and we have a Supreme Court, and let the cases remain where they are and if Congress does not change the jurisdictional acts, the Government of the United States and the taxpayers will have half a chance at least to win some of these cases. [Applause.]

Mr. ROGERS of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. NICHOLS].

Mr. NICHOLS. Mr. Chairman, you would think to hear the discussion that has been going on here from my learned and distinguished friend, my colleague from Missouri, and other Members, that there is about to be created here a commission of Indians for the purpose of stealing from the Government for the good of these Indians.

As a matter of fact, if this commission is set up, it will be a fact-finding body. For what purpose? For the purpose of stealing money from the Government for the Indians? Who can say that? I do not believe that. I do not believe the President of the United States would appoint, neither do I believe the Senate of the United States would confirm, three men who would go on a commission for the purpose of cheating the very Government that created their positions.

Here is what this commission is for, and in my judgment the Government will be a heavier beneficiary from this commission than the Indians. The Court of Claims is a big, busy court. The Court of Claims is in a log-jam at the moment with a multiplicity of claims, not only Indian bills, but other claims, and my distinguished friend from Missouri is not correct when he points out that many jurisdictional bills will be taken from the Court of Claims and placed before this commission, because this is not to be a court. This is not to be such a commission as can render a single judgment in law or in equity. This is to be simply a fact-finding body. What is the purpose of its creation? The Attorney General, the Secretary of the Interior, the Bureau of the Budget, and the President himself, in giving support to this measure, evidently think the Government can save money for the Government by having a commission whose business it is to search out the facts with respect to these claims which are filed by the Indians against the Government, and it is possibly their thought that the Government will be protected through this commission.

Mr. FULLER. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield.

Mr. FULLER. Would not the Government and the Court of Claims be bound by the findings of this fact-finding commission?

Mr. NICHOLS. No; they would not—not under the provisions of this bill.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I cannot yield further.

I want to take this opportunity to talk a little about these gratuities the gentleman from Missouri has referred to. Do you know what the gratuities and the advances are that the gentleman refers to? You would think from the gentleman's remarks that they represent money taken out of the United States Treasury and given to the Indians. Well, it is not that at all. The things they call gratuities and advances are moneys paid the administrative officers who are in charge of the bureaus and other divisions of the Office of the Commissioner of Indian Affairs and the officers that deal with Indian affairs. They are not gifts to the Indians, they are administrative costs, salaries, rents, and so forth. Jurisdictional bills? Why, a jurisdictional bill has not a thing in the world to do with gratuities. Here is what a jurisdictional bill does.

[Here the gavel fell.]

Mr. ROGERS of Oklahoma. Mr. Chairman, I yield to the gentleman from Oklahoma 2 additional minutes.

Mr. NICHOLS. We all know that before the Government of the United States can be sued, a tribe or an individual or a corporation or a company must have conferred upon it the right to sue the Government. This is what a jurisdictional bill is and nothing else. It has nothing to do with gratuities, and so on.

Now, the gentleman points out that the General Accounting Office has been busy for 9 years working on some Indian claims in order to get them ready for the Court of Claims. That is absolutely right, because the General Accounting Office is in possession of all of the facts and all of the figures, and when jurisdiction is conferred upon a tribe of Indians to sue the Government, that tribe asks for an accounting from the Government and the General Accounting Office is the only office in possession of the figures and the only office that can render an accounting to the Indians of what the Government has done under the terms of a particular treaty. So it is that the Accounting Office in one case delayed until 4 years after the time fixed in the original jurisdictional bill within which to permit the Indians to file petitions. The Accounting Office had all the information, but the Accounting Office did not render the accounting until 4 years after the time within which the Indians could file their petitions had expired.

This is a good bill and it ought to pass. [Applause.]

Mr. O'MALLEY. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon [Mr. PIERCE].

Mr. PIERCE. Mr. Chairman, as a Member of this House having in his district four tribes of Indians, and some of the most intelligent in the United States, also one of the wealthiest tribes, I say that I am very much opposed to this bill. I am very anxious to see it defeated. I ask you Members from districts that do not have Indians in your districts, to give us due consideration and to be very careful on this bill. If there ever was a bill introduced since I have been here that opens up the floodgates to siphon money out of the United States Treasury, this is it. I have reached the conclusion that the reporter was right who said some years ago "that JOHN COCHRAN, of Missouri, is one of the five most valuable men in this House." Mr. COCHRAN'S plea here on this bill and his description of the effect of it is certainly convincing. I notice the gentleman from Oklahoma [Mr. NICHOLS] a moment ago said that these jurisdictional bills simply conferred upon the Court of Claims the right to try the suit. At the same time these jurisdictional bills tie the hands of the Government and prevent a proper hearing. This bill, if it becomes a law, will lead to millions of dollars being taken out of the Treasury on unjustifiable claims. It will throw down the bars on adjudicated cases, and let them come back and plead for more.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. PIERCE. For a short question.

Mr. CRAWFORD. The gentleman refers to the wealthy Indians in his district. How does that conform to the statement made by the gentleman from the Committee on Appropriations awhile ago when he spoke about the Indians of the United States being less self-supporting than any other group of Indians anywhere in the Western Hemisphere—Canada, the United States, Central America, South America?

Mr. PIERCE. I think that is largely because of the way the Indian Department has treated the Indians.

Mr. CRAWFORD. And not the fault of the Indians?

Mr. PIERCE. Absolutely not. I think if they had been let alone and not tied to the apron strings of the Indian Department they would have been much better off. We do not develop them as citizens. I wish we could remove some of these hampering laws that have managed these Indians and that we could recognize them as American citizens and so treat them. I know the Indians that I am acquainted with would be vastly better off if they were torn loose and were not forever tied to the apron strings of the Indian Department. This commission will simply gather facts, it is said, but they will be facts that will be used against the Government, and the gentleman from Arkansas [Mr. FULLER] was right when he mentioned the fact that these findings will be used in the Court of Claims as established rights and so pleaded.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. PIERCE. Yes.

Mr. CASE of South Dakota. Does not the gentleman realize that this bill sets a deadline and compels them to bring in their claims at a certain time, and we have never been able to get that done before?

Mr. PIERCE. The whole thing will open up the floodgates. I think the bill ought to be defeated. I cannot see any right or justice in establishing at this time another bureau to bring up these old claims that have been adjudicated and bring them back into court and try to get more money. The part of section 2, on page 4, ought of itself to kill the bill. I am certainly hoping that the Committee of the Whole will vote down the bill and report against its passage. It will lead to more tied hands of the court when the Government comes to defend against Indian claims, the same as many of these jurisdictional bills have done. This bill should be defeated. I am asking you Members who have no Indians and are not interested to vote with us to defeat the bill. [Applause.]

Mr. ROGERS of Oklahoma. Mr. Chairman, I yield 7 minutes to the gentleman from North Dakota [Mr. BURDICK].

Mr. BURDICK. Mr. Chairman, I am going to make an effort to not talk about individuals here for about 7 minutes, but I want to give you the facts of this situation just as they are. The Indian Bureau was established in 1832 and was put under the War Department, because these Indians were held in subjection. They were prisoners of war, and they have never been released. You have made them citizens, but their right to handle their property, and their right to life and liberty is still denied them, and they are held in subjection by the Indian Bureau. In 1868 they transferred the handling of the Indian Affairs from the War Department to the Department of the Interior, and there they have remained ever since. In 1855 we established the Court of Claims. How many Indian cases have come before the Court of Claims since 1855? Since that time 192 Indian cases have come before the Court of Claims. How much money has been involved in those suits since 1855? The total amount of claims that have come before the Court of Claims amounts to $2,187,000,000. How many claims have been decided favorably to the Indians during that period? Twenty-seven. What is the rate of percent of recovery of Indian claims? It is 2.3 percent of the amount sued for. How long does it take to handle one of these Indian cases? First, you must have a jurisdictional act if you do not pass this measure.

I want to refer to two specific cases that cover this entire field, and if I cannot convince the most skeptical that something should be done to change this system you have my permission to vote against the bill. I am just giving you two cases, and I know of hundreds of others. In 1866, following the Minnesota massacre, the Government of the United States came out into the Territory of Dakota to see if they could not make some arrangement with the Indian tribes to build railroads and telegraph lines through the country. They went to the fathers of these men sitting in the gallery this afternoon and entered into a treaty agreement with them that they were to be given $400,000 for permission to cross and recross their country and that the white settlers and white men engaged in that business would not be molested. Those Indians kept their word. No Indian in American history ever violated a treaty made with this Government. It was first violated by the Government itself. We paid the Indians $400,000 for that privilege.

Within the past few years those Indians presented their claims to the Court of Claims of this Nation. You talk about adjudication. You talk about going back of a judgment to do justice to these Indians. The Court of Claims found a judgment for the Aricaras, Mandans, and Gros Vents, but under the accounting system they deducted as a gratuity the $400,000 they paid them years ago for the specific purpose of crossing their territory. Now, is that right? Is there any man in this House this afternoon who thinks that is right? If there is an individual here who would say those men were not entitled to recover the $400,000 taken away from them, I would like to know it. There is not one. But that has been adjudicated. That is through. These Indians have sat here years and years now asking for Congress to give them a jurisdictional act so that they can come into the Court of Claims and recover their own $400,000. At this minute they have not gotten that bill.

Men will get up on the floor of this House and deny them the right to go into the Court of Claims to prove the facts about which there is no controversy. Is that justice? I do not care if it results in a judgment for $5,000,000 or $10,000,000 or $50,000,000. If it is right between man and man, if it is justice to those Indians, let us pay it and not refuse because you say, as the gentleman from Missouri [Mr. COCHRAN] says, "Why, it is costing us $5,000,000."

Let me give you one more case, and I hope I have time to finish it, because it will indicate to the Members of this House what can be done under this bill where you do not have to ask for a jurisdictional bill, and keep these Indians pounding at the doors of this Nation for 7 years before they can get a bill. It takes 8 years and 11 months to get a report from the accounting department. It takes 3 years and 7 months to get a case decided. So add it up. Add up 6 years and 8 years and 3 years and 11 months and 7 months and 6 months, and you see how long it takes. Pass this bill and we will have the facts and we will be able to do justice to the American Indians.

[Here the gavel fell.]

Mr. BURDICK. Will the gentleman give me 2 more minutes?

Mr. ROGERS of Oklahoma. I do not have the time.

Mr. BURDICK. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, and by the eternal I will put it in.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. O'MALLEY. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, of course it grieves me a great deal today to be opposed to my committee on this bill, but the longer I have studied the bill and the longer I look at it, the more I have come to the conclusion that the only good thing about it is the printing and the paper.

This bill was reported out by our committee in the Seventy-third Congress, by a committee of seven members, seven members being present. It now comes to you with 11 members of the committee having been present when it was voted out. The bill was taken up at 10:30 and reported out at 12 o'clock when our committee usually adjourns.

Mr. ROGERS of Oklahoma. Well, will the gentleman yield?

Mr. O'MALLEY. I cannot yield unless the gentleman gives me a little of his time.

Mr. ROGERS of Oklahoma. I would like to correct the gentleman.

Mr. O'MALLEY. Will the gentleman answer this question? Was not the bill taken up at 10:30 on the day it was reported out?

Mr. ROGERS of Oklahoma. Yes, but the bill had been reported by a subcommittee and was considered for three consecutive meeting days in the general committee.

Mr. O'MALLEY. I want to ask the gentleman if it is not true it was considered for 1½ hours the day it was reported out?

Mr. ROGERS of Oklahoma. Yes; after it had been considered 3 other days.

Mr. O'MALLEY. By a subcommittee.

Mr. ROGERS of Oklahoma. By the general committee at two other meetings.

Mr. O'MALLEY. I do not yield further, Mr. Chairman.

This bill will cost the Government around $500,000 a year to maintain this commission if the commission only investigates and hears the claims that are now being investigated by the General Accounting Office and the Attorney General's Office and other divisions of the Government concerned with Indian affairs.

I am sorry, but I cannot yield to the gentleman even though he is the author of a similar bill.

Mr. DISNEY. Will not the gentleman yield that I may correct one of his statements?

Mr. O'MALLEY. Mr. Chairman, I decline to yield.

Mr. Chairman, the Senate bill was taken up, and on page 3716 of the RECORD you will find how it was passed—and the debate on it—if you can—I cannot find it. This bill starts out with ridiculous proposition no. 1, purporting to set up the Indian Claims Commission, of which one member must be an Indian. Why do we not bring in a bill reconstituting the Supreme Court and saying that one member shall be a Negro? What is the idea of this? Why not say that one member of this commission must be an Irishman because some Irishman might want to make a claim? This is ridiculous proposition no. 1.

The commission is to be permanent, although the bill does carry the limitation that the commission shall expire after 10 years unless the time is further extended by act of Congress.

It has been said on the floor that the administration is for this bill. I would not be honest with the Members of the House whose votes they have attempted to get by such statements if I did not tell them what one branch of the executive department said about this bill in a letter to the Chief Executive:

> In some instances this legislation would practically result in two trials of the same claim, one before the commission and another before the Court of Claims. On the other hand, it is submitted that a complete and exhaustive investigation of all claims of Indian tribes by a special commission might dispose of the entire subject and thus possibly preclude further attempts on the part of individual tribes to secure consideration or reconsideration of a claim.

The Attorney General himself says that this does not do away with a bit of work, for these Indians can come back to Congress or they can go to the Court of Claims after this claims commission has turned down their case. So what is saved? Nothing. We duplicate work and make two trials necessary where one sufficed before. Let us see how the Attorney General supports this bill:

> In view of the fact that the measure deals with subjects primarily within the activities of the Interior Department, this Department acquiesces in the proposal—

Is that support?—

> this Department acquiesces in the proposal.

So far as the administration supporting this bill is concerned, the only communication that I have ever seen—and I believe it is the only one on the subject—expresses the hope that this legislation will be taken up at this session and that it might become law.

The report of the Department of the Interior favoring this bill is contradictory in two places. In one place it states that the reason the Indians have not been able to get their claims acted upon is because many of them did not have the wherewithal to hire attorneys. The bill itself provides that they must have attorneys if they want to go before the commission. By the provisions on page 4 of the bill you put these Indians into the hands of attorneys, yet the Department says that the reason many of these claims have not been presented is because the Indians had not the means to hire attorneys. The bill provides further that attorneys having authority to represent the Indians shall be the only ones who can examine the records. If the Indians do not have the wherewithal to hire attorneys, why should this bill compel them to hire attorneys in order to appear before the commission or to have these records examined?

In the short time at my disposal I have not been able to enumerate all the ridiculous propositions in this bill, but if you will go over it carefully you will discover others. The gentleman from Missouri said that thousands of old claims would be reopened. If this is not indicated by the language on page 3, from lines 7 to 13, I cannot understand the English language. Every claim that has ever been passed on by the United States Government can be brought up before this commission and reopened and reexamined. The language on page 4 of the bill provides that even those claims that have been presented to Congress and refused by our committees can be heard by this commission and then submitted to us again for action, thus reopening claims that were determined years ago.

The Senate bill did provide that once the commission turned down a claim it could not be considered by Congress, but you will see on page 5, line 22, that this language has been stricken. So it is now possible under the present wording of the bill for claims turned down by this commission to be brought to Congress again. Neither I nor any other Member wants to deny to the Indians of our country—and there are 30,000 of them in my State alone—the right to come before Congress; but if they are still to come before Congress, I cannot see why this commission should be created.

This commission is supposed to be a fact-finding body. There is no justification for its creation, because although it is to be a fact-finding body it still must go to the General Accounting Office, to the Land Office, to the Bureau of Indian Affairs and borrow their employees who are doing this work now for the committees of Congress; so, I cannot see any way in which work will be saved. Furthermore, this commission will cost the Government of the United States not less than $500,000 a year in expenses and salaries.

There is but one more point that I want to make clear: Two policies may be followed in dealing with the Indians; first, the policy of the Indian Bureau which is to keep the Indians for years on the reservations and under the control of Government job holders; second, the policy of the Government trying to get the Indians out of and off the reservations and have them assimilated as quickly as possible into our civilization. Although the Indians are fewer in number today than they were 100 years ago the expenditures of the Government for their care is far greater. As the Indians grow fewer the bureaucracy that feeds off them and fattens upon them grew greater. One more bureau added to this bureaucracy that rides the backs of the Indians of the United States like the old man of the sea means only more expense for this Congress and nothing for the Indians, for you may be sure that where the great majority of these claims are concerned some lawyer has initiated them and gotten the greater part of the award whether or not a limitation is put in the bill.

Mr. NICHOLS. Will the gentleman yield?

Mr. O'MALLEY. The gentleman had his own time.

Mr. NICHOLS. I would like to ask the gentleman to clarify that statement.

Mr. O'MALLEY. The gentleman had time to make his statement.

Mr. BOILEAU. Will the gentleman yield?

Mr. O'MALLEY. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. The gentleman made a statement a while ago this would not prevent matters going before the Court of Claims. It seems to me in the past there have been many Indian claims that have not been properly considered or properly adjudicated. Does not the gentleman believe if these various claims were placed before this commission and finally disposed of, the Congress would probably not pass very many more jurisdictional bills? Does not the gentleman believe it is about time, after the lapse of all these years, to have these claims which have been pending for years finally disposed of by an impartial tribunal, which will give the Indians and the Government fair and impartial consideration?

Mr. O'MALLEY. I may say to the gentleman first of all, a tribunal that is created which is predicated upon one type of citizen being a member of that commission, cannot be impartial. When a bill comes into the Congress of the United States compelling the appointment of one member of a race or one member of a particular class to be a member of the commission, it starts off by not being impartial.

Mr. BOILEAU. This commission has not the power to pay the judgment, if they render final judgment?

Mr. O'MALLEY. That is right.

Mr. BOILEAU. This is only an investigating commission, which will have to make a report to the Congress of the

United States. It is a fact-finding committee, so to speak. Does not the gentleman believe it is proper to have an Indian member on that commission to preserve and protect the rights of those people whose claims are being investigated?

Mr. O'MALLEY. I may say to the gentleman that committees of Congress are supposed to get the same information from the same sources this commission would get it. I cannot see any saving, because this commission will have to go to the General Accounting Office, the General Land Office, and the Bureau of Indians Affairs, where exist all the records pertaining to the Indians.

Mr. BOILEAU. After they get all this information together and make their investigation, they would probably submit a majority report and a minority report, if there was a difference of opinion. This Congress then, through a committee, would have the opportunity to give adequate and proper consideration to the matter. It seems to me something of this kind is necessary if we are going to deal fairly with the Indians.

Mr. O'MALLEY. If there were Indians in the gentleman's district and an adjudication was made against them and they sought his help to put through a bill to get the thing they wanted, on the basis of the commission's finding would the gentleman refuse to introduce such a bill?

Mr. BOILEAU. I may say if a fair investigation had been made by this tribunal, a report submitted to the Congress, and the Committee on Indian Affairs refused to report a bill, and, further, if the matter came before the House and was turned down, and I thereafter tried to get a jurisdictional bill passed, I believe the House would curb me.

Mr. O'MALLEY. Who would decide whether it was a fair adjudication?

Mr. BOILEAU. First of all we would have a report of the commission that made the investigation. Then the Committee on Indian Affairs of the House would consider the matter, and the House would undoubtedly follow the recommendation of this committee and turn down the claim if the committee so reported.

Mr. O'MALLEY. Then the gentleman would deny the right of petition to an Indian in connection with a claim that had been passed upon by the Commission?

Mr. BOILEAU. No. I would still have the right to introduce a bill, but I say the Indian Affairs Committee, having considered the claim and having turned it down, would not give me much consideration, and I would not be deserving of very much consideration. Until such time as a full and fair investigation and final adjudication is had, these Indians have the right to demand that the Government give them their day in court.

Mr. O'MALLEY. I yield to the gentleman from Oklahoma [Mr. NICHOLS].

Mr. NICHOLS. I want to ask the gentleman a question. He says in most instances the lawyers take the greater part of this money which is recovered.

Mr. O'MALLEY. That is right.

Mr. NICHOLS. May I ask the gentleman if it is not a fact that in every bill he has any knowledge of there is a provision in the bill that not exceeding 10 percent may be paid to the attorney?

Mr. O'MALLEY. That is right, 10 percent of the claim; but the gentleman knows well enough this Indian claim business is the biggest racket in the country.

[Here the gavel fell.]

Mr. O'MALLEY. Mr. Chairman, I yield myself 5 additional minutes.

Certain lawyers hang around our committee room and then go out to the Indian tribes and get these Indians to sign a contract. Then they go and dig up the claims, then come to the committee and try to get a jurisdictional bill through.

Mr. NICHOLS. Yet if we had been a little fairer with the Indians, they would not have had to go out and get lawyers and give them half of the money.

Mr. O'MALLEY. They do not get the lawyers. These lawyers also collect a lot of money in traveling expenses and for a lot of other things. There are lawyers in this country that would be disbarred in my jurisdiction for ambulance chasing if their conduct in connection with Indian matters was exposed.

Mr. O'CONNOR of Montana. Will the gentleman yield?

Mr. O'MALLEY. The gentleman did not yield to me, but I yield to him.

Mr. O'CONNOR of Montana. I would have been glad to yield to the gentleman, but I did not have time.

Regardless of how claims are gone into, and regardless of how they get before the Court of Claims, if the judgment of that court is that the Indians should recover and that a debt is owing by the United States Government to the Indians, does not the gentleman think that debt should be paid to the Indians just the same as it should be paid to white men?

Mr. O'MALLEY. I think as between white men and Indians both should be paid, but I do not see where the gentleman's statement has anything to do with this commission.

Mr. O'CONNOR. The gentleman is talking about lawyers inspiring the presentation of these claims.

Mr. O'MALLEY. That is right. They not only inspire the claims but they dig up the evidence.

Mr. O'CONNOR of Montana. Let us assume that they do inspire these claims. If a court of this Government, an institution of the Government, finds that the Indian is entitled to recover, should not that debt be paid by the United States Government?

Mr. O'MALLEY. Yes; but I may say to the gentleman that if he will peruse the records of the Court of Claims he will find that 50 percent of the claims these lawyers have dug up are rejected because they are so rotten, so obviously attempts to raid the Treasury, that the court will not even hear them.

Mr. O'CONNOR of Montana. Why do they have such fear of coming before the Court of Claims if they cannot recover?

Mr. O'MALLEY. The reason a lot of these lawyers do not want to come before the Court of Claims is because they have not been able to get by with these old claims. The court has dismissed the claims. Now they want a commission that will pick up the claims and give them another day in court. Our duty here is to protect the Treasury of the United States.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. O'MALLEY. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. The gentleman has stated this commission cannot be an impartial tribunal if it is already provided that one of the three members shall be an Indian. Has the gentleman noted that all three members are to be selected by the Government and two of them are to be whites? The Government is selecting all three of them.

Mr. O'MALLEY. I know the gentleman says two of them are to be whites. I know one man who says he is going to get such an appointment, and he is a white man.

If we pass this bill to create a new commission which will cost the taxpayers of the United States more than $500,000 a year from scratch or from the time it starts, with as little consideration and in as little time as has been given in both bodies, it is no wonder we cannot balance the Budget, and it is no wonder we have to raise taxes. This bill ought to be defeated. [Applause.]

Mr. JOHNSON of Minnesota. Where does the gentleman get the $500,000? Right out of the air?

[Here the gavel fell.]

Mr. CARTWRIGHT. Mr. Chairman, I yield 4 minutes to the gentleman from South Dakota [Mr. CASE].

A MATTER OF ECONOMY AND JUSTICE

Mr. CASE of South Dakota. Mr. Chairman, what this bill does is to give us an "out on the Indian" problem. It proposes to find the merits of these claims. If you do not do

this today, the problem goes on. Some time, some day, the line will have to be drawn, and this is an attempt to place a deadline, get the claims in, and determine the facts.

Section 4 states:

> The commission shall be authorized to receive claims for a period of 5 years after the approval of this act, and no claim existing before such period not presented within such period may thereafter be submitted to any Federal court or administrative agency for consideration or action.

It is true that the committee struck off the words, "nor will such claim be entertained by Congress", but this was merely because one Congress cannot bind a succeeding Congress. The bill does provide that claims unpresented within this time may not thereafter be submitted to a Federal court or administrative agency. So a deadline is established and we can work to a settlement of the problem of Indian treaty claims.

This bill will also put an end to claim chasing by lawyers because it gives this commission the right to assemble the facts and advise the Indians of their merits.

The gentleman from Missouri mentioned a cost of $200,000 for investigating one claim, but the facts there uncovered, as is pointed out in the report of the Secretary of the Interior, might bear on a number of claims. The documents could be photostated. Instead of one set of lawyers pawing through the records for the facts regarding a particular claim and then another set of lawyers doing it again, all going to an expense which eventually will be paid out of the Treasury, this fact-finding commission would make "a permanent accomplishment", in the words of the report of the Secretary on the measure.

This bill in reality is an economy measure. It is of value both to the Indians and to the Government, and I am inclined to agree with the gentleman who stated the biggest value is to the Government.

This bill will stop the exploitation of the Indians. One gentleman spoke of the Indians in his district. I have five reservations in my district. Every election year one campaigner or another, admittedly including the gentleman before you, goes out and says to these Indians, "Elect me and I will try to get your claims settled." And, of course, we do try. But this hashing and rehashing keeps the Indians in a constant state of turmoil. Then attorneys come along. The result is the Indians do not know where they are.

In all justice to the Indians, in all justice to the guardian Government, these claims which are based on treaty rights should be settled while the people who lived the closest to the time the treaties were made are still here.

This perpetual carrying along and carrying along and baiting the Indians with this and baiting them with that is responsible for the condition of which the gentleman complains, that we are pampering them.

Let us give the Indians their day in court, consider their questions, and bring them before the Claims Commission. If their claims are without merit, it is expressly provided that the Commission shall say they are without merit, and this will dispose of them. If they have merit, let us settle them, put the Indian on his own with what we promised him in our treaties, and then give him a chance to get on and get ahead.

Treaties in the minds of the Indians are rightfully based on that section of the Constitution which states that treaties along with the Constitution shall be "the supreme law of the land." How can we preach love for the Constitution if we do not carry out our treaties? How can we point the finger of scorn at debt defaulters when we "run out" on our Indian treaties?

This bill does not create new claims; it simply seeks to determine what is right. The gentlemen who are afraid of this bill are afraid to face the facts.

If you are not afraid to face the facts and do justice, you ought to vote for this bill. [Applause.]

[Here the gavel fell.]

Mr. CARTWRIGHT. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin [Mr. GEHRMANN].

Mr. GEHRMANN. Mr. Chairman, I have been a member of the Committee on Indian Affairs since coming to Congress, and this is my third year. I am one of the members who never miss a meeting unless it is absolutely impossible to be there.

This bill has been kicked around in our committee as long as I can remember. It is not anything new. My colleague's statement that we considered the bill for only an hour and a half one forenoon and then reported it out is incorrect. We have considered the bill for 3 years. Subcommittees have studied the bill. The bill came over from the Senate, and we considered it fully again and amended it. We cut down the salary of the commissioners from $10,000 to $7,500, and made a lot of other changes. At first I was skeptical about the bill and thought it would create duplication, but the longer I am here the more I am convinced we will never get these claims bills satisfactorily taken care of unless we have an impartial fact-finding body.

In 1935 I was fortunate enough to get a jurisdictional bill passed which my predecessor had tried to have passed. However, I realize that a good many bills are knocked out every time they are called up because they might involve some money. With respect to the bill that I finally had passed, the Department of the Interior admitted that timber to the extent of over $600,000 had been taken off of the land, but still the average Member on this floor here was afraid to allow it to go to the Court of Claims, although they had taken this much timber that belonged to the Indians and the money is now being held in escrow where no one can use it. It is a matter that certainly should be settled once and for all.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. GEHRMANN. I yield.

Mr. NICHOLS. I want to ask the gentleman if it is not a fact that in most of these claims that will be presented to this commission by the Indians, if the commission is set up, there are claims based upon positive, ironclad treaties between the Indians and the Government of the United States?

Mr. GEHRMANN. Absolutely.

In this jurisdictional bill that I had passed, I purposely cut down the attorney's fee to 5 percent, and certainly that was not an ambulance-chasing proposition. Furthermore, the State legislature authorized the attorney general's office to assist the Indians, and the attorney general and an assistant attorney general were here a short time ago, and they are now going through the records down here in the Bureau of the Budget and the Department of the Interior, and every attorney or representative of some tribe that has a claim is digging over these same records. If you create this commission, they will go through these records and will separate them by tribes and will have the facts with reference to each tribe, and there will not be any duplication.

The gentleman from Missouri [Mr. COCHRAN] stated it cost $200,000 to investigate one claim or to have a force of 200 men there for 2 years to dig up records on one claim. This is the way it has been going right along, but I am sure that eventually this commission will employ people to dig up the facts about every tribe so that they will have them at their disposal, and will index them and then will be in a position to come before the Committee on Indian Affairs and tell us whether or not a particular bill is worthy of consideration. We are considering bills every day where we have to depend on someone like our good colleague the gentleman from Oregon [Mr. PIERCE], who was before the committee the other day when we passed out three bills. We took his word for it, and that was about the only reason we passed them. I do not know that we had any facts, and in most cases we have to take the facts from some colleague rather than from some impartial commission. [Applause.]

[Here the gavel fell.]

Mr. CARTWRIGHT. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. DONDERO].

Mr. DONDERO. Mr. Chairman, I am as much opposed as any Member of this House to the creation of any new bureau or commission, but this is an exception because we are dealing with a people who are wards of the Government of the United States. A trust relationship exists between the Indians and the Government, and whatever we do should be done on a plane of high honor and a high sense of justice, dealing fairly with a people who have not been able to represent themselves personally in the Court of Claims or before the committees of the United States Congress.

I have no Indians in my district, except a very few in Oakland County and in Pontiac, Mich., representing a band of Chippewas, the balance of whom reside in the district of my good friend the gentleman from Michigan, Congressman LUECKE, in upper Michigan. However, a typical claim, and undoubtedly one which will reach this commission if it is created under this bill, has come to my attention, presented by no less a person than a probate judge residing at the Soo, Mich., no later than December 1936, in which he calls attention to the fact that this band of Chippewa Indians, to which I have referred, had two treaties made just 2 days apart back in 1855. The first was signed by the duly delegated chiefs. After they left those who did not represent the tribe 2 days later got drunk and were induced to sign a new treaty, which deprived these Indians and their descendants of valuable fishing rights in the Sault Rapids, the waters around Sault Ste. Marie, Mich., and the Great Lakes.

The Indians have constantly contended that those who remained and signed the second treaty had no authority to do so, and that the second treaty abrogated the rights reserved to the Indians in the first treaty entered into but a few hours before. I realize that because of the long lapse of time that the injustice done this tribe will be outlawed because of the statute of limitation and in the ordinary procedure these people would be prevented from presenting the facts or from asking for a review of their case unless this bill becomes law. The measure before us is more than a bill to create a fact-finding commission. It is a clearing house, and presents an opportunity once and for all to the Indians to present their claims. It is, also, a statute of limitations because if the claims are not presented within a period of 5 years they cannot present them afterwards.

Now, in regard to the cost of this commission, suppose it does cost the Government of the United States some money. I think the Secretary of the Interior has summed up the entire object of this bill relative to cost in a paragraph on page 3 of the report in which he says:

> A somewhat increased cost to the Government (i. e., simply the expenses of the commission itself) will be balanced by a permanent reduction of costs in the Indian Office, the General Accounting Office, the Department of Justice, and the courts. And finally, it will be possible for the Indians, Congress, and the country to know with a clear conscience, that at least the facts have been ascertained, and that the merits of the cases are set down in an adequate manner. It is believed that just, final settlement would follow as a matter of course.

I hope this bill passes in order that we may give the Indians a square deal. [Applause.]

[Here the gavel fell.]

Mr. ROGERS of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. DISNEY].

Mr. DISNEY. Mr. Chairman, first let me address myself to the question of the expense involved. The gentleman from Minnesota says it will cost half a million dollars a year. I do not know on what basis that statement is made, but if we stop to reason about the thing we know that it cannot cost that much money. I have tried to give judgment to the matter, and it seems to me that $100,000 a year would be a maximum, and that is a matter of estimate.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. DISNEY. I yield to the gentleman, although he did not yield to me.

Mr. O'MALLEY. I shall give the gentleman a little time. How many employees does the gentleman estimate this commission will have to have in order to investigate these claims as thoroughly as they propose to do, and as they are now being investigated by the General Accounting Office and others?

Mr. DISNEY. Several; but the gentleman must take into consideration that the Indian Affairs Bureau has worked on these claims, and that the General Accounting Office had one claim for 9 years, and one that was 4 years over the limitation, as the gentleman from Oklahoma [Mr. NICHOLS] said.

Mr. O'MALLEY. The gentleman knows from the bill that the salaries of the three commissioners will amount to $25,000 a year.

Mr. DISNEY. That is not so bad. The gentleman from Wisconsin [Mr. GEHRMANN] put his finger on the vice, as far as the Indians' affairs are concerned, when he said that this morning, acting on Governor PIERCE's word, without any facts, the Indian Affairs Committee passed out a couple of bills. And why? Because the committee wants to be unfair? No; but because it is overworked and cannot do the job correctly. They cannot do it because they have their other work to do, and when bills are passed out on the word of a gentleman whom they respect, that is not a scientific way of handling government. I do not care about boards and commissions. I am sorry that we have to create them, but if there ever has been one since I have been a Member of this House which is justified, it is this commission in this bill. Some time let us get rid of the Indian claims, by trying the cases. Here and now is the time. I overheard one gentleman say that he was for this bill until he noticed that any claim, even an adjudicated claim, could be considered. All this bill does is to provide for a fact-finding body. I refer to page 5, line 11:

> In all proceedings brought pursuant hereto in the Court of Claims all determinations of fact by the Commission shall be admissible in evidence but may be reviewed by the court either on the basis of evidence taken before the Commission, or on additional evidence, or both.

It is merely a fact-finding commission, nothing else, and the facts ought to be found. Then we would not hear these cries about fraudulent claims, and claims engineered by selfish people.

Mr. BIERMANN. Mr. Chairman, will the gentleman yield?

Mr. DISNEY. Yes.

Mr. BIERMANN. I notice in the 1938 Budget that the salaries for the Indian Bureau in Washington are about $500,000 a year. Are these officials in Washington so overworked that they cannot do this job?

Mr. DISNEY. Oh, yes. All the gentleman needs to do is to find out what the facts are. Ask any member of the Indian Affairs Committee. They know that the Indian Bureau cannot get this work done. There is no dispute about that. The worst opponent of the bill would not claim that the Indian Bureau has the time to do the work.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. DISNEY. Yes.

Mr. NICHOLS. As a matter of fact, that is not one of the things that the Indian Bureau is charged with doing.

Mr. DISNEY. The gentleman from Oregon [Mr. PIERCE], and I respect him just like the Indian Committee respects him, made the statement that this would open up the floodgates. What floodgates? Only 27 out of 192 claims have been allowed in favor of the Indians, and of all the Indian claims filed in the history of the Nation, only 2.3 percent have been adjudicated in their favor and the Indians paid. What floodgates, I ask you? That is just a campaign issue here in the House to defeat the bill.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. DISNEY. Yes.

Mr. PIERCE. I refer to the floodgates when the bill provides for claims that have been already settled.

Mr. DISNEY. Oh, no.

Mr. PIERCE. The gentleman ought to read the paragraph. It says so clearly.

Mr. DISNEY. Two and three-tenths percent would not constitute floodgates. The gentleman ought not to get frightened over that.

Mr. PIERCE. Past adjudication does not count if you pass this bill.

Mr. DISNEY. Oh, yes.

Mr. PIERCE. The gentleman should read the bill, read what the wording of the bill says.

Mr. DISNEY. I have studied the bill thoroughly and at length. The claims commission must determine the fact, and every item that the commission passes on must come back here to Congress, and, instead of having a Member's mere word for passing out a bill, they will have the backing of the claims commission. Then you will have something to pass on, and the answer when bills come in here for any kind of a claim, or the first question of every Member will be, Was this passed on by the claims commission, was it favorably determined by the claims commission? That will be the question, and that will be the backlog on which we can support ourselves. Surely this is a good bill.

Mr. O'MALLEY. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. COSTELLO].

Mr. COSTELLO. Mr. Chairman, I would not have asked for this additional time were it not for the statements that have just been made by the gentleman from Oklahoma [Mr. DISNEY]. The gentleman called attention to page 5, line 11, of the bill, in which he attempted to show how this commission was just to be a fact-finding commission.

> In all proceedings brought pursuant hereto in the Court of Claims all determinations of fact by the Commission shall be admissible in evidence but may be reviewed by the court either on the basis of evidence taken before the Commission, or on additional evidence, or both.

Let me ask you just this one question: What is the basis on which this commission is going to arrive at the facts that they are to present to the Court of Claims? As I called to your attention previously, page 4, lines 6 to 13, gives you the story as to the manner in which this commission is going to find evidence. There are to be no barriers of any kind.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. CASE of South Dakota. Will the gentleman read the proviso that follows, starting on line 13?

Mr. COSTELLO. I will be glad to, but first, let me consider the language I have quoted. It is stated there that there are absolutely no barriers to the presentation of facts or of claims. In other words, it will be the duty of this commission to check the Indian records all the way back, to study every treaty, every statute, every law, and it does not make any difference whether the treaty was entered into a valid manner or not, it will be a subject for this commission to go into. It is up to this commission to determine what equitable, moral, or legal claim there may be that is actually presented to this commission. Frankly, if there is one good feature in this bill, it will be found at the bottom of page 5. It specifically provides who may present claims to this commission. It not only absolves every Member of Congress from the duty of representing various Indians who may be located in their districts, absolves them from the duty of representing them before the commission, but specifically provides that they are not eligible to present any matter before this commission. In order to present a matter before the commission you must be a member or members of an Indian tribe. The only other ground on which you might possibly present a matter would be to act as attorney.

In that connection I want to call to your attention the statement that appears on page 3 in the committee report in a letter from the Secretary of the Interior:

> There will be no need of paying to private attorneys amounts which have aggregated millions, and which, before the final settlement is achieved under the now existing arrangement, would total tens of millions.

In other words, the cost to the Government runs up into such high figures that when the 10-percent attorney fee is tied on, the attorneys are receiving tens of millions of dollars.

The Secretary would have you believe you would not need attorneys. The bill specifically provides for the method in which evidence is to be presented before this commission and sets forth that attorneys shall make motions. In other words, you are going to continue to hire attorneys, in spite of the statement of the Secretary of the Interior.

Frankly, every item that is mentioned here by the Secretary of the Interior as being an argument for the establishment of this commission is to my mind a direct indictment of the existing Indian Bureau. That is the very purpose for which the Indian Bureau exists, to look after the welfare and rights of the Indians, and if they are not properly being looked after, if the Indian Bureau is failing to look up the facts, what assurance do we have that some new bureau created now is going to do a better job or act more honestly with the Indians than has the past administration of the Indian Bureau in the 100 or 150 years gone by?

Mr. FORD of California. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. FORD of California. If the bill were amended by cutting out from line 6 down, would that not help it?

Mr. COSTELLO. Yes; but I think we might take out even the first six lines and still not have a good bill.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. O'MALLEY. Mr. Chairman, I yield myself the balance of the time, 5 minutes.

Mr. Chairman, it has been stated that certain attorneys who do 90 percent of their legal work with Indians are interested in this bill. I made that statement, and I am firmly convinced that the passage of this bill will enable those attorneys to reopen every single claim that has ever been adjudicated by the Court of Claims or that we have passed upon in this Congress. If that were not so there would be no need for the language on page 4 in this bill, which says:

> No claim shall be excluded because of the provisions of any other statute, nor on the ground that it has become barred under any rule of law or equity.

Under that section every claim that any man had 150 years back could be reopened.

Mr. KITCHENS. Mr. Chairman, will the gentleman yield?

Mr. O'MALLEY. I yield.

Mr. KITCHENS. The gentleman did not read what bothers me in this bill. On page 4, line 10, "No claim shall be excluded by reason of any treaty or statute."

Mr. O'MALLEY. That is right.

Mr. KITCHENS. Does that have the effect of doing away with all treaties or allowing the Indians to come in and say that under any treaty the United States has made the tribe got the worst of it?

Mr. O'MALLEY. I agree with the gentleman, because over on the other side of the page that intention was carried out by inserting language to the effect that if they could show fraud, duress, or mutual or unilateral mistakes whether of law or fact they could get their claims into court. This language is in addition thereto. But this is not the worst part of the bill. If this bill becomes law and this commission is created, the floodgates will be opened. If you do not believe this, look at page 6, section 5. This opens the floodgates for every claim that was ever settled. Listen to this language:

> SEC. 5. Immediately after its formation, the Commission shall send a written explanation of the provisions of this act to the recognized head of each Indian tribe and band, and to any other communal groups of Indians existing as a distinct entity, and to the superintendents of all Indian agencies who shall promulgate the same, and shall request that a detailed statement of all claims be sent to the Commission, together with the names of

aged or invalid Indians from whom immediate depositions should be taken and a summary of their proposed testimony.

What lawyer in the country would not like to have cases dug up? The Indian lawyers will have their business advertised for them. For instance, a few years ago a certain firm of attorneys got every member of a certain tribe to sign a contract with them in the matter of claims. They will be able to go back and say to the Indians that the Department is advertising this law, that they should hire this firm of attorneys, that they will present their claims for the Indians. Not only will they tell the Indians that they can get through present claims but they will advertise to them that they can reopen the old claims. What kind of commission are we setting up?

Mr. JOHNSON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. O'MALLEY. Mr. Chairman, I cannot yield.

Should we sit here and pass a law advertising to the Indians, "Come in and get it"? This one provision alone in the bill appears to me to be clear evidence of what this bill is for and whom it is supposed to help. It is not going to help the Indians; they can come before our committee, as they always have, and if their claim is legitimate it will be approved. I repeat, this bill will not help the Indians; it will help only the Indian lawyers.

The statement has been made that Congress does not give the Indians a fair hearing. I think that the Indians have had fair hearings before our committee. As one member of the committee, I attempt to get facts on whatever bills are before our committee. We have a report from the Budget, we have a report from the Department, we have a report from any agency interested in the bill. We do not need this commission.

Mr. HILL of Washington. How much did the gentleman know about the bill of the gentleman from Oregon [Mr. PIERCE] which was called up this morning? How much did the gentleman know about it? Not a thing.

Mr. O'MALLEY. If the gentleman will get me some more time I will explain what I know about it.

Mr. HILL of Washington. The gentleman did not know anything about it.

[Here the gavel fell.]

Mr. ROGERS of Oklahoma. Mr. Chairman, I yield such time as he may desire to the Delegate from Alaska [Mr. DIMOND].

Mr. DIMOND. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD at this point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. DIMOND. Mr. Chairman the passage of this bill is demanded by considerations of natural justice constituting a moral obligation of the highest nature. "He who denies justice denies the Lord."

Anyone who has made even a superficial examination of the relations of the Government of the United States with the native Indian races must be convinced of the manifold injustices suffered by the native inhabitants of the country at the hands of the supreme political power. Helen Fiske Hunt Jackson has well named her record of the treaties made by the United States with its Indian inhabitants and the violation of those treaties by the Government, "A Century of Dishonor." No other term so aptly fits the long record of violated and broken treaties so that, if the term had then been invented, practically every treaty made by this Government with the Indians could have been cynically referred to as a "scrap of paper." For the protection of the Indians those treaties have been little more than scraps of paper, and it is only in comparatively recent years that the conscience of the country has been awakened to the true situation.

Now, it has been said, in words or substance, in the debate on this bill, that the establishment of an Indian Claims Commission is unnecessary and supererogatory and that it will simply take the place and perform the duties of the Committee on Indian Affairs of the House of Representatives or of the Senate, or both. I have been a member of the House Committee on Indian Affairs for the last 4 years and have attended every session of the committee unless required by official duty or some other controlling reason to be elsewhere. And I know of my own personal knowledge that if the Committee on Indian Affairs of the House should sit every day, all day, of this session of Congress it could not hear fairly and adequately all of the claims presented to the committee. It has been necessary for the committee to decline to hear many claims offered in apparent good faith and with at least a fair probability that the claims have some merit. The committee has worked assiduously and devotedly and done all possible to be done in the time available since every member of the committee has other work of equal importance which cannot be neglected. It therefore follows that if the various tribes and bands of Indians of the United States who are earnestly convinced they have just claims against the Government of the United States must await an opportunity for presenting their claims to the Indian Affairs Committee of both House and Senate or of either, it is not too much to say that many of them must wait forever.

It has been estimated, Mr. Chairman, that at the present rate of progress in the disposition of Indian claims under present conditions and circumstances, they cannot be disposed of for a full century hence. If such delay does not mean the grossest kind of injustice to people who have just claims, then the words of the English language have lost their meaning or we are so deficient in moral sense as not to understand or appreciate injustice when it is presented to us.

It must not be thought that the establishment of the Commission as proposed in the bill before us will work any miracle. Even then, I suppose, some inequity will result and some injustice will occur. But at least we will have done all that lies within our power to correct the injustice and the lack of equity which are now so evident in our relations to those who are now our Indian citizens of the United States. Do not be mislead by the assertion, in whatever form made, that such claims can be adequately taken care of through the regular Indian Affairs Committees of the House and Senate, for that idea is the very opposite of the fact.

As a practical matter, then, we have two possible courses to adopt. One, to go along as we have been going for the last half century and more with the confident assurance that many, many of our native people will be denied as to their claims against the Government any possible opportunity to present them to any court of competent jurisdiction—a stark denial of justice. And on the other hand we may create an Indians Claims Commission as provided in the bill now under consideration, which we may confidently hope and expect to dispose of the Indian claims with fairness to all and within a comparatively short time. Henry IV of France is reported to have said that good justice is swift—he might in truth have gone further and said that delay in affording opportunities for securing justice is a denial of justice.

The argument has been advanced here that the payment of the claims asserted by the Indians will bankrupt the Government and all of the changes have been rung upon that statement; but it has not been asserted, Mr. Chairman, that the claims are unjust, and, after all, is not that the very issue involved? Is not the issue that an opportunity should be given to determine whether the claims so sincerely asserted by the Indians are just or unjust; and is not the further issue one of morals, that the just claims should be paid and the unjust rejected? The opposition to the bill really is an opposition to give any sufficient opportunity to the Indians to have their claims examined and a report made thereon by a competent and distinterested tribunal in order that Congress may separate the wheat from the chaff, may know which claims are just or unjust and may make corresponding provision for the claims which are founded on right and equity.

Reference has further been made to the claims of the California Indians and it has been pointed out that a certain amendment to the original jurisdictional bill would result in

a judgment against the United States of upward of $17,000,000. It was not said that the Government of the United States did not truly owe the California Indians $17,000,000, and indeed no adequate reason was assigned in the debate for opposition to the proposed amendment to the jurisdictional bill which would have given, as I understand, the California Indians a fair opportunity to present their claim in court and have the same adjudicated in accordance with elementary principles of justice and equity.

Mr. Chairman, as a member of the Indian Affairs Committee I had occasion to make a careful examination of the claims of the California Indians, and, in my judgment, the claims which they have asserted are entirely just and they are entitled in right and equity not only to $17,000,000 but to a much larger amount, and yet the question seems not to be what justice rightly demands in their case but how they can be kept from securing the payment of their just claims.

And the case of the California Indians is only an example of what has gone on and is going on all over the country with respect to many of the Indian citizens. Some other measure might be proposed which would work out to better advantage both for the Government and for the Indians, but no such measure is now before us and we all know the difficulties that would be encountered in drafting such a bill and having the same presented and considered. As a practical matter we must either take the bill now under consideration with such amendments as we care to make to it, or else give over any idea of doing anything whatsoever on the subject.

Our attention has been called to the burden imposed upon the Government in compiling all of the available evidence concerning Indian claims as though it were something which the Government should not be required to do. Surely we have not so far forgotten the primary principles of equity, and indeed the primary principles of law, as to believe for a moment that such a course of conduct involves any imposition upon the Government of the United States. Even in private litigation, Mr. Chairman, any litigant may through appropriate legal or equitable process compel the furnishing of evidence in the possession of his opponent either through bill of discovery or through subpena duces tecum, or in some other fashion. All such processes are based upon considerations of natural justice in order that right and truth may always prevail.

Now, if we obey that rule as between private litigants where one owes no special duty to the other, how much more powerfully ought it operate as against the Government in its relations with the Indians. For it has been said here, and reiterated, that the Indians are the wards of the Government, and that the Government is the guardian of the Indians. Whether or not the ordinary definition of guardian and ward would encompass the relation of the Government with the Indians, it is undoubtedly and unquestionably true that the relation of trustee and cestuis que trustent has always existed and now exists between the Government and the Indians.

The Government is the trustee and the Indians the beneficiaries of the trust. Stated in the ordinary way, the Government is the guardian and the Indians are the wards. Now, we must remember that this relation did not come about through the will of the Indians. It was imposed upon them by the Government. The Government insisted, and still insists, that it is the guardian of the Indians, and that it has a right to control their affairs. The Government insisted, and still insists, that it is the trustee, and as such has a right to control their affairs. This relation has existed since the foundation of the Government itself. Now, the Indians ask only an opportunity to go into some court, or before some independent fact-finding body, such as the proposed Indian Claims Commission, and show, by a preponderence of the evidence if they can, that the trustee has been faithless to its trust; that the guardian has in many instances betrayed and cheated its wards. To deny them a fair opportunity for a dispassionate inquiry into these accusations is, indeed, Mr. Chairman, a denial of justice—and a deliberate denial of justice is an abominable thing, a detestable thing, in the sight of men and of God. Surely we are not sunk so low in the moral scale that we will, after full consideration, be willing to keep the profits gained by betrayal of the trust which we have assumed, by cheating those whom it has been and is our solemn duty to protect. Our obligation to the Federal Government demands of us no course of conduct which runs contrary to the principles of justice.

Nor is it a sufficient answer to say that these claims are old and therefore they ought not be paid; that they are barred by the statute of limitations; that they cannot be presented because the Indians were cozened at some time into signing a treaty, perhaps without understanding its contents, perhaps under such conditions that the signers did not really represent the people who are now said to be bound by their acts, or that the claims should be rejected by reason of some statute passed by the Congress of the United States, or that they should not now be heard because some court at some time, somewhere, heard one phase of the claims and denied relief on other phases because the enabling legislation was not sufficiently broad. All such arguments really avoid the main issue, and that issue is, I repeat, the demands of natural justice, an issue that, like some mighty mountain, thrusts its head above the plain and above the clouds that encompass it into the bright sunshine of eternal truth.

Mr. ROGERS of Oklahoma. Mr. Chairman, I yield such time as he may desire to the gentleman from Oklahoma [Mr. CARTWRIGHT].

Mr. CARTWRIGHT. Mr. Chairman, the Indians want their affairs wound up. They are entitled to a careful, honest, conscientious investigation and report on facts pertaining to their claims. We have been promising to wind up their affairs, and of course this is impossible until every claim has been disposed of.

Personally I have been doing my best and giving all the time I possibly can to wind up the affairs of the Choctaw and Chickasaw Indians, and I am thoroughly convinced it cannot and will not be done until the Congress can get the unvarnished facts on the claims of the Indians, not only in my district but throughout the Nation. This cannot be done without assistance from somebody that will read, investigate, summarize, and report the facts.

That is exactly what is proposed in this bill. It provides for a commission of three to do this one thing. No Member of Congress—House or Senate—with thousands of other things to deal with, can give the necessary time required to go back a hundred years and read all of the old musty files down to the present, also go personally to the reservations—and Indian country like Oklahoma—and investigate conditions first hand.

With the facts properly before the Congress we can adjudicate claims on the basis of equity and the existing laws.

Something has been said this afternoon about the extra expense in setting up this proposed Indian Claims Commission. Well, what of it? We spend millions of dollars for doing other things, and I think this is important, and it will be money well spent. I believe it will be an honest endeavor to give the Indians a square deal—a step in the right direction.

I think the opposition to this bill, from an expense standpoint, is a good example of straining at a gnat and swallowing a camel. I sincerely hope the bill passes.

Mr. ROGERS of Oklahoma. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman [reading]:

There is on the House Calendar S. 1902 to create an Indian Claims Commission to provide for the powers, duties, and functions thereof, and for other purposes.

The question of the settlement of Indian claims, based upon alleged wrongful actions of the Government, through its disregard for Indian treaties and through many other causes, has been before the Congress many years. The Indian wards of the Nation will never be satisfied until these claims have been settled. The establishment of an Indian Claims Commission, whose duty it will be to investigate these claims and report to Congress, will be the initial step in disposing of this troublesome question.

I enclose for your information a copy of a letter from the Secretary of the Interior on this subject. I hope it will be possible for this legislation to receive early action in the House so that it may become a law in this session of Congress.

So sayeth the President of the United States.

Mr. Chairman, I am sorry that a member of our committee had to oppose this bill today. Let me call to the attention of the members of the committee the fact that only one member of the Committee on Indian Affairs opposes the bill. I want to straighten out the RECORD in regard to the situation in the committee and the reporting of the bill. There are 18 voting members on our committee. Eleven members were present when the bill was voted out. The vote was unanimous. Eleven plus one—the gentleman who is opposing the bill—makes 12; plus 3 members who have not attended a single meeting of the committee during this session of Congress, plus 3 other gentlemen, who have spoken in behalf of the bill, accounts for the entire membership. This shows that the support of the bill is almost unanimous.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Oklahoma. I yield.

Mr. NICHOLS. The gentleman from Wisconsin said that any good claim presented to the Committee on Indian Affairs would be reported out.

I want to ask the chairman of the Indian Affairs Committee whether it is not a fact there are many meritorious bills having to do with Indians now pending before the committee that have not been considered by the House of Representatives?

Mr. ROGERS of Oklahoma. The gentleman is correct and I thank him for the contribution.

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. ROGERS of Oklahoma. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. What does the gentleman think this bill will do, if anything, with reference to the following situation: Since I have been a Member of Congress, which covers a period of 12 or 14 years, we have had literally hundreds of Indian claims of various kinds. The gentlemen representing the Indian territories have been put to a rather hard test to get the proper perspective before the Congress. What effect will this bill have on that class of cases? Will it act as a clearing house or will it complicate the situation and make it worse?

Mr. ROGERS of Oklahoma. It will act as a clearing house, because this commission will find the facts and make recommendation to the Congress. Those cases that have no merit will not have to be considered by the Congress and it will not be necessary to take up the time of the House and Senate for their consideration. Those that have merit may be acted on as the Congress sees fit.

[Here the gavel fell.]

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That a Commission be, and hereby is, created and established to be known as the "Indian Claims Commission", which shall be composed of a Chief Commissioner and two Associate Commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. The Commissioners shall continue in office during the existence of the Commission or until resignation or removal by the President only for inefficiency, neglect of duty, or malfeasance in office. Vacancies in the Commission shall be filled by the President in the same manner as original appointments. No vacancy shall interrupt the functioning of the Commission, nor impair the right of the remaining Commissioners to exercise all of its powers and to perform all its duties. The Commissioners shall not engage in any other business, vocation, or employment during their term of office. Each of the Commissioners shall receive an annual salary of $10,000, payable in the same manner as the salaries of judges of the courts of the United States.

With the following committee amendment:

Page 1, line 6, after the word "Commissioners", insert the following: "one of whom shall be an Indian."

Mr. McCORMACK. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the Indian Affairs Committee a few questions. Is this a permanent Commission?

Mr. ROGERS of Oklahoma. The provisions in the bill read that the Commission shall perform its duties for a period of 10 years and shall then cease to exist, unless further authorized by the Congress. Or, if its duties are performed in less than 10 years it will cease to exist when its duties are concluded.

Mr. McCORMACK. I notice in one of the paragraphs it is stated the Commissioners are appointed without limitation as to time?

Mr. ROGERS of Oklahoma. There is a time limitation of 10 years, with the further proviso if its work is completed sooner the Commission ceases to exist.

Mr. McCORMACK. There is a time limit of 10 years, and it may cease prior thereto if its work is finished?

Mr. ROGERS of Oklahoma. That is right.

Mr. McCORMACK. A question was asked about waiver of treaties and other statutes in the consideration of these claims. I refer to the language appearing on page 4, line 6, reading as follows:

No claim shall be excluded because of the provisions of any other statute nor because it has already been presented to the Congress; nor on the ground that it has become barred under any rule of law or equity or by reason of any treaty or statute.

Does the gentleman think we ought to go that far? For example, if there is a statute of limitations, does not this permit any claim that might have arisen 50 years ago to be reopened?

Mr. ROGERS of Oklahoma. Of course, most of these claims are 50 years old and even older.

Mr. NICHOLS. Will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. This is necessary because practically every one of these claims is based upon treaties that are very, very old, and because of the fact the Government has been negligent in permitting these Indians to have their affairs adjudicated. Many statutes of limitation have run against them, not by reason of the fault of the Indian at all, but by reason of the fault of the Government.

Mr. McCORMACK. Has the Congress been negligent?

Mr. NICHOLS. In many, many instances, in passing jurisdictional acts giving the tribes the right to institute a suit against the Government, yes. There is another reason why this is necessary, and I give the gentleman a concrete example. In 1934 there was a jurisdictional act passed which gave the Choctaws the right to sue the Government. The time fixed in that act was 1930.

They had to file and perfect their pleadings by 1930. They went in and filed their case, but the proof on which the case was to be tried had to be adduced by the General Accounting Office. The General Accounting Office did not provide the proof and the facts until 4 years after the limitation fixed within the bill had expired. So that, after the facts had been obtained—and it was the Government that was negligent in not obtaining them, and without the facts the Indians could not present their claim—they were barred by the slow action of the Accounting Office in sustaining their claim. There is pending now a bill to reconfer jurisdiction; and there are many, many of those claims. That is the reason this language is absolutely necessary in the bill.

Mr. O'MALLEY. Will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Wisconsin.

Mr. O'MALLEY. If the General Accounting Office could not get the facts covering these claims within a certain length of time, I am unable to understand how this commission could get the facts without at least as much personnel.

Mr. McCORMACK. I want to ask the chairman of the Committee on Indian Affairs another question.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Chairman, I direct the gentleman's attention to this language, which appears in line 10, page 4:

Or by reason of any treaty or statute.

What effect will that language have?

Mr. ROGERS of Oklahoma. Suppose we consider a statute.

Mr. McCORMACK. Let us take a treaty.

Mr. O'CONNOR of Montana. Will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Montana.

Mr. O'CONNOR of Montana. I may say to the gentleman from Massachusetts that I will cite him a particular instance. The Fort Laramie treaty was entered into in 1851 between the United States Government and the Crow and other Indians. Under a mistake of fact a subsequent treaty was entered into in 1868 with the Crow Indians by which 30,000,000 acres of valuable land were taken from the Crow Indians on the theory that the treaty of 1851 had never been ratified by the United States Senate. It was not discovered until I think in 1925 in the trial of a certain Indian case that the treaty had been ratified and that those Indians were wronged because the whole proceeding from 1851 on was based on a mistake of fact. This bill would give the commission the right to go back to that date. What is true in that case is perhaps true in many other cases.

Mr. McCORMACK. I take it then, the purpose of this bill——

Mr. ROGERS of Oklahoma. Is to do justice to the Indians.

Mr. McCORMACK. Is to enable equity to be extended to the Indians without regard to any intervening acts, treaties, statutes, or otherwise?

Mr. ROGERS of Oklahoma. That is right.

Mr. O'CONNOR of Montana. And that should be done.

[Here the gavel fell.]

Mr. HILL of Washington. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, when I was a boy I read a wonderful book called "A Century of Dishonor", by Helen Hunt Jackson. Since that time I have been a friend of the Indians. That is why I asked to be placed on the Committee of Indian Affairs when I came here in 1933. I trust also I am fair to my own Government, the Government of the United States. So I feel that not only should the Indians have justice in this matter but also the Federal Government. I happen to be the chairman of the subcommittee which considered this bill, which we reported unanimously. Why? Because we thought it was just to the Indians and also because we thought it was just to the Federal Government. Even my good friend, the gentleman from Oregon [Mr. PIERCE], and my good friend the gentleman from Missouri [Mr. COCHRAN], complained of the inequity and the injustice of the present system and its failure to get justice for the Indians, also to help the Government do its business. All this bill will do is to expedite these matters.

The gentleman from Oregon [Mr. PIERCE] came before our committee this morning. He wanted a bill passed. As has been stated, we did not know the facts, but we took his word for them. Even my good friend the gentleman from Wisconsin [Mr. O'MALLEY] accepted them as the facts, and we reported the bill without any facts being presented.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. HILL of Washington. Yes.

Mr. O'MALLEY. That bill was up for consideration in the preceding week at a committee hearing, and we acquired some facts at that time.

Mr. HILL of Washington. Possibly some facts. I trust they were a little better than those the gentleman stated on the floor when he charged the gentleman from Oklahoma [Mr. DISNEY] with the authorship of this bill.

Mr. O'MALLEY. The gentleman misunderstood me.

Mr. HILL of Washington. That was the charge the gentleman made here, that the gentleman from Oklahoma was the author of the Senate bill we are considering.

Mr. O'MALLEY. The gentleman misunderstood me, just as he has misunderstood a number of facts today. I stated the gentleman from Oklahoma had introduced a similar bill sometime ago.

Mr. HILL of Washington. Oh, no. If the gentleman will examine the RECORD, he will see that he stated the gentleman from Oklahoma was the author of the bill we are considering; so those are the gentleman's facts.

This bill simply provides for a fact-finding commission. This commission is not a court, as has been charged, but a fact-finding commission. I wonder if there is any Member of the House who is opposed to the Federal Trade Commission as a fact-finding body, or the Federal Power Commission as a fact-finding commission.

Mr. MURDOCK of Utah. Mr. Chairman, will the gentleman yield?

Mr. HILL of Washington. Yes.

Mr. MURDOCK of Utah. Does the gentleman know of any other legislation ever passed by the Congress which contains the following provision:

Nor on the ground of a prior adjudication with respect thereto in any judicial, administrative, or other proceeding between the same parties.

You not only create a fact-finding commission but you upset every decree, judgment, or decision that has ever been rendered by courts in this country involving Indian claims.

Mr. HILL of Washington. If such judgments are unfair to the Indians, we ought to upset them. [Applause.]

Mr. JOHNSON of Minnesota. We are not upsetting these decrees, judgments, and decisions; all we are doing is applying the same rule we apply in connection with contracts. We are looking at all four corners of the deal to try to arrive at an equitable understanding of the problem.

[Here the gavel fell.]

Mr. ROGERS of Oklahoma. Mr. Chairman, I ask unanimous consent that the gentleman from Washington may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HILL of Washington. The bill provides that all these claims must be filed in the next 5 years.

It has been stated there were no facts produced to support this bill. I hold here a copy of the Senate hearings. This contains 54 pages, which must have been overlooked by some of our opponents. May I read one statement on page 8 to show where the Indians will profit by this bill:

The present method of handling those claims which have received attention—

That is, the old system—

wastes the substance of the claimants and puts the Government to heavy expense that results mainly in disappointment and unjustified defeat.

I quote from the statement on page 9 of a witness before the Senate committee, as follows:

At the present rate of progress there would appear to be more than one century ahead of troublesome Indian claims.

The gentleman from Oregon [Mr. PIERCE] wants to get this subject out of the hands of Congress, believing that we could do away with the Indian Bureau and the Committees on Indian Affairs and have the Indians take their place with the white men. I am with him on this program. However, the best thing you can do is to support this bill, because this procedure will get the claims out of the way in the next few years much more quickly than under the old system.

Mr. GREEVER. Mr. Chairman, will the gentleman yield?

Mr. HILL of Washington. Yes; I yield briefly to the gentleman from Wyoming.

Mr. GREEVER. Does this bill in the opinion of the gentleman affect any existing judgments or suits now pending?

Mr. HILL of Washington. It affects them to the extent that the facts regarding such suits may be brought before the Court of Claims or before any courts, but such courts are not bound thereby. This bill simply brings the facts before them.

Mr. HARLAN rose.

Mr. HILL of Washington. In conclusion, may I say that the gentleman from Oregon [Mr. PIERCE] stated he had four tribes in his district, and from that angle he appealed to you who are in districts which have no Indians to vote against this bill. I happen to be one of the chiefs of the Yakima Tribe of Indians. The first year I was here the chiefs came to Washington and inducted me as one of them. They call me Chief Klaquenut, which they said means Chief Sunrise. Perhaps it is because of this I have been getting up at sunrise and trying to get down to the office at about 7: 30 in the morning to do my work. As one of the chiefs of the Yakima Indian Tribe, I hope Members from districts which do not have Indian reservations will vote for this bill, because this bill will expedite the consideration of the claims of the Indians against the United States, it will give them justice, and it will help the Government in getting these claims settled once and for all. This is the whole purpose of the bill. This is why our subcommittee reported the bill unanimously, and why the bill was reported favorably from the full committee, as has been stated, with the exception of our friend, the gentleman from Wisconsin [Mr. O'MALLEY], who is opposed to it.

I now yield to the gentleman from Ohio [Mr. HARLAN].

Mr. HARLAN. In the discussion of a moment ago reference was made to an injustice which occurred back in 1851. Unquestionably, when we bought Manhattan Island for two barrels of whisky, there was a terrible injustice done.

Now, are we going back and investigate all of the dealings during the last century and a half and give the commission power to do nothing except report their findings to the Congress or to the Court of Claims? They would not be able to make such a report on all these claims in 100 years.

Mr. HILL of Washington. Is the gentleman a friend of the administration?

Mr. HARLAN. Sometimes.

Mr. HILL of Washington. Does the gentleman suppose the President would appoint or the Senate confirm men who would go back that far if there was no justification for it.

Mr. HARLAN. Then what is the purpose of the bill, because the gentleman from Montana referred to one matter going back prior to the Civil War.

Mr. O'CONNOR of Montana. Mr. Chairman, will the gentleman yield for a moment?

Mr. HILL of Washington. Yes.

Mr. O'CONNOR of Montana. The gentleman is in error in stating that we referred to an adjudication, we referred to a treaty which is known as the Fort Laramie treaty, entered into in 1851.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, the last two words are "United States." I want to talk a little about the United States and what it has done for the Indians, and I would especially like to have the attention of the gentleman from Montana [Mr. O'CONNOR], who would lead the House to believe, from his original statement, that all the Government has done for the Indians has been to kick them around.

The figures are not available in the records of the Department of the Interior prior to 1873, but some of the cases that are before the Court of Claims are based upon treaties that go back as far as 1790. I repeat that the records are not available as to the amount of money the Government has appropriated through the Congress out of the Treasury of the United States, and not out of tribal funds prior to 1873, to assist the Indians, but from 1873 they are available.

From 1873 to 1899 the Congress appropriated $78,752,-349.99.

From 1900 to 1931, the Congress appropriated $381,925,-865.93.

From 1932 to 1937, up to June 30 of this year, the Congress appropriated $142,987,581.21.

This makes a total, which the Congress of the United States has appropriated for the upkeep of the Indians of this country, irrespective of tribal funds, and out of moneys that the taxpayers put into the Treasury, $603,665,797.13.

These are official figures from the records of the Department of the Interior, secured a few moments ago.

Mr. GREEVER. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. GREEVER. Does not the gentleman know that the figures he has given would not amount to the value of the land that was taken by the United States Government away from the Crow and the Shoshone Indians alone?

Mr. COCHRAN. Let me say to the gentleman in reply that it depends entirely upon what year you consider the value of the lands. We paid $15,000,000 or 4 cents an acre for the Louisiana Territory. We bought the lands west of the Mississippi River when we paid the $15,000,000. Should we now say we robbed the French and give them the value of the land as of today?

Mr. GREEVER. We at least bought them—we did not take them away from anybody. [Laughter.]

Mr. COCHRAN. And let me say to the gentleman there is only one, and that is the One above who knows whether or not the Indians ever took the land they claim away from somebody else. [Laughter.]

[Here the gavel fell.]

Mr. NICHOLS. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. ROGERS of Oklahoma. Mr. Chairman, if the gentleman will permit, I would like to see if we can get some agreement about concluding the debate on this section.

Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

Mr. MARTIN of Colorado. Mr. Chairman, reserving the right to object, there is another committee amendment to which I am going to offer an amendment.

Mr. ROGERS of Oklahoma. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. NICHOLS. Mr. Chairman, it seems to me we have gone far afield in the consideration of this bill. This commission is supposed to be set up for the purpose of wiping out the maze and the haze of claims now pending before the Court of Claims. It seems to me that many of the gentlemen in opposition to this bill, if they believe it is not safe to do this, must have concluded that the President is going to appoint, and the Senate is going to confirm, a corrupt commission, because if the commission is not corrupt, then, occupying the position it does, it should protect the Government against claimants who are unscrupulous and should protect the Government against claims which are unconscionable, and for gentlemen to state, as has been said here, that a fact-finding body, which everyone admits this is to be, could overrule the judgment of a court of record, is silly, preposterous, and absurd.

Mr. THOM. That is what it says.

Mr. NICHOLS. I do not care, I say to the gentleman. This Congress has passed many laws thinking that they were constitutional and in the end found that they did not amount to the paper they were written on. If that is the intent of the bill, I say it is absurd to think that you could,

within the terms of the Constitution, give a fact-finding body authority to overrule the judgment of a court of law.

Mr. MURDOCK of Utah. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. Yes.

Mr. MURDOCK of Utah. I have high respect for the gentleman's ability as a lawyer, and I would like to support this bill. If this clause means nothing, will the gentleman agree to strike it out?

Mr. NICHOLS. No; but I will explain it to the gentleman.

Mr. MURDOCK of Utah. The gentleman has a big job on his hands if he can do that.

Mr. NICHOLS. I may not explain it to the gentleman's satisfaction, but I would say this: I am not a member of the Committee on Indian Affairs, but I do think I know what that provision means, and I know the reason it is in there. I have not heard Members willing to discuss it. I will tell you why it is in there. That was explained in part by the gentleman from Montana, but that does not fit that portion of it which applies to the courts.

I will tell you why that had to be in there. In the Seminole case, to which I have referred several times, the evidence which would permit them to file a petition was not adduced until 4 years after the time expired for the filing of amended petitions. When the information was available then the Seminoles went in and amended their petition; they were not able to amend them before that time because the facts were not there. They filed their amended petitions in the Court of Claims, and the Court of Claims gave them judgment on the amended petition.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. NICHOLS. Mr. Chairman, I ask unanimous consent to proceed for 2 minutes more.

The CHAIRMAN. Is there objection?

Mr. HARLAN. Mr. Chairman, I reserve the right to object. I would like to have the gentleman's time extended 5 minutes, because I want to ask him a question.

Mr. BOILEAU. I hope the same amount of time will be extended, and that the time allowed here will be 15 minutes.

Mr. NICHOLS. Mr. Chairman, I ask unanimous consent that the time be extended.

The CHAIRMAN. The time of debate has been fixed. Is there objection to the request of the gentleman from Ohio that the time of the gentleman from Oklahoma be extended for 5 minutes?

There was no objection.

Mr. NICHOLS. When the case was appealed to the Supreme Court, that Court ruled, and I think they were correct in their ruling, that these amended petitions were filed too late. It was 4 years after the time fixed for the filing of amended petitions. So the Supreme Court promptly kicked out the Seminole case, not on its merits, if you please, but upon a technicality of time.

All this would do, and the purpose of the language the gentleman has asked me about—and there are many of those cases which were filed under the Jurisdictional Act of 1924, all in the same category with the Seminole case—would be to permit these claims to have their day in court. Unless this language or some similar language is contained in this bill, or unless jurisdiction is again conferred upon those tribes by a specific act of this Congress, then they have not had an opportunity to have their cases heard upon their merits, because the Government was in possession of facts, and nobody else had the facts, and the Government delayed 4 years beyond the time when they could amend their petitions before the facts were adduced.

Mr. HARLAN. If this is purely a fact-finding commission, why cannot the master commissioners of the Court of Claims go into the question of these facts and find them?

Mr. NICHOLS. I think this bill could have been written so as to confer on them that additional jurisdiction. Maybe they do not need it. The bill then might have been amended to add enough personnel to their force to do that, but if the gentleman is familiar with the Court of Claims, he must know that there are claims, not Indian claims, but claims of all kinds, far in excess of Indian claims, that have got that court hopelessly covered up with work.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield and permit me to make a short statement in respect to the Stockbridge Tribe of Indians?

Mr. NICHOLS. I yield.

Mr. BOILEAU. They had a jurisdictional bill for all their claims, but in that bill there was a provision that the attorney should not receive more than 10 percent. The bill also fixed a limit. So the attorneys put all the claims in the complaint, all the claims the Stockbridge Indians had, and when it came to the matter of proof they submitted proof only for the easiest claims to prove so that they would get enough in so that the 10 percent would give them their maximum amount of fees, with the result that the matter was considered res judicata, but the merits were not presented on all of the claims, but only a small part was considered by the court, because they were looking after their own fees and the Stockbridge Indians were deprived of their right to have all their claims adjudicated.

Mr. NICHOLS. I want to say to the members of the committee in all seriousness that this commission will take great work off of this Congress, and it should do it, because unless you are going to say that a corrupt commission is to be appointed, then the function of that commission will be to weed out and stop taking the time of this Congress in the consideration of claims that have no merit. Let them do the weeding. That is the purpose of the commission. Let them send to us for our consideration only those things which have merit and which should be considered.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield.

Mr. PIERCE. If the description given by the gentleman of the Seminole case be the exact fact, and that given by the gentleman from Wisconsin [Mr. BOILEAU] be the exact fact, would it not have been better to have brought in separate bills to confer jurisdiction, rather than to throw down the bars, open the floodgates, and let everybody come in?

Mr. NICHOLS. I will say to the gentleman from Oregon [Mr. PIERCE] that I have jurisdictional bills here. The gentleman need not worry. I am representing my Indians. I have jurisdictional bills here to take care of them, but all Indians ought to be afforded the same opportunity.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

All time on this amendment has expired.

The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 11, after the word "office", insert a colon and the following: *"Provided*, That any commissioner having reached the age of 70 years shall be automatically retired without pay."

Mr. O'CONNOR of Montana. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would not ask the members of the Committee to indulge me another minute this afternoon were it not for the fact that the distinguished gentleman from Missouri [Mr. COCHRAN] addressed some remarks particularly to me. Those remarks were addressed to me in the most kindly terms as the gentleman has addressed remarks to me before in this session relating to Indian matters in the same manner. The gentleman speaks about my activities with reference to Indians. Yes; I have been active in their behalf, as in the State of Montana, in the district I represent, there are about 13,000 Indians, their wives and children. I know of my own personal knowledge that those Indians have been wronged. I am bringing bills into this House to endeavor to right those wrongs, and as long as I am a Member of Congress I am going to continue to fight the battle for the red men the same as I would if their color were white.

In view of the 1-minute talk and extension of remarks of the distinguished gentleman from Missouri [Mr. COCHRAN] printed in the CONGRESSIONAL RECORD of June 18 at page 5979, I feel that additional information should be furnished to Members of the House.

Large figures were used by the distinguished gentleman. Whatever his purpose, he did not, however, advise the Members of the House that Mr. Blair, Assistant Attorney General in charge of the Public Lands Division, which includes Indian affairs, at a hearing before the Committee on Expenditures in the Executive Departments, House of Representatives, Seventy-fourth Congress, which was referred to by him in his remarks, stated:

Since the 1st day of January 1934 in the Court of Claims the Government has defeated claims amounting to $369,000,000. There has not been a single judgment against the Government in the Court of Claims on these bills which has cost the Government any money since the 1st day of January 1934. I mention that date because that is the time I took charge of the division. The record before that is correspondingly good.

A great many of these claims are fictitious; that is, they are imaginary; but the Indian tribes and the Indian societies throughout the country feel that they are entitled to their day in court, and unless they do have their day in court there is corresponding dissatisfaction and belief that the Government has wronged the Indians in many instances when it has not at all. (P. 3 of hearings.)

It is very apparent that the Court of Claims may be trusted in such matters.

The distinguished gentleman was slightly in error in saying that the gratuity amendment to the deficiency appropriation act of 2 years ago, and which amendment he helped to enact, was responsible for saving the Government the sum of $1,956,233.56 in gratuities in the Shoshone of Wyoming Indian case. Had the distinguished gentleman consulted the Shoshone Jurisdictional Act of 1927 he would have found that it provides as follows:

SEC. 3. * * * the court shall also hear, examine, and adjudicate any claims which the United States may have against said tribe, but any payment, including gratuities which the United States may have made to said tribe, shall not operate as an estoppel, but may be pleaded as an offset in such suit (44 Stat., pt. 2, p. 1349).

Mr. GREEVER. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR of Montana. I yield.

Mr. GREEVER. I would like to ask the gentleman's opinion on that very case. At the present time there is a judgment rendered by the Court of Claims in behalf of the Shoshone Indian Tribe, and, as I understand it, under this bill, this new commission could now come in and take jurisdiction of that case away from the Court of Claims?

Mr. O'CONNOR of Montana. That is not true. This commission takes jurisdiction away from no court. It is simply a fact-finding body to help the court and to help this Congress determine when a case is meritorious and when it is not. That is the only purpose of this bill.

The gentleman is likewise in error when he makes the statement referring to myself as having made several arguments in the House since I became a Member last January in regard to one bill which I introduced and reported. That bill provides that "there shall be reimbursed through the United States Treasury and placed to the credit of certain tribes $3,373,580." If the gentleman will recall the facts, I made one talk when this bill was called on the Consent Calendar of about 5 minutes' duration, in an attempt to have the gentleman from Missouri [Mr. COCHRAN] withdraw his objections to it. Those are the only remarks that I made concerning this bill on the floor of the House.

The distinguished gentleman is also slightly in error again when he states that the Shoshone claim arose under the treaty of 1863, instead of 1868, which is the correct date.

Concerning the Crow claims my distinguished colleague cites the report of the Comptroller General showing that under all treaties and all acts of Congress from 1851 to 1927 disbursements of $11,638,395 were made, which sum consisted of treaty obligation stipulations and money taken out of Crow tribal funds, all of which legally belonged to the Crows, and also included the sum of $3,807,978.44, which was charged by the Government as set-offs and gratuities under the Jurisdictional Act of 1927. He then quotes the following from the decision of the Court of Claims:

The amount of the set-offs shown in the findings so far exceed all other claims, that even if these claims were allowed, no recovery could be had.

This statement applied to a number of claims advanced by the Crows, minor in character to the principal claim, namely, that the Government had obtained from the Crows over 30,000,000 acres of their valuable lands for an inadequate consideration under a mistake of fact that the Treaty of Fort Laramie of September 17, 1851, granting the Crows a defined reservation, was not a law, and that the Crows did not have a treaty or contract title to their lands, but merely right of use and occupation.

The Government in its brief in the Crow case, H–248, Record, 1052, states:

That in the event of any recovery herein the defendant is entitled to have offset against the amount of any judgment-money credits in the total sum of $3,807,978.44.

My colleague from Missouri [Mr. COCHRAN] quotes the following extracts from the decision of the Court of Claims:

The first claim is that for additional consideration for 30,530,764.8 acres of land taken over by the Government under the treaty of 1868, representing the amount by which plaintiff's reservation under the Fort Laramie treaty of September 17, 1851 (11 Stat. 749), was diminished by the treaty of 1868, which reduced the reservation to 8,000,409.2 acres. The plaintiff claims a failure of consideration through a mistake of fact, as to the ratification of the treaty of 1851, causing the Crow Indians to cede this large territory for an inadequate price. The claim is made for the difference amounting to some $30,000,000.

* * * * * * *

However, under the Jurisdictional Act this court is confined to claims arising under and growing out of the 1851 treaty and the treaty of 1868; both of these treaties set out the consideration to be paid by the Government. Under the Constitution all treaties made under the authority of the United States are the supreme law of the land, and the question of the amount of the consideration and what entered into the negotiations are not for this court to determine. Both are political and not judicial matters.

* * * * * * *

Under the provisions of the treaty of 1868 the United States agreed to expend sums of money for the benefit of the Crows for various periods and for various and special purposes, the indefinite amounts to be determined by the United States from time to time as contingencies and necessities should arise. In compliance with the obligations thus assumed, Congress disbursed for the benefit of the Crows $1,499,866.16. This amount was the consideration which went to the Crow Nation for the cession of the 30,000,000 acres delimited from the 1851 reservation. Both from a factual and jurisdictional standpoint, there can be no recovery on this claim.

In the first place it will be noted that for the cession of over 30,000,000 acres of land the Crows were paid the sum of $1,499,866, in provisions, goods, and so forth, which is about 5 cents an acre.

In the second place, it will be noted that the court held it had no jurisdiction under the Jurisdictional Act as worded to amend the consideration, if found inadequate, mentioned in the treaty of 1868.

In the third place, all Members of this House who are lawyers know that when a court finds it has no jurisdiction, all that it thereafter says in the decision is obiter dicta, and binds no one. In the recent Shoshone Indian case the Court of Claims expressly overruled obiter dicta indulged in in a previous decision as being irrelevant and immaterial to the decision rendered (Ct. Cl., Shoshone decision, June 1, 1937).

Now, it stands to reason that after the court found it had no jurisdiction to do justice to the Crows under the original Jurisdictional Act, as Congress had intended to confer—otherwise Congress would not have referred the case to the court for adjudication—it gave but cursory consideration to the facts and law covering the several claims of the Indians; in other words, it was a useless proceeding on the part of the court to go into any of the facts when it knew it had no jurisdiction to decide the case.

That there was a mistake of fact as to the validity of the Fort Laramie Treaty of 1851 which granted the Crows a defined reservation which could not be taken from them

without their consent and without adequate compensation, is fully supported by the record in the case when carefully considered and is further supported by the decision of the Court of Claims in the case of the Fort Berthold Indians, who also were granted a defined reservation by the Fort Laramie treaty of 1851 and whose lands were taken by the Government under the erroneous conviction, as found by the court, that the Fort Laramie Treaty was not a law. To prove that there was a mistake of fact and that the Crows were told they held no title to their reservation under the Fort Laramie Treaty, the following is submitted:

In 1930 the Court of Claims in the case of the Fort Berthold Indians, composed of the Arickarees, Mandans, and Gros Ventres, parties to the Laramie Treaty of 1851, held said treaty valid and in force and effect.

From 1854 up to the time of the Court of Claims decision all Government officials, treaty commissioners, and superintendents of Indian affairs were laboring under the impression that the Fort Laramie Treaty of September 17, 1851, was not law and were guided accordingly. The early annual reports of the Commissioner of Indian Affairs, in tabulations of Indian moneys and appropriations, recited that the Laramie Treaty was unratified; and in a report of Congress the Secretary of the Interior advised the treaty not ratified (S. Ex. Doc. 4, 40th Cong., special sess., p. 35, Mar. 1867). Under this false assumption the President, by Executive order in 1870, on the recommendation of the Secretary of the Interior, deprived the Fort Berthold Indians of North Dakota of several million acres of their treaty lands without compensation and without their consent, a large part of which went to the Northern Pacific Railroad Co. to satisfy land grants, and parts were opened to settlement. For this deprivation of lands belonging to the said Indians the Court of Claims awarded a judgment. In its decision describing what was done with the Indians' ratifications of the Senate amendment to the Laramie Treaty of 1851, the court said (71 Ct. Cl. 336–337):

> The Treaty of Fort Laramie of 1851 was ratified by the Senate on May 24, 1852, after amending article 7 of the same. The amended treaty was returned to the tribes for their assent to the modification of the same. All tribes assented thereto, and due to an administrative error and oversight the treaty was never proclaimed, hence the Indian Office and other delegated officials concerned in negotiations with the Indians proceeded upon the erroneous conviction that the Fort Laramie Treaty was never ratified. * * * There can be no doubt that the failure of Government officials and others dealing with the Indians at this time to recognize the treaty of 1851 was due exclusively to a belief that the treaty of 1851 was never ratified by the Senate. The plaintiff Indians were at the time an ignorant and unlettered people, forced by their status and situation to rely implicity upon the representatives of the Government, and while they laid claim to a much larger territory than the 1870 reservation, they were in no position to controvert an alleged existing condition, which was represented to them by those in authority as leaving them without any landed reservation whatever. As we look at it, it was the Government's error and unintended misrepresentation which resulted in procuring a settlement with the Indians in 1870 which did not equitably compensate them for rights granted them under the Fort Laramie Treaty of 1851.

Keeping in mind what the Court of Claims found as above quoted, namely: "The Indian Office and other delegated officials (meaning treaty commissioners) concerned in negotiations with the Indians proceeded under the erroneous conviction that the Fort Laramie Treaty was never ratified", and "There can be no doubt that the failure of the Government officials and others dealing with the Indians at this time to recognize the treaty of 1851" as law, and that the "Indians were at the time an ignorant and unlettered people, forced by their status and situation to rely implicitly upon the representatives of the Government", and that "they were in no position to controvert an alleged existing condition, which was represented to them by those in authority as leaving them without any landed reservation whatever", we come to a similar situation relating to the Crow Indians of Montana, who, as the records show, were always the friends and allies of the Government.

The President in 1866 appointed what is known as the Northwest Indian Commission, composed of General Curtis, Governor Edmunds, Orrin Guernsey, and Henry W. Reed, to treat with the Crows and other tribes of Indians. This Commission proceeded up the Missouri River to Fort Union, convened the Crows in council, and on July 15, 1866, General Curtis told the "chiefs and headmen of the Mountain and Prairie (River) Crow Indians":

> We now want to make a treaty with the Crows. We know that you have always been our friends. Your old treaty has expired, and we are here to make a new one. The Great Father does not want to injure but to help you. He wants a road up to Yellowstone Valley, and one up this river; with stages and traders along the lines, and a great depot for goods at this place. He wants the right-of-way along the Missouri and Yellowstone, and the ground for stations. This is the kind of treaty we want to make and in consideration thereof you will have an agent at the mouth of Milk River and he can deliver your goods anywhere on this river. We will give you a much larger annuity than you ever had before. With the old treaty you got about $3,000, but under this treaty you will have 10 times as much.

That same afternoon Governor Edmunds told the Crows:

> We told you this morning that the Laramie Treaty had expired.

In its report to Secretary Harlan, dated August 25, 1866 (Annual Report, 1866, p. 168), the Northwest Treaty Commission said:

> In accordance with our appointment by the President of the United States and the instructions of your Department given orally and otherwise, at sundry times, the undersigned have during the past two seasons, visited the various tribes of Indians of the Northwest for the purpose of making treaties with such as have never made treaties, and renewing treaty arrangements with those who had been parties to the Treaty of Laramie, which has terminated by its limitation of 15 years.

On April 5, 1866, Secretary Harlan wrote Indian Commissioner Cooley:

> I have to state that the expiration of that (Laramie) treaty on account of the amendment adopted by the Senate should be explained to the Indians, and urged as a reason, in connection with other reasons, for entering into another treaty.

He wrote that Indians should not expect payments for the "fulfillment of treaty stipulations which do not exist according to the terms of the amended treaty."

The Crows signed the treaty as drafted by the Commission on July 16, 1866, by mark, but it was not ratified.

Here were direct statements to the Crows by the official representative of the Government that the Fort Laramie Treaty, which granted the Crows a defined reservation, had "expired", and by the official report of the Commission to the Secretary of the Interior had "terminated by its limitation of 15 years", and by Secretary Harlan that it does not "exist."

In 1867, under an act of Congress, the so-called Indian Peace Commission was created, composed of Indian Commissioner Taylor, Army officers, and well-known civilians. This Commission proceeded westward in the fall of 1867, and assembled the Mountain Crows—at that time there were two bands of the Crow Nation, the Mountain and the River—in council at Laramie on November 12 and 13, 1867.

Keeping in mind that all Government officials, including the Commissioner of Indian Affairs, were under the erroneous conviction that the Treaty of Fort Laramie of 1851 had not been ratified and was not a law, and that the Crows had been told by the Northwest Indian Commission in 1866 that the Fort Laramie Treaty had expired, terminated, and a new treaty was necessary. Indian Commissioner Taylor told the Crows on November 12, 1867:

> We learn that valuable mines have been discovered in your country, which in some instances are taken possession of by the white people. We learn that roads are laid out and traveled through your land; that settlements have been made upon your lands; that your game is being driven away and is fast disappearing. We know also that the white people are rapidly increasing and are taking possession of and occupying all the valuable lands.
>
> Under these circumstances we are sent by the Great Father and the Great Council at Washington to arrange some plan to relieve you as far as possible from the bad consequences of this state of things and to protect you from future difficulties. We desire to set apart a tract of your country as a home for yourselves and children forever, upon which your Great Father will not permit the white man to trespass. * * * We will always feel grateful for your friendship to us. We will show our friendship by our acts.

It may be stated here that the Crows had occupied the area embracing Montana and parts of Wyoming from time immemorial; that they held their country against all comers, and naturally they considered it their land and their home; they thought their occupancy and possession of their lands had been confirmed by the United States by the Laramie Treaty of 1851; but they were told by the Northwest Indian Commission that such treaty had expired, had terminated, which the Court of Claims has held in the Fort Berthold case was erroneous.

Bear's Tooth, replying to Commissioner Taylor, among other things, said:

A long time ago (in 1851) you made a treaty with my nation, the Crows. * * * The Sioux told us you were going to fool us and not give us back our country, and that you would play us the same trick you did them.

Blackfoot said:

A long time ago a treaty was made with us. Our agent told us the Great Father wanted to see us. We had an enemy's country to go through but we went. We sold them the California road. They were to give us goods for 50 years. * * * We are being surrounded by the whites and by other nations. Our country is getting smaller and smaller. The whites have made two branches of a road beside the California and have cut up the best game country we have. * * * You would be mad if we were to go into your country and kill all your stock. I cannot go anywhere without coming on some of your people. I would like to have them called in and the road stopped (meaning the Powder River Road). Your people do not make anything by that road that I can see. Your people going through the country looking for gold are the ones who cause us much trouble. I ask you to stop them. * * * Give us a good agent. Give us a copy of the treaty that you will make with us.

Wolf Bow:

None of us ever fought against you. We have never been your enemies. * * * Call off your young men from the Powder River Road and let that road be abandoned. * * * Put the Sioux Indians in their own country and keep them from troubling us.

Commissioner Taylor, the next day, said:

On account of your refusing to join the Sioux against us, when urgently requested to do so, you are dearer to us than ever. We hope when you return to your country that you will inform the Sioux of our promises, and that they will be induced to make peace. * * * Formerly you could find all the game you needed, but now the buffalo have entirely disappeared from a large portion of your country. The game will soon entirely disappear. Our people were formerly confined to the eastern country, but they are rapidly spreading all over the West. Your Great Father looks ahead and wishes to preserve, for your own use, some of the good lands as a reservation for you and your children forever. * * * We are sorry all who are interested in that (Powder River) road are not here. If they were we might settle the question at once, but as only a few are here we can only tell you what to say to the Sioux when you return. We will consider your wishes in that respect. We will meet you next spring (note.—This was in the autumn of 1867) and settle the matter. * * * If you will stop the war and keep the peace in good faith until we hold our peace council next year, we may do as you wish us to do about the road and the posts. We hold that road to protect our people against bad Indians. If war continues, the post and roads will be held. If we do not abandon the road in the spring we will pay you for it.

Blackfoot, replying said:

We are not very numerous, but are very strong and powerful. There is plenty of buffalo, deer, elk in my country, beaver in all the streams and plenty of fish. * * * Your people like to get my country for nothing. That is not right. I want to be paid for it. I believe all you tell me. * * * You have not kept the promises made to us in the last treaty. We have only received goods once, when we ought to have received them every year.

Commissioner Taylor:

The goods were sent by the Great Father, but were stolen by his agents. We will report the matter to him and have you righted.

General Sanborn said they had drawn up a treaty and asked if the Crows would sign then or next spring, to which Blackfoot replied that they would sign in the spring when the Commissioners came to Kearney and could see all the Indians together.

The Peace Commission again met the Mountain Crows in council at Fort Laramie, May 6 and 7, 1868, and after further but unimportant discussion the treaty drafted by the Commission was presented and signed by mark on May 7, 1868 (15 Stat. 649).

The cession made by the Crows by this treaty was over 30,530,000 acres of valuable mineral and agricultural land and the consideration named in the treaty in the form of annuities and goods amounted to $1,499,866, or about 5 cents an acre.

The treaty of May 7, 1868, was made on the part of the Government under the erroneous conviction that the Fort Laramie Treaty was not law and that the Crows had merely an occupancy right to the land, whereas in fact and in law they held a treaty title, which it is conceded is of far greater value than a mere right of occupancy. Under the circumstances it is plain that on account of the mistake of fact as to whether or not the Crows had a treaty title, the Government paid the Crows a wholly inadequate consideration. As stated, most of the consideration was paid in goods, and the following statement made by Chief Blackfoot before the Brunot Commission of 1873 shows the character of goods furnished the Crows:

The treaty (of 1868) you say, has bought all our land except on the side of the river. And what do we get for it? We get a pair of stockings, and when we put them on they go to pieces. They get some old shirts and have them washed, and give them to us; we put them on and our elbows go right through them. They send us tin kettles; we go to get water to carry to our lodges; we dip the water up, but it all runs out again. That is what we get for our lands! What goods are given us are no better than we give the whites, and I do not see what we are getting for our lands. (Report of Commissioner of Indian Affairs, 1873, p. 136.)

On the question of inadequacy of consideration paid the Crows, the following, taken from the report of the Commission which made the treaty of May 7, 1868, which report is addressed to the Secretary of the Interior in submitting said treaty, proves the great value of the land ceded:

We have made our stipulations with them [Crows] as with a perfectly barbarous people. * * *

It will be seen from the above that in fixing the terms of these treaties the Commission has been governed less by the consideration of the value of possessions ceded by the Indians than by what they considered essential conditions to the maintenance of peace with and the civilization of the Indians. The whole expense of this 30 years' effort to civilize is no more expense than 30 weeks' expense of actual war with them.

But if the value of the possessions ceded is to be considered, then, for stronger reasons, the Government should not hesitate to have the treaties ratified and executed. Mineral lands of exhaustless wealth and inconceivable value extending over thousands of square miles, navigable streams, rivers of hundreds of miles in extent, on the banks of some of which (the Muscle Shell) our capitalists have already invested more than a million dollars in mines of copper that promise to exceed in richness any that have ever before been discovered; large agricultural tracts, the finest of the eastern slopes of the mountains, are a portion of what these tribes have ceded by this treaty.

Former Assistant Commissioner of Indian Affairs Mr. Meritt, before the Joint Congressional Committee on Northern Pacific Land Grants, testified under date of April 16, 1925 (hearings before Joint Congressional Committee on Investigation of Northern Pacific Land Grants, pt. 4, p. 1927):

Mr. RAKER. What does the record show that the Crow Indians received, if anything, for making the treaty of May 7, 1868, and reducing the amount of land specified in the Laramie Treaty of 1851?

Mr. MERITT. In reading the treaty, gentlemen of the committee, I was impressed with how little they got for the large amount of territory they gave up under that treaty of 1868. * * * The Crows gave up approximately 30,000,000 acres of land under that treaty of 1868, and it is claimed that some of that land was very valuable for mineral and other purposes; and they got very little in return for it.

Mr. RAKER. Well, it has not been only in this case but in others; it has been demonstrated to me that the Indians, even following and after these treaties, have not been dealt with fairly.

In a report of the Secretary of the Interior to the Senate Indian Committee dated April 20, 1936, he stated:

The amount received by the Indians (Crows) for the vast area of 30,530,764 acres appears to have been inadequate.

The claims presented by the Crows come squarely within the above-quoted holding of the Court of Claims in the Fort

Berthold case. The conditions as to knowledge of Government officials prevailing in May 1868, when the Crow treaty was made, were identically the same that prevailed 2 years later when a transaction was consummated regarding the lands of the Fort Berthold Indians. Both tribes had been treated with as though the Fort Laramie Treaty was nonexistent. Under the "erroneous conviction" and "belief" of Government officials, as stated by the court, that the Laramie Treaty was not a law and consequently neither the Fort Berthold Indians nor the Crow Indians had a treaty title to the lands they occupied, the Government in the Fort Berthold case took away their lands without compensation and in the Crow case obtained their lands for an inadequate consideration.

There was a mutual mistake of fact on the part of the United States when it made the Crow treaty of May 7, 1868, and informed the Crows that the 1851 Laramie Treaty had "expired", had "terminated", and the Crows accepted the statement from the official representatives of the Government as correct. Coming as it did from superior beings, who possessed the treaty and knew, or should have known, all about what happened to it, it cannot be argued that the Crows knew the true facts in 1868. In view of what the Government commission told the Crows the United States cannot contend that the Crows should have known to the contrary. As stated by the Court of Claims in the Fort Berthold case, "they were in no position to controvert an alleged existing condition which was represented to them by those in authority as leaving them without any landed reservation whatever." In other words, it was a mistake of fact as to title which induced payment of a wholly inadequate consideration for a valid treaty title to a defined area. Payment was not made or provided for in the 1868 treaty on the basis of a valid treaty title. This point is basic in the Crow case.

Now, all that Senate Joint Resolution 55 provides is to confer upon the Court of Claims adequate and effective jurisdiction to enable it to do equity and justice to the Crow Indians. It was supposed when the original Jurisdictional Act was passed and approved by the President that Congress had provided such adequate and effective jurisdiction, but by reason of the decision of the Court of Claims and the opinion of the Supreme Court in the Klamath Indian case it becomes absolutely necessary, in order that the courts can do justice to the Indians, that the broadened jurisdiction provided in Senate Joint Resolution 55 be enacted. The Klamath Indians being similarly situated as the Crows, as found by the Court of Claims and the Supreme Court, Congress came to the relief of the Klamath Indians, and on May 15, 1936, passed an act conferring the necessary jurisdiction. The Crows now ask that similar treatment be accorded them.

As Congress originally intended, as shown by the RECORD and the reports of Congress, to confer upon the courts adequate and effective jurisdiction, so that justice could be done the Crow Indians, therefore Congress, in passing the pending joint resolution, would be only carrying out what it had originally intended to do for these friendly Indians.

The original Jurisdictional Act, which Senate Joint Resolution 55 amends, provides that all proper set-offs and gratuities should be allowed the United States from any judgment rendered.

I appeal to all my colleagues to read the remarks I made in this House on June 15, and appearing in the RECORD of that date, begnning on page 5757, which go more into detail as to the merit and justice of the claim of the Crow Indians.

Mr. MARTIN of Colorado. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. MARTIN of Colorado to the committee amendment: Page 2, line 2, after the word "retired", strike out "without pay."

Mr. MARTIN of Colorado. Mr. Chairman, the committee amendment provides that "any commissioner having reached the age of 70 years shall be automatically retired without pay." My amendment proposes simply to strike out the words "without pay." The amendment is really offered for the purpose at least of placing a question on the record about this very novel legislative provision—at least it is novel so far as I am concerned. I do not recall having ever heard of any such provision in an act of Congress, and I can see no need of such provision.

It strikes me that we have a very tender regard for only one class of public servants, the judiciary. Under acts of Congress any Federal judge having 10 years' service may retire at the age of 70 years on full pay. In my State, Colorado, a judge of the State supreme court who has served 10 years may, without regard to age, retire on a pension of $3,500. In the pending bill we are proposing to create a commission on which a man might serve creditably for 30 years or more and then when he arrived at the age of 70 he can go and jump out of the window. If the language is stricken out, if my amendment is adopted, he would retire without pay. The words "without pay" are not needed to bring about automatic retirement without pay. I assume that the inclusion in the amendment of the words "without pay" must be for some purpose which is not disclosed on the face of the amendment.

It is possible that in the course of time, considering the rapid development of social-security legislation in this country, if this commission should still be in existence there may be some provision of law under which these commissioners, at the age of 70, could retire on some sort of pension and that this very novel language appearing in an act of Congress for the first time in the history of our Government might stand in their way. I can see nothing to be accomplished by these words, and for this reason I have offered this amendment.

Indeed, the entire amendment could go out without any impairment to the service. Under the language of the bill the President is given power to remove commissioners for inefficiency, neglect of duty, or malfeasance in office. This would enable the President to remove an incumbent for either mental or physical failure. If the incumbent does not suffer such failure, I can see nothing in the nature of his duties which would call for his mandatory retirement at the age of 70 years. At a salary of $7,500 per year he would have nothing left to retire on in Washington. I think therefore the entire amendment should be rejected.

[Here the gavel fell.]

Mr. DISNEY. Mr. Chairman, I rise in opposition to the amendment, not so much because I am opposed to the amendment as because I am anxious to read a short excerpt from a letter written by Judge Fenton W. Booth, of the United States Court of Claims, dated March 31, 1936, and see whether or not we can explode some of these statements of costs that have been floating around here. Everybody wants economy, but let us not pin it on one particular item or one particular class. Let us see what Judge Booth said. This letter was addressed to the gentleman from North Dakota [Mr. BURDICK]:

In answer to your inquiry of March 20, 1936, I have obtained the following information with respect to Indian cases in this court, and it is as accurate as it can possibly be made:

You first ask this question: "Since the court was created, how many Indian cases have come before it?" Since 1855, 192 Indian cases have been referred to the court. In this connection it is proper to observe that for some years during the court's early history there were not referred to it any Indian cases.

The next inquiry is: "What was the total amount claimed in all cases?" The total amount claimed in all cases is $1,650,624,942.27.

The next question is: "How many cases have been decided favorably to the Indians?" The answer is 27.

You then ask: "What amount has been allowed to date and how does this compare to the amount sued for?" The total amount of judgments, not including interest, awarded by this court is $20,595,666.67. It is impossible to calculate the percentage of the amount recovered as compared with the amount claimed for the reason that in many of the cases filed the amount claimed is not stated. This is true even in those cases where favorable judgments have been awarded.

We have a report from the Indian Division of the Department of Justice which discloses the number of Indian cases filed, the amount claimed, and the amount allowed since 1918; and, as near as we can compute, the comparison with the amount sued for and

allowed shows that the amount recovered was 0.366 percent of the total amount claimed.

What becomes of all this chatter about blowing in money on the Indians, on the wards of the Government? I read further:

If we take the entire Indian litigation from the beginning, as near as we can figure the comparison, the total amount recovered would be 2.34 percent of the amount claimed.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. DISNEY. I yield.

Mr. PIERCE. Then the amount sued for must have been more than the entire wealth of the United States.

Mr. DISNEY. Oh, no; the amount sued for was $1,650,000,000. The total wealth of the United States is about $375,000,000,000.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. DISNEY. I yield.

Mr. O'MALLEY. In the history of this Government, how much has the Government expended on the Indians and how much have they collected?

Mr. DISNEY. I do not know.

Mr. HILL of Washington. Mr. Chairman, I would suggest that the Members of the House read the hearings before the Senate before they vote on this bill. There they will find the answer to all the arguments of the opponents.

Mr. DISNEY. I think these Senate hearings contain answers to all the arguments of the opponents.

I am advised by the gentleman from Oklahoma [Mr. NICHOLS] that $603,000,000 is the amount the Government has spent on the Indians.

Mr. O'MALLEY. Including claims?

Mr. DISNEY. Yes; according to the figures of the gentleman's side of the table. I did not know that it was going to be necessary for the proponents to look up those figures; I thought that burden would be on the opponents.

Mr. O'MALLEY. There was $306,000,000 appropriated for the care of the Indians.

Mr. DISNEY. The gentleman said that was all the money. I do not know what construction the gentleman is going to put on it, if he does not like it.

[Here the gavel fell.]

Mr. DEMPSEY. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, it was not my intention to speak on this bill, although I have some knowledge of Indian affairs. I have between forty and fifty thousand Indians in my State that I represent, and I try to represent them as I do the non-Indians. [Applause.]

This bill, in my opinion, will do nothing except cause confusion and give assistance to some very shrewd and very ambitious attorneys. [Applause.] We have in the State of New Mexico repeatedly paid claims to Indians involving water rights which they thought had been taken from them. They now claim all the waters of the Rio Grande because of prior use, and the Supreme Court has ruled that prior use establishes a preferential right. If this bill is enacted into law, in 30 days I will probably receive from the forty or fifty thousand Indians in the State of New Mexico at least 10,000 claims, and that is what this commission will be confronted with.

Mr. Chairman, I think the Indians of this country are getting fair treatment. This bill is nothing more than a bill to create certain positions for certain people and to build up a fine practice for certain attorneys. I am opposed to this, and I sincerely trust the measure will be defeated. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado to the committee amendment.

The amendent to the committee amendment was rejected.

Mr. MARTIN of Colorado. Mr. Chairman, I offer an amendment to the committee amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. MARTIN of Colorado to the committee amendment: Page 1, line 11, and page 2, lines 1 and 2, strike out the committee amendment.

The CHAIRMAN. The Chair may advise the gentleman that he has not offered a proper amendment to the committee amendment. The gentleman may attain the same end by voting down the committee amendment.

The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 10, strike out "$10,000" and insert in lieu thereof "$7,500."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 2. It shall be the duty of the Commission to investigate all claims against the United States of any Indian tribe, band, or other communal group of American Indians residing within the territorial limits of the United States or Alaska, to ascertain and determine all of the facts relating thereto and all questions of mixed law and fact as may be incidental to such determination, and, on the basis of the facts found by it, to ascertain and determine the merits of all such claims and to make findings with reference thereto. Such claims shall include all claims arising under the Constitution, laws, or treaties of the United States and all those whether sounding in contract or tort or otherwise with respect to which the claimant would have been entitled to redress in any court of the United States if the United States were subject to suit; and all claims of whatsoever nature on account of any breach of duty committed by any officer or agent while purporting to act in the name or on behalf of the United States; and all further claims under all treaties heretofore negotiated between the claimant and the United States but not formally ratified or executed by all of the parties thereto; and those claims of whatsoever nature which would arise on a basis of fair and honorable dealings unaffected by rules of law, and those which would result if the treaties, contracts, and agreements between the claimant and the United States were revised on the ground of fraud, duress, or mutual or unilateral mistake whether of law or fact. Any such claim now pending in the Court of Claims, and any such claim previously referred by Congress to the Court of Claims and not yet filed in such court may be transferred, together with all the documents and certified copies of all the records relating thereto, by the complainants to the Commission at any time within the period provided for presentation of claims to the Commission; and in connection with claims so transferred all further proceedings with respect thereto shall be had under the provisions of this act regardless of the provisions of any other law or of any act giving jurisdiction of such claims to the Court of Claims: *Provided*, That in cases now pending in the Court of Claims the transfer thereof to the Commission shall be made upon motion of the attorney of record for claimant in each case with the approval of the Secretary of the Interior and such attorney or attorneys shall proceed under his or their approved existing contract according to its terms. No claim shall be excluded because of the provisions of any other statute; nor because it has already been presented to the Congress; nor on the ground that it has become barred under any rule of law or equity, or by reason of any treaty or statute; nor on the ground of a prior adjudication with respect thereto in any judicial, administrative, or other proceeding between the same parties: *Provided, however*, That the Commission, when ascertaining the merits of any claim, shall take into consideration, and may inquire into, all previous adjudications or settlements of such claim and all payments made by the United States on its account. In any case wherein the Commission determines that a claim has merit under the provisions of this act, the General Accounting Office and the Indian Office upon request of the Commission shall furnish such information as in the judgment of the Commission is required for the determination of set-offs.

With the following committee amendment:

Page 4, line 2, after the word "attorney", insert the words "or attorneys."

The committee amendment was agreed to.

Mr. O'MALLEY. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. O'MALLEY: Page 4, line 8, after the word "Congress", strike out the rest of lines 8, 9, 10, 11, 12, and the word "parties" in line 13.

Mr. O'MALLEY. Mr. Chairman, I ask unanimous consent to make a correction. The word should be "statute."

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. NICHOLS. Mr. Chairman, I object.

Mr. O'MALLEY. Mr. Chairman, I had originally wanted to strike out only that part of section 2 which says, "nor on the ground of a prior adjudication with respect thereto in any judicial, administrative, or other proceeding between the same parties."

I had hoped to cut off consideration of some of these old cases and keep them away from this commission. The gentleman from Oklahoma objects to even that little bit of improvement in this ill-advised bill, therefore I am forced because of the wording I inadvertently used, to offer the amendment so that it strikes out everything after the word "Congress" down to and including the word "parties." That strikes out also any claims or treaties. That is all right with me. Even though this may be Oklahoma day, it is all right with me to have that additional language stricken out to improve the bill a little.

If we are going to open this commission, as the language clearly indicates, to all these old claims, we might as well follow the suggestion of the gentleman from Ohio who spoke a few words a moment ago. Some attorney will dig up an Indian who had a great grandfather who lived on Manhattan Island and have him file a claim. That is what is going to happen. The attorneys will not only dig them up, but the bill compels the Bureau of Indian Affairs to send out advertisements for Indians and their lawyers to get aboard the gravy train. We are spending enough money without advertising to any particular class in this country to come in and make a claim. We are told about all the trouble we have with these claims and how many are stacked up for the court to hear. The passage of this bill will create so many claims the commission will have to have a special truck to haul the papers away.

Mr. COCHRAN. Will the gentleman yield?

Mr. O'MALLEY. In a minute. The gentleman from New Mexico put his finger on the reason for the passage of this bill. The reason is found in the case of attorneys for Indians whose claims have been denied or cut down by the Court of Claims wanting to get another crack at the Treasury.

This bill will give them a chance to come in again.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. O'MALLEY. Yes.

Mr. COCHRAN. Not only claims which have been denied by the Court of Claims but claims which have been denied by the Supreme Court of the United States will be opened up if this language prevails.

Mr. O'MALLEY. The gentleman from Missouri states that if the language which I seek to strike out by my amendment remains in the bill, not only cases which have been adjudicated by the Court of Claims but even those which have been adjudicated by the Supreme Court will be reopened, and this should not occur.

Mr. MURDOCK of Utah. Mr. Chairman, will the gentleman yield?

Mr. O'MALLEY. Yes.

Mr. MURDOCK of Utah. Is not that the very example the gentleman from Oklahoma mentioned?

Mr. O'MALLEY. Yes. The gentleman from Oklahoma wants the cases reopened.

There are two sides to the reason for this bill. I think I know one side, and the gentleman from New Mexico knows it, but there is also another side. One purpose is to reopen a lot of claims. I want to be on the side of keeping these claims down and doing something to protect the taxpayers of this country, even though my committee may not be with me unanimously. I think we have enough claims now, and I think any just claim will get a fair hearing in this Congress.

We do not need this bill. If we cannot defeat it, we must amend it so the claimants cannot go back 150 years to Manhattan Island and have some shyster lawyer dig up a descendant of some blanket Indian and make a million-dollar claim against the Government.

I hope the amendment will be adopted. [Applause.]

Mr. ROGERS of Oklahoma. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not want to take the time of the House by discussing this amendment. I hope the Committee will not adopt the amendment of the gentleman from Wisconsin. If the Committee does adopt the amendment, it would mean that many Indian tribes who have just claims would be barred from receiving any consideration whatever in future Congresses, because the proposed commission would have no jurisdiction over finding the facts relative to their cases.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Oklahoma. Yes.

Mr. JOHNSON of Oklahoma. The adoption of this amendment would practically nullify the bill.

Mr. ROGERS of Oklahoma. It would. I urge the Committee to vote down the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. ROGERS of Oklahoma) there were—ayes 46, noes 20.

So the amendment was agreed to.

Mr. COCHRAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: On page 3, line 2, after the semicolon, strike out all down to and including the semicolon on line 5.

Mr. COCHRAN. Mr. Chairman, the language I seek to strike out reads as follows:

And all claims of whatsoever nature on account of any breach of duty committed by any officer or agent while purporting to act in the name or on behalf of the United States.

Everyone has sympathy for the Indians because of fraud committed by Indian agents and representatives of the United States 50 to 75 years ago and prior to that time. The Court of Claims in its decisions refers to the treaties and the language of the treaties which were drawn up at that time. However, the Supreme Court of the United States has held time and time again that the Government is not responsible for the acts of its representatives or employees. If this language remains in the bill there is absolutely no telling the extent claims will be filed growing out of this provision. The language is plain and the objective is plain. I have nothing further to say with reference to the amendment, except that I think this language should be stricken out.

Mr. NICHOLS. Mr. Chairman, may we have the amendment again reported?

Mr. COCHRAN. I may say that reading the amendment will not give the gentleman any information other than the fact that certain words will be stricken out.

Mr. NICHOLS. What is the effect of the amendment?

Mr. COCHRAN. The amendment provides for striking out the words on page 3, starting in line 2, and reading as follows:

And all claims of whatsoever nature on account of any breach of duty committed by any officer or agent while purporting to act in the name or on behalf of the United States.

Mr. ROGERS of Oklahoma. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

Mr. NICHOLS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NICHOLS. I should like to know what bill we are considering. The bill from which the gentleman from Missouri quoted and to which he has offered his amendment is numbered S. 1902, Report No. 810. The bill I have is also S. 1902, but the language in the bill I have is entirely different at the point where the gentleman offered his amendment from the language in the bill to which the gentleman offered his amendment.

Mr. COCHRAN. Mr. Chairman, the bill from which I quoted is the bill reported by the Committee on Indian Affairs of the House. The bill to which the gentleman refers is the bill as passed by the Senate and as it was referred to the Committee on Indian Affairs of the House.

Mr. ROGERS of Oklahoma. That is right.

Mr. NICHOLS. I am not trying to get into an argument with the gentleman; I just want to know what bill we are considering.

The CHAIRMAN. The gentleman from Oklahoma should get a copy of the bill as reported by the committee, which contains the committee amendments.

Mr. NICHOLS. Is the Chair advising me in answer to my parliamentary inquiry that we are considering the bill accompanied by Report No. 810?

The CHAIRMAN. That is the bill which is being considered by the Committee of the Whole.

Is there objection to the request of the gentleman from Oklahoma that all debate on this section and all amendment thereto close in 10 minutes?

There was no objection.

Mr. SHEPPARD. Mr. Chairman, I have listened with much interest this afternoon to the discussion of this bill. I happen to be a member of the Committee on Indian Affairs, and I feel justified at this time in calling the attention of my colleagues to what I think are the existing conditions with respect to matters presented to the Indian Affairs Committee.

All Indian legislation is presented to us for consideration. As a member of the committee I believe I am dealing frankly and honestly with you when I say that there is very rarely an opportunity presented which gives me as an individual any definite or proper information upon which I can intelligently pass.

In my opinion the primary reason why this bill should have the favorable consideration of the Members of the House is because I believe any committee that is called upon to pass measures that involve millions of dollars should have at least some business basis on which to operate and should receive proper advice so they can present bills to the House with some degree of intelligence.

I think the committee is especially justified, under the administration's recommendations pertaining to coordination of departments for efficiency, to seek the establishment of intelligent sources of information so that the Congress may legislate wisely.

I may say that my objection to the gentleman's amendment is predicated upon the fact that I do not think as Members of the House we should be expected to excuse a Government agent or agency who has lent himself to bringing about a condition that is not fair or equitable, and I hope the committee will vote down the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. COCHRAN].

The question was taken; and on a division (demanded by Mr. ROGERS of Oklahoma) there were—ayes 48, noes 22.

So the amendment was agreed to.

Mr. COSTELLO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: On page 4, line 15, after the word "consideration", strike out "and may inquire into" and insert in lieu thereof the words "as set-offs."

Mr. COSTELLO. Mr. Chairman, I do not believe that by offering amendments to this piece of proposed legislation we can really make it a practicable or desirable measure. However, I do believe there are some things in the measure that possibly should be removed because of the possibility of the House approving the bill. Therefore I think the Committee has acted wisely in adopting the two preceding amendments.

I regret that when I spoke previously I neglected to discuss the proviso on page 4, as I believe the gentleman from South Dakota asked me to do. I had intended to call it to the attention of the Committee, and you will recall that preceding it the language waives all bars and all statutes of limitation and everything else, and then the proviso goes on to state:

Provided, however, That the commission, when ascertaining the merits of any claim, shall take into consideration, and may inquire into—

These are the four words I am striking out—

all previous adjudications or settlements of such claims and all payments made by the United States on its account.

In other words, the commission may inquire into previous adjudications. It does not have to take them into consideration, but it may inquire into them. I have proposed to strike out the words "and may inquire into" and in place of those words I am inserting the words "as set-offs", so the provision will read that the commission shall take into consideration, as set-offs, all previous adjudications or settlements of such claims. In other words, there is no reason why we should authorize this commission to inquire into any previous judgment or any previous legislation we have passed paying to the Indians certain sums of money, if it sees fit, and then, after inquiring into the matter, ignore such payments.

This amendment, if adopted, will make it mandatory upon the commission to take into consideration these previous adjudications and use them as set-offs against any amount found due.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. In just a minute. I may call the attention of the Committee also to the fact that we have on our Consent Calendar from time to time numerous bills of this character.

There was one that was up for consideration on last Monday—Consent Calendar No. 306. It is an Indian bill that goes back to 1855 and 1863, going behind the treaties, but it is a minor bill and only involves the sum of about $500,000. However, going back to Consent Calendar 133, there is a bill which I believe was objected to and stricken from the calendar, introduced by the gentleman from Montana, involving the sum of $3,773,580. This would mean paying to four Indian tribes sums of money which they had agreed would not be reimbursable, but now they are coming in here with this proposed legislation and asking the United States Treasury to reimburse them for this money which was paid out for irrigation works on their reservations.

Mr. O'CONNOR of Montana. Mr. Chairman, I raise the point of order that the gentleman is not discussing his amendment.

Mr. COSTELLO. I am talking about the provisions of this measure and what will be the effect of this proposed legislation.

I now yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. I thank the gentleman for referring to this proviso. As far as I am personally concerned, I think that this is the intent of the proviso, but I have no objection to the amendment.

Mr. COSTELLO. I think the amendment will improve the bill. However, I do not believe that it will so improve this bill as to make of it desirable legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. The Commission shall make a detailed report to the Congress of its findings of the facts of each claim, the conclusions reached as to the merits of such claim and the reasons therefor, together with an appropriate recommendation for action or nonaction by that body. Such report shall show how each commissioner voted upon such claims. If any claim shall be ascertained to be without merit in law or in fact, the Commission shall so report. If any claim shall be found to rest on some legal, equitable, or sound moral obligation, the recommendation shall be for a direct appropriation by the Congress in a specific amount, or other adequate relief, or for the passage of an act giving jurisdiction of such claim to the Court of Claims.

In all proceedings brought pursuant hereto in the Court of Claims all determinations of fact by the Commission shall be admissible in evidence but may be reviewed by the court either on the basis of evidence taken before the Commission, or on additional evidence, or both.

Mr. BURDICK. Mr. Chairman, I move to strike out the last word. I never object to what this House does, because I am used to taking it on the chin; but you have absolutely

killed the Claims Commission bill in the amendment you just adopted in line 15 on page 4. You can inquire into these previous judgments for the purpose of hunting up some other set-off, but the Indian cannot inquire into them, and I just got through explaining to this House this afternoon what this section means—I want to show you what influence I have—that you rendered judgment in this Indian case I referred to and charged the Indians with $400,000 of advance that belonged to them on some other deal, and I think every man here who might sit as a juror would determine that those Indians have a right to their money, but that has been adjudicated, and you cannot go behind it if this amendment stands, at least the Indian cannot, but the language of this amendment offered by the ingenious gentleman from California, who has more Indians than I have in his State, prohibits the Indian from inquiring into those judgments, but lets the Government look into them for the purpose of offsets.

Mr. SHEPPARD. Mr. Chairman, if the gentleman will permit, I would like to correct him to the extent of saying that the only Indians my colleague from California has in his district are in the pictures.

Mr. BURDICK. I am glad of that. If you want to kill the bill, why not come out here and do it. The only purpose of this bill was to furnish information to this House, and I guess you do not want information. If that is your attitude, just destroy the bill.

When I sat on that Indian Committee time after time we had to dig out facts ourselves, because we had no source of getting the facts in these Indian cases, and we had to depend on the Members of Congress from the various districts telling us what the facts were, and time after time we passed legislation out of that committee that did not have the support of this House because when we got in here we found a different state of facts. If the Congress wants to be fair with the Indians, and do justice to all of them, in the name of the Lord why not form a commission which will give you the facts. Are you afraid that you will have to find judgment in favor of these Indians, but suppose you do? Suppose you have not done justice by them in the past, is there any reason why you should still hold to that doctrine?

I want to finish what I was going to say when I spoke before, that in the Black Hills claim the Government made a treaty with the Indians in 1868, promising faithfully that the white man would never settle beyond the Missouri River, that all land west of the Missouri River should be Indian territory, and the Government signed that treaty, and I have a copy of it with me today showing just what the Government agreed to. You had no sooner signed it, and the Indians had no sooner given up their country and started on west of the Missouri and left their homes of centuries behind them, before the white man moved into the country that was designed for the Indians, and took possession of the Black Hills, and there you found gold in abundance, and to this very day you have never paid the Indians a dime for that gold, or a nickel for the lands that the Government took. Do you want this record of deceit and fraud to stand as an eternal mark of bad faith in our dealings with the Sioux Nation?

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

The Clerk read as follows:

SEC. 4. The Commission shall be authorized to receive claims for a period of 3 years after the approval of this act and no claim existing before such period not presented within such period may thereafter be submitted to any Federal court or administrative agency for consideration or action, nor will such claim be entertained by Congress.

Any claim within the provisions of this act may be presented to the Commission by any member or members of an Indian tribe, band, or other communal group, as representative of all such members, regardless of the present status of such members as allottees, citizens, or unrestricted Indians; but wherever any tribal organization exists, recognized by the Secretary of the Interior as having authority to represent such tribe, band, or group, such organization shall be accorded the exclusive privilege of representing such Indians, unless fraud, collusion, or laches on the part of such organization be shown to the satisfaction of the Commission.

With the following committee amendments:

Page 5, line 17, strike out "three" and insert "five", and in line 21, after the word "action", strike out "nor will such claim be entertained by Congress."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The Clerk read as follows:

SEC. 5. Immediately after its formation, the Commission shall send a written explanation of the provisions of this act to the recognized head of each Indian tribe and band, and to any other communal groups of Indians existing as a distinct entity, and shall request that a detailed statement of all claims be sent to the Commission, together with the names of aged or invalid Indians from whom immediate depositions should be taken and a summary of their proposed testimony.

With the following committee amendment:

Page 6, line 13, after the word "entity", insert "and to the superintendents of all Indian agencies who shall promulgate the same."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 8. The Commission shall give notice and an opportunity for a hearing to the interested parties before making any final determination upon any claim. A full written record shall be kept of all hearings and proceedings of the Commission and shall be open to inspection by the attorneys concerned. Whenever a final determination is reached by the Commission upon any claim, notice thereof shall be given to the tribe, band, or group concerned. Within 20 days thereafter written objections thereto may be filed with the Commission by any interested party. If such objections are not accepted by the Commission, they shall be recorded as a part of the report on the claim presented to the Congress.

Mr. PIERCE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. PIERCE: Page 8, line 5, after the word "Commission", insert a comma and the words "copy of which shall be furnished interested bands and tribes or their representatives selected by them", and in line 5, after the word "inspection", strike out "by the attorneys concerned."

Mr. ROGERS of Oklahoma. Will the gentleman yield?

Mr. PIERCE. I yield.

Mr. ROGERS of Oklahoma. If the gentleman cares to save time, I will say the amendment is perfectly satisfactory to the committee.

Mr. PIERCE. Very well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. PIERCE].

The amendment was agreed to.

Mr. PIERCE. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. PIERCE: Page 8, line 9, after the word "within", strike out "20 days" and insert "1 year."

Mr. ROGERS of Oklahoma. Mr. Chairman, I would like to say the gentlewoman from Oregon [Mrs. HONEYMAN] called our attention to these amendments before they were presented, and we have no objection to them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. PIERCE].

The amendment was agreed to.

The CHAIRMAN. Did the gentlewoman from Oregon [Mrs. HONEYMAN] desire to offer an amendment?

Mrs. HONEYMAN. Mr. Chairman, the amendments offered by the gentleman from Oregon [Mr. PIERCE] covered what I had intended to offer, so I will withdraw my amendment.

The Clerk read as follows:

SEC. 9. The Commission may adopt all such rules for its own procedure, for the organization of its work, and for the effectuation of the purposes of this act as it may deem appropriate. The Commission may employ, subject to the provisions of the Classification Act of 1923, as amended, and fix the terms of employment of such experts, field investigators, and professional and clerical assistants as may be necessary to fulfill duties which cannot be properly performed by persons already engaged in the Government service.

At the Commission's request the General Accounting Office, the Land Office, and the Bureau of Indian Affairs may transfer or temporarily assign to the Commission such of their employees as are specially qualified to assist the Commission in the performance of any of its duties under this act.

Mr. DISNEY. Mr. Chairman, I move to strike out the last word.

At the risk of intruding on your patience for just a moment, in all fairness and all candor, let me submit to you that this bill up to date as amended makes for orderly procedure and sound government. I am not a member of the Committee on Indian Affairs and have not been. There are a great many Indians in my district. There are some claims involved, and I have a bill in which I am intensely interested. The facts have been found in that case. But my interest in this bill for a claims commission is the general welfare, the public interest. Surely this bill makes for orderly procedure, as I said a moment ago, and for good government, to have these claims determined and the facts found by a commission.

The objectionable features seem to me to be out of the bill now. This procedure will simplify things, and for this Congress and Congresses yet to come findings by this commission will be extremely useful for many years. It will be a definite place where Congress can go to ascertain the facts. I make this plea on the theory that this does assist in orderly procedure and orderly government, and a general benefit, especially to the Members of the House of Representatives, who want to know what the facts are when they pass upon a bill that involves Indian affairs.

The pro-forma amendment was withdrawn.

The Clerk read as follows:

SEC. 10. All necessary expenses of the commission, including all reasonable traveling expenses incurred by the commissioners, or under their orders, upon official business in any place outside the city of Washington, and including necessary expenses for suitable rooms and equipment for the principal office of the commission in the city of Washington and for the performance of duty outside the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chief commissioner.

SEC. 11. Annual reports shall be submitted by the commission to Congress showing the progress of its work. The commission shall cease to exist on the fulfillment of its duties under this act; or, in any event unless extended by act of Congress, on the expiration of 10 years after the formal organization of the commission. When the commission shall cease to exist all its books, documents, letters, official records, and other papers shall be transferred to the Indian Office.

Mr. O'MALLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'MALLEY: Page 9, line 18, after the word "of" where it occurs the second time, strike out "ten" and insert in lieu thereof "five."

Mr. O'MALLEY. Mr. Chairman, on page 5, section 4, the committee amended the provision that claims should be presented within 5 years instead of 3 years. Now, over at this part of the bill there is provided a life of 10 years for the commission, and my amendment reduces it to 5 years.

Mr. ROGERS of Oklahoma. If the gentleman will yield, if the gentleman cares to save time, I think the amendment is satisfactory. As far as I am concerned, I would not oppose it.

Mr. BIERMANN. Will the gentleman yield?

Mr. O'MALLEY. I yield.

Mr. BIERMANN. If you have 5 years for the submission of cases, you must have a little more time for this commission.

Mr. ROGERS of Oklahoma. The Congress, of course, could extend it.

Mr. O'MALLEY. It is my fear that this Congress may pass this bill and set up a commission for 10 years. There will be three job holders at $7,500 a year and there will be a lot of duplicated work, so just on the remote possibility that the bill, bad as it is, might pass, I would like to have another Congress, after these fellows have been drawing pay helping the Indians to file claims, justify their existence before the Congress after they have been on the pay roll for 5 years and worked on some claims.

Mr. BIERMANN. But to have a rational bill we should have the life of the commission extended for a little while after the claims are submitted.

Mr. O'MALLEY. This is not a rational bill, and I do not think any amendment could make the bill rational. All I am hoping is to try to protect the taxpayers against a permanent commission. I hope the amendment will be adopted.

[Here the gavel fell.]

Mr. GEHRMANN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am sorry to have to oppose my colleague from Wisconsin, but in the first place if his amendment were adopted it would make it impossible for this commission to function, because this bill gives the Indians 5 years to file claims. Then we allowed 1 year to file objections to the findings of the commission.

We have just adopted an amendment to section 8, page 8, that would give the tribe a whole year to file objections to the findings of the commission; so you would have to give them at least an additional year after the expiration of the time during which the commission could consider claims. It would have to be at least 6 years, for it could not possibly be completed in 5 years. After all, they would probably work 5 years and, as the gentleman from Wisconsin said, they may have truck loads of records to examine and to make recommendation to Congress. Then you have got to give the Indians a year's time to file objections to the findings of the commission. It is impossible to do that in less than 6 years.

Mr. O'MALLEY. If the gentleman will not object, I will accept his suggestion and ask unanimous consent to modify my amendment to make the time read 6 years.

Mr. GEHRMANN. I personally have no objection. I merely wanted to point out that the amendment would make the bill unworkable. I hope the gentleman will withdraw his amendment.

Mr. ROGERS of Oklahoma. Mr. Chairman, reserving the right to object, I think, in view of the statement of the gentleman from Wisconsin, that the gentleman should modify his amendment to extend the time for 2 additional years.

Mr. O'MALLEY. Now that this is bargain day, Mr. Chairman, six is agreeable to my colleague from Wisconsin.

Mr. ROGERS of Oklahoma. Mr. Chairman, I will not object if the gentleman makes it seven.

Mr. O'MALLEY. Mr. Chairman, I ask unanimous consent, this being bargain day, to modify my amendment by changing the figure "5" to the figure "7."

Mr. GEHRMANN. Mr. Chairman, I do not yield for the purpose of permitting the gentleman to submit a unanimous-consent request.

Mr. O'MALLEY. Then I will leave it at 5 years.

Mr. BIERMANN. Mr. Chairman, will the gentleman yield?

Mr. GEHRMANN. I yield to the gentleman from Iowa.

Mr. BIERMANN. The commission is allowed 5 years within which it is authorized to receive claims, and after the commission makes its findings the Indians are allowed a year within which to file objections.

Mr. GEHRMANN. The gentleman from Iowa certainly has stated it correctly. The Indians have a period of 5 years within which to file claims. The commission then, of course, must have some time in which to investigate the claims. After they have investigated the claims and rendered their decision the Indians have an additional year within which to file objections to the commission's ruling. Under any circumstances, the time should be 7 or 8 years.

I have been a member of the Committee on Indian Affairs for 3 years. We hold hearings day after day all day long, and on many special days. We bring bills in here as a result of careful study.

I feel like resigning from the committee when I see more attention paid to others who do not happen to be on the committee, or to those that have not an Indian in their whole district, than is paid to the members of the committee. Surely they cannot know more about these problems than those who work so hard on this committee. We ought to be given some consideration. I insist, so far as I am concerned, that 10 years, the time provided in the bill, is not a bit too long for the commission to accomplish the work we have laid out for them. Under no circumstances can they continue longer than 10 years without a further act of Congress.

[Here the gavel fell.]

Mr. NICHOLS. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I appeal to the sportsmanship of this House. Anyone, of course, who wants to be for or against this legislation has that inalienable right, as a Member, and no one will complain about his exercise of that right; but when it comes to the point of attempting to cripple the bill purely for the admitted purpose of fixing the legislation so that it probably would be inoperative if it were adopted by the House, then I appeal to the sportsmanship of this body not to support such an amendment.

Whether or not this commission should exist has been argued until probably no further argument is necessary. The Members have their minds made up by this time as to whether they will support the bill or not. Those of us who support the legislation want the bill passed with the 10-year period left in it so that the commissioners can do a proper job. I am sure that the House does not want to set up a commission which would have its hands tied to start with.

I am surprised that my distinguished colleague from Oklahoma would even for himself feel that the time should be reduced to 5 years. If 5 years is to be the life of this commission, then I doubt the necessity of setting up the commission. I think that that was the entire purpose of the amendment submitted by the gentleman from Wisconsin. I do not think that the amendment was submitted in good faith as a perfecting amendment to make this a better bill.

Mr. O'MALLEY. Mr. Chairman, I make the point of order that the gentleman is questioning my good faith.

Mr. NICHOLS. I am questioning it because the gentleman said himself that the only reason he did it was because he did not think the bill was any good and he just thought that he would cripple it a little more.

Mr. O'MALLEY. The gentleman misstates my statement entirely.

Mr. NICHOLS. What did the gentleman say?

Mr. O'MALLEY. The stenographer can read what I said. The gentleman is questioning my good faith. I offered my amendment because I felt that 5 years was sufficient time for submitting claims.

I said I did not know whether the bill would pass or not, but that the commission ought to be limited. If the gentleman wants to read my remarks he may do so. When the gentleman questions the good faith of another Member he should have a basis for his charge.

Mr. NICHOLS. If I have offended the delicate senses of the gentleman from Wisconsin——

Mr. O'MALLEY. I have no delicate senses.

Mr. NICHOLS. I withdraw the remarks and beg his pardon. I would not offend him at all.

Mr. BIERMANN. Will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Iowa.

Mr. BIERMANN. The bill now provides for 5 years for filing a claim.

Mr. NICHOLS. That is correct.

Mr. BIERMANN. And 1 year after that for filing objections?

Mr. NICHOLS. Yes.

Mr. BIERMANN. If the amendment prevails, there will be objections filed a year after the commission goes out of business?

Mr. NICHOLS. It will simply make this a silly bill if the amendment is adopted. It will provide that 1 year after the 5-year period objections may be filed and the bill itself would destroy the commission before objections could be filed. That is if the gentleman's amendment is adopted.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. O'MALLEY].

The question was taken; and on a division (demanded by Mr. NICHOLS) there were—ayes 41, noes 40.

Mr. NICHOLS. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. NICHOLS and Mr. O'MALLEY to act as tellers.

The Committee again divided; and the tellers reported there were ayes 48 and noes 46.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 12. There is authorized to be appropriated for the purpose of carrying out the provisions of this act such sums as the Congress may from time to time determine.

SEC. 13. This act may be cited as the "Indian Claims Commission Act."

Mr. HILL of Washington. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I feel the Members have emasculated this bill. There are quite a number of you on the floor of this House who have stated that you are friends of the Indians. Now, may I say that "by their deeds ye shall know them." What you have done here today shows that you are not friends of the Indians.

I believe the Indians want this bill. So the Indians are for it. Who besides the Indians are for the bill? All the departments that have anything to do with the administration of Indian affairs are for this bill.

It has been stated here that the President is for the bill.

Let us see some of those who are opposed to the bill. The gentleman from Wisconsin is opposed to the bill, and many of the amendments that have been approved here this afternoon were submitted by him. He does not represent any Indians, because he comes from the city of Milwaukee. The gentleman from California [Mr. COSTELLO] also submitted some amendments. Who does he represent? He represents those Indians in Hollywood who are on the screen, not the real Indians.

Mr. Chairman, I am afraid my good friends of the House have allowed themselves to be misled. You have not read this bill; you have not read the hearings had before the Senate committee. If you had read those hearings, you would have found arguments against every proposition raised by the opponents of this bill.

Mr. PIERCE. Will the gentleman yield?

Mr. HILL of Washington. I yield to the gentleman from Oregon.

Mr. PIERCE. Has the gentleman ever supported, since he has been a Member of this House, any bill that provides such as this bill provides on page 4, which was stricken by the amendment offered by the gentleman from Wisconsin? The gentleman never in his life supported such legislation on the platform, in the schoolroom, or anywhere else. Section 4 is enough to kill the whole thing.

Mr. HILL of Washington. I did not yield to the gentleman to make a speech. All that this is is a fact-finding commission. Most of you have interpreted it as being a court, but it is a fact-finding commission only. The gentleman from Oregon has appeared before our committee time and time again. Those of you who have appeared before our committee know we have not the time nor the opportunity to find out all of these facts. All this does is to get the facts before a commission. These things should be known. You who are not on the committee and you who have nothing to do with the committee do not know these facts, but we who have been on the committee for four or five sessions know these facts are not available to us. You are denying us the opportunity to get the facts through the action which you have taken here today.

We can go on. But then, in view of the circumstances, do not say you are friends of the Indians. We will go on for years to come, if this bill is defeated, supporting the

very men—the attorneys—referred to by the gentleman from New Mexico. They have been here for years. They have been here for decades. They will continue to be here. We have tried by this bill to eliminate this condition within the next 5, 10, or 15 years, but you are frustrating our efforts.

Mr. Chairman, I do not believe the Members understand, and that is why they are doing this. They have not studied the facts, and they do not know what the conditions are. I am sorry they have done this, but I am sure they do not realize what they have done in defeating this bill, and the membership will be sorry.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, may I ask the gentleman who preceded me one question? I want to ask the gentleman if he will tell me the name of a single Indian tribe that has received a verdict in the Court of Claims for a certain amount of money from the Government that is willing to say to the Government, "We will let you retry the case"? Can the gentleman tell me one single tribe?

Mr. HILL of Washington. No.

Mr. COCHRAN. Then I want to know why this House or any Member of the House wants to say that the Government of the United States must let the Indians, who have been denied recognition by the Court of Claims and the Supreme Court, reopen their case against the Government?

Mr. HILL of Washington. The case the gentleman just mentioned, having to do with the Seminole Indians, was a proposition in which they were a little late in bringing in their case. They were therefore ruled out, and now the gentleman wants to keep them out.

Mr. COCHRAN. Mr. Chairman, I know as much about the Indian claims as the gentleman does, who represents Indians, because I have been studying Indians for years.

Let us play the game fair. The Indians would not permit the Government to reopen a case in which they had judgment against the Government. Why should the Indians now ask the Government to reopen a case in which judgment has been rendered in favor of the Government?

Mr. Chairman, I yield back the balance of my time.

Mr. ROGERS of Oklahoma. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and, the Speaker having resumed the chair, Mr. BEAM, Chairman of the Committee of the Whole House on the state of the Union, reported that the Committee having had under consideration the bill (S. 1902) to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. ROGERS of Oklahoma. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. HILL of Washington. Mr. Speaker, I demand a separate vote on each amendment except the committee amendments.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The Clerk will report the first amendment adopted by the Committee of the Whole, excluding the committee amendments.

The Clerk read as follows:

Page 3, line 2, after the semicolon, strike out all down to and including the semicolon on line 5.

Mr. COCHRAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COCHRAN. Will it be in order for the Clerk to read the language which has been stricken out?

The SPEAKER. The Clerk under the direction of the Chair will report all amendments that have been adopted in the Committee of the Whole House on the state of the Union, except committee amendments. If an amendment refers to language stricken out, such language would be read.

Mr. COCHRAN. The amendment on which the House is now asked to vote is my amendment. The language of my amendment is such that no one can vote on it intelligently without knowing the language proposed to be stricken out.

The SPEAKER. The gentleman can ask unanimous consent that such language may be read.

The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. ROGERS of Oklahoma) there were—ayes 103, noes 43.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Page 4, line 8, after the word "Congress", strike out the remainder of line 8 and all of lines 9, 10, 11, 12, and 13, up to and including the word "parties."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 4, line 15, after the word "consideration", strike out the words "and may inquire into" and insert in lieu thereof "as set-offs."

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. BURDICK) there were—ayes 104, noes 40.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 8, line 5, after the word "Commission", insert a comma and the words "copy of which shall be furnished interested clients or tribes or their representatives selected by them"; and in line 5, after the word "inspection", strike out "by the attorneys concerned."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 8, line 9, after the word "within", strike out "20 days" and insert in lieu thereof "1 year."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 9, line 18, after the word "of" where it occurs the second time, strike out the word "ten" and insert in lieu thereof the word "five."

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. ROGERS of Oklahoma and Mr. NICHOLS) there were—ayes 89, noes 47.

Mr. BOILEAU. Mr. Speaker, I object to the vote on the ground a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] One hundred and eighty-three Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 218, nays 91, answered "present" 1, not voting 121, as follows:

[Roll No. 97]

YEAS—218

Aleshire	Driver	Kniffin	Rankin
Allen, Del.	Duncan	Kramer	Reece, Tenn.
Allen, La.	Eaton	Lambeth	Reilly
Anderson, Mo.	Eberharter	Lanham	Rich
Arends	Eckert	Larrabee	Richards
Arnold	Eicher	Lesinski	Rigney
Ashbrook	Elliott	Lewis, Colo.	Robertson
Atkinson	Englebright	Long	Robsion, Ky.
Barry	Evans	Lord	Rogers, Mass.
Bates	Faddis	Luce	Rutherford
Beam	Fish	Luckey, Nebr.	Sacks
Beiter	Flannery	Ludlow	Sanders
Bell	Fleger	McClellan	Schaefer, Ill.
Bigelow	Fletcher	McCormack	Schulte
Binderup	Forand	McFarlane	Secrest
Boehne	Ford, Calif.	McGehee	Seger
Boyer	Ford, Miss.	McKeough	Shafer, Mich.
Bradley	Frey, Pa.	McLean	Shanley
Brewster	Fries, Ill.	McSweeney	Short
Brown	Fuller	Maas	Simpson
Buck	Garrett	Mahon, S. C.	Smith, Maine
Bulwinkle	Gearhart	Mahon, Tex.	Smith, Va.
Caldwell	Gildea	Mansfield	Snell
Carlson	Goldsborough	Martin, Mass.	Somers, N. Y.
Carter	Gray, Ind.	Mason	South
Chandler	Gray, Pa.	Meeks	Sparkman
Church	Griffith	Merritt	Spence
Clark, N. C.	Griswold	Michener	Sutphin
Clason	Halleck	Miller	Taber
Claypool	Hancock, N. Y.	Mills	Taylor, S. C.
Cochran	Hart	Mitchell, Tenn.	Terry
Coffee, Nebr.	Harter	Moser, Pa.	Thomas, Tex.
Colden	Hartley	Mott	Thomason, Tex.
Cole, Md.	Hennings	Nelson	Thompson, Ill.
Colmer	Hildebrandt	Norton	Thurston
Cooley	Hill, Ala.	O'Brien, Ill.	Tinkham
Cooper	Hobbs	O'Connell, R. I.	Tobey
Costello	Hoffman	Oliver	Tolan
Cox	Holmes	O'Malley	Transue
Cravens	Hope	O'Neal, Ky.	Treadway
Crosser	Houston	Owen	Turner
Crowe	Hunter	Pace	Umstead
Daly	Imhoff	Palmisano	Walter
Dempsey	Jenckes, Ind.	Parsons	Warren
DeMuth	Jenkins, Ohio	Patman	Wearin
Dies	Jenks, N. H.	Patrick	Welch
Dingell	Johnson, Lyndon	Patterson	Whelchel
Dirksen	Johnson, W. Va.	Pearson	White, Ohio
Ditter	Kee	Pettengill	Whittington
Dixon	Kelly, Ill.	Pierce	Wilcox
Dondero	Kenney	Poage	Wolcott
Dorsey	Keogh	Polk	Wolfenden
Douglas	Kinzer	Powers	Wolverton
Dowell	Kirwan	Quinn	
Doxey	Kitchens	Rabaut	

NAYS—91

Allen, Pa.	Edmiston	Johnson, Okla.	O'Toole
Amlie	Ellenbogen	Jones	Patton
Andresen, Minn.	Ferguson	Kennedy, N. Y.	Pfeifer
Biermann	Fitzgerald	Kocialkowski	Phillips
Bolleau	Fitzpatrick	Lambertson	Plumley
Boland, Pa.	Flannagan	Lanzetta	Randolph
Boren	Gasque	Lea	Reed, Ill.
Brooks	Gehrmann	Leavy	Rees, Kans.
Buckler, Minn.	Gingery	Lemke	Rogers, Okla.
Burdick	Greever	Luecke, Mich.	Sauthoff
Cartwright	Guyer	McGranery	Scrugham
Case, S. Dak.	Gwynne	McGrath	Shannon
Citron	Hamilton	McLaughlin	Sheppard
Clark, Idaho	Havenner	Mapes	Stack
Coffee, Wash.	Higgins	Martin, Colo.	Starnes
Cole, N. Y.	Hill, Okla.	Massingale	Stefan
Crawford	Hill, Wash.	Maverick	Swope
Creal	Honeyman	Murdock, Ariz.	Teigan
Cullen	Hook	Murdock, Utah	Thom
Curley	Hull	Nichols	Towey
Disney	Izac	O'Connell, Mont.	Voorhis
Doughton	Jarman	O'Connor, Mont.	Wood
Drew, Pa.	Johnson, Minn.	O'Day	

ANSWERED "PRESENT"—1

Dunn

NOT VOTING—121

Allen, Ill.	Cannon, Wis.	DeRouen	Greenwood
Andrews	Casey, Mass.	Dickstein	Gregory
Bacon	Celler	Dockweiler	Haines
Barden	Champion	Drewry, Va.	Hancock, N. C.
Bernard	Chapman	Engel	Harlan
Bland	Cluett	Farley	Harrington
Bloom	Collins	Fernandez	Healey
Boykin	Crosby	Fulmer	Hendricks
Boylan, N. Y.	Crowther	Gambrill	Jacobsen
Buckley, N. Y.	Culkin	Gavagan	Jarrett
Burch	Cummings	Gifford	Johnson, Luther A.
Byrne	Deen	Gilchrist	Keller
Cannon, Mo.	Delaney	Green	Kelly, N. Y.
Kennedy, Md.	Millard	Sabath	Vincent, B. M.
Kerr	Mitchell, Ill.	Sadowski	Vinson, Fred M.
Kleberg	Mosier, Ohio	Schneider, Wis.	Vinson, Ga.
Kloeb	Mouton	Schuetz	Wadsworth
Knutson	O'Brien, Mich.	Scott	Wallgren
Kopplemann	O'Connor, N. Y.	Sirovich	Weaver
Kvale	O'Leary	Smith, Conn.	Wene
Lamneck	O'Neill, N. J.	Smith, Wash.	West
Lewis, Md.	Peterson, Fla.	Smith, W. Va.	White, Idaho
Lucas	Peterson, Ga.	Snyder, Pa.	Wigglesworth
McAndrews	Peyser	Steagall	Williams
McGroarty	Ramsay	Sullivan	Withrow
McMillan	Ramspeck	Sumners, Tex.	Woodruff
McReynolds	Rayburn	Sweeney	Woodrum
Magnuson	Reed, N. Y.	Tarver	Zimmerman
Maloney	Robinson, Utah	Taylor, Colo.	
May	Romjue	Taylor, Tenn.	
Mead	Ryan	Thomas, N. J.	

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Bacon (for) with Mr. White of Idaho (against).
Mr. Robinson of Utah (for) with Mr. Knutson (against).
Mr. Culkin (for) with Mr. Kvale (against).
Mr. Harlan (for) with Mr. Bernard (against).
Mr. Gifford (for) with Mr. Withrow (against).
Mr. Wigglesworth (for) with Mr. Schneider of Wisconsin (against).

Until further notice:

Mr. Rayburn with Mr. Wadsworth.
Mr. McReynolds with Mr. Crowther.
Mr. Gavagan with Mr. Reed of New York.
Mr. Woodrum with Mr. Gilchrist.
Mr. Steagall with Mr. Taylor of Tennessee.
Mr. O'Connor of New York with Mr. Woodruff.
Mr. Sumners of Texas with Mr. Thomas of New Jersey.
Mr. Luther A. Johnson with Mr. Andrews.
Mr. McAndrews with Mr. Jarrett.
Mr. Vinson of Georgia with Mr. Millard.
Mr. Tarver with Mr. Cluett.
Mr. Fred M. Vinson with Mr. Engel.
Mr. Bland with Mr. Allen of Illinois.
Mr. Cannon of Missouri with Mr. Ryan.
Mr. Burch with Mr. Kloeb.
Mr. Farley with Mr. Scott.
Mr. Maloney with Mr. O'Neill of New Jersey.
Mr. Drewry with Mr. Cummings.
Mr. Fulmer with Mr. Barden.
Mr. Greenwood with Mr. Gregory.
Mr. Beam with Mr. Crosby.
Mr. McMillan with Mr. Smith of Washington.
Mr. Schuetz with Mr. Buckley of New York.
Mr. Ramspeck with Mr. Ramsay.
Mr. Bloom with Mr. Harrington.
Mr. Peterson of Georgia with Mr. Jacobsen.
Mr. Collins with Mr. Casey of Massachusetts.
Mr. Kleberg with Mr. Healey.
Mr. Kennedy of Maryland with Mr. Keller.
Mr. Snyder of Pennsylvania with Mr. Sadowski.
Mr. Weaver with Mr. McGroarty.
Mr. Peterson of Florida with Mr. Dockweiler.
Mr. Lamneck with Mr. Sweeney.
Mr. Mead with Mr. Mouton.
Mr. Sullivan with Mr. Haines.
Mr. West with Mr. Zimmerman.
Mr. Sabath with Mr. O'Brien of Michigan.
Mr. Hancock of North Carolina with Mr. Magnuson.
Mr. Chapman with Mr. Kelly of New York.
Mr. DeRouen with Mr. Byrne.
Mr. Celler with Mr. Mitchell of Illinois.
Mr. Boykin with Mr. Romjue.
Mr. Kerr with Mr. Lucas.
Mr. Green with Mr. Williams.
Mr. O'Leary with Mr. Wene.
Mr. Taylor of Colorado with Mr. Cannon of Wisconsin.
Mr. Boylan of New York with Mr. Fernandez.
Mr. Sirovich with Mr. Mosier of Ohio.
Mr. Lewis of Maryland with Mr. May.
Mr. Dickstein with Mr. Beverly M. Vincent.
Mr. Delaney with Mr. Smith of West Virginia.
Mr. Gambrill with Mr. Peyser.

The result of the vote was announced as above recorded.

The bill was ordered to be read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. ROGERS of Oklahoma) there were—ayes 73, noes 176.

Mr. ROGERS of Oklahoma. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So the bill was rejected.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. O'NEILL of New Jersey, for 1 day, to attend the funeral of the late Hon. Franklin W. Fort.

To Mr. RUTHERFORD, for tomorrow, on account of important business.

To Mr. GREGORY (at the request of Mr. SPENCE), indefinitely, on account of illness.

To Mr. LUTHER A. JOHNSON, of Texas (at the request of Mr. THOMASON of Texas), on account of death in family.

To Mr. BOEHNE, for 2 days, on account of important business.

THE LATE HONORABLE WILLIAM P. CONNERY, JR.

Mr. COX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a resolution adopted by the railway labor organizations on the death of our late colleague, Mr. Connery, of Massachusetts.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

CONSTRUCTION OF CERTAIN PUBLIC WORKS IN, OR IN THE VICINITY OF, THE DISTRICT OF COLUMBIA

Mr. O'CONNOR of New York, from the Committee on Rules, submitted the following privileged report (H. Res. 256), which was referred to the House Calendar and ordered printed:

House Resolution 256

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 6547, a bill to authorize the Secretary of the Navy to proceed with the construction of certain public works in or in the vicinity of the District of Columbia, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Naval Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

CONSTRUCTION OF CERTAIN AUXILIARY VESSELS FOR THE NAVY

Mr. O'CONNOR of New York, from the Committee on Rules, submitted the following privileged report (H. Res. 257), which was referred to the House Calendar and ordered printed:

House Resolution 257

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 2193, a bill to authorize the construction of certain auxiliary vessels for the Navy. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Naval Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

UNITED STATES CONSTITUTION SESQUICENTENNIAL COMMISSION

Mr. O'CONNOR of New York, from the Committee on Rules, submitted the following privileged report (H. Res. 258), which was referred to the House Calendar and ordered printed:

House Resolution 258

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. J. Res. 363, a resolution to authorize an additional appropriation to further the work of the United States Constitution Sesquicentennial Commission. That after general debate, which shall be confined to the resolution and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Library, the resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the resolution for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

REPORTS FROM COMMITTEE ON RULES

Mr. O'CONNOR of New York. Mr. Speaker, by direction of the Committee on Rules there will be filed tomorrow two more rules, one for the consideration of the farm-tenant bill and one for the consideration of the bill repealing section 213 of the Economy Act, the so-called married woman's bill. These reports will be filed tomorrow.

PERMISSION TO ADDRESS THE HOUSE

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that on tomorrow, following the legislative business of the day, and any previous special orders, the gentleman from New Jersey [Mr. EATON] may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LABOR CONDITIONS

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. RICH. Mr. Speaker, I am in receipt of the following telegram and I am unable to answer it. I think I might be enlightened by some Member of the House. The telegram is as follows:

Cannot Congress appropriate enough money to repay Lewis his campaign donations and loan before the administration gives him the country in part payment? Must every workingman pay tribute to Lewis for life to liquidate this debt? Did contribution also carry an agreement that Pennsylvania State police were to act as pickets for Lewis, or did he also buy Governor Earle?

This comes from one of my constituents, and I am unable to answer it. I should like to have somebody enlighten me.

Mr. O'CONNELL of Montana. Mr. Speaker, will the gentleman yield?

Mr. RICH. Yes.

Mr. O'CONNELL of Montana. Was that from a scab or from somebody that was trying to break up the union?

Mr. RICH. It is from one of my constituents, and I think he is a very good fellow.

LEAVE TO ADDRESS THE HOUSE

Mr. PHILLIPS. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. There is a previous order heretofore made, and the Committee on Indian Affairs still has the call. Is it the purpose of the gentleman from Oklahoma to call up additional bills from the Committee on Indian Affairs?

Mr. ROGERS of Oklahoma. Mr. Speaker, I do not intend to call any more up today. I take this opportunity of asking unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just rejected.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ORDER OF BUSINESS

Under previous order of the House, the gentleman from New York [Mr. FISH] is entitled to recognition for 15 minutes. [After a pause.] The Chair does not see the gentleman.

EXTENSION OF REMARKS

Mr. BIGELOW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a radio address I delivered on social security.

The SPEAKER. Is there objection?

There was no objection.

PERSONAL EXPLANATION

Mr. CITRON. Mr. Speaker, I ask unanimous consent to proceed for half a minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. CITRON. Mr. Speaker, on June 21 I was unavoidably absent. If I had been present, I would have voted "aye" on roll call no. 94, in regard to the Railroad Retirement Act.

JEFFERSON ISLAND

Mr. SHAFER of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SHAFER of Michigan. Mr. Speaker, the city of Worms, Germany, in the Republic of Hesse-Darmstadt, is situated on the left bank of the Rhine, 25 miles south of Mainz.

The diet was the legislative body of the free city of Worms. Over a long period bitter contention grew up between the people and certain privileged classes who had been invested by the rulers with power over the commerce of the city and lands occupied by the citizens. According to the Encyclopedia Britannica, the concordat of Worms agreed upon, under the guidance of Emperor Maximilian in the diet of 1495, is known in history as the diet of Worms concordat of perpetual peace.

With that explanation, Mr. Speaker, I now desire to offer some brief observations on another diet of worms that Franklin, the first, is going to convoke on Jefferson Island in the Chesapeake Bay, Friday, Saturday, and Sunday, June 25–27, for the purpose, it is reported, of promulgating another "concordat of perpetual peace" in the Democratic Party.

This 1937 diet of worms is to be held on Jefferson Island, named, presumably, after Thomas Jefferson, because it is as far from the National Capitol and a pestiferous minority opposition as the New Dealers are from Jefferson's political philosophy of free government. And also because the island can be so effectively guarded that members of the press cannot get on it and then later tell the Nation what takes place.

Too many worms have turned recently to suit Franklin, the first, so he is convoking the diet to unkink them.

Only masculine Democratic worms are to be allowed. Democratic wormesses are not important enough to qualify. Republicans are not even considered in the worm class. Franklin, the first, merely regards them as insects.

Franklin will have his entire court—not the Supreme Court—present to pet the good worms and to enjoy watching the bad worms wiggle. "All in the spirit of good, clean fun", says he. Also, to spot any worms who may be suspected of being "snakes in the grass." Franklin does not want to be bitten again.

The big woolly worm of the other body of this National Legislature is the chief decoy. He is arranging the details of the diet.

Courtier Harry Hopkins and others will be on hand with many hundreds of millions of dollars' worth of special worm bait.

Since Jefferson Island will not accommodate all the worms at one time, Franklin, the first, has split the diet into three sessions to last 3 days. He has picked the names of the worms out of a hat, who, on each of the 3 days, will be allowed to bask in the sunshine of his smile or wiggle under the heat of his wrath, as the case may be.

The natural order is again reversed by Franklin, the first. The diet of worms will be fish.

But there will be one fine old gray worm missing. He has gone to Texas to fish on his own hook.

Franklin, the first, and his court hope this rendezvous with the worms may prove to be his famous "rendezvous with destiny."

Only time will tell.

EXTENSION OF REMARKS

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'CONNOR of Montana. Mr. Speaker, I ask leave to revise and extend my remarks made this afternoon.

The SPEAKER. The gentleman already has that permission.

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. BURDICK. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein certain tables I have worked out myself on unemployment and wages.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection.

There was no objection.

LAW AND ORDER

The SPEAKER. Does the gentleman from Connecticut wish to renew his request to address the House?

Mr. PHILLIPS. Yes.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. PHILLIPS. Mr. Speaker, I rise here at this time and place to address my colleagues on a proposition which I feel is paramount in America today, namely, the upholding of law and order. [Applause.] I yield to no man when it comes to my interest in the downtrodden of this country or of the world, and, if I may make this personal reference, my years in public life since I was first elected mayor of my city in 1922 bear me out in that statement. I yield to no man when it comes to my interest in the workingman, to use that phrase, and I yield to no man when it comes to my love for the American system of government, when it comes to my love for freedom, the right of free speech, the right of free assemblage, the right of a person to worship God as he was brought up to that worship at his mother's knee.

Now, at this time, Mr. Speaker, I feel that we stand at a parting of the ways. Path A is the American system of government as it has been developed over the years—not perfect, it is true; needing to be changed, we admit; but yet the American system of government.

Path B, as some of us see it, leads to a breach of law and order, the logical conclusion of which is a choice between either fascism or communism; and where is there any liberty under either one of those systems?

To its logical conclusion, Mr. Speaker, if this breach of law and order goes on, we will inevitably be forced to choose between fascism and communism—distasteful alike to anyone believing in liberty. What is the next step? Let me address myself to my Jewish friends. Attacks on the Jews. Let me address myself to the Catholics, my friends. What is the next step? Attacks on Catholics. What is the next step, my friends? Let me address myself to the Protestants. Attacks on outspoken Protestants; a breach of everything we have known; no freedom; no liberty; no religious liberty; no freedom of speech—that we have held dear under the American system of government.

So, Mr. Speaker, I call upon you, as a new man, if I may have that permission, and I call upon my colleagues in the House to call from the housetops a defense of the American system of government, a defense of law and order.

Now, may I address myself to a man whom I like personally, whom I admire, whom I respect—the President of the United States. O Mr. President, thousands of people

listen to you; thousands of people have worshiped you; thousands of people have followed you. Speak out! Speak out! Call upon your followers to uphold law and order against everybody [applause], and thus to protect everything we have held dear in America. [Applause.]

The SPEAKER. The gentleman yields back 5 minutes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled, bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 3687. An act to extend the period during which the purposes specified in section 7 (a) of the Soil Conservation and Domestic Allotment Act may be carried out by payments by the Secretary of Agriculture to producers;

H. R. 7328. An act to authorize an appropriation to carry out the provisions of the act of May 3, 1928 (45 Stat. L.), and for other purposes; and

H. J. Res. 415. Joint resolution making an appropriation to defray expenses incident to the dedication of chapels and other World War memorials erected in Europe, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 703. An act for the relief of Elbert Arnold Jarrell;

H. R. 937. An act for the relief of Goldie Durham;

H. R. 988. An act for the relief of Otis Cordle, a minor;

H. R. 1065. An act for the relief of Mrs. Louis Abner;

H. R. 1275. An act for the relief of Sarah L. Smith;

H. R. 2090. An act for the relief of John Knaack;

H. R. 2108. An act for the relief of Dorothy White, Mrs. Carol M. White, and Charles A. White;

H. R. 2226. An act for the relief of Leah Levine;

H. R. 2630. An act for the relief of R. N. Teague and Minnie Teague;

H. R. 2781. An act for the relief of Rev. Harry J. Hill;

H. R. 2801. An act for the relief of Claude Curteman;

H. R. 2935. An act for the relief of Montrose Grimstead;

H. R. 3055. An act for the relief of the estate of John E. Callaway;

H. R. 3451. An act for the relief of F. M. Loeffler;

H. R. 3575. An act for the relief of Albert Retellatto, a minor;

H. R. 3583. An act for the relief of Martin J. Blazevich;

H. R. 3812. An act for the relief of the estate of Rees Morgan;

H. R. 4023. An act for the relief of Lucy Jane Ayer;

H. R. 4064. An act making appropriations for the executive office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1938, and for other purposes;

H. R. 4408. An act to provide for the renewal of star-route contracts at 4-year intervals, and for other purposes;

H. R. 5146. An act for the relief of Sarah E. Palmer;

H. R. 5214. An act conferring jurisdiction upon the United States District Court for the Eastern District of Arkansas to hear, determine, and render judgment upon the claim of Charles W. Benton; and

H. R. 5456. An act for the relief of Harold Scott and Ellis Marks.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 29 minutes p. m.) the House adjourned until tomorrow, Thursday, June 24, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE—POSTPONED

The meeting of the Committee on Interstate and Foreign Commerce on Thursday, June 24, 1937, at 10 a. m., to continue hearings on H. R. 6968, to amend the Securities Act of 1933, has been postponed.

The bridge subcommittee meeting on H. R. 7405 and S. 2156, Omaha-Council Bluffs Missouri River bridge, announced for 10 a. m., Thursday, June 24, 1937, has been postponed until 2 p. m. of the same day.

COMMITTEE ON THE DISTRICT OF COLUMBIA

A subcommittee of the committee will meet at 9: 30 a. m., in room 345, House Office Building, on Thursday, June 24, 1937, to consider H. R. 6811, to require each streetcar and bus * * * to carry a crew of two men; and H. R. 6862, to prescribe the maximum fare on streetcars and busses; and other matters relating to the transportation system.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., Tuesday, June 29, 1937, at 10 a. m., on H. R. 6039 and H. R. 7309, known as the "Fishery Credit Act" bills.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce, at 10 a. m., Wednesday, July 7, 1937, on H. R. 5182 and H. R. 6917, textile bills.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

678. A letter from the Chairman of the Reconstruction Finance Corporation, transmitting a report covering the operations of the Reconstruction Finance Corporation for the first quarter of 1937, and for the period from the organization of the Corporation on February 2, 1932, to March 31, 1937, inclusive (H. Doc. No. 271); to the Committee on Banking and Currency and ordered to be printed.

679. A letter from the Chairman of the Federal Reserve System, transmitting the twenty-third annual report, prepared by direction of the Board of Governors of the Federal Reserve System, covering operations during the calendar year 1936 (H. Doc. No. 23); to the Committee on Banking and Currency and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. CROSSER: Committee on Interstate and Foreign Commerce. S. 29. An act to promote the safety of employees and travelers on railroads by requiring common carriers engaged in interstate commerce to install, inspect, test, repair, and maintain block-signal systems, interlocking, automatic train-stop, train-control, cab-signal devices, and other appliances, methods, and systems intended to promote the safety of railroad operation; with amendment (Rept. No. 1081). Referred to the Committee of the Whole House on the state of the Union.

Mr. ANDREWS: Committee on Military Affairs. S. 1972. An act to authorize the Secretary of War to sell, loan, or give samples of supplies and equipment to prospective manufacturers; without amendment (Rept. No. 1082). Referred to the Committee of the Whole House on the state of the Union.

Mr. THOMASON of Texas: Committee on Military Affairs. S. 2295. An act to amend the act approved June 7, 1935 (Public, No. 116, 74th Cong.; 49 Stat. 332), to provide for an additional number of cadets at the United States

Military Academy, and for other purposes; without amendment (Rept. No. 1083). Referred to the Committee of the Whole House on the state of the Union.

Mr. O'CONNOR of New York: Committee on Rules. House Resolution 256. Resolution providing for the consideration of H. R. 6547, a bill to authorize the Secretary of the Navy to proceed with the construction of certain public works in or in the vicinity of the District of Columbia, and for other purposes; without amendment (Rept. No. 1084). Referred to the House Calendar.

Mr. O'CONNOR of New York: Committee on Rules. House Resolution 257. Resolution providing for the consideration of S. 2193, an act to authorize the construction of certain auxiliary vessels for the Navy; without amendment (Rept. No. 1085). Referred to the House Calendar.

Mr. O'CONNOR of New York: Committee on Rules. House Resolution 258. Resolution providing for the consideration of House Joint Resolution 363, a joint resolution to authorize an additional appropriation to further the work of the United States Constitution Sesquicentennial Commission; without amendment (Rept. No. 1086). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER: A bill (H. R. 7640) to assure to certain aliens asylum within the United States; to the Committee on Immigration and Naturalization.

By Mr. SAUTHOFF: A bill (H. R. 7641) to authorize the attendance of the Marine Band at the National Encampment of the Grand Army of the Republic to be held at Madison, Wis., September 5 to 10, inclusive, 1937; to the Committee on Naval Affairs.

By Mr. MANSFIELD: A bill (H. R. 7642) to authorize the completion, maintenance, and operation of Bonneville project for navigation, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. EICHER: A bill (H. R. 7643) to provide for the further development of industry and commerce through research in the physical sciences, and to promote industry and commerce through business research; to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN of Massachusetts: A bill (H. R. 7644) to authorize the Secretary of War to provide for sale of rifles to certain veterans' organizations for ceremonial purposes; to the Committee on Military Affairs.

By Mr. HILL of Alabama: A bill (H. R. 7645) to authorize appropriations for construction and rehabilitation at military posts, and for other purposes; to the Committee on Military Affairs.

By Mr. WHITTINGTON: A bill (H. R. 7646) to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936; to the Committee on Flood Control.

By Mr. PHILLIPS: A bill (H. R. 7647) to further the neutrality policy of the United States; to the Committee on Immigration and Naturalization.

By Mr. ARNOLD: A bill (H. R. 7648) to provide for a term of court at Mount Vernon, Ill.; to the Committee on the Judiciary.

By Mr. O'CONNOR of Montana: A bill (H. R. 7649) relating to certain lands within the boundaries of the Crow Reservation, Mont.; to the Committee on Indian Affairs.

By Mrs. ROGERS of Massachusetts: A bill (H. R. 7650) to authorize the Secretary of Agriculture to investigate and report on traffic conditions, with recommendations for corrective legislation; to the Committee on Roads.

By Mr. SABATH: Resolution (H. Res. 259) authorizing expenses incurred by the Select Committee to Investigate Real Estate Bondholders' Reorganizations; to the Committee on Accounts.

By Mr. COLE of Maryland: Joint resolution (H. J. Res. 423) relating to the employment of personnel and expenditures made by the Charles Carroll of Carrollton Bicentenary Commission; to the Committee on the Library.

By Mr. LUECKE of Michigan: Joint resolution (H. J. Res. 424) authorizing an investigation of the fisheries and fishing industry of the Great Lakes by the United States Bureau of Fisheries; to the Committee on Merchant Marine and Fisheries.

By Mr. WALTER: Joint resolution (H. J. Res. 425) providing for the abolition of the Home Owners' Loan Corporation and the transfer of its duties and assets to the Federal Housing Administration for performance and liquidation; to the Committee on Banking and Currency.

By Mr. VOORHIS: Joint resolution (H. J. Res. 426) to restrict the sale of bonds and securities, and for other purposes; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 7651) granting a pension to Lavinia McDonald Beard; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 7652) granting a pension to Bertha E. Fleming; to the Committee on Pensions.

By Mr. BLOOM: A bill (H. R. 7653) authorizing the payment of an indemnity to the Spanish Government on account of the death of Juan Neira, a Spanish subject, killed at Savannah, Ga., by a United States truck; to the Committee on Foreign Affairs.

By Mr. GREEN: A bill (H. R. 7654) for the relief of Joe S. Devlin; to the Committee on Military Affairs.

By Mr. HOOK: A bill (H. R. 7655) granting an increase of pension to Nellie Flynn; to the Committee on Invalid Pensions.

By Mr. O'BRIEN of Michigan: A bill (H. R. 7656) granting a pension to George Austin; to the Committee on Pensions.

By Mr. O'TOOLE: A bill (H. R. 7657) for the relief of Max D. Ordmann; to the Committee on Claims.

Also, a bill (H. R. 7658) to confer jurisdiction on the Court of Claims to determine the damages sustained by Aktieselskabet Reidar; to the Committee on Claims.

By Mr. RUTHERFORD: A bill (H. R. 7659) to authorize the cancelation of deportation proceedings in the case of Jacob Tabah, wife Esther, and daughters Bertha, Dora, Rosa, and Angela; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under the clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2728. By Mr. CURLEY: Resolution of Local No. 802, American Federation of Musicians, endorsing the Wagner-Van Nuys antilynching bill; to the Committee on the Judiciary.

2729. Also, resolution of the Throggs Neck Property Owners and Welfare Association of Throggs Neck, New York, N. Y., endorsing House bill 7132, introduced by Congressman EDWARD W. CURLEY; to the Committee on Banking and Currency.

2730. Also, resolution of the Board of Estimate and Apportionment of the city of New York, urging passage of House bill 6841, introduced by Congressman CULLEN, extending the time for filing claims for refunds under section 15 (c) of the Agricultural Adjustment Act (processing tax); to the Committee on Agriculture.

2731. By Mr. FITZPATRICK: Petition of the Board of Estimate and Apportionment of the City of New York, urging the passage of House bill 6841, introduced by Congressman CULLEN of New York, extending the time for filing claims for refunds under section 15 (c) of the Agriculture Adjustment Act (processing tax); to the Committee on Agriculture.

2732. By Mr. KEOGH: Petition of the National Casket Co., Long Island City, N. Y., concerning the Black-Connery bill; to the Committee on Labor.

2733. Also, petition of the Board of Estimate and Apportionment of the city of New York, approving the passage of the Cullen bill (H. R. 6841); to the Committee on Agriculture.

2734. By Mr. KRAMER: Resolution of the Assembly and the Senate of the State of California, relative to memorializing the President and Congress to amend the Social Security Act so as to enable such States, as may desire to do so, to bring the employees of such State within the provisions of such act relating to old-age benefits; to the Committee on Ways and Means.

2735. By Mr. O'MALLEY: Joint resolution of the Wisconsin State Legislature, petitioning Congress to retain Civilian Conservation Corps camps on State and county forests; to the Committee on Labor.

2736. Also, joint resolution of the Wisconsin State Legislature, memorializing Congress to pass House bill 5538, relating to blind pensions; to the Committee on Pensions.

2737. By Mr. PFEIFER: Petition of the Board of Estimate and Apportionment of the city of New York, urging the passage of House bill 6841, introduced by Congressman CULLEN; to the Committee on Agriculture.

2738. Also, petition of the National Casket Co., Long Island City, N. Y., concerning the Black-Connery bill; to the Committee on Labor.

2739. Also, petition of the American Federation of State, County, and Municipal Employees, New York City, concerning the Sheppard-Hill bill; to the Committee on Military Affairs.

2740. Also, petition of the Endicott-Johnson Corporation, Endicott, N. Y., concerning the low tariff on shoes imported from Czechoslovakia, and urging protection for American labor; to the Committee on Ways and Means.

2741. Also, petition of the Finger Lakes Wine Growers' Association, Hammondsport, N. Y., concerning House bill 6206 and Senate bill 2191, the labeling of domestic wines; to the Committee on Ways and Means.

2742. By Mr. QUINN: Resolution of the Straight Forward Lodge, Steel Workers' Organizing Committee, Brackenridge, Pa., protesting against the Sheppard-Hill bill (S. 25 and H. R. 1954); also resolution urging the passage of the Wagner-Steagall bill for low-cost housing; to the Committee on Military Affairs.

2743. By the SPEAKER: Petition of Charles H. Sweigle, of Los Angeles, Calif., urging enactment of his plan for social security; to the Committee on Ways and Means.

SENATE

THURSDAY, JUNE 24, 1937

(Legislative day of Tuesday, June 15, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, June 23, 1937, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. At the request of the leader, I ask for a roll call in order to assure the presence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Johnson, Colo.	Pope
Andrews	Connally	La Follette	Reynolds
Ashurst	Copeland	Lee	Robinson
Austin	Davis	Lewis	Russell
Bailey	Dieterich	Lodge	Schwartz
Bankhead	Duffy	Logan	Schwellenbach
Barkley	Ellender	Lonergan	Shipstead
Black	Frazier	Lundeen	Smathers
Bone	Gerry	McAdoo	Smith
Borah	Gillette	McGill	Steiwer
Bridges	Glass	McKellar	Thomas, Okla.
Brown, Mich.	Green	McNary	Thomas, Utah
Brown, N. H.	Guffey	Minton	Truman
Bulkley	Hale	Moore	Vandenberg
Bulow	Harrison	Murray	Van Nuys
Burke	Hatch	Neely	Walsh
Byrd	Hayden	Nye	Wheeler
Byrnes	Herring	O'Mahoney	White
Capper	Hitchcock	Overton	
Caraway	Holt	Pepper	
Chavez	Johnson, Calif.	Pittman	

Mr. LEWIS. I announce that the Senator from Utah [Mr. KING] and the Senator from Connecticut [Mr. MALONEY] are detained from the Senate because of illness.

The Senator from Tennessee [Mr. BERRY], the Senator from Mississippi [Mr. BILBO], the Senator from New Hampshire [Mr. BROWN], the Senator from Ohio [Mr. DONAHEY], the Senator from Georgia [Mr. GEORGE], the Senator from Delaware [Mr. HUGHES], the Senator from Nevada [Mr. MCCARRAN], the junior Senator from Maryland [Mr. RADCLIFFE], the Senator from Texas [Mr. SHEPPARD], the senior Senator from Maryland [Mr. TYDINGS], and the Senator from New York [Mr. WAGNER] are all detained upon important public business.

Mr. AUSTIN. I announce that my colleague the Senator from Vermont [Mr. GIBSON], the Senator from North Dakota [Mr. NYE], and the Senator from Delaware [Mr. TOWNSEND] are necessarily absent.

Mr. SCHWELLENBACH. I am requested to announce that the senior Senator from Nebraska [Mr. NORRIS] is detained from the Senate because of illness. I ask that this announcement stand for the day.

The PRESIDENT pro tempore. Eighty-one Senators have answered to their names. A quorum is present.

TRIBUTE TO THE LATE SENATOR LOUIS MURPHY

Mr. GILLETTE. Mr. President, a little less than a year ago an unusually distressing automobile accident occasioned the death of the then junior Senator from the State of Iowa, the Honorable LOUIS MURPHY, of Dubuque. There is no verbal tribute to his memory that I could here pay that would enhance in any way the esteem in which he was held by the Members of the Senate who were privileged to know him, or diminish in any way the intensity of the feelings of sorrow and loss that were universal among the people of our State on the occasion of the passing of this distinguished Senator.

He, more than any man I ever knew, would disapprove any attempt on the part of his unworthy successor to make public reference to the Senator's service here, in fulsome or even ordinarily eulogistic phraseology. Everyone who knew him in his home State and everyone who knew him as an associate in this Chamber knows that the intensely human, the exceptionally lovable LOUIS MURPHY would prefer the brief but forceful record of the life of Abou Ben Adhem: "Write me as one who loved his fellow men."

Holy Writ informs us that "no man liveth unto himself and no man dieth unto himself." Every man's life is a contribution to the well-being and happiness of those with whom he comes in contact, or it serves to lower the average of clean and noble living in the community where that life is lived. No one whose life was touched by association with this departed Senator has any doubt of the helpful contribution he made in his home, his city, his State, and in his public service. His untimely death did not destroy that influence. He liked to think that every life was a tiny element in the upward struggle of mankind to its high des-

tiny, and I know he would want me to close this brief reference to him with a quotation that he loved:

Dead; and the sun still shines,
Just dead; but the soft breeze is blowing,
Dead; and the blue lake dimples and smiles,
And the rowers sing at their rowing.
The world moves on just the same,
Scarce a leaf on the elm tree flutters,
And the balmy air of the blooming spring
Sifts in through the half-open shutters.

CONFEREES ON WAR DEPARTMENT APPROPRIATION BILL

Mr. COPELAND. Mr. President, the conferees on House bill 6692, the War Department appropriation bill, have had a meeting and have found there are two absentees among the conferees appointed to represent the Senate. I ask the Chair if he will not appoint two more?

The PRESIDENT pro tempore. The Chair appoints as additional conferees on the part of the Senate the Senator from Louisiana [Mr. OVERTON] and the Senator from Vermont [Mr. AUSTIN].

OPERATIONS OF HOME OWNERS' LOAN CORPORATION IN CALIFORNIA (PT. 2, S. DOC. NO. 77)

The PRESIDENT pro tempore laid before the Senate a letter from the Chairman of the Federal Home Loan Bank Board, transmitting, in further response to Senate Resolution 135 (submitted by Mr. MCADOO and agreed to May 20, 1937), data setting forth the names, titles, salaries, and addresses of employees of the Home Owners' Loan Corporation in its California offices during the fiscal year ended June 30, 1934, and stating that similar data for the fiscal years 1935 and 1936, and for the regional office personnel, will be transmitted as soon as such information is received and assembled, which, with the accompanying papers, was ordered to lie on the table and to be printed.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate a resolution adopted by a meeting of Local No. 79, Workers' Alliance of America, at Lincoln Park, Pittsburgh, Pa., endorsing the requests of sit-in strikers, composed of W. P. A. workers at the old post office, Pittsburgh, Pa., for a 20-percent wage increase and recognition of the Workers' Alliance, the C. I. O., and American Federation of Labor unions as exclusive bargaining agencies for all W. P. A. workers, and protesting against mass lay-offs, which was referred to the Committee on Education and Labor.

Mr. COPELAND presented a resolution adopted by the Board of Estimate and Apportionment of New York City, favoring the enactment of House bill 6841, relative to extending the time for filing claims for refunds under section 15 (c) of the Agricultural Adjustment Act (processing tax), which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of New York City and vicinity, praying for the enactment of House bill 238, known as the Ellenbogen textile bill, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Adirondack Resorts Association of New York State, requesting that the International Joint Commission withhold its approval of the application made by the Dominion of Canada to that Commission for permission to dam the outlet of Lake Champlain and to control the level of certain lakes in the United States, which was referred to the Committee on Foreign Relations.

REPORT OF COMMITTEE ON PUBLIC LANDS AND SURVEYS

Mr. ADAMS, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1216) authorizing the Secretary of the Interior to convey certain land to the State of Montana to be used for the purposes of a public park and recreational site, reported it with amendments and submitted a report (No. 816) thereon.

EXECUTIVE REPORT OF COMMITTEE ON APPROPRIATIONS

As in executive session,

Mr. MCKELLAR, from the Committee on Appropriations, reported favorably the nomination of Harry W. Witters, of Vermont, to be State administrator for Vermont in the Works Progress Administration.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. COPELAND:

A bill (S. 2702) for the relief of James A. Ellsworth;

A bill (S. 2703) for the relief of the Curtiss Aeroplane & Motor Co., Inc.; and

A bill (S. 2704) for the relief of the Curtiss Aeroplane & Motor Co., Inc.; to the Committee on Claims.

By Mr. BLACK:

A bill (S. 2705) to provide for the taking of a census of employment, unemployment, and occupations, and for other purposes; to the Committee on Education and Labor.

By Mr. O'MAHONEY and Mr. ADAMS:

A bill (S. 2706) to regulate commerce among the several States, with the Territories and possessions of the United States, and with foreign countries; to protect the welfare of consumers of sugars and of those engaged in the domestic sugar-producing industry; to promote the export trade of the United States; to raise revenue; and for other purposes; to the Committee on Finance.

By Mr. MCADOO:

A bill (S. 2707) conferring jurisdiction upon the Court of Claims to hear and determine the claim of the Mack Copper Co.; to the Committee on Claims.

By Mr. ROBINSON (for Mr. TYDINGS):

A joint resolution (S. J. Res. 171) relating to the employment of personnel and expenditures made by the Charles Carroll of Carrollton Bicentenary Commission; to the Committee on the Library.

FREEDOM AND RESPONSIBILITY OF SEAMEN—ARTICLE FROM SEAMEN'S JOURNAL

[Mr. COPELAND asked and obtained leave to have printed in the RECORD an article published in the Seamen's Journal for June 1937 entitled "Freedom Implies Responsibility", which appears in the Appendix.]

RETIREMENT OF RAILROAD EMPLOYEES

Mr. LEWIS. Mr. President, may I at this point address an inquiry to the Senator from Montana [Mr. WHEELER], chairman of the Interstate Commerce Committee, for the purpose of the RECORD?

Yesterday when the railroad employees' retirement bill was presented, the able Senator from Montana, chairman of the Interstate Commerce Committee, stated that there had been some understanding satisfactory to both sides, the employers or the heads of the railroad companies and the unions. I had previously stated on the floor of the Senate that such was the condition as reported to me. Today I am in receipt of a telegram from members of the unions at my home protesting against what the Senate did yesterday and protesting also against my statement that the action taken by the Senate was a result of an agreement between the parties honestly carried out here on the floor. I ask the Senator from Montana, chairman of the Interstate Commerce Committee, is it not true that it has been given to the Senate to understand, and the statement was made and it was our belief that there was an understanding between the unions themselves and the heads of the railroads to carry out the program presented and adopted yesterday?

Mr. WHEELER. I may say that the Senator is entirely correct, according to my information. Representatives of the four brotherhoods, including Mr. Harrison, Mr. Manion, and Mr. Johnson, and also the representative of the railroads themselves, Mr. Pelley, representing the class 1 railroads, told me that they had an understanding and agreement; that they had submitted it to the President; that the President and the Secretary of the Treasury had approved it; and that it was a mutual understanding between the railroads and the four or five large brotherhoods.

Mr. LEWIS. Am I authorized by the able Senator to so quote him in the reply to the telegrams I have received?

Mr. WHEELER. Yes.

Mr. LEWIS. I thank the Senator.

Mr. HARRISON. Mr. President, may I say that when the matter came up there was some question as to the amount agreed upon and whether the taxes provided would be sufficient.

Mr. LEWIS. The Senator is now making a response to my inquiry, is he?

Mr. HARRISON. Yes. The question was whether or not the rate of tax that had been agreed upon by the brotherhoods and the railroad companies——

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. McNARY. When the unanimous-consent agreement was entered into yesterday it was understood that we would have opportunity during the time before 12:30 o'clock to discuss the pending committee amendment to the joint resolution extending certain taxes, and I suggest that, inasmuch as the Senator from Michigan seeks recognition, that the Senate proceed with the subject matter which we had under discussion rather than to discuss something foreign to it.

Mr. HARRISON. I think the Senator from Oregon is right, but I may say to the Senator from Illinois that I think the information he obtained from the Senator from Montana is exactly correct.

EXTENSION OF CERTAIN TAXES

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the joint resolution (H. J. Res. 375) to provide revenue, and for other purposes.

The PRESIDENT pro tempore. The question is on the amendment reported by the committee to strike out "2 years" and insert in lieu thereof "1 year" as the time for the extension of the taxes.

Mr. BORAH. I offer an amendment to the pending joint resolution and ask that it lie on the table.

The PRESIDENT pro tempore. The amendment will be received and lie on the table.

Mr. VANDENBERG. Mr. President, when the Senate recessed last night it was under a unanimous-consent agreement to vote today at 12:30 o'clock on the committee amendment to the joint resolution extending the nuisance taxes, so-called. The Senate Finance Committee reported an amendment to amend the House joint resolution to reduce the time of the extension from 2 years to 1 year.

I was somewhat amazed in the late hours of the session yesterday to discover that this committee amendment is to be resisted. Many Senators were not present at that time. I, therefore, desire to repeat what I believe to be not only the persuasive but the irresistible reasons why the Finance Committee proposes to reduce the extension period from 2 years to 1 year and why the committee should be sustained.

Mr. President, this joint resolution extends the excise taxes on copper, coal, oil, and lumber. I fully understand the feelings of those Members of the Senate who wish that those particular taxes could be indefinitely extended, and I would join them in wishing they might be extended for 2 years or 5 years, but I submit that that is not a sufficient reason—and I say it in spite of my own deep local interest in the copper situation—to justify Senators in voting to extend for 2 years $650,000,000 of what are virtually sales taxes resting upon the whole body of the people of the United States.

I doubt if any tax bill that comes before the Senate reaches a larger number of American people than does this one, because it puts what is nothing more nor less than a sales tax upon numerous commodities which enter into the daily life of every man, woman, and child in the land.

Mr. President, what happened when the joint resolution to extend these taxes for 2 years appeared in the Congress? It appeared first in the House. It was held back until the very last possible moment that it could be acted upon prior to the expiration of the existing taxes on June 30. I do not charge that that was willful. I say that was the situation.

Therefore, when the measure proposing the extension appeared before the House Ways and Means Committee, and when numerous taxpayers of the country sought a chance to be heard on the question whether or not this $650,000,000 burden should be extended upon them, they were told there was no time for them to be heard; that "time is the essence of the extension of the act", and that the legislation must be concluded without permitting a single taxpayer in the land to be heard in protest against the exactions involved. Therefore the House passed this extension of 2 years without having heard a soul.

The joint resolution came over to the Senate. In the Senate Finance Committee it was moved that the matter be opened to hearings because again we were notified that many taxpayers wanted the chance and the right to be heard. Many of them were prepared to argue that a change in the tax schedule would produce more revenue rather than less. But again we were met with the argument that there was no time to hear anybody, that the matter had to be completed within a week or 10 days. The motion to permit hearings therefore was defeated.

After that motion was defeated the Senate Finance Committee, including the distinguished chairman, the Senator from Mississippi [Mr. HARRISON], unanimously agreed, with 14 members present, that since all hearings to all taxpayers had to be denied under the circumstances the least we could do would be to confine the extension of the $650,000,000 burden to 1 year instead of 2 years, so that in the interim the subject might be explored and taxpayers might be heard in respect to the proposed exaction. I repeat, the committee voted unanimously to confine the extension to 1 year.

It is said upon the other side that even though we vote to extend these taxes for 2 years we can intervene in the course of the 2 years and act spontaneously in changing the law if we see fit. That begs the question, and every Senator knows it begs the question. If the joint resolution is passed and these taxes are extended for 2 years they will stay extended for 2 years, in spite of anything, and there will be no intervening action. This is the time when the Senate ought to decide whether it is fair to levy this $650,000,000 of sales taxes without ever giving the American people a chance to be heard in respect to them, whether this is the time to extend them for 2 years, when the committee recommends 1 year, on the theory that at the end of the 1 year, if the revenue is still required, another extension of another year can be had.

Let us not mistake what these taxes are. These are sales taxes which, I repeat, fall upon all the people of the country.

They are sales taxes upon gasoline.

They are sales taxes upon electrical energy.

They are sales taxes upon lubricating oil.

They are sales taxes upon telegraph, telephone, cable, radio facilities, and leased wires.

They are sales taxes upon toilet preparations.

They are sales taxes upon the transportation of oil by pipe lines.

They are sales taxes upon mechanical refrigerators.

They are sales taxes upon matches.

They are sales taxes upon sporting goods.

They are sales taxes upon radio sets.

They are sales taxes upon articles made of fur.

They are sales taxes upon firearms, shells, and so forth.

They are sales taxes upon brewer's wort and malt sirup.

They are sales taxes upon chewing gum.

They are sales taxes upon cameras and lenses.

They are sales taxes on crude petroleum.

They are sales taxes on coal and coke.

They are sales taxes on copper and copper concentrates.

They are sales taxes upon lumber.

They are sales taxes upon paraffin and other petroleum wax products.

They are sales taxes on gasoline and lubricating oil.

They are stamp taxes on transfers of bonds and upon deeds of conveyance.

They are further sales taxes upon automobiles and motorcycles, upon tires and tubes, upon automobile accessories, and upon automobile trucks.

We could not have taxes that come closer to the whole body of American experience than do these; we could not have taxes that come closer to the family budget than do these. There is no excuse on earth for the extension of the $650,000,000 burden for 2 years when by extending it 1 year we will have provided subsequent opportunity for a rational and deliberative study of the whole situation and the chance of giving the American taxpayer an opportunity to do something besides just be "soaked."

This is an issue which the Senate Finance Committee unanimously raised, and I submit the Senate owes it to the committee and to the taxpayers involved to sustain and adopt the amendment now pending.

Mr. HARRISON. Mr. President, the measure which imposed the taxes which the joint resolution proposes to extend was originally considered by Congress in 1932. The party with which I am affiliated was not then in control of the Government. I was a humble member of the minority on the committee, but we accepted the suggestions of the Treasury Department, then in charge of Mr. Mills, and we wrote them into the law. Because of the depression and the economic situation, we have been forced to extend this law three times, I believe, on one occasion for 2 years, on another occasion for 1 year, and on still another occasion for 2 years.

I know not what prompted the House to pass the joint resolution fixing the extension for 2 years. I presume it was because of the condition of the Treasury.

The President has expressed the hope that he can balance the Budget in 1938, excluding, of course, requirements for the sinking fund. There may be a deficit of $481,000,000, but the President has stated he is going to try to curtail and reduce expenditures and wipe out that deficit of $481,000,000. However, in all the estimates of the Bureau of the Budget it is made clear that the Government must have the $650,000,000 revenue derived from these so-called nuisance taxes.

The House passed the joint resolution extending the law for 2 years, so that we may not have the question confronting us next year when Members of the House and Senate, I presume, will want to return home and conduct their political campaigns, and also because the requirements of the Treasury make the 2-year extension necessary.

The Senator from Michigan said the Finance Committee, including the chairman, was unanimously in favor of making the extension 1 year, the vote being 14 to 0. The Senator from Michigan is one of the smartest gentlemen on this floor. He always entrances me when he speaks and almost convinces me against my own position. However, the Senator knows the Committee on Finance, when this matter came up, immediately proceeded to its consideration. I do not know why it was delayed in the House. That is not for us to say here. I do not know why the delay occurred, and I am not going to criticize the House. The House passed the joint resolution and immediately, I think the next day, the Senate Committee on Finance was called together to take it up for consideration. The committee felt that if we opened up the measure for amendment it would not be possible to get it before the Senate by the 30th of June. It must be passed by the Senate before the 30th of June unless we want the $650,000,000 income for next year to lapse.

Mr. CONNALLY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Texas?

Mr. HARRISON. Certainly.

Mr. CONNALLY. Has not the Finance Committee repeatedly in years past had hearings on all these matters?

Mr. HARRISON. I am coming to that point.

Mr. CONNALLY. Anyone who would read the old hearings would know all about the matter, would he not?

Mr. HARRISON. In the hearings in the past we have covered every question involved in the various items on which there is an extension of taxes. Representatives of all interested parties have appeared before the committee and have been given every consideration. The committee, wisely in my opinion, said that because we were not going to amend the joint resolution, we would not have hearings upon it. It would have been perfectly foolish to have hearings when the committee had decided not to amend the joint resolution.

Mr. BARKLEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Kentucky?

Mr. HARRISON. Certainly.

Mr. BARKLEY. The Senator has referred to the fact that these excise taxes were levied originally in 1932.

Mr. HARRISON. Yes.

Mr. BARKLEY. I recall when we were considering the tax bill of 1932 it finally came down to a question of being required to raise a certain amount of money. The then Secretary of the Treasury, Mr. Mills, came before the committee repeatedly, and it was found that we were short several hundred million dollars. Accordingly these taxes were levied in order to make up the shortage, which the Treasury insisted should be done in order that it might carry out its financial program.

The point is that there has not been an hour since that time when these taxes were not just as badly needed as they were when they were originally levied, and they are just as much needed now as they were in 1932. If we might balance the Budget next year by the collection of these taxes for one more year and automatically allow them to lapse, it would be well to do so, in order that we might not be required in the middle of the summer next year to consider them and reenact them for another year and have the Treasury in almost as embarrassing a situation as it was in 1932.

Mr. HARRISON. I think the Senator is absolutely correct.

As to what happened in the committee, 14 members voted for this amendment. I was pretty much "on the spot" the day the amendment was considered, because, unfortunately, by reason of the press of business, many of the majority members were not present. My friend from Michigan [Mr. VANDENBERG] was there, enthusiastically working with all the minority, and, of course, they have a large number. We had two or three votes, and because of the absence of many Senators on my side the vote was 7 to 7.

I wanted to get the joint resolution out of the committee, and so there was no roll call upon this amendment making the period of extension 1 year. We reported the joint resolution. I am not going to ask the Senate to vote one way or the other. My personal view was that the taxes should be extended for 2 years. I wish the committee had taken that action. Now I am embarrassed, because my committee has brought out a provision for an extension of 1 year. The Senate can vote as they please on it; but I think, in all wisdom, the tax ought to be extended for 2 years.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. VANDENBERG. To complete the record in respect to the action in the committee, I will ask the Senator if it is not true that after I had raised the question of 1 year the suggestion respecting the ultimate action of the committee was made by the distinguished senior Senator from Massachusetts [Mr. WALSH]?

Mr. HARRISON. The Senator is correct; but the Senator did not hear the Senator from Mississippi say anything about it.

Mr. VANDENBERG. I certainly did not hear the Senator from Mississippi vote "no."

The PRESIDENT pro tempore. The question is on agreeing to the first amendment reported by the committee, found on page 1, line 6, to strike out "1939" and insert "1938."

Mr. McNARY and other Senators called for the yeas and nays, and they were ordered.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HALE (when his name was called). I have a general pair with the senior Senator from Texas [Mr. SHEPPARD]. I transfer that pair to the junior Senator from Vermont [Mr. GIBSON] and will vote. I vote "yea." I am advised that the Senator from Texas would vote "nay."

The roll call was concluded.

Mr. McKELLAR. I have a general pair with the senior Senator from Delaware [Mr. TOWNSEND]. I transfer that pair to the senior Senator from Maryland [Mr. TYDINGS] and will vote. I vote "nay."

Mr. FRAZIER. My colleague [Mr. NYE] is absent. He is paired on this amendment with the junior Senator from Maryland [Mr. RADCLIFFE]. If my colleague were present, he would vote "yea", and I understand that if the Senator from Maryland were present he would vote "nay."

Mr. LEWIS. I announce that on this question the Senator from Utah [Mr. KING] is paired with the Senator from Mississippi [Mr. BILBO]. If present and voting, the Senator from Utah would vote "yea", and the Senator from Mississippi would vote "nay."

Mr. AUSTIN. The Senator from Delaware [Mr. TOWNSEND] and my colleague [Mr. GIBSON] are necessarily absent. Their pairs have been announced.

Mr. LEWIS. I announce that the Senator from Utah [Mr. KING] and the Senator from Connecticut [Mr. MALONEY] are detained from the Senate because of illness.

The Senator from Tennessee [Mr. BERRY], the Senator from Mississippi [Mr. BILBO], the Senator from New Hampshire [Mr. BROWN], the Senator from Ohio [Mr. DONAHEY], the Senator from Georgia [Mr. GEORGE], the Senator from Delaware [Mr. HUGHES], the Senator from Nevada [Mr. McCARRAN], the junior Senator from Maryland [Mr. RADCLIFFE], the Senator from Texas [Mr. SHEPPARD], the senior Senator from Maryland [Mr. TYDINGS], and the Senator from New York [Mr. WAGNER] are detained on important public business.

The Senator from North Carolina [Mr. BAILEY], the Senator from Alabama [Mr. BLACK], and the Senator from Washington [Mr. BONE] are detained in important committee meetings.

The result was announced—yeas 26, nays 50, as follows:

YEAS—26

Austin	Capper	Johnson, Calif.	Shipstead
Borah	Copeland	La Follette	Steiwer
Bridges	Davis	Lodge	Vandenberg
Brown, Mich.	Frazier	Lonergan	Walsh
Bulkley	Glass	McNary	White
Burke	Hale	Moore	
Byrd	Holt	Russell	

NAYS—50

Adams	Ellender	Logan	Reynolds
Andrews	Gerry	Lundeen	Robinson
Ashurst	Gillette	McAdoo	Schwartz
Bankhead	Green	McGill	Schwellenbach
Barkley	Guffey	McKellar	Smathers
Bulow	Harrison	Minton	Smith
Byrnes	Hatch	Murray	Thomas, Okla.
Caraway	Hayden	Neely	Thomas, Utah
Chavez	Herring	O'Mahoney	Truman
Clark	Hitchcock	Overton	Van Nuys
Connally	Johnson, Colo.	Pepper	Wheeler
Dieterich	Lee	Pittman	
Duffy	Lewis	Pope	

NOT VOTING—20

Bailey	Brown, N. H.	King	Radcliffe
Berry	Donahey	McCarran	Sheppard
Bilbo	George	Maloney	Townsend
Black	Gibson	Norris	Tydings
Bone	Hughes	Nye	Wagner

So the amendment reported by the committee on line 6, page 1, was rejected.

The PRESIDENT pro tempore. Under the agreement, the similar amendment reported by the committee on line 2, page 2, is now before the Senate. The question is on agreeing to that amendment.

The amendment was rejected.

Mr. COPELAND. Mr. President, some time ago I introduced an amendment relating to whale oil and its exemption from tax. May I ask the Senator from Mississippi what his attitude is regarding that particular matter?

Mr. HARRISON. Mr. President, the tax on whale oil is not involved in this joint resolution. That tax is permanent law. It is not affected one way or the other by this joint resolution.

Mr. COPELAND. I assumed that that was so, but I wished to be on sure ground.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the desk, and I ask unanimous consent that the reading of the amendment may be dispensed with, because in the course of my remarks I shall be able to indicate to the Senate what the amendment provides, and dispensing with the reading may save some time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LA FOLLETTE's amendment was, after line 2, page 2, to insert a new section reading as follows:

SEC. 2. (a) Section 12 (b), relating to rates of surtax, of the Revenue Act of 1936 is amended to read as follows:

"(b) Rates of surtax: There shall be levied, collected, and paid for each taxable year upon the surtax net income of every individual a surtax as follows:

"Upon a surtax net income of $3,000 there shall be no surtax; upon surtax net incomes in excess of $3,000 and not in excess of $4,000, 4 percent of such excess.

"$40 upon surtax net incomes of $4,000; and upon surtax net incomes in excess of $4,000 and not in excess of $6,000, 6 percent in addition of such excess.

"$160 upon surtax net incomes of $6,000; and upon surtax net incomes in excess of $6,000 and not in excess of $8,000, 8 percent in addition of such excess.

"$320 upon surtax net incomes of $8,000; and upon surtax net incomes in excess of $8,000 and not in excess of $10,000, 10 percent in addition of such excess.

"$520 upon surtax net incomes of $10,000; and upon surtax net incomes in excess of $10,000 and not in excess of $12,000, 12 percent in addition of such excess.

"$760 upon surtax net incomes of $12,000; and upon surtax net incomes in excess of $12,000 and not in excess of $14,000, 14 percent in addition of such excess.

"$1,040 upon surtax net incomes of $14,000; and upon surtax net incomes in excess of $14,000 and not in excess of $16,000, 16 percent in addition of such excess.

"$1,360 upon surtax net incomes of $16,000; and upon surtax net incomes in excess of $16,000 and not in excess of $18,000, 18 percent in addition of such excess.

"$1,720 upon surtax net incomes of $18,000; and upon surtax net incomes in excess of $18,000 and not in excess of $20,000, 20 percent in addition of such excess.

"$2,120 upon surtax net incomes of $20,000; and upon surtax net incomes in excess of $20,000 and not in excess of $22,000, 22 percent in addition of such excess.

"$2,560 upon surtax net incomes of $22,000; and upon surtax net incomes in excess of $22,000 and not in excess of $26,000, 24 percent in addition of such excess.

"$3,520 upon surtax net incomes of $26,000; and upon surtax net incomes in excess of $26,000 and not in excess of $32,000, 27 percent in addition of such excess.

"$5,140 upon surtax net incomes of $32,000; and upon surtax net incomes in excess of $32,000 and not in excess of $38,000, 30 percent in addition of such excess.

"$6,940 upon surtax net incomes of $38,000; and upon surtax net incomes in excess of $38,000 and not in excess of $44,000, 33 percent in addition of such excess.

"$8,920 upon surtax net incomes of $44,000; and upon surtax net incomes in excess of $44,000 and not in excess of $50,000, 36 percent in addition of such excess.

"$11,080 upon surtax net incomes of $50,000; and upon surtax net incomes in excess of $50,000 and not in excess of $60,000, 40 percent in addition of such excess.

"$15,080 upon surtax net incomes of $60,000; and upon surtax net incomes in excess of $60,000 and not in excess of $70,000, 44 percent in addition of such excess.

"$19,480 upon surtax net incomes of $70,000; and upon surtax net incomes in excess of $70,000 and not in excess of $80,000, 48 percent in addition of such excess.

"$24,280 upon surtax net incomes of $80,000; and upon surtax net incomes in excess of $80,000 and not in excess of $90,000, 52 percent in addition of such excess.

"$29,480 upon surtax net incomes of $90,000; and upon surtax net incomes in excess of $90,000 and not in excess of $100,000, 56 percent in addition of such excess.

"$35,080 upon surtax net incomes of $100,000; and upon surtax net incomes in excess of $100,000 and not in excess of $150,000, 58 percent in addition of such excess.

"$64,080 upon surtax net incomes of $150,000; and upon surtax net incomes in excess of $150,000 and not in excess of $200,000, 60 percent in addition of such excess.

"$94,080 upon surtax net incomes of $200,000; and upon surtax net incomes in excess of $200,000 and not in excess of $250,000, 62 percent in addition of such excess.

"$125,080 upon surtax net incomes of $250,000; and upon surtax net incomes in excess of $250,000 and not in excess of $300,000, 64 percent in addition of such excess.

"$157,080 upon surtax net incomes of $300,000; and upon surtax net incomes in excess of $300,000 and not in excess of $400,000, 66 percent in addition of such excess.

"$223,080 upon surtax net incomes of $400,000; and upon surtax net incomes in excess of $400,000 and not in excess of $500,000, 68 percent in addition of such excess.

"$291,080 upon surtax net incomes of $500,000; and upon surtax net incomes in excess of $500,000 and not in excess of $750,000, 70 percent in addition of such excess.

"$466,080 upon surtax net incomes of $750,000; and upon surtax net incomes in excess of $750,000 and not in excess of $1,000,000, 72 percent in addition of such excess.

"$646,080 upon surtax net incomes of $1,000,000; and upon surtax net incomes in excess of $1,000,000 and not in excess of $2,000,000, 73 percent in addition of such excess.

"$1,376,080 upon surtax net incomes of $2,000,000; and upon surtax net incomes in excess of $2,000,000 and not in excess of $5,000,000, 74 percent in addition of such excess.

"$3,596,080 upon surtax net incomes of $5,000,000; and upon surtax net incomes in excess of $5,000,000, 75 percent in addition of such excess."

(b) The provisions of this section shall apply only to taxable years beginning after December 31, 1936. Income taxes for taxable years beginning prior to January 1, 1937, shall be levied, collected, and paid as if this section had not been enacted.

Mr. LA FOLLETTE. Mr. President, there has been a long struggle in this country in an effort to secure the enactment of the principle that taxes should be levied in accordance with the ability of the taxpayer to carry the burden. Following the Supreme Court decision in the nineties, it was not until 1913 that the Constitution was amended to give Congress the power to tax incomes from whatever source derived.

On each occasion when the Congress had the responsibility of enacting tax legislation there has been a contest between those on the one hand who have believed that the tax burden should be levied in accordance with ability to pay, and those who have resisted and opposed the application of that principle. During the World War there was a very important and a very bitter contest between those who believed that the war should be financed, insofar as possible, by graduated taxes upon individual and corporate incomes derived from war profits, and those who believed that a larger percentage of the cost of the war should be passed on to future generations through the sale of bonds.

After the war Mr. Andrew W. Mellon became Secretary of the Treasury, in 1921, and during the three administrations under which he served he consistently espoused the theory that graduated taxation should be reduced. He succeeded to such an extent that when we entered the present economic crisis the rate of tax upon the highest bracket of the individual income-tax schedule was at 20 percent.

It has been stated on the floor of the Senate before, and I have never heard it contradicted, that if the taxes which were in force in 1921, although they were a reduction from the higher levels of the war taxation, had been continued upon the statute books until 1929, a sufficient amount of revenue would have been obtained to retire the entire indebtedness attributable to the war.

Those who supported the position taken by the former Secretary of the Treasury, Mr. Mellon, during the period of the boom contended that the constant reduction of high surtax brackets was contributing to the increased business activity which manifested itself in the period between 1923 and 1929. There is a large group of experts and economists who hold that the policy of reducing the high individual income-tax rates contributed to many of the excesses of a speculative nature which manifested themselves during the boom, and that, in part, the policy of reducing high individual income surtax rates was responsible for the uncontrolled speculative mania which swept over the country in the latter period of the boom. It should be stated that the progressives in the Senate fought to the best of their ability to resist the bipartisan drive under Mr. Mellon's leadership to reduce income taxes in the surtax brackets.

After we entered the present economic crisis there were many who argued that if we would but balance the Budget, bring the revenues and expenditures of the Government into balance, it would check the deflationary spiral of the depression and bring about a restoration of prosperity. By 1933, however, it became apparent that if this economic crisis, the most serious in the written history of the world, was to be stemmed, and if the economic structure of this country was to be preserved, it was necessary for the Government to expend large sums of money and to extend large credit facilities in order to accomplish two purposes—one, to support the crumbling debt and capital structure, and the other, to provide relief and purchasing power to a portion of the people of this country.

As one of those who early in the depression advocated a huge program to stem the tide of the economic crisis, I have also been one of those who have taken the position that at the time we were making these expenditures we should, insofar as possible, finance those expenditures through taxation. In other words, an economic crisis and a crisis of war are similar, in that in both situations huge expenditures of money must be made. They are alike in that during both war and an economic crisis of this magnitude a sufficient amount of revenue cannot be obtained from taxation to provide for all of the necessary expenditures. I believe they are alike also in that a sound policy of taxation requires that in the crisis of both war and depression, insofar as possible, government should secure as large an amount of revenue from taxes as possible.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. CONNALLY. I wish to state to the Senator that I do not quite agree with his analogy between periods of depression and periods of war, and therefore the same or similar necessity for levying heavy taxes. What would the Senator have to say to this suggestion: Of course, in time of war, when inflation is threatened and heavy expenditures required, it is necessary that there should be heavy taxation in order that we may get all we can get not only to produce revenue necessary to run the Government but also to present or divert to the Treasury the inordinate profits made during such a period. But in a time of depression, when everyone is deflated already, and it is hard to make business go, does not the Senator think the better plan is to finance most of the operations, or at least a substantial part of them, on credit or through loans? Then, when prosperity returns and inflated profits return, to levy heavier taxes to reduce the indebtedness rather than to impose on depressed values and depressed income a still heavier load than we otherwise would?

Mr. LA FOLLETTE. In the first place, Mr. President, in response to the Senator's suggestion, I grant that in the case of a major war or major depression it is not possible to secure the necessary revenues in order to meet the extraordinary expenditures which have to be made in both instances. In the second place, however, it is my contention that we should tax during a period of economic crisis as heavily as possible in order that we may not pass on to the future taxpayers and to future generations any greater proportion of the load than is necessary. In the third place, my answer to the Senator is that both in war and in depression, when the Government is expending huge sums of money, inevitably they flow out through the economic system and increase the incomes of corporations and individuals in proportion to the claim of those individuals and corporations upon the entrepreneurial income of the country.

Therefore, at the time when expenditures are being made we should endeavor, insofar as possible, under an equitable system of graduated taxation, to tax those who benefit from the expenditures.

Mr. President, I think no one will deny that the huge expenditures which have been made since 1933 have contributed in a very large measure to the increase in economic activity and to the partial recovery which we now enjoy. I shall not take time to argue the proposition further than to point out that, through April 1937, out of a total of $2,900,000,000 spent by the W. P. A., $2,500,000,000 went to W. P. A. workers. Of this amount it is estimated that $950,000,000 was used by W. P. A. workers to buy food, $200,000,000 for clothing, and $910,000,000 for rent, heat, and light.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. SHIPSTEAD. The Senator refers to W. P. A. workers. They were not paying income taxes?

Mr. LA FOLLETTE. No, sir.

Mr. SHIPSTEAD. I think it would be interesting for the RECORD to show that when Mr. Irvin, of the United States Steel Corporation, testified in the hearing before the Interstate Commerce Committee of the Senate he estimated that the increase in production and business which the general steel industry and the cement industry had enjoyed, due to Government expenditures under this public-works program, was at least 50 percent over what it would have been without the Government expenditures. That is interesting to know in view of the fact that steel prices have gone up 30 or 40 percent under this program. They were high enough before. These people still get a great deal of this money out of the taxpayers' pockets, and if they do not make extraordinary profits they will not have to pay such high surtaxes. If they make extraordinary profits, they ought to return some part of those profits in taxes to the Treasury in order to relieve the tax burden of those who have furnished the money for the public-works program.

Mr. LA FOLLETTE. I thank the Senator for his interruption. His statement serves to emphasize the point which I was trying to make. Extraordinary expenditures result in increasing the incomes of individuals and corporations. I have fought to increase these taxes in 1934, 1935, and 1936, just as I am doing now in order that we may require those who are large beneficiaries of the Government's spending program to help carry some of the burden of it.

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER (Mr. CLARK in the chair). Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. LA FOLLETTE. I yield.

Mr. SHIPSTEAD. It would only be fair to Mr. Irvin to say that his estimate was based upon the expenditures not only of the Federal Government but of the State, county, and municipal governments—all government departments. He did not consider only those which were made by the Federal Government.

Mr. LA FOLLETTE. Therefore, Mr. President, on every occasion when we have had tax legislation under consideration since the economic crisis began I have endeavored to secure increased taxation based upon the principle of ability to pay.

This principle has been recognized in part, so far as the individual income-tax brackets are concerned, because in the Revenue Acts of 1935 and 1936 the individual income-tax rates on incomes of $50,000 or more were substantially increased. There are, however, all of those surtax income-tax payers in the brackets below $50,000 who have never been required by the Government in this economic crisis to contribute in accordance with the ability to pay their proportionate share of the cost of this program which has produced partial recovery. I for one have never been able to see the justice of calling upon those taxpayers in the brackets above $50,000 for an increase in taxes and at the same time not asking those who are enjoying net taxable income of $50,000 a year or less, likewise in accordance with a graduated schedule and in accordance with the ability to pay, to come forward and make their proportionate contribution to the expenditures which have so largely been responsible for their improved economic conditions and their larger incomes.

In order that Senators may understand my amendment I want to make a comparison between the taxes paid under the existing law and the taxes which would be paid if the amendment were adopted and the taxes which are now being paid by taxpayers in Great Britain. For the purpose of this illustration and because a comparison of rates is difficult to understand, I shall take the example of the net income of a married person without dependents and entitled to the maximum earned income allowance under existing United States and British laws.

Under this amendment, Mr. President, a married person with no exemption would pay no tax on net income of a thousand dollars, $1,500, $2,000, or $2,500.

On a net income of $3,000 a married person with no dependents would pay under the existing law $8, and under this amendment $8.

On net income of $4,000 this individual would pay $44 under the existing law, and under this amendment he would pay $44.

Upon net income of $5,000 this individual in the situation described would pay $80 under the existing law, and $80 under my amendment.

But a married person with no dependents who had a net income of $6,000 would pay under the existing law $116, and under my amendment $136.

So it will be clear to Senators that a married person with no dependents would have to enjoy a net income of $6,000 before such an individual would be asked to contribute any more in taxes under my amendment than he now contributes under the existing law.

In order to get some understanding of the difference in burden imposed under our law and that imposed under the British income-tax law I may point out that under the British law a married person with no dependents, who receives a net income of $6,000 would pay $1,062.50. At $10,000 of net income an individual situated as I have described would pay $415 under our existing law and $540 under my amendment.

At $20,000 an individual would pay $1,589 under existing law, while under my amendment he would be required to pay $2,274.

At $50,000 of net income such an individual would pay $8,869 under existing law, but would be required to pay $12,024 under the amendment.

At $100,000 a married man with no dependents would pay $32,469 under the existing law, and under my amendment would pay $37,524.

At $1,000,000 an individual married person with no dependents would pay under existing law $679,044, while under my amendment he would pay $684,124.

At $5,000,000 of net income such an individual would pay $3,788,994 under existing law, and under my amendment would be required to pay $3,794,074.

Mr. President, a great deal of discussion took place during the consideration by the Senate of the joint resolution providing appropriations for relief and work relief for the fiscal year 1938. During the course of that discussion many Senators indicated that they were determined to balance the Budget. I do not believe that the Budget can be balanced by a reduction of expenditures. I think time will demonstrate that the $1,500,000,000 which was recently provided in the joint resolution passed by the Senate will prove to be inadequate, and that Congress will be confronted before the next session adjourns with a deficiency appropriation to make up the sums which will be required to be expended because of the inadequacy of the appropriation.

However the situation may eventuate, may I point out that in the most recent estimates which have been submitted—and they are to be found in the message of the President dated April 20, 1937—this statement appears:

> The revised estimates of receipts and expenditures for the fiscal year 1938 as here presented indicate an estimated net deficit of $418,000,000. There is included in the estimates of expenditures the $1,500,000,000 for work relief hereinafter recommended.

The Treasury estimated under date of May 13, 1937, that if the amendment now proposed by me were adopted it would provide $247,800,000 additional revenue from the individual income tax schedule.

Therefore, Mr. President, I appeal to those Senators who have said that they desire to balance the Budget to support this amendment, for it will be a long step in that direction on the basis of the most recent estimates which we have received. I also appeal for the support of those Senators who believe, as was so well expressed by the Senator from Florida [Mr. PEPPER] in his very excellent address a few days ago, in the extension of the social frontiers. Every serious economic problem now confronting the American people involves the problem of social finance.

I care not whether we are considering the problem of farm tenancy or whether we are considering the problem

of housing, urban and rural; I care not whether we are considering the problem of providing work for those who are able and willing to work, but who, through no fault of their own, are unable to obtain it; I care not whether we are considering the problem of social security and the inadequacy of the standards now provided under existing law, on every single front we are squarely faced with the problem of finance. It confronts us as well in connection with the task of preserving and restoring the resource base in order that oncoming generations may have a foundation upon which to build a decent society.

Each and every one of these problems involves the question of finance; and if we are sincere in our determination to meet and solve even some of the pressing economic problems now confronting the people of this country, I say that the time has come when, upon the sound principle of taxation in accordance with ability to pay, we should ask those who are in a more fortunate position in our society to contribute their proportionate share to the achievement of these objectives.

I know it will be said that this is not the time to adopt this amendment. I have met that argument upon the floor of the Senate ever since 1934. First, the argument was advanced by the Senator from Texas that taxes were deflationary in their character, and, therefore, in the downward spiral of the crisis within the crisis we could not afford to increase taxation. I doubt the soundness of that argument, and I attempted at the time to meet it. I shall not burden the Senate by repeating the contentions I then made. However sound the argument may have been, it prevailed, and no increase in taxes was asked of individuals in the income-tax brackets.

Then, Mr. President, in 1935, when I attempted to secure the enactment of an amendment similar to the one now offered, I was confronted upon the floor of the Senate with the argument that the time had not yet arrived when we could afford to increase taxes in the individual income-tax brackets. Again in 1936 the same argument was made, and I anticipate that it will be repeated upon the floor of the Senate in the year 1937.

Mr. President, if we are ever going to increase taxes upon those who have ability to pay, now is the time to do it. It is always easy to defer taxation; and I recognize that the cause which I espouse is not a popular one. The time has come when the people of this country must be made to understand that if we are to attain essential social objectives, if we are to put our economic system under a sufficient degree of social control so that it may function and provide a more equitable distribution of annual income we can only carry on that program, we can only achieve those objectives by providing the necessary revenue.

Everyone is aware of the fact that individual incomes increased in 1936, and everyone anticipates that they will still further increase in 1937. The time when we are making these extraordinary expenditures, when we are helping to increase the income of individuals, is the appropriate time when we should ask them, through increased taxes, to provide the necessary revenue.

Mr. President, if this amendment shall be adopted, it is my purpose to offer another amendment which will provide for lowering the exemptions. The second amendment, if adopted, would provide for a reduction in the exemption enjoyed by a single person in the United States from $1,000 to $800. It would provide a reduction in the exemption of a married person from $2,500 to $2,000.

Bear in mind that the amendment would not provide for the payment of any surtax. Only the normal tax of 4 percent would apply. For example, a married person with no dependent who now enjoys a net taxable income of $2,500, and therefore pays no Federal income tax, would, under the second amendment, if adopted, pay a normal tax upon that portion of the income between $2,000 and $2,500, namely, $500, which, under existing rates, would amount to a Federal income tax of $20.

A single person who now enjoys a net income of $1,000, and therefore pays no tax under our present exemption, would be asked, under my amendment, to pay a normal tax upon $200 of his present income, or a tax of $8.

Mr. President, the reason I predicate the offering of the second amendment upon the fate of the first amendment relating to the surtax brackets is that it does not seem fair, until the Congress has increased taxes upon those who enjoy incomes sufficient to put them into the surtax brackets between $3,000 and $50,000, to ask those in the lower income brackets to bear increased taxes.

In connection with the exemption amendment, I wish to point out that at a time when we are providing these relief and employment measures, when we are extending credit, we can with justice require those who enjoy the privilege of a net taxable income of $2,500 a year or $1,000 a year to make a small contribution toward carrying forward the program.

In addition I want to drive home the fact that, although the Treasury estimated on May 13 that this amendment, lowering the exemption for married people and single persons, would produce $110,000,000 of additional revenue, the increase in revenue, or the greater proportion of it, would not come from individual income-tax payers who would be brought into our income-tax system but from a reduction in the exemptions for those who are in the higher brackets. I estimate that about 20 percent of the increase would come from individuals who would be brought into the tax system and that about 80 percent of the $110,000,000 would be obtained from those in the higher brackets who would likewise suffer a reduction in their exemption.

The reason for this is that the effect of the exemptions in the higher brackets is to reduce the tax bracket where it carries a heavy rate.

Mr. President, I ask unanimous consent to insert in the RECORD at this point in my remarks a table which was printed in the RECORD day before yesterday relating to these amendments.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Income tax, individual—Comparison of total tax payable on specimen net income by a married person without dependents and entitled to the maximum earned-income allowance under existing United States and British laws and La Follette plans

Net income	Existing law	Plan no. 1[1]	Plan no. 2[2]	Plan no. 3[3]	Plan no. 4[4]	Great Britain
$1,000	0	0	0	0	0	0
$1,500	0	0	0	0	0	$25.00
$2,000	0	0	0	0	0	62.50
$2,500	0	$10	0	$5	$5	162.50
$3,000	$8	28	$8	18	18	262.50
$4,000	44	64	44	54	54	462.50
$5,000	80	100	80	90	90	662.50
$6,000	116	176	136	166	126	862.50
$7,000	172	272	222	262	202	1,062.50
$8,000	248	368	318	358	278	1,287.50
$10,000	415	600	540	590	470	1,787.50
$12,000	602	872	802	862	702	2,397.50
$14,000	809	1,184	1,104	1,174	974	3,028.13
$16,000	1,044	1,544	1,454	1,534	1,294	3,706.88
$18,000	1,299	1,944	1,844	1,934	1,654	4,426.88
$20,000	1,589	2,384	2,274	2,374	2,054	5,146.88
$25,000	2,489	3,664	3,524	3,654	3,234	7,221.88
$30,000	3,569	5,124	4,909	5,114	4,594	9,434.38
$40,000	5,979	8,404	8,234	8,394	7,674	14,134.38
$50,000	8,869	12,224	12,024	12,214	11,334	19,384.38
$60,000	12,329	16,544	16,324	16,334	15,414	24,909.38
$70,000	16,449	21,264	21,024	21,254	19,934	30,434.38
$80,000	21,269	26,384	26,124	26,374	24,854	36,096.88
$100,000	32,469	37,824	37,524	37,814	35,894	47,096.88
$150,000	63,394	68,784	68,474	68,774	65,854	78,071.88
$200,000	95,344	100,744	100,424	100,734	96,814	109,821.88
$300,000	162,244	167,664	167,324	167,654	161,734	174,696.88
$500,000	304,144	309,584	309,224	309,574	299,654	307,196.88
$1,000,000	679,044	684,504	684,124	684,494	664,574	638,446.88
$2,000,000	1,449,019	1,454,484	1,454,099	1,454,474	1,424,534	1,300,946.88
$5,000,000	3,788,994	3,794,464	3,794,074	3,794,454	3,764,494	3,288,446.88
$10,000,000	7,738,969	7,744,444	7,744,049	7,744,434	7,714,474	6,600,946.88
$20,000,000	11,688,969	15,644,444	15,644,049	15,644,434	15,614,474	13,225,946.88

[1] New surtax schedule, applying to surtax net incomes in excess of $3,000 (see attached amendment); personal exemptions reduced $500 for married persons and $200 for single persons.

[2] Same surtax schedule as in plan no. 1; personal exemptions as in existing law.

[3] Same surtax schedule and personal exemptions as in plan no. 1; normal tax rates are 2 percent on the exemption reduction and 4 percent on the balance.

[4] Same personal exemptions and normal tax rates as in plan no. 3; new surtax schedule, applying to net incomes in excess of $4,000. (See attached amendment.)

Mr. LA FOLLETTE. Mr. President, I ask for a record vote on my amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Wisconsin.

Mr. HARRISON. Mr. President, the amendment was not read, but I understand the Senator from Wisconsin has two or three amendments. May I inquire which amendment this is?

Mr. LA FOLLETTE. It is the amendment which establishes the first surtax bracket at $3,000 with rates graduated from 4 percent to 75 percent. I wish to point out, however, that if the taxpayer is a married person with no dependents, he must enjoy a net taxable income of $6,000 before my amendment would require him to pay any additional increase in surtaxes.

Mr. HARRISON. Mr. President, I shall not delay the Senate nor shall I discuss the merits or demerits of the pending amendment. The same arguments which are now presented by the Senator from Wisconsin have been made on numerous other occasions when revenue bills were before the Senate. There may be some merit in his proposal, but I wish to confine myself merely to the question of the advisability of attaching the amendment to the pending joint resolution.

I repeat that the law, under which the nuisance taxes extended by the pending joint resolution are made effective, will expire on June 30. If an amendment such as this should be incorporated in the joint resolution, naturally it would have to go back to the House and go to conference, and probably the House would want to take it up and consider it in Committee of the Whole on the floor of the House. It involves a question of rates about which many people differ. Rates which are proposed to be adopted are always well considered by the committees first. Under our form of government revenue legislation must originate in the House. While this is a revenue measure which originated in the House, it seems to me only fair to the House that the Ways and Means Committee should first consider a question which involves so many rates as are proposed here on incomes and involving also a reduction in the exemptions.

Mr. COPELAND. Mr. President, may I ask the Senator if the proposal was considered at any time by the Finance Committee?

Mr. HARRISON. No; it was not.

Mr. LA FOLLETTE. Mr. President, will the Senator from Mississippi yield?

Mr. HARRISON. Certainly.

Mr. LA FOLLETTE. The Finance Committee considered a similar amendment in 1934, again in 1935, and again in 1936. I point out to the Senator that at one time, in 1935, a majority of the Finance Committee voted to incorporate such an amendment in the bill; but on reconsideration it was defeated.

Mr. HARRISON. The Senator has advanced the same suggestions heretofore. They are not, however, incorporated in the law. It will be recalled that the head of the Government, the President, on numerous occasions has expressed the thought that he would not ask for increased taxes at this time. In the last message delivered by him to Congress he repeated that statement. The pending amendment involves increased taxes upon certain taxpayers within the groups proposed to be affected.

I had hoped very much that an amendment such as this would not be proposed, and certainly I hope it will not be adopted by the Senate, because it would greatly complicate the matter. If we are going to take up such a proposal it should first be considered by the Committee on Ways and Means of the House and then by the Finance Committee of the Senate.

Without any discussion of the merits, I appeal to the Senate, not only in this instance, but in other instances that may arise, that such amendments shall not be placed upon the joint resolution either to increase taxes at this time or to reduce some of the taxes carried in the joint resolution through the provision to extend them, so that we may send the joint resolution to the President and have it become a law and the taxes continued at least until the committees have taken up the general subject of revenue in January of next year, as we hope to do.

The President has suggested that next January the Congress should consider a revenue bill. If his suggestion is complied with, these matters may be considered then. While it is not apropos right now, the experts are studying the proposal to modify the undistributed profits tax, and they expect their work along that line to be finished in September or October. We can then take up this matter and consider it.

These remarks are directed to the amendment which will be presented by the Senator from Michigan [Mr. VANDENBERG], as well as to the pending amendment. So far as the amendment now before us is concerned, offered by the Senator from Wisconsin, without any discussion of its merits at all, I hope it will not be placed upon the joint resolution, which merely seeks to extend the present so-called nuisance taxes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Wisconsin.

Mr. LA FOLLETTE. Let us have the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. HALE (when his name was called). I have a general pair with the Senator from Texas [Mr. SHEPPARD]. I transfer that pair to the Senator from Vermont [Mr. GIBSON], and will vote. I vote "yea." I am not advised how these Senators would vote if present.

Mr. McKELLAR (when his name was called). Making the same announcement as before as to my pair with the Senator from Delaware [Mr. TOWNSEND] and its transfer to the Senator from Maryland [Mr. TYDINGS], I vote "nay."

Mr. FRAZIER (when Mr. NYE's name was called). My colleague [Mr. NYE] is absent. On this amendment he is paired with the Senator from Pennsylvania [Mr. GUFFEY]. If my colleague were present, he would vote "yea", and I understand that if the Senator from Pennsylvania were present he would vote "nay."

Mr. BARKLEY (when Mr. ROBINSON's name was called). The Senator from Arkansas [Mr. ROBINSON] is unavoidably detained from the Chamber on important matters.

The roll call was concluded.

Mr. AUSTIN. The Senator from Oregon [Mr. MCNARY] is temporarily detained. He has a general pair with the Senator from Arkansas [Mr. ROBINSON].

The Senator from New Hampshire [Mr. BRIDGES] is detained in a committee hearing. He has a general pair with the Senator from North Carolina [Mr. REYNOLDS].

Mr. MINTON. I announce that the Senator from Utah [Mr. KING] and the Senator from Connecticut [Mr. MALONEY] are detained from the Senate because of illness.

The Senator from Arizona [Mr. ASHURST], the Senator from Virginia [Mr. BYRD], the Senator from Wisconsin [Mr. DUFFY], the Senator from Iowa [Mr. GILLETTE], the Senator from Illinois [Mr. LEWIS], the Senator from Nevada [Mr. PITTMAN], the Senator from Idaho [Mr. POPE], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from Montana [Mr. WHEELER] are detained on departmental business.

The Senator from Tennessee [Mr. BERRY], the Senator from Mississippi [Mr. BILBO], the Senator from New Hampshire [Mr. BROWN], the Senator from Ohio [Mr. DONAHEY], the Senator from Georgia [Mr. GEORGE], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Delaware [Mr. HUGHES], the Senator from Nevada [Mr. MCCARRAN], the Senator from Texas [Mr. SHEPPARD], the Senator from Maryland [Mr. TYDINGS], and the Senator from New York [Mr. WAGNER] are detained on important public business.

The Senator from Massachusetts [Mr. WALSH] is detained in a committee meeting. I am advised that if present and voting he would vote "yea."

The result was announced—yeas 35, nays 31, as follows:

YEAS—35

Andrews	Gerry	Lundeen	Schwartz
Black	Hale	McGill	Shipstead
Borah	Hatch	Minton	Smathers
Bulkley	Herring	Murray	Thomas, Okla.
Burke	Hitchcock	O'Mahoney	Thomas, Utah
Capper	Holt	Overton	Truman
Davis	Johnson, Colo.	Pepper	Vandenberg
Ellender	La Follette	Russell	White
Frazier	Lee	Neely	

NAYS—31

Adams	Byrnes	Green	McKellar
Austin	Caraway	Harrison	Moore
Bailey	Chavez	Hayden	Radcliffe
Bankhead	Clark	Johnson, Calif.	Schwellenbach
Barkley	Connally	Lodge	Smith
Bone	Copeland	Logan	Steiwer
Brown, Mich.	Dieterich	Lonergan	Van Nuys
Bulow	Glass	McAdoo	

NOT VOTING—30

Ashurst	George	McNary	Sheppard
Berry	Gibson	Maloney	Townsend
Bilbo	Gillette	Norris	Tydings
Bridges	Guffey	Nye	Wagner
Brown, N. H.	Hughes	Pittman	Walsh
Byrd	King	Pope	Wheeler
Donahey	Lewis	Reynolds	
Duffy	McCarran	Robinson	

So Mr. LA FOLLETTE's amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. After the amendment just agreed to it is proposed to insert a new section reading as follows:

SEC. 3. (a) Section 25 (b) (1) of the Revenue Act of 1936 (relating to the personal exemption) is amended by striking out "$1,000" and inserting in lieu thereof "$800"; and by striking out "$2,500" wherever appearing therein and inserting in lieu thereof "$2,000."

(b) Section 25 (b) (2) of the Revenue Act of 1936 (relating to credit for dependents) is amended by striking out "18 years of age" and inserting in lieu thereof "20 years of age."

(c) Section 51 of the Revenue Act of 1936 (relating to individual returns) is amended by striking out "$1,000" wherever it appears therein and inserting in lieu thereof "$800"; and by striking out "$2,500" wherever it appears therein and inserting in lieu thereof "$2,000."

(d) Section 142 of the Revenue Act of 1936 (relating to the filing of fiduciary returns) is amended by striking out "$1,000" wherever it appears therein and inserting in lieu thereof "$800"; and by striking out "$2,500" wherever it appears therein and inserting "$2,000."

(e) Section 147 of the Revenue Act of 1936 (relating to information returns) is amended by striking out "$1,000" wherever it appears therein and inserting in lieu thereof "$800."

(f) Section 214 of the Revenue Act of 1936 (relating to nonresident aliens) is amended by striking out "$1,000" wherever it appears therein and inserting in lieu thereof "$800."

(g) Section 251 (f) of the Revenue Act of 1936 (relating to citizens of possessions of the United States) is amended by striking out "$1,000" and inserting in lieu thereof "$800."

(h) The provisions of this section shall apply only to taxable years beginning after December 31, 1936. Income taxes for taxable years beginning prior to January 1, 1937, shall be levied, collected, and paid as if this section had not been enacted.

Mr. LA FOLLETTE. Mr. President, I discussed this amendment in connection with the one just acted upon by the Senate. The one that has been agreed to will provide $248,000,000 of increased revenue, according to the Treasury estimates made on May 13. The pending amendment, if adopted, according to the Treasury estimates, will produce $110,000,000 of additional revenue. So the two amendments taken together would increase the yield from the income tax $367,400,000 which, according to the estimates given in the President's message to which I recently referred, would come within $60,000,000 of a balanced Budget.

Mr. President, I wish to state very briefly what the effect of the amendment would be if it should be adopted. Under existing law a married person with no dependents has an exemption of $2,500 a year. For each dependent a married person has, he has an additional exemption of $400 a year. The amendment proposes to raise the age limit of the dependents from 18 years to 20 years, in order that people who are married and who are attempting to educate their children may enjoy the exemption for those children until the children reach 20 years of age.

If we take the case of a married man with no dependents, we find that under existing law he can enjoy a $2,500 net income and pay no tax. Under the amendment a person with no dependents, having a net income of $2,500, would pay the normal tax, namely, 4 percent, on $500 of taxable income. In other words, he would be asked to pay an income tax of $20 per annum to the Federal Government.

A single person today may have a net income of $1,000 and not pay any tax to the Federal Government. Under the amendment a single person with no dependents having a net income of $1,000 would be asked to pay the normal tax upon $200 of the net income, the difference between $1,000 and $800, or a tax of $8 per annum.

It is my contention that in the light of the current expenditures, and in the light of the credit facilities which have been extended, people today who are enjoying net incomes of $2,500 per annum for a married person with no dependents should be asked to contribute $20 a year to help carry on the program of the Federal Government. Likewise I feel that we are justified in asking the single person with no dependents, who has a net income of $1,000 a year, to pay $8 as a contribution, in accordance with ability to pay, to help meet the cost of the program which has produced partial recovery.

Mr. President, the amendment will accomplish another purpose which I think is very desirable; that is, to sufficiently broaden the base of the income tax so that in years of diminishing national income it may yield more consistently than does our present income-tax structure. Senators are no doubt familiar with the fact that in the year 1932, although we had very substantially increased taxes, we received very much less in revenue. I think nearly everyone is agreed that the reason why the British income tax is much more stable in its yield in years of diminishing national income than ours is that their income tax has a broader base.

One more point and then I shall be through, because I know the Senate is impatient to dispose of the joint resolution. I wish to drive home the point that the $110,000,000 of additional revenue, which the Treasury estimates this amendment will produce, will not come entirely from the new income-tax payers who will pay if the amendment shall be adopted. The largest proportion of the increased revenue will come from those in the surtax brackets, who now enjoy, as does every other taxpayer, the $2,500 exemption if married, and the $1,000 exemption if single. I estimate that about 20 percent of the $110,000,000 will be obtained from the new income-tax payers who will come in under the amendment, and that approximately 80 percent of the $110,000,000 will come as a result of reducing the exemption in the brackets where people now pay surtaxes, and where those exemptions often have the effect of pulling the taxpayer's net income into a lower surtax bracket than it would be in if he did not enjoy the larger exemption.

In conclusion, I reemphasize the importance, as I see it, of increasing revenue at this time. I further reiterate that these two amendments in conjunction will produce an additional $367,400,000 of revenue, which will be within $60,000,000 of wiping out the deficit, which the President estimated in his message on April 20 would be $418,000,000 for the fiscal year 1938.

Mr. CONNALLY. Mr. President, I dislike very much to take issue with the Senator from Wisconsin [Mr. LA FOLLETTE]. Usually we find ourselves in agreement on tax bills, but we work them out usually in the committee. I wish to sound here a note of protest against the United States Senate legislating on these important tax matters on the floor, without proper consideration in the committee.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. LA FOLLETTE. I think the Senator was called from the Chamber at the time I ventured to interrupt the Senator

from Mississippi when he made the point the Senator has just suggested. I am sure the Senator will recall that both these amendments now being considered were offered in the committee in 1934 and were debated on the floor of the Senate and voted on; that they were offered in the committee and voted on in the Senate in 1935, and in 1935 there was a sufficient amount of consideration, I may remind the Senator, so that on one occasion the amendments were all voted into the bill then under consideration, and another meeting of the committee and a reconsideration were required in order to remove them from the bill. So the committee has really had a great deal of time to consider the amendments and have given some attention to them. I merely wished to make this statement for the sake of the RECORD. I thank the Senator for yielding to me.

Mr. CONNALLY. Mr. President, I do not take any issue with the historical aspects of the matter; I am speaking of the present aspect. Revenue bills originate in the House of Representatives; the control of taxation, under the Constitution, is lodged in the House of Representatives, and in this instance that body sends to the Senate a little joint resolution providing for the continuation of the so-called nuisance taxes. Then the Senate of the United States, using that little measure as a pretext, proceeds, without recommendation of the Committee on Finance or any other committee, to rewrite the whole income-tax structure of the United States. That is what the Senate did a while ago. It adopted an amendment relating to practically the entire income-tax structure of the American people after a debate of but half an hour or an hour.

Mr. President, we all know that next winter Congress will give consideration to a general tax measure. In the drafting of that measure we hope to have the aid of experts from the Treasury, we hope to have hearings, at which all interested parties may appear, and why not await that time, instead of taking a bite at this matter at this time?

The taxes affected by the joint resolution now pending will expire on the 30th of June. Today is the 24th of June. Is it the purpose of the Senator to have the Senate undertake to rewrite the entire joint resolution and fight it out with the House of Representatives in 4 days—when we are to spend 3 of those days down at Jefferson Island? [Laughter.]

Mr. President, I protest against the amendment offered by the Senator from Wisconsin, now pending. What does he propose to do? Under the present income-tax law a single man has an exemption of a thousand dollars, a married man has an exemption of $2,500. The Senator from Wisconsin wants to reduce the exemption in the one case to $800 and in the other case to $2,000.

I submit that as a result of the Senator's amendment—although I know he does not intend it—a large part of the money we would get because of the reduction of these exemptions would come out of the little fellow. Costs are now rising. The cost of living is now increasing, it is becoming higher all the time, and in addition to that burden, the Senator from Wisconsin would put another burden on the little man in the form of a reduced exemption.

Further, Mr. President, the amendment adopted by the Senate today relating to surtaxes would increase the tax on the income of everyone for the year 1937. It is a retroactive tax. We can do it; we have the power to do it. We would be taxing men whose incomes have already been earned for half of the year. The Senate has done that by the amendment it adopted.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. CONNALLY. In a moment. I am astonished that Senators on this side of the aisle should so far forsake the leadership of the chairman of the Committee on Finance and vote recklessly for the amendment which has already been adopted, and now be on the point of voting to tax the small man with a $800 income.

Mr. LA FOLLETTE. Mr. President, will the Senator yield now?

Mr. CONNALLY. I yield.

Mr. LA FOLLETTE. The Senator will acknowledge, I am sure, that whenever we are considering a revenue bill we always make the tax apply to the year in which the bill is under consideration.

Mr. CONNALLY. That is true.

Mr. LA FOLLETTE. There is nothing novel about it.

Mr. CONNALLY. No; I stated that we could do it.

Mr. LA FOLLETTE. We always do it.

Mr. CONNALLY. I am just telling the Senate what it is doing.

Mr. LA FOLLETTE. We do it every time we consider a tax bill.

Mr. CONNALLY. A man never commits a wrong but what he can cite a precedent for it. There was never a man who climbed a porch and went into a second-story window of a house who could not cite the record to show that there had been a man in there before he was.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. LA FOLLETTE. Why has not the Senator from Texas raised his voice in protest against previous revenue bills, in view of the fact that it is always the practice of the committee and the Congress to impose a tax upon the income earned in the year in which the bill is passed?

Mr. CONNALLY. I am not saying that we cannot do it and that we have not done it. I do not think there is any reason, though, why we should do it again.

Mr. LA FOLLETTE. Why has not the Senator raised his voice in protest? He has been on the Finance Committee.

Mr. CONNALLY. I will say to the Senator from Wisconsin that the Senator from Texas does not wish to raise his voice in protest all the time.

Mr. LA FOLLETTE. I have served on the Finance Committee with the Senator from Texas for a great many years, and this is the first time I ever heard him argue that there was anything wrong or anything unfair, or that it was not the usual practice for the Congress, when it enacted revenue legislation, to make the taxes enacted apply to the income of that year.

Mr. CONNALLY. I will say to the Senator that there is no crime in it. We can do it. We have done it. However, I am reminding Senators that that is what they are doing. If they want to do that, the votes are theirs, and they can vote to do it; but I am protesting against the Senate of the United States, in an hour's time, revising and rewriting the entire income-tax law structure of this country in this sewing-circle fashion, without committee action or committee recommendation.

Mr. LA FOLLETTE. Mr. President, will the Senator further yield?

Mr. CONNALLY. I yield.

Mr. LA FOLLETTE. Is the Senator from Texas aware of the fact that when I offered these amendments, and we debated them in the committee, they lost on a tie vote?

Mr. CONNALLY. Well, when a man loses, he loses. [Laughter.]

Mr. LA FOLLETTE. I am well aware of that, Mr. President, if the Senator will yield further; but, apropos of the Senator's contention that this matter has not received committee consideration, I wish to have the RECORD show that after these amendments were debated in the committee they lost by a vote of 7 to 7.

Mr. CONNALLY. Let me say to the Senator from Wisconsin that I do not think it would be good policy, even if the committee had favorably reported the amendments, for the Senate to undertake to rewrite the whole tax structure when the House sends to the Senate a revenue measure of this kind, simply extending a few little taxes. Under those circumstances I do not think it is good policy for the Senate to rise up and undertake to rewrite the whole tax structure. We

owe the comity toward the House that when it comes to the consideration of a general tax bill we shall at least respect the theory of the Constitution, and let the House send a tax bill over here.

Mr. LA FOLLETTE. Mr. President, will the Senator again yield?

Mr. CONNALLY. I yield.

Mr. LA FOLLETTE. Then, as I understand the Senator does not feel that the fact that the committee failed to adopt this amendment is any argument against it. Am I correct in that assumption?

Mr. CONNALLY. I will answer the Senator. I never did like to be interrogated with a limitation of answering "yes" or "no." I will say to the Senator from Wisconsin that the committee could not have considered the matter very thoroughly. I shall ask the Senator from Mississippi [Mr. HARRISON] if it is not true that the joint resolution came over from the House, and the committee acted upon it almost immediately.

Mr. HARRISON. It did, Mr. President; yes. It acted upon it almost immediately. The amendments were presented by the Senator from Wisconsin.

Mr. CONNALLY. I understand.

Mr. HARRISON. But I think some six or seven Democrats were absent; and the vote on the amendments of the Senator from Wisconsin was 7 to 7.

Mr. CONNALLY. Yes; the vote was 7 to 7.

Mr. President, who now pays the bulk of the State and county taxes in the United States? The little fellow who receives a thousand-dollar income does not escape taxation. If we exempt the thousand-dollar individual income of a clerk, or a blacksmith, or an automobile mechanic, or anybody else, let us not labor under the delusion that he is escaping taxes. He pays taxes on the little house which he owns, and if he does not own it he helps to pay the landlord's tax on it. He pays taxes in many of the States in all sorts of ways; he pays sales taxes, consumption taxes, and myriad other taxes. He will pay the taxes that we are continuing here today. He will pay the gasoline taxes, and he will pay the taxes on copper, the production of which goes to help restore the prosperity of Arizona and other States. He will pay part of the tax on lumber that goes into the house in which he is living.

The little fellow with the $1,000 income is now paying taxes in a larger proportion than the man with the big income, even with the surtaxes piled on him, because the man who has a big income usually has stocks and securities, and has liquid assets, and frequently pays very little, if any, State and county tax. The tax collector does not have a radio eye so that he can locate all of the intangibles and put them on the county tax roll. But if some fellow has a little flea-bitten mule and a single-horse plow, the tax collector can locate him every time; and he is on the county tax roll, and he is on the State tax roll. So the man with the small income is already paying more in proportion than the man with the high income.

Mr. President, I protest against the Senate rushing headlong and revising all of the income-tax laws here on the Senate floor, without at least some consideration of the fact that we have only 3 days in which to do what we propose to do, yet now we are undertaking to revamp and revise the whole income-tax structure.

With reference to the $2,500 exemption, I do not say that on a general tax bill we might not revise somewhat the $2,500 exemption. Take the case of a married man with two or three children: He receives an exemption of $2,500 before he pays any Federal tax. He is now doing just what the man with an exemption of $1,000 is doing. He is paying his taxes on his home, and the myriad of other taxes, and the more children he has the more sales taxes he pays, because the more clothes they wear and the more food they eat.

So, Mr. President, we ought to undo what the Senate has already done. I feel that the Democrats on this side and the sane, conservative, free-thinking Republicans on the other side should sustain the chairman of the committee in this regard, and vote down the entire proposal to revise the tax structure; and when we come back in January I pledge the Senator from Wisconsin that I shall do what I can to have a comprehensive measure presented to the Senate for its consideration. I said when I rose that the Senator from Wisconsin and I usually vote right on tax matters. However, I should like at least to think about the matter for a few minutes before I sock the taxpayers of the United States—how much? How many millions?

Mr. BARKLEY. Three hundred and seventy-eight million dollars.

Mr. CONNALLY. Three hundred and seventy-eight million dollars. Let me see. How long have we been debating this question?

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. LA FOLLETTE. The amount is $247,800,000 on the surtax amendment.

Mr. CONNALLY. On the one we have already agreed to?

Mr. LA FOLLETTE. Yes; and $110,000,000 on the pending amendment.

Mr. CONNALLY. We have been debating this matter not quite 2 hours, because we had some other business to discuss before we took up this subject. Two hours is 120 minutes, and we get how many million dollars? It is over $300,000,000. That is about $3,000,000 a minute. [Laughter.] At least I believe we ought to think about it longer than 2 hours when we undertake to extract—how much is it? My mind wanders when I get to considering these big figures.

Mr. BARKLEY. Three hundred and eighty-eight million dollars.

Mr. CONNALLY. Three hundred and eighty-eight million dollars—out of the taxpayers' pockets. We have been passing tax laws piecemeal, and so forth, and so on. That is one trouble with the tax laws. Why not wait until next winter, when everyone knows we are going to consider a new tax bill? Why not wait until that time, and then have a comprehensive, well-digested, well-considered measure?

I know that many Senators want to bait the income-tax payers, and it is very tempting to chase them all around with a sharp stick; but when you do it you are chasing the little fellows, too. I desire to suggest to Senators, furthermore, that when we reach a certain point in the collection of these small amounts of income taxes we spend more money collecting them than we get out of the taxes. That will probably happen in the case of some of the $1,000 incomes. A man receiving $1,000 will pay on only a few hundred dollars. He will probably pay a few dollars in tax, and it will probably cost the Government more than it receives to collect the tax.

So, Senators, let us wait until next winter and then pass properly on these matters. Let us not now undertake in this slipshod manner to revise the entire income-tax law structure of the United States.

Mr. GLASS. Mr. President, I am for increasing taxes. I am not only in favor of increasing taxes in the higher brackets but I am in favor of broadening the base of taxation in order that millions of persons who have never had any acquaintance with the Federal tax collector shall in the future become intimately acquainted with him. I have been trying from time to time to warn the Senate that it is inevitable that we shall increase taxes very much more than is involved in the propositions of the Senator from Wisconsin; and I want it done in order that the big fellows and the little fellows, too, may know what we are doing to them here in our fabulous and extravagant expenditures of the public revenues; and when they shall have been brought to a realization of what we are doing to them, they will do something to us. However, I agree with the Senator from Texas, it ought to be done in an orderly way and not in the haphazard way now proposed. For that reason, I voted against the first amendment proposed by the Senator from Wisconsin, but not because I think or could think that we have not got to do something of that kind in a very

much more extensive way than he has suggested; not that I think or could think that we have not got to broaden the basis of taxation so as to bring everybody within the range of the tax collector. We have either got to do that or we have got to repudiate the enormous indebtedness of nearly $40,000,000,000 that we have uselessly incurred.

But, as I have said, I shall vote against the pending amendment for the same reason I voted against the other one, with the thought that it all ought to be done at once and in the customary, orderly way.

Mr. BORAH. Mr. President, in considering tax bills I have always endeavored to follow the rule which was announced by the able Senator from Wisconsin [Mr. LA FOLLETTE] this morning, that taxes ought to be laid in accordance with ability to pay. I think it can be demonstrated that the pending amendment is in violation of that rule. In fact, it needs no demonstration; it is under present conditions as to the cost of living self-evident.

A family of four or five persons, or a family of two or three persons, in view of the manner in which prices are going up, cannot live upon any decent standard upon an income of $2,500 a year, and if sickness overtakes them, even for a short period of time, they are thrown into debt and deprived of what ought to belong to any citizen who works and labors in the way of a decent standard of living.

We are now proposing to consider a minimum-wage bill. A minimum wage based upon a standard of decent living would give a higher income than the amount which is proposed to be credited to a person under this amendment for the purpose of computing a deduction in income-tax payments.

What is happening is that we are pushing up on the small man with an increase in prices and bearing down on him with an increase of taxes. We are making it impossible for him to live upon a standard which we ought to accord, if it is possible to do so, to every citizen who is trying to earn his living.

One may sit down and take his pencil and figure out the annual living cost, and put meat upon the table twice a week and sugar three or four times a week, and make allowance for the most ordinary kind of clothing, leaving out all question of education, and, under the present increase of prices, it is impossible for a man with an income of $2,500 a year to meet it. The able Senator from Alabama [Mr. BLACK] placed in the RECORD a few days ago a statement by Leon Henderson. In that statement we find this comment:

> But I say, with all seriousness, that the rise in retail prices alone has probably nullified the wage gains, and that the prospective rise for the fall of from 5 to 7½ percent, when applied to all workers, will undoubtedly reduce purchasing power, which, as retail sales show, is even now faltering a bit.

So we really get no place if we insist upon reducing the purchasing power of the great mass of the people who have an income of $2,500 a year and less. It reacts against the entire business structure of the country and makes it impossible for an increase of business to occur. Again, Mr. Henderson says:

> This brings me logically to the most important and serious phase of my topic. I mean the complete annihilation of labor's wage gains by higher prices. Workers resist, sometimes at great personal loss, any reduction in money wages or wage rates—yet they offer, and seemingly can offer, no resistance to advancing prices.

So long as prices continue to rise, and through artificial means at that, it cannot be justly assumed that a person with a $2,500 income can take care of a family according to American standards.

It may be that the Government can extract from people in this income group a few dollars more, a little amount here and a little amount there, which, in the sum total, will run up to about $168,000,000, but when that has been done there has been taken something away from the citizen that which he needs in order properly to sustain himself and his family. That is not in accordance with the principle of ability to pay; that is not in accordance with the sound rule which has been announced and to which in my judgment we ought to adhere.

Mr. President, at one time in England there was levied a tax according to the number of windows there were in a house; a man was taxed according to the amount of sunlight which he was permitted to receive in his home. We will have before us in a short time a housing bill, and, whether we design it or not, the houses will be built in accordance with what we think the people who will occupy them will be able to pay to hold them. That will be the design; whether it is practicable or not, I do not now say. A few days ago, however, the Federal Trade Commission submitted a report upon the glass industry to the effect that there was a complete Glass Trust in the United States, and that they were raising prices. So, as a matter of fact, when we build houses for the poor people of this country every window will pay a tribute to the Glass Trust in the United States, instead of to the Government.

Mr. President, the man with a small income of a thousand dollars a year or $2,500 a year has got to meet this constant increase in prices, this constant increase in the cost of living, and in order to do so he must deny himself here and deny himself there and deny his family here and there of actual food or clothing which is needed. It means a great deal to put an extra load upon him, however small it may be, comparatively speaking.

There is another thing, Mr. President, to be taken into consideration. The small man who has an income of $2,500 a year with which to take care of his family is in a position where vicissitudes in his economic life are very constantly occurring these days. Every time he is thrown out of work or every time the storms sweep away his crops he is compelled to draw on any meager savings he may have been able to accumulate with his income of $2,500 a year. The only way in which a person with $2,500 a year can secure even a decent standard of living is upon the present prices of living, and we know that they are constantly rising; we know that they are rising through artificial means; we know that he has a load placed upon him in addition to any taxes through these artificial methods of increasing the cost of living. It seems to me, under such circumstances, signally unjust to place an additional burden upon him.

The Senator from Virginia [Mr. GLASS] said that he was in favor of increasing taxes for the small man in order to bring him in contact with the Government of the United States, and that then he would do something to us for what we were doing to him. Well, if he had the power to do to us as we have the power to do to him, he might punish us, but he has not the power to do that.

Mr. GLASS. He has the right to reject our demagogy and act in a sensible way; and when he is taxed, he will take pains in the selection of his United States Senators and his Representatives in the Congress and not send men here who will plunge the Government heels over head in debt and necessitate this taxation of him.

Mr. BORAH. Yes. That was demonstrated in the last campaign. [Laughter.]

Mr. GLASS. No.

Mr. BORAH. The highest spending administration in the history of the Government was overwhelmingly reelected.

Mr. GLASS. The last election was carried by people who were getting favors from the Government, people who were subsidized by the Government, people who were on relief rolls, and people who were sanctioning the invasion of private property and its occupation, as is being done now. We have got no government in Washington and we have got no government in some of the States, because government has surrendered to mob violence.

Mr. BORAH. I was speaking of the last campaign. If we could have a straight tax issue before the people of the United States, we might get somewhere, but campaigns are not fought on the issue of taxation. They are fought entirely upon other issues. The man whom we are going to tax today, with his $2,500 income or his $1,000 income, the way the issue will be made up, will not be permitted to express himself upon the question of whether there should be any more taxes. Besides, if a tax issue should be involved in the campaign, both political parties would agree to reduce

taxes, so the man whom we are going to tax has no chance by which to determine how to protect himself.

Mr. GLASS. In that event we will have to agree to repudiate the national debt.

Mr. BORAH. That is a possibility. I do not think it is a probability, but it is a possibility.

Mr. President, what we are proposing to do here is to lower the exemption from $1,000 to $800 with reference to a single individual, and from $2,500 to $2,000 for the man with a family. My contention is that that will take from the persons who have the small incomes the possibility of maintaining themselves upon American standards. It clearly violates the fundamental and just rule that taxes should be levied in accordance with the ability to pay.

Mr. HARRISON. Mr. President, I have heretofore expressed the hope that the amendment just adopted would not be adopted. I pointed out that it would add confusion to the situation and make it necessary for the joint resolution to go back to the House, that the House would probably send it back to the Ways and Means Committee, and that the adoption of such an amendment under such circumstances is contrary to orderly procedure.

I have no personal interest in this matter at all. I am merely the instrument of the Senate, as chairman of the Finance Committee, to present the matter. I believe, after 26 years of service in the Congress, that it is always better for these matters to be considered in an orderly way and that the committee should give careful consideration to them in the first place. Especially is that true with reference to matters affecting the revenue of the Government. The amendment which has just been adopted changes the whole revenue structure of the Government. It seemed to me it was right for the House to be given the opportunity first to consider the matter since, under the Constitution, revenue legislation must originate over there.

Because of the fact that the taxes covered by the pending measure will expire June 30, if we complicate the measure by the adoption of these amendments, it will delay its passage and the Government may lose at least a part of the $650,000,000 for which the joint resolution provides.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kentucky?

Mr. HARRISON. Certainly.

Mr. BARKLEY. Complaint has been made because the House Ways and Means Committee did not hold extensive hearings on the extension of the excise taxes, and complaint has been made because the Finance Committee of the Senate did not hold hearings on the extension of the excise taxes now in existence. If those who are now paying excise taxes are entitled to be heard before either of those committees, or if either of the committees is subject to just criticism because no hearings were had, would it not be just as unjust and unfair to impose these particular taxes now being asked without giving the taxpayers a chance to be heard?

Mr. HARRISON. The same argument could be employed. The same matter has been presented before the Finance Committee in the past, although not to the committee as at present constituted. It was not discussed very extensively, as the Senator from Wisconsin [Mr. LA FOLLETTE] knows. He presented his reasons why the amendment should be approved and we took a vote and his proposal was defeated—not upon its merits, in my opinion, but because we did not believe it is wise to attach such an amendment to the pending joint resolution.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. HARRISON. Certainly.

Mr. LA FOLLETTE. I am sure the Senator from Mississippi does not wish to leave the impression that every Senator present in the committee did not well know the effect of the rates contained in the amendment, and did not know all there was to know about them. As a matter of fact, when we hold hearings such as the Senator from Kentucky [Mr. BARKLEY] has referred to, after the hearings are over the committee passes upon the rates which are to be adopted in accordance with the necessity for raising revenue. Rate schedules are not complicated portions of tax bills, and especially is that true of the individual income taxes.

Mr. HARRISON. It is true the Senator from Wisconsin made his statement to the committee, and I have no fault to find. I am merely explaining that I believe that those who voted against his proposal did so largely because they believed the amendment ought not to be placed on the pending joint resolution.

Senators are moved in these matters by various reasons. I am opposed to increasing taxes at this time for several reasons. I believe if taxes are going to be increased the question should be considered by the House first, and that the proposal should originate there, as the Constitution provides.

Certain Senators want to cut down this and that item of taxes. I sympathize a great deal with such desires. For instance, the match producers presented, not to the committee but to individual members, the fact that there is a difference between the tax on the wooden match and the tax on the paper match. They think the two ought to be equalized, but we did not believe it should be done in this measure.

If we opened up the question as it relates to matches, we would have to open it up as it relates to other taxable objects.

The sporting-goods manufacturers presented their brief to the individual members of the committee in behalf of certain changes in the taxes on the articles in which they are interested. However, the committee declined to open up that question because that would have involved opening up the matter of taxes on other articles, and that was something the committee did not want to do at this time. There are at least 20 different items as to which reasonable arguments have been presented to the committee why the taxes should be reduced.

No doubt some Senators voted for the La Follette amendment believing perhaps in that way more money would be raised and some of the taxes carried in the joint resolution could be reduced. One Senator, I know, has the idea of cutting down the postal rate, which would lose $90,000,000 of revenue to the Government. I hope it will not be done.

However, by the action of the Senate in adopting this amendment today, with the little discussion we have had here, I have been deprived of the argument that there ought not to be any more amendments attached to the joint resolution. Since it is my belief that we ought to proceed in a more orderly way, rather than transform our whole revenue structure here upon the floor of the Senate without the House having first considered it, I hope that some Senator who voted for the amendment will see fit to make a motion to reconsider it, and that Senators who voted for it will change their votes so we may proceed in an orderly way without making it necessary for the joint resolution to go back to the House and to the Ways and Means Committee, and thus run the risk of losing a considerable portion of the $650,000,000 of revenue involved.

Mr. BULKLEY. Mr. President, will the Senator yield?

Mr. HARRISON. Certainly.

Mr. BULKLEY. The Senator just alluded to a proposal to equalize the taxes on matches. I am sure he does not want to leave the impression that the suggestion was to reduce any taxes? The equalization of the taxes on matches would increase the amount of revenue.

Mr. HARRISON. I did not go into details. It is true that the claim is made that the taxes should be increased on paper matches in order to equalize them with the wooden matches.

Mr. BULKLEY. The Senator discussed it in connection with some other matters as to which there were requests for reduction of taxes, and I did not want the situation misunderstood.

Mr. HARRISON. That is true. I cannot argue now that no more amendments should be placed on the joint resolution. As I said, I hope that some Senator who voted for

the amendment which has just been adopted will move to reconsider it and that we can have another vote upon the question. Likewise I express the very earnest hope that the pending amendment of the Senator from Wisconsin [Mr. LA FOLLETTE] will be defeated.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Wisconsin.

Mr. BORAH. Let us have the yeas and nays.

Mr. BANKHEAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	La Follette	Radcliffe
Andrews	Copeland	Lee	Reynolds
Ashurst	Davis	Lewis	Robinson
Austin	Dieterich	Lodge	Russell
Bailey	Duffy	Logan	Schwartz
Bankhead	Ellender	Lonergan	Schwellenbach
Barkley	Frazier	Lundeen	Shipstead
Black	Gerry	McAdoo	Smathers
Bone	Gillette	McGill	Smith
Borah	Glass	McKellar	Steiwer
Bridges	Green	McNary	Thomas, Okla.
Brown, Mich.	Guffey	Minton	Thomas, Utah
Bulkley	Hale	Moore	Truman
Bulow	Harrison	Murray	Vandenberg
Burke	Hatch	Neely	Van Nuys
Byrd	Hayden	Nye	Walsh
Byrnes	Herring	O'Mahoney	Wheeler
Capper	Hitchcock	Overton	White
Caraway	Holt	Pepper	
Chavez	Johnson, Calif.	Pittman	
Clark	Johnson, Colo.	Pope	

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, a quorum is present.

Mr. BARKLEY. Mr. President, before the vote is taken on this amendment, I think it might be well for some member of the Committee on Finance to make a brief statement with respect to what I think, so far as it affects me, is a matter of good faith in reference to all these amendments.

When the House passed the joint resolution extending these taxes, and dealing with no other subject, and the joint resolution came over here, all of us on the committee were approached by different persons asking that we change this tax and that tax, either by repealing it entirely or by modifying it. Not only those interested in watches but those interested in furs and those interested in sporting goods and the representatives of probably a dozen other products taxed under the joint resolution by reason of the extension appealed to the committee and to individual members asking for changes in the rates, or for outright repeal of the taxes imposed. All of us, I am sure—I know I did—advised these persons, some of them from my own State, that it was necessary or urgently desirable not to complicate this mere extension by undertaking to open up the whole tax structure for amendments, or for repeal, or for changes in rates. We were able, I think, to pacify those who were asking for hearings on the ground that this was an extension, and that of necessity the whole subject of the tax structures would be taken up at the next session of the Congress, and I myself do not think there is any way to postpone it beyond the next session of Congress.

I am in sympathy with the objects sought to be effectuated by the Senator from Wisconsin, and in a general tax bill I feel pretty sure he will find me voting with him on these rates and on the reorganization of the tax structure. However, so far as I am concerned, in view of the importunities of large numbers of those who appealed to us for hearing and for reconsideration of some of the existing taxes, and in view of the statement that we were not going to attempt to change these taxes or to go into any other field of taxation, I feel that under the circumstances it is seriously to be doubted whether we are justified in going out into another field, not included in the present tax structure or in this joint resolution, to impose any other taxes at all.

As one member of the Committee on Finance, I feel within the bounds of propriety in assuring Members of the Senate that at the next session of Congress, or at any session subsequent to this, when we go into the whole tax structure, the representations and policy and objectives of the Senator from Wisconsin will be considered; and I have no doubt that in any reorganization of our tax legislation substantially what he is now asking for as an amendment to this joint resolution may be brought into the Senate from the committee, if not from the other House, after due consideration, after giving everybody an opportunity to be heard, and after debating and arguing around the table, where it is always possible to come closer than anywhere else to reaching an amicable and a just decision—the very situation to which the Senator has just alluded.

For that reason I voted against the amendment which the Senator offered awhile ago, and I share the feeling of the Senator from Mississippi [Mr. HARRISON] that that amendment ought to be reconsidered and eliminated from the joint resolution. For the same reason I am against this amendment; and I hope we may pass the joint resolution and send it to the President without complication.

If the amendment should be adopted and the joint resolution should go back to the House, of course, theoretically it would be easy to send the measure to conference, and it might be easy for the conferees to eliminate the amendment; but instead of sending the joint resolution to conference, they might send it to the Ways and Means Committee for further consideration, and that might prolong the discussion beyond the 1st day of July, when these taxes expire.

For that reason I hope we shall eliminate these amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. HARRISON. Mr. President, the vote now is about to be taken on the second amendment offered by the Senator from Wisconsin.

The PRESIDING OFFICER. That is correct. The question is on that amendment.

The amendment was rejected.

Mr. VANDENBERG. Mr. President, I offer the amendment which I send to the desk; and inasmuch as I can probably explain the amendment more briefly than it can be read, I ask unanimous consent that it may be considered without formal reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VANDENBERG's amendment was, after the amendment last agreed to, to insert a new section reading as follows:

SEC. 3. (a) Section 26 of the Revenue Act of 1936, relating to credits of corporations, is amended by adding a new subsection reading as follows:

"(f) Debts:

"(1) An amount of the adjusted net income equal to the amount of the debt excess specified in paragraph (2) divided by the number of years specified in that paragraph (or, if no specification, then by 10).

"(2) If the sum of all the debts computed under paragraph (3) of this subsection is in excess of the accumulated earnings and profits of the corporation as of the day before the first day of its first taxable year beginning after December 31, 1936, and, if the corporation, in its return for such first taxable year specifies the number of consecutive taxable years (not less than 5) over which such debt excess shall be amortized for the purposes of this subsection, then for such number of consecutive taxable years, beginning with such first taxable year (or, if no such specification is made, then for the first 10 taxable years) a debt credit shall be computed as provided in paragraph (1).

"(3) As used in this subsection the term 'debt' means an indebtedness of the corporation existing at the close of business on June 1, 1937, and evidenced by a bond, note, debenture, certificate of indebtedness, mortgage, or deed of trust, issued by the corporation and in existence at the close of business on June 1, 1937, or by a bill of exchange accepted by the corporation prior to and in existence at the close of business on such date; to the following extent:

"(A) If having a maturity at the time of issue of 3 years or more, then to the full amount thereof;

"(B) If having a maturity at the time of issue of less than 3 years, then to the extent shown to the satisfaction of the Commissioner (whose decision shall be final) to represent indebtedness incurred by the corporation prior to June 1, 1934; or

"(C) If having a maturity at the time of issue of less than 3 years, then to the extent shown to the satisfaction of the Commissioner (whose decision shall be final) to evidence indebtedness of the corporation incurred in the acquisition of capital assets, except (1) shares of stock in any corporation, or (2) rights to

subscribe for or to receive such shares, or (3) bonds, debentures, notes, or certificates or other evidences of indebtedness, issued by any corporation, with interest coupons or in registered form, or (4) certificates of profit, or of interest in property or accumulations, in any investment trust or similar organization holding or dealing in any of the instruments mentioned or described in this paragraph, regardless of whether or not such investment trust or similar organization constitutes a corporation within the meaning of this act.

"(4) This subsection shall not be applied in any case in which such application would operate to increase the tax which would be payable without its application, and, if subsection (c) applies also, only the one of such subsections which allows the greater credit shall be applied.

"(5) Every corporation shall accompany its return for such first taxable year with an itemized list (prepared in accordance with regulations prescribed by the Commissioner, with the approval of the Secretary) of the bonds, notes, and other instruments which it claims evidence indebtedness coming within the meaning of the term 'debt' as defined in subsection (a). For the purposes of this subsection no debt shall be included in computing debts under paragraph (1) unless the instrument evidencing such debt is included in such list."

(b) Section 14 (a) (2) of the Revenue Act of 1936 is amended to read as follows:

"The term 'undistributed net income' means the adjusted net income minus the sum of the dividends paid credit provided in section 27, the credit provided in section 26 (c), relating to contracts restricting dividends, and the credit provided in section 26 (f), relating to debts."

Mr. HARRISON. Mr. President, if the Senator will yield, will he permit a motion to be made before he offers his amendment?

Mr. VANDENBERG. I prefer to proceed with this amendment before a vote is taken on the other matter.

Mr. BORAH. Is the Senator's amendment a long one?

Mr. VANDENBERG. It is four pages long, and very technical; and I think probably the explanation will suffice to acquaint the Senate with its contents.

Mr. BORAH. Very well.

Mr. VANDENBERG. Mr. President, the purpose of this amendment is to provide a minimum measure of relief from what I believe is now universally recognized to be the excessive burden of the Revenue Act of 1936 with respect to the tax on undistributed profits.

I doubt if there is today any disagreement that in the form in which the undistributed-profits tax was finally adopted, it not only has worked an inequitable hardship but it involves a very serious threat to the maintenance particularly of small industry in this country.

Before I explain the amendment itself, I desire to say that textually it is almost precisely in the language which the House itself wrote into the undistributed-profits tax law last year, and which the Senate eliminated. Therefore we are offering no affront to the House, even by indirection, when we now confess that the Senate erred 1 year ago when it declined to put into the undistributed-profits bill the precise language which I am now offering by way of amendment. The precise language which I am offering had complete consideration in the House, and was adopted. It had complete consideration in the Senate, and was rejected. It is not subject to the complaint that it has not been debated. It is not subject to the attack that it should originate in the House rather than in the Senate, because it originated in the House in the first instance.

I may add that technically I have submitted the amendment to the staff of the Joint Committee on Internal Revenue Taxation, and in its pending form it has the approval of the staff insofar as its mechanics is concerned. I desire to make it clear that I am not undertaking to commit the staff to the purpose of the amendment or to the equities involved.

I think I can dispose of the matter most quickly if I read a brief statement of explanation regarding the amendment itself.

The amendment which I propose to the joint resolution is designed to correct, at least to a considerable extent, one of the major inequities brought about by the new undistributed-profits tax as levied by the Revenue Act of 1936. This law, as now existing, puts a tremendous tax penalty on corporations who are trying to pay their honest debts. The amendment which I propose aims to give relief, under certain limitations, from the undistributed-profits tax in respect to amounts used for the retirement of indebtedness.

It is true that under existing law a corporation receives certain credits from the undistributed-profits tax when it has a written agreement not to pay dividends or when it has a written agreement to devote a certain proportion of its current earnings and profits to the payment of debts. However, these situations are unusual and operate to give relief in very few cases, although there is equal justice in giving relief in many other cases where debts exist.

The amendment has been designed, as I have previously stated, to give only limited relief. This is because of a desire to protect the revenue. I realize that this is necessary, because the total indebtedness of corporations is approximately $60,000,000,000, and to allow a full deduction for all amounts paid on all debts would undoubtedly seriously affect the revenue. I do not claim, of course, that my amendment will not theoretically reduce the revenue, but I do not believe that the mathematical reduction will exceed $25,000,000. Moreover, I believe the indirect effect of the amendment will be to encourage business and to stimulate expansion, so that in the long run I believe the revenue will be benefited, instead of adversely affected. That is not only my own judgment but it is the judgment of those official experts with whom I have consulted.

Mr. CONNALLY. Mr. President, does the Senator propose to quote these experts? Are they meddling in legislation? If they are, I should like to know their names.

Mr. VANDENBERG. Mr. President, I wish to state expressly——

Mr. CONNALLY. The Senator at first said the experts approved the mechanics. Now he says these experts—and he uses it as an argument—tell him that the proposal will get the revenue, and get more revenue, perhaps. I want to know who these experts are who are seeking to advise the Senate, not in a committee hearing but in secret around here.

Mr. VANDENBERG. Would the Senator question my right as a member of the Committee on Finance to ask the staff of the joint committee to make an estimate for me with respect to a hypothetical case?

Mr. CONNALLY. No.

Mr. VANDENBERG. That is all I am talking about.

Mr. CONNALLY. But the Senator is employing what they told him as an argument for his amendment. I do not want to be rough about it, but it does seem to me that if we start that kind of practice here, every time we have a bill before us we will be quoting some little fellow in some department as being for it. These gentlemen should go before the committee in a hearing and publicly state their position.

Mr. VANDENBERG. Mr. President, I do not propose to have the Senator from Texas put any words in my mouth which did not originate there.

Mr. CONNALLY. There were plenty there without my adding any.

Mr. VANDENBERG. Yes; and when the Senator undertakes to multiply them, he frequently multiplies them in a fashion which is not acceptable. Just before he sat down he complained that these experts were being quoted as favoring legislation. I specifically stated, and it would be a great injustice to the staff of the joint committee to have it otherwise understood, that they specifically declined to recommend anything, and have only responded to my rightful inquiry as a member of the Committee on Finance for advice respecting the purely mechanical phases of the problem.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. CONNALLY. If the RECORD may be read, it will be found that the Senator from Texas did not undertake to misquote the Senator from Michigan. What the Senator from Michigan said was that this amendment, by stimulating business and industry, according to his opinion, would produce more revenue than we were getting now. The Senator from Michigan does not question that, does he?

Mr. VANDENBERG. No; that is correct.

Mr. CONNALLY. And he says it is also the view of these experts whom he has consulted.

Mr. VANDENBERG. Which is a mechanical calculation, which I am entitled to ask for.

Mr. CONNALLY. The Senator from Texas then said that the Senator was using that as an argument for his amendment. That is all I said. I think the RECORD will so show. I did not say he quoted them as favoring it. I said the Senator from Michigan was using that statement as an argument for his amendment.

Mr. VANDENBERG. I am sorry, but the Senator will find, when he reads the RECORD, because I listened very carefully, that his concluding statement was precisely in the form I have quoted.

Mr. CONNALLY. I did say that if they were making recommendations I wanted to know it.

Mr. VANDENBERG. I am saying they made no recommendations, and that they were within their rights, and that I am within my rights, and that I shall continue to consult the staff just so long as I am a member of the Committee on Finance.

Mr. CONNALLY. I commend that in the Senator. The more consultation he has with the staff the better off he will be.

Mr. VANDENBERG. Yes; but I shall not seek the consent of the Senator from Texas before I do it.

The amendment which I propose is not new. It is very nearly the same as the provision carried in the revenue bill of 1936 when it passed the House of Representatives. The House saw the necessity for giving relief to debt-ridden corporations, and provided for such relief in practically the same way as is now proposed in my amendment. Unfortunately, when the bill was ultimately enacted into law, this feature of the House bill was discarded.

Let me explain my amendment more in detail.

In the first place, we define debt in paragraph (3) for the purposes of this provision as the indebtedness of a corporation existing at the close of business on June 1, 1937, and evidenced by a bond, note, debenture, certificate of indebtedness, mortgage, or deed of trust, issued by the corporation and in existence at the close of business on June 1, 1937, with the following limitations:

(1) The debt must have had a maturity at time of issue of 3 years or more; or (2), if it had a maturity at time of issue of less than 3 years then to the extent that it represents indebtedness incurred by the corporation prior to June 1, 1934. (This is to take care of short-term indebtedness which has been continuously renewed.) Or (3), if it had a maturity at time of issue of less than 3 years then to the extent that the indebtedness was incurred in the acquisition of capital assets, such as plant, machinery, and so forth, excluding shares of stock, bonds, notes, and so forth.

Thus, it is seen that we have very considerably restricted the amounts of debts which will be taken into account in giving corporations relief. In the first place, the debt must have been in existence on June 1, 1937. This limitation is deemed necessary in order to prevent future tax avoidance by the creation of unnecessary debts. Second, we have in general taken care only of long-term indebtedness having a maturity at time of issue of 3 years or more. Where we do take account of short-term debts, we take care of such debts only where they really represent a debt of more than 3 years' standing or where they represent an investment in plant, machinery, and so forth.

Having arrived at a basis for the debts which we will take into account, we proceed to further limit the relief. This is done by the wording in paragraphs (1) and (2). In the first place, a corporation cannot get the debt relief which I propose unless its debts exceed its accumulated earnings and profits; that is to say, unless they exceed its surplus. In the second place, a corporation must amortize these debts over a series of not less than 5 years. A corporation may amortize over a longer period if it so desires, but in any event it cannot reduce its net income which is subject to the undistributed-profits tax in any one year by more than 20 percent of the total amount of its debts.

Thus we arrive at the result that a debt-ridden corporation with insufficient surplus to meet its debts can subtract from its adjusted net income which is subject to the undistributed-profits tax an amount equal to 20 percent of its debts. No relief is proposed in respect to the normal tax on corporations.

The amendment does not go nearly as far as I would wish, but in view of the present financial situation of the Government I have felt it wise to propose the amendment in essentially the same form in which it was contained in the House bill of last year. The loss of revenue will be relatively small. I believe the amendment will take care of the hardest cases.

Moreover, I believe it to be imperative that action be taken at this time in order to protect our debt-ridden corporations and to allow them to pay their honest debts without incurring a surtax penalty running up to 27 percent. I do not see how we can possibly justify the present situation. This amendment will affect only the hard cases and will be of no benefit to the big corporation with a huge surplus which may happen to have some bonded indebtedness.

I realize that there are other improvements which should be made to the undistributed profits tax law. Undoubtedly, we should take care of corporations with deficits and also make some provision so that a corporation could make necessary plant expansion, thus creating employment. However, I believe the situation of the debt-ridden corporation to be the most serious of all, and, therefore, I am limiting myself to the debt-relief proposal at this time, to which proposal I can see no logical objection.

Mr. President, to show the calculation and the prospectus under this amendment, I ask that the example which I send to the desk may be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

A corporation on December 31, 1936, had a surplus of $10,000. It had outstanding a 10-year bond issue of $100,000 maturing on December 31, 1937. During 1937 the corporation had a net income of $100,000. It used this money to pay off its bond issue on December 31, 1937. Under existing law, the tax on the corporation would be as follows:

Normal tax	$13,840.00
Undistributed-profits tax	17,662.80
Total tax	31,502.80

Under my amendment and the same set of facts the tax would be as follows:

Normal tax (as before)	$13,840.00
Undistributed-profits tax	12,802.80
Total tax	26,642.80

Thus, through the amendment, this debt-ridden corporation will have its tax reduced by $4,860 and will pay an aggregate tax rate of about 26½ percent instead of the 31½ percent under existing law. It will also be allowed to take off one-fifth of the debt credit allowable in each one of the following 4 years. Surely this is not too great relief.

Mr. VANDENBERG. Mr. President, I wish to say just a word in conclusion.

A critical situation exists in the small industries of the United States in respect to the final burden of the undistributed-profits tax. I think that is universally recognized. We may say that we will wait another year before we remedy it; but if we wait another year before we remedy it, we shall have put a tombstone over the grave of many a small industry which cannot survive under the existing circumstances.

The undistributed-profits tax was an assault upon thrift and prudence. It was an attack upon the reserves upon which in time of depression industry must depend in order to provide employment. It was a serious innovation. I am seeking to correct it only at the final point where it is utterly insufferable in respect to the small debt-ridden corporations of the country.

I remind the Senate again that this is not my amendment. It is the amendment which the House of Representatives, in its own wisdom, thought it essential and wise to insert into the undistributed-profits tax law in the first

instance; and we are but now notifying the House that we belatedly agree.

Mr. HARRISON. Mr. President, I have been very much in sympathy with some modifications in the tax structure which we passed last year. I have many times talked about them to those in authority. The Treasury Department, as well as our joint committee experts, are now trying to work out some plans.

As the Senate will recall, the President in his recent message said:

> In regard to that subject I have already suggested to the Congress that at this session there should be no new taxes and no changes of rates. And I have indicated to the Congress that the Treasury will be prepared by next November to present to the appropriate committees information on the basis of which the Congress may, if it chooses, undertake revisions of the tax structure.

So we are working on this matter. I hope we may have a modification of the law to suggest at some future date, and that the time will not be too remote.

I do not think amendment should be placed on the pending joint resolution, and I hope the amendment will be defeated.

Mr. DAVIS. Mr. President, the technical application of the corporation surplus tax is far beyond the understanding of the average person. Indeed, the disappointment found among Treasury officials today might seem to indicate that it has proven to be too difficult even for experts to understand. The mysteries of taxation as of the present time are so involved that they constitute a menace to our popular institutions of government; and among all the tax measures of which I have any knowledge the corporation surplus tax set in operation last year is in this respect "exhibit A." The rates of this tax have been so multifarious and cumbersome that no citizen lacking professorial distinction in mathematics has been able even so much as to examine the law.

This tax measure relates to more than 500,000 corporations in this country. The corporate structure has become the industrial structure of the Nation. Corporations pay gross taxes of $2,800,000,000 annually, and thus provide an important source for Government revenue. Bernhard Ostrolenk is authority for the statement that 504,000 corporations filed income-tax returns in 1933. Of these, only 594 had assets of $50,000,000 or more, and 211,586 had assets of less than $50,000. Of all corporations, only one-tenth of 1 percent were big corporations and 42 percent were relatively small enterprises. Ordinarily, two-thirds of all corporations earn less than $5,000 annually. Therefore it must be apparent that most corporations are virtually one-man or small-scale enterprises.

Mr. President, there are 200 large nonfinancial corporations, consisting of 42 railroads, 52 utilities, and 106 industrial enterprises which in 1933 controlled almost two-fifths of all business wealth and almost one-fifth of all the wealth in the United States. But while these large corporations own and control an important part of the Nation's wealth they in turn are owned by a large section of the public. There are not less than 5,000,000 different owners of corporate securities. Although ownership of corporate wealth is so widely held the control of these great corporations is concentrated in a few hands. Circumstances, supported by complex legal devices, have brought about a situation whereby management has been dissociated from ownership; whereby those in control frequently are secure in their operations, irrespective of the wishes of the great majority of stockholders. This condition has both advantages and disadvantages with respect to the public welfare and is not subject to a quick word either of commendation or of criticism.

Mr. President, in the light of these facts we observe an attempt to direct public attention to a few persons, representing a small class, who apparently are to become the targets of administration wrath because the Government's revenues have been curtailed. Such a maneuver at the present moment of general embarrassment may justly be regarded as having a psychological advantage. Someone must be the "goat." Last year, speaking on this subject, I said of this measure that it would increase tax litigation, as it would mean more tax complexities. Within less than 12 months this prediction has been fulfilled.

If this were the only difficulty born of this measure, it might be endured. However, objections to it have been raised on every hand. Many have asserted that it will raise the peaks of Federal revenue in years of prosperity, and deepen the valleys in years of depression; that it will halt the accumulation of reserves by those corporations which should retain such of their earnings as may be necessary in order to build up working capital or provide for expansion and growth; favor the well-established, fully financed corporations at the expense of the smaller industries; hamper the capital-goods industries whose progress depends largely upon the availability of capital in the hands of other industries; substitute public control for private management in important fiscal operations of business; arrest the establishment and development of new enterprises; place an unfair burden on corporations engaged in long-term business and place small corporations with impaired credit at a great disadvantage, forcing them to borrow. Not being able to borrow from the banks, they will be forced to turn to the ever-growing paternalism of the Government.

These are the objections voiced by small businessmen, rather than by the few who soon will be haled before an investigating committee because of their vast holdings.

This measure was passed under high pressure last year. It was quite generally conceded at the time that in point of difficulty of application and calculation of its uncertain levies, the measure was intricate, complicated, and in structure a distinct departure from any preceding revenue measure. Today it remains, as it was then dubbed, "The Mystic Maze."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. VANDENBERG].

The amendment was rejected.

Mr. TRUMAN. Mr. President, I move that the Senate reconsider the vote by which the first amendment offered by the senior Senator from Wisconsin [Mr. LA FOLLETTE] was agreed to. I am in entire sympathy with the object sought to be attained by the amendment; but after listening to the statement of the chairman of the Finance Committee, the Senator from Mississippi [Mr. HARRISON], I think the adoption of the amendment proposed by the Senator from Wisconsin is not the proper way to reach the objective.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri [Mr. TRUMAN] to reconsider the vote by which the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE] was adopted.

Mr. LA FOLLETTE. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Holt	Pepper
Andrews	Clark	Johnson, Calif.	Pittman
Ashurst	Connally	Johnson, Colo.	Pope
Austin	Copeland	La Follette	Radcliffe
Bailey	Davis	Lee	Robinson
Bankhead	Dieterich	Lewis	Russell
Barkley	Ellender	Lodge	Schwartz
Black	Frazier	Lonergan	Schwellenbach
Bone	Gerry	Lundeen	Shipstead
Borah	Gillette	McAdoo	Smathers
Brown, Mich.	Glass	McGill	Smith
Bulkley	Green	McKellar	Steiwer
Bulow	Hale	McNary	Thomas, Okla.
Burke	Harrison	Minton	Thomas, Utah
Byrd	Hatch	Moore	Truman
Byrnes	Hayden	Neely	Vandenberg
Capper	Herring	O'Mahoney	Wheeler
Caraway	Hitchcock	Overton	White

The PRESIDING OFFICER. Seventy-two Senators have answered to their names. A quorum is present.

The question is on the motion of the Senator from Missouri [Mr. TRUMAN] to reconsider the vote by which the

amendment of the Senator from Wisconsin [Mr. LA FOLLETTE] was adopted. On that question the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HALE (when his name was called). Making the same announcement as before with reference to my pair with the Senator from Texas [Mr. SHEPPARD] and its transfer to the Senator from Vermont [Mr. GIBSON], I vote "nay."

Mr. BARKLEY (when Mr. LOGAN's name was called). My colleague [Mr. LOGAN] is absent from the Chamber on an important matter. He has a pair with the Senator from Pennsylvania [Mr. DAVIS]. If present, my colleague would vote "yea."

The roll call was concluded.

Mr. DAVIS. I have a general pair with the junior Senator from Kentucky [Mr. LOGAN]. I understand that if present he would vote as I am about to vote. Therefore, I feel at liberty to vote, and vote "yea."

Mr. FRAZIER. I announce that my colleague [Mr. NYE], who is necessarily absent, is paired on this vote with the junior Senator from Pennsylvania [Mr. GUFFEY]. If my colleague were present, he would vote "nay"; and I understand that the Senator from Pennsylvania, if present, would vote "yea."

Mr. MCKELLAR. Making the same announcement as to my general pair with the Senator from Delaware [Mr. TOWNSEND] and its transfer that I made awhile ago, I vote "yea."

Mr. AUSTIN. The Senator from New Hampshire [Mr. BRIDGES], who is detained in a committee hearing, is paired with the Senator from North Carolina [Mr. REYNOLDS]. I am not advised how either Senator would vote if present.

Mr. LEWIS. I announce that the Senator from Utah [Mr. KING] and the Senator from Connecticut [Mr. MALONEY] are detained from the Senate because of illness.

The Senator from Tennessee [Mr. BERRY], the Senator from Mississippi [Mr. BILBO], the Senator from New Hampshire [Mr. BROWN], the Senator from Ohio [Mr. DONAHEY], the Senator from Wisconsin [Mr. DUFFY], the Senator from Georgia [Mr. GEORGE], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Delaware [Mr. HUGHES], the Senator from Nevada [Mr. MCCARRAN], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Texas [Mr. SHEPPARD], the Senator from Maryland [Mr. TYDINGS], and the Senator from New York [Mr. WAGNER] are detained on important public business.

The junior Senator from Montana [Mr. MURRAY], the Senator from Indiana [Mr. VAN NUYS], the Senator from Massachusetts [Mr. WALSH], and the senior Senator from Montana [Mr. WHEELER] are detained in committee meetings.

The result was announced—yeas 45, nays 26, as follows:

YEAS—45

Adams	Chavez	Johnson, Calif.	Pittman
Andrews	Clark	Johnson, Colo.	Pope
Ashurst	Connally	Lewis	Radcliffe
Austin	Copeland	Lodge	Robinson
Bailey	Davis	Lonergan	Schwartz
Bankhead	Dieterich	Lundeen	Schwellenbach
Barkley	Gillette	McAdoo	Smith
Bone	Glass	McGill	Steiwer
Brown, Mich.	Green	McKellar	Truman
Bulow	Harrison	McNary	
Byrnes	Hayden	Moore	
Caraway	Herring	Pepper	

NAYS—26

Black	Frazier	Lee	Smathers
Borah	Gerry	Minton	Thomas, Okla.
Bulkley	Hale	Neely	Thomas, Utah
Burke	Hatch	O'Mahoney	Vandenberg
Byrd	Hitchcock	Overton	White
Capper	Holt	Russell	
Ellender	La Follette	Shipstead	

NOT VOTING—25

Berry	Gibson	Murray	Van Nuys
Bilbo	Guffey	Norris	Wagner
Bridges	Hughes	Nye	Walsh
Brown, N. H.	King	Reynolds	Wheeler
Donahey	Logan	Sheppard	
Duffy	McCarran	Townsend	
George	Maloney	Tydings	

So Mr. TRUMAN's motion to reconsider the vote by which the amendment of Mr. LA FOLLETTE was agreed to was reconsidered.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE.]

Mr. LA FOLLETTE. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. DAVIS (when his name was called). Announcing my pair with the Senator from Kentucky [Mr. LOGAN], and being advised he would vote as I intend to vote, I vote "nay."

Mr. BARKLEY (when Mr. LOGAN's name was called). My colleague the junior Senator from Kentucky [Mr. LOGAN] is unavoidably absent. He has a pair with the senior Senator from Pennsylvania [Mr. DAVIS]. If present, my colleague would vote "nay."

Mr. FRAZIER (when Mr. NYE's name was called). My colleague the senior Senator from North Dakota [Mr. NYE] is necessarily absent. He is paired on this vote with the junior Senator from Pennsylvania [Mr. GUFFEY]. If present, my colleague [Mr. NYE] would vote "yea", and I understand the Senator from Pennsylvania [Mr. GUFFEY] would vote "nay."

The roll call was concluded.

Mr. LEWIS. I announce the necessary absence of my colleague the junior Senator from Illinois [Mr. DIETERICH]. Were he present, he would vote "nay."

Mr. AUSTIN. The Senator from New Hampshire [Mr. BRIDGES] is detained in a committee hearing. He has a general pair with the Senator from North Carolina [Mr. REYNOLDS].

Mr. MCKELLAR. Making the same announcement as before with respect to my pair with the Senator from Delaware [Mr. TOWNSEND], and its transfer to the Senator from Maryland [Mr. TYDINGS], I vote "nay."

Mr. LEWIS. I announce that the Senator from Utah [Mr. KING] and the Senator from Connecticut [Mr. MALONEY] are detained from the Senate because of illness.

The Senator from Tennessee [Mr. BERRY], the Senator from Mississippi [Mr. BILBO], the Senator from New Hampshire [Mr. BROWN], the Senator from Ohio [Mr. DONAHEY], the Senator from Wisconsin [Mr. DUFFY], the Senator from Georgia [Mr. GEORGE], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Delaware [Mr. HUGHES], the Senator from Nevada [Mr. MCCARRAN], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Texas [Mr. SHEPPARD], the Senator from Maryland [Mr. TYDINGS], and the Senator from New York [Mr. WAGNER] are detained on important public business.

The junior Senator from Montana [Mr. MURRAY], the Senator from Indiana [Mr. VAN NUYS], and the Senator from Massachusetts [Mr. WALSH] are detained in committee meetings.

The result was announced—yeas 29, nays 42, as follows:

YEAS—29

Andrews	Frazier	Lundeen	Thomas, Okla.
Black	Gerry	Minton	Thomas, Utah
Borah	Hale	Neely	Vandenberg
Bulkley	Hatch	O'Mahoney	Wheeler
Burke	Hitchcock	Overton	White
Byrd	Holt	Russell	
Capper	La Follette	Shipstead	
Ellender	Lee	Smathers	

NAYS—42

Adams	Chavez	Johnson, Calif.	Pittman
Ashurst	Clark	Johnson, Colo.	Pope
Austin	Connally	Lewis	Radcliffe
Bailey	Copeland	Lodge	Robinson
Bankhead	Davis	Lonergan	Schwartz
Barkley	Gillette	McAdoo	Schwellenbach
Bone	Glass	McGill	Smith
Brown, Mich.	Green	McKellar	Steiwer
Bulow	Harrison	McNary	Truman
Byrnes	Hayden	Moore	
Caraway	Herring	Pepper	

NOT VOTING—25

Berry	Bridges	Dieterich	Duffy
Bilbo	Brown, N. H.	Donahey	George

Gibson	McCarran	Reynolds	Wagner
Guffey	Maloney	Sheppard	Walsh
Hughes	Murray	Townsend	
King	Norris	Tydings	
Logan	Nye	Van Nuys	

So Mr. LA FOLLETTE's amendment was rejected.

Mr. BORAH. Mr. President, I assume the last two votes indicate that the Senate does not want to place any amendment on the pending joint resolution. I cannot assume that Senators were really voting on the merits of the amendment.

Earlier in the day I submitted an amendment dealing with the subject of tax-exempt securities and had intended to offer it in case there was any disposition to deal with the question upon a broad scale. However, I have concluded, in view of the vote just had, that it would be useless to urge it, and so I shall not do so. I can see no hope of doing anything with it. I ask, however, to have the amendment printed in the RECORD.

The PRESIDING OFFICER. Without objection, the amendment will be printed in the RECORD.

The amendment intended to be proposed by Mr. BORAH was, at the end of the joint resolution, to insert a new section, as follows:

SEC. 2. (a) Section 22 (b) (4) of the Revenue Act of 1936 (relating to tax-free interest) is amended by striking out the last sentence and inserting in lieu thereof the following:

"In the case of obligations of the United States issued after September 1, 1917 (other than postal-savings certificates of deposit), and in the case of obligations of a corporation organized under act of Congress, the interest shall be exempt—

"(1) Only if such obligations were issued or reissued prior to the date of enactment of the Excise Tax Act of 1937; and

"(2) Only if and to the extent provided in the respective acts authorizing the issue thereof, as amended and supplemented; and shall be excluded from gross income only if and to the extent it is wholly exempt from the taxes imposed by this title."

(b) Section 25 (a) (1) of the Revenue Act of 1936 (relating to interest on United States obligations) is amended by inserting after the words "United States" the words "issued or reissued prior to the enactment of the Excise Tax Act of 1937."

(c) Section 25 (a) (2) of the Revenue Act of 1936 (relating to interest on obligations of instrumentalities of the United States) is amended by inserting after the words "normal tax" a semicolon and the following: "and (D) such obligations were issued or reissued prior to date of enactment of the Excise Tax Act of 1937."

SEC. 3. This joint resolution may be cited as the "Excise Tax Act of 1937."

Mr. RUSSELL. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Georgia offers an amendment, which will be stated.

The LEGISLATIVE CLERK. On page 1, line 6, beginning with the word "section", it is proposed to strike out down to and including line 2, on page 2, as follows:

Section 1001 (a), as amended, of the Revenue Act of 1932, and section 2, as amended, of the act entitled "An act to extend the gasoline tax for 1 year, to modify postage rates on mail matter, and for other purposes", approved June 16, 1933, are further amended by striking out "1937" wherever appearing therein and inserting in lieu thereof "1939."

Mr. RUSSELL. In 1932, in a desperate effort to secure needed revenue, the Congress hastily enacted a law imposing what are known as nuisance taxes. Among the nuisance taxes was included an increase in the cost of postage stamps on ordinary letters from the time-honored rate of 2 cents to a rate of 3 cents. This represents a tax increase of 50 percent on every person who mails a letter in the United States. It is my personal view that this was an unjust and unscientific method of raising revenue, and the authors of the bill did not undertake to justify it except on the grounds of imperative necessity for revenue at the time the bill was passed.

These taxes, including the 50-percent increase in the price of postage stamps, have been extended from time to time. Some of them are not so irksome, but to my mind the fact that it costs 3 cents instead of 2 to mail an ordinary letter is one of the most irritating reminders of the Hoover administration. It is very apparent that the continued extension of these nuisance taxes will only delay the date when we may hope to have a thorough revision of our entire tax system so as to carry out the pledge of the Democratic platform, which pledges us to levy taxes only in accord with the ability of the taxpayer to pay.

It is a source of deep regret to me that the President in his message on this question has seen fit to specifically recommend to the Congress that we should pass a bill which would extend the 3-cent charge for postage stamps for 2 years beyond the expiration of the present law. I yield to no man in this body in my respect for and confidence in the President of the United States. It is always a pleasure to be able to agree with him in all legislation which he sees fit to suggest, but I cannot agree with him in this instance that we should continue this tax of 50 percent upon the people of the United States who purchase postage stamps. It is unscientific and not based on the ability of the taxpayer to pay. It is as heavy on the poor who are compelled to use the mails as it is on the rich. It is my earnest conviction that the people of the country should be relieved of this burden and that, now that the worst of the emergency is over, the 2-cent rate of postage should be allowed to come about on the 1st of July of this year, as it will under existing law if this part of the recommendation of the President be rejected by the Congress.

The purpose of my amendment is to strike from the joint resolution that provision which would continue the 3-cent postage on first-class matter for the next 2 years.

Due to the depleted condition of the Treasury, I fully realize the impelling reasons for increased revenue at this time. I appreciate the attitude of the Senate against any changes whatever, be they merely changes in verbiage, in the joint resolution. In spite of these circumstances, I think we should return to 2-cent postage on first-class matter.

Mr. President, at the present time first-class mail revenue, largely derived from 3-cent postage, is paying for the deficit arising from the carriage of all the other classes of mail matter by the Post Office Department. We have heard a great deal about subsidies to those who carry the mails. A Senate committee investigation developed some bad practices which did not reflect any credit upon the Post Office Department, which disclosed the fact that in some instances as much as $50 or $60 was paid for the transporting of one letter by a ship.

In the case of the 3-cent postage now in effect, I submit it really amounts to an indirect subsidy to the publishers of newspapers and magazines and to those who mail parcel-post packages, because the difference in the profits of the Post Office Department, as disclosed by the cost-ascertainment report, is shown to equal almost to the dollar the amount of the loss that is involved in carrying newspapers and magazines.

Mr. President, we have had a number of implied assurances that we would go back to the 2-cent postage rate at the earliest possible moment. Only twice in the history of the Republic has there been a tax levied upon the right to send letters through the mails. Once was during the War of 1812. The other time was during the World War. Only on two occasions, when the Nation was faced with a great emergency or crisis, have we imposed this tax upon stamps and upon the right of the people of the United States to use the mails.

I submit that the condition of the country today cannot justify the continuance of this tax. It is paid by those in this country whose voices are seldom heard in these halls. I was glad to see the abolition of the tax which was levied upon cashing checks at the banks. I was glad that the time had come when we could afford to do away with that source of income to our Treasury; but this was done under pressure from the banking group. That tax fell upon a smaller class of citizens than does the tax which increased from 2 cents to 3 cents the rate of postage upon first-class mail, which is used by rich and poor alike in this land.

We have no way of knowing whether or not a reduction of the first-class rate to the normal rate of 2 cents will decrease the revenues of the Post Office Department. It is an established fact that there are today many concerns, particularly large utilities that have a wide operation in many cities, that

are sending out their statements to the various towns by trucks, and having them delivered by hand, rather than pay the 3-cent postage rate. I venture to say that if the 2-cent rate on first-class mail were restored, no very large loss in revenue would result, because of the increase that would take place in the sending of mail.

I hope the amendment may be accepted.

Mr. McADOO. Mr. President, may I ask the Senator from Georgia what the reduction in revenue would be if his amendment should be adopted?

Mr. RUSSELL. I have no direct figures on that subject. It has been estimated that it would be somewhere between $80,000,000 and $90,000,000.

Mr. HARRISON. That is the amount.

Mr. RUSSELL. I submit, however, that it is impossible to tell whether there will be any reduction, because of the fact that at the lower rate the mail will be more widely used.

I have just pointed out that today, in many cases, those who were formerly large users of the mail are sending their statements of account, or other matter that ordinarily goes through the mail, by truck or by parcel post to its destination, where it is delivered by hand. If there should be a material increase in the use of the mails as a result of the reduction in postage, there would be no loss whatever in revenue.

Mr. HARRISON. Mr. President, I am sure the entire Senate wishes very much the time would come when it could reduce the first-class postage rate from 3 cents to 2 cents; but the President in his message has asked that the present rate be continued, and there is in the record a letter from the Postmaster General saying it is absolutely necessary that the present rate be continued unless there is to be a deficit of $90,000,000 in the postal receipts.

I hope, therefore, the amendment will be rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. RUSSELL].

The amendment was rejected.

Mr. BONE. Mr. President, I send to the desk an amendment which is pending. I offer the amendment and ask to have it read.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 1, after line 12, it is proposed to insert the following as a new section:

SEC. 2. That effective on the date of enactment of this act, section 601 (c) (6) of the Revenue Act of 1932, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: *Provided*, That in determining board measure, no deduction shall be made on account of planing, tonguing, and grooving, as provided in paragraph 401 of the Tariff Act of 1930, as interpreted and applied by the Bureau of Customs and approved by the Secretary of the Treasury prior to and in effect on November 15, 1935. As used in this paragraph, the term 'lumber' includes timber."

Mr. BONE. Mr. President, I do not wish to take long on this amendment. The Senator in charge of the joint resolution has advised me that it is the sincere desire of the administration not to have amendments added to the measure, and apparently the Senator has been very successful in keeping them off.

It will be observed that this amendment has to do with an interpretation by the Customs Bureau in the matter of lumber imports into the United States; and, if I may take just a moment to explain it, I think that will be sufficient to enlighten Senators as to the purpose of the amendment.

Due to a court decision, which I think was very unfortunate, the Customs Bureau now uses two different methods to determine the board measure of lumber imported into this country. The amendment would establish a single method, which is the ordinary method used in lumber measurement. Canada assesses duty on lumber imports on the basis of the original rough board measure. That is identically the basis of measurement which is sought by this amendment.

The practice suggested here is followed by Canadian customs offices, and this practice was followed by customs offices in the United States until, in the Myers case, the court reached what I think was a rather absurd and illogical conclusion, wherein it laid down the rule which required one kind of measurement to assess the tariff on lumber, and another kind of measurement to assess on lumber the excise tax which we fixed in the excise bill of several years ago. The result of the Myers decision is to base the excise tax on approximately 82 percent of the total amount of the dressed lumber. The tariff duty is paid on the entire amount.

The standard grading rules for eastern Canadian spruce lumber provide for measurement on the basis of rough green lumber without reductions on account of planing, tonguing, and grooving. This amendment would not change the financial aspects of the joint resolution at all. It would merely define in a legislative way the regulations which the Customs Bureau should apply to lumber coming into the United States, both under the tariff and under our excise law.

Mr. WHITE. Mr. President, will the Senator yield to me?

Mr. BONE. I yield to the Senator from Maine.

Mr. WHITE. I desire to ascertain whether the effect of this definition would be to raise or lower the excise taxes or to raise or lower the tariff taxes on lumber coming into the United States.

Mr. BONE. I do not think it would affect the tariff at all. There is a double basis here for assessment of the excise taxes.

Mr. WHITE. I suppose any method of measurement must have relation to the tariff.

Mr. BONE. It does, in a way.

Mr. WHITE. Would the Senator's proposal result in a higher or a lower duty being paid by importers?

Mr. BONE. I think it might have a tendency to raise the amount actually collected on dressed lumber. It would follow the practice of the Canadian authorities in assessing the import duty on lumber, and it would also follow the tariff practice.

Mr. WHITE. If it would increase the duty, I should be entirely content with the amendment; but if it would result in a reduction of duty, I should be opposed to it.

Mr. BONE. It certainly would not lower the duty. It simply provides that where tonguing and grooving and finishing are part of the lumber that is imported, those importing it shall pay on the basis of the rough lumber.

I do not think it is necessary to make any further statement about the amendment. I have talked to the Senator from Mississippi [Mr. HARRISON], in charge of the joint resolution, and he has expressed to me a desire not to have this amendment adopted. I do not know whether or not he has changed his mind.

Mr. HARRISON. Mr. President, I will say to the Senator from Washington that I am very much interested in this suggestion, so much so that I talked with three of the ranking members of the House Ways and Means Committee in regard to it; and I very much hope they will take up the proposal over there. I trust, however, it will not be adopted as a part of this joint resolution.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was rejected.

The PRESIDENT pro tempore. The joint resolution is still before the Senate and open to amendment. If there be no further amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution was ordered to a third reading, read the third time, and passed.

The joint resolution (H. J. Res. 375), as passed, is as follows:

Resolved, etc., That title IV, as amended, and parts I, II, III, and IV, of title V, as amended, of the Revenue Act of 1932, are further amended by striking out "1937" wherever appearing therein and inserting in lieu thereof "1939." Section 1001 (a), as amended, of the Revenue Act of 1932, and section 2, as amended, of the act entitled "An act to extend the gasoline tax for 1 year, to modify postage rates on mail matter, and for other purposes", approved June 16, 1933, are further amended by striking out "1937" wherever appearing therein and inserting in lieu thereof "1939."

AUTHORITY TO APPROPRIATIONS COMMITTEE TO SUBMIT REPORTS

Mr. ROBINSON. Mr. President, I ask unanimous consent that during the recess or adjournment of the Senate to follow this session, the Committee on Appropriations be authorized to submit reports.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF UNOBJECTED BILLS

Mr. ROBINSON. I ask unanimous consent that when the Senate convenes on Monday next, it proceed to the consideration of unobjected bills on the calendar.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had agreed to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H. R. 6551) to establish a Civilian Conservation Corps, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6692) making appropriations for the Military Establishment for the fiscal year ending June 30, 1938, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SNYDER of Pennsylvania, Mr. DOCKWEILER, Mr. TERRY, Mr. STARNES, Mr. COLLINS, Mr. POWERS, and Mr. ENGEL were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H. R. 7589) to levy an excise tax upon carriers and certain other employers and an income tax upon their employees, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the President pro tempore:

H. R. 3687. An act to extend the period during which the purposes specified in section 7 (a) of the Soil Conservation and Domestic Allotment Act may be carried out by payments by the Secretary of Agriculture to producers;

H. R. 6551. An act to establish a Civilian Conservation Corps, and for other purposes;

H. R. 7328. An act to authorize an appropriation to carry out the provisions of the act of May 3, 1928 (45 Stat. L. 484), and for other purposes;

H. R. 7519. An act to amend an act entitled "An act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes", approved August 29, 1935;

H. J. Res. 380. Joint resolution to provide for the publication and sale by the Northwest Territory Celebration Commission of certain historical and educational material; and

H. J. Res. 415. Joint resolution making an appropriation to defray expenses incident to the dedication of chapels and other World War memorials erected in Europe, and for other purposes.

HOUSE BILL REFERRED

The bill (H. R. 7589) to levy an excise tax upon carriers and certain other employers and an income tax upon their employees, and for other purposes, was read twice by its title and referred to the Committee on Finance.

ENLARGEMENT OF YOSEMITE NATIONAL PARK

Mr. McADOO. With the permission of the chairman of the Committee on Public Lands and Surveys, I ask unanimous consent for the present consideration of House bill 5394, Calendar No. 809, providing for the acquisition, for addition to the Yosemite National Park, of approximately 7,000 acres of sugar-pine trees, a matter upon which the Senate heretofore has favorably passed. The amendment reported by the committee would result in making the House bill conform to the bill heretofore passed by the Senate.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from California?

There being no objection, the Senate proceeded to consider the bill (H. R. 5394) to provide for the acquisition of certain lands for, and the addition thereof to, the Yosemite National Park, in the State of California, and for other purposes, which had been reported from the Committee on Public Lands and Surveys with an amendment.

Mr. JOHNSON of California. Mr. President, is this the bill which has been passed by the House and has recently been reported from the committee in the Senate?

The PRESIDENT pro tempore. It is. The House bill has now been taken up for action.

The clerk will state the amendment reported by the committee.

The amendment was to strike out section 2 as printed in the bill and in lieu thereof to insert a new section, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to acquire, by purchase when purchasable at prices deemed by him reasonable—otherwise by condemnation under the provisions of the act of August 1, 1888, on behalf of the United States under any fund or moneys available for such purpose, at the time of the passage of this act, except from the general fund of the Treasury, any of the following-described lands in the State of California now in private ownership, to wit: Section 25, lots 3, 4, 5, 8, and 9, section 34, northeast quarter, southeast quarter of the northwest quarter, lots 1 to 10, inclusive, section 35, section 36, township 1 south, range 19 east; southeast quarter northwest quarter, east half southwest quarter, southeast quarter, lots 2, 3, and 4, section 30, section 31, township 1 south, range 20 east; sections 1, 2, and 3, east half section 10, sections 11 and 12, north half section 14, northeast quarter section 15, township 2 south, range 19 east; southeast quarter northwest quarter, east half southwest quarter, lots 3 to 7, inclusive, section 6, township 2 south, range 20 east, Mount Diablo meridian.

SEC. 2. When title to the aforesaid privately owned lands has been vested in the United States, all of the lands described in section 1 hereof shall be added to and become a part of the Yosemite National Park and shall be subject to all laws and regulations applicable thereto: *Provided*, That nothing in this act shall be construed to affect any valid existing rights.

SEC. 3. The provisions of the act approved June 10, 1920, as amended, known as the Federal Water Power Act, shall not apply to any of the lands added to the Yosemite National Park pursuant to the provisions of this act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

GRAND LAKE-BIG THOMPSON PROJECT

Mr. ADAMS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate bill 2681, being Calendar No. 793.

Mr. LA FOLLETTE. Mr. President, may we understand what the bill is? Let it be read by title.

The PRESIDENT pro tempore. The clerk will state the title of the bill.

The LEGISLATIVE CLERK. A bill (S. 2681) to authorize the construction of the Grand Lake-Big Thompson transmountain water-diversion project as a Federal reclamation project.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Colorado for the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Irrigation and Reclamation with an amendment.

The PRESIDENT pro tempore. The clerk will state the amendment of the committee.

The LEGISLATIVE CLERK. It is proposed, on line 4, page 1, to strike out the words "Grand Lake" and insert the word "Colorado", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to construct the Colorado-Big Thompson transmountain water-diversion project, in the State of Colorado, as a reclamation project in accordance with the plan set forth in Senate Document No. 80, Seventy-fifth Congress, first session.

SEC. 2. That there is authorized to be appropriated and expended from the reclamation funds the sum necessary to construct such project. That the cost of said project shall be repaid to the reclamation funds and said project shall be constructed under the conditions and in accordance with the provisions of the Reclamation Act.

The amendment was agreed to.

Mr. ADAMS. I desire to submit an amendment, which I send to the desk.

The PRESIDENT pro tempore. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 1, line 5, before the word "project" to strike out "transmountain water diversion."

The amendment was agreed to.

Mr. ADAMS. Mr. President, I desire to offer another amendment, which I send to the desk.

The PRESIDENT pro tempore. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 1, line 8, after the word "session", it is proposed to insert a colon and the following proviso:

Provided, however, That the construction of said project shall not be commenced until the repayment of the cost thereof shall have been assured, to the satisfaction of the Secretary of the Interior, by appropriate contracts (a) with irrigation districts or water users' association organized under the laws of the State of Colorado, or with water-conservancy districts organized under Colorado house bill no. 714, approved May 13, 1937, or (b) with one or more of such districts or associations, as the said Secretary may determine.

The amendment was agreed to.

Mr. McNARY. Mr. President, I have just entered the Chamber. What is the bill before the Senate?

The PRESIDENT pro tempore. A bill to authorize the construction of the Grand Lake-Big Thompson transmountain diversion project as a Federal reclamation project.

Mr. McNARY. It is a bill on the calendar, reported by the committee favorably?

Mr. ADAMS. Yes. In order to save the time of the Senate, I should like to have printed as a part of my remarks the short report of the committee giving the substance of the bill and the details for the RECORD.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the report (No. 775) was ordered to be printed in the RECORD, as follows:

S. 2681, being a bill to authorize the construction of the Grand Lake-Big Thompson transmountain water-diversion project as a Federal reclamation project, having been referred to the Senate Committee on Irrigation and Reclamation, was carefully considered by that committee and is now reported to the Senate with the recommendation that the bill be passed.

The committee recommend that the bill be amended in order to describe the project in accordance with the designation of the Interior Department that in line 4, page 1, the words "Grand Lake" be stricken out and the word "Colorado" inserted in lieu thereof.

The committee further recommend for the same purpose the title of the bill be amended by striking out the words "Grand Lake" and inserting the word "Colorado."

COLORADO-BIG THOMPSON RECLAMATION PROJECT

The project, the construction of which this bill seeks to authorize, has been surveyed and studied with great care by the Reclamation Service and full and elaborate reports, plans, designs, and detailed estimates have been made. A summary of the nature and character of the project is set forth in Senate Document No. 80 of the Seventy-fifth Congress, first session, which document is referred to the bill for the purpose of describing the project.

In the synopsis of the report of the Colorado-Big Thompson project, filed with the Bureau of Reclamation of the Department of the Interior, it is stated:

"The pioneer settlers in this western area came here originally to find gold. Large numbers, when they did not find it, drifted on to other "diggings." A few saw the possibilities of the combination of land and irrigation water to produce foodstuffs needed by the gold miner and gold seeker. While their income was not as speculative, it was far more certain. Others encouraged by the example of these earlier pioneers followed in their footsteps until in the year of highest gold production, 1900, the total mineral production of the State was $50,614,000, while her total agriculture amounted to only $25,500,000. In the year 1916, however, the mineral production was $49,200,000 and the products of agriculture amounted to $75,300,000.

"This project is in need of supplemental water not because of land exploitating for speculation, but through the gradual change to a more permanent type of agriculture requiring more and later water, and to the gradual diminishing stream flow over the last 16-year period.

"It is not the object of this project to bring new lands under cultivation but to stabilize and make secure the production on lands already now under the irrigation system which are provided with inadequate water supplies.

"There are 175,000 people living within the boundaries of this project, a greater portion of whom derive their livelihood either directly or indirectly from the irrigated lands and the attending industries. The counties of Boulder, Larimer, Weld, Morgan, Logan, Sedgwick, and the portion of Washington County that is irrigated, in 1936 had an assessed valuation of $186,000,000 which does not include the $34,239,000 that has been put into their irrigation systems, which are not taxable.

"This area feed-lot fattens about one-fourth of all the sheep and one-eleventh of all the cattle in the United States, and during the 10-year period, in addition to the crop raised and fed in the area, an average of $3,500,000 per year was spent outside the area for fattening feeds, mostly for corn from the Middle West and cottonseed from the South.

"Because this project is now well settled, having developed its necessary institutions that make up a going social and economic state, it has the following outstanding features:

"The annual losses in crop value now due to lack of supplemental water measures one-sixth of the cost of this project.

"The agricultural and livestock resources are developed to their highest degree with water available.

"The supplemental water supply is adequate and dependable. There would be one season's requirements stored in advance of use.

"There would be an increase in tax income for both State and Nation.

"The area affords ample security for repayment.

"Adequate protection is provided for water users on the Colorado River.

"Greater social stability is assured through increased income due to the reduction in drought hazards and higher-priced crops.

"The cost of this project is insignificant when compared to the wealth created for the generations to come.

"In time the mineral wealth of this great State will be exhausted but her lands, if properly farmed, and her waters, if properly conserved, will be an ever-increasing means for the production of wealth and social security for all her people."

The engineers of the Reclamation Service in their report make the following statement in reference to the effect of the construction of this project upon the Rocky Mountain National Park:

"Every effort has been made in the survey and design of this project to not disturb the natural beauties of the Rocky Mountain National Park and its surrounding areas. The Continental Divide tunnel was lengthened 1.6 miles in order that its extremities should fall outside the boundaries of the park. The conduit leading from the east portal of the tunnel to power plant no. 1 is to be buried and the surface landscaped, through the area authorized by Congress to be added to the park. The waste from the east portal of the tunnel placed in this area is to be terraced and planted with evergreen trees. The waste from the west portal is to be used to fill up some low areas and render the area suitable for the building of summer homes.

"The approach to the western gateway of the Rocky Mountain National Park will be along the shores of Shadow Mountain Lake with its fluctuation of only 1 foot instead of the swampy area that now breeds mosquitoes and exposes mud flats in low water.

"The bill authorizing the creation of the Rocky Mountain National Park reserved the right for the Bureau of Reclamation to survey and construct an irrigation project within the boundaries on the park."

It may be added to what has been said by the engineers in their report that this project will deprive the Rocky Mountain National Park of no water whatsoever. The major portion of the water to be diverted by the project falls outside of the park area and that portion which falls within the park is only diverted from streams after they have left the boundaries of the park on their way to the Gulf of California. The tunnel through which the water is carried will be on an average several thousand feet below the surface of the park. The tunnel will pass through solid granite rocks of the Continental Divide. It will not, therefore, be observable nor will it have any effect upon any part or aspect of the park surface.

The report of the Bureau of Reclamation upon this project closes with the following conclusions:

"(1) There is a large area (615,000 acres) of irrigated land in northeastern Colorado, the major portion of which has an inadequate water supply.

"(2) The feasible storage possibilities with the available water supply in the drainage area have been exhausted.

"(3) There is at least an available water supply of 310,000 acre-feet on the upper drainage area of the Colorado River that can be diverted to supplement the present water supply on the eastern slope.

"(4) That the diversion of this quantity of water from the Colorado River watershed will not interfere with or encroach upon the present or future irrigation along the Colorado River and tributaries within the State with the protection provided in the Green Mountain Reservoir.

"(5) That the plan for the project here laid out appears entirely feasible from a construction point of view.

"(6) That the cost of construction estimated at $2 per acre-foot per annum over the repayment period of 40 years is less than storage water is now commanding and that it will increase the crop values five or more times this annual cost, showing its economic worth.

"(7) That the power developments that may be made in the six power plants will produce a large quantity of cheap hydroelectric power that will materially benefit Denver and a large surrounding territory.

"(8) That the revenues from power plant no. 1 will pay for the power features as set up under the initial power development and furnish energy for pumping at Granby pumping plant free and will also pay for the operation of the system to the point where the water is diverted from the Big Thompson to the storage reservoirs.

"(9) That the cost of the irrigation feature of the project is within the ability of the water users to pay."

The Senate, in the Seventy-fourth Congress, passed an amendment to the Interior Department appropriation bill authorizing the construction of this project. This amendment, however, was not accepted by the House of Representatives. There have been for some years differences between the citizens and water users on the eastern and western sides of the Continental Divide in Colorado as to the terms and conditions under which this project should be constructed. These differences have been completely adjusted and representatives of both sections in the State of Colorado interested in this matter have agreed in not only approving but urging its construction. The following letters evidence this agreement:

JUNE 11, 1937.

Hon. HAROLD L. ICKES,
Secretary of the Interior.

MY DEAR MR. SECRETARY: There is attached hereto the portion of the report on the Colorado-Big Thompson project in Colorado covering the principles and stipulations governing the construction and operation of said project for the protection of the rights and interests dependent on the Colorado River in Colorado.

The provisions contained therein have been considered by the Northern Colorado Water Users' Association, representing the irrigation and other interests on the eastern slope in Colorado, and we respectfully submit that they are satisfactory and meet the approval of said association.

We ask that acknowledgment be made of this communication.

Respectfully yours,

NORTHERN COLORADO WATER USERS' ASSOCIATION,
CHAS. HANSEN, *President.*
MOSES E. SMITH, *Vice President.*
THOMAS A. NIXON, *Attorney.*

JUNE 11, 1937.

Hon. HAROLD L. ICKES,
Secretary of the Interior.

MY DEAR MR. SECRETARY: There is attached hereto the portion of the report on the Colorado-Big Thompson project in Colorado covering the principles and stipulations governing the construction and operation of said project for the protection of the rights and interests dependent on the Colorado River in Colorado.

The provisions contained therein have been considered by the Western Slope Protective Association, representing the irrigation and other interests on the western slope in Colorado, and we respectfully submit that they are satisfactory and meet the approval of said association.

We ask that acknowledgment be made of this communication.

Respectfully yours,

THE WESTERN SLOPE PROTECTIVE ASSOCIATION,
SILMON SMITH, *Secretary.*
CLIFFORD H. STONE, *Director.*
A. C. SUDAN, *Special Representative of Grand County.*

In the synopsis of the report which is printed as Senate Document No. 80, certain general principles governing the manner of construction and operation of the project are set forth. The report summarizes these primary purposes as follows:

"The project, therefore, must be operated in such a manner as to most nearly effect the following primary purposes:

"1. To preserve the vested and future rights in irrigation.

"2. To reserve the fishing and recreational facilities and the scenic attractions of Grand Lake, the Colorado River, and the Rocky Mountain National Park.

"3. To preserve the present surface elevations of the water in Grand Lake and to prevent a variation in these elevations greater than their normal fluctuation.

"4. To so conserve and make use of these waters for irrigation, power, industrial development, and other purposes, as to create the greatest benefits.

"5. To maintain conditions of river flow for the benefit of domestic and sanitary uses of this water."

These primary purposes and the manner of their accomplishment are set forth in detail in the report.

The committee therefore recommends that the bill (S. 2681) be passed.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the construction of the Colorado-Big Thompson project as a Federal reclamation project."

PISCATAQUA RIVER BRIDGE, NEW HAMPSHIRE-MAINE

Mr. WHITE. Mr. President, there are two bills on the calendar, Senate bill 2661 and Senate bill 2662, introduced by the Senator from New Hampshire [Mr. BROWN] and the Senator from Maine [Mr. HALE], in behalf of the congressional delegations from those two States. One of the bills gives the consent of Congress to a compact between the two States for the construction of an interstate bridge. The other bill authorizes the construction of the bridge over the navigable waters of the United States.

I ask unanimous consent for the consideration of Senate bill 2661.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the bill (S. 2661) granting the consent of Congress to a compact entered into by the States of Maine and New Hampshire for the creation of the Maine-New Hampshire Interstate Bridge Authority was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to an interstate compact for the creation of The Maine-New Hampshire Interstate Bridge Authority, executed on the 14th day of April 1937 by the representatives of the States of Maine and New Hampshire, which compact has been deposited in the Department of State of the United States and reads as follows:

"INTERSTATE BRIDGE AUTHORITY FOR THE PORTSMOUTH-KITTERY BRIDGE AND APPROACHES THERETO

"COMPACT

"BETWEEN THE STATE OF MAINE AND THE STATE OF NEW HAMPSHIRE

"Whereas the single highway bridge serving as the sole facility for vehicular traffic over and across the Piscataqua River between the State of New Hampshire and the State of Maine is wholly inadequate to care for and accommodate such traffic over said river between the said two States and therefore causes such traffic congestion in and upon the streets and highways of the city of Portsmouth, N. H., and the town of Kittery, Maine, that the lives and property of the citizens of said communities and the travelers on said streets and highways are constantly endangered; and

"Whereas the antiquated and obsolete wooden pile bridge serving as the sole facility for railroad traffic over and across the Piscataqua River between the State of New Hampshire and the State of Maine is wholly inadequate to care for and accommodate the railroad traffic between the said two States; and

"Whereas the narrow draw-span of said wooden pile railroad bridge, the sole facility permitting passage of water traffic up and down said river, is wholly inadequate to permit the passage of steamers and vessels of broad beam from the sea inland to serve the large industrial plants now situate on the banks of said river and therefore constitutes an obstacle to further enlargement of these industries and the development of numerous other industrial sites located so that passage through said bridge is absolutely necessary; and

"Whereas the only remedy for the conditions now existing is the construction of a bridge across said river which by coordinating the facilities required by vehicular and railroad traffic will remove the obstacle to water traffic; and

"Whereas the solution of this problem will result in great economy and benefit not only to the States of Maine and New Hampshire but to the Nation and will require the cordial cooperation of the States of New Hampshire and Maine in the encouragement of the investment of capital as well as the formulation and execution of the necessary plans and such result can best be accomplished through the joining of the two States of Maine and New Hampshire by and through a common agency:

"Now, therefore, the said States of New Hampshire and Maine do hereby agree and pledge each to the other as follows:

"ARTICLE I

"Said States agree to and pledge, each to the other, faithful cooperation in the planning, execution, and construction of a suitable vehicular and railroad bridge with suitable highway approaches thereto and draw-span therein; holding the same in high trust for the benefit of the Nation and of the said two States.

"ARTICLE II

"There is hereby created 'The Maine-New Hampshire Interstate Bridge Authority', which shall be a body corporate and politic, having the powers and jurisdiction hereinafter enumerated and such other and additional powers as shall be conferred upon it by the legislature of either State concurred in by the legislature of the other State, or by act or acts of Congress as hereinafter provided.

"ARTICLE III

"The authority shall consist of six members, three residents of the State of New Hampshire and three residents of the State of

Maine; the New Hampshire members to be chosen by the State of New Hampshire and the Maine members to be chosen by the State of Maine in the manner and for the term fixed and determined from time to time by the legislatures of either State, respectively. Any member may be removed or suspended from office as provided by the law of the State from which he shall be appointed.

"ARTICLE IV

"The members of the authority shall, for the purpose of doing business, constitute a board and may adopt suitable rules and regulations for its management.

"ARTICLE V

"The authority shall constitute a body both corporate and politic with full power and authority (1) to sue and be sued; (2) to have a seal and alter the same at pleasure; (3) to adopt from time to time and amend bylaws covering its procedure, rules and regulations governing use of the bridge and any of the other services made available in connection with said bridge, to publish the same, if such publication is necessary or advisable and to cause records of its proceedings to be kept; (4) to construct, maintain, reconstruct, and operate an interstate toll bridge over the Piscataqua River between the city of Portsmouth in New Hampshire and the town of Kittery in Maine and for this purpose; (5) to acquire, hold, and dispose of personal property for its purposes; (6) to acquire in the name of the authority by purchase, condemnation, lease, or otherwise, any real property and rights or easements therein, deemed by it necessary or desirable for its purposes, and to use such property; (7) to acquire any such real property by the exercise of the power of condemnation in the manner provided by laws and statutes of the said two States or otherwise; (8) to charge and collect fees, fares, and tolls for the use of said bridge and other services made available in connection with the said bridge; (9) to make contracts with the United States, the State of New Hampshire, the State of Maine, public corporations or bodies existing therein, and private corporations and individuals; (10) to accept grants and the cooperation of the United States or any agency thereof in the construction, maintenance, reconstruction, operation, and financing of the bridge and its highway approaches and to do any and all things necessary in order to avail itself of such aid and cooperation; (11) to employ such assistants, agents, and servants as it shall deem necessary or desirable for its purposes; (12) to exercise any of its powers in the public domain of the United States unless the exercise of such powers is not permitted by the laws of the United States; (13) to borrow money, make and issue negotiable notes, bonds, and other evidences of indebtedness or obligations of the authority and to secure the payment of such obligations or any part thereof by pledge of any part of the revenue of the bridge; and (14) to do all other lawful things necessary and incidental to the foregoing powers. All property of the authority and all property held in the name of either State pursuant to the provisions hereof shall be exempt from levy and sale by virtue of any execution and no execution or other judicial process shall issue against the same. No judgment against the authority shall be lien upon its property held in the name of either State pursuant to the provisions hereof. No property now or hereafter vested in or held by either State, by any county, city, town, village, district, township, or other municipality thereof shall be taken by the authority without the authority and consent of the State, county, town, village, district, or township or other municipality in which it is located; nor shall anything impair or invalidate any bond, indebtedness of either State, any county, city, town, village, district, or township or other municipality nor impair the provisions of law to regulate the payment into sinking funds of revenue derived from municipal property or dedicate the revenues derived from any municipal property to a specific purpose.

"ARTICLE VI

"The authority shall have such additional powers and duties as may hereafter be delegated to and imposed upon it from time to time by the action of the legislature of either State concurred in by the legislature of the other. Unless and until otherwise provided, it shall make a biennial report to the legislatures of both States, setting forth in detail the operations and transactions conducted by it pursuant to this agreement and any legislation thereunder. The authority shall not pledge the credit of either State except by and with the expressed authority of the legislature thereof.

"ARTICLE VII

"Nothing in this agreement or compact is intended or shall be construed to affect the laws now existing which vest jurisdiction over or control of railroads in the Public Service Commission of the State of New Hampshire, or the Public Utilities Commission of the State of Maine, or the Interstate Commerce Commission of the United States, or any agency of either State or the United States.

"ARTICLE VIII

"The authority shall elect from its members a chairman, vice chairman, clerk, and treasurer, and may appoint such officers and employees as it may require for the performance of its duties and shall fix and determine by resolution their qualifications and duties.

"ARTICLE IX

"Expenses incurred by the authority in the interim between execution of this agreement or compact and the date money received from grants, bonds, or revenues shall be available shall be borne by the said two States in equal shares and shall be raised as each State shall determine.

"ARTICLE X

"Unless and until otherwise determined by the action of the legislatures of the two States, no action of the authority shall be binding unless taken at a meeting at which at least two members from each State are present and unless four votes are cast therefor, two from each State. Each State reserves the right hereafter to provide by law for the exercise of a veto power by the Governor thereof over any action of any commissioner appointed therefrom.

"ARTICLE XI

"Unless and until otherwise determined by the legislatures of the two States, the bridge authority shall not incur any obligations for salaries, office or other administrative expenses within the provisions of article IX prior to the making of appropriations adequate to meet the same.

"ARTICLE XII

"The bridge authority is hereby authorized to make suitable rules and regulations not inconsistent with the Constitution of the United States or of either State, which shall be binding and effective on all persons and corporations affected thereby.

"ARTICLE XIII

"The two States shall provide penalties for violations of any order, rule, or regulation of the Bridge Authority, and for the manner of enforcing same.

"ARTICLE XIV

"Definitions: 'Transportation facility' shall include railroads, steam or electric, motor truck or other street or highway vehicles, bridges, highways, and every kind of transportation facility now in use or hereafter designed for use for the transportation or carriage of persons or property. 'Facility' shall include all works, buildings, structures, stations, appliances, and appurtenances necessary and convenient for the proper construction, equipment, maintenance, and operation of such facility or facilities, or any one or more of them. 'Real property' shall include land under water, as well as uplands, and all property either now commonly or legally defined as real property or which may hereafter be so defined. 'Personal property' shall include choses in action and all other property now commonly or legally defined as personal property or which may hereafter be so defined. 'To lease' shall include to rent or to hire. 'Rule or regulation' shall include charges, rates, rentals, or tolls fixed or established by the Bridge Authority. Wherever action by the legislature of either State is herein referred to, it shall mean an act of the legislature duly adopted in accordance with the provisions of the constitution of the State. Plural or singular. The singular wherever used herein shall include the plural. Consent, approval, or recommendation of municipality, how given. Wherever herein the consent, approval, or recommendation of a 'municipality' is required, the word 'municipality' shall be taken to include any city, town, or village district. Such consent, approval, or recommendation whenever required in the case of the city of Portsmouth shall be deemed to have been given whenever the City Council of the City of Portsmouth or any body hereafter succeeding to its duties shall by majority vote pass a resolution expressing such consent, approval, or recommendation; and in the case of the town deemed to have been given whenever at a regular town meeting, or special meeting called for that purpose, shall by majority of votes of persons present and voting therefor; and in all other cases whenever the body authorized to grant consent to the use of the streets or highways of such municipality shall by a majority vote pass such a resolution.

"In witness whereof we have hereunto set our hands and seals under chapter 18 of the Private and Special Laws of 1937 of the State of Maine and chapter 4 of the Laws of the Special Session of 1936 of the State of New Hampshire this 14th day of April 1937.

"In the presence of:

"Helen D. Ayers.	[SEAL]	PAUL C. THURSTON,
"Lucius D. Barrows.	[SEAL]	HOLLIS B. COLE,
"Helen D. Ayers.	[SEAL]	WILLIAM H. HINMAN,
		"Commissioners for Maine.
"Sanford L. Fogg.	[SEAL]	FRANZ U. BURKETT,
		"Attorney General of Maine.
"Daniel H. Dickinson.	[SEAL]	FREDERIC E. EVERETT,
"Daniel H. Dickinson.	[SEAL]	JAMES J. POWERS,
"Daniel H. Dickinson.	[SEAL]	FRANK E. BROOKS,
		"Commissioners for New Hampshire.
"Harry E. Trapp.	[SEAL]	THOMAS P. CHENEY,
		"Attorney General of New Hampshire."

SEC. 2. The right to alter, amend, or repeal the provisions of the first section of this act is hereby expressly reserved.

Mr. WHITE. I now ask unanimous consent for the consideration of Senate bill 2662.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the bill (S. 2662) authorizing the Maine-New Hampshire Interstate Bridge Authority to construct, maintain, and operate a toll bridge across the Piscataqua River at or near Portsmouth, State of New Hampshire, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the Maine-New Hampshire Interstate Bridge Authority (hereinafter referred to as the authority) is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Piscataqua River, from a point at or near Portsmouth, State of New Hampshire, to a point at or near Kittery, State of Maine, suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the authority all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The authority is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible, under reasonable charges, but within a period of not to exceed 45 years from the completion thereof. After a sinking fund sufficient for such amortization and for the maintenance of said bridge and the approaches thereto shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the cost of the bridge and its approaches; the expenditures for maintaining, repairing, and operating the same; and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

SILVER JUBILEE CAMP OF GIRL GUIDES AND SCOUTS

Mr. RUSSELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 7206, relating to the silver-jubilee camp of the Girl Guides and Girl Scouts.

There being no objection, the bill (H. R. 7206) to permit the temporary entry into the United States, under certain conditions, of alien participants and officials of the World Association of Girl Guides and Girl Scouts' Silver Jubilee Camp to the held in the United States in 1937 was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That alien Girl Guides and Girl Scouts participants, officials, and executives who are accredited members of delegations to the Silver Jubilee Camp to be held in the United States in 1937, all of whom are nonimmigrants, if otherwise admissible into the United States under the immigration laws, shall be exempted from payment of the tax of $8 prescribed by section 2 of the Immigration Act of 1917 and exempted from the fees prescribed by law to be collected in connection with executing an application for a visa and visaing the passport or other travel document of an alien for the purpose of entering the United States as a nonimmigrant, and such aliens shall not be required to present official passports issued by the governments to which they owe allegiance: *Provided*, That aliens shall be in possession of official Girl Guide or Girl Scout identity cards issued by their own governments or issued by the World Association of Girl Guides and Girl Scouts indicating their Girl Guide or Girl Scout status and nationality, and duly visaed without charge by American consular officers abroad: *And provided further*, That such aliens shall comply with regulations not inconsistent with the foregoing provisions which shall be prescribed by the Secretary of Labor and Secretary of State: *Provided, however*, That nothing herein shall relieve an alien from being required to obtain a gratis nonimmigration visa if coming to the United States as a nonimmigrant, or an immigration visa if coming to the United States as an immigrant.

SEC. 2. That such aliens shall be permitted free entry of their personal effects and their equipments to be used in connection with the Silver Jubilee Camp, under such regulations as may be prescribed by the Secretary of the Treasury.

Mr. RUSSELL. Mr. President, I ask unanimous consent that Senate bill 2664, relating to the matter covered by the bill just passed, be indefinitely postponed.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the bill is indefinitely postponed.

GEORGE ROGERS CLARK SESQUICENTENNIAL COMMISSION

Mr. BARKLEY. Mr. President, I report favorably from the Committee on the Library Senate Joint Resolution 164, to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928, as amended, and I ask unanimous consent for its present consideration.

There being no objection, the joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That section 8 of the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928, as amended, is hereby amended to read as follows:

"SEC. 8. The Commission shall cease and terminate June 30, 1939."

SEC. 2. The unexpended balances of the appropriations heretofore made for carrying out the purposes of such joint resolution, as amended, shall be available until June 30, 1939.

TRAFFIC ACCIDENTS

Mr. CAPPER. Mr. President, several months ago I called the attention of the Senate to the terrible toll of death on our streets and highways—more than 38,000 men, women, and children killed in auto accidents in 1936. I also called attention to the educational and traffic enforcement campaigns being conducted throughout the country in the effort to reduce this alarming highway slaughter. There was some encouragement in the 1936 casualty lists from the fact that while the total killed and maimed was the highest in history, the city death totals were slightly lower. But the report of the National Safety Council for the first 4 months of 1937 shows an increase of 21 percent in automobile deaths over the first 4 months of 1936. If that rate of killing is maintained throughout the year, more than 46,000 persons will meet death on the highways and streets of the United States this year, and more than one and one-half million persons will be either killed or injured.

Mr. President, there are 15 sovereign States in this Union with populations smaller than the number of persons killed or injured annually on the streets and highways of the United States.

We are stricken with horror at the possible death toll of our boys and young men if this country should engage in another war. But in all the six major wars in which the United States has taken part since it became a nation, the total loss of life, including those killed in action and those who died of wounds, has been less than one-quarter million persons. In 15 years more than 400,000 have been killed in automobile accidents in the United States.

Something will have to be done to stop this highway slaughter, and the answer is not as simple as some suggestions would indicate. Some of the suggestions, for instance, are these:

Better highways and better cars, and accidents will stop.

But we are building better highways and betters cars, and fatalities increase.

There are others who believe we can pass a law, and that if it is enforced that will solve the problem.

Others say:

Cut down speed and you will cut down accidents.

Still others assert:

Eliminate the drunken drivers and you will eliminate most of the accidents.

The answer is not as simple as any of those suggestions, worth while as each of them is. There are 40,000,000 automobile drivers in the United States, three times that many pedestrians; some 28,000,000 automobiles, fit and unfit, on the streets and highways; 3,000,000 miles of highways; and 1,500,000 traffic casualties a year.

Pedestrians and drivers will have to be educated; drivers will have to learn to exercise more self-restraint and observe the traffic rules as well as traffic laws; enforcement will have to be more strict; manufacturers will have to build safer cars, with special reference to driver visibility; highway engineering can be improved. Lower speeds would cut down materially highway accidents.

What I wanted especially to call attention to at this time is the plight of the pedestrian in our larger cities. I have before me a letter from Mr. M. O. Eldridge, acting director of vehicles and traffic for the city of Washington. He reports to me that since January 1 this year 49 persons have been killed in traffic accidents in the District of Columbia. Of the 49 killed, 40 were pedestrians. Of the 40 pedestrians killed in these traffic accidents, 24 were crossing streets at some other points in the block than a cross walk; in other words, what generally is called "the middle of the block." Twelve were killed at cross walks—five of these were walking against the red light or a stop signal, while seven apparently were killed at cross walks where theoretically they had the right-of-way. One was killed coasting, one was walking in the street, one was standing in the roadway, and one was intoxicated.

There is the record for the District of Columbia, Mr. President, for 5 months and 11 days of this year. Probably all over the Nation the same situation prevails—that in every large city pedestrians are the victims in from five to six of every seven auto accident fatalities.

The record also shows that 7 out of every 10 pedestrians killed were killed at places where they plainly should not have been, for instance while trying to cross streets between cross walks.

Various safety campaigns are under way. We are trying to educate drivers to drive more carefully. We are trying to persuade makers of cars to change their designs so as to give better driver visibility. And those are good programs.

But in the light of the record, I think it plain that unless the pedestrians in our cities can be educated or compelled to keep off the streets except at cross walks, fatalities will continue to increase. As Mr. W. A. Van Duzer, director of vehicles and traffic for the District, puts it:

> The pedestrian is the forgotten man, and in the District of Columbia in 7 out of every 10 fatal accidents, he is the dead man.

In a Topeka, Kans., newspaper the other day, editorial attention was called to the fact that automobile accidents last year cost a little more than eight-tenths of a cent for every mile driven in the United States. That is as much as the cost of gasoline per mile for many cars these days.

Mr. President, in order to stop the highway slaughter, which killed 38,000 persons on streets and highways of the United States last year, it seems we are going to have to educate and control pedestrians in our cities. I can see no other solution of the city traffic problems. But in return I say the city authorities owe it to the pedestrian to give him a break at the intersections. Under present conditions a pedestrian who starts across on the green signal is fair game for autoists making right or left turns at the intersection. Some way must be found to declare a closed season on pedestrian hunting at street intersections.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, as part of my remarks, a timely article by Mr. W. A. Van Duzer, director of vehicles and traffic, Washington, D. C., on Pedestrian Signals. I find valuable suggestions in his article.

I also ask to have printed in the RECORD, in this connection, an article by Mr. M. O. Eldridge, assistant director, giving statistics which point to the same conclusion.

The PRESIDING OFFICER (Mr. BULKLEY in the chair). Is there objection?

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PEDESTRIAN SIGNALS

(By W. A. Van Duzer, director of vehicles and traffic, Washington, D. C.)

The pedestrian is the forgotten man, and in the District of Columbia in 7 out of every 10 fatal accidents he is the dead man. The pedestrian himself is partly responsible, but to a large extent municipal traffic authorities are equally responsible. These authorities have adopted formal regulations for the control of vehicular traffic; they have installed many signs, signals, and markings, warning, regulating, and informing the motorist, but what have they done for the pedestrian? Let us see.

They have established so-called safety islands for the exclusive use of the pedestrian. Safety islands—false name—painted on the roadway in the turbulent eddies of the sea of traffic, unlighted, unmarked, except by a painted line 6 inches in width and, perhaps, a button or two, invisible in rain or darkness, unprotected save by a commandment to the motorist of "Thou shalt not enter." Is the motorist who, when visibility is lessened by rain or darkness, runs through such a "safety island" and kills the pedestrian standing there to blame, or does the moral responsibility lie with the man who placed and named that alleged "safety island"? The pedestrian who uses such an area must be either foolhardy or betrayed. Betrayed is the word for it—betrayed by the constituted protectors of his life.

There is no doubt in the minds of the Commissioners and the other authorities of the District of Columbia who have to do with traffic problems that the time has come when all drivers and all pedestrians, especially the pedestrians, should cooperate in bringing about a reduction in traffic accidents and traffic fatalities. Pedestrians, both young and old, could do this by adopting the following simple rules:

1. Never cross a street except at a crosswalk, where you have a legal right to cross and legal protection.
2. Never cross a street or walk or run into traffic from behind a parked car.
3. Teach your children not to use the streets as playgrounds and to refrain from skating or sledding or other activities in streets which are not roped off for this purpose.
4. Never cross the street where there are traffic lights or traffic policemen except on proper signal.
5. Never walk on a roadway which has no sidewalk except on the left-hand side facing on-coming traffic.

If the pedestrian would adopt and practice these simple rules, he would not be so likely to die young as a result of a traffic accident.

Numerous rules of the road have been set up for drivers of motor vehicles, and through the enforcement machinery, the prosecuting officials, the police, and the courts, drivers are subject to certain penalties for violating these rules. Some of these penalties are severe.

If every driver would adopt a set of simple rules of driving and live up to them, he would be able to stay out of traffic troubles without having to be arrested and penalized for his shortcomings. A simple set of rules that will keep the average driver out of traffic troubles might be as follows:

1. Approach all intersections under control so as to avoid an accident.
2. Drive with particular caution and care through any street where cars are parked on both sides, so as to avoid striking a pedestrian who may walk out or run out from behind a parked car.
3. Give pedestrians right-of-way at all crosswalks, whether or not you are making a right- or left-hand turn.
4. Avoid blowing your horn except in cases of extreme danger, as the horn is likely to annoy or frighten other drivers or pedestrians.
5. Make right turns from the right lane and left turns from the left lane.
6. Keep your car within the speed limit—save a life instead of a second.
7. Keep your headlights properly focused and your brakes properly adjusted and your windshield clean and free from dust for night driving.
8. Always give a hand signal to indicate your intention to change your course, turn, or stop.
9. If you are drinking (intoxicating liquor), don't drive—if you are driving, don't drink.

SHOULD PEDESTRIAN TRAFFIC BE REGULATED?

(By M. O. Eldridge, chairman, traffic committee, City Officials' Division)

A recent pedestrian study in Washington made at every signal-controlled intersection in the congested area indicates that 36 percent of the pedestrians cross or attempt to cross the street against the red signal. Out of a total of 664,497 pedestrians who were checked, 240,611 crossed the street against the red signal.

Each year in Washington, and in other cities of comparable size, a large percentage of injuries and deaths is received by persons

who cross the streets not at crosswalks. A survey conducted in Washington on blocks of various lengths with and without signals at intersections indicates that only 6.2 percent of the pedestrians using the sidewalks cross the street not at the crosswalk, but during the fiscal year 1934, 37 deaths and 443 injuries were sustained by persons crossing the street in the middle of the block, while only 11 deaths and 320 injuries were sustained by pedestrians who crossed at intersections. Our studies indicate that a pedestrian who crosses in the middle of the block is 21 times more likely to be injured and 51 times more likely to be killed than the person who crosses at intersections.

These facts clearly indicate that the real answer to this problem lies as much, or more, with the pedestrian as with the driver. Until the pedestrian learns that it is extremely dangerous to walk out from behind parked cars and cross the street in the middle of the block or to cross at a controlled intersection against the signal, and until the parents of small children learn that they cannot permit their offspring to play in the street, this annual slaughter is bound to continue.

It is exasperating, as a pedestrian, to attempt to cross the street at a controlled intersection and be repeatedly forced back to the curb by drivers making right- and left-hand turns, blowing their horns and overlooking the fact that the pedestrian who crosses the street on proper signal has the right-of-way. This practice on the part of selfish motorists forces many pedestrians to cross the street in the middle of the block.

On the other hand, as a driver of a motor vehicle, it is annoying to approach an intersection where all right- and left-hand turns are prohibited and where the pedestrian is fully protected by proper signal to find the intersection crowded with pedestrians crossing the street against a red light. The drivers of motor vehicles will have to learn to recognize the rights of pedestrians, and at the same time the pedestrians should learn to recognize the rights of drivers.

The only conclusion that we can draw from the facts above presented is that sooner or later a definite regulation will have to be adopted which will make it illegal for a pedestrian to cross the street in the middle of the block or to cross at a controlled intersection against the signal. At the present time we are only regulating vehicular traffic. In order to have complete regulation and complete protection, we must regulate the pedestrian as well as the driver, and when this is done we must see to it that the pedestrians' rights are absolutely protected at controlled intersections and at crosswalks.

RECESS TO MONDAY

Mr. ROBINSON. I move that the Senate stand in recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 45 minutes p. m.) the Senate took a recess until Monday, June 28, 1937, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, JUNE 24, 1937

The House met at 12 o'clock noon.

Msgr. C. F. Thomas, of St. Patrick's Church, Washington, D. C., offered the following prayer:

Father of light and power, we believe in Thee, in Thy Son and Holy Spirit. We are united with Thy divine Spirit. We are daily and have been assembled daily since the foundation of this American Republic. There have at times been differences on subjects of minor and of major importance. Yet, in the main, we have been united in one and indissoluble republic. Keep us, O Lord, thus linked in Thy love and justice. Love and justice to all cannot be separated. What good things Thou hast prepared for them who love Thee. Pour forth into our hearts such a sense of Thy love that we may obtain fulfillment of Thy promises, which exceed all we can desire.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 6692. An act making appropriations for the Military Establishment for the fiscal year ending June 30, 1938, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House thereon, and appoints Mr. COPELAND, Mr. HAYDEN, Mr. THOMAS of Oklahoma, Mr. SHEPPARD, Mr. OVERTON, Mr. TOWNSEND, and Mr. AUSTIN to be the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment a bill and joint resolution of the House of the following titles:

H. R. 7519. An act to amend an act entitled "An act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes", approved August 29, 1935; and

H. J. Res. 380. Joint resolution to provide for the publication and sale by the Northwest Territory Celebration Commission of certain historical and educational material.

BRIDGE SUBCOMMITTEE OF COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. CHAPMAN. Mr. Speaker, I ask unanimous consent that the bridge subcommittee of the Committee on Interstate and Foreign Commerce may sit during the sessions of the House today.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

MARRIED PERSONS IN THE GOVERNMENT SERVICE

Mr. O'CONNOR of New York, from the Committee on Rules, reported the following resolution (Rept. No. 1087), which was referred to the House Calendar and ordered to be printed:

House Resolution 260

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 3408, a bill to amend the Civil Service Act approved January 16, 1883 (22 Stat. 403), and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Civil Service, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

FARM SECURITY ACT OF 1937

Mr. GREENWOOD, from the Committee on Rules, reported the following resolution (Rept. No. 1088), which was referred to the House Calendar and ordered to be printed:

House Resolution 261

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 7562, a bill to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and shall continue not to exceed 3 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

CIVILIAN CONSERVATION CORPS

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6551) to establish a Civilian Conservation Corps, and for other purposes, with a Senate amendment.

The Clerk read the title of the bill.

Mr. SNELL. Mr. Speaker, reserving the right to object, will the gentleman kindly state what the situation is?

Mr. RAMSPECK. We have only one matter that is to be attended to. It is a clarification of the language of the bill

as sent back to the Senate with reference to the pay of leaders and assistant leaders. It does not change the purpose of the House.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER. The Clerk will read the Senate amendment.

The Clerk read as follows:

Page 5, line 10, strike out all after "regulations" down to and including "leader", in line 15, and insert "*Provided further*, That the pay of enrollees shall not exceed $30 per month except for not more than 10 percent who may be designated as assistant leaders and who shall receive not more than $36 per month: *Provided further*, That not to exceed an additional 6 percent of such enrollees may be designated as leader and may receive not more than $45 per month as such leaders."

Mr. RAMSPECK. Mr. Speaker, I offer the following motion.

The Clerk read as follows:

Mr. RAMSPECK moves that the House concur in the Senate amendment to the House amendment to the Senate amendment to the bill (H. R. 6551) to establish a Civilian Conservation Corps, and for other purposes.

Mr. RAMSPECK. Mr. Speaker, I ask recognition on the motion.

The SPEAKER. The gentleman is recognized.

Mr. RAMSPECK. Mr. Speaker, the bill as we sent it back to the Senate a few days ago had restored the language of the House bill which provided that not more than 10 percent of the enrollees might be designated as leaders and receive not more than $36 per month. It contained an additional proviso that not to exceed 6 percent shall receive $45 as leaders.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. PATMAN. How do these provisions compare with present law?

Mr. RAMSPECK. The present law gives the President the right to designate the pay of enrollees without limitation.

Mr. PATMAN. How has he designated their pay?

Mr. RAMSPECK. Exactly in accordance with the figures in this amendment; but there is no limitation on the President as to percentages or as to the pay. The language of the House was not clear as to whether the total number of leaders and assistant leaders should be 10 percent or 16 percent. They cannot operate on 10 percent, they say under present regulations; so the Senate in clarification permits 10 percent to be assistant leaders at not more than $36 a month and an additional 6 percent to be leaders at not more than $45 per month.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. SNELL. As I understand the general purpose it is that there be certain limitations, there being none now in regard to these matters.

Mr. RAMSPECK. The gentleman is correct; there are no limitations in the present law.

Mr. SNELL. But under this amendment there will be definite limitations.

Mr. RAMSPECK. The gentleman is correct.

Mr. GRISWOLD. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. GRISWOLD. I simply want to observe that I think that the gentleman, under the parliamentary situation and the difficulties in which he was placed by the death of the chairman of the committee, has done a wonderful job in this conference and retained largely what the House wanted.

Mr. RAMSPECK. I thank the gentleman.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The motion was agreed to.

A motion to reconsider was laid on the table.

CARRIERS' TAXING ACT OF 1937

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7589) to levy an excise tax upon carriers and certain other employers and an income tax upon their employees, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. JENKINS of Ohio. Mr. Speaker, reserving the right to object, and I do not intend to object, I should like to ask the chairman of the Ways and Means Committee whether he is going to request some time so that this bill might be discussed for a few minutes?

Mr. DOUGHTON. I shall be glad to yield some time.

Mr. JENKINS of Ohio. Under my reservation of objection, I should like to have the chairman of the Ways and Means Committee take 5 minutes, if I have that much time at my disposal, to explain the bill.

The SPEAKER. The Chair may say that if consent is granted to consider this bill debate will be had under the 5-minute rule. The Chair will recognize the gentleman from Ohio if he desires recognition. The Chair has been informed there was practically a unanimous agreement among all members of the committee on this bill.

Mr. JENKINS of Ohio. There is.

The SPEAKER. And that it would take only a few minutes to consider. Is there objection to the request of the gentleman from North Carolina?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc.—

DEFINITIONS

SECTION 1. That as used in this act—

(a) The term "employer" means any carrier (as defined in subsection (i) of this section), and any company which is directly or indirectly owned or controlled by one or more such carriers or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such employer: *Provided, however*, That the term "employer" shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Interstate Commerce Commission is hereby authorized and directed upon request of the Commissioner of Internal Revenue, or upon complaint of any party interested, to determine after hearing whether any line operated by electric power falls within the terms of this proviso. The term "employer" shall also include railroad associations, traffic associations, tariff bureaus, demurrage bureaus, weighing and inspection bureaus, collection agencies and other associations, bureaus, agencies, or organizations controlled and maintained wholly or principally by two or more employers as hereinbefore defined and engaged in the performance of services in connection with or incidental to railroad transportation; and railway labor organizations, national in scope, which have been or may be organized in accordance with the provisions of the Railway Labor Act, as amended, and their State and National legislative committees and their general committees and their insurance departments and their local lodges and divisions, established pursuant to the constitution and bylaws of such organizations.

(b) The term "employee" means any person in the service of one or more employers for compensation: *Provided, however*, That the term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after August 29, 1935. An individual is in the employment relation to a carrier if he is on furlough, subject to call for service within or outside the United States and ready and willing to serve, or on leave of absence, or absent on account of sickness or disability; all in accordance with the established rules and practices in effect on the carrier: *Provided further*, That an individual shall not be deemed to have been on August 29, 1935, in the employment relation to a carrier not conducting the principal part of its business in the United States unless during the last pay-roll period in which he rendered service to it prior to said date, he rendered service to it in the United States.

(c) The term "employee representative" means any officer or official representative of a railway labor organization other than a labor organization included in the term "employer" as defined in section 1 (a), who before or after the enactment hereof was in the service of an employer as defined in section 1 (a) and who is duly authorized and designated to represent employees in accord-

ance with the Railway Labor Act, as amended, and any individual who is regularly assigned to or regularly employed by such officer or official representative in connection with the duties of his office.

(d) An individual is in the service of an employer whether his service is rendered within or without the United States if he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of his service, which service he renders for compensation: *Provided, however,* That an individual shall be deemed to be in the service of an employer not conducting the principal part of its business in the United States only when he is rendering service to it in the United States.

(e) The term "compensation" means any form of money remuneration earned by an individual for services rendered as an employee to one or more employers, or as an employee representative, including remuneration paid for time lost as an employee, but remuneration paid for time lost shall be deemed earned in the month in which such time is lost. Such term does not include tips, or the voluntary payment by an employer, without deduction from the remuneration of the employee, of the tax imposed on such employee by section 2 of this act. Compensation which is earned during the period for which the Commissioner of Internal Revenue shall require a return of taxes hereunder to be made and which is payable during the calendar month following such period shall be deemed to have been paid during such period only.

(f) The term "United States" when used in a geographical sense means the States, Alaska, Hawaii, and the District of Columbia.

(g) The term "company" includes corporations, associations, and joint-stock companies.

(h) The term "employee" includes an officer of an employer.

(i) The term "carrier" means an express company, sleeping-car company, or carrier by railroad, subject to part I of the Interstate Commerce Act.

(j) The term "person" means an individual, a partnership, an association, a joint-stock company, or a corporation.

INCOME TAX ON EMPLOYEES

SEC. 2. (a) In addition to other taxes, there shall be levied, collected, and paid upon the income of every employee a tax equal to the following percentages of so much of the compensation of such employee as is not in excess of $300 for any calendar month, earned by him after December 31, 1936—

1. With respect to compensation earned during the calendar years 1937, 1938, and 1939, the rate shall be 2¾ percent;

2. With respect to compensation earned during the calendar years 1940, 1941, and 1942, the rate shall be 3 percent;

3. With respect to compensation earned during the calendar years 1943, 1944, and 1945, the rate shall be 3¼ percent;

4. With respect to compensation earned during the calendar years 1946, 1947, and 1948, the rate shall be 3½ percent;

5. With respect to compensation earned after December 31, 1948, the rate shall be 3¾ percent;

(b) The tax imposed by this section shall be collected by the employer of the taxpayer by deducting the amount of the tax from the compensation of the employee as and when paid. If an employee is paid compensation by more than one employer with respect to any calendar month, then, under regulations made under this act, the Commissioner of Internal Revenue may prescribe the proportion of the tax to be deducted by each employer from the compensation paid by him to the employee with respect to such month. Every employer required under this subsection to deduct the tax is hereby made liable for the payment of such tax and shall not be liable to any person for the amount of any such payment.

(c) If more or less than the correct amount of tax imposed by this section is paid with respect to any compensation payment, then, under regulations made under this act by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, proper adjustments, with respect both to the tax and the amount to be deducted, shall be made, without interest, in connection with subsequent compensation payments to the same employee by the same employer.

EXCISE TAX ON EMPLOYERS

SEC. 3. (a) In addition to other taxes, every employer shall pay an excise tax, with respect to having individuals in his employ, equal to the following percentages of so much of the compensation as is not in excess of $300 for any calendar month paid by him to any employee for services rendered to him after December 31, 1936: *Provided, however,* That if an employee is paid compensation by more than one employer with respect to any such calendar month, the tax imposed by this section shall apply to not more than $300 of the aggregate compensation paid to said employee by all said employers with respect to such calendar month, and each such employer shall be liable for that proportion of the tax with respect to such compensation which his payment to the employee with respect to such calendar month bears to the aggregate compensation paid to such employee by all employers with respect to such calendar month:

1. With respect to compensation paid to employees for services rendered during the calendar years 1937, 1938, and 1939, the rate shall be 2¾ percent;

2. With respect to compensation paid to employees for services rendered during the calendar years 1940, 1941, and 1942, the rate shall be 3 percent;

3. With respect to compensation paid to employees for services rendered during the calendar years 1943, 1944, and 1945, the rate shall be 3¼ percent;

4. With respect to compensation paid to employees for services rendered during the calendar years 1946, 1947, and 1948, the rate shall be 3½ percent;

5. With respect to compensation paid to employees for services rendered after December 31, 1948, the rate shall be 3¾ percent.

(b) If more or less than the correct amount of the tax imposed by this section is paid with respect to any compensation payment then, under regulations made by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, proper adjustments with respect to the tax shall be made, without interest, in connection with subsequent excise-tax payments made by the same employer.

REFUNDS AND DEFICIENCIES

SEC. 4. If more or less than the correct amount of the tax imposed by section 2 (a) or 3 (a) of this act is paid or deducted with respect to any compensation payment and the overpayment or underpayment of the tax cannot be adjusted under section 2 (c) or 3 (b), the amount of the overpayment shall be refunded, or the amount of the underpayment shall be collected in such manner and at such times (subject to the statute of limitations properly applicable thereto) as may be prescribed by regulations under this act as made by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

INCOME TAX ON EMPLOYEE REPRESENTATIVES

SEC. 5. In addition to other taxes, there shall be levied, collected, and paid upon the income of each employee representative a tax equal to the following percentages of so much of the compensation of such employee representative as is not in excess of $300 for any calendar month, earned by him after December 31, 1936:

1. With respect to compensation earned during the calendar years 1937, 1938, and 1939, the rate shall be 5½ percent;

2. With respect to compensation earned during the calendar years 1940, 1941, and 1942, the rate shall be 6 percent;

3. With respect to compensation earned during the calendar years 1943, 1944, and 1945, the rate shall be 6½ percent;

4. With respect to compensation earned during the calendar years 1946, 1947, and 1948, the rate shall be 7 percent;

5. With respect to compensation earned after December 31, 1948, the rate shall be 7½ percent.

The compensation of an employee representative for the purpose of ascertaining the tax thereon shall be determined in the same manner and with the same effect as if the employee organization by which such employee representative is employed were an employer as defined in section 1 (a) of this act.

DEDUCTIBILITY FROM INCOME TAX

SEC. 6. For the purposes of the income tax imposed by title I of the Revenue Act of 1936 or by any act of Congress in substitution therefor, the taxes imposed by sections 2 and 5 of this act shall not be allowed as a deduction to the taxpayer in computing his net income.

COLLECTION AND PAYMENT OF TAXES

SEC. 7. (a) The taxes imposed by this act shall be collected by the Bureau of Internal Revenue and shall be paid into the Treasury of the United States as internal-revenue collections.

(b) The taxes imposed by this act shall be collected and paid quarterly or at such other times and in such manner and under such conditions not inconsistent with this act as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. If a tax imposed by this act is not paid when due, there shall be added as part of the tax (except in the case of adjustments made in accordance with the provisions of this act) interest at the rate of 6 percent per annum from the date the tax became due until paid.

(c) All provisions of law, including penalties, applicable with respect to any tax imposed by section 600 or section 800 of the Revenue Act of 1926, and the provisions of section 607 of the Revenue Act of 1934, insofar as applicable and not inconsistent with the provisions of this act, shall be applicable with respect to the taxes imposed by this act.

(d) In the payment of any tax under this act a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

(e) Any tax paid under this act by a taxpayer with respect to any period with respect to which he is not liable to tax under this act shall be credited against the tax, if any, imposed by title VIII of the Social Security Act upon such taxpayer, and the balance, if any, shall be refunded. Any tax paid under title VIII of the Social Security Act by a taxpayer with respect to any period with respect to which he is not liable to tax under such title VIII shall be credited against the tax, if any, imposed by this act upon such taxpayer, and the balance, if any, shall be refunded.

COURT JURISDICTION

SEC. 8. The several district courts of the United States and the District Court of the United States for the District of Columbia, respectively, shall have jurisdiction to entertain an application by the Attorney General on behalf of the Commissioner of Internal Revenue to compel an employee or other person residing within the jurisdiction of the court or an employer subject to service of process within its jurisdiction to comply with any obligations imposed on such employee, employer, or other person under the

provisions of this act. The jurisdiction herein specifically conferred upon such Federal courts shall not be held exclusive of any jurisdiction otherwise possessed by such courts to entertain actions at law or suits in equity in aid of the enforcement of rights or obligations arising under the provisions of this act.

SOCIAL SECURITY ACT

SEC. 9. (a) The term "employment", as defined in subsection (b) of section 811 of title VIII of the Social Security Act, shall not include service performed by an individual as an employee as defined in section 1 (b) or service performed as an employee representative as defined in section 1 (c).

(b) The Secretary of the Treasury at intervals of not longer than 3 years shall estimate the reduction in the amount of taxes collected under title VIII of the Social Security Act by reason of the operation of subsection (a) of this section and shall include such estimate in his annual report.

SEPARABILITY

SEC. 10. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

REPEAL OF PRIOR TAX ACT

SEC. 11. The provisions of this act are in substitution for the provisions of the act of August 29, 1935, as amended, entitled "An act to levy an excise tax upon carriers and an income tax upon their employees, and for other purposes", which is hereby repealed. All moneys payable as and for taxes under such act of August 29, 1935, and not heretofore paid shall cease to be payable and all proceedings pending for the recovery of any such moneys shall be terminated. All sums paid into the Treasury of the United States as and for taxes under such act shall be refunded, except so much of the sums so paid as and for taxes with respect to compensation earned after December 31, 1936, as equals the taxes imposed by this act with respect to the same persons and the same period, and the sums not required to be so refunded shall be retained in the Treasury of the United States and credited on taxes due and payable under this act. All sums deducted by employers from the compensation of employees as and for taxes under such act of August 29, 1935, which have not been paid into the Treasury of the United States shall be repaid by such employers to such employees, except so much of the sums so deducted as and for taxes in respect of compensation earned after December 31, 1936, as equals the taxes imposed and required to be deducted by this act with respect to the same persons and the same period, and the sums not required to be so repaid shall be paid into the Treasury of the United States and thereupon shall be credited on taxes due and payable under this act. No interest shall be allowed or paid with respect to any sum refunded, credited, or repaid under the provisions of this section.

RULES AND REGULATIONS

SEC. 12. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make and publish such rules and regulations as may be necessary for the enforcement of this act.

SHORT TITLE

SEC 13. This act may be cited as the "Carriers Taxing Act of 1937."

Mr. DOUGHTON. Mr. Speaker, the bill under consideration, H. R. 7589, has for its purpose the levying of an excise tax on carriers and certain other employers and an income tax on their employees. A similar act is now on the statute books, having been enacted in August of 1935, I believe, but that act is now being challenged in the courts. This is the only tax bill that I know of or have had anything to do with which all parties who would have to pay the tax favor. The employers are agreeable to the tax and are in favor of the legislation. The employees are also in favor of the legislation. About the only changes I know of in the pending bill involve three changes in the present law. The proposed legislation changes the date when the act goes into operation. The prior act provided for August 29, 1935, and this bill provides for the taxes to be effective as of January 1, 1937. Another change is a lowering of the rate. It begins at 2¾ percent on the pay roll of the employer and 2¾ percent on the pay roll of the employees up to $300 per month. Under the present bill the rate is lowered. There is at present a flat rate of 7 percent, 3½ on the employers as an excise tax and 3½ on the employees as an income tax.

This proposed act begins at 2¾ percent for the first 3 years on the employer and 2¾ percent on the employees. In 1937, 1938, and 1939 the rate will be 2¾ percent. In 1940, 1941, and 1942 the rate will be 3 percent. In 1943, 1944, and 1945 the rate will be 3¼ percent. In 1946, 1947, and 1948 the rate will be 3½ percent, which goes up to 1949, at which time and afterward there is a flat rate provided of 3¾ percent on the employers and employees, or an aggregate of 7 percent.

Mr. SNELL. Will the gentleman yield?

Mr. DOUGHTON. I will be glad to yield.

Mr. SNELL. As I understand the situation that confronts us in connection with this legislation, the employers and employees are both agreed on the provisions of this bill and there is no tax on the Federal Government?

Mr. DOUGHTON. It is agreed by all concerned that this will impose no burden upon the Treasury of the United States.

Mr. SNELL. And both sides are agreed?

Mr. DOUGHTON. Yes; and it is not opposed by the Treasury. This tax is supposed to raise for the first 3 years $121,000,000; for the next 3 years, $132,000,000; and on up to 1949. Thereafter it is supposed to raise $165,000,000 per annum.

This matter has been discussed fully, and I think it is pretty well understood by the membership of the House.

If there are any questions, I shall be pleased to yield now.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. DOUGHTON. I am pleased to yield to the gentleman from Tennessee.

Mr. COOPER. I am sure the chairman of the Committee on Ways and Means will want to point out the fact that this bill comes before the House with a unanimous report from the committee.

Mr. DOUGHTON. The matter was given long and painstaking consideration, and was thoroughly discussed with the employers, the employees, and representatives of the Treasury Department. After long and deliberate consideration the measure now has unanimous support. It is agreed to by those who will pay the tax, it is acceptable to the Treasury of the United States, and it has the unanimous support of the Committee on Ways and Means.

Mr. THOMASON of Texas. Mr. Speaker, will the gentleman yield?

Mr. DOUGHTON. I yield to the gentleman from Texas.

Mr. THOMASON of Texas. Who stands the cost of administration?

Mr. DOUGHTON. It comes out of the revenues collected under the tax.

Mr. THOMASON of Texas. The cost is paid exclusively out of this revenue?

Mr. DOUGHTON. Yes.

Mr. FRED M. VINSON. Mr. Speaker, will the gentleman yield?

Mr. DOUGHTON. I yield.

Mr. FRED M. VINSON. I may say, so far as this bill is concerned, there is no cost of administration except in the collection of the taxes. This is a taxing act which is, under the express terms of the bill, a substitute for a similar taxing act passed by the last Congress. Gentlemen will remember that by injunction those taxes have been tied up. There has been very little money paid into the Treasury, amounting, I think, to something like $240,000. Larger sums have been paid by the employers into the Federal courts, to the master in chancery, or a similar arm of the court, and these amounts, under the terms of this bill, will be refunded. It should be pointed out that the amounts involved as taxes come from the employers and from the employees whose salaries are not in excess of $300 for any calendar month.

[Here the gavel fell.]

Mr. JENKINS of Ohio. Mr. Speaker, I am glad of this opportunity to speak a few words in behalf of this legislation. Just last Monday we passed a bill coming from the Interstate and Foreign Commerce Committee of this House which is of great interest and great moment to the railroads and railroad workers of the Nation. This bill that we are passing today likewise is of great importance to these two groups. The bill passed last Monday provided in detail the rules and regulations of railroad retirement pensions to more than a million men. That bill provided for the age of retirement and for the regulations governing retirement and many other details necessary to make it a workable and satisfactory bill.

In my remarks on that day I set forth in detail the history of the development of that legislation and predicted that it would pass by a tremendous vote. It did pass by a vote of 361 in favor with only 1 vote against.

This bill that we are now considering is a bill that has been worked out by the Ways and Means Committee. As a member of that committee I naturally took a great interest in the preparation and consideration of this bill. I predict that this bill will pass without a dissenting vote because it, too, is a bill in which the railroads and railroad employees are both interested. Representatives of the railroad men, represented by Mr. George Harrison, president of the 21 brotherhoods, came before our committee and indicated that they favored this legislation. The railroad executives, represented by Mr. Fletcher, a capable and able representative, stated that they, too, were in favor of this legislation. We, as members of the committee representing the great American public, realized that both of these groups were satisfied and that it would be for the best interest not only of more than a million railroad employees and their families but for the best interests of the public generally that this legislation be enacted.

This legislation provides for a tax on the pay rolls of the railroad companies and also a tax on the incomes of the railroad employees. This money to be paid directly to the Treasury of the United States. The railroad companies are to pay 2¾ percent of their pay roll and the employees are to pay 2¾ percent of their salaries. This will be an equal amount from each source, for the pay roll of the companies is the same thing as the salaries and wages of the men. This rate is to continue for the years 1937, 1938, and 1939. It is estimated that this will bring into the Treasury in each of these 3 years the sum of about $121,000,000. After 1939 the rate is to be increased to 3 percent on each of these groups for the years 1940, 1941, and 1942. It is estimated that this tax for each of these years will bring into the Treasury approximately $132,000,000. The tax is to be increased for the years 1943, 1944, and 1945 to 3¼ percent on each of these groups. For 1946, 1947, and 1948 it is to be increased to 3½ percent on each of these groups. In 1949 it is to be increased to 3¾ percent on each group and is to remain stationary at this figure. It is estimated that by 1949 this tax will be bringing into the Treasury $156,000,000 per year. Its increase or decline from that time forward will depend upon the pay rolls which represent the amount that the railroads pay out to the employees and the amount which the employees receive.

The Railroad Retirement Act passed in 1934 was declared unconstitutional. Another act was passed in 1935, which is yet on the statute books, but which has been attacked by the courts and has been practically nullified by an injunction of the courts. It is confidently hoped that this bill will meet all constitutional requirements. It is confidently hoped that the legislation covered by this retirement-pension program will be found to be effective and satisfactory. It is my judgment that recent court decisions, together with the language employed and the purpose intended by this legislation, and the legislation which passed last Monday will, when taken together, be a complete argument in favor of the constitutionality of both these measures.

In the remainder of my time I wish to assure the Members of the House that the Republican membership will be unanimously in favor of this bill and no opposition whatsoever will be registered against it. The Republican membership of the Ways and Means Committee are unanimously in favor of it and the Republican membership voted unanimously in favor of the bill as it passed last Monday. Personally I took great pleasure and interest in the passage of this bill because I have favored every railroad-retirement act that has been before this House since I have been a Member, and I have participated actively in the drafting and consideration and passing of all of them. I sincerely hope that this bill will work out as anticipated and that a railroad-retirement program will be set into activity and will function with ease and will not only be satisfactory to the participants herein but will be a strong factor in the establishment of a finer personnel, a finer economic and finer national interest among and between all of those who are interested, both directly and indirectly. [Applause.]

Mr. FRED M. VINSON. Mr. Speaker, the bill which we have under discussion, H. R. 7589, unanimously reported from the Committee on Ways and Means, is pursuant to its very terms in substitution of the provisions of the act of August 29, 1935, as amended.

The methods of taxation used are twofold. The tax on employees, as defined herein, is an income tax; the tax on employers, as defined herein, is an excise tax. The base upon which each of these taxes is levied is the compensation of said employees as is not in excess of $300 for any current month herein after December 31, 1936.

The rate of taxation under the act of August 29, 1935, began at 3½ percent per annum and increased to 7 percent per annum. The rates in the bill under discussion begin at 2¾ percent for years 1937, 1938, and 1939; 3 percent for years 1940, 1941, and 1942; 3¼ percent for years 1943, 1944, and 1945; 3½ percent for years 1946, 1947, and 1948; and thereafter 3¾ percent. These rates apply both to the income tax on the employees and the excise tax on the employers. The net change in these rates, as the experts say, "in perpetuity", is a rate of 7.11 percent in the present bill in lieu of 7 percent under the act of August 29, 1935. There is an income tax on employee representatives, as defined in the act, of 5½ percent for the years 1937, 1938, and 1939; 6 percent for the years 1940, 1941, and 1942; 6½ percent for the years 1943, 1944, and 1945; 7 percent for the years 1946, 1947, and 1948; and 7½ percent thereafter.

REFUNDS

Under the act of August 29, 1935, which is repealed by this bill, there was paid into the Treasury some $240,000. There were other taxes tied up in the courts by injunction wherein the employers paid into the court, upon behalf of the employees, which will be refunded to the employees. Provisions are made for refunds of moneys paid in by the employers under section 11 of this bill. In each instance the refunds will be for the amounts in excess of the taxes which have accrued under this bill since January 1, 1937.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield for one question for the purpose of clarification?

Mr. FRED M. VINSON. I yield.

Mr. JENKINS of Ohio. As a matter of fact, there are very many men who are interested in knowing how they are going to get their money. Is it not a fact, from all indications from the Treasury, this money will be refunded practically automatically and without any trouble whatever to the men who paid it in?

Mr. FRED M. VINSON. That is the statement made to us.

Mr. FISH. Mr. Speaker, will the gentleman yield for a brief question?

Mr. FRED M. VINSON. I yield.

Mr. FISH. Is any of this money earmarked for this purpose when it goes into the Treasury?

Mr. FRED M. VINSON. No; there is no earmarking. This is a taxing bill that produces revenue collected by the Bureau of Internal Revenue. The revenues go directly into the Federal Treasury, the general fund of the Treasury.

Mr. GRISWOLD. Mr. Speaker, will the gentleman yield?

Mr. FRED M. VINSON. I yield to the gentleman from Indiana.

Mr. GRISWOLD. Will the gentleman state the difference in the rates under the Taxing Act that is under injunction now and the pending taxing bill?

Mr. FRED M. VINSON. Under the old act it started at 3½ percent and went to 7 percent; under this bill it starts at 2¾ percent and goes to 7½ percent. The effective rate, "in perpetuity", is an increase of 0.11 percent above the act of last year.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. FRED M. VINSON. I yield to the gentleman from New York.

Mr. FISH. I simply want to ask the gentleman if there is any reason why this money should not be earmarked for this specific purpose.

Mr. FRED M. VINSON. So far as this act is concerned, the act covers the money into the Treasury of the United States. Congress has the power to appropriate this money just as they appropriate all other money that goes into the general fund of the Treasury.

Mr. FISH. But the gentleman has not answered my question. Why should it not be earmarked?

Mr. FRED M. VINSON. Because, from the beginning of our Government, until now, as I am informed, the policy of the Treasury has never been to earmark money coming into the general fund of the Treasury. That was a policy of the distinguished leaders of my friend's party. Why, even Mr. Andrew W. Mellon, when he was Secretary of the Treasury, did not do that.

Mr. FISH. What about the Congress? Cannot Congress do that?

Mr. FRED M. VINSON. I recall one instance when the Congress attempted to collect taxes for a special purpose, which may be characterized as earmarking—it was the Agricultural Adjustment Act. The processing taxes were held by the Supreme Court to be an exaction which, under the act, did not go into the general fund of the Treasury, but were used for a specific purpose which the Supreme Court held to be beyond congressional power. I am certain that my friend from New York will recognize that a recurrence of that sort of thing is not desirable. So I repeat that this act is what it says it is—the Carriers Taxing Act of 1937—a revenue bill in which the revenue will be collected by the Bureau of Internal Revenue, as other taxes are collected, and they will become part and parcel of the general fund of the Treasury of the United States.

REVENUE FROM TAXES IMPOSED

We are told that for the calendar years 1937, 1938, and 1939 the revenues hereunder will approximate $120,000,000 annually; for the years 1940, 1941, and 1942, $132,000,000 annually; for the years 1943, 1944, and 1945, $143,000,000 annually; for the years 1946, 1947, and 1948, $154,000,000 annually; and thereafter $165,000,000 annually.

SOCIAL SECURITY ACT

Section 9 (a) prescribes that the term "employment" as defined in section 811 (b) of the Social Security Act is not to include service performed by an individual as an employee or as an employee representative. It is possible to interpret the present act in such a way that employee representatives be included both under that act and title VIII of the Social Security Act. While this interpretation has not been given the language, it is now made clear that employee representatives can be covered only by the Carriers Taxing Act.

MISCELLANEOUS

Taxes imposed under this act are not to be allowed as a deduction to the taxpayer in computing his net income under the Revenue Act of 1936 or by any act of Congress in substitution therefor.

In the event more or less than the correct amount of tax, as imposed hereunder, under regulations made by the Commissioner of Internal Revenue, proper adjustments with respect to the tax shall be made, without interest, in connection with subsequent tax payments made by the same employer or employee, as the case may be.

As heretofore stated, the bill comes from the Ways and Means Committee with a unanimous report. It is very desirable that the bill be enacted at the earliest date possible.

[Here the gavel fell.]

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MILITARY APPROPRIATION BILL, 1938

Mr. SNYDER of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 6692, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 6692, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate. The Clerk will report the title of the bill.

The Clerk read as follows:

H. R. 6692, an act making appropriations for the Military Establishment for the fiscal year ending June 30, 1938, and for other purposes.

The SPEAKER. Is there objection?

Mr. THOMASON of Texas. Mr. Speaker, I reserve the right to object. I shall not object, but I take this means of calling to the special attention of the conferees who may be appointed on this bill, and also to express the hope, that they adopt the amendment passed by the Senate yesterday, placing a limitation upon the activities of the post exchanges at the different Army posts of the country. I do that for this reason: I am certain that at a great many of the Army posts there has been abuse of the activities and the authority of the post exchanges, because many of them have come to be nothing more or less than department stores.

Those post exchanges, as I understand it, were established for the purpose of administering to the personal wants of the Army personnel, whereas the report is now current that at many exchanges they sell automobiles, radios, furniture, rugs, gasoline in large quantities, and some persons are claiming that sales are being made to civilians, indirectly if not directly. I do not have personal knowledge of the matter, but the amendment can do no harm.

As I read the amendment in the RECORD this morning, it puts only a reasonable limitation upon sales and confines those sales to minor personal needs of strictly Army personnel. I take this means of expressing the hope that this committee will stand for this amendment when they go into conference, which seemingly passed the Senate yesterday by unanimous vote. Merchants in local communities who pay high taxes and have large overhead expenses should not be subjected to any such unfair competition.

Mr. SEGER. Mr. Speaker, will the gentleman yield?

Mr. THOMASON of Texas. Yes.

Mr. SEGER. Will this apply to the Panama Canal Zone?

Mr. THOMASON of Texas. I could not answer that with certainty, but I should think it would. I am not so much concerned about that, but I have in mind the situation within the United States.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. THOMPSON of Illinois. Mr. Speaker, I reserve the right to object, to ask the gentleman whether or not it is a fact that the other body combined both the military and nonmilitary appropriation bills in this one measure.

Mr. SNYDER of Pennsylvania. That is a matter about to be taken up in a minute by the chairman of the Committee on Appropriations, the gentleman from Missouri [Mr. CANNON].

Mr. RAYBURN. The answer is that they did.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman from Pennsylvania yield?

Mr. SNYDER of Pennsylvania. Yes.

Mrs. ROGERS of Massachusetts. I understand an amendment was placed in the bill which authorizes certain money for building construction at Army posts.

Mr. SNYDER of Pennsylvania. That is true.

Mrs. ROGERS of Massachusetts. Twenty million dollars?

Mr. SNYDER of Pennsylvania. No; that is not the amount.

Mrs. ROGERS of Massachusetts. I earnestly hope that the House will agree to that amendment. I think the amount is approximately $2,000,000 instead of $20,000,000. There is an appropriation for buildings to be constructed at Fort Dennis in my own district.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CANNON of Missouri. Mr. Speaker, by direction of the Committee on Appropriations, I submit a motion, which I send to the desk.

The Clerk read as follows:

Mr. CANNON of Missouri moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 6692, the Military Appropriation Act, 1938, be instructed not to agree to the Senate amendments to such bill numbered 47 to 77, inclusive, and 80, and not to agree to the amendment of the Senate amending the title of such bill.

Mr. CANNON of Missouri. Mr. Speaker, the Constitution confers upon the House and the Senate respectively certain exclusive prerogatives. Among those reserved to the House by the Constitution is the right to originate revenue bills, and from the beginning of the Government the House has asserted and successfully maintained that the right to originate revenue bills also involves the right to initiate general appropriation bills. That has been the uniform practice, and in keeping with that doctrine the House has formulated the general appropriation bills since the establishment of the Government. Of course, the right to originate general appropriation bills necessarily includes the right to determine the form and the manner in which they shall be presented, and from the beginning the number and scope of the various annual supply bills have been determined by the House with the acquiescence of the Senate. Only on one or two rare occasions has this right of the House been questioned, and in each such instance the Senate has promptly disavowed any intention of infringing on the constitutional prerogatives of the House and yielded without contention.

The last instance was in the second session of the Sixty-second Congress and was the occasion for an exhaustive study of the subject by Hon. John Sharp Williams, formerly minority leader of the House and at the time a member of the Senate, which was published as a Senate document and which so conclusively confirmed the contention of the House that its right to originate the general supply bills and determine their form had not since been challenged until the receipt just now of a message from the Senate informing the House that the Senate has assumed the right to combine the two War Department appropriation bills by attaching the nonmilitary bill to the military bill as an amendment, with the comment on the floor that the action of the House in reporting and passing the bill was "surgery" and "not well performed."

The motion offered proposes to respectfully call the attention of the Senate to this infringement, of course, inadvertent, by instructing House conferees to decline to agree to the amendment by which the two bills have been merged or to any perfecting amendment which may have been made to the text of the nonmilitary bill. Under such instruction, House conferees will be at liberty to consider and agree in full on the final text of the War Department appropriation bill providing for military activities and the Senate may then message over as a separate bill the nonmilitary bill, as amended by the Senate, and the House will appoint conferees to meet with Senate conferees on the disagreeing votes of the two Houses on the bill as originated by the House of Representatives.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the majority leader.

Mr. RAYBURN. I think the gentleman from Missouri [Mr. CANNON] has probably stated the history of revenue acts and appropriation acts, a custom immemorial in this country. I am glad the gentleman has made the motion he has and I trust the House of Representatives may assert and reassert its rights and will unanimously support the resolution offered by the gentleman from Missouri. [Applause.]

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from New York.

Mr. FISH. Just for information, would that take out of the bill the Senate amendment to provide for additional appropriations for Army housing, Army barracks, and clothing.

Mr. CANNON of Missouri. It will not affect that item, as the appropriation for barracks and clothing is carried in the military activities bill on which the conferees are authorized to confer.

I am glad to have the gentleman from Texas [Mr. RAYBURN], the majority leader, approve the action taken by the Committee on Appropriations. I am certain the House will generally object to the establishment of a precedent which would violate 150 years of parliamentary procedure and open the door to practices which would complicate relations between the two Houses in future conferences.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I join with the gentleman from Missouri and the majority leader in the hope that the gentleman's motion will be adopted, because it is our duty to respect our rights as one of the two branches of the Congress. If we do not, nobody else will. But, in order to obtain specific information, I would like to ask the gentleman if the effect of this will be to have the nonmilitary appropriation bill considered by the Senate separately from the bill as it came from the Senate, which includes both the military and nonmilitary activities. Is that correct?

Mr. CANNON of Missouri. That is true. Mr. Speaker, we are not here considering the merits of any of the amendments. We are not considering the reasons which prompted the Senate to take this extraordinary action. We merely propose by this motion to maintain the constitutional rights of the House of Representatives.

I now yield to the gentleman from New York [Mr. TABER], the ranking minority member of the committee, such time as he may desire.

Mr. TABER. Mr. Speaker, the acting chairman of the Committee on Appropriations, the gentleman from Missouri [Mr. CANNON], has offered this resolution to instruct the conferees to refuse to consider or agree to the amendments which the Senate has placed in this bill, which constitutes practically the whole of the nonmilitary appropriation bill as it was passed by the House. The Committee on Appropriations has approved the offering of this resolution. The effect will be just as the gentleman from Massachusetts [Mr. McCORMACK] stated, that the Senate will consider the nonmilitary bill by itself and send it over here by itself, where we can consider whatever amendments they may choose to offer to it.

In my opinion, the House should stand by the practice which has been going on for 150 years of permitting the House of Representatives to initiate appropriation bills. When we send them to the Senate separately they should be considered separately all the way through to final passage.

I hope this resolution offered by the gentleman from Missouri [Mr. CANNON] will receive the unanimous support of the House of Representatives.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. WHITTINGTON. As a matter of principle, why divide this bill when we have not divided other bills where appropriations similar to rivers and harbors and flood control are contained? I am speaking of the principle involved.

Mr. TABER. I would say, Mr. Speaker, that whenever bills have become so cumbersome and involve so many different projects that their division has seemed desirable, and the matter has been considered by the Appropriations Committee and the Budget, their division has been brought about. In this particular case the committee felt that we were more or less deceiving the people and making them believe that this country was spending a couple of hundred million dollars more for military purposes than was the actual fact. Our military appropriation bill should tell the truth, that we are spending about $388,000,000 on the military end of the situation.

Mr. WHITTINGTON. There would be just as much reason to separate the Department of Agriculture appropriation bill and the appropriation made for highways, the Department of the Interior appropriation bill and the appropriation made for reclamation as there is to separate the appropriation bill here made for flood control and for rivers and harbors.

Mr. TABER. I do not think so.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentlemen yield?

Mr. TABER. I yield.

Mr. O'CONNOR of New York. The division of these bills is not a new procedure in this House. If you will examine into the precedents you will find that the old custom was to divide the military and nonmilitary activities. That was pursued for a number of years.

Mr. TABER. I understand that was the practice.

Mr. HOUSTON. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. HOUSTON. Is it not a fact that if we let the Senate get away with this, if they wanted to they could take the Interior bill, the Navy Department bill, and all the other bills and tie them all together, if they had a case where they wanted a bill to be vetoed, and it would veto the whole thing?

Mr. TABER. Yes; and they could logroll and put a bill like that over a Presidential veto when it ought not to be done.

Mr. FRED M. VINSON. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. FRED M. VINSON. As I understand the situation, this is not determining whether there should have been two bills initiated. The fact was there were two bills that passed the House of Representatives. Now, it is the constitutional prerogative of the House to initiate appropriation bills. It seems to me the question is whether we are going to stand upon the Constitution.

Mr. TABER. That should be the main consideration that inspires Members to vote on this motion.

Mr. CANNON of Missouri. Mr. Speaker, I yield to the gentleman from New York [Mr. O'CONNOR], chairman of the Committee on Rules, such time as he may require.

Mr. O'CONNOR of New York. Mr. Speaker, this is a matter which I, in my feeble way, have supported for years. I am glad that the great Committee on Appropriations takes this position.

It was no mere accident that under the Constitution this House was given two great powers: First, control over the purse strings of the Nation; and, second, the right to declare war. In the minds of some people at least we have surrendered this latter right just recently, but I for one never want to see this House go so far as to surrender control of the purse strings. We should do the appropriating, not the other body, which has no fundamental constitutional jurisdiction over that.

I hope that the attitude that is apparent here today will be pursued throughout this session and throughout every succeeding Congress in order to maintain our province and our jurisdiction against the intrusion or the encroachment of any other body or of any other branch of the Government. [Applause.]

Mr. CANNON of Missouri. Mr. Speaker, this motion is presented by the unanimous direction of the Committee on Appropriations and I trust meets with the unanimous approval of the House. I move the previous question.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. Mr. Speaker, I withhold the motion for the previous question and yield to the gentleman from Mississippi.

Mr. COLMER. Can the gentleman advise me whether there is any foundation to the remark that is going about that the purpose of separating these bills is to remove from the Board of Army Engineers such duties as they are now performing with reference to these nonmilitary projects?

Mr. CANNON of Missouri. Not to my knowledge. The gentleman's inquiry is the first suggestion I have heard on the subject.

Mr. COLMER. I merely wanted to get some information on it. I am not charging that to be a fact at all.

Mr. CANNON of Missouri. I know of no grounds for any such statement. Mr. Speaker, I move the previous question on the motion to instruct conferees.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Missouri.

The motion was agreed to.

A motion to reconsider was laid on the table.

Mr. COCHRAN. I think, Mr. Speaker, in order to show the Senate that the resolution was agreed to unanimously that there should be a division.

The SPEAKER. Was the gentleman on his feet for the purpose of demanding a division when the vote was being taken?

Mr. COCHRAN. I will withdraw my request. As long as the RECORD shows that it was a unanimous vote of the House, I am satisfied.

QUESTION OF PERSONAL PRIVILEGE

Mr. HOFFMAN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Michigan rises to a question of personal privilege. The gentleman will state the ground of his question.

Mr. HOFFMAN. The first ground is based on a newspaper article in the Detroit News of this week. I send it to the Speaker's table.

The SPEAKER. Has the gentleman the article in his hand?

Mr. HOFFMAN. I have a copy of it.

MILITARY APPROPRIATION BILL, 1938

Mr. CANNON of Missouri. Mr. Speaker, will the gentleman yield long enough for the Chair to appoint conferees? We should like to go to conference.

Mr. HOFFMAN. I yield.

The SPEAKER. The Chair appoints the following conferees on the bill just acted upon: Messrs. SNYDER of Pennsylvania, DOCKWEILER, TERRY, STARNES, COLLINS, POWERS, and ENGEL.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. Has the gentleman from Michigan the original of the matter of which he complains?

Mr. HOFFMAN. I have it in the office, but I have a copy here. I will send for the other one.

Mr. FRED M. VINSON. Mr. Speaker, will the gentleman from Michigan yield to permit me to submit a unanimous-consent request?

Mr. HOFFMAN. I yield, Mr. Speaker.

EXTENSION OF REMARKS

Mr. FRED M. VINSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill H. R. 7589, the Carriers' Taxing Act.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. FISH. Mr. Speaker, will the gentleman from Michigan yield to permit me to submit a unanimous-consent request?

Mr. HOFFMAN. I yield, Mr. Speaker.

Mr. FISH. Mr. Speaker, I ask unanimous consent that after the disposition of the business of the House and the special orders heretofore entered I may address the House for 10 minutes today.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. COX. Mr. Speaker, will the gentleman yield to permit me to submit a unanimous-consent request?

Mr. HOFFMAN. Yes.

Mr. COX. Mr. Speaker, I ask unanimous consent that on Monday next immediately after the reading of the Journal, the conclusion of the legislative program, and the special order heretofore made I may be permitted to address the House for 1 hour.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

AGRICULTURAL APPROPRIATION BILL—CONFERENCE REPORT AND STATEMENT

Mr. CANNON of Missouri. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent that the conference committee on the Department of Agriculture appropriation bill may have until midnight tonight to file a conference report.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6523) making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1938, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbred 1, 3, 4, 6, 7, 8, 9, 10, 11, 14, 16, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 36, 39, 41, 44, 49, 51, 58, 60, 68, 74, 77, 79, 80, 82, 83, 84, 87, 89, 93, 96, 97, 99, 101, 102, 103, 104, 110, 112, 114, 115, 118, 121, 122, 123, 128, 129, 135, and 136.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 5, 15, 32, 35, 40, 42, 46, 47, 48, 52, 53, 55, 56, 57, 62, 65, 67, 70, 71, 72, 75, 76, 92, 94, 95, 107, 108, 109, 111, 113, 120, 127, 130, and 133, and agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$887,650"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$1,254,130"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$6,232,500"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$6,463,546"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$2,342,870"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$2,190,179"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$4,703,049"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$633,199"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$703,694"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows: "including not exceeding $80,000 for acquisition of additional land, notwithstanding the limitations of said act of March 4, 1927"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$122,000"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$4,833,048"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$638,403"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$14,116,596"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$75,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$18,892,182"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$196,243"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$1,425,431"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$75,000"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$460,860"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$5,711,398"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$171,149"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$2,127,840"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$48,785"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$423,169"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$460,769"; and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$6,162,698"; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$6,212,698"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$500,000"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$190,000"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$22,175,000"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$24,390,780"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and

agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$100,000"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows: ": *And provided further*, That the funds provided by section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935 (U. S. C., Supp. II, title 7, sec. 612c), shall be available during the fiscal year 1938 for administrative expenses in such sums as the President may direct in carrying out the provisions of said section, including the employment of persons and means in the District of Columbia and elsewhere, in accordance with the provisions of law applicable to the employment of persons and means by Agricultural Adjustment Administration"; and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$12,500,000"; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$7,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 88, 124, 126, and 134.

CLARENCE CANNON,
M. C. TARVER,
WILLIAM B. UMSTEAD,
WILLIAM R. THOM,
CHAS. H. LEAVY,
W. D. MCFARLANE,
EVERETT M. DIRKSEN,
Managers on the part of the House.

RICHARD B. RUSSELL, JR.,
CARL HAYDEN,
ROYAL S. COPELAND,
E. D. SMITH,
GERALD P. NYE,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6523) making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1938, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Correction of totals, allocations, etc.

The following amendments relate to the corrections of totals, allocations, transfers, clarifications of the text, etc.:

Amendments nos. 4, 5, 8, 11, 13, 17, 19, 24, 27, 31, 32, 38, 40, 42, 50, 53, 59, 61, 63, 66, 70, 78, 83, 84, 85, 86, 91, 92, 98, 100, 103, 104, 106, 108, 109, 117, 118, 119, 120, and 132.

"Other necessary expenses"

The following amendments relate to the action of the Senate in striking out the words "other necessary expenses", or words of similar import, in the several paragraphs to which the amendments apply. As to each and all of these amendments the Senate has receded. The amendments are:

Amendments nos. 3, 6, 9, 14, 18, 25, 26, 28, 33, 34, 36, 39, 44, 51, 77, 79, 87, 89, 93, 97, 99, 101, 114, 115, 121, 128, 129, 135, and 136.

Office of the Secretary

On amendment no. 1, salaries: Appropriates $452,700, as proposed by the House, instead of $442,700, as proposed by the Senate.

On amendment no. 2, spray-residue investigations: Retains the Senate provision that no part of the funds appropriated by this act shall be used for laboratory investigations to determine the possibly harmful effect on human beings of spray insecticides on fruits and vegetables.

Office of the Solicitor

On amendment no. 7, salaries and expenses: Appropriates $194,160, as proposed by the House, instead of $195,780, as proposed by the Senate.

Office of Information

On amendment no. 10, salaries and expenses: Appropriates $366,480, as proposed by the House, instead of $363,282, as proposed by the Senate.

On amendment no. 12, printing and binding: Appropriates $387,650, instead of $394,250 as proposed by the House and $864,250 as proposed by the Senate.

Office of Experiment Stations

On amendment no. 15, payments to Hawaii: Appropriates $50,000, as proposed by the Senate, instead of $60,000, as proposed by the House.

On amendment no. 16, payments to States under Bankhead-Jones Act: Appropriates $1,800,000, as proposed by the House, instead of $1,500,000, as proposed by the Senate.

Special research fund

On amendment no. 20: Appropriates $1,200,000, as proposed by the House, instead of $1,000,000, as proposed by the Senate.

Extension Service

On amendment no. 21, supplementary cooperative extension work: Appropriates $790,000, as proposed by the House, instead of $1,185,000, as proposed by the Senate.

On amendment no. 22, extension work under Bankhead-Jones Act: Appropriates $10,000,000, as proposed by the House, instead of $9,800,000, as proposed by the Senate.

On amendment no. 23, additional cooperative extension work: Appropriates $500,000, as proposed by the House, instead of $750,000, as proposed by the Senate.

Weather Bureau

On amendment no. 29, general weather service and research: Retains the Senate increases of $23,920 for flood-warning service in the Pittsburgh, Pa., region; $10,000 for restoration of weather station at Dayton, Ohio; and $10,000 for restoration of weather station at Greenville, S. C. Eliminates the Senate increase of $5,000 above an increase of the same amount granted by the House for additional weather service to citrus growers of California.

On amendment no. 30, aerology: Eliminates the Senate increases of $35,000 for the substitution of a numeral code for the present word code and of $57,771 for the replacement of Army airplane flights by contract flights at five Army airfields in connection with daily observations of upper air conditions. Retains the remaining $501,090 of the Senate increase for general improvement and strengthening of the airways weather service.

Bureau of Animal Industry

On amendment no. 35, marketing agreements with respect to hog cholera virus and serum: Retains the Senate amendment making $30,000 of A. A. A. funds available for effecting such agreements.

Bureau of Dairy Industry

On amendment no. 37, dairy investigation: Retains the Senate increase of $6,600 for the development of commercial sources for the utilization of skim milk, buttermilk, and whey, and for the commercial introduction of processes for manufacturing milk products. Eliminates the remaining Senate increase of $14,801.

Bureau of Plant Industry

On amendment no. 41, forest pathology: Appropriates $259,592, as provided by the House, instead of $252,092, as provided by the Senate.

On amendments nos. 43 and 45, National Arboretum: Provides an increase of $80,000, instead of $90,000, as proposed by the House, and restores the language of the House, stricken out by the Senate, amended to read as follows: "including not exceeding $80,000 for acquisition of additional land, notwithstanding the limitations of said act of March 4, 1927."

On amendment no. 46, nematology: Includes the Senate increase of $5,000 for work on nematodes in narcissus and other bulbs.

On amendment no. 47, rubber and other tropical plants: Appropriates $46,749, as provided by the Senate, instead of $40,000, as provided by the House.

On amendment no. 48, seed investigations: Appropriates $72,293, as provided by the Senate, instead of $67,293, as provided by the House.

On amended no. 49, sugar-plant investigations: Retains the House increase of $16,700 for establishment of sugar-plant experiment station in Mississippi.

Forest Service

On amendment no. 52, National Forest Administration: Retains the Senate increase of $10,000 for recreation and special land-use developments.

On amendment no. 54, forest management: Retains the Senate increases of $9,909 for pinion-juniper and other woodland types of the Southwest and of $7,500 for conversion of brush fields in northern California into valuable timber stands. Eliminates the Senate increase of $7,500 for planting and reforestation studies in the Central States.

On amendment no. 55, range investigations: Retains the Senate increase of $10,000 for studies in the control of shrub invasions on semidesert ranges of the Southwest.

On amendment no. 56, forest products: Retains the Senate increases of $10,000 for studies in the utilization of new woods for paper making, and of $10,000 for studies in chemical seasoning of wood.

On amendment no. 57, forest economics: Retains the Senate increase of $15,000 for range economics investigations in the intermountain region.

On amendment no. 58, forest influences: Restores the House increase of $10,000.

On amendment no. 60, acquisition of lands for national forests: Appropriates $3,000,000, as proposed by the House, instead of $2,500,000, as proposed by the Senate.

On amendment no. 62, acquisition of lands for national forests: Eliminates the House provision that $1,000,000 of the sum appropriated shall be available only for purchase of lands in purchase units where as much as 20 percent of the land within such purchase units have not heretofore been acquired.

Bureau of Chemistry and Soils

On amendment no. 64, industrial utilization of farm products and byproducts: Provides an increase of $10,000 for plastics investigations, instead of the increase of $20,000, as proposed by the Senate.

On amendment no. 65, naval stores investigations: Retains the Senate increase of $2,159 for the employment of two night watchmen at the experiment station at Olustee, Fla.

Bureau of Entomology and Plant Quarantine

On amendments nos. 67 and 68, Japanese beetle control: Retains the Senate increase of $25,000 in this appropriation and eliminates the Senate provision that $40,000 of the total appropriation shall only be available for cooperation with the State of Maryland.

On amendment no. 69, sweetpotato weevil: Appropriates $75,000, instead of $50,000 as provided by the House and $100,000 as provided by the Senate.

On amendments nos. 71 and 72, forest insects: Retains the Senate increase of $39,738 in this appropriation and the Senate provision that $40,000 of the appropriation shall only be available for expenditure when matched by State funds.

On amendment no. 73, Dutch elm disease: Appropriates $460,860, instead of $421,720, as proposed by the House, and $500,000, as proposed by the Senate.

On amendment no. 74, insects affecting man and animals: Retains the House increase of $10,000 for ticks in the vicinity of Marthas Vineyard Island, Mass.

On amendment no. 75, transit inspection: Appropriates $44,059, as proposed by the Senate, instead of $36,559, as proposed by the House.

On amendment no. 76, foreign plant quarantines: Appropriates $680,000, as proposed by the Senate, instead of $661,720, as proposed by the House.

Bureau of Biological Survey

On amendment no. 80, food habits of birds and animals: Appropriates $68,140, as proposed by the House, instead of $75,640, as proposed by the Senate.

On amendment no. 81, biological investigations: Retains $18,000 of the House increase of $42,000 for the establishment of three new regional stations for cooperative studies of wildlife.

On amendment no. 82, control of predatory animals and injurious rodents: Retains the House increase of $12,000 for work on rodents harmful to orchard trees in the Northeastern States.

Bureau of Agricultural Engineering

On amendment no. 90, agricultural engineering investigations: Appropriates $423,169, instead of $415,669, as proposed by the House, and $430,669, as proposed by the Senate.

Bureau of Agricultural Economics

On amendment no. 94, farm management and practice: Appropriates $376,580, as proposed by the Senate, instead of $386,580, as proposed by the House.

On amendment no. 95, marketing and distributing farm products: Retains the Senate increase of $7,500 for studies of Federal, State, and local regulations affecting trade in agricultural products.

On amendment no. 96, Tobacco Inspection Act: Retains the House increase of $25,000.

Bureau of Home Economics

On amendment no. 102, home economics investigations: Appropriates $213,350, as proposed by the House, instead of $188,350, as proposed by the Senate.

Enforcement of the Commodity Exchange Act

On amendment no. 105, salaries and expenses: Appropriates $500,000, instead of $400,000, as proposed by the House, and $590,000, as proposed by the Senate.

Food and Drug Administration

On amendment no. 107, enforcement of the Food and Drugs Act: Appropriates $1,750,000, as proposed by the Senate, instead of $1,700,000, as proposed by the House.

Soil Conservation Service

On amendment no. 110, cost of buildings: Retains the House limitation of $15,000, instead of the Senate limitation of $10,000, upon the cost of not to exceed 20 buildings.

On amendment no. 111, construction of buildings: Retains the Senate provision prohibiting the erection of buildings on land not owned by the Government.

On amendment no. 112, general administrative expenses: Appropriates $675,000, as proposed by the House, instead of $600,000, as proposed by the Senate.

On amendment no. 113: Retains the Senate provision that no part of the appropriation for administrative expenses shall be available if any emergency or other appropriations are made available for administrative expenses in administering the funds provided in regular appropriations to the Soil Conservation Service.

On amendment no. 116, soil and moisture demonstrations: Appropriates $22,175,000, instead of $22,225,000, as proposed by the House, and $22,125,000, as proposed by the Senate.

Crop benefit payments for soil-conserving practices

On amendments nos. 122 and 123, conservation and use of agricultural land resources: Appropriates $500,000,000, as proposed by the House, instead of $440,000,000, as proposed by the Senate.

On amendment no. 125, administrative expenses in carrying out section 32 of the act entitled "An act to amend the Agricultural Adjustment Act, and for other purposes": Restores the language stricken out by the Senate, amended to read as follows: ": *And provided further*, That the funds provided by section 32 of the act entitled 'An act to amend the Agricultural Adjustment Act, and for other purposes', approved August 24, 1935 (U. S. C., Supp. II, title 7, sec. 612c), shall be available during the fiscal year 1938 for administrative expenses in such sums as the President may direct in carrying out the provisions of said section, including the employment of persons and means in the District of Columbia and elsewhere, in accordance with the provisions of law applicable to the employment of persons and means by Agricultural Adjustment Administration."

Beltsville Research Center

On amendment no. 127: Appropriates $75,000, as proposed by the Senate, instead of $85,000, as proposed by the House.

Elimination of diseased cattle

On amendment no. 130: Retains the Senate provision that $2,000,000 of the funds for elimination of diseased cattle may be used only in those States which have made appropriations for indemnifying the owners of cattle reacting to the test for Bang's disease.

Forest roads and trails

On amendment no. 131: Appropriates $12,500,000, instead of $11,000,000 as proposed by the House and $14,000,000 as proposed by the Senate.

On amendment no. 133: Eliminates the House provision that total expenditures for forest roads and trails on account of any State or Territory shall at no time exceed its authorized apportionment as provided by section 23 of the Federal Highway Act.

Disagreements

The committee of conference report in disagreement the following amendments of the Senate:

On amendment no. 88, Federal-aid highway system: Strikes out the House provision that the appropriation be available for the purchase of medical supplies and services and other assistance necessary for the immediate relief of employees engaged on hazardous work of the Bureau and inserts language providing that $450,000 of administrative funds, in addition to sums heretofore authorized (making in all $1,360,000), may be used for the construction (including the cost of a site already acquired) of a laboratory for permanent quarters for the testing and research work of the Bureau of Public Roads.

On amendment no. 124: Making the appropriation for domestic allotments available for the purchase of seeds, fertilizers, or any other farming materials, and making grants thereof to agricultural producers to aid them in carrying out farming practices approved by the Secretary of Agriculture in the 1937 programs, for the reimbursement of the Tennessee Valley Authority for fertilizers heretofore or hereafter furnished by it to the Secretary of Agriculture for such purpose, and for the payment of expenses in connection with the making of such grants.

On amendment no. 126, interchange of appropriations: Authorizing transfers within bureaus of 10 percent of the amounts appropriated for the respective activities within the respective bureaus.

On amendment no. 134, forest roads and trails: Fixing the apportionment of the Territory of Alaska for the fiscal years 1938 and 1939 at $350,000 for each of said years, and providing that the remainder of the sums that would be otherwise apportioned to said Territory shall be reapportioned in the same manner and on the same basis as provided in the second paragraph of section 23 (a) of the Federal Highway Act among those States whose forest highway apportionments for the fiscal years 1938 and 1939 otherwise would be less than 1 percent of the entire apportionment for forest highways.

CLARENCE CANNON,
M. C. TARVER,
WILLIAM B. UMSTEAD,
W. R. THOM,
CHARLES H. LEAVY,
W. D. MCFARLANE,
EVERETT M. DIRKSEN,
Managers on the part of the House.

QUESTION OF PERSONAL PRIVILEGE

Mr. HOFFMAN. Mr. Speaker, in the first column of the CONGRESSIONAL RECORD of June 22, page 6161, the gentleman from Illinois [Mr. SABATH] makes this statement:

> I will not take the time to answer some of the statements made by the gentleman from Michigan [Mr. HOFFMAN], who just preceded me, who only a few days ago urged his son or someone to obtain for him guns and ammunition with a threat to go to Detroit to shoot down all those who were trying and striving to obtain a better living wage to provide a better existence for their families and loved ones.

I called the attention of the gentleman from Illinois [Mr. SABATH] to that statement this morning and he advised me a few moments ago in the corridor that that statement was not made on the floor of the House but was inserted in the RECORD afterward.

I claim personal privilege on that ground.

I also claim personal privilege on the statements of the gentleman from Texas [Mr. MAVERICK], which are found on page 6162 of the RECORD of the same day, in which he states, among other things, as follows:

> Let us remember that the gentleman from Michigan made a statement the other day that he was going into some State, either Pennsylvania or Michigan, and that he was going to arm himself and march in the State. He said he had wired his son to get 200 rounds of ammunition.

Then something further is said, which I am skipping. He proceeded as follows:

> I am getting a little bit tired of constantly hearing this ranting and roaring of the gentleman from Michigan [Mr. HOFFMAN]. It is getting very boresome. But, speaking of his getting together an army and marching into a State, if we go back into history and study one of the famous judicial trials of the South, when Mr. John Brown came into the State of Virginia with arms and ammunition, he was tried for treason. Suppose Mr. John Lewis—

And he makes a statement about Lewis.

> But a Congressman can get up and say that he can invade a State with arms and ammunition, and have his son get ammunition, like John Brown's son did, and that is all right. That is fine; that is wonderful. But if John Lewis said that, he would be tried for treason, as John Brown was. He would be called a traitor on this floor; but we permit one of our Members to do it.

My point is he refers to my statement as being traitorous and says I am guilty of that kind of conduct. He continues:

> What is sauce for the goose is sauce for the gander; and a Congressman has no more right to violate the law of the land than John Lewis or anybody else.

He implies that I would violate the law. I understand the rule to be, in part at least, that the remedy was to demand at the time that the words be taken down. I was not on the floor when the gentleman from Texas [Mr. MAVERICK] made the statement; and, personally, I do not know how much of the statement he made on the floor or how much was inserted in the revision of his remarks. I understand the rule to be that I am not now entitled to speak to a question of special privilege. But I do know the gentleman from Illinois [Mr. SABATH], who is here, told me that the statement attributed to him as having been made on the floor was not made on the floor, but the language appears in the RECORD.

Mr. SABATH. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Illinois.

Mr. SABATH. When I came on the floor that day somebody informed me that the gentleman from Michigan had made a statement on the floor that he would secure guns and ammunition and would use them; but later on, only yesterday, I found out he made the statement he would do that only in the defense of his property and not in connection with a strike.

In view of that fact, Mr. Speaker, I am going to ask unanimous consent to strike that language from the CONGRESSIONAL RECORD to which the gentleman has referred.

Mr. HOFFMAN. Mr. Speaker, I still believe I may rise to a question of personal privilege.

The SPEAKER. The gentleman from Michigan [Mr. HOFFMAN] has presented a question of personal privilege, based upon two propositions. The first is to language inserted in the RECORD purported to have been uttered by the gentleman from Texas [Mr. MAVERICK], which language appears on page 6162 of the RECORD of June 22, which the gentleman from Michigan [Mr. HOFFMAN] has quoted.

The rule is—and it has been sustained and supported by the practice and precedents for many years—when offensive language is uttered upon the floor by a Member reflecting in anywise on a fellow Member, or language is uttered to which the offending Member desires to take exception, it is the duty of such Member instantly to exercise his privilege and demand that the offending words be taken down. This would give the House an opportunity to pass judgment upon whether the language should be retained in the RECORD, expunged, or other action taken.

By confession, the gentleman from Michigan did not avail himself of that opportunity, explaining he did not do so probably because he was temporarily absent from the floor when the gentleman from Texas used said language. Under such circumstances, of course, the absence of the Member from the floor would be no justification for him to be made an exception to the rule. It is to be assumed that he is on the floor of the House at all times during the session of the House.

The Chair is therefore of the opinion that on that point of personal privilege the gentleman from Michigan [Mr. HOFFMAN] is not entitled to the floor on a question of personal privilege under the rules and practices of the House.

Mr. COX. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COX. Mr. Speaker, what is the remedy of a Member who is attacked in an extension of remarks in the RECORD?

The SPEAKER. The Chair was just about to take that question up.

The Chair stated there are two grounds upon which the gentleman from Michigan [Mr. HOFFMAN] bases his question of personal privilege. The second ground is that on page 6161 of the RECORD of the same date the gentleman from Illinois [Mr. SABATH] made certain statements, as published in the RECORD, of which the gentleman from Michigan [Mr. HOFFMAN] complains.

If, as a matter of fact, the gentleman from Illinois inserted in the RECORD matters not actually stated by him upon the floor at the time which gave offense to the gentleman from Michigan, it was then the privilege of the gentleman from Michigan to raise that question, as he has now raised it, as a matter of personal privilege when his attention was called to the offending language. In view of the fact that the gentleman from Illinois has undertaken to make an explanation of the matter and has offered to move to have the offending language stricken from the RECORD, does the gentleman still insist on the matter of personal privilege?

Mr. HOFFMAN. Mr. Speaker, may I propound a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. HOFFMAN. Mr. Speaker, if I claim the right to proceed, and am granted that right at this time, after the ruling of the Chair, will I be permitted to discuss the utterances of the gentleman from Texas [Mr. MAVERICK]?

The SPEAKER. No. The Chair has ruled that the matter complained of does not now entitle the gentleman to rise to a question of personal privilege.

The gentleman would, if he insisted, after the ruling of the Chair on the second point of order involving the language of the gentleman from Illinois, be entitled to discuss that matter.

Mr. COX. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Georgia.

Mr. COX. I am in complete sympathy with the position the gentleman takes.

However, in view of the ruling of the Chair on the first question of personal privilege and the statement of the gentleman from Illinois [Mr. SABATH], I trust the gentleman will not avail himself of the right to be heard at this time.

Mr. MAVERICK. Mr. Speaker, will the gentleman yield to me?

Mr. HOFFMAN. Well, I think not.

The SPEAKER. Does the gentleman from Illinois [Mr. SABATH] desire to submit a unanimous-consent request?

Mr. MAVERICK. The gentleman from Michigan says he thinks he will not yield. Will the gentleman yield to me?

The SPEAKER. The gentleman declines to yield.

Mr. MAVERICK. The gentleman said he thought he would not.

The SPEAKER. Does the gentleman from Michigan yield to the gentleman from Illinois?

Mr. HOFFMAN. Yes, Mr. Speaker.

Mr. SABATH. Mr. Speaker, I ask unanimous consent that the paragraph of which the gentleman complains, and of which I believe he has a right to complain, may be stricken from the RECORD.

Mr. HOFFMAN. Reserving the right to object, Mr. Speaker, if I yield on that point, I will be out. I can see that very clearly.

Mr. Speaker, if I may, I would like at this time to submit a unanimous-consent request.

I ask unanimous consent that on Monday next, after the business on the Speaker's desk has been disposed of, I may be permitted to proceed for not 1 hour but 30 minutes, and after the other orders.

The SPEAKER. The gentleman from Michigan asks unanimous consent that on Monday next, after the disposition of all legislative matters and special orders heretofore made, he may be permitted to address the House for 30 minutes. Is there objection?

Mr. COX. Mr. Speaker, reserving the right to object, as an inducement for the granting of the gentleman's unanimous-consent request, I ask unanimous consent that the House revoke the action taken on my request for time to address the House on Monday. In other words, my disposition is to waive the time previously granted me.

The SPEAKER. That request will have to be submitted subsequently, as only one request can be pending at a time.

Mr. MAVERICK. Mr. Speaker, reserving the right to object, I may say I will not be in the city on Monday, but I will be here on Tuesday. Would the gentleman from Michigan mind modifying his request and ask to speak on Tuesday instead of Monday?

Mr. HOFFMAN. I should be glad to, but I am going up to Providence on Tuesday to talk on law and order.

Mr. MAVERICK. Then I shall be very glad to defer to the gentleman and let him talk on Monday. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. Does the gentleman from Georgia desire to submit his request now?

Mr. COX. Yes, Mr. Speaker.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the permission granted him heretofore to address the House on Monday be revoked. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER. The gentleman from Illinois [Mr. SABATH] has a unanimous-consent request pending. Is there objection to the request of the gentleman from Illinois to strike from the permanent RECORD the language referred to by him?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent that on Tuesday next, after the disposition of business on the Speaker's desk, I may be permitted to address the House for 5 minutes.

Mr. RAYBURN. Reserving the right to object, Mr. Speaker, of course the gentleman intends to make his request apply after the legislative program of the day?

Mr. MAVERICK. The gentleman understands I am asking for only 5 minutes?

Mr. RAYBURN. I have been objecting to similar requests by everybody else.

Mr. MAVERICK. This is a very small amount of time.

Mr. RAYBURN. I know; but I must treat everyone alike. I know my colleague does not want me to vary from this rule.

Mr. MAVERICK. Will the gentleman make an exception for 3 minutes? I want to reply to the gentleman from Michigan [Mr. HOFFMAN]. Well, I yield to the gentleman, Mr. Speaker, and modify my request and ask that I may address the House after all the legislative business of that day is concluded.

The SPEAKER. The gentleman from Texas asks unanimous consent that on Tuesday next, after the disposition of matters on the Speaker's table and the legislative business of the day, and following the special orders heretofore made, he may be permitted to address the House for 5 minutes. Is there objection?

There was no objection.

MUNICIPAL BANKRUPTCY BILL

Mr. DRIVER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 228.

The Clerk read the resolution, as follows:

House Resolution 228

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 5969, a bill to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. DRIVER. Mr. Speaker, I yield 30 minutes to the gentleman from Massachusetts [Mr. MARTIN].

Mr. Speaker, the purpose of this resolution is to make in order the consideration of the bill (H. R. 5969), which is known as the municipal bankruptcy bill.

I may say as a matter of information, possibly largely to the new Members of the body, that on the 24th day of May 1924 there was enacted an almost similar bill, the purpose of which was to deal with the conditions existing in the municipalities of the country, together with school districts, drainage districts, levee districts, and those local improvement districts created by virtue of State law in many States of the Union. This is a matter with which you are entirely familiar. At the time that bill was passed practically all of the agencies I have mentioned found themselves very heavily indebted and unable to secure through their systems of collection of the benefits assessed against the various properties the funds necessary to meet maturing obligations. The result of this condition was that the holders of such securities were absolutely without a return on their investments.

There was no assurance offered the holders of the securities and therefore in the financial circles of our country a profound impression was created by reason of this general default.

The theory suggested itself of providing a forum through which a voluntary adjustment on the part of these local units and their creditors could be effectuated. We called around the board the holders of these securities, we made agreements covering a large percentage of the amounts outstanding, but because of the conduct of speculators entering into the picture, we were unable to effectuate these compositions made voluntarily with the larger number of holders. So we conceived it to be necessary, in order to deal with these matters, that some method should be provided through which these very small holdings could be bound. Such a bill was prepared and presented to the House and Senate and received practically a unanimous endorsement. Great benefits were effected by the operation of this measure. Many millions of dollars of these securities were refunded, all by voluntary agreement with the larger number of bondholders of the securities, but many more were headed off by the action of these few people. It was not always at the instance of the speculator, however, I may say to the House. In some instances we were unable to find the holder of a small part of these issues and therefore were unable to get a settlement of a character that would complete the adjustment of these debts.

However, on the 25th day of May of last year, the Supreme Court of the United States, in one of its 5 to 4 opinions, held that this act was an invasion of the State's prerogatives

merely because these local agencies created by virtue of the laws of the various States had issued the securities and in their organization and work-out were a legal unit under the creation of the State; but insofar as the sovereignty of the State is concerned, there was absolutely no connecting link between them; a mere creature of a State law that authorized them to bind themselves together for the purpose of effectuating some particular improvement, and to levy the benefits of that improvement on their property interest, creating a board to manage the affairs of the local units, to collect the betterments levied against the property, and without the necessity even of making a report to the State or any of its officers, and yet this bill was held unconstitutional, as an invasion of the State's rights, because it was a part of the State sovereignty, although just as distinct as you could conceive of.

Take, for example, a municipality, a creature of a State just the same as a local improvement district. They in no manner represent the sovereign State in which they are located. It is a power conferred under the laws of that State for the administration of local affairs. The State does not in any manner invade the prerogatives of the local institutions; neither do the local institutions in any manner transcend the authority of the State of its origin. There is no connecting link in the taxes levied and collected by the municipality; no connecting link insofar as reports to any officer of the State may be concerned. They levy their own taxes, they collect them, and administer their own affairs, and I could not conceive of a principle that is so far removed from the theory of State sovereignty as the theory on which that decision was founded.

Mr. SNELL. Mr. Speaker, would the gentleman care to yield for a question?

Mr. DRIVER. I would be very pleased to yield to the gentleman.

Mr. SNELL. In a general way I have always opposed this legislation, for the reason it seemed to me, although I am not a real student of the bill in all its technicalities, we are doing something that would make it easier for a community, or one of its subdivisions of which the gentleman speaks, to repudiate its debts and make the people who bought these securities in good faith take less than the face value which they paid for the securities.

Mr. DRIVER. With the experience we have had under this bill, I can say that the gentleman is entirely mistaken in that conception. This bill is a measure under which the holders of these securities have received benefits that were beyond their pale before it was passed.

Let me give the gentleman from New York an illustration. I have in mind the situation in one district that I am entirely familiar with where 92 percent of the holders of the securities issued by the district——

Mr. SNELL. What kind of district was that?

Mr. DRIVER. A drainage district, a local improvement district, on all fours with practically every bit of the range covered by this bill. Ninety-two percent of the holders of the securities issued by the district joined with the commissioners of the district and went into the Federal court for the purpose of receiving a composition of the agreement they had made between themselves.

That is voluntary up to that point. There is nothing compulsory here until a percentage of two-thirds of all of the securities are drawn together, and then it is laid before the court for the court's consideration as to whether or not the agreement they make is one that is fair and reasonable in accordance with the ability of the district to pay. Let me give the gentleman from New York [Mr. SNELL] just one other illustration. The failure to compose these debts means no one gets a dollar. These bondholders will not receive 1 cent of contribution. It is a matter of impossibility for them to meet the great amount of delinquencies that occurred during the period of depression. All of that is piled up. The taxpayers of the district find themselves unable to meet that great amount of debt, and they ask the creditors to get around the board with them and there they work out the matter on the basis of ability to pay. That would have been sufficient if 100 percent had been there. When you get 66⅔ percent it is strong evidence to start with that it is a fair agreement, but when you go into a court and lay it before the court, in order to bind the small percentage that will not come in or that we are unable to induce to enter, then the whole settlement goes down and affairs are left in chaos.

Mr. SNELL. My inquiry applied more to municipalities than to districts to which the gentleman has referred, with which I am not familiar, but it does seem to me that we should be careful about passing any legislation that gives any municipality the right to repudiate and beat the honest holders of its securities out of their money. I think I know—I will not say that I know, because often one thinks he knows something that he does not—that some municipalities have taken advantage of the situation. The moral responsibility of the community is not very strong, and they are trying to get out of the payment of their honest obligations, and I am opposed to passing any legislation that will give such a community an opportunity to act in that way.

Mr. DRIVER. The gentleman from New York is no stronger in his conviction that that should not be done than I, but every safeguard is provided here. Not only is it required to deal under the provisions of this bill with a large majority, 66⅔ percent of the holders of those securities, but in addition to that we must apply to the Federal court and lay the agreement before the court and submit to its judgment the fairness to all of the holders of the securities before an order is issued binding the small minority that we are unable to reach.

Mr. SNELL. Let me say a word about these various security holders. A man in the eastern or any other part of the United States who holds a bond for $1,000 of a community in another part of the country, that bond being in default, is practically helpless. What can he do? If he gets the statement from a reorganization committee setting forth the situation and how much the debt is, and how the people are unable to pay, and the matter of distress, he has no opportunity to defend himself. He cannot afford to go to law, he cannot afford to do anything. About the only thing that he can do under the circumstances is to accept that settlement, and in that way a great many times you get your 66⅔ percent that the gentleman is talking about when, as a matter of fact, if these men had an opportunity, if it were right at home where they could attend to the matter themselves, they never would agree to any such settlement. I know that from personal experience.

Mr. DRIVER. I do not know of one settlement that has been effected under the provisions of the act of May 24, 1934, that has not been for the benefit of the holders of the securities.

Mr. SNELL. I know some that in my judgment were not.

Mr. DRIVER. They were in many instances able to secure an obligation on which payments are being made promptly today and in other instances they were enabled to get money in accordance with the percentage under which they provided the loans.

Mr. SNELL. As a matter of fact, the people who work out this percentage are nearly always interested in the community or the municipality.

Mr. DRIVER. Oh, not at all; not one.

Mr. SNELL. I have had some experience.

Mr. DRIVER. Possibly my answer is too broad.

Mr. SNELL. Some of them have.

Mr. DRIVER. In none of the securities in the section where I reside.

Mr. SNELL. I do not know anything about that.

Mr. DRIVER. And largely in the section where this bill operates bonds are not held locally; in fact, unfortunately, this is true, that occasionally distress bonds were purchased by local speculators, not entirely of that community but nearby, and they are the causes of much of the trouble that we have encountered.

Mr. SNELL. That is one of the things I tried to call to the gentleman's attention. The bonds are not held locally; they are held by people scattered all over the country, and it is impossible for these people to get together and protect themselves.

For that reason they accept a settlement that is made by some committee that calls itself a reorganization committee, and in my judgment, in many cases, in some few that I have tried to look up, I am sure they do not get the consideration I believe they are honestly entitled to.

Mr. DRIVER. I believe by far and large the gentleman from New York will find that the workout we have provided in the past 2 years has been one in the interest practically entirely of the bondholders, to give to them a live obligation that they can use, and money on the basis of ability to pay.

Mr. SNELL. It may be live, but it is such a small part of their original investment that they really get very little.

Mr. DRIVER. Mr. Speaker, I have used more time than I had expected to. I want to yield to the gentleman from Texas an opportunity to present to this House something of the principles of this bill. The mechanics are not important. That can be dealt with when the bill is under consideration, but the theory on which it is founded is one that I am anxious for the gentleman from Texas to give to the House, and I now yield the balance of my time to the gentleman from Texas [Mr. SUMNERS]. [Applause.]

The SPEAKER pro tempore. The gentleman from Texas is recognized for 12 minutes.

Mr. SUMNERS of Texas. Mr. Speaker, I should like to have the attention of the gentleman from New York [Mr. SNELL] for just a moment. Pursuing the thought of my colleague from Arkansas [Mr. DRIVER], I may say to the gentleman from New York that in the Cameron County water improvement district case it was found that the bonded indebtedness was about $100 an acre and the value of the property about $75. Something had to be done in a situation like that. A great many of the municipalities in trouble were of mushroom growth. People who hold their obligations have not been able to collect anything. The plan and purpose of this bill is to give a majority of two-thirds of their creditors and the debtor an opportunity to sit around the table and work out an adjustment, submit that agreement to a court, and if found just to all parties, fix the terms of that agreement by a judgment of that court. It is necessary for two-thirds of the creditors to agree to a settlement, and it is necessary for a judge to find that that settlement is fair and equitable to the nonagreeing creditors. There is not a lawyer or a businessman in this House who does not recognize that such a privilege is a valuable privilege, helpful in collecting debts from those who owe more than can be paid 100 cents on the dollar. The force of the bill is directed against that minority present in every effort of debtors and creditors to bring the total of amounts payable within the ability of the debtor to pay. It is the minority who try to take advantage of the general desire to settle to compel an advantage to themselves in order to remove their selfishly interposed obstruction. They are hold-up men operating within the law.

Whatever may be the theory with regard to the ability of creditors to force these municipalities to pay, it does not work.

Mr. SNELL. I agree it does not work.

Mr. SUMNERS of Texas. We might just as well recognize that. It does not work. There is no effective governmental agency that can compel a municipality to pay its bonds. In view of that situation the committee looked into this matter as thoroughly as it could and believed it was common sense and practical and helpful to present this bill. This bill incorporates the practical suggestions of those interested. It is, perhaps, as near an embodiment of the consensus of opinion and judgment of all interested classes as can be found in legislative propositions affecting financial matters. They wanted to be in a position to go before a court with an agreement of the debtor and at least two-thirds of the creditors and compel those who want to hijack—that is not a good expression—somebody who wants to get more than the rest of them are getting, to submit to the plan. This bill operates upon an unwilling minority who are interfering with a settlement that has been effected by two-thirds of the people. But even as to that minority, the court must find that the settlement as to them is fair and equitable. That is about all there is to the bill.

Mr. SNELL. Will the gentleman yield?

Mr. SUMNERS of Texas. May I say there is one statement with regard to this bill I should like to make, and then I shall be glad to answer any questions. However, there are other members of the committee better prepared to answer as to the details than I am.

Mr. SNELL. The gentleman will agree with me that the individual bondholders distributed throughout the country never have quite a fair opportunity to present their case?

Mr. SUMNERS of Texas. I assume that with the individual small bondholder that would be true.

Mr. SNELL. But when you buy a municipal bond you think there is a moral responsibility back of that which makes it better than the average industrial bond.

Mr. SUMNERS of Texas. People used to think that, anyway.

Mr. SNELL. I do not want to pass any legislation that will make it easier for some of these communities which do not fully appreciate the moral responsibility which rests upon that community to repudiate some of their debts.

Mr. SUMNERS of Texas. But we must choose between two remedies. One is the absence of any remedy in effect. Take a drainage district, for example, or take a levee district, the people who own the land find that the debts are greater than the value of the land. What happens? They just lie down on the job.

Mr. SNELL. I agree with the gentleman as far as levee districts are concerned, but when you come to a municipality with $100,000,000 assessed valuation, there is the real question.

Mr. SUMNERS of Texas. That is the real question. The gentleman from Florida knows some of these instances.

Mr. SNELL. I think he knows all about them.

Mr. SUMNERS of Texas. Finally, you reach a situation in the case of some of these municipalities where the bonded indebtedness is greater than the ability of the municipality to collect taxes to retire the indebtedness. I think this is absolutely true with reference to many of these municipalities. This legislation, as we see it, is in favor of the people who own these bonds. Take the case of a municipality which defaults. No new business wants to settle there. In some of these cities the taxes are absolutely prohibitive. The result is that just as soon as a person is able to do it he takes his business away. That means that the tax base is reduced. This in turn means that the value of the bonds is constantly being reduced. These bondholders want to do something about such a situation. This bill is the best they or the Judiciary Committee has been able to devise.

The practical thing to do, before the default gets too great, before too many people get discouraged, before too many businesses pull out of that municipality is to provide that the people who hold the mortgages may sit around the table with the debtor and work out a compromise. That is all we can do. They should sit around a table and work this thing out, and when two-thirds of them shall have agreed on a proposition as the best that can be had, prevent a minority from being able to wreck the whole effort to do something about it. That is the practical side of the proposition.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. SNELL. We know that in some of these communities there are always some people saying that they are not going to pay their taxes, that they will let the situation go along so far that the tax receipts are not sufficient to meet the obligations and in that way force a compromise with their creditors. I am opposed to that proposition.

Mr. SUMNERS of Texas. I am sorry if the gentleman does not agree. I have done the best I can to explain the object and plan of the bill.

Mr. SNELL. Certain people take advantage of the cities and their creditors are doing it now.

Mr. SUMNERS of Texas. That is possibly so. Sometimes I have thought people took advantage of me, but I would not for that reason repeal the law which seeks to bring about a composition between debtors and creditors. We are dealing with a practical situation here, trying to collect debts.

Mr. SNELL. Very few will be collected under this law, though.

Mr. SUMNERS of Texas. The people believe it will work well. I am afraid I have an impossible task in convincing the gentleman. I am afraid we must lose his vote.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. MICHENER. The people seeking the law are not the bondholders trying to collect the debt, the people seeking the law are the drainage districts and the municipalities exclusively trying to avoid payment. We had extensive hearings.

Mr. SUMNERS of Texas. I draw the attention of my colleague to the fact that representative after representative of people who own bonds and various sorts of obligations, as the records of the committee will show, came before the committee and urged the enactment of this legislation.

Mr. MICHENER. I have the hearings before me.

Mr. SUMNERS of Texas. If the gentleman has the hearings and will read he will find it is as I have said.

Mr. GEARHART. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. GEARHART. In the 66⅔ percent the court can only include those creditors whose interests are materially affected, the court cannot consider those creditors who have claims that are owned, held, or controlled by the petitioning bankrupt. Is not this true?

Mr. SUMNERS of Texas. I believe that is true; so that class is wiped out of the picture.

Mr. GEARHART. Before the court can approve the composition which has been approved by two-thirds of the creditors it must make a finding after a hearing that the plan is fair, just, and equitable, and in the interest of the creditors.

Mr. SUMNERS of Texas. That is right. You cannot do any better than that.

Mr. WILCOX. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. WILCOX. I should like to clear up what appears to be a misunderstanding between the gentleman from Texas and the gentleman from Michigan as to what happened in the hearings. They are both correct. The RECORD will probably show a sharp misunderstanding.

Mr. SUMNERS of Texas. The gentleman from Michigan and I will straighten that out. Do not take too much of my time.

Mr. WILCOX. General creditors appeared before the committee when the bill was originally before the committee in 1933 and 1934. They were notified of the hearing at this session of Congress, but signified that they had no objection, and they did not make an appearance at this session. So these hearings do not show the presence of those creditors, but the hearings in 1933 and 1934 show scores of pages of testimony by the outstanding bondholders of the country in favor of this legislation.

Mr. MICHENER. I attended every one of these hearings, of course, and I think I examined every witness. There was not anything in the hearing on this bill by anybody who was a creditor favoring the enactment of the bill.

Mr. SUMNERS of Texas. I cannot yield further; I am sorry. This is the second appearance of the same bill, in effect.

Mr. MICHENER. Yes; but time has elapsed; conditions in the country are different.

Mr. FULLER. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. FULLER. As I understand, under the terms of this bill if a municipality is able to pay its obligations, then it could not invoke the benefits of the bill.

Mr. SUMNERS of Texas. That is right. The court must first ascertain that they are in a condition where they cannot pay their indebtedness.

Mr. FULLER. Let me pursue the question further, if the gentleman will permit, under such circumstances as the gentleman from New York illustrated, people sitting around the country holding bonds, getting no action, no interest, no payment, would it not be in everybody's interest, and in the interest of good government besides, to compromise the matter so they could get 66⅔ cents on the dollar?

Mr. SUMNERS of Texas. It is according to horse trading common sense.

Mr. FULLER. That is good common sense.

Mr. SUMNERS of Texas. Certainly you cannot beat that.

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield the gentleman 10 additional minutes.

Mr. SUMNERS of Texas. Mr. Speaker, I cannot yield further, because there is a feature of this bill to which I want to direct attention. I am very sorry I cannot yield further.

In addition to the merits of the bill, which will be presented by gentlemen who will discuss the bill, there is another thing of tremendous importance connected with the proposed legislation, which I think reaches very deeply into the structure of our Government. We should like another opportunity to present to the Supreme Court the questions which were raised with reference to the constitutionality of this bill when the bill was declared unconstitutional. That is the thing I want to touch on now and that is the reason I cannot yield.

The decision referred to was a 5-to-4 decision, and, with all respect to the majority members of the Supreme Court—and I do respect them—I should like for that Court to have another opportunity to consider this matter. It is no disrespect to entertain that desire or to try to make its realization possible. At least it must be agreed the questions involved are important. It was a close question determined by a bare majority. It is no disrespect to hope that if the matter again reaches the Court the former opinion of the Supreme Court in this case will not stand as the law of the land.

In the case which went to the Supreme Court, when the former act was declared unconstitutional, the State of Texas, in the exercise of its sovereign will, had created a drainage district. In the further exercise of its sovereign will, it gave that district in distress permission to go to the only tribunal on earth where the difficulty of itself and its creditors could be adjusted, the courts of the country. We are of the opinion that the decision rendered, based upon the purpose to protect the sovereignty of the States, does not in fact protect the sovereignty of States. After thorough consideration of the decision and the facts we are of the opinion that the decision rendered is not sound either in policy or in reason. Of course, we may be entirely mistaken. We do not think so. I make these statements with all respect to the Supreme Court with the hope that the House will give the States of the country an opportunity to present again to the Supreme Court the questions that are raised in that decision.

We consider there is much more involved than these municipalities and their creditors. The majority of the committee believe from our study of this matter, and our job makes it necessary to study the situation, that we have reached the point in our governmental and general development when, if we are to preserve Anglo-Saxon institutions in this country, we must begin to move governmental responsibility back into the States, which are the only governmental agencies through which representative government in a true sense may function.

In a great Federal organization, which, of course, is necessary, but where its executive personnel is composed of probably three-quarters of a million people or more, and only one elected individual, the voices of individuals are drowned in the tumult of the multitude. The movement must be back into the States and their subdivisions, where the individual citizen has a greater necessity and a greater opportunity to be a real factor in government.

The exercise of governmental power and responsibility is essential to the continued development of governmental capacity.

I repeat the statement in all deference to the Supreme Court that we should like another opportunity to have this question considered. It is a bigger question than the mere matter of drainage districts. It goes to the question of the sovereign power of the States of this country, their sovereign duty and responsibility, and I may venture the individual opinion that when the sovereign State of Texas created the drainage district and gave to that district, its creature, the right to go into the Federal court, that was not the business of any other agency of government or human being on the face of the earth. It was its sovereign will.

We cannot continue to operate this great governmental structure supervised, directed, guardianed, and controlled from Washington. It rests upon the foundation of individuals. We have reached the point, Mr. Speaker, when we have got to recognize that all true progress under our system of government has got to be back toward the people who are its governors. When our people were uniting themselves into a nation, when the States were growing together at the points of governmental contact, it was natural for strength to move to the point where union was being effected. That period is over. We are now a nation. We have no kings in this country. There is no nobility. There are no governors but ourselves. After the Union has been established, after the fact of nationality has become a reality, all true progress in this system of government must be in the direction which puts the opportunity to govern and the necessity to govern closer and closer to the governors. We have reached that point.

Mr. Speaker, I thank the gentleman for yielding me some of his time.

Mr. MOTT and Mr. SPENCE rose.

Mr. SUMNERS of Texas. I yield to the gentleman from Oregon.

Mr. MOTT. In the opinion of the gentleman, does this bill overcome or avoid the objections raised by the Supreme Court in its opinion holding unconstitutional the last bill?

Mr. SUMNERS of Texas. I will be very candid with the gentleman. The bill is so drawn that clearly some features of the bill are free from objection. It may be clear that one or more features are not free from objection on constitutional grounds under the decision referred to.

Mr. MOTT. I know the gentleman would not recommend the passage of a bill which he thought unconstitutional, which is why I am asking the opinion of the gentleman.

Mr. SUMNERS of Texas. No; I would not.

Mr. MOTT. I want to vote for this bill, but I wanted the opinion of the gentleman as chairman of the Committee on the Judiciary.

Mr. SUMNERS of Texas. Before I yield the floor I want to thank the gentleman on the Republican side for having yielded me time. I appreciate it very much.

[Here the gavel fell.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 8 minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Speaker, I am, certainly, very much surprised to have my good friend the gentleman from Texas give as one of his principal reasons for passing this measure that by so doing we may put a test case up to the Supreme Court for decision. In my judgment, that is the poorest and lamest excuse anybody could possibly give for passing a bill on the floor of this House. To me this is purely a practical proposition, notwithstanding the philosophical speech the chairman of the committee made with regard to it. I think we must get right down to the actual facts in this case. I am still of the same opinion I have been all along, that we are laying the ground work to make it easier for certain municipalities to default on the payment of their honest legal debts. I know nothing about drainage districts and have never had any experience with them, so this bill may be all right so far as they are concerned; but I know, because I have been told by officers of various communities, that the people are not paying their taxes and are not going to pay them until some adjustment is made. When the people know there is a law on the statute books that gives them a right to settle eventually nearly on their own terms—I would not say entirely on their own terms—I know it is going to be an encouragement to the people in those communities which have no real moral respect for their obligations, and I say honestly there are such communities in the United States. I cannot see anything in this bill that is not going to make it easier for such people to settle, and settle for a certain percentage of the original debt.

I have followed this proposed legislation for some time, and, regardless of what my good friend, the gentleman from Florida [Mr. WILCOX] has stated, I am very sure the real proponents of this measure are the municipalities and the districts which owe money. There may be some people favoring this measure who own bonds and want to get something for them, but the real proponents of the bill are the municipalities and districts which owe money, and it is entirely in their interest.

Mr. FULLER. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. FULLER. The gentleman should bear in mind that there are not going to be any compromises or settlements unless 66 percent of the bondholders agree and unless a court approves of the settlement.

Mr. SNELL. I also know it is quite easy to get 66 percent of the bondholders to agree, because they are scattered all over the country. Each bondholder owns $1,000 or $2,000 of bonds, and cannot afford to make a fight. The bondholders have no opportunity to make a fight and say, "Well, it is lost, so I might better get 50 cents or 25 cents than nothing at all."

Mr. FULLER. In such an instance it will undoubtedly develop that the bondholders will get someone to represent them in the conference.

Mr. SNELL. Yes; but if the gentleman owns a bond out in Arkansas, and I one in New York, and another man in Florida owns a bond, each of us holding a $2,000 bond, how much time is the gentleman going to spend trying to get somebody to go to Cincinnati to represent him?

Mr. FULLER. Suppose the gentleman were a bondholder?

Mr. SNELL. I have been, and I have had some experience, which is why I am watching this legislation.

Mr. FULLER. The gentleman has left the same kind of money in investments on industrial bonds and things like that that he has on municipal obligations. However, suppose the gentleman owns a $1,000 bond which he has been holding for several years, on which no interest has been paid; the gentleman is just going along with the investment and the interest has accumulated. Would not the gentleman rather get 66 percent of his investment than continue along the same line?

Mr. SNELL. Yes; I would. On the other hand, I do not want to have the Congress pass a measure which will encourage people in the defaulting communities to sit back in their britchins and not do what they really can do. I think when this type of legislation is passed you are encouraging just that kind of procedure.

Mr. FULLER. I may say to the gentleman I am for the bill, but if I thought it was a repudiation I would not be for it.

Mr. SNELL. It is mighty near repudiation, anyway.

Mr. FULLER. I do not believe it.

Mr. SNELL. And it will have the approval of the House of Representatives.

Mr. WILCOX. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. WILCOX. Of course, the gentleman is familiar with the fact that in addition to the requirement that no composition can be confirmed until accepted by the holders of two-thirds of the debts of the community——

Mr. SNELL. We all agree to that.

Mr. WILCOX. In addition to that, the gentleman is familiar, of course, with the fact that the court must find that the composition settlement represents the capacity of the district to pay. First of all, however, it must find, according to the bill, that the composition is fair, equitable, and for the best interest of the creditors.

Mr. SNELL. Every bit of that is in the bill, but we are going to pass a measure here which states it is perfectly proper and right for a municipality to repudiate, to sit back and make as good a settlement as possible with its creditors.

Mr. WILCOX. I beg the gentleman's pardon; it does not do that.

Mr. SNELL. I do not propose to do anything to encourage that kind of action on the part of any municipality in any part of this country.

Mr. WILCOX. The gentleman did not let me finish reading.

Mr. SNELL. I am familiar with the part the gentleman is reading, as is everybody else. We know you must get 66 percent, but it is mighty easy to do that when the bondholders are distributed all over the country.

Mr. WILCOX. Then the gentleman must assume that the Federal judges to whom these composition settlements will be submitted will not do their duty and will not scan such compositions to find whether two-thirds of the creditors have agreed to what is for their own best interest.

Mr. SNELL. I am not going to cast any aspersions upon the courts, but, just between us [laughter], a judge down in some other State, when he finds that all the bondholders are up in Pennsylvania or New York, for instance, might be just a little bit influenced.

[Here the gavel fell.]

Mr. DRIVER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. CHANDLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 5969) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898, and acts amendatory thereof and supplementary thereto."

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5969, with Mr. RANKIN in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. CHANDLER. Mr. Chairman, I yield 15 minutes to the gentleman from Florida [Mr. WILCOX].

Mr. WILCOX. Mr. Chairman, this bill when stripped of all surplusage and all unnecessary technicalities, simply means that it provides a method by which voluntary agreements entered into between taxing units and a vast majority of their creditors may be made effective. This is all in the world there is to the bill—that after two-thirds of the creditors of a taxing district, whether it be a municipality, a drainage, levee, irrigation, or other improvement district, agree on an adjustment of the debt, it may be submitted to the court, and the voluntary agreement may be confirmed and made effective.

The necessity for this legislation, Mr. Chairman, arises in this way: Back during the late boom, a great many of these municipalities and districts issued bonds beyond their capacity to pay. Little drainage districts and irrigation districts and levee districts were encouraged to issue bonds beyond their full capacity to pay. When the collapse came——

Mr. TABER. Mr. Chairman, will the gentleman yield for a question?

Mr. WILCOX. I will be pleased to yield to the gentleman from New York.

Mr. TABER. I wonder who encouraged them.

Mr. WILCOX. Well, they were encouraged by a number of things. They were encouraged by their own people, they were encouraged by bond brokers who wanted to sell bonds, they were encouraged by real-estate promoters from all over the country, they were encouraged by bond buyers themselves who were anxious to get hold of these bonds; but, regardless of that fact, the bonds were issued. Later they found themselves unable to meet either the principal or the maturing interest on these bonds. Some 2,000 of these units went into default in the payment either of principal or interest, or both. They were unable to meet their maturities. Some of these districts have not made any payments for as much as 7 or 8 or 9 years.

Now, the holders of these bonds wanted to get together with these little taxing districts, little municipalities, or little improvement districts and work out some fair, honest, and equitable basis of settlement; but the trouble has been there is always somebody who wants to hold out and establish a nuisance value.

I have had a good deal of experience with this bill. I introduced this original bill in 1933 and have followed it pretty closely since that time, and I know that it often happens that while one of these municipalities or districts has got together with the holders of a vast majority of its bonds and agreed upon some fair and honest settlement, somebody will go into the market and buy up a few of the bonds at 5 or 10 or 15 cents on the dollar, and then he sits back in the breeching and refuses to cooperate. He demands a full 100 percent for his holdings. He goes into court with a mandamus action to demand a tax levy for a full 100 percent for his little holdings. The court has to grant him the mandamus, because, under the law, the court has no discretion. The result is that the majority then back out of the agreement, because they do not intend to make some adjustment themselves only to let somebody establish a nuisance value and get 100 cents on the dollar. I have cited the instance——

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. WILCOX. Let me give you this instance while I am thinking about it, and then I will be pleased to yield.

I cited this instance when the bill was up on its first passage. Since then I am happy to say that my municipality, my home city, the city that gave rise to this proposed legislation, has adjusted its debt, and it is no longer an object of criticism on this floor; but back in 1930 that municipality agreed with the holders of its bonds. It had a total indebtedness of $17,000,000, with about 16,000 people to pay it. It had a total assessed valuation of $17,000,000 and a total city bonded indebtedness of $17,000,000 of principal, besides overlapping bonds of some $9,000,000 additional. They got together with the holders of their bonds—and I want you to listen to these figures—and agreed on an adjustment of that debt. Ninety-two percent of the holders of the bonds of that city agreed on a settlement. One man owned 2 percent, or about $140,000 worth of these bonds, out of a total of $17,000,000, and he broke up the settlement and for 7 years kept the other creditors from collecting the money which they could have collected had some fair and honest and equitable adjustment been made.

Now, what was true of that city was likewise true of scores of other cities and towns, and possibly it would not be an exaggeration to say that hundreds of drainage districts had the same experience. They could get their real creditors, the people who owned the majority of their bonds, to agree upon some fair and reasonable adjustment, but some speculator would buy up a few bonds and then throw a monkey wrench into the machinery by holding out for full payment.

Since that time and under the original act passed by Congress in 1934, while it was in effect, they met together and agreed with their creditors. If the act could have remained

in effect for 2 or 3 years longer, all of these desperate cases would have been settled. I am sorry that the gentleman from New York [Mr. SNELL] is not here at the moment to hear me make my next statement, but a statement was made on the floor of the House in 1933 when this bill was first under consideration. A great many thoroughly sincere and honest legislators were afraid to pass this bill because they were afraid of the effect it might have on the good solvent municipalities of the country. I remember that the gentleman from Rhode Island, Mr. Condon, then a Member of this body but who is now on the supreme court of that State, made a forceful argument in which he undertook to prove that the passage of this bill would destroy the security of every good municipality in the country. Of course, we were unable to answer the argument with facts; we could only give opinions. Now we are able to answer the question. The law was passed and stood in effect for 3 years. During that time it not only had no ill effect upon the credit of good municipalities, but it actually increased the value of the bonds of every solvent municipality in the country, for the reason that it said to the creditors, it said to the world, "here is an honest and fair method by which the debts of these bankrupt communities can be adjusted", and it immediately took off the market from two to three billion dollars' worth of worthless securities and actually increased the value of securities of every solvent municipality in the country.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. WILCOX. Yes.

Mr. TABER. Has the gentleman no statute in his State which prohibits the issuance of bonds beyond a reasonable percentage of the value of the property?

Mr. WILCOX. We have now.

Mr. TABER. I am wondering how the bond issues became so large with reference to the valuation of the property.

Mr. WILCOX. That is a rather long story which I shall be glad to explain to the gentleman when we both have more time, but it was due to a collapse of real-estate values.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. WILCOX. Yes.

Mr. SPENCE. I believe I voted against that bill.

Mr. WILCOX. Yes.

Mr. SPENCE. What impelled me to do it was that under the rule of bankruptcy the bankrupt parts with his property in order to secure certain immunities. Here the taxing unit parts with nothing. I would be glad to have the gentleman discuss that.

Mr. WILCOX. I should be very glad to discuss that with the gentleman. If this were a bankruptcy proceeding, the gentleman's reasoning would be correct.

Mr. SPENCE. It has to be bankruptcy for jurisdiction, has it not?

Mr. WILCOX. Congress and the courts have recognized that compositions are the subject matter of bankruptcy. It is not a voluntary bankruptcy in the sense that an individual files a petition and asks to be relieved of his debts but this bill provides for a composition in bankruptcy by which neither side surrenders anything except what they both agree should be done. I call the gentleman's attention to the fact that there is an additional safeguard in this bill in that regard. The municipality or the creditor cannot be forced into court. No one can file an involuntary proceeding against a municipality. They can be brought into court only by their own voluntary action.

The municipality cannot go into court until it has gotten 51 percent of its debt to agree to the settlement. It then submits the entire plan to the Federal district judge. It does not become automatically effective, however. All of the creditors are notified. Ample notice is provided for in the bill, and any creditor can object and can point out anything that is wrong with the plan. Before it can be confirmed, two-thirds of all the debts must agree to it. Not only that, I say to the gentleman, but the bill provides further that the court is charged with the responsibility of protecting the creditor in addition to the protection which the creditor offers for himself. The creditor, whether he is represented before the court or not, under this bill, is protected by the court. The court is made counsel for every creditor, whether the creditor has any counsel in the court or not, because the court must find that the plan is fair—and I am quoting now from the bill—"equitable"—and here is a rather unusual provision to find in any legislation of this character—"and for the best interests of the creditor." In other words, the judge is charged with the responsibility of seeing to it that the creditor is protected. Not only that it is a fair settlement, not only that it is just and equitable, not only that it represents the full capacity of the community to pay, but he must find that it is in the interest of the creditor—not that the municipality has not put over something on the creditor, but that it is in the interest of the creditor; and then it goes further and puts this responsibility on the judge, and this protects the unrepresented creditor from the represented creditor before the court.

It says that the court must further find that the plan does not discriminate unfairly in favor of any creditor or class of creditor. Then, of course, the bill contains further provisions. It protects the creditor to this extent, that where a bondholder has a bond that is secured by a municipal light plant or waterworks or some other public utility, it does not disturb him nor his security. It preserves and protects every interest, except to the extent that the creditor himself may agree to surrender his security.

Then the bill protects the municipality and the property owners and taxpayers of the municipality by providing that nothing shall be done except what is agreed to in writing by the petitioner. The court cannot impose any hardship on the property owner nor interfere with any of the powers, functions, duties, or property of the municipality except in the manner and to the extent set forth in the plan of settlement which the municipality has voluntarily accepted and agreed to.

Thus the bill provides for fair, honest, and equitable treatment for both parties, and there is no danger that either side will be imposed upon. Then it provides further for protection for the taxpayer and for the local resident, in that it provides that the court shall pass upon the fees awarded, and that no fee shall be paid to anybody in connection with litigation under this bill unless it has been agreed to by both sides and has been set up in the plan of settlement which has been submitted to the court. So there will not be any scandalous fees such as have been awarded under some other bankruptcy proceedings.

Mr. REILLY. Mr. Chairman, will the gentleman yield?

Mr. WILCOX. I yield.

Mr. REILLY. Under existing law what relief has the holder of a defaulted bond against the municipality?

Mr. WILCOX. As a matter of fact, I will say to the gentleman that the bondholder theoretically has a remedy which is entirely impractical. He can resort to the courts for a mandamus for a tax levy. A tax levy can be put on, but nobody as yet has devised a means of reaching down into the pockets of the taxpayers and making them pay a tax which they think is inequitable and unfair. Of course, you can sell his property under a tax execution or under some other means of foreclosing the tax; but, after all, the man who buys the property at the tax sale buys it subject to the whole debt again, and he, in turn, can lose it next year on the same thing. So that, after all, it is a matter of good faith on the part of the taxpayer, good faith on the part of the bondholder, and good faith on the part of the court. You cannot do anything to strengthen the position of the creditor except in these cases to give him the right to work out his own salvation.

I am going to give you one other illustration and then I will yield to the gentleman from Kentucky. It may seem fantastic to the Members of this House, but I know a community that has a bonded indebtedness today of $10,000 per

capita. You may not believe that. I do not want to slander the community by putting its name in the permanent CONGRESSIONAL RECORD.

[Here the gavel fell.]

Mr. CHANDLER. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. WILCOX. There is a community that has not paid a penny on its bonded indebtedness in 10 years. Those bonds are absolutely worthless as far as their marketability is concerned, and yet those few people in that community have recently tried to contact their creditors and work out a plan whereby they can make some payment on account of that debt. Yet some of the bondholders or some of the people who understand the situation have bought some of those bonds at ridiculous prices—1 or 1½ cents on the dollar—and are now holding out for a hundred cents on the dollar in the hope that they may chisel out enough to establish themselves in their nuisance value.

Mr. O'NEAL of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. WILCOX. I yield.

Mr. O'NEAL of Kentucky. So many of these bond issues are under trust indenture, wherein the trustee is the only one who can sue on behalf of the bondholder.

Mr. WILCOX. I think the gentleman is confusing this with corporate bonds.

Mr. O'NEAL of Kentucky. No. That is true of various types of bonds—municipal bonds as well as corporate bonds.

Mr. WILCOX. In that case they would be protected because the interest of the trustee is protected the same as the interested bondholder.

Mr. O'NEAL of Kentucky. Is there anything in this bill that brings him into the picture?

Mr. WILCOX. Oh, yes. He would be brought into the picture.

Now, I did want to have an opportunity to discuss the constitutionality of this bill. In just the half minute left at my disposal I do not have the opportunity to discuss the constitutionality of the bill. I am convinced that the legitimate objections raised to this bill by the Court have been removed. The bill was in effect for 2 full years. More than 500 communities took advantage of the bill during that time. Only 12 of them have found it necessary to resort to the courts, and only 3 of those found it necessary to go through to final decree. The creditors appeared before the committee in 1933, when the original bill was up for consideration, and urged the bill. Some creditors—the big life-insurance companies, numbers of big bondholders, any number of little bondholders—appeared at that time. Most of them approved the bill but some objected to it, but after it was put into effect and remained in effect for 2 years and they saw the working of it they withdrew their objection, and this year when I notified them that the legislation was before the committee and invited them to come in, only one creditor out of the vast number who were there in 1933 saw fit to even put in an appearance before the committee, and not a single objection was made on behalf of one of the creditors who appeared in 1933.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. WILCOX. I yield.

Mr. SPENCE. I feel that the bondholders will be much better protected in the United States court than in the local courts, subject to local influence. I have had some experience along that line, and I am going to vote for the bill this year.

Mr. WILCOX. I thank the gentleman very much. I trust the bill will pass.

The CHAIRMAN. The time of the gentleman from Florida has again expired.

Mr. GUYER. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Chairman, it is very distasteful to feel compelled to oppose legislation reported by a majority of the Committee on the Judiciary. However, unpleasant as it is, I would be falling short of that which I believe to be my duty if I did not oppose this bill as it is brought to the House.

Mr. Chairman, I want to compliment the gentleman from Florida [Mr. WILCOX]. I cannot pay him too much compliment so far as this legislation is concerned. The original municipal bankruptcy law was his handiwork. This bill is his handiwork. It would not be here today were it not for his personality, his fairness, his ability, his ingenuity, and, last but not least, his stick-to-it-iveness. Mr. WILCOX is a splendid Member of Congress, and I would like to help him, but he is too good a lawyer to say that if the Supreme Court decision declaring the municipal bankruptcy law unconstitutional is the law, that this bill is constitutional. If there is a member of the Committee on the Judiciary or any other Member of the House present who challenges my statement that every part of this bill is unconstitutional, let him speak now.

Mr. HOBBS. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Yes.

Mr. HOBBS. I challenge that statement as made. There is a possibility that as to subsection 6 which is a very minor part of this bill——

Mr. MICHENER. Mr. Chairman, I yield no further, the gentleman has answered.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Not for the moment; I want to finish this, and I have only 10 minutes. I asked if any Member here challenged my statement that this bill as drawn is unconstitutional. The gentleman from Alabama, of course, does not challenge that statement, he cannot; but he says that subdivision 6 of section 81, appearing on page 3 of the bill, is unconstitutional.

Mr. HOBBS. No; I did not say that, I beg the gentleman's pardon.

Mr. MICHENER. Just a minute.

Mr. HOBBS. Then, Mr. Chairman, I rise to a point of personal privilege if the gentleman declines to yield. I said nothing of the sort.

Mr. MICHENER. Possibly I misunderstood the gentleman. I regret, but I cannot yield too much of my time.

Mr. HOBBS. I thought the gentleman wanted some information.

Mr. MICHENER. If the gentleman will get me some more time, I will yield. The chairman of the committee made it very clear when he said that the purpose of subdivision 6 of section 81 is to get a rehearing on the law which was declared unconstitutional. The chairman told us that was a 4 to 5 decision, that he did not agree with the decision, and, therefore, we are going to submit another law which is unconstitutional—and cannot be otherwise if that 4 to 5 decision means anything—in the hope that the personnel of the Supreme Court may be changed, or that the Supreme Court may change its views. So I stand where I started on the question of constitutionality, that this bill with section 6 in it is unconstitutional.

Section 81, found on page 2 of this bill, is divided into six subdivisions. Each subdivision names a different type of municipal corporation. Now, some of these subdivisions enumerate corporations that can clearly come in under the bankruptcy law so far as the Constitution is concerned. Other sections contain corporations of which there are various degrees of doubt; but in subdivision 6 is grouped "any city, town, village, borough, township, or other municipality." It is conceded, I believe, by all those familiar with the recent Supreme Court decision in the Ashton case, declaring the so-called municipal bankruptcy act unconstitutional, that these specified political subdivisions of the State are not amenable to the bankruptcy powers under the Constitution.

I am not proud of the fact that possibly municipal bankruptcy had its origin in the suggestion and request of former Mayor Murphy, of Detroit, in my own State. Mr. Murphy was mayor when the world-wide depression hit us. He was a lavish spender and shortly the financial condition of the city of Detroit was in such shape that the credit was exhausted. As I understand, it was impossible to float more

bonds or borrow more money on the city's credit. Mr. Murphy came to Washington to urge a municipal bankruptcy law.

Mr. RABAUT. Mr. Chairman, will the gentleman yield at that point?

Mr. MICHENER. I am sorry, but I cannot yield until I finish my statement. I am familiar with these facts, because they occurred in the lame duck session of the Seventy-second Congress and Mr. Murphy appeared before the Committee on the Judiciary and conferred with the chairman of the committee, to whom I introduced him. The bankruptcy bill suggested by Mr. Murphy was not enacted into law, but early in the Seventy-third Congress the Wilcox bill, which has recently been declared unconstitutional, became a law. That was an emergency measure. The Congress was passing all kinds of laws permitting debtors to scale down their obligations. The creditor class throughout the country was making the sacrifices. Now, the emergency is past. Let us take the dynamic city of Detroit, for instance. Is there anyone here who would suggest that we should pass a law making it possible for Detroit to refuse to meet its obligations and pay its bonds unless some reduction was made by the holders of the securities? That is just what this bill does. When a city or a village or a municipality of this type makes public improvements—constructs waterworks, sewage-disposal plants, paves streets, and otherwise improves the municipality—is there any justice in making the bondholders who loaned the money to bring these improvements about take a loss until it is thoroughly demonstrated that the taxing power of the municipality, even though it be burdensome, cannot pay in full? When these investments were made by the bondholders they relied entirely upon the honesty of the cities and municipalities and the ability of those municipalities to levy taxes to meet the indebtedness. Until this depression and the first municipal bankruptcy law, bonds of this type had the highest rating. Insurance companies, cemeteries, schools, churches, savings banks, and institutions of that type invested their funds in this kind of security. They did this because they believed in the honesty of the municipality and its taxpayers.

In some parts of the country sit-down strikes have become very popular, and we are passing a law inviting the taxpayers in municipalities to go on one of these strikes. We are giving them the assurance that if they refuse to pay their taxes, eventually they will find their taxing unit in the bankruptcy court, and receive a discount on their honest debts. This is not a far-fetched illustration. Already, in at least one city in the country, the tenants have formed a union and are "sitting down" as far as paying rent is concerned, until the owners of the properties comply with the terms of the union so far as the amount of rent to be paid is involved.

Now, there are some drainage districts, some irrigation districts, and possibly some municipalities where this law will be of benefit to the security holders. The principle, however, is fundamentally wrong. Our concept of bankruptcy under the Constitution has changed radically within the last 4 years. Previous to that time the bankrupt who found himself insolvent placed his assets upon the table. They were divided proportionately among his creditors and the bankrupt was given his discharge and thereby permitted to start anew. All of his assets, however—whatever they were, subject to legal exemptions—were distributed among his creditors. The assets of a city or a village is the right to spread a tax to meet its obligations. A city may find it impossible to meet its obligations momentarily, as was the case of Detroit in 1933. Detroit's credit is good today. It has the taxing power. People are employed and there is no reason why it should not pay 100 cents on the dollar, and comply with the letter of the contract as well as with the morality of the situation. What is true of Detroit is true of most other municipalities. The original act of May 24, 1934, was based upon a national emergency, as set forth in the act, and that law expired by limitation of time in 2 years from its enactment. That emergency does not exist today. However, the committee has limited this law so that the parts of the law not held unconstitutional will expire in 1940. The question of policy is involved, and I do not believe that the Congress should establish a policy in prosperous times of encouraging municipalities to reckless spending.

Suppose it were possible for the Federal Government to take advantage of a national bankruptcy law. A reckless, spending administration might plunge the Nation into useless debt. The people having faith in the Government would buy the obligations, and when the credit was no longer good, or another administration coming into office might take the easy way out and appeal to a bankruptcy law. The purchasers of the securities are the losers. I am opposed to the Federal Government or any other unit of government repudiating its obligations. I realize that the bill provides that two-thirds of the security holders must approve the plan. I speak for the one-third who will not be represented or who can ill afford to bear the loss. If municipalities are to have public improvements for their own enjoyment, they should pay for them.

The time has come when all subdivisions of government should be impressed with the necessity of economy rather than urged to spend more of the people's money. We should be figuring on ways of keeping our contracts, protecting our credit, and paying our just debts rather than hunting artful and doubtful legal methods of avoiding paying that which we know morally and legally belongs to another. This kind of legislation weakens the morale of a nation. Possibly it is advisable or necessary in the depths of a depression, but that condition does not obtain today.

I have no illusions as to what is going to happen to this bill. This is one of those technical measures with which the average Member is not familiar, and when the roll is called, the majority will follow the majority of the committee, and there will be no question about the result. I shall, however, move to strike out subdivision 6, the part which is admittedly unconstitutional. With this provision eliminated, the rest of the bill is well-constructed and will do the job if the Congress wants to adopt this policy. This is too important a matter to be controlled by a desire on the part of the Members to assist any particular individuals. I like to be friendly and generous and always want to be helpful to my colleagues. Yet when so far reaching a principle is involved, there is but one course for me to pursue. In the past the Congress has ofttimes passed legislation about which there was much constitutional doubt in the minds of many Members. This is the first time to my knowledge where, after the Supreme Court has held a law unconstitutional, the Congress comes right back with a bill containing a provision resubmitting the same question to the Supreme Court. In short, it is stated here that we are attempting to get a rehearing on subdivision 6 because, forsooth, some of the members of the committee do not feel that the Supreme Court properly interpreted the Constitution.

As I interpret my oath of office, I have agreed with the people of the country that I will protect the Constitution and will not vote for legislation when I know that the Supreme Court has held that particular legislation to be unconstitutional.

I regret that I do not have more time to discuss other features of the bill.

[Here the gavel fell.]

Mr. GUYER. Mr. Chairman, I yield 7 minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Chairman, as one member of the Judiciary Committee, I cannot support this bill, and I am in accord with the views expressed by another one of our colleagues on the committee, the gentleman from Michigan [Mr. MICHENER]. In the first place, I think it is wrong in principle for a government, State, or subdivision of a State to repudiate an honest debt. I think these units of government ought to set the example to its citizens to live within their income and to pay their honest debts.

This measure, if it means anything, not only encourages but enables various taxing units to dodge and repudiate at least a portion of their honest debts. I do not think that is the moral and honest thing to do. It is also an encouragement to these taxing units to go into debt beyond their ability to pay.

Mr. WILCOX. Will the gentleman yield?

Mr. ROBSION of Kentucky. I yield to the gentleman from Florida.

Mr. WILCOX. I fully agree with the gentleman's statement that no municipality or other agency should be permitted to repudiate its debts, but I am wondering if the gentleman agrees that an agreement signed by two-thirds of the creditors constitutes repudiation? Is that the gentleman's idea of repudiation?

Mr. ROBSION of Kentucky. Yes.

Mr. WILCOX. When the creditors agree to a reduction, that would be repudiation?

Mr. ROBSION of Kentucky. Yes. This very bill induces, brings about, and forces agreements about which the gentleman speaks.

Mr. MOTT. Will the gentleman yield?

Mr. ROBSION of Kentucky. I cannot yield. I have a few other things to say.

I think most everyone agrees that if there is anything that should worry the American people today it is the habit we have gotten into of spending more than we have, going into debt, more debt, and still more debt. All of us in this country, including the President of the United States, are now deeply concerned, or should be, because of the tremendous national debt, now $36,600,000,000. If we add to that the debts of the various States, counties, municipalities, and taxing districts, we would have perhaps $36,000,000,000 more debt. That is something like $70,000,000,000 of debt which rests upon the shoulders of the young people of this country. We have no right, moral or otherwise, to eat up the substance of the years to come from our children and our children's children. That is what this means. This is an encouragement to go more and more into debt, because after they go into debt so much then they will say, "We repudiate", as provided in this bill.

Mr. Chairman, I do not want any taxing district in my congressional district to repudiate a dollar that they owe. I want the taxing units in my district and the people in my district to understand that when they borrow money and use money they are honor bound, and I want them legally bound, to pay back the money. I never owned one of those bonds; I have never been stung, but I think it is bad in principle.

Mr. Chairman, I think it will be bad for the municipalities also. I do not agree with my friend that because bonds were more valuable in 1936 and 1937 than in 1935 that is an evidence of approval of this bill. Conditions in this country have improved. The bond market has improved. But when it becomes generally known throughout this country that we have a law—and, of course, I doubt the constitutionality of this measure—which will enable taxing units to repudiate their honest debts and bonds, it will be a difficult matter for taxing units to sell bonds, because if this law means anything it means that in the future the number of taxing units repudiating their debts will increase, and as the number increases you will break down the faith and confidence of the people in the taxing units of this country.

Mr. PIERCE. Will the gentleman yield?

Mr. ROBSION of Kentucky. I yield to the gentleman from Oregon.

Mr. PIERCE. Is it not economically true that under high rates of interest, there is no other solution except private and public bankruptcy? Is that not true when interest is at such a high point?

Mr. ROBSION of Kentucky. I think the best way to get low rates of interest and to borrow money is to pay your honest debts and keep faith with your honest obligations. [Applause.]

[Here the gavel fell.]

Mr. GUYER. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Chairman, I want to take 2 or 3 minutes to call attention to some principles which I think are worthy of our particular consideration. We compare this measure with the ordinary bankruptcy proceeding. We are now talking about municipalities going into bankruptcy, so to speak. May I call attention again to the thing that was mentioned a moment ago; that is, when individuals or corporations go into so-called bankruptcy they submit their property, turn over their property, so to speak, to the court? This property is sold by the court and the proceeds divided among the creditors.

Here you have a different situation. What you are saying is that towns, communities, counties, drainage districts, and villages throughout the United States may from now on, if they choose to do so, by agreement of persons holding the bonds, go into court and repudiate their obligations. They do not sell any assets of any kind. You are going a long way. I know there are certain towns and villages in the United States which at this time cannot very easily pay their obligations. However, we in this country have taken a lot of pride in the fact that the bonds of our cities, our towns, and our counties are good, and that we have been able to sell such bonds in certain States at very low rates of interest. Now you are opening wide the door and saying to all these communities, "Go ahead if you want to, we will treat you all alike. If you get to the place where you cannot pay your debts, if you can get two-thirds of your bondholders together, after they have waited months and months for the interest, or years, as far as that is concerned, and are tired out, and can get them to say, 'We are willing to take less than the amounts due us', we will let you repudiate your obligations", no matter how some other particular town or municipality has performed in an attempt to take care of its obligations. Such a procedure is fundamentally wrong it seems to me. [Applause.]

[Here the gavel fell.]

Mr. GUYER. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. GEARHART].

Mr. GEARHART. Mr. Chairman, after listening intently to the arguments which have been advanced by the various speakers, I find that those in opposition base their opposition principally, if not entirely, upon the assumption that this bill and its enactment will work to the disadvantage of creditors. With this thesis I disagree. I believe that, on the contrary, this bill is one drawn in the interest of creditors. The administration of this measure, if it becomes law, will remain under the control of the creditors themselves.

In the first place, a composition which may be later presented to a court must initiate with the creditors themselves. Before the distressed debtor can go to court and invoke the relief provided under this bill, 51 percent of the creditors must have agreed upon a plan of composition. After the plan has been agreed upon by 51 percent of the creditors, a petition may be filed in voluntary bankruptcy by the agency which is unable to pay its debts in the ordinary course. However, even though 51 percent have agreed, we are not then assured that the plan will be approved by the court. The court must fix a time, every creditor must be notified, and a hearing must be had within 90 days. If then the court should find the plan has not been offered in good faith, the court must dismiss the petition.

After the proceeding has been initiated, 51 percent of the creditors having agreed, the court cannot proceed further until additional creditors come in and voice their approval of the plan of composition. In other words, 66⅔ percent is the total percentage of creditors required to authorize the court to proceed further.

Who are these creditors? Can a nominal creditor be counted? No; not at all. Each creditor must be a creditor with a substantial interest which will be affected by the plan of composition. Can creditors under the control of the municipality which is asking for relief be counted? Not at all. Only the creditors who come in as bona-fide creditors, hold-

ing bona-fide and substantial claims, can be counted in determining the 66⅔ percent which is required. Will this settle it? No; not even then. Further safeguards are thrown around the creditors. Even those creditors who do not come in, who have no representatives in court to speak for them, are protected by a duty which is imposed upon the court itself. The court cannot act unless it makes a finding of fact that the plan is just, equitable, and in the interest of all the creditors.

No one can say this is a plan concocted to work a hardship on creditors and confine himself to reality. This is a plan arranged for the benefit of creditors, because the control of the proceedings from beginning to end is in the hands of the creditors. Do you think for a minute 10 percent, 51 percent, or 66⅔ percent of the creditors will agree to a plan of composition when they know the corporation involved could be made to pay its debts in the due and ordinary course? The answer to this question, which should be obvious to all, should make my contention clear. This is, indeed, a creditors' bill. I hope that it will pass. [Applause.]

[Here the gavel fell.]

Mr. CHANDLER. Mr. Chairman, I yield to the gentleman from Alabama [Mr. HOBBS] such time as he may desire.

Mr. HOBBS. Mr. Chairman, the most clever thing the holding companies did in their fight against the Wheeler-Rayburn bill was to label the holding-company measure the "death sentence." Similarly, those voices of special privilege and entrenched wealth which are clamoring against this bill have been exceedingly clever in having it labeled the "municipal bankruptcy bill." In both instances, however, the label was an absolute misnomer. There never was a death sentence in any of the holding-company bills. Municipalities under this measure are only one, and by far the least, of the six classifications of petitioners who are authorized to come into a court of bankruptcy and pray for a composition of their debts. The pertinent part of the pending bill reads as follows:

SEC. 81. This act and proceedings thereunder are found and declared to be within the subject of bankruptcies and, in addition to the jurisdiction otherwise exercised, courts of bankruptcy shall exercise original jurisdiction as provided in this chapter for the composition of indebtedness payable solely out of assessments or taxes, or both, levied against and constituting liens upon the property, or payable out of property acquired by foreclosure of any such assessments or taxes, or both, in any of the following-named taxing agencies or instrumentalities: (1) Drainage, drainage and levee, levee, levee and drainage, reclamation, water, irrigation, or other similar districts, commonly designated as agricultural improvement districts or local improvement districts, organized or created for the purpose of constructing, improving, maintaining, and operating certain improvements or projects devoted chiefly to the improvement of lands therein for agricultural purposes; or (2) local improvement districts such as sewer, paving, sanitary, or other similar districts, organized or created for the purposes designated by their respective names; or (3) local improvement districts such as road, highway, or other similar districts, organized or created for the purpose of grading, paving, or otherwise improving public streets, roads, or highways; or (4) public-school districts or public-school authorities organized or created for the purpose of constructing, maintaining, and operating public schools or public-school facilities; or (5) local improvement districts such as port, navigation, or other similar districts, organized or created for the purpose of constructing, improving, maintaining, and operating ports and port facilities; or (6) any city, town, village, borough, township, or other municipality: *Provided, however,* That if any provision of this chapter, or the application thereof to any such taxing agency or district or class thereof or to any circumstance, is held invalid, the remainder of the chapter, or the application of such provision to any other or different taxing agency or district or class thereof or to any other or different circumstances, shall not be affected by such holding.

Please let me call your attention to the keynote of this bill:

(e) At the conclusion of the hearing, the judge shall make written findings of fact and his conclusions of law thereon, and shall enter an interlocutory decree confirming the plan if satisfied that (1) it is fair, equitable, and for the best interests of the creditors and does not discriminate unfairly in favor of any creditor or class of creditors.

The bill further provides that—

If not so satisfied, the judge shall enter an order dismissing the proceeding (p. 12, line 22).

From these quotations it will be seen that the burden of proof is placed squarely upon the petitioner in each case to satisfy the judge that it comes into court with clean hands and in good faith and that the plan of composition proposed represents the utmost limit of its capacity to pay. The bill further provides—

That creditors owning not less than 51 percent in amount of the securities affected by the plan (excluding, however, any such securities owned, held, or controlled by the petitioners) have accepted it in writing (p. 5, line 8).

Not only must petitioner have at least 51 percent of its creditors supporting its plan of composition initially but it must have at least two-thirds before confirmation of the plan by the court (p. 11, line 21). Another outstanding feature of this bill for the benefit of creditors is that the "big-fee racket" is killed by the provision—

That no fees, compensation, reimbursement, or other allowances for attorneys, agents, committees, or other representatives of creditors shall be assessed against the petitioner or paid from any revenues, property, or funds of the petitioner except in the manner and in such sums, if any, as may be provided for in the plan of composition (p. 9, line 22).

In the light of all these beneficent provisions from the standpoint of the creditors, how can it be said that this bill makes repudiation easier? The truth of the old adage, "You cannot get blood out of a turnip", was never better illustrated than by those within the six classes of petitioners described in this bill. All they have is their taxing power. Seldom, if ever—and then only after foreclosure—have they any property. All they can bring into court ordinarily is their taxing power. This they do and subject it and themselves wholly and unreservedly to the jurisdiction and sound discretion of a court of equity. That court is bound by the terms of the bill to safeguard to the uttermost the "interests of the creditors." The power to tax has been held to be the power to destroy, and this has become a maxim of the law. [Applause.] But the power to tax, while it may destroy, frequently cannot collect. [Applause.] You may kill the goose that lays the golden eggs, and by taxation which is unreasonably high you can also kill a goose which, while not laying, might, under revised conditions, resume that happy function.

Please permit me now to address myself to the question of the constitutionality of this bill. When the opponents of this act were seeking to strike it down, I suppose it was natural that they should select as the case in which to make the attempt the strongest possible one in their favor. They went to Texas, which, I believe, is the only State in the Union with a constitutional provision classifying such petitioners as Cameron County Water Improvement District as political subdivisions of the State. Be this as it may, the supreme courts of other States have held that such petitioners were not political subdivisions, but were mere voluntary associations of citizens for some common public improvement end. But wholly aside from this question of proper classification in this respect I wish to point out as clearly and forcibly as I can, the fact that whereas the original bill which was held in the Ashton case—*Ashton* v. *Cameron County Water Improvement District* (289 U. S. 513)—to be unconstitutional, referred to all the petitioners designated therein as political subdivisions of the State, in the pending bill all such references have been eliminated, and no such petitioner as Cameron County Water Improvement District could take advantage of this act. All such political subdivisions have been eliminated. Therefore, the decision of the Supreme Court of the United States in the Ashton case is wholly without effect upon the constitutionality of the pending bill. The strictures of that decision with reference to all other classes of petitioners other than such political subdivisions are clearly obiter dicta. The former bill was unconstitutional because the Supreme Court of the United States so held. This bill differs radically from its dead parent. I confidently predict that it will be upheld and administered throughout the short course of its limited life for the "best interests of the creditors" holding the securities of the distressed entities which are therein

permitted to become petitioners in our courts of bankruptcy in accordance with the expressed will of the sovereign States. [Applause.]

Mr. CHANDLER. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, insofar as I know, there are no taxing districts in the State of Tennessee concerned with this legislation. My interest in it arises from the fact I am a member of the bankruptcy subcommittee of the House Committee on the Judiciary, and therefore took an interest in the working out of this bill.

This bill is the outgrowth of public hearings looking to the writing of a measure that would be free from the constitutional objections found by the Supreme Court of the United States in *Ashton* v. *Cameron County District* (298 U. S. 513). It is developed on the theory of compositions in bankruptcy. The proceeding must be voluntary, and the taxing district, which means drainage, irrigation, water, sewer, school, or other improvement districts and municipalities, must go into the Federal court on oath that it is insolvent or cannot meet its obligations as they mature, and accompanying the petition for relief must be a plan of composition approved by at least 51 percent of the creditors.

Each proceeding is subject to ample notice to creditors, thorough hearings, complete investigations, and appeals are allowed from interlocutory or final decrees. The composition cannot be confirmed unless accepted in writing by at least 66⅔ of the aggregate amount of the indebtedness of the district.

Let me say this. It will be recalled that Congress passed, in June 1933, and amended in 1934, an act which authorized the Reconstruction Finance Corporation to lend $125,000,000 to distressed taxing districts, irrigation districts, drainage districts, and similar improvement districts for the purpose of rehabilitating and reorganizing themselves. Under the authorization of $125,000,000 for this purpose, about $67,000,000 was disbursed, and the remainder is still in the hands of the R. F. C., and a large number of applications are pending for the use of that money for this laudable purpose if Congress passes this bill or some constitutional act on this subject.

When the gentleman from New York [Mr. SNELL] speaks about the fact that bondholders are forced into these arrangements, it should be borne in mind that of the $67,000,000 which the R. F. C. disbursed—and by the way, practically all the money that will be available for these reorganizations will come from the R. F. C., because no one is going to be able to work out a satisfactory plan with private money—of the $67,000,000, half of that amount has gone to districts in which practically all of the creditors have joined and agreed. So it cannot be said to be a repudiation, or a coercion of the holders of the securities. The other one-half has gone to loans where more than 90 percent of all the creditors of these districts have agreed. So the effect or the practical operation has been to give from 90 to nearly 100 percent of the creditors the benefits of the previous law. You never can get 100 percent. As a matter of fact, there are thousands of securities in this country that are irretrievably lost or misplaced, and if everybody had to approve an arrangement of this kind, you would never be able to get 100 percent, and when you get 90 percent, as the R. F. C. has done in the instances of the loans that have been made, you have a remarkable percentage.

How else can a bondholder get relief from an insolvent municipality?

When a municipality or a taxing district is insolvent, the creditors cannot foreclose their mortgage, or cause public property to be sold and the proceeds distributed. They must look to the exercise of the taxing power over a period of years, or, in cooperation with the debtor district, must grant extensions. This often involves reorganization of part or all of the debt structure, and hinges upon agreement by debtor and creditor, or on the existence of a Federal statute which may force recalcitrant minority creditors into agreement. Otherwise the creditors of a municipality or a taxing district must resort to mandamus proceedings, which have not been adequate remedies. In fact, the trend of recent decisions has been to deny the writ of mandamus wherever sound judicial discretion justifies denial. Hence, creditors have been unable to obtain unjust advantage, but the problem of the municipality or taxing district has remained unsolved (*Christmas* v. *City of Asbury Park*, 78 Fed. (2d) 1003). For an embarrassed debtor without the remedy afforded by this bill, the only effective recourse is the repeal of its charter by the State legislature, in which event creditors are generally left without any remedy (*Meriwether* v. *Garrett*, 102 U. S. 472, 501).

There is no hope for relief through statutes enacted by the States, because the Constitution forbids the passing of State laws impairing the obligations of existing contracts. Therefore, relief must come from Congress, if at all. The committee is not prepared to admit that the situation presents a legislative "no man's land." The power to deal with bankruptcies was given by the Constitution to Congress without express limitation, and, at the same time, the States deprived themselves of the power to deal adequately with the conditions which have arisen. Only analogous judicial construction has blocked the way thus far.

The act which was declared unconstitutional stated that all of the instrumentalities of government which sought to take advantage of it were declared to be political subdivisions of the States. The Supreme Court of the United States, by a rule of construction, held that the beneficiaries of the law, being political subdivisions of a State, could not be given the right to go into bankruptcy, because Congress had no right to pass a law affecting the fiscal or governmental affairs of a State or a subdivision of a State, a principle based entirely on a secondary construction, and the Supreme Court reached the conclusion in this way.

The bankruptcy provision of the Constitution has no exceptions whatever. It simply states that the Federal Government shall have the right to pass uniform laws on the subject of bankruptcy. In the same article of the Constitution the provision with reference to the power of Federal taxation is included and is a separate and distinct subdivision. The Supreme Court in this 5 to 4 opinion held that, although there is no limitation on the power to pass uniform laws on the subject of bankruptcy, yet because in the same article of the Constitution is the provision with reference to taxation which the Court had construed as forbidding the Federal Government from taxing the property of States and their political subdivisions, that rule of construction as to taxation would have to be applied to the section with reference to bankruptcy—a specious construction of the Constitution, and unsupported by any sound, progressive reasoning.

Granted the limitation of the Federal taxing power, if the pending bill does not and cannot restrict the control of a State agency over its fiscal affairs, the statute would not be invalid. The States themselves are subject to taxation by the Federal Government except as to operations which are essentially governmental in their nature, and "the immunity of the States from Federal taxation is limited to those agencies which are of a governmental character" (*South Carolina* v. *United States*, 199 U. S. 437; *Ohio* v. *Helvering*, 292 U. S. 36–60).

In other words, "the implied limitation on the Federal taxing power, springing from the necessity of maintaining our dual system of Government, does not extend beyond" that necessity; and the bankruptcy power is subject to like interpretation (*Board of Trustees of Illinois* v. *United States*, 289 U. S. 48).

In construing the implied limitation on the Federal taxing power, the cases have been determined on their facts, and if there was no actual interference with essential governmental functions of a State or its agencies, the exercise of the taxing power has been sustained. This rule of construction applies with equal force and effect to the power to estab-

lish uniform laws on the subject of bankruptcies, and, in itself, justifies the passage of the pending bill to meet conditions deserving legislative assistance.

Therefore, the applicability of the pending bill to any taxing district or agency rests on the corporate character of each petitioner and depends on the actual interference, if any, with its essential governmental functions; and the saving clause in section 81 of the bill is designed to sustain the measure as to others if any one or more of the taxing agencies classified therein should be held to be political subdivisions exercising sovereign powers.

Now, it is insisted that this is an unconstitutional measure, because the Supreme Court has already passed on one phase of it. Why should the Court not reverse itself in this instance? It has done so before. What about *Adkins* v. *Children's Hospital* (261 U. S.)? What about the *Legal Tender cases?* And others more recent? It is well settled that it is within the discretion of the Supreme Court to follow or depart from its prior decisions (*Hertz, Collector,* v. *Woodman,* 218 U. S. 205). What is wrong, then, if Congress asks the Supreme Court to reconsider this subject? If litigants can ask it, why not Congress? Since the rule with reference to the construction of constitutional provisions is that stare decisis does not control the Court, there is no disrespect to the Court or violation of our oath of office to put this question as to municipalities squarely up to the Court again.

Yes; we have a perfect right to submit to the Supreme Court of the United States this whole question for reconsideration. It has been done as to other questions, and it will be necessary as long as this country grows and progresses, and there is nothing wrong with the principle of retaining in this bill the section which the gentleman from Michigan [Mr. MICHENER] wishes to strike out relating to municipalities.

We have tried to put in this bill every safeguard of the freedom of the operation of a municipality and have put around the exercise of the powers of governmental subdivisions every safeguard to prevent the bill from interfering with the free operation of any of the agencies which seek its benefits.

Another point I want to refer to is that this is not a permanent law for the statute books. This law would expire, according to its terms, on the 30th of January 1940. It is only for the purpose of completing the benefits of what Congress designated as an emergency measure, but before much good could be accomplished, that measure was declared unconstitutional, and this bill is designed to complete the work. [Applause.]

Mr. GUYER. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. CREAL].

Mr. CREAL. Mr. Chairman, I always feel more or less timid in differing with any bill coming out of a committee of which I am a member, but from time to time I have informed the gentleman from Arkansas and others that I am unalterably opposed to this particular feature of the bill. For one time, and the only time, so far as I know, on any matter political, I find myself in accord with the other Kentucky member of the committee [Mr. ROBSION].

Mr. Chairman, since coming here I have heard quite a lot of condemnation of nations for not paying their war debts. Certain penalties have been inflicted so that a defaulting nation could not fleece any more of our private citizens by selling securities here. Up until this time the idea of a political unit, which is really a little government, repudiating a debt has been absolutely foreign to the lay mind in America. Never before in the history of this Government has such a thing been attempted or suggested, and not knowing whether or not there would be a roll call on this I want to be in the RECORD as in opposition to it.

Mr. WILCOX. Mr. Chairman, will the gentleman yield?

Mr. CREAL. I have only 5 minutes and I cannot yield. My district is made up of numbers and numbers of political units, school districts, municipalities, large and small, from 700 population up. Many of those units—a very large percentage of them—have been often partly financed by individual private loans, not through banks. That was done because that kind of an investment is a better investment than the bank deposit, because it was never dreamed that it would not be 100-percent solvent. You say when you have two-thirds creditors it is sufficient. It is not submitted to a vote of the people as to whether or not you would repudiate your debt.

When a debt is once made by a political unit or any people, it ought not to be put to a vote of the whole people, as to whether or not it will be paid, much less to a vote of two-thirds of the creditors to deprive the other third of its investment. Take a widow who is advised by her banker to invest in a municipal bond. It is repudiated by this process. Scattered all about her, above and below, are wealthy neighbors, and they are excused from bearing their share of that municipal taxation, while she has lost 50 or 60 or 70 percent of her entire investment. Is that fair? That next-door neighbor owes her until that debt is paid. He is rich and she is poor.

Mr. GEARHART. Mr. Chairman, will the gentleman yield?

Mr. CREAL. For a question only.

Mr. GEARHART. Suppose the widow signs the agreement?

Mr. CREAL. Oh, well, if everybody wants to do it, then you do not need any agreement or law. I am assuming there will be somebody who does not want to, and evidently there is. This idea of repudiation is fraught with many possibilities. There is danger ahead. Here is a municipality where you have cross-roads politics, school districts, and what not. They continue to increase the debt, and if somebody has the nerve to do it, an injunction is issued because of constitutional limitations of indebtedness. The "ins" have that information and the "outs" do not know it. You go ahead, and they do not know the extent of the indebtedness. The "outs" make a campaign against the "ins" based on extravagance, and what then happens? The other fellow, as you have seen it done in every cross-roads political mess, employs people right and left, and builds streets rights and left, and plunges the community into bankruptcy, and then the other fellow charges it to his predecessor.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. CHANDLER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. WILCOX].

Mr. WILCOX. Mr. Chairman, I want to say this in conclusion. A great deal has been said about a municipality or taxing district under this act repudiating its debt. I call attention once more to the terms of this bill. The Federal judge to whom this petition for confirmation must be submitted, must find, first of all, that the taxing district is insolvent or unable to meet its debts as they mature. The court must find that as a matter of fact and a matter of law. He must find that the taxing district cannot meet its debt before the court can entertain jurisdiction of this petition at all. In the next place, the court must examine the plan and find it is fair and equitable, that it does not discriminate, that it does not take advantage, that all of the interested parties have been freely notified and are freely before the court, and that their interests are protected. Then this bill is not designed as permanent legislation. We recognized in 1933 that a debt situation had accumulated in this country that required a solution. We extended the benefit of debt adjustment to the railroad companies, we extended the benefit of debt adjustments to corporations. We extended the benefit of debt adjustments to every class of people except that we did not extend it to the taxpayers in these tax-ridden and debt-burdened municipalities who constitute the greatest class in need of relief of any class of our citizens. The Congress passed it in 1933. It did no damage. It did infinite good. The Congress, to complete

the jobs, needs to put it back on the statute books for these remaining 3 years asked for in the bill.

The CHAIRMAN. The time of the gentleman from Florida has expired, all time has expired, and the Clerk will read the bill.

The Clerk proceeded to read the bill.

Mr. CHANDLER (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with and that it be printed in the RECORD at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. MICHENER. Reserving the right to object, Mr. Chairman, that will permit amendments to be offered at any part of the bill?

Mr. CHANDLER. That is correct, Mr. Chairman.

The CHAIRMAN. The Chair so understands. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That the act of July 1, 1898, entitled "An act to establish a uniform system of bankruptcy throughout the United States", as approved July 1, 1898, and acts amendatory thereof and supplementary thereto be, and they are hereby, amended by adding thereto a new chapter, to be designated "chapter X", to be and read as follows:

"CHAPTER X

"ADDITIONAL JURISDICTION

"SECTION 81. This act and proceedings thereunder are found and declared to be within the subject of bankruptcies and, in addition to the jurisdiction otherwise exercised, courts of bankruptcy shall exercise original jurisdiction as provided in this chapter for the composition of indebtedness payable solely out of assessments or taxes, or both, levied against and constituting liens upon the property, or payable out of property acquired by foreclosure of any such assessments or taxes, or both, in any of the following-named taxing agencies or instrumentalities: (1) Drainage, drainage and levee, levee, levee and drainage, reclamation, water, irrigation, or other similar districts, commonly designated as agricultural improvement districts or local improvement districts, organized or created for the purpose of constructing, improving, maintaining, and operating certain improvements or projects devoted chiefly to the improvement of lands therein for agricultural purposes; or (2) local improvement of lands such as sewer, paving, sanitary, or other similar districts, organized or created for the purposes designated by their respective names; or (3) local improvement districts such as road, highway, or other similar districts, organized or created for the purpose of grading, paving, or otherwise improving public streets, roads, or highways; or (4) public-school districts or public-school authorities organized or created for the purpose of constructing, maintaining, and operating public schools or public-school facilities; or (5) local improvement districts such as port, navigation, or other similar districts, organized or created for the purpose of constructing, improving, maintaining, and operating ports and port facilities; or (6) any city, town, village, borough, township, or other municipality: *Provided, however*, That if any provision of this chapter, or the application thereof to any such taxing agency or district or class thereof or to any circumstance, is held invalid, the remainder of the chapter, or the application of such provision to any other or different taxing agency or district or class thereof or to any other or different circumstances, shall not be affected by such holding.

"DEFINITION

"SEC. 82. The following terms as used in this chapter, unless a different meaning is plainly required by the context, shall be construed as follows:

"That the term 'petitioner' shall include any taxing agency or instrumentality referred to in section 81 of this chapter.

"The term 'security' shall include bonds, notes, judgments, claims, and demands, liquidated or unliquidated, and other evidences of indebtedness, either secured or unsecured, and certificates of beneficial interest in property.

"The term 'creditor' means the holder of a security or securities.

"Any agency of the United States holding securities acquired pursuant to contract with any petitioner under this chapter shall be deemed a creditor in the amount of the full face value thereof.

"The term 'security affected by the plan' means a security as to which the rights of its holder are proposed to be adjusted or modified materially by the consummation of a composition agreement.

"The singular number includes the plural and the masculine gender the feminine.

"COMPOSITIONS

"SEC. 83. (a) Any petitioner may file a petition hereunder stating that the petitioner is insolvent or unable to meet its debts as they mature and that it desires to effect a plan for the composition of its debts. The petition shall be filed with the court in whose territorial jurisdiction the petitioner or the major part thereof is located, and, in the case of any unincorporated tax or special-assessment district having no officials of its own, the petition may be filed by its governing authority or the board or body having authority to levy taxes or assessments to meet the obligations to be affected by the plan of composition. The petition shall be accompanied by payment to the clerk of a filing fee of $100, which shall be in lieu of the fees required to be collected by the clerk under other applicable chapters of the Uniform Bankruptcy Act of 1898, as amended. The petition shall state that a plan of composition has been prepared, is filed and submitted with the petition, and that creditors of the petitioner owning not less than 51 percent in amount of the securities affected by the plan (excluding, however, any such securities owned, held, or controlled by the petitioner), have accepted it in writing. There shall be filed with the petition a list of all known creditors of the petitioner, together with their addresses so far as known to petitioner, and description of their respective securities showing separately those who have accepted the plan of composition, together with their separate addresses, the contents of which list shall not constitute admissions by the petitioner in a proceeding under this chapter or otherwise. Upon the filing of such a petition the judge shall enter an order either approving it as properly filed under this chapter, if satisfied that such petition complies with this chapter and has been filed in good faith, or dismissing it, if not so satisfied.

"The 'plan of composition', within the meaning of this chapter, may include provisions modifying or altering the rights of creditors generally, or of any class of them, secured or unsecured, either through issuance of new securities of any character, or otherwise, and may contain such other provisions and agreements not inconsistent with this chapter as the parties may desire.

"No creditor shall be deemed to be affected by any plan of composition unless the same shall affect his interest materially, and in case any controversy shall arise as to whether any creditor or class of creditors shall or shall not be affected, the issue shall be determined by the judge, after hearing, upon notice to the parties interested.

"For all purposes of this chapter any creditor may act in person or by an attorney or a duly authorized agent or committee. Where any committee, organization, group, or individual shall assume to act for or on behalf of creditors, such committee, organization, group, or individual shall first file with the court in which the proceeding is pending a list of the creditors represented by such committee, organization, group, or individual, giving the name and address of each such creditor, together with a statement of the amount, class, and character of the security held by him, and attach thereto copies of the instrument or instruments in writing signed by the owners of the bonds showing their authority, and shall file with the list a copy of the contract or agreement entered into between such committee, organization, group, or individual and the creditors represented by it or them, which contract shall disclose all compensation to be received, directly or indirectly, by such committee, organization, group, or individual, which agreed compensation shall be subject to modification and approval by the court.

"(b) Upon approving the petition as properly filed, or at any time thereafter, the judge shall enter an order fixing a time and place for a hearing on the petition, which shall be held within 90 days from the date of said order, and shall provide in the order that notice shall be given to creditors of the filing of the petition and its approval as being properly filed, and of the time and place for the hearing. The judge shall prescribe the form of the notice, which shall specify the manner in which claims and interests of creditors shall be filed or evidenced, on or before the date fixed for the hearing. The notice shall be published at least once a week for 3 successive weeks in at least one newspaper of general circulation published within the jurisdiction of the court, and in such other paper or papers having a general circulation among bond dealers and bondholders as may be designated by the court, and the judge may require that it may be published in such other publication as he may deem proper. The judge shall require that a copy of the notice be mailed, postage prepaid, to each creditor of the petitioner named in the petition at the address of such creditor given in the petition, or, if no address is given in the petition for any creditor and the address of such creditor cannot with reasonable diligence be ascertained, then a copy of the notice shall be mailed, postage prepaid, to such creditor addressed to him as the judge may prescribe. All expense of giving notice as herein provided shall be paid by the petitioner. The notice shall be first published, and the mailing of copies thereof shall be completed at least 60 days before the date fixed for the hearing.

"At any time not less than 10 days prior to the time fixed for the hearing any creditor of the petitioner affected by the plan may file an answer to the petition controverting any of the material allegations therein and setting up any objection he may have to the plan of composition. The judge may continue the hearing from time to time if the percentage of creditors required herein for the confirmation of the plan shall not have accepted the plan in writing, or if for any reason satisfactory to the judge the hearing is not completed on the date fixed therefor. At the hearing, or a continuance thereof, the judge shall decide the issues presented, and unless the material allegations of the petition are sustained shall dismiss the proceeding. If, however, the material allegations of the petition are sustained, the judge shall classify the creditors according to the nature of their respective claims and interests: *Provided, however*, That the holders of all claims, regardless of the manner in which they are evidenced, which are payable without preference out of funds derived from the same

source or sources shall be of one class. The holders of claims for the payment of which specific property or revenues are pledged, or which are otherwise given preference as provided by law, shall accordingly constitute a separate class or classes of creditors.

"At the hearing, or a continuance thereof, the judge may refer any matters to a special master for consideration, the taking of testimony, and a report upon special issues, and may allow reasonable compensation for the services performed by such special master, and the actual and necessary expenses incurred in connection with the proceeding, including compensation for services rendered and expenses incurred in obtaining the deposit of securities and the preparation of the plan, whether such work may have been done by the petitioner or by committees or other representatives of creditors, and may allow reasonable compensation for the attorneys or agents of any of the foregoing, and may apportion the amount so determined among the parties to the proceeding as may be just: *Provided, however,* That no fees, compensation, reimbursement, or other allowances for attorneys, agents, committees, or other representatives of creditors shall be assessed against the petitioner or paid from any revenues, property, or funds of the petitioner except in the manner and in such sums, if any, as may be provided for in the plan of composition. An appeal may be taken from any order making such determination or award to the United States circuit court of appeals for the circuit in which the proceeding under this chapter is pending, independently of other appeals which may be taken in the proceeding, and such appeal shall be heard summarily.

"On 30 days' notice by any creditor to petitioner, the judge, if he finds that the proceeding has not been prosecuted with reasonable diligence, or that it is unlikely that the plan will be accepted by said proportion of creditors, may dismiss the proceeding.

"(c) Upon entry of the order fixing the time for the hearing, or at any time thereafter, the judge may upon notice enjoin or stay, pending the determination of the matter, the commencement or continuation of suits against the petitioner, or any officer or inhabitant thereof, on account of the securities affected by the plan, or to enforce any lien or to enforce the levy of taxes or assessments for the payment of obligations under any such securities, or any suit or process to levy upon or enforce against any property acquired by the petitioner through foreclosure of any such tax lien or special assessment lien, except where rights have become vested under peremptory writs, and may enter an interlocutory decree providing that the plan shall be temporarily operative with respect to all securities affected thereby and that the payment of the principal or interest, or both, of such securities shall be temporarily postponed or extended or otherwise readjusted in the same manner and upon the same terms as if such plan had been finally confirmed and put into effect, and upon the entry of such decree the principal or interest, or both, of such securities which have otherwise become due, or which would otherwise become due, shall not be or become due or payable, and the payment of all such securities shall be postponed during the period in which such decree shall remain in force, but shall not, by any order or decree, in the proceeding or otherwise, interfere with (a) any of the political or governmental powers of the petitioner; or (b) any of the property or revenues of the petitioner necessary for essential governmental purposes; or (c) any income-producing property, unless the plan of composition so provides.

"(d) The plan of composition shall not be confirmed until it has been accepted in writing, by or on behalf of creditors holding at least two-thirds of the aggregate amount of claims of all classes affected by such plan and which have been admitted by the petitioner or allowed by the judge, but excluding claims owned, held, or controlled by the petitioner: *Provided, however,* That it shall not be requisite to the confirmation of the plan that there be such acceptance by any creditor or class of creditors (a) whose claims are not affected by the plan; or (b) if the plan makes provision for the payment of their claims in cash in full; or (c) if provision is made in the plan for the protection of the interests, claims, or lien of such creditors or class of creditors.

"(e) At the conclusion of the hearing, the judge shall make written findings of fact and his conclusions of law thereon, and shall enter an interlocutory decree confirming the plan if satisfied that (1) it is fair, equitable, and for the best interests of the creditors and does not discriminate unfairly in favor of any creditor or class of creditors; (2) complies with the provisions of this chapter; (3) has been accepted and approved as required by the provisions of subdivision (d) of this section; (4) all amounts to be paid by the petitioner for services or expenses incident to the composition have been fully disclosed and are reasonable; (5) the offer of the plan and its acceptance are in good faith; and (6) the petitioner is authorized by law to take all action necessary to be taken by it to carry out the plan. If not so satisfied, the judge shall enter an order dismissing the proceeding.

"Before a plan is confirmed, changes and modifications may be made therein, with the approval of the judge after hearing upon such notice to creditors as the judge may direct, subject to the right of any creditor who shall previously have accepted the plan to withdraw his acceptance, within a period to be fixed by the judge and after such notice as the judge may direct, if, in the opinion of the judge, the change or modification will be materially adverse to the interest of such creditor, and if any creditor having such right of withdrawal shall not withdraw within such period, he shall be deemed to have accepted the plan as changed or modified: *Provided, however,* That the plan as changed or modified shall comply with all the provisions of this chapter and shall have been accepted in writing by the petitioner. Either party may appeal from the interlocutory decree as in equity cases. In case said interlocutory decree shall prescribe a time within which any action is to be taken, the running of such time shall be suspended in case of an appeal until final determination thereof. In case said decree is affirmed, the judge may grant such time as he may deem proper for the taking of such action.

"(f) If an interlocutory decree confirming the plan is entered as herein provided, the plan and said decree of confirmation shall become and be binding upon all creditors affected by the plan, if within the time prescribed in the interlocutory decree, or such additional time as the judge may allow, the money, securities, or other consideration to be delivered to the creditors under the terms of the plan shall have been deposited with the court or such disbursing agent as the court may appoint or shall otherwise be made available for the creditors. And thereupon the court shall enter a final decree determining that the petitioner has made available for the creditors affected by the plan the consideration provided for therein and is discharged from all debts and liabilities dealt with in the plan except as provided therein, and that the plan is binding upon all creditors affected by it, whether secured or unsecured, and whether or not their claims have been filed or evidenced, and, if filed or evidenced, whether or not allowed, including creditors who have not, as well as those who have, accepted it.

"(g) A certified copy of the final decree, or of any other decree or order entered by the court or the judge thereof, in a proceeding under this chapter, shall be evidence of the jurisdiction of the court, the regularity of the proceedings, and the fact that the decree or order was made. A certified copy of an order providing for the transfer of any property dealt with by the plan shall be evidence of the transfer of title accordingly and, if recorded as conveyances are recorded, shall impart the same notice that a deed, if recorded, would impart.

"(h) This chapter shall not be construed as to modify or repeal any prior, existing statute relating to the refinancing or readjustment of indebtedness of municipalities, political subdivisions, or districts.

"(i) Nothing contained in this chapter shall be construed to limit or impair the power of any State to control, by legislation or otherwise, any municipality or any political subdivision of or in such State in the exercise of its political or governmental powers, including expenditures therefor.

"TERMINATION OF JURISDICTION

"SEC. 84. Jurisdiction conferred on any court by section 81 shall not be exercised by such court after June 30, 1940, except in respect of any proceeding initiated by filing a petition under section 83 (a) on or prior to June 30, 1940."

Mr. WILCOX. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WILCOX: Page 2, line 7, strike out the word "payable" in line 7, and strike out all of lines 8, 9, 10, and 11, and the words "or instrumentalities" in line 12, and insert in lieu thereof the following: "of, or authorized by, any of the taxing agencies or instrumentalities hereinafter named, payable (a) out of assessments or taxes, or both, levied against and constituting liens upon property in any of said taxing agencies or instrumentalities, or (b) out of property acquired by foreclosure of any such assessments or taxes or both, or (c) out of income derived by such taxing agencies or instrumentalities from the sale of water or power, or both, or (d) from any combination thereof."

Mr. WILCOX. Mr. Chairman, that amendment is designed as a perfecting amendment. I think the gentleman from Michigan [Mr. MICHENER] would be interested in the purposes of that amendment. It is offered because the wording in the original bill, as drawn, we found was not sufficient to cover a great many of the districts in the far West, particularly those in California and others of the Western States, which collect a great deal of their revenue from the sale of water or power. It is designed to extend the benefit to those districts rather than to leave them out because of the limitations in the original wording.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. WILCOX. I yield.

Mr. MICHENER. What does it do?

Mr. WILCOX. It extends the privilege to those districts which do not necessarily derive their income from taxes, but which either supplement their income or probably derive their entire income from the sale of water or power, or both. The original wording of the bill was such that it applied only to those districts relying upon taxes collected upon property within their specific districts. This extends the benefits of the bill to water districts whose revenue is derived from the sale of water.

Mr. MICHENER. As I understand it, those districts are municipal corporations?

Mr. WILCOX. They are the same class of districts as all of the balance dealt with in the bill, except that it extends the privilege to those whose income is derived from the sale of water or power, or both, rather than restricting it to those whose income is derived from taxes.

Mr. MICHENER. Will the gentleman yield further?

Mr. WILCOX. I yield.

Mr. MICHENER. What I am getting at is this: If it were an ordinary corporation, if it were not a municipal corporation, then it would come under section 77B?

Mr. WILCOX. They are municipal corporations in that degree; yes.

Mr. MICHENER. As a matter of fact, somebody has questioned whether or not this should be called the municipal bankruptcy bill.

Mr. WILCOX. It extends not only to cities and towns, but also to these districts.

Mr. ENGLEBRIGHT. Mr. Chairman, will the gentleman yield?

Mr. WILCOX. I yield.

Mr. ENGLEBRIGHT. Irrigation districts are municipalities under the law.

Mr. WILCOX. They probably are municipalities. This is designed to cover those districts receiving water rents as well as those deriving their income from taxes.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. WILCOX. I yield.

Mr. JENKINS of Ohio. I understood someone a while ago to state that all of these drainage districts had elements of sovereignty; elements of sovereignty had been surrendered to them by the States. Is that the case in this bill?

Mr. WILCOX. No, sir.

Mr. JENKINS of Ohio. It is not the case?

Mr. WILCOX. It is not the case. The constitutionality of this bill can be distinguished from the other bill in this way: The original bill extended to those subdivisions of a State government, which are essentially arms of the State government. Now we have left out of this bill counties and those other subdivisions which are essentially a part of the State. In other words, a State cannot operate without a county, because it is through the counties that the State performs most of its functions. The county holds the courts for the State. The county collects the taxes for the State. The county performs innumerable services for the State which the State could not exist without, but a city or town or these taxing districts do not have those elements of sovereignty, because the State government could continue to function just as effectively if every one of them were abolished. If we abolish every one of the units referred to in this bill, it would not affect the functioning of the State government; and therefore they are not essential elements of the State government, and the sovereignty of the State does not extend to them as it did in the case which was before the Supreme Court.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. WILCOX. I yield.

Mr. DOWELL. As I understand, this does not apply to county organizations?

Mr. WILCOX. No, sir; it does not apply to county organizations.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The amendment was agreed to.

Mr. WILCOX. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WILCOX: Page 10, line 25, after the word "vested", strike out the words "under peremptory writs."

Mr. WILCOX. Mr. Chairman, the object of this amendment is this: The bill as written inadvertently used the clause "where rights have become vested under peremptory writs." In other words, I was trying to protect the rights of creditors where their interests have become vested. I used the words "under peremptory writs." I think it was a mistake to include these three words, for the reason that it only protects the rights which have become vested under peremptory writs and if the creditor had a right that had become vested in some other way he would be left out. On the other hand, I am not so sure that a peremptory writ gives a person a vested right. This language would attempt to legislate something that may not be true in a particular State. Eliminating these words, does not affect the interest of the creditor which has become vested in any manner whatsoever. The intention is that the proceedings shall not affect any right which has become vested. The amendment strikes out these words which might limit the effect of the language.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The amendment was agreed to.

Mr. WILCOX. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WILCOX: Page 15, line 4, strike out the period, insert a colon and the following words: "*Provided, however*, That the initiation of proceedings, or the filing of a petition under section 80 shall not constitute a bar to the same taxing agency or instrumentality initiating a new proceeding under section 81 thereof."

Mr. WILCOX. Mr. Chairman, I am not so sure that this is a necessary amendment. I offer it in the interest of safety, for fear that it might be necessary. As I understand, when a law is declared unconstitutional all actions instituted under it are void. It cannot, therefore, be a bar to any future action. But there are a good number of these municipalities and taxing districts which had filed proceedings under the old section 80, which was declared unconstitutional, and I do not want them to be confronted under this new act with the possibility of being barred by reason of having filed under the old section. I offer this amendment simply for the purpose of clearing up that situation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The amendment was agreed to.

Mr. MICHENER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MICHENER: On page 3, line 7, after the word "facility", strike out the semicolon and the following: "or (6) any city, town, village, borough, township, or other municipality."

Mr. MICHENER. Mr. Chairman, this is the amendment to which I referred, and will strike out that part of the law which has been held unconstitutional. This language was put in the bill by the committee, as I stated, after most careful consideration, but it was put in with the hope that another hearing might be secured before the Supreme Court.

Mr. WILCOX. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. WILCOX. I am sure that the gentleman does not want to make a misstatement.

Mr. MICHENER. No; I do not.

Mr. WILCOX. The case that went to the Supreme Court was not that of a city, town, village, borough, or other municipality.

Mr. MICHENER. I see the point the gentleman has in mind. The Court in the Ashton case held that if the local subdivision was a municipality in the sense that it performed any of the sovereign functions of the State, it could not be brought under the bankruptcy power of the Constitution. We all know, and take judicial notice of the fact, that a city, that a town, that a village, that a borough, that a township does perform such functions for the sovereign as are prohibited by the holding in the Ashton case. Section 6, with the separability clause, was tacked on with the understanding that if the bill went through and that part of it was held unconstitutional, it would not destroy the rest of the law. I think that the gentleman from Alabama [Mr. HOBBS] a little while ago said that section 6 was a small part of the bill—just a little bit of it. It may become the big part of it. If a bill or any part of it is unconstitutional

and this is known to the Members, if they are satisfied in their own minds that it is unconstitutional, what is their duty under their oaths? What ought they to do? Should they pay no attention to that which they know is unconstitutional with the hope that some time the Supreme Court might change its mind and render another opinion that might make it constitutional?

So far as the rest of the bill is concerned, I say that it is a carefully worded bill. The gentleman from Florida has given much attention to it. The subcommittee, of which the gentleman from Tennessee [Mr. CHANDLER] is chairman and of which I am a member, spent hours and days on it. If you want to accomplish what the bill seeks to accomplish, however, and permit these several municipalities to go into bankruptcy, this bill will do the job if you eliminate that which we know is unconstitutional. As it is we are just leaving it in there with the separability clause in the hope that the lightning might strike and that some day it might be determined that it was constitutional. I know that the bill is going to pass; therefore let us make it as good a bill as we can.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan [Mr. MICHENER].

Mr. Chairman, I want to be very candid with the House about this bill and the provision in it which the gentleman from Michigan seeks to have stricken out. This bill has a separable clause. Objection on constitutional grounds is raised to section 6. We believe in all candor that the Court, on representation and reargument of this question may hold, and probably will hold, against the former decision of that Court.

We believe it is important that this question be again presented to the Court. We believe it is important that it shall not remain the law of the land that a sovereign State, in the exercise of its sovereignty, cannot authorize and permit its creature to go of its own volition into this Court or any other court.

This Nation itself is often sued in court. One of the highest acts of sovereignty on the part of this Nation is to submit itself to the jurisdiction of the courts. We should like to have the opportunity to have this question presented to the Court for the reasons I have indicated. It must be evident to every student of the American system of government, when he looks at this great Nation, its population, its territory, and its diversity of interests, that the statesmen of America must in some way before long begin to move governmental power back to the States and the smaller units of government, where the individual has a greater responsibility and a greater duty, and, therefore, has the greater possibility of developing his capacity through the exercise of his capacity in order that he may be able to preserve this Nation through the centuries to come as a nation in which free people may govern themselves. [Applause.]

Mr. CHANDLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not wish to prolong the discussion of this particular amendment, but I should like to say a word about it in order to prevent any confusion that may exist.

May I say that no one in this House respects the gentleman from Michigan [Mr. MICHENER] more than I. As he very well knows, I regard him very highly, and his knowledge of constitutional law I respect profoundly. But I repeat what I said a moment ago, that the rule of stare decisis is not controlling in questions of constitutional law. The case in which this question was raised was one in which the Constitution of Texas had specifically defined irrigation districts in that State to be subdivisions of the State and exercising the sovereign powers of an agency of the State. The question of a municipality itself was not involved in the case. We took out of the bill counties and parishes, which are essentially subdivisions of the State and which were in the same general category as irrigation districts in the Cameron Water Co. case.

This particular point has not been passed upon, except by implication, and it is the opinion of the Judiciary Committee that the present bill removes the objections to the unconstitutional statute and gives a forum to enable those distressed taxing agencies which desire to adjust their obligations and which are capable of reorganization, to meet their creditors under necessary judicial control and guidance and free from coercion, and to effect such adjustment on a plan determined to be mutually advantageous.

It is provided at the end of this bill that—

> Nothing contained herein shall be construed to limit or impair the power of any State to control by legislation or otherwise any municipality or any political subdivision of or any such State in the exercise of its political or governmental powers, including expenditures therefor.

That would be the only way this act might have come in contravention with the present rule with reference to State sovereignty, but nothing contained in this bill will have that effect.

I say this question clearly ought to be presented on the facts of a municipality's case, if such a case arises.

Mr. HEALEY. Will the gentleman yield?

Mr. CHANDLER. I yield to the gentleman from Massachusetts.

Mr. HEALEY. Does the gentleman contend a municipality is not exercising the sovereign power of a State?

Mr. CHANDLER. No. It does in some respects. There are two municipal functions, the governmental function and the proprietary function. In the exercise of the proprietary function a municipality may be sued, and they are sued many times.

Mr. Chairman, the proposed amendment ought to be defeated.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. MICHENER].

The amendment was rejected.

Mr. MOSER of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. MOSER of Pennsylvania: Page 11, line 22, strike out the word "claims" and insert "original claims without assignee."

Mr. MOSER of Pennsylvania. Mr. Chairman, in offering this amendment I have adopted one of the oldest philosophies of credit under our form of government, dating back to the very inception of our Government, when James Madison, to protect the interests of the colonists on the certificates of indebtedness issued by the Colonies, made this same suggestion.

Mr. Chairman, I would suggest if we adopt the amendment it will protect the individual who has an investment in bonds as the initial purchaser of the bonds from the ravages of bondholders' protective committees. An issue of bonds is sold to the public usually through a syndicate. If the issue is not sold through a syndicate, it is sold through distributors, and the distributors sell through dealers. They know in every instance who holds each bond, and when trouble comes up and the market becomes depressed they send forth their letters, shedding crocodile tears, and they beseech the holders of these bonds to place themselves at their mercy and put their bonds into their hands.

It is an easy matter for such a syndicate to get 66⅔ percent of the claims involved. I have seen that done, and I have seen it done in industrial bonds. It can be done in municipal bonds. I have seen an example of it in industrial bonds in connection with the Pittsburgh Hotels Corporation in Pittsburgh. A receiver was appointed by the authority of Judge Gibson, a friend of mine, from the western district of Pennsylvania. The receiver who was appointed—Mr. Eppley, president of Eppley Hotels Corporation—loaned from the cash assets of the Eppley Hotels Corporation over $200,000 on receiver's certificates, issued by himself as receiver for the Pittsburgh Hotels Corporation, and these receiver's certificates were a prior claim against

the assets. Thereafter, he defaulted on the interest on his own bonds, and the bonds of the Eppley Hotels Corporation by its own balance sheet showed the acquisition for the sinking fund, over $168,000 of bonds so acquired and yet defaulted its interest. The bonds became depressed until they were quoted at 6 and 8 in the market.

Instead of meeting the interest, over $168,000 worth of those bonds were purchased in the market, none by call or sale to the sinking fund by original owners, and thereafter under section 77B these men went before the District Court of the United States at Omaha and got the kind of decision I feel we should battle against. Notice had gone forth for the deposit of July 1 and prior coupons for certificates of indebtedness. On June 27, when the President signed the bill applying, the ink was scarcely dried on his pen when the second order not to deposit went forth. The result was, Eppley got a moratorium, a 10-year extension, reduced sinking fund, and 3 percent interest, to the prejudice of the creditor, whose losses enriched Eppley by the diversion of assets into the sinking fund. The Pittsburgh Hotels, too, passed into his system.

If you adopt this amendment and protect the original investment by not allowing the assignee to get the benefit of any adjustment, you will go a long way toward stamping out the racketeering of bondholders' protective committees and the ravages that have been perpetrated in the name of the people who are standing to lose their money. This is one of the most iniquitous systems that has been adopted by the people who exploited those whose confidence they first gained when they sold them the bonds.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MOSER of Pennsylvania. Yes.

Mr. SUMNERS of Texas. I may say to the gentleman that he makes a very interesting and important suggestion, but we find this difficulty: These bonds having been legally transferred, they would remain outstanding against the municipality, and the debtor would not be bound by the adjustment. This would be our difficulty. I hope the gentleman will not press the amendment.

Mr. MOSER of Pennsylvania. I believe it is a very good amendment. I may say to my friend the gentleman from Texas that it was good in the days of Madison, after vessels had been dispatched to South Carolina and to Georgia to buy up the certificates of indebtedness of those colonies. This method which James Madison put through the Congress of the United States was the only method by which that racketeering was stopped. It can be stopped again. Mr. Chairman, I yield back the remainder of my time.

Mr. SUMNERS of Texas. I hope the gentleman will not press the amendment.

[Here the gavel fell.]

Mr. WILCOX. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I certainly hold no brief for bondholders' committees. I think every Member of the House who is familiar with my activities against bondholders' committees will certify to that fact. However, I call the gentleman's attention to the fact that while I am thoroughly in sympathy with his effort to control, regulate, and outlaw those bondholders' committees, and while I think that in some instances they constitute the most iniquitous racket which has been perpetrated in this country in the last generation, I fear that this amendment will do a great injustice to many innocent people.

I may say to the gentleman that the section to which he has offered his amendment requires the consent of two-thirds of the claims of all classes. If you limit the application of that provision only to those who have originally owned the bonds and who have never had them transferred or assigned, you would cut out the participation in the notice and in the agreement necessary to the confirmation of such a plan of many bona-fide holders of bonds.

In other words, if the gentleman from Pennsylvania originally bought a bond of a certain municipality, and later I in good faith bought it from him, then, if his amendment should prevail, I would not be consulted about the settlement of my bond. Under the bill as drawn, every creditor is notified, all claims must be consulted, and two-thirds of all claims of all classes must consent.

Let me remind the gentleman further that I have put into the bill a very stringent provision about bondholders' committees undertaking to represent the bondholders.

The gentleman will find that very strict regulations are placed on such bondholders' committees. They are required to submit to the court quite a number of things which protect the interest of bondholders against the operations of the bondholders' committees. At first it was my hope we might outlaw such committees altogether, but you will find in dealing with any class of creditors, whether of a corporation or a municipality or otherwise, that where there are thousands of creditors you must permit them to act through some central agency to be selected by them. When you undertake to outlaw a committee you outlaw also the bona-fide representatives of creditors. The best thing to do is to make the regulations as we have them in this bill, to control, regulate, and supervise such committees and see to it that they give their own clients a fair break and honest dealing.

Mr. MOSER of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. WILCOX. I yield to the gentleman.

Mr. MOSER of Pennsylvania. I may state that the picture the gentleman from Florida has drawn is truly analogous. If he bought a bond from me, he would then be the owner. However, the only way is to strike at the syndicates, which form the bondholders' protective committees, and then come back and seek to represent the bondholders, and I have never known one to represent truly the bondholders from whom they have extracted the bonds. They have grossly misrepresented them. I will grant that in the case of an individual an analogous situation would exist; but in connection with the bondholders' protective committee operations, that is exactly what happened when the Government of the United States was set up and it undertook to protect the debts of the Colonies by a funding system and to accept the certificates of indebtedness at face value.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. WILCOX. Yes.

Mr. MICHENER. While I am in sympathy with the aim of the amendment, I hope the amendment will not be adopted, because very close attention was given to this provision of the bill. The whole thing was threshed out with a number of members of the committee feeling just as the gentleman from Pennsylvania feels. The language suggested by the gentleman from Florida, we think, is the best to accomplish the purpose.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOSER].

The amendment was rejected.

Mr. HANCOCK of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK of New York: On page 4, line 4, after the word "securities", add "who has been the bona-fide owner thereof for not less than 2 years."

Mr. HANCOCK of New York. Mr. Chairman, my amendment is along the same line as the amendment offered a moment ago by the gentleman from Pennsylvania, except that it does not go quite as far. It is directed, however, at the same weakness in the bill. As I look at it, this bill, if passed, offers an inducement and a temptation to demagogic politicians to enter into collusive agreements with financial sharks for their mutual benefit.

I can visualize a situation like this. Someone announces himself as a candidate for mayor of a city on a platform promising that if elected he will reduce the indebtedness of the city and lower the tax rate. This is always a popular platform and if the people believe the candidate, he is sure to be elected. Assume such a candidate is elected. He immediately defaults on certain securities of the city. The market value of the city's bonds is greatly depreciated and the mayor calls in the financial wolves, who buy them at depressed prices, gain control, go into court and refund the city's obligations at a figure which gives them a very substantial profit. It is perfectly conceivable that these speculators would go about the country buying bonds from bona-fide purchasers at, we will say, an average of 50 or 60 per bond and then go into court, having obtained control, and refinance their defaulted securities at 75, greatly to their own enrichment and greatly to the glory of the mayor himself. Having made good his promise to scale down the city's debt the mayor would be a strong candidate for reelection.

This amendment simply provides that a creditor in order to have any voice in revising the debt structure of the city, must have held the security for at least 2 years. I admit this would exclude some bona-fide purchasers but, on the other hand, nobody would have any voice in court except the bona-fide purchasers. It places control entirely in the hands of those who should have it.

Now, who are the purchasers of municipal bonds? In the main, they are charitable institutions, universites, insurance companies, fraternal associations, savings banks, trustees, and guardians. They do not buy for speculation, they buy for permanent investment. Are they not the people you wish to have control of any reorganization of the financial structure of a municipality. Do you want to make it possible for the speculating sharks to get control for their own profit and at the expense of the legitimate investors? My amendment is merely an attempt to safeguard legitimate investors who have purchased securities for investment at substantial prices. I want to safeguard their interests and protect them from financial sharpshooters and tricky politicians.

Mr. CHANDLER. Mr. Chairman, I rise in opposition to the amendment.

While the gentleman's intentions are excellent, the effect of the proposed amendment would be to destroy the negotiability of the securities that may be involved in the proceedings. This is the practical effect of the amendment.

Mr. HANCOCK of New York. I tried to make it clear that, in my judgment, municipal bonds are not bought for speculative purposes. In practically every case the investor buys as a permanent investment. They do not lend themselves to speculation. The price simply fluctuates up and down with the price of money, and there is no inducement for speculation.

Mr. CHANDLER. I appreciate that, but the actual effect is to do the very thing that I do not believe the gentleman wants done. Under the proposed amendment a person who bought the bond in the best of faith must have held the security for over 2 years. If he should buy a security, say, within 1 year prior to the filing of the proceedings, over which he would have no control, he would have no right to be classed as a creditor in the proceedings. I think the amendment is too harsh.

Mr. HANCOCK of New York. Where would control be?

Mr. CHANDLER. With the holders of the securities. If it is a question of protecting the security holders, whether they are bona fide or not, that matter could be reached in another section of the bill, which gives the court the right to look into the entire matter.

Mr. HANCOCK of New York. Can the gentleman point to any safeguard in the bill?

Mr. CHANDLER. All the way through the bill the rights of creditors have to be established. I am opposed to scalpers, too, but we may hurt bona-fide creditors at the same time.

Mr. HANCOCK of New York. The definition of a creditor is simply one who holds the security, as the bill is now written.

Mr. CHANDLER. Mr. Chairman, I do not believe the amendment ought to pass.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. HANCOCK].

The question was taken; and on a division (demanded by Mr. HANCOCK of New York), there were—ayes 18, noes 53.

So the amendment was rejected.

Mr. CHANDLER. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. Under the rule, the Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. RANKIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill (H. R. 5969) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; and pursuant to House Resolution 228, he reported the bill back to the House with sundry amendments.

The SPEAKER. Under the rule the previous question is ordered. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question now is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. MICHENER), there were—ayes 123, noes 16.

So the bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CONFERRING OF DEGREE OF BACHELOR OF SCIENCE UPON GRADUATES OF WEST POINT AND ANNAPOLIS

Mr. HILL of Alabama. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 2291, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The gentleman from Alabama asks unanimous consent to take from the Speaker's table the bill, H. R. 2291, to amend the act of May 25, 1933, with a Senate amendment thereto, and concur in the Senate amendment. The Clerk will report the Senate amendment.

The Clerk read the Senate amendment, as follows:

Lines 10 and 11, strike out "all living graduates of the said academies" and insert "such other living graduates of the said academies as shall have met the requirements of the respective academies for such degree."

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object. Will the gentleman kindly explain this amendment?

Mr. HILL of Alabama. Mr. Speaker, some several weeks ago the House passed a bill permitting the Naval and Military Academies at West Point and Annapolis to confer degrees on the graduates of those academies where the graduate had graduated prior to 1933. Since 1933 these academies have had that power and have been conferring degrees.

Mr. MARTIN of Massachusetts. And this is just to go back and take care of the old graduates?

Mr. HILL of Alabama. That is all.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on concurring in the Senate amendment.

The Senate amendment was concurred in.

A motion to reconsider the vote by which the Senate amendment was concurred in was laid on the table.

GENERAL LEAVE TO PRINT

Mr. CHANDLER. Mr. Speaker, I ask unanimous consent that Members have 5 legislative days in which to extend their remarks upon the bill just passed, H. R. 5969.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object. I shall not object. I would not want to prevent anyone receiving lots of sunshine. I rise simply to express the hope the heat is not too great and that the Democratic Members will not get too far from their moorings and will have a safe landing.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEAVE TO FILE CONFERENCE REPORTS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a conference report on the War Department appropriation bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I make the same request with respect to the conferees on the District of Columbia appropriation bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I also ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight tonight to file a report upon a bill.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. LUCKEY of Nebraska. Mr. Speaker, I ask unanimous consent that on Tuesday next, after the completion of the legislative business of the House and the special orders, I may address the House for 20 minutes.

The SPEAKER. Is there objection?

There was no objection.

PERSONAL EXPLANATION

Mr. HEALEY. Mr. Speaker, I ask unanimous consent to proceed for 30 seconds.

The SPEAKER. Is there objection?

There was no objection.

Mr. HEALEY. Mr. Speaker, on June 21, Monday last, I was unavoidably absent when roll call 94 was called, the Railroad Retirement Act. Had I been present I would have voted "aye."

PROPOSED CONGRESSIONAL RECESS

Mr. MASON. Mr. Speaker, in view of the statement published in this morning's newspaper that some Members of the House propose to fight it out on this line if it takes all summer, I ask unanimous consent to insert in the RECORD at this point a very brief statement of my own views on that subject.

The SPEAKER. Is there objection?

There was no objection.

Mr. MASON. Mr. Speaker, inasmuch as our Federal Government is supposed to consist of three independent coordinate branches, and in view of the fact that two of those coordinate branches have dropped their arduous tasks and taken vacations this year, would it not be in order for our congressional leaders to offer a joint resolution to recess Congress for a 6-month period, in order that we might have the opportunity to cool off and calm down, thereby clarifying our legislative vision, so that we may again see the forest as well as the trees?

There is no doubt about it; Congress has lost sight of the forest because of the trees. To illustrate:

The tax-evasion tree, with its far-reaching branches, is only one tree amid a forest of taxes that has been obscured and disregarded by Congress.

The Supreme Court controversy tree looms up so large and has become so magnified that Congress has lost sight of the entire legislative forest.

The latest tree that has obscured our vision is devastation by floods. We have seized upon that and propose to use it as an excuse to establish a series of T. V. A.'s all across the continent to further rob the sick coal industry.

If time would permit, many other examples of the trees obscuring the forest could be given.

However, Congress has undoubtedly lost itself in a labyrinth of trees, trees that loom up so large that we cannot see the forest. We are traveling around in circles and know not where we are. The whole has been lost sight of because we have obscured our vision with the parts. However, Congress is not alone in this. Those who live in glass houses, or white houses for that matter, should not throw stones.

In view of the situation, do you not think it would be wise for us to recess for 6 months; send the President upon a cruise around the world as our official ambassador of good will to all nations, a role in which he is unsurpassed; let the overworked Supreme Court strictly alone to take its much-needed rest; and give the country another badly needed breathing spell? I believe, if we will do this, it will permit industry to get back in full stride, do away with the last vestige of the depression, and everyone would become peaceful and happy once more.

In closing, as the gentleman from New Jersey would say, "I admonish you, my brethren, ponder these things in your hearts."

LABOR CONDITIONS

Mr. FORD of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD at this point.

The SPEAKER. Is there objection?

There was no objection.

Mr. FORD of California. Mr. Speaker, I have sat in this House patiently for some weeks now listening to the gentleman from Michigan denouncing the President of the United States and the Governor of his own State, with an occasional fling at Governors of Pennsylvania and Ohio.

If I fully understand the distinguished gentleman's demands, he would have either the Governors of these States or the President of the United States call out the State and Federal troops and proceed to put the strikers in their places; that is, in what he conceives to be their places—supine submission to their bosses.

Now, of course, the distinguished gentleman being a standpat, die-hard Republican, his attitude is readily understood.

Property rights, in his view, are predominant. Human rights, such as the right to a fair day's pay for a fair day's work, are secondary.

While he eloquently proclaims the rights of the owners of the steel and automobile mills and factories, he is totally blind to the rights of the men whose muscle, brawn, and skill make the operation of these mills and factories possible.

The fact that in many instances these mills and factories turn out to be well-equipped arsenals, that the management employ labor spies, agents provocateurs, that they enlist the local police authorities in campaigns of the grossest brutality—even murder—does not seem to faze the gentleman from Michigan one particle.

The gentleman is, I am sure, thinking of the good old days of the Homestead strike, when the steel companies, armed to the teeth, aided and abetted by the local and State authorities, ruthlessly murdered hundreds of the strikers. At that time—1890's—there was no sympathy in high government places with downtrodden and outraged human

beings trying in the only way they knew to better their conditions, which were, I assure you, deplorable at the best.

I could quote history on this, my friends, but I do not need to. I saw what happened. I saw hired thugs of the Carnegie Steel Co. make a foray down the street where the miserable company shacks were located and ruthlessly and needlessly fire volley after volley into the homes of these poor wretches.

I have no quarrel with the gentleman from Michigan. He is living up to the traditions of his political party. To him property rights supersede human rights. That has been the philosophy that animated the Republican Party from the Grant administration to the present day.

The gentleman from Michigan has, I am sure, the entire and enthusiastic approval of such great liberals as Mark Sullivan, Walter Lippmann, and David Lawrence.

As for me, I stand with the brain, brawn, and skill of the men who work. I believe they are within their rights to demand what the law of the land accords them. The right to sit down with their employers, discuss the problem, and enforce a fair bargain as to wages, hours, and working conditions.

Of what virtue, may I ask, is a steel mill, equipped though it be with the most modern machinery for the making of steel, if there are no strong, skilled workmen to tend these machines?

My friends and colleagues, I appeal to you to remember this: Before you condemn the men who strike, just ask yourselves what industry would do without willing, strong, and skilled workers?

EXTENSION OF REMARKS

Mrs. O'DAY. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD on the subject of the Food and Drug Act.

The SPEAKER. Is there objection?

There was no objection.

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks and include an address I made on the 14th of June.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that on Tuesday next, following the orders already entered, the gentleman from North Dakota [Mr. BURDICK] may address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. PARSONS. Mr. Speaker, reserving the right to object, that means that if there are any bills to be considered, this special order will come after those bills are disposed of?

The SPEAKER. That is what it means.

Is there objection to the request of the gentleman from Massachusetts [Mr. MARTIN]?

There was no objection.

POWER

The SPEAKER. Under previous order of the House, the gentleman from Oregon [Mr. PIERCE] is recognized for 15 minutes.

Mr. PIERCE. Mr. Speaker, my address today is a comparative study of the rates of the private electric companies at Portland, Oreg., and the publicly owned plant at Tacoma, Wash. About 10 days from now, or after I have completed my studies, I am going to ask for time to speak on what is known as the Washington plan or Washington yardstick. Throughout the electric world the question of rates being paid in the city of Washington has been talked about as being low enough to be a yardstick to be used by the Nation. The electric rates at Portland, Oreg., have recently been cited by certain individuals, and it has been stated they were low enough to be regarded as a yardstick for the Nation. In this study I am using the tables that have been prepared by the Federal Power Commission, and if the Members are at all interested in the electric-power situation I ask them to read this address and study the tables.

Mr. Speaker, may I now ask unanimous consent to revise and extend my remarks, and, as a part of my remarks, to include certain tables furnished me by the Federal Power Commission?

The SPEAKER. Without objection, it is so ordered.

There was no objection.

A TALE OF TWO CITIES

Mr. PIERCE. Mr. Speaker, in connection with my bill for the operation and administration of Bonneville Dam and for the use of the electric power to be generated at that great project, I have, incidentally, made a study and analysis of the electric power rates of Portland, Oreg., under private ownership, as compared with those of Tacoma, Wash., under public ownership. I have been familiar with the many phases of the electric-rate problem from the days when I was the principal owner and manager of an electric-power plant, through my public life in the State Senate and as Governor of the State of Oregon and since coming to Washington. I am so fortunate as to be a user of electricity on my ranch, though 70 percent of rural Oregon is without such service. I have been astonished and surprised at the disclosures which have come to me as a result of this recent rate study. That there might not be any question of up-to-date figures, I asked the Federal Power Commision here in Washington to furnish me with typical Portland and Tacoma current electric bills. The figures quoted in this address were given to me by this Commission within the last week. In the face of these figures, I cannot understand how anyone, whether he is an employee of the utilities, or a user of electricity in Portland, can repeat the current propaganda statement that the rates in Portland are low. They are exceedingly high. They are not made out on a fair basis so that the public may check them against other rates.

THE BASIS OF RATE STRUCTURES

I would not draw the attention of this House to a purely local matter, but it is my opinion that this study will serve many other sections and that the results are of important significance in the national power picture. Such electric-rate studies should be made for many sections of the country. They will undoubtedly follow the introduction of the yardsticks contemplated by the President when the great national projects are completed. The Federal Power Commission has made a complete study of the electric rates in the United States, but this study has not been sufficiently comparative to impress upon the people the true meaning of rate differentials. It remains for each section and for each advocate of public ownership to make these comparisons and to impress upon local communities their exact situation in relation to the ideal which should prevail for power users.

In this recent comparison of rates between Portland and Tacoma, I have found the same practices in fixing rates that were used years and years ago. They are more complicated now, more difficult to fathom, but have the same effect. I shall never forget the old utility slogan impressed upon me by embryo holding companies of my day, "Charge all the traffic will bear; all that you can collect; issue bonds for every dollar of investment and then some. If you cannot sell the bonds, lock them up in your own safe. Courts in the future may not respect your stock issues, but they will always respect the bond issues, and allow a rate structure on which to earn interest." If the conclusions, which I am able to draw from actual facts from my section carry for every other section, we shall find that the American people have been overcharged over 100 percent in their electric bills.

I state again, as I have, repeatedly in public addresses through the years, that the utilities are taking advantage of their users in overcharges. Overcharging for what purpose? To uphold the excessive amounts of bonds and stocks that are outstanding against the electric properties and to make political donations and expenditures in order to protect their high rates. High electric rates and political corruption go hand in hand.

The statements and tables contained herein have been painstakingly collected and set forth so that users of electricity might have available a method of estimating local

electric light and power charges, using the public power rates of Tacoma as a measure or yardstick. Each may figure total overcharges for a city or county. I suggest measuring such wasteful payments against public benefits which might be secured with the money now sent to Wall Street holding companies through forced contributions. Why not apply it on the tax bill, or pay off the debt, or meet the mortgage interest?

There is no scientific basis for the rate structures in the country today. The private utilities may charge all the traffic will bear, but they get by the various State regulatory bodies and the courts through subterfuge, concealment, and political corruption. The whole point of my argument is that users of electricity should pay a fair price based on actual cost of production and honest investment.

PORTLAND'S OPPORTUNITY

The city of Portland, which I have used for purposes of comparison, has an opportunity for progress this year because it could take over the properties of a private utility company—the Northwestern Electric Co.—which holds a franchise about to expire. Prompt action on the part of the citizens of Portland in refusing to renew the franchise and taking over the property at a fair valuation is dictated by every consideration of community interest. By using electric energy from Bonneville, they may put the electric business of their city on a basis which will allow them to share the advantages of public ownership which have been demonstrated by their neighbors in Los Angeles, Tacoma, and Seattle, where rates are all materially lower than they are in utility-ridden Portland.

In connection with the propaganda against general use of Bonneville power, and limiting its benefits to monopolistic industries, statements have been made before committees in Congress and in national magazines that private utility rates in Portland are low. Press articles have recently stated, in substance, that the electric rates of these utilities are so low that they might be used as a national yardstick. Such statements have been made to Members of Congress by Oregonians who are opposed to public ownership and are acting to protect the interests of private utilities. I have no desire to injure any going business nor to raid private utilities. I assume that any city which adopts a public ownership system will try to buy local competing systems at a fair valuation. Experience of other cities seems to have demonstrated that competition within a city is costly.

But even under competition the rates will be lower than they are now, and no investors will suffer loss of any honest investment.

The statement is freely made, by people who ought to know better, that Portland authorities cannot act until they know the price that will be fixed on the Bonneville power. Portland should act at once because it is reported that the electric units at Bonneville will be completed and that power will be for sale by or before January 1938. The amount paid the Government at wholesale for that power by the distributor will be only about 10 percent of the amount of the home electric light bill, therefore, the statement that there must be a firm and fixed price for Bonneville power before any decisions can be made is just so much bosh. It is simply made in the interest of holding the privileges of the private utilities.

Any Member of Congress who makes a similar regional or local study may well adopt the plan which I use in this discussion and, by adapting it to a local situation, bring out facts which will undoubtedly be startling to his constituents.

RATE LEVELS AND JOKERS

The only accurate method of judging the rates of any private or public power utility is the comparison of customers' bills for different classes of service and for different use within the class. The private utilities use the chain-store practice of "price leaders." These "leaders" are applied to a limited range of a given schedule and then used to deceive the public. Another joker is the use of complex and intricate rate schedules. These intricate rate schedules make it impossible for the average person to compare bills. On the other hand, the agent of the utility may so interpret these complex schedules as to show benefits to favored consumers. Americans should never forget that the basis of the Rockefeller fortune was the rebates which he compelled transportation lines to grant to his companies and to withhold from his competitors. He even went so far as to make lines of transportation pay over to him the extra freight charges that were exacted from his competitors. The methods used by the utilities are as high-handed, and even more complex and baffling than those used by Rockefeller, but they have the same effect.

There is still another rate joker which may be peculiar to the Portland operating companies. The power rate of Tacoma is so low, as compared with Portland, that the Portland companies resort to metering their two-part power rate customers on a 5-minute demand, instead of a 30-minute demand basis, as used in Tacoma. The 5-minute demand metering produces a higher bill than a 30-minute demand basis. This is a trick to "up" the power bills while stating a lower rate. It has the same effect as having the meter "stepped up" to give a higher bill. Using a 5-minute demand is pure fraud. It is like changing the scales when they buy the farmer's wheat, and offset high prices by low weights. Why does not the Utility Commission of Oregon so advise these injured power customers? It remains for the State regulatory body to explain why this has been allowed.

RATE CLASSES

Generally the private power companies have different schedules of rates for different classes of service. These classes are:

(1) Home consumption, called domestic service.

(2) Rural service, or service to the farms.

(3) Commercial light with a small amount of power which represents service to the small and intermediate stores.

(4) Commercial power which covers service to the intermediate and relatively numerous factories scattered throughout the city and in the suburbs.

(5) Large industrial power, which covers energy to the wholesale users in big industry. Comparisons are given for typical bills in each class of service, as far as time permits to demonstrate the electric overcharges to the people of Portland, using Tacoma rates as a standard. The system used uniformly for all tables is a schedule by monthly electric consumption and charges, as shown on the bill, with percentages of excess of Portland charges computed for each amount. Every Portland consumer can see for himself how much he would save if Tacoma municipal rates were in effect in Portland. Full information is set out to afford an opportunity to check the correctness of these comparisons.

Remember, these typical bills were recently furnished by the Federal Power Commission.

RESIDENTIAL ELECTRIC BILLS

Electric rate schedules are complicated and therefore confusing to the home user. However, the electric bill received at the end of each month is easily understandable, and every user should know how to interpret a bill and read a meter. In a home where current is used for lighting and a few small appliances, the electric consumption would be about 40 kilowatt-hours per month. If the good lady of the home installs an electric refrigerator, add 50 kilowatt-hours, and for a radio 10 kilowatt-hours, making consumption about 100 kilowatt-hours per month. If economical and labor-saving electric cookery is added, the consumption would be about 250 kilowatt-hours per month. If a continuous supply of hot water, heated with an electric automatic heater, is used, the monthly consumption would be about 500 kilowatt-hours. Using these appliances as well as the bill of the less fortunate little fellow, who must economize rigidly, I herewith present the comparison of monthly electric bills based on schedules in effect January 1, 1937.

For convenience in tabulation, I have called the Northwestern Electric Portland Co. no. 1 and the Portland General Electric Portland Co. no. 2. The percentages are averages of all Portland bills against similar bills in Tacoma. Schedule designations are given in order to enable anyone to check the bill totals.

Residential electric bills, comparison of Portland and Tacoma

Community and company	Lighting and small appliances				Large appliances		
	Minimum bill	15 kw.-hrs.	25 kw.-hrs.	40 kw.-hrs.	100 kw.-hrs.	250 kw.-hrs.	500 kw.-hrs.
Portland company no. 1	$1.00	$1.00	$1.38	$1.95	$3.39	$6.09	$8.09
Portland company no. 2	1.00	1.00	1.38	1.95	3.39	6.09	8.09
Tacoma	.50	.68	1.13	1.52	2.12	3.62	6.12
Percentage above Tacoma	100	47	22	28	60	68	32

In Portland, the many small, minimum bill, residential users pay 100 percent more than in Tacoma. The average residential user pays 60 percent more in Portland than in Tacoma, and cooking consumers 68 percent more. The Portland residential bills quoted will also provide an index to the rural overcharge throughout Oregon.

To add scenery, and to "cover up", the Portland consumers are now receiving little colored propaganda riders on their electric bills, decorated at times with pictures of "Skeezix" and the "fire boys" playing with "water." No doubt the cartoonist for "Pepco" was not familiar with the "electric water" disclosures here in Washington between 1928 and 1930. If the people of Portland knew the true facts, "Pepco" cartoonists would have to call out the fire brigade. I have seen funnies with the slogan, "Electricity is cheap", used where the average residential rate is near 6 cents compared with Tacoma's 2 cents. The employment of cartoonists for electric propaganda has now become the new style. Where the pocketbook is concerned, a cartoon on a light bill should not have much effect.

COMMERCIAL LIGHT

The Portland companies charge the store owners, and various types of commercial users of light, 45 to 54 percent more than in Tacoma. Here is the comparison:

Commercial light bills—Comparison of Portland and Tacoma

Company and community	Billing demands (kw.-d.) and monthly consumption (kw.-hrs.)					Company schedule designation
	0.75 kw.-d. (50 kw.-hrs.)	1.50 kw.-d. (150 kw.-hrs.)	3.0 kw.-d. (375 kw.-hrs.)	6.0 kw.-d. (750 kw.-hrs.)	12.0 kw.-d. (1,500 kw.-hrs.)	
Portland no. 1	$2.61	$7.84	$17.34	$32.30	$60.80	L-1L
Portland no. 2	2.61	7.84	17.34	32.30	60.80	L-1L
Tacoma	1.75	5.25	11.25	22.50	42.00	C-L
Percentage above Tacoma	49	49	54	45	45	

COMMERCIAL POWER

The average intermediate Portland power user, or manufacturer, pays in round numbers about 100 percent more than in Tacoma. Here are the bill comparisons:

Commercial power bills—Comparison of Tacoma and Portland

Community and company	Schedule designation	Billing demands (kw.-d.) and monthly consumption (kw.-hrs.)				
		1.5 kw.-d. (150 kw.-hrs.)	3.0 kw.-d. (375 kw.-hrs.)	6.0 kw.-d. (750 kw.-hrs.)	12.0 kw.-d. (1,500 kw.-hrs.)	30.0 kw.-d. (6,000 kw.-hrs.)
Portland no. 1	P-44	$6.00	$13.12	$25.25	$43.50	
Do	P-40	7.12	15.32	29.69	52.72	$142.50
Do	P-45					104.00
Do	P-30		7.50	12.25	23.00	68.50
Portland no. 2	H-10		7.50	12.25	23.00	68.50
Do	P-1	7.12	15.32	29.69	52.72	142.50
Do	P-5	6.00	13.12	25.25	43.50	
Do	P-6					104.00
Tacoma	E-1	2.33	5.03	10.05	20.10	61.50
Percentage above Tacoma		182	104	123	96	71

Schedules for commercial cooking, under this class, reduce the average percentage differences, but for sake of uniformity I have averaged the bills, thus giving the Portland companies the advantage in the comparison. The multischedule system used in Portland constitutes another joker. Most power users have a small amount of light current registered on their meters; therefore, technically the fair comparison would be between Portland schedule P-40 and Tacoma schedule E-1. Using this as a basis of comparison, and a consumption of 750 kilowatt-hours, the Portland user pays $29.69, whereas in Tacoma the users pay $10.05. This is a spread of practically 200 percent. This demonstrates that Portland power rates are abnormally high. Those who advocate industry for Portland should study the above table. Multischedules promote discrimination. Tacoma avoids this by using a one-power schedule.

INDUSTRIAL POWER

The following table shows how much higher Portland rates are for this class of service. Here again multischedules are used in Portland.

Industrial power bills—Comparing Portland and Tacoma

[Bills expressed to nearest dollar]

Community and company	Schedule designation	Billing demands (kw.-d.) and monthly consumption (kw.-hrs.)				
		75 kw.-d.		150 kw.-d.		300 kw.-d. (60,000 kw.-hrs.)
		15,000 kw.-hrs.	30,000 kw.-hrs.	30,000 kw.-hrs.	60,000 kw.-hrs.	
Portland No. 1	P-40	$280	$415	$483	$754	$821
Do	P-45	230	348	425	640	770
Do	P-46					
Portland No. 2	P-1	280	415	483	754	821
Do	P-6	230	348	425	640	770
Do	P-7					
Tacoma	E-2	151	217	253	344	417
Percentage above Tacoma		69	77	79	103	91

Community and company	Schedule designation	Billing demand (kw.-d.) and monthly consumption (kw.-hrs.)				
		300 kw.-d. (120,000 kw.-hrs.)	500 kw.-d.		1,000 kw.-d.	
			100,000 kw.-hrs.	200,000 kw.-hrs.	200,000 kw.-hrs.	400,000 kw.-hrs.
Portland no. 1	P-40	$1,363	$1,273	$2,092	$2,401	$3,852
Do	P-45	1,160	1,210	1,760	2,260	3,260
Do	P-46		1,145	1,495	2,245	2,945
Portland no. 2	P-1	1,363	1,273	2,092	2,401	3,852
Do	P-6	1,150	1,210	1,760	2,260	3,260
Do	P-7		1,145	1,495	2,245	2,945
Tacoma	E-2	597	635	935	1,180	1,780
Percentage above Tacoma		110	90	91	96	84

This is another table for the advocates of new industries in Portland to study. The conclusion is that for this class of service Portland industries pay practically double what they would in Tacoma.

SIGNIFICANCE OF TACOMA COMPARISONS

The electric-rate payers in the States of Oregon and Washington, outside of Tacoma, pay out a total of $21,000,000 a year above what they would pay if they had Tacoma rates. This amount would pay for the complete power development at Bonneville in 2 years and 1 month. The present Bonneville installation is only 20 percent of the full complete capacity, as there are only 2 of the 10 units installed. Those who talk with awe of the enormous development at Bonneville might measure its cost by the excess charges of the private utilities. These overcharges in the State of Oregon amount annually to $7,758,000, and Portland pays about $5,000,000 of that.

My esteemed colleague from Mississippi made another substantial contribution to the cause of cheap power when he gave the House of Representatives his table, by States, of the excess charges collected by private power companies. His table shows that private power companies in the entire United States collect annually $1,320,000,000 in excess

charges over the Tacoma rates. This annual amount, plus 3 percent interest, would wipe out the national debt in about 21 years.

These figures and facts point out the national importance of the electric rate problem. They demonstrate that Portland rates are not low, and that they should not be used as a national yardstick as some have suggested.

SOURCE OF PROPAGANDA

The dissemination of the untruths regarding electrical rates and the connected untruths regarding the electric business continue to pour forth from the same source; namely, the group behind the old National Electric Light Association. That association was the propaganda and political agency of the private electric industry operating in the period from 1919 to 1932. Its records show a fund of $400,000 taken from the rate payers to influence one session of Congress. This association manufactured the catchy words used to deceive the people in the period preceding our great disastrous depression. It also prepared textbooks for our schools, owned professors, and bought off people from speaking against private power, and even went so far as to purchase newspapers outright. They had many different agencies, under many names, preparing this propaganda. One of the widely used sources, the Industrial News Bureau, operates from Portland, Oreg., and its canned editorials span the country. I have recently seen in Illinois papers stories covering Bonneville which were completely manipulated untruths to deceive the people. An article in Collier's for June 19, the current year, is a case in point. It is full of factual errors, but is especially harmful in two statements—that the taxpayers are bearing the burden of Bonneville and that there is no market for its power. Both of these affirmations are entirely untrue, as the power project will be amortized, for principal and interest, and Oregon and Washington are ready to consume the power as fast as the marketing organization can be set up.

In the predepression period the promoter of these canned statements of misinformation was the malodorous National Electric Light Association, which, as I have previously stated, was the political and propaganda agency of the private electrical industry. The powers behind the throne in the organization were the Insull and the Electric Bond & Share groups. The leaders of the latter are still the dominating factors in the Pacific Northwest, and are, apparently, leading the fight against adequate Bonneville legislation by the Congress. The Insull flight to Greece, and the previous exposures of the Federal Trade Commission and the Senate Interstate Commerce Committee covering the activities of this association and its allies, shocked the American people, but the exposures were not sufficiently broadcast to shock the people into action they should have taken.

The holding-company law finally passed Congress, but every man who participated in that legislation knows something of the high-pressure methods and of the scandalous lobby maintained by rate payers' funds. It seems to me extremely important that every person who pays electric-light bills should know what percentage of those bills constitutes corruption funds.

A series of addresses delivered in 1933 by Charles M. Thomas, former utility commissioner of Oregon, paints the picture of propaganda and slush funds as disclosed by the actual records then available in the State's official files. Everyone who pays electric-light bills in Oregon should have a propaganda sticker giving some of these facts, so they will know what makes bills high. Mr. Thomas unearthed political expenditures to the amount of $686,773.74 for three companies operating in Oregon. These expenditures had nothing whatsoever to do with the operation of the utility plants and should not have been allowed to be charged into the light bills of customers, as they were. They range from $3,000 for a gift of an art museum to 199½ memberships in chambers of commerce. These utility chamber of commerce memberships are very potent factors in keeping electric rates high and in influencing legislation. When a telegram comes to a Congressman from a chamber of commerce in a large city he can usually count on the fact that it represents an overwhelming preponderance of utility seats. The Washington expenses of an Oregon lobbyist against the holding-company bill were printed in the local press as charges against the light payers' bills. Possibly some of my colleagues ate the dinners and drank the wine for which Oregon rate payers footed the bills.

Reverting again to the propaganda agencies, and picking up my story, I reach the period when it became necessary, in changing policies, to change the name of the propaganda organization in order to overcome the bad reputation of the old association.

The private power industry used as a smoke screen the name of the honored American inventor, Thomas A. Edison, and the propaganda organization became the Edison Electric Institute. Its officers are feted by local clubs and chambers of commerce, which undoubtedly assume that they are honoring the heads of a scientific organization. I noticed recently that the pronouncements of one of these head officials were quoted at length in the Portland papers as if he were some sort of a scientific wizard or oracle. Incidentally, he told them all about Bonneville. It seems a shame that their unholy practices should be continued under the Edison name. The camouflage is so perfect and the manipulations are so hidden that the American people are again deceived. Many intelligent but innocent editors have accepted these canned stories. False issues are being raised to becloud true issues.

INTERLOCKED CONNECTIONS

There are two electric distributing companies operating in Portland, Oreg., namely, the Northwestern Electric, a part of the Bond & Share system, and the "Pepco", or Portland Electric Power Co., which was, before its recent receivership, a part of the ill-famed Central Public Service Corporation, which I will hereafter cover. These two companies are supposed to compete, but the indirect interlocking is shown by the fact that all the rate schedules in the different classes of service produce the same bill to any consumer, in spite of the fact that one company has a stated book value of $644 per meter and the other has a book value of $452. Both companies have steam and hydro generation. The Bond & Share property has 82 percent of its installed generating capacity in steam, whereas the other company has 45 percent of its capacity in steam. I cite these facts at this time to refute the argument frequently made that difference in generating costs accounts for difference in electric rates. Will they charge more or less if they get power from Bonneville?

Electric Bond & Share, through its subsidiary, the American Power & Light, owns not only the Northwestern Electric, but the Portland Gas & Coke Co. serving Portland. In addition, this same group owns the Pacific Power & Light Co., Inland Power & Light, Northwest Gas & Electric Equipment, Washington Water Power Co., Chelan Electric Co., Spokane United Railways and Spokane Central Heating Co. Electric Bond & Share has a strangle hold on the Pacific Northwest. Let me point out here, for future reference, that this same company owns the Nebraska Power Co. and the Texas Power & Light Co. and its subordinate organizations. In addition, the Electric Bond & Share is interlocked with the great Niagara-Hudson system serving with affiliates, 90 percent of the multitudinous consumers in New York State. Niagara-Hudson owns the Niagara Falls Power Co. This interlocking also extends to the Commonwealth & Southern Corporation which is now fighting the T. V. A. on many fronts. Keep these connections in mind and you will see that the great attack, both fair and foul, against all the public yardstick plants originates from the same source. The methods are the same, and the control is vested in Wall Street. I ran across this trail in my fight to save Bonneville from monopoly. I have since investigated and developed this evidence, which I hope to present at some future date. I am warranted to state at this time that there is a nefarious national movement to kill all public power so that the American people cannot be educated as to the true manufacturing, transmission, and distribution costs of electricity. The method originated years ago at Niagara

continued at Muscle Shoals and Boulder, was tried a few months ago on the Brazos, in Texas, and now shows up at Bonneville.

The Power Trust knows that if the people get a taste of cheap electricity their game is over. Therefore they are using every known means to block and delay the yardstick until the end of this administration, hoping for a change of policy at some future date. The Power Trust also knows that they have no chance before the people. This explains their great recent interest in the Federal judgeships.

This great game of delay, with expected benefits resulting therefrom explains the Power Trust moves in connection with the yardstick development of Bonneville. Their purpose is first to delay enactment of a satisfactory law in Congress and then to complete the job in the courts, which they are striving, sometimes successfully, to remake in their own image.

Why does the Portland General Electric Co. have a high bottom step in its domestic rate? Obviously so as not to compete with the Bond & Share Portland gas property. Is not the effect on the public the same as if all the Portland companies were directly interlocked?

SENATE INVESTIGATION

The investigation of the Senate Interstate Commerce Committee in 1930 brought out that the Bond & Share group attempted to dictate the policies of a great Federal Bureau here in Washington charged with protecting the public's interest in power. This investigation also brought out the fact that the influence of this Wall Street group in the Hoover administration was great enough to cause to be withdrawn after delivery a power report submitted to a committee of the House of Representatives and to substitute therefor a deleted copy. The deleted portions of this report, as shown by the evidence, covered the fictitious write-up of the private utilities in this Bond & Share interlocked group. The committee evidence shows that the Niagara Co. had a write-up of many millions, which is a vital item, because, under the Federal Water Power Act of 1920, the Federal or State Government is given the right to acquire the power 50 years after the license was issued. They will then have to pay for the write-up as well as for the original gift to the power company. This evidence also showed that the deleted write-up of the Washington Water Power Co., one of the Electric Bond & Share companies operating in the Northwest, was 78 percent of the amount actually paid for the properties. This Washington Water Power Co. supplies Spokane and vicinity with electric energy. From my study of this record and the evidence before these hearings I am convinced that the full story has yet to be told, and should be made public.

The Niagara scandal has been kicking around Washington since shortly after the turn of the century. I have heard of it in a sort of hazy way ever since I have been in Washington. When the Niagara history of manipulation is opened up a great national scandal will ensue. The Federal Power Commission has had since 1920 to comply with the law in regard to Niagara. Why are the facts still hidden?

PORTLAND ELECTRIC CAPITALIZATION

The Bond and Share's Portland electric property carries on its books a value of $27,444,472 as of January 1, 1936, for plant property and franchise. Oregon's outstanding public-utility commissioner, Charles M. Thomas, fixed a valuation on this property of $9,412,827. This company still has the effrontery openly to carry in its balance sheet $10,000,000 of water. There is more besides, not easily discernible. This balance-sheet fraud is reported under oath annually to the Oregon State utility authorities, and is also reported to its stockholders who seem blind to it, though it is a major item affecting their electric rates and is not honest investment. The activity of the Portland Chamber of Commerce in the Bonneville matter is explained by this company's memberships in its organization, reported in 1931 to the State commission as 103 seats, at a cost to the rate payer of $8,644. In addition, there are numerous expenditures on personal expense accounts which are also passed on to the rate payers.

The other Portland company, namely, the Portland General Electric, carries a book value of $62,131,840. I have not had access to the valuation of this property. Its book value per consumer is $453, whereas the Thomas valuation of the other Portland utility gave a figure of $220 per consumer. This difference is an index to the inflated value of "Pepco." The write-up of this company has been publicly covered by Mr. Thomas. The financial activities and practices of the group formerly controlling this company have been admirably stated by him, and I quote:

> These pillagers on the high seas of frenzied finance, under the guise of honest men, entered this community, armed with every conceivable instrument of modern, immoral, financial method including depraved and poisonous tongues, pursued their activities and practices with a brutality and heartlessness that would have shamed the buccaneers of former days, and left in their wake thousands of honest and trusting investors in poverty and distress, a saddened and broken-hearted group of employees, and an operating company crippled and bathing its near-mortal wounds over the loss of sixteen and one-half millions of dollars—

Paid for by the public.

Even at this late date such piratical practices are going on in different sections of the country through the illicit use of stock proxies, contrary to the blue-sky laws. These plunderers of finance are still extracting their unconscionable tolls in security write-downs at the expense of the innocent public, while keeping their rates at high levels. The propaganda and corruption of the old National Electric Light Association still continues. The matter of rates is vital, but behind these ill-gotten charges lies the deep-seated cancer resulting from the strangle hold which these monopolistic interests have on public bodies. You can accept this as axiomatic: High electric rates and public perversion go hand in hand.

TACOMA'S PUBLIC POWER

The Tacoma public power system is one of the outstanding examples of safe, sound, and prudent electric operation.

For many years it has provided the lowest electric rates in the country. It can in no sense be called an experiment, as it has stood the test of time. For the last 16 years its rates have been the same. In addition to providing such low rates, this plant has paid taxes just as a private company would have paid them. Its outstanding indebtedness is now only 30 percent of its plant's cash net value. Each year the plant has available over 52 percent of its gross revenue for bond redemption and depreciation. In a few years, when the bonds are completely paid off, it can cut its rates almost in half. Tacoma's present rates are therefore a fair standard for comparison.

REDEMPTION OF INDEBTEDNESS

Redemption of indebtedness is now, and has since the beginning, been the very heart of the electric-rate controversy. Publicly owned power reduces its debt regularly and substantially. Private power does not. On the contrary, private power writes up its debt and adds water to the securities sold to the unsuspecting public. The financing methods of private power are a crime against present and future generations. Private power, with its heavy debt burden, plus lobbying and other illicit expenses, cannot compete on a fair basis with debt-redeeming public power. Therefore, foul methods are substituted for fair competition. The foul methods are propaganda, misrepresentation, deceit, intrigue, espionage, sabotage, legal evasion, ruthless stock and proxy campaigns, contracts in restraint of trade, defiance of law, exclusive dealing contracts, obstructing and time-killing litigation, diversion of trusteed funds, discrimination, contemptuous treatment of stockholders, reprehensible lobbying practices, control of judges, and modernized methods of common bribery. The Senate banking investigation has exposed some of the immoral existing financial practices as well as the weaknesses of men. "It has furnished positive proof of the refinement and perfection of the methods developed to still the conscience into accepting bribes."

DOES PORTLAND WANT LOWER RATES?

In the light of these facts, can the people of Portland neglect their opportunity at this time? If informed, will

they not refuse to renew the franchise of the Northwestern Electric Co. and take over the property, as they have a right to do, under a fair valuation, which can be easily ascertained without a tax levy. They can then buy their power from the Government-owned power plant at Bonneville and distribute it to the users in Portland at rates that can bear a fair comparison to the Tacoma rates. Are the citizens of Portland unmindful of the fact that in 7 or 8 years Tacoma can pay off its entire debt, now amounting to $7,000,000, and purchase its necessary increase in electric energy from Bonneville? This will save investment in generating capacity and will permit the further sale of electric energy for home and industrial use. Can the citizens of Portland contemplate a future badly handicapped by the enterprising sister cities in the North?

Frightened investors in private utilities fear that public ownership may wipe out the valuation of their holdings. No honest investment can be adversely effected by public ownership, as the public groups buy out the private companies at fair valuations. Many of those investors have already been cheated shamefully, as I pointed out in my former speech. Widows, orphans, trust funds, ruined through the manipulations of holding companies which acquired the "Pepco." These people who were victims instead of investors should welcome the sale of these properties to the public at an honest value. I have no desire to injure any going business nor to raid private utilities.

We hear leaders in Portland state that the people do not want public power. Have the leaders given to the people the facts covering electric charges? I judge not. I can hardly believe that Portland home owners choose to continue to pay a 60-percent overcharge for electricity. I can hardly believe that Portland's store owners want to contribute a 50-percent overcharge to the manipulators of Wall Street, to be used in detestable practices. I can hardly believe that Portland's businessmen want to see their city shackled with a power rate practically double that of Tacoma.

REMEDIES

If this American democracy, which I have often called the greatest governmental experiment in all history, is to survive, this sinister utility influence in our political and economic life must be removed. How can this be accomplished? In my opinion, the only method is for our civic leaders, regardless of political or other affiliations, to go to the people with the truth for truth's sake. This is what moves me to efforts to enlist interest in public ownership. I have been in public life long enough not to expect perfection, but my experience has been practical enough to satisfy me that progress can be made.

The public power development through such great projects as Boulder Dam, Bonneville Dam, and the T. V. A. are very specially the objects of attack by these organizations. The only remedy seems to be to teach people not to believe anything put out by such institutions. In every town, public ownership advocates should warn the people against their canned editorials and news articles. I have enlarged upon this in my speech of March 4, 1937, on Public Ownership. It is my strong conviction that we cannot have satisfactory government until the public owns every service which is essential to the well-being and comfort of homes. Such services are natural monopolies. We cannot have, in any city, two companies providing water or sewers, and should not have two companies providing telephone service or lights or power. It is the chief business of government to provide these essentials, and not to farm them out for profit.

Gouverneur Morris, during our early national struggles, predicted that Necker, one of the great pre-Revolution statesmen of France, would not succeed in his move for a French constitutional government. As Morris pointed out, Necker's constitutional principles were founded on the selfishness of limited groups, who at that time in France were the landowners. Morris stated that any constitution, to succeed and live, must basically provide for the certain happiness and prosperity of all the people. The whoopee days of the 1920's produced the struggle with which we are now confronted, and it can be briefly called the greed of limited groups against the happiness and prosperity of all the people. Morris' predictions were accurate in his day; they are accurate today. Through the ages, true principles are never outmoded nor outdated. The great laws governing external and human nature are as lasting as time. [Applause.]

The SPEAKER pro tempore (Mr. FORD of California). The time of the gentleman from Oregon [Mr. PIERCE] has expired.

Under special order of the House the gentleman from New Jersey [Mr. EATON] is recognized for 20 minutes.

AN EXTRAORDINARY SESSION OF CONGRESS

Mr. EATON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. EATON. Mr. Speaker, I desire to offer a few observations on the impending picnic parliament whose sessions are to begin tomorrow on the adjournment of this body. I do not know just what will take place in that ancient isle, but, as a humble member of the minority, I have a request to make of my dear friends on the majority side. We are all tired, distressed, puzzled, and we feel the best thing that could happen for this country would be for us to go home a while and give the country a rest. [Applause.]

Now, tomorrow, just after you have been ushered into the presence, and the President has sprinkled a little "goofer" and rubbed on a little of the balm of Gilead, and after Mr. Farley has taken you off into the bushes and asked you how much of the $5,000,000,000 he and Hopkins have to spend for relief you would like to have spent in your district next summer, then go to Mr. Roosevelt and tell him that we want to go home; that we are in the position of the colored fellow who had a very heavyweight sweetheart. He went to see her one night and, as usual, she sat upon his knee. Time passed and he grew very weary and very silent. She said, "Rastus, is you tired?" He said, "No, Mandy, I ain't tired now. I was tired about an hour ago, but now I'se just numb." That is our condition at the present time. [Laughter and applause.]

In order to pay the proper regard to this great parliamentary situation I want to gaze upon this paper as I go along.

Extraordinary sessions of the Congress are not unknown. They are unusual. But the extraordinary session of the Congress to be convened by the President, his Cabinet, and his bureaucratic chiefs of staff on Jefferson Island June 25, 26, and 27 is the most extraordinary session of the Congress ever held. The event will stand as unique in the annals of the Nation.

This session will be extraordinary—without parallel in our history—for many reasons.

It is to convene on Jefferson Island in the Chesapeake Bay far from the Capitol, the legal meeting place of the national legislative body.

This extraordinary session of the Seventy-fifth Congress, not only will be held on an island, far removed from the Capitol, but the island will be closely guarded. Press correspondents are to be excluded. The people of the Nation are not to be permitted to know what or how decisions vitally affecting the destiny of this country and its citizens are reached in those 3 days in that secluded place.

I understand that there is going around among the newspaper fraternity a rumor that the real reason for this Jefferson Island meeting is that President Roosevelt has decided to join the Democratic Party, and because of the great distinction of the candidate it was thought best by the leaders to conduct the initiation ceremony in camera. I offer this on the authority of a brilliant member of the fourth estate and I hope it is true.

The minority Members of the Congress, albeit they are the duly elected representatives of their constituents and duly accredited Members of the Congress, are, in the typical Rooseveltian manner, swept aside from any part in these deliberations or decisions. It is to be strictly a one-party

session of a one-party Government directed by a one-party Chief Executive.

The able and distinguished feminine members of both Cabinet and Congress are to be excluded, albeit they are duly accredited members of the Democratic Party, duly elected representatives of their constituents, and duly accredited Members of the Seventy-fifth Congress. The women of this country will not soon forget this affront to the members of their sex arising out of this extraordinary session. Just why the feminine democratic Members of the Senate and House are summarily excluded is not explained. The President is quoted as saying that the session is going to be conducted "in a spirit of good clean fun." Perhaps the fun is going to be so good and so clean it would be a bit too much for feminine Members of the Congress; and then, again perhaps there may be other reasons.

This extraordinary session of the Congress has been described by the press as a "peace parley." What delightful humor. Many Members of this Congress have not known a moment's peace since this island session was announced. A lot of them will not know a moment's peace after it is ended. And what really will transpire on the island will be anything but peaceful.

According to the press, the Members of the Congress who are permitted to sit in this extraordinary session—407 of them—are each one to have an opportunity for a personal discussion with the President about the 10 or more fundamental problems and pending acts, which acts will, if passed, change the whole structure and character of this Government, to say nothing of a host of other problems seemingly less important only because of the ultra importance of the 10 major ones. These problems are:

The President's court-packing proposal.

Relief.

Balancing of the Budget.

Ever-Normal Granary Act, popularly described as the "Little A. A. A."

The Wage-Hour Act, known as the Fair Labor Standards Act of 1937.

The President's revolutionary Government reorganization scheme.

The Roosevelt power-zoning plan.

The menacing strike situation.

Amendments to the Wagner (lop-sided) Labor Act.

Amendments to the Social Security Act.

This extraordinary session is to be split into 3 days, with one-third of the one-party Congress in session each day. The Members are to reach Jefferson Island at 10 o'clock in the morning and will leave at 3 o'clock in the afternoon, according to press reports of White House arrangements.

Under that schedule the sessions will last 5 hours each of the 3 days, if nobody, including the President, stops for lunch. In the 3 days the sessions will have consumed 15 hours. If 407 Members attend, each individual Member will have the rare privilege of a long, personal discussion of these 10 major problems with the President for exactly two and one-fifth minutes. Fifteen hours equal 900 minutes, to be divided between 407 Members.

Within this time limit the Members of the Congress will have an unprecedented opportunity for a personal discussion with the President concerning each of these 10 major problems for exactly 13⅓ seconds. Under those conditions every Member should be able to come back to the Capitol and decide accurately and vote with great intelligence on every one of these major problems before adjournment.

If, instead of the individual-interview mode, the group method is adopted, the President and the Congress in each daily session of 5 hours can give exactly 30 minutes to a profound and exhaustive discussion of each of these 10 major problems confronting the national legislative body. That, of course, should suffice to produce wise and flawless legislation which the Supreme Court—even the present one—would find constitutional without batting an eye.

The whole proceeding from this standpoint is utterly absurd, and to pretend otherwise is to insult the intelligence of the people of the Nation.

It is time for somebody to be honest about this extraordinary proceeding.

The truth is this Nation is about to witness an amazing exhibition of its destinies being decided in secret on a guarded island in the middle of Chesapeake Bay by means of an intensive application of the Presidential powers of patronage, punishment, and persuasion to its duly elected representatives in the constitutional law-making branch of the Government.

However sincere they may think otherwise, those 407 Members of this Congress—or those of them who go—are not going to that island to talk to the President. They are going to that island to be talked to by the President—and the people of this country may well believe they are going to be "talked to."

The real reason the feminine members of the Cabinet and the Congress are to be excluded is that they probably would be disturbed and embarassed if they heard some of the "good clean fun" that is going to ensue when Mr. Roosevelt gets his adroit and forceful vocabulary into efficient action on some of the Members of the Congress who have been constrained thus far to follow their conscience and high patriotic principles instead of supinely submitting to a power-loving President.

This Nation is going to witness the unprecedented and startling spectacle of its destiny being decided, its most fundamental acts prelegislated, its most menacing problems settled in secret under the pretense of a so-called peace-party meeting in "a spirit of good clean fun." But it will be anything but funny for the courageous and conscientious Members of this Congress who have thus far refused to bow their necks to the yoke of the Rooseveltian will.

The truth of this whole queer proceeding is that the Members of this Congress are going to be subjected to the utter limit of the tremendous Presidential powers of patronage, punishment, and persuasion. Some will be warned that they will meet political death if they do not yield to Mr. Roosevelt's desires. They will be made to walk the plank of Mr. Roosevelt's relentless resentment and plunge into the deep waters of political oblivion if they do not surrender their principles to the Presidential will to power. They are to submit or submerge, if the anonymous New Dealers can bring it about.

The mechanism of the party disciplinary machinery is oiled and ready. The purge is prepared. Political "liquidation" will await those who finally refuse to obey the Rooseveltian manifestos—if Mr. Roosevelt can manage it.

What a singular commentary on our boasted free constitutional democracy is this secret, guarded, island extraordinary session of the Seventy-fifth Congress!

How far it is from the Government of Thomas Jefferson, for whom the island is named, the Thomas Jefferson who said:

> A single consolidated government would become the most corrupt government on earth. * * * What has destroyed the liberty and the rights of man in every government which has existed under the sun? The generalizing and concentrating of all cares into one body * * *.
>
> It is not by consolidation or concentration of powers, but by their distribution that good government is effected. (Quoted from a letter by Jefferson to Nathaniel Macon in 1821.)

How far is this extraordinary session of the Seventy-fifth Congress from the Government of Grover Cleveland, who said:

> Another Centennial Day will come, and millions yet unborn will inquire concerning our stewardship and the safety of their Constitution. God grant that they may find it unimpaired; and as we rejoice in the patriotism and devotion of those who preceded us, may they rejoice in our fidelity and in our jealous love for constitutional liberty.

How far is this extraordinary session of the Seventy-fifth Congress from the Government of Woodrow Wilson, who believed in "open covenants openly arrived at", and who declared:

> There are illegitimate means by which the President may influence the action of Congress. He may bargain with Members not only with regard to appointments but also with regard to legislative measures. He may use his local patronage to assist Members to get or retain their seats. * * *

Such things are not only deeply immoral, they are destructive of the fundamental understandings of a constitutional government itself. They are sure, moreover, in a country of free public opinion, to bring their own punishment, to destroy both the fame and the power of the man who dares practice them. (Constitutional Government in the United States, by Woodrow Wilson, p. 71, ed. 1917.)

How far is this extraordinary session of the Seventy-fifth Congress from the government of that great Democratic statesman, Thomas R. Marshall, who declared:

I did not believe then, nor do I now believe that an Executive has any right to use his power, his prestige, and his right of appointment to overawe or coerce the legislative department of the Government. I believed then, as I now believe, that it was the duty of the Executive as much as the duty of the humblest citizen to obey the judgment of the courts, although he might believe them to be erroneous and usurpatious of power, trusting to argument and education to rectify the wrong. (Recollections, by Thomas R. Marshall, ed. 1925.)

In the name of free government, what right and what purpose have President Roosevelt and his anonymous New Deal planners to conduct the Government in any such manner?

One of two situations will result from this extraordinary extraordinary session of the Congress:

If Mr. Roosevelt and his Cabinet and his bureaucratic chieftains can intimidate, cajole, and persuade with patronage enough Members of this Congress to assure him passage of his revolutionary acts, regardless of the desires of the American people, he will keep this Congress in session and pass those revolutionary acts and thus take unto himself all these "new instruments of power." In that case this Congress will have completed its abdication; it will have violated its oath; it will have become less than a rubber stamp; and the people will rise up sooner or later to hurl it out of power. If Mr. Roosevelt and his cohorts cannot frighten, cajole, or persuade with patronage enough of the Members to assure passage of his revolutionary acts, he will have his leaders adjourn this Congress and send us home while he goes on the radio during the interim to endeavor to persuade and to purchase the acquiescence of the people by means of their own money.

That is what is behind this extraordinary session of the Seventy-fifth Congress to be held through 3 June days on the water-bound, closely guarded purlieus of Jefferson Island.

As an arrogant display by a President, his Cabinet, and his bureaucracy of sheer contempt for constitutional methods and processes of government this spectacle will go down in the annals of our Nation as utterly unique.

But there is another, and by no means remote, possibility in this picture.

Franklin D. Roosevelt may, and I believe he will, find himself faced in that session on Jefferson Island by a group of courageous and determined men moved by a high motive to preserve the destiny of this Nation under our free constitutional democracy, cost them what it may. Mr. Roosevelt may find that his frown has lost its fearsomeness for them. He may find that his panegyrics have lost their potency. He may learn, what I believe to be a fact, that the majority of the men of this Congress are moved in this crisis by high principles of patriotism and genuine political integrity far above the urge of pseudo "party loyalty." In short, Mr. Roosevelt may meet the surprise of his political life. He may find that instead of sternly dressing down the recalcitrants he will be told by these men of high courage that he must return to the principles of Washington, of Jefferson, of Cleveland, of Wilson, of Marshall—of the Constitution—and that quickly. Mr. Roosevelt may return from Jefferson Island on the night of June 25 a sadder and wiser President, followed by a rebuked and discomfited Cabinet and a chastened, if not repentant, group of bureaucratic chieftains.

It will be an illuminating thing for the people for this Nation to mark the changed demeanor and the altered attitudes of Members of this Congress after that secret 3-day session of the Congress on the island in the Chesapeake Bay. And the people will be watching.

And now a prophecy: There remains in the great heart of America today a reverence for constitutional democracy, a love of personal liberty, a respect for political courage, an admiration for sincerity, a resentment of falsity and misrepresentation, a contempt for hypocrisy that will sustain those who adhere to high principles in this crisis and that will, sooner or later, overwhelm with a wave of national indignation and repudiation those who dare to try what is to be attempted in 3 June days on Jefferson Island in Chesapeake Bay.

The SPEAKER pro tempore. Under a previous special order, the gentleman from New York [Mr. FISH] is recognized for 10 minutes.

Mr. FISH. Mr. Speaker, I have listened with much interest to the advice of the distinguished gentleman from New Jersey [Mr. EATON], and I want to add a few words of advice also to my Democratic friends who are about to attend the Boy Scout jamboree on Jefferson Island, where they will consider the state of the Union, the general welfare, and, more important still, get their instructions from the President as to what legislation must be put through before the Congress will be permitted to adjourn.

I propose, therefore, to read for the benefit of these Democrats and New Dealers an editorial from a well-known Democratic paper edited by Mr. Stern, an ardent admirer of the President—the Philadelphia Record of June 22, 1937. The editorial is entitled "Stop Buying Gold" and is addressed to the Congress of the United States.

To the Congress of the United States.

GENTLEMEN:

America must stop buying gold.

We must stop now.

However serious the consequences of such a step today, the consequences will be vastly more serious the longer we postpone our return to economic sanity.

The curse of Midas is upon us. It will remain upon us as long as we continue to pay $35 an ounce for gold which costs $20 an ounce to mine.

Uncle Sam has the golden calf by the tail—and is afraid to let go.

We are curtailing relief—and buying gold. Farmers' interest rates are jacked up; housing, flood control, and a dozen other national needs are parked by the wayside—while we buy still more gold.

We even find the paradoxical absurdity of the Treasury working to increase interest rates on the money it is borrowing to buy more gold for which it has no use.

When the American people wake up to the magnitude of the folly which has been practiced at their expense, gentlemen of the Congress, their response at the polls will be decisive and overwhelming.

The time to act is immediately.

The Record urges upon you a complete investigation of the monetary policies of this Government.

The investigation should begin at this session. Next session may be too late.

Let the House of Representatives move at once for hearings on the four monetary bills before it—the Patman bill, the Dies bill, the Thomas bill, and the Goldsborough bill. Those hearings will provide a forum through which the people can be given the whole story of the money changers' return to the temple and their mismanagement of our monetary system.

Let the Senate launch an immediate inquiry into the gold purchase policy so that our people may know the origin of this folly, what it has cost them so far, and how much it will cost them in the future if a halt is not called.

This investigation should be exhaustive. The members of the Federal Reserve Board and the officials of the Treasury should be called upon to explain—if they can—the confusion of monetary policy which is begetting increasing uneasiness and fear.

No one need be an expert to see when a ship's rudder is out of commission.

Millions of Americans are worried, gentlemen of the Congress. They are worried as they have not been worried since Herbert Hoover was in the White House and the same indecision, irresolution, and indirection ran rife in Congress.

Our people want to know why the Treasury is gambling with our whole recovery to bury gold.

I submit this is one of the questions the Democrats might ask of the President of the United States on Jefferson Island, "Just why are we continuing to buy gold which we do not need at $35 an ounce from the British Empire and

from Soviet Russia, at two or three times the cost of production, and then, when we get it, bury it in the ground in the State of Kentucky?"

The editorial continues:

The only excuse the Treasury can give is that it is buying gold to stabilize foreign exchange.

If the Treasury did not continue to exchange dollar credits for gold, the dollar would go up, the pound and franc would go down. This would make it easier for the rest of the world to sell us its goods, harder for them to buy from us. It would greatly increase the balance of trade against us. In other words, the only way the rest of the world could get dollars would be for wealth other than gold.

This is a consummation devoutly to be wished. We'd be better off with British tin than British gold; Russian manganese than Russian gold; Dutch rubber than Dutch gold.

We realize that a sudden embargo on the import of gold would have a paralyzing effect upon foreign trade and finance—unless the blow were tempered by some constructive Government program.

One such program could well be the Government's purchase of nondeteriorating basic commodities in lieu of gold until such time as foreign exchange had gradually adjusted itself to our refusal to absorb more gold.

The Government could agree to "sterilize" these basic commodities until such time as they could be absorbed without deranging the domestic market. Certainly it would be wiser for the Government to borrow money to buy mercury, tin, antimony, and other intrinsically valuable commodities rather than gold, which has no value except as it can be exchanged for other commodities.

Europe is exchanging its gold not only for our commodities but for huge credits, "hot foreign funds", with which it can command our resources for a future war.

All right, then! If we don't want to stop this absurd process too suddenly, let us demand in exchange for our wealth, commodities which we know we will need if we have to expand our national defense.

But at all costs let us have a definite program, announced by the Treasury now or developed by Congress as a result of this inquiry.

To persist further in this gold gorging is to invite national disaster. To the Senate and to the House of Representatives we say:

Act before it is too late!

The people are fearful. Every ship brings in more gold—which must be paid for by their labor.

Gentlemen of the Congress, honor your constitutional mandate to control the monetary system of this Nation! Give the people the truth!

Rescue this Nation from its gold folly.

This is one question I think all the American people would like answered, how to rescue the Nation from its gold folly. It is up to you tomorrow, when you will have the opportunity, to get the answer from the Chief. Let the people have the truth about this fantastic, costly, and ruinous gold-purchasing policy.

Mr. MAHON of Texas. Mr. Speaker, will the gentleman yield?

Mr. FISH. I am sorry I cannot yield in the brief time I have left.

It is the duty of Republican Members of Congress representing the opposition party to protest vigorously against the continuation of the ruinous gold-purchasing policy of the administration that has increased the deficit over $1,000,000,000 in the last 6 months and added an additional billion to the rapidly mounting national debt which has now reached the huge total of $36,400,000,000.

The fantastic and grossly stupid policy of buying foreign gold at $35 an ounce, which costs from 10 to 20 dollars to mine, is sheer economic and financial insanity, and if continued will lead to the bankruptcy of the Treasury of the United States. Since the advent of the Roosevelt Administration we have bought five billions of dollars of gold from foreign nations, largely from the British Empire and Soviet Russia, which nations have failed to pay their war debts to us, and $1,035,877,687 within 6 months.

It is estimated that the profit to the British Empire and its subjects from our gold purchases has amounted to half a billion dollars a year for the past 3 years. Our taxpayers and the Treasury are being drained to pay for gold at twice and three times the cost of production from South Africa and Soviet Russia, which gold is buried in the ground in Kentucky where it draws no interest and serves no useful purpose as it cannot feed the hungry or provide employment for American citizens looking for jobs.

The American people have been turned into a milch cow by the blundering gold-purchasing policy of the New Deal, to be exploited and mulcted by every foreign nation. Our gold policy is bound to be a disastrous boomerang, first because we have already looted the Treasury to buy and hoard foreign gold, and, second, because the value of gold or any currency thrives on use and faith but shrivels in disuse and fear.

The administration must proceed immediately to get definite assurance from the British Empire, which produces 60 percent of all the gold in the world, of the exchangeability of gold at $35 an ounce, or we must stop buying gold except for commodities, services, or debts. In case of failure to obtain the cooperation of the British Empire to stabilize gold at $35 an ounce, we must stop buying now and not 6 months from now, after we have consumed another billion dollars of the people's money to buy foreign gold for which we have no use and is of no benefit to the American people. We have accumulated as of June 22, 1937, according to the daily statement of the United States Treasury, $12,267,232,905, approximately 52 percent of all the gold in the world—and for what benefit to us or to mankind?

Whatever the consequences may be of stopping further foreign gold purchases, it will be much more serious the longer we delay taking steps to prevent the depletion of the Treasury, the continuation of an unbalanced Budget, and the exhaustion of our financial resources.

The payment of over $1,000,000,000 out of the general funds of the Treasury in the last 6 months has made it necessary to increase the rates of interest to farmers, reduce appropriations for flood control and highways, and cause the hasty burial of low-cost housing and other needed legislation in the interest of the people.

The administration has no financial or fiscal policy except to pile deficit on deficit, debt upon debt, and to issue billions and still more billions of tax-exempt securities, always adding to the rapidly mounting national debt and heading toward inflation, repudiation, bankruptcy, and financial chaos.

We demand a halt on the spending and squandering of the administration, and a complete investigation and overhauling of the finances of the Government, in order to restore confidence by establishing a balanced Budget and putting our financial house in order.

We must take immediate steps to put an end to our stupendous gold folly, which invites national disaster, and to government by confusion and financial imbecility. Once the American people realize that they are being robbed and plundered for the benefits of foreign debt-defaulting nations and awake to the magnitude of the folly of the $12,000,000,000 gold fiasco that has been practiced at their expense, the response will be overwhelming and decisive. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. COX. Mr. Speaker, I ask unanimous consent that upon the completion of the legislative program on Wednesday next I may be permitted to address the House for 1 hour.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

RESIGNATIONS FROM COMMITTEES

The SPEAKER laid before the House the following resignations from committees:

JUNE 24, 1937.

Hon. WILLIAM B. BANKHEAD,
Speaker, House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I herewith submit my resignation as chairman of the Census Committee, House of Representatives, to be effective immediately, for reasons which you understand.

With kind personal regards, I am,

Sincerely yours,

WM. H. LARRABEE.

JUNE 24, 1937.

Hon. WILLIAM B. BANKHEAD,
Speaker, House of Representatives.

DEAR MR. SPEAKER: I hereby tender my resignation as chairman of the Committee on the Election of President, Vice President, and Representatives in Congress.

Sincerely yours,

BROOKS FLETCHER.

JUNE 24, 1937.

Hon. WILLIAM B. BANKHEAD,
Speaker, House of Representatives.

MR. SPEAKER: I hereby respectfully tender my resignation as chairman of the Committee on Education of the House of Representatives.

VINCENT L. PALMISANO.

JUNE 24, 1937.

The SPEAKER,
House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I hereby tender my resignation as chairman of the Committee on the District of Columbia, and also as a member of said committee, to take effect immediately.

Respectfully,

MARY T. NORTON.

ELECTION OF CHAIRMEN OF COMMITTEES

Mr. DOUGHTON. Mr. Speaker, I offer a privileged resolution.

The Clerk read as follows:

Resolved, That VINCENT L. PALMISANO, of Maryland, be, and he is hereby, elected chairman of the standing Committee of the House of Representatives on District of Columbia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DOUGHTON. Mr. Speaker, I offer a privileged resolution.

The Clerk read as follows:

Resolved, That WILLIAM H. LARRABEE, of Indiana, be, and he is hereby, elected chairman of the standing Committee of the House of Representatives on Education.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DOUGHTON. Mr. Speaker, I offer a privileged resolution.

The Clerk read as follows:

Resolved, That BROOKS FLETCHER, of Ohio, be, and he is hereby, elected chairman of the standing Committee of the House of Representatives on Census.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DOUGHTON. Mr. Speaker, I offer a privileged resolution.

The Clerk read as follows:

Resolved, That CAROLINE O'DAY, of New York be, and she is hereby, elected chairman of the standing Committee of the House of Representatives on Election of President, Vice President, and Representatives in Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. SCHNEIDER of Wisconsin and Mr. SHANLEY asked and were given permission to extend their own remarks in the RECORD.

Mr. BOREN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of rotation of Reserve officers in the C. C. C. camps and include therein a letter written by a Member of Congress in opposition to the recent War Department ruling; also a letter from the Department showing their attitude thereon, and a table of facts prepared by myself.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. POLK, for 5 days, on account of important business.

To Mr. HAINES (at the request of Mr. SWOPE), indefinitely, on account of illness.

PERMISSION TO ADDRESS THE HOUSE

Mr. HILL of Washington. Mr. Speaker, I ask unanimous consent that on Wednesday next, after the gentleman from Georgia has addressed the House, I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 6551. An act to establish a Civilian Conservation Corps, and for other purposes;

H. R. 7519. An act to amend an act entitled "An act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes", approved August 29, 1935; and

H. J. Res. 380. Joint resolution to provide for the publication and sale by the Northwest Territory Celebration Commission of certain historical and educational material.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H. R. 3687. An act to extend the period during which the purposes specified in section 7 (a) of the Soil Conservation and Domestic Allotment Act may be carried out by payments by the Secretary of Agriculture to producers;

H. R. 6551. An act to establish a Civilian Conservation Corps, and for other purposes;

H. R. 7328. An act to authorize an appropriation to carry out the provisions of the act of May 3, 1928 (45 Stat. L. 484), and for other purposes;

H. R. 7519. An act to amend an act entitled "An act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes", approved August 29, 1935;

H. J. Res. 380. Joint resolution to provide for the publication and sale by the Northwest Territory Celebration Commission of certain historical and educational material; and

H. J. Res. 415. Joint resolution making an appropriation to defray expenses incident to the dedication of chapels and other World War memorials erected in Europe, and for other purposes.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 28 minutes p. m.) the House, under its previous order, adjourned until Monday, June 28, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., Tuesday, June 29, 1937, at 10 a. m., on H. R. 6039 and H. R. 7309, known as the Fishery Credit Act bills.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Wednesday, July 7, 1937, on H. R. 5182 and H. R. 6917, textile bills.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

680. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the legislative establishment, House of Representa-

tives and United States Senate, for the fiscal years 1937 and 1938, in the sum of $50,000 (H. Doc. No. 272); to the Committee on Appropriations and ordered to be printed.

681. A letter from the Secretary of Commerce, transmitting a report on disposition of executive papers in accordance with recommendation of the Joint Committee on the Disposition of Executive Papers contained in House Report No. 342, Seventy-fifth Congress, first session; to the Committee on the Disposition of Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SMITH of Virginia: Committee on Rules. House Resolution 260. Resolution providing for the consideration of H. R. 3408; without amendment (Rept. No. 1087). Referred to the House Calendar.

Mr. GREENWOOD: Committee on Rules. House Resolution 261. Resolution providing for the consideration of H. R. 7562; without amendment (Rept. No. 1088). Referred to the House Calendar.

Mr. RANDOLPH: Committee on the District of Columbia. H. R. 6697. A bill to authorize and empower the Public Utilities Commission of the District of Columbia to limit the number of public vehicles to be licensed and operated as taxicabs in the District of Columbia; with amendment (Rept. No. 1089). Referred to the Committee of the Whole House on the state of the Union.

Mr. MANSFIELD: Committee on Rivers and Harbors. H. R. 7642. A bill to authorize the completion, maintenance, and operation of Bonneville project for navigation, and for other purposes; with amendment (Rept. No. 1090). Referred to the Committee of the Whole House on the state of the Union.

Mr. MOTT: Committee on the Public Lands. H. R. 199. A bill to add certain lands to the Rogue River National Forest in the State of Oregon; without amendment (Rept. No. 1110). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. HILL of Washington: Committee on the Public Lands. H. R. 827. A bill for the relief of Fred P. Halbert; without amendment (Rept. No. 1091). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. S. 176. An act for the relief of George Smith and Ketha Smith; without amendment (Rept. No. 1092). Referred to the Committee of the Whole House.

Mr. RYAN: Committee on Claims. S. 191. An act for the relief of Orson Thomas; with amendment (Rept. No. 1093). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. S. 449. An act for the relief of the estate of Charles Pratt; with amendment (Rept. No. 1094). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. S. 792. An act for the relief of Sam Larson, guardian of Margaret Larson, a minor; with amendment (Rept. No. 1095). Referred to the Committee of the Whole House.

Mr. JACOBSEN: Committee on Claims. S. 854. An act for the relief of James O. Cook; with amendment (Rept. No. 1096). Referred to the Committee of the Whole House.

Mr. DREW of Pennsylvania: Committee on Claims. S. 893. An act for the relief of Jack Wade, Perry Shilton, Louie Hess, Owen Busch, and William W. McGregor; with amendment (Rept. No. 1097). Referred to the Committee of the Whole House.

Mr. RYAN: Committee on Claims. S. 1160. An act for the relief of Troup Miller and Harvey D. Higley; with amendment (Rept. No. 1098). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. S. 1453. An act for the relief of Maude P. Gresham; with amendment (Rept. No. 1099). Referred to the Committee of the Whole House.

Mr. JACOBSEN: Committee on Claims. S. 1637. An act for the relief of Mrs. Charles T. Warner; with amendment (Rept. No. 1100). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. S. 2334. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department; without amendment (Rept. No. 1101). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 938. A bill for the relief of Mr. and Mrs. Joseph Konderish; with amendment (Rept. No. 1102). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4489. A bill for the relief of Stella Van Dewerker; with amendment (Rept. No. 1103). Referred to the Committee of the Whole House.

Mr. ATKINSON: Committee on Claims. H. R. 4941. A bill for the relief of Rogowski Bros.; with amendment (Rept. No. 1104). Referred to the Committee of the Whole House.

Mr. EBERHARTER: Committee on Claims. H. R. 5431. A bill for the relief of Cyrus M. Lasher; with amendment (Rept. No. 1105). Referred to the Committee of the Whole House.

Mr. ATKINSON: Committee on Claims. H. R. 5846. A bill for the relief of Carolina Maldonado; with amendment (Rept. No. 1106). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 5989. A bill for the relief of J. L. Myers; with amendment (Rept. No 1107). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 6316. A bill for the relief of Helen Niehaus; with amendment (Rept. No. 1108). Referred to the Committee of the Whole House.

Mr. KEOGH: Committee on Claims. H. R. 6469. A bill for the relief of Anthony Caramagno; with amendment (Rept. No. 1109). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on World War Veterans' Legislation was discharged from the consideration of the bill (H. R. 7364) to amend section 202 (c) of the World War Adjusted Compensation Act, and the same was referred to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN of Delaware: A bill (H. R. 7660) granting the consent of Congress to the Delaware and New Jersey Bridge Corporation, a corporation of the State of Delaware, domiciled at Wilmington, Del., its successors and assigns, to construct, maintain, and operate a bridge across the Delaware River; to the Committee on Interstate and Foreign Commerce.

By Mr. BURDICK: A bill (H. R. 7661) conferring jurisdiction on the Court of Claims to hear, examine, determine, and render final judgment on any and all claims of whatsoever nature any Indian nation, tribe, band, or communal group of American Indians may have against the United States, and for other purposes; to the Committee on Indian Affairs.

By Mr. GEHRMANN: A bill (H. R. 7662) providing for payment to the State of Wisconsin for its swamplands within all Indian reservations in that State; to the Committee on the Judiciary.

By Mr. THOMPSON of Illinois: A bill (H. R. 7663) to make available to each State enacting in 1937 an unemployment-compensation law a portion of the proceeds from the Federal employers' tax in such State for the years 1936 and 1937; to the Committee on Ways and Means.

By Mr. COCHRAN: A bill (H. R. 7664) to provide for a more efficient and economical mileage table of distances and routes to apply for the payment of certain travel performed for the United States Government; to the Committee on Expenditures in the Executive Departments.

By Mr. HOPE: A bill (H. R. 7665) making an appropriation for the initiation of a mapping program in the State of Kansas; to the Committee on Appropriations.

By Mr. MOTT: A bill (H. R. 7666) to amend paragraph 757 of the Tariff Act of 1930 to increase duty on filberts; to the Committee on Ways and Means.

By Mr. JONES: A bill (H. R. 7667) to regulate commerce among the several States, with the Territories and possessions of the United States, and with foreign countries; to protect the welfare of consumers of sugars and of those engaged in the domestic sugar-producing industry; to promote the export trade of the United States; to raise revenue; and for other purposes; to the Committee on Agriculture.

By Mr. KENNEDY of Maryland (by request): A bill (H. R. 7668) to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost while engaged in emergency relief expeditions during the Ohio Valley flood in January and February 1937; to the Committee on Claims.

By Mr. BOYKIN: A bill (H. R. 7669) to amend section 404 of the Tariff Act of 1930, as amended; to the Committee on Ways and Means.

By Mr. DIES: A bill (H. R. 7670) to amend section 3700 of the Revised Statutes (U. S. C., title 31, sec. 734) as amended; to the Committee on Coinage, Weights, and Measures.

By Mr. ELLIOTT: A bill (H. R. 7671) to amend section 601 of the Revenue Act of 1932, as amended, to provide for an excise tax on eggs and egg products; to the Committee on Ways and Means.

By Mr. MAPES: Joint resolution (H. J. Res. 427) proposing an amendment to the Constitution of the United States relative to taxes on certain incomes; to the Committee on the Judiciary.

By Mr. HUNTER: Joint resolution (H. J. Res. 428) to provide for the establishment of a National Health Center as a permanent memorial to Thomas Jefferson, for the purpose of promoting research in the cause, prevention, and methods of diagnosis and treatment of cancer; to provide better facilities for the diagnosis and treatment of cancer; to establish a National Health Center in the Public Health Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PHILLIPS: Joint resolution (H. J. Res. 429) to require officers and employees of the United States to take an oath to support the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM: A bill (H. R. 7672) for the relief of Paul Stolnitzky (also known as Max Stone), his wife, and three children; to the Committee on Immigration and Naturalization.

By Mr. CELLER: A bill (H. R. 7673) for the relief of the heirs of Aaron Husak; to the Committee on Claims.

By Mr. HARTLEY: A bill (H. R. 7674) for the relief of Elmer A. Tilley; to the Committee on Military Affairs.

Also, a bill (H. R. 7675) for the relief of Newark Concrete Pipe Co.; to the Committee on Claims.

By Mr. KENNEDY of Maryland (by request): A bill (H. R. 7676) for the relief of the Complete Machinery & Equipment Co., Inc.; H. O. Penn Machinery Co., Inc.; Sylvan Greenbaum, Inc., and Mahoney-Clarke, Inc.; to the Committee on Claims.

Also (by request), a bill (H. R. 7677) for the relief of R. F. Lassly; to the Committee on Claims.

Also (by request), a bill (H. R. 7678) for the relief of Carl Dement Weaver; to the Committee on Claims.

Also (by request), a bill (H. R. 7679) for the relief of Livvie V. Rowe; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2744. By Mr. CARTER: Petition in the nature of a resolution unanimously approved June 11, 1937, at a joint meeting of the State executive committee and the San Francisco and East Bay units of the League for Supreme Court Independence, by Mrs. Randolph Madison, representing executive committee, opposing the President's proposal to change the Supreme Court; also opposing any compromise in relation thereto; to the Committee on the Judiciary.

2745. By Mr. COFFEE of Washington: Resolution of the Democratic precinct committeemen in Pierce County, Wash., unanimously urging the continuation of permanent Civilian Conservation Corps camps; to the Committee on Labor.

2746. Also, petition of the congressional legislative committee, Democrats of Pierce County, Wash., protesting against reductions in Works Progress Administration employment; urging an amendment to the relief appropriation bill increasing the amount to $2,500,000,000; asking that projects workers' wages be increased by 20 percent if below $55, and 10 percent for those between $55 and $100; and urging that Works Progress Administration be expanded to include all able-bodied unemployed; to the Committee on Appropriations.

2747. Also, petition of the women's commission of the Worker's Alliance, Pierce County, Local No. 11, Tacoma, Wash., Kate Smith, secretary, approving and endorsing the President's proposals to unpack the Supreme Court; and urging that Congress support appointees to the Federal judiciary whose economic and social backgrounds are not reactionary; to the Committee on the Judiciary.

2748. Also, petition of the city council of Enumclaw, Wash., A. C. Johansen, mayor, and Adoll B. Englund, clerk, endorsing and favoring passage of House bill 5822, Public Works and Relief Standards Act; to the Committee on Appropriations.

2749. By Mr. CURLEY: Petition of the Retail Tobacco Dealers of America, urging enactment of House bill 6791, introduced by Congressman J. HARDIN PETERSON, of Florida; to the Committee on Ways and Means.

2750. Also, petition of the National Federation of Federal Employees, Local No. 540, Post Office Custodial Service, urging enactment of House bill 3682, or any other legislation to improve their condition; to the Committee on the Civil Service.

2751. Also, petition of the N. R. O. G., endorsing the wage and hour bill; to the Committee on Labor.

2752. Also, petition of the League of Kentucky Sportsmen, regarding the construction of reservoirs for floods, and urging that such reservoirs be constructed by the Army engineers and that the Government cooperate with the State and local authorities in the States where such projects have been begun in order that the greatest amount of benefit may be derived therefrom; to the Committee on Rivers and Harbors.

2753. By Mr. DALY: Resolution adopted at a recent meeting of the Cavan Catholic Social and Beneficial Society of Philadelphia, Pa., advocating enactment into law of the Reynolds-Starnes immigration bill; to the Committee on Immigration and Naturalization.

2754. By Mr. DORSEY: Petition signed by 17 persons residing in the Fifth Pennsylvania Congressional District, favoring the old-age pension bill (H. R. 2257); to the Committee on Ways and Means.

2755. By Mr. ENGLEBRIGHT: Assembly Joint Resolution No. 10 of the Department of State of the State of California, relative to memorializing the Congress of the United States

to designate Armistice Day as a holiday; to the Committee on Military Affairs.

2756. Also, Senate Joint Resolution No. 24 of the Department of State of the State of California, relative to memorializing the President and Congress to enact legislation relative to the conscription of wealth and industry in wartime and the effective barring of war profits; to the Committee on Foreign Affairs.

2757. Also, Senate Joint Resolution No. 6 of the Department of State of the State of California, relative to memorializing the President and Congress of the United States to enact legislation that would result in financial aid in the construction of a neuropsychopathic hospital for veterans of the World War; to the Committee on World War Veterans' Legislation.

2758. Also, Assembly Joint Resolution No. 51 of the Department of State of the State of California, relative to memorializing the President and Congress to take such steps as may be necessary to cut a channel through the southerly end of the Coronado Silver Strand to allow seagoing vessels to enter the bay of San Diego at its southerly end; to the Committee on Rivers and Harbors.

2759. Also, petition of the California Federation of Women's Clubs, protesting against any change in the United States Supreme Court; to the Committee on the Judiciary.

2760. Also, Assembly Joint Resolution No. 52 of the Department of State of the State of California, relative to Federal aid to State or Territorial veterans' homes; to the Committee on World War Veterans' Legislation.

2761. Also, petition of the California Veterans' Committee, protesting against any change in the United States Supreme Court; to the Committee on the Judiciary.

2762. Also, Assembly Joint Resolution No. 26 of the Department of State of the State of California, urging that Congress and the Federal Relief Administration direct their consideration to the wages of employees on work-relief projects; to the Committee on Ways and Means.

2763. Also, petition of the California Federation of Women's Clubs, recommending that Congress change the naturalization law to the end that an alien be allowed to take out first papers once only if he does not pursue his case; to the Committee on Immigration and Naturalization.

2764. Also, Senate Joint Resolution No. 14 of the Department of State of the State of California, relative to memorializing the President and the Congress of the United States to enact House bill 4009, which proposes to appropriate $50,000,000 to cooperate with the States of the United States in the eradication of noxious weeds, and urging the Secretary of Agriculture to expedite consideration favorable to said bill; to the Committee on Agriculture.

2765. Also, Senate Joint Resolution No. 26 of the Department of State of the State of California, relative to memorializing the President of the United States and the Members of Congress to extend the life of the Federal Public Works Administration for a period of 2 years after next June 30, and further memorializing Congress to earmark the sum of $350,000,000 of the pending farm relief appropriation for a continuance of loans and grants under Public Works Administration to local communities; to the Committee on Ways and Means.

2766. Also, Assembly Joint Resolution No. 18 of the Department of State of the State of California, relative to memorializing the President and the Congress of the United States to amend the Social Security Act so as to enable such States as may desire to do so to bring the employees of such State and the employees of its counties, cities, and other political subdivisions within the provisions of such act relating to old-age benefits; to the Committee on Banking and Currency.

2767. By Mr. KENNEY: Petition of the New Jersey Federation of Business and Professional Women's Clubs, Inc., urging the speedy repeal of section 213 of the National Economy Act; to the Committee on Appropriations.

2768. By Mr. KEOGH: Petition of the Retail Tobacco Dealers of America, Inc., New York, concerning the Peterson bill (H. R. 6791), which proposes to amend paragraph 1798 of the Tariff Act of 1930; to the Committee on Ways and Means.

2769. Also, petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., concerning the Black-Connery wages-and-hours bill (S. 2475 and H. R. 7200); to the Committee on Labor.

2770. By Mr. KRAMER: Resolution of the Senate and Assembly of the State of California, relative to memorializing the President and Congress to enact legislation relative to the conscription of wealth and industry in wartime and the effective barring of war profits; to the Committee on Foreign Affairs.

2771. Also, resolution of the Assembly and Senate of the State of California, relative to memorializing the President and Congress to take such steps as may be necessary to cut a channel through the southerly end of the Coronado Silver Strand to allow seagoing vessels to enter the bay of San Diego at its southerly end; to the Committee on Rivers and Harbors.

2772. By Mr. LANZETTA: Resolution adopted by the Board of Estimate and Apportionment of the City of New York on June 18, 1937, approving and urging passage of House bill 6841, to extend the time for filing claims for refunds under section 15 (c) of the Agricultural Adjustment Act; to the Committee on Agriculture.

2773. By Mr. O'NEAL of Kentucky: Petition of citizens of Jefferson County, Ky., in behalf of House bill 2257; to the Committee on Ways and Means.

2774. By Mr. PFEIFER: Petition of the Melrose Slipper Co., Inc., Little Falls, N. Y., concerning the proposed reciprocal trade agreement with Czechoslovakia; to the Committee on Agriculture.

2775. Also, petition of the Retail Tobacco Dealers of America, Inc., New York, concerning House bill 6791, to amend paragraph 1798 of the Tariff Act of 1930; to the Committee on Ways and Means.

2776. By the SPEAKER: Petition of the third annual department encampment at Anniston, Ala.; to the Committee on Immigration and Naturalization.

SENATE

MONDAY, JUNE 28, 1937

(Legislative day of Tuesday, June 15, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, June 24, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On June 18, 1937:

S. 1112. An act awarding a Navy Cross to John W. Thomason and Robert Slover.

On June 19, 1937:

S. 665. An act for the relief of the estate of Everett P. Sheridan.

On June 24, 1937:

S. 102. An act to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the Battle of Antietam; and

S. 187. An act providing for the suspension of annual assessment work on mining claims held by location in the United States.

CALL OF THE ROLL

Mr. LEWIS. At the suggestion of the leader, I note the absence of a quorum and ask for a roll call.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Lee	Robinson
Andrews	Copeland	Lewis	Russell
Ashurst	Davis	Lodge	Schwartz
Austin	Dieterich	Logan	Schwellenbach
Bailey	Donahey	Lonergan	Sheppard
Bankhead	Ellender	Lundeen	Shipstead
Barkley	Frazier	McAdoo	Smathers
Berry	George	McCarran	Steiwer
Bilbo	Gerry	McGill	Thomas, Okla.
Black	Glass	McKellar	Thomas, Utah
Bone	Green	McNary	Townsend
Borah	Guffey	Minton	Truman
Bridges	Hale	Murray	Tydings
Bulkley	Harrison	Neely	Vandenberg
Bulow	Hatch	Nye	Van Nuys
Burke	Hayden	O'Mahoney	Wagner
Byrd	Hitchcock	Overton	Walsh
Byrnes	Holt	Pepper	Wheeler
Capper	Hughes	Pittman	White
Caraway	Johnson, Colo.	Pope	
Chavez	King	Radcliffe	
Clark	La Follette	Reynolds	

Mr. LEWIS. I announce that the Senator from Connecticut [Mr. MALONEY] is absent because of illness.

The Senator from Michigan [Mr. BROWN], the Senator from New Hampshire [Mr. BROWN], the Senator from Wisconsin [Mr. DUFFY], the Senator from Iowa [Mr. GILLETTE], the Senator from New Jersey [Mr. MOORE], and the Senator from South Carolina [Mr. SMITH] are detained from the Senate on important public business.

The Senator from Iowa [Mr. HERRING] is absent, having been called back to his State on important official matters.

Mr. AUSTIN. I announce that my colleague the junior Senator from Vermont [Mr. GIBSON] is necessarily absent.

The PRESIDENT pro tempore. Eighty-five Senators have answered to their names. A quorum is present.

REPORT FILED BY COMMITTEE ON APPROPRIATIONS DURING THE RECESS

Under authority of the order of the Senate of the 24th instant, Mr. HAYDEN, from the Committee on Appropriations, to which was referred the bill (H. R. 6958) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1938, and for other purposes, reported it on the 26th instant with amendments, and submitted a report (No. 817) thereon.

AMENDMENT OF ADJUSTED COMPENSATION PAYMENT ACT

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Adjusted Compensation Payment Act, 1936, to provide for the escheat to the United States of certain amounts, which, with the accompanying paper, was referred to the Committee on Finance.

RESOLUTION OF MUNICIPAL COUNCIL OF ST. THOMAS AND ST. JOHN

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of the Interior, transmitting, pursuant to law, a resolution adopted by the Municipal Council of St. Thomas and St. John, Virgin Islands, for the purchase by E. Beresford Cancryn of a certain strip of land belonging to the municipality of St. Thomas and St. John, west of property no. 17, Murphy Gade, Queens Quarter, which, with the accompanying paper, was referred to the Committee on Territories and Insular Affairs.

TRANSFER OF UNUSED LIGHTHOUSE SITES ON ISLAND OF MAUI, TERRITORY OF HAWAII

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to authorize the Secretary of Commerce to transfer two unused lighthouse sites in Kahului town site, island of Maui, Territory of Hawaii, in exchange for two plots of land located in the same town site and now occupied for lighthouse purposes under permission from the respective owners, which, with the accompanying papers, was referred to the Committee on Commerce.

RELIEF OF VIRGIL D. ALDEN AND OTHERS

The PRESIDENT pro tempore laid before the Senate a letter from the Assistant Administrator of the Federal Emergency Administration of Public Works, transmitting a draft of proposed legislation for the relief of Virgil D. Alden and others in connection with their transfer of headquarters, which, with the accompanying papers, was referred to the Committee on Claims.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on Public Lands and Surveys:

Senate joint resolution relative to memoralizing the President and the Congress of the United States to protect the rights of the State of California to its tidelands and the coastal area lying seaward of the State of California

Whereas there has been introduced in the Congress of the United States and in the Senate thereof by the Honorable Senator NYE, S. 2164, which bill declares land under the territorial waters of continental United States to be a part of the public domain, and for other purposes; and

Whereas said bill provides that all submerged lands are declared to be a portion of the public domain and are withdrawn from settlement, location, sale, entry, occupation, encroachment, or acquisition; and

Whereas the bill further provides that wherever the submerged lands shall be found to contain oil or petroleum deposits they shall be reserved to and included in a naval reserve; and

Whereas the State of California, since its admission to the Union in 1850, has had as its westerly boundary the Pacific Ocean and has, during all of those years succeeding 1850, exercised ownership, dominion, jurisdiction, and control over the seacoast lying on the westerly side of the State of California, including the tide and submerged lands; and

Whereas the State of California has at various times granted to cities and counties and to port boards of commissioners jurisdiction over certain tide and submerged lands of the State of California, and said cities and counties and port boards have spent many millions of dollars in the occupation, control, management, improvement, and preservation and defense of the seacoast and tide and submerged lands of the State of California; and

Whereas the State of California, as a body politic, has spent a great deal of money belonging to its citizens in the protection of the seacoast and the acquisition and purchase of many strips of land along the seacoast and has established thereon parks and playgrounds for the benefit not only of the people of the State but of the multitude of visitors and tourists who annually enter the borders of the State of California and frequent its seashore; and

Whereas by virtue of the development of said seacoast and the tide and submerged lands, many businesses, occupations, and trades are conducted and practiced and engaged in along said shore line, under lease, option, or agreement with the State of California, and great industrial plants depending upon products as produced from said tide and submerged lands of the State have become a portion and part of the business life of the seacoast of California; and

Whereas said businesses as conducted, both on shore as a result of the products produced from the tide and submerged lands and the product itself as produced from the same, do make up and form a large taxable portion of the tax-bearing burden of the respective counties facing on the tidal section of the State of California; and

Whereas there exists offshore and in the tide and submerged lands of the State of California various places where deposits of mineral and oil and gas are known to exist and other places where they may exist, and some of which are now being developed to the benefit of the State of California and to the citizens of this State, and are contributing largely to the support of various portions of the State and providing to the respective counties and cities in the immediate vicinity an asset for the purpose of local taxation and improvement of conditions in the respective localities; and

Whereas the adoption of S. 2164 would cast a cloud upon the right, title, and interest of the State of California in and to its tide and submerged lands and prevent private capital or public institutions or corporations from expending money or developing the tideland or submerged area of the State of California and discourage commerce and navigation and industry from investing money or expending effort in the development of the same; and

Whereas there have been developed many great harbors on the coast, one at San Francisco by the State of California, one at Los Angeles by the city of Los Angeles, one in Oakland by the board of port commissioners of Oakland, and many others up and down the coast line of the State, the title to which property would be clouded by the passage of said bill: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That this Legislature of the State of California in regular session assembled, urgently petitions and requests that S. 2164 be defeated; and be it further

Resolved, That the Governor be and is hereby directed to transmit copies of this resolution to the President of the United States, to the Vice President thereof, to each Senator and Representative in Congress of the State of California, to Hon. Senator NYE, and to the respective members of the Committee on Public Lands and Surveys.

The PRESIDENT pro tempore also laid before the Senate a resolution adopted by members of the Farmers Union at Sheyenne, N. Dak., protesting against the enactment of the

bill (S. 25) to prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense, and promote peace, which was referred to the Committee on Finance.

He also laid before the Senate the memorial of (Mrs.) Cecil Sloane, of Brooklyn, N. Y., remonstrating against the ratification of the "additional protocol between American Republics relative to nonintervention", negotiated at the Inter-American Conference for the Maintenance of Peace, held at Buenos Aires, December 1–23, 1936, particularly in regard to its application to Peru, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a resolution adopted by the Washington County Unit Farmers Union of Oregon, assembled at Hillsboro, Oreg., favoring the enactment of legislation providing for the submission of a proposed declaration of war to a referendum of the people, except in case of invasion, which was referred to the Committee on the Judiciary.

He also laid before the Senate a letter in the nature of a petition from J. L. Smith, Jr., of Circleville, Ohio, praying for the construction and completion of flood-control projects on the Scioto and Sandusky Rivers, which was ordered to lie on the table.

He also laid before the Senate a resolution adopted by the San Francisco (Calif.) Save W. P. A. Committee, favoring the carrying out of the W. P. A. program without cuts in the personnel, and also the making of additional appropriation for the W. P. A. when present appropriations are exhausted, which was ordered to lie on the table.

Mr. LODGE presented petitions, numerously signed, of sundry citizens of the State of Massachusetts, praying for the abolition of the Federal Reserve System as at present constituted, and also praying that Congress exercise its constitutional right to coin money and regulate the value thereof, which were referred to the Committee on Banking and Currency.

REPORTS OF COMMITTEES

Mr. WALSH, from the Committee on Naval Affairs, to which was referred the bill (S. 2482) to provide for the assignment of officers of the Navy for duty under the Department of Commerce and appointment to positions therein, reported it with amendments and submitted a report (No. 819) thereon.

He also, from the Committee on Education and Labor, to which was referred the joint resolution (S. J. Res. 137) granting the consent of Congress to the minimum-wage compact ratified by the Legislatures of Massachusetts, New Hampshire, and Rhode Island, reported it without amendment and submitted a report (No. 820) thereon.

Mr. THOMAS of Utah, from the Committee on Education and Labor, to which was referred the bill (S. 2403) to prohibit the transportation of certain persons in interstate or foreign commerce during labor controversies, and for other purposes, reported it without amendment and submitted a report (No. 821) thereon.

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the bill (H. R. 6496) granting the consent of Congress to the State of Montana, or the counties of Roosevelt, Richland, and McCone, singly or jointly, to construct, maintain, and operate a free highway bridge across the Missouri River, at or near Poplar, Mont., reported it without amendment and submitted a report (No. 822) thereon.

Mr. HATCH, from the Committee on the Judiciary, to which was referred the bill (S. 2381) to amend the Criminal Code by providing punishment for impersonation of officers and employees of Government-owned and Government-controlled corporations, reported it without amendment and submitted a report (No. 823) thereon.

Mr. PITTMAN, from the Committee on the Judiciary, to which was referred the bill (S. 2387) to authorize certain officers and employees of Federal penal and correctional institutions to administer oaths, reported it without amendment and submitted a report (No. 824) thereon.

Mr. GUFFEY, from the Committee on Finance, to which was referred the bill (H. R. 6737) to amend the stamp provisions of the Bottling in Bond Act, reported it without amendment and submitted a report (No. 825) thereon.

Mr. CONNALLY, from the Committee on the Judiciary, to which was referred the bill (S. 2386) to give precedence to certain proceedings to which the United States is a party, and for other purposes, reported it without amendment and submitted a report (No. 826) thereon.

Mr. NEELY, from the Committee on the Judiciary, to which was referred the bill (H. R. 6208) to amend an act of Congress entitled "An act to provide for the appointment of an additional district judge for the northern and southern districts of West Virginia", approved June 22, 1936, by changing the times provided therein for holding the United States district court at various places now fixed by law in the State of West Virginia, reported it without amendment.

TAXES TO EFFECTUATE RAILROAD EMPLOYEES' RETIREMENT LEGISLATION

Mr. CLARK. I ask unanimous consent to report favorably from the Committee on Finance, without amendment, House bill 7589, and to submit a report (No. 818) thereon. I propose to ask for the immediate consideration of the bill.

The PRESIDENT pro tempore. Without objection, the report will be received.

Mr. CLARK. I may say, Mr. President, that this is a companion bill to the railroad employees' pension bill which passed the House and the Senate and was signed by the President last week. The bill for the consideration of which I now ask unanimous consent provides for the taxes to effectuate the act referred to. In view of the importance of the matter, I ask unanimous consent for the immediate consideration of the bill.

Mr. McNARY. Mr. President, may the title of the bill be read? I did not hear the first remarks of the Senator from Missouri.

Mr. CLARK. May I explain again to the Senator from Oregon that this is a companion bill to the railroad employees' pension bill passed by both Houses of Congress last week. This is the bill providing taxes to effectuate the purposes of that act, and, in view of the early approach of the 1st of July and the fact that a great many accounting matters will naturally take up the time to the 1st of July, I ask unanimous consent for the present consideration of the bill.

Mr. McNARY. I should not want to grant permission at this time. Let the bill go over until after the call of the calendar, and I will look into it in the meantime.

Mr. ROBINSON. May I ask if the bill has passed the House?

Mr. CLARK. It has passed the House and been reported to the Senate without amendment from the Committee on Finance.

The PRESIDENT pro tempore. Objection is made to the present consideration of the bill.

Mr. McNARY subsequently said: Mr. President, let me say to the Senator from Missouri that I have discussed with several Republican members of the Finance Committee the proposal made by him, and have no objection to the immediate consideration of the bill which he desires to have considered.

Mr. CLARK. Then, Mr. President, I renew my request for unanimous consent that the Senate consider House bill 7589 at this time.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the bill (H. R. 7589) to levy an excise tax upon carriers and certain other employers and an income tax upon their employees, and for other purposes, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc.,

DEFINITIONS

SECTION 1. That as used in this act—

(a) The term "employer" means any carrier (as defined in subsection (i) of this section), and any company which is directly or indirectly owned or controlled by one or more such carriers or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported

by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such employer: *Provided, however,* That the term "employer" shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Interstate Commerce Commission is hereby authorized and directed upon request of the Commissioner of Internal Revenue, or upon complaint of any party interested, to determine after hearing whether any line operated by electric power falls within the terms of this proviso. The term "employer" shall also include railroad associations, traffic associations, tariff bureaus, demurrage bureaus, weighing and inspection bureaus, collection agencies and other associations, bureaus, agencies, or organizations controlled and maintained wholly or principally by two or more employers as hereinbefore defined and engaged in the performance of services in connection with or incidental to railroad transportation; and railway labor organizations, national in scope, which have been or may be organized in accordance with the provisions of the Railway Labor Act, as amended, and their State and National legislative committees and their general committees and their insurance departments and their local lodges and divisions, established pursuant to the constitution and bylaws of such organizations.

(b) The term "employee" means any person in the service of one or more employers for compensation: *Provided, however,* That the term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after August 29, 1935. An individual is in the employment relation to a carrier if he is on furlough, subject to call for service within or outside the United States and ready and willing to serve, or on leave of absence, or absent on account of sickness or disability; all in accordance with the established rules and practices in effect on the carrier: *Provided further,* That an individual shall not be deemed to have been on August 29, 1935, in the employment relation to a carrier not conducting the principal part of its business in the United States unless during the last pay-roll period in which he rendered service to it prior to said date, he rendered service to it in the United States.

(c) The term "employee representative" means any officer or official representative of a railway labor organization other than a labor organization included in the term "employer" as defined in section 1 (a), who before or after the enactment hereof was in the service of an employer as defined in section 1 (a) and who is duly authorized and designated to represent employees in accordance with the Railway Labor Act, as amended, and any individual who is regularly assigned to or regularly employed by such officer or official representative in connection with the duties of his office.

(d) An individual is in the service of an employer whether his service is rendered within or without the United States if he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of his service, which service he renders for compensation: *Provided, however,* That an individual shall be deemed to be in the service of an employer not conducting the principal part of its business in the United States only when he is rendering service to it in the United States.

(e) The term "compensation" means any form of money remuneration earned by an individual for services rendered as an employee to one or more employers, or as an employee representative, including remuneration paid for time lost as an employee, but remuneration paid for time lost shall be deemed earned in the month in which such time is lost. Such term does not include tips, or the voluntary payment by an employer, without deduction from the remuneration of the employee, of the tax imposed on such employee by section 2 of this act. Compensation which is earned during the period for which the Commissioner of Internal Revenue shall require a return of taxes hereunder to be made and which is payable during the calendar month following such period shall be deemed to have been paid during such period only.

(f) The term "United States" when used in a geographical sense means the States, Alaska, Hawaii, and the District of Columbia.

(g) The term "company" includes corporations, associations, and joint-stock companies.

(h) The term "employee" includes an officer of an employer.

(i) The term "carrier" means an express company, sleeping-car company, or carrier by railroad, subject to part I of the Interstate Commerce Act.

(j) The term "person" means an individual, a partnership, an association, a joint-stock company, or a corporation.

INCOME TAX ON EMPLOYEES

SEC. 2. (a) In addition to other taxes, there shall be levied, collected, and paid upon the income of every employee a tax equal to the following percentages of so much of the compensation of such employee as is not in excess of $300 for any calendar month, earned by him after December 31, 1936—

1. With respect to compensation earned during the calendar years 1937, 1938, and 1939, the rate shall be 2¼ percent;

2. With respect to compensation earned during the calendar years 1940, 1941, and 1942, the rate shall be 3 percent;

3. With respect to compensation earned during the calendar years 1943, 1944, and 1945, the rate shall be 3¼ percent;

4. With respect to compensation earned during the calendar years 1946, 1947, and 1948, the rate shall be 3½ percent;

5. With respect to compensation earned after December 31, 1948, the rate shall be 3¾ percent;

(b) The tax imposed by this section shall be collected by the employer of the taxpayer by deducting the amount of the tax from the compensation of the employee as and when paid. If an employee is paid compensation by more than one employer with respect to any calendar month, then, under regulations made under this act, the Commissioner of Internal Revenue may prescribe the proportion of the tax to be deducted by each employer from the compensation paid by him to the employee with respect to such month. Every employer required under this subsection to deduct the tax is hereby made liable for the payment of such tax and shall not be liable to any person for the amount of any such payment.

(c) If more or less than the correct amount of tax imposed by this section is paid with respect to any compensation payment, then, under regulations made under this act by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, proper adjustments, with respect both to the tax and the amount to be deducted, shall be made, without interest, in connection with subsequent compensation payments to the same employee by the same employer.

EXCISE TAX ON EMPLOYERS

SEC. 3. (a) In addition to other taxes, every employer shall pay an excise tax, with respect to having individuals in his employ, equal to the following percentages of so much of the compensation as is not in excess of $300 for any calendar month paid by him to any employee for services rendered to him after December 31, 1936: *Provided, however,* That if an employee is paid compensation by more than one employer with respect to any such calendar month, the tax imposed by this section shall apply to not more than $300 of the aggregate compensation paid to said employee by all said employers with respect to such calendar month, and each such employer shall be liable for that proportion of the tax with respect to such compensation which his payment to the employee with respect to such calendar month bears to the aggregate compensation paid to such employee by all employers with respect to such calendar month:

1. With respect to compensation paid to employees for services rendered during the calendar years 1937, 1938, and 1939, the rate shall be 2¾ percent;

2. With respect to compensation paid to employees for services rendered during the calendar years 1940, 1941, and 1942, the rate shall be 3 percent;

3. With respect to compensation paid to employees for services rendered during the calendar years 1943, 1944, and 1945, the rate shall be 3¼ percent;

4. With respect to compensation paid to employees for services rendered during the calendar years 1946, 1947, and 1948, the rate shall be 3½ percent;

5. With respect to compensation paid to employees for services rendered after December 31, 1948, the rate shall be 3¾ percent.

(b) If more or less than the correct amount of the tax imposed by this section is paid with respect to any compensation payment then, under regulations made by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, proper adjustments with respect to the tax shall be made, without interest, in connection with subsequent excise-tax payments made by the same employer.

REFUNDS AND DEFICIENCIES

SEC. 4. If more or less than the correct amount of the tax imposed by section 2 (a) or 3 (a) of this act is paid or deducted with respect to any compensation payment and the overpayment or underpayment of the tax cannot be adjusted under section 2 (c) or 3 (b), the amount of the overpayment shall be refunded, or the amount of the underpayment shall be collected in such manner and at such times (subject to the statute of limitations properly applicable thereto) as may be prescribed by regulations under this act as made by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

INCOME TAX ON EMPLOYEE REPRESENTATIVES

SEC. 5. In addition to other taxes, there shall be levied, collected, and paid upon the income of each employee representative a tax equal to the following percentages of so much of the compensation of such employee representative as is not in excess of $300 for any calendar month, earned by him after December 31, 1936:

1. With respect to compensation earned during the calendar years 1937, 1938, and 1939, the rate shall be 5½ percent;

2. With respect to compensation earned during the calendar years 1940, 1941, and 1942, the rate shall be 6 percent;

3. With respect to compensation earned during the calendar years 1943, 1944, and 1945, the rate shall be 6½ percent;

4. With respect to compensation earned during the calendar years 1946, 1947, and 1948, the rate shall be 7 percent;

5. With respect to compensation earned after December 31, 1948, the rate shall be 7½ percent.

The compensation of an employee representative for the purpose of ascertaining the tax thereon shall be determined in the same manner and with the same effect as if the employee organization by which such employee representative is employed were an employer as defined in section 1 (a) of this act.

DEDUCTIBILITY FROM INCOME TAX

SEC. 6. For the purposes of the income tax imposed by title I of the Revenue Act of 1936 or by any act of Congress in substitution therefor, the taxes imposed by sections 2 and 5 of this act shall

not be allowed as a deduction to the taxpayer in computing his net income.

COLLECTION AND PAYMENT OF TAXES

SEC. 7. (a) The taxes imposed by this act shall be collected by the Bureau of Internal Revenue and shall be paid into the Treasury of the United States as internal-revenue collections.

(b) The taxes imposed by this act shall be collected and paid quarterly or at such other times and in such manner and under such conditions not inconsistent with this act as may be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. If a tax imposed by this act is not paid when due, there shall be added as part of the tax (except in the case of adjustments made in accordance with the provisions of this act) interest at the rate of 6 percent per annum from the date the tax became due until paid.

(c) All provisions of law, including penalties, applicable with respect to any tax imposed by section 600 or section 800 of the Revenue Act of 1926, and the provisions of section 607 of the Revenue Act of 1934, insofar as applicable and not inconsistent with the provisions of this act, shall be applicable with respect to the taxes imposed by this act.

(d) In the payment of any tax under this act, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

(e) Any tax paid under this act by a taxpayer with respect to any period with respect to which he is not liable to tax under this act shall be credited against the tax, if any, imposed by title VIII of the Social Security Act upon such taxpayer, and the balance, if any, shall be refunded. Any tax paid under title VIII of the Social Security Act by a taxpayer with respect to any period with respect to which he is not liable to tax under such title VIII shall be credited against the tax, if any, imposed by this act upon such taxpayer, and the balance, if any, shall be refunded.

COURT JURISDICTION

SEC. 8. The several district courts of the United States and the District Court of the United States for the District of Columbia, respectively, shall have jurisdiction to entertain an application by the Attorney General on behalf of the Commissioner of Internal Revenue to compel an employee or other person residing within the jurisdiction of the court or an employer subject to service of process within its jurisdiction to comply with any obligations imposed on such employee, employer, or other person under the provisions of this act. The jurisdiction herein specifically conferred upon such Federal courts shall not be held exclusive of any jurisdiction otherwise possessed by such courts to entertain actions at law or suits in equity in aid of the enforcement of rights or obligations arising under the provisions of this act.

SOCIAL SECURITY ACT

SEC. 9. (a) The term "employment", as defined in subsection (b) of section 811 of title VIII of the Social Security Act, shall not include service performed by an individual as an employee as defined in section 1 (b) or service performed as an employee representative as defined in section 1 (c).

(b) The Secretary of the Treasury at intervals of not longer than 3 years shall estimate the reduction in the amount of taxes collected under title VIII of the Social Security Act by reason of the operation of subsection (a) of this section and shall include such estimate in his annual report.

SEPARABILITY

SEC. 10. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

REPEAL OF PRIOR TAX ACT

SEC. 11. The provisions of this act are in substitution for the provisions of the act of August 29, 1935, as amended, entitled "An act to levy an excise tax upon carriers and an income tax upon their employees, and for other purposes", which is hereby repealed. All moneys payable as and for taxes under such act of August 29, 1935, and not heretofore paid shall cease to be payable and all proceedings pending for the recovery of any such moneys shall be terminated. All sums paid into the Treasury of the United States as and for taxes under such act shall be refunded, except so much of the sums so paid as and for taxes with respect to compensation earned after December 31, 1936, as equals the taxes imposed by this act with respect to the same persons and the same period, and the sums not required to be so refunded shall be retained in the Treasury of the United States and credited on taxes due and payable under this act. All sums deducted by employers from the compensation of employees as and for taxes under such act of August 29, 1935, which have not been paid into the Treasury of the United States shall be repaid by such employers to such employees, except so much of the sums so deducted as and for taxes in respect of compensation earned after December 31, 1936, as equals the taxes imposed and required to be deducted by this act with respect to the same persons and the same period, and the sums not required to be so repaid shall be paid into the Treasury of the United States and thereupon shall be credited on taxes due and payable under this act. No interest shall be allowed or paid with respect to any sum refunded, credited, or repaid under the provisions of this section.

RULES AND REGULATIONS

SEC. 12. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make and publish such rules and regulations as may be necessary for the enforcement of this act.

SHORT TITLE

SEC. 13. This act may be cited as the "Carriers' Taxing Act of 1937."

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LONERGAN:

A bill (S. 2708) to declare Burr Creek, from Fairfield Avenue southward to Yacht Street, in the city of Bridgeport, Conn., a nonnavigable stream; to the Committee on Commerce.

By Mr. GUFFEY:

A bill (S. 2709) for the relief of Mr. and Mrs. Joseph Konderish; to the Committee on Claims.

By Mr. WAGNER:

A bill (S. 2710) for the relief of Ernestine Huber Neuheller (nee Ernestine Huber); to the Committee on Immigration.

By Mr. VANDENBERG:

A bill (S. 2711) granting a pension to George Austin; to the Committee on Pensions.

(Mr. VANDENBERG also introduced Senate bill 2712, which was referred to the Committee on Education and Labor, and appears under a separate heading.)

By Mr. MURRAY:

A bill (S. 2713) to provide funds for the initiation of a mapping program in the State of Montana; to the Committee on Commerce.

By Mr. PEPPER:

A bill (S. 2714) to create a Division of Aviation Education in the Office of Education; to the Committee on Education and Labor.

By Mr. BULKLEY:

A bill (S. 2715) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the founding of the city of Toledo, Ohio; to the Committee on Banking and Currency.

A bill (S. 2716) for the relief of Christine Yerges Conaway; to the Committee on Claims.

By Mr. McKELLAR:

A bill (S. 2717) for the relief of the Canvas Decoy Co.; to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 2718) granting a pension to Eliza Lightle (with accompanying papers); to the Committee on Pensions.

By Mr. HARRISON:

A bill (S. 2719) granting a pension and hospitalization benefits to William T. Dugard; to the Committee on Pensions.

By Mr. McCARRAN:

A bill (S. 2720) to authorize the coinage of silver coins in commemoration of the seventy-fifth anniversary of the admission of the State of Nevada to the Union; to the Committee on Banking and Currency.

AMENDMENT OF NATIONAL LABOR RELATIONS ACT

Mr. VANDENBERG. I ask unanimous consent to introduce a bill proposing certain amendments to the so-called Wagner Labor Act. I ask that the bill be referred to the Committee on Education and Labor. I ask also that it be printed in the RECORD, together with a statement in connection with it and concerning it.

The PRESIDENT pro tempore. Without objection, the bill will be received and referred as requested by the Senator from Michigan, and the bill and statement will be printed in the RECORD.

The bill (S. 2712) to amend the National Labor Relations Act, was read twice by its title, referred to the Committee on Education and Labor, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That (a) so much of the first paragraph of section 1 of the National Labor Relations Act as reads "The denial by employers of the right of employees to organize and the refusal by employers to accept the procedure of collective bargaining lead to strikes and other forms of industrial unrest" is amended to read

as follows: "The denial of or interference with the right of employees to organize, the refusal to accept the procedure of collective bargaining, and the failure to perform the terms and conditions of collective bargaining agreements lead to strikes and other forms of industrial unrest."

(b) Section 1 of such act is further amended by inserting after the third paragraph thereof the following new paragraph:

"The protection of the right of employees to organize and bargain collectively requires (1) that the right to organize be exercised voluntarily and free from coercion, (2) that collective bargaining be conducted by employers and responsible representatives of the employees' own choosing, and (3) that employers and employees perform faithfully the terms and conditions of agreements reached through the practice and procedure of collective bargaining."

SEC. 2. Paragraph (1) of section 2 of the National Labor Relations Act is amended by inserting after the word "associations" a comma and the word "organizations."

SEC. 3. Section 8 of the National Labor Relations Act is amended by inserting after "SEC. 8.", at the beginning thereof, the letter "(a)" and by adding at the end thereof the following new subsection:

"(b) It shall be an unfair labor practice—

"(1) For any person to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7, or to induce or compel or attempt to induce or compel any employee to become a member of any labor organization by means of any threat, intimidation, or coercion or by the use of physical violence.

"(2) For any person, in connection with any labor dispute, to interfere with the free exercise or enjoyment by any person of any right or privilege secured to him by the Constitution or laws of the United States, or to damage or destroy the property of any person, or to violate or interfere with the exercise of any person's rights in real or personal property.

"(3) For any labor organization to make any compulsory assessment or require any contribution for political purposes.

"(4) For persons other than citizens of the United States to act as officers, agents, or representatives of labor organizations.

"(5) For any person to engage in any strike unless such strike has been voted for by a majority of the employees in the appropriate unit for collective bargaining.

"(6) For any person to engage in any strike for the purpose of inducing or forcing any person to violate any contract or any law of a State or the United States.

"(7) For any person to refuse to sign a written contract or agreement embodying the terms and conditions of any agreement between an employer and employees, or their representatives, reached as the result of collective bargaining, or to violate the provisions of any such written contract or agreement."

SEC. 4. Subsection (c) of section 9 of the National Labor Relations Act is amended by adding at the end thereof the following new sentences: "Investigations may be undertaken and secret ballots taken under this section upon the request of any employees, employer, or labor organization directly interested in any such question or controversy; and a new investigation may be undertaken and a new ballot taken upon such request at any time after the expiration of any agreement or contract entered into by an employer and representatives of employees certified under this act or at any time when the Board finds that any provision of any such contract has been violated by any of the parties thereto. When a request has been properly made for an investigation under this section, no person shall be recognized as a representative of the employees affected until the name of such person shall have been certified as such representative by the Board."

SEC. 5. The third sentence of subsection (c) of section 10 of the National Labor Relations Act is amended to read as follows: "If upon all the testimony taken the Board shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice; and if in the opinion of the Board it is necessary in order to effectuate the policies of this act, such order may also (1) require reinstatement of employees with or without back pay; (2) suspend any right or privilege conferred upon such person by this act; and (3) in the case of a labor organization, suspend or prohibit the collection or receipt of any dues, assessment, contribution, or other thing of value."

SEC. 6. Section 13 of the National Labor Relations Act is amended by inserting before the period at the end thereof a comma and the following: "except as specifically provided herein."

The statement presented by Mr. VANDENBERG in reference to the bill is as follows:

Senator VANDENBERG announced that early this week he will offer in the Senate a series of amendments to the Wagner Labor Act. "Their purpose", he declared, "is to broaden the act and to invite an immediate study of an expanded formula under which legalized collective bargaining may hope to produce more effective industrial peace and prosperity for labor and everyone else. I believe that it is only in some such fashion that legitimate labor organization can protect itself against excesses from within and reprisals from without. There are four parties to a collective-bargaining dispute under the Wagner Act—the majority employees, the minority employees, the employer, the public. The Wagner Act ably defends the first. It seems to me that it now must acknowledge the rights of the other three."

The first amendment to be proposed by Senator VANDENBERG will permit employers to share with employees the right to demand elections to determine majority rule for the purpose of establishing collective-bargaining representatives. It would also permit subsequent repeated elections at the option of either party upon the termination or the breach of a contract. It would further require that an election must precede the assertion of any right of representation, thus obviating contentious claims respecting authority to act.

The second amendment would require the agreement resulting voluntarily from collective bargaining to be set down in writing. But it would require that strikes may be called only by a majority vote of all employees; and it would provide that any breach of contract, if not corrected upon order of the National Labor Relations Board, shall suspend the right of representation and shall subject the offender to whatever penalty the National Labor Relations Board may direct in respect to the exercise of further rights under the Wagner Act—plus the right of the Board to stop the collection of union dues and assessments during the period of discipline.

The third amendment would parallel the existing "fair practice code" for employers with a "fair practice code" for labor, including the following: (a) Prohibit compulsory political assessments upon union members; (b) require that all officers, agents, and representatives of unions shall be citizens of the United States; (c) make it "unfair practice", subject to the regular penalties of the Wagner Act "to force any worker to join any labor organization by means of threats, intimidation, coercion, or physical violence" or "to injure, damage, or destroy the property of any person or to violate any person's rights in real or personal property" or "to strike for the purpose of coercing or forcing any person to violate any contract or the laws of any State or of the United States."

"I make no claim that this is a final answer to some of the difficulties that have arisen—difficulties which responsible labor leaders are eager to join in helping correct", said Senator VANDENBERG. "I may have gone too far in some directions and not far enough in others. But I am convinced that the best welfare of labor itself requires a conclusive study of this whole related problem. Moderate protections now may prevent radical restraints later. I believe that labor is entitled to a constantly broadening share in the fruits of its own production. But it will do labor no good to achieve these benefits if a profitable economy and an orderly society in which to enjoy them is jeopardized or destroyed. In the final analysis, the public interest is paramount. There can be but one sovereignty—the sovereignty of government—in this country."

AMENDMENT TO THIRD DEFICIENCY APPROPRIATION BILL

Mr. ROBINSON submitted an amendment intended to be proposed by him to the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill to insert the following:

"PUBLIC HEALTH SERVICE

"Division of Venereal Diseases: For the maintenance and expenses of the Division of Venereal Diseases, established by sections 3 and 4, chapter 15, of the act approved July 9, 1918 (U. S. C., title 42, secs. 24 and 25), including additional facilities and services at the Hot Springs Transient Medical Center and Infirmary, $189,000, said funds to be disbursed by the United States Public Health Service upon invitation of the public agency owning the physical property. It is further provided that the Secretary of the Interior is authorized to accept title to this property as a part of the Hot Springs National Park."

AGRICULTURAL DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT

Mr. RUSSELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6523) making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1938, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 4, 6, 7, 8, 9, 10, 11, 14, 16, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 36, 39, 41, 44, 49, 51, 58, 60, 68, 74, 77, 79, 80, 82, 83, 84, 87, 89, 93, 96, 97, 99, 101, 102, 103, 104, 110, 112, 114, 115, 118, 121, 123, 123, 128, 129, 135, and 136.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 5, 15, 32, 35, 40, 42, 46, 47, 48, 52, 53, 55, 56, 57, 62, 65, 67, 70, 71, 72, 75, 76, 92, 94, 95, 107, 108, 109, 111, 113, 120, 127, 130, and 133, and agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$887,650"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the

sum proposed insert "$1,254,130"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,232,500"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,463,546"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,342,870"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,190,179"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,703,049"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$633,199"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$703,694"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows: "including not exceeding $80,000 for acquisition of additional land, notwithstanding the limitations of said act of March 4, 1927"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$122,000"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$4,833,048"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$638,403"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$14,116,596"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$75,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$18,892,182"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$196,243"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$1,425,431"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$75,000"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$460,860"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$5,711,398"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$171,149"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$2,127,840"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$48,785"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$423,169"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$460,769"; and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$6,162,698"; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$6,212,698"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$500,000"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$190,000"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$22,175,000"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$24,390,780"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$100,000"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows: ": *And provided further*, That the funds provided by section 32 of the act entitled 'An act to amend the Agricultural Adjustment Act, and for other purposes', approved August 24, 1935 (U. S. C., Supp. II, title 7, sec. 612c), shall be available during the fiscal year 1938 for administrative expenses in such sums as the President may direct in carrying out the provisions of said section, including the employment of persons and means in the District of Columbia and elsewhere, in accordance with the provisions of law applicable to the employment of persons and means by Agricultural Adjustment Administration"; and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$12,500,000"; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$7,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 88, 124, 126, and 134.

RICHARD B. RUSSELL, JR.,
CARL HAYDEN,
ROYAL S. COPELAND,
E. D. SMITH,
GERALD P. NYE,
Managers on the part of the Senate.

CLARENCE CANNON,
M. C. TARVER,
WILLIAM B. UMSTEAD,
WILLIAM R. THOM,
CHAS. H. LEAVY,
W. D. MCFARLANE,
EVERETT M. DIRKSEN,
Managers on the part of the House.

Mr. RUSSELL. As this is a privileged matter, I ask for the present consideration of the report.

The report was considered and agreed to.

DEDICATION OF THE ROSCOE P. COPELAND AUDITORIUM—ADDRESS BY SENATOR COPELAND

[Mr. VANDENBERG asked and obtained leave to have printed in the RECORD an address delivered by Senator Copeland at Dexter, Mich., June 13, 1937, on the occasion of the

dedication of the Roscoe P. Copeland Auditorium, which appears in the Appendix.]

NECESSARY FARM LEGISLATION—ADDRESS BY SENATOR POPE

[Mr. BONE asked and obtained leave to have printed in the RECORD a radio address delivered by Senator POPE on June 24, 1937, on the subject "Necessary Farm Legislation", which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—ARTICLE BY SENATOR GREEN

[Mr. ASHURST asked and obtained leave to have printed in the RECORD an article by Senator GREEN, relative to the reorganization of the Federal judiciary, published in the American Bar Association Journal for June 1937, which appears in the Appendix.]

TEMPLE UNIVERSITY COMMENCEMENT—ADDRESS BY JESSE H. JONES

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD an address delivered on June 10, 1937, in Philadelphia, Pa., by Jesse H. Jones, Chairman of the Reconstruction Finance Corporation, at the fifty-first annual commencement of Temple University, which appears in the Appendix.]

UNEMPLOYMENT RELIEF—CHRISTIAN SCIENCE MONITOR EDITORIAL

[Mr. BAILEY asked and obtained leave to have printed in the RECORD an editorial headed "Time for Facts About Relief", published in the Christian Science Monitor of June 17, 1937, which appears in the Appendix.]

ITALY AND SPAIN—WASHINGTON POST EDITORIAL

[Mr. NYE asked and obtained leave to have printed in the RECORD an editorial headed "Out in the Open", published in the Washington Post of June 28, 1937, which appears in the Appendix.]

CONSIDERATION OF UNOBJECTED BILLS ON CALENDAR

The PRESIDENT pro tempore. Under the unanimous-consent agreement entered into on Thursday last, the Senate will now proceed to consider unobjected bills on the calendar, which will be stated in their order.

RESOLUTION PASSED OVER

The resolution (S. Res. 8) limiting debate on general appropriation bills, was announced as first in order.

Mr. VANDENBERG. Let the resolution go over.

The PRESIDENT pro tempore. The resolution will be passed over.

BOARD OF SHORTHAND REPORTING

The bill (S. 1435) to create a board of shorthand reporting, and for other purposes, was announced as next in order.

Mr. ROBINSON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. CONNALLY. Mr. President, I ask unanimous consent to return to Calendar No. 149, being Senate bill 1435. I do not think there is now any objection to that bill.

The PRESIDENT pro tempore. The Chair understood the Senator from Arkansas to object.

Mr. ROBINSON. I do not now object.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Texas to return to Senate bill 1435 and consider it at this time?

There being no objection, the bill (S. 1435) to create a board of shorthand reporting, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby established a National Board of Shorthand Reporting (hereinafter referred to as the Board) to be composed of three members to be appointed by the President, by and with the consent of the Senate. The members of the Board, with the exception of the members first to be appointed, shall be holders of certificates issued under the provisions of this act. The members first appointed shall be skilled in the art and practice of shorthand reporting and shall have been actively and continuously engaged as professional shorthand reporters within the United States for at least 5 years preceding their appointments. The members shall hold office for a term of 3 years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term and (2) the terms of office of the members first taking office after the date of enactment of this act shall expire, as designated by the President at the time of nomination, one at the end of 1 year, one at the end of 2 years, and one at the end of 3 years after such date. The Board shall elect one of its members as chairman and one as secretary-treasurer, who shall hold their respective offices for 1 year. The Board shall make all necessary rules and regulations to carry out the provisions of this act. Any two members shall constitute a quorum for the transaction of business.

SEC. 2. Any person who has received from the Board a certificate of his qualifications to practice as a shorthand reporter shall be known and styled as a "Federal certified shorthand reporter", and no other person, and no partnership, all of the members of which have not received such certificate, and no corporation shall assume such title or the abbreviation "F. C. S. R.", or any other words, letters, or abbreviations tending to indicate that the person, partnership, or corporation so using the same is a Federal certified shorthand reporter.

SEC. 3. The Board shall grant a certificate as a Federal certified shorthand reporter to any citizen of the United States (a) who is over the age of 21 years, is of good moral character, and is a graduate of a high school or has had an equivalent education; and (b) who has, except as provided in section 5 of this act, successfully passed an examination in shorthand reporting under such rules and regulations as the Board may prescribe.

SEC. 4. The Board shall hold regular meetings for the examination of applicants for certificates under this act beginning on the third Monday of June and December of each year, and additional meetings at such times and places as it shall determine but not to exceed once every 3 months. The time and place of holding such examinations shall be advertised in a periodical to be selected by the Board at least 30 days prior to the date of each examination. The Civil Service Commission is authorized to conduct such examinations for the Board.

SEC. 5. The Board may, in its discretion, waive the examination provided for in this act and issue a certificate as a Federal certified shorthand reporter to any person submitting an application within 1 year after the appointment of the members of the Board (a) who possesses the qualifications set out in section 3, (b) who has been actively engaged in the practice of shorthand reporting for more than 5 years next preceding the date of enactment of this act, and (c) who is competent, in the opinion of the Board, to perform the duties of a Federal certified shorthand reporter.

SEC. 6. The Board may revoke any certificate issued under this act for unprofessional conduct or other sufficient cause after appropriate notice and opportunity for hearing. Said notice shall state the cause of such contemplated revocation and the time and place of such hearing and shall be mailed to the registered address of the holder of such certificate at least 30 days before such hearing. Each member of the Board shall be empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records concerning any matter within the jurisdiction of the Board.

SEC. 7. Upon the filing of an application for an examination or a certificate under this act, the Board shall charge a fee of $25. Should the applicant fail to pass the required examination he shall be entitled to take subsequent examinations after the expiration of 6 months and within 2 years without the payment of an additional fee.

SEC. 8. Each member of the Board shall receive $25 for each day actually employed in the discharge of his official duties and in addition thereto all necessary expenses incurred by him in executing his functions under this act. The compensation and expenses of the members of the Board and the expenses of the Board that are necessary to carry out the provisions of this act shall be paid from the fees collected under section 7. *Provided*, That such compensation and expenses shall not exceed the amount so collected as fees.

SEC. 9. On and after July 1, 1937, no person shall be employed for shorthand reporting in the judicial or executive branches or by any independent agency of the Government unless said person is the holder of a certificate provided for in this act: *Provided*, That nothing in this act shall be construed to prohibit the temporary employment of a shorthand reporter not holding a certificate until a reporter holding a certificate shall be available: *Provided further*, That the provisions of this act shall not apply to any person not employed for the shorthand reporting of such proceedings as are described and defined in section 10 hereof: *And provided further*, That the provisions of this act shall not apply to persons regularly employed in any department under provisions of the civil-service laws.

SEC. 10. When used in this act the term "shorthand reporting" means the making, by use of symbols or abbreviations, of a verbatim record of any oral testimony, proceeding, hearing, or trial before a court, commission, independent agency of the Government, master, referee, convention, deliberative assembly, or proceedings of like character.

SEC. 11. If after July 1, 1937, any person shall represent himself as having received a certificate as provided for in this act or shall practice as a Federal certified shorthand reporter without having received such certificate, or after having his certificate revoked shall continue to practice as a Federal certified shorthand reporter, or shall use any title or abbreviation that indicates that the person

using the same is a Federal certified shorthand reporter, or shall violate any of the provisions of this act, said person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than $500.

BILLS PASSED OVER

The bill (S. 1436) providing for the employment of skilled shorthand reporters in the executive branch of the Government was announced as next in order.

Mr. ROBINSON. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 419) to promote the general welfare through the appropriation of funds to assist the States and Territories in providing more effective programs of public education was announced as next in order.

Mr. LODGE. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 847) to prevent the use of Federal official patronage in elections and to prohibit Federal officeholders from misuse of positions of public trust for private and partisan ends was announced as next in order.

Mr. ROBINSON. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 100) to amend the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890, was announced as next in order.

Mr. ROBINSON. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1261) to amend the Interstate Commerce Act, as amended, and for other purposes, was announced as next in order.

Mr. McKELLAR. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 69) to amend an act entitled "An act to regulate commerce", approved February 4, 1887, as amended and supplemented, by limiting freight or other trains to 70 cars, was announced as next in order.

Mr. McKELLAR. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 4276) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia, and for other purposes", was announced as next in order.

Mr. COPELAND. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2106) for the allowances of certain claims not heretofore paid, for indemnity for spoliations by the French, prior to July 31, 1801, was announced as next in order.

Mr. SCHWELLENBACH. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

JOHN L. SUMMERS

The bill (H. R. 4679) for the relief of John L. Summers, former disbursing clerk, Treasury Department; and Frank White, G. F. Allen, H. T. Tate, and W. O. Woods, former Treasurers of the United States was considered, ordered to a third reading, read the third time, and passed.

DISPOSAL OF CERTAIN LANDS OF PANAMA RAILROAD CO.

The joint resolution (H. J. Res. 41) authorizing the disposal of certain lands held by the Panama Railroad Co. on Manzanillo Island, Republic of Panama, was considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That the Panama Railroad Co. be, and is hereby, authorized to sell, and convey in whole or in part, at public or private sale, at not less than the appraised value to be fixed as hereinafter provided, all of its right, title, and interest in and to the lands situated within that portion of Manzanillo Island, Republic of Panama, lying within the area bounded by a line described as follows:

Beginning at the point where the Canal Zone-Republic of Panama (city of Colon) boundary line intersects the western shore line of the arm of Manzanillo Bay known as "Boca Chica" or "Folks River"; thence following the Canal Zone-city of Colon boundary line northerly to Eleventh Street and westerly on Eleventh Street to the center of Front Avenue; thence northerly along the center of Front Avenue and its prolongation to the center of Second Street; thence easterly along the center of Second Street to the center of Melendez Avenue ("G" Street); thence southerly along the center of Melendez Avenue to the center of Seventh Street; thence easterly along the center of Seventh Street to the center of Roosevelt Avenue; thence southerly along the center of Roosevelt Avenue to the center of Ninth Street; thence easterly along the center of Ninth Street to the shore line of Manzanillo Bay; thence southerly along the shore line of Manzanillo Bay to the intersection with the center of Eleventh Street prolonged; thence westerly along the center of Eleventh Street to the center of Melendez Avenue; thence southerly along the center of Melendez Avenue to the center of Sixteenth Street; thence easterly along the center of Sixteenth Street to the shore line of Folks River; thence southerly, westerly, northwesterly, and southerly along the shore line of Folks River to the point of beginning; excepting, however, lot 22, block 26, as shown on Panama Canal drawing 2021–6, and lot 1189, as shown on Panama Canal drawing 7/019, which lie within the said area.

SEC. 2. The Secretary of War shall designate a board of three appraisers, who shall appraise the value of each tract or lot within the said area separately, and file the same with the president of the Panama Railroad Co. From time to time, at intervals of not less than 1 year, the Secretary of War, if deemed advisable by him, may, through a similar board, order a reappraisement of the unsold tracts. Such appraisement and any reappraisement shall be open to public inspection.

SEC. 3. The Panama Railroad Co. is also authorized, with the approval of the President of the United States, to convey in whole or in part all its right, title, and interest in and to the said lands, in exchange for a grant by the Republic of Panama to the United States of all the rights, power, and authority within various other areas situated on Manzanillo Island which the United States would possess and exercise if it were the sovereign of the territory included within the said areas, to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

SEC. 4. Any conveyance of any lot or tract by the Panama Railroad Co., as aforesaid, shall be deemed to release any and all reversionary rights of the United States in said property.

SEC. 5. The Panama Railroad Co. shall, on or before August 16, 1966, deposit the net proceeds from sales of the land in question in the Treasury of the United States to the credit of "Miscellaneous receipts."

The preamble was agreed to.

AMENDMENT OF CANAL ZONE CODE

The Senate proceeded to consider the bill (H. R. 4597) to amend the Canal Zone Code, which had been reported from the Committee on Interoceanic Canals with an amendment, on page 5, after line 19, to insert a new section 10, as follows:

SEC. 10. That section 222 of title 2 of the Canal Zone Code is hereby amended to read as follows:

"222. Carriage by Panama Railroad Co. of marine and fire insurance: The Panama Railroad Co. shall carry no insurance to cover marine or fire losses: *Provided*, That this section shall not prohibit the company from carrying insurance to cover shipments of its own funds and securities."

So as to make the bill read:

Be it enacted, etc., That section 62 of title 2 of the Canal Zone Code approved June 19, 1934 (48 Stat. 1122), is hereby amended to read as follows:

"62. Offenses in relation to entry or importation of articles or merchandise: Any person who shall—

"(a) Enter or import, or attempt to enter or import, any articles or merchandise into the Canal Zone before the entry or importation of such article or merchandise has been approved by the proper officers of the Canal Zone;

"(b) Pass, or attempt to pass, any false, forged, or fraudulent invoice, bill, or other paper, for the purpose of securing the entry or importation of any articles or merchandise into the Canal Zone in violation of the rules and regulations established under the authority of the next preceding section; or

"(c) Violate any of the rules and regulations established under the authority of the next preceding section;

"Shall be punished by a fine of not more than $100 or by imprisonment in jail for not more than 30 days, or by both."

SEC. 2. That section 323 of title 2 of the Canal Zone Code, relative to the violation of regulations governing roads, highways, and self-propelled vehicles, is amended to read as follows:

"323. Violation of regulations; punishment: Any person who violates any rule or regulation established under the authority of the two next preceding sections shall be punished by a fine of not more than $100 or by imprisonment in jail for not more than 30 days, or by both."

SEC. 3. That paragraph (a) of section 61 of title 3, Canal Zone Code, is amended to read as follows:

"61. Application for and issuance of license; fee: (a) No marriage shall be celebrated in the Canal Zone unless a license to marry has first been secured from the office of the clerk of the district court in either division. In cases where both parties to a proposed marriage are residents of the Republic of Panama and neither is an American citizen, no license shall issue in the Canal Zone unless the parties have previously obtained a license to marry from the proper authorities in the Republic of Panama. No marriage license shall be issued to a leper except upon a certificate of approval by the chief health officer of the Canal Zone. All licenses when issued shall be accompanied by a marriage certificate to be executed by the person celebrating the marriage."

SEC. 4. That article 3, chapter 39, title 3, Canal Zone Code, relative to loan of money, is amended by adding at the end of said article a new section no. 1270 and reading as follows:

"1270. Interest of judgments: Judgments shall bear interest at the rate of 6 percent per annum from the date of entry thereof."

SEC. 5. That section 1312 of title 3 of the Canal Zone Code is amended by substituting the word "default" for the word "defraud" appearing in the proviso in said section.

SEC. 6. That paragraph (b) of section 182, title 4, Canal Zone Code, relative to process in proceedings for divorce, is amended to read as follows:

"(b) Upon application of the plaintiff, accompanied by the affidavit required by subdivision (c), if the summons has not been served as provided in subdivision (a), the court, or the judge thereof, shall enter an order directing service of a summons by publication if it appears to the satisfaction of such court or judge—

"(1) That the defendant cannot be found in the Canal Zone; and

"(2) That a proper cause for divorce is alleged in favor of the plaintiff."

SEC. 7. That article 2, chapter 11, title 5, Canal Zone Code, relative to crimes in relation to motor and other vehicles, is amended by adding at the end of said article a new section no. 514 and reading as follows:

"514. Driving motor vehicle recklessly causing bodily injury: Any person who shall operate a motor vehicle recklessly, thereby causing great bodily injury to the person of another, shall be punishable by imprisonment in jail for not more than 1 year or by a fine of not more than $1,000, or by both."

SEC. 8. That section 571 of title 6 of the Canal Zone Code, relative to bail upon being held to answer before information, is amended to read as follows:

"571. Admission to bail in such case: When the defendant has been held to answer upon a preliminary hearing for a public offense, the admission to bail may be by the magistrate by whom he is so held, or by any judge who has power to issue the writ of habeas corpus. The power of the said magistrate to admit to bail in such case shall extend to the time of filing of an information, and the magistrate shall likewise have power either to increase or reduce the amount of such bail in the manner provided in section 582 of this title.

SEC. 9. That section 43 of title 7 of the Canal Zone Code is amended to read as follows:

"43. Public defender: The Governor of the Panama Canal shall appoint a duly qualified member of the bar of the Canal Zone as a public defender, whose duty it shall be to represent, in the district court, any person charged with the commission of a crime within the original jurisdiction of that court who is unable to employ counsel for his defense. The public defender shall receive such compensation, and such of the privileges of a Canal employee, as shall be fixed and granted by the President or by his authority."

SEC. 10. That section 222 of title 2 of the Canal Zone Code is hereby amended to read as follows:

"222. Carriage by Panama Railroad Co. of marine and fire insurance: The Panama Railroad Co. shall carry no insurance to cover marine or fire losses: *Provided*, That this section shall not prohibit the company from carrying insurance to cover shipments of its own funds and securities."

Mr. McKELLAR. Mr. President, will the Senator from Missouri [Mr. CLARK] give us an explanation of the bill?

Mr. CLARK. Mr. President, the code of laws in existence in the Canal Zone has been found defective in several particulars. There are several different provisions involved.

Mr. McKELLAR. Was there any objection from any source?

Mr. CLARK. The bill which is recommended by the Canal Zone authorities and approved by the War Department passed the House of Representatives unanimously and has been unanimously approved by the Committee on Interoceanic Canals.

Mr. McKELLAR. I have no objection.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AIR NAVIGATION IN CANAL ZONE

The bill (H. R. 6144) to amend the Canal Zone Code was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That chapter 1 of title 2, Canal Zone Code, approved June 19, 1934 (48 Stat. 1122), is amended by adding at the end of said chapter a new section no. 14 and reading as follows:

"14. Air navigation: The Government of the United States is hereby declared to possess, to the exclusion of all foreign nations, sovereign rights, power, and authority over the air space above the lands and waters of the Canal Zone. Until Congress shall otherwise provide, the President is authorized to make rules and regulations, and to alter and amend the same from time to time, governing aircraft, air navigation, air-navigation facilities, and aeronautical activities within the Canal Zone. Any person who shall violate any of the rules or regulations issued in pursuance of the authority contained in this section shall be punishable by a fine of not more than $500 or by imprisonment in jail for not more than 1 year, or by both."

SEC. 2. That chapter 3 of title 2, Canal Zone Code, relative to administering oaths and summoning witnesses, is amended by adding at the end of said chapter a new section no 44, and reading as follows:

"44. Administering oaths in inquests and in deportation proceedings: Officers of the Panama Canal designated by the Governor or by his authority to act as coroner and deputy coroners and authorized to hold inquests in the Canal Zone, and officers designated by such authority to conduct hearings in reference to the exclusion and deportation of persons from the Canal Zone, are hereby authorized to administer oaths in the conduct of such proceedings."

SEC. 3. That section 81 of title 2 of the Canal Zone Code is amended so as to read as follows:

"81. Appointment, removal, and compensation of necessary persons: All persons, other than the Governor of the Panama Canal, necessary for the care, management, maintenance, sanitation, government, operation, and protection of the Canal and Canal Zone shall—

"(a) Be appointed by the President or by his authority;

"(b) Be removable at the pleasure of the President; and

"(c) Receive such compensation as shall be fixed by the President or by his authority until such time as Congress may by law regulate the same;

and such persons shall be employed and shall serve under such conditions of employment, including matters relating to transportation, medical care, quarters, leave and the commutation thereof, and office hours and hours of labor as have been or shall hereafter be prescribed by the President: *Provided, however*, That salaries or compensation fixed by the President hereunder shall in no instance exceed by more than 25 percent the salary or compensation paid for the same or similar services to persons employed by the Government in continental United States: *And provided further*, That nothing contained in this section shall affect the application to employees of the Panama Canal of the provisions of section 23 of the Independent Offices Appropriation Act, 1935 (48 Stat. 522)."

RELIEF OF CERTAIN EMPLOYEES OF PANAMA CANAL

The bill (H. R. 6436) authorizing cash relief for certain employees of the Panama Canal not coming within the provisions of the Canal Zone Retirement Act was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Governor of the Panama Canal, under such regulations as may be prescribed by the President of the United States, may pay cash relief to such employees of the Panama Canal not coming within the provisions of the Canal Zone Retirement Act as may become unfit for further useful service by reason of mental or physical disability resulting from age or disease, and also to such former employees of the Panama Canal not coming within the provisions of the Canal Zone Retirement Act as have within 3 years prior to the date of enactment of this act been separated from the service because of unfitness for further useful service by reason of such disability: *Provided*, That such cash relief shall not exceed $1 per month for each year of service of the employee so furnished relief, with a maximum of $25 per month, nor be granted to any employee having less than 10 years' service with the Panama Canal, including any service with the Panama Railroad Co. on the Isthmus of Panama.

SEC. 2. That there is hereby authorized to be appropriated annually such sums as may be necessary to carry out the provisions of this act.

CITIZENSHIP OF CERTAIN PERSONS BORN IN CANAL ZONE

The Senate proceeded to consider the bill (S. 2416) relative to the citizenship of certain classes of persons born in the Canal Zone or the Republic of Panama, which was read, as follows:

Be it enacted, etc., That any person born in the Canal Zone on or after February 26, 1904, and whether before or after the effec-

tive date of this act, whose father or mother or both at the time of the birth of such person was or is a citizen of the United States, is declared to be a citizen of the United States.

SEC. 2. Any person born in the Republic of Panama on or after February 26, 1904, and whether before or after the effective date of this act, whose father or mother or both at the time of the birth of such person was or is a citizen of the United States employed by the Government of the United States or by the Panama Railroad Co., is declared to be a citizen of the United States.

Mr. ROBINSON. Mr. President, what change in existing law does the bill propose to make?

Mr. CLARK. Mr. President, it merely provides that any person born in the Canal Zone after a certain date, whose father or mother or both at the time of the birth of such person was or is a citizen of the United States, shall be declared to be a citizen of the United States. The existing law is changed in that respect as to children born on or after February 26, 1904.

Mr. ROBINSON. How many persons would it add to our citizenship?

Mr. CLARK. I can best answer the Senator by reading from the letter of the Secretary of War set forth in the report, as follows:

The citizenship status of persons born in the Canal Zone has never been defined either by constitution, treaty, or congressional enactment. The resulting questions which have arisen are of considerable importance because there are in the Canal Zone some 3,000 citizens of the United States employed by the Government on the Panama Canal, and some 10,000 citizens of the United States constituting the personnel of the Army and Navy units stationed in the Canal Zone. These classes of persons, with their families, comprise the whole body of American citizens in the Canal Zone with the exception of a negligible number employed by steamship, oil, and cable companies which are fairly closely allied with the Panama Canal enterprise. The population of the Canal Zone, other than citizens of the United States, consists of some 21,000 inhabitants of diverse nationality, many of whom were born in the Canal Zone subsequent to February 26, 1904.

The questions involved are of greater concern to those affected because of the fact that, in a number of cases which is constantly increasing, children born in the Canal Zone of American fathers who are employees of the Government of the United States are themselves reaching maturity, entering the Government service, and becoming the parents of children, without ever having resided elsewhere than in the Canal Zone. One of the most important questions involved, therefore, concerns the citizenship status of children born in the Canal Zone of these second generation citizens of the United States in those cases where a parent capable of transmitting citizenship has not resided in the United States previous to the birth of such a child.

Problems similar to the above have arisen with respect to the status of children born in the hospitals maintained by the Government of the United States in Colon, Republic of Panama. In the latter class of cases the parent is employed in the Government service and works in the Canal Zone. In a number of these cases the parents of the child actually reside in the Canal Zone. The United States Government hospital in which the child is born is adjacent to the Canal Zone but actually within the political jurisdiction of the Republic of Panama.

The draft of bill attached was prepared under the direction of the Governor of the Panama Canal after extensive studies had been made of the subject matter, and it is recommended that this legislation be given favorable consideration.

In other words, as I understand, the hospital to which Government employees in the Canal Zone naturally go, and to which their wives go and in which their children are born, lies outside the jurisdiction of the Canal Zone but in the Republic of Panama. The bill is merely to take care of the citizenship of children so born.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1760) to promote the safety of scheduled air transportation was announced as next in order.

Mr. McKELLAR. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by aircraft in interstate commerce and for other purposes, was announced as next in order.

Mr. McKELLAR. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 892) to repeal the act entitled "An act relating to Philippine currency reserves on deposit in the United States" was announced as next in order.

Mr. ROBINSON. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

ADDITIONAL JUDGE FOR SOUTHERN DISTRICT OF OHIO

The bill (S. 2010) to authorize the appointment of an additional judge for the southern district of Ohio was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the President hereby is authorized to appoint, by and with the advice and consent of the Senate, one district judge for the southern district of Ohio in addition to those now authorized by law. Said additional judge shall be entitled to receive the same salary payable in the same manner as is now provided for district judges in said district. This additional district judge shall reside within said district and shall be subject to the general provisions of law relating to district judges of the United States.

SEC. 2. This act shall take effect immediately upon the approval thereof by the President of the United States.

WARTIME RANK OF RETIRED OFFICERS OF ARMY, NAVY, ETC.

The bill (S. 2279) to amend section 2 of the act entitled "An act to give wartime rank to retired officers and former officers of the Army, Navy, Marine Corps, and/or Coast Guard of the United States", approved June 21, 1930, so as to prohibit persons who have been subsequently separated from the service under other than honorable conditions from bearing the official title and upon occasions of ceremony wearing the uniform of the highest grade held by them during their war service, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 2 of the act entitled "An act to give wartime rank to retired officers and former officers of the Army, Navy, Marine Corps, and/or Coast Guard of the United States", approved June 21, 1930 (46 Stat. 793; U. S. C., title 10, sec. 1028–b), is hereby amended to read as follows:

"SEC. 2. All persons who have served honorably in the Army, Navy, Marine Corps, and/or Coast Guard of the United States during war shall, when not in the active military and/or naval service of the United States, be entitled to bear the official title and upon occasions of ceremony, to wear the uniform of the highest grade held by them during their war service: *Provided*, That their subsequent service and their separation from the service have been honorable and that they have not been sentenced by court martial or by civil authorities to confinement in a State or Federal penitentiary as a result of a conviction for a felony: *Provided further*, That persons other than regular members thereof shall not bear the official title of any of the above services except as authorized by this or other acts, and anyone who offends against the provisions of this section shall be punished in the same manner and to the same extent as is provided by law for persons who offend against prohibitions of law making it unlawful to wear duly prescribed uniforms of said services or parts thereof."

JAMES PHILIP COYLE

The bill (H. R. 2404) for the relief of James Philip Coyle, was considered, ordered to a third reading, read the third time, and passed.

TIMOTHY JOSEPH M'CARTHY

The bill (H. R. 3002) for the relief of Timothy Joseph McCarthy, was considered, ordered to a third reading, read the third time, and passed.

CLAIMS OF FIVE CIVILIZED TRIBES

The Senate proceeded to consider the bill (S. 1379) authorizing the Five Civilized Tribes, in suits heretofore filed under their original jurisdictional acts, to present claims to the United States Court of Claims, by amended petitions to conform to the evidence; and authorizing said court to adjudicate such claims upon their merits as though filed within the time limitation fixed in said original jurisdictional acts, which had been reported from the Committee on Indian Affairs, with amendments, on page 1, line 3, before the word "suits", to insert "any"; on page 1, line 4, after the words "claims by", to strike out "the Five Civilized Tribes under

their respective jurisdictional acts (Cherokee Nation, act approved Mar. 19, 1924, 43 Stat. 27; Seminole Nation, act approved May 20, 1924, 43 Stat. 133; Creek Nation, act approved May 24, 1924, 43 Stat. 139; Choctaw and Chickasaw Nations, act approved June 7, 1924, 43 Stat. 537, as amended by joint resolutions approved May 19, 1926, 44 Stat. 568, and Feb. 19, 1929, 45 Stat. 1229)" and to insert "any nation, tribe, or band of Indians"; and, on page 2, line 14, after the words "Indian nations", to insert "tribes, or bands", so as to make the bill read:

Be it enacted, etc., That in any suits heretofore filed in the United States Court of Claims by any nation, tribe, or band of Indians, plaintiffs therein, at any time before the final submission of said suits, shall have the right to amend their petitions to conform to any evidence filed in said suits, whether such amended petitions develop original claims or present new claims based upon said evidence; and jurisdiction be, and is hereby, conferred upon said Court of Claims, notwithstanding the lapse of time or statute of limitations, to hear, examine, adjudicate, and render judgment in any and all legal and equitable claims which may have been presented by said Indian nations, tribes, or bands in any amended petitions heretofore filed, or which may be filed under the terms of this act; and claims so presented shall be adjudicated by said court upon their merits as though presented by petitions filed within the time limited by said respective original jurisdictional acts, as amended; and any case presenting claims which may have been dismissed upon the ground that new claims were set up by amended petition, after the expiration of the time limitation fixed in said original jurisdictional acts, as amended, shall be reinstated and retried by said court on their merits, upon the same pleadings, findings of fact, and under the same law in force when originally tried.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing any nation, tribe, or band of Indians, in suits heretofore filed under their original jurisdictional acts, to present claims to the United States Court of Claims, by amended petitions at any time before final submission of said suits, to conform to the evidence; and authorizing the said court to adjudicate such claims upon their merits as though filed within the time limitation fixed in said original jurisdictional acts."

INDIANS OF QUINAIELT RESERVATION, WASH.

The Senate proceeded to consider the bill (S. 1517) authorizing the payment of necessary expenses incurred by certain Indians allotted on the Quinaielt Reservation, State of Washington, which had been reported from the Committee on Indian Affairs, with an amendment, on page 2, line 8, after the words "sale of", to strike out "timber on his or her allotment" and insert "his allotment or of timber thereon", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay the attorneys of record for those Quinaielt Indians who received their allotments on the Quinaielt Reservation, State of Washington, pursuant to an order of a United States district or appellate court in a case wherein they were named parties plaintiff, the reasonable and fair value of the services rendered and expenses incurred, as heretofore fixed and determined by said Secretary; and the sum of $55,000, or so much thereof as may be necessary; is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to make said payments, the amount so paid for the account of each such allottee to be reimbursed to the United States out of any funds now or hereafter accruing to the account of each such Indian allottee from the sale of his allotment or of timber thereon.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the payment of attorney fees contracted to be paid by certain Indians allotted on the Quinaielt Reservation, State of Washington, and for other purposes."

BILL PASSED OVER

The bill (S. 1392) to reorganize the judicial branch of the Government was announced as next in order.

Mr. McKELLAR. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

WABASH RIVER BRIDGE, INDIANA

The bill (H. R. 5848) to extend times for commencing and completing the construction of a bridge across the Wabash River at or near Merom, Sullivan County, Ind., was considered, ordered to a third reading, read the third time, and passed.

POTOMAC RIVER BRIDGE AT SHEPHERDSTOWN, MD.

The bill (H. R. 6285) authorizing the State Roads Commission of the State of Maryland and the State Road Commission of the State of West Virginia to construct, maintain, and operate a free highway bridge across the Potomac River in Washington County, Md., at or near a point opposite Shepherdstown, W. Va., and a point at or near Shepherdstown, Jefferson County, W. Va., to take the place of a bridge destroyed by flood, was considered, ordered to a third reading, read the third time, and passed.

POTOMAC RIVER BRIDGE AT HANCOCK, MD.

The bill (H. R. 6286) authorizing the State Roads Commission of the State of Maryland and the State Road Commission of the State of West Virginia to construct, maintain, and operate a free highway bridge across the Potomac River at or near a point in the vicinity of Hancock, in Washington County, Md., and a point near the north end of Morgan County, W. Va., to take the place of a bridge destroyed by flood, was considered, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE NEAR NIOBRARA, NEBR.

The bill (H. R. 6292) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr., was considered, ordered to a third reading, read the third time, and passed.

SNAKE RIVER BRIDGE, WASHINGTON-IDAHO

The bill (H. R. 6494) to extend the times for commencing and completing the construction of a bridge across the Snake River between Clarkston, Wash., and Lewiston, Idaho, was considered, ordered to a third reading, read the third time, and passed.

DISABILITY OR DEATH BENEFITS IN EVENT OF WAR

The bill (S. 2113) to provide benefits on account of disability or death due to service in the armed forces of the United States in the event of war, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Mr. President, let us have an explanation of the bill.

The PRESIDENT pro tempore. The Senator from Michigan desires an explanation of the bill.

Mr. REYNOLDS. Mr. President, this is a bill which I was instructed to report from the Committee on Military Affairs. Its title discloses its purpose. I should like to bring to the attention of the Senate and particularly to the attention of the Senator from Michigan the fact that the bill was considered by a subcommitee of the Committee on Military Affairs and was later considered by the full committee and reported favorably to this body.

Mr. VANDENBERG. I am simply asking the Senator to indicate what the bill provides.

Mr. REYNOLDS. It merely provides benefits for the widows of soldiers of future wars, and likewise compensation to soldiers for services rendered in war, not in excess of compensation being derived by veterans of the World War at the present time.

Mr. VANDENBERG. Is there any recommendation from the War Department or the Veterans' Bureau in connection with the bill?

Mr. REYNOLDS. As a matter of fact, my recollection is that the War Department recommended adversely. The War Department, in addressing the members of the Committee on Military Affairs under date of May 11, 1937, had the following to say to the chairman of the committee:

DEAR SENATOR SHEPPARD: Careful consideration has been given to the bill (S. 2113) to provide benefits on account of disability or death due to service in the armed forces of the United States in the event of war, and for other purposes, which you referred to the

War Department under date of April 10, 1937, with request for information and the views of the Department relative thereto.

This proposed legislation appears to have reference to laws which are administered primarily, if not entirely, by the Veterans' Administration. The records of the War Department do not include information regarding the subject matter of the bill. This Department therefore feels that, out of deference to the Veterans' Administration, it should refrain from expressing an opinion as to the merits of the measure.

This report was submitted to the Bureau of the Budget, which advises that there would be no objection to the submission to Congress of the proposed report on S. 2113.

Sincerely yours,

HARRY H. WOODRING,
Secretary of War.

Mr. VANDENBERG. What is the attitude of the Veterans' Administration?

Mr. REYNOLDS. In view of the fact that the matter is one with which the Veterans' Administration would have to do, the War Department advised that they would not comment further upon the bill.

Mr. VANDENBERG. The Veterans' Administration themselves commented on the bill, did they not?

Mr. REYNOLDS. I think they did.

Mr. VANDENBERG. What did they say?

Mr. McKELLAR. Mr. President, as I understand, they did not recommend the bill, nor did the Navy Department.

Mr. REYNOLDS. General Hines commented upon the bill as follows:

This is with further reference to your request of April 10, 1937, for a report on S. 2113, Seventy-fifth Congress, a bill to provide benefits on account of disability or death due to service in the armed forces of the United States in the event of war, and for other purposes, which provides——

Mr. ROBINSON. Mr. President, I notice that in the report from the Secretary of the Navy it is stated:

However, in the opinion of the Navy Department it would be better to provide benefits based on conditions existing when the future war comes, or, if it is desired to enact such legislation now, to enumerate those it is desired to perpetuate.

I, myself, do not see the necessity at this time of legislating benefits for soldiers in future wars. It seems to me that if we are to take it for granted that a necessity for such legislation will arise, we may well consider the legislation when the necessity does arise; so I think the measure had better go over.

Mr. VANDENBERG. Mr. President, at least we are not going to have a war before we have another call of the calendar; and I suggest that the bill go over until that time, in any event.

Mr. ROBINSON. Yes.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

FORT NIAGARA MILITARY RESERVATION, N. Y.

The bill (H. R. 3123) to authorize the Secretary of War to lease to Old Fort Niagara Association, Inc., portions of the Fort Niagara Military Reservation, N. Y., was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to lease to Old Fort Niagara Association, Inc., a nonprofit membership corporation incorporated under the laws of the State of New York, that portion of the Fort Niagara Military Reservation, N. Y., known as Old Fort Niagara, including all grounds, buildings, and fortifications pertaining thereto which have been restored and rehabilitated by Old Fort Niagara Association, Inc., and the United States of America, together with such additional adjacent areas and/or buildings as, in the discretion of the Secretary of War, may be or become necessary for such term or terms and subject to such conditions as, in the discretion of the Secretary of War, shall be advisable: *Provided, however*, That the consideration for any lease executed pursuant to this act shall be the maintenance by said Old Fort Niagara Association, Inc., of said premises in accordance with the terms of such lease, and every such lease shall be revocable at will by the Secretary of War.

FORT DONELSON NATIONAL MILITARY PARK, TENN.

The bill (S. 2026) to provide for the addition of certain lands to the Fort Donelson National Military Park in the State of Tennessee, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the following-described tracts or parcels of land, lying and being within the seventh civil district of Stewart County, Tenn., are hereby transferred from the jurisdiction of the Secretary of War to the jurisdiction of the Secretary of the Interior as additions to the Fort Donelson National Military Park, and shall hereafter be subject to all laws and rules and regulations applicable to said park:

Tract no. 1, a right-of-way, 50 feet wide, lying 25 feet on each side of a center line, beginning at a point in the southerly boundary line of lock D reservation, 734.8 feet from the southwest corner of this reservation; thence south 31°5′ W. 77.1 feet; thence south 86°21′ W. 479.9 feet; thence south 63°53′ W. 262.3 feet; thence south 39°36′ W. 186.7 feet; thence south exactly 40′ E. exactly 194 feet; thence south 30°58′ E. 314.5 feet; thence south 28°15′ E. exactly 85 feet; thence south 28°37′ E. 250.5 feet; thence south 4°6′ E. 261.7 feet; thence south 36°27′ E. 282.3 feet; thence south 23°45′ E. 178.3 feet to center of line of county road, reserving, however, to the War Department the right to the continued use of the road over this tract as a means of access to lock D.

Tract no. 2, beginning at a point in the southern boundary line of lock D reservation 753.5 feet from the southwest corner of this reservation, thence north 74°28′ E. 191.98 feet, thence south 85°12′ E. 52.9 feet, thence south 51°36′ E. 32.9 feet, thence south 9°33′ E. 117.02 feet, thence south 31°3′ W. 69.82 feet, thence north 58°57′ W. 288.08 feet to beginning.

Tract no. 3, beginning at a point in the southern boundary line of lock D reservation, 590 feet from the southwest corner of this reservation, this point being marked by an iron fence post, thence north 58°57′ W. 590 feet along the southern boundary line of lock D reservation, thence north 31°3′ E. 488 feet along the western boundary line of the lock D reservation to low-water mark on bank of Cumberland River, thence along low-water line of Cumberland River in a southeasterly direction 335 feet, thence south 35°5′ W. 123 feet to an iron pin, thence south 55°55′ E. 307.5 feet to an iron pin, thence south 40°5′ W. 310.5 feet to beginning.

SEC. 2. The Secretary of the Interior is hereby authorized to accept donations of land, interests in land, buildings, structures, and other property within a distance of 1 mile from the boundaries of said Fort Donelson National Military Park, as hereby extended, and donations of funds for the purchase or maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided*, That he may acquire on behalf of the United States out of any donated funds, by purchase at prices deemed by him reasonable or by condemnation, such tracts of land within a distance of 1 mile from the boundaries of the said national military park as may be necessary for the completion thereof. Upon the acquisition of such land the same shall become a part of the Fort Donelson National Military Park and shall be subject to the laws and rules and regulations applicable to said park.

SEC. 3. The administration, protection, and development of the lands hereby authorized to be added to the Fort Donelson National Military Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916 (39 Stat. 535), entitled "An act to establish a National Park Service, and for other purposes", as amended.

INTERSTATE COMMERCE IN PRODUCTS OF CHILD LABOR

The bill (S. 2226) to regulate interstate commerce in the products of child labor, and for other purposes, was announced as next in order.

Mr. ROBINSON. Mr. President, that is an important bill. I do not wish to object to its consideration, but I think the bill should receive more attention than it is possible to give it at this time. Let the bill be read.

The PRESIDENT pro tempore. The bill will be read.

The Chief Clerk proceeded to read the bill.

Mr. BLACK. Mr. President, I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

COMPENSATION OF OFFICERS AND EMPLOYEES OF CORPORATIONS

The bill (H. R. 6215) to repeal provisions of the income tax requiring lists of compensation paid to officers and employees of corporations was announced as next in order.

Mr. McKELLAR. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. LONERGAN. Mr. President, has objection been made to the consideration of this bill?

The PRESIDENT pro tempore. Objection has been made.

Mr. LONERGAN. By whom, may I ask?

Mr. McKELLAR. Mr. President, I made the objection. The bill seems to be very important; and I should like to

have it go over until the next time the Calendar is called, in any event.

Mr. LONERGAN. I will say to the Senator from Tennessee that the bill passed the House of Representatives on the 27th of April, and was considered by the Finance Committee and favorably reported.

Mr. McKELLAR. I have no doubt of that, or the bill would not be on the Calendar; but I should like to have the Senator let it go over this time, until I can examine into it.

The PRESIDENT pro tempore. The bill will be passed over.

JACKSON CASKET & MANUFACTURING CO.

The bill (H. R. 5258) for the relief of the Jackson Casket & Manufacturing Co. was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That (a) notwithstanding the declaration of adjusted declared value in its capital-stock-tax return for the year ending June 30, 1936, the original declared value of the Jackson Casket & Manufacturing Co., of Jackson, Miss., in determining its capital-stock tax under section 105 of the Revenue Act of 1935, as amended, for the year ending June 30, 1937, and subsequent years, shall be a value computed on the basis of $125 per share of its capital stock.

(b) The provisions of subsection (a) shall apply only if the taxpayer within 30 days after the date of the enactment of this act files with the collector of internal revenue for its district a statement under oath, recomputing its original declared value in accordance with the provisions of this act.

ELIMINATION OF OATH ON INCOME-TAX RETURNS

The bill (S. 2473) to provide that individual income-tax returns may be made without the formality of an oath, and for other purposes, was announced as next in order.

Mr. ROBINSON. Mr. President, I inquire of the Senator from Massachusetts [Mr. WALSH] if the intention and purpose of this bill is to permit the filing of unverified income-tax returns.

Mr. WALSH. No. The purpose of the bill is to eliminate the requirement that individual tax returns shall be made under oath. The bill provides that the individual taxpayer will be guilty of perjury, and may be prosecuted for perjury, in case he knowingly makes false statements in the return.

Mr. ROBINSON. It is a well-established principle of law that there can be no perjury where an oath is not administered and violated. To provide that a man shall be guilty of perjury for merely making a statement as to which he is not required to take an oath seems to me, to say the least, a very unusual provision of law. What is the object of it?

Mr. WALSH. I will state to the Senator that such a provision of law has existed for years in the State of Massachusetts in the requirements of taxpayers making out individual tax returns, and prosecutions have been made under it; and this bill follows the provisions of that law. I will also say to the Senator that the Treasury Department report that in several cases they have been unable to prosecute where oaths have been administered, because the oaths were improperly administered, or there was the appearance of authority to administer the oaths where there was not such authority.

I will read a few lines from the Secretary of the Treasury on that point:

The Department has, on several occasions in recent years, considered suggestions that the statutory requirement for making income returns under oath be eliminated and that a statement similar to that now proposed in S. 4257 be substituted therefor. After a careful review of the relevant considerations, I am convinced that the arguments raised against eliminating the oath on income returns are not of sufficient weight to warrant objection on the part of the Department to the purpose of the proposed legislation. The experience of the Department is that there has been a frequent disregard of the prescribed formalities incident to the administering of oaths by notaries public and other persons authorized to administer oaths. As a result much of the solemnity and psychological effect usually attached to the proper administering of an oath is lost. Because of some formal defect in the administering of the oath, the Government, in numerous instances, has been unable to prosecute taxpayers for perjury for false statements made in their income returns.

It will suffice to state, without entering into a detailed discussion of the relative significance, merits, and effect of an oath as compared with a statement made under the penalties of perjury as proposed, that I am of the opinion that such a statesment as is proposed in S. 4257 would discourage the making of dishonest returns at least as effectively as the present requirement of an oath.

Mr. President, this bill, if enacted into law, will remove some delays and inconveniences to income-tax payers and also will aid somewhat the Government in prosecuting taxpayers for false statements in their income-tax returns.

Let me add, further, that the Treasury Department are now contemplating the presentation of a similar bill to apply to statements made by employers and employees under the social security law, because of the numerous complaints which have been made of the inconvenience, expense, and trouble to which employers and employees are put in making out the large number of reports that now have to be made under oath.

Mr. McKELLAR. I ask that the bill go over today, in order that I may look into it.

Mr. WALSH. Very well.

The PRESIDENT pro tempore. The bill will be passed over.

BILL PASSED OVER

The bill (S. 106) to establish the Farmers' Home Corporation, to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, to create a fiscal agent for the United States, and for other purposes, was announced as next in order.

Mr. McKELLAR. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

AGREEMENTS UNDER AGRICULTURAL PROGRAMS

The bill (S. 2229) to permit Members of Congress to enter into agreements under agricultural programs was announced as next in order.

Mr. VANDENBERG. Mr. President, what is the purpose of this bill?

Mr. ROBINSON. Mr. President, I introduced the bill at the request of a number of Members of Congress.

Some Members of Congress are engaged in the business of farming. They are unable to enter into the conservation contracts which are expected to be made by farmers generally, because of a provision of the statutes which passed some time ago. Some of them have been embarrassed by being asked by farmers if they had signed the contract and having to reply that they could not do so because the law did not allow them to do so; and they thought no possible harm could come from permitting Members of the Congress to enter into conservation contracts.

It is a matter which I understand is favored by representatives of the Department, although I introduced the bill at the instance of a number of Members of Congress who themselves did not wish to introduce it.

Mr. VANDENBERG. Let the bill go over for this call of the calendar.

The PRESIDENT pro tempore. The bill will be passed over.

MAURICE D. PRYOR

The Senate proceeded to consider the bill (S. 1626) to amend the military record of Maurice D. Pryor, and for other purposes, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert the following:

That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers Maurice D. Pryor (Army serial no. 2884655) shall be held and considered to have been honorably discharged as a private, Company A, One Hundred and Forty-fourth Machine Gun Battalion, United States Army, on February 13, 1919: *Provided*, That no pension, bounty, compensation, benefit, or allowance shall be held to have accrued prior to the passage of this Act, with the exception of that provided in the World War Adjusted Compensation Act, as amended and supplemented: *Provided*, That the said Maurice D. Pryor makes application for the benefits of the World War Adjusted Compensation Act within 1 year from the date of the passage of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Maurice D. Pryor."

PUGET SOUND BRIDGE, WASHINGTON

The bill (H. R. 4711) to extend the times for commencing and completing the construction of a bridge across Puget Sound at or near a point commonly known as The Narrows, in the State of Washington, was considered, ordered to a third reading, read the third time, and passed.

ADMINISTRATION OF OATHS IN THE PHILIPPINES

The bill (S. 2349) to authorize the administration of oaths by the chief clerk and the assistant chief clerk of the office of United States High Commissioner to the Philippine Islands, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby conferred upon the chief clerk and the assistant chief clerk, respectively, of the office of the United States High Commissioner to the Philippine Islands the authority whenever either of them is required or deems it necessary or proper so to do at any place within the territorial limits of the Commonwealth of the Philippines to administer to or take from any person an oath, affirmation, affidavit, or deposition, and to perform any notarial act which any notary public is required or authorized by law to do within the United States or any of its possessions. Every such oath, affirmation, affidavit, deposition, and notarial act administered, sworn, affirmed, taken, had, or done, by or before such chief clerk or assistant chief clerk when certified under their respective hands and accompanied by a certificate attesting the official position of the person certifying as such chief clerk or assistant chief clerk, under the hand and the seal of office of the United States High Commissioner to the Philippine Islands or of the Acting United States High Commissioner to the Philippine Islands, shall be as valid, and of like force and effect within the United States and its possessions, to all intents and purposes, as if administered, sworn, affirmed, taken, had, or done by or before any other person within the United States or its possessions duly authorized and competent thereto.

SEC. 2. Any person who shall willfully and corruptly misstate, or by any means procure any person to misstate, any material fact or matter in any such oath, affirmation, affidavit, or deposition, or shall forge any of the signatures of the seal hereinbefore mentioned or shall tender in evidence any of the documents heretofore mentioned with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, may be charged and tried in any court of the United States or of its possessions, including the Commonwealth of the Philippines, within whose territorial jurisdiction he may be found, and upon conviction of any offense herein described shall be imprisoned for not less than 1 nor more than 3 years and fined in a sum not to exceed $3,000.

SEC. 3. Any document mentioned herein purporting to have subscribed thereto or thereon the signature of the official administering or taking the same in testimony thereof, when accompanied by the above-mentioned certificate of the United States High Commissioner to the Philippine Islands or of the Acting United States High Commissioner to the Philippine Islands, shall be admitted in evidence without proof of the genuineness of the signature or seal of any official herein mentioned or of the official position of such official.

ANNUAL CONFERENCE OF SENIOR CIRCUIT JUDGES

The bill (H. R. 2703) to provide for the representation of the United States Court of Appeals for the District of Columbia on the Annual Conference of Senior Circuit Judges was considered, ordered to a third reading, read the third time, and passed.

NATIONAL SAFETY STANDARDS COMMISSION

T. bill (S. 18) to establish a National Safety Standards Commission to reduce the danger of accidents at highway grade crossings, and drawbridges, and for other purposes, was announced as next in order.

Mr. WHITE. Let this bill go over.

Mr. LONERGAN. Mr. President, will not the Senator withhold his objection?

Mr. WHITE. Mr. President, I had no objection to this bill in its original form, but it seems to me it has been amended in important respects, and I have had no opportunity to read or to study the amendments. I think other Members on the minority side of the committee have had no opportunity to know what the effect of the amendments would be. I should like to have the bill go over for the time being.

Mr. LONERGAN. Very well.

The PRESIDENT pro tempore. Objection being heard, the bill will be passed over.

INSURANCE AGAINST LOSS OR DAMAGE IN SHIPMENT

The Senate proceeded to consider the bill (H. R. 6635) to dispense with the necessity for insurance by the Government against loss or damage to valuables in shipment, and for other purposes, which had been reported from the Committee on Post Offices and Post Roads with an amendment to strike out all after the enacting clause and to insert the following:

That as soon as practicable after the approval of this act the Secretary of the Treasury and the Postmaster General shall, jointly, with the approval of the President, prescribe regulations governing the shipment of valuables by the executive departments, independent establishments, agencies, wholly owned corporations, officers, and employees of the United States, with a view to minimizing risks of loss and destruction of, and damage to, such valuables in shipment. After the effective date of such regulations, which shall be not more than 30 days after their issuance, it shall be the duty of every such executive department, independent establishment, agency, wholly owned corporation, officer, and employee, and of every person acting for him or it, or at his or its direction, to comply with such regulations in making any shipment of valuables.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000 to be used, under the direction of the Secretary of the Treasury, for the replacement of valuables, or the value thereof, lost, destroyed, or damaged in the course of shipment effected pursuant to the regulations prescribed under section 1. There is hereby further authorized to be appropriated annually, beginning with the fiscal year 1939 and ending with the fiscal year 1948, inclusive, the sum of $200,000 for the said purposes, and from time to time such additional sums as may be necessary for the said purposes. There shall be in the Treasury of the United States a revolving fund, to be known as "the fund for the payment of Government losses in shipment" (hereinafter referred to as "the fund"), to be constituted of the said sum of $500,000 and the sums hereafter appropriated for the said purposes, together with all recoveries and repayments credited to the fund as hereinafter provided. There is hereby further authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000, for expenditure under the direction of the Secretary of the Treasury, to be used for the payment of administrative expenses, including personal services, necessary to carry out the provisions of this act for the fiscal year 1938.

SEC. 3. In the event of loss or destruction of, or damage to, valuables of which shipment shall have been made pursuant to the regulations prescribed under section 1, a claim in writing for replacement shall be made upon the Secretary of the Treasury who, if he shall be satisfied that such loss, destruction, or damage has occurred and that shipment was made substantially in accordance with such regulations, shall cause replacement to be made out of the fund through such officers as he may designate. Notwithstanding any provision of law to the contrary, the decision of the Secretary of the Treasury that such loss, destruction, or damage has occurred or that such shipment was made substantially in accordance with such regulations shall be final and conclusive and shall not be subject to review by any other officer of the United States: *Provided, however*, That where the Secretary of the Treasury determines that such replacement can be effected, in whole or in part, without actual or ultimate injury to the United States, by a credit in the accounts of the executive department, independent establishment, agency, officer, employee, or other accountable person making the claim he shall not resort to the fund, except to the extent that such replacement cannot be so effected by such credit, but shall certify such determination to the Comptroller General and, upon receipt of such certification, the Comptroller General is authorized and directed to make such credit in the settlement of accounts in the General Accounting Office: *Provided further*, That the fund shall not be available with respect to any loss, destruction, or damage affecting valuables of which shipment shall have been made by or on behalf of the Public Debt Service of the Treasury Department, insofar as such loss, destruction, or damage is chargeable against the indefinite appropriation "Expenses of loans, act of September 24, 1917, as amended and extended" (U. S. C., 1934 ed., title 31, secs. 760, 761): *And provided further*, That the fund shall not be available with respect to any loss, destruction, or damage affecting valuables, insofar as such loss, destruction, or damage may be adjusted by the Postmaster General under the provisions of the act of March 17, 1882, as amended (U. S. C., 1934 ed., title 39, sec. 49); nor shall it be available with respect to any loss, destruction, or damage affecting valuables of which shipment shall have been made at the risk of persons other than the United States, its executive departments, independent establishments, agencies, wholly owned corporations, officers, and employees. All recoveries and repayments on account of loss, destruction, or damage to valuables of which replacement shall have been made out of the fund shall be credited to it and shall be available for the purposes thereof.

SEC. 4. On and after the effective date of the regulations prescribed under section 1, no executive department, independent establishment, agency, wholly owned corporation, officer, or employee shall expend any money, or incur any obligation, for insurance, or for the payment of premiums on insurance, against loss, destruction, or damage in the shipment of valuables except

as specifically authorized by the Secretary of the Treasury. The Secretary of the Treasury may give such authorization if he shall find that the risk of loss, destruction, or damage in such shipment cannot be adequately guarded against by the facilities of the United States or that the circumstances are such that adequate replacement cannot be provided under this act.

SEC. 5. Every officer and employee of the United States and every person acting on behalf of a wholly owned corporation who makes a shipment of valuables in good faith pursuant to and substantially in accordance with the regulations prescribed under section 1 shall be deemed, insofar as there may be concerned the propriety with respect to such shipment of any act or omission governed by such regulations, to be acting in faithful execution of his duties of office and in full performance of the conditions of his bond and oath of office, if any.

SEC. 6. The Secretary of the Treasury shall have power, with the approval of the President, to make such rules and regulations as may be necessary for the execution of the functions vested in him by this act, and may for such purpose require persons making shipment of valuables or making claims for replacement to make such declarations or to furnish him with such other information as he may deem necessary.

SEC. 7. For the purposes of this act—

(a) The term "valuables" means any article or thing or representative of value in which the United States has any interest, or in connection with which it has any obligation or responsibility, direct or indirect, and which is of, or is similar to, a class or kind of article or thing or representative of value which it has been the practice heretofore of the United States to insure, as the insured party, against loss, destruction, or damage in shipment, and includes, but is not limited to, coin, specie, bullion, currency, bonds, coupons, debentures, bills, notes, certificates of indebtedness, certificates of deposit, mortgages, assignments, certificates of stock, warehouse receipts, checks, trust receipts, warrants, stamps, and any other securities, papers, or materials of value, whether complete, incomplete, mutilated, in definitive form, or represented by interim documents; the term "United States" as used in this subsection means the United States or any of its executive departments, independent establishments, agencies, wholly owned corporations, officers, or employees;

(b) The term "shipment" means the transportation, or the effecting of transportation, of valuables, without limitation as to the means or facilities used or by which the transportation, is effected or the person to whom it is made, and includes, but is not limited to, shipments made to any executive department, independent establishment, agency, wholly or partly owned corporation, officer, or employee of the United States, or any person acting on his or its behalf or at his or its direction;

(c) The term "wholly owned corporation" means any corporation, regardless of the law or laws under which it is incorporated, the capital of which is entirely owned, directly or indirectly, by the United States, and includes the duly authorized officers, employees, and agents thereof;

(d) The term "replacement" means payment, reimbursement, replacement, or duplication or the expenses incident thereto.

SEC. 8. (a) Whenever it is clearly proved to the satisfaction of the Secretary of the Treasury—

(1) That any interest-bearing security of the United States, identified by number and description, payable to bearer or so assigned as to become, in effect, payable to bearer, has been wholly or partly destroyed, or so mutilated or defaced as to impair its value to the owner, or has been lost or stolen under such circumstances, and such a period of time having elapsed after it has matured or has become redeemable pursuant to a call for redemption, as in the judgment of the Secretary would indicate that it has been destroyed or irretrievably lost, is not held by any person as his own property and will never become the basis of a valid claim against the United States; or

(2) That any interest-bearing security of the United States, identified by number and description, which is not payable to bearer and which has not been so assigned as to become, in effect, payable to bearer, has been lost or stolen, so that it is not held by any person as his own property, or has been wholly or partly destroyed, or so mutilated or defaced as to impair its value to the owner;

the Secretary, upon receipt and approval by him of a bond of indemnity, if and as required by subsection (b) hereof, shall, in the case of a security which has not matured or become redeemable pursuant to a call for redemption, issue a substitute marked "duplicate" and showing the serial number of the original security; or shall, in the case of a security which has matured or become redeemable pursuant to a call for redemption, make payment thereof to the owner, with such interest only as would have been paid had the security been presented when it became due and payable: *Provided*, That in the case of an interim certificate relief may be given by the issue of a definitive security, whether before or after maturity, rather than by the issue of a substitute or by payment: *And provided further*, That no payment shall be made on account of interest coupons claimed to have been attached to such original security unless the Secretary is satisfied that such coupons have not been paid, and are in fact destroyed or can never become the basis of a valid claim against the United States.

(b) Except as hereinafter provided, the owner of such lost, stolen, destroyed, mutilated, or defaced security shall file with the Secretary of the Treasury a bond, to indemnify the United States, in such form and amount and with such surety, sureties, or security as the Secretary of the Treasury shall require: *Provided*, That in case of securities payable to bearer or so assigned as to become, in effect, payable to bearer, the destruction of which has not been proved, a corporate surety, qualified under the provisions of the act of August 13, 1894, as amended (U. S. C., 1934 edition, title 6, secs. 6–13), shall be required on such bond of indemnity: *And provided further*, That a bond of indemnity shall not be required in any of the following classes of cases, except as hereinafter provided:

(1) If the Secretary of the Treasury is satisfied that the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred without fault of the owner and while the security was in the custody or the control of the United States (not including the Postal Service when acting solely in its capacity as the public carrier of the mails), or of a person thereunto duly authorized as lawful agent of the United States, or while it was in the course of shipment effected pursuant to and in accordance with the regulations issued under the provisions of this act.

(2) If substantially the entire security is presented and surrendered by the owner and the Secretary of the Treasury is satisfied as to the identity of the security presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States.

(3) If the lost, stolen, destroyed, mutilated, or defaced security is one which by the provisions of law or by the terms of its issue is transferable only by operation of law.

(4) If the owner is a State or political subdivision thereof, a corporation the whole of whose capital is owned by the United States, a foreign government or a Federal Reserve bank:

Provided, however, That in any of the foregoing classes of cases the Secretary of the Treasury may require a bond of indemnity if he deems it essential to the public interest.

(c) The term "interest-bearing security of the United States" or "security", wherever used in this section, means any direct obligation of the United States issued pursuant to law for valuable consideration and which by its terms bears interest, or is issued on a discount basis, and includes (but is not limited to) bonds, notes, certificates of indebtedness, and Treasury bills, and interim certificates issued for any such security.

(d) The Secretary of the Treasury shall have the power to make such rules and regulations as he may deem necessary for the administration of this section.

(e) Sections 3702, as amended, 3703, 3704, and 3705 of the Revised Statutes of the United States (U. S. C., title 31, secs. 735, 736, 737, and 738) are hereby repealed.

SEC. 9. Section 3646 of the Revised Statutes of the United States (U. S. C., 1934 edition, title 31, sec. 528), as amended, is further amended to read as follows:

"(a) Except as hereinafter provided, whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States is lost, stolen, or wholly or partly destroyed, or is so mutilated or defaced as to impair its value to its owner or holder, persons authorized to issue such checks on behalf of the United States are authorized, before the close of the fiscal year following the fiscal year in which the original check was issued, to issue to the owner or holder thereof a substitute, marked 'duplicate' and showing the number, date, and payee of the original check, upon the receipt and approval by the Secretary of the Treasury of a bond, to indemnify the United States, in such form and amount and with such surety, sureties, or security as the Secretary of the Treasury shall require; but no such substitute shall be payable if the original check shall first have been paid: *Provided, however*, That the authority herein conferred to issue substitute checks may, in the case of checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, be issued without limitation of time.

"(b) A bond of indemnity shall not be required under subsection (a) of this section in any of the following classes of cases except as hereinafter provided: (1) If the Secretary of the Treasury is satisfied that the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred without fault of the owner or holder and while the check was in the custody or control of the United States (not including the Postal Service when acting solely in its capacity as the public carrier of the mails), or of a person thereunto duly authorized as lawful agent of the United States, or while it was in the course of shipment effected pursuant to and in accordance with the regulations issued under the provisions of the Government Losses in Shipment Act; (2) if substantially the entire check is presented and surrendered by the owner or holder and the Secretary of the Treasury is satisfied as to the identity of the check presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States; (3) if the Secretary of the Treasury is satisfied that the original check is not negotiable and cannot be made the basis of a valid claim against the United States; (4) if the amount of the check is less than $50 and the Secretary of the Treasury is satisfied that the giving of a bond of indemnity would be an undue hardship to the owner or holder; (5) if the owner or holder is a State or political subdivision thereof, a corporation the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank: *Provided, however*, That in any of the foregoing classes of cases the Secretary of the Treasury may require a bond of indemnity if he deems it essential to the public interest.

"(c) The Secretary of the Treasury shall have the power to make such rules and regulations as he may deem necessary for the administration of the provisions of this section.

"(d) Notwithstanding the provisions of subsections (a), (b), and (c) of this section, whenever any original check of the Post Office Department has been lost, stolen, or destroyed, the Postmaster General may authorize the issuance of a substitute, marked 'duplicate' and showing the number, date, and payee of the original check, before the close of the fiscal year following

the fiscal year in which the original check was issued, upon the execution by the owner thereof of such bond of indemnity as the Postmaster General may prescribe: *Provided*, That when such original check does not exceed in amount the sum of $50 and the payee or owner is, at the date of the application, an officer or employee in the service of the Post Office Department, whether by contract, designation, or appointment, the Postmaster General may, in lieu of an indemnity bond, authorize the issuance of a substitute check or warrant upon such an affidavit as he may prescribe, to be made before any postmaster by the payee or owner of an original check.

"(e) Substitutes, marked as hereinabove provided, drawn on the Treasurer of the United States, shall, after the lapse of the period fixed by section 21 of the Permanent Appropriation Repeal Act, 1934 (48 Stat. 1235; U. S. C., 1934 edition, title 31, sec. 725 (t)), for the payment of the original checks, be payable only as the original checks would be payable thereunder.

"(f) The term 'original check' wherever used in this section means any check, warrant, or other order for the payment of money, payable upon demand and not bearing interest, drawn by a duly authorized officer or agent of the United States on its behalf against an account or funds of the United States, whether upon a bank or upon the Treasurer or other paying officer of the United States, but does not include money, coins, or currency of the United States nor instruments issued by any corporation or other entity owned or controlled by the United States, whether in whole or in part, against such corporation's or entity's own funds; as used in subsection (d) of this section it means such an instrument drawn by a duly authorized officer or employee of the Post Office Department."

SEC. 10. This act may be cited as the "Government Losses in Shipment Act."

SEC. 11. This act shall become effective on July 1, 1937.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RELIEF OF THE FIRST, SECOND, AND THIRD NATIONAL STEAMSHIP COMPANIES

The resolution (S. Res. 147) referring the bill (S. 2609) for the relief of the First, Second, and Third National Steamship Cos. to the Court of Claims for findings of fact, was considered and agreed to, as follows:

Resolved, That the bill (S. 2609) entitled "A bill for the relief of the First, Second, and Third National Steamship Cos.", now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary", approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

E. P. LEWIS

The bill (H. R. 3075) for the relief of E. P. Lewis was considered, ordered to a third reading, read the third time, and passed.

DOMINGA PARDO

The bill (H. R. 1689) for the relief of Dominga Pardo, was considered, ordered to a third reading, read the third time, and passed.

MR. AND MRS. J. C. PORTER

The bill (H. R. 2983) for the relief of Mr. and Mrs. J. C. Porter was considered, ordered to a third reading, read the third time, and passed.

FRANK S. WALKER

The bill (H. R. 1406) for the relief of Frank S. Walker was considered, ordered to a third reading, read the third time, and passed.

FLORIDA O. M'LAIN

The Senate proceeded to consider the bill (H. R. 2229) for the relief of Florida O. McLain, widow of Calvin E. McLain, which had been reported from the Committee on Claims with amendments, on page 1, line 5, after the word "Treasury", to strike out "not otherwise appropriated" and to insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps", and on line 8, to strike out "$5,000" and to insert "$2,500", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, and in full settlement of all claims against the United States, the sum of $2,500 to Florida O. McLain, widow of Calvin E. McLain, who died as a result of injuries by reason of being struck by a truck which was being recklessly driven by an employee of the Government Civilian Conservation Corps in the city of Knoxville, Tenn., on August 23, 1934: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LAURA E. ALEXANDER

The Senate proceeded to consider the bill (H. R. 3259) for the relief of Laura E. Alexander, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$6,349" and insert "$5,000", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Laura E. Alexander, of Asheville, N. C., the sum of $5,000, in full settlement of all claims against the United States for personal injuries, expenses incident thereto, and the subsequent death of her husband, Samuel H. Alexander, who was shot and permanently disabled February 8, 1901, while acting as assistant postmaster at Emma, N. C., in defending the post office against attempted robbery by armed bandits, and who died January 5, 1920, as a result of said disability: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CLAIM OF THE CITY OF PERTH AMBOY, N. J.

The Senate proceeded to consider the bill (S. 2146) to amend the act entitled "An act conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the city of Perth Amboy, N. J., approved July 23, 1935, which was read, as follows:

Be it enacted, etc., That the act entitled "An act conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the city of Perth Amboy, N. J.", approved July 23, 1935, be amended to read as follows: "That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment for just and fair compensation upon the claim of the city of Perth Amboy, N. J., against the United States upon its merits and according to the equities of the case with a view of reimbursing the claimant for money expended in 1918, 1919, and 1920 by the city of Perth Amboy, N. J., growing out of an agreement, formal or informal, or otherwise, with the United States to extend the city's water system for the purpose of supplying water to the Raritan Arsenal and Colonia Base Hospital, No. 2, less the present estimated value of the equipment installed under such agreement.

"SEC. 2. That the suit heretofore instituted under the act of which this is amendatory, by the city of Perth Amboy, N. J., against the United States in the Court of Claims, no. 43325, shall proceed under this act, notwithstanding any lapse of time, laches, or any statute of limitations or any defense, except that said city shall be required to give sufficient assurance to the United States that it will preserve the facilities for furnishing water on account of which this claim is made and will not destroy or render them unfit for use except with the consent of the Secretary of War. Official letters, papers, documents, and public records or certified copies thereof from the files and records of the United States relating to the subject matter in controversy in said suit may be used in evidence by either party and the departments of the United States Government shall give the attorneys for both parties access to such papers, correspondence, and documents as are in the files. Proceedings for the determination of such claim, and appeals from and payment of any judgment thereon, shall be in the same manner as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code, as amended."

Mr. ROBINSON. Mr. President, I should like to ask the Senator from Alabama, who I see reported the bill, what changes are proposed by this measure in the act conferring jurisdiction on the Court of Claims to determine this claim.

Mr. BLACK. Mr. President, the changes are very simple. About 2 years ago the Committee on Claims reported favorably a bill, and it was passed, which authorized the city of Perth Amboy, N. J., to file suit against the Government and have the case decided on the equities between the city and the Government with reference to the construction of a water system at Perth Amboy.

The controversy arose on account of the establishment of a military camp. It became necessary, because of the establishment of the camp, to have additional water. The city went through its part of the contract, seemingly, and erected the plant. In the meantime the camp was moved, and the city claims that it is entitled to damages. The committee took that viewpoint of the matter originally and passed a bill which it believed would have enabled all the equities to be decided in the court. Government counsel appeared in the court and set up the fact that under the bill as it was passed the city was limited to damages which occurred in 1 year. As a matter of fact, it took 3 years to construct the plant. Therefore there were 3 years' damages instead of 2, if it could be considered from a collective standpoint. The pending bill simply gives the city the right to recover damages which were incurred during any one of the years instead of 1 year only.

Mr. ROBINSON. What measure of damages is set up by the bill?

Mr. BLACK. The bill does not attempt to set up the measure of damages, but we attempted by very strong language, as the Senator will see if he will read it, absolutely to give the court the right to allow only the damages to which the city was equitably entitled, irrespective of what the city spent. We did not seek to set up the measure of damages.

Mr. ROBINSON. What are the damages for? Are they for moving the camp?

Mr. BLACK. The damage was occasioned by the fact that the Government agreed to use the water from this camp, as I recall. It has been some time since I went over the matter. The Government did not use the water. It was to contribute in that way to the construction of the water project.

Mr. ROBINSON. The city was induced to build the water plant by the promise of the Government to use a certain amount of water, and thus compensate the city for a portion of the construction costs?

Mr. BLACK. That is correct.

Mr. ROBINSON. The Government moved the camp away and did not carry out its contract?

Mr. BLACK. The Government did not carry out its contract with reference to the use of all the water it would have utilized.

Mr. ROBINSON. How long was it bound to use the water?

Mr. BLACK. I do not know.

Mr. ROBINSON. The Senator sees the pertinence of the question. Is the Government to pay damages forever to the city of Perth Amboy for the failure of the Government to keep a camp there?

Mr. BLACK. No; as I recall—although I cannot remember definitely—the original damages were limited at the outset to the amount of the cost of the additional water equipment. I reported on the bill about 2 years ago, and when the matter was brought up a short time ago I did not attempt to look into the measure of damages, but I saw that the court had precluded the city from having the equity of its case tried.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. SMATHERS. As I understand, the purpose of the bill is merely to give jurisdiction to the Court of Claims to determine whether or not there was any damage; and if so, how much. Is not that correct?

Mr. BLACK. And whether or not the Government should pay it.

Mr. SMATHERS. Yes.

Mr. ROBINSON. I will not object to the consideration of the bill.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD T. EDWARDS

The bill (H. R. 5438) for the relief of Richard T. Edwards was considered, ordered to a third reading, read the third time, and passed.

ADELE FOWLKES

The bill (H. R. 3967) for the relief of Adele Fowlkes was considered, ordered to a third reading, read the third time, and passed.

WILLARD WEBSTER

The bill (H. R. 5496) for the relief of Willard Webster was considered, ordered to a third reading, read the third time, and passed.

FRANK A. SMITH

The bill (H. R. 5652) for the relief of Frank A. Smith was considered, ordered to a third reading, read the third time, and passed.

CLIFFORD R. GEORGE AND MABLE D. GEORGE

The bill (H. R. 1310) for the relief of Clifford R. George and Mable D. George was considered, ordered to a third reading, read the third time, and passed.

ALLIE RANKIN

The bill (H. R. 3339) for the relief of Allie Rankin was considered, ordered to a third reading, read the third time, and passed.

A. L. MALLERY

The bill (H. R. 4942) for the relief of A. L. Mallery was considered, ordered to a third reading, read the third time, and passed.

MRS. CLIFF SNIDER

The Senate proceeded to consider the bill (S. 1865) for the relief of Mrs. Cliff Snider, which had been reported from the Committee on Claims with amendments, on page 1, line 4, after the word "Treasury", to strike out "not otherwise appropriated" and to insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps"; on line 10, after the words "passenger was", to strike out the words "struck by a Civilian Conservation Corps truck driven by an enrollee, Joe Holder" and insert "struck by a Government truck operated in connection with the Civilian Conservation Corps"; and to insert a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to Mrs. Cliff Snider, of Smithville, Ga., the sum of $10,000, in full satisfaction of all her claims against the United States for damages sustained when the automobile in which she was a passenger was struck by a Government truck operated in connection with the Civilian Conservation Corps, on the Americus-Andersonville Highway, about 8 miles north of Americus, Ga., on October 25, 1936, resulting in the death of her husband and her own serious personal injury: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSTRUCTION AND REHABILITATION OF MILITARY POSTS

The Senate proceeded to consider the bill (S. 2649) to authorize appropriations for construction and rehabilitation at military posts, and for other purposes, which had been reported from the Committee on Military Affairs with amendments.

Mr. SHEPPARD. Mr. President, this bill was favorably reported after hearings held by the Senate Military Affairs Committee, at which the Army officers connected with the construction activities of the War Department testified. The War Department presented a construction plan involving about $162,000,000. The items in this bill were selected from the construction program of the Department and represent what the committee considered the most urgent housing needs of the Army.

Mr. McKELLAR. Mr. President, the bill authorizes an appropriation of $22,993,088.

Mr. SHEPPARD. So it does; and this amount covers the most urgent housing needs of the Army, in the view of the committee.

Mr. McKELLAR. Is it a part of the Army construction plan?

Mr. SHEPPARD. It is a part of the Army construction plan that embraces a total authorization of approximately $162,000,000.

Mr. McKELLAR. Will there be a request for an additional appropriation this year if this measure shall be passed?

Mr. SHEPPARD. There will be no request for an appropriation this year.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill? The Chair hears none. The amendments reported by the committee will be stated.

The amendments were, in section 1, page 1, line 4, after the word "exceed", to strike out "$21,460,688" and insert "$22,993,088"; at the bottom of page 3, to strike out "Total, United States, $15,090,588"; at the top of page 4, to insert:

Station	Description of construction	Amount
Presidio of San Francisco, Calif.	Barracks (250 men)	$275,000
	Barracks, quartermaster and detachments.	275,000
	Telephone construction	5,000
Total		555,000
Fort Bliss, Tex	Barracks (250 men)	275,000
	Telephone construction	1,000
Total		276,000
Fort Devens, Mass	Quarters, officers	107,400
	Quarters, noncommissioned officers	42,500
	Telephone, telegraph, and radio station	45,000
	Telephone construction	6,000
Total		200,900
Fort Huachuca, Ariz	Hospital (50 beds, 32 medical detachment).	225,000
	Barracks (250 men)	275,000
	Telephone construction	500
Total		500,500
Total, United States		16,622,988

And at the end of table on page 5 to strike out "Grand total, $21,460,688" and insert "Grand total, $22,993,088", so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $22,993,088, to be expended for the construction, rehabilitation, and installation at military posts of such buildings and utilities and appurtenances thereto as may be necessary, as follows:

Station	Description of construction	Amount
Army and Navy General Hospital, Hot Springs, Ark.	Quarters	$34,000
	Telephone	1,000
Total		35,000
Air Corps Technical School, Denver, Colo.	Barracks	935,000
	Hospital headquarters and administration building.	200,000
	School building	540,000
	Runways	300,000
	Grading and improving landing field	300,000
Total		2,275,000
Fort Bragg, N. C	Barracks	412,500
	Telephone construction	1,000
Total		413,500
Carlisle Barracks, Pa	Quarters	$238,000
	Telephone construction	3,000
	Quarters	348,000
	Sterilizing plant, etc	35,000
	Barracks (125 men)	137,500
Total		761,500
Chanute Field, Ill	Barracks, including mess facilities	1,035,000
	Quarters, noncommissioned officers	505,000
	Hospital	300,000
	Central heating plant, beginning	500,000
	School building	540,000
Total		2,880,000
Fort Crook, Nebr	Barracks (addition to)	55,000
	Barracks	137,500
	Telephone construction	500
Total		193,000
Fort Du Pont, Del	Barracks	412,500
	Telephone construction	1,000
Total		413,500
Fort Ethan Allen, Vt	Quarters (30 noncommissioned officers)	255,000
	Telephone	2,500
Total		257,500
Fitzsimons General Hospital, Colo.	Hospital	1,750,000
	Telephone construction	20,000
Total		1,770,000
Fort Sam Houston, Tex	Hospital (addition)	235,000
	Basement in transmitter building	4,000
	Barracks	550,000
	Telephone construction	4,000
Total		793,000
Fort Leavenworth, Kans	Auditorium and production plant	600,000
Madison Barracks, N. Y	Barracks	137,500
	Quarters, noncommissioned officers	136,000
	Telephone construction	1,000
	Water supply	85,000
Total		359,500
Fort McPherson, Ga	Radio station	23,000
	Dental clinic	85,000
Total		108,000
Fort Monmouth, N. J	Barracks	137,500
	Signal Corps laboratory	220,000
	Telephone construction	20,000
Total		377,500
Fort Monroe, Va	Barracks, quartermaster detachment	110,000
	Barracks (addition to)	225,000
	Enlisted Specialists' School	69,500
	Telephone construction	12,000
Total		416,500
Fort Myer, Va	Hospital addition	9,000
	Barracks Building No. 104	55,000
	Barracks (addition to)	220,000
	Telephone construction	500
Total		284,500
Fort Riley, Kans	Academic building	400,000
	Telephone construction	5,000
Total		405,000
Fort Sill, Okla	Barracks	330,000
	Telephone construction	1,000
Total		331,000
Fort Thomas, Ky	Barracks	412,500
	Telephone construction	2,500
Total		415,000
Fort Washington, Md	Quarters (officers' double)	30,000
Fort Humphreys, D. C	Reproduction plant	74,880
	Telephone construction	3,500
Total		78,380
Headquarters Provisional Brigade and Washington Quartermaster Depot, D. C.	Barracks	1,320,000
	Land, purchase of	573,188
Total		1,893,188
Presidio of San Francisco, Calif.	Barracks (250 men)	275,000
	Barracks, quartermaster and detachments.	275,000
	Telephone construction	5,000
Total		555,000

Station	Description of construction	Amount
Fort Bliss, Tex	Barracks (250 men)	$275,000
	Telephone construction	1,000
Total		276,000
Fort Devens, Mass	Quarters, officers	107,400
	Quarters, noncommissioned officers	42,500
	Telephone, telegraph, and radio station.	45,000
	Telephone construction	6,000
Total		200,900
Fort Huachuca, Ariz	Hospital (50 beds, 32 medical detachment).	225,000
	Barracks (250 men)	275,000
	Telephone construction	500
Total		500,500
Total, United States		16,622,988
HAWAII		
Schofield Barracks	Barracks, Eleventh Field Artillery	1,256,200
	Barracks, detachments	498,300
	Telephone construction	11,000
	Barracks, detachments	283,800
Total		2,049,300
Fort Shafter	Barracks	825,000
	Telephone construction	2,500
Total		827,500
Department headquarters, Fort Shafter.	Quarters	246,500
Tripler General Hospital	Barracks, medical detachment	176,000
	Telephone construction	3,000
Total		179,000
Total, Hawaii		3,302,300
PANAMA		
Fort Clayton	Barracks	825,000
	Telephone	3,000
	Barracks	687,500
	Telephone construction	2,000
Total		1,517,500
Corozal General Depot	Barracks	454,300
	Telephone construction	5,000
Total		459,300
Fort Davis	Barracks	550,000
	Telephone construction	3,000
Total		553,000
Fort de Lesseps	Barracks	120,000
Fort Kobbe	do	55,000
	Warehouse and shops	20,000
	Special project	7,000
	Water tank	8,000
Total		90,000
Panama Canal Zone	Rehabilitation	328,000
Total, Panama		3,067,800
Grand total		22,993,088

SEC. 2. The Secretary of War is hereby authorized to establish in or near Denver, Colo., an extension to the Air Corps Technical School and to accept on behalf of the United States, free from encumbrance or conditions and without cost to the United States, for use as a site for the extension to such school, the title in fee simple to 960 acres of land, more or less, within and without the city limits of the city of Denver, Colo., including the property known as the "Agnes (Phipps) Memorial Sanitarium", together with existing buildings and equipment located thereon; and, also, a tract of land, within the State of Colorado, suitable for use as an aerial gunnery and bombing range by the Army Air Corps: *Provided*, That in the event a donor is unable to perfect title to any land tendered as a donation, condemnation of such land is authorized in the name of the United States, and payment of any and all awards for title to such land as is condemned, together with the cost of suit, shall be made by the donor.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SELECTION OF MIDSHIPMAN FROM CANAL ZONE AND REPUBLIC OF PANAMA

The Senate proceeded to consider the bill (S. 2276) to provide for an additional midshipman at the United States Naval Academy, and for other purposes, which was read, as follows:

Be it enacted, etc., That there shall be at the United States Naval Academy one midshipman to be selected from among the sons of civilians residing in the Canal Zone and the sons of civilian employees of the United States Government and the Panama Railroad Co. residing in the Republic of Panama, whose appointment shall be made by the Secretary of the Navy on the recommendation of the Governor of the Panama Canal.

Mr. WALSH. Mr. President, this bill merely provides for the selection and appointment of a midshipman from the Canal Zone. It is similar to a bill pending before the Military Affairs Committee for the appointment of a cadet to the Military Academy at West Point.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

W. G. ADAMS

The Senate proceeded to consider the bill (S. 2241) for the relief of W. G. Adams, which had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the word "Treasury", to strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to W. G. Adams the sum of $500 in full satisfaction for his claim against the United States for damages arising out of personal injuries suffered when he was struck by a Civilian Conservation Corps truck, near Flagstaff, Ariz., on September 8, 1936: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAWSON N. DICK

The Senate proceeded to consider the bill (S. 821) for the relief of Lawson N. Dick, which had been reported from the Committee on Claims with amendments.

The first amendment was, in section 1, page 1, line 9, after the word "to", to strike out "the date of enactment of this act" and insert "August 28, 1934", and at the end of the section to insert a proviso, so as to make the section read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lawson N. Dick, an employee in the office of the Mississippi River Commission at Vicksburg, Miss., a sum equal to $60 per annum from July 1, 1928, to July 2, 1930, plus $120 per annum from July 3, 1930, to August 28, 1934, less 3½-percent retirement deductions which shall be credited to his account in the civil-service retirement and disability fund, such sum representing additional compensation to which he is entitled under the provisions of the act of May 28, 1928, known as the Welch Act, and the act of July 3, 1930, known as the Brookhart Act: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The next amendment was to strike out section 2 in the following words:

SEC. 2. The annual rate of compensation of said Lawson N. Dick is hereby increased by $120 as of the date of enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXCHANGE OF LANDS AT SAN DIEGO, CALIF.

The bill (S. 2629) to authorize an exchange of lands between the city of San Diego, Calif., and the United States was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to transfer to the city of San Diego, Calif., free from all encumbrances and without cost to said city of San Diego, all right, title, and interest to the land contained within that part of the Naval Supply Depot described as follows:

All that portion of the former military reservation heretofore known as the San Diego Barracks, situated in the city of San Diego, State of California, comprising block 31 of New San Diego according to the map of New San Diego made by A. B. Gray and J. D. Johns, and on file in the office of the county recorder of San Diego County, said lot being also shown on P. W. drawing no. NT4-4/31-13(2), bearing the legend "Naval Operating Base, San Diego, California, Supply Depot, Block 31—New San Diego, Transferred from War Department to Navy Department by Executive Order 7451 dated September 17, 1936",

in consideration of the transfer to the United States by said city of San Diego, free from all encumbrances and without cost to the United States of all right, title, and interest to the lands contained within the following-described areas:

Parcel no. 1: Beginning at the northeast corner of block 18, according to map of municipal tidelands subdivision tract no. 1, filed in the office of the city clerk of the city of San Diego and numbered Document No. 100007; thence north 89°58'20" W. along the northerly boundary of said block 18, 200 feet to its northwesterly corner; thence south 0°1'40" W. on a line parallel to and distant 200 feet easterly from the existing United States bulkhead line for the bay of San Diego, a distance of 300.15 feet to a point; thence south 89°58'20" E. at right angles to last-described course a distance of 200 feet to a point; thence north 0°1'40" E. at right angles to the last-described course, a distance of 300.15 feet to the point or place of beginning, containing 60,030 square feet, or 1.3781 acres of land, more or less.

Parcel no. 2: Beginning at the northwesterly corner of block 19, according to map of municipal tidelands subdivision tract no. 1, filed in the office of the city clerk of the city of San Diego, and numbered Document No. 100007; thence south 0°1'40" W. on a line parallel to and distant 500 feet easterly from the existing United States bulkhead line for the bay of San Diego a distance of 300.15 feet to a point; thence south 89°58'20" E. at right angles to the last-described course a distance of 180.16 feet to a point; thence north 0°1'40" E. on a line parallel to and distant 680.16 feet easterly from the said United States bulkhead line a distance of 300.15 feet to a point; thence north 89°58'20" W. at right angles to the last-described course a distance of 180.16 feet to the point or place of beginning, containing 54,075 square feet or 1.2414 acres of land, more or less.

JOHN PROSSER

The Senate proceeded to consider the bill (S. 2418) for the relief of John Prosser, which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the words "sum of", to strike out "$1,000"" and insert "$400", and at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Prosser, of Turtle Lake, Wis., the sum of $400 in full satisfaction of all his claims against the United States for injuries received by him while participating in the arrest of two known post-office burglars: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOIS H. ANTHONY

The Senate proceeded to consider the bill (S. 2301) for the relief of Lois H. Anthony, which was read, as follows:

Be it enacted, etc., That the Comptroller General is authorized and directed to cancel the charges, in the amount of $8,819.36, entered on the accounts of Lois H. Anthony, as clerk in charge of the post office at the Navy Yard, Boston, Mass., by reason of the disallowance by the General Accounting Office of payments made to the said Lois H. Anthony by the Post Office Department for her services in conducting such post office during the period from December 6, 1926, to June 1, 1936.

Mr. McKELLAR. Mr. President, may we have an explanation of the bill?

The PRESIDENT pro tempore. The bill was introduced by the Senator from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. President, this bill is recommended by the Post Office Department, by the Commandant of the United States Navy Yard at Boston, and by the Comptroller General. The purpose of the bill is to authorize and direct the Comptroller General to cancel the charges, in the amount of $8,819.36, entered on the accounts of Lois H. Anthony, as clerk in charge of the post office at the navy yard at Boston, Mass., by reason of the disallowance by the General Accounting Office of payments made to Lois H. Anthony by the Post Office Department for her services in conducting such post office during the period from December 6, 1926, to June 1, 1936.

The bill has the approval of the Postmaster General.

According to the records of the Post Office Department the facts are as follows: Miss Anthony, an employee of the Navy Department, was designated several years ago to serve as clerk in charge of the yard post office and, as such clerk in charge, she received compensation from the Post Office Department each month, the greater portion of which was turned over to assistants employed by her in the station. Eventually the Comptroller General reached the conclusion that no legal authority existed for compensating a person who was already a regular civil-service employee for conducting a contract station on Federal premises. The General Accounting Office disallowed a total amount of $8,819.36, covering payments made to Miss Anthony over a 10-year period. The Post Office Department requested a reconsideration of the Comptroller General's decision, pointing out that practically all of the compensation received by Miss Anthony was disbursed to assistants and represented services actually rendered, from which the Government benefited. However, the Comptroller General reaffirmed his original decision and declined to approve Miss Anthony's accounts.

Mr. McKELLAR. Those under Miss Anthony performed the work, and she has been paid for it; and, as I understand, the General Acounting Office disapproved the bill on the ground that there was no authority of law for the payments?

Mr. WALSH. Yes.

Mr. McKELLAR. And this bill is to validate the payments?

Mr. WALSH. That is correct.

Mr. McKELLAR. I have no objection.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HEINRICH SCHMIDT, OF FLENSBURG, GERMANY

The Senate proceeded to consider the bill (S. 676) for the relief of Heinrich Schmidt, G. m. b. H., of Flensburg, Germany, which had been reported from the Committee on Claims with an amendment at the end of the bill to add a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Heinrich Schmidt, G. m. b. H., of Flensburg, Germany, owner of the steamship *Pollux*, of German registry, the sum of $1,151 in full satisfaction of all claims of such Heinrich Schmidt, G. m. b. H., against the United States resulting from the levy and collection by the United States of certain taxes, pursuant to sections 4219 and 4225 of the Revised Statutes, on the tonnage of such steamship *Pollux*, at the port of Baltimore, Md., on March 9, 1920, similar taxes having subsequently been held in the cases of *The Sophie Rickmers* (45 F. (2d) 413) and *Flensburger Dampfercampagnie* (73 Ct. Cls. 646) to be invalid as to ships of such registry: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REIMBURSEMENT FOR LOSSES BY NAVY MEN IN OHIO VALLEY FLOOD, 1937

The bill (S. 2647) to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost while engaged in emergency relief expeditions during the Ohio Valley flood in January and February 1937 was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed $545.75, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, enlisted men and former enlisted men of the Navy for the value of personal effects lost while engaged in emergency relief expeditions during the Ohio Valley flood in January and February 1937: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claims. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claims, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

ISSUANCE OF BONDS, ETC., BY TERRITORY OF HAWAII

The bill (S. 2653) to amend an act entitled "An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes", approved August 3, 1935, was announced as next in order.

Mr. McKELLAR. Mr. President, Calendar Nos. 782, 783, 784, and 785 are bills which deal with the issuance of bonds in connection with the Territory of Hawaii. I think we should have an explanation of the bills. I do not know that I shall object to them, but I think we should have an explanation in the Senate before the bills are passed.

The PRESIDENT pro tempore. The bills were reported by the Senator from Maryland [Mr. TYDINGS], who is not in the Chamber at the moment.

Mr. McKELLAR. Let the bills go over until another day, when they may be explained. The bills may be entirely correct, and I do not know that I shall object to them, but I should like to have an explanation before action is taken upon them.

The PRESIDENT pro tempore. The bills referred to by the Senator from Tennessee, being Senate bills 2653, 2621, 2622, and 2652, will be passed over.

Mr. TYDINGS subsequently said: Mr. President, while I was out of the Chamber four or five bills dealing with matters affecting the Territory of Hawaii came up, and the Senator from Tennessee [Mr. McKELLAR] said he would like to have a brief explanation.

Mr. McKELLAR. I will be glad to have the Senator ask to recur to the bills, so that he may make the explanation.

Mr. TYDINGS. Mr. President, I ask unanimous consent to recur to the four bills remaining with Order No. 782 on the calendar, being Senate bills 2653, 2621, 2622, and 2652.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. TYDINGS. Mr. President, these bills were unanimously reported by the Committee on Territories and Insular Affairs. They propose to grant authority so that Hawaii may receive funds from the Government for certain purposes such as P. W. A. and W. P. A. They involve no extra money from the Federal Government, but simply put Hawaii in a position to accept and carry on certain projects there.

Mr. McKELLAR. In other words, they give Hawaii the power to match funds to such extent as may be required by the P. W. A. and the W. P. A.?

Mr. TYDINGS. That is correct. In the original passing of one of the acts it was not broad enough to allow Hawaii to do what the body governing the Hawaiian people want to do.

Mr. McKELLAR. It does not take any appropriation out of the Federal Treasury?

Mr. TYDINGS. Not a cent.

There is another bill, being Order of Business 796, which I should like also to have considered. This bill simply amends the Hawaiian Homes Commission Act so as to give them an additional power, with no expenditure on the part of the Federal Government. I mention it now because I am forced to be absent and I hope it will not be objected to when it comes up.

The PRESIDENT pro tempore. Is there objection to the consideration of the bills referred to by the Senator from Maryland?

There being no objection, the Senate proceeded to consider the bill (S. 2653) to amend an act entitled "An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes", approved August 3, 1935, which was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the first paragraph of section 2 of the act entitled "An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes", approved August 3, 1935, is hereby amended to read as follows:

"SEC. 2. That the Territory of Hawaii, any provision of the Hawaiian Organic Act or of any act of this Congress to the contrary notwithstanding, is authorized and empowered to issue bonds in the sum of not to exceed $4,803,000 of the character and in the manner provided in that certain act of the legislature of said Territory, enacted at its regular session of 1935, entitled 'An act to provide for public improvements and for the securing of Federal funds for expenditure in connection with funds hereby appropriated for such improvements', as amended by act 23, Session Laws of Hawaii, 1937."

The bill (S. 2621) to enable the Legislature of the Territory of Hawaii to authorize the city and county of Honolulu, a municipal corporation, to issue sewer bonds was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Legislature of the Territory of Hawaii, any provision of the Hawaiian Organic Act or of any act of this Congress to the contrary notwithstanding, may authorize the city and county of Honolulu, a municipal corporation of the Territory of Hawaii, to issue general obligation bonds in the sum of $1,750,000 for the purpose of enabling it to construct main interceptors and trunk lines and to meet its share of expenses for the construction and extension of laterals under improvement district assessments for a sanitary sewer system in the city and county of Honolulu.

SEC. 2. The bonds issued under authority of this act may be either term or serial bonds, maturing, in the case of term bonds, not later than 30 years from the date of issue thereof, and, in the case of serial bonds, payable in substantially equal annual installments, the first installment to mature not later than 5 years and the last installment to mature not later than 30 years from the date of such issue. Such bonds may be issued without the approval of the President of the United States.

SEC. 3. Any legislation enacted by the Legislature of the Territory of Hawaii in its 1937 session pertaining to the issuance of sewer bonds, as authorized by this act, is hereby ratified and confirmed subject to the provisions of this act: *Provided, however*, That nothing herein contained shall be deemed to prohibit the amendment of such Territorial legislation by the Legislature of the Territory of Hawaii from time to time to provide for changes in the improvements authorized by such legislation and for the disposition of unexpended moneys realized from the sale of said bonds.

The bill (S. 2622) to authorize the Legislature of the Territory of Hawaii to create a public corporate authority authorized to engage in slum clearance and housing undertakings and to issue bonds of the authority, to authorize said legislature to provide for financial assistance to said authority by the Territory and its political subdivisions, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Legislature of the Territory of Hawaii may create a public corporate authority to engage in slum clearance or housing undertakings, or both, within such Territory. The Legislature of said Territory may provide for the appointment and terms of the members of such authority and for the powers of such authority, except that such authority shall be given no power of taxation. The legislature may authorize the

Territory or any political or municipal corporation or subdivision thereof to make loans, donations, and conveyances and make available their facilities and services to such authority, and to take other action in aid of slum clearance or housing undertakings, and may, without regard to any Federal acts restricting the disposition of public lands of the Territory, authorize the commissioner of public lands, the Hawaiian Homes Commissioners, and any other officers of the Territory having power to manage and dispose of its public lands, to grant, convey, or lease to such authority parts of the public domain, and may provide that any of the public domain or other property acquired by such authority may be mortgaged by it as security for its bonds. The Legislature of said Territory may authorize such authority to issue bonds or other obligations of such character and maturity and in such manner as the legislature may provide. Such bonds shall not be a debt of the Territory or any political or municipal corporation or subdivision thereof, shall not constitute public indebtedness within the meaning of section 55 of the act approved April 30, 1900, entitled "An act to provide a government for the Territory of Hawaii", as amended, and shall not constitute bonds of the Territory of Hawaii within the meaning of the act approved August 3, 1935, entitled "An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes." All legislation heretofore enacted by the Legislature of the Territory of Hawaii dealing with the subject matter of this act and not inconsistent herewith is hereby ratified and confirmed.

The bill (S. 2652) to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Territory of Hawaii, any provision of the Hawaiian Organic Act or of any act of this Congress to the contrary notwithstanding, is authorized and empowered to issue bonds in the sum of not to exceed $4,029,000 of the character and in the manner provided in that certain act of the legislature of said Territory, enacted at its regular session of 1937, entitled "An act to provide for public improvements."

Such bonds may be either term or serial bonds, maturing, in the case of the term bonds, not later than 30 years from the date of issue thereof, and, in the case of the serial bonds, payable in substantially equal annual installments, the first installment to mature not later than 5 years and the last installment to mature not later than 30 years, from the date of such issue. And said act of said legislature is hereby ratified and confirmed, subject to the provisions of this act: *Provided, however*, That nothing herein contained shall be deemed to prohibit the amendment of said act of said Territory by the legislature thereof from time to time to provide for changes in the improvements authorized by said act or for the disposition of unexpended moneys appropriated by said act, and that said bonds may be issued without the approval of the President of the United States.

HAWAIIAN HOMES COMMISSION

The bill (S. 2620) to amend the Hawaiian Homes Commission Act, 1920, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McNARY subsequently said: Mr. President, I inquire what became of Order of Business 796, being Senate bill 2620, to amend the Hawaiian Homes Commission Act, 1920. Evidently that bill has not been called.

Mr. CONNALLY. Mr. President, the Senator from Maryland [Mr. TYDINGS] included the consideration of Order of Business 796 in an omnibus request for the consideration of a number of bills relating to Hawaii, and the bill was passed a few moments ago. I heard him specifically refer to the Hawaiian Homes Commission.

Mr. McNARY. I wish to look into that bill and I want it to go over for the day.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent that Order of Business 796, being Senate bill 2620, be passed over for the day. In order to keep the record straight, the Chair suggests that the Senator from Oregon ask unanimous consent to reconsider the vote by which the bill was passed.

Mr. McNARY. I make that request.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, the vote is reconsidered, and the bill will be returned to the calendar.

ADDITIONAL COPIES OF REPORT ON BILL TO REORGANIZE FEDERAL JUDICIARY

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 17) authorizing the printing of additional copies of Senate Report No. 711, Seventy-fifth Congress, on the bill (S. 1392) to reorganize the judicial branch of the Government, which had been reported from the Committee on Printing with an amendment, on page 1, line 2, after the word "printed", to strike out "fifty" and insert "thirty"; in line 5, after the word "which", to strike out "ten" and insert "seven"; and in line 7, before the word "thousand", to strike out "forty" and insert "twenty-three", so as to make the concurrent resolution read:

Resolved, etc., That there shall be printed 30,000 additional copies of Senate Report No. 711, current session, on the bill (S. 1392) to reorganize the judicial branch of the Government, of which 7,000 copies shall be for the use of the Senate document room and 23,000 copies for the use of the House document room.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

CONSOLIDATED AIRCRAFT CORPORATION

The Senate proceeded to consider the bill (S. 1882) for the relief of the Consolidated Aircraft Corporation, which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the words "sum of", to strike out "$113,085.85. Such sum represents" and insert "$92,993.40 in full settlement of all claims against the United States", and at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Consolidated Aircraft Corporation the sum of $92,993.40 in full settlement of all claims against the United States for additional costs incurred by such corporation in the performance of a contract with the Department of War dated February 27, 1933 (contract no. W 535 AC–5732 (1790)): *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDIANS OF FORT BERTHOLD RESERVATION, N. DAK.

The Senate proceeded to consider the bill (S. 642) for the relief of the Indians of the Fort Berthold Reservation in North Dakota, which was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $400,000 in full and final settlement of all claims and demands of the Indians of the Fort Berthold Indian Reservation in North Dakota, composed of the Arickarees, Gros Ventres, and Mandans, which claims are based upon stipulations of an unratified treaty dated July 27, 1866 (Kappler's Laws and Treaties, vol. 2, p. 1052): *Provided*, That the amount when appropriated shall be deposited in the Treasury of the United States to the credit of the Indians of the Fort Berthold Reservation and shall draw interest in accordance with existing laws: *Provided further*, That not to exceed 10 percent of the amount herein authorized may be used by the Secretary of the Interior for payment of fees and expenses of attorneys employed under contract approved in accordance with existing law.

Mr. McKELLAR. Mr. President, may we have a statement concerning that bill?

Mr. FRAZIER. Mr. President, in 1920 a bill was passed by the Congress allowing the Indians of the Fort Berthold Reservation in North Dakota to come into the Court of Claims to establish claims against the Government. A claim was allowed of a little over $4,000,000; and in the gratuity offsets, amounting to $2,700,000, was included an item of $400,000 which dated back to a treaty of 1866, in which the Government of the United States agreed to pay the Indians $20,000 a year for certain concessions and for uses of land for a period of 20 years.

The treaty was never ratified by the Congress, but the Government carried out this provision by paying the Indians $20,000 a year for 20 years, amounting to $400,000. The Government got the use of the land that was agreed to during that time.

When the bill came up before the Court of Claims, this $400,000, which represented the payment of $20,000 a year for 20 years, was allowed by the court as a gratuity offset. The Indians and their attorneys felt that that particular offset

should not have been included, because it was money paid by the Government to the Indians for value received under their treaty. The Secretary of the Interior last year, in his report, stated:

> The claim * * * has no legal standing.

That, of course, is because the treaty was not ratified.

> There is nevertheless a moral obligation on the part of the Government which has not been fulfilled, and in my opinion the legislation will do justice to this group of Indians.

Of course, in the report this year it is stated that the bill is not in accordance with the President's financial program. However, a moral obligation exists. The Indians are entitled to what they claim. The Committee on Indian Affairs, unanimously reported the bill favorably, and I believe the claim is justified.

Mr. McKELLAR. How many Indians are involved?

Mr. FRAZIER. About 1,700 or 1,800, as I remember.

Mr. McKELLAR. I have no objection.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARCH HURLEY CONSERVANCY DISTRICT, N. MEX.

The Senate proceeded to consider the bill (S. 2086) to authorize appropriations for the construction of the Arch Hurley conservancy district in New Mexico, which had been reported from the Committee on Irrigation and Reclamation with an amendment, on page 1, line 3, to strike out "That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $6,000,000 for the construction of the Arch Hurley Conservancy District in New Mexico" and in lieu thereof to insert "That the Secretary of the Interior is hereby authorized to construct a Federal reclamation project for the irrigation of the lands of the Arch Hurley Conservancy District in New Mexico", so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized to construct a Federal reclamation project for the irrigation of the lands of the Arch Hurley Conservancy District in New Mexico under the Federal reclamation laws: *Provided*, That construction work is not to be initiated on said irrigation project until (a) the project shall have been found to be feasible under subsection B of section 4 of the act of December 5, 1924 (43 Stat. 702), and (b) a contract shall have been executed with an irrigation or conservation district embracing the land to be irrigated under said project, which contract shall obligate the contracting district to repay the cost of construction of said project in 40 equal annual installments, without interest: (c) contracts shall have been made with each owner of more than 160 irrigable acres under said project, by which he, his successors, and assigns shall be obligated to sell all of his land in excess of 160 irrigable acres at or below prices fixed by the Secretary of the Interior and within the time to be fixed by said Secretary, no water to be furnished to the land of any such large landowner refusing or failing to execute such contract; and (d) contracts shall have been made with all owners of lands to be irrigated under the project by which they will agree that if their land is sold at prices above the appraised value thereof, approved by said Secretary, one-half of such excess shall be paid to the United States to be applied in the inverse order of the due dates upon the construction charge installments coming due thereafter from the owners of said land.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the construction of a Federal reclamation project to furnish a water supply for the lands of the Arch Hurley conservancy district in New Mexico."

CULTIVATION REQUIREMENTS IN HOMESTEAD ENTRIES

The bill (S. 1759) to amend an act entitled "An act to eliminate the requirements of cultivation in connection with certain homestead entries", approved August 19, 1935, was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of the bill?

Mr. HATCH. Mr. President, in 1935 Congress passed a law relieving homestead settlers from the duty each year of breaking out a certain number of acres of land, as was required under the old homestead law. That was in line with the soil-conservation program which was recommended by the Department and has proved very wise and salutary. Under that law we found that the omission of the word "application" prevented a few homesteaders, probably 50 or 100 in number, from getting the benefits of the act. This bill proposes to amend the act by inserting the words "or application made" in order to correct the defect. That is all there is to the measure.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

> *Be it enacted etc.*, That the act entitled "An act to eliminate the requirements of cultivation in connection with certain homestead entries", approved August 19, 1935, is amended by inserting after the word "settlement" the words "or application made."

BILL PASSED OVER

The bill (S. 714) relating to the eligibility of certain persons for admission to the civil service, was announced as next in order.

Mr. WHITE. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

TRANSFER OF CRAWFORD COUNTY, IOWA, TO NORTHERN JUDICIAL DISTRICT

The bill (H. R. 3284) to transfer Crawford County, Iowa, from the southern judicial district of Iowa to the northern judicial district of Iowa, was considered, ordered to a third reading, read the third time, and passed.

GEORGE H. STAHL

The Senate proceeded to consider the bill (S. 2093) for the relief of George H. Stahl, which had been reported from the Committee on Military Affairs with amendments on page 1, line 9, after the word "the" to strike out the figures "13th" and insert "10th", and at the top of page 2, insert a new section as follows:

> SEC. 2. That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Henry A. Behrens, who was a member of Company F, Fourth Regiment Wisconsin Volunteer Infantry, and who was mustered into the service on July 11, 1898, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on February 28, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

So as to make the bill read:

> *Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers George H. Stahl, who was a member of Company B, Fourth Regiment Wisconsin Volunteer Infantry, enlisted July 14, 1898, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 10th day of December 1898: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.
>
> SEC. 2. That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Henry A. Behrens, who was a member of Company F, Fourth Regiment Wisconsin Volunteer Infantry, and who was mustered into the service on July 11, 1898, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on February 28, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of George H. Stahl and Henry A. Behrens."

AMENDMENT TO JUDICIAL CODE

The bill (S. 2410) to amend the Judicial Code, as amended, was announced as next in order.

Mr. AUSTIN. Mr. President, reserving the right to object, I wish to ask the author of this bill whether any hearings were held on it?

Mr. MINTON. There were no hearings on it. The interested parties made inquiry about the bill, and were told that there would be no hearings on it, but that they could submit a brief if they wished to do so. No brief was filed and so the bill was reported.

Mr. AUSTIN. I should like to ask the author of the bill if he does not think that it should be referred to the Committee on the Judiciary?

Mr. MINTON. No; not at all. It has to do with matters affecting Federal agencies that deal with interstate commerce. Therefore, the Interstate Commerce Committee is quite as competent to handle it as is the Committee on the Judiciary.

Mr. AUSTIN. Under the circumstances, I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

ANGELO AND AURO CATTANEO

The bill (H. R. 1731) for the relief of Angelo and Auro Cattaneo was considered, ordered to a third reading, read the third time, and passed.

TERM OF COURT AT LIVINGSTON, MONT.

The Senate proceeded to consider the bill (H. R. 4795) to provide for a term of court at Livingston, Mont.

Mr. MURRAY. I offer an amendment to the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 1, line 9, after the word "Havre", it is proposed to insert "Miles City."

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Montana.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed, as follows:

Be it enacted, etc., That section 92 of the Judicial Code, as amended (U. S. C., 1934 edition, title 28, sec. 172), is amended to read as follows:

"The State of Montana shall constitute one judicial district, to be known as the district of Montana. Terms of the district court shall be held at Helena, Butte, Great Falls, Lewistown, Billings, Missoula, Glasgow, Havre, Miles City, and Livingston at such times as may be fixed by rule of such court: *Provided*, That suitable rooms and accommodations for holding court at Glasgow, Lewistown, Livingston, and Havre are furnished free of all expense to the United States. Causes, civil and criminal, may be transferred by the court or a judge thereof from any sitting place designated above to any other sitting place thus designated, when the convenience of the parties or the ends of justice would be promoted by the transfer; and any interlocutory order may be made by the court or judge thereof in either place."

ACCEPTANCE OF DECORATION BY JOHN MONROE JOHNSON

The bill (S. 2497) authorizing John Monroe Johnson, Assistant Secretary of Commerce, to accept the decoration tendered him by the Belgian Government was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That John Monroe Johnson, Assistant Secretary of Commerce, is authorized to accept the decoration which has been tendered him by the Belgian Government.

AUTHORITY TO RECEIVE DECORATIONS, ETC.

The joint resolution (H. J. Res. 349) authorizing certain retired officers or employees of the United States to accept such decorations, orders, medals, or presents as have been tendered them by foreign governments was considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That the following-named retired officers or employees of the United States are hereby authorized to accept such decorations, orders, medals, or presents as have been tendered them by foreign governments:

Department of State: Edwin Cunningham, Carl F. Delchman, Stillman W. Eells, P. S. Heintzlemen, David B. Macgowan, Robert P. Skinner, and Merritt Swift.

Department of War: Preston Brown, William H. Brown, Marion L. Elliott, Milton A. Elliott, Richard T. Ellis, LaVergne L. Gregg, Francis J. Heraty, Jefferson Kean, James F. McKinley, Alexander J. McNab, Jr., A. Kenny C. Palmer, Frederick D. Sharp, and Louis J. Van Schaick.

Department of the Navy: William H. Standley and Rufus F. Zogbaum.

Department of Agriculture: James H. Kimball and Charles F. Marvin.

Department of Commerce: George R. Putnam.

AMENDMENT OF INTERSTATE COMMERCE ACT

The bill (H. R. 6049) to amend the Interstate Commerce Act was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 22 (1) of Part I of the Interstate Commerce Act is amended by inserting after the word "guide" the words "or seeing-eye dog or other guide dog specially trained and educated for that purpose."

AUTHORIZATION OF DECORATION TO ACORS RATHBUN THOMPSON

The Senate proceeded to consider the bill (S. 1918) to authorize the award of a decoration for distinguished service, namely, the Congressional Medal of Honor to Acors Rathbun Thompson, which had been reported from the Committee on Naval Affairs with amendments, on page 1 line 4, after the word "decoration", to strike out "for distinguished service, namely, the Congressional Medal of Honor"; and in line 10, after the word "comrade", to strike out "one Glen B. Ranney, Sixty-sixth Company", so as to make the bill read:

Be it enacted, etc., That the President is hereby authorized to cause the recommendation for the award of a decoration to Acors Rathbun Thompson, formerly private, Sixty-sixth Company, First Battalion, Fifth Marines, Second Division, American Expeditionary Forces, who, on September 14, 1918, at Jaulny, in the St. Mihiel, sector, France, rescued and carried a wounded comrade through heavy enemy fire to a first-aid station, and who further distinguished himself as a member of a small group, October 4 and 5, 1918, at Blanc Mont Ridge, France, though wounded and constantly exposed to constant enemy machine-gun fire from three sides, was cut off from his main body, repulsed five counter attacks by the enemy, which resulted in the capture of four German officers, 268 men, together with 85 machine guns in position, some mortars, and a heavy fieldpiece, to be considered by the proper boards or authorities, and such award made to said Thompson as his said conduct merits.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the award of a decoration for distinguished service to Acors Rathbun Thompson."

ROGUE RIVER NATIONAL FOREST, OREG.

The bill (S. 1762) to add certain lands to the Rogue River National Forest in the State of Oregon was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That for the purpose of forest management, watershed protection, and recreational use the north half northwest quarter section 3, the south half northwest quarter section 23, and the west half northeast quarter northeast quarter and the east half northwest quarter northeast quarter section 27, township 37, south, range 3 east, Willamette meridian, of revested Oregon & California land-grant lands are hereby added to and made a part of the Rogue River National Forest in the State of Oregon, subject to all laws and regulations governing national forests: *Provided*, That the Secretaries of the Interior and Agriculture shall jointly appraise and agree on the value of the said Oregon & California land-grant lands and shall certify the same to the Secretary of the Treasury. That the Secretary of the Treasury be, and he is hereby, authorized, upon notice of the appraisal by the Secretaries of the Interior and Agriculture, to transfer an equal amount of money from the national-forest receipts and credit the same to the Oregon & California land-grant funds, subject to all laws and regulations governing the disposal of money received from the Oregon & California land-grant lands.

CONTROL OF SOIL EROSION, ETC.—CACHE NATIONAL FOREST, UTAH

The bill (S. 2221) to facilitate the control of soil erosion and flood damage originating upon lands within the exterior boundaries of the Cache National Forest in the State of Utah was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the act of March 1, 1911 (U. S. C., title 16, sec. 513) is hereby authorized to acquire by purchase any lands within the boundaries of the Cache National Forest in the State of Utah which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage; and to pay for said lands that proportion of the entire receipts from the sale of natural resources, and the occupancy of publicly owned lands within said national forest which is equal to that proportion of the gross area of said national forest situated

in the State of Utah hereby is authorized to be appropriated for expenditure for that purpose by the Secretary of Agriculture until said lands have been acquired. So far as the State of Utah may be concerned, the provisions of the acts of May 23, 1908 (35 Stat. 260); section 500, title 16, United States Code, of March 4, 1913 (37 Stat. 843); and section 501, title 16, United States Code, shall be inoperative in relation to the receipts so appropriated, but nothing herein contained shall diminish payments to or expenditures within the State of Idaho under the provisions of said acts.

COLLECTION AND PUBLICATION OF PEANUT STATISTICS

The Senate proceeded to consider the bill (S. 1998) to amend the act entitled "An act to provide for the collection and publication of statistics of peanuts by the Department of Agriculture", approved June 24, 1936, which had been reported from the Committee on Agriculture and Forestry with amendments.

The first amendment was, in section 1, page 1, line 10, after the name "United States", to insert "received, shipped, and"; on page 2, line 8, after the word "than" to strike out two hundred and fifty thousand" and insert "thirty thousand", so as to make the section read:

That the first sentence of the first section of the act entitled "An act to provide for the collection and publication of statistics of peanuts by the Department of Agriculture", approved June 24, 1936, is amended to read as follows: "That the Secretary of Agriculture is hereby authorized and directed to collect and publish statistics of raw peanuts, shelled, unshelled, and crushed, and peanut oil, in the United States, received, shipped, and in the possession of warehousemen, brokers, cleaners, shellers, dealers, growers' cooperative associations, crushers, salters, manufacturers of peanut products, and owners other than the original producers of peanuts: *Provided*, That the Secretary may, in his discretion, omit for any period of time to collect such statistics from any or all salters of peanuts or manufacturers of peanut products who used, during the calendar year preceding that for which statistics are being collected, less than 30,000 pounds of shelled and unshelled peanuts."

The amendment was agreed to.

The next amendment was, on page 2, after line 10, to insert a new section, as follows:

SEC. 2. That section 2 of such act of June 24, 1936, is amended to read as follows: "The Secretary is hereby authorized and directed to collect and publish statistics of the quantity of peanuts picked or threshed by any person owning or operating peanut picking or threshing machines."

The amendment was agreed to.

The next amendment was, on page 2, line 16, to renumber the section from "2" to "3", and in section 3, page 2, line 24, after the word "peanut", to insert "and peanut oil received, shipped, and", so as to make the section read:

SEC. 3. That the first sentence of section 3 of such act of June 24, 1936, is amended to read as follows: "It shall be the duty of every warehouseman, broker, cleaner, sheller, dealer, growers' cooperative association, crusher, salter, manufacturer of peanut products, and owner or operator of peanut picking or threshing machines to furnish promptly upon request of the Secretary, within the time prescribed by him, completely and correctly to the best of his knowledge, a report of the quantity of peanuts and peanut oil received, shipped, and on hand and in the case of an operator of peanut picking and threshing machines the quantity picked or threshed, segregating in accordance with forms furnished for the purpose by the Secretary."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED CHILD-LABOR AMENDMENT TO THE CONSTITUTION

The joint resolution (S. J. Res. 144) proposing an amendment to the Constitution of the United States prohibiting child labor was announced as next in order.

Mr. BARKLEY. Over.

Mr. BORAH. Mr. President, the joint resolution proposes to amend the Constitution of the United States and I think we ought not to undertake to dispose of it under the 5-minute rule at least today. So I ask that the measure go over at this time.

The PRESIDENT pro tempore. The joint resolution will be passed over.

VALIDATION OF CERTAIN MINERAL PATENTS, MONTANA

The bill (H. R. 7021) validating and confirming certain mineral patents issued for lands situated in township 5 south, range 15 east, Montana principal meridian, in the State of Montana, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 2512) to authorize an appropriation for the construction of small reservoirs under the Federal reclamation laws was announced as next in order.

Mr. McKELLAR. Mr. President, I should like to have an explanation of the bill. I note that it was reported by the Senator from Wyoming [Mr. O'MAHONEY]. As he is not present at the moment, I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

ETHEL SMITH M'DANIEL

The bill (S. 972) for the relief of Ethel Smith McDaniel was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the provisions and limitations of sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, are hereby waived in favor of Ethel Smith McDaniel, widow of Travis McDaniel, who died on April 16, 1934, and whose death is alleged to have resulted from disability incurred on January 8, 1929, while an employee of the United States Railway Mail Service, and the United States Employees' Compensation Commission is hereby authorized and directed to receive and consider her claim under the remaining provisions of said Act: *Provided*, That claim hereunder shall be made within 1 year from the date of the approval of this Act: *And provided further*, That no benefits shall accrue prior to the approval of this act.

BILL PASSED OVER

The bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching was announced as next in order.

Mr. McKELLAR. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

W. D. DAVIS

The bill (H. R. 1851) for the relief of W. D. Davis was considered, ordered to a third reading, read the third time, and passed.

DOROTHY M'COURT

The bill (H. R. 607) for the relief of Dorothy McCourt was considered, ordered to a third reading, read the third time, and passed.

JOHN BRENNAN

The bill (H. R. 1235) for the relief of John Brennan was considered, ordered to a third reading, read the third time, and passed.

PAUL J. FRANCIS

The bill (H. R. 1761) for the relief of Paul J. Francis was considered, ordered to a third reading, read the third time, and passed.

NORTHWESTERN OHIO MUTUAL RODDED FIRE INSURANCE CO.

The bill (H. R. 3565) for the relief of the Northwestern Ohio Mutual Rodded Fire Insurance Co. was considered, ordered to a third reading, read the third time, and passed.

H. E. WINGARD

The bill (H. R. 3809) for the relief of H. E. Wingard was considered, ordered to a third reading, read the third time, and passed.

C. O. EASTMAN

The bill (H. R. 4623) for the relief of C. O. Eastman was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of the bill?

Mr. BULKLEY. Mr. President, the bill is for the relief of a postmaster who was charged with some postal money orders which had been destroyed in a fire. The postal money orders had been properly paid, and this does not cost the Government anything it ought not to pay. It is recommended by the Post Office Department. The report shows it is recommended by the Department.

Mr. McKELLAR. The letter of the Acting Postmaster General says:

While there was undoubtedly negligence on the part of the clerk in failing to make up the account promptly and to safeguard the paid money orders by placing them in the safe, it nevertheless appears that as the money orders were actually paid there will be no loss to the Government in allowing the former postmaster at Wauseon, Ohio, credit for the disbursement in his accounts.

I have no objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to credit the money-order account of C. O. Eastman, former postmaster at Wauseon, Ohio, with $4,272.07, or so much thereof as is necessary, to relieve him for the alleged loss of paid money orders in a fire in the post office at Wauseon, Ohio, on June 11, 1934, disallowed in the audit of his accounts due to his failure to record the particulars of the said money orders.

E. W. GARRISON

The bill (H. R. 563) for the relief of E. W. Garrison was considered, ordered to a third reading, read the third time, and passed.

LONNIE O. LEDFORD

The bill (H. R. 2482) for the relief of Lonnie O. Ledford was considered, ordered to a third reading, read the third time, and passed.

JOHN H. WYKLE

The bill (H. R. 3262) for the relief of John W. Wykle was considered, ordered to a third reading, read the third time, and passed.

RAYMOND E. PAYNE AND ANNA R. PAYNE

The bill (H. R. 2934) for the relief of Raymond E. Payne and Anna R. Payne, was considered, ordered to a third reading, read the third time, and passed.

MR. AND MRS. FRANK MUZIO

The bill (H. R. 5102) for the relief of Mr. and Mrs. Frank Muzio was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF EMPLOYEES OF DIVISION OF INVESTIGATION, INTERIOR DEPARTMENT

The Senate proceeded to consider the bill (H. R. 2774) for the relief of certain employees of the Division of Investigation, Department of the Interior, and certain disbursing officers of the Department of the Interior, which was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow payment or credit, as the case may be, and upon approval thereof by the Secretary of the Interior, in connection with the following claims or paid vouchers for traveling expenses on change of station or for mileage of personally owned automobiles in the same manner and to the same extent as though the required authorization had been issued prior to the date the expense was incurred:

(1) To allow payment to the following-named persons in the amounts stated, from appropriations chargeable therefor: John L. Buckey, $5.15; Agnes L. Burke, $17.82; Cedia E. Davis, $5.15; Cecil J. Dowd, $28.33; Dan W. Herring, $5.15; John W. Jackson, $141.37; Alexander F. Kelly, $75.40; William H. Selvey, $45.06; Maurice P. Shaner, $47.90; Owen B. Sherwood, $47.96; and Miller L. West, $114.40;

(2) To allow credit in the account of Frank A. Lewis, special disbursing agent, accounts for September and October 1933, as follows: Voucher 2794 (James W. Smith), $63.25; voucher 2795 (C. L. Anderson), $8.65; voucher 2981 (Joseph L. Quinn), $57.95; voucher 2983 (Avary H. Alcorn), $131.40; voucher 3011 (J. M. Flanigan, Jr.), $141.85; voucher 3013 (Howard E. Tyson), $113.70; voucher 3014 (Kent B. Knox), $165.15; voucher 3015 (W. H. Pontius), $114.60; voucher 3016 (Tilden E. Guillory), $28.05; voucher 3018 (F. H. Martin), $112.70; voucher 3024 (A. P. Thornton), $64.85; voucher 3025 (R. L. Knight), $109.65; voucher 3036 (Joe DeuPree), $49.80; voucher 3047 (Walter S. Behrens), $82.40; voucher 3041 (J. N. Inglish), $103.35; voucher 3042 (M. C. Parrish, Jr.), $92.45; voucher 3043 (G. H. Flagg), $110.30; voucher 3044 (J. G. Floyd), $75.70; voucher 3045 (Wilson Keyes), $137.55; voucher 3069 (Halvor P. McGrath), $21; voucher 3070 (Joe C. Hemphill), $33.30; voucher 3077 (Glenn O. Briscoe), $35.10; voucher 3081 (J. H. Lawrence), $84.45; and voucher 3378 (J. H. Lawrence), $14.05;

(3) To allow credit in the account of C. F. Allen, chief disbursing officer, account for November 1934, as follows: Voucher 459021 (W. A. Whittlesey), $58.80.

(4) No part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. McKELLAR. Mr. President, may we have an explanation of the bill?

Mr. LOGAN. Mr. President, the bill is recommended by the Bureau of Investigation, Department of the Interior. It grows out of traveling expenses. As I recall, a superior officer gave directions assigning someone to duty and he had a right to take his automobile provided the order specifically authorized it. Through some kind of error in a few cases the order by the superior officer did not specifically mention that the party being sent might take his automobile. Therefore when the matter came before the Comptroller General he very promptly stated the order was not broad enough to cover the item for automobile use. Those who were responsible for the order originally recommend that the claim be allowed.

Mr. McKELLAR. Does the Department recommend it?

Mr. LOGAN. Yes. It was sent over by the Department.

Mr. McKELLAR. I have no objection.

The PRESIDENT pro tempore. The question is, Shall the bill be read a third time?

The bill was ordered to a third reading, read the third time, and passed.

MORSE DRY DOCK & REPAIR CO.

The Senate proceeded to consider the bill (H. R. 2757) to carry out the findings of the Court of Claims in the claim of the Morse Dry Dock & Repair Co., which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Morse Dry Dock & Repair Co., a corporation organized and existing under the laws of the State of New York, out of any money in the Treasury not otherwise appropriated, the sum of $331,879.25, in full settlement of all claims against the Government of the United States for repairing and reconditioning the steamships *Princess Matoika, Pocahontas, Susquehanna, Potomac, America,* and *George Washington,* as found by the Court of Claims and reported in Senate Document No. 141, Seventy-third Congress, second session: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. McKELLAR. Mr. President, is the Senator from Kentucky [Mr. LOGAN] entirely satisfied that the bill is entirely proper?

Mr. LOGAN. Mr. President, the Committee on Claims has gone into the matter and reexamined it frequently, both carefully and critically, and as we have secured additional facts from the War Department the committee reached the conclusion that the bill ought to be reported favorably. I agree fully with the report of the committee.

Mr. McKELLAR. Was there any difference of opinion in the committee?

Mr. LOGAN. Not upon the part of those who were present. One member of the committee had said he would like to be present, and was present a time or two, but we could not wait any longer and he was not present when the committee finally passed on the bill.

Mr. McKELLAR. The Senator was for a very long time a member of the Supreme Court of Kentucky.

Mr. LOGAN. I was.

Mr. McKELLAR. Is the Senator convinced the claim ought to be paid?

Mr. LOGAN. Yes; the claim ought to be paid.

Mr. McKELLAR. I have no objection.

The PRESIDENT pro tempore. The question is, Shall the bill be read a third time?

The bill was ordered to a third reading, read a third time, and passed.

FORMER DISBURSING OFFICERS OF VETERANS' ADMINISTRATION, ETC.

The Senate proceeded to consider the bill (H. R. 6230) for the relief of certain former disbursing officers of the Veterans' Administration and of the Bureau of War Risk Insurance, Federal Board for Vocational Education, and the United States Veterans' Bureau (now Veterans' Administration), which was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed in the settlement of accounts of the following-named former disbursing officers of the Veterans' Administration and of the Bureau of War Risk Insurance, Federal Board for Vocational Education, and the United States Veterans' Bureau (now Veterans' Administration), to allow credit in the sums herein stated now standing as disallowances in said accounts on the books of the General Accounting Office: *Provided*, That this act shall not be interpreted to waive collections by the United States Government of loans on adjusted-service certificates and interest thereon:

First. Miles E. Bailey, former disbursing officer, Bureau of War Risk Insurance (now Veterans' Administration), Washington, D. C., in the sums of $61.75 and $2,733.50, which amounts he expended during the period from December 1917 to January 1919 (symbols 11003 and 11234).

Second. Chester C. Vargas, former disbursing officer, Bureau of War Risk Insurance (now Veterans' Administration), Washington, D. C., in the sums of $63.05 and $330.70, which amounts he expended during the period from February 1919 to August 1919 (symbols 11005 and 11555).

Third. Richard W. Lamb, former distributing officer, United States Veterans' Bureau (now Veterans' Administration), Atlanta, Ga., in the sum of $16.32, which amount he expended during the period from February 1923 to January 1925 (symbol 11255).

Fourth. J. B. Schommer, former disbursing officer, Veterans' Administration, Washington, D. C., in the sums of $57.64, $58.45, $3,472.69, and $250.48, which amounts he expended during the periods from May 1, 1931, to August 31, 1931; July 1, 1932, to October 31, 1933; January 1, 1932, to October 31, 1933; and July 1, 1933, to April 30, 1934 (symbols 99220, 11500, 11501, and 11666).

Fifth. C. A. Wood, former disbursing officer at Veterans' Administration regional office, Atlanta, Ga., in the sum of $88.50 (symbol 99102), which amount he expended during the period from September 1, 1932, to September 30, 1932.

Sixth. W. A. Birmingham, former disbursing officer at Veterans' Administration regional office, Buffalo, N. Y., in the sum of $303.43 (symbol 99107), which amount he expended during the period from April 1, 1931, to April 30, 1931.

Seventh. Nina B. Harrison, former disbursing officer at Veterans' Administration facility, Los Angeles, Calif., in the sum of $403 (symbol 99129), which amount she expended during the period from June 1, 1933, to June 30, 1933.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William H. Holmes, former disbursing officer, United States Veterans' Bureau (now Veterans' Administration), District of Columbia, the sum of $222.10, of which amount $172.10 was paid by him on September 22, 1932, and $50 in November 1932 by personal checks delivered to the Department of Justice (symbol 11006).

SEC. 3. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ursula H. Miller, former disbursing officer, United States Veterans' Bureau (now Veterans' Administration), Pittsburgh, Pa., the sum of $72.50, which amount was deducted from her salary as a Federal employee because of the disallowance by the General Accounting Office of that amount expended by her in June 1925 (symbol 11410).

SEC. 4. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harry M. Moeller, former disbursing officer, United States Veterans' Bureau (now Veterans' Administration), Cleveland, Ohio, the sum of $149.68, which amount was deducted from his salary as a Federal employee because of the disallowance by the General Accounting Office of that amount expended by him in May 1925 (symbol 11398).

SEC. 5. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Henry P. Dolan, former disbursing officer, Federal Board for Vocational Education (now Veterans' Administration), Washington, D. C., the sum of $45.38, which amount was deducted from his salary as a Federal employee because of the disallowance by the General Accounting Office of that amount expended by him during the period from April 1919 to December 1920 (symbol 92065).

SEC. 6. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Peter J. Carney, former disbursing officer, United States Veterans' Bureau (now Veterans' Administration), Philadelphia, Pa., the sum of $72.50, which amount he refunded to the United States because of the disallowance by the General Accounting Office of that amount expended by him in September 1923 (symbol 11253).

SEC. 7. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert L. Putman, former disbursing officer, United States Veterans' Bureau (now Veterans' Administration), Cincinnati, Ohio, the sum of $7.35, which amount was deducted from his salary as a Federal employee because of the disallowance by the General Accounting Office of that amount expended by him in February 1924 (11309).

SEC. 8. No part of the amounts appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. McKELLAR. Mr. President, may we have an explanation of the bill?

Mr. LOGAN. Mr. President, it would be difficult to explain the bill in very great detail. When the Congress some years ago authorized the making of loans on certificates which had been issued to veterans, the Veterans' Administration had the amended act before it. It had certificates amounting to some $2,000,000. Some disbursing officers made slight errors. There was one who distributed $53,000,000 with an error of only two or three dollars. The Veterans' Administration has sent the bill to us and asked us to consider it favorably. I should say it is entirely just.

Mr. McKELLAR. Are the amounts $61.75, $63.05, $88.50, and so forth, typical of the claims?

Mr. LOGAN. The claims are small in their individual amounts.

Mr. McKELLAR. Would that be about the average amount of the claims?

Mr. LOGAN. Yes.

Mr. McKELLAR. I have no objection.

The PRESIDENT pro tempore. The question is, Shall the bill be read a third time?

The bill was ordered to a third reading, read the third time, and passed.

W. R. FUCHS

The bill (H. R. 4682) for the relief of W. R. Fuchs was considered, ordered to a third reading, read the third time, and passed.

CHARLES B. MURPHY

The bill (H. R. 5337) for the relief of Charles B. Murphy was considered, ordered to a third reading, read the third time, and passed.

TERM OF JUDGES IN CANAL ZONE, ETC.

The Senate proceeded to consider the bill (S. 1986) to amend section 42 of title 7 of the Canal Zone Code, which had been reported from the Committee on the Judiciary with an amendment to add a new section 2, so as to make the bill read:

Be it enacted, etc., That paragraph a of section 42 of title 7 of the Canal Zone Code (June 19, 1934) is amended to read as follows:

"a. Be appointed by the President, by and with the advice and consent of the Senate, the judge for a term of 10 years and the district attorney and marshal for terms of 4 years each."

SEC. 2. That title 7, section 29, United States Code, title 48, section 101, Alaska, be amended so that the term of the Federal district judge in Alaska will be 10 years; that section 863, Puerto Rico, be amended so that the term of the Federal district judge shall be 10 years; that section 1405y, Virgin Islands, be so amended that the term of the Federal district judge shall be 10 years; that section 643, Hawaii, be so amended that the term of the Federal district judge shall be 10 years.

Mr. McNARY. Mr. President, I should like to have an explanation of the bill.

Mr. LOGAN. Mr. President, I shall explain the bill as best I can. It simply provided as originally introduced that the term of the Federal judge in the Canal Zone should be extended from 4 years to 10 years. That was submitted to the Department of Justice and the Department said that three other territorial judges, in the Virgin Islands, Puerto Rico, and Alaska, should have their terms extended likewise.

No one suggested this, but I spoke to an old friend of mine who was the Federal judge in the Canal Zone. He was a former law partner of mine. He served 4 years and declined to accept a further appointment, so I have no interest in his case. He said to me that in sending judges outside of the United States to serve only 4 years when it was probable the administration would change or for some reason he might be displaced at the end of the term, it was not fair that he be asked to give up all his practice and lose touch entirely with the people in his own community and his own State, and that it seemed to him the term should be 10 years. This bill was prepared by myself, and was my own idea. I thought it was only fair that the term should be extended to 10 years. I took it up with the Committee on the Judiciary and after some discussion there was no disagreement in the Judiciary Committee, and I was authorized to prepare the amendment and favorably report the bill, which I have done.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Committee on the Judiciary.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DELEGATES TO FIFTH WORLD CONGRESS OF THE DEAF

The joint resolution (S. J. Res. 150) to provide for the appointment of a delegate to the Fifth World Congress of the Deaf was considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That the President is authorized to appoint a member of the National Association of the Deaf as a delegate to represent the United States at the Fifth World Congress of the Deaf, to be held at Paris, France, from July 31 to August 6, 1937. The delegate so appointed shall make a report to the President.

SEC. 2. There is hereby authorized to be appropriated the sum of $1,000, or so much thereof as may be necessary, to pay the expenses of such delegate and to be expended in such manner as the President may prescribe.

PUBLIC PARK AND RECREATIONAL SITE, MONTANA

The Senate proceeded to consider the bill (S. 1216) authorizing the Secretary of the Interior to convey certain land to the State of Montana to be used for the purpose of a public park and recreational site, which had been reported from the Committee on Public Lands and Surveys with amendments, on page 2, line 4, after the word "quarter", to strike out "north half" and insert "lot 3 or"; and on page 2, to strike out lines 8 to 21, inclusive, as follows:

Township 1 north, range 3 west, section 12, southeast quarter northeast quarter and all that part of southeast quarter lying north and east of the right-of-way of United States Highway No. 10S; section 13, all that part of northeast quarter lying north and east of the right-of-way of United States Highway No. 10S.

In the event the State shall fail to devote such land to the purposes of a State public park and recreational site within 5 years after the date of enactment of this act, or fail to maintain such land as a public park and recreational site for any period of 5 consecutive years subsequent to its devotion to such use, or devote such land or any part thereof to another use, such land and all improvements thereon shall revert to the United States.

And to insert in lieu thereof the following:

Township 1 north, range 3 west, section 12, southeast quarter northeast quarter and east half southeast quarter (lots 7 and 12); section 13, east half northeast quarter (lots 1 and 4), and northwest quarter northeast quarter (lot 2).

In the event the State shall fail to devote such lands to the purposes of a State public park and recreational site within 5 years after the date of enactment of this act, or fail to maintain such land as a public park and recreational site for any period of 5 consecutive years subsequent to its devotion to such use, or devote such lands or any part thereof to another use, such land and all improvements thereon shall revert to the United States; and in such event the Secretary of the Interior is hereby authorized and empowered to declare such a forfeiture of the grant, and to assume jurisdiction of lot 12, section 17, township 1 north, range 2 west, for national-monument purposes under the act of June 8, 1906 (34 Stat. 225). Any patent issued hereunder shall contain a reservation to the United States of all mineral deposits in the land patented: *Provided*, That such minerals so reserved shall be prospected for, mined, and removed only in accordance with regulations to be prescribed by the Secretary of the Interior.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to convey to the State of Montana, upon the conditions and limitations hereinafter expressed, the following-described land of the United States in the State of Montana, to be held and used by such State for the purposes of a State public park and recreational site:

MONTANA PRINCIPAL MERIDIAN

Township 1 north, range 2 west, section 7, west half; section 8, south half southwest quarter and southwest quarter southeast quarter; section 17, lots 1, 2, 10, 11, and 12, and north half northwest quarter; section 18, northeast quarter northeast quarter, northwest quarter, northeast quarter southwest quarter, lot 3 or northwest quarter southwest quarter, and north half southeast quarter; section 20, northwest quarter northeast quarter northeast quarter and northwest quarter northeast quarter.

Township 1 north, range 3 west, section 12, southeast quarter northeast quarter and east half southeast quarter (lots 7 and 12); section 13, east half northeast quarter (lots 1 and 4), and northwest quarter northeast quarter (lot 2).

In the event the State shall fail to devote such lands to the purposes of a State public park and recreational site within 5 years after the date of enactment of this act, or fail to maintain such land as a public park and recreational site for any period of 5 consecutive years subsequent to its devotion to such use, or devote such lands or any part thereof to another use, such land and all improvements thereon shall revert to the United States; and in such event the Secretary of the Interior is hereby authorized and empowered to declare such a forfeiture of the grant, and to assume jurisdiction of lot 12, section 17, township 1 north, range 2 west, for national-monument purposes under the act of June 8, 1906 (34 Stat. 225). Any patent issued hereunder shall contain a reservation to the United States of all mineral deposits in the land patented: *Provided*, That such minerals so reserved shall be prospected for, mined, and removed only in accordance with regulations to be prescribed by the Secretary of the Interior.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HAWAIIAN HOMES COMMISSION

Mr. McNARY. Mr. President, when order of business 796, being Senate bill 2620, was reached on the calendar, I asked that it might go over until I had time to acquaint myself with its provisions. I have had an opportunity since to discuss the matter with the Senator from Maryland [Mr. TYDINGS] and I have no further objection to its immediate consideration.

The PRESIDENT pro tempore. Is there objection to recurring to Calendar 796?

There being no objection, the Senate proceeded to consider the bill (S. 2620) to amend the Hawaiian Homes Commission Act, 1920, which had been reported from the Committee on Territories and Insular Affairs with amendments, on page 1, line 11, after the word "and", to strike out "Puuahi" and insert "Pauahi (750 acres, more or less), in the district of south"; on page 18, line 4, after the word "one", to insert "nor more than five", and in the same line to strike out "year's" to insert 'years' ", so as to make the bill read:

Be it enacted, etc., That sections 203 (1), 203 (4), 204 (2), 207 (1), 208, 208 (1), 208 (5), 208 (6), 208 (7), 209 (1), 209 (2), 209 (3), 209 (4), 215 (1), 215 (2), 215 (3), 216, and 220 of the Hawaiian Homes Commission Act, 1920, be amended to read as follows:

"SEC. 203. (1) On the island of Hawaii: Kamaoa-Puueo (eleven thousand acres, more or less), in the district of Kau; Puukapu (twelve thousand acres, more or less), Kawaihae 1 (ten thousand acres, more or less), and Pauahi (seven hundred and fifty acres, more or less), in the district of South Kohala; Kamoku-Kaupalena (five thousand acres, more or less), Waimanu (two hundred acres, more or less), and Nienie (seven thousand three hundred and fifty acres, more or less), in the district of Hamakua; fifty-three thousand acres to be selected by the Commission from the lands of Humuula Mauka, in the district of North Hilo; Panaewa, Waiakea (two thousand acres, more or less), Waiakea-kai, or Keaukaha (two thousand acres, more or less), and two thousand acres of agricultural lands to be selected by the Commission from the lands of Piihonua, in the district of South Hilo; and two thousand acres to be selected by the Commission from the lands of Kaohe-Makuu, in the district of Puna; land at Keaukaha, Hawaii, more particularly described as follows:

"Parcel I

Now set aside as Keaukaha Beach Park by Executive Order No. 421, and being a portion of the Government land of Waiakea, South Hilo, Hawaii.

"Beginning at the southeast corner of this parcel of land, on the north side of Kalanianaole Road, the coordinates of said point of beginning referred to Government survey triangulation station 'Halai' being five thousand six hundred and eighty-one and twelve one-hundredths feet north and seventeen thousand nine hundred and thirty-three and fifteen one-hundredths

feet east, as shown on Government Survey Registered Map No. 2704, and running by true azimuths.

"1. Sixty-one degrees fifty-eight minutes one thousand three hundred and fifty-one and seventy-three one-hundredths feet along the north side of Kalanianaole Road (50 feet wide);

"2. One hundred and fifty-one degrees fifty-eight minutes eight hundred and forty feet along United States military reservation for river and harbor improvements (Executive Order No. 176);

"Thence along the seashore at high-water mark, the direct azimuths and distances between points at seashore being:

"3. Two hundred and eighty-two degrees no minutes four hundred and sixty-eight and fifty one-hundredths feet;

"4. Three hundred and thirteen degrees twenty minutes four hundred and forty-one feet;

"5. Two hundred and sixty degrees twenty minutes one hundred and forty feet;

"6. Two hundred and forty-two degrees twenty minutes two hundred and fifty feet;

"7. One hundred and eighty-eight degrees forty minutes sixty feet;

"8. Two hundred and seventy-two degrees twenty minutes one hundred and seventy feet;

"9. Two hundred and five degrees no minutes sixty feet;

"10. One hundred and ten degrees twenty minutes two hundred and twenty feet;

"11. Ninety degrees fifty minutes eighty feet;

"12. One hundred and sixty-two degrees no minutes one hundred and seventy feet;

"13. Two hundred and fifty degrees thirty minutes four hundred and thirty feet;

"14. Three hundred and thirty-one degrees fifty-eight minutes three hundred and eighty feet along parcel II of Government land to the point of beginning and containing an area of eleven and twenty one-hundredths acres, more or less.

"Parcel II

"Being a portion of the Government land of Waiakea, South Hilo, Hawaii, and located on the north side of Kalanianaole Road and adjoining parcel I, hereinbefore described.

"Beginning at the south corner of this parcel of land, on the north side of Kalanianaole Road, the coordinates of said point of beginning referred to Government survey triangulation station 'Halai', being five thousand six hundred and eighty-one and twelve one-hundredths feet north and seventeen thousand nine hundred and thirty-three and fifteen one-hundredths feet east and running by true azimuths:

"1. One hundred and fifty-one degrees fifty-six minutes three hundred and eighty feet along the east boundary of parcel I;

"2. Two hundred and twenty-nine degrees forty-five minutes thirty seconds one hundred and ninety-one and one one-hundredth feet;

"3. One hundred and ninety-eight degrees no minutes two hundred and thirty feet to a 1½-inch pipe set in concrete;

"4. Three hundred and seven degrees thirty-eight minutes five hundred and sixty-two and twenty-one one-hundredths feet to a 1½-inch pipe set in concrete;

"5. Twenty-eight degrees no minutes one hundred and twenty-one and thirty-seven one-hundredths feet to the north side of Kalanianaole Road;

"6. Sixty-one degrees fifty-eight minutes four hundred and eighty-three and twenty-two one-hundredths feet along the north side of Kalanianaole Road to the point of beginning and containing an area of 5.26 acres, more or less.

"SEC. 203. (4) On the island of Oahu: Nanakuli (3,000 acres, more or less), and Lualualei (2,000 acres, more or less), in the district of Waianae; and Waimanalo (4,000 acres, more or less), in the district of Koolaupoko, excepting therefrom the military reservation and the beach lands; and those certain portions of the lands of Auwaiolimu, Kewalo, and Kalawahine described by metes and bounds as follows, to wit:

"(I) Portion of the Government land at Auwaiolimu, Punchbowl Hill, Honolulu, Oahu, described as follows:

"Beginning at a pipe at the southeast corner of this tract of land, on the boundary between the lands of Kewalo and Auwaiolimu, the coordinates of said point of beginning referred to Government survey triangulation station 'Punchbowl', being 1,135.9 feet north and 2,557.8 feet east as shown on Government Survey Registered Map No. 2692, and running by true azimuths:

"1. One hundred and sixty-three degrees thirty-one minutes two hundred and fifty-seven and eight-tenths feet along the east side of Punchbowl-Makiki Road;

"2. Ninety-four degrees eight minutes one hundred and twenty-four and nine-tenths feet across Tantalus Drive and along the east side of Puuowaina Drive;

"3. One hundred and thirty-one degrees thirteen minutes two hundred and thirty-two and five tenths feet along a 25-foot roadway;

"4. One hundred and thirty-nine degrees fifty-five minutes twenty and five-tenths feet along same;

"5. One hundred and sixty-eight degrees seventeen minutes two hundred and fifty-seven and eight-tenths feet along Government land (old quarry lot);

"6. One hundred and fifty-six degrees thirty minutes three hundred and thirty-three feet along same to a pipe;

"7. Thence following the old Auwaiolimu stone wall along L. C. award 3145 to Laenui, grant 5147 (lot 8 to C. W. Booth), L. C. award 1375 to Kapule, and L. C. award 1355 to Kekuanoni, the direct azimuth and distance being two hundred and forty-nine degrees forty-one minutes one thousand three hundred and three and five-tenths feet;

"8. Three hundred and twenty-one degrees, twelve minutes, six hundred and ninety-three feet along the remainder of the land of Auwaiolimu;

"9. Fifty-one degrees, twelve minutes, one thousand and four hundred feet along the land of Kewalo to the point of beginning; containing an area of twenty-seven acres; excepting and reserving therefrom Tantalus Drive and Auwaiolimu Street crossing this land;

"(II) Portion of the land of Kewalo, Punchbowl Hill, Honolulu, Oahu, being part of the lands set aside for the use of the Hawaii Experiment Station of the United States Department of Agriculture by proclamation of the Acting Governor of Hawaii, dated June 10, 1901, and described as follows:

"Beginning at the northeast corner of this lot, at a place called 'Puu Ea' on the boundary between the lands of Kewalo and Auwaiolimu, the coordinates of said point of beginning referred to Government survey triangulation station 'Punchbowl', being three thousand two hundred and fifty-five and six-tenths feet north and five thousand two hundred and forty-four and seven-tenths feet east, as shown on Government Survey Registered Map No. 2692 of the Territory of Hawaii, and running by true azimuths:

"1. Three hundred and fifty-four degrees thirty minutes nine hundred and thirty feet along the remainder of the land of Kewalo, to the middle of the stream which divides the lands of Kewalo and Kalawahine;

"2. Thence down the middle of said stream along the land of Kalawahine, the direct azimuth and distance being forty-nine degrees sixteen minutes one thousand five hundred and twelve and five-tenths feet;

"3. One hundred and forty-one degrees twelve minutes eight hundred and sixty feet along the remainder of the land of Kewalo;

"4. Two hundred and thirty-one degrees twelve minutes five hundred and fifty-two and six-tenths feet along the land of Auwaiolimu to 'Puu Iole';

"5. Thence still along the said land of Auwaiolimu following the top of the ridge to the point of beginning, the direct azimuth and distance being two hundred and thirty-two degrees twenty-six minutes one thousand four hundred and seventy feet and containing an area of 30 acres; excepting and reserving therefrom Tantalus Drive crossing this land;

"(III) Portion of the land of Kalawahine situate mauka or northeast of Roosevelt High School, Honolulu, Oahu.

"Being portion of L. C. award 11215, Apana 2, to Keliiahonui conveyed by W. M. Giffard to the Territory of Hawaii by deed dated February 1, 1907, and recorded in Liber 291, page 1.

"(Being portion of the lands set aside for the Hawaiian Homes Commission by the Seventy-third Congress by Act No. 227, approved May 16, 1934.)

"Beginning at the south corner of this parcel of land and near the east corner of Roosevelt High School lot, the coordinates of said point of beginning referred to Government survey triangulation station 'Punchbowl', being twenty-five and two one-hundredths feet south and four thousand one hundred and seventeen and thirty-nine one-hundredths feet east as shown on Government survey registered map numbered 2985 and running by azimuths measured clockwise from true south:

"1. One hundred and twenty-eight degrees fifty-four minutes seven hundred and six and thirteen one-hundredths feet along Roosevelt High School lot, and passing over a pipe at six hundred and eighty-four and thirteen one-hundredths feet;

"2. Thence up along the middle of stream in all its turns and windings along the land of Kewalo-uka to the south corner of Hawaiian Home land (Presidential Executive Order No. 5561), the direct azimuth and distance being two hundred and thirteen degrees forty-eight minutes forty seconds one thousand one hundred and twelve any twenty one-hundredths feet;

"3. Thence continuing up along the middle of stream in all its turns and windings along the land of Kewalo-uka (Presidential Executive Order No. 5561), to the south side of Tantalus Drive realinement, the direct azimuth and distance being two hundred and twenty-eight degrees twenty-nine minutes ten seconds one thousand three hundred and ninety-one feet;

"4. Thence on a curve to the right with a radius of one hundred and twenty and seventy-eight one-hundredths feet along the southerly side of Tantalus Drive realinement (sixty feet wide), the direct azimuth and distance being three hundred and fifty-eight degrees twenty-one minutes one hundred and ninety-three and eighty one-hundredths feet;

"5. Fifty-one degrees forty-two minutes one hundred and ninety-three and thirty-five one-hundredths feet along the southerly side of Tantalus Drive realinement;

"6. Thence on a curve to the left with a radius of three hundred and thirty feet, along same, the direct azimuth and distance being twenty-five degrees twenty-three minutes ten seconds two hundred and ninety-two and fifty-eight one-hundredths feet;

"7. Twenty-two degrees fifty-three minutes two hundred and ninety-one and ninety-three one-hundredths feet along the southerly side of Tantalus Drive realinement and along the west side of Kalawahine Slope lots;

"8. Thence on a curve to the left with a radius of three hundred and five and sixty one-hundredths feet along the west side of the Kalawahine Slope lots, the direct azimuth and distance being six degrees twenty-one minutes thirty seconds one hundred and seventy-three and eighty-five one-hundredths feet;

"9. Three hundred and forty-nine degrees fifty minutes forty-seven feet along the west side of the Kalawahine Slope lots;

"10. Thence on a curve to the right with a radius of five hundred and twenty feet along same and along Territorial land, the direct azimuth and distance being seventeen degrees thirty-one minutes four hundred and eighty-three and eighteen one-hundredths feet;

"11. Three hundred and fifteen degrees twelve minutes seventy-five feet along Territorial land;

"12. Forty-five degrees twelve minutes six hundred and eleven and two one-hundredths feet along the northwest side of a twenty-foot road reserve;

"13. Thirty-four degrees four minutes thirty seconds three hundred and thirty-six and ninety-six one-hundredths feet along same to the point of beginning and containing an area of thirty-one and sixty one-hundredths acres.

"(IV) Portion of the Hawaiian Experiment Station under the control of the United States Department of Agriculture, situate on the northeast side of Auwaiolimu Street.

"KEWALO-UKA, HONOLULU, OAHU

"Being a portion of the land of Kewalo-uka conveyed by the Territory of Hawaii to the United States of America by proclamations of the Acting Governor of Hawaii, Henry E. Cooper, dated June 10, 1901, and August 16, 1901, and a portion of the United States Navy hospital reservation described in Presidential Executive Order No. 1181, dated March 25, 1910.

"Beginning at the west corner of this parcel of land, on the Auwaiolimu-Kewalo-uka boundary and on the northeast side of Auwaiolimu Street, the coordinates of said point of beginning referred to Government survey triangulation station 'Punchbowl', being one thousand two hundred and thirty and fifty-eight one-hundredths feet north and two thousand six hundred and seventy-five and six one-hundredths feet east as shown on Government Survey Registered Map no. 2985 and running by azimuths measured clockwise from true south:

"1. Two hundred and thirty-one degrees twelve minutes one thousand two hundred and forty-eight and twenty-six one-hundredths feet along the land of Auwaiolimu;

"2. Three hundred and twenty-one degrees twelve minutes eight hundred and sixty feet along Hawaiian Home Land as described in Presidential Executive Order No. 5561;

"3. Thence down along the middle of stream in all its turns and windings along the land of Kalawahine to the north corner of Roosevelt High School lot, the direct azimuth and distance being thirty-three degrees forty-eight minutes forty seconds one thousand one hundred and twelve and twenty one-hundredths feet;

"Thence still down along the middle of stream for the next seven courses along the Roosevelt High School premises, the direct azimuths and distances between points in middle of said stream being:

"4. Twenty-three degrees forty minutes twenty-eight and ninety one-hundredths feet;

"5. Eight degrees no minutes one hundred and fifteen feet;

"6. Three hundred and thirty-seven degrees fifty minutes forty-eight feet;

"7. Two degrees thirty minutes sixty feet;

"8. Forty-nine degrees forty minutes fifty-two feet;

"9. Forty-six degrees six minutes ninety and seventy one-hundredths feet;

"10. Ninety-two degrees forty-three minutes ninety-five and sixty one-hundredths feet; thence

"11. Eighty-three degrees thirty-eight minutes seventy-one and sixty-three one-hundredths feet along Territorial land to the northeast side of Auwaiolimu Street;

"12. Thence on a curve to the left with a radius of one thousand one hundred and seventy-six and twenty-eight one-hundredths feet along the northeast side of Auwaiolimu Street along land described in Presidential Executive Order No. 1181, dated March 25, 1910, the direct azimuth and distance being one hundred and seventy-two degrees twenty-nine minutes thirty-five seconds one hundred and sixty-four and thirty-nine one-hundredths feet;

"13. Thence continuing on a curve to the left with a radius of one thousand one hundred and seventy-six and twenty-eight one-hundredths feet along the northeast side of Auwaiolimu Street, the direct azimuth and distance being one hundred and sixty degrees fifty minutes forty-eight seconds three hundred and twelve and seventy-five one-hundredths feet;

"14. Two hundred and twenty-four degrees fifty-three minutes six hundred and seventy and sixty-five one-hundredths feet along the Quarry Reservation (Territory of Hawaii, owner);

"15. One hundred and ten degrees six minutes two hundred and thirty-nine and twenty one-hundredths feet along same;

"16. Ninety-two degrees five minutes two hundred and two and twenty one-hundredths feet along same;

"17. Fifty-three degrees twenty minutes three hundred and forty and thirty-four one-hundredths feet along same;

"18. One hundred and forty-two degrees thirty minutes four hundred and twenty-four and sixty-eight one-hundredths feet along the northeast side of Auwaiolimu Street to the point of beginning and containing an area of twenty-seven and ninety one-hundredths acres; excepting and reserving therefrom that certain area included in Tantalus Drive, crossing this land.

"(V) Portion of Kewalo-uka Quarry Reservation. Situate on the northeast side of Auwaiolimu Street.

"Kewalo-uka, Honolulu, Oahu

"Being land reserved by the Territory of Hawaii within the Hawaii Experiment Station under the control of the United States Department of Agriculture, as described in proclamations of the Acting Governor of Hawaii, Henry E. Cooper, dated June 10, 1901.

"Beginning at the northwest corner of this parcel of land and on the northeast side of Auwaiolimu Street, the coordinates of said point of beginning referred to Government survey triangulation station 'Punchbowl', being eight hundred and ninety-three and sixty-six one-hundredths feet north and two thousand nine hundred and thirty-three and fifty-nine one-hundredths feet east as shown on Government Survey Registered Map Numbered 2985 and running by azimuths measured clockwise from true south:

"1. Two hundred and thirty-three degrees twenty minutes three hundred and forty and thirty-four one-hundredths feet along the Hawaii Experiment Station under the control of the United States Department of Agriculture;

"2. Two hundred and seventy-two degrees five minutes two hundred and two and twenty one-hundredths feet along same;

"3. Two hundred and ninety degrees six minutes two hundred and thirty-nine and twenty one-hundredths feet along same;

"4. Forty-four degrees, fifty-three minutes six hundred and seventy and sixty-five one-hundredths feet along same to the northeast side of Auwaiolimu Street;

"5. Thence on a curve to the left with a radius of one thousand one hundred and seventy-six and twenty-eight one-hundredths feet along the northeast side of Auwaiolimu Street, the direct azimuth and distance being one hundred and forty-seven degrees fifty-one minutes thirteen seconds two hundred and nineteen and fifty one-hundredths feet;

"6. One hundred and forty-two degrees thirty minutes one hundred and thirty-four and fifty-five one-hundredths feet along the northeast side of Auwaiolimu Street;

"7. Two hundred and thirty-two degrees thirty minutes twenty feet along same;

"8. One hundred and forty-two degrees thirty minutes seventy-one and fifty-seven one-hundredths feet along same to the point of beginning and containing an area of four and six hundred and forty-six one-thousandths acres.

"SEC. 204 (2). Any available land, including land selected by the Commission out of a larger area, as provided by this act, as may not be immediately needed for the purposes of this act, may be returned to the Commissioner of Public Lands and may be leased by him as provided in subdivision (d) of section 73 of the Organic Act; any lease of Hawaiian homelands hereafter entered into shall contain a withdrawal clause, and the lands so leased shall be withdrawn by the Commissioner of Public Lands, for the purposes of this act, upon the Commission giving at its option not less than 1 nor more than 5 years' notice of such withdrawal: *Provided*, That the minimum withdrawal-notice period shall be specifically stated in such lease.

"SEC. 207 (1). (a) The Commission is authorized to lease to native Hawaiians the right to the use and occupancy of a tract of Hawaiian homelands within the following acreage limits per each lessee: (1) Not less than 1 nor more than 40 acres of agricultural lands; or (2) not less than 100 nor more than 500 acres of first-class pastoral lands; or (3) not less than 250 nor more than 1,000 acres of second-class pastoral lands: *Provided, however*, That lots of not more than 1 acre of any class of land may be leased as residence lots. The Commission is also authorized to grant licenses for terms of not to exceed 21 years in each case to public-utility companies or corporations as easements for railroad, telephone lines, electric power and light lines, gas mains, and the like.

"SEC. 208 (1). The original lessee shall be a native Hawaiian, not less than 21 years of age. In case two lessees either original or in succession marry, they shall choose the lease to be retained, and the remaining lease shall be transferred or canceled in accordance with the provisions of succeeding sections.

"SEC. 208 (5). The lessee shall not in any manner transfer to, or mortgage, pledge, or otherwise hold for the benefit of, any other person or group of persons or organizations of any kind, except a native Hawaiian or Hawaiians, and then only upon the approval of the Commission, or agree so to transfer, mortgage, pledge, or otherwise hold, his interest in the tract. Such interest shall not, except in pursuance of such a transfer, mortgage, or pledge to or holding for or agreement with a native Hawaiian or Hawaiians approved of by the Commission, or for any indebtedness due the Commission or for taxes, or for any other indebtedness the payment of which has been assured by the Commission, be subject to attachment, levy, or sale upon court process. The lessee shall not sublet his interest in the tract or improvements thereon.

"SEC. 208 (6). The lessee shall pay all taxes assessed upon the tract and improvements thereon. The Commission may in its discretion pay such taxes and have a lien therefor as provided by section 216 of this Act.

"SEC. 208 (7). The lessee shall perform such other conditions, not in conflict with any provision of this title, as the Commission may stipulate in the lease: *Provided, however*, That an original lessee shall be exempt from all taxes for the first 5 years from date of lease.

"SEC. 209 (1). Upon the death of the lessee his interest in the tract and the improvements thereon, including growing crops, either on the tract or in any collective contract or program, shall vest and be determined in the following manner. A lessee shall furnish the Commission, in writing, the name or names of such person or persons being a qualified native Hawaiian or Hawaiians, within the limits prescribed in the following sequence of succession, to whom he wishes his interest in the lease to be transferred after his death, this designation to be subject to the approval of the Commission: (1) In the widow or widower; (2) if

there is no widow or widower, then in the children; (3) if there are no children, then in the widows or widowers of the children; (4) if there are no such widows or widowers, then in the grandchildren; (5) if there are no grandchildren, then in the brothers and sisters; (6) if there are no brothers or sisters, then in the widows or widowers of the brothers and sisters; (7) if there are no such widows or widowers of the brothers or sisters, then in the nephews and nieces.

"In the absence of such designation the Commission shall choose a qualified native Hawaiian or Hawaiians in accordance with the foregoing sequence, either individually or collectively, except that such successor or successors need not be 21 years of age.

"Upon the death of a lessee, or the cancelation of a lease by the Commission, or the surrender of a lease by the lessee, the Commission shall appraise the value of all such improvements and said growing crops and shall pay to the legal representative of the deceased lessee, or to the previous lessee, as the case may be, the value thereof, less any indebtedness due the Commission, or for taxes, or for any other indebtedness the payment of which has been assured by the Commission, from the previous lessee. Such appraisal shall be made by three appraisers, one of which shall be named by the Commission, one by the previous lessee or the legal representative of his estate, and the third shall be selected by the two appraisers hereinbefore mentioned.

"SEC. 209 (2). After the cancelation of a lease by the Commission in accordance with the provisions of sections 210 and 216 of this title, or the surrender of a lease by a lessee, the Commission is authorized to transfer the lease or to issue a new lease to any qualified Hawaiian regardless of whether or not he is related in any way by blood or marriage to the previous lessee.

"SEC. 209 (3). After the death of a lessee, a successor or successors as defined in section 208 of this title shall not during a period of not less than 6 months nor more than 2 years, the exact length of such period to be fixed by the Commission, be deemed to have violated any of the conditions enumerated in section 208 of this title, even though he is not a native Hawaiian and does not during this period, on his own behalf, occupy or use or cultivate the tract as a home or farm in accordance with the provisions of this title and the stipulations and provisions contained in the lease.

"SEC. 209 (4). Should any successor or successors to a tract be a minor or minors, the Commission may appoint a guardian therefor, subject to the approval of the court of proper jurisdiction. Such guardian shall be authorized to represent the successor or successors in all matters pertaining to the leasehold: *Provided*, That said guardian shall, in so representing such successor or successors, comply with the provisions of this title and the stipulations and provisions contained in the lease, except that said guardian may not be a native Hawaiian as defined in section 201 of this title.

"SEC. 215 (1). Each contract of loan with the lessee or any successor or successors to his interest in the tract shall be held subject to the following conditions, whether or not stipulated in the contract of loan: The amount of loans at any one time to any lessee of a tract of agricultural or pastoral land shall not exceed $3,000, and to any lessee of a residence lot shall not exceed $1,000: *Provided*, That where, upon the death of a lessee or the cancelation of a lease by the Commission or the surrender of a lease by the lessee, the Commission shall make the appraisal and payment provided by section 209 (1), the amount of such payment shall be considered as part or all, as the case may be, of any such loan without limitation as to the maximum amounts herein specified in this section.

"SEC. 215 (2). The loans shall be repaid upon an amortization plan by means of a fixed number of annual installments sufficient to cover (a) interest on the unpaid principal at the rate of 3 percent per annum, and (b) such amount of the principal as will extinguish the debt within an agreed period not exceeding 30 years. The moneys received by the Commission from any installment paid upon such loans shall be covered into the fund. The payment of any installment due shall, with the concurrence therein of at least three of the five members of the Commission, be postponed in whole or in part by the Commission for such reasons as it deems good and sufficient and until such later date as it deems advisable. Such postponed payments shall continue to bear interest at the rate of 3 percent per annum on the unpaid principal and interest.

"SEC. 215 (3) In case of the borrower's death the Commission shall permit the successor or successors to the tract to assume the contract of loan subject to the provisions of paragraph (1) of this section. In case of the cancelation of a lease by the Commission or the surrender of a lease by a lessee, the Commission may, at its option, declare all annual installments upon the loan immediately due and payable or permit the successor or successors to the tract to assume the contract of loan subject to the provisions of paragraph (1) of this section.

"SEC. 216. The Commission may require the borrower to insure, in each amount as the Commission may by regulation prescribe, all livestock and dwellings and other permanent improvements upon his tract, purchased or constructed out of any moneys loaned from the fund; or in lieu thereof the Commission may directly take out such insurance and add the cost thereof to the amount of annual installments payable under the amortization plan. Whenever the Commission has reason to believe that the borrower has violated any condition enumerated in paragraphs (2), (4), (5), or (6) of section 215 of this title, the Commission shall give due notice and afford opportunity for a hearing to the borrower or the successor or successors to his interest in the tract as the case demands. If upon such hearing the Commission finds that the borrower has violated the condition the Commission may declare all annual installments immediately due and payable, notwithstanding any provision in the contract of loan to the contrary. The Commission shall have a first lien upon the borrower's or lessee's interest in his tract, growing crops, either on the tract or in any collective contract or program, dwellings, or other permanent improvements thereon, and his livestock, to the amount of all annual installments due and unpaid and of all taxes upon such tract and improvements paid by the Commission, and of all indebtedness of the lessee, the payment of which has been assured by the Commission. Such lien shall have priority over any other obligation for which the tract, said growing crops, dwellings, other improvements, or livestock may be security.

The Commission may, at such times as it deems advisable, enforce any such lien by declaring the borrower's interest in his tract, or his successor's interest therein, as the case may be, together with the said growing crops, dwellings, and other permanent improvements thereon, and the livestock, to be forfeited, the lease in respect to such tract canceled, and shall thereupon order the tract to be vacated and the livestock surrendered within a reasonable time. The right to the use and occupancy of the Hawaiian homelands contained in such tract shall thereupon revest in the Commission, and the Commission may take possession of the tract and the improvements and growing crops thereon: *Provided*, That the Commission shall pay to the borrower any difference which may be due him after the appraisal provided for in paragraph (1) of section 209 of this title has been made.

SEC. 220. The Commission is hereby authorized directly to undertake and carry on general water and other development projects in respect to Hawaiian homelands, and to undertake other activities having to do with the economic and social welfare of the homesteaders. The Legislature of the Territory is authorized to appropriate out of the Treasury of the Territory such sums as it deems necessary to provide the Commission with funds sufficient to execute such projects, to carry on its administration and maintenance activities, and to accumulate a revolving loan fund of $1,000,000. The Legislature is further authorized to issue bonds to the extent required to yield the amount of any sum so appropriated.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT pro tempore. That completes the consideration of unobjected to bills on the calendar.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its reading clerks, notified the Senate that the Speaker had appointed Mr. CANNON of Missouri an additional manager on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6692) making appropriations for the Military Establishment for the fiscal year ending June 30, 1938, and for other purposes.

The message announced that the House had agreed to the amendment of the Senate to the bill (H. R. 2291) to amend the act of May 25, 1933 (48 Stat. 73).

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 5394) to provide for the acquisition of certain lands for, and the addition thereof to, the Yosemite National Park, in the State of California, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DEROUEN, Mr. ROBINSON of Utah, and Mr. CRAWFORD were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5996) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1938, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate numbered 21, 34, 35, 55, 76, 78, 87, 95, 96, 112, 113, 119, 133, and 134 to the bill, and concurred therein, and that the House had receded from its disagreement to the amendments of the Senate numbered 9, 22, 23, 56, 90, 92,

114, 132, 141, and 151 to the bill, and concurred therein severally with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 5969) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H. R. 5969) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto, was read twice by its title and referred to the Committee on the Judiciary.

ADDITION OF LANDS TO YOSEMITE NATIONAL PARK

The PRESIDING OFFICER (Mr. POPE in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 5394) to provide for the acquisition of certain lands for, and the addition thereof to, the Yosemite National Park in the State of California, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ADAMS. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ADAMS, Mr. PITTMAN, Mr. ASHURST, Mr. WAGNER, and Mr. NYE conferees on the part of the Senate.

APPROPRIATIONS FOR THE DISTRICT OF COLUMBIA—CONFERENCE REPORT

Mr. THOMAS of Oklahoma submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5996) making appropriations for the government of the District of Columbia, and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1938, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 12, 16, 19, 20, 32, 33, 38, 40, 42, 43, 47, 48, 49, 53, 58, 61, 63, 65, 83, 84, 85, 86, 97, 100, 103, 109, 110, 115, 118, 121, 122, 123, 130, 135, 137, 138, 139, 142, and 150.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 8, 11, 13, 14, 15, 17, 18, 24, 25, 26, 27, 28, 30, 31, 36, 37, 39, 41, 44, 46, 50, 51, 52, 57, 59, 60, 64, 67, 68, 69, 71, 72, 73, 74, 75, 77, 79, 88, 89, 91, 93, 94, 98, 101, 104, 106, 111, 116, 117, 120, 124, 125, 126, 136, 140, 143, 144, 145, 147, and 148, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$221,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$98,060"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$110,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert "$403,730"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$180,260"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$22,500"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$140,000"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$396,975"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "Not exceeding $17,500 for the purchase of land for elementary school purposes in the vicinity of First and Pierce Streets Northwest"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$242,500"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "the area bounded by Seventh Street on the west and K Street on the scuth in Southwest Washington"; and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$442,640"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$29,000"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"The unexpended balance of the appropriation of $100,000 contained in the District of Columbia Appropriation Act for the fiscal year 1937 for the construction, repair, improvement, and extension of buildings at the National Training School for Girls, in accordance with plans to be approved by the Municipal Architect and the Commissioners; and for additional personnel and maintenance at that institution is hereby continued available during the fiscal year 1938."

And the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$37,760"; and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$38,260"; and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$450,000"; and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$54,540"; and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows: "$900,000: *Provided*, That appropriations contained in this act for highways, sewers, city refuse, and the water department shall be available for snow removal when specifically and in writing ordered by the Commissioners"; and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert $367,800"; and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows: "In line 8 of the matter restored strike out '$2,000' and insert in lieu thereof '$2,600' "; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 9, 21, 22, 23, 34, 35, 55, 56, 76, 78, 87, 90, 92, 95, 96, 112, 113, 114, 119, 132, 133, 134, 141, and 151.

ELMER THOMAS,
CARTER GLASS,
ROYAL S. COPELAND,
WILLIAM H. KING,
GERALD P. NYE,
Managers on the part of the Senate.
ROSS A. COLLINS,
MILLARD F. CALDWELL,
JOE STARNES,
Managers on the part of the House.

The report was agreed to.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives on certain amendments of the Senate to House bill 5996, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
June 28, 1937.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 21, 34, 35, 55, 76, 78, 87, 95, 96, 112, 113, 119, 133, and 134 to the bill (H. R. 5996) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1938, and for other purposes, and concur therein.

That the House recede from its disagreement to the amendment of the Senate numbered 9 to said bill and concur therein with the following amendment: Restore the matter stricken out by said amendment amended to read as follows: "$131,700, of which $5,000 shall be available without reference to the Classification Act of 1923, as amended, and Civil Service requirements for examination of estimates of appropriations and for other purposes."

That the House recede from its disagreement to the amendment of the Senate numbered 22 to said bill and concur therein with the following amendment: In lieu of the matter inserted by said amendment insert: "For personal services, including not to exceed $2,500 for the Secretary of the Board, $8,040."

That the House recede from its disagreement to the amendment of the Senate numbered 23 to said bill and concur therein with the following amendment: In lieu of the matter inserted by said amendment insert: "For equipment, transportation, and other necessary expenses, $575."

That the House recede from its disagreement to the amendment of the Senate numbered 56 to said bill and concur therein with the following amendment: In lieu of the sum proposed to be inserted by said amendment insert "$7,167,820."

That the House recede from its disagreement to the amendment of the Senate numbered 90 to said bill and concur therein with the following amendment: In lieu of the sum inserted by said amendment insert "$468,560, of which $13,000 shall be available for out-patient relief of the poor, including medical and surgical supplies, artificial limbs, and pay of physicians."

That the House recede from its disagreement to the amendment of the Senate numbered 92 to said bill and concur therein with the following amendment: Restore the matter stricken out by said amendment amended to read as follows:

"Health Center: For the construction on the site of the Jones Elementary School at First and L Streets, Northwest, of a building for a Health Center, including necessary fixed equipment therefor, $165,000, of which sum $7,000 shall be available for preparation of plans and specifications, administration and inspection, including the employment of personal services without reference to the Classification Act of 1923, as amended: *Provided*, That all buildings belonging to the District of Columbia shall be under the jurisdiction and control of the Commissioners of said District."

That the House recede from its disagreement to the amendment of the Senate numbered 114 to said bill and concur therein with the following amendment: Strike out the matter inserted and stricken out by said amendment and, on page 63 of the House engrossed bill, strike out lines 1 to 5, inclusive.

That the House recede from its disagreement to the amendment of the Senate numbered 132 to said bill and concur therein with the following amendment: In lieu of the matter inserted by said amendment insert ": *Provided further*, That the Commissioners of the District of Columbia, should they deem such action to be to the advantage of the District of Columbia, are hereby authorized to purchase a municipal asphalt plant at a cost not to exceed $30,000."

That the House recede from its disagreement to the amendment of the Senate numbered 141 to said bill and concur therein with the following amendment: In lieu of the sum proposed to be inserted by said amendment insert "$2,894,340".

That the House recede from its disagreement to the amendment of the Senate numbered 151 to said bill and concur therein with the following amendment: In line 1 of the said Senate engrossed amendment strike out "7" and insert "2".

Mr. THOMAS of Oklahoma. I move that the Senate agree to the House amendments to Senate amendments numbered 9, 22, 23, 56, 90, 92, 114, 132. 141, and 151 to the bill.

The motion was agreed to.

INTERIOR DEPARTMENT APPROPRIATIONS

Mr. HAYDEN. Mr. President, I move that the Senate proceed to the consideration of the Interior Department appropriation bill.

The motion was agreed to, and the Senate proceeded to consider the bill (H. R. 6958) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1938, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. HAYDEN. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with, and that the bill be read for amendment, the committee amendments to be first considered.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will state the first amendment of the Committee on Appropriations.

Mr. McNARY. Mr. President, I think that in the case of this appropriation bill, as I have expressed myself with regard to others, the Senator in charge of the bill should make a statement with respect to its provisions, and how it compares with the bill as passed by the House and with the appropriations for last year, what are the controversial items, and so forth.

Mr. HAYDEN. Mr. President, the amount of the bill as passed by the House of Representatives is $123,001,304.85. The amount of the bill as reported to the Senate is $125,-161,879.85, or an increase of $2,160,575.

Mr. McNARY. Does that increase conform to the estimates of the Bureau of the Budget, and is it in conformity with the financial program of the President?

Mr. HAYDEN. No. There are two principal items in the billl which are above the Budget estimates. One is an item of $900,000 for a new reclamation project in Colorado, the transmountain diversion project. Next there is an increase above the Budget estimates of $2,200,000 for the construction of a national parkway, known as the Natchez Trace, beginning in Tennessee, and passing through Alabama into Mississippi.

Those are the two principal items which are above the Budget estimates.

Mr. McNARY. These items did not have the approval of the Bureau of the Budget?

Mr. HAYDEN. No Budget estimates were submitted for them. The Natchez Trace appropriation is authorized by law. We did not appropriate the full amount of the authorization, but we did increase the amount above that appropriated by the House.

Mr. McNARY. I assume, then, that these items run counter to the President's financial program.

Mr. HAYDEN. We did not consult the Budget Bureau about them.

Mr. McNARY. Were those items in the House bill?

Mr. HAYDEN. In the House bill, for the Natchez Trace, there was $500,000. The committee increased the amount to $2,700,000, but within the authorization by law of $10,000,000 for that parkway and the Blue Ridge Parkway. The total amount of the appropriation will be $7,200,000. The authorization for this fiscal year is $10,000,000. It is authorized by law, but was not estimated for by the Budget Bureau.

There are other increases and shifts in the bill, I may say to the Senator. The committee tried to improve conditions, for instance, in the General Land Office. As the Senator from Oregon knows, and all western Senators know, there have been great delays in contested cases relating to the public domain, whether they be homesteads, oil leases, grazing leases, or other matters of that kind. We have tried to provide in this bill enough money for the investigation of these contested matters in the field and for their proper and expeditious treatment in Washington. The committee has added something to the appropriation for the Geological Survey for topographic maps, and so forth, but the net effect is as I have stated to the Senator. I have stated to him the two principal increases.

The PRESIDENT pro tempore. The clerk will state the amendments reported by the committee.

The first amendment of the Committee on Appropriations was, under the subhead "Office of Solicitor", on page 3, at the end of line 8, to change the appropriation for personal services in the District of Columbia and in the field from $275,000 to $286,400.

The amendment was agreed to.

The next amendment was, on page 3, line 11, to change the appropriation for personal services in the District of Columbia under the Division of Territories and Island Possessions from $55,520 to $58,760.

The amendment was agreed to.

The next amendment was, under the subhead "Division of Investigations", on page 3, line 20, after the word "hereunder" and the comma, to strike out "$416,000" and insert "$500,000"; and in line 21, after the word "exceeding", to strike out "$27,000" and insert "$30,500", so as to read:

For investigating official matters under the control of the Department of the Interior; for protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; for protecting public lands from illegal and fraudulent entry or appropriation; for adjusting claims for swamplands and indemnity for swamplands; and for traveling expenses of agents and others employed hereunder, $500,000, including not exceeding $30,500 for personal services in the District of Columbia; not exceeding $38,000 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles and motorboats for the use of agents and others employed in the field service; and not to exceed $5,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Secretary of the Interior, who shall make a certificate of the amount of such expenditure as he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

The amendment was agreed to.

The next amendment was, under the subhead "Contingent expenses, Department of the Interior", on page 8, line 6, before the word "of", to strike out "$240,000" and insert "$250,000"; and in line 7, before the word "for", to strike out "$75,000" and insert "$85,000", so as to read:

For printing and binding for the Department of the Interior, including all of its bureaus, offices, institutions, and services in the District of Columbia and elsewhere, except the Alaska Railroad, the Geological Survey, Vocational Education, and the Bureau of Reclamation, $250,000, of which $55,000 shall be for the National Park Service, $85,000 for the Bureau of Mines, and $50,000 for the Office of Education, no part of which shall be available for correspondence instruction.

The amendment was agreed to.

The next amendment was, on page 9, after line 15, to insert:

NATIONAL BITUMINOUS COAL COMMISSION

Salaries and expenses: For all necessary expenditures of the National Bituminous Coal Commission in performing the duties imposed upon said Commission by the Bituminous Coal Act of 1937, approved April 26, 1937 (Public, No. 48, 75th Cong.), including personal services and rent in the District of Columbia and elsewhere; traveling expenses, including expenses of attendance at meetings which, in the discretion of the Commission, are necessary for the efficient discharge of its responsibilities; contract stenographic reporting services; stationery and office supplies; purchase, rental, exchange, operation, maintenance, and repair of reproducing, photographing, and other such equipment, typewriters, calculating machines, mechanical tabulating equipment, and other office appliances and labor-saving devices; printing and binding; witness fees and fees and mileage in accordance with section 8 of the Bituminous Coal Act of 1937; not to exceed $12,500 for purchase, exchange, hire, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles for use outside the District of Columbia; garage rentals; miscellaneous items, including those for public instruction and information deemed necessary by the Commission; and not to exceed $8,500 for purchase and exchange of newspapers, law books, reference books, and periodicals, $3,000,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 16, to insert:

Consumers' Counsel of the National Bituminous Coal Commission, salaries and expenses: For all necessary expenditures of the office of the Consumers' Counsel of the National Bituminous Coal Commission, in performing the duties imposed upon said office of Consumers' Counsel by the Btiuminous Coal Act of 1937, approved April 26, 1937 (Public, No. 48, 75th Cong.), including personal services and rent in the District of Columbia and elsewhere, traveling expenses, printing and binding, contract stenographic reporting services, stationery and office supplies and equipment, and not to exceed $1,000 for books and periodicals, $300,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 4, to insert:

PETROLEUM CONSERVATION DIVISION

Salaries and expenses, oil regulation and enforcement: For administering and enforcing the provisions of the act approved February 22, 1935 (49 Stat., p. 30), entitled "An act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes", as amended, and to include necessary personal services in the District of Columbia and elsewhere without regard to the civil-service laws and regulations, traveling expenses, contract stenographic reporting services, rent, stationery, and office supplies, not to exceed $1,000 for necessary expenses of attendance at meetings and conferences concerned with the work of petroleum conservation when authorized by the Secretary of the Interior, not to exceed $4,000 for printing and binding, not to exceed $500 for books and periodicals, and not to exceed $14,000 for the purchase, exchange, hire, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, $285,000.

The amendment was agreed to.

Mr. McNARY. Mr. President, I assume that the language in italics is language not contained in the House bill.

Mr. HAYDEN. The amendments relating to the Petroleum Conservation Division and the National Bituminous Coal Commission are in exact accordance with the Budget estimates submitted to the Senate but not considered by the House.

Mr. McNARY. Why were they not considered by the House?

Mr. HAYDEN. By reason of the delay in the passage of the legislation that was enacted. The Senator will remember that the Guffey Coal Act was passed only quite recently. The estimates under it were not submitted in time to be included in the regular Budget estimates, which were made up a year ago.

Mr. McNARY. Do these appropriations carry out the provisions of the authorizations?

Mr. HAYDEN. Yes; they are authorized by law and were estimated for by the Budget Bureau.

Mr. O'MAHONEY. Mr. President, a parliamentary inquiry. Later in the day, if the occasion should demand, may I offer an amendment to this provision?

Mr. HAYDEN. I would have no objection.

Mr. O'MAHONEY. Then I give notice that later in the consideration of the bill I shall offer an amendment to increase the sum in line 16 on page 10 from $3,000,000 to $3,600,000.

Mr. McNARY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Oregon?

Mr. O'MAHONEY. Certainly.

Mr. McNARY. Without any further information, the proposal is subject to a point of order.

Mr. O'MAHONEY. I shall be glad to give additional information.

When the members of the Bituminous Coal Commission made their estimates before the Bureau of the Budget they submitted a schedule which, as I recall, provided for the establishment of five regional offices. The total amount required to provide for these offices, for 23 statistical offices, and for general expense was something in excess of $5,000,000. The Budget Bureau cut the amount to $3,000,000, and sent to Congress an estimate for $3,000,000. The function of the five regional offices——

Mr. McNARY. Mr. President, I do not care to exact from the Senator a historical discussion. I simply wish to know whether the item conforms to the rule. The Senator ought to know what the rule is.

Mr. O'MAHONEY. I have listened to the Senator from Oregon, and have tried to learn from him.

Mr. McNARY. Has the item had the sanction of a standing or select committee of the Senate? If not, has it back of it a Budget recommendation?

Mr. O'MAHONEY. It has neither the sanction of the committee nor the sanction of a Budget estimate.

Mr. McNARY. Very well. Then it is subject to a point of order.

Mr. O'MAHONEY. I grant that. It is subject to a point of order.

Mr. McNARY. That is what I wanted the Senator to state.

The PRESIDENT pro tempore. The Clerk will state the next amendment reported by the committee.

The next amendment of the Committee on Appropriations was, under the heading "War Minerals Relief Commission", on page 12, line 10, after the word "elsewhere" and the comma, to strike out "$18,000" and insert "$20,000"; so as to read:

Administrative expenses: For administrative expenses made necessary by section 5 of the act entitled "An act to provide relief in cases on contracts connected with the prosecution of the war, and for other purposes", approved March 2, 1919 (40 Stat., p. 1272), including personal services, without regard to the civil-service laws and regulations; traveling and subsistence expenses; supplies and all other expenses incident to the proper prosecution of this work, both in the District of Columbia and elsewhere, $20,000.

The amendment was agreed to.

The next amendment was, under the heading "General Land Office, on page 12, line 16, before the word "including", to strike out "$587,700" and insert "$637,700"; so as to read:

SALARIES

For Commissioner of the General Land Office and other personal services in the District of Columbia, $637,700, including one clerk, who shall be designated by the President, to sign land patents.

The amendment was agreed to.

The next amendment was, on page 12, after line 17, to insert:

Transcribing records: For special personal services in the District of Columbia to transcribe worn and defaced records of the General Land Office, $20,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 20, to insert:

Binding records: For personal services in the District of Columbia, purchase and maintenance of equipment, and all other expenses requisite for and incidental to the establishment, operation, and maintenance of a branch of the Government Printing Office in the Interior Building, to bind, rebind, and repair books of record in the General Land Office, to be expended under the supervision of the Public Printer, $24,000.

The amendment was agreed to.

The next amendment was, under the subhead "General Expenses", on page 14, line 3, after the name "Interior" and the comma, to strike out "$675,000" and insert "$1,000,000", so as to read:

Surveying public lands: For surveys and resurveys of public lands, examination of surveys heretofore made and reported to be defective or fraudulent, inspecting mineral deposits, coal fields, and timber districts, making fragmentary surveys, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States, under the supervision of the Commissioner of the General Land Office and direction of the Secretary of the Interior, $1,000,000, including not to exceed $5,000 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Indian Affairs—Salaries", on page 17, line 7, after the name "District of Columbia" and the comma, to strike out "$505,270" and insert "$510,090", so as to read:

For the Commissioner of Indian Affairs and other personal services in the District of Columbia, $510,090.

The amendment was agreed to.

The next amendment was, under the subhead "General Expenses", on page 17, line 16, after the word "available" to strike out "$32,000" and insert "$35,000"; so as to read:

For transportation and incidental expenses of officers and clerks of the Bureau of Indian Affairs when traveling on official duty; for radio, telegraph, and telephone toll messages on business pertaining to the Indian Service sent and received by the Bureau of Indian Affairs at Washington, and for other necessary expenses of the Indian Service for which no other appropriation is available, $35,000.

Mr. HAYDEN. Mr. President, the Senator from Missouri asked that this item under general expenses on line 17, page 17, be passed over. At his request, until he can return to the Senate, I ask to have the amendment passed over.

The PRESIDENT pro tempore. Without objection, the amendment will be passed over. The clerk will state the next amendment reported by the committee,

The next amendment was, on page 17, line 23, after the word "bill" to strike out "therefore" and insert "therefore"; so as to read:

For advertising, inspection, storage, and all other expenses incident to the purchase of goods and supplies for the Indian Service and for payment of railroad, pipe-line, and other transportation costs of such goods and supplies, $700,000: *Provided*, That no part of this appropriation shall be used in payment for any services except bill therefor is rendered within 1 year from the time the service is performed.

The amendment was agreed to.

The next amendment was, on page 18, line 5, after the word "equipment" and the comma to strike out "$210,540" and insert "$216,540"; so as to read:

For pay of judges of Indian courts, pay of Indian police, and pay of employees engaged in the suppression of the traffic in intoxicating liquors, marihuana, and deleterious drugs among Indians, including traveling expenses, supplies, and equipment, $216,540.

The amendment was agreed to.

The next amendment was, on page 18, line 19, after the word "expenses" and the comma, to strike out "$100,000" and insert "$160,000", and in line 21, after the name "District of Columbia", to insert a colon and the following proviso:

Provided, That in the discretion of the Secretary of the Interior, not to exceed $3 per diem in lieu of subsistence may be allowed to Indians actually traveling away from their place of residence when assisting in organization work.

So as to read:

For expenses of organizing Indian chartered corporations, or other tribal organizations, in accordance with the provisions of the act of June 18, 1934 (48 Stat., p. 986), including personal services, purchase of equipment and supplies, not to exceed $3,000 for printing and binding, and other necessary expenses, $160,000, of which not to exceed $25,000 may be used for personal services in the District of Columbia: *Provided*, That in the discretion of the Secretary of the Interior, not to exceed $3 per diem in lieu of subsistence may be allowed to Indians actually traveling away from their place of residence when assisting in organization work.

Mr. CHAVEZ. Mr. President, I did not quite catch the item on page 18. I wonder if I may ask the chairman of the subcommittee to have that amendment passed over.

Mr. HAYDEN. Certainly. I can state the purpose of the increase, however. It is due to the application of the Wheeler-Howard Act to the State of Oklahoma; and the Senator from Oklahoma was very anxious to have the Budget estimate allowed. The Budget estimate was $160,000. The amount appropriated by the House was $100,000. The understanding of our committee was that practically the entire $60,000 is to be used in Oklahoma for organizing chartered corporations under the Wheeler-Howard Act. It is especially applicable to Oklahoma.

Mr. CHAVEZ. That is, the additional amount?

Mr. HAYDEN. Yes.

Mr. CHAVEZ. If I may make a statement at this particular time, I fully appreciate what the Senator from Arizona has stated, that this particular item is to be used for the purpose of organizing chartered corporations under the Wheeler-Howard Act.

Mr. HAYDEN. In Oklahoma.

Mr. CHAVEZ. The additional amount is to be used for that purpose; but, nevertheless, the original amount of $100,000 was to be used throughout the entire Indian area under the provisions of the Wheeler-Howard Act. Since the passage of that act considerable opposition has arisen; and I may say now that so far as the Senators from New Mexico are concerned, and so far as the Senators from some other States are concerned, including the proponent of the original Wheeler-Howard Act, the Senator from Montana [Mr. WHEELER], inasmuch as the Indians themselves

do not wish to carry on under the provisions of that act, and there is now pending before the Congress and before a standing committee of this body a bill for the repeal of the Wheeler-Howard Act, we do not think this particular item has any place in this appropriation bill.

Of course, if the Wheeler-Howard Act had been accepted by the Indians as a whole, there might have been some justification for the item; but my Indians in New Mexico have turned down the Wheeler-Howard Act and voted against it. The Wheeler-Howard Act was supposed to have for its purpose giving to the Indian the right to govern himself; yet, now that the Indian has turned it down, Congress is asked for an appropriation by which the Indian Office employees may go amongst the Indians in order to carry out and try to put into effect the provisions of the Wheeler-Howard Act.

Of course, I appreciate that every Senator knows more about his individual State than I do; but, so far as New Mexico is concerned, inasmuch as my Indians do not desire to be under the provisions of the Wheeler-Howard Act, I do not see that I would be justified in voting for an appropriation that will give the employees of the Indian Office the opportunity to travel back and forth over the entire State and try to insist on the Indians accepting the provisions of the Wheeler-Howard Act.

I believe that the proponents of that measure should know more about whether it is justifiable for Congress to appropriate some money to carry out its provisions. I know that, so far as New Mexico is concerned, we hope that Congress will not appropriate one dime by which to make it possible for the Indian Office to go into my State and force the Indians of the State to accept money which they do not want.

The PRESIDING OFFICER (Mr. POPE in the chair). The question is on agreeing to the committee amendment on line 19, page 18.

Mr. CHAVEZ. Mr. President, I should like to offer an amendment to the amendment, to read: "*Provided*, That no part of this money shall be used within the State of New Mexico."

Mr. McNARY. Where would the amendment come in the bill?

Mr. HAYDEN. It would have to follow the proviso now in the bill at the end of page 18, and should read, "*Provided further*", and so forth.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Mexico to the amendment of the committee.

Mr. HAYDEN. Let the amendment to the amendment be stated.

The CHIEF CLERK. After the word "work" in line 25, page 18, and before the period, it is proposed to insert a colon and the words "*Provided*, that none of this money shall be used in the State of New Mexico."

Mr. THOMAS of Oklahoma. Mr. President, from my viewpoint there could be no objection to agreeing to the amendment to the amendment. Under the Wheeler-Howard Indian Reorganization Act every tribe of Indians had the right to vote on whether or not they would accept the provisions of the so-called Wheeler-Howard Act. The Navajo Tribe of Indians, the largest tribe, located in both New Mexico and Arizona, voted on this provision, and decided not to accept the provisions of the act. There is no provision of law whereby they can have a second vote; therefore, so far as they are concerned, the Navajos are not under the act, and so far as they are concerned, the act would not apply to them, and so far as they are concerned, the act is repealed.

So far as an amendment providing that no part of the funds hereby appropriated should be spent in New Mexico, the money would not be spent there, anyway, in my opinion, and there could be no point in trying to force the Indians of that State to accept the money.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment of the committee.

Mr. HAYDEN. Mr. President, I should like to have the amendment offered by the Senator from New Mexico again stated.

Mr. CHAVEZ. Mr. President, I send the amendment to the desk, and ask that it be stated in its present form.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 18, line 25, after the word "work" and before the period, it is proposed to insert a colon and the following proviso:

Provided further, That no part of this appropriation shall be available for expenditure in the State of New Mexico.

Mr. HAYDEN. Mr. President, in the light of the statement made by the chairman of the Senate Committee on Indian Affairs, the Senator from Oklahoma [Mr. THOMAS], I have no objection to the amendment to the amendment.

Mr. WHEELER. Mr. President, I have not any objection to the amendment to the amendment, and I think it is perfectly proper, but I do think the Senate ought to realize what it is appropriating this money for. The provision is:

For expenses of organizing Indian chartered corporations, or other tribal organizations, in accordance with the provisions of the act of June 18, 1934 (48 Stat., p. 986), including personal services, purchase of equipment and supplies, not to exceed $3,000 for printing and binding, and other necessary expenses, $160,000, of which not to exceed $25,000 may be used for personal services in the District of Columbia.

In other words, we are asked to appropriate $25,000 for personal services in the District of Columbia to carry on work to get these Indians into these chartered companies under the so-called Wheeler-Howard Act. Likewise we are asked to appropriate $160,000 for other expenses. What is that for?

Mr. HAYDEN. The increase recommended by the Senate committee is for the organization of chartered corporations in Oklahoma. The Senator from Oklahoma [Mr. THOMAS] was very anxious that it be done.

With respect to the $25,000, the committee made careful inquiry in regard to that. The attorneys and others who draft such charters are employed out of Washington. There is a general form that is used in respect to such organizations, and for that reason there must be someone in the central office here to have general supervision over the entire matter throughout the United States.

Mr. WHEELER. While I sponsored the so-called Wheeler-Howard Act, I must say that there has been great waste of public money in the Indian Office, and they have employed many, many people from out of the city of Chicago and the city of New York, and a lot of uplifters, and sent them around to the Indian reservations throughout the country. Many of those people never saw an Indian reservation in their lives, and there is a great waste of public moneys on the part of the Indian Office at the present time.

Hearings have been held by the Committee on Indian Affairs, where the Indians themselves have appeared and complained about the matter, and have referred to the waste and the inefficiency. Since I have been connected with the Committee on Indian Affairs I have never known of as much waste of public money and as much extravagance and as much inefficiency as has been shown during the administration under Mr. Collier. I think it is time the Senate and the Committee on Appropriations should look into some of these appropriations and some of the waste that is going on at some of the Indian reservations throughout the country. As a matter of fact, it is a matter of ridicule to a great many of the people in the West. I know that in New Mexico and in my State and all through the West they are just held up to ridicule for many of the things that are going on.

Mr. HAYDEN. Mr. President, the plan the Senator from Montana sponsored when he had his bill passed by the Senate was that the Indians should manage their own affairs.

Mr. WHEELER. Yes.

Mr. HAYDEN. These chartered corporations and tribal organizations were to be for the purpose of carrying out

that plan. Apparently the Senator has abandoned the idea that it is desirable for the Indians to manage their own affairs, and does not want them to organize in that way, but prefers to have their business done by the old Indian Bureau method.

Mr. WHEELER. The Senator is entirely wrong about that. I have been one of those who have advocated that the Indians carry on their own business as much as they possibly can. But let there be no mistake about it, the Indians are not today carrying on their own affairs. Testimony came out before the Committee on Indian Affairs showing that in New Mexico and in other States at the present time the Indian Office is going around controlling the elections of the Indians, and they have kept in vogue the same old practice of controlling the Indian councils that was in vogue under the Harding administration, when Mr. Fall was Secretary of the Interior. There is no difference, and today the Indians in my State have no more control over their affairs than they had before we passed the Wheeler-Howard bill. I was for the Wheeler-Howard bill because I thought the Indians were to get a new deal, but anyone who knows a thing about an Indian reservation in this county, and who knows how they are being run, knows of the waste and extravagance, and knows how the Indian Office has sent a lot of uplifters from New York City and Chicago and from other places, who would not know an Indian if they met him on the street, who never saw an Indian except in a moving-picture show in Chicago or some other place. They are sent out to tell the Indians how they should carry on their farming operations, how they should manage their tribal relations, how they should raise their stock and cattle.

Mr. HAYDEN. Mr. President, let me ask the Senator another question in connection with the Wheeler-Howard Act. That act authorized the expenditure of $2,000,000 a year for the acquisition of land. Neither the House nor the Senate committee agreed to allow the appropriation of that much money. Was that action wise, or unwise?

Mr. WHEELER. I think they were probably wise. I know nothing about the specific matter of the purchase of land. So far as my State is concerned, the Indians do not need any more land, and are not asking for any more land. I cannot speak for New Mexico or any other State with reference to that.

Mr. HAYDEN. The Senator spoke about cutting down expenditures. The principal expenditures authorized under the Wheeler-Howard Act were for the purchase of land.

Mr. WHEELER. I do not know where the Indian Office got the money, but I know they have increased the personnel in that office and on the reservations, and we have heard on every hand of waste and inefficiency. One Indian appeared and testified, for instance, that in North Carolina, where there are 700 Indians, 300 are on relief, getting $30 a month. He said the Indians did not any longer walk in North Carolina, but that they ride in taxicabs now. The trouble with the whole Indian Office is that on many of the reservations they have no one who knows anything about Indians or the Indian traditions excepting what they have read out of the books.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. HAYDEN. The expenditures to which the Senator has referred are not expenditures made in the ordinary way by appropriations made in the Interior Department appropriation bill. Large sums of money have been made available to the Office of Indian Affairs out of the relief appropriations. I am quite sure that if the Senator will check up the matter he will find that almost invariably the expenditures which he criticises were expenditures from relief funds, and not from money carried in the Interior Department appropriation bill.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. CHAVEZ. Referring to this particular item, I fully agree that the Wheeler-Howard Act was passed for the purpose of giving the Indians self-government, and one of the objections I have to this particular item is that it tends to lessen that self-government. Of course, if the Senator from any State desires that the act shall apply to his State, I am in favor of having him get what he wants; but for the very reason that I do not desire the Indians to have others impress their opinions upon them, and because I do not want the Office of Indian Affairs as a whole to be using Government money in order to impose their own particular desires upon the Indians, I oppose generally the particular item under consideration.

Mr. President, I do not want agents of the Indian Service to be running around the desert in my State with the idea of impressing their desires upon the Indians of my State. The Indians in my State today are thoroughly disgusted by reason of what has occurred in this respect heretofore. Those Indians today are more dissatisfied with the waste and extravagance indulged in by the Office of Indian Affairs than they were in the palmy days of Mr. Fall. The Office of Indian Affairs, in what it does, loses sight of the real objectives of the Congress and the administration in providing appropriations. That is what I object to. We do not want Indian agents by the hundreds running around the deserts of New Mexico, Arizona, or other States in Ford cars and imposing their wishes upon the Indians. However, if the Senator from Arizona desires this expenditure in his State, I am for him.

Mr. CLARK. Mr. President, will the Senator yield to me on that point?

Mr. HAYDEN. I yield.

Mr. CLARK. I should like to ask the Senator from Arizona and the Senator from New Mexico whether they think it was ever the intention of the law for Government funds to be spent by the Bureau of Indian Affairs and the Department of the Interior to propagandize among the Indians in favor of this particular measure.

I have before me a magazine published by the Bureau of Indian Affairs dated March 1, 1937, to which I shall refer later in greater detail. This magazine is apparently published at Government expense, without any authority of law whatever. In it there is a discussion of the Wheeler-Howard Reorganization Act in which the Bureau is attempting to crack the whip over the heads of Indians in behalf of their acceptance of that act.

On page 3 of this magazine, published by the Bureau of Indian Affairs, the edition of March 1, 1937, appears among other things this language:

> The Wheeler-Howard, or Indian Reorganization Act, was introduced in 1934. One of its many essential features was language giving the Secretary of the Interior power to bring the allotted lands into a condition where they could be used by the Indians, could be economically administered, could yield increased revenue in cash or kind to the Indians, and could be prevented from going to fee patent. The vested right of allottees to their equities was fully protected by the language, and the guardianship authority of the Secretary was not increased in principle by the language.
>
> A great uproar, directed against the whole of the Wheeler-Howard bill, made of the allotment section its principal talking point. Fear was thrown into the allotted Indians—fear that their holdings might be confiscated, that land might be taken from those who have and given to those who have not. No such consequence was intended or could have followed from the language of the bill.

And the following language is underlined in the document sent out from the Office of Indian Affairs:

> But the fear-nerve had been struck as though with a lash—

I presume that is what the Senator from New Mexico has been referring to here in the last few minutes.

I continue to read—

> reason and fact were of little avail; and in short, to get the other necessary things contained in the bill, the exceedingly important language about allotments was allowed to be stricken out.

Then the article goes on for some pages in the discussion of that measure.

The Senator from New Mexico [Mr. CHAVEZ] has been referring to the efforts of Indian agents in creating senti-

ment among the Indians. I recall that a few weeks ago, when the deficiency bill was before the Senate, the Senator from New Mexico made the statement that in fact there were more Indian agents in his territory than there were Indians.

Mr. CHAVEZ. And, Mr. President, I still stand by that statement.

Mr. CLARK. The Senator stands by his statement made at that time. I should like to invite the attention of the Senator from New Mexico, or any other Senator who may be interested, to the use of Government funds to propagandize in favor of a particular measure.

Mr. CHAVEZ. Of course I hope the Senator from Missouri understands my position.

Mr. CLARK. I not only understand it but I agree with the position taken by the Senator from New Mexico.

Mr. CHAVEZ. The Wheeler-Howard Act was sponsored in this body by the able Senator from Montana [Mr. WHEELER]. It was sponsored on the House side by former Representative Howard, of Nebraska. I happened to be a member of the Indian Affairs Committee of the House at that time; and because I wanted the Indians to get fair play, because I wanted the Indians to have self-government, I supported the Wheeler-Howard bill. But when I saw the Office of Indian Affairs setting aside all the efforts of the Indians in that direction, I became dissatisfied with the administration of the act.

If Senators wish to see dissatisfied Indians, they can find them almost anywhere throughout the United States. Senators will find dissatisfied Indians on the Klamath Reservation in Oregon; they will find them in the State of Montana; they will find them in the State of Washington. Indians from the latter State have been in my office within the last 6 or 7 days, making complaint. Senators will find dissatisfied Indians in New Mexico. Nowhere will they find Indians who are satisfied with the way in which expenditures have been made.

Mr. President, I am not complaining about legitimate expenses. In order to prove that, I may say that I think one of the best items in this bill is the item which will provide for a legitimate, honest expenditure in the State of Arizona in order to provide for a reclamation project which will put people on their feet; but when waste is seen, as I have seen it in New Mexico, I cannot see why the United States Government should furnish the Office of Indian Affairs with money with which to propagandize the Indians into accepting something they do not want.

Mr. HAYDEN. Mr. President, what is the status of the amendment of the Senator from New Mexico to the committee amendment?

The PRESIDING OFFICER. It is now pending.

Mr. HAYDEN. I have no objection to the amendment to the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Mexico [Mr. CHAVEZ] to the amendment reported by the committee on page 18, at the end of line 25.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. HAYDEN. Mr. President, the amendment of the committee on page 17, line 17, dealing with the general expenses of the Office of Indian Affairs, was passed over at the suggestion of the Senator from Missouri [Mr. CLARK]. I should like to have that amendment considered at this time.

Mr. CLARK. Mr. President, I asked to have that amendment passed over temporarily so that I could go to my office and procure some exhibits which it seems to me should be put into the RECORD at this time.

Senators will recall that a few weeks ago, when the deficiency appropriation bill was before this body for consideration, the able Senator from Arizona [Mr. HAYDEN] rose and offered an amendment to the deficiency appropriation bill in behalf of the Bureau of Indian Affairs. I do not recall the exact sum. Can the Senator from Arizona inform me as to the exact amount contained in his amendment to the deficiency appropriation bill?

Mr. HAYDEN. I do not recall it at the moment. It may have been $100,000.

Mr. CLARK. My recollection is that it was in the neighborhood of $100,000. The statement was made to the Senate at that time that this deficit had been incurred by reason of taking care of old and indigent Indians, by reason of an extraordinary drought and the extraordinary and unusual situation then existing in certain Indian territory. At that time I asked the Senator from Arizona, who is also the very able and efficient vice chairman of the Joint Committee on Printing and chairman of the Printing Committee of the Senate, whether any part of that deficiency had been incurred by the publication, unauthorized by law, of a magazine by the Bureau of Indian Affairs, conducted partly for the putting out of propaganda, not only as to Indian affairs, but as to other matters. It was the impression of the Senator from Arizona at that time that no part of the deficit in the Office of Indian Affairs has been incurred in that way.

Mr. President, I took the trouble to write to the Comptroller General of the United States and inquire as to the authority of law for this publication and the funds out of which this magazine was maintained.

I may say first, Mr. President, that I had previously in the Senate of the United States called attention to section 201 of the Criminal Code of the United States, having to do with the use of Government funds for propaganda. Inasmuch as that was some time ago, I take the liberty again of calling the attention of the Senate to that provision.

Section 201, title 18, of the Criminal Code and Code of Criminal Procedure of the United States, provides as follows:

SEC. 201. Use of appropriations to pay for personal service to influence Members of Congress to favor or oppose legislation: No part of the money appropriated by any act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device—

Which, in my opinion, includes this magazine—

intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers and employees of the United States from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

Any officer or employee of the United States—

And I assume that includes the Commissioner of Indian Affairs—

Any officer or employee of the United States who, after notice and hearing by the superior officer vested with the power of removing him, is found to have violated or attempted to violate this section, shall be removed by such superior officer from office or employment. Any officer or employee of the United States who violates or attempts to violate this section shall also be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $500 or by imprisonment for not more than 1 year, or both. (July 11, 1919, c. 6, sec. 6, 41 Stat. 68.)

Mr. President, previous to the consideration of the deficiency bill in this Chamber I had addressed to the Comptroller General of the United States a letter requesting information as to this magazine, Indians at Work, I asked both the authority of law for its publication and the source from which the funds for its publication were derived. Having received no answer to the first letter, and the first telephonic request, I wrote a letter on March 30, 1937, formally requesting the information. On May 17, 1937, 6 weeks after I had requested the information, I received the following answer:

MY DEAR SENATOR: Further referece is made to your letter of March 30, 1937, ackowledged April 8, requesting information as to the appropriation charged for the Office of Indian Affairs' publication, Indians at Work, and the authority for such expenditure.

In reply to my request of April 8, 1937, for a report concerning said publication, the Secretary of the Interior advised me by letter of May 6, 1937—

Some 6 weeks after my request—

as follows:

Indians at Work is a multilithed pamphlet, prepared semimonthly by the Bureau of Indian Affairs. For your information there is enclosed a copy of circular letter no. 42, dated August 3, 1933, at which time this biweekly paper was first issued. Copies of this, as well as copies of all other E. C. W. circulars have heretofore been sent your office. Approval of this circular was given by Mr. J. J. McEntee, Assistant Director of Emergency Conservation Work, and constitutes our authority for this work. This pamphlet was initiated to interest—

I should like Senators present to listen to this, because it is a most illuminating statement by the Secretary of the Interior and the Director of the P. W. A.—

This pamphlet was initiated to interest emergency conservation enrollees and workers in the emergency organization and all expenses in connection therewith up until about 2 years ago were paid from emergency conservation funds.

Mr. President, it appears from the statement of the Secretary of the Interior that it is not only necessary to give a man or woman a job, put him to work, and take him off the relief rolls and support him, but it is necessary to use public funds to get out propaganda literature to interest him in the work of the conservation program.

I continue reading from the letter of the Secretary of the Interior:

As more and more general service data was included, one-half of the expense of preparation was charged to the general appropriation for "Support of Indians and administration of Indian property," the other half being borne by "Emergency conservation funds." This arrangement exists at the present time.

In other words, Mr. President, it is demonstrated out of the mouth of the Secretary of the Interior himself that at least a large part of the deficit which was to be covered by the amendment to the deficiency appropriation bill defeated by the Senate 6 or 7 weeks ago was incurred for the publication of this propaganda magazine. The other half is apparently taken from funds set up by the Congress of the United States for the relief of unemployment and for the care of distressed and indigent citizens of the United States. The Secretary goes on to say:

The interest of the Indians (and others) was so great that it was necessary to increase the number of copies of each issue until at the present time approximately 12,000 copies are being issued twice a month.

I assume that, among others who are interested in this magazine, were a vast number of special Indian agents to whom the Senator from New Mexico has just referred.

Mr. CHAVEZ. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Mexico?

Mr. CLARK. I yield.

Mr. CHAVEZ. May I say to the Senator from Missouri that the expenditures he has suggested would not be sufficient to satisfy the Indian agents in my State.

Mr. CLARK. I assume, then, that the Indian agents in New Mexico are being discriminated against. I think they would have a just ground of complaint to the Senator from New Mexico.

The letter of the Secretary of the Interior continues:

The pamphlet is multilithed and assembled in the Miscellaneous Service Division of the Department of the Interior. It is distributed through the Mails and Files Section of the Indian Office.

Then the Comptroller General goes on to say:

The appropriation for emergency conservation work, one of the appropriations referred to in the Secretary's letter, supra, was made in the deficiency appropriation act of June 22, 1936 (49 Stat. 1597, 1601), and the other appropriation referred to was made in the Department of the Interior Appropriation Act of the same date (49 Stat. 1757, 1778)—

The exact items covered by the increase in the appropriation now recommended by the Committee on Appropriations—

The copy of circular letter no. 42, referred to in the Secretary's letter, is enclosed herewith.

Mr. President, I ask unanimous consent that the letter from the Comptroller General and the enclosure be inserted in the RECORD at this point.

There being no objection, the letter and enclosure were ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, May 17, 1937.

Hon. BENNETT CHAMP CLARK,
United States Senate.

MY DEAR SENATOR: Further reference is made to your letter of March 30, 1937, acknowledged April 8, requesting information as to the appropriation charged for the Office of Indian Affairs' publication Indians at Work and the authority for such expenditure.

In reply to my request of April 8, 1937, for a report concerning said publication, the Secretary of the Interior advised, by letter of May 6, 1937, as follows:

"Indians at Work is a multilithed pamphlet, prepared semimonthly by the Bureau of Indian Affairs. For your information there is enclosed a copy of circular letter no. 42, dated August 3, 1933, at which time this biweekly paper was first issued. Copies of this, as well as copies of all other E. C. W. circulars, have heretofore been sent your office. Approval of this circular was given by Mr. J. J. McEntee, Assistant Director of Emergency Conservation Work, and constitutes our authority for this work. This pamphlet was initiated to interest Emergency Conservation enrollees and workers in the emergency organization and all expenses in connection therewith up until about 2 years ago were paid from Emergency Conservation funds.

"As more and more general service data was included one-half of the expense of preparation was charged to the general appropriation for support of Indians and administration of Indian property, the other half being borne by Emergency Conservation funds. This arrangement exists at the present time.

"The interest of the Indians (and others) was so great that it was necessary to increase the number of copies of each issue until at the present time approximately 12,000 copies are being issued twice a month.

"The pamphlet is multilithed and assembled in the Miscellaneous Service Division of the Department of the Interior. It is distributed through the mails and files section of the Indian Office."

The appropriation for Emergency Conservation Work, one of the appropriations referred to in the Secretary's letter, supra, was made in the Deficiency Appropriation Act of June 22, 1936 (49 Stat. 1597, 1601), and the other appropriation referred to was made in the Department of the Interior appropriation act of the same date (49 Stat. 1757, 1778).

The copy of circular letter No. 42, referred to in the Secretary's letter, is enclosed herewith.

I trust the foregoing is the information desired by you in the matter.

Sincerely yours,

R. N. ELLIOTT,
Acting Comptroller General of the United States.

[Enclosure]

INDIAN EMERGENCY CONSERVATION WORK, CIRCULAR LETTER NO. 42, BIWEEKLY PAPER

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, August 3, 1933.

To Superintendents and Field Personnel:

This Office is planning to get out a biweekly paper, in pamphlet form, covering Emergency Conservation Work on the various reservations. We shall endeavor to make it interesting and informative, and we believe it will be appreciated in the field.

We should like your cooperation in this matter. Please furnish stories of human interest, production, accomplishments, news stories, pictures, humorous anecdotes, etc. "Before and after" photographs will be appreciated. Articles dealing with recreational activities, family and other camps, will be of interest. These articles should be submitted as often as possible or at least once a week.

Furthermore, we are planning to publish in each number the best story and report submitted, with credit given to the agency or person furnishing it. If your agency is doing something special, along any line of the program, let the others hear about it.

Please remember that the production end should be emphasized. Production and accomplishments are important. While Emergency Conservation Work is primarily a relief measure, we want to know the work accomplished and the benefits received by the Indians.

It is believed the paper will be of help and interest to the field force and the Indians. If you like it, let us know; if you don't, send suggestions as to improvement.

JOHN COLLIER, *Commissioner.*

Mr. CLARK. Mr. President, having reference to section 201 of the Criminal Code let us see what this magazine, Indians at Work, consists of.

The first item on page 1 is an editorial written by John Collier, Commissioner of Indian Affairs:

Indians at Work, a News Sheet for Indians and the Indian Service, volume IV, March 1, 1937, no. 14.

I ask unanimous consent at this point, Mr. President, that this article, comprising eight multilithed pages, be inserted in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Indians, it is often said, have in the Supreme Court their best friend. So far as courts go, the statement certainly is true; and looking at Indian affairs across the 105 years since the John Marshall decision on the Cherokee case, one recognizes that the Supreme Court has been the Indians' best friend not only among courts but within the Government.

Indians, therefore, will be particularly concerned over the debate now raging in connection with the President's Court message to Congress.

All of those who are crying to high heaven against the President's proposal, admit that some of the reforms he is advocating are necessary. The attack against the President's proposal strikes chiefly at the part which deals with membership upon the Supreme Court. Efforts are being made to break this part of the reform off from the other parts.

A legislative analogy, which will be understood by Indians, is here mentioned.

As Indians well know, the Secretary of the Interior as guardian of Indian property exercises powers very broad indeed. These powers are necessary to effective guardianship. They are not enumerated here; enough that they are broad and usually are unreviewable.

But one power, and, as it happens, the power which the Indians most need for the Secretary to have and to exercise, is not granted under existing law.

This is the power to do those things which would get the allotted lands back into a state of consolidation, of simplified legal status, of availability for Indian use, and of economical administration. Such a result is necessary if the lands (a) are to be used by the Indians; and (b) are not ultimately to pass to the auction block; while (c) in the meantime they are costing so much to administer that frequently the administrative outlay exceeds the income yield from the land.

Inasmuch as the value of Indian allotted lands far exceeds the value of Indian unallotted land, and more Indians are dependent for their future upon allotted than upon unallotted land, the importance of getting some device for salvaging the allotted lands is too clear to need argument.

The Wheeler-Howard, or Indian Reorganization Act, was introduced in 1934. One of its many essential features was language giving the Secretary of the Interior power to bring the allotted lands into a condition where they could be used by the Indians, could be economically administered, could yield increased revenue in cash or kind to the Indians, and could be prevented from going to fee patent. The vested right of allottees to their equities was fully protected by the language, and the guardianship authority of the Secretary was not increased in principle by the language.

A great uproar, directed against the whole of the Wheeler-Howard bill, made of the allotment section its principal talking point. Fear was thrown into the allotted Indians—fear that their holdings might be confiscated, that land might be taken from those who have and given to those who have not. No such consequence was intended or could have followed from the language of the bill, but the fear nerve had been struck as though with a lash; reason and fact were of little avail; and in short, to get the other necessary things contained in the bill, the exceedingly important language about allotments was allowed to be stricken out.

Therefore, today as 3 years ago, Indian-allotted lands are in thousands of cases unusable by the Indians; administrative costs, measured against land yield, continue to increase each year; each year a larger part of all the allotted lands drifts into the heirship status and then into the triple-complicated heirship status that comes with the third generation. Through consequences of allotment, which the original Wheeler-Howard bill would have corrected but which remain uncorrected, more land is being lost to Indian use each year than can possibly be compensated for through new land purchase under the Indian Reorganization Act.

The debate over the President's court proposals is taking a course not unlike the debate over the Wheeler-Howard Act in 1934. Let us pray that the course of legislation will not be the same.

The President's court proposals are numerous, and they are important at all levels, but clearly the most important of them, and likewise the most reasonable of all of them, is the proposal for additional judges upon the Supreme Court.

So conservative, actually, is the Supreme Court feature of the President's plan, that it turns out to have been proposed 24 years ago by none other than that member of the present Supreme Court who is ranked with the ultra-conservatives, Mr. Justice McReynolds. He made the proposal when Attorney General, in 1913.

There is no constitutional requirement as to the number of Supreme Court Justices. The number has been varied from time to time by Congress.

Whenever, through death or resignation, a vacancy arises upon the Supreme Court, it is the President who nominates the new judge. As most of the judges are elderly, it follows that any President at any time, as a mere result of deaths, might be able to "pack" the Supreme Court. If resignations and deaths happen not to come, then the President and Congress may find themselves confronted by a court "packed" by some earlier President whose political philosophy may have been the opposite of the prevailing philosophy and whose choice of judges may have been made at an earlier and different economic or social epoch.

A word as to the mere dispatch of business by the Supreme Court with its present number of members. The critics of the President's plan are announcing that the Supreme Court is not behind hand on its calendars. That is true, because, since February 13, 1925, the right of a hearing of the Supreme Court has been drastically curtailed. For a vast range of cases, this right has been made into a privilege, rarely accorded, and no longer a right. The aggrieved party petitions the Supreme Court to review his case. About eight hundred of these petitions for a writ of certiorari go before the Court each year. Frequently the cases are momentous ones, and generally they are complicated cases with a long anterior record. The appeals admitted as a matter of rare privilege are likely to be just as important and just as complicated as the smaller class of appeals submitted as a matter of right. Almost never is oral argument permitted upon these petitions. Usually they are denied, and almost never is an explanation vouchsafed by the Court. There is a widespread belief that these petitions often are disposed of by a single judge, and even that the research leading to a decision is frequently delegated to secretaries. The common belief almost necessarily is a correct belief; this follows from a merely statistical consideration of the number of petitions disposed of each year.

There comes to mind, as an illustration, a single one of the approximately 800 petitions denied by the Supreme Court in one of the years 5 or 6 years back.

This was a noted cases arising out of a century-old conflict over land titles in the Pueblo country of New Mexico.

Both the courts and Congress had recognized that the Pueblo Indians' titles to various areas had not been extinguished.

Congress had legislated that certain of these titles could be extinguished, but that compensation must be granted. And pursuant to this legislation, the titles had been extinguished; but in certain important instances no compensation had been granted.

In other cases, the Pueblo Lands Board had ignored the findings of its own appraisers and arbitrarily had slashed the compensation.

Thus, assuming that the Constitution applied to Indians, there was an apparent denial of due process and a taking of property without compensation.

The case was handled for the Indians by competent attorneys. It was brief in extenso, and behind the brief lay a volume of record, and behind that prior Supreme Court opinions pointing toward action favorable to the Indians if a petition for certiorari were granted. The essential subject matter, which would need to have been read to determine the admissibility of the appeal, ran into hundreds of pages.

Knowing the policy of the Supreme Court toward petitions for certiorari, and knowing that under conditions as they existed, this policy was in fact a necessary one, because otherwise the Court would be swamped utterly by the cases admitted for review, those who prepared the Pueblos' petition and those who financed it entertained almost no hope of getting the case into the Supreme Court at all. They justifiably believed that if they did get into the Court they would win.

It was a matter, of course, to have the petition denied and denied without explanation. And out of court, without a hearing, without a word as to the reason why, went this case, along with hundreds of others, at the October term of the Court. Later, Congress, acting on a unanimous report by its Senate and House Indian Committee, provided justice and gave the compensation which the Court had refused to hear arguments about. Even the Budget concurred. Such remedy is, of course, not to be hoped for in 999 of every 1,000 slighted cases.

The above case will help Indians to realize that there are multiple reasons for the President's proposal that added Justices shall be placed on the Supreme Court to increase its power to do business and to help bear the load of elder Justices.

The fundamental reason for the President's Supreme Court proposal clearly is one of social policy—it is to insure a court possessed of a frame of mind receptive toward modern solutions for modern problems.

But, in addition, it is a proposal to get the Supreme Court into a shape, in the matter of sheer manpower, to perform its functions as a court of last resort, passing as a real court upon Constitution controversies applied to particular cases. The Court as now made up could not meet its responsibility if every Justice among the nine were a Solomon of wisdom and a Napoleon of execution.

It was never the intent of the Constitution or of the people that the Court should delegate to one of its members the practical determination of issues in litigation under conditions where he in turn would be compelled to delegate to a secretary much or all of the research upon which his decision would be predicated.

It is no friendly act, either to the Constitution or the present Court, to demand that such an un-American way of handling business shall continue to be forced upon the Supreme Court.

* * * * * * *

Is the debate over the Supreme Court a proper subject matter for an editorial in Indians at Work? Decidedly, yes. In my first paragraph Indians are reminded of their own peculiar indebtedness to and dependency on the Supreme Court. But, in addition, Indians are wholly concerned with the preservation and the increase of efficient, productive democracy in the United States. No debate, reaching, as the Court debate does, to the heart of the

human and social problem of our country can be outside the discussions and concern of Indians—the most recently enfranchised of our citizens and the individuals of the whole country most dependent upon the Federal institution.

JOHN COLLIER,
Commissioner of Indian Affairs.

Mr. CLARK. I do not desire to detain the Senate by reading the editorial further than is sufficient to connect the author of the article and anyone who approves of it with an absolute open and flagrant violation of section 201.

I refer again to the first propaganda effort in regard to the Wheeler-Howard or Indian Reorganization Act.

This appears on page 3:

The Wheeler-Howard or Indian Reorganization Act was introduced in 1934. One of its many essential features was language giving the Secretary of the Interior power to bring the allotted lands into a condition where they could be used by the Indians, could be economically administered, could yield increased revenue in cash or kind to the Indians, and could be prevented from going to fee patent. The vested right of allottees to their equities was fully protected by the language, and the guardianship authority of the Secretary was not increased in principle by the language.

A great uproar—

This could only be directed toward the use of the horde of Indian agents and Indian contractors with a view toward influencing the action of Senators and Members of Congress in violation of section 201—

A great uproar, directed against the whole of the Wheeler-Howard bill, made of the allotment section its principal talking point. Fear was thrown into the allotted Indians—fear that their holdings might be confiscated, that land might be taken from those who have and given to those who have not. No such consequence was intended or could have followed from the language of the bill, but the fear nerve had been struck as though with a lash—

That language is underlined—

reason and fact were of little avail——

Mr. WHEELER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Montana?

Mr. CLARK. I yield.

Mr. WHEELER. My understanding its they not only sent out what the Senator is reading, but in addition they sent out news letters to all the Indian reservations of the country, and such news letters were and are nothing more than propaganda of one kind or another.

Mr. CLARK. Does not the Senator agree with me, in view of the fact that legislation was already pending for the repeal or for the modification of the so-called Indian reservation act, the Wheeler-Howard bill, that the sending out of this matter to Indian agents and to the Indians, some of whom were voters in various States affected, could only be intended for the purpose of influencing the action of Congress, in violation of section 201 of the Criminal Code?

Mr. WHEELER. I do not think there is any question about it. I think that, as a matter of fact, in some of their propaganda they have expressly mentioned the names of various Senators. I must say that the present Commissioner of Indian Affairs is probably the best propaganda agent in the United States.

Mr. CLARK. I think this pamphlet which I hold in my hand completely demonstrates that to be a fact.

Mr. WHEELER. As a propagandist he is excellent. As an executive of the Bureau of Indian Affairs, in my judgment, he has been a complete failure. That is not only my judgment about it, but I think that is the judgment, if we could get a vote upon it, of everybody connected with the Indian Bureau for a great period of years. The whole Indian administration is in the most chaotic condition it has ever been.

Mr. CLARK. I think the Senator will agree that the man who devotes himself very largely to propaganda is likely to neglect his duties as an executive.

Mr. PITTMAN. Mr. President, will the Senator yield?

Mr. CLARK. Certainly.

Mr. PITTMAN. I thoroughly agree with what the Senator from Montana has said. I think I should remind him that we participate in these appointments. In the number of years I have been here through various administrations I think the Senate has paid very little attention to the consideration of nominees for the office of Commissioner of Indian Affairs. It seems to be a very unfortunate bureau. No President has ever thought it necessary, apparently, to select a man with any executive ability, any initiative, any business experience, any common sense, and therefore the administration of the Indian Bureau is not now unusual. From the very beginning of the Wilson administration we have had men there such as one who, in one case, broke into tears when discussing a very practical matter. That is where we are now and probably will continue to be until we pay more attention to the interest and joint responsibility which we have in the Commissioner of Indian Affairs.

Mr. CLARK. Mr. President, as to the conduct of the affairs of the Indian Bureau, I express no opinion whatever. I am directing myself to a specific violation of the law and to a very vicious custom, which has apparently grown up in some of the executive departments, of using public funds for propagandizing purposes in absolute, flagrant, and open violation of the law.

As to the merits of the Indian Bureau reorganization bill, I am frank to say I do not know anything about it and express no opinion one way or the other. As to the administration of the Office of Commissioner of Indian Affairs, I express no opinion one way or the other, because I do not know anything about it.

I am inviting the attention of Senators to this matter of propaganda. The remarks of the Senator from Nevada [Mr. PITTMAN] may be entirely correct, but what I am bringing to the attention of the Senate is not an omission in the examination and consideration of the confirmation of an appointee to be Commissioner of Indian Affairs but evidence of the repeated flouting of the law on the part of the heads of executive bureaus and departments in using public funds for propaganda purposes. I intend to make further reference to these departments to show, not only with regard to the Bureau of Indian Affairs but with regard to other bureaus and other matters which have nothing in the world to do with Indian affairs, that this publication to which I have referred is an absolute violation of section 201 of the Criminal Code.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Tennessee?

Mr. CLARK. I yield.

Mr. McKELLAR. I have taken considerable interest in Indian affairs, because they come constanly before the Committee on Appropriations, of which I am a member. The criticism which has been visited on the head of the administration of Indian affairs might well be passed on down through its various officials, because, so far as I have been able to determine, one of the greatest troubles is that we have too many white people employed to look after Indian affairs. I have never seen so many employees of various kinds. To give an illustration, the Klamath Indians in Oregon, I believe, who were supposed to be well to do because they had large quantities of timber which were being sold, were in charge of a number of employees who, it seems, were being paid out of the proceeds of the sale of the timber. There was a little reservation of some 20 miles square, and there were 57 white employees. Fifty-four of the fifty-seven white employees each had an automobile to travel around on the little piece of ground which the Indians owned.

They not only have automobiles furnished by the Bureau of Indian Affairs and paid for out of the Indians' funds, but they all receive good salaries. Most of them receive from $2,000 or $2,100 up to as high as $4,000 or $5,000. Fifty-four of them each had automobiles, and the only ones who did not have automobiles were three unfortunate stenographers, as I remember, who were left out for some reason. I do not know why they should have been left out, because the other 54 employees out of the 57 each had an automobile.

I think, in the interest of protection of the Indians, this body ought to have a committee which will look into these

matters and see that the Indians are honestly dealt with and that the money appropriated for them goes to the Indians and not to those who would exploit the Indians.

Mr. CLARK. Let me ask the Senator from Tennessee a question. I know the great ability and long experience of the Senator from Tennessee, one of the most useful members of the Appropriations Committee. Does the Senator know anything peculiar to the Bureau of Indian Affairs which entitles its head to set at defiance the statutes of the United States by using public funds for propagandizing purposes?

Mr. McKELLAR. I do not at all, and I am utterly opposed to it, but I have been unable to get any kind of information from the Office of Indian Affairs during the Republican administration as well as during the Democratic administration.

Mr. CLARK. I am trying to give the Senator some information. Let me finish reading the paragraph referring to the Wheeler-Howard Act which I was reading a few moments ago when I was interrupted:

> No such consequence was intended or could have followed from the language of the bill, but the fear nerve had been struck as though with a lash; reason and fact were of little avail; and, in short, to get the other necessary things contained in the bill, the exceedingly important language about allotments was allowed to be stricken out.
>
> Therefore, today as 3 years ago, Indian allotted lands are in thousands of cases unusable by the Indians; administrative costs, measured against land yield, continue to increase each year; each year a larger part of all the allotted lands drift into the heirship status and then into the triple-complicated heirship status that comes with the third generation. Through consequences of allotment, which the original Wheeler-Howard bill would have corrected but which remain uncorrected, more land is being lost to Indian use each year than can possibly be compensated for through new land purchase under the Indian Reorganization Act.

Does the Senator have any doubt, in view of the measures proposed for modification of the Wheeler-Howard Reorganization Act and the measures for the repeal of the Wheeler-Howard Reorganization Act, that that is intended purely and simply as an effort to influence the action of Congress?

Mr. McKELLAR. In my judgment, there is a clique in the Office of Indian Affairs which wants to run that Bureau without regard to the Congress. The only interest they have in the Congress at all is to get appropriations which will enable them to carry out their aims and purposes. They think practically nothing of the Indians. I am utterly ashamed of the administration of the Office of Indian Affairs.

Mr. CLARK. Does the Senator have any doubt the language I have just read is a bare-faced attempt to influence Congress as to future action by using public funds in violation of section 201 of the Criminal Code?

Mr. McKELLAR. I have no doubt about it. I want to give the Senator the favorite answer to the question as to why they are spending money. Their favorite answer is, "Oh, well, it does not make any difference. It comes out of the Indians' own funds. It comes out of the tribal funds." That is one of the favorite answers to any question that may be asked about the expenditure of money—"Oh, it does not come out of the Government. It comes out of the tribal funds"—as much as to say that when it comes out of tribal funds anyone of the officials of the Indian Office has the right to take what he wants.

Mr. CLARK. The Senator from New Mexico [Mr. CHAVEZ] has just stated on his responsibility as a Senator that not only are these funds being used for the purpose of influencing Congress in violation of law, but they are actually being used to influence the Indians, as the Senator from New Mexico believes, in detriment to their own interests and rights.

Mr. CHAVEZ. Mr. President——

Mr. CLARK. I yield to the Senator from New Mexico.

Mr. CHAVEZ. It is provided in some of the regulations issued that the Indians shall be hired at a per diem of $3 in order to carry out the propaganda of the Indian Office which it has in mind. The Senator from Tennesse is correct. Not only does the Indian Office disregard Congress, but it has no regard whatsoever for the Indians.

Mr. McKELLAR. That is my judgment about it.

Mr. CHAVEZ. My judgment is that of the money we are going to appropriate this afternoon, presumably for the Indians, the Indians will get very little. We will build houses—$10,000, $12,000, $15,000 houses—but not for the Navajos. We will provide typewriters, but not for the Indian girls. We will provide automobiles by the hundred. In my State it was testified last summer, before the honorable Senator from Oklahoma, that there were over 700 automobiles in one agency alone, over that many trucks, but not for the Indians. We may send an Indian girl to Phoenix, Ariz.; and yet that poor little creature, prepared so that she can pound a typewriter, after she gets back to the reservation will be herding a bunch of goats within 3 weeks. We have people in my State now, some of them from New Jersey, teaching the Navajos to pound silver, and long-haired girls from the city of New York teaching them to dance—people from the eastern sections of the country teaching the Navajos of my State!

I do not object to providing money, and the Congress has always been good to the Indian, but the difficulty has been that we have had too much bureau and not enough Indian.

Mr. McKELLAR. I agree entirely with the statement of the Senator.

Mr. MINTON. It is like the old cry of "Lo, the poor Indian!" I do not know anything about Indian affairs, but I was just looking at the statute which the Senator says is being violated, and I should like to know why this propaganda is being sent to Members of the Congress.

Mr. CLARK. I am sorry the Senator from Indiana has not had more opportunity to examine the statute; but if he will examine it he will find that the statute applies to the use of public funds not only as to propagandizing matters addressed to Members of the House of Representatives and Members of the United States Senate, but as to anything used in any way, by telephone, telegraph, mail, printed matter, multilith matter, or anything else, for the purpose of ultimately influencing the action of Members of Congress.

If the Senator from Indiana will listen to what I now intend to read from this section, he will see the point to which I have been addressing my remarks. We have accidentally entered upon the discussion of a phase of the internal affairs of the Bureau of Indian Affairs to which I did not presently desire to address myself. I read the extracts from Mr. Collier's magazine, "Indians at Work", with regard to the Wheeler-Howard Act, simply as preliminary to reading certain other extracts.

Passing by for the moment his effort to influence Congress on the Wheeler-Howard Indian reorganization measure, Mr. Collier proceeds to a discussion of the measure intended to pack the Supreme Court of the United States—certainly not a matter immediately concerned with the affairs of the Indian Bureau, and certainly something which falls within the purview of section 201 of the Criminal Code of the United States.

Having given a very unfavorable review of the action of Congress with regard to the Wheeler-Howard Reorganization Act, because the Congress of the United States had had the effrontery to amend a bill sponsored by the Interior Department, by striking out one provision of which Mr. Collier seemed to approve, and having berated Congress over several pages for that assumption of authority, Mr. Collier, over his own signature, in this publication put out at Government expense, continues:

> The debate over the President's court proposals is taking a course not unlike the debate over the Wheeler-Howard Act of 1934. Let us pray that the course of legislation will not be the same.

And you may be certain that when Mr. Collier prays that the course of legislation by the Congress of the United States will not be the same, every Indian agent, every employee of the Office of Indian Affairs, every contractor selling supplies to the Bureau of Indian Affairs will echo the same prayer. Mr. Collier is doubtless familiar with the old saying that "the most sensitive nerve in the human anatomy is the nerve leading to the pocketbook." He also knows that when he says, "Let us pray", those depending on

his favor for enrichment or support will not only fall upon their marrow bones to pray but will get up and get busy to try to propagandize Congress for his wishes.

The debate over the President's court proposals is taking a course not unlike the debate over the Wheeler-Howard Act of 1934. Let us pray——

Let us pray—Indian agents, contractors, everyone dependent upon the favor of the Bureau of Indian Affairs—

Let us pray that the course of legislation will not be the same.

The President's court proposals are numerous, and they are important at all levels; but clearly the most important of them, and likewise the most reasonable of all of them, is the proposal for additional judges upon the Supreme Court.

So conservative, actually, is the Supreme Court feature of the President's plan that it turns out to have been proposed 24 years ago by none other than that member of the present Supreme Court who is ranked with the ultraconservatives.

"Now, you poor, benighted Indians, we are trying to do something for your welfare. Every Indian within the sound of my voice or the reach of my magazine, take notice, because you get allotments. Every agent gets a salary, and every contractor makes rich profits."

It turns out to have been proposed 24 years ago by none other than that member of the present Supreme Court who is ranked with the ultraconservatives, Mr. Justice McReynolds. He made the proposal when Attorney General in 1913.

And I am sure that every Indian for whose welfare Mr. Collier was so deeply concerned when he used Government funds in violation of the law to send out this propaganda document was thoroughly convinced as to the merits of the Supreme Court proposal when Mr. Collier told him that at one time Mr. Justice McReynolds had said something that could be construed as an advocacy of this proposal.

Then Mr. Collier goes on:

There is no constitutional requirement as to the number of Supreme Court Justices. The number has been varied from time to time by Congress.

And I am sure every Indian in the United States will be relieved as to his future welfare when he receives that assurance from the Commissioner of Indian Affairs.

Whenever, through death or resignation, a vacancy arises upon the Supreme Court, it is the President who nominates the new judge. As most of the judges are elderly, it follows that any President at any time, as a mere result of deaths, might be able to pack the Supreme Court.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. CLARK. I gladly yield to the Senator from Montana.

Mr. WHEELER. Has the Senator seen any of the recent magazines in which a compromise may have been urged? I did not know whether or not the Commissioner of Indian Affairs had now told the Indians to be for a compromise.

Mr. CLARK. I dare say that is true, Mr. President, although I have pursued the matter no further than the original exhibit.

If resignations and deaths happen not to come—

Says Mr. Collier—

then the President and Congress may find themselves confronted by a Court packed by some earlier President whose political philosophy may have been the opposite of the prevailing philosophy, and whose choice of judges may have been made at an earlier and different economic or social epoch.

A word as to the mere dispatch of business by the Supreme Court with its present number of members.

Having discussed the general background of this epochal legislation, Mr. Collier, as the father of the Indians, so to speak, representing the Great White Father at Washington, or at least the stepfather of the Indians, proceeds to educate them in such matters—ordinarily considered matters for lawyers rather than for laymen, but proper for consideration by the Indians—as writs of certiorari, and matters of that sort. Having demonstrated his capacity to the Indian Service upon matters of general constitutional theory, it was only a step by the noble Collier to proceed to the elucidation of such highly technical matters of law as the writ of certiorari.

The critics of the President's plan are announcing that the Supreme Court is not behindhand on its calendars. That is true, because, since February 13, 1925, the right of a hearing of the Supreme Court has been drastically curtailed. For a vast range of cases, this right has been made into a privilege, rarely accorded, and no longer a right. The aggrieved party petitions the Supreme Court to review his case. About 800 of these petitions for a writ of certiorari go before the Court each year. Frequently the cases are momentous ones, and generally they are complicated cases with a long anterior record.

Mr. WHEELER. Mr. President——

Mr. CLARK. I yield to the Senator from Montana.

Mr. WHEELER. I am not surprised that Mr. Collier is in favor of a reorganization of the Supreme Court. As a matter of fact, long before the President sent his message to Congress, Mr. Collier wanted to reorganize the lower courts. He wanted to set up seven or eight traveling judges to go all over the United States and hear Indian cases only. That provision was in the original bill which he sent down to Congress. He wanted, I think, eight or nine special judges to hear Indian cases only, and wanted to take the jurisdiction away from the present Federal district judges; but, of course, Congress struck out that provision. I am not surprised that he now wants to get the Indians lined up to pack the Court with six additional judges; but I am wondering whether or not he has changed his first opinion, and whether the Senator has seen any of his later bulletins.

Mr. CLARK. I am ashamed to say to the Senator from Montana that the first bulletin was sufficient for me. So complete a case was made in that bulletin that I have not pursued the matter further. It took me 7 weeks from the time I officially made the inquiry on my responsibility as a Senator to get any information at all as to this magazine, and I figured that if I undertook to pursue the inquiry as to subsequent issues of the magazine I should be involved in almost interminable delay, and I wish to bring the matter to the attention of the Senate.

Mr. Collier then goes into a rather lengthy discussion of one particular case in which he feels that the Supreme Court made an error in refusing to grant a writ of certiorari, stating, however, that the lawyers for the appellants in that case, when they filed the application for writ of certiorari, had so little confidence in the merits of the case that they had almost no hope of having it granted by the Supreme Court of the United States.

Then Mr. Collier goes on, and this is certainly clearly within the statute—that is, section 201—

The above case will help Indians to realize that there are multiple reasons for the President's proposal that added Justices shall be placed on the Supreme Court to increase its power to do business and to help bear the load of elder Justices.

The fundamental reason for the President's Supreme Court proposal—

I am sure the Indians will be glad to know—

clearly is one of social policy; it is to insure a Court possessed of a frame of mind receptive toward modern solutions for modern problems.

But, in addition, it is a proposal to get the Supreme Court into a shape, in the matter of sheer man-power, to perform its functions as a court of last resort, passing as a real Court upon constitutional controversies applied to particular cases. The Court, as now made up, could not meet its responsibility if every Justice among the nine were a Solomon of wisdom and a Napoleon of execution.

It was never the intent of the Constitution—

I am sure the Indians will be glad to know this—

or of the people that the Court should delegate to one of its members the practical determination of issues in litigation under conditions where he, in turn, would be compelled to delegate to a secretary much or all of the research upon which his decision would be predicated.

It is no friendly act, either to the Constitution or the present Court, to demand that such an un-American way of handling business shall continue to be forced upon the Supreme Court.

Mr. WHEELER. Mr. President, will the Senator from Missouri yield?

Mr. CLARK. I yield gladly.

Mr. WHEELER. There are seven Indian reservations in my State, and, to show how little influence the Commis-

sioner of Indian Affairs has with those Indians, not one of those long-haired Indians has ever written me a letter about the Supreme Court.

Mr. CLARK. They apparently were not affected by Mr. Collier's great constitutional argument.

Mr. WHEELER. They have not paid any attention to it. They do not pay any attention to him on this or anything else. Nevertheless, I appreciate the fact that he is trying to get the Indian vote lined up against the Senators from the various States where there are Indian reservations.

Mr. CLARK. And the Indian agent vote. The Senator from Montana, of course, is familiar with the fact that there are a large number of Senators on this floor and a number of Members in the other body of the Congress who represent States in which the Indian agent influence might be very considerable, and the Indian contractor influence might be very much larger, to say nothing of those Indians who might have some influence and be qualified to vote. Certainly there can be no purpose whatever for the insertion of such an editorial as the one in this magazine which I have just read, except an effort to influence those Senators and Representatives from the States in which the influence of the Office of Indian Affairs might be of some weight.

Mr. WHEELER. Mr. President, will the Senator yield again?

Mr. CLARK. Gladly.

Mr. WHEELER. Of course, the administration has had the Department of Agriculture trying to influence the farmers who were getting money from the Department of Agriculture, they have had the Department of Labor trying to influence labor organizations, they have had the Post Office Department trying to influence those who got post-office appointments, and they have had the office of the Attorney General seeking to influence those who got patronage and came under their domination; so it is not to be wondered at that the Indian Office should try to line up the Indians and all the employees working under that office.

We hear of propaganda being spread in favor of this plan. Never in the history of the United States, certainly never since I have been a Member of the Congress, has there been such tremendous propaganda put out by the various departments in favor of legislation as has been spread in regard to this particular proposal.

Mr. CLARK. I agree with the Senator. I have read in the Senate, not once, but several times, the provision of law applicable to this situation. I have proved today out of the mouth of the Secretary of the Interior himself, and out of the specific language of the publication which I have quoted, issued by the Office of Indian Affairs, a flagrant, open, and notorious violation of that statute. I direct the attention of the Secretary of the Interior and of the Attorney General to this violation of the law and to the specific and mandatory provisions of the statute.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee appearing on page 17, line 16.

The amendment was agreed to.

Mr. KING. Mr. President, I shall occupy the floor but a moment for various reasons. I would not have taken the floor except for the fact that I have listened to the able address of the Senator from Missouri [Mr. CLARK].

I was one of the Senators who endorsed Mr. Collier for the position which he now holds. I believed that he would effectuate reforms in the Office of Indian Affairs, that he would reduce expenses, and abolish some of the evils which were manifest, and which were growing constantly in that office.

I recall, during a somewhat prolonged discussion of appropriations for Indian affairs a few years ago, that it was shown that the appropriations were increasing materially from year to year and that the expenses of administration were likewise increasing. My recollection is that those debates showed that out of the enormous appropriation then made, approximately $24,000,000, 25 percent, possibly more, was consumed in payment of salaries of more than five or six thousand employees.

I have learned since coming into the Chamber a moment ago that the appropriation bill now before us carries for the Office of Indian Affairs an appropriation of $33,000,000. The promised reforms have not been brought about, the expenditures have increased, and I have risen only to express my very great regret that the Office of Indian Affairs under Mr. Collier's administration has not lived up to the promises made or the expectations of some of us who strongly endorsed Mr. Collier.

RELIEF APPROPRIATIONS—CONFERENCE REPORT

Mr. ADAMS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 361) making appropriations for relief purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 13, 14, 25, 26, 27, 36, 49, 50, 51, 52, 53, and 56.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 2½, 6, 7, 9, 10, 11, 12, 15, 16, 17, 18, 22, 23, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 57, 58, and 64; and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "control, conservation, eradication of insect pests, and miscellaneous"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows: "and self-help,"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lines 4, 5 and 6 of the matter inserted by such amendment strike out the words "or for completion of flood control projects already begun and for which other relief money has heretofore been allocated"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "or aliens who have not filed declaration of intention to become citizens"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "who are in need of relief"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "who are in need of relief and"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "who are in need of relief"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows: "or as may be necessary for administrative expenses of the National Resources Committee,"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows:

"SEC. 10. In carrying out the purpose of the foregoing appropriation the President is authorized to prescribe rules and regulations for the establishment of special funds in the nature of revolving funds for use, until June 30, 1938, in the purchase, repair, distribution, or rental of materials, supplies, equipment, and tools: *Provided*, That the requirement in Section one hereof that no Federal construction project shall be undertaken unless and until there have been allocated and irrevocably set aside sufficient funds for its completion shall not apply to flood control and water conservation projects authorized by other law and prosecuted hereunder."

And the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows: In lieu of the

matter inserted by said amendment insert the following: "made available in this joint resolution"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "the President shall find that the project to be financed with such loan or grant will not cause or promote competition of the products of convict labor with the products of free labor"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by such amendment insert the following:

"SEC. 201. The Federal Emergency Administration of Public Works (herein called the 'Administration') is hereby continued until July 1, 1939, and until such date is hereby authorized to continue to perform all functions which it is authorized to perform on June 29, 1937. All provisions of law existing on June 29, 1937, and relating to the availability of funds for carrying out any of the functions of such Administration are hereby continued until July 1, 1939, except that the date specified in the Emergency Relief Appropriation Act of 1936, prior to which, in the determination of the Federal Emergency Administrator of Public Works (herein called the 'Administrator'), a project can be substantially completed is hereby changed from 'July 1, 1938' to 'July 1, 1939'."

And the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by such amendment insert the following:

"SEC. 202. The amount which the Reconstruction Finance Corporation is authorized by existing law to have invested at any one time in securities purchased from the Administration is hereby increased from $250,000,000 to $400,000,000."

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by such amendment insert the following:

"Sec. 203. The amount of funds which the Administrator, upon direction of the President, is authorized to use for grants from moneys realized from the sale of securities is hereby increased from $300,000,000 to $359,000,000; and after the date of the enactment of this joint resolution no allotment shall be made by the Administrator for any project the application for which has not been approved by the examining divisions of the Administration prior to such date."

And the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by such amendment insert the following:

"Sec. 204. The paragraph in the Independent Offices Appropriation Act, 1938, under the caption 'Federal Emergency Administration of Public Works' is hereby amended by (a) striking out the words 'in connection with the liquidation' and (b) striking out the sum of '$10,000,000' and inserting in lieu thereof the sum '$15,000,000'."

And the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by such amendment insert the following:

"SEC. 205. The funds available to the Administrator for the making of loans or grants or loans and grants may be used for projects (in addition to other purposes for which funds may be used) of the following classes, in amounts not to exceed the sums specified for each such class: (a) For school projects (other than those included in subdivisions (b) and (c) of this section) to replace, eliminate, or ameliorate existing school facilities or conditions which, in the determination of the Administrator, are hazardous to the life, safety, or health of school children, $60,000,000 for grants and $11,000,000 for loans; (b) for projects which have been authorized, or for the financing of which bonds or other obligations have been authorized, at elections held prior to the date of enactment of this joint resolution, or for projects for which an authority or board constituting an independent corporation without taxing power has been specifically created by a State legislature prior to such date, $70,000,000 for grants and $22,000,000 for loans; (c) for projects for which appropriations have been made by the legislatures of the States, $15,000,000 for grants and $2,000,000 for loans; (d) for projects to be financed, except for the grant, by the issuance to contractors of tax or assessment securities at not less than their par value: *Provided*, That an allotment shall not be made for any such project unless the applicant has, in the determination of the Administrator, made or incurred substantial expenditures or obligations in contemplation of receiving an allotment, $5,000,000 for grants; (e) for projects for which funds have been tentatively earmarked by the Administrator but for which formal allotments have not been made, $54,000,000 for grants and $78,000,000 for loans: *Provided*, That the grant for any such project shall not exceed the amount tentatively earmarked as a grant for such project: *Provided further*, That the amount specified for any of the foregoing classes may be increased by not to exceed 15 per centum thereof by transferring an amount or amounts from any other class or classes in order to effectuate the purposes of the title."

And the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by such amendment insert the following:

"SEC. 207. Title II of this joint resolution may be cited as the 'Public Works Administration Extension Act of 1937'."

And the Senate agree to the same.

ALVA B. ADAMS,
KENNETH MCKELLAR,
CARL HAYDEN,
JAMES F. BYRNES,
FREDERICK STEIWER,
Managers on the part of the Senate.

C. A. WOODRUM,
CLARENCE CANNON,
LOUIS LUDLOW,
THOS. S. MCMILLAN,
J. BUELL SNYDER,
JOHN TABER
(except as to no. 47),
R. B. WIGGLESWORTH,
Managers on the part of the House.

Mr. ADAMS. Mr. President, I move that the Senate agree to the report of the committee of conference, which represents a complete agreement.

Mr. VANDENBERG. Mr. President, I wish to inquire of the Senator from Colorado what happened to the amendment submitted by the Senator from Pennsylvania [Mr. DAVIS] requiring certain publicity in respect to employees drawing more than a thousand dollars a year.

Mr. ADAMS. Mr. President, I have to inform the Senator that the Senate conferees were unable to retain that provision in the bill. However, the Senate conferees receded only after communication with Mr. Hopkins, the Administrator, and after receiving from him the assurance that the Senator from Pennsylvania [Mr. DAVIS] could have the information which he desired upon his request.

Mr. VANDENBERG. Does that privilege attach solely to the Senator from Pennsylvania, or is it to be general?

Mr. ADAMS. The request was only in reference to the Senator from Pennsylvania, but I have no doubt that the Senator from Michigan and other Senators would be accorded the same privilege.

Mr. VANDENBERG. But in the absence of the Senator from Pennsylvania, I may be assured that he can now obtain the information which he sought so strenuously and futilely for so long a period.

Mr. ADAMS. That is the direct information which we received from Mr. Hopkins.

Mr. BYRNES. Mr. President, will the Senator yield to me for a question, which I think possibly I should propound to the Senator from Arizona, who is more familiar with the details of title 2? I should like to know, in the changes which have been made in title 2, what change, if any, was made with reference to the earmarking of the funds to continue the construction of projects which have been delayed by litigation.

Mr. ADAMS. I will ask the Senator from Arizona, who is an expert on that matter, to reply.

Mr. HAYDEN. No change was made. The House accepted the provision as approved by the Senate. Those projects are several large ones, one sometimes known as the tri-county project, in Nebraska, another one the General State Authority of Pennsylvania, another known as the Santee-Cooper project in South Carolina. There is also a slum-clearance and housing project in the city of Chicago. In several instances the projects have been held up due to litigation in court, but the amounts provided for them have been tentatively earmarked. It is the intention of Congress to make the required sums available.

Mr. BYRNES. In the litigation, certainly in Nebraska and South Carolina, attorneys representing the power com-

panies have urged that funds were not available as one argument before the court, and I was therefore anxious to have the Senator state that the conference report does what the bill as originally introduced intended.

Mr. HAYDEN. If the Senator from South Carolina will examine the remarks I made when the amendment was adopted by the Senate, as they appear in the CONGRESSIONAL RECORD for June 21, 1937, when the amendment was adopted by the Senate, he will find a specific reference to all projects of class (e) which clearly indicates the intention of Congress to provide funds to carry them out.

Mr. BYRNES. Very well.

Mr. THOMAS of Oklahoma. Mr. President, I should like to inquire of the Senator from Arizona about two amendments which were placed in the bill on the floor of the Senate. One was an amendment authorizing the P. W. A. to accept the authorities which might have been created by legislation in the States. Was that amendment agreed to?

Mr. HAYDEN. The amendment was agreed to with a modification, with which I think the Senator from Oklahoma is entirely familiar, which more clearly defines the nature of the board or agency created by the States with authority to issue bonds.

Mr. THOMAS of Oklahoma. My second inquiry is this: An amendment was incorporated in the bill on the floor of the Senate increasing the amount from $300,000,000 to $340,000,000. What was the action on that amendment?

Mr. HAYDEN. There was this change in the situation: That as we agreed on the bill in conference we dealt only with the amount available for grants, leaving the amounts for loans unstated, because it was unnecessary to state them.

The amounts for grants are increased over the amounts agreed upon by the House of Representatives in a sufficient amount to take care of all the grants specified in the various classes contained in the House bill.

Mr. THOMAS of Oklahoma. Those two amendments were intended primarily to assist two projects, one in Oklahoma and one in Montana. My question now is: Is the law as contemplated by the report sufficiently broad to enable those two projects to be considered and possibly approved?

Mr. HAYDEN. There is no question that they can be considered under the law. Whether or not they will be approved is, of course, a matter within the discretion of the Administrator.

Mr. HATCH. Will the Senator explain what the effect of the amendment will be? The original amendment carried the date of April 24, and the Russell amendment changed that to the effective date of the act.

Mr. HAYDEN. The conferees agreed upon it with a statement changing it from the effective date to the date of approval. That was the only change.

Mr. HATCH. The effect of the amendment remains as it was under the Russell amendment?

Mr. HAYDEN. Yes.

Mr. HATCH. And the amendment relating to bond issues heretofore authorized is substantially the same?

Mr. HAYDEN. It is unchanged.

Mr. HATCH. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

INTERIOR DEPARTMENT APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 6958) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1938, and for other purposes.

The PRESIDING OFFICER. The next amendment reported by the committee will be stated.

The next amendment of the Committee on Appropriations was, under the subhead "Indian lands", on page 23, line 20, after the word "expenses", to strike out "$900,000" and insert "$1,000,000", and in line 22, after the word "exceed", to strike out "$20,000" and insert "$34,000", so as to read:

For the acquisition of lands, interest in lands, water rights and surface rights to lands, and for expenses incident to such acquisition, in accordance with the provisions of the act of June 18, 1934 (48 Stat., p. 985), including personal services, purchase of equipment and supplies, and other necessary expenses, $1,000,000, together with the unexpended balance of the appropriation for this purpose for the fiscal year 1937, of which not to exceed $34,000 shall be available for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 24, line 2, after the word "reservations", to insert a colon and the following additional proviso:

Provided further, That in addition to the amount herein appropriated the Secretary of the Interior may also incur obligations, and enter into contracts for the acquisition of additional land, not exceeding a total of $500,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof, and appropriations hereafter made for the acquisition of land pursuant to the authorization contained in the act of June 18, 1934, shall be available for the purpose of discharging the obligation or obligations so created.

Mr. HATCH. Mr. President, will the Senator explain the purpose of that amendment?

Mr. HAYDEN. The Wheeler-Howard Act authorizes the expenditure of $200,000 for the acquisition of land in each year. The Budget estimate was for a million dollars to be authorized each year, and authority to contract for the purchase of land in the amount of an additional million dollars. The Secretary of the Interior originally asked for authority to contract for the purchase of an additional million dollars. The committee fixed the figure at half of that amount—$500,000.

The PRESIDING OFFICER. Without objection, the committee amendment is agreed to.

The next amendment was, on page 25, line 12, after the word "thereon", to insert "and of improvements on former public-domain lands", so as to read:

For payment, pursuant to the provisions of the act of May 15, 1936 (49 Stat., p. 1272), to the Confederated Bands of Ute Indians in full compensation as to claim for the principal sum for 64,560 acres of land in western Colorado set aside as a naval oil reserve by Executive orders dated December 6, 1916, and September 27, 1924, $161,400: *Provided*, That in the discretion of the Secretary of the Interior, and with the approval of the tribe expressed through its tribal council, not more than $100,000 of the amount apportioned to the Indians of the Uintah and Ouray Reservation, Utah, together with $100,000 additional from tribal funds now on deposit to the credit of the Ute Indians in Utah, may be expended for the acquisition of privately owned lands or interests therein, together with the improvements thereon, and of improvements on former public-domain lands, for said Indians.

The amendment was agreed to.

The next amendment was, on page 25, after line 21, to insert:

The unexpended balance of $5,004.25 of the appropriation "Purchase of land for landless Indians in California, act of March 3, 1925, special fund", which appropriation was repealed by section 4 (b 24) of the Permanent Appropriation Repeal Act, 1934 (48 Stat. 1227), is hereby reappropriated and made available until expended for payment of obligations heretofore incurred or to be incurred hereafter in the acquisition of land in California, with such improvements as may be appurtenant thereto, for the relief of homeless Indians of that State.

The amendment was agreed to.

The next amendment was, under the subhead, "Industrial assistance and advancement", on page 26, line 9, after the word "allotments", to strike out "other than the Menominee Indian Reservation in Wisconsin", and in line 16, after the word "lands" and the comma, to strike out "$260,000" and insert "$300,000", so as to read:

For the preservation of timber on Indian reservations and allotments, the education of Indians in the proper care of forests, and the general administration of forestry and grazing work, including fire prevention and payment of reasonable rewards for information leading to arrest and conviction of a person or persons setting forest fires, or taking or otherwise destroying timber, in contravention of law on Indian lands, $300,000.

The amendment was agreed to.

The next amendment was, on page 27, line 25, after the word "purposes" and the comma, to strike out "$80,000" and insert "$90,000", so as to read:

For transfer to the Geological Survey for expenditures to be made in inspecting mines and examining mineral deposits on Indian lands and in supervising mining operations on restricted, tribal, and allotted Indian lands leased under the provisions of the acts of February 28, 1891 (U. S. C., title 25, secs. 336, 371, 397), May 27, 1908 (35 Stat., p. 312), March 3, 1909 (U. S. C., title 25, sec. 396), and other acts authorizing the leasing of such lands for mining purposes, $90,000.

The amendment was agreed to.

The next amendment was, on page 28, line 6, after the word "equipment" and the comma, to strike out "$600,220" and insert "$640,000", so as to read:

For the purpose of developing agriculture and stock raising among the Indians, including necessary personnel, traveling, and other expenses, and purchase of supplies and equipment, $640,000, of which not to exceed $15,000 may be used to conduct agricultural experiments and demonstrations on Indian school or agency farms and to maintain a supply of suitable plants or seed for issue to Indians, and not to exceed $30,000 may be used for the operation and maintenance of a sheep-breeding station on the Navajo Reservation.

The amendment was agreed to.

The next amendment was, on page 28, line 21, after the word "crops" and the comma, to strike out "$165,000" and insert "$390,000", so as to read:

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, $390,000, which sum may be used for the purchase of seeds, animals, machinery, tools, implements, and other equipment necessary, and for advances to Indians having irrigable allotments to assist them in the development and cultivation thereof, in the discretion of the Secretary of the Interior, to enable Indians to become self-supporting:

The amendment was agreed to.

The next amendment was, on page 29, line 10, after the word "That", to insert "except for the Navajo Indians in Arizona and New Mexico", so as to make the further proviso read:

Provided further, That except for the Navajo Indians in Arizona and New Mexico not to exceed $25,000 of the amount herein appropriated shall be expended on any one reservation or for the benefit of any one tribe of Indians.

The amendment was agreed to.

The next amendment was, on page 29, line 13, after the word "Indians", to insert a colon and the following additional provisos:

Provided further, That the Secretary of the Interior is hereby authorized, in his discretion and under such rules and regulations as he may prescribe, to make advances from this appropriation to old, disabled, or indigent Indian allottees, for their support, to remain a charge and lien against their land until paid: *Provided further*, That not to exceed $15,000 may be advanced to worthy Indian youths to enable them to take educational courses, including courses in nursing, home economics, forestry, and other industrial subjects in colleges, universities, or other institutions, and advances so made shall be reimbursed in not to exceed 8 years, under such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That not to exceed $275,000 may be advanced to the Navajo Tribe of Indians for the purchase, feeding, sale, slaughter, or other disposition of sheep, goats, and other livestock belonging to the Navajo Indians, including the erection of necessary structures, the purchase of machinery and equipment, materials and supplies, the purchase or lease of land or buildings, salaries of employees, traveling expenses, advertising, and all other necessary expenses.

The amendment was agreed to.

The next amendment was, on page 33, line 5, after the word "expenses" and the comma, to strike out "$42,500" and insert "$50,000", so as to read:

For the development, under the direction of the Commissioner of Indian Affairs, of Indian arts and crafts, as authorized by the act of August 27, 1935 (49 Stat., p. 891), including personal services, purchase and transportation of equipment and supplies, purchase of periodicals, directories, and books of reference, purchase and operation of motor-propelled passenger-carrying vehicles, telegraph and telephone services, cost of packing, crating, drayage, and transportation of personal effects of employees upon permanent change of station, expenses of exhibits and of attendance at meetings concerned with the development of Indian arts and crafts, traveling expenses, including payment of actual transportation expenses and not to exceed $10 per diem in lieu of subsistence and other expenses of members of the Indian Arts and Crafts Board, serving without other compensation from the United States, while absent from their homes, not to exceed $2,500 for printing and binding, and other necessary expenses, $50,000, of which not to exceed $16,000 shall be available for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Irrigation and drainage", on page 36, line 3, after the word "and", to strike out "$111,000" and insert "$161,000"; in line 7, after the word "and", to strike out "$111,000" and insert "$161,000"; and in line 11, to strike out "$299,500" and insert "$349,500", so as to read:

For operation and maintenance of the San Carlos project for the irrigation of lands in the Gila River Indian Reservation, Ariz., including not to exceed $2,000 for purchase of land, $76,300, reimbursable, together with $112,200 (operation and maintenance collections) and $161,000 (power revenues), of which latter sum not to exceed $25,000 shall be available for major repairs in case of unforeseen emergencies caused by fire, flood, or storm, from which amounts of $112,200 and $161,000, respectively, expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934; in all, $349,500.

The amendment was agreed to.

The next amendment was, on page 36, line 16, after the word "Indians", to insert a comma and "and such revenues are hereby made available for payment of irrigation operation and maintenance charges assessed against tribal or allotted lands of said Pima Indians in accordance with tribal resolution of June 16, 1937, and subject to the approval of the Secretary of the Interior, the Pima Indians are hereby authorized to employ an attorney and an accountant for the purpose of advising them in connection with the legality and equity of these operation and maintenance assessments at a cost of not to exceed $2,000 including all expenses connected therewith payable from tribal funds", so as to read:

For continuing subjugation and for cropping operations on the lands of the Pima Indians in Arizona, there shall be available so much as may be necessary of the revenues derived from these operations and deposited into the Treasury of the United States to the credit of such Indians, and such revenues are hereby made available for payment of irrigation operation and maintenance charges assessed against tribal or allotted lands of said Pima Indians in accordance with tribal resolution of June 16, 1937, and subject to the approval of the Secretary of the Interior, the Pima Indians are hereby authorized to employ an attorney and an accountant for the purpose of advising them in connection with the legality and equity of these operation and maintenance assessments at a cost of not to exceed $2,000 including all expenses connected therewith payable from tribal funds.

The amendment was agreed to.

The next amendment was, on page 38, line 5, after the word "Idaho", to strike out "$18,000" and insert "and for the investigation of damage claims on this project, $25,000", and in line 7, after the word "with", to strike out "$30,000" and insert "$25,000", so as to read:

For improvements, maintenance, and operation of the Fort Hall irrigation system, Idaho, and for the investigation of damage claims on this project, $25,000, together with $25,000, from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

The amendment was agreed to.

The next amendment was, on page 39, after line 16, to insert:

For the rehabilitation and maintenance and operation of the irrigation system on the Blackfeet Indian Reservation, Mont., including the purchase of any necessary rights or property, $95,000 reimbursable.

The amendment was agreed to.

The next amendment was, on page 42, line 25, after "1040)", to strike out "$700,000, reimbursable" and insert "$500,000, reimbursable, and in addition thereto the Secretary of the Interior may also incur obligations and enter into a contract or contracts not exceeding the total amount of $750,000 and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof, and appropriations hereafter made for continuing construction of this project shall be available

for the purpose of discharging the obligation or obligations so created", so as to read:

Arizona: Colorado River, as authorized by and in accordance with section 2 of the Rivers and Harbors Act, approved August 30, 1935 (49 Stat., pp. 1039, 1040), $500,000, reimbursable, and in addition thereto the Secretary of the Interior may also incur obligations and enter into a contract or contracts not exceeding the total amount of $750,000 and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof, and appropriations hereafter made for continuing construction of this project shall be available for the purpose of discharging the obligation or obligations so created; Fort Apache, $10,000, reimbursable; Hopi, $25,000, reimbursable; Navajo, Arizona, and New Mexico, $60,000, reimbursable; Salt River, $650,000, reimbursable; San Xavier, $30,000, reimbursable;

The amendment was agreed to.

The next amendment was, on page 43, line 15, after the word "Flathead" and the comma, to strike out "$200,000" and insert "including, $51,275, Camas division betterment, $251,275,"; in line 16, after the word "reimbursable" and the semicolon, to insert "Crow, $200,000, reimbursable;", and in line 18, after the word "reimbursable", to insert "Poplar River, $50,000, for resurveying Popular River project, reimbursable;"; so as to read:

Montana: Flathead, including $51,275, Camas division betterment, $251,275, reimbursable; Crow, $200,000, reimbursable; Fort Belknap, $12,000, reimbursable; Poplar River, $50,000, for resurveying Poplar River project, reimbursable;

Mr. WHEELER. Mr. President, I send to the desk an amendment to the committee amendment: On page 43, line 19, after the word "reimbursable", to insert "Fort Peck, $100,000, reimbursable."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 43, line 19, after the word "reimbursable", it is proposed to insert "Fort Peck, $100,000, reimbursable."

Mr. HAYDEN. Mr. President, the committee was quite liberal with Montana. I shall be glad to take the amendment to conference. I cannot assure the Senator that the House will agree to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Montana to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The amendment, as amended, was agreed to.

Mr. HAYDEN. I ask unanimous consent that the clerk be authorized to change the totals in this committee amendment, as amended, so as to conform to the amendment of the Senator from Montana.

The PRESIDING OFFICER. Without objection, it is so ordered.

The next committee amendment will be stated.

The next amendment was, on page 43, line 20, after the word "Nevada" and the colon, to strike out "Moapa, $20,000, reimbursable; Summit Lake, $10,000, reimbursable", so as to read:

Nevada: Western Shoshone, $100,000, reimbursable.

The amendment was agreed to.

The next amendment was, on page 44, after line 4, to insert:

Miscellaneous garden tracts, $60,000.

The amendment was agreed to.

The next amendment was, on page 44, line 9, after the words "In all" and the comma, to strike out "$2,288,000" and insert "$2,219,275", so as to read:

In all, $2,219,275, to be immediately available, which amount, together with the unexpended balances of funds made available under this head in the Interior Department Appropriation Act, fiscal year 1937, shall remain available until June 30, 1938.

The amendment was agreed to.

The next amendment was, under the subhead "Education", on page 48, after line 12, to insert:

The appropriation of $100,000 contained in the Second Deficiency Appropriation Act, fiscal year 1935, for cooperating with public school districts in Glacier County, Mont., in the improvement and extension of school buildings to be available to both Indian and white children, as authorized by the act of June 7, 1935 (49 Stat. L. 327), is hereby made available under the same conditions as specified in the said second deficiency appropriation act until June 30, 1938, for improvement and extension of school buildings in rural communities in District No. 9, Glacier County, as well as other public-school districts within said county.

The amendment was agreed to.

The next amendment was, on page 49, line 3, after the figures "$75,000", to insert "and for cooperation with the Hays Public School District, Hays, Mont., for construction and improvement of grade- and high-school buildings as authorized by the act of May 15, 1936 (49 Stat., p. 1274), $50,000; in all, $125,000", so as to read:

For cooperation with Wellpinit School District No. 49, Stevens County, Wash., for the construction and equipment of a public-school building in the vicinity of Wellpinit, Wash., as authorized by the act of May 15, 1936 (49 Stat., p. 1273), $75,000 and for cooperation with the Hays Public School District, Hays, Mont., for construction and improvement of grade- and high-school buildings as authorized by the act of May 15, 1936 (49 Stat., p. 1274), $50,000; in all, $125,000.

The amendment was agreed to.

The next amendment was, on page 49, line 24, after the word "balances", to insert a colon and the following additional proviso:

Provided further, That in the discretion of the Secretary of the Interior the construction and improvements authorized for the Hays Public School District, Mont., may be planned, erected, and operated by the Indian Service in which event the requirements of the act of May 15, 1936, and of this paragraph, with reference to the preparation of plans, the erection of buildings, and the recoupment of expenditures are hereby waived.

The amendment was agreed to.

The next amendment was, on page 53, at the beginning of line 8, after the figures "$115,750", to insert a colon and the following proviso: *"Provided*, That the amount available during the fiscal year 1937 for the acquisition of lands adjacent to this school is hereby continued available for the same purpose until June 30, 1938", so as to read:

Pierre, S. Dak.: For 300 pupils, $97,750; for pay of superintendent, drayage, and general repairs and improvements, $18,000; in all, $115,750: *Provided*, That the amount available during the fiscal year 1937 for the acquisition of lands adjacent to this school is hereby continued available for the same purpose until June 30, 1938.

The amendment was agreed to.

The next amendment was, on page 54, after line 8, to insert:

For an additional amount for education of natives of Alaska, fiscal year 1937, to remain available until June 30, 1938, $55,000, and the limitation in the Interior Department Appropriation Act for the fiscal year 1937 on the amount which may be expended under this head for freight and operation and repair of vessels is hereby increased from $65,000 to $120,000.

The amendment was agreed to.

The next amendment was, under the subhead "Conservation of health", on page 55, line 24, after the word "diseases" and the comma, to strike out "$4,400,000" and insert "$4,595,690", and on page 56, line 1, before the word "for", to strike out "$3,242,220" and insert "$3,332,200", so as to read.

For conservation of health among Indians, including equipment, materials, and supplies; repairs and improvements to buildings and plants; compensation and traveling expenses of officers and employees and renting of quarters for them when necessary; transportation of patients and attendants to and from hospitals and sanatoria; returning to their former homes and interring the remains of deceased patients; and not exceeding $25,000 for clinical surveys and general medical research in connection with tuberculosis, trachoma, and venereal and other disease conditions among Indians, including cooperation with State and other organizations engaged in similar work and payment of traveling expenses of physicians, nurses, and other persons whose services are donated by such organizations, and including printing and binding circulars and pamphlets for use in preventing and suppressing trachoma and other contagious and infectious diseases, $4,595,690, including not to exceed $3,332,220 for the following-named hospitals and sanatoria:

The amendment was agreed to.

The next amendment was, on page 56, line 22, after the figures "$22,500", to insert "Cass Lake Hospital, $30,000; Fond du Lac Hospital, $20,000; Red Lake Hospital, $20,000; White Earth Hospital, $20,000", so as to read:

Minnesota: Pipestone Hospital, $22,500: Cass Lake Hospital, $30,000; Fond du Lac Hospital, $20,000; Red Lake Hospital, $20,000; White Earth Hospital, $20,000.

The amendment was agreed to.

The next amendment was, on page 59, after line 7, to strike out:

Support of hospitals, Chippewas in Minnesota (tribal funds): For support of hospitals maintained for the benefit of the Chippewa Indians in the State of Minnesota, $90,000, payable from the principal sum on deposit to the credit of said Indians arising under section 7 of the act of January 14, 1889 (25 Stat. p. 645).

The amendment was agreed to.

The next amendment was, under the subhead "General support and administration", on page 60, line 6, after the word "provisions" and the comma, to strike out "$2,604,600" and insert "$2,700,000", so as to read:

For general support of Indians and administration of Indian property, including pay of employees authorized by continuing or permanent treaty provisions, $2,700,000.

The amendment was agreed to.

The next amendment was, on page 60, after line 7, to insert:

For an additional amount for general support of Indians and administration of Indian property, including pay of employees authorized by continuing or permanent treaty provisions, fiscal year 1937, $80,000.

The amendment was agreed to.

The next amendment was, on page 63, line 3, after the figures "$17,800", to insert a comma and "together with the unexpended balance under this head for the fiscal year 1937"; in line 4, before the word "together", to strike out "$5,000" and insert "$7,500"; in line 5, after the word "together", to insert "with the unexpended balance under this head for the fiscal year 1937"; in line 7, after the word "Indians", to insert "additional for water supply, $2,500"; and in line 9, after the words "in all" and the comma, to strike out "$25,550" and insert "$28,050", so as to read:

Washington: Puyallup, $1,000 for upkeep of the Puyallup Indian cemetery; Taholah (Quinaielt), $17,800, together with the unexpended balance under this head for the fiscal year 1937; (Neah Bay), $7,500, together with the unexpended balance under this head for the fiscal year 1937 ($4,000 for monthly allowances for care of old and indigent Indians, additional for water supply, $2,500, and $1,000 for burial expenses); Yakima, $250; Tulalip, $1,000; Swinomish, $500; in all, $28,050.

The amendment was agreed to.

The next amendment was, on page 63, line 10, before the word "including", to strike out "$75,500" and insert "$85,500", and in line 11, before the word "for", to strike out "$10,000" and insert "$20,000", so as to read:

Wisconsin: Keshena, $85,500, including $20,000 for monthly allowances, under such rules and regulations as the Secretary of the Interior may prescribe, to old and indigent members of the Menominee Tribe who reside with relatives or friends: *Provided*, That not more than $14,000 of this appropriation may be used for fees and expenses of attorneys employed under contract, approved by the Secretary of the Interior, during the fiscal years 1936, 1937, and 1938.

The amendment was agreed to.

The next amendment was, on page 63, line 19, after the word "exceed", to strike out "$421,900" and insert "$434,400", so as to read:

In all, not to exceed $434,400.

The amendment was agreed to.

The next amendment was, on page 64, after line 8, to insert:

For compensation and expenses of an attorney or attorneys employed by the Chippewa Tribe under a contract, approved by the Secretary of the Interior on April 15, 1937, $10,000, payable from the principal sum on deposit to the credit of the Chippewa Indians of Minnesota, arising under section 7 of the act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota", approved January 14, 1889 (25 Stat., p. 645), of which so much as may be necessary shall be available for compensation earned and expenses incurred during the fiscal year 1937.

The amendment was agreed to.

The next amendment was, on page 64, after line 19, to insert:

There is hereby authorized to be expended out of the fund "Interest on judgment Court of Claims, Creek Indian Nation", now standing to the credit of the Creek Nation of Indians in the Treasury of the United States, the sum of not exceeding $2,000 to be paid, in the discretion of the Secretary of the Interior, to attorneys for said Creek Nation of Indians employed under the authority of the act of Congress approved May 24, 1924 (43 Stat. 139), the payments to be made in such sums as may be necessary to reimburse the attorneys for such proper and necessary expenses as may have been incurred or may be incurred in the investigation of records and preparation, institution, and prosecution of suits of the Creek Nation of Indians against the United States under the above-mentioned act of May 24, 1924: *Provided further*, That the claims of the attorneys shall be filed by said attorneys with the Secretary of the Interior and shall be accompanied by the attorneys' itemized and verified statement of the expenditures for expenses and by proper vouchers, and that the claims so submitted shall be subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 67, after line 2, to insert:

For acquisition, rehabilitation, and preservation of the Tuskahoma Council House in Pushmataha County, Choctaw Nation, Okla., $10,000 or so much thereof as may be necessary, payable from the fund "Fulfilling treaties with Choctaws, Oklahoma" now to the credit of the Choctaw Indians of Oklahoma, and the unexpended balance of the appropriation for this purpose contained in the Interior Department Appropriation Act, fiscal year 1937, is hereby continued available until June 30, 1938.

The amendment was agreed to.

The next amendment was, on page 68, after line 6, to insert:

For compensation and expenses of William H. Fuller and Melven Cornish for services rendered the Chickasaw Nation of Oklahoma, under the terms of a contract approved by the Secretary of the Interior on May 13, 1935, in the case of *The Choctaw Nation v. The United States and the Chickasaw Nation* in the United States Court of Claims, case numbered J–231, $15,000, or so much thereof as may be necessary, payable from funds on deposit to the credit of the Chickasaw Nation of Indians.

The amendment was agreed to.

The next amendment was, under the subhead "Roads and Bridges", on page 69, line 1, before the words "to be", to strike out "$2,700,000" and insert "$3,000,000", so as to read:

For construction, improvement, repair, and maintenance of Indian reservation roads under the provisions of the acts of May 26, 1928 (U. S. C., title 25, sec. 318a), and June 16, 1936 (49 Stat., p. 1521), $3,000,000, to be immediately available and to remain available until expended.

The amendment was agreed to.

The next amendment was, under the subhead "Construction and repair", on page 70, after line 9, to insert:

Claremore Hospital, Oklahoma: Employees' quarters, $40,000.

The amendment was agreed to.

The next amendment was, on page 70, line 11, after the figures "$8,500", to insert "improvement of water supply, $21,000", so as to read:

Colorado River, Ariz.: Telephone line, $8,500; improvement of water supply, $21,000.

The amendment was agreed to.

The next amendment was, on page 70, after line 13, to insert:

Colville, Wash.: Improvement of water supply, $35,000.

The amendment was agreed to.

The next amendment was, on page 71, line 8, after the figures "$73,000" and the semicolon, to insert "two physicians' cottages, $15,000", so as to read:

Kiowa, Okla.: Riverside, dormitory facilities, $73,000; one cottage, $6,000; Fort Sill, school building, $73,000; two physicians' cottages, $15,000; improvements to sewer system, $20,000.

The amendment was agreed to.

The next amendment was, on page 71, after line 9, to insert:

Mescalero, N. Mex.: Office building, $25,000;

The amendment was agreed to.

The next amendment was, on page 72, after line 2, to insert:

Tongue River, Mont.: Birney day school, including sewer and water systems, and light plant, $30,000;

The amendment was agreed to.

The next amendment was, on page 72, after line 4, to insert:

Turtle Mountain, N. Dark.: Day-school facilities, $62,500;

The amendment was agreed to.

The next amendment was, on page 72, line 23, after the words "in all" and the comma, to strike out "$1,866,500" and insert "$2,095,000"; so as to read:

For administrative expenses, including personal services in the District of Columbia and elsewhere; not to exceed $2,500 for printing and binding; purchase of periodicals, directories, and books of reference; purchase and operation of motor-propelled passenger-carrying vehicles; traveling expenses of employees; rent of office and storage space; telegraph and telephone tolls; and all other necessary expenses not specifically authorized herein, $175,000; in all, $2,095,000, to be immediately available and to remain available until June 30, 1939.

The amendment was agreed to.

The next amendment was, on page 72, line 25, after the numerals "1939", to strike out the colon and the following proviso:

Provided, That not to exceed 5 percent of the amount of any specific authorization may be transferred, in the discretion of the Commissioner of Indian Affairs, to the amount of any other specific authorization, but no limitation shall be increased more than 5 percent by any such transfer.

The amendment was agreed to.

The next amendment was, under the subhead "Annuities and per-capita payments", on page 74, after line 18, to insert:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States $105,000 of any funds on deposit to the credit of the Menominee Indians in Wisconsin (except the Menominee log funds), and to expend said sum, or so much thereof as may be necessary, for a per-capita payment of $50 to each enrolled member of the Menominee Tribe: *Provided*, That such payment shall be in lieu of the payment authorized by the act of June 15, 1934 (48 Stat., p. 964), for the fair market stumpage value of timber cut on the Menominee Reservation during the fiscal year 1937: *Provided further*, That in the discretion of the Secretary of the Interior the payment herein authorized may be made in two installments.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Reclamation", on page 81, line 14, after the word "revenues", to strike out "as hereinafter stated", so as to read:

Rio Grande project, New Mexico-Texas: For operation and maintenance, $350,000: *Provided*, That the Secretary of the Interior is hereby authorized to enter into a contract with the El Paso County water improvement district no. 1 and the Elephant Butte irrigation district of New Mexico, by which the districts will be relieved of the obligation of making payment of the construction cost chargeable to the development of power of Elephant Butte Dam in the amount determined as equitable by the Secretary of the Interior in return for the conveyance by the said two districts to the United States of all the districts' right, title, interest, and estate in the use of said dam and other project works, including the project water supply, for the development of hydroelectric energy: *Provided further*, That in such contracts it shall be stated that the use of the dam, project works, and water supply for power purposes shall not deplete or interfere with the use thereof for irrigation purposes: *Provided further*, That the net earnings of the power plant and system belonging to the United States and any other available revenues shall be applied, until the cost thereof has been met, upon the cost of the power development, including (1) the cost of power facilities, (2) the amount invested, as herein authorized, in the cost of Elephant Butte Dam, and (3) the amount invested by the Bureau of Reclamation in Caballo Dam: *Provided further*, That after the cost of the power development has been met the net earnings of the power plant and system shall be disposed of as Congress may direct.

The next amendment was, on page 85, after line 6, to insert "Gila Project, Arizona, $1,250,000."

Mr. HAYDEN. Mr. President, the Gila project is authorized by law and a Budget estimate which was submitted for this amount. The project will obtain its supply of water from the Colorado River. The sole source of water for the project will be water impounded by the Boulder Canyon Dam. In order to make it perfectly clear that the project shall be operated in accordance with the Boulder Canyon Project Act, and shall be subject to and controlled by the Colorado River compact as provided by that act, I have agreed with the Senators from the upper-basin States that there shall be added to the bill a legislative provision which I now offer. The text of the amendment does not change existing law, but merely directs attention to an act of Congress which applies to the Gila project and which makes the Colorado River compact effective so far as the Gila project is concerned.

Mr. O'MAHONEY. Mr. President, may I say for the RECORD that the amendment which is now being offered by the Senator from Arizona is in accordance with an understanding which has been had by him with the Senators from the States in the upper basin of the Colorado River? The language of the amendment was submitted to the attorney general for Wyoming, who in turn took it up with the attorneys general for Colorado and New Mexico. It is now in accordance with suggestions received from them. I believe that it is altogether satisfactory to the upper-basin States.

The PRESIDING OFFICER. The amendment offered by the Senator from Arizona [Mr. HAYDEN] to the committee amendment will be stated.

The CHIEF CLERK. On page 85, line 7, it is proposed to strike out—

Gila project, Arizona, $1,250,000.

And in lieu thereof to insert:

Gila project, Arizona, $1,250,000, said Gila project, including the waters to be diverted and used thereby and the lands and structures for the diversion and storage thereof to be subject to the provisions of the Boulder Canyon Project Act of December 21, 1928, and subject to and controlled by the provisions of the Colorado River compact signed at Santa Fe, N. Mex., November 24, 1922.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Arizona to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment reported by the Committee on Appropriations.

The next amendment was, on page 85, after line 11, to insert:

Colorado-Big Thompson project, Colorado: For construction in accordance with the plan described in Senate Document No. 80, Seventy-fifth Congress, $900,000: *Provided*, That no construction thereof shall be commenced until the repayment of all costs of the project shall, in the opinion of the Secretary of the Interior, be assured by appropriate contracts with, water-conservancy districts, or irrigation districts or water-users' associations organized under the laws of Colorado, or other form of organization satisfactory to the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 85, after line 23, to insert:

Frenchtown project, Montana, $35,000.

The amendment was agreed to.

The next amendment was, on page 87, line 10, after the word "investigations" and the comma, to strike out "$150,000" and insert "$250,000", so as to read:

Colorado River Basin investigations, $250,000.

The amendment was agreed to.

The next amendment was, on page 87, after line 11, to insert:

For administrative expenses on account of the above projects, including personal services and other expenses in the District of Columbia and in the field, $750,000, in addition to and for the same objects of expenditure as are hereinbefore enumerated in paragraphs 2 and 3 under the caption "Bureau of Reclamation"; in all, $10,535,000: *Provided*, That of this amount not to exceed $75,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 87, after line 19, to insert:

The unexpended balances of the amounts appropriated from the reclamation fund, special fund, under the caption "Bureau of Reclamation, Construction", in the Interior Department Appropriation Act, fiscal year 1937, shall remain available for the same purposes for the fiscal year 1938.

The amendment was agreed to.

Mr. O'MAHONEY. Mr. President, it is my understanding that the amendment which has just been agreed to covers all of the unexpended balances which were appropriated by the Interior Department Act for 1937 for these various projects.

Mr. HAYDEN. That is exactly correct, and was so stated by the Commissioner of Reclamation in requesting the adoption of this amendment. It is in accordance with the Budget Bureau estimates and is designed to carry out the purpose stated by the Senator from Wyoming.

The PRESIDING OFFICER. The next amendment reported by the committee will be stated.

The next amendment was, on page 88, line 1, after the word "fund" and the comma, to strike out "$9,416,600" and insert "$11,701,600", so as to read:

Total, from reclamation fund, $11,701,600.

The amendment was agreed to.

The next amendment was, on page 90, line 6, after the word "projects", to insert "and for general investigations", so as to read:

For continuation of construction of the following projects and for general investigations in not to exceed the following amounts, respectively, to be expended from the general fund of the Treasury in the same manner and for the same objects of expenditure as specified for projects included hereinbefore in this act under the caption "Bureau of Reclamation", and to be reimbursable under the reclamation law.

The amendment was agreed to.

The next amendment was, on page 90, after line 20, to insert:

For general investigations, $300,000 to enable the Secretary of the Interior, through the Bureau of Reclamation, to carry on engineering and economic investigations of proposed Federal reclamation projects, surveys for reconstruction, rehabilitation, or extension of existing projects and studies of water conservation and development plans, such investigations, surveys, and studies to be carried on by said Bureau either independently, or, if deemed advisable by the Secretary of the Interior, in cooperation with State agencies and other Federal agencies, including the Corps of Engineers, National Resources Committee, and the Federal Power Commission;

The amendment was agreed to.

The next amendment was, on page 91, line 13, after the words "in all" and the comma, to strike out "$26,250,000" and insert "$26,550,000", so as to read:

For administrative expenses on account of the above projects, including personal services in the District of Columbia and in the field, $750,000, in addition to and for the same objects of expenditure as are hereinbefore enumerated in paragraphs 2 and 3 under the caption "Bureau of Reclamation"; in all, $26,550,000: *Provided*, That of this amount not to exceed $75,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Geological Survey—Salaries", on page 92, line 4, after the name "District of Columbia" and the comma, to strike out "$140,000" and insert "$165,000", so as to read:

For the Director of the Geological Survey and other personal services in the District of Columbia, $165,000.

The amendment was agreed to.

The next amendment was, under the subhead "General expenses", on page 92, line 18, after the word "exceed", to strike out "$2,500" and insert "$3,000", so as to read:

GENERAL EXPENSES

For every expenditure requisite for and incident to the authorized work of the Geological Survey, including personal services in the District of Columbia and in the field, including not to exceed $30,000 for the purchase and exchange, and not to exceed $55,000 for the hire, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for field use only by geologists, topographers, engineers, and land classifiers, and the Geological Survey is authorized to exchange unserviceable and worn-out passenger-carrying and freight-carrying vehicles as part payment for new freight-carrying vehicles, and including not to exceed $3,000 for necessary traveling expenses of the Director and members of the Geological Survey acting under his direction, for attendance upon meetings of technical, professional, and scientific societies when required in connection with the authorized work of the Geological Survey, to be expended under the regulations from time to time prescribed by the Secretary of the Interior, and under the following heads.

The amendment was agreed to.

The next amendment was, on page 93, line 2, after the name "United States", to strike out "$650,000" and insert "$800,000", so as to read:

Topographic surveys: For topographic surveys in various portions of the United States, $800,000, of which amount not to exceed $250,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 93, line 23, before the word "may", to strike out "$25,000" and insert "$34,000", so as to read:

Mineral resources of Alaska: For continuation of the investigation of the mineral resources of Alaska, $60,000, to be available immediately, of which amount not to exceed $34,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 94, line 5, after the word "resources" and the comma, to strike out "$800,000" and insert "$1,000,000", so as to read:

Gaging streams: For gaging streams and determining the water supply of the United States, the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources, $1,000,000, of which amount not to exceed $100,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 94, line 15, after the word "That", to strike out "$600,000" and insert "$800,000", so as to make the additional proviso read:

Provided further, That $800,000 of this amount shall be available only for such cooperation with States or municipalities.

The amendment was agreed to.

The next amendment was, on page 95, line 2, before the word "may", to strike out "$50,000" and insert "$70,000", so as to read:

Classification of lands: For the examination and classification of lands with respect to mineral character and water resources as required by the public-land laws and for related administrative operations; for the preparation and publication of mineral-land classification and water-resources maps and reports; for engineering supervision of power permits and grants under the jurisdiction of the Secretary of the Interior; and for performance of work of the Federal Power Commission, $100,000, of which amount not to exceed $70,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 95, line 18, after the word "thereto" and the comma, to strike out "$275,000" and insert "$350,000", and in line 19, after the word "exceed", to strike out "$60,000" and insert "$75,000", so as to read:

Mineral leasing: For the enforcement of the provisions of the acts of October 20, 1914 (U. S. C., title 48, sec. 435), October 2, 1917 (U. S. C., title 30, sec. 141), February 25, 1920 (U. S. C., title 30, sec. 181), as amended, and March 4, 1921 (U. S. C., title 48, sec. 444), and other acts relating to the mining and recovery of minerals on Indian and public lands and naval petroleum reserves; and for every other expense incident thereto, including supplies, equipment, expenses of travel and subsistence, the construction, maintenance, and repair of necessary camp buildings and appurtenances thereto, $350,000, of which amount not to exceed $75,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 98, line 3, after the word "Survey" and the comma, to change the total appropriation for the United States Geological Survey from $2,787,000 to $3,237,000.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Mines—Salaries and general expenses", on page 98, line 13, after the word "Interior" and the comma, to strike out "$65,000" and insert "$68,380", and in line 14, after the word

"exceed", to strike out "$52,000" and insert $"54,900", so as to read:

Salaries and general expenses: For general expenses, including pay of the Director and necessary assistants, clerks, and other employees, in the office in the District of Columbia and in the field, and every other expense requisite for and incident to the general work of the Bureau in the District of Columbia and in the field, to be expended under the direction of the Secretary of the Interior, $68,360, of which amount not to exceed $54,900 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 99, line 21, after the name "District of Columbia" and the comma, to strike out "$615,000" and insert "$637,500", so as to read:

Operating mine rescue cars and stations and investigation of mine accidents: For the investigation and improvement of mine rescue and first-aid methods and appliances and the teaching of mine safety, rescue, and first-aid methods; investigations as to the causes of mine explosions, causes of falls of roof and coal, methods of mining, especially in relation to the safety of miners, the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the use of explosives and electricity, the prevention of accidents, statistical studies and reports relating to mine accidents, and other inquiries and technologic investigations pertinent to the mining industry; the exchange in part payment for operation, maintenance, and repair of mine rescue trucks; the construction of temporary structures and the repair, maintenance, and operation of mine-rescue cars and the Government-owned mine rescue stations and appurtenances thereto; personal services, traveling expenses and subsistence, equipment, and supplies; travel and subsistence, and other incidental expenses of employees in attendance at meetings and conferences held for the purpose of promoting safety and health in the mining and allied industries; purchase not exceeding $6,000, exchange as part payment for, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles for official use in field work; purchase and exchange in part payment therefor of cooks' uniforms, goggles, gloves, rubber boots, aprons, and such other articles or equipment as may be necessary in connection with the purposes of this paragraph; including not to exceed $67,100 for personal services in the District of Columbia, $637,500.

The amendment was agreed to.

The next amendment was, on page 100, line 12, before the word "of", to strike out "$240,400" and insert "$250,400", so as to read:

Testing fuel: To conduct inquiries and scientific and technologic investigations concerning the mining, preparation, treatment, and use of mineral fuels, and for investigation of mineral fuels belonging to or for the use of the United States, with a view to their most efficient utilization; to recommend to various departments such changes in selection and use of fuel as may result in greater economy, and upon request of the Director of the Bureau of the Budget, to investigate the fuel-burning equipment in use by or proposed for any of the departments, establishments, or institutions of the United States in the District of Columbia, $250,400, of which amount not to exceed $29,400 may be expended for personal services in the District of Columbia:

The amendment was agreed to.

The next amendment was, on page 102, line 10, before the word "of", to strike out "$305,000" and insert "$388,850", so as to read:

Mining experiment stations: For the employment of personal services, purchase of laboratory gloves, goggles, rubber boots and aprons, the purchase not to exceed $3,000, exchange as part payment for, maintenance and operation of motor-propelled passenger-carrying vehicles for official use in field work, and all other expenses in connection with the establishment, maintenance, and operation of mining experiment stations, as provided in the act authorizing additional mining experiment stations, approved March 3, 1915 (U. S. C., title 30, sec. 8), $388,850, of which appropriation not to exceed $17,100 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 102, line 20, after the word "improvements" and the comma, to strike out "$82,690" and insert "87,690", so as to read:

Buildings and grounds, Pittsburgh, Pa.: For care and maintenance of buildings and grounds at Pittsburgh and Bruceton, Pa., including personal services, the purchase, exchange as part payment for, operation, maintenance, and repair of passenger automobiles for official use, and all other expenses requisite for and incident thereto, including not to exceed $5,000 for additions and improvements, $87,690.

The amendment was agreed to.

The next amendment was, on page 103, line 14, after the word "foregoing" and the comma, to strike out "$274,790" and insert "$324,970"; and in line 15, after the word "exceed", to strike out "$200,000" and insert "$262,700", so as to read:

Economics of mineral industries: For inquiries and investigations, and the dissemination of information concerning the economic problems of the mining, quarrying, metallurgical, and other mineral industries, with a view to assuring ample supplies and efficient distribution of the mineral products of the mines and quarries, including studies and reports relating to uses, reserves, production, distribution, stocks, consumption, prices, and marketing of mineral commodities and primary products thereof; preparation of the reports of the mineral resources of the United States, including special statistical inquiries; and including personal services in the District of Columbia and elsewhere; purchase of furniture and equipment; stationery and supplies; typewriting, adding and computing machines, accessories and repairs; newspapers; traveling expenses; purchase, not exceeding $1,200, exchange as part payment for, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles for official use in field work; and for all other necessary expenses not included in the foregoing, $324,970, of which amount not to exceed $262,700 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 105, line 25, after the words "in all", to strike out "$2,500" and insert "$3,000", so as to read:

For necessary traveling expenses of the director and employees of the Bureau, acting under his direction, for attendance upon meetings of technical, professional, and scientific societies, when required in connection with the authorized work of the Bureau of Mines and incurred on the written authority of the Secretary of the Interior, there is hereby made available from any appropriations made to the Bureau of Mines not to exceed in all $3,000.

The amendment was agreed to.

The next amendment was, on page 107, line 7, to change the total appropriation for the Bureau of Mines from $2,119,240 to $2,293,650.

The amendment was agreed to.

The next amendment was, under the heading, "National Park Service", on page 107, line 24, before the words "of which", to strike out "$196,940" and insert "$150,000", so as to read:

Salaries: For the Director of the National Park Service and other personal services in the District of Columbia, including accounting services in checking and verifying the accounts and records of the various operators, licensees, and permittees conducting utilities and other enterprises within the national parks and monuments, and including the services of specialists and experts for investigations and examinations of lands to determine their suitability for national park and national monument purposes and members of the commission appointed under the provisions of the act of February 21, 1925 (43 Stat., p. 959): *Provided*, That such specialists and experts may be employed for temporary service at rates to be fixed by the Secretary of the Interior to correspond to those established by the Classification Act of 1923, as amended, and without reference to the Civil Service Act of January 16, 1883, $150,000, of which amount not to exceed $23,680 may be expended for the services of field employees engaged in examination of lands and in developing the educational work of the National Park Service.

The amendment was agreed to.

The next amendment was, on page 110, after line 11, to insert:

Fish hatchery for Glacier National Park: For acquisition, by the Secretary of the Interior, of such real property and rights therein in township 28 north, range 20 west, Montana meridian, as may be necessary for the establishment and operation of a fish hatchery for Glacier National Park, $16,500.

The amendment was agreed to.

The next amendment was, at the top of page 116, to insert:

Oregon Caves National Monument, Oreg.: For the improvement of the lighting system, including the purchase and installation of equipment and supplies, at Oregon Caves National Monument, Oreg., $20,000.

The amendment was agreed to.

The next amendment was, on page 118, after line 14, to insert:

Appropriations herein made for the national parks, national monuments, and other reservations under the jurisdiction of the National Park Service, shall be available for the giving of educational lectures therein and for the services of field employees in

cooperation with such nonprofit scientific and historical societies engaged in educational work in the various parks and monuments as the Secretary, in his discretion, may designate.

The amendment was agreed to.

The next amendment was, on page 120, line 11, after the word "expended" and the comma, to strike out "$5,000,000" and insert "$7,200,000", so as to read:

Blue Ridge and Natchez Trace Parkways: For continuing the construction and maintenance, under the provisions of section 5 of the act of June 16, 1936 (49 Stat., pp. 1519–1522), of the Blue Ridge and Natchez Trace Parkways, to be immediately available and remain available until expended, $7,200,000, of which amount not to exceed $40,000 shall be available for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 120, line 13, after the word "Columbia" and the colon, to strike out the following proviso: *"Provided,* That not exceeding $500,000 of this appropriation shall be available for construction of the Natchez Trace Parkway" and in lieu thereof to insert:

Provided, That $2,700,000 and any other sums received from other sources for said Natchez Trace Parkway shall be allotted and expended ratably between the States of Mississippi, Alabama, and Tennessee according to mileage of said parkway in each respective State.

The amendment was agreed to.

The next amendment was, on page 121, line 2, to strike out "$24,000" and insert "$50,000", so as to read:

Historic sites and buildings: For carrying out the provisions of the act entitled "An act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (49 Stat., p. 666), $50,000.

The amendment was agreed to.

The next amendment was, on page 122, line 4, after the word "vehicles" and the semicolon, to strike out "$7,137,280" and insert "$7,237,280", and in line 5, after the word "exceed", to strike out "$5,036,980" and insert "$5,136,980", so as to read:

Salaries and general expenses, public buildings and grounds in the District of Columbia: For administration, protection, maintenance, and improvement of public buildings, monuments, memorials, and grounds in the District of Columbia under the jurisdiction of the National Park Service, including the National Archives Building; per-diem employees at rates of pay approved by the Director, not exceeding current rates for similar services in the District of Columbia; rent of buildings; demolition of buildings; expenses incident to moving various executive departments and establishments in connection with the assignment, allocation, transfer, and survey of building space; traveling expenses and carfare; leather and rubber articles and gas masks for the protection of public property and employees; arms and ammunition for the guard force; not exceeding $13,000 for uniforms for employees; and the purchase, maintenance, repair, exchange, storage, and operation of four motor-propelled passenger-carrying vehicles; $7,237,280, of which amount not to exceed $5,136,980 shall be available for personal services in the District of Columbia and not to exceed $500,000 shall be available for major repairs and improvements to public buildings, monuments, memorials, and grounds in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 123, line 16, after the word "equipment", to insert "per-diem employees at rates of pay approved by the Director not exceeding current rates for similar services in the District of Columbia, the hire of draft animals with or without drivers at local rates approved by the Director, traveling expenses and carfare, and leather and rubber articles for the protection of public property and employees, $176,000", so as to read:

Salaries and expenses, National Capital parks: For administration, protection, maintenance, and improvement of the Mount Vernon Memorial Highway, Arlington Memorial Bridge, George Washington Memorial Parkway, Federal parks in the District of Columbia, and other Federal lands authorized by the act of May 29, 1930 (46 Stat. 482), including the pay and allowances in accordance with the provisions of the act of May 27, 1924, as amended, of the police force for the Mount Vernon Memorial Highway and the George Washington Memorial Parkway, and the purchase of one passenger-carrying automobile and operation, maintenance, repair, exchange, and storage of three automobiles, revolvers, ammunition, uniforms, and equipment, per-diem employees at rates of pay approved by the Director not exceeding current rates for similar services in the District of Columbia, the hire of draft animals with or without drivers at local rates approved by the Director, traveling expenses and carfare, and leather and rubber articles for the protection of public property and employees, $176,000.

The amendment was agreed to.

The next amendment was, under the heading "Office of Education—Vocational education", on page 126, line 2, after "1488)" and the comma, to strike out "$350,000" and insert "$425,000", so as to read:

VOCATIONAL EDUCATION

Salaries and expenses: For carrying out the provisions of section 7 of the act entitled "An act to provide for the promotion of vocational education, etc.", approved February 23, 1917, as amended by the act of October 6, 1917 (U. S. C., title 20, sec. 15), and of section 4 of the act entitled "An act to provide for the further development of vocational education in the several States and Territories", approved June 8, 1936 (49 Stat., p. 1488), $425,000.

The amendment was agreed to.

The next amendment was, on page 126, after line 2, to strike out:

Further development of vocational education: For carrying out the provisions of sections 1, 2, and 3 of the act entitled "An act to provide for the further development of vocational education in the several States and Territories", approved June 8, 1936 (49 Stat., pp. 1488–1490), $14,483,000.

And in lieu thereof to insert:

Further development of vocational education: For the first installment of a 4-year program to carry out the provisions of sections 1, 2, and 3 of the act entitled "An act to provide for the further development of vocational education in the several States and Territories", approved June 6, 1936 (49 Stat., pp. 1488–1490):

For salaries and necessary travel expenses of teachers, supervisors, and directors of agricultural subjects, $1,031,000;

For salaries and necessary travel expenses of teachers, supervisors, and directors of home-economics subjects, $1,021,000;

For salaries and necessary travel expenses of teachers, supervisors, and director of trade and industrial subjects, $1,032,000;

For salaries and necessary travel expenses of teachers, supervisors, and directors of, and maintenance of teacher training in, distributive occupational subjects, $649,000;

For preparing teachers, supervisors, and directors of agricultural, trade, and industrial, and home-economics subjects, $557,000;

In all, $4,290,000.

Mr. GEORGE. Mr. President, I desire to ask the Senate to reject the amendment which is now pending so as to restore the appropriation provided by the House.

This is an appropriation made for the purpose of the development of vocational education under an act which was passed by the last Congress, and which supplements, of course, the original appropriation under the act of 1916.

The Budget Bureau recommended some $3,000,000 in round numbers—I do not undertake to use the exact odd numbers—but the House Appropriations Committee, notwithstanding, recommended some $7,000,000 under the act known as the George-Deen Act passed during the last Congress.

When the matter came on the floor of the House, the House itself inserted in the bill the full amount authorized under that act for the expansion and further development of vocational education. The Senate Committee on Appropriations reduced the amount carried in the bill as it came from the House to $4,000,000, in round numbers, which is a million dollars, in round numbers, above the Budget estimate, but some $10,000,000, in round figures, below the amount appropriated by the House.

Mr. President, I may say that when the bill under which this appropriation was made was introduced, conferences were had, and those who were sponsoring the bill definitely agreed that no additional appropriation would be asked for the fiscal year ending June 30, 1937. Since the approval of that act many of the States throughout the country have made provision for the use of the entire appropriation. Forty-five States have made provision for the use of the full amount.

There are more than 15,000 rural high schools in the United States. There are only about 6,100 such high schools which provide vocational training. There are some 4,000 additional high schools that have asked for this money.

The same proportion applies to those schools that make provision for the teaching of home economics. So the question of need for this appropriation is hardly open to debate; in fact, it is not open to debate; and, if it were open to debate, Congress settled that matter last year when the act was passed, when for the first time since the passage of the original act provision for a continuing, additional annual appropriation was made.

As I have said, 45 States are actually in position to make or have made provision for the use of the full amount authorized by the George-Deen Act. Three or four State legislatures have petitioned the Congress to make the full appropriation, among them the great State of Texas, the State of Wisconsin, the State of Arkansas, and, I believe, the State of Nebraska, though I am not sure about the last-named State.

The needs and the demands for vocational education are not only strong but are growing stronger. We have unemployment, particularly among the young men and young women of the country. The young men and young women who have just become or who are becoming of age and who are without any special vocational training have become helpless, or almost so, so far as securing employment is concerned under the adverse conditions which we have recently experienced. Not only is that true now, but it will be increasingly so, for the reason that industry will not be able longer to provide apprenticeships and will not be able longer to furnish the necessary training to the young men who want to go into trades or into occupations training for which may be furnished under the Vocational Act. With minimum wages and with maximum hours and with the keen competition, of course, that must necessarily come, in order to maintain itself on a new economic basis industry will be obliged to find well-trained and well-equipped and well-qualified men and women to do the job that is before it, if it can find such men and such women.

The figures and statistics furnished by one similar institution, an institution providing vocational training in California, afford a striking illustration of what I am trying now to say. During the last year some 3,000 young men found employment after receiving training in this particular vocational institution. The ages of the young men ranged from 18 to 25 years.

In order to meet new conditions, indeed, in order to meet satisfactorily any condition, vocational training in agriculture, home economics, the trades, industries, and distributive occupational industries as well, must go forward in earnest in this country and must take even a wider scope than it has hitherto taken.

Mr. President, it is quite true that some three or four States in the Union may not use all of the money carried in the bill as it came from the House, should that amount be retained by the Senate, but in that event the money does not go out of the Treasury. It simply is not used. It automatically becomes a fund available for the purposes of the Treasury hereafter. In other words, there is no use of the money unless the State is appropriating to match the fund on the basis provided in the George-Deen Act. There can be no misuse of the funds or dissipation of the funds because the States must actually use the money before any money is paid out of the Treasury.

What happens, in fact, is this: The schools putting in vocational courses, whether in agriculture, trade, or the industries select their own teachers. The teachers must, of course, meet certain standards and certain requirements. The schools pay their teachers and, in effect, a requisition is made through the Bureau of Education to reimburse the schools carrying on the vocational work, and, therefore, there can be no actual dissipation or actual wastage of the money.

Mr. President, I may say also that at this time and in this bill it seems to me we ought not to hesitate to restore the amount proposed by the House to be appropriated, because we are making large appropriations for other uses, and this use is certainly one which commends itself most heartily to the country and is one which serves the real purposes of the country.

Mr. BLACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Alabama?

Mr. GEORGE. Certainly.

Mr. BLACK. May I ask the Senator whether or not he has any figures as to what would be the result in the employment of teachers in connection with this reduction? I ask that because in the last hour I have received information from gentlemen from my State as to what would be the result in Alabama alone.

Mr. GEORGE. I have not those figures. All this appropriation really goes into salaries. It really goes into compensation and pay. None of it is used for the purpose of buying equipment or materials of any kind. It all goes into the salaries paid to teachers, as I understand.

Mr. BLACK. In that connection Alabama, like a number of other States, during the last year has added very substantially to its opportunities for vocational training. I have been informed that if this reduction as reported by the committee should go into effect, it would require the discharge of more than 100 teachers who have already been employed to teach vocational training in Alabama next year. I was informed also that it would cut off thousands of adults who are taking such training. If that be true as to one State it can easily be seen, if the same result should occur in other States, how disastrous it would be with reference to vocational education.

Mr. GEORGE. I think the Senator's information must be correct so far as the coming fiscal year is concerned. Of course the bill would actually cut in half the appropriation which was contemplated by all the States. The net effect of the adoption of the committee amendment would be to cut the fund in half, and, therefore, it would necessitate the failure to employ those teachers, if it did not result in actual release of teachers from contracts made.

Mr. BLACK. It is my understanding contracts have already been made, and the State of Alabama will be in the same situation in that respect as other States will be. I hope we shall be able to reinstate the full amount proposed by the House to be appropriated for this purpose.

Mr. GEORGE. I thank the Senator from Alabama.

In Georgia alone some 500 additional schools have made application for additional vocational teachers, and preparations have been made, and no doubt contracts have been made, because the new school year for vocational work is commencing in July in many of the States. Necessarily those teachers who have been engaged would now find themselves unable to enter upon the performance of their contracts if the appropriation should be reduced.

The appropriation of $14,000,000 in round figures is not all additional money. It is, of course, so far as this particular appropriation is concerned, but under the original act for vocational education $7,000,000 in round figures was appropriated annually. In 1928 Congress passed a bill providing for an additional appropriation, which went up by steps or stages over a period of 6 years to $2,500,000 additional, making some $9,500,000 or nearly $10,000,000 which was thereafter available for vocational education for the United States.

In 1934, when that act was about to expire, Congress passed another bill known as the George-Ellzey bill, which made a flat additional appropriation of $3,000,000 annually for vocational education. We are yet operating under that act, which expires the 30th of the present month. Under that act between $10,000,000 and $11,000,000 is appropriated for vocational education. That act which expires June 30 and carries an authorization for $3,000,000, will, of course, pass out of the picture after June 30. What is actually being done under the Senate amendment is to appropriate in round figures only $4,000,000 against the $3,000,000 which for some years has been appropriated under special or supplemental acts. Actually not a single additional dollar is made available for the teaching of vocational agriculture or domestic

economy within the rural high schools of the country, because under the George-Deen Act two additional activities were added—distributive occupational education and teachers' training. The George-Ellzey Act which expires June 30 contained no provision for an additional appropriation for teacher training, so that it will be impossible under this appropriation to provide for the training of a single additional farm boy in agriculture or a single additional farm girl in economics.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. GEORGE. I yield to the Senator from Oklahoma.

Mr. THOMAS of Oklahoma. During the last few moments I have received three telegrams on this identical item; and, sustaining what has just been said, I desire to call attention to one or two lines from these telegrams.

I quote part of a telegram received from Oklahoma City:

> Vocational agricultural program, vocational work in Oklahoma popular. One hundred and fifty new teachers called for. Thirty-five new teachers employed.

And if the item is reduced, of course, the teachers called for will not be used, and the teachers employed likewise will not be used.

The telegram from which I have just quoted is signed by H. J. Denton, president, Oklahoma Agricultural Cooperative Council.

I have received another telegram from the President of the Oklahoma Farmers' Union. I desire to read one or two lines from this telegram:

> More than 150 farm communities in Oklahoma want vocational education programs. Many, acting in good faith, have already employed qualified teachers and expended large sums on equipment for conserving and restoring our soil.

Mr. President, in my State the demand for an increased appropriation comes from the farm population. There is no doubt that the teachers themselves, if they were heard from, would be most vociferous in asking for the money; but I am not urging the appropriation on that basis. I am urging the increased appropriation on the basis of the farm demand, directly from farmers and farm organizations.

Mr. GEORGE. I thank the Senator from Oklahoma.

Mr. President, I do not care to prolong the discussion. I think the Senate well understands that in the case of this particular appropriation, if the States are not prepared to match it, the money will not go out of the Treasury; and I think it also true that no money can go out of the Treasury until the appropriation, even if made, is by the President allocated, or at least notice given by him of allocations actually made to the several States which are ready to meet the fund.

Telegrams and letters of course have reached me from time to time because I have been somewhat active in connection with this type of legislation. I should like to read just a few lines from the director of the State Board of Vocational Education of Wisconsin, typical of all the other thoughtful letters upon the subject:

> Much of the social legislation recently enacted is greatly dependent upon Federal aid for vocational education—

Writes the director.

> With our rapidly changing industrial processes and technological changes, it is highly important that our increasing number of unemployable people be given vocational training preparatory for job opportunities. Those already employed must be prepared to meet industrial changes, and given an opportunity to combine education with labor. Unless the Federal Government participates in a substantial way to aid the cause of vocational education, we shall soon be faced with a permanent army of unemployable people as well as unemployed.
>
> I do not look upon Federal participation in an adequate vocational-training program as an expense. It is rather in the nature of an investment that brings back to our country a wealth return commensurate with the wise administration of vocational courses to improve the employability of our people.

And not only is the director of vocational education in the State of Wisconsin, Mr. Hambrick, asking for the full amount, but that State is one of the States whose legislature petitioned the Congress to make an appropriation of the full amount for the fiscal year 1938.

Mr. President, I think the Senate should reject this amendment, because then the matter will be put beyond peradventure of doubt. The fiscal year and the school year for vocational work and training are upon many of our States. If the Senate shall reject the amendment made by the Appropriations Committee, the matter will be put at rest so far as this particular item in the bill is concerned, and the States may go on with confidence with the programs they have already commenced; and let me say that if this full appropriation is allowed, in round numbers the total contribution of the Federal Government to vocational training—not only in agriculture but in domestic science, the trades and industries, distributive occupational training, and teaching, for all of these various types of education—will amount to no more than $21,000,000. That is a negligible appropriation for this country to make in a line of educational work which has demonstrated its value, and which can be carried on and is being carried on by the States, under the jurisdiction of the States, with the aid and assistance of the Federal authorities here at Washington, but without interference with the internal affairs and management of the schools of the country.

Mr. President, if it were a question of economy, and if we had resolved not to make additional apropriations, we should face a different question; but in this very bill, which has reduced the appropriation for vocational education by $10,000,000, we find increases of more than $12,000,000 for various other purposes, doubtless all good; so it is not a question of economy. In this very bill, which cuts down the House appropriation for this worthy object and purpose, we find a total sum exceeding by more than $2,000,000 the appropriation carried in the House bill. So it cannot be argued as a question of economy. The facts put the argument out of the question.

Mr. President, the people of this country do not want Congress to take this appropriation out of the hides of the farm boys and girls and the young men seeking vocational education in the trades and industries.

Mr. HAYDEN. Mr. President, I should like to give the Senate a brief statement of the reasons that induced the Committee on Appropriations to suggest a reduction in this appropriation.

Senators should understand, first of all, that there is a permanent annual appropriation for vocational education under what is known as the Smith-Hughes Act which amounts to $7,157,000. That money is automatically appropriated each year without action by Congress. In addition to that, as the Senator from Georgia has well stated, during the current fiscal year Congress appropriated an extra $3,084,000, so that the amount of money that is expended for vocational education during the current fiscal year is $10,200,000.

The Budget estimate for this item was $3,000,000; but upon examining the situation in the committee we found that the $3,000,000 would have to be divided five ways instead of three ways. The $3,000,000 heretofore has been spent for vocational instruction in agriculture, home economics, and trades, and industries. Under the George-Dean Act, as passed last year, two new subjects were introduced—teacher training and instruction in distributive occupations. To divide the same amount of money five ways instead of three, without increasing the Federal appropriation, was obviously unfair. The committee therefore proposes to carry on, in exactly the same manner as for the present fiscal year, all activities which heretofore have been provided for, and to add two new activities—teacher training and instruction in distributive occupations—to the extent of one-half the amount authorized by law. If that were done, there would be available in this fiscal year the old $7,000,000, plus $4,200,000, or $11,400,000, for all purposes.

The House Committee on Appropriations came to the same general conclusion as the Senate committee, that to appro-

priate the entire amount would be unwise. Their recommendation was to appropriate 50 percent of the authorizations, or $7,000,000, for the next fiscal year. On that basis there would be $7,000,000 from the old Smith-Hughes Act and $7,000,000 more from the George-Deen authorization, making a total of $14,000,000.

What the Senator from Georgia now proposes is to make a total appropriation of $21,000,000; to jump the amount of money we have expended for this purpose from the $7,000,000 plus of the Smith-Hughes Act and the $3,000,000 under the George-Ellzey Act which he mentions, a total of $10,000,000, in 1 year to $21,000,000.

The best information the Senate committee could get was that there are not enough well-trained teachers of vocational education in the United States to make proper use of the money. It is the same situation we had about 25 years ago, when Congress for the first time made appropriations for county farm advisers. A sum of money was made available rather unexpectedly, but the necessary trained and equipped personnel was not to be found, so the authorities would go into a county where, for lack of anything else, they would pick out the best farmer in the county and say, "Let us put him on the job of telling the other farmers how to farm."

He himself might know how to farm, but he did not know how to teach others how to farm. Anyone who has had anything to do with education knows that it is vital in any educational program to understand the methods of giving instruction.

Mr. PEPPER. Mr. President, at what place does this information appear in the bill?

Mr. HAYDEN. The information I am giving to the Senate I have derived from the report of a special committee appointed by the President of the United States. The President appointed an advisory Committee on Education at the time the George-Deen Act was approved. My information is that the President hesitated a long time about approving that measure, believing that it was too great and too sudden a jump into this new field; but finally he determined to approve the act, and at the same time to appoint an advisory committee to determine how it should be carried out. That committee reported to the President on April 24 of this year. I read some extracts from the report:

> Our feeling that there should be no expansion of the funds provided for vocational education until after there has been a thorough replanning of Federal relations to all education is reenforced by the studies we have already made of the vocational-education statutes and administration.
>
> The basic vocational-education statute, the Smith-Hughes Act, has not been revised since its enactment 20 years ago. Even as supplemented by additional legislation, it does not provide the basis under present conditions for a sound program of Federal aid to vocational education. The several vocational statutes are a patchwork of complex and obscure provisions, many of which are inconsistent with present conditions and needs.
>
> The basis for the distribution of funds among the States as provided in the vocational-educational statutes tends in many cases to increase rather than to decrease inequalities in educational opportunity. Inequalities arise from the operation of the State minimum allotments and from the matching provisions. They arise also from the difficulties encountered in attempts to administer a vocational program in small rural high schools. The areas most in need of aid are the ones least able to meet the matching and other qualifying provisions.
>
> We believe that the training of the personnel necessary for extension and improvement of vocational education is a problem of the first importance and one that should receive early attention. Readjustments to make possible an expansion and improvement in the training of teachers could be made under current appropriations. At present, however, the teacher personnel is not available in most of the States to staff enlarged programs of vocational education unless certification standards are materially reduced and teachers are employed who are not well qualified.

This was a commission of educators appointed by the President of the United States, who examined into the subject of vocational education in all the States of the Union. They made a report to the President that properly qualified, trained personnel does not exist, and upon that basis the committee of the Senate makes the statement which it included in its report.

I have no doubt that there are exceptions to that rule in certain States. There may be some States where there is an ample number of qualified teachers, whereas in others there are not enough. But, taking the country as a whole, the Commission appointed by the President to study how this great piece of legislation should be carried out makes this finding in a report to the President.

Mr. ELLENDER. Did not the President's Commission recommend an expenditure of $20,000,000 for vocational training?

Mr. HAYDEN. They did not. The Commission recommended that there be no increase at all.

Mr. ELLENDER. My information is that it had recommended an expenditure of not less than $20,000,000.

In this connection, Mr. President, I might add that whereas the report of the President's Committee may not recommend an expenditure of $20,000,000, the fact remains that a greater sum than that was spent by other agencies of the Government in order to give to the youth of our Nation a chance to study vocational training. I am quite certain that the Civilian Conservation Corps, the Works Progress Administration, and National Youth Administration have spent many more millions for vocational training than the small amount now asked, and it may be because of such expenditures that the President's Commission did not name a specific sum, but recommended that financial support by the Federal Government for vocational training be continued without curtailment during the coming fiscal year. I am of the opinion that we could more effectively carry on vocational training to the youth of our Nation through the public schools established in each State than by any other method now in force or that has been proposed.

I do not know that I could add any more than has already been said on the subject. The hearings before the committee show that approximately 500,000 boys and girls are graduated each year from the high schools of our Nation, and most of them, because of lack of finances, are unable to enter college. I believe this administration would help greatly toward relieving unemployment should it provide the means for giving to our boys and girls a chance to study a vocation while they are in attendance at our high schools. Especially would it benefit those who are afforded an opportunity of studying home economics, animal husbandry, and agriculture in general.

We will make no mistake by inducing the youth of our country to become producers of wealth by placing them in a position whereby they can grow their own living on the farm, become home owners, and make them independent citizens. I am proud to state that in my own home parish we have a high school that teaches vocational training in agriculture to the youth of our community. I have never experienced such interest in farming as is evidenced by the boys who specialize in agriculture. A large percentage of them study agriculture and many of them have made good on the farm after graduating from high school. I know of one boy in particular, C. A. Duplantis, Jr., who was a State leader in the Future Farmers of America, and who today owns a large farm and is making a success as a farmer. He has purchased the necessary equipment and is doing very well. This young man, together with many others who graduated from the high school in my parish, are doing well, and there is no doubt in my mind but that the training that these boys received in high school developed in them the urge for farming, and I cannot help but feel that they will succeed.

Mr. President, I believe that this small additional appropriation will, in the long run, do more good toward relieving unemployment, than if many more millions were spent through other Government agencies now attempting to help the youth of our country. The school systems in practically all of our States are highly organized and are in charge of well-trained teachers. These schools have the proper organization to undertake this work. Before any Federal money is advanced to a State high school, a thorough investigation is made of the facilities of the school applying,

and I am sure that no money will be advanced by the Federal Government unless and until it can be shown that the school applying for this money will spend it properly toward the vocational training of the boys and girls attending such school.

I repeat, Mr. President, the money will be spent for a good purpose, and I hope that the Senate will not agree to the amendment proposed by the Appropriations Committee. The House of Representatives, after a thorough study, recommended the appropriation of fourteen millions and some-odd dollars, and the Senate should by all means stand by the recommendations of the House.

Mr. HAYDEN. The Senator is mistaken, because I have just read their report to the President, wherein they recommend no expansion until there is further study. The commission also makes this statement:

> We would also call attention to the fact that the vocational education program under the Smith-Hughes and related statutes is not the only program through which the Federal Government is now providing assistance in meeting the needs for vocational training. Such training has become increasingly important among the purposes of the Civilian Conservation Corps.

As a matter of fact in the act passed a few days ago we specifically directed that vocational education be expanded in the Civilian Conservation Corps. I read further:

> It is also receiving attention in the educational programs of the Works Progress Administration and the National Youth Administration. We plan to give further consideration to the experience of these emergency and new programs, and to the needs in the newer fields of vocational education such as the distributive and the public-service occupations.

This is another quotation from the committee report:

> In the judgment of this committee the necessary statistical studies for planning economically sound programs of vocational education do not exist.

We called before our committee the Commissioner of Education. Of course, he was bound by the Budget estimate of $3,000,000; he could not advocate any expenditure of any more money. We did ask him, however, to make a break-down of the authorization in the George-Deen Act to indicate a 3- or 4-year program whereby we could step gradually into this new activity. Instead of jumping from $10,000,000 to $20,000,000 in 1 year, I am sure that it is the sound judgment of the best educators in the United States that it ought to be broken down into a program covering advances over 3 or 4 years.

Let me comment further upon a remark made by the Senator from Georgia [Mr. GEORGE] a few moments ago. He stated that heretofore there had been a stepping-up from year to year in these appropriations. That is true as to every kind of vocational education work that has been undertaken either by the Department of the Interior or by the Department of Agriculture. In all instances, except in this, the authorizing legislation steps it up a year at a time. For some reason last year Congress authorized a lump sum of $14,000,000 without a step-up.

Mr. GEORGE. Mr. President, I will say to the Senator that the reason for that was that we had been carrying on the program since 1917, and we had been constantly trying to step it up to above $20,000,000, and last year happened to be the year in which we got the bill through the Congress. The last appropriation that was made did not contain any step-ups; it was the act passed in 1934, which provided a flat appropriation of an additional sum of $3,000,000 annually.

Mr. HAYDEN. But that $3,000,000 had been arrived at by a series of step-ups, had it not?

Mr. GEORGE. Yes, it had; but let me say that the Senator is reading from a report I have not seen. It is a very simple matter to explain why the commission which wrote that report wants to deal with the subject in another way. I will take occasion to say something about it directly.

It was back during the administration of President Hoover when I introduced into this body a bill for a permanent appropriation, and the step-ups were made by Mr. Hoover, who would not approve a bill for a blank increase and on a permanent basis. I had no objection to taking what we could get, but we were simply driven to it; and now, after these long years of experimentation and of demonstration of the value of this work, when there is a desire to carry on vocational agriculture in the W. P. A. and in the National Youth Association there is a disposition to come in and interfere with this program for the single purpose of having the funds handled in Washington only.

Mr. HAYDEN. I do not so interpret the recommendation made to the President in the report of this commission. The commission has nothing to do with the Works Progress Administration; it has nothing to do with the Civilian Conservation Corps; it has nothing to do with any of these other activities. It is a committee of educators, the best the President could assemble, who were asked to study this subject and they reported.

There are several significant facts to be considered; first, that we have been appropriationg $10,000,000 a year, and they urge that there is not the necessity and that it is unwise, due to the lack of trained personnel, to undertake this work on so grand a scale in such a hurry.

Mr. PEPPER. Mr, President, I should like to ask the Senator about how many or what percentage of the pupils in the public schools would be able to get the benefit of vocational education even under the appropriation made by the House of $14,000,000.

Mr. HAYDEN. I cannot furnish the Senator with that information. I had occasion to meet the president of a great State university not so very long ago. My recollection is that under the $14,000,000 program there would be some 84 or 86 high schools in his State which could institute programs of vocational education. That would be what the program meant. I asked him to tell me candidly whether they had in his State the trained personnel to put into those eighty-odd high schools, and his answer was, "No; we have not." His conclusion was that it would be very much better to wait a year or two and allow the State university properly to prepare instructors.

Mr. PEPPER. Does not the Senator think that it might be a little better to err on the side of giving the benefit of this service to the larger number of people, rather than on the other side?

Mr. HAYDEN. This money goes entirely to one pay roll, and if incompetent instructors are placed on the pay roll, they will not be gotten off the pay roll. On the other hand, if time is taken properly to prepare the instructors, there will be better instructors, there will not be men giving out misinformation to pupils who are studying vocational subjects.

Mr. PEPPER. The Senator does not have any figures as to the number of unemployed school teachers in the United States, does he?

Mr. HAYDEN. I am sure I have not, but I rather suspect that the better school teachers are employed, and that those who are not well qualified are out of jobs.

Mr. PEPPER. That is a suspicion which, I dare say, the school teachers of the United States wish were well founded.

Mr. HAYDEN. If that is the case, and we are in a big hurry, we go out and pick up anyone who says he is qualified and put him on a pay roll. This money goes to salaries only, it goes to add to the pay rolls in the States. No State could have made a vast series of contracts. I was surprised to hear the Senator from Alabama say that it meant the discharge of a large number of teachers. That could not be possible, because the amount of money which has been heretofore appropriated by Congress is increased by the committee amendment, so no one could lose a job. Where a school board had come to a teacher and said, "If we get this Federal money we will hire you, and if we do not get it we will not", if that means discharging someone, it presents a different picture from what I ordinarily understand the term "discharge" to mean.

Mr. PEPPER. Does the Senator anticipate that the teachers will prepare themselves for this kind of work upon no more basic assurance than that there probably will be an appropriation in the future?

Mr. HAYDEN. That is exactly the assurance we have tried to give and to write into the law.

That was for the further development of vocational education for the first installment of a 4-year program to be carried out under the George-Deen Act. Then in our committee report we set up exactly what that program is to be, upon which the State may rely.

Mr. BLACK. Mr. President, with reference to the teachers, I may state that it is my understanding that they have already been employed upon the basis of a reasonable expectation that the program would be carried out. In addition to that fact, a great many additions have been made to the schools; and from the statements made to me by a friend from Alabama who is closely connected with the subject, I am confident that it would mean the discharge of many from employment, and it would mean a release of others from the promise of employment which has been made. While it is distressing that 100 men should be released from an agreement which may have been made, the bad feature is that it would mean the loss of that much training for the pupils who would otherwise receive vocational education in line with the authorization which had been previously made.

Mr. HAYDEN. Mr. President, the Board had knowledge of at least two facts if they did not know all the facts. The first is that Congress had passed a bill authorizing this undertaking to be made. The second is that, instead of asking the Congress, when the Budget was made up last January, for the $14,000,000 authorized by law, the request was for only $3,000,000. What basis did they have for hiring teachers in the light of a Budget estimate that was only $3,000,000 out of a $14,000,000 authorization?

Mr. BLACK. In my judgment, they had plenty of basis. They knew that Congress itself had authorized $14,000,000. They knew that Congress itself would be the body to vote, and that the estimate of the Bureau of the Budget would not be final. Naturally, they probably assumed that if Congress last year thought we ought to have $14,000,000 to give the boys and girls vocational education, Congress would not change its mind simply because a Budget Director reported an estimate of $3,000,000.

So far as I am concerned, I have not changed my mind, the Director of the Bureau of the Budget to the contrary notwithstanding. I still believe we ought to carry out the $14,000,000 authorization, and I am confident the money can be used to the advantage of the education of the farmers' sons and daughters, and not only for them but for others who are taking vocational-education training.

Mr. CONNALLY. I thought something besides farming was taught.

Mr. BLACK. Teaching is provided for others. However, a suggestion was made awhile ago with reference to rural schools, and that is the reason I mentioned the matter. But simply because the Bureau of the Budget sent to Congress a $3,000,000 estimate, or because some committee made a report that it did not believe the full amount of money could be used to advantage, I hope we shall not be persuaded either by the Bureau of the Budget or by the committee, because, as stated by the Senator from Georgia [Mr. GEORGE], if we do not have the teachers and cannot use the money to advantage, it will be returned into the Treasury.

Mr. HAYDEN. No, Mr. President; that is not what will happen at all.

Mr. BLACK. What will happen?

Mr. HAYDEN. Ill-trained and incompetent teachers will be employed, because this money is all for pay roll, and not a dollar of it will be allowed to get away if it is made available. Do not let the Senator deceive himself and think that any of this money will ever come back to the Treasury.

Mr. BLACK. It may be that the teachers will not be trained as well as they would be if they had several years of experience; but how will they get the experience unless they are trained? Let us train them for the work.

Mr. HAYDEN. Who are the agents now, and who are those who get training in agriculture? We have established a system of this kind, and throughout the United States the universities are giving courses of instruction to young people, and they get into that field. In the beginning, as I stated a while ago, there had to be employed the man who was supposed to be the best farmer in the county; and the Department of Agriculture will say today that people were placed on the pay roll then who never should have been put on it, and once on they never get off.

Mr. BLACK. I am not sure they are not better equipped to teach than others.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). Does the Senator from Arizona yield to the Senator from Georgia?

Mr. HAYDEN. I yield.

Mr. GEORGE. Is not the Senator aware of the fact that in every State we have agricultural colleges, and in many States we have agricultural colleges of high character that are turning out well-trained men and women?

Mr. HAYDEN. That is exactly what the committee proposes to take advantage of.

Mr. GEORGE. Let me remind the Senator that we have had such colleges for years; and, instead of a shortage of teachers, employment cannot be found for the teachers who are actually graduated by these training schools.

Let me ask the Senator also if he does not know that before any school can qualify and can participate in the distribution of this fund, it must have a teaching staff which meets the requirements of the Department in Washington. The school must come up to that standard. Persons who are not trained cannot be placed at the head of these schools.

Mr. HAYDEN. Mr. President, let us see what kind of people we get. I will admit for the sake of the argument that there are available plenty of persons who are qualified as teachers in agricultural subjects. Then we come to the question of home economics. Whether there is such a bountiful supply in that field, I cannot certify. Certainly with respect to the trades and industries they do not exist. Those who have been employed generally are tradesmen, carpenters, blacksmiths, and mechanics, who have not had the training in teaching methods. Now we enter into teaching in a wholly new field, that of distributive occupations—that is to say, vocational education in distribution occupations. That is something entirely new, something that never has been taught in the high schools before. We may get a grocery clerk to act as teacher. The business of grocer is a distributive occupation. We may get someone who is engaged in some retail business, distributive occupation, and put him in the high school to teach it, but we will have better instruction if we wait a year or two and have the universities properly prepare the teachers.

Money is provided in the bill for teachers' training for these purposes. It is an increase over the old Smith-Hughes Act, providing $1,089,000. We propose to add to that $557,000 for teacher training in these subjects. That is the way to bring about a better system.

I do not desire to take the time of the Senate by any elaboration of the proposition; but I can state frankly that it is the best judgment of those who have studied the problem of vocational education throughout the United States that we should not make this sudden increase in the appropriation, but should do as we have done in all cases, step it up.

Mr. O'MAHONEY. Mr. President, is it not a fact that we have increased the appropriation that is now available?

Mr. HAYDEN. Certainly.

Mr. O'MAHONEY. The committee has added how much to the amount that is being used?

Mr. HAYDEN. It has added for salaries and necessary travel expenses of teachers, supervisors, and directors of, and maintenance of teacher training in, distributive occupational subjects, $649,000; and for preparing teachers, supervisors, and directors of agricultural, trade and industrial, and home-economics subjects, $557,000.

Mr. O'MAHONEY. In other words, we have added more than $1,000,000 to the amount that is now available?

Mr. HAYDEN. That is correct.

Mr. GEORGE. May I ask how much the committee added to the amount which is now available for the teaching of vocational agriculture?

Mr. HAYDEN. We have reappropriated the amount now available for this particular year.

Mr. GEORGE. Nothing has been added besides that?

Mr. HAYDEN. Nothing besides that.

Mr. GEORGE. How much has been added to the teaching of home economics?

Mr. HAYDEN. We have left those three projects exactly as they were, as recommended by the President's commission.

Mr. GEORGE. And nothing has been added to trade and industry?

Mr. HAYDEN. That is the same as the other items.

Mr. O'MAHONEY. Mr. President, as illustrating the nature of the problem which is presented by this question I should like to call the attention of the Senate to the fact that the Committee on Appropriations found itself confronted with the necessity of making provision for expenditures that are absolutely essential under law, as well as making expenditures or continuing expenditures for objects which are merely desirable. Among the Budget estimates which came to us was one providing for $3,000,000 for the enforcement of what is known as the Guffey Coal Act. When the Congress passed the bituminous coal act it created a special commission to administer the coal industry and committed to that Commission certain duties, some of which were mandatory and some of which were discretionary. This Bituminous Coal Commission has the duty of administering the bituminous coal industry throughout the United States. For the purpose of making that administration acceptable and reasonable and convenient to all of the coal-mining districts it was provided that the Coal Commission could establish regional offices in order that those who are engaged in producing coal, those who are engaged in mining coal, and those who are engaged in purchasing coal might not find it necessary to go to the expense of coming to Washington every time a question arose.

The cost of establishing these five regional offices throughout the United States was something over $600,000.

The Bituminous Coal Commission went to the Budget Bureau and laid down an estimate calling for the expenditure of a little more than $5,000,000. The Bureau of the Budget cut that estimate to $3,000,000. The committee accepted the action of the Bureau of the Budget. The Coal Commission accepted the action of the Bureau of the Budget. And this bill, as it has now been presented to the Senate, calls for the expenditure of $3,000,000 to carry on only a portion of the work which the Congress by law has committed to this Commission. The Budget Bureau and the committee were trying to save a little money.

It is perfectly obvious to the members of the Appropriations Committee that the Commission cannot possibly carry out all of its duties in an efficient manner and in a manner that will be convenient for those who are intimately affected by the operations of the law on the money which we are now appropriating, but the committee was under the necessity of making some attempt to keep the appropriations within the revenues of the Federal Government. There is not a Member of the Senate who does not know that we are facing a stupendous deficit, and that every dollar we add to this appropriation bill, whether it be for vocational education or for anything else, will increase the deficit. Let us not make any mistake about that.

When the Appropriations Committee comes upon the floor urging the Senate, as it does, to hold appropriations down to those which are deemed to be essential, we are immediately confronted with the demand emanating from all sections of the country, sent here by telegrams to Members of the House and Members of the Senate, saying "this must be done, that must be done; increase this appropriation, increase that appropriation", all without the slightest consideration for estimates or revenues. We have increased this appropriation by $1,000,000, but the theme song seems to be "no additional appropriation is made available."

Mr. PEPPER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Florida?

Mr. O'MAHONEY. I yield.

Mr. PEPPER. I wish to ask the Senator whether he does not think it probable that money spent now for vocational education will save a relief appropriation in years to come?

Mr. O'MAHONEY. I do not know what may happen in years to come, but I do know that any increase in this appropriation at this time is going to increase the deficit of the Federal administration, and the Finance Committee is not bringing in any measure to provide new taxation.

Mr. PEPPER. And the failure to spend the money for this kind of a purpose is going to cause a deficit in the population of the United States.

Mr. O'MAHONEY. I doubt that very much. I think that is one of the happy arguments that are made by those who are anxious to get upon the pay roll of the Federal Government.

Mr. President, it seems to me that if the Appropriations Committee of the Senate of the United States is to have any credit at all in this body it really ought to be sustained upon an important amendment of this character.

Mr. LA FOLLETTE. Mr. President, I am very much in favor of rejecting the committee amendment insofar as it relates to the appropriation for vocational education. As I understand, these items should be considered on their merits and on the basis of the purpose for which the appropriation is designed. The Coal Commission, it seems to me, has absolutely no relevancy so far as the merits of this particular appropriation affecting vocational education are concerned.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. O'MAHONEY. The Senator came upon the floor a few days ago urging an amendment of the tax laws, which would have increased the revenues of the Federal Government. I was happy to support his amendment but it was defeated. He may with propriety ask for increased expenditures for he has tried to get increased revenues.

The question, however, as I see it, is not whether a particular expenditure is meritorious, but whether, in view of the present condition of the Federal Treasury, we can afford to expend additional funds for purposes of this kind which are really not essential, no matter how meritorious they may be.

Mr. LA FOLLETTE. Mr. President, I take the other view, and I contend that we cannot afford not to spend the money for vocational education.

I appreciated very greatly the Senator's support of the amendment which I offered to the tax measure a few days ago, but, as I started to say before being interrupted, I do not believe the action which the committee has taken with regard to other amendments should influence Senators in their judgment in determining whether or not this amendment should be accepted or rejected.

So far as I am concerned, I am in favor of giving the Coal Commission a sufficient appropriation so that it may fulfill the responsibilities and perform obligations that have been devolved on it by the Congress in enacting the statute. But that is not the issue upon which the Senate is about to vote. The question is whether or not the Senate is willing to appropriate the full authorization for vocational education.

I think that every Senator who has studied the hearings taken by the Appropriations Committees of the House and Senate in relation to the relief bill, and every Senator who listened to the arguments upon that measure when it was under consideration must be impressed with the fact that one of the chief factors in our problem of unemployment in this country today is that each year approximately 500,000 young men and young women, untrained and unsuited to find responsible places of employment in their communities, are coming of working age.

It is well enough for the Senator from Arizona to take the position that this program should not be expanded so

rapidly in order that time may be afforded to train teachers for it; but the fact of the matter is, Mr. President, that the depression is now in its eighth year and we have not adopted an adequate program for vocational education. That is one of the factors that is contributing to the permanent unemployment problem with which this country is confronted.

Even if we provide the full authorization by rejecting the committee amendment we will not, in my judgment, have adopted a program for vocational education in the United States which is commensurate or adequate to deal with it. Therefore I hope that the committee amendment will be rejected.

Mr. BYRNES. Mr. President, I desire to state the reasons actuating me in supporting the subcommittee with reference to this amendment.

At the time the President signed the George-Deen Act he issued a statement that he would appoint a committee to make an investigation of the subject. The report of that committee has been referred to by the Senator from Arizona. The committee which was composed of distinguished educators reported:

> The committee is unanimous in the recommendation that financial support by the Federal Government for the types of vocational education now receiving support should be continued without curtailment during the coming fiscal year. We are not in favor of the enlargement of Federal support at this time.

After that report was considered by the subcommittee of which the Senator from Arizona is chairman, the subcommittee reported to the full Committee on Appropriations the sum carried in the bill. I think the membership of this body will say that the Senator from Arizona has never been regarded as being niggardly or economical when it comes to appropriations, and certainly he has never failed to show interest in the cause of vocational education. I believe that the cause of vocational education would be best promoted by following the report of the committee, which increases the amount available by more than $1,000,000 for the next fiscal year.

Reference has been made to the estimate of the Bureau of the Budget. Of course, we are not bound entirely by the Budget estimate, and neither are we bound by the fact that an authorization has heretofore been established by the Congress for a given amount. If the Congress appropriated this year every dollar that has been authorized by acts of Congress the deficit would be much greater than we anticipate. As to the Budget estimate I call attention to the fact that about the time that this matter was considered in the House the President sent a message to the Congress in which he said:

> It is a matter of concern to you and to me, who are working for a balanced Budget, that so many special groups exert the strongest pressure to bring about increases in Government expenditures. They pay little attention to the fact that the Budget as submitted represents a coordinated fiscal program and that material departures therefrom destroy the whole purpose of the program. If we are to avoid a continuation of deficits we must resist the importunities or provide the necessary revenue to meet the increasing cost.

The President said in the same Budget message:

> While I recognize many opportunities to improve social and economic conditions through Federal acts, I am convinced that the success of our whole program and the permanent security of our people demands that we adjust all expenditures within the limit of my Budget estimate.

His Budget estimate was $3,000,000. The report of the Senate Appropriations Committee exceeds that amount. In my opinion the amount recommended by the committee provides all the funds that are essential and all that can be wisely expended during the next fiscal year.

I want to pay tribute to the most effective work that has been done in a propaganda way in a long, long time. We have become quite excited at times in our investigation of lobbyists and propagandists, and ordinarily we call for the appointment of a committee to investigate. There comes to my attention with reference to this matter an instance of most effective propaganda.

When this matter was pending in the House after the House Appropriations Committee had gone into it thoroughly and made its report, some Members of Congress became quite active to increase the appropriation of $14,000,000. That amount was finally provided in the bill as it came to the Senate. Some House Members did not know from whence the pressure came. Finally it was learned that there had been sent throughout the country a telegram similar to the following:

> Dr. L. A. WILSON,
> *State Department of Education, Albany, N. Y.:*
> Seems quite apparent that House Appropriations Committee may not recommend sufficient amount for George-Dean vocational appropriation. Amendment to report of appropriations committee will be submitted on floor of House by Congressman FULLER, Arkansas, to increase amount recommended by committee for vocation education. Very essential that your Congressman contact, cooperate with, and support Congressman FULLER and his amendment. Unless this is done vocational appropriations for next 5 years will be in serious danger. This is most urgent crisis we have faced during the last 3 years. We must have flood of telegrams and air-mail letters from influential persons and organizations to all your Congressmen requesting them to cooperate with Congressman FULLER. Chances for satisfactory vocational appropriation depend upon magnitude and thoroughness of this effort. Telegrams and letters must reach Congressmen Tuesday and Wednesday at the latest. Telegrams to Congressman FITZPATRICK should not mention Fuller amendment but should urge full fourteen million vocational appropriation. A thorough job should be done in his congressional district.
> (Signed) L. H. DENNIS,
> *Secretary, American Vocational Association, Denrike Building, 1010 Vermont Ave., Washington, D .C.*

The telegrams came and the votes came and the $14,000,000 was appropriated. The bill was reported to the Senate by the Senate Appropriations Committee last Saturday. A few moments ago I was advised that 73 telegrams had been received in my office during the last 3 hours. They read alike, and that they are inspired is evident. Somebody has been spending from 60 to 75 cents per telegram to wire me to vote for the proposed increase in this appropriation. I do not blame the Mr. Dennis whose name appears on the telegram I have read. I suspect that he has inspired these telegrams. I do not blame this man for wiring throughout my State, not only to educators, but to American Legion Posts and labor organizations and farm organizations; but it is the most thorough job that has been done since the days when we received telegrams to oppose the utility holding-company bill.

This telegram says that "a thorough job should be done in the congressional district" of a certain Congressman. It may be I have been singled out for similar attention, but one Senator bows his head to indicate that he has been subject to the same bombardment in the last few hours. My purpose in referring to it is to send a message to this gentleman in the city of Washington that I have received his telegrams via South Carolina and, having received them, that I am going to stand by the recommendation of the Appropriations Committee because I believe it is the wise thing to do for the cause of vocational education in this country. I believe that we should increase this appropriation gradually, and that neither Mr. Dennis nor any other man located in an office in the city of Washington can send telegrams to my State to flood me with messages and influence my vote on this or any other question.

Mr. FRAZIER. Mr. President, I am strongly in favor of a substantial appropriation for vocational education. It is no new proposition. It has been invoked since the World War. We started vocational training for the veterans of the World War. That was a very popular movement. It did a great deal of good. It has been going on in a great many schools for several years. It seems to me it is one of the methods for a permanent solution of the unemployment situation.

Only recently someone told me about a check-up in his State in regard to those on relief and the unemployed to see whether or not any of those on relief at the present time had ever had vocational educational training within

the last 2 or 3 years. A thorough check-up disclosed that not a single one on relief had taken vocational training.

This afternoon I received a telegram from the president of the State school of science, Mr. E. F. Riley, of Wahpeton, N. Dak., reading as follows:

> This school turned away 300 students desiring trades training last year. All of them could have been placed in jobs. Demand for trade-trained youth far exceeds supply. State legislature appropriated funds for a new building now ready to start construction; also appropriated funds for additional instructors to take care of students who could not be admitted last year. All these preparations made expecting the full allotment of George-Deen funds in accordance with the act.

That is just one school. I presume they heard this morning about the appropriation being reduced. Three or four other State institutions in my State, I am sure, would join in a similar message because they are strongly in favor of vocational training.

It seems to me, as the Senator from Wisconsin [Mr. LA FOLLETTE] said, that we cannot afford to cut down vocational training, especially when we have so many unemployed and are confronted with cutting down relief and unemployment of necessity. Vocational training, it seems to me, is the best method of taking care of the young people who are coming along, and will be on the unemployed list or on relief if they are not trained to some vocation so they can earn an honest living.

I hope the amendment of the committee will be rejected.

Mr. GEORGE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Logan	Reynolds
Andrews	Copeland	Lonergan	Robinson
Ashurst	Dieterich	Lundeen	Russell
Austin	Ellender	McAdoo	Schwartz
Bailey	Frazier	McCarran	Schwellenbach
Bankhead	George	McGill	Sheppard
Barkley	Gerry	McKellar	Smathers
Berry	Green	Minton	Steiwer
Bilbo	Guffey	Murray	Thomas, Okla.
Black	Hale	Neely	Thomas, Utah
Bulkley	Hayden	Nye	Townsend
Burke	Holt	O'Mahoney	Truman
Byrnes	Hughes	Overton	Van Nuys
Capper	Johnson, Colo.	Pepper	Wagner
Caraway	King	Pittman	Walsh
Chavez	La Follette	Pope	Wheeler
Clark	Lodge	Radcliffe	

The PRESIDING OFFICER. Sixty-seven Senators have answered to their names. A quorum is present.

Mr. BLACK. I ask for the yeas and nays on this question.

The yeas and nays were ordered.

Mr. BANKHEAD. Mr. President, I ask unanimous consent to offer an amendment in the form of a substitute for the pending amendment.

The PRESIDING OFFICER. The amendment, in the nature of a substitute, offered by the Senator from Alabama, will be stated.

The CHIEF CLERK. In lieu of the committee amendment on page 126, it is proposed to insert the following:

> Further development of vocational education: For carrying out the provisions of sections 1, 2, and 3 of the act entitled "An act to provide for the further development of vocational education in the several States and Territories", approved June 8, 1936 (49 Stat., p. 1488–1490), $7,241,500: *Provided*, That for the fiscal year ending June 30, 1938, the apportionment to the States and Territories shall be computed on the basis of 50 percent of the sum authorized for each of the purposes enumerated in sections 1, 2, and 3: *Provided further*, That notwithstanding the provisions of sections 1, 2, and 3 providing minimum allotments, the allotment of funds to any State or Territory for the fiscal year ending June 30, 1938, shall be not less than 50 percent of the minimum amount specified for each of the purposes enumerated in these sections: *Provided further*, That the apportionment to the States shall be computed on the basis of not to exceed $7,398,750 for the fiscal year 1938.

Mr. GEORGE. Mr. President, first a parliamentary inquiry.

The item for vocational education carried in the bill as it came from the House has been stricken out by the Senate Appropriations Committee; and the question, of course, is on agreeing to the amendment reported by the Senate committee. Those who favor it will vote "yea." Those who are opposed to it, who wish to restore the provision inserted in the bill in the House, will vote "nay." The inquiry is, Is the amendment just proposed by the Senator from Alabama in order at this stage of the proceedings?

The PRESIDING OFFICER. It is in order in lieu of the entire amendment reported by the committee, but it has the effect of a substitute for the committee amendment.

Mr. GEORGE. Then the vote will come first on that amendment?

The PRESIDING OFFICER. The vote will come first on the amendment offered by the Senator from Alabama.

Mr. GEORGE. Mr. President, on that point I wish merely to say—I will not make any argument about it—that the amendment to the committee amendment, as I understand, is the provision as reported by the House Appropriations Committee; not the amendment as adopted by the House.

The PRESIDING OFFICER. The question is on agreeing to the amendment, in the nature of a substitute, offered by the Senator from Alabama [Mr. BANKHEAD] to the amendment reported by the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on agreeing to the amendment reported by the committee.

Mr. GEORGE. Mr. President, now the parliamentary situation as I have just stated it. Those who wish to sustain the Senate committee should vote "yea", and those who wish to reject that amendment and restore the provision made by the House should vote "nay"?

The PRESIDING OFFICER. That is correct.

Mr. GEORGE. That is the inquiry I made.

Mr. O'MAHONEY. Mr. President, before the roll call begins, in view of the fact that a great number of the Senators now in their seats were not here during the debate, it seems to me attention should be called to the fact that the committee amendment provides for approximately $1,000,000 more than is now being expended, and that the bulk of the sum which appears in the House bill was added upon the floor of the House. So the request which is now being made to vote down the committee amendment is a request to increase the appropriation without support by the Appropriations Committee in either the Senate or the House; and, as I called to the attention of the Senate a few moments ago, every dollar of this appropriation over and above that which has been recommended by the Committee on Appropriations is adding to the deficit now existing in the Federal Treasury.

The Appropriations Committee is emphatically in favor of the committee amendment.

Mr. FRAZIER. Mr. President, I desire to ask the Senator from Wyoming if the amount at present left in the bill by the committee would not be adding to the deficit.

Mr. O'MAHONEY. It would. That is just another reason why it should not be increased.

Mr. FRAZIER. It is like the fellow who had lots of debts—why worry about them? [Laughter.]

Mr. O'MAHONEY. That is right; spend all that you have, and all that you do not have.

Mr. GEORGE. Mr. President, I had not expected to say anything else, but I cannot refrain from calling to the attention of the Senate and calling to the attention of the country the fact that the Appropriations Committee have increased the appropriations carried in the House bill, which totaled $123,000,000, in round numbers, by more than $2,000,000 to $125,000,000. What happened? They simply cut the heart and life out of this appropriation for vocational education and then added other items in excess of the reduction made in the appropriation.

Where is the economy? My distinguished friend, the Senator from South Carolina [Mr. BYRNES], is disturbed because someone sent him a telegram. I have received telegrams about almost every important issue I have ever faced since I became a Member of the Senate. I have never been afraid that anyone would convince me

unless I believed honestly that he was right. I have never been afraid that anyone would make me do the wrong thing, and I do not think the Senator from South Carolina is disturbed about that. But he is disturbed now because these telegrams are coming in. I have not spent a dime to bring a telegram here, and never would if I stayed here another 20 years.

I think every Member of the Senate knows that very well. But the Committee on Appropriations of the Senate did not make this report until sometime Saturday. There was no news of it until Saturday night. The people of this country are interested in this vocational educational provision, and they have a right to be interested in it. I say again to the Senator from South Carolina and to others who are disturbed about it that you cannot take all of your economy out of the hides of the boys and the girls who want some sort of vocational education in the rural high schools without hearing from them. You will hear from it now or at some other time.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. BARKLEY. While the report of the committee carries a million dollars more than is now being expended——

Mr. GEORGE. Two million more.

Mr. BARKLEY. How does the amount reported compare with the amount authorized under the act of last year?

Mr. GEORGE. I am not so familiar with the reports of the Committee on Appropriations, but I will read the figures:

Amount of regular and supplemental estimates for 1938, $124,463,000.

Mr. BARKLEY. I am speaking of this particular vocational education item.

Mr. GEORGE. Approximately $10,000,000 more.

Mr. BARKLEY. I am seeking to obtain information as to the relation between the amount carried in the committee amendment and the authorization for this purpose.

Mr. GEORGE. The amount carried in the committee amendment?

Mr. BARKLEY. The amount which reduced the House appropriation from fourteen million to four million. How much less is that than the amount which was authorized under the law to be appropriated for this purpose?

Mr. GEORGE. Approximately $10,000,000.

Mr. BARKLEY. In other words, the item in the House bill absorbs the entire authorization?

Mr. GEORGE. It does.

Mr. HAYDEN. Mr. President, during the present fiscal year there is available for vocational education $7,157,000 under the Smith-Hughes Act, which is a permanent appropriation, and $3,084,000 under what is known as the George-Ellzey Act, which will expire this year. The committee recommends a total appropriation of $4,290,000 in lieu of the $3,084,000. So that the total amount available for vocational education if the committee amendment shall prevail will be $7,000,000 under the Smith-Hughes Act, $4,200,000 under the George-Deen Act, a total of $11,448,000, an increase of over a million dollars above the appropriation of last year.

The proposal we are to vote on will include the amount of $7,000,000, will add $14,000,000 to that, and will make the total for vocational education $21,955,000, or an increase over the present amount of money appropriated for vocational education in this fiscal year of about $11,000,000.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. BLACK. That will still be within the amount which the Congress has authorized by law to be appropriated for that purpose?

Mr. HAYDEN. There is no question about that. The only difference is that the authorization is of one lump sum, and heretofore Congress has stepped up such appropriations. The committee suggested a program that will increase the amount each year.

Mr. BARKLEY. Mr. President, the Senator from Georgia has referred to the fact that while the committee has decreased the appropriation, it has increased others. What are two or three of the outstanding increases, and for what purposes are they appropriated, so that we may judge the merits of this decrease in comparison with the increases which have been referred to?

Mr. HAYDEN. The principal increase is the appropriation for the so-called Natchez Trace, which is in the same situation as this item. There is a law for the appropriation of $10,000,000 for the Natchez Trace Highway in Tennessee, Alabama, and Mississippi, and for the so-called Blue Ridge Parkway. The committee recommended $7,200,000 for those two purposes; that is one of the principal increases allowed in the bill.

The PRESIDING OFFICER. The clerk will state the pending amendment.

The LEGISLATIVE CLERK. It is proposed, on page 126, line 3, to strike out the following:

Further development of vocational education: For carrying out the provisions of sections 1, 2, and 3 of the act entitled "An act to provide for the further development of vocational education in the several States and Territories", approved June 8, 1936 (49 Stat., p. 1488–1490), $14,483,000.

And to insert the following:

Further development of vocational education: For the first installment of a 4-year program to carry out the provisions of sections 1, 2, and 3 of the act entitled "An act to provide for the further development of vocational education in the several States and Territories", approved June 8, 1936 (49 Stat., p. 1488–1490):

For salaries and necessary travel expenses of teachers, supervisors, and directors of agricultural subjects, $1,031,000;

For salaries and necessary travel expenses of teachers, supervisors, and directors of home-economics subjects, $1,021,000;

For salaries and necessary travel expenses of teachers, supervisors, and directors of trade and industrial subjects, $1,032,000;

For salaries and necessary travel expenses of teachers, supervisors, and directors of, and maintenance of teacher training in, distributive occupational subjects, $649,000;

For preparing teachers, supervisors, and directors of agricultural, trade and industrial, and home-economics subjects, $557,000;

In all, $4,290,000.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIETERICH (when Mr. LEWIS' name was called). I announce that my colleague is detained from the Senate on departmental matters.

Mr. LOGAN (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. DAVIS], who is absent, and I do not know how he would vote if present. I transfer that pair to the junior Senator from Oklahoma [Mr. LEE] and vote "nay."

The roll call was concluded.

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from North Carolina [Mr. REYNOLDS] are detained in important committee meetings. If present and voting, I am advised that they would vote "nay."

The Senator from Connecticut [Mr. MALONEY] is detained because of illness.

The Senator from Michigan [Mr. BROWN], the Senator from New Hampshire [Mr. BROWN], the Senator from Wisconsin [Mr. DUFFY], the Senator from Iowa [Mr. GILLETTE], the Senator from Virginia [Mr. GLASS], the Senator from Iowa [Mr. HERRING], the Senator from New Jersey [Mr. MOORE], the Senator from South Carolina [Mr. SMITH], and the Senator from Maryland [Mr. TYDINGS] are detained on important public business.

The Senators from South Dakota [Mr. BULOW and Mr. HITCHCOCK] are detained in Government Departments on matters pertaining to their State.

The Senator from Virginia [Mr. BYRD], the Senator from Ohio [Mr. DONAHEY], the Senator from Mississippi [Mr. HARRISON], the Senator from Delaware [Mr. HUGHES], and the Senator from New Mexico [Mr. HATCH] are detained on departmental matters.

The Senator from Oklahoma [Mr. LEE] is necessarily detained from the Senate. I am advised that if present and voting he would vote "nay."

I desire to add that the Senator from Mississippi [Mr. HARRISON], who is necessarily detained from the Senate, is opposed to the committee amendment, and, if present, would vote "nay."

Mr. AUSTIN. I announce the following general pairs:

The Senator from Oregon [Mr. MCNARY] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Virginia [Mr. GLASS];

The Senator from Vermont [Mr. GIBSON] with the Senator from Iowa [Mr. HERRING];

The Senator from Maine [Mr. WHITE] with the Senator from Michigan [Mr. BROWN];

The Senator from New Hampshire [Mr. BRIDGES] with the Senator from Wisconsin [Mr. DUFFY]; and

The Senator from Michigan [Mr. VANDENBERG] with the Senator from New Hampshire [Mr. BROWN].

I am not advised how any of these Senators would vote on this question if present.

The result was announced—yeas 26, nays 39, as follows:

YEAS—26

Adams	Green	McKellar	Steiwer
Ashurst	Guffey	Minton	Thomas, Utah
Bailey	Hale	Murray	Townsend
Burke	Hayden	O'Mahoney	Truman
Byrnes	Johnson, Colo.	Pope	Wheeler
Chavez	King	Radcliffe	
Gerry	Lodge	Schwellenbach	

NAYS—39

Andrews	Clark	Lonergan	Robinson
Austin	Connally	Lundeen	Russell
Bankhead	Copeland	McAdoo	Schwartz
Barkley	Dieterich	McCarran	Sheppard
Berry	Ellender	McGill	Smathers
Bilbo	Frazier	Neely	Thomas, Okla.
Black	George	Nye	Van Nuys
Bulkley	Holt	Overton	Wagner
Capper	La Follette	Pepper	Walsh
Caraway	Logan	Pittman	

NOT VOTING—31

Bone	Donahey	Hitchcock	Norris
Borah	Duffy	Hughes	Reynolds
Bridges	Gibson	Johnson, Calif.	Shipstead
Brown, Mich.	Gillette	Lee	Smith
Brown, N. H.	Glass	Lewis	Tydings
Bulow	Harrison	McNary	Vandenberg
Byrd	Hatch	Maloney	White
Davis	Herring	Moore	

So the amendment of the committee was rejected.

The PRESIDING OFFICER. The clerk will state the next amendment reported by the committee.

The next amendment was, on page 127, after line 3, to insert: "In all, $4,290,000."

The amendment was agreed to.

The next amendment was, on page 130, line 3, after the word "of" where it occurs the first time, to strike out "$2,500" and insert "$3,000"; so as to read:

Not to exceed an aggregate of $3,000 of appropriations available to the Office of Education for salaries and expenses for vocational education shall be used for expenses of attendance at meetings of educational associations and other organizations which in the discretion of the Commissioner of Education are necessary for the efficient discharge of its responsibilities.

The amendment was agreed to.

The next amendment was, under the heading "Government in the Territories—Government of the Virgin Islands", on page 135, after line 12, to insert:

For defraying the deficits in the treasuries of the municipal governments because of the excess of current expenses over current revenues for the fiscal year 1938, municipality of St. Thomas and St. John, $60,000, and municipality of St. Croix, $50,000; in all, $110,000, to be paid to the said treasuries in monthly installments.

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments.

Mr. HAYDEN. By direction of the committee, I offer an amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 7, after line 25, it is proposed to insert:

Furniture, furnishings, and equipment, new Interior Department Building: The provisions of Section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) shall not apply to any expenditure authorized under this head in the First Deficiency Appropriation Act, fiscal year 1936 (49 Stat., p. 1619), when the aggregate amount involved is less than $300.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona on behalf of the committee.

The amendment was agreed to.

Mr. HAYDEN. By direction of the committee, I offer a further amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 8, after line 24, it is proposed to insert:

GEORGE ROGERS CLARK SESQUICENTENNIAL COMMISSION

The George Rogers Clark Sesquicentennial Commission created by the joint resolution approved May 23, 1928, as amended, shall cease and terminate June 30, 1938, and the unexpended balances of the appropriations heretofore made for carrying out the purposes of such joint resolution, as amended, shall be available until June 30, 1938.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona on behalf of the committee.

The amendment was agreed to.

Mr. HAYDEN. Finally, Mr. President, I offer a further amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 142, after line 3, it is proposed to insert a new paragraph as follows:

SEC. 3. The appropriations and authority with respect to appropriations contained herein shall be available from and including July 1, 1937, for the purposes respectively provided in such appropriations and authority. All obligations incurred during the period between July 1, 1937, and the date of the enactment of this act in anticipation of such appropriations and authority are hereby ratified and confirmed if in accordance with the terms thereof.

Mr. HAYDEN. That amendment is offered in the event that the bill shall not become a law before the end of the fiscal year.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona on behalf of the committee.

The amendment was agreed to.

Mr. HAYDEN. I offer a further amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 142, line 4, it is proposed to change the section number to read "4."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. O'MAHONEY. Mr. President, in line 16, page 10, I move to amend by striking out "$3,000,000" and inserting "$3,600,000" in lieu thereof.

This amendment is intended to provide the sum necessary to permit the Bituminous Coal Commission to provide five regional offices throughout the United States in accordance with the terms of the Bituminous Coal Act.

The PRESIDING OFFICER. To make that amendment in order it will be necessary that the vote by which the committee amendment was adopted be reconsidered.

Mr. O'MAHONEY. I ask unanimous consent that the vote by which the committee amendment, on page 10, line 16, was agreed to, be reconsidered. I gave notice that I should make this request.

The PRESIDING OFFICER. Is there objection. The Chair hears none, and the vote is reconsidered. The amendment to the amendment will be stated.

Mr. O'MAHONEY. The amendment is that the figures "$3,000,000" be stricken out, and the figures "$3,600,000" inserted in lieu thereof.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Wyoming to the committee amendment on page 10, line 16.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the committee amendment on page 10, line 16.

The amendment of the committee was agreed to.

Mr. CLARK. Mr. President, I offer an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to insert, at the proper place in the bill, the following:

No portion of the money appropriated in this or any other act shall be used for the payment of expenses or compensation of any officer or employee of the United States or any other person while en route to, engaged in, or returning from any dedication, cornerstone laying, or ceremonies connected with the beginning, completion, or progress of any building, bridge, highway, or other public works constructed from funds of the United States.

Mr. HAYDEN. Mr. President, that amendment is subject to a point of order.

Mr. CLARK. Mr. President, of course, the amendment in its present form is subject to a point of order; but the Senator from Arizona [Mr. HAYDEN] realizes clearly that I can amend it to make it in order on this bill by limiting its application to this bill. It seems to me it ought not to apply particularly to this particular appropriation bill, however, because, as a matter of fact, the officials whose salaries and traveling expenses are covered in this bill have not been the most flagrant violators in regard to expending public funds in the matter of traveling to make political speeches ostensibly at the dedication of post-office buildings or subtreasuries or roads or highways or other things. If the Senator from Arizona makes the point of order, I will amend my amendment by striking out the words "or any other act" and offer the amendment again in that form.

Mr. HAYDEN. Mr. President, I make the point of order that the amendment is not germane to this bill, in that it seeks to change existing law, and is legislation on an appropriation bill.

Mr. CLARK. I would be glad to have the Senator from Arizona state his views on that point. If amended as I have suggested, this is a limitation only on the funds appropriated in this bill, because I have stricken out the words "or any other act."

If the Senator from Arizona will withhold his point of order just a moment I will say that it is a matter of knowledge common to everyone that a very great amount of public funds have been expended, not only in the last 3 or 4 years during this administration, but over a period of years, by public officials, officials of the Treasury Department, the Post Office Department, Interior Department, and every other department of the Government, who have taken advantage of the dedication of a public building or the opening of a highway or the opening of a bridge or any other public work upon which the funds of the Government of the United States are expended to hold forth their own views and make political stump speeches. I submit that in a time when the country is interested in economy, as we all claim to be, there could not be any more wanton expenditure of money than this expenditure to keep officials out of their offices in attempts to influence Congress.

In the form in which I have last offered the amendment I suggest to the Senator from Arizona and to the Chair that it is an entirely proper limitation on an appropriation bill at any time for Congress to say that "no part of these funds shall be expended" in a certain way.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. CLARK. Certainly.

Mr. HAYDEN. I have been trying to think of anyone connected with the Department of the Interior who has traveled over the United States laying cornerstones and making speeches. I cannot remember any such instance.

Mr. CLARK. I can inform the Senator from Arizona of several instances of my own knowledge.

Mr. HAYDEN. In the Interior Department?

Mr. CLARK. Yes. As a matter of fact, I do not wish to make any invidious personal references and therefore offered the amendment to apply to all Government activities. If the Senator from Arizona desires me to do so, I can tell of certain instances in which I have heard officers in the Department covered by the bill now before us. I do not desire to do that because it seems to me to be a principle of general application that Government officials ought not to take advantage of occasions such as I have mentioned to go throughout the country and impose their political views on the people of the United States, who after all, are taxpayers and pay all the expenses of the Government.

Mr. HAYDEN. The only dedicatory occasion I remember in connection with the Interior Department was held in the city of Washington where the Secretary of the Interior took part in the dedication ceremonies of the new Interior Department Building. There was no expense to the United States in that connection.

Mr. CLARK. No one has any objection to such a thing as that. We all know of such instances as I have mentioned, and it would take an investigation by a Senate committee to compile a list anywhere near complete; it probably would not even then be a complete list of the number of dedications that have been held in connection with public-works projects and W. P. A. projects—Treasury buildings and most notably post-office buildings, and this, that, and the other thing. The amendment I offered simply applies to every governmental activity and applies against the expenditure of public funds in propaganda in that connection.

Mr. HAYDEN. No appropriation for the Works Progress Administration is carried in this bill. No expenditure by the Public Works Administration is provided for in the bill. Those are provided for in deficiency bills and are not in any manner connected with the bill now before the Senate.

Mr. CLARK. Then the amendment certainly would not injure anybody and I do not see why the Senator from Arizona should object to it.

Mr. HAYDEN. Merely on principle.

Mr. CLARK. Does the Senator object to the principles of prohibiting the expenditure of Government funds by employees in going around and making stump speeches?

Mr. HAYDEN. No; but that implies criticims of a department not guilty of that practice, when the Senator desires to reach officers in other departments who may have done what he has stated.

Mr. CLARK. I offered the amendment in general terms. The Senator from Arizona announced he was going to make the point of order against it. I revised the amendment and reduced it to a status where it seems to me it is entirely in order on this bill. If the amendment should be adopted on this bill I intend to offer it on every other appropriation bill that comes along. Further than that, whether the amendment is adopted or not, I intend to offer it on every appropriation bill that comes before the Senate. I think it is a very vicious practice that ought to be stopped.

Mr. HAYDEN. Realizing that this is the last appropriation bill to be passed at this session of Congress, if the Senator is going to offer his amendment he will have to wait until next January to do it. Why pick on this particular measure at the last moment when the officials of the Interior Department have not been guilty of the practice to which the Senator objects?

Mr. CLARK. The officials of the Interior Department in common with those of all other departments have been guilty of the practice. I announce my intention of offering the amendment on every future appropriation bill. I intend

to offer the amendment on every appropriation bill that comes before the Senate so long as I remain a Member of the Senate, until the principle is established.

Mr. HAYDEN. Perhaps we have discussed it long enough. I insist upon my point of order and ask the Chair to rule.

The PRESIDING OFFICER. The Chair rules that the amendment as modified by the Senator from Missouri is in order because it is merely a limitation upon the appropriation provided for in the pending bill.

The question is on the amendment of the Senator from Missouri. (Putting the question.) The "noes" seem to have it.

Mr. CLARK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Ellender	McCarran	Radcliffe
Andrews	Frazier	McGill	Robinson
Bailey	George	McKellar	Schwartz
Bankhead	Gerry	Minton	Schwellenbach
Barkley	Green	Murray	Sheppard
Bilbo	Guffey	Neely	Smathers
Black	Hale	Nye	Thomas, Okla.
Bulkley	Hayden	O'Mahoney	Thomas, Utah
Burke	Johnson, Colo.	Pepper	Truman
Clark	La Follette	Pittman	Wagner
Connally	McAdoo	Pope	Wheeler

The PRESIDING OFFICER. Forty-four Senators have answered to their names—not a quorum. The clerk will call the names of the absent Senators.

Mr. ADAMS. Mr. President——

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ADAMS. With the consent of the Senator from Missouri, I wish to make an inquiry. My inquiry is whether or not——

Mr. LA FOLLETTE. Mr. President, I make the point of order that a quorum is not present, and no business can be transacted until one is obtained.

Mr. ADAMS. Mr. President, I have the floor, and I should like to complete my inquiry.

The PRESIDING OFFICER. Debate is not in order until a quorum is obtained.

Mr. ADAMS. I was recognized.

Mr. CONNALLY. Mr. President, a point of order. A parliamentary inquiry is in order. That is not business. The Senator from Colorado is making a point of order.

Mr. ADAMS. I thought I was recognized.

The PRESIDING OFFICER. The Senator from Colorado will state his parliamentary inquiry.

Mr. ADAMS. My inquiry was to be directed to the Senator from Missouri [Mr. CLARK], who has an amendment pending. My inquiry is whether or not the amendment adds anything to the present law, and whether or not under the present law any official of the Government can spend Government funds in traveling about the country for the purpose of dedicating buildings or making political speeches.

Mr. ROBINSON. Mr. President, manifestly at this juncture this proceeding is out of order. Until a quorum has been ascertained to be present, no business is in order; so I make the point of order.

The PRESIDING OFFICER. The point of order is sustained. The clerk will call the names of the absent Senators.

The Chief Clerk called the names of the absent Senators; and Mr. ASHURST, Mr. AUSTIN, Mr. BONE, Mr. CAPPER, Mr. CHAVEZ, Mr. DIETERICH, Mr. DONAHEY, Mr. HATCH, Mr. KING, Mr. LEE, Mr. LEWIS, Mr. LODGE, Mr. LOGAN, Mr. OVERTON, and Mr. VAN NUYS answered to their names when called.

The PRESIDING OFFICER. Fifty-nine Senators having answered to their names, a quorum is present.

Mr. ADAMS. Mr. President, I desire to make an inquiry of the Senator from Missouri [Mr. CLARK]. He has offered an amendment which seeks to forbid the use of any of the money appropriated by this bill for the traveling expenses of any public official to a dedication or to the laying of a cornerstone. My inquiry is whether or not, under the law as it now exists, any public official is authorized to use public money for traveling expenses for such purposes; because, unless the present law authorizes these personal trips, I see no occasion for voting for a repetition and restatement of what is already the law.

Mr. CLARK. Mr. President, I wish to say to the Senator from Colorado that, so far as I know, there is nothing in the law which forbids the use of public funds for trips to participate in dedications, or the laying of cornerstones, or the opening of parks or highways, or anything of the sort.

There is, to be sure, a statute, to which I have referred previously today—section 201 of the Criminal Code—which prohibits the use of Government funds generally for the purpose of trying to influence the action of Congress.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. CLARK. I will yield in just a moment, if the Senator will pardon me. When a member of the Cabinet or any other Government official takes a trip for the purpose of opening up a public work, it is always then a question of fact as to whether he is violating section 201 of the Criminal Code by making a political speech.

I will say that I myself have been present at instances of that sort which were rather appalling to me. Not only has that occurred when the Republican Party was in power, and when I thought very bad taste was used, and when I thought that it was an abuse of public funds, but even when my own party was in power I have been present on occasions of that sort. I have been present when I was in entire accord with the propositions and policies that were being advocated by the speaker. Even when I myself have been lauded in very agreeable terms, I have felt that it was an abuse of public money. We all know of instances where some of our most prominent public officials probably have not been in their offices for an average of 3 days a month for the past 6 months, because of their activities in connection with the laying of cornerstones and making dedications and matters of that sort. It seems to me, without any reflection on anybody, as a matter of general public policy, that the situation should be corrected.

I shall be glad now to yield to my friend from Texas.

Mr. CONNALLY. Mr. President, I wish to make an inquiry of the Senator from Missouri. Suppose the Senator's amendment should be adopted, what good would it do?

A man goes out on official business to inspect a project. While there, he dedicates it. Someone there probably invites him to make a speech on politics, or someone else makes a speech. What are we going to do about it?

I do not object to gentlemen making speeches. We are a political people. Our's is a political country. Everybody knows these men are away at Government expense. The masses of the public know it, and they more or less discount the utterances of the speakers. I am not going to vote for the Senator's amendment. Let them talk.

Mr. CLARK. Does not the Senator think some officials really ought to put in a few days in Washington once in a while, attending to business, instead of cruising around over the country making dedications and laying cornerstones? Does the Senator think that having the Fourth Assistant Postmaster General, or the Third Assistant Postmaster General, or the Second Assistant Postmaster General, or the First Assistant Postmaster General, or even the Postmaster General himself on hand to dedicate a building renders the Postal Service any more efficient than it would be if they simply opened the building and started to operate, take the mail through, and attend to the Postal Service, without any cornerstone laying and without any dedication?

Mr. CONNALLY. I agree with the Senator that it is more the duty of the Post Office Department to deliver the mail than it is to deliver comments. Still, I do not think the amendment would be of any avail, and I shall not vote for it.

Mr. CLARK. Does the Senator think that a hospital built with P. W. A. funds would cure any more people by reason of having the Secretary of the Interior, or the Assistant Secretary, or the Assistant Director of the P. W. A., or anyone else there, than it would without that?

Mr. CONNALLY. Let me ask the Senator a question. A public official, a Senator, a Representative, a Cabinet member, or any other public official, goes out and dedicates a building or a project, and while he is in town he makes a political speech. Is his mouth to be closed? Let him talk. I do not object to that.

Mr. CLARK. I draw the attention of the Senator to the fact that when a Senator goes out to attend one of these exercises he pays his own way, but when a Government official goes out to the laying of a cornerstone he travels at public expense, ostensibly on official business.

Mr. CONNALLY. Most of the people know that they talk about things they are told to talk about, and that frequently they are not reflecting their own views; and I do not object to that.

Mr. CLARK. Does the Senator think any public purpose is to be served by the expenditure of public funds in that way?

Mr. CONNALLY. They are going to expend the funds; let us not abuse our minds with any other idea.

Mr. CLARK. I agree with the Senator, in view of the fact that section 201 of the Criminal Code has been so flagrantly violated for so many years. It may be that the addition of another provision will not help in that situation, but I am offering the amendment, and I hope the Senator from Texas will see his way clear to support it.

Mr. CONNALLY. No; the Senator from Texas does not believe it possible to close the mouths of these officials, and there is no use in trying, and personally I do not want to try.

Mr. CLARK. I have no desire to close the mouth of anyone in this country. Any of them, so far as I am concerned, have a right to express their opinions as citizens at any time they please; but I think it is a miscarriage of the governmental function to have them express their opinions at governmental expense.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. BURKE. Can the Senator give us any information as to the number of post offices which have been dedicated since the 5th of February on the patriotic theme "Down with the Supreme Court"?

Mr. CLARK. I have only the information which has been contained in the public press, but I can say to the Senator that I am certain the number is very large.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield to me?

Mr. CLARK. I yield.

Mr. SCHWELLENBACH. Can the Senator give us any estimate as to the number of days the Members of the Senate—and I say this without any criticism whatsoever—receiving pay from the United States Government presumably to represent their States in this body, have missed sessions of the Senate while they were out making speeches on the other side of the Court question?

Mr. CLARK. I am not able to tell the Senator from Washington, particularly by reason of the fact that the Senate has been in session very few days during the present session of Congress. Since the Court bill was introduced there has been a cloud over the Senate during the entire session. Very few bills of any importance have been taken up. We have frequently adjourned for as long as 2 or 3 days at a time, and it would be impossible to tell the number of days any Senator has been away. I know of no means by which any Senator has been able to attend a dedication, or a cornerstone laying, or any other public function, at the public expense. If the Senator from Washington knows of any way by which that can be done, I should be very glad to have him disclose it.

Mr. SCHWELLENBACH. I know of no instances where Senators have had their expenses paid out of public funds, but I understand that there have been certain organizations in this country which have been interested in the Court matter which have at least made offers to Senators that their expenses would be paid if they made speeches against the proposal, and certain additions to the amount.

Mr. CLARK. I should be very glad to have the Senator take the floor in his own time and elucidate that suggestion. So far as I am concerned, no such proposition has been made to me. I have been in attendance at the sessions of the Senate continually except when I was detained by reason of certain misfortunes in my family. Senators on both sides have been out addressing the public at various times on the Court issue, which has nothing whatever to do with the subject I am discussing, which is the use by public officials, executive officials, of public funds for the purpose of attending ostensible public functions, which have nothing to do with public duties, but are really political discussions. Whether or not they were political discussions, I say that no public purpose is ever served by the dedication of a post office at Squedunk or the opening of a Federal building at Podunk. My amendment is directed to the proposition that no part of the public funds shall be expended for the traveling expenses of those attending ceremonies of that kind. If my amendment could be adopted, which I know it will not, the saving to the Nation in having public officials at their desks performing their functions might well amount to millions of dollars.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. CLARK].

Mr. CLARK. I ask for the yeas and nays.

The years and nays were not ordered.

The amendment was rejected.

Mr. O'MAHONEY. Mr. President, I ask unanimous consent that the vote by which the committee amendment on page 9, beginning with line 16, was agreed to be reconsidered. I understand that Senators cast their votes on the amendment I offered to this amendment under a misunderstanding.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and the vote is reconsidered.

Mr. O'MAHONEY. Mr. President, I now reoffer my amendment to the committee amendment.

The PRESIDING OFFICER. The amendment offered by the Senator from Wyoming will be stated.

The CHIEF CLERK. In the committee amendment, on page 10, line 16, it is proposed to strike out "$3,000,000" and insert "$3,600,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CONNALLY. Mr. President, I offer an amendment, to which I invite the attention of the Senator from Arizona.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 91, line 24, after the figures "1935", it is proposed to insert "or any subsequent allotment made or to be made from the Emergency Relief Appropriation Act of 1937 shall be and."

Mr. HAYDEN. Mr. President, the language of the bill refers to the Industrial Recovery Act of 1933 and the emergency relief appropriation of 1935. The Senator desires to extend the same provisions to the act of 1937?

Mr. CONNALLY. Yes.

Mr. HAYDEN. I will take the matter to conference. I can give the Senator no assurance with regard to it, but I will be glad to take it to conference.

Mr. CONNALLY. If the Senate adopts the amendment, it will be construed as the act of the Senate, not of the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas.

The amendment was agreed to.

Mr. THOMAS of Oklahoma. Mr. President, I submit an amendment to the text on page 66.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 66, line 6, it is proposed before the period to insert a colon and the following proviso:

Provided further, That section 2 of the act of Congress approved August 12, 1935, shall not apply to the Five Civilized Tribes.

Mr. HAYDEN. Mr. President, I should like to ask the Senator from Oklahoma whether this is the amendment he brought to the attention of the committee and was authorized to offer.

Mr. THOMAS of Oklahoma. It is.

Mr. HAYDEN. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CHAVEZ. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. It is proposed, on page 18, line 3, after the word "marihuana", to insert the word "peyote."

Mr. HAYDEN. Mr. President, I have no objection to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. Are there other amendments to be offered? If not, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6523) making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1938, and for other purposes, and that the House had receded from its disagreement to the amendments of the Senate nos. 88, 124, 126, and 134 to the bill, and concurred therein.

ENDORSEMENTS OF LOW-COST HOUSING BILL

Mr. WAGNER. Mr. President, a number of organizations throughout the country have endorsed the so-called Wagner-Steagall bill, and I ask that there be printed in the RECORD as a part of my remarks the names of these organizations.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

NATIONAL ORGANIZATIONS WHICH HAVE ENDORSED WAGNER-STEAGALL BILL, URGING ITS ENACTMENT AT THE PRESENT SESSION OF THE CONGRESS

Amalgamated Clothing Workers of America.
American Association for Social Security.
American Association of Social Workers.
American Association of Visiting Teachers.
American Committee for Protection of Foreign Born.
American Federation of Hosiery Workers.
American Federation of Housing Authorities.
American Federation of Labor, housing committee.
American Federation of Labor, executive council, building-trades department.
American Federation of Musicians.
American Federation of Teachers.
American Home Economics Association.
American Institute of Architects.
American Planning and Civic Association.
American Society of Sanitary Engineering.
Association of Women in Public Health.
Big Brother and Sister Federation.
Bricklayers, Masons, and Plasterers International Union.
Brotherhood of Painters, Decorators, and Paperhangers.
Brotherhood of Railway Clerks.
Catholic Daughters of America.
Cigar Makers' International Union of America.
Committee for Industrial Organization.
Construction League of the United States.
Federal Council of the Churches of Christ in America.
Federal Housing Administration.
Federation of Flat Glass Workers.
Glass Blowers Association.
Granite Cutters' International Association of America.
Hotel and Restaurant Employees International Alliance.
Housing Legislation Information Office.
International Association of Bridge and Structural Iron Workers.
International Association of Heat and Frost Insulators and Asbestos Workers.
International Association of Machinists.
International Association of Marble, Stone, and Slate Polishers, Rubbers, and Sawyers, Tile and Marble Setters Helpers, and Terrazzo Helpers.
International Broom and Whisk Makers' Union.
International Brotherhood of Blacksmiths, Drop Forgers, and Helpers.
International Brotherhood of Boilermakers and Iron Ship Builders and Helpers of America.
International Brotherhood of Electrical Workers.
International Brotherhood of Teamsters, Chauffeurs, and Helpers.
International Federation of Technical Engineers', Architects', and Draftsmen's Unions.
National Urban League.
International Fur Workers' Union.
International Hod Carriers, Building, and Common Laborers' Union.
International Ladies Garment Workers Union.
International Union of Elevator Constructors.
International Union of Operating Engineers.
International Association of Operative Plasterers and Cement Finishers.
International Metal Engravers' Union.
Inter-Professional Association.
Iron, Steel, and Tin Workers Union.
Journeymen Stone Cutters' Association of North America.
Labor Housing Conference.
Labor's Non-Partisan League.
Lathers' International Union, Wood, Wire, and Metal.
League for Industrial Democracy.
National Association for the Advancement of Colored People.
National Association of Letter Carriers.
National Catholic Welfare Conference.
National Conference of Catholic Charities.
National Council of Catholic Men.
National Council of Catholic Women.
National Council of Education.
National Council of Jewish Women.
National Federation of Day Nurseries.
National Federation of Rural Letter Carriers.
National Federation of Settlements.
Conference of National Federation of Settlements.
National Lawyers Guild.
National Presbyterian Neighborhood House Workers Conference.
National Public Housing Conference.
National Women's Trade Union League of America.
New York Times.
Piano, Organ, and Musical Instrument Workers Union.
Public Works Administration.
Stove Mounters International Union.
Sheet Metal Workers' International Association.
Twentieth Century Fund.
United Association of Journeymen Plumbers and Steam Fitters.
United Brotherhood of Carpenters and Joiners.
United Hatters, Cap, and Millinery Workers.
United Leather Workers' International Union.
United Mine Workers of America.
United National Association of Post Office Clerks.
United Rubber Workers of America.
United Slate, Tile, and Composition Roofers Damp and Waterproof Workers' Association.
United States Conference of Mayors.
United Wall Paper Crafts of North America.
Women's International League for Peace and Freedom.
Wood, Wire, and Metal Lathers' International Union.
Y. W. C. A. National Board.
Public Ownership League of America.

FEDERAL AGENCIES ENDORSING THE WAGNER-STEAGALL BILL

Mr. John H. Fahey, Chairman, Federal Home Loan Bank Board.
Stewart McDonald, Federal Housing Administrator.
Howard A. Gray, Director, Housing Division P. W. A. (with minor amendments).
Harold L. Ickes, Secretary of the Interior (with minor amendments).

ALABAMA ENDORSEMENTS OF THE WAGNER-STEAGALL BILL

Federated Women's Clubs of Alabama.
State Federation of Labor.
Anniston Central Labor Union.
Birmingham Labor Housing Committee.
Birmingham Building Trades Council.
Pastors' Union, Birmingham.
Birmingham Housing Authority.
Department of Labor, Birmingham.
Third District Alabama Federation of Women's Clubs.
Stenographers, Typists, and Bookkeepers Union No. 19403.
Local Bricklayers, Masons, Plasterers, International Union, Dothan.
Local Union No. 607, Boot and Shoe Workers' Union, Florence.
International Union of Operative Engineers, No. 320.
Muscle Shoals Building Trades Council.
Jasper Central Labor Union.
Anti-Tuberculosis Association of Jefferson County.
Mrs. Frances Durham, women's editor, Mobile Times.
International Association of Machinists, River Front Lodge, No. 261, Mobile.
Montgomery Central Labor Union.

Muscle Shoals Building and Construction Council.
Tri-Cities Central Labor Union, Muscle Shoals.
Brotherhood of Painters, Decorators and Paperhangers of America, No. 836.
International Association of Bridge, Structural, and Ornamental Iron Workers, Local No. 477.
International Molders' Union, Local No. 100, Tarrant.
Tarrant Central Labor Union.
United Brotherhood of Carpenters and Joiners of America, No. 109.
Winfield Central Labor Union.

ARIZONA ENDORSEMENTS OF THE WAGNER-STEAGALL LOW-RENT HOUSING BILL

International Brotherhood of Teamsters, Chauffeurs, Etc., No. 274.
International Union of Operating Engineers, Local 428.
Phoenix Central Labor Council.
Evan S. Stallcup, city manager, Phoenix.
Tucson Central Trades Council.

ARKANSAS ENDORSEMENTS OF THE WAGNER-STEAGALL LOW-RENT HOUSING BILL

Brotherhood of Painters, Decorators, and Paperhangers of America, Local 381.
Brotherhood of Painters, Decorators, and Paperhangers of America, Shenandoah Colliery Local, No. 1443.
Arkansas State Federation of Labor.
Dr. Thomas M. Fly, city health officer, Little Rock.
Pine Bluff Central Trades and Labor Council.

CALIFORNIA ENDORSEMENTS OF THE WAGNER-STEAGALL LOW-RENT HOUSING BILL

Assembly of the State of California.
Painters Local Union No. 835.
Walter A. Gordon, attorney at law, Berkeley.
San Mateo Central Labor Council.
Fresno Central Labor Council.
Fresno County Building Trades Council.
Tri-County Labor News.
American Federation of State, County, and Municipal Employees, Local 1001.
Benjamin J. Bowie Post, No. 223, American Legion.
Los Angeles Building Trades Council.
Central Employment Bureau for Veterans.
Council of Social Agencies of Los Angeles.
East Side Citizens Committee.
Golden State Mutual Life Insurance Co.
Los Angeles Committee on Public Housing.
Los Angeles Municipal Housing Commission.
Los Angeles County Legislative Committee of the Standard Railroad Shop Craft Organizations.
Los Angeles Young Men's Christian Association, San Fernando Valley branch.
Mayor of Los Angeles.
Metropolitan Central Council, Archdiocese of Los Angeles, Society of St. Vincent de Paul.
Plaza Community Center.
Social service department, director of out-patient department, director of nursing of the Children's Hospital.
Southern California Chapter, Institute of Architects.
Alameda County Building Trades Council.
Chemical Workers Union, Local 20280.
Salinas Central Labor Union of Monterey County.
San Francisco Dressmakers Union, No. 101.
San Francisco Ladies' Garment Cutters, No. 213.
Plumbers Local Union 442.
San Francisco Housing Association.
San Francisco Labor Council.
United Association of Journeymen Plumbers and Steam Fitters, Local No. 442.
Central Labor Council of San Joaquin County.
San Jose Building Trades Council.
Central Labor Council, San Mateo.
Santa Barbara City Council.
Santa Rosa Central Trades Council.
Stockton Central Labor Council.
Vallejo Carpenters Local, No. 180.
Consolidated Building and Metal Trades Central Labor Council, Vallejo.
Carpenters' Local Union, Yuba City.

COLORADO ENDORSEMENTS OF THE WAGNER-STEAGALL LOW-RENT HOUSING BILL

State Federation of Labor.
Fremont County Central Labor Union.
Colorado State Conference, Bricklayers, Masons, and Plasterers' International Union of America.
Mayor Ben F. Stapleton, Denver.
United Slate, Tile, and Composition Roofers, Damp- and Waterproof Workers' Association, Local No. 55.

CONNECTICUT ENDORSEMENTS OF THE WAGNER-STEAGALL LOW-RENT HOUSING BILL

Connecticut Federation of Labor.
Bridgeport Central Labor Union.
Chamber of Commerce, Bridgeport.
Building Trades Council, Bridgeport.
City of Bridgeport, Common Council.
City of Bridgeport, mayor.
Disabled War Veterans.
East Side Business Men's Association.
Family Welfare Society.
Holy Rosary Roman Catholic Church.
Housing Authority of the City of Bridgeport.
Manufacturers' Association.
St. Cyril and Methodius Roman Catholic Church of Bridgeport.
St. John's Roman Catholic Church, Bridgeport.
St. Mary's Roman Catholic Church, Bridgeport.
St. Michael's Roman Catholic Church.
Slovak Alliance of Bridgeport and vicinity.
Veterans of Foreign Wars.
Danbury Central Labor Union.
Herbert Gibson, president, City Planning Commission.
Hartford Central Labor Union.
Meriden Central Labor Union.
United Association of Journeymen Plumbers and Steam Fitters, Local No. 21.
Central Labor Union of New Britain.
Rev. Fleming James, New Haven.
Dr. C. E. A. Winslow, Yale School of Medicine.
Stamford Painters' Union, No. 192.

DELAWARE ENDORSEMENTS OF THE WAGNER-STEAGALL LOW-RENT HOUSING BILL

Central Labor Union, Wilmington.
Delaware State Board of Housing.

DISTRICT OF COLUMBIA ENDORSEMENTS OF THE WAGNER-STEAGALL BILL

Maryland State and District of Columbia Federation of Labor.
District of Columbia Chapter American Association of Social Workers.
Monday Evening Club.
Voteless League of Women Voters.
Warren Jay Vinton.
Washington Building Trades Council.
Washington Central Labor Union.
Washington Housing Association.

FLORIDA ENDORSEMENTS OF WAGNER-STEAGALL LOW-RENT HOUSING BILL

Florida Federation of Labor.
Union Foreign District Sunday School and B. Y. P. U. Convention, Clearwater.
Building Trades Council of Jacksonville.
International Brotherhood of Electrical Workers, No. 177.
Bricklayers, Masons, and Plasterers Union, No. 7.
International Longshoremen's Association, Local No. 1416.
South Florida District Sunday School and Baptist Young Peoples' Union Conference, Mt. Bilgoa Baptist Church.
Orlando District Conference, A. M. E.
Bricklayers of Panama City, Local Union 16.
B. M. P. I. U. Union, No. 16, Panama City.
Florida Carpenters Union, Local 1510.
International Brotherhood of P. M., Local No. 267.
Paper Makers Local Union, No. 267.
United Brotherhood of Carpenters and Joiners, Local No. 1510.
International Association of Machinists, No. 192.
Bartow District Conference Central Florida A. M. E. Church.
St. Petersburg Building Trades Council.
Central Labor Union, St. Petersburg.
Florida Building Trades Conference.
Bethel Baptist Church, Tampa.
Tampa Central Trades and Labor Assembly.
Manatie District Conference of A. M. E. Church.
Morning Star Missionary, Baptist Church, Tampa.
New Salem Missionary, Baptist Church, Tampa.
St. Paul A. M. E. Church.
Mount Sinai A. M. E. Z. Church, Tampa.
Tampa Ministerial Association.
Tampa Municipal Housing Board.
Tampa Urban League.
Bricklayers, Masons, and Plasterers Local, No. 6.
Building Trades Council, West Palm Beach.
Central Labor Union, West Palm Beach.
United Association of Journeymen Plumbers and Steamfitters, No. 630.

GEORGIA ENDORSEMENTS OF THE WAGNER-STEAGALL LOW-RENT HOUSING BILL

Georgia Federation of Labor.
American Federation of Hosiery Workers.
City Council, Atlanta.
Mayor William B. Hartsfield, Atlanta.
C. F. Palmer, chairman, executive committee, Techwood Homes, Atlanta.
Atlanta Federation of Trades.
Building Trades Council, Atlanta.
Central Labor Union, Augusta.
Central Labor Union of Brunswick.
City Council, Brunswick.
International Union of Operating Engineers, Local Union No. 328.
Columbus Federation of Trades.
Macon Federation of Trades.
Savannah Building and Construction Council.
Trades and Labor Assembly of Savannah.

IDAHO ENDORSEMENTS OF THE WAGNER-STEAGALL LOW-RENT HOUSING BILL

State Federation of Labor.
Lewiston Central Labor Council.
City Council, Nampa.
Mayor Lewis Ord, Nampa.
Brotherhood of Railway Carmen of America, Lodge 1147.
Nampa Trades and Labor Council.

ILLINOIS ENDORSEMENTS OF WAGNER-STEAGALL LOW-RENT HOUSING BILL

Illinois State Housing Board.
Illinois State Federation of Labor.
Alton Building Trades Council.
Alton Carpenters Union, No. 377.
Alton Boilermakers Union, No. 483.
Alton Bricklayers Union, No. 8, of Illinois.
Alton Electrical Workers Union, No. 649.
Alton Engineers Union, No. 520.
Alton Iron Workers Union, No. 392.
Alton Laborers Union, No. 218.
Alton Painters Union, No. 471.
Alton Plasters and Cement Finishers, No. 90.
Alton Plumbers and Steamfitters, No. 163.
Alton Roofers Union, No. 2.
Alton Sheet Metal Workers Union, No. 169.
Alton Teamsters and Chauffeurs Union, No. 525.
Ladies Garment Workers Union, No. 189, Batavia.
Belleville Building Trades Council.
Belleville Trades and Labor Assembly.
Belleville City Council.
Benton Central Labor Union.
Blue Island Central Labor Union.
Twin City Federation of Labor.
Mr. Frank Elder, Champaign, Ill.
City Council, Chicago.
M. D. Carrel, Chicago.
Chicago Building Trades Council.
Chicago Commons.
Chicago Federation of Labor.
Chicago Federation of Settlements.
Chicago Housing Authority.
Chicago Sign and Pictorial Painters Union, No. 830.
Chicago Urban League.
William J. Cowley, alderman, forty-first ward, Chicago.
Federal Local Union, No. 20335.
Social Service Employees Union, Chicago.
Ernest A. Grunsfeld, Jr., architect, Chicago.
International Brotherhood of Electrical Workers, Local No. 134.
National Council of Jewish Women, Chicago section.
Newberry Avenue Center, Chicago.
South Chicago Trades and Labor Assembly.
Terrazzo Workers Helpers, Local Union No. 98.
University of Chicago Settlement.
R. Clyde White, University of Chicago.
Women's City Club of Chicago.
Decatur Trades and Labor Assembly.
Department of Public Health and Safety, Decatur.
East St. Louis Building Trades Council.
East St. Louis Central Trades and Labor Union.
Central Labor Union, Freeport.
Galesburg Trade Assembly.
Central Trades and Labor Council of Joliet.
Kankakee Building Trades Council.
Kankakee Federation of Labor.
Kewanee Trades and Labor Assembly.
Stove Mounters' International Union, Local 47, Lebanon.
City Council, Moline.
United Cement Workers Union, No. 20066, Oglesby.
Distillery Workers' Union, No. 19538, Pekin.
International Union of Operative Engineers, No. 8, Peoria.
Peoria Federation of Women's Clubs.
Peoria Women's Club.
Progress Club, Peoria.
Welfare League, Peoria.
Greater Peoria Civic Association.
Zoning Commission, Peoria.
Central Labor Union, Rockford.
United Association of Journeymen Plumbers and Steam Fitters, Local 201, Rockford.
Olof, F. Cervin, Architect, Rock Island.
South Chicago Trades & Labor Assembly.
International Union of Operating Engineers, Locals Nos. 965 and 965-A, Springfield.
Springfield Federation of Labor.
United Cement Workers' Union, No. 20266.
Lake County Central Labor Council.
City Council, Waukegan.
Mancel Talcott, Mayor, Waukegan.
West Frankfort Trades and Labor Council.

INDIANA ENDORSEMENTS OF THE WAGNER-STEAGALL LOW-RENT HOUSING BILL

Indiana State Federation of Labor.
James W. Geater, Anderson.
Bloomington Central Labor Union.
International Association of Marble, Stone and Slate Polishers, Rubbers and Sawyers, Tile and Marble Setters' Helpers and Terrazzo Workers Helpers, Local No. 89.
Clinton Central Labor Union.
Crawfordsville Central Labor Union.
Judge T. Joseph Sullivan, Thirty-first Judicial Circuit, Crown Point.
Bricklayers' Union, No. 6, East Chicago.
Carpenters' Local No. 565, Elkhart.
Elkhart County Central Labor Union.
Building Trades Council of Evansville.
Carpenters' Local Union, No. 90, Evansville.
Brotherhood of Painters, Decorators, and Paperhangers of America, Local No. 469.
Fort Wayne Federation of Labor.
International Ladies' Garment Workers' Union, No. 116, Fort Wayne.
International Union of Operative Engineers, No. 19, Fort Wayne.
Lake County Central Labor Union.
Lake County Department of Public Welfare.
Mayor Frank R. Martin, Hammond.
Miss Irma Harris, Indianapolis.
Indiana Farm Bureau.
L. V. Sheridan, State Planning Board, Indianapolis.
Mrs. Ida Mell Weesner, Indianapolis.
Federal Labor Union, No. 19522, Kokomo.
Kokomo Trades and Labor Council.
Muncie Central Labor Union.
Central Labor Union, South Bend.
Central Labor Union, Terre Haute.
International Hod Carriers', Building and Common Laborers' Union of America, Local 204.

IOWA ENDORSEMENTS OF THE WAGNER-STEAGALL LOW-RENT HOUSING BILL

Iowa State Federation of Labor.
Building Trades Council, Cedar Rapids.
Cedar Rapids Federation of Labor.
Tri-City Labor Congress, Clinton.
Central Labor Union, Council Bluffs.
City Council, Des Moines.
Mayor J. H. Allen, Des Moines.
Building Trades Council, Des Moines.
Corn Products Workers, Local No. 19931, Keokuk.
Keokuk Trades and Labor Assembly.
City Planning and Zoning Commission, Sioux City.
City Council, Waterloo.

KANSAS ENDORSEMENTS OF THE WAGNER-STEAGALL LOW-RENT HOUSING BILL

Central Labor Union of Arkansas City.
Coffeyville Central Labor Union.
Operative Plasterers and Cement Finishers, Local No. 291.
Hutchinson Central Trades and Labor Council.
Pittsburg United Trades and Labor Council.
Wichita Trades and Labor Assembly.

KENTUCKY ENDORSEMENTS OF THE WAGNER-STEAGALL LOW-RENT HOUSING BILL

Kentucky Federation of Labor.
Board of Aldermen, Louisville.
Mayor Neville Miller.
City Council, Louisville.
Lather's Local Union 18, Louisville.
Louisville Central Labor Union.
Louisville Municipal Housing Commission.
Mothers' Club, Neighborhood House, Louisville.

LOUISIANA ENDORSEMENTS OF WAGNER-STEAGALL LOW-RENT HOUSING BILL

Lake Charles Building Trades.
Bryan Bell, president, New Orleans Association of Commerce.
Rev. B. Tait Bell, Tulane Y. M. C. A.
Rev. J. Bondra, Bethel Presbyterian Church, New Orleans.
Rev. Herman Borne, St. John Evangelical Church, New Orleans.
Rev. R. Coleman, First African Baptist Church, New Orleans.
Rev. C. Girelius, First Unitarian Church, New Orleans.
Rev. D. B. Rawlins, Carrollton Avenue Methodist Church, New Orleans.
The Catherine Club, New Orleans.
Chalmette Chapter, U. S. D. 1812, Louisiana.
A. W. Dent, superintendent, Flint-Goodridge Hospital of Dillard University.
Mrs. Roberta Falk, Family Service Society, New Orleans.
Myron Falk, State department of public welfare, New Orleans.
Executive committee of Federal Council of Churches, New Orleans.
Rev. J. S. Laird, St. Charles Avenue, New Orleans.
Louisiana Colonials, New Orleans.
Louisiana League for Peace and Freedom, New Orleans.
Louisiana-Mississippi Chapter, National Executive Housekeepers' Association, Inc.
Rev. Norman Maunz, First Evangelical Church.
New Orleans Association of Commerce.
New Orleans Board of Trade.
Committee on Legislation, New Orleans Board of Trade.
New Orleans Business and Professional Women's Club.
New Orleans Federation of Clubs.
New Orleans Homestead Clearing House Association, Inc.
New Orleans W. C. T. U.
Ninth Ward Improvement and Protective Association, New Orleans.
Mabel Palton, executive secretary, Y. W. C. A., New Orleans.

Mrs. A. Prior, Amalgamated Garment Workers, New Orleans.
Quota Club, New Orleans.
Rev. D. B. Raulins, Methodist Episcopal Church, South, New Orleans.
Rev. F. Schwenfurth, Salem Evangelical Church, New Orleans.
Rev. A. J. Sherer, Trinity Evangelical Church, New Orleans.
Rev. C. Taylor, St. John's Church, New Orleans.
Rev. W. Weaver, Carrollton Avenue Christian Church, New Orleans.
Woman's Auxiliary of the Louisiana State Optometric Association, New Orleans.
Verbon Gay, Tulane Y. M. C. A.

MAINE ENDORSEMENT OF WAGNER-STEAGALL LOW-RENT HOUSING BILL

Maine State Federation of Labor.

MARYLAND ENDORSEMENTS OF WAGNER-STEAGALL LOW-RENT HOUSING BILL

Baltimore Federation of Labor.
Allegheny Trades Council, Cumberland.
United Mine Workers of America, Local No. 2835.

MASSACHUSETTS ENDORSEMENTS OF WAGNER-STEAGALL LOW-RENT HOUSING BILL

Massachusetts State Federation of Labor.
Boston Conference on Slum Clearance and Low-Rent Housing.
Boston Housing Authority.
Brotherhood of Painters, Decorators, and Paperhangers of America, Local No. 11, Boston.
Building Trades Council, Boston and vicinity.
Central Labor Union of Boston and vicinity.
Building Trades Council, Lawrence.
State Board of Housing.
Brockton Building and Construction Trades Council.
Brockton Central Labor Union.
Building Trades Council of Brockton and vicinity.
Cambridge Central Labor Union.
Cambridge Housing Authority.
Mayor John D. Lynch, Cambridge.
Federal Labor Union 18518, Chicopee.
International Union of Bricklayers, Masons, and Plasterers, Local No. 11, Fall River.
Mayor Dewey G. Archambault, Lowell.
American Federation of Hosiery Workers, No. 105, Lowell.
Building Trades Council, Lowell.
Central Labor Union, Lowell.
International Brotherhood of Teamsters, Chauffeurs, Stablemen, and Helpers of America, No. 49, Lowell.
Lynn Building Trades Council.
Lynn Central Labor Union.
Norwood Building Trades Council.
Wire Workers Local Union, No. 19859, Worcester.
Worcester Building Trades Council.

MICHIGAN ENDORSEMENTS OF WAGNER-STEAGALL LOW-RENT HOUSING BILL

Michigan Federation of Labor.
Battle Creek Federation of Labor.
International Union of Operating Engineers, Local No. 356, Battle Creek.
Carpenters' Local Union No. 116, Bay City.
Mayor Frank Couzens, Detroit.
Detroit Housing Commission.
Mayor Harold E. Bradshaw, Flint.
Bricklayers' International Union, No. 12.
City Council, Hamtramck.
Carpenters' Local No. 297, Kalamazoo.
United Brotherhood of Carpenters and Joiners of America, Kalamazoo.
Council of Social Agencies of Kalamazoo.
Kalamazoo Trades and Labor Council.
City Council, Kalamazoo.
City Commission, Kalamazoo.
M. & M. Trades Council, Menominee.
International Brotherhood of Pulp Sulphite and Paper Mill Workers, No. 172, Menominee.
City Council, Lincoln Park.
Plumbers' Local Union 85, Saginaw.
Barton P. Jenks, Jr., Walled Lake.
City Council, Wyandotte.

MINNESOTA ENDORSEMENTS OF WAGNER-STEAGALL BILL

Minnesota State Federation of Labor.
Minneapolis Building Trades Council.
Central Labor Union, Minneapolis.
City Council, Minneapolis.
Mayor Thomas E. Latimer.
Minneapolis Central Labor Union.
City Council, St. Paul.
Mayor M. H. Gehan, St. Paul.
Building Trades Council, St. Paul and vicinity.
Minnesota State Employees Union, No. 10, St. Paul.
Winona Trades and Labor Council.

MISSISSIPPI ENDORSEMENTS OF WAGNER-STEAGALL LOW-RENT HOUSING BILL

Mayor Louis Braun, Biloxi.
Gulfport Central Labor Union.
Jackson Central Labor Union.

MISSOURI ENDORSEMENTS OF WAGNER-STEAGALL LOW-RENT HOUSING BILL

Missouri State Federation of Labor.
Central Labor Union, Carthage.
Combined Building Trades Council, Kansas City.
Kansas City Building and Construction Trades Council.
United Association of Journeymen Plumbers and Steam Fitters, Local No. 533, Kansas City.
Urban League of Kansas City.
Moberley Central Labor Union.
J. Bertram Black, St. Louis.
Brotherhood of Railroad Depot, Bus Terminal, Etc., Federal Labor Union, 20419, St. Louis.
Committee on social legislation, the Urban League of St. Louis, Inc.
Miss Gladys Gray, St. Louis Relief Administration.
International Association of Bridge Structural and Ornamental Iron Workers, St. Louis.
Legislative committee, Women's Auxiliary, Central Trades and Labor Assembly, St. Louis.
City Council, St. Joseph.
Building Trades Council, Springfield.

MONTANA ENDORSEMENTS OF WAGNER-STEAGALL LOW-RENT HOUSING BILL

Wood, Wire, and Metal Lathers International Union, No. 258, Billings.
Cascade County Trades and Labor Assembly.
City Council, Great Falls.
Mayor A. J. Finsek, Great Falls.
Helena Trades and Labor Assembly.
Lewiston Building Trades Council.
Miles City Trades and Labor Council.

NEBRASKA ENDORSEMENTS OF WAGNER-STEAGALL LOW-RENT HOUSING BILL

Nebraska State Federation of Labor.
Miss Edith Carse, housing and equipment division, University of Nebraska, Lincoln.
Board of directors, Omaha Social Settlement.
Omaha Social Settlement, settlement board.
Urban League of Lincoln.

NEVADA ENDORSEMENT OF WAGNER-STEAGALL LOW-RENT HOUSING BILL

Nevada State Federation of Labor.

NEW HAMPSHIRE ENDORSEMENTS OF WAGNER-STEAGALL LOW-RENT HOUSING BILL

New Hampshire State Federation of Labor.
Cheshire County Trades and Labor Assembly.
Manchester Building Trades Council.
Manchester Central Labor Union.

NEW JERSEY ENDORSEMENTS OF WAGNER-STEAGALL LOW-RENT HOUSING BILL

Bricklayers, Masons, and Plasterers Union, Local No. 8, Asbury Park.
Monmouth County Building Trades Council.
Atlantic County Central Labor Union.
Robert A. Watson, district manager, New Jersey State Housing Authority.
Board of Commissioners, Camden.
Central Labor Union, Camden.
Labor Housing Committee, Camden.
Central Planning Board, Elizabeth.
Union County Central Labor Union.
Central Labor Union, Glen Rock.
International Union of Bricklayers, Masons, and Plasterers, Local No. 2, Haledon.
Monmouth County Executive Committee for Bricklayers, Masons, and Plasterers International Union.
Aluminum and Tin Foil Workers Union, No. 20533.
C. A. Capron, member of Mayor's Housing Committee.
Board of Commissioners, Newark.
Essex County Building Trades Council.
New Jersey Chapter, American Association of Social Workers.
State Housing Authority.
City Council, Orange.
Dyers Local, No. 1733, Paterson.
International Brotherhood of Electrical Workers, No. 102, Paterson.
Agricultural Workers', No. 20318, Perrinesville.
International Ladies Garment Workers Union, No. 149, Plainfield.
Plainfield Housing Committee.
Princeton Conference, Princeton League of Women Voters.
Dr. Robert R. Wicks, Princeton University.
Municipal Advisory Board on Housing, Trenton.
Trenton Chamber of Commerce.
New Jersey State Federation of Labor.
American Federation of Hosiery Workers, New Jersey and New York District Council.
Association of Chosen Freeholders.
Federation of Dyers and Finishers.
New Jersey Bar Association.
New Jersey Board of Children's Guardians.
New Jersey Building Trades Unions.
New Jersey Business and Professional Women's Clubs.
Catholic Daughters of America.
Committee on Labor Standards.

Conference of Social Work.
Consumers' League.
Council of Jewish Women.
Federation of Colored Women's Clubs.
Federation of Women's Clubs.
New Jersey Housing League.
New Jersey Inter-Professional Association.
New Jersey League of Municipalities.
New Jersey League of Women Voters.
New Jersey Medical Association.
New Jersey Parent-Teachers Association.
Salvation Army.
New Jersey Urban League.
Young Men's Christian Association.
Mayor George E. Brunner, Camden.

NEW YORK ENDORSEMENTS OF THE WAGNER-STEAGALL BILL

New York Assembly.
State Conference of National Council of Jewish Women, meeting at Utica.
New York State Federation of Labor.
Bronx Youth Council.
Brotherhood of Painters, Decorators, and Paperhangers, No. 454.
Operative Plasterers and Cement Finishers International Association, Riverdale.
Mrs. Jas. Russell Bourne, Bronxville.
Bricklayers International Union, Local No. 9.
Bricklayers Union No. 1, Brooklyn.
Building Trades Council, Brooklyn.
Brooklyn Committee for Better Housing.
Department of Christian Social Service of the Diocese of Long Island.
International Longshoremen's Association, Brooklyn.
International Bricklayers Union, No. 9, Brooklyn.
Wholesale Dry Goods Employees Union, Local 19932, Brooklyn.
Women's Organization of the Church of the Saviour, Brooklyn.
New Lots Regular Democratic Club, Brooklyn.
Young Democratic League, Brooklyn.
American Federation of Hosiery Workers, No. 40, Buffalo.
Bricklayers, Masons, Tile, and Marblesetters Union of Buffalo, No. 45.
Buffalo Diocesan Council of the National Council of Catholic Women.
Central Labor Council of Buffalo.
International Union of Operating Engineers, Locals 17 and 17–A, Buffalo.
Plasterers Union, Local No. 9, Buffalo.
Westminster Community House, Buffalo.
Central Trades and Labor Assembly, Elmira.
International Union of Operating Engineers, Locals 138 and 138A, Hempstead, Long Island.
Ithaca Building Trades Council.
Brotherhood of Painters, Decorators, and Paperhangers of America, Local No. 1035.
Building Trades Council, Jamestown.
Central Labor Union, Jamestown.
Lackawanna City Housing Authority.
Aluminum Workers Union, Local No. 19256, Massena.
Amalgamated Ladies' Garment Cutters' Union, Local No. 10.
Benjamin R. Andrews, Columbia University.
Architectural and Engineering Guild, Local No. 66, New York City.
Board of Estimate and Apportionment, New York City.
Bookkeepers, Stenographers, and Accountants Union, New York City.
Joseph M. Brody, New York City.
Brotherhood of Painters, Decorators, and Paperhangers of America, No. 971, New York City.
Brotherhood of Painters, Decorators, and Paperhangers of America, No. 905, New York City.
Building and Construction Trades Council.
Central Trades and Labor Council of Greater New York.
Chelsea Tenants League, New York City.
Citizens Union of the City of New York.
City Affairs Committee, New York City.
City Wide Tenants' League, New York City.
Cloak, Suit, Skirt, and Reefer Makers Union Joint Board of Greater New York.
Louis Cohen, New York City.
Cooperative Housing Association of Civil Service Employees, New York City.
Dressmakers' Union, No. 22, New York City.
L. Dwyer, New York City.
Edwin G. Elkund, New York City.
Federation of Jewish Women's Organizations, New York City.
Goddard Neighborhood Centre, New York City.
Willystine Goodsell, New York City.
Grand Street Boys' Association, New York City.
Mrs. Lena Heisler, New York City.
International Brotherhood of Electrical Workers, No. 3, New York City.
International Federation of Technical Engineers, Architects and Draftsmen Unions of the A. F. of L., Local 66, New York City.
International Ladies Garment Workers Union, New York City.
International Longshoremen's Association, Local No. 327.
International Longshoremen's Local, No. 1100.
Jewish Social Service Association, New York City.
Mayor Fiorella LaGuardia, New York City.
Loula D. Lasker, Survey Graphic, New York City.
John Lovelock, New York City.
Lower East Side Association of Agencies, New York City.
Madison House Society, New York City.
Edward J. McAlinn Association, New York City.
Mid Town Tenants' Association, New York City.
Navy Yard Local of Plumbers and Steamfitters, Brooklyn.
Mailton House, New York City.
New York City Chapter, American Association of Social Workers.
New York City Housing Authority.
New York Post.
New York Tenement Housing Committee.
New York Typographical Union, No. 6.
N. O. Masters, Mates and Pilots of America, New York City.
North Harlem Community Council, New York City.
Painters, Decorators and Paperhangers of America, Local No. 692, New York City.
Paperhangers Local Union, No. 490, New York City.
Plumbers and Steamfitters Union, New York City.
Printing Pressmen's Union, No. 51, New York City.
Frank L. Reed, New York City.
Trustees of Phelps Stokes Fund.
Mrs. John E. Rousmaniere, New York City.
Heber Smith, member Yonkers Authority.
Nathan Straus, New York City.
United Upholsterers' Union of New York, Local No. 44.
Welfare Council, New York City.
Housing Section, Legislative Committee, New York City.
Welfare Council, Executive Committee, New York City.
W. P. A. Teachers Union, Local 453, of the American Federation of Teachers, New York City.
Cynthia Wentworth, assistant editor, American City, New York City.
Edith Elmer Wood, New York City.
Yorkville Tenants' League, New York City.
Yoruba Literary and Debating Club.
City Council, Niagara Falls.
Niagara Falls Central Labor Union.
Building Trades Council of Dutchess County and Vicinity.
International Union of Operative Engineers, Local No. 71, Rochester.
Lewis Street Center, Rochester.
Rochester Diocesan Council of National Council of Catholic Women.
Schenectady City Housing Authority.
Schenectady Building Trades Council.
City Council, Syracuse.
Syracuse Women's Housing Committee.
Syracuse Housing Authority.
Association of Journeymen Plumbers and Steamfitters, Tarrytown.
Utica Trades Assembly.
Federation of Labor of Westchester County.
First Presbyterian Church of Yonkers.
Joseph F. Loehr, mayor of city of Yonkers.
Municipal Housing Authority, Yonkers.
Council of Social Agencies, Welfare Federation of Yonkers.
Yonkers Coordinating Council.
Bryn Mawr League of Women Voters.
St. Johns Church.
H. Otheran Smith, Baptist Church of the Redeemer, Yonkers.
Yonkers Herald-Statesman.
Yonkers Welfare Federation.
Syracuse Women's International League for Peace and Freedom.

NORTH CAROLINA ENDORSEMENTS OF THE WAGNER-STEAGALL BILL

North Carolina State Federation of Labor.
Barbers' Local, No. 68, Asheville.
Durham Central Labor Union.
United Textile Workers, Gastonia.
Central Labor Union, Winston-Salem.

NORTH DAKOTA ENDORSEMENTS OF THE WAGNER-STEAGALL BILL

North Dakota State Federation of Labor.
United Association of Journeymen Plumbers and Steamfitters, Local No. 338.
Chauffeurs, Teamsters, and Helpers Local Union, No. 116, Fargo.
Fargo Trades and Labor Assembly.
Union of All Workers, Local No. 1, Fargo.

OHIO ENDORSEMENTS OF THE WAGNER-STEAGALL BILL

Ohio State Federation of Labor.
Ohio State Senate.
City Council, Akron.
B. and W. Federal Labor Union, Local No. 20166, Akron.
Barberton Central Labor Union.
Chillicothe Central Labor Union.
Mr. Samuel Ash, Cincinnati.
Associated Charities of Cincinnati.
Babies Milk Fund Association, Cincinnati.
Better Housing League, Cincinnati.
J. J. Hurst, Central Labor Council, Cincinnati.
Cincinnati district of the Ohio State Nurses' Association.
Cincinnati joint board, Amalgamated Clothing Workers of America, Coat, Suit, and Dressmakers' Union, No. 63.
Cincinnati Metropolitan Housing Authority.
Committee on social action, Cincinnati Presbytery.
Cincinnati section of National Council of Jewish Women.
Cincinnati Social Workers' Club.

George W. B. Conrad, attorney, Cincinnati.
Prof. Abraham Cronbach, Hebrew Union College, Cincinnati.
Tom Deering, Cincinnati.
District no. 8, State Nurses' Association, Cincinnati.
Dr. Earle Eubank, Cincinnati.
Federation of Churches, Cincinnati.
Garden Club of Clifton, Cincinnati.
Mrs. Simon Kuhn, Cincinnati.
August Marx, Cincinnati.
Plastic Workers' Local Union 20319.
Public Health Federation of Cincinnati.
N. Rauschoff, Inc., Cincinnati.
The Smoke Abatement League, Cincinnati.
Dr. Raymond Walters, University of Cincinnati.
Women's City Club, Cincinnati.
Clifford R. Wright, Cincinnati.
Lorna May Tuttle, Y. W. C. A., Cincinnati.
Cleveland Citizen (editorial).
City Council, Cleveland.
Cleveland Metropolitan Housing Authority.
Cleveland Settlement Union.
Central Trades Council, Cleveland.
Elizabeth King Tracy, Cleveland.
Mr. George Malone, Cleveland.
International Association of Machinists, Local No. 439, Cleveland.
Women's City Club of Cleveland.
Wood, Wire, and Metal Lathers' International Union, Local No. 18, Cleveland.
Columbus City Council.
Columbus Federation of Labor.
Mayor Myron B. Gessaman, Columbus.
Mr. William Kaufman, Columbus.
Central Labor Union of Dayton.
Perry County Central Trades and Labor Council.
Trades and Labor Assembly of Tuser County.
East Liverpool Trades and Labor Council.
Elyria Central Labor Union.
City Council, Lorain.
Mayor E. A. Brann, Lorain.
Mahoning County Commissioners.
Marion Central Labor Union.
Middletown Trades and Labor Council.
Trades and Labor Assembly of Tuscarawas County, New Philadelphia.
Piqua Central Labor Union.
City Commission, Sandusky.
Jefferson County Trades and Labor Assembly, Steubenville.
Toledo Chapter, American Association of Social Workers.
Charles Bushnell, University of Toledo.
City Council, Toledo.
Mayor Roy C. Start, Toledo.
Central Labor Union, Toledo.
North Toledo Community House.
Federal Labor Union, No. 18565, United Match Workers, Wadsworth.
Clark Kerr, Antioch College, Yellow Springs.
Mayor of Youngstown.
County Commissioners, Youngstown.
City Planning Commission, Youngstown.
Mahoning County Labor Congress, Youngstown.
Metropolitan Housing Authority, Youngstown.
Board of Health, Youngstown.
Brotherhood of Painters, Decorators, and Paperhangers.
Zanesville Federation of Labor.

OKLAHOMA ENDORSEMENTS OF THE WAGNER-STEAGALL BILL

Central Trades and Labor Council.
Cement Employees Union, Local No. 19239.
George Blumenaur, Enid.
Henryetta Central Labor Union.
Dr. D. W. Hogan, Oklahoma City.
Oklahoma City Building Trades Council.
Operative Plasterers and Cement Finishers, Local No. 170.
Okmulgee Central Labor Union.
Central Labor Union, Ponca City.

OREGON ENDORSEMENTS OF THE WAGNER-STEAGALL BILL

Oregon State Federation of Labor, Portland.
Astoria Central Labor Union.
Common Council of the City of Klamath Falls.
Marshfield Central Labor Council.
Portland Building Trades Council.
Central Labor Council, Portland.
Lumber and Sawmill Workers Union, Local No. 2532, Portland.
Portland Central Labor Union.

PENNSYLVANIA ENDORSEMENTS OF THE WAGNER-STEAGALL BILL

Gov. George H. Earle.
Lt. Gov. Thomas Kennedy.
Pennsylvania Assembly—senate and house.
Pennsylvania Federation of Labor, Harrisburg.
State-wide American Federation of Hosiery Workers.
James L. McDevitt, Social Security Board, Harrisburg.
Blair County A. A. U. W., Altoona.
Blair County Central Labor Union, Altoona.
Central Conference of Central Labor Unions, Altoona.
Legislative Committee, B. C. C. L. U., Altoona.
Bangor Branch, No. 25, American Federation of Labor.
City Council, Bethlehem.
Mayor Robert Pfeifle.
International Hod Carriers' Building and Common Laborers Union of America, Locals 761 and 769, Bethlehem.
Casket Makers Union, No. 19072, Boyertown.
Trades Assembly, Bradford.
United Trades Council, Brownsville.
Dr. Susan M. Kingsbury, Bryn Mawr College.
Central Labor Union, Carbondale.
Delaware County Housing Committee and Tenants' Council, Chester.
Clearfield Central Labor Union.
Central Labor Union of Shenandoah.
City Council, Erie.
Central Labor Union, Erie.
Central Trades Council of Jeannette.
Armstrong County Central Labor Union.
Central Labor Union, Kittanning.
Central Labor Union, Lancaster.
United Mineworkers of America, Local 7226, Mahanoy City.
Barnesboro Central Labor Union.
North Cambria Central Labor Union.
Brotherhood of Railway Carmen of America, Local 1084, Meadville.
B. & W. Federal Labor Union, Local No. 20186, Nazareth.
Cement Workers' Union, No. 20308, Nazareth.
City Council, New Kensington.
Mayor S. Davis Wilson, Philadelphia.
American Federation of Teachers, No. 474, Philadelphia.
Central Labor Union of Philadelphia and Vicinity.
Association of Philadelphia Settlements.
John Edelman, Philadelphia.
Health Department, Council of Social Agencies, Philadelphia.
John B. Kelly, Philadelphia.
Eastern Regional Conference of Mayors, Philadelphia.
Federal Labor Union, No. 18887, Philadelphia.
International Association of Bridge, Structural, and Ornamental Iron Workers, Reinforced Rod Workers, No. 405, Philadelphia.
Alice F. Kiernan, Philadelphia.
Octavia Hill Association, Philadelphia.
Philadelphia Building Trades Council.
Philadelphia Chapter, American Association of Social Workers.
Philadelphia Housing Association.
Society for Ethical Culture of Philadelphia.
Tenants Organization of South Philadelphia.
United Association of Philadelphia Housing Groups.
City Council, Pittsburgh.
Mayor Cornelius D. Scully, Pittsburgh.
Bricklayers International Union No. 2, Pittsburgh.
Pittsburgh Central Labor Union.
International Brotherhood of Electrical Workers, Local No. 5, Pittsburgh.
Pittsburgh Council of Catholic Women.
Soho Improvement League, Pittsburgh.
United Slate, Tile, and Composition Roofers Damp and Waterproof Workers, No. 37.
Central Labor Union of Bucks County, Quakertown.
City Council, Reading.
Mayor J. Henry Stump, Reading.
American Federation of Hosiery Workers, Reading.
Reading Federated Labor Council.
United Mine Workers of America, No. 6561, Smithfield.
Uniontown Trades and Labor Council.
Wayne Advisory Housing Committee.
College Women's Club of Wilkes-Barre.
Wilkes-Barre Central Labor Union.
Mayor Harry B. Austine, York.
York Federation of Trades Unions.

RHODE ISLAND ENDORSEMENT OF THE WAGNER-STEAGALL BILL

United Textile Workers of America, Providence.

SOUTH CAROLINA ENDORSEMENTS OF THE WAGNER-STEAGALL BILL

South Carolina Federation of Labor.
Central Labor Union, Spartanburg.
Tillman Lodge, No. 649, Charlestown.

SOUTH DAKOTA ENDORSEMENTS OF THE WAGNER-STEAGALL BILL

South Dakota Federation of Labor.
Aberdeen Central Labor Union.
United Carpenters and Joiners Local No. 783, Sioux Falls.

TENNESSEE ENDORSEMENTS OF THE WAGNER-STEAGALL BILL

Tennessee Federation of Labor.
Bristol Central Labor Union.
Davidson County Anti-Tuberculosis Association.
Knoxville Central Labor Union.
Knoxville Housing Authority.
Nashville Building Trades Council.

TEXAS ENDORSEMENTS OF THE WAGNER-STEAGALL BILL

Texas Federation of Labor.
City Commission, Amarillo.
Mayor Ross D. Rogers, Amarillo.
Beaumont Building Trades Council.
Brotherhood Railway Carmen of America, Local 89, Denison.
Denison Labor Trades Council.
Mayor R. E. Sherman, El Paso.
Galveston Building Trades Council.

Painters Local Union 585, Galveston.
Houston Building Trades Council.
Houston Labor and Trades Council.
Lubbock Central Labor Union.
International Union of Bricklayers, Masons, and Plasterers of America, Local No. 23, Lubbock.
International Union Operating Engineers, Local No. 710, Port Arthur.
Board of directors, Bexar County Tuberculosis Association, San Antonio.
International Hod Carriers, Building and Common Labor Union of America No. 93, San Antonio.
League of United Latin American Citizens Council No. 16, San Antonio.
Pecan Shellers Union, San Antonio.
Rabbi Ephraim Frisch, San Antonio.
Mrs. Preston H. Dial, San Antonio.
Presidents Council, San Antonio (including more than 100 civic leaders).

UTAH ENDORSEMENTS OF THE WAGNER-STEAGALL BILL

Utah Federation of Labor.
Federal Labor Union No. 19287, Logan.
Ogden Trades and Labor Council.
United Mine Workers of America, Local No. 6412, Royal.
Building Trades Council of Salt Lake City and vicinity.
Carbon County Central Labor Union.

VERMONT ENDORSEMENTS OF THE WAGNER-STEAGALL BILL

Vermont Federation of Labor.
Central Labor Union, Barre.

VIRGINIA ENDORSEMENTS OF THE WAGNER-STEAGALL BILL

National Federation of Post Office Clerks, Norfolk.
Painters Local Union, No. 1100, Norfolk.
Petersburg-Hopewell Central Labor Union.
Tobacco Workers Union, Richmond.
International Association of Bridge, Structural, and Ornamental Iron Workers, No. 459, Roanoke.

WASHINGTON ENDORSEMENTS OF THE WAGNER-STEAGALL BILL

Washington State Federation of Labor.
Twin City Central Labor Union, Centralia.
Engineers Local Union, No. 776, Kelso.
Longview-Kelso Central Labor Council.
Olympia Trades Council.
Pasco Kennewick Federal Labor Union, No. 19146.
City Council, Seattle.
Gas Workers' Union, Local No. 20222, Seattle.
Shelton Central Trades Council.
Spokane Building Trades Council.
City Council, Tacoma.
Mayor George A. Smitley, Tacoma.
Tacoma Central Labor Union.
Clark County Central Labor Council, Vancouver.
Central Labor Council, Yakima.
Grays Harbor County Central Union, Aberdeen.
Bellingham Building Trades Council.

WEST VIRGINIA ENDORSEMENTS OF THE WAGNER-STEAGALL BILL

Central Labor Union, Clarksburg.
United Mine Workers of America, Local No. 7113, Longacre.
American Federation of Hosiery Workers, Local No. 92, Martinsburg.
Martinsburg Central Labor Union.
Central Labor Union of Fayette County, Montgomery.
Central Labor Union, Morgantown.
Parkersburg Central Trades and Labor Council.
Welch Central Labor Union.
Building Trades Council, Wheeling.
Central Labor Union, Williamson.

WISCONSIN ENDORSEMENTS OF THE WAGNER-STEAGALL BILL

Wisconsin State Federation of Labor.
Appleton Central Body.
United Association of Journeymen Plumbers and Steamfitters, No. 385, Eau Claire.
Green Bay Building Trades Council.
Green Bay Federated Trades Council.
Federal Labor Union of American Brass Employees, No. 19322, Kenosha.
Kenosha Trades and Labor Council.
La Crosse Trades and Labor Council.
American Federation State, County, and Municipal Employees, Madison.
United Association of Journeymen Plumbers and Steamfitters of the United States and Canada, No. 167.
American Association of Social Workers, Milwaukee Chapter.
City Club of Milwaukee.
Coke and Gas Workers' Union, Local No. 18546.
Department of Outdoor Relief, Milwaukee.
Federated Trades Council of Milwaukee.
Mayor Daniel W. Hoan, Milwaukee.
International Union of Operating Engineers, No. 311, Milwaukee.
Milwaukee Building Trades Council, Wisconsin.
Milwaukee Consumers' Association.
Office Workers' Union, No. 16456, Milwaukee.
Wisconsin Chapter, American Institute of Architects.
Neenah Menasha Trades and Labor Council.
Oshkosh Trades and Labor Council.
Trades and Labor Council, Port Washington.
City Council, Racine.
Racine Building Trades Council.
Mayor William J. Swoboda, Racine.
City Council, Sheboygan.
Mayor of Sheboygan.
Central Workers' Auxiliary, Sheboygan.
Federal Labor Council, No. 18545, Sheboygan.
International Boot and Shoe Makers' Union, No. 197, Sheboygan.
Upholsterers' Union, No. 133, Sheboygan.
Workers' Alliance, Sheboygan.
Central Cooperative Wholesale, Superior.
Aluminum Workers' Union, No. 19649, Two Rivers.
Waukesha Trades and Labor Council.
Miss Laura Deitzel, American Association of Social Workers, West Allis.
Milwaukee Urban League.

WYOMING ENDORSEMENTS OF THE WAGNER-STEAGALL BILL

Wyoming State Federation of Labor.
City Council, Casper.
J. F. Cowan, mayor of Casper.
Casper Building Trades Council.

EVA MARKOWITZ—CONFERENCE REPORT

Mr. BAILEY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 358) for the relief of Eva Markowitz, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum "$2,500" to insert "$4,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum "$50" to insert "$90"; and the Senate agree to the same.

J. W. BAILEY,
PRENTISS M. BROWN,
ARTHUR CAPPER,
Managers on the part of the Senate.

AMBROSE J. KENNEDY,
ELMER J. RYAN,
FRANK CARLSON,
Managers on the part of the House.

The report was agreed to.

JOSEPH M. CLAGETT, JR.—CONFERENCE REPORT

Mr. BAILEY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 730) for the relief of Joseph M. Clagett, Jr., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the figure "$1,000" contained in the Senate amendment insert "$1,500"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: Restore the language stricken out by the Senate amendment, and at the end thereof, on page 2, line 9, after the word "notwithstanding", insert a colon and the following proviso: "*Provided further*, That for the purpose of calculating the attorney fees allowed under this act the sum of $4,500 shall be taken as the maximum amount of the annuity under the provisions of this act."; and the Senate agree to the same.

J. W. BAILEY,
ARTHUR CAPPER,
Managers on the part of the Senate.

AMBROSE J. KENNEDY,
ELMER J. RYAN,
FRANK CARLSON,
Managers on the part of the House.

The report was agreed to.

WALTER T. KARSHNER ET AL.—CONFERENCE REPORT

Mr. BAILEY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1377) conferring jurisdiction upon the United States District Court for the Southern District of Ohio to hear, determine, and render judgment upon the claims of Walter T. Karshner, Katherine Karshner, Anne M. Karshner, and Mrs. James E. McShane,

having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

On page 1, line 5, of the Senate engrossed amendment, in lieu of the sum "$157.95", insert "$600"; in line 6 of said engrossed amendment, in lieu of the sum "$29.50", insert "$80"; in line 6 of said engrossed amendment, in lieu of the sum "$153.51", insert "$600"; and in line 7 of said amendment, in lieu of the sum "$139.50", to insert "$300"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill; and agree to the same.

J. W. BAILEY,
PRENTISS M. BROWN,
ARTHUR CAPPER,
Managers on the part of the Senate.
AMBROSE J. KENNEDY,
ELMER J. RYAN,
FRANK CARLSON,
Managers on the part of the House.

The report was agreed to.

VENICE LA PRAD—CONFERENCE REPORT

Mr. BAILEY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1945) for the relief of Venice La Prad, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the sum "$500" to insert "$750"; and the Senate agree to the same.

J. W. BAILEY,
ALLEN J. ELLENDER,
ARTHUR CAPPER,
Managers on the part of the Senate.
AMBROSE J. KENNEDY,
ELMER J. RYAN,
FRANK CARLSON,
Managers on the part of the House.

The report was agreed to.

MR. AND MRS. DAVID STOPPEL—CONFERENCE REPORT

Mr. BAILEY submitted the following report:

The committee of conference on the disagreeing votes of the two House on the amendment of the Senate to the bill (H. R. 2562) for the relief of Mr. and Mrs. David Stoppel, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

J. W. BAILEY,
M. M. LOGAN,
ARTHUR CAPPER,
Managers on the part of the Senate.
AMBROSE J. KENNEDY,
ELMER J. RYAN,
FRANK CARLSON,
Managers on the part of the House.

The report was agreed to.

NOAH SPOONER—CONFERENCE REPORT

Mr. BAILEY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3634) for the relief of Noah Spooner, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

J. W. BAILEY,
ALLEN J. ELLENDER,
ARTHUR CAPPER,
Managers on the part of the Senate.
AMBROSE J. KENNEDY,
ELMER J. RYAN,
FRANK CARLSON,
Managers on the part of the House.

The report was agreed to.

CABINET GORGE PROJECT, COLUMBIA RIVER—CONFERENCE REPORT

Mr. POPE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 114) to provide for studies and plans for the development of a hydroelectric power project at Cabinet Gorge, on the Clark Fork of the Columbia River, for irrigation pumping or other uses, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and concur therein.

J. P. POPE,
CARL A. HATCH,
ALVA B. ADAMS,
J. G. TOWNSEND, JR.,
PAT MCCARRAN,
Managers on the part of the Senate.
COMPTON I. WHITE,
J. W. ROBINSON,
PAUL R. GREEVER,
B. W. GEARHART,
J. C. OLIVER,
Managers on the part of the House.

The report was agreed to.

REDEFINITION OF JURISDICTION OF SPECIAL MEXICAN CLAIMS COMMISSION

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, as follows:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State recommending the enactment of legislation for the purposes described therein.

The recommendations of the Secretary of State have my approval, and I request the enactment of legislation for the purposes indicated, in order that the difficulty that has arisen in relation to the jurisdiction of the Special Mexican Claims Commission may be overcome.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *June 28, 1937.*

[Enclosure: Report of the Secretary of State.]

DRAFT CONVENTIONS OF TWENTIETH SESSION OF INTERNATIONAL LABOR CONFERENCE

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, as follows:

To the Congress of the United States of America:

The Congress, by a joint resolution approved June 19, 1934, authorized me to accept membership for the Government of the United States in the International Labor Organization. Pursuant to that authorization, I accepted such membership on behalf of the Government of the United States.

Representatives of this Government and of American employers and American labor attended the twentieth session of the International Labor Conference, held at Geneva June 4 to 24, 1936.

That conference adopted three draft conventions and two recommendations, to wit:

The draft convention (no. 50) concerning the regulation of certain special systems of recruiting workers;

The recommendation (no. 46) concerning the progressive elimination of recruiting;

The draft convention (no. 51) concerning the reduction of hours of work on public works;

The draft convention (no. 52) concerning annual holidays with pay;

The recommendation (no. 47) concerning annual holidays with pay.

In becoming a member of the organization and subscribing to its constitution this Government accepted the following undertaking in regard to such draft conventions and recommendations:

Each of the members undertakes that it will, within the period of 1 year at most from the closing of the session of the conference, or if it is impossible owing to exceptional circumstances to do so within the period of 1 year, then at the earliest practicable moment and in no case later than 18 months from the closing of the

session of the conference, bring the recommendation or draft convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action. (Art. 19 (405), par. 5, Constitution of the International Labor Organization.)

In the case of a federal state, the power of which to enter into conventions on labor matters is subject to limitations, it shall be in the discretion of that government to treat a draft convention to which such limitations apply as a recommendation only, and the provisions of this article with respect to recommendations shall apply in such case. (Art. 19 (405), par. 9, Constitution of the International Labor Organization.)

In accordance with the foregoing undertaking the above-named three draft conventions and two recommendations are herewith submitted to the Congress with the accompanying report of the Secretary of State, and its enclosures, to which the attention of the Congress is invited.

I wish particularly to call to the attention of the Congress the draft convention (no. 51), concerning the reduction of hours of work on public works, and recommend that action be taken by the Congress on this draft convention at its earliest convenience.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *June 28, 1937.*

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

REGULATION OF PRODUCTION AND MARKETING OF SUGAR

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, as follows:

To the Senate of the United States:

I transmit herewith an international agreement regarding the regulation of production and marketing of sugar and an annexed protocol concerning transitional measures, signed at London on May 6, 1937, by the delegates of the United States of America and certain other countries, to an international conference held for the purpose of considering the problems of such regulation. The agreement and protocol were signed in respect of the Commonwealth of the Philippines by a delegate representing the Commonwealth in the United States delegation.

The instruments have my approval and I request the advice and consent of the Senate to the ratification of the agreement. The agreement is designed to come into force on September 1, 1937, and it is a matter of great practical importance that the Senate give consideration to it at the present session. After the action that the Senate may take on the agreement, action by the Philippine Assembly will be necessary to implement the commitments made thereunder by the Commonwealth before I shall be in a position to ratify the agreement.

The attention of the Senate is invited to the report of the delegate of the United States to the London Conference, which I transmit with the agreement.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *June 28, 1937.*

[Enclosures: Report of the Secretary of State; International Sugar Agreement; Report of the Delegate of the United States to the Sugar Conference at London.]

EXECUTIVE REPORTS OF COMMITTEES

Mr. PITTMAN, from the Committee on the Judiciary, reported favorably the following nominations:

Frank L. Middleton, of Elko, Nev., to be United States marshal for the district of Nevada, vice Harry C. Gravelle, resigned; and

William A. Holzheimer, of Alaska, to be United States attorney, division no. 1, District of Alaska.

Mr. VAN NUYS, from the Committee on the Judiciary, reported favorably the nomination of Ralph E. Jenney, of California, to be United States district judge for the southern district of California, to fill an existing vacancy.

Mr. O'MAHONEY, from the Committee on the Judiciary, reported favorably the nomination of Louis LeBaron, of Hawaii, to be first judge, circuit court, First Circuit of Hawaii, vice Norman D. Godbold, Sr., deceased.

Mr. HUGHES, from the Committee on the Judiciary, reported favorably the nomination of John A. Carver, of Idaho, to be United States attorney for the district of Idaho.

Mr. HATCH, from the Committee on the Judiciary, reported favorably the nomination of W. Joe Ballard, of Oklahoma, to be United States marshal for the western district of Oklahoma, vice W. C. Geers, whose term expired June 13, 1937.

Mr. McGILL, from the Committee on the Judiciary, reported favorably the nomination of Thomas J. Morrissey, of Colorado, to be United States attorney for the district of Colorado.

Mr. HARRISON, from the Committee on Finance, reported favorably the following nominations:

Arthur A. Quinn, of New Jersey, to be comptroller of customs in customs collection district no. 10, with headquarters at New York, N. Y. (reappointment);

Passed Assistant Dental Surgeon Allen M. Perkins to be dental surgeon in the United States Public Health Service, to rank as such from May 29, 1937;

William B. George, of San Diego, Calif., to be collector of customs for customs collection district no. 25, with headquarters at San Diego, Calif. (reappointment);

Charles O. Dunbar, of Santa Rosa, Calif., to be collector of customs for customs collection district no. 28, with headquarters at San Francisco, Calif. (reappointment); and

Ernest L. Bailey, of West Virginia, to be State director, National Emergency Council, for West Virginia.

Mr. BLACK, from the Committee on Finance, reported favorably the nomination of Joseph H. Lyons, of Mobile, Ala., to be collector of customs for customs collection district no. 19, with headquarters at Mobile, Ala. (Reappointment.)

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the nominations on the calendar.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service.

Mr. ROBINSON. I ask that the nominations in the Diplomatic and Foreign Service be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

PUBLIC UTILITIES COMMISSION

The legislative clerk read the nomination of Riley E. Elgen, of the District of Columbia, to be a member of the Public Utilities Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. KING. Mr. President, we have just confirmed the nomination of Mr. Elgen to be a member of the Public Utilities Commission of the District of Columbia. His term expires in a couple of days. It is very important that there be no interregnum; and I ask that the President be notified of his confirmation.

The PRESIDING OFFICER. Without objection, the President will be notified.

COAST AND GEODETIC SURVEY

The legislative clerk read the nomination of Glenn William Moore, of South Dakota, to be aide (with relative rank of ensign in the Navy).

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of James Chisolm Tison, Jr., of South Carolina, to be junior hydrographic and geodetic engineer (with relative rank of lieutenant, junior grade, in the Navy).

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Clarence Robert Reed, of North Dakota, to be junior hydrographic and geodetic engineer (with relative rank of lieutenant, junior grade, in the Navy).

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Kenneth Surrell Ulm, of Massachusetts, to be junior hydrographic and geodetic engineer (with relative rank of lieutenant, junior grade, in the Navy).

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Frank Gerard Johnson, of Massachusetts, to be hydrographic and geodetic engineer (with relative rank of lieutenant in the Navy).

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COAST GUARD

The legislative clerk proceeded to read sundry nominations in the Coast Guard.

Mr. ROBINSON. I ask that the nominations in the Coast Guard be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Coast Guard are confirmed en bloc.

POSTMASTER

The legislative clerk read the nomination of William A. Coates to be postmaster at Arlington, Va.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

WORKS PROGRESS ADMINISTRATION

The legislative clerk read the nomination of Harry W. Witters to be State administrator in the Works Progress Administration for Vermont.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

CONSIDERATION OF TREATIES

Mr. ROBINSON. Mr. President, I ask the attention of Senators for a moment.

A large number of treaties are on the Executive Calendar of the Senate. It is not expected that they shall be taken up this afternoon; but I shall make a motion to proceed to the consideration of the first treaty with a view to having it the unfinished business, so that the Senate may take up the treaties tomorrow.

I move that the Senate proceed to the consideration of Executive J, Seventy-first Congress, first session, being the first treaty on the Executive Calendar.

The motion was agree to; and the Senate, as in Committee of the Whole, proceeded to consider Executive J (75th Cong., 1st sess.), the treaty terminating article VIII of the treaty of December 30, 1853, signed by the Secretary of State and the Mexican Ambassador at Washington on April 13, 1937.

Mr. CLARK. Mr. President, I ask the Senator from Arkansas if it is the purpose to consider the Argentine treaty tomorrow.

Mr. ROBINSON. It is intended probably to bring that treaty forward, among others.

RECESS

Mr. ROBINSON. I now move that, in executive session, the Senate take a recess until 12 o'clock noon tomorrow, it being the intention at that time to give consideration to the various treaties that are on the Executive Calendar.

The motion was agreed to; and (at 5 o'clock and 28 minutes p. m.) the Senate, in executive session, took a recess until tomorrow, Tuesday, June 29, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 28 (legislative day of June 15), 1937

ASSISTANT SECRETARY OF STATE

Hugh R. Wilson, of Illinois, to be an Assistant Secretary of State.

DIPLOMATIC AND FOREIGN SERVICE

Miss Margaret M. Hanna, of Kansas, to be a Foreign Service officer of class 5, a consul, and a secretary in the Diplomatic Service of the United States of America.

CIVILIAN CONSERVATION CORPS

Robert Fechner, of Massachusetts, to be Director of the Civilian Conservation Corps.

WORKS PROGRESS ADMINISTRATION

Fred G. Healy, of New Mexico, to be State administrator in the Works Progress Administration for New Mexico, vice Lea Rowland.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO FINANCE DEPARTMENT

Maj. Leonard Henderson Sims, Infantry, with rank from October 1, 1935.

TO FIELD ARTILLERY

First Lt. Maddrey Allen Solomon, Infantry, with rank from June 13, 1936.

PROMOTIONS IN THE REGULAR ARMY

MEDICAL CORPS

To be lieutenant colonels

Maj. William John Miehle, Medical Corps, from July 1, 1937.

Maj. Claude Wiggins Cummings, Medical Corps, from July 5, 1937.

Maj. Robert Henry Lowry, junior, Medical Corps, from July 7, 1937.

Maj. Richard King Cole, Medical Corps, from July 8, 1937.

Maj. William White Southard, Medical Corps, from July 10, 1937.

To be majors

Capt. Douglas Sheldon Kellogg, Medical Corps, from July 1, 1937.

Capt. Loren Donovan Moore, Medical Corps, from July 1, 1937.

Capt. Arthur Brinkley Welsh, Medical Corps, from July 1, 1937.

Capt. Eugene Wycoff Billick, Medical Corps, from July 1, 1937.

Capt. Earle Standlee, Medical Corps, from July 1, 1937.

Capt. Cecil Walker Dingman, Medical Corps, from July 1, 1937.

Capt. William Kraus, Medical Corps, from July 1, 1937.

Capt. Reuel Edward Hewitt, Medical Corps, from July 1, 1937.

Capt. Martin Eugene Griffin, Medical Corps, from July 1, 1937.

Capt. Mack Macon Green, Medical Corps, from July 1, 1937.

Capt. William Edward Shambora, Medical Corps, from July 1, 1937.

Capt. Charles Henderson Beasley, Medical Corps, from July 1, 1937.

Capt. Clifford Albert Best, Medical Corps, from July 1, 1937.

Capt. Alvin Levi Gorby, Medical Corps, from July 4, 1937.

Capt. George Ellis Armstrong, Medical Corps, from July 9, 1937.

To be captains

First Lt. Donald Meyers Ward, Medical Corps, from July 1, 1937.

First Lt. Angvald Vickoren, Medical Corps, from July 1, 1937.
First Lt. William Earl Barry, Medical Corps, from July 1, 1937.
First Lt. Emmert Carl Lentz, Medical Corps, from July 1, 1937.
First Lt. James Leslie Snyder, Medical Corps, from July 2, 1937.
First Lt. Raymond Richard Johanson, Medical Corps, from July 2, 1937.
First Lt. Thair Cozzens Rich, Medical Corps, from July 2, 1937.
First Lt. Frank Hugh Lane, Medical Corps, from July 2, 1937.
First Lt. Byron Glen McKibben, Medical Corps, from July 2, 1937.
First Lt. John DeWitt Morley, Medical Corps, from July 2, 1937.
First Lt. Frederic Ebelhare Cressman, Medical Corps, from July 2, 1937.
First Lt. Robert Tuthill Gants, Medical Corps, from July 2, 1937.
First Lt. Edward Beebe Payne, Medical Corps, from July 2, 1937.
First Lt. George Foster Peer, Medical Corps, from July 2, 1937.
First Lt. Harold Everus Harrison, Medical Corps, from July 2, 1937.
First Lt. Marshall Nelson Jensen, Medical Corps, from July 7, 1937.
First Lt. Stephen Christopher Sitter, Medical Corps, from July 9, 1937.

DENTAL CORPS

To be major

Capt. Mackey Joseph Real, Dental Corps, from July 1, 1937.

VETERINARY CORPS

To be captains

First Lt. William Edwin Jennings, Veterinary Corps, from July 2, 1937.
First Lt. Curtis William Betzold, Veterinary Corps, from July 2, 1937.

CHAPLAIN

To be chaplain with the rank of captain

Chaplain (First Lt.) John Simeon Kelly, United States Army, from July 6, 1937.

APPOINTMENTS IN THE REGULAR ARMY

TO BE SECOND LIEUTENANTS WITH RANK FROM DATE OF APPOINTMENT

Second Lt. Carroll Thompson Newton, Corps of Engineers.
Second Lt. Donald Clinton Clayman, Infantry.
Second Lt. Joseph Warren Sisson, Jr., Infantry.
Second Lt. David Greene Hammond, Corps of Engineers.
Second Lt. Joseph Russel Groves, Infantry.
Second Lt. Robert Whitsett van de Velde, Field Artillery.
Second Lt. Arthur George Christensen, Infantry.
Second Lt. Harry Gantcliffe Benion, Infantry.
Second Lt. Arthur Howland Baker, Jr., Field Artillery.
Second Lt. Arthur Charles Harris, Jr., Infantry.
Second Lt. Linwood Eugene Funchess, Corps of Engineers.
Second Lt. Laurence Clifford Brown, Infantry.
Second Lt. Jesse Mechem, Infantry.
Second Lt. Walter Ward Davis, Infantry.
Second Lt. William Andrew Enemark, Field Artillery.
Second Lt. Merten Kenneth Heimstead, Infantry.
Second Lt. Thaddeus Ronsaville Dulin, Infantry.
Second Lt. Leon John de Penna Rouge, Infantry.
Second Lt. Gaylord Walton Fraser, Infantry.
Second Lt. William Sherbourne McCrea, Infantry.
Second Lt. Donald Frederick Thompson, Infantry.
Second Lt. John Gordon Nelson, Coast Artillery Corps.
Second Lt. Chester Martin Beaver, Infantry.
Second Lt. Edward Wallace McLain, Coast Artillery Corps.
Second Lt. John Unsworth Allen, Corps of Engineers.
Second Lt. Byron William Ladd, Infantry.
Second Lt. Lyman Hodges Ripley, Coast Artillery Corps.
Second Lt. Francis Carlton Truesdale, Infantry.
Second Lt. William Shepherd Humphries, Infantry.
Second Lt. Donald Washington, Infantry.
Second Lt. Charles Robert Etzler, Infantry.
Second Lt. Philip Cochran Tinley, Infantry.
Second Lt. Charles Murray Henley, Infantry.
Second Lt. John Brockway Rippere, Corps of Engineers.
Second Lt. Steve Archie Chappuis, Infantry.
Second Lt. Elmer Bolton Kennedy, Field Artillery.
Second Lt. James Jackson Stewart, Jr., Infantry.
Second Lt. Thomas Brownbridge Simpson, Corps of Engineers.
Second Lt. Paul Thomas Boleyn, Infantry.
Second Lt. Frederick William Nagle, Infantry.
Second Lt. Otho Anthony Moomaw, Coast Artillery Corps.
Second Lt. Jabus Willie Rawls, Jr., Coast Artillery Corps.
Second Lt. Andrew Buehler Zwaska, Infantry.
Second Lt. Jack Leslie Coan, Corps of Engineers.
Second Lt. Edward Francis Kent, Infantry.
Second Lt. George William Croker, Coast Artillery Corps.
Second Lt. Willard Wright Lazarus, Air Corps.
Second Lt. William Hart Hanson, Infantry.
Second Lt. John Willis Paddock, Infantry.
Second Lt. Joe Stallings Lawrie, Infantry.

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES

GENERAL OFFICER

Brig. Gen. Charles Blaine Smathers, Pennsylvania National Guard, to be brigadier general, National Guard of the United States.

PROMOTIONS IN THE NAVY

Commander Olaf M. Hustvedt to be a captain in the Navy from the 1st day of June 1937.
Commander Harold C. Train to be a captain in the Navy from the 3d day of June 1937.
The following-named lieutenant commanders to be commanders in the Navy, to rank from the date stated opposite their names:
Laurance F. Safford, February 1, 1937.
Paul R. Glutting, March 1, 1937.
Alexander D. Douglas, June 3, 1937.
Theodore M. Waldschmidt, June 3, 1937.
Lt. Joseph A. Connolly to be a lieutenant commander in the Navy from the 8th day of May 1937.
The following-named lieutenants to be lieutenant commanders in the Navy from the 3d day of June 1937:
Alfred M. Granum
Joel Newsom
Harold A. Carlisle
The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the date stated opposite their names:
Lloyd J. S. Aitkens, June 30, 1936.
Ernest R. Perry, June 30, 1936.
Harry M. Denty, July 1, 1936.
John E. Burke, April 1, 1937.
Stephen N. Tackney, June 1, 1937.
The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 3d day of June 1937:

George K. Huff	Gerald L. Huff
William D. Thomas	William L. Kabler
Samuel C. Anderson	Clayton C. Marcy
Frank M. Adamson	Roy S. Benson

Ensign Julian S. Hatcher, Jr., to be a lieutenant (junior grade) in the Navy from the 1st day of June 1936.
The following-named ensigns to be lieutenants (junior grade) in the Navy from the 29th day of May 1937:

Carl R. Tellefsen	Eugene B. Hayden
Albert G. Pelling	Christopher S. Barker, Jr.
Harold J. Von Weller	Paul D. Duke
Jesse B. Burks	Robert A. Dawes, Jr.
Theodore H. Brittan	Harry S. Atherton

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 31st day of May 1937:

Harley K. Nauman	Curtis H. Hutchings
Brown Taylor	Wilbur H. Cheney, Jr.
Cedric W. Stirling	Robert E. Wheeler
Albert L. Becker	William N. Deragon
Eugene C. Rider	Robert A. Chandler
Ernest E. Christensen	Robert B. Crowell
George E. T. Parsons	Raymond Payne
Harry L. Thompson, Jr.	Edward J. Mulquin
Allyn Cole, Jr.	Francis E. Fleck, Jr.
Lowell S. Price	Thomas W. South, 2d
George M. Clifford	James E. Vose, Jr.
Edgar J. Hailey	John L. Foster
Richard H. O'Kane	Russell B. Allen

The following-named surgeons to be medical inspectors in the Navy, with the rank of commander, from the 30th day of June 1936:

William D. Davis
Hardy V. Hughens
Henry Charles Weber

The following-named surgeons to be medical inspectors in the Navy, with the rank of commander, from the 3d day of June 1937:

Roger D. Mackey	Maurice S. Mathis
Paul P. Maher	William W. Hall
Frederick W. Muller	

The following-named assistant surgeons to be passed assistant surgeons in the Navy, with the rank of lieutenant, from the 3d day of June 1937:

Clark G. Grazier
Adrian J. Delaney
James A. Price

CONFIRMATIONS

Executive nominations confirmed by the Senate June 28 (legislative day of June 15), 1937

DIPLOMATIC AND FOREIGN SERVICE

TO BE FOREIGN SERVICE OFFICERS, UNCLASSIFIED, VICE CONSULS OF CAREER, AND SECRETARIES IN THE DIPLOMATIC SERVICE

W. Stratton Anderson, Jr.	Gordon H. Mattison
William Barnes, 3d	Roy M. Melbourne
Aaron S. Brown	John F. Melby
Harlan B. Clark	Herbert V. Olds
William E. Cole, Jr.	Elim O'Shaughnessy
J. Dixon Edwards	Paul Paddock
Herbert P. Fales	Henry V. Poor
Jule L. Goetzmann	G. Frederick Reinhardt
Edmund A. Guilion	Milton C. Rewinkel
Kingsley W. Hamilton	Walter Smith
Fred Harvey Harrington	Charles W. Thayer
Francis C. Jordan	Ray L. Thurston
G. Wallace LaRue	Evan M. Wilson
Perry Laukhuff	Glen W. Bruner

PUBLIC UTILITIES COMMISSION

Riley E. Elgen to be a member of the Public Utilities Commission.

WORKS PROGRESS ADMINISTRATION

Harry W. Witters to be State administrator in the Works Progress Administration for Vermont.

COAST AND GEODETIC SURVEY

Glenn William Moore to be aide (with relative rank of ensign in the Navy).

James Chisolm Tison, Jr., to be junior hydrographic and geodetic engineer (with relative rank of lieutenant, junior grade, in the Navy).

Clarence Robert Reed to be junior hydrographic and geodetic engineer (with relative rank of lieutenant, junior grade, in the Navy).

Kenneth Surrell Ulm to be junior hydrographic and geodetic engineer (with relative rank of lieutenant, junior grade, in the Navy).

Frank Gerard Johnson to be hydrographic and geodetic engineer (with relative rank of lieutenant in the Navy).

COAST GUARD OF THE UNITED STATES

Whitney M. Prall to be captain (engineering).

Rutherford B. Lank, Jr. to be constructor, with the rank of lieutenant commander.

Dale R. Simonson to be constructor, with the rank of lieutenant commander.

POSTMASTER

VIRGINIA

William A. Coates, Arlington.

HOUSE OF REPRESENTATIVES

MONDAY, JUNE 28, 1937

The House met at 12 o'clock noon.

Rt. Rev. Msgr. E. J. Connelly, pastor of St. Peter's Church, Washington, D. C., offered the following prayer:

We pray Thee, O God of might, wisdom, and justice, through whom authority is rightly administered, laws are enacted, and judgment decreed, assist with Thy Holy Spirit of counsel and fortitude this House of Representatives of the United States of America.

Let the light of Thy divine wisdom direct the deliberations of this honorable legislative body and shine forth in all the proceedings and laws framed for our rule and government so that they may tend to the preservation of peace, the promotion of national happiness, the increase of industry, sobriety, and useful knowledge, and may perpetuate to us the blessings of equal liberty. Amen.

The Journal of the proceedings of Thursday, June 24, 1937, was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On June 9, 1937:

H. R. 3874. An act to extend the times for commencing and completing the construction of a bridge and causeway across the water between the mainland at or near Cedar Point and Dauphin Island, Ala.;

H. R. 4706. An act authorizing the State Roads Commission of the State of Maryland and the State Highway Department of the State of Virginia to construct, maintain, and operate a free highway bridge across the Potomac River at or near a point in the vicinity of Point of Rocks in Frederick County and a point near the south end of Loudoun County to take the place of a bridge destroyed by flood in 1936;

H. R. 4801. An act authorizing the county of Wahkiakum, a legal political subdivision of the State of Washington, to construct, maintain, and operate a free highway bridge across the Columbia River between Puget Island and the mainland, Cathlamet, State of Washington;

H. R. 5467. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River between St. Louis, Mo., and Stites, Ill.;

H. R. 1232. An act for the relief of John W. Bolin; and

H. R. 6293. An act to adjust the rank of certain Coast Guard officers on the retired list.

On June 10, 1937:

H. R. 5206. An act for the relief of Jacob G. Ackerman;

H. R. 1304. An act for the relief of John E. Sandage;

H. R. 2554. An act for the relief of Frank Cubero; and

H. R. 4809. An act to authorize the Works Progress Administration to land or give World War relics and other property at Fort Eustis, Va., to the American Legion Museum at Newport News, Va.

On June 11, 1937:

H. J. Res. 334. Joint resolution to protect the copyrights and patents of foreign exhibitors at the New York World's Fair, to be held at New York City, N. Y., in 1939;

H. R. 1759. An act for the relief of Minnie D. Hines;

H. R. 3963. An act for the relief of John Zarnick;

H. R. 856. An act for the relief of First Lt. R. G. Cuno;

H. R. 2360. An act for the relief of Carter R. Young;

H. R. 2673. An act for the relief of Howard Hefner;

H. R. 3841. An act for the relief of Col. J. P. Barney; and

H. R. 5136. An act to authorize the acquisition of land for cemeterial purposes in the vicinity of San Francisco, Calif.

On June 14, 1937:

H. J. Res. 350. Joint resolution authorizing a modification in the existing project for the improvement of the Illinois Waterway, Ill., and the abandonment of a portion of the Calumet River;

H. R. 1502. An act to amend Public Law No. 626, Seventy-fourth Congress;

H. R. 1792. An act for the relief of John Kelley;

H. R. 2736. An act for the relief of Mr. and Mrs. Edward J. Pruett;

H. R. 4457. An act for the relief of Naomi Lee Young; and

H. R. 4508. An act for the relief of Margaret Grace and Alice Shriner.

On June 15, 1937:

H. R. 1013. An act for the relief of Irvin Pendleton;

H. R. 545. An act for the relief of Dean Scott;

H. R. 1084. An act for the relief of Samuel Cripps;

H. R. 2042. An act for the relief of Joshua L. Bach;

H. R. 3031. An act to provide for the establishment of Coast Guard stations along the Maine coast;

H. R. 3738. An act for the relief of Clifford Y. Long;

H. R. 3411. An act to amend section 112 of the Judicial Code to provide for the inclusion of Whitman County, Wash., in the northern division of the eastern district of Washington; and

H. R. 4893. An act authorizing the Secretary of the Treasury to establish a Coast Guard air station at the San Francisco Airport, to provide for quick rescue facilities on the San Francisco Bay, to strengthen the Immigration and Customs Service patrol, and for other purposes.

On June 16, 1937:

H. R. 5779. An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1938, and for other purposes; and

H. R. 6438. An act to expedite the dispatch of vessels from certain ports of call.

On June 18, 1937:

H. J. Res. 335. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Olmedo Alfaro, a citizen of Ecuador.

On June 19, 1937:

H. J. Res. 339. Joint resolution granting permission to George E. Ijams, civilian employee of the Veterans' Administration, to accept and wear the decoration bestowed upon him by the Republic of France;

H. R. 2080. An act for the relief of Eleanora S. Richardson;

H. R. 2223. An act for the relief of Mr. and Mrs. Walter B. Johnson and Joy Johnson, a minor;

H. R. 2705. An act to provide for the manner of inflicting the punishment of death;

H. R. 4213. An act to amend the Inland Waterways Corporation Act, approved June 3, 1924, as amended, authorizing the Secretary of War to extend the services and operations of the Inland Waterways Corporation to the Savannah River; and

H. R. 5721. An act to amend the Federal Register Act.

On June 22, 1937:

H. R. 1277. An act for the relief of William Hayes;

H. R. 2924. An act for the relief of certain officers and employees of the Foreign Service of the United States who, while in the course of their respective duties, suffered losses of personal property by reason of war, catastrophes of nature, and other causes; and

H. R. 3203. An act for the relief of Rosalie Rose.

On June 23, 1937:

H. R. 2887. An act to amend the provisions of the pension laws for peacetime service to include Reserve officers and members of the Enlisted Reserves.

On June 24, 1937:

H. R. 3557. An act for the relief of the Coast Fir & Cedar Products Co., Inc.;

H. R. 4575. An act for the relief of A. R. Netterville, Sr.;

H. R. 5880. An act to amend Private Act No. 210, approved August 13, 1935, by substituting as payee therein the Clark Dredging Co. in lieu of the Bowers Southern Dredging Co.; and

H. R. 7519. An act to amend an act entitled "An act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes", approved August 29, 1935.

On June 28, 1937:

H. R. 6551. An act to establish a Civilian Conservation Corps, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a bill and joint resolution of the House of the following titles:

H. R. 7206. An act to permit the temporary entry into the United States under certain conditions of alien participants and officials of the World Association of Girl Guides and Girl Scouts Silver Jubilee Camp to be held in the United States in 1937; and

H. J. Res. 375. Joint resolution to provide revenue, and for other purposes.

The message also announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 5394. An act to provide for the acquisition of certain lands for, and the addition thereof to, the Yosemite National Park, in the State of California, and for other purposes.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2661. An act granting the consent of Congress to a compact entered into by the States of Maine and New Hampshire for the creation of the Maine-New Hampshire Interstate Bridge Authority;

S. 2662. An act authorizing the Maine-New Hampshire Interstate Bridge Authority to construct, maintain, and operate a toll bridge across the Piscataqua River at or near Portsmouth, State of New Hampshire;

S. 2681. An act to authorize the construction of the Colorado-Big Thompson project as a Federal reclamation project; and

S. J. Res. 164. Joint resolution to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928, as amended.

APPOINTMENT OF ADDITIONAL MANAGER ON THE PART OF THE HOUSE

Mr. SNYDER of Pennsylvania. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to appoint an additional manager on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 6692) making appropriations for the Military Establishment for the fiscal year ending June 30, 1938, and for other purposes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the Chair appoint an additional manager on the part of the House on the conference on the disagreeing votes of the two Houses on the bill (H. R. 6692). Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none and appoints the gentleman from Missouri [Mr. CANNON] as the additional member of the conference committee, and the Clerk will notify the Senate thereof.

EXTENSION OF REMARKS

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a radio address I delivered on yesterday.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. BIGELOW. Mr. Speaker, I ask unanimous consent that on tomorrow, at the conclusion of the legislative business, I may be permitted to address the House for 10 minutes following the previous orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. COX. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COX. Mr. Speaker, one of the most shocking incidents that has taken place in some time is the suggestion of the Secretary of Labor to the Governor of Ohio that he use the subpena power of the State to put certain steel industry officials under duress and to close their plants by the State militia and maintain that status until the C. I. O. had extracted from them such contracts as it might desire.

If such an urge had come from any other member of the Cabinet or from any other responsible official of the Government, there would be a dozen resolutions offered here this morning asking for immediate investigation.

While we did not need this statement to know that the Secretary approves of the use of violence under some circumstances, we were not prepared to expect the advocacy of duress and extortion from one standing so high in the service of the Government.

Is it to be understood, Mr. Speaker, that this is an open declaration of war on the constitutional rights of the citizen? Is the Government to join hands with certain lawless labor groups in not only seizing the property of the employer but the person of the employer as well, and holding both until the employer surrenders all rights in having anything to do with the management of his own property? Whence come such doctrines as these? Are they not entirely foreign to our American way of doing things?

Mr. Speaker, this is no time for the suspension of public laws, but it is a time for rigid enforcement if this Government is to survive. [Applause.]

[Here the gavel fell.]

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. COLLINS. Mr. Speaker, I call up the conference report on the bill (H. R. 5996) making appropriations for the government of the District of Columbia for the fiscal year 1938, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5996) making appropriations for the government of the District of Columbia, and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1938, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 12, 16, 19, 20, 32, 33, 38, 40, 42, 43, 47, 48, 49, 53, 58, 61, 63, 65, 83, 84, 85, 86, 97, 100, 103, 109, 110, 115, 118, 121, 122, 123, 130, 135, 137, 138, 139, 142, and 150.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 8, 11, 13, 14, 15, 17, 18, 24, 25, 26, 27, 28, 30, 31, 36, 37, 39, 41, 44, 46, 50, 51, 52, 57, 59, 60, 64, 67, 68, 69, 71, 72, 73, 74, 75, 77, 79, 88, 89, 91, 93, 94, 98, 101, 104, 106, 111, 116, 117, 120, 124, 125, 126, 128, 136, 140, 143, 144, 145, 147, and 148, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$221,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$98,060"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$110,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert "$403,730"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$180,260"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$22,500"; and the Senate agree to the same.

Amedment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$140,000"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$396,975"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "Not exceeding $17,500 for the purchase of land for elementary school purposes in the vicinity of First and Pierce Streets Northwest;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$242,500"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "the area bounded by Seventh Street on the west and K Street on the south in Southwest Washington"; and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$442,640"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$29,000"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"The unexpended balance of the appropriation of $100,000 contained in the District of Columbia Appropriation Act for the fiscal year 1937 for the construction, repair, improvement, and extension of buildings at the National Training School for Girls, in accordance with plans to be approved by the Municipal Architect and the Commissioners; and for additional personnel and maintenance at that institution is hereby continued available during the fiscal year 1938."

And the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$37,760"; and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$38,260"; and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$450,000"; and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$54,540"; and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows: "$900,000: *Provided*, That appropriations contained in this

Act for highways, sewers, city refuse, and the water department shall be available for snow removal when specifically and in writing ordered by the Commissioners"; and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$367,800"; and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows: "In line 8 of the matter restored strike out '$2,000' and insert in lieu thereof '$2,600' "; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 9, 21, 22, 23, 34, 35, 55, 56, 76, 78, 87, 90, 92, 95, 96, 112, 113, 114, 119, 132, 133, 134, 141, and 151.

ROSS A. COLLINS,
MILLARD F. CALDWELL,
JOE STARNES,
Managers on the part of the House.

ELMER THOMAS,
CARTER GLASS,
ROYAL S. COPELAND,
WILLIAM H. KING,
GERALD P. NYE,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5996) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1938, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On amendment no. 1: Appropriates $121,360, as proposed by the House, instead of $122,860, as proposed by the Senate, for personal services in the building inspection division.

On amendments nos. 2 and 3: Appropriates a total of $43,460, as proposed by the House, instead of $43,960, as proposed by the Senate, for personal services in the plumbing inspection division.

On amendment no. 4: Appropriates $20,500, as proposed by the Senate, instead of $20,000, as proposed by the House, for smoke and boiler regulation.

On amendment no. 5: Appropriates $96,700, as proposed by the Senate, instead of $99,526, as proposed by the House, for personal services in connection with the care of buildings occupied by the District government.

On amendment no. 6: Appropriates $30,000, as proposed by the Senate, instead of $37,350, as proposed by the House, for fuel, light, power, etc., in connection with the operation and maintenance of certain buildings occupied by the District government.

On amendment no. 7: Appropriates $221,000 for personal services in the assessor's office, instead of $209,920, as proposed by the House, and $223,500, as proposed by the Senate, $10,080 being provided for the license bureau and an increase of $1,000 above the amount of the bill as originally passed by the House being provided to meet a shortage in the pay roll of this office.

On amendment no. 8: Appropriates $47,900, as proposed by the Senate, instead of $47,020, as proposed by the House, for personal services in the collector's office.

On amendment no. 10: Appropriates $98,060 for the office of the corporation counsel, instead of $113,360, as proposed by the House, and $102,580, as proposed by the Senate.

On amendment no. 11: Eliminates, as proposed by the Senate, language inserted by the House fixing the salaries of two inspectors in the field at $2,300 each.

On amendment no. 12: Appropriates $10,600, as proposed by the House, instead of $12,040, as proposed by the Senate, for personal services in the coroner's office.

On amendment no. 13: Appropriates $53,800, as proposed by the Senate, instead of $63,880, as proposed by the House for the office of weights, measures, and markets, the reduction of $10,080 in the bill as passed by the House being accounted for by the transfer of that sum to the assessor's office as provided under amendment no. 7.

On amendment no. 14: Eliminates the word "temporary" as proposed by the Senate.

On amendment no. 15: Appropriates $57,980, as proposed by the Senate, instead of $56,980, as proposed by the House, for personal service in the municipal architect's office.

On amendments nos. 16 and 17: Appropriates $61,500, as proposed by the House, instead of $69,000, as proposed by the Senate, for personal services for the Public Utilities Commission; and appropriates $1,500, as proposed by the Senate, instead of $1,000, as proposed by the House, for incidental necessary expenses of the Commission.

On amendment no. 18: Eliminates the House provision authorizing the Public Utilities Commission to make an investigation of the Chesapeake & Potomac Telephone Co. with a view to ascertaining the reasonableness of existing rates, tolls, charges, and services, as proposed by the Senate.

On amendment no. 19: Appropriates $29,220, and provides $4,600 for a fire-insurance rate expert, as proposed by the House, instead of an appropriation of $24,980, as proposed by the Senate.

On amendment no. 20: Appropriates $79,000, as proposed by the House, instead of $80,000, as proposed by the Senate, for personal services in the Surveyor's Office.

On amendments nos. 24, 25, 26, and 27, relating to the Department of Vehicles and Traffic: Appropriates $82,440, for personal services, $93,000, for purchase, installation, and modification of electric traffic lights, etc., and $20,000 for the purchase of motor-vehicle identification number plates, as proposed by the Senate in each instance.

On amendment no. 28: Appropriates $74,940, as proposed by the Senate, instead of $73,500, as proposed by the House, for personal services for the Register of Wills.

On amendments nos. 29, 30, and 31, relating to the office of the recorder of deeds: Appropriates $110,000 for personal services, instead of $106,020, as proposed by the House, and $114,580, as proposed by the Senate; appropriates $12,500 for contingent expenses, as proposed by the Senate, instead of $10,000, as proposed by the House; and appropriates $14,000 for rent of offices of the recorder, as proposed by the Senate, instead of $12,600, as proposed by the House.

On amendments nos. 32 and 33: Appropriates $29,050, as proposed by the House, instead of $29,550, as proposed by the Senate, and eliminates $500 for law books for the office of the corporation counsel, as proposed by the House.

On amendment no. 36: Appropriates $10,296 for allowances for privately owned motor vehicles used in the performance of official duties, as proposed by the Senate.

On amendment no. 37: Authorizes the use of $8,900 for transportation of employees on official business, as proposed by the Senate, instead of $10,400, as proposed by the House.

On amendments nos. 38, 39, 40, and 41, relating to the sewer department: Appropriates $180,030, as proposed by the House, instead of $183,000, as proposed by the Senate, for personal services; appropriates $245,000, as proposed by the Senate, instead of $235,000, as proposed by the House, for cleaning and repairing sewers; appropriates $150,000, as proposed by the House, instead of $175,000, as proposed by the Senate, for suburban sewers; and appropriates $160,000, as proposed by the Senate, instead of $150,000, as proposed by the House, for operation and maintenance of the sewage-treatment plant.

On amendments nos. 42, 43, 44, 45, and 46, relating to the collection and disposal of refuse: Appropriates $130,000, as proposed by the House, instead of $134,000, as proposed by the Senate, for personal services; eliminates language providing for snow and ice removal from the streets and sidewalks and a related proviso authorizing the use of various funds therefor, as proposed by the House; eliminates $5,620 for the purchase of one street flusher, as proposed by the Senate; appropriates a total of $403,730, instead of $400,000 as proposed by the House and $409,350 as proposed by the Senate, for dust prevention and cleaning of streets; and appropriates $850,000, as proposed by the Senate, instead of $825,000, as proposed by the House, for the collection and disposal of garbage.

On amendments nos. 47, 48, and 49, relating to appropriations for trees and parkings: Eliminates $26,600 for personal services and $100,000 for contingent expenses, funds therefor being provided under amendments nos. 138 and 139, as proposed by the House.

On amendments nos. 50, 51, and 52, relating to public playgrounds: Appropriates $127,780, as proposed by the Senate, instead of $75,015, as proposed by the House, for personal services; provides $40,800 for general maintenance, as proposed by the Senate, instead of $25,700, as proposed by the House; and appropriates $29,700 for keeping open during the summer months public-school playgrounds, as proposed by the Senate.

On amendment no. 53: Appropriates $683,800 for administrative and supervisory officers in the public schools, as proposed by the House, instead of $687,000, as proposed by the Senate.

On amendment no. 54: Appropriates $180,260 for clerks and other employees of the public schools, instead of $175,940, as proposed by the House, and $190,240, as proposed by the Senate.

On amendment no. 57: Eliminates the proviso contained in the House bill prohibiting the performance of clerical work other than that necessary to the regular classroom-teaching assignment, as proposed by the Senate.

On amendment no. 58: Restores the provision contained in the House bill and eliminated by the Senate regarding the salaries paid librarians in the public schools.

On amendment no. 59: Appropriates $102,180, as proposed by the Senate, instead of $94,180, as proposed by the House, for night schools.

On amendment no. 60: Appropriates $102,000, as proposed by the Senate, for the community center department of the public schools and inserts the language contained in the Senate amendment, instead of $216,565, as proposed by the House.

On amendment no. 61: Appropriates $942,705, as proposed by the House, instead of $949,430, as proposed by the Senate, for personal services in connection with the care of buildings and grounds.

On amendments nos. 62, 63, 64, 65, 66, 67, 68, 69, 70, and 71, relating to miscellaneous items under the public schools: Appropriates $22,500 for transportation of tubercular, crippled, and sight-conservation pupils, instead of $20,000, as proposed by the House, and $25,000, as proposed by the Senate; strikes out $2,000,

inserted by the Senate, for the transportation of pupils in Bradbury Heights; appropriates $64,000, as proposed by the Senate, instead of $60,000, as proposed by the House, for manual- and vocational-training equipment; appropriates $10,000 as proposed by the House, instead of $14,800, as proposed by the Senate, for furniture for the Phelps vocational school and appropriates a total of $140,000 for contingent expenses, instead of $133,500, as proposed by the House, and $150,600, as proposed by the Senate; appropriates $16,400 for apparatus for laboratories in the high, junior high, vocational schools, and teachers' colleges, instead of $15,000, as proposed by the House; appropriates $2,400, as proposed by the Senate, for school gardens; appropriates $396,975 for repairs and improvements to school buildings and grounds, instead of $379,000, as proposed by the House, and $414,475, as proposed by the Senate, the increase of $17,975 over the original amount proposed by the House being provided for the replacement of heating plants at the Amidon and Pierce Schools and $975 for the purchase of one motor truck; and appropriates, as proposed by the Senate, $7,000 for equipment of school yards.

On amendments nos. 72, 73, 74, 75, 77, 79, 80, 81, and 82, relating to school buildings and grounds: Appropriates $300,000 for the Thomas Jefferson Memorial Junior High School and Library, and provides $16,800 for plans and specifications, as proposed by the Senate; appropriates $350,000, and provides $28,300 for plans and specifications, as proposed by the Senate; eliminates, as proposed by the Senate, the provision of the House appropriating $8,000 for two portable school buildings in Bradbury Heights; provides for the purchase of land adjoining the site of the old Dennison School; provides not exceeding $17,500 for the purchase of land for school purposes in the vicinity of First and Pierce Streets NW., as proposed by the Senate; and restricts to the area bounded by Seventh Street on the west and K Street on the south, on which the proposed Jefferson Junior High School may be constructed, instead of the restrictions proposed in this connection by the House and the Senate.

On amendments 83, 84, and 85, relating to the Metropolitan Police: Appropriates $3,386,730, as proposed by the House, instead of $3,387,450, as proposed by the Senate; eliminates the language proposed by the Senate authorizing the purchase of horses; and appropriates $68,375, as proposed by the House, instead of $73,175, as proposed by the Senate, for contingent expenses, in denying funds for the purchase and maintenance of horses.

On amendment no. 86: Appropriates $2,211,900, as proposed by the House, instead of $2,225,000, as proposed by the Senate, for salaries, fire department.

On amendments nos. 88 and 89, relating to the tuberculosis sanatoria: Appropriates $325,440, as proposed by the Senate, instead of $304,963, as proposed by the House, for personal services; and appropriates $203,000, as proposed by the Senate, instead of $177,000, as proposed by the House for supplies, maintenance, etc.

On amendment no. 91: Appropriates $270,000, as proposed by the Senate, instead of $250,000, as proposed by the House, for maintenance of Gallinger Municipal Hospital.

On amendments nos. 93 and 94, relating to the police court: Appropriates $114,530, as proposed by the Senate, instead of $107,030, as proposed by the House, for personal services; and appropriates $11,600, as proposed by the Senate, instead of $4,250, as proposed by the House, for supplies, maintenance, etc.

On amendment no. 97: Strikes out the proposal of the Senate that certain percentages of the cost of operation of the district court and the court of appeals shall be paid by the Federal Government.

On amendment no. 98: Appropriates $38,000 for operation of the receiving home, as proposed by the Senate, instead of providing $12,000 for the operation of boarding homes, as proposed by the House.

Amendments nos. 99, 100, 101, and 102 relating to the Workhouse and Reformatory: Appropriates $442,640 for personal services instead of $422,300, as proposed by the House, and $462,980, as proposed by the Senate; restores the language of the House providing for the purchase of one motorbus instead of the language proposed by the Senate; inserts the language proposed by the Senate for the purchase of uniforms and caps for guards; appropriates $437,500 for maintenance and support of inmates, as proposed by the Senate, instead of $414,300, as proposed by the House; and appropriates $29,000 for the replacement of defective wiring, instead of $37,000, as proposed by the Senate.

Amendments nos. 103, 104, and 105, relating to the National Training School for Girls: Appropriates $31,500, as proposed by the House, instead of $33,500, as proposed by the Senate, for personal services; appropriates $30,000, as proposed by the Senate, instead of $27,500, as proposed by the House, for maintenance; and inserts the proposal of the Senate continuing an unexpended balance for construction, etc.

On amendment no. 106: Appropriates $104,270, as proposed by the Senate, instead of $99,270, as proposed by the House, for personal services at the District training school.

On amendments nos. 107, 108, and 109, relating to the Industrial Home School for Colored Children: Appropriates $38,260 for personal services, instead of $40,300 as proposed by the Senate and $36,470 as proposed by the House; and appropriates $25,500, as proposed by the House, for maintenance, instead of $30,000, as proposed by the Senate.

On amendment no. 110: Appropriates $1,411,500, with a limitation of 10 percent on the amount of funds available for personal services, in connection with public assistance, as proposed by the House, instead of $1,465,000, with a limitation of $200,000 for personal services, as proposed by the Senate.

On amendment no. 111: Corrects the title of the Needy Blind Act, as proposed by the Senate.

On amendments nos. 115, 116, and 117, relating to public parks: Appropriates $351,910 for personal services, National Capital Parks, as proposed by the House, instead of $354,490, as proposed by the Senate; removes the limitation on the amount available for placing and maintaining the parks in condition for outdoor sports, as proposed by the Senate, and appropriates $382,500 for maintenance of parks, as proposed by the Senate, instead of $373,500, as proposed by the House.

On amendment no. 118: Appropriates $175,470, as proposed by the House, instead of $179,270, as proposed by the Senate, for salaries of Park Police.

On amendments nos. 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 135, 136, 137, 138, 139, 140, and 142, relating to appropriations from the gasoline-tax fund: Appropriates $251,000 for personal services, as proposed by the Senate, instead of $243,280, as proposed by the House; provides for "per diem services" from miscellaneous street appropriations, as proposed by the House, instead of "personal services", as proposed by the Senate; appropriates $126,600 for trees and parkings, and $150,000 for assessment and permit work under the permit system; as proposed by the House, inserts $24,200 for the paving of Western Avenue, and $6,000 for the paving of Elder Street, as proposed by the Senate; appropriates $200,000, as proposed by the Senate, instead of $175,000, as proposed by the House, for the construction of curbs and gutters; appropriates $450,000 for the surfacing and resurfacing of pavements, instead of $400,000, as proposed by the House and $475,000, as proposed by the Senate; appropriates $54,540, for the construction and maintenance of bridges; restores the language inserted by the House and eliminated by the Senate, providing for snow and ice removal and, in the same paragraph, appropriates $900,000 for the repair of streets, as proposed by the Senate, instead of $800,000, as proposed by the House; strikes out the item inserted by the Senate appropriating $325,000 for beginning construction of the Pennsylvania Avenue Bridge; provides that appropriations for the purchase of land for widening streets, etc., shall remain available until June 30, 1939; and eliminates the appropriation for the purchase and installation of traffic lights, which has been provided for under amendment no. 26.

On amendments nos. 143, 144, 145, 146, and 147, relating to the water department: Appropriates $540,000 for the Washington aqueduct, as proposed by the Senate, instead of $470,000, as proposed by the House; appropriates $367,800, for maintenance of the water department distribution system, instead of $366,000, as proposed by the House and $372,300, as proposed by the Senate; and authorizes the Treasurer of the United States to invest certain funds of the District of Columbia, as proposed by the Senate.

On amendment no. 148: Eliminates the provision of the House requiring that per-diem employees be paid only for time actually worked, as proposed by the Senate.

On amendment no. 149: Restores the provision of the House prohibiting the reallocation of the positions of employees and raises the limitations of $2,000 fixed in the House bill to $2,600.

On amendment no. 150: Restores the limitation on the issuance of congressional tags as provided in the House bill.

The committee of conference report in disagreement the following amendments of the Senate:

On amendment no. 9: Relating to the appropriation for the auditor's office.

On amendments nos. 21, 22, and 23: Relating to appropriations for the Minimum Wage Board.

On amendments nos. 34 and 35: Relating to advertising in newspapers.

On amendments nos. 55 and 56: Relating to health and physical education teachers and the appropriation for teachers and librarians in the public schools.

On amendments nos. 76 and 78: Relating to the appropriation for the Banneker Junior High School.

On amendment no. 87: Relating to the transfer of certain hospitals to the Health Department.

On amendment no. 90: Relating to the appropriation for personal services, Gallinger Municipal Hospital.

On amendment no. 92: Relating to the appropriation for construction of a health center.

On amendments nos. 95 and 96: Relating to the appointment of a marshal for the Court of Appeals.

On amendment no. 112: Relating to the appropriation for the Columbia Polytechnic Institute.

On amendments nos. 113 and 114: Relating to the appropriation for the relief of the poor.

On amendment no. 119: Authorizing the purchase of supplies and services by the National Capital Park and Planning Commission without advertising when such purchase does not exceed $50.

On amendment no. 132: Relating to the purchase of a municipal asphalt plant.

On amendments nos. 133 and 134: Relating to the replacement of Chain Bridge.

On amendment no. 141: Correcting a total.

On amendment no. 151: Authorizing that credit be allowed in the accounts of the District of Columbia for certain disbursements made from the appropriation "Refund of erroneously paid taxes, District of Columbia."

ROSS A. COLLINS,
MILLARD F. CALDWELL,
JOE STARNES,
Managers on the part of the House.

Mr. COLLINS. Mr. Speaker, I move the adoption of the conference report.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. Yes.

Mr. RICH. What is the total amount of this bill to date, after the report of the conferees?

Mr. COLLINS. The amount of the bill as agreed to by the conferees is $45,915,641, which is $680,000 below the Budget.

Mr. RICH. The gentleman realizes that is about $700,000 more than the bill carried when it passed the House.

Mr. COLLINS. Yes; about $700,000.

Mr. RICH. As the bill passed the House it was $45,228,224, and if it carries $45,915,641 now, it shows an increase of about $700,000.

Mr. COLLINS. The Senate increased it $1,513,000, and the House decreased the Senate figures by $689,000.

Mr. RICH. The fact of the matter is that it is an increase over what it was when the bill left the House.

Mr. COLLINS. Yes; it is about a 50-50 division.

Mr. RICH. Mr. Speaker, the President of the United States says that we are going to economize on the 1938 Budget. I call the attention of the gentleman and Members of the House to what the status of the Treasury is now and to the appropriations for 1938, to show that they are in excess of what they were for 1937. The receipts up to June 23 this year have been $5,192,836,572, while the expenditures have been $7,967,861,267. Up to June 23 of this year you have spent $2,775,024,694 more than you have received as per Treasury statement. This does not take into effect the revolving funds spent this year not accounted for in the Treasury statement amounting to over $998,000,000, which makes the deficit on the year of over $3,770,000,000. Your appropriations for 1938 are in excess of your appropriations for 1937. If you talk about trying to economize, and if you figure you are going to get a balanced Budget, you are never going to get them and do the things you are now doing.

Mr. COLLINS. Mr. Speaker, I decline to yield further.

Mr. RICH. Mr. Speaker, the Members want to hear this.

The SPEAKER. The gentleman refuses to yield further.

Mr. RICH. The House ought to get this information; they need it, and they do not like to hear it because it makes them feel bad; would that they would take it to heart. Where will they get the money?

The SPEAKER. The question is on the motion of the gentleman from Mississippi to agree to the conference report.

The motion was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Page 5, line 8, strike out "$136,700, of which $10,000 shall be available immediately for examination of estimates of appropriations, and for other purposes."

Mr. COLLINS. Mr. Speaker, I move that the House recede and concur with an amendment which I send to the desk.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. COLLINS moves that the House recede from its disagreement to the amendment of the Senate no. 9, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows: "$131,700, of which $5,000 shall be available without reference to the Classification Act of 1923, as amended, and civil-service requirements for examination of estimates of appropriations and for other purposes."

The SPEAKER. The question is on the motion of the gentleman from Mississippi.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 21: Page 8, line 21, insert "Minimum Wage Board."

Mr. COLLINS. Mr. Speaker, I move that the House recede and concur.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. COLLINS moves that the House recede from its disagreement to the amendment of the Senate no. 21, and concur in the same.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 22: Page 8, after line 21, insert: "For personal services in accordance with the Classification Act of 1923, as amended, $12,170."

Mr. COLLINS. Mr. Speaker, I move to recede and concur with an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. COLLINS moves that the House recede from its disagreement to the amendment of the Senate no. 22, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"For personal services, including not to exceed $2,500 for the secretary of the Board, $8,040."

The SPEAKER. The question is on the motion of the gentleman from Mississippi.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. I yield.

Mr. RICH. Is this an increase in salary for some official of the Government?

Mr. COLLINS. No; the Senate proposed certain salaries in the Minimum Wage Board, including a clerk and stenographer and secretary, and so on. The House conferees insisted that the figures were too high, and they were reduced by about one-half.

Mr. RICH. Did the conferees on the part of the House agree to all proposals that the gentleman is submitting here?

Mr. COLLINS. Every proposal incorporated in this report is the unanimous report of the Senate and House conferees.

The SPEAKER. The question is on the motion of the gentleman from Mississippi [Mr. COLLINS].

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 23: Page 8, after line 23, insert: "For contingent and miscellaneous expenses, including purchase of equipment, printing and binding, office equipment, telephone rental, postage, and other necessary items, $2,150."

Mr. COLLINS. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment no. 23 and agree to the same with an amendment.

The Clerk read as follows:

Mr. COLLINS moves that the House recede from its disagreement to the amendment of the Senate no. 23 and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert:

"For equipment, transportation, and other necessary expenses, $575."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 34: Page 13, line 14, insert: "*Provided*, That this appropriation shall not be available for the payment of advertising in newspapers published outside of the District of Columbia, notwithstanding the requirement for such advertising provided by existing law."

Mr. COLLINS. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 34: Page 13, after line 22, insert a colon and the following: "*Provided*, That this appropriation shall not be available for the payment of advertising the delinquent tax list for more than once a week for 2 weeks in the regular issue of one

morning or one evening newspaper published in the District of Columbia, notwithstanding the provisions of existing law."

Mr. COLLINS. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 55: Page 25, after the word "twelve", in line 24, insert "and including $10,000 for health and physical education teachers to supervise play in schools of the central area, bounded by North Capitol Street on the east, Florida Avenue on the north, the Mall on the south, and Twelfth Street on the west."

Mr. COLLINS. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 56: Page 26, line 5, strike out "$7,157,820" and insert "$7,223,220."

Mr. COLLINS. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate no. 56, and agree to the same with an amendment.

The Clerk read as follows:

Mr. COLLINS moves that the House recede from its disagreement to the Senate amendment no. 56 and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,165,820."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 76: Page 36, after line 15, insert the following:

"For the erection of a junior high school building on a portion of the site of the existing Banneker Playground, $200,000, of which sum $15,217 shall be available for the preparation of plans, specifications, and administration, and the Commissioners are authorized to enter into contract or contracts for such building at a cost not to exceed $724,650."

Mr. COLLINS. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 78: Page 37, line 5, strike out "$1,548,000" and insert "$1,540,000."

Mr. COLLINS. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 87: Page 48, line 13, after the word "sanatoria", insert the following: "which, on and after July 1, 1937, shall be under the direction and control of the health department of the District of Columbia and subject to the supervision of the Board of Commissioners."

Mr. COLLINS. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 90: Page 49, line 5, strike out "$423,380" and insert "$455,560."

Mr. COLLINS. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment no. 90 and agree to the same with an amendment as follows:

In lieu of the sum inserted by said amendment insert the following: "$468,560, of which $13,000 shall be available for out-patient relief of the poor, including medical and surgical supplies, artificial limbs, and pay of physicians."

The Clerk read as follows:

Mr. COLLINS moves that the House recede from its disagreement to the amendment of the Senate no. 90 and agree to the same with an amendment as follows: In lieu of the sum inserted by such amendment insert the following: "$468,560, of which $13,000 shall be available for out-patient relief of the poor, including medical and surgical supplies, artificial limbs, and pay of physicians."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 92: Page 50, after line 7, strike out all of lines 8 to 14, inclusive, and insert the following:

"Health center: For the construction on the site of the Jones Elementary School, at First and L Streets NW., of a building for a health center, including necessary fixed equipment therefor, $165,000, of which sum $7,000 shall be available for preparation of plans and specifications, administration, and inspection, including the employment of personal services without reference to the Classification Act of 1923, as amended."

Mr. COLLINS. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate no. 92 and concur in the same with an amendment.

The Clerk read as follows:

Mr. COLLINS moves that the House recede from its disagreement to the amendment of the Senate no. 92 and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows:

"Health center: For the construction on the site of the Jones Elementary School, at First and L Streets NW., of a building for health center, including necessary fixed equipment therefor, $165,000, of which sum $7,000 shall be available for preparation of plans and specifications, administration, and inspection, including the employment of personal services without reference to the Classification Act of 1923, as amended: *Provided*, That all buildings belonging to the District of Columbia shall be under the jurisdiction and control of the Commissioners of the said District."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 95: Page 54, after line 17, insert "marshal, $3,600, whose appointment is hereby authorized."

Mr. COLLINS. Mr. Speaker, I move that the House recede from is disagreement to the amendment of the Senate no. 95 and concur in the same.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 96: Page 54, line 22, strike out "$111,800" and insert in lieu thereof "$115,400."

Mr. COLLINS. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate no. 96 and concur in the same.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 112: Page 69, line 1, insert:

"COLUMBIA POLYTECHNIC INSTITUTE

"To aid the Columbia Polytechnic Institute for the Blind, located at 1808 H Street NW., to be expended under the direction of the Commissioners of the District of Columbia, $3,000."

Mr. COLLINS. Mr. Speaker, I move that the House recede from is disagreement to the amendment of the Senate no. 112 and concur in the same.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 113: Page 70, line 4, after the word "poor", insert "at $1,200 each per annum."

Mr. COLLINS. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate no. 113 and concur in the same.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 114: Page 70, line 5, strike out "$13,000", and insert in lieu thereof "$18,760."

Mr. COLLINS. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate no. 114, and concur with an amendment.

The Clerk read as follows:

Amendment no. 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows: Strike out the matter inserted and stricken out by said amendment, and on page 63 of the bill, strike out lines 1 to 5, inclusive.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 119: Page 75, line 3, after $40,150 insert: *Provided*, That the Commission may procure supplies and services without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), when the aggregate amount involved does not exceed $50: *Provided further*, That a statement of expenditures from this appropriation shall be reported to Congress in the annual Budget.

Mr. COLLINS. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate no. 119, and concur in the same.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 132: Page 83, after line 2, after the figures "$900,000", insert: "*Provided*, That the Commissioners of the District of Columbia, should they deem such action to be to the advantage of the District of Columbia, are hereby authorized to purchase a municipal asphalt plant at a cost not to exceed $30,000."

Mr. COLLINS. Mr. Speaker, I move that the House recede and concur with an amendment.

The Clerk read as follows:

Mr. COLLINS moves that the House recede from its disagreement to the amendment of the Senate no. 132, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: *"Provided further*, That the Commissioners of the District of Columbia, should they deem such action to be to the advantage of the District of Columbia, are hereby authorized to purchase a municipal asphalt plant at a cost not to exceed $30,000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 133: Page 84, line 1, strike out "$100,000" and insert in lieu thereof "$143,000."

Mr. COLLINS. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate no. 133, and concur in the same.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 134: Page 84, line 1, after "$143,000", add the following: "and the Commissioners are authorized to enter into contract or contracts for the completion of said bridge at a cost not to exceed $393,000."

Mr. COLLINS. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate no. 134 and concur in the same.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no 141: Page 87, in line 19, strike out "$2,769,140" and insert in lieu thereof "$2,957,740."

Mr. COLLINS. Mr. Speaker, I offer a motion, which I sent to the Clerk's desk.

The Clerk read as follows:

Mr. COLLINS moves that the House recede from its disagreement to the amendment of the Senate no. 141 and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$2,894,340."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 151: Page 99, after line 22, insert:

"SEC. 7. Credit is allowed in the accounts of the District of Columbia for disbursements made from the permanent and indefinite appropriation, 'Refund of erroneously paid taxes, District of Columbia', amounting to $3,229.90, covered by audit numbers 33,568, 37,304, 45,549, 53,546, 63,399, and 70,165, and General Accounting Office certificate no. F-5872-DC, dated July 24, 1933."

Mr. COLLINS. Mr. Speaker, I offer a motion, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. COLLINS moves that the House recede from its disagreement to the amendment of the Senate no. 151, and agree to the same with an amendment, as follows: In line 1 of the matter proposed strike out "7" and insert in lieu thereof "9."

The motion was agreed to.

The SPEAKER. Without objection, a motion to reconsider the various motions will be laid upon the table.

There was no objection.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a general statement by me as to the District appropriation bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The matter referred to follows:

District appropriation bill, 1938

Amount of 1938 appropriations	$45,915,641
Amount of 1937 appropriations	43,712,910
Increase over 1937	2,202,731
Amount of regular and supplemental estimates	46,605,605
Amount of bill as agreed to by conferees	45,915,641
Decrease under Budget estimates	689,964
Amount of House recessions in conference	799,057
Amount of Senate recessions in conference	714,140
Amount of 1938 bill as passed Senate	46,629,781
Amount of 1938 bill as passed House	45,116,584
Amount added above House bill by Senate	1,513,197

NOTE.—The above comparisons show the net figure in each instance.

Status of general fund appropriations, 1938

Amount of bill as agreed to by conferees	$45,915,641
Amount of gas and water funds	5,189,815
Total from general fund	40,725,826
Total collections, 1938	28,997,625
Deficit	11,728,201
Less Federal contribution	5,000,000
Net deficit	6,728,201

Status of gasoline tax fund appropriations, 1938

Amount in bill as agreed to by conferees	$3,145,340
Total available in fund	3,113,280
Deficit, 1938	32,060

Status of water fund appropriations, 1938

Total available in fund	$2,729,475
Amount in bill as agreed to by conferees	2,044,475
Surplus, 1938	685,000

NOTE.—The above figures are estimates prepared on the basis of data submitted to the committee during hearings on the bill.

EXTENSION OF REMARKS

Mr. GRAY of Indiana and Mr. HIGGINS of Massachusetts asked and were given permission to extend their own remarks in the RECORD.

FISHERIES OF ALASKA

Mr. DIMOND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5860) making further provision for the fisheries of Alaska.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alaska?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I understand this bill is on the Consent Calendar. Why is there any particular reason for it being called up at this time?

Mr. DIMOND. Mr. Speaker, this is an emergency matter, because the fishing season is at hand and the House must pass the bill immediately to do any good this year.

Mr. MARTIN of Massachusetts. Just what does this bill do?

Mr. DIMOND. It is for the benefit of the natives of one part of Alaska. It limits fishing by set nets to the residents of that region and it gives the residents, particularly the Indians and Eskimos, a chance to make a little needed money.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the act approved June 6, 1924, entitled "An act for the protection of the fisheries of Alaska, and for other purposes" (43 Stat. 464), as amended, is further amended by inserting in said section at the end of the first proviso thereof another proviso to read as follows: *"Provided further*, That in the area embracing Bristol Bay and the arms and tributaries thereof, no person shall at any time fish for or take salmon with a stake net or set net, for commercial purposes, unless such person shall have theretofore continuously resided for the period of at least 5 years within a radius of 30 miles of the place where such net is staked or set."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. DIMOND. Mr. Speaker, Bristol Bay is a large bay indenting the southwestern side of the Territory of Alaska and opening into Bering Sea. It is the site of what is probably the greatest red-salmon fishery in the world and produces annually approximately 1,200,000 cases of red salmon containing 48 pounds to the case.

As I have heretofore indicated this bill is designed to provide a larger opportunity for the residents of the Bristol Bay region, and particularly for the native residents of that district, to earn a living in the great salmon fishery there carried on.

Two methods of fishing are employed to catch the Bristol Bay salmon: one involves the use of drift nets operated by boats and not attached to the shore; and the other involves the use of stake or set nets, one end of each of which is tied to the shore and thence extends out at right angles to the shore into the shallow tidal waters of the bay but not beyond the low-water mark therein. Under present regulations no stake or set net may be longer than 50 fathoms and stake or set nets may not be set within 450 feet of each other. During the year 1936 approximately 410 stake nets were operated in the Bristol Bay region and they caught about 3½ percent of all of the salmon taken in the district—the remaining 96½ percent having been caught by drift nets. The operation of stake or set nets is a simple one and can readily be performed by elderly people or even by women who are unable to undertake the more laborious and hazardous method of fishing with drift nets. For many of the residents of the region fishing by stake or set nets is the only way for them of making a living.

More than 1,000 fishermen from the United States go to Bristol Bay each year to engage in salmon fishing and they return to the States at the end of the short salmon fishing season. Some of the fishermen from the States, being more aggressive than the natives, have tended in recent years more and more to drive the natives from stake- or set-net fishing. While the income derived from the operation of any stake or set net is very small, the fishermen from the States frequently locate stake or set nets and then hire someone to operate the same while they personally engage in the more lucrative drift-net fishing. The operator of a stake net will probably not earn more than $250 in a season, while the average fisherman using a drift net is likely to earn at least five times that amount.

This legislation is highly desirable for the subsistence of some of the residents of the Bristol Bay region, and particularly for the native residents thereof. Without an opportunity to engage in fishing by stake or set nets some of these people have no method whatever of earning sufficient money to provide themselves with food and clothing. The bill under consideration is in harmony with the policy and purpose of the Government in promoting and aiding in the education, medical relief, and economic well-being of the natives of Alaska and in assisting in the establishment of permanent homes in the Territory.

ACQUISITION OF CERTAIN LANDS FOR THE YOSEMITE NATIONAL PARK

Mr. DEROUEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5394) to provide for the acquisition of certain lands for, and the addition thereof to, the Yosemite National Park, in the State of California, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. DEROUEN, Mr. ROBINSON of Utah, and Mr. CRAWFORD.

EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a resolution recently adopted by the United Government employees on the death of our late beloved and distinguished colleague, William P. Connery, Jr.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. TAYLOR of Tennessee. Mr. Speaker, during the 20 years I have been a Member of this body this is the first time I have ever asked unanimous consent to address the House. I want to break that record this morning and ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. GREENWOOD. Mr. Speaker, reserving the right to object—I am not going to object to my colleague on the Rules Committee speaking this morning, because he makes the request so seldom, but I intend to object to any other similar request this morning, because we have important legislation to consider.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TAYLOR of Tennessee. Mr. Speaker, I have requested this time that I may call to the attention of the Congress and the country, and especially to the notice of the Department of Justice a certain unusual and disgraceful species of racketeering that has been going on recently in Tennessee, and doubtless similar hijacking has been and is being practiced throughout the country.

According to a story printed under bold headlines on the front page of the Nashville Banner, a Democratic newspaper, in its issue of June 17 last, one Col. Lester F. Kimbrell, "blew" into Nashville week before last and proceeded to call to his hotel a number of Nashville businessmen who had furnished material to or had obtained contracts from the W. P. A. or other Government agencies. After being naively reminded of the business they had received from the W. P. A. and other Federal alleged relief agencies, and also

significantly informed that there would soon be additional funds for Federal distribution, these businessmen were told that as a representative of the President, Mr. Farley, and the Democratic National Committee, he had been commissioned to contact them, as beneficiaries of Federal relief funds, and take their orders for the "Democratic handbook", to be autographed by no less a personage than the President of the United States, at the "insignificant" price of $250 apiece. These businessmen were informed that their names were on a list which was "on the desk of the President and in the hands of Mr. Farley." Thereupon the suave colonel politely told them that their quota of books was in proportion to the Government business each had enjoyed, ranging from two to eight books, or from $500 to $2,000.

According to the Banner, the urbane colonel told each of those he contacted that if they would sign on the dotted line, he "would be of service to them in the matter of future favor." The Banner also stated that only persons and concerns that had done business with the W. P. A. and other Federal facilities were contacted.

It is not known just how much money the ingenious colonel extracted or, rather, extorted, from Nashville businessmen, but he carried on his nefarious racket in Tennessee's capital city for a week, when he departed for Memphis to shear other innocent lambs.

On his way to Nashville the colonel, or one of his accomplices, stopped over in Knoxville, where the same tactics were employed in an attempt to hijack a number of Knoxville businessmen who had had Government contracts or furnished Federal projects material. I have it on unimpeachable authority that this Knoxville hijacker stopped at the Andrew Johnson Hotel, where he summoned by telephone those whom he was sent there to fleece. His demands in Knoxville ranged from $500 to $1,500 per person. In Knoxville, after the usual reminder of the business he had received through the beneficent instrumentality of W. P. A. and other Federal facilities, and after the tempting picture of future favors were dangled before him, the victim was informed of the amount he was assessed and expected to contribute. To verify his identity and authority, the "colonel" suggested that they could call a certain number in Washington. This was done, I understand, and the Washington "number" promptly replied that "the colonel" was duly and fully authorized.

Mr. Speaker, such dastardly skullduggery as I have described is not only the very essence of villainy but is a clear violation of both the letter and the spirit of the Federal Corrupt Practices Act. Of course, this campaign book pretext is not even a clever subterfuge. A political campaign book at this time would be just about as valuable and interesting as a last year's Barker's Almanac.

Mr. Speaker, I denounce this conduct as downright immoral and utterly reprehensible. It is cold-blooded graft of the purest ray serene. Of course, the so-called colonel is only a tool of the higher-ups who deserve the contempt and execoration of all decent people. Al Capone in his palmiest days would have scorned to condescend to such arrant, cowardly, and contemptible conduct; and Jesse James would have considered it unworthy of his code of ethics and a reflection on his sense of sportsmanship.

Mr. Speaker, if conduct such as this is to go unchallenged, justice becomes a mockery and graft masquerades under the cloak of manly virtue. Surely, Mr. Speaker, the great Democratic Party has not degenerated to so low a state that it finds it necessary to resort to methods of coercion and extortion to raise funds to carry on and meet its financial obligations.

Here and now, I call upon the Department of Justice to investigate this outrageous and scandalous practice; and if requested to do so, I shall be glad to furnish the Attorney General's office with pertinent information bearing on this shameful and unsavory affair. [Applause.]

EXTENSION OF REMARKS

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend in the RECORD my own remarks on the same subject on two separate occasions.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6523) entitled "An act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1938, and for other purposes."

The message also announced that the Senate insists upon its amendments to the bill (H. R. 5394) entitled "An act to provide for the acquisition of certain lands for, and the addition thereof to, the Yosemite National Park, in the State of California, and for other purposes", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ADAMS, Mr. PITTMAN, Mr. ASHURST, Mr. WAGNER, and Mr. NYE to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 361) entitled "Joint resolution making appropriations for relief purposes."

The message also announced that the Senate had passed, without amendment, bills and joint resolutions of the House of the following titles:

H. R. 563. An act for the relief of E. W. Garrison;

H. R. 607. An act for the relief of Dorothy McCourt;

H. R. 1235. An act for the relief of John Brennan;

H. R. 1310. An act for the relief of Clifford R. George and Mabel D. George;

H. R. 1406. An act for the relief of Frank S. Walker;

H. R. 1689. An act for the relief of Dominga Pardo;

H. R. 1731. An act for the relief of Angelo and Auro Cattaneo;

H. R. 1761. An act for the relief of Paul J. Francis;

H. R. 1851. An act for the relief of W. D. Davis;

H. R. 2404. An act for the relief of James Philip Coyle;

H. R. 2482. An act for the relief of Lonnie O. Ledford;

H. R. 2703. An act to provide for the representation of the United States Court of Appeals for the District of Columbia on the annual conference of senior circuit judges;

H. R. 2757. An act to carry out the findings of the Court of Claims in the claim of the Morse Dry Dock & Repair Co.;

H. R. 2774. An act for the relief of certain employees of the Division of Investigation, Department of the Interior, and certain disbursing officers of the Department of the Interior;

H. R. 2934. An act for the relief of Raymond E. Payne and Anna R. Payne;

H. R. 2983. An act for the relief of Mr. and Mrs. J. C. Porter;

H. R. 3002. An act for the relief of Timothy Joseph McCarthy;

H. R. 3075. An act for the relief of E. P. Lewis;

H. R. 3123. An act to authorize the Secretary of War to lease to Old Fort Niagara Association, Inc., portions of the Fort Niagara Military Reservation, N. Y.;

H. R. 3262. An act for the relief of John H. Wykle;

H. R. 3284. An act to transfer Crawford County, Iowa, from the southern judicial district of Iowa to the northern judicial district of Iowa;

H. R. 3339. An act for the relief of Allie Rankin;

H. R. 3565. An act for the relief of the Northwestern Ohio Mutual Rodded Fire Insurance Co.;

H. R. 3809. An act for the relief of H. E. Wingard;

H. R. 3967. An act for the relief of Adele Fowlkes;

H. R. 4623. An act for the relief of C. O. Eastman;

H. R. 4679. An act for the relief of John L. Summers, former disbursing clerk, Treasury Department; and Frank White, G. F. Allen, H. T. Tate, and W. O. Woods, former Treasurers of the United States;

H. R. 4682. An act for the relief of W. R. Fuchs;

H. R. 4711. An act to extend the times for commencing and completing the construction of a bridge across Puget Sound at or near a point commonly known as The Narrows in the State of Washington;

H. R. 4942. An act for the relief of A. L. Mallery;

H. R. 5102. An act for the relief of Mr. and Mrs. Frank Muzio;

H. R. 5258. An act for the relief of the Jackson Casket & Manufacturing Co.;

H. R. 5337. An act for the relief of Charles B. Murphy;

H. R. 5438. An act for the relief of Richard T. Edwards;

H. R. 5496. An act for the relief of Willard Webster;

H. R. 5652. An act for the relief of Frank A. Smith;

H. R. 5848. An act to extend times for commencing and completing the construction of a bridge across the Wabash River at or near Merom, Sullivan County, Ind.;

H. R. 6049. An act to amend the Interstate Commerce Act;

H. R. 6144. An act to amend the Canal Zone Code;

H. R. 6230. An act for the relief of certain former disbursing officers of the Veterans' Administration and of the Bureau of War Risk Insurance, Federal Board for Vocational Education, and the United States Veterans' Bureau (now Veterans' Administration);

H. R. 6285. An act authorizing the State Roads Commission of the State of Maryland and the State Road Commission of the State of West Virginia to construct, maintain, and operate a free highway bridge across the Potomac River in Washington County, Md., at or near a point opposite Shepherdstown, W. Va., and a point at or near Shepherdstown, Jefferson County, W. Va., to take the place of a bridge destroyed by flood;

H. R. 6286. An act authorizing the State Roads Commission of the State of Maryland and the State Road Commission of the State of West Virginia to construct, maintain, and operate a free highway bridge across the Potomac River at or near a point in the vicinity of Hancock, in Washington County, Md., and a point near the north end of Morgan County, W. Va., to take the place of a bridge destroyed by flood;

H. R. 6292. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.;

H. R. 6436. An act authorizing cash relief for certain employees of the Panama Canal not coming within the provisions of the Canal Zone Retirement Act;

H. R. 6494. An act to extend the times for commencing and completing the construction of a bridge across the Snake River between Clarkston, Wash., and Lewiston, Idaho;

H. R. 7021. An act validating and confirming certain mineral patents issued for lands situated in township 5 south, range 15 east, Montana principal meridian, in the State of Montana;

H. R. 7589. An act to levy an excise tax upon carriers and certain other employers and an income tax upon their employees, and for other purposes;

H. J. Res. 41. Joint resolution authorizing the disposal of certain lands held by the Panama Railroad Co. on Manzanillo Island, Republic of Panama; and

H. J. Res. 349. Joint resolution authorizing certain retired officers or employees of the United States to accept such decorations, orders, medals, or presents as have been tendered them by foreign Governments.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5996) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1938, and for other purposes", and agrees to the amendments of the House to the amendments of the Senate nos. 9, 22, 23, 56, 90, 92, 114, 132, 141, and 151 to said bill.

FARM-TENANCY BILL

Mr. GREENWOOD. Mr. Speaker, I call up House Resolution 261 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 261

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 7562, a bill to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and shall continue not to exceed 3 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. GREENWOOD. Mr. Speaker, I yield one-half the time to the gentleman from Massachusetts [Mr. MARTIN] and yield myself 15 minutes.

Mr. Speaker, this resolution is a rule for the consideration of the farm-tenancy bill. It is an open rule, providing for 3 hours of general debate, to be confined to the bill, and providing for amendment. All points of order are waived by the rule.

In the consideration of this bill we are beginning, I believe, the solution of one of the serious problems of our country. This is another bill providing for social security for a class of men and women who live upon our farms. The measure provides for the lending of money to farm tenants, to sharecroppers, and to laborers on farms, preference being given to married people, for the purchase of homes under a 30-year amortization plan at 3-percent interest.

This is another bill looking to the relief of the underprivileged, people who have not had the opportunity many of us believe they should have. The measure provides an authorization for the first year of $10,000,000, for the second year of $25,000,000, and for the third year of $50,000,000. There may be many people who believe we should start at a larger figure, and this amount, of course, is a very small appropriation with which to undertake the solution of such a large problem. However, the committee worked faithfully on this proposed legislation, and believed it proper to start with a modest amount and proceed cautiously and carefully in the program, which, to begin with, is more or less experimental. If at the end of that time we find that relief has been brought to the people on the farms in the purchase of homes, I feel sure we will have started a long-distance program which future Congresses will maintain.

Somewhere I received statistics to the effect that there are 6,288,000 farms in America, with a population of more than 32,000,000 people. Slightly less than one-half the people on these farms live on tenant farms. Every State of the Union has such a problem. Maine has 4½ percent of its farms cultivated by tenants. Mississippi has 72 percent. It is claimed the State of Iowa has the highest percentage of its farm lands in cultivation, yet in Iowa slightly less than one-half, about 49 percent, of the farms are cultivated by tenant farmers, sharecroppers, or hired hands.

This measure is to relieve the problem of farm tenancy, which is Nation-wide. The committee believes, and the idea was conveyed in the message of the President of the United States to Congress, that the problem could not be solved by any single State, but is a national problem. I believe in this proposed legislation we are beginning a long-distance program which will help to build future security for

the men and women who live on the farms, by enabling them to own their own homes.

We have, through the Federal land banks, assisted farmers who were in debt and subject to foreclosure to save their farms. We have, through the Home Owners' Corporation, assisted the home owners in the cities and towns to save their homes. This measure goes one step further, and is intended to assist people who have not owned land but have been engaged in cultivating land and in helping to produce the food of the Nation and the raw materials which clothe the Nation. Through this measure we seek to assist the underprivileged people who have not had an opportunity, because of the depression or perhaps for other reasons, to own their farm homes. We want to assist them in this humble way in the beginning, but look to a long-distance program where more of the farms of our Nation can be owned by the men and women who cultivate them.

Mr. FITZPATRICK. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. Yes, I yield.

Mr. FITZPATRICK. Will the amount of money paid by these tenant farmers during the years the bill is in effect be less or greater than the amount they are now paying for the same farms?

Mr. GREENWOOD. I have not figured that out, but if the payments are the same and this contributes to the ownership of the farms by the men and women who cultivate them, I think it is a very helpful proposition.

Mr. FITZPATRICK. I am in sympathy with the proposition, but my idea is that if the farmers cannot pay the rent now as tenant farmers, how could they pay greater amounts if they owned the farms?

Mr. GREENWOOD. We are not assuming they cannot pay the rent. All sharecroppers have to pay the rent, because the landlord takes his part. Of course, they pay the rent.

In a democracy like this we believe in private ownership of property, which is the opposite of communism and socialism. This measure looks toward a true American democracy and the establishment of a standard of individual home ownership. I believe the future of our Nation and the destiny of our Nation hang on the decision we make here today with respect to the future ownership of farms.

The men and women working on these farms are worthy people. They produce the food and the raw material of our Nation. They create the wealth of the Nation, but they have not always shared in a proper way in the distribution of this wealth. This measure is to assist them in owning the land which they cultivate.

We should begin now to right this wrong and give these faithful working people an opportunity to own their homes. Besides, the fertility of the soil of the Nation is being destroyed by the sharecropper and by following the rental method, because every year they attempt to pull from the soil the largest crop that is possible because next year they do not know whether they will be located there or somewhere else.

Mr. HARLAN. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. I yield.

Mr. HARLAN. To what extent will this bill provide funds for helping tenant farmers in the various districts; in other words, how many of them will be helped by this measure?

Mr. GREENWOOD. Not very many in the beginning, although I have not figured that out. As I have said, this is a humble or modest beginning. We should proceed cautiously as the program unfolds, with $10,000,000 the first year, $25,000,000 the second year, and $50,000,000 the third year. There can be no limitation on the future, and if Congress finds the program is working out satisfactorily, the amount can be increased from time to time.

Title II of the bill continues the rehabilitation program. Since the President is to allot money from relief funds for the rehabilitation and resettlement program, we may assume that the present program will be continued, and that the present unexpended balances in the fund will be used for the purpose of lending the farmers money to purchase livestock and equipment, to provide family subsistence, and help them compose their debts or refinance their debts, so they may continue to live on the farms and support their families. This title of the bill continues a relief that I believe has been of great advantage to the poorer class of farmers, those who cannot receive credit through regular channels.

Title III provides an authorization of $10,000,000 the first year, $20,000,000 the second year, and $20,000,000 the third year, or $50,000,000 in all, for the purchase and retirement of submarginal land, to take it out of cultivation, to build up a soil-conservation and reforestation program and mitigate floods and help preserve the wildlife, which program is now under way.

Mr. HILL of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. I yield.

Mr. HILL of Oklahoma. The gentleman has not touched upon what is in my own mind. Does this bill provide for the establishment of a new agency to administer these particular functions?

Mr. GREENWOOD. It does not provide for the establishment of a new agency. This will be under the Secretary of Agriculture, and the allotting of these loans will be done by a local committee, practically without any expense.

Mr. MARTIN of Colorado. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from Colorado.

Mr. MARTIN of Colorado. It seems to me that, in view of the fact the land-retirement program has been going on or has been set up for the past 3 years, there ought to be a larger amount, at least, appropriated for this purpose in order to get this land out of alleged cultivation as rapidly as possible.

Mr. GREENWOOD. I agree with the gentleman that this is a very important program; but the gentleman from Colorado understands that there are great demands being made upon the administration and the Federal Government, not only along this line but along many others, including one billion and a half dollars for relief; and for this reason these appropriations, I am sure, are not quite as large as some of us would like to see them.

Mr. MARTIN of Colorado. I understand that, and I appreciate all that has been done; but I believe they might get rid of some of their burdens if they would spend more of the money retiring the land from alleged cultivation.

Mr. GREENWOOD. I agree with the gentleman, and I am in sympathy with that program.

Mr. COLDEN. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. I yield.

Mr. COLDEN. There are already agencies of the Government buying submarginal land. Does this bill supersede those agencies or will this work be done in conjunction with them? I do not quite understand the relationship.

Mr. GREENWOOD. I think the work will be done in conjunction with the existing agencies, but the chairman of the committee can give the gentleman that information.

Mr. JONES. The agency referred to is established by Executive order and that order automatically expires on June 30.

Mr. HILL of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from Oklahoma.

Mr. HILL of Oklahoma. In relation to the question I asked a moment ago, I notice under title IV, the Secretary of Agriculture is to establish in the Department of Agriculture a Farm Security Administration to assist him in the exercise of the powers and the carrying out of the duties imposed by this act. I thought perhaps that was a provision for setting up some new agencies and alloting some administrative expenses to such agencies.

Mr. GREENWOOD. I take it the old agencies that have been administering title II and title III will be merged under

the Secretary of Agriculture with any new agency that may be established. I do not contemplate this bill will be any more expensive in the future than it has been in the past.

Mr. HILL of Oklahoma. I should like to state to the gentleman that the theory of the proposition as laid out in this bill sounds all right to me, but I do not want us to build up some other bureau in order to do the work, because I think we have a sufficient number of such organizations now.

Mr. GREENWOOD. I agree with the gentleman. I want to see as much of the appropriation as possible go to the farm tenants and croppers.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. I yield.

Mr. DONDERO. The first four lines of subsection (b), page 2, challenged my attention, because I notice that only aid is to be given to those who recently obtained the major portion of their income from farming operations. I wonder if the Committee took into consideration how recently or how long a person had to be so engaged?

Mr. GREENWOOD. Would the gentleman mind propounding that question to the Chairman of the Committee after we go into Committee of the Whole? He can tell the gentleman how far the Committee considered that matter.

Mr. DONDERO. If the gentleman will permit one further question, was any consideration given to the question of whether a man had been a success or a failure throughout the years of his tenancy?

Mr. GREENWOOD. That is to be handled by the local committees set up in each county and passing upon the responsibility and worthiness of each applicant who asks for a loan.

Mr. Speaker, I think this program will appeal to everyone, even in the city, who likes to see the ownership of homes by the people of America. I voted for every one of the measures that would loan money to the home owners to help save their homes from foreclosure. I am very heartily in favor of this legislation which will set up an agency to help more people to own their homes—people who are worthy, passed upon by local committees—to obtain assistance over a long period of time, to help build up and strengthen the security of the home.

The soil is the foundation of this Nation, as it is of every nation, and when the soil is destroyed and the men and women who cultivate the soil reach a stage of peasantry, of peonage, or of servitude, I have never found any precedent in history where that nation is not started on a decline when that situation prevails. Home ownership then makes for the security of our Nation, makes for contentment, for the confidence of the people. Home ownership is the sweetest and most cherished privilege of the human family. The future of our Nation must be built upon our homes.

In conclusion I want to give you a thought that was written by a very distinguished poet a few decades ago. The farmers of England formerly lived in villages and went out and farmed their land. This sweet singer, Oliver Goldsmith, left his old home and went to other parts, and later came back and found that the old homes had been deserted by his old neighbors, friends, and relatives. It touched his heart, and he wrote that magnificent poem called the Deserted Village. He expressed it so beautifully that I want to give you a few lines of that poem:

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates, and men decay.
> Princes and lords may flourish or may fade—
> A breath can make them, as a breath has made;
> But a bold peasantry, their country's pride,
> When once destroy'd, can never be supplied.

Mr. Speaker, this bill will help to preserve the homes on the farms and will help to build a future civilization of home owners, and while it is a modest beginning, I think it is a move in the right direction, and I believe the rule should be adopted and the bill passed. [Applause.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 10 minutes to myself, and ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore (Mr. THOMPSON of Illinois). Is there objection?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, no one can quarrel with the splendid idealism which prompts the advocacy of this measure. The plight of the tenant farmer cannot fail to arouse the sympathy of anyone genuinely interested in the welfare of the so-called "under dog." No one would like to aid him any more than would I, if there were a real chance to do so.

It is disturbing when you realize there are 2,800,000 tenant farmers in the country, or 42.1 percent of the entire farming population. It is disturbing when you learn the tenant farmers are increasing at the rate of 40,000 every year. Happily, the percentage of tenant farmers in my section, New England, is not so large. In Massachusetts it is only 6.2, the smallest ratio of any State in the Union; in Rhode Island it is 13.8; Maine, 6.9; Connecticut, 7.3; New Hampshire, 7.3; and Vermont, 10.9.

There is a real tenant-farmer problem. That fact cannot be disputed. However, we must be careful not to hold forth a glistening mirage to these unfortunate men and women which cannot become a reality. A disappointment would be cruel and leave permanently behind an embittered population which would be easy prey for the radical agitator.

The question is, Will this legislation eventually bring permanent improvement to these unfortunate people, or will it simply be the bailing out of some farm owners with political pull at the cost of a heavy drain upon the Treasury? Everyone knows the conditions in the agricultural industry; billions of dollars have been expended by the Government to keep the industry alive.

I am wondering if because of this fact we would be doing anyone any good to put him in a business which is as bad off as the agricultural industry without adequate resources. Might it not mean simply the Government being obliged to take over huge tracts of farming land? I hope that phase will be given some consideration in discussing the bill.

That the experiment is to be launched on a modest scale is admitted. The appropriation the first year will be $10,000,000. If the new agency to be created is to be as expensive as the Resettlement Bureau, there is not going to be very much left for the tenant farmer. The bulk will go for political jobs, as I note the civil-service requirement is carefully omitted. Even if by some miracle the administration costs are modest, there is going to be very little available.

There are about 3,000 counties in the country. A little arithmetic reveals, with administration cost held down to 10 percent—almost unbelievable—this would mean $3,000 for each county. Any farm which would provide a decent living for a family would cost $5,000.

Mr. ANDRESEN of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. ANDRESEN of Minnesota. The average cost of the farms set up by the Resettlement Administration was between $7,000 and $7,500.

Mr. MARTIN of Massachusetts. That makes it a little worse, as I have worked out my arithmetic on the basis of $5,000. So at least half the counties in the country must go without if the other counties get one farm each. A $100,000,000 annual appropriation would take care of only 20,000 tenant farmers and you will recall there are 2,800,000.

Frankly, I am wondering if this means any real help; if it means only disappointment to the impoverished tenant farmer, who will be told in glowing language of the great help he is to receive from his Government. The average tenant farmer has as much chance of getting aid as the average purchaser of a ticket to win the English Sweepstakes.

Of course I understand the reason for the small amount to be authorized. The Treasury is in no condition to embark upon new expenditures of billions as this will require before any material good will be done.

The President last April in one of his rare economy moments; that is, when he talks of economy, said: "No expansion of Government activities should be authorized unless the necessity for such expansion has been definitely determined and funds are available to defray the costs." These words of Mr. Roosevelt unquestionably meant it was sound policy to provide the revenue for new expenditures.

Mr. DIES. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. DIES. I should like to call the gentleman's attention to what I consider a very unjust provision in this bill. This permits the Secretary to buy land subject to any reservation, any outstanding estate, any interest, or easement. In my congressional district the Government is buying land and permitting the landowner to reserve all mineral rights. That is all he wants. A few years ago they were willing to give away the surface rights if they could retain the mineral rights and escape taxation. Does not the gentleman believe that when the Government buys land, the Government should have the mineral rights as well as the surface rights?

Mr. MARTIN of Massachusetts. There is no question about that. The mineral rights should go to the Government, because I think if the gentleman will look up the purchases in his district he will find the Government paid twice as much as originally paid by the lumber company for the land.

Mr. DIES. Will the gentleman yield for another question at that point?

Mr. MARTIN of Massachusetts. I yield.

Mr. DIES. Also the Government buys this land and the local taxing units lose the source of revenue necessary to operate their schools and their local government. How are we helping the people when we take away from them the means of taxation to support their schools and their local government?

Mr. MARTIN of Massachusetts. The gentleman is stating a problem that is causing a great deal of worry these days, and it will be an increasing problem in the years ahead.

Mr. JONES. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. JONES. On the question of reservation of mineral rights, I should like to call attention to section 44, which stipulates that the Government shall retain not less than one-half of the mineral rights when it disposes of any land.

Mr. DIES. But that is when the Government disposes of the land. What they are doing now is buying the land that people are glad to get rid of and paying three or four dollars an acre, and then the individual retains all the mineral rights; and it is absolutely wrong and it is wrong from the Government's point.

Mr. JONES. That is not the purpose.

Mr. MARTIN of Massachusetts. If my memory serves me right, the President vetoed the soldiers' bonus-payment bill because the bill did not provide for the revenue to finance the same. However, consistency is not particularly a great virtue and he may decide differently in this instance.

Unquestionably this experiment will eventually cost the taxpayer billions of dollars. Could not the money be better expended in some way which would lift up the entire agricultural industry? Make the industry prosperous and the worth-while tenant farmer will have the opportunity of becoming a landowner. It would appear to me we must first rehabilitate the industry and then we can more easily with reasonable cost devote ourselves to lifting the individual.

In other words, I question if it is practical to spend the money at a time when failure is almost certain. I should like to see this great social experiment attempted, and I am quite sympathetic toward it in due time when there is a reasonable chance for success. I seriously question if this is the propitious time.

Mr. COLDEN. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman.

Mr. COLDEN. Does not the gentleman believe that the limitation to only farm tenants and farm laborers and sharecroppers is a discrimination against the man who has left the farm and is now working in industry and would like to go back to the farm?

Mr. MARTIN of Massachusetts. It might readily be the energetic man who left the farm and went to the city might, if financed, make a much better risk than the man who stays on the farm and has not had the initiative to get ahead in life.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. CRAWFORD. I think it is admitted that the most recent statistics from the Department of Agriculture show that there has been a tremendous decrease in the farm population during the last 12 or 15 months, caused primarily by increasing production and increasing wages in industry. If this is to continue, there will be few people left who will want to go back to the farm, especially when wages of $10, $15, and $20 a day are now being paid for factory workers.

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield back the balance of my time.

Mr. GREENWOOD. Mr. Speaker, I yield 5 minutes to the gentleman from Arkansas [Mr. MILLER].

Mr. MILLER. Mr. Speaker, I am not one of those men who subscribe to any idealistic theory to the effect that farm tenancy can ever be completely abolished, because of fundamental differences in the capabilities of human beings and the physical conditions of the various sections of our Nation. Even though we may not be able to abolish farm tenancy in the United States, this bill is a step in the right direction. Nor am I one of those men who are alarmed about the cost, because, if you will read title I of this bill—and that is the important feature of the bill, in my opinion, as supplemented by the subsequent sections—you will see that if the tenant has that stability of character, that permanency of purpose, that approved integrity that the local committee finds and which are absolutely necessary for any man to possess to be able to own a farm and to conduct a farm successfully, the ultimate cost to the Government will be negligible, because the money loaned will be repaid. The bill does open the door of hope to those who earnestly desire to purchase a home. It is the establishment of a policy of helpfulness to a class of citizens who need help and who will make good if given the chance.

It is true that we are providing only $10,000,000 as an initial expenditure, but may I call attention to the history of Denmark. In 1899 Denmark launched a modest program of farm tenancy, but that nation today has a good comprehensive program that is fast eliminating farm tenancy. We should do likewise; we should feel our way and profit by experience. The President, in his message of February 16, 1937, said:

> It will be wise to start the permanent program on a scale commensurate with our resources and experience, with the purpose of later expanding the program to a scale commensurate with the magnitude of the problem as rapidly as our experience and resources will permit.

Title I of this bill gives to that worthy tenant some ray of hope that the Government is willing to lend its credit to him to help him become a farm owner in this Nation. The fight that is confronting the House today, the fight that is confronting this Nation—and that is the reason why I am in favor of title I—is to prevent the further regimentation of agriculture. [Applause.]

There are those, of course, who believe, and who are conscientious in the belief, that the Government should in the first instance purchase the land, that the Government should exercise some kind of surveillance or some kind of supervision over these tenants, that the Government should place them on probation. I am opposed to such a program. The citizen should be permitted as much freedom as possible. The loan should be given him as a free man and not as an indentured workman. Give him a chance to make good. Let him exercise his own individuality and independence of thought and he will become not only a better citizen but he will meet his obligation and become in fact a home owner. The county committee provided for in the

bill will know which man is entitled from the standpoint of character, integrity, ability, and permanency of purpose and desire to be aided. In this way the program can be successfully carried out.

I do not want to see title I amended. Just as far as I can I want to take out of our agricultural program supervision by the bureaucrats of Washington. I am perfectly willing to admit that there has been an increase in farm tenancy in recent years but this increase is not directly caused by inability or the lack of desire on the part of the men to own land, it has been brought about because of depressing times and financial conditions, but pass this bill, establish the principle and continue the legislation giving to the producers of agricultural products a reasonable economic protection under the law, and farm tenancy will decrease as the years go by.

The President further said in his message of February 16, 1937:

> The attack on the problem of farm tenancy and farm security is a logical continuation of the agricultural program this administration has been developing since March 4, 1933. Necessarily, whatever program the Congress devises will have to be closely integrated with existing activities for maintaining farm income and for conserving and improving our agricultural resources.

The landowners have benefited greatly by the agricultural program which the Congress under the leadership of our great President has heretofore enacted, but the benefits received by the tenants have not at all times been commensurate with their real interest or in accord with equitable principles. The launching of this program by our Government, if it can be kept free from speculation in land values and domination by book farmers and theorists residing in Washington and living in musty libraries, will be and does constitute the dawning of a new day for that great class of citizens who have within them the desire to create and own a home.

I realize that this bill differs from the Senate bill, but there is danger in the Senate bill. It will tend to place the man who desires to avail himself of the benefits of the bill under the domination and control of a class of people that have done enough injury to agriculture already. I know many farm tenants in my own district who are more capable of operating a farm successfully than are the bureaucrats. I should like for those tenants to have an opportunity to obtain a loan and to buy a farm and I do not want them to be humiliated by the dictatorial requirements that might be made under a bill such as the Senate bill or under amendments that will be proposed to this bill. The real friend of agriculture and of the farm tenants in this country will vote against any effort or proposed amendment that materially changes title I of the bill. [Applause.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, this legislation apparently is a compromise that will do very little good for the farmers except in a few sections of the South. It only carries an authorization for $10,000,000. If we were actually going to do something for the tenant farmers throughout the country it would require anywhere from one billion to fifteen billion dollars. If we were to solve the farm-tenancy problem, it would cost many billions of dollars.

I do not propose to oppose this bill because in principle I think it is correct and it probably makes a small start along the avenue of trial and error and there may be something to it. I want to point out, however, that here we are with this sort of half-baked compromise bill affecting a major problem which has to do with the welfare of two million tenant farmers of America. It seems to me this is a very valid reason why the Members of the Congress should begin to make up their minds that we are approaching the time for the adjournment of the Congress.

If we are to proceed with this kind of legislation, compromise, and half-baked measures, carrying out partially just a few of the promises that were made, we should quit now. It seems to me this applies to all legislation that will come before this Congress in the closing days of the session, whether it is the reorganization bill, the hours-and-wages bill, the compromise Court bill, or other great issues. For one, I believe it is to the interest of the country—in this case the farmers, who want something more than one-tenth of a loaf—and it is of interest to those favoring the enactment of constructive legislation and the Members themselves that we adjourn before we are swamped with partial, inadequate, and badly considered legislation.

Mr. McFARLANE. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Texas.

Mr. McFARLANE. If the gentleman were writing the farm-tenancy legislation, will he point out in his remarks just what changes he would make in this bill?

Mr. FISH. I only have 5 minutes, which is not sufficient even to make observations.

Mr. McFARLANE. Anyone can criticize, but it takes brains to make a better article.

Mr. FISH. I want to know from the gentleman whether this bill covers the tenant farmers up in my district in Dutchess County, N. Y. I have a very distinguished absentee landlord who owns a farm at Hyde Park, N. Y., and I should like to know what my farmer constituents in Dutchess County will get out of this bill, because I know what you are going to get out of it in the Southern States. This bill is for the southern tenant farmers. I want to know whether it is going to take care of the tenant farmers in my district, particularly at Hyde Park.

Mr. McFARLANE. Will the gentleman yield?

Mr. FISH. No. I am not going to take up the remaining minutes of my time on that, although I could do it and do it pretty well, if I cared to discuss the farm operations of a certain estate in Hyde Park, N. Y., which is being run at a loss according to the tax returns.

Mr. McFARLANE. The gentleman asked a question. Let me answer it.

Mr. FISH. I want to know, under the provisions of this bill, whether we are going to be taken care of up North and whether the tenant farmers of Dutchess County will receive an equal treatment with those of Arkansas and Texas.

Mr. McFARLANE. This bill applies to all sections of the country alike, even to the farm of Franklin D. Roosevelt's mother, to which the gentleman referred in his remarks a few days ago.

Mr. FISH. I also want to know what an absentee landlord is? I want to know whether a man is an absentee landlord if he is away from his farm for 6 months. I see no definition of an absentee owner or absentee landlord in this bill. How can you apply it? The purpose of this bill is to take care of tenant farmers, but I do not see how you can apply any rule unless you define an absentee landlord or absentee owner.

Mr. McFARLANE. Will the gentleman let me answer that question?

Mr. FISH. The gentleman could not answer it.

Mr. McFARLANE. I think perhaps we better keep the gentleman down here.

Mr. FISH. I might help you on the bill if I was assured that my tenant farmers would also be benefited.

[Here the gavel fell.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. FISH. Mr. Speaker, the Democratic Members have just returned from a revival meeting at Jefferson Island, where they have got religion.

Mr. MILLS. Salvation, the gentleman means.

Mr. FISH. I want to know when the President will permit us to adjourn this Congress and whether we will have to continue to vote on half-baked legislation of this kind, that actually carries out no promises to anybody, before we will be allowed to adjourn.

Mr. McFARLANE. Will the gentleman yield?

Mr. FISH. Or whether we are going to stay here until Labor Day to vote for more compromise and half-baked legislation. Why not adjourn within the next 30 days and put the committees to work next December on reorganization, hours and labor, housing, and other important bills, so that

we will have real legislation before us when we meet next January? If this bill is typical of what is coming from now until adjournment, I suggest we adjourn within the next 30 days, or by July 31.

Mr. WALTER. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Pennsylvania.

Mr. WALTER. The gentleman asked the question as to when we were going to adjourn.

Mr. FISH. That is right.

Mr. WALTER. We will adjourn just as soon as the legislative program that the gentleman is trying so hard to obstruct is enacted into law.

Mr. FISH. Evidently the gentleman is for the Court bill. May I say to the gentleman I should like to have a vote in this House on the Court bill and put some of you Members, like the gentleman who has just spoken, on record as to whether you want to commit political suicide or not. [Applause.]

Mr. McFARLANE. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Texas.

Mr. McFARLANE. What is the gentleman hollering about? He is going to have plenty of opportunity to be put on record.

Mr. FISH. This bill is a sham.

Mr. McFARLANE. In what particular is it a sham?

Mr. FISH. It provides $10,000,000 to solve a problem that would require at least $10,000,000,000 to adequately solve.

Mr. McFARLANE. Point out wherein the bill is a sham.

Mr. FISH. I am going to vote for this sham bill. [Laughter and applause.] I am going to vote for this sham bill because there is no other bill before the House and because of the assurances given by the gentleman from Texas that it will enable the tenant farmers of Dutchess County and Hyde Park to buy the farms they now rent. [Applause.]

[Here the gavel fell.]

Mr. GREENWOOD. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. DIES]; and may I ask the gentleman from Massachusetts [Mr. MARTIN] to yield the gentleman from Texas 5 minutes?

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield the gentleman from Texas 5 minutes.

Mr. DIES. Mr. Speaker, after I had asked for this time I found that my colleague the gentleman from Texas [Mr. MAHON] had given thorough and exhaustive study to this question; so, with the permission of the House, I am going to yield the balance of my time to the gentleman from Texas [Mr. MAHON].

Mr. MAHON of Texas. Mr. Speaker, I do not claim to be an expert on the question of farm tenancy, but I have given some study to it, and I thank my distinguished colleague the gentleman from Texas for yielding to me at this moment.

The Committee on Agriculture, which has no superior in the House, is to be congratulated for bringing in a farm-tenancy bill. I have the highest regard for the committee, and my admiration for the chairman of the committee, the distinguished gentleman from my home State [Mr. JONES], knows no bounds.

It is difficult to prepare a satisfactory bill on the subject. The members of the committee will not claim that this is a perfect bill, and I agree with them. There is nothing which I favor more strongly than an adequate farm-tenancy bill, and my object in opposing certain features of this bill is to try to improve the plan proposed and make it available to more tenants. In the first place, this bill provides for no limit on the loans which shall be made to any one farmer. The sky is the limit. Under the H. O. L. C. there is a limit; under the system of emergency crop loans there is a limit; and under the Federal land bank commissioner loans there is a limit. This practice, in my judgment, is sound government and financial policy. Therefore, I propose that we amend this bill, and I have drawn up an amendment which provides that no loan to any one applicant under this bill shall be in excess of $6,000.

In the next place, this bill provides that a loan to a tenant or other accepted applicants shall be made to the extent of 100 percent of the value of the land to be purchased. This, I think, is a mistake in beginning this program, as we wish to start out very cautiously in order to insure the success of the program. If we start this program upon an unsound basis, we will do the tenant farmers of this country irreparable injury. If the program under this bill should collapse, we would place a stumbling block in the way of farm-ownership legislation and retard progress along this line for years. I think in this bill we ought to provide that the borrower, in order to take advantage of the aid offered in the bill, must put up at least 5 percent of the purchase price of the farm he buys, which would be $250 on a $5,000 farm. In other words, we would not lend more than 95 percent of the value of the farm. This would not be too restrictive for the tenant and would be better policy for the Government. I believe the tenant would be better satisfied with an initial equity in the farm purchased. It would give him a pride of ownership in his own right. Otherwise, he might feel that he was on a semirelief basis and a client of the Government.

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. MAHON of Texas. If the gentleman will pardon me for just a minute, I shall yield later.

The most serious objection I have to the bill in the form in which it is drawn, and it can be corrected by amendment, is that it turns over this great proposed farm-credit program to the Department of Agriculture. I do not mean to imply any lack of admiration for the Department of Agriculture. I mean that the Department of Agriculture is not the proper agency to administer the act. I point out that under the able leadership of the Committee on Agriculture and its chairman, the gentleman from Texas [Mr. JONES], the Farm Credit Administration was set up in 1933, and has lent more than $4,360,000,000 on a sound, businesslike basis. Prior to 1933 we had no credit structure which was adapted to the farmer. Ordinary bank credits had not operated so well for the average farmer and the coming of the Farm Credit Administration with its various divisions was a great thing for agriculture. We must realize that we are not able to give farms to tenants. Moreover, the tenant farmer does not want to be given a farm. He wants an opportunity to buy one under such circumstances that he can eventually pay for it. So we must understand at the outset that the tenants are going to buy the farms and are going to pay for them, because we cannot appropriate $12,000,000,000 and give it to the farmers of the Nation to buy farms. This is the amount that would be required to purchase an average-priced farm for the 2,865,000 tenant farmers of the Nation.

Therefore the key to this bill, if it is to be successful, is a good credit structure. The Farm Credit Administration, through the Federal land banks and the Land Bank Commissioner, has already lent on real estate in this country more than $3,000,000,000, and more than $2,800,000,000 is now outstanding. Of the Federal land-bank loans 87 percent are now in good standing. I can see no reason under heaven for turning over the administration of this farm-credit bill—and that is all the measure is, a farm-credit bill for tenants—to the inexperienced hands of the Department of Agriculture, insofar as credit on real estate is concerned, and turning our backs upon the Farm Credit Administration, which in the first 3 months of 1937 lent $5,000,000 to 1,000 tenants who were able to pay at least 25 percent of the value of their farms as an initial payment. If we keep this up the Farm Credit Administration, through the Federal land banks during this year, will lend $20,000,000 to 4,000 tenants for the purpose of assisting them in purchasing farm homes. You will understand that under the present laws and rules and regulations as to the Federal land banks and Land Bank Commissioner an approved applicant is permitted to borrow 75 percent of the value of a farm.

What we need is to supplement, strengthen, and liberalize the loan program now existing with regard to the Farm Credit Administration so that a man who must now put up

25 percent in order to get the benefit of credit on a farm purchase can put up a lesser percentage. This would apply only to applicants covered in this farm tenancy bill. I suggest 5 percent, and I have drawn an amendment to this effect.

I hope the House will agree with me in the opinion that this bill ought to be administered by the Farm Credit Administration, which has been in the farm-saving business, in the business of saving tenant farmers and landowners, for lo, these many years. No Member of the House can estimate how many hundreds of farmers have had their homes saved during the last 4 years by the Farm Credit Administration through the Federal land banks, Land Bank Commissioner, emergency crop loans, drought loans, production-credit loans, all of which operate under the Farm Credit Administration. Without the Farm Credit Administration during the last 4 years farm ownership in many sections would have reached the vanishing point. Three million American farmers during the last 4 years have been financed by this organization, which we are about to forsake in this bill for the Department of Agriculture. The Department is skilled in its field, but it is not skilled in the field of lending money on real estate and farm land. This work is outside the field of the Department of Agriculture. The Department has paid out in A. A. A. benefits nearly $2,000,000,000, but giving away money when it is appropriated is a different problem from lending money on a sound business basis thereby promoting home ownership and protecting the taxpayers of this Nation. [Applause.]

Further, if the administration of this bill is turned over to the Farm Credit Administration, it can start to work tomorrow in all of the 3,059 agricultural counties of the Nation. There will be no delay and there will be no tremendous overhead and great expense in setting up a new organization. There is today a National Farm Loan Association functioning in every agricultural county in the United States. These associations have a secretary-treasurer and at least five directors. These men are elected by the membership of the local farm-loan associations. The democracy of this policy cannot be questioned. But in the bill before the House the local committees in the various counties are to be appointed by the Secretary of Agriculture in Washington. Wherever possible, I believe in preserving the democratic principle of local responsibility of government.

These officers of the national farm-loan associations know how to appraise lands. They are familiar with local conditions and they know something about farm credit; they know how to cooperate with the Farm Credit Administration and the trained appraisers of the 12 Federal land bank regions. They have made their mistakes and have learned by trial and error. They are doing a grand job within the limitations now surrounding them. If we give them a little more rope, so they can select other borrowers who cannot comply with present regulations, as provided for in the amendment which I propose to offer, then many other deserving farmers can utilize Government credit in buying a home. Then we shall have really written into law a bill for which we shall not have to apologize when we go back home and confront the farmers of our districts.

Perhaps in the administration of this program we must in the beginning limit these loans to tenants who are best able financially to avail themselves of the opportunities offered by this act. As our experience increases and the farm-ownership program improves we can make the benefits of the act available to tenants who are less able financially. Eventually by this program we hope almost to obliterate farm tenancy in America. There are now many thousands of tenant farmers who, with a little assistance and encouragement, could take advantage of such a program and start on the happy, even though arduous, road to home ownership.

The Farm Credit Administration gets its money for financing Land Bank Commissioner loans through the Federal Farm Mortgage Corporation. In an amendment which I propose to offer I provide that we merely authorize the Farm Credit Administration through the Federal Farm Mortgage Corporation to issue bonds to the extent to some $50,000,000 for the first year and a greater sum in following years in order to finance the purpose of this bill. No direct appropriation is necessary. These bonds are guaranteed by the United States Government. By this method we will avoid an appropriation and increase from $10,000,000 to $50,000,000 the amount of money available to promote a farm-ownership program. This is the way we have financed land banks. Why should we not finance this program in the same manner, through the same successful channels as are now being employed by the Farm Credit Administration? Therefore, it seems to me we ought to amend the first title of the bill and say simply that we will turn over the administration of this bill to the Farm Credit Administration, rather than to the Secretary of Agriculture.

Mr. CUMMINGS. Mr. Speaker, will the gentleman yield for a suggestion?

Mr. MAHON of Texas. I yield.

Mr. CUMMINGS. I am a member of the Committee on Agriculture.

Mr. MAHON of Texas. I know the gentleman is a member, and a very distinguished member, of the Committee on Agriculture.

Mr. CUMMINGS. I have been a member of the committee for a good many years, and I may state that if the gentleman will talk to Dr. Myers, of the Farm Credit Administration, for 10 or 15 minutes, the gentleman may possibly find out why the administration of this bill has not been turned over to him.

Mr. MAHON of Texas. I know about the attitude of Dr. Myers, Governor of the Farm Credit Administration, a distinguished member of this Administration. The fact that he opposes undertaking the administration of this measure is no reason why the great Congress of the United States should not place the responsibility where the responsibility belongs, because often the gentleman and I have to shoulder responsibilities that are not always pleasant. [Applause.]

[Here the gavel fell.]

Mr. MAHON of Texas. With the unanimous consent of the House I here insert in the RECORD the amendments which I expect to offer when this bill, H. R. 7562, is read for amendment.

AMENDMENT NO. 1

On page 1, lines 7 and 8, strike out the following: "The Secretary of Agriculture hereinafter referred to as the Secretary", and insert in lieu thereof the following: "The Farm Credit Administration."

AMENDMENT NO. 2

On page 2, section 1, line 7, after the word "title" and the comma, strike out all of the remainder of the sentence and insert the following: "No person shall receive a loan in excess of $6,000, nor shall he receive a loan in excess of 95 percent of the normal and reasonable value of the farm acquired by him under this title. The Farm Credit Administration shall give preference in making loans under this title to worthy and thrifty persons who appear to be good credit risks and who are married, or who have dependent families or who are owners of livestock and farming equipment necessary to successfully carry on farming operations. No person shall receive a loan for the purchase of a farm under this title who is able to finance such a purchase through the now existng laws, rules, and regulations of the Federal land bank and Land Bank Commissioner."

I expect to rephrase and to divide into several amendments the provisions of amendment no. 2 rather than offer it as here written.

AMENDMENT NO. 3

On page 5, beginning with line 13, strike out all of section 5 and insert in lieu thereof the following: "To carry out the provisions of this title the Farm Credit Administration through the Federal Farm Mortgage Corporation is authorized to issue bonds under the rules and regulations as now prescribed in the Federal Farm Mortgage Corporation Act of January 31, 1934, as amended, not to exceed $50,000,000 for the fiscal year ending June 30, 1938, and not to exceed $100,000,000 for each of the fiscal years ending June 30, 1939, and June 30, 1940."

AMENDMENT NO. 4

In section 42, page 13, line 42, strike out all of paragraph (a) and insert in lieu thereof the following: "The directors and the secretary-treasurer of the National Farm Loan Association (who

are hereinafter called the committee) in each county in which activities are carried on under title 1 shall act in the several counties as the representative of the Farm Credit Administration in making loans under title 1."

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield the balance of my time to the gentleman from North Dakota [Mr. LEMKE].

Mr. LEMKE. Mr. Speaker, I am surprised to hear so much fuss about nothing. If ever a mountain labored and produced a mouse, this bill is it. We have heard a lot of lip service that we are going to make farm tenants farm owners. In the light of that lip service, this bill is a joke and a camouflage.

According to the statements of the gentlemen who preceded me and according to statistics, there are some 16,000,000 people who live on farms as farm tenants, counting members of their families. The total amount that will be appropriated under this bill for 3 years is $85,000,000, or just $5.31 for each of the 16,000,000 persons who live on farms as tenants.

There seems to be some difference as to whether the Department of Agriculture or the Farm Credit Administration should administer this law. I do not think it makes much difference to the tenants which Department administers it. There is this advantage in the Farm Credit Administration. The Farm Credit Administration, unless it changes its present course, would make about 20 tenants by mortgage foreclosures for every tenant that it would turn into a farm owner.

If we are sincere, and if this Congress is not to be accused of insincerity, why do we not go up to the Speaker's desk and sign petition no. 3 to bring up the Frazier-Lemke refinance bill? This bill will take care of any tenant who has operated a farm for 2 years by making him a loan up to $10,000, and, in addition, it will take care of the farmers who still own their farms, all at 1½ percent interest and 1½ percent principal on the amortization plan. It will take care of the farmers and the tenants of this Nation, not by issuing more tax-exempt interest-bearing bonds but by issuing a little more currency, which we ought to do in place of going further into the red.

Now, let us see the necessity of protecting the farmers who still own their farms as well as making tenants farm owners. In the first place, I am going to vote for this bill, because it is a toehold, in spite of the fact that it is camouflage and make-believe legislation. It will at least put the farm tenant in a position where he can ask for more help and keep on reminding this Administration, "You promised to make me a home owner, but you have not yet done so. Please do so now." I am sure future Congresses will have sufficient intelligence and will know enough to realize that the home is the foundation of this Nation and that they will ultimately pass intelligent legislation to save these homes.

Under this bill you have this situation. The Farm Credit Administration has taken 30,000 homes away from the farmers in a little more than 2 years by foreclosures. It has made 30,000 tenants, and under the provisions of this bill you cannot again make farm owners out of more than 8,000 in 3 years of these 30,000. Remember that the Farm Credit Administration is just one of the agencies which has made tenants. Hundreds and thousands of tenants are made each year by others foreclosing mortgages.

Again, the Farm Credit Administration, prior to the time that we guaranteed the interest on the $2,000,000,000 bonds with which it bailed out insurance companies and other mortgagees, handled about 11 percent of the farm mortgages. When we gave them that $2,000,000,000 with which to bail out the insurance companies, it did such a good job saving the insurance companies that now the Farm Credit Administration has 26.4 percent of the farm mortgages of this Nation.

Now that the insurance companies have been taken care of, the Federal land banks refuse to make loans to any farmer who really needs help. The only farmer who can get a loan through the Farm Credit Administration is the farmer who does not need it to save his farm, who can get it elsewhere. It is true, if he can get it from the Farm Credit Administration, he will get it for less interest. In my own State the Farm Credit Administration has withdrawn, and I believe they have withdrawn from other States. In place of eulogizing the Farm Credit Administration, let us get the facts straight. We should know the truth, even though the truth is not just what some would like to have.

Now, let us take a look at the home owners in the cities and towns. Nobody has talked about them. Again, petition no. 4 at the Speaker's desk will save their homes. The Home Owners' Loan Corporation to date has foreclosed on 99,937 homes. Get these figures and then get busy and do something for these home owners.

Let us save the homes of America. I may say that when we voted for the Home Owners' Loan Corporation and for the $2,000,000,000 appropriation I knew and every Member of Congress knew that we would lose a lot of money. A home is a nonproductive place, and if the poor man did not have a job at the time he made the loan and has not had a job since, how can you expect him to pay?

Yet I feel the Home Owners' Loan Corporation and the $2,000,000,000 was the best investment this Government has ever made. We need more home owners and then there will not be so many sit-down strikes. A person who has a home to protect will not want to destroy anything, and a person who has lost his home is ready to do a little destroying if necessary. Yet in spite of this fact we have foreclosed on 99,937 homes under the Home Owners' Loan Corporation. Is this all that we are going to do for the home owners?

The number of farms changing ownership per thousand of all farms, by delinquent taxes, is 5.9; foreclosures and bankruptcy sales, 20.3, making a total of 26.2. The total number of farms in the United States, 6,812,350. Average size of the farms, 154 acres. Average value per farm, $4,823.

Applying the ratio of 26.2 per thousand farms lost through indebtedness in the year 1936 to 6,812,350 farms, we find the total number of farms lost through indebtedness in 1936 amounts to 178,483, involving approximately 26,486,382 acres and having a value of approximately $860,645,026, or about one-ninth of the total encumbered farms were lost through mortgage foreclosure and tax sales in 1936. This number is so staggering that we feel it should shock the conscience of every real American.

A few examples of mortgage foreclosures during the years 1935 and 1936

Oregon (estimated)	4,000
Delaware	626
Iowa:	
Sept. 1, 1936, to Mar. 1, 1937, farm foreclosures	1,032
Jan. 1, 1932, to Sept. 1, 1936, farm foreclosures	14,487
Maryland (estimated)	3,400
Indiana	9,484
Wyoming	714
Wisconsin:	
Farm foreclosures up to May 18, 1937	10,569
City and town foreclosures up to May 18, 1937	10,527
Arizona:	
Maricopa County	751
Estimate for entire State	2,500
New Jersey:	
Mortgage foreclosures	26,378
Tax foreclosures	4,895
Vermont	679
New Hampshire	753
Minnesota	8,349

In Chicago the Home Owners' Loan Corporation has foreclosed, up to last March, on 5,350 homes.

The time has arrived that this Congress must assume the responsibility of doing something real for agriculture. No amount of lip service, camouflage, and deception will fool the farmer forever. We have reached the point where we import practically 20 percent of our agricultural products and substitutes. The time has come when we must encourage agriculture and not discourage it, that we expand it and not restrict it. We must again make the former farmers, now tenants because of mortgage foreclosures,

home owners, otherwise our agricultural market will go to foreign nations.

The following agricultural commodities and substitutes were imported during the month of April 1937:

Animal and animal products (edible)	$10,137,280
Animal and animal products (inedible)	23,975,142
Vegetables, food products, and beverages	80,813,390
Vegetable products (inedible)	39,487,825
Textiles, fibers, and manufactures	47,846,004

Among others these imports consist of:

Cattle	head	56,015
Sheep and goats	do	3,186
Live hogs	pounds	556,931
Meat products	do	18,702,960
Pork	do	1,578,187
Canned beef	do	10,445,667
Hams, shoulders, and bacon	do	3,228,638
Pickled pork	do	427,052
Animal oils and fats	do	3,692,765
Dairy products		$1,480,252
Butter	pounds	1,130,167
Cheese	do	5,364,841
Fish	do	30,642,691

Yet our friends from Massachusetts have asked and received help from the Government to dispose of their fish.

Hides and skins	pounds	33,627,511
Barley	bushels	1,990,676
Corn	do	6,210,612

Also large quantities of rice and wheat.

The best way to accomplish this is for Members of Congress to go to the Speaker's desk and sign petitions nos. 2, 3, and 4. These petitions will bring up legislation that will protect the homes of the farmers and people in cities and towns and will give to the farmers the cost of production. May I ask the Members of Congress to sign these petitions now, because ultimately Congress will have to meet this situation intelligently.

Mr. GREENWOOD. Mr. Speaker, I yield the remainder of my time to the gentleman from Texas [Mr. PATMAN].

Mr. PATMAN. Mr. Speaker, I am supporting this bill because it establishes a policy. This country is about 150 years old and this is the first time in the history of the country that an effort has been made by the National Congress to establish a policy for the benefit of the tenant farmers, and I am very pleased to support the legislation.

NOT CURE-ALL

I do not claim that this bill is a cure-all, it merely approaches the problem from one angle. To my mind it can be approached in a more substantial and effective way from a different angle. This bill merely gives the tenant farmer who receives such a loan an opportunity to get a start. In order for this new home owner, the former tenant, to be successful, he must receive a fair price for what he produces.

PRICE MAIN THING

There are several factors which must be considered in connection with the farm problem. The real cause of farm tenancy is the extremely low prices which farmers have been forced to accept. They have been forced to sell at the world's price in competition with the cheapest labor in the world, and have been forced to buy in the protected market and pay a high price. It is my belief that the time has come when it is the Government's duty to force higher prices for farm products. Farmers should receive at least 20 cents a pound for cotton and a dollar a bushel for corn, with other prices in proportion. If they were to receive such prices, I doubt that it would be necessary for the Government to assist them in purchasing homes, as they would doubtless be able to borrow money locally at a reasonable rate of interest and purchase a home of their own choice without the necessity of troubling the Government in any way. With a good price, the farmers do not need much help; without a good price it is doubtful that they can pay for any kind of a home on any kind of terms which may be furnished by the Government. No class in America works as hard and gets as little for it as the farmers.

PROBLEM ALSO APPROACHED FROM ANOTHER ANGLE

While we are endeavoring to assist the tenant farmer in owning a home, we are not stopping there; other legislation has been enacted and new legislation is being proposed, having for its purpose better prices for the farmers, so the problem is really being approached from both angles, the angle of easier money for home ownership, easier from the standpoint of long-term money with low interest rates to make home ownership possible, and from the standpoint of better prices, which will enable the new home owners to pay for their homes and enjoy economic security.

IF FARMERS ARE PROSPEROUS, COUNTRY IS PROSPEROUS

Ever since I have been in Congress I have insisted that we must give the farmers a fair price or the problem could not be solved. Price is the main thing. There are 36,000,000 people in this Nation who are dependent upon farming for a living. This number includes the farm owners, tenants, sharecroppers, their wives and children, and the hired hands and their wives and children. If these 36,000,000 people receive a fair price, they have money to buy what other people produce in other sections of the country as well as their own. They can buy what other classes and groups have manufactured and are desirous of selling. The farmers represent enough of the American market to cause this country to be prosperous if they are prosperous, and to cause it to suffer if they suffer. In every speech that I have made in this Nation—to business groups and members of different organizations—I have brought out the point that other classes and groups must realize that the farmers must be made prosperous before they themselves can be assured of remaining prosperous. This was done to cultivate sentiment in favor of the farmer. Other classes and groups are dependent upon the farmers and they must be made to realize it.

FARMERS NOT SUFFICIENTLY HELPED

Although much has been done during the past 4 years in the direction of helping the farmer by a better price, and in other ways, we have not done enough. The kind of help the farmer needs the most is protection from greedy interests, equality of opportunity, and a fair price, all of which are in the public interest. After the hand of greed and special privilege is taken from the farmer's throat he will have an opportunity to better work and earn a living for himself and family. Then, with a fair price, the farmers will be helped and the Nation will be helped. It is one of the first duties of government to protect the weak against the strong. If other classes, interests, and groups were not assisted and there were no monopolies or trusts, there would be little or no demand for farm relief.

TWENTY-FOUR TO FORTY PERCENT INTEREST

When I was a tenant farmer it was the custom in the community where I lived for farmers to pay 10 percent interest for a whole year, although they used the money borrowed for a short time. Those who extended the loans did not become rich making them, as such loans were very risky, and losses tremendous. Misfortunes overtook many, and they could not pay. Nevertheless, farmers contracted to pay in many instances from 24 to 40 percent interest. The 2 years that I was a tenant farmer I paid 24 percent interest myself. Since I have been a Member of Congress it has been my pleasure to assist in the formation of governmental agencies that have forced down the rate of interest. Feed and seed loans are an example. The farmer, through this organization, pays about $2 for the use of $100 during the crop season instead of $10 as under the old system. The production credit associations have assisted materially in reducing interest rates. The Federal land banks, assisted by the Farm Credit Administration which was created by this administration, during the past few years have permitted the farmer borrowers to enjoy the lowest rate of interest that the farmers of any nation in the world have ever enjoyed in the history of the world; interest rates must continue low. All these things are great accomplishments, but, after all, the farmer can pay a good rate of interest if he gets a fair price, and he cannot pay even a low rate of interest if he does not get a good price, so price is more important to the farmer than anything else.

ELECTRIFYING THE FARM

Rural electrification is being encouraged by this administration. The program has expanded rapidly in certain areas

where low-priced electricity is available. Over a long period the farmers are going to be helped tremendously in this way. Electricity is one of the greatest blessings of mankind; low-priced electricity will remove much of the drudgery from the farm and will especially take many of the back-breaking duties from the housewife. The Denison Dam will, in all probability, be constructed on Red River near Denison, Tex. When it is completed, low-priced electricity will be available to all the farmers in the district that I have the honor to represent. This is interesting information and looks good for the future, but at the present time our farmers need a good price—not an unreasonable price—they are not asking for that; just enough to allow them to make a decent living, educate their children, provide comforts and conveniences for themselves and their families, and fair assurance of an opportunity to enjoy economic security in the future.

LOANS NOT AS IMPORTANT AS PRICE

Cotton is the principal money crop in the district I represent. When the farmer picks his cotton, he carries it to a gin to have the lint separated from the seed, and to have the cotton baled in order that he may sell it. The cotton gin usually charges a fair price for ginning and baling the cotton. If all the cotton gins were in distress and needed help, we could not cure their problem by extending loans over long terms at a low rate of interest. It would be necessary to give them a better price for ginning in order to entirely solve their problem; the loan would be helpful, but without a sufficient price for ginning they could not pay the loan or the interest. With a good price they probably would not need the loan and could pay a better rate of interest. The farmers are in the same situation; although the loans at a low rate will be helpful they will not solve their problem. The ginners with few exceptions receive a fair price and for that reason there is no demand from them for help, and if there were such a demand I am sure that it would be a demand for better prices for ginning instead of loans at low rates of interest.

RAILROADS RECEIVE HIGH RATES FOR TRANSPORTING FARMERS' PRODUCTS

When the farmer sells his cotton, the cost of transporting it to the markets of the world is taken into consideration in the price that the farmer receives. In other words, the transportation companies, including railroads, steamships, barges, and trucks must have a fair price for transporting the cotton. When the railroads need help, when they are not making a fair return, it is not loans providing a low rate of interest that they clamor for but it is higher freight rates. If the railroads receive freight rates sufficiently high, they can obtain their own loans, and are able to pay the interest rate required, but if they do not receive a fair rate it will be difficult for them to pay back any kind of a loan providing no interest rate at all.

OTHERS HANDLING FARMERS' PRODUCTS RECEIVE FAIR PRICE

Many farmers produce perishables for the market. They are compelled to pay not only a fair return to the telegraph and telephone companies, whose facilities they must use in order to find a market at the best price for their products, but they must also pay a fair return to the railroad company for transporting such products. The Government, through its different agencies, and through the Federal courts of this country compels the people to pay a fair price for services to telephone, telegraph, and railroad companies. Any electric light company, water company, telephone company, or gas company can go into any Federal court in this Nation and obtain an order that will force the people to pay a fair price for their services to guarantee them a fair return.

FARMERS PROVIDE PROFIT TO OTHERS

Since the Government has been so kind to such corporations, it occurs to me that it is time for our Government to make sure that the original producers of our Nation receive a fair price. They should not be compelled to destroy themselves by hard labor and receive nothing for it in order merely to provide business and profit for those who handle what they produce.

WAGE EARNERS' PROBLEM NOT SOLVED BY LOANS

The one who works and produces on the farm, on the ranch, in the orchard, or in the dairy makes a real contribution toward the success and prosperity of our entire Nation. The raw materials usually must be processed or manufactured in some way and, in practically all cases, must be transported and distributed.

There are about 40,000,000 people, including families, dependent upon wage earning for a livelihood. Much has been done in the direction of giving these wage earners a fair wage. It is right that they should receive a fair wage. By receiving fair wages they have purchasing power which they can use to pay the farmers, original producers, and other classes and groups fair prices. At the same time our Government has done so much in the direction of forcing higher wages, I am not convinced that the same efforts have been put forth to give the farmers and other producers a fair price. When wage earners need help, it is not long-term loans providing for a low rate of interest that they want; it is better wages. With good wages they can usually obtain their own loans locally and pay the rate of interest required. With insufficient wages it would be difficult for them to pay any kind of a loan providing for any kind of interest or no interest. The way to help the wage earners is to give them fair and sufficient wages. The best way to help the farmers, including tenants, is to give them fair prices. Practically all other problems will disappear with fair prices and fair wages.

FIXED PRICES FOR OTHERS, BUT NOT FOR FARMERS

Distributors of finished products receive, with exceptions of course, a fair price for distributing the products to the ultimate consumer. The consumer is required to pay the set and fixed prices exacted by the railroad, telegraph, telephone, electric, gas, and water companies which enter into the price of the finished article, and to pay distribution costs which in many cases are fixed and in other cases competitive, and such price as the original producer is permitted to receive. If the retailers and other distributors in our country were complaining because they were not making enough money and were demanding relief from the Government, they would not want long-time loans with low rates of interest without also receiving assistance in the form of better returns for their services. While long-term loans with low interest rates are always desirable, fair prices and fair wages are more desirable.

SELLS IN WORLD MARKET, BUYS IN PROTECTED MARKET

In addition to all these fixed and set charges, the farmer sells his produce in competition with the produce grown in other countries with cheap coolie and peon labor in the markets of the world at the world price. When the farmer buys finished products, he pays an increased price by reason of the tariff. Selling in a world market and buying in a protected market is very detrimental to farmers' interest.

FARMERS RECEIVE 5 CENTS AND 10 CENTS AN HOUR

The farmer is the steel manufacturer's best customer. The Government has assisted in the formulation of policies that recently increased wages to workmen in the steel mills. By reason of this increase in wages steel was increased in price $6 a ton. The Government also has a tariff on the importation of steel, which permits the steel companies to profit by a higher price. In this case the Government has forced a higher and fixed price on one of the principal commodities needed by the farmer by causing increased fixed wages and providing a tariff duty on steel. Therefore the Government should either assist the farmer in receiving a fair price or fixed prices and fixed wages for others through the help of the Government should be abandoned; monopolies, trusts, and price-fixing eliminated; and the farmer privileged to benefit through competition caused thereby. If it were possible to repeal all laws and abandon all policies, which give special privileges, fixed prices, and special benefits and prevent all monopolies and trusts, possibly that would be a better approach to the problem than the Government assisting the farmers with a higher price, but we know that is not prob-

able. So, the easiest approach to the problem is to assist the farmer in obtaining a fair price in order that he may be placed on a parity with industry.

Workers in certain lines of work are receiving as much as $20 a day or $2 an hour. Wage earners generally are receiving from 70 cents to $2 an hour. Contrast this with 10 cents an hour on the farm and I believe that a substantial number of our farm hired hands and small farmers, if the work of their wives and children is considered, do not make 5 cents an hour, and with that 5 cents an hour they must clothe and feed themselves and families. This is a shame. It is a disgrace. It should be corrected immediately.

FARM HOME OWNERSHIP DESIRABLE

This bill, providing long terms at a low rate of interest, will be helpful to many worthy and deserving tenant farmers. For that reason I am supporting it, but it is not a solution of the farmers' problems. The increase in farm tenancy is alarming, and we cannot solve it by loans and interest rates alone. Ownership makes better citizenship. We must do everything in our power to afford every American citizen an opportunity to own a home. To grant him a loan at a low-interest rate is one way to start, but he cannot remain a home owner unless he receives a fair price. With home ownership waste is discouraged and the soil is conserved, and the Nation is thereby helped. If farmers receive a fair price, loan agencies all over this Nation will quickly clamor for the opportunity of extending loans to the farmers for all purposes that they need loans.

PRICE FIXING FOR FARMERS

During more than 8 years that I have served in Congress I have worked unceasingly in behalf of a program that will permit a farm family which is farming for a livelihood to receive a sufficient price to permit a fair minimum income. I believe that the price of cotton should be fixed at least 20 cents a pound, wheat at least $1.50 a bushel, and corn at a dollar, and other commodities in proportion, to the farmers who are working on a farm and are dependent upon a farm for a livelihood, in order to enable them to earn a minimum of a thousand dollars a year at these prices. If it is right for the Government to force fair minimum wages for the workers, it is also right, and equally right, that a fair minimum annual return be allowed a farmer if he actually produces a sufficient amount at a fair price to earn it.

For instance, if a farmer produced 10 bales of cotton, 500 pounds to a bale, at 20 cents a pound, he would receive a thousand dollars. Regardless of the price of cotton, the Government would protect him to that amount. If he only produced 1 bale, he would receive 20 cents a pound, or $100, and no more. The same plan could be used for other products. There would be no protection above that amount, and there would be no protection to one who was growing cotton for speculation or for profit only, and who was not actually engaged in working on the farm, unless he profited as a farm owner. Under this plan there would be a demand for tenants, as the landlords would get better rent. Those who wanted to sell land would have plenty of buyers whose credit would be good. During this time I have appeared before congressional committees advocating this proposal. I have visited officials of our Government on numerous occasions and discussed this program at length. I have worked with national and local farm leaders who had the interest of the farmer at heart. The only dinner that I know of that was ever given for the farmers of this country in their name and for their benefit in the Capitol of the United States I gave about 2 months ago to the members of the Committee on Agriculture in the House, agricultural leaders who were in Washington, and to officials of the Department of Agriculture, for the sole and only purpose of having an opportunity to discuss with all of them at the same time the seriousness of the farm problem, and the absolute necessity of permitting every farm family to receive a fair price for what is produced up to a fair annual income, which should certainly not be less than $1,000. I have insisted upon a family allotment. At these meetings and conferences much encouragement has been received, and I believe that we are making headway, but our gains have been slow. Oftentimes it has appeared discouraging. The fight will continue, so far as I am concerned, until the farmer gets a square deal. I cannot understand the reasoning of a person who insists that every corporation and individual that handles what the farmer produces or has anything to do with what he produces should receive protection from the Government to the extent of minimum wages, maximum hours, fair rates of interest, and guaranteed profits, but who is not in favor of providing for a minimum annual income for a farm family where that farm family actually produces a sufficient amount to justify it if fair and decent prices are paid.

CONSIDERATION DIFFICULT TO GET

A Member of Congress, in order to be effective in the advocacy of any proposal that he believes will be helpful, must spend considerable time and effort building up sentiment in favor of the proposal before there is a committee hearing and before it reaches the floor of the House or Senate in the form of a bill. With 15,000 bills usually pending in Congress, it is a difficult matter to get consideration of any one proposal.

Last month, in order to get the attention of a large number of Members of Congress on farm legislation and issues helpful to the farmer, I sponsored a boat trip on the Potomac River. The trip lasted all day and on a boat, we were away from everything that would be calculated to disturb us. Attending the meeting on the boat there were more than 100 Members of the House of Representatives and the United States Senate; all except one of the southern commissioners of agriculture; officials of the Department of Agriculture; high officials of the W. P. A.; other such recognized farm leaders as the Honorable Lawrence Westbrook, of Texas, and such unselfish citizens who have demonstrated their interest in the farmer as ex-United States Senator Robert L. Owen, of Oklahoma, framer of the Federal Reserve Act; the Honorable Robert Hemphill, financial writer for magazines and daily newspapers, and for 25 years credit manager of the Federal Reserve bank at Atlanta, Ga.; Prof. Irving Fisher, of Yale University; and another one of the finest characters I have ever known, Mr. Dale Carnegie, who is the author of America's best book seller, How to Win Friends and Influence People. We spent the entire day with short talks and discussions. In this way the importance of the farmers' problem and the extreme necessity for it to be solved at an early date in order to help the entire country was emphasized. The money question, as it relates to the farmers' welfare, was especially discussed. The following resolution, which is self-explanatory, was later forwarded to me:

Meeting at Washington, D. C., June 6–8, 1937.
Presiding: Harry D. Wilson, Commissioner of Agriculture, Baton Rouge, La.

"Whereas Congressman WRIGHT PATMAN, of Texas, has rendered great and valuable service in giving our people monetary relief through his patriotic efforts to restore to the Congress their constitutional right to coin and regulate the value of money:

"*Be it resolved*, That the southern commissioners of agriculture in behalf of the southern farmers and agriculture express our sincere and deep appreciation for this service rendered by Congressman WRIGHT PATMAN.

"*Be it further resolved*, That the secretary be authorized to deliver a copy of this resolution to Congressman PATMAN."

I hereby certify that this is a true copy of the resolution passed by the Association of Southern Commissioners of Agriculture at a meeting held in Washington, D. C., June 8, 1937.

C. C. HANSON, *Secretary*.

In order for the farmer to get the protection he is entitled to receive, Members of Congress and the people generally must be sold on the fact that his cause is just and that the entire Nation will be benefited by helping the farmer.

With public sentiment for the farmers they will be successful in their fight, but without public sentiment success is improbable.

LANDLORDS

The tenants are not the only farmers who are in need of price protection. There is another class of farmers that has suffered greatly, and especially during the depression.

That is the class that owns their land or that holds title to their land although they owe for it. During the worst years of the depression, the landlords were required to pay taxes and pay interest on the debt, make principal payments, to keep up the fences, the houses, and make other necessary improvements. The tenants, although they suffered along with the landlords by reason of the low prices, they were privileged to occupy the houses of the landlords and use their improvements, and if a crop was made, the tenant received his share, but if it was not made, the tenant did not lose anything on the land, buildings, or improvements, and was not compelled to pay interest or taxes.

FARMER'S CREDIT NOT GOOD WITHOUT PRICE ASSURANCE

If the Government will adopt a policy of allowing a fair price for a sufficient amount of farm products to each farm family to allow that farm family to earn a thousand dollars a year at a fair price, which will entitle them to it, then the landlord will be benefited not only as an owner but by higher rent, and if the landlord desires to sell a part of his land, the tenant will be in a position to buy it. If the tenant knows what he is going to receive if he works and earns it, his credit, according to his standing in the community, will become valuable. If the farmer's credit is restored, landlords will be wanting tenants, and farm owners will be wanting to sell land to them. As long, however, as the farmer has no assurance of what he is going to receive, his credit will not be good, his earning power very limited as it is now, landlords will prefer machinery to tenants, and the tenants cannot buy and pay for farm homes.

WORK AND KNOWLEDGE REQUIRED OF FARMERS

In order for one to operate a farm he must be a hard worker. He must get up early in the morning and work until late at night. The hardest kind of manual labor is involved. He must keep up with the weather and have a fair knowledge of soil, fertilizer, germination of seeds, cultivation of crops, extermination of the many different kinds of pests and insects, and proper handling and marketing of the matured production. This requires considerable knowledge as well as work. It is my belief that workers in industry, who receive a dollar an hour and more, are not required to have the knowledge and information that farmers are required to possess, and they are not required to do anything like the hard work that farmers are required to do. A farmer can work hard all the year, and a few minutes' hail, or a flood, or a few weeks' drought will destroy all of his labor. The death of livestock, or illness in his family, or any one of many other misfortunes may take everything that he makes during the whole year. No class or group works so hard, must possess so much information and knowledge, must run so many risks and receive so little for it, with no assurance of any income whatsoever, as the farmers of this country. Yet they feed and clothe the world. Without them the health, happiness, and prosperity of all the other people in the Nation would be endangered if not destroyed. Our Government has helped practically every other class, group, interest, or business, but to that great class or group to whom we are so greatly indebted as a Nation and who has been thereby placed at a disadvantage, so little has been done.

TAXES AND INTEREST

Lower taxes will help the farmer; so has lower interest rates helped the farmer. But a fair price will help him more than anything. If he did not have to pay interest at all or any taxes at all, if he does not receive a better price than he has in the past, he would not be earning a livelihood. If all of the farmers in this Nation used the cost-accounting methods that industry uses, I doubt that a half dozen farms in America would make a net profit, and all the farms combined would have a several hundred million dollar loss each year.

PRESENT ADMINISTRATION HELPED

In connection with what this administration has done to help the farmer, it is interesting to note that in 1932 it required two bales of cotton for a farmer to pay the interest on a thousand-dollar loan, whereas in 1936 it required only one-half bale to pay the interest on a thousand-dollar loan. It required 160 bushels of corn to pay the interest on a thousand-dollar loan in 1932, but only 40 bushels in 1936; it required 140 bushels of wheat in 1932, but only 50 bushels of wheat in 1936; it required a 1,200-pound beef to pay the interest in 1932, but only a 600-pound beef would pay the same interest in 1936. This administration has helped the farmer substantially, and is now sponsoring other measures calculated to be of great and lasting benefit to all farmers, tenants, and farm owners.

SURPLUS

Much has been said about the surplus cotton and surplus farm products. I am not so sure about other products, but I am reasonably certain that if all of the people in America could buy the cotton products that are needed and that could be used for desirable and not wasteful purposes, we would not have a cotton surplus. I recall that when every third row of cotton was plowed up, Negroes were seen clad only in a jute rag, which was wrapped around them, plowing up this cotton. Jute is produced in India and not in America.

PROUD PEOPLE ON FARM

People who live on the farm are proud people. They have pride; they take interest in the building and the development of the home, the church, and the school. Half of the people in this Nation would be in tears if they only knew how hard the farmers and their families work and how little they can possibly accomplish in proportion to their efforts. Home-demonstration agents and county agents are very helpful. They have assisted the farmers in many ways, and their wives are assisted in the preservation and canning of fruits, vegetables, and meats necessary and desirable for home consumption. These savings are very beneficial; but, after all, the farmers need more than something to eat; they need other comforts the same as other people. They want to educate their children; they want to enjoy conveniences that other people enjoy. They are entitled to these privileges and benefits and they are possible only with a fair price for what they produce. I have visited the homes of some of the poorest tenant farmers. I will describe one that I visited.

The floor of the house was as clean as it could be kept; there were beautiful flowers in the yard; the house was tidy and just as nice as it was possible to make it. No electricity, no gas for fuel, no running water. It was evidently a cold place in the winter and a hot place in the summer. Although the furniture was crude and old, and there were no rugs on the floor, no tablecloths on the table, and no towels except what they had made from sacks in which they bought things from the stores and used in making towels, it was a real home, like one of the thousands of such homes where some of the best people in the Nation reside; and from such humble homes some of our greatest men and women were born and reared. Too much cannot be said in praise of the good, enterprising farm wife who accomplished wonders under such adverse circumstances. It seems a shame to me that these people who work so hard and grow cotton are not permitted to actually buy a sufficient amount of the products that are made from cotton to furnish them with the simple comforts of life. This, to my mind, is partly caused by a fallacious monetary system. If it is corrected, the farmers will get a better price. Money is a vehicle which is just as necessary to transport goods to consumers as boxcars. If the amount of money, including bank deposits, is increased, everything the farmers produce is increased in proportion. If money becomes dear, everything else becomes cheap. I will not discuss the money question further than to say that much can be done in the direction of helping the farmers by giving them a better price by perfecting the monetary system.

CONCLUSION

I submit the following for consideration:

First. The Government should, if necessary, arbitrarily fix the prices of the basic farm commodities at a price that

will allow a farm family to earn a decent living if they produce a sufficient quantity of such products at such fair price to justify it.

Second. Taxes and interest should be made just as low on the farmers as possible until at least they are in a position to enjoy economic security by reason of good prices and on a parity with industry.

Third. Good prices and good wages are both necessary and desirable, since it is only through good prices and good wages that the American people pay their debts. If wages and prices are reduced 50 percent, the debt and tax burden of the people, in what they have to pay with, will be increased 100 percent, and vice versa.

Fourth. The 12 Federal Reserve banks should be owned by the Government and operated in the interest of all the people, banks, industry, and commerce instead of being owned by private banking corporations as at present.

Fifth. So many tax-exempt interest-bearing bonds have been issued that the rich are becoming richer and the poor are becoming poorer. The poor people of the Nation are being compelled to pay taxes upon what they owe and upon what they consume to support the different governments from local to Federal. No more interest-bearing tax-exempt bonds should be issued.

Sixth. We must place a noose where there is now a loophole in our tax laws. It appears that corporations are entitled to more rights than citizens, since citizens are incorporating to escape taxes. It appears that foreign corporations are entitled to more rights than even an American citizen or American corporation, since foreign corporations are being used to escape taxes. Holding companies are unnecessary. They do not serve a useful or constructive purpose. They are merely used to avoid taxes, shirk responsibility, and mislead the investing public, and they should be abolished.

Seventh. It is idiotic and imbecillic for the Government to pay interest on its own credit. If this is corrected, the Government will save almost a billion dollars a year, and it can be corrected if the Government should purchase the stock and own and operate the 12 Federal Reserve banks.

Eighth. Monopolies and trusts should be broken up. The Department of Justice has recently commenced action to dissolve the Aluminum Trust. A judge, appointed by President Harding, evidently approved by the "Ohio gang" and admittedly had the endorsement of Andrew W. Mellon, has granted an injunction restraining our United States Attorney General, something that never happened before in this country, from bringing any suit against Mellon and the Aluminum Co., except in his court to be presided over by himself. Mr. Robert H. Jackson, Assistant to the Attorney General of the United States, says that a judicial monopoly is sought, as well as the aluminum monopoly.

Ninth. Independent business, locally owned and owner operated, should be encouraged instead of absentee ownership. The boys and girls of the future should not be denied an opportunity because they do not have sufficient acquaintance or pull with some New York banker, who owns or controls the local business. The Department of Agriculture has recently had to go into the market with Government funds and buy potatoes because a few large national concerns handling potatoes had so depressed the market that the farmers were being robbed. Corporations should not have so much power, as they will certainly abuse it; other similar instances could be cited.

FIGHT WILL CONTINUE

My family has been attached to the soil of America for more than 300 years. John Patman, my ancestor, came from England on the ship *Peter Bonaventure*, landed near Jamestown, Va., in 1635. Ever since that time our family has owned and worked on land. Therefore, by reason of having been a farmer myself, my father was a farmer, my grandfather was a farmer, and my family for more than 300 years having been attached to the soil of this great country, I have inherited a loyalty and affection for the farm and the problems of the farmer. I am hoping that I can make a substantial contribution toward solving the major problems of the farmer. If I can assist in giving to that great class of public-spirited, patriotic people, the farmers, who help to build and sustain our country in time of peace and who help to save our country in time of war, that measure of justice they should receive from a grateful Government, I shall feel that my service in Congress has not been in vain. My efforts in that direction will continue.

Mr. GREENWOOD. Mr. Speaker, I move the previous question on the adoption of the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

AGRICULTURAL APPROPRIATION BILL, 1938—CONFERENCE REPORT

Mr. CANNON of Missouri. Mr. Speaker, I call up the conference report on the bill (H. R. 6523) making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1938, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Missouri calls up a conference report on the agricultural appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6523) making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1938, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 4, 6, 7, 8, 9, 10, 11, 14, 16, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 36, 39, 41, 44, 49, 51, 58, 60, 68, 74, 77, 79, 80, 82, 83, 84, 87, 89, 93, 96, 97, 99, 101, 102, 103, 104, 110, 112, 114, 115, 118, 121, 122, 123, 128, 129, 135, and 136.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 5, 15, 32, 35, 40, 42, 46, 47, 48, 52, 53, 55, 56, 57, 62, 65, 67, 70, 71, 72, 75, 76, 92, 94, 95, 107, 108, 109, 111, 113, 120, 127, 130, and 133, and agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$887,650"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$1,254,130"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$6,232,500"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$6,463,546"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$2,342,870"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$2,190,179"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$4,703,049"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$633,199"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$703,694"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: Restore the matter

stricken out by said amendment amended to read as follows: "including not exceeding $80,000 for acquisition of additional land, notwithstanding the limitations of said act of March 4, 1927,"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$122,000"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$4,833,048"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$638,403"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$14,116,596"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$75,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$18,892,182"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$196,243"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$1,425,431"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$75,000"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$460,860"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$5,711,398"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$171,149"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$2,127,840"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$48,785"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$423,169"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$460,769"; and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$6,162,698"; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$6,212,698"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$500,000"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$190,000"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$22,175,000"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$24,390,780"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$100,000"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows: ": *And provided further*, That the funds provided by section 32 of the Act entitled 'An Act to amend the Agricultural Adjustment Act, and for other purposes', approved August 24, 1935 (U. S. C., Supp. II, title 7, sec. 612c), shall be available during the fiscal year 1938 for administrative expenses in such sums as the President may direct in carrying out the provisions of said section, including the employment of persons and means in the District of Columbia and elsewhere, in accordance with the provisions of law applicable to the employment of persons and means by Agricultural Adjustment Administration"; and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$12,500,000"; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$7,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 88, 124, 126, and 134.

CLARENCE CANNON,
M. C. TARVER,
WILLIAM B. UMSTEAD,
WILLIAM R. THOM,
CHARLES H. LEAVY,
W. D. MCFARLANE,
EVERETT M. DIRKSEN,
Managers on the part of the House.

RICHARD B. RUSSELL, JR.,
CARL HAYDEN,
ROYAL S. COPELAND,
E. D. SMITH,
GERALD P. NYE,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6523) making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1938, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Correction of totals, allocations, etc.

The following amendments relate to the corrections of totals, allocations, transfers, clarifications of the text, etc.:

Amendments nos. 4, 5, 8, 11, 13, 17, 19, 24, 27, 31, 32, 38, 40, 42, 50, 53, 59, 61, 63, 66, 70, 78, 83, 84, 85, 86, 91, 92, 98, 100, 103, 104, 106, 108, 109, 117, 118, 119, 120, and 132.

"Other necessary expenses"

The following amendments relate to the action of the Senate in striking out the words "other necessary expenses" or words of similar import in the several paragraphs to which the amendments apply. As to each and all of these amendments the Senate has receded. The amendments are:

Amendments nos. 3, 6, 9, 14, 18, 25, 26, 28, 33, 34, 36, 39, 44, 51, 77, 79, 87, 89, 93, 97, 99, 101, 114, 115, 121, 128, 129, 135, and 136.

Office of the Secretary

On amendment no. 1, salaries: Appropriates $452,700, as proposed by the House, instead of $442,700, as proposed by the Senate.

On amendment no. 2, spray residue investigations: Retains the Senate provision that no part of the funds appropriated by this act shall be used for laboratory investigations to determine the possible harmful effect on human beings of spray insecticides on fruits and vegetables.

Office of the Solicitor

On amendment no. 7, salaries and expenses: Appropriates $194,160, as proposed by the House, instead of $195,780, as proposed by the Senate.

Office of Information

On amendment no. 10, salaries and expenses: Appropriates $366,480, as proposed by the House, instead of $363,282, as proposed by the Senate.

On amendment no. 12, printing and binding: Appropriates $887,650, instead of $894,250, as proposed by the House, and $864,250, as proposed by the Senate.

Office of Experiment Stations

On amendment no. 15, payments to Hawaii: Appropriates $50,000, as proposed by the Senate, instead of $60,000, as proposed by the House.

On amendment no. 16, payments to States under Bankhead-Jones Act: Appropriates $1,800,000, as proposed by the House, instead of $1,500,000, as proposed by the Senate.

Special research fund

On amendment no. 20: Appropriates $1,200,000, as proposed by the House, instead of $1,000,000, as proposed by the Senate.

Extension Service

On amendment no. 21, supplementary cooperative extension work: Appropriates $790,000, as proposed by the House, instead of $1,185,000, as proposed by the Senate.

On amendment no. 22, extension work under Bankhead-Jones Act: Appropriates $10,000,000, as proposed by the House, instead of $9,800,000, as proposed by the Senate.

On amendment no. 23, additional cooperative extension work: Appropriates $500,000, as proposed by the House, instead of $750,000, as proposed by the Senate.

Weather Bureau

On amendment no. 29, general weather service and research: Retains the Senate increases of $23,920 for flood-warning service in the Pittsburgh, Pa., region, $10,000 for restoration of weather station at Dayton, Ohio, and $10,000 for restoration of weather station at Greenville, S. C. Eliminates the Senate increase of $5,000 above an increase of the same amount granted by the House for additional weather service to citrus growers of California.

On amendment no. 30, aerology: Eliminates the Senate increases of $35,000 for the substitution of a numeral code for the present word code and of $57,771 for the replacement of Army airplane flights by contract flights at five Army airfields in connection with daily observations of upper air conditions. Retains the remaining $501,090 of the Senate increase for general improvement and strengthening of the airways weather service.

Bureau of Animal Industry

On amendment no. 35, marketing agreements with respect to hog cholera virus and serum: Retains the Senate amendment making $30,000 of Agricultural Adjustment Administration funds available for effecting such agreements.

Bureau of Dairy Industry

On amendment no. 37, dairy investigations: Retains the Senate increase of $6,600 for the development of commercial sources for the utilization of skim milk, buttermilk, and whey, and for the commercial introduction of processes for manufacturing milk products. Eliminates the remaining Senate increase of $14,801.

Bureau of Plant Industry

On amendment no. 41, forest pathology: Appropriates $259,592, as provided by the House, instead of $252,092, as provided by the Senate.

On amendments nos. 43 and 45, National Aboretum: Provides an increase of $80,000, instead of $90,000, as proposed by the House, and restores the language of the House, stricken out by the Senate, amended to read as follows: "Including not exceeding $80,000 for acquisition of additional land, notwithstanding the limitations of said act of March 4, 1927."

On amendment no. 46, nematology: Includes the Senate increase of $5,000 for work on nematodes in narcissus and other bulbs.

On amendment no. 47, rubber and other tropical plants: Appropriates $46,749, as provided by the Senate, instead of $40,000, as provided by the House.

On amendment no. 48, seed investigations: Appropriates $72,293, as provided by the Senate, instead of $67,293, as provided by the House.

On amendment no 49, sugar-plant investigations: Retains the House increase of $16,700 for establishment of sugar-plant-experiment station in Mississippi.

Forest Service

On amendment no. 52, National Forest Administration: Retains the Senate increase of $10,000 for recreation and special land use developments.

On amendment no. 54, forest management: Retains the Senate increases of $9,909 for pinion-juniper and other woodland types of the Southwest and of $7,500 for conversion of brush fields in northern California into valuable timber stands. Eliminates the Senate increase of $7,500 for planting and reforestation studies in the Central States.

On amendment no. 55, range investigations: Retains the Senate increase of $10,000 for studies in the control of shrub invasions on semidesert ranges of the Southwest.

On amendment no. 56, forest products: Retains the Senate increases of $10,000 for studies in the utilization of new woods for paper making, and of $10,000 for studies in chemical seasoning of wood.

On amendment no. 57, forest economics: Retains the Senate increase of $15,000 for range economics investigations in the intermountain region.

On amendment no. 58, forest influences: Restores the House increase of $10,000.

On amendment no. 60, acquisition of lands for national forests: Appropriates $3,000,000, as proposed by the House, instead of $2,500,000, as proposed by the Senate.

On amendment no. 62, acquisition of lands for national forests: Eliminates the House provision that $1,000,000 of the sum appropriated shall be available only for purchase of lands in purchase units where as much as 20 percent of the lands within such purchase units have not heretofore been acquired.

Bureau of Chemistry and Soils

On amendment no. 64, industrial utilization of farm products and byproducts: Provides an increase of $10,000 for plastic investigations, instead of the increase of $20,000, as proposed by the Senate.

On amendment no. 65, naval stores investigations: Retains the Senate increase of $2,159 for the employment of two night watchmen at the experiment station at Olustee, Fla.

Bureau of Entomology and Plant Quarantine

On amendments no. 67 and no. 68, Japanese beetle control: Retains the Senate increase of $25,000 in this appropriation and eliminates the Senate provision that $40,000 of the total appropriation shall only be available for cooperation with the State of Maryland.

On amendment no. 69, sweetpotato weevil: Appropriates $75,000, instead of $50,000 as provided by the House and $100,000 as provided by the Senate.

On amendments no. 71 and no. 72, forest insects: Retains the Senate increase of $39,738 in this appropriation and the Senate provision that $40,000 of the appropriation shall only be available for expenditure when matched by State funds:

On amendment no. 73, Dutch elm disease: Appropriates $460,860, instead of $421,720 as proposed by the House and $500,000 as proposed by the Senate.

On amendment no. 74, insects affecting man and animals: Retains the House increase of $10,000 for ticks in the vicinity of Martha's Vineyard Island, Mass.

On amendment no. 75, transit inspection: Appropriates $44,059, as proposed by the Senate, instead of $36,559, as proposed by the House.

On amendment no. 76, foreign plant quarantines: Appropriates $680,000, as proposed by the Senate, instead of $661,728, as proposed by the House.

Bureau of Biological Survey

On amendment no. 80, food habits of birds and animals: Appropriates $68,140, as proposed by the House, instead of $75,640, as proposed by the Senate.

On amendment no. 81, biological investigations: Retains $18,000 of the House increase of $42,000 for the establishment of three new regional stations for cooperative studies of wildlife.

On amendment no. 82, control of predatory animals and injurious rodents: Retains the House increase of $12,000 for work on rodents harmful to orchard trees in the northeastern States.

Bureau of Agricultural Engineering

On amendment no. 90, agricultural engineering investigations: Appropriates $423,169, instead of $415,669 as proposed by the House and $430,669 as proposed by the Senate.

Bureau of Agricultural Economics

On amendment no. 94, farm management and practice: Appropriates $376,580, as proposed by the Senate, instead of $386,580, as proposed by the House.

On amendment no. 95, marketing and distributing farm products: Retains the Senate increase of $7,500 for studies of Federal, State, and local regulations affecting trade in agricultural products.

On amendment no. 96, Tobacco Inspection Act: Retains the House increase of $25,000.

Bureau of Home Economics

On amendment no. 102, home economics investigations: Appropriates $213,350, as proposed by the House, instead of $188,350, as proposed by the Senate.

Enforcement of the Commodity Exchange Act

On amendment no. 105, salaries and expenses: Appropriates $500,000, instead of $400,000 as proposed by the House and $590,000 as proposed by the Senate.

Food and Drug Administration

An amendment no. 107, enforcement of the Food and Drugs Act: Appropriates $1,750,000, as proposed by the Senate, instead of $1,700,000, as proposed by the House.

Soil Conservation Service

On amendment no. 110, cost of buildings: Retains the House limitation of $15,000, instead of the Senate limitation of $10,000, upon the cost of not to exceed 20 buildings.

On amendment no. 111, construction of buildings: Retains the Senate provision prohibiting the erection of buildings on land not owned by the Government.

On amendment no. 112, general administrative expenses: Appropriates $675,000, as proposed by the House, instead of $600,000, as proposed by the Senate.

On amendment no. 113: Retains the Senate provision that no part of the appropriation for administrative expenses shall be available if any emergency or other appropriations are made available for administrative expenses in administering the funds provided in regular appropriations to the Soil Conservation Service.

On amendment no. 116, soil and moisture demonstrations: Appropriates $22,175,000, instead of $22,225,000 as proposed by the House and $22,125,000 as proposed by the Senate.

Crop benefit payments for soil-conserving practices

On amendments nos. 122 and 123, conservation and use of agricultural land resources: Appropriates $500,000,000, as proposed by the House, instead of $440,000,000, as proposed by the Senate.

On amendment no. 125, administrative expenses in carrying out section 32 of the act entitled "An act to amend the Agricultural Adjustment Act, and for other purposes": Restores the language stricken out by the Senate, amended to read as follows: ": *And provided further*, That the funds provided by section 32 of the act entitled 'An act to amend the Agricultural Adjustment Act, and for other purposes', approved August 24, 1935 (U. S. C., Supp. II, title 7, sec. 612c), shall be available during the fiscal year 1938 for administrative expenses in such sums as the President may direct in carrying out the provisions of said section, including the employment of persons and means in the District of Columbia and elsewhere, in accordance with the provisions of law applicable to the employment of persons and means by Agricultural Adjustment Administration."

Beltsville Research Center

On amendment no. 127: Appropriates $75,000, as proposed by the Senate, instead of $85,000, as proposed by the House.

Elimination of Diseased Cattle

On amendment no. 130: Retains the Senate provision that $2,000,000 of the funds for elimination of diseased cattle may be used only in those States which have made appropriations for indemnifying the owners of cattle reacting to the test for Bang's disease.

Forest Roads and Trails

On amendment no. 131: Appropriates $12,500,000, instead of $11,000,000, as proposed by the House, and $14,000,000, as proposed by the Senate.

On amendment no. 133: Eliminates the House provision that total expenditures for forest roads and trails on account of any State or Territory shall at no time exceed its authorized apportionment as provided by section 23 of the Federal Highway Act.

Disagreements

The committee of conference report in disagreement the following amendments of the Senate:

On amendment no. 88, Federal-aid highway system: Strikes out the House provision that the appropriation be available for the purchase of medical supplies and services and other assistance necessary for the immediate relief of employees engaged on hazardous work of the Bureau and inserts language providing that $450,000 of administrative funds, in addition to sums heretofore authorized (making in all $1,360,000), may be used for the construction (including the cost of a site already acquired) of a laboratory for permanent quarters for the testing and research work of the Bureau of Public Roads.

On amendment no. 124: Making the appropriation for domestic allotments available for the purchase of seeds, fertilizers, or any other farming materials and making grants thereof to agricultural producers to aid them in carrying out farming practices approved by the Secretary of Agriculture in the 1937 programs, for the reimbursement of the Tennessee Valley Authority for fertilizers heretofore or hereafter furnished by it to the Secretary of Agriculture for such purpose, and for the payment of expenses in connection with the making of such grants.

On amendment no. 126, interchange of appropriations: Authorizing transfers within bureaus of 10 percent of the amounts appropriated for the respective activities within the respective bureaus.

On amendment no. 134, forest roads and trails: Fixing the apportionment of the Territory of Alaska for the fiscal years 1938 and 1939 at $350,000 for each of said years and providing that the remainder of the sums that would be otherwise apportioned to said Territory shall be reapportioned in the same manner and on the same basis as provided in the second paragraph of section 23 (a) of the Federal Highway Act among those States whose forest highway apportionments for the fiscal years 1938 and 1939 otherwise would be less than 1 percent of the entire apportionment for forest highways.

CLARENCE CANNON,
M. C. TARVER,
WILLIAM B. UMSTEAD,
WILLIAM R. THOM,
CHAS. H. LEAVY,
W. D. MCFARLANE,
EVERETT M. DIRKSEN,
Managers on the part of the House.

The SPEAKER. The question is upon the adoption of the conference report.

Mr. CANNON of Missouri. Mr. Speaker, this report covers all matters in disagreement between the two Houses, with the exception of four routine amendments which we expect to take up on disposition of the report, and on which there is no controversy. The bill as perfected in the report is a conservative bill, and is more than $3,000,000 below the Budget estimate. Comparative statistics on the bill may be summarized as follows:

CONFERENCE REPORT ON DEPARTMENT OF AGRICULTURE AND FARM CREDIT ADMINISTRATION APPROPRIATION BILL, 1938

Comparing the total of the bill as agreed to in conference with the total of appropriations for 1937, the Budget estimates for 1938, and the bill as it passed the House and as it passed the Senate	
Total, 1937 appropriations, including reappropriations of $54,364,000	$668,921,606
Total, 1938 Budget estimates, including reappropriations of $75,864,000	809,248,290
Budget increase over 1937 (see analysis below)	$140,326,684
Comparing the total of the bill as agreed to in conference with the total of appropriations for 1937, the Budget estimates for 1938, and the bill as it passed the House and as it passed the Senate—Continued	
Total, as passed House, including reappropriations of $175,864,000	$804,193,231
House reduction under Budget estimates	5,055,059
Total, as passed Senate, including reappropriations of $175,864,000	747,125,242
Total, as passed Senate, plus restoration of $60,000,000 Senate cut in soil-conserving crop benefit payments	807,125,242
Total, agreed to in conference, including reappropriation of $175,864,000	806,245,208
Conference total is:	
Below the Budget by	$3,003,082
Above the House total by	2,051,977
Above the actual Senate total by	59,119,966
Below the Senate total after restoration of $60,000,000 for soil-conserving benefit payments by	880,034
The above totals include $4,000,000 for the Farm Credit Administration, the remainder being for the Department of Agriculture.	
The reappropriations, totaling $175,864,000, breakdown as follows:	
Soil-conserving benefit payments	$160,000,000
Elimination of diseased cattle	15,864,000
Total	175,864,000
In addition to the above appropriations, the bill authorizes for administrative expenses of the Federal Farm Mortgage Corporation, $15,000,000 of the existing appropriation for that agency.	
Analysis of the Budget increase over 1937 of	$140,326,684
Specific increases:	
Roads, including Federal-aid highways, forest roads and trails, public-lands highways, etc.	110,500,000
Soil-conserving benefit payments	30,000,000
Airways weather service	747,861
Experiment station and agricultural extension work	1,391,500
Meat inspection and indemnities for eradication of tuberculosis in cattle	277,806
Forest Service, including $1,000,000 for Fulmer Act	1,756,177
Commodity Exchange Administration	393,500
Sundry other increases and decreases, giving a net Budget increase over 1937 of $140,326,684, as shown above.	
PERMANENT APPROPRIATIONS	
Permanent appropriations, not carried in the bill, but providing funds for the Department of Agriculture for 1938 over and above those in the bill, total	$127,228,665
Appropriations, including reappropriations, carried in the bill for the Department of Agriculture, as finally agreed to in conference	802,245,208
Grand total, permanent and regular annual appropriations, Department of Agriculture	929,473,873
Regular annual appropriation for the Farm Credit Administration	4,000,000
Grand total, regular annual and permanent appropriations, Department of Agriculture and Farm Credit Administration	933,473,873

Permanent annual appropriations, special and trust funds, Department of Agriculture

Item	Appropriation for 1937	Estimates for 1938	Increase (+) or decrease (−) 1938 estimates compared with 1937 appropriations
Extension Service: Cooperative agricultural extension work (Smith-Lever Act)	$4,696,096	$4,701,165	+$5,069
Forest Service:			
Payments to States and Territories (national-forest fund)	995,891	1,100,000	+104,109
Payments to school funds, Arizona and New Mexico (national-forest fund)	31,685	20,000	−11,685
Roads and trails for States (national-forest fund)	350,000	400,000	+50,000
Cooperative work (contributed funds)	2,000,000	1,000,000	−1,000,000
Biological Survey: Payments to counties under Migratory Bird Conservation Act	6,500	7,500	+1,000
Agricultural Adjustment Administration: To carry into effect the provisions of sec. 32, act of Aug. 24, 1935, relating to the exportation and domestic consumption of agricultural commodities	[1] 109,139,621	[1] 120,000,000	+10,860,379
Total	117,219,793	127,228,665	+10,008,872

[1] $110,000,000 of this appropriation for 1937 and 1938 is made available in the accompanying bill for "conservation and use of agricultural land resources."

Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, the committee has brought in a conference report indicating an agreeemnt upon a figure which is $2,050,000 above what the bill was when it passed the House, and about $59,100,000 more than it was when it passed the Senate. I have been over the matters in difference as to amounts, and roughly, as far as I have been able to determine, the low figure of either House was agreed to 5 times out of 44 times, and the high figure or one in between, 39 times out of 44 times. Frankly, I must say, if we are going to economize, we must get more of economy than this report indicates.

M. CANNON of Missouri. Mr. Speaker, in answer to the gentleman's suggestion, this bill is more than $3,000,000 below the Budget estimate. The Senate made a formal cut of $60,000,000 in the soil conservation and domestic allotment item, but the Government has made a proposition to the farmers of the Nation, and after the farmers have accepted the proposal and carried out their part of the agreement, the United States Government must redeem its pledge and provide money to pay the farmer the amount to which he is entitled under the law of contracts.

Eliminating this amendment the bill is $1,880 below the Senate bill and is an economical bill notwithstanding the fact that it provides in a large measure items which are not purely agricultural in nature. For example, the difference between the Budget estimate this year and the amount of the bill last year is $140,000, and out of that amount $110,000 is for highways, a matter which is of interest to the country generally and in no sense a purely agricultural appropriation.

Mr. WIGGLESWORTH. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I am glad to yield to the gentleman from Massachusetts.

Mr. WIGGLESWORTH. Is it not a fact that this bill is the biggest bill for the Agricultural Department that has ever been enacted in the history of the country?

Mr. CANNON of Missouri. Not when you eliminate the items not directly chargeable to agriculture. And such increases as have been made are in response to the mandate of Congress as expressed in legislation which this House has enacted in the last 2 years. Practically every addition to this bill and every increase in the amounts it carries have been made in response to legislation passed by the Congress since the last bill was adopted.

Mr. LAMBERTSON. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Kansas, the ranking minority member on the subcommittee.

Mr. LAMBERTSON. Is not every agricultural bill and every bill this year of every subcommittee larger than any preceding one ever was, except possibly the legislative bill? I see representatives of the other subcommittees in the Chamber and I see the gentleman from North Carolina rising.

Mr. UMSTEAD. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. Yes.

Mr. UMSTEAD. Mr. Speaker, I thought it had been stated so many times that it was now known by all Members of the House that the naval appropriation bill was not only under the amount appropriated last year, but was $37,000,000 below the Budget estimate. I therefore do not understand why it is that my good friend from Kansas, and many others in the House, still insist that there was no reduction in the naval appropriation bill. The record should be correctly stated.

Mr. CANNON of Missouri. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. THOM].

Mr. THOM. Mr. Speaker, this appropriation bill for the Department of Agriculture contains an allocation of $3,000,000 to continue the purchase of land for forest reserves. Those purchases are made under the auspices of the National Forest Reservation Commission. A program has been laid out under which new national forests are to be established in a number of the Middle and Southern States which heretofore have never had such benefits.

Mr. BIERMANN. Mr. Speaker, will the gentleman yield?

Mr. THOM. I yield.

Mr. BIERMANN. Do those national forests include the forest in southern Iowa?

Mr. THOM. Yes.

Mr. BIERMANN. We will actually get that, then, will we?

Mr. THOM. I am coming to that.

About a year or two ago the National Forest Reservation Commission set up a rule that no further purchases should be made in any units that have been located unless there have been already 20 percent of the lands in those respective units purchased.

Mr. DOXEY. Mr. Speaker, will the gentleman yield?

Mr. THOM. I prefer to wait until I state the proposition and then I will yield to the gentleman.

Now, the effect of that rule as set up by the National Forest Reservation Commission was simply this, that in many of the various forest units progress has stopped. In many of those units that have been located, options have been secured on behalf of the National Forest Reservation Commission, and it was naturally expected that land would be duly purchased under those options. Then came this rule of the National Forest Reservation Commission which stopped all purchases unless 20 percent of the unit had already been procured and the title was in the name of the United States Government.

This bill contains this provision:

> That $1,000,000 of the $3,000,000 appropriated shall be available only for purchase of lands in purchase units where as much as 20 percent of the lands within such purchase units have not heretofore been acquired.

In other words, the rule of the National Forest Reservation Commission was to be lifted so far as $1,000,000 of the appropriation in this bill is concerned. I reluctantly agreed in conference that this provision should go out, so that we have for the next year the same provision standing, that no purchase shall be made in any unit unless 20 percent heretofore has been acquired.

Now, the point I want to make is this: Representatives of Iowa, Indiana, Missouri, and Ohio—I think nine States in all—are dissatisfied and feel that they have been discriminated against for the reason that their forest units are not being added to, and the work on them has practically stopped.

Without any further discussion, this is just a subtle hint to the National Forest Reservation Commission that if something is not done about this 20-percent rule, in the next session of the House of Representatives they are going to find Representatives from such States as Iowa, Missouri, and Ohio opposing any further purchase of land for forest purposes. That is the situation in a nutshell. I simply want it in the RECORD so that the National Forest Reservation Commission will be forewarned when this appropriation bill comes up next year.

Mr. DOXEY. Mr. Speaker, will the gentleman yield?

Mr. THOM. I yield to the gentleman.

Mr. DOXEY. Mr. Speaker, I appreciate the gentleman from Ohio yielding to me and I do not desire to prolong this discussion, but since the gentleman has given a gentle hint to the National Forest Reservation Commission, of which I am proud to be a member—and the membership of that Commission is composed of three Cabinet members, two Senators, and two Members of the House—I want to ask the gentleman from Ohio [Mr. THOM] if he thinks that Commission, with a measly sum of $3,000,000 can do anything worth while toward the acquisition of any forest lands, whether it is in those units where there has been 20 percent or less of the land purchased, or anywhere else. For the information of the gentleman, I want to tell him that the National Forest Reservation Commission adopted this policy of not purchasing any lands in units established where the purchase had not been 20 percent or more of the total number of acres supposed to be purchased; but it was not because of any desire on the part of the Commission. It was purely for the reason that we had no money with which to function. We have something like 60 forest units in the United States, throughout the various States in the Union, where they have a set-up that is going, and a great percentage of the acreage in the units have been purchased, because the States have complied and cooperated in many ways, and they began back under the Clarke-McNary Act.

States like Ohio, Iowa, Indiana, Missouri, and those other States mentioned, have just come into the picture because they have just become forest-minded with reference to the solicitation of Federal aid, and have passed State laws whereby they could come in. We do not have the money to develop these units, although we have established these units. We desired to go into those States and establish and develop national-forest units. We established them and did take some options. But our money ran out and we just had to do the best we could. I am one member of that Commission. The distinguished gentleman from Michigan [Mr. WOODRUFF] is also a member; Senator GEORGE, of Georgia, and Senator BRIDGES, of New Hampshire, are members. The Secretary of War is chairman, and the Secretary of Agriculture and the Secretary of the Interior are members. Our Commission has no desire to adopt just any kind of a policy, but on account of lack of funds we had to determine how best to spend our limited funds. I ask the gentlemen who are interested, and the distinguished member of the Committee on Appropriations if he thinks that $3,000,000 could do anything toward satisfying those States, like Indiana, Ohio, Iowa, and the other States, which would in any way comply with the request or the gentle hint that the gentleman has given?

If this Congress will appropriate the money, our Commission will spend it, and I may say we will get value for what we spend. The record of our Commission speaks for itself and I know, and I feel you gentlemen know, that what money we have spent has been spent well and wisely. We have made our money go as far as possible. The work of the Forest Service and of the National Forest Reservation Commission in my judgment is outstanding. If the money is provided by Congress, we can purchase land in these units. If we do not have the money, we can give little relief to our interested friends, whom we would like to help if we had the money.

I do not know whether the Commission is going to lift this policy or not, but I do know that $3,000,000 is not going to be a drop in the bucket toward acquiring additional land in any of the eighty-some-odd forest units in the United States. Nobody wants to cooperate more than I, but it is a question of money available and not desire. May I, in my turn, hint to Congress that the National Forest Commission cannot buy lands if they do not have money. If $3,000,000 is all the money we are to have, we shall use discretion and our best judgment and make it go as far as we can. I thank the gentleman for yielding to me.

Mr. THOM. I hope that the National Forest Commission puts into effect—and it has the power to—this provision eliminated from the bill now permitting $1,000,000 to be used in those sections where there have not been purchased lands aggregating 20 percent of the unit proposed.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. THOM. I yield.

Mr. WHITTINGTON. I would remind the gentleman from Ohio that the same situation that he states obtains in Ohio obtains likewise in other sections of the country, especially in the State of Mississippi and that part of the State wherein my district lies. I believe that the remedy is not so much the giving of direction to the Commission as it is the giving to them of additional appropriations to purchase new land.

Mr. THOM. It ought to be divided equitably between the States.

Mr. DOXEY. May I ask the gentleman from Ohio if he thinks that even if all of this $1,000,000 were used in the way he suggests—and I do not know whether it will be so used or not—would it aid in any way to substantially relieve the condition that now exists in Ohio and Iowa and some other States?

Mr. THOM. It would to the extent of $1,000,000.

[Here the gavel fell.]

Mr. CANNON of Missouri. Mr. Speaker, with the disposition of this conference report we shall have made material progress in the enactment of the supply bills for the coming fiscal year. When the House adjourned last week there were still six bills undisposed of—the Agricultural bill, the District bill, the relief bill, the two War bills, and the Interior bill. We have just agreed to the conference report on the District of Columbia appropriation bill. The conference report on the relief bill will be ready for report to the House this afternoon. And with the disposition of this conference report, only the War Department bills and the Interior Department appropriation bill remain. The conferees on the War Department bill are in session at this time and hope to reach an agreement before they adjourn tonight. The Interior Department bill is in the Senate, and we hope to be able to send it to conference not later than tomorrow; so, barring unforeseen delay, we expect to be able to secure enactment of the supply bills before the end of the fiscal year, day after tomorrow.

Mr. LAMBERTSON. Mr. Speaker, will the gentleman from Missouri yield?

Mr. CANNON of Missouri. I yield to the gentleman from Kansas.

Mr. LAMBERTSON. Mr. Speaker, it seems to me we are fast reaching a critical situation in the purchase of timberland. We are fast reaching the point where we must put a stop to this competition between the States to sell land to the Government and then have the Government build roads through it and clean it up. Unless we call a halt to this program it is going to prove to be an endless outlet for Government expenditure. I think it is creating an alarming situation and that Congress must meet the situation and stop the purchase of forest land before it gets too wildly extravagant.

Mr. CANNON of Missouri. Mr. Speaker, that is a matter of opinion. The committee has been severely criticized, for instance, because it failed to report out the full authorization of $14,000,000 for the acquisition of land, which passed the House last session. The appropriation carried in this bill for the acquisition of lands, generally, is the minimum and

is relatively unimportant in comparison with the real agricultural issues the gentleman might have discussed this afternoon. Mr. Speaker, agriculture was the first to suffer when prices dropped in 1920 and the last to recover. Even under the Agricultural Adjustment Act recovery was disproportionate and farm prices lagged far behind industrial prices and union wage scales. When this session convened no pledge to the country was more emphasized than the pledge to stabilize agricultural prices and give the farmer his fair share of the natural income.

The need for legislation was intensified by the decision of the Supreme Court nullifying the A. A. A. and by legislation which has widened the disparity between agriculture on one hand and labor and industry on the other. Laws have been enacted by this Congress artificially increasing the farmer's cost of living and raising the price of practically every item entering into his cost of production. Up to this time the relief Congress was pledged to provide has not materialized. Now that harvest is approaching wheat has dropped approximately 30 cents per bushel. For the last 2 months the price of hogs and cattle has been going down while the price of beef and pork has been going up. The farmer's share of the national income is steadily decreasing. Instead of relieving the farmer, this Congress is adding to his burdens. We have passed laws adding to the price of his coal and his fuel oil, legislation increasing his costs of transportation, legislation raising the price of every manufactured article he buys. All this legislation has the approval of the farmer. He believes in high wages, short hours, liberal returns on invested capital, and a high standard for living for both labor and industry. But he also is entitled to a fair wage for his labor, an honest price for his products, and an adequate return on his own investments in land and equipment.

This Congress has ignored his rights, forgotten its pledges, and utterly failed up to this time to take any steps to bring about the long-promised parity for agriculture. The gentleman from Kansas might have discussed this situation. He might have urged legislation to meet the situation. Time is short. We are nearing the end of the session. If we expect to enact farm legislation it must be done promptly. I trust the gentleman from Kansas and all other Members who are interested in carrying out the pledges made by all political parties over the last 10 years to bring agriculture up to a plane of economic equality with labor and industry will join in urging consideration of a farm bill at this session of Congress.

Mr. CANNON of Missouri. Mr. Speaker, inasmuch as no Member desires to be heard on the conference report I move the previous question on the conference report.

The previous question was ordered.

The conference report was adopted.

A motion to reconsider was laid on the table.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment no. 88: Page 74, line 18, after the colon strike out the balance of line 18 and all of lines 19, 20, 21, and 22, and insert in lieu thereof the following: "*Provided further*, That not to exceed $450,000 from the administrative funds authorized by the act approved November 9, 1921, and acts amendatory thereof or supplemental thereto, in addition to the amount remaining available under the authorizations contained in the Agricultural Appropriation Acts approved May 27, 1930, May 17, 1935, and June 4, 1936, shall be available, in the total amount of $1,360,000, for the construction (including the cost of a site already acquired) of a laboratory for permanent quarters for the testing and research work of the Bureau of Public Roads."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate no. 88 and agree to the same.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 124: Page 97, line 2, after the word "item" insert a colon and the following: "*Provided further*, That such amount shall be available for the purchase of seeds, fertilizers, or any other farming materials and making grants thereof to agricultural producers to aid them in carrying out farming practices approved by the Secretary of Agriculture in the 1937 programs, for the reimbursement of the Tennessee Valley Authority for fertilizers heretofore or hereafter furnished by it to the Secretary of Agriculture for such purpose, and for the payment of all expenses necessary in making such grants including all or part of the costs incident to the delivery thereof."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate no. 124 and agree to the same.

Mr. TABER. Mr. Speaker, will the gentleman yield for a question?

Mr. CANNON of Missouri. Yes.

Mr. TABER. Mr. Speaker, I always supposed that the Tennessee Authority was granted funds by the Deficiency Committee for the fertilizer experiments they were conducting. Does this not give them funds from another source out of the Public Treasury?

Mr. CANNON of Missouri. Mr. Speaker, this allocation has been in effect for a number of years. Seed and fertilizing material have been supplied by the T. V. A. for experimental purposes without special authorization. But the General Accounting Office has now raised the question of authorization, and in order to place the allocation beyond question, this provision is included in the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri [Mr. CANNON].

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 126: Page 98, after line 8, insert:

"INTERCHANGE OF APPROPRIATIONS

"Not to exceed 10 percent of the foregoing amounts for the miscellaneous expenses of the work of any bureau, division, or office herein provided for shall be available interchangeably for expenditures on the objects included within the general expenses of such bureau, division, or office, but no more than 10 percent shall be added to any one item of appropriation except in cases of extraordinary emergency, and then only upon the written order of the Secretary of Agriculture: *Provided*, That a statement of any transfers of appropriations made hereunder shall be included in the annual Budget."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. TABER. Mr. Speaker, this is the provision with reference to the transfer of not to exceed 10 percent of the amount of money which has been appropriated.

Mr. CANNON of Missouri. Mr. Speaker, this provides for interchange within bureaus only, and does not permit interchange as between bureaus of departments. This provision has been carried in the annual bill for 15 or 20 years, and was included in this year's bill, but was stricken out on a point of order, as the gentleman will recall, because we added a provision that a statement of such transfers be included in the annual Budget.

I know the gentleman will agree that the annual Budget should show all transfers of this character, but the inclusion of that additional matter made it subject to a point of order, which was sustained. The Senate restored the item and now we propose to agree to the Senate amendment.

Mr. TABER. Does not this give the Bureau the opportunity to spend a lot of money that otherwise might be recovered?

Mr. CANNON of Missouri. No. It is the same item we have been carrying for many years and merely provides for an interchange within a given bureau.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri [Mr. CANNON].

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 134: Page 103, strike out lines 9, 10, and 11, and insert the following:

"That for each of the fiscal years ending June 30, 1938, and June 30, 1939, the apportionment for forest highways in Alaska

shall be $350,000 and the remainder of the sums which otherwise would be apportioned and prorated to Alaska for said fiscal years shall be reapportioned in the same manner and on the same basis as provided in the second paragraph of section 23 (a) of the Federal Highway Act among those States whose forest highway apportionments for the fiscal years 1938 and 1939 otherwise would be less than 1 percent of the entire apportionment for forest highways."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. Without objection, a motion to reconsider each of the motions will be laid on the table.

There was no objection.

FARM TENANCY BILL

Mr. JONES. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7562, to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, and for other purposes, and pending that motion, Mr. Speaker, in order to save time, I ask unanimous consent that all Members may have 5 legislative days within which to extend their own remarks on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. JONES]?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7562, with Mr. DRIVER in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

THE TENANT PROBLEM

Mr. JONES. Mr. Chairman, I yield myself 12 minutes.

Mr. Chairman, in view of the time limitation and the great demand for the privilege of speaking by those who are interested in this bill, I am going to request the Members not to ask me to yield for questions at this time. I hope they will defer any questions they may wish to ask me until the measure is taken up under the 5-minute rule.

I have handled many measures for this administration. In fact, it has been my privilege to handle practically all of the farm legislation. During this period there has been no problem that presented as many difficulties as that of farm tenancy.

We had rather extensive hearings. There were many witnesses. No two of these witnesses agreed as to all of the details of the program. When the hearings had been finished, no two members of the committee were in complete accord on all phases of the subject.

THE PROBLEM OF THE LAND

The problem of the land is as old as history. Contact with the soil is as essential as sunlight and air. There can be no life either in the vegetable or the animal kingdom without the products of the land. All life gets its sustenance from the soil.

It is not surprising, then, that disagreements and disputes should arise in reference to any general land policies. In Biblical days disputes arose between Abraham and Lot in reference to access to the land, and this compelled a separation. Throughout all history disputes have arisen as to land and land policies.

To permit the private ownership of land as a basis for a home and at the same time to prevent too great an accumulation of land in the hands of a few is a problem that practically all countries have been compelled to meet face to face.

INCREASE IN TENANCY

Fifty years ago less than one farmer in four was a tenant. There has been a gradual increase through each decade until now about 42 percent of the tillers of the soil are tenants.

That it is very desirable to check this increase and reverse the trend every thinking person must admit. There are approximately 2,800,000 tenants in continental United States. Practically all of them would like to be home owners. But to accomplish this purpose is another question. It cannot be solved by the waving of a magic wand or the expressing of a wish. It cannot be solved by an appeal to the emotions or a display of sentiment. These have been indulged in for more than a generation. At the same time land ownership has grown less and less, and land tenancy more and more.

THE STARTING POINT

As a basis for beginning, two things are necessary. First, it must be made financially profitable to own a small farm home. Second, a way must be found to finance the purchase of small farm homes by owner-operators on long-time payments at low interest rates.

MAKING FARM OWNERSHIP PROFITABLE

Several steps are necessary in order to make farm ownership profitable. The prime essential is to maintain a fair price for farm products. This price is the most important single element in the whole question.

We have already made much progress along this line through the operation of the Farm Act and the farm-credit system.

I hope and expect that farm legislation of a general character will be passed just as soon as it can be properly worked out and perfected. Then there is also the question of interest rates. We have gone a long way with those in the Farm Credit Administration, but there are still some phases which have not been covered.

I agree with the remarks made today about the fine work of the Farm Credit Administration. I think Governor Myers is one of the best administrators in this Government. [Applause.] However, Governor Myers handles a business institution. He fears—and I think there is some ground for his fear—that if the bill partakes not only of business but also of some social features, although it concerns a real problem, some of those who buy the obligations of the institution may get the two phases mixed, and it may hurt the sale of obligations and injure the fine results which are being achieved by the Farm Credit Administration. Governor Myers prefers that we handle the matter in this way, and I think he has good ground for that preference. My first inclination was to follow the other route, but I came to the conclusion after study that this was the better method.

WHAT IS BEHIND THE PROBLEM?

In reality tenancy is not the problem. It is but a manifestation or a breaking out of the problem.

Neither the landlord nor the tenant has had a fair share of the national income. Behind the tenant question is the problem of price and income.

As a matter of fact, the percentage of tenancy for the Nation as a whole has not increased since 1933, but it has only been checked and has not been decreased, and it therefore remains an appalling problem. Further provision is necessary in the direction of price maintenance and in financing the purchase of family-sized farms if the problem is to be solved.

TAXES

Then, too, the question of State, county, and district taxes is extremely important. In most of the States an undue share of the taxes has been borne by the small farmers. The farm cannot get away. It is easily found. Frequently the small tract of land, both in the town and in the country, has borne a larger pro-rata share of the taxes than the larger tracts of land. Besides both the larger and the smaller tracts of land have borne an undue share of State and local taxes.

STATE COOPERATION

Much assistance can be rendered by States and subdivisions if they will cooperate in the program. It seems to me that on small tracts the taxation should be limited either by providing a small exemption or by providing a maximum total ad valorem property tax that can be levied against

small tracts. Some of the States have already taken steps in this direction. As a part of the effort to solve this situation, steps should be taken to secure State and local cooperation all along the line. Under the system now prevailing in many of the States a full property levy is made by both State, county, and district units against all lands, regardless of whether there is a crop failure or any form of income from the land. The program will be greatly handicapped in any section where this condition prevails.

In many States and localities, a portion of these taxes could well be shifted to other forms of income and property. This added inducement would go far to make any steps taken by the Federal Government in financing such a program successful. With the cooperation of the State and subdivisions, the Government could well afford to finance the purchase for worthy and ambitious tenants of a small farm home, to be paid for on long-time amortization payments at a low rate of interest. These payments could thus be made on a basis that would not cause an undue burden on the purchaser. In practically every community in America there are worthy tenants who would like to own a home and who would work hard to pay out a home if it could be purchased under such conditions as to give them an opportunity to see daylight.

A TREMENDOUS PROBLEM

The problem is tremendous and far reaching. It cannot be solved overnight. The cost would run into billions of dollars. It is necessary to start gradually and endeavor to keep on a sound basis. The problem is so difficult as to be almost discouraging at times, but this makes it all the more important that it be tackled. It is the hope that by beginning and carefully working it out progress may be made and that cooperation by the States, as well as by individuals, may be stimulated.

THREE METHODS OF APPROACH

For the time being the committee has recommended a three-wing approach to the question.

First, a provision for financing tenants in the purchase of small farm homes.

Second, rehabilitation loans for temporary aid to tenants and distressed landowners who need immediate assistance.

Third, the purchase of submarginal or other lands not primarily suited to cultivation, and the utilizing of such land for various public purposes.

Under the first provision—that is, for the financing of the purchase of small farm homes—we provide a fund of $10,000,000 for the first year, twenty-five million the second, and fifty million the third year to be apportioned among the various States on the basis of farm population and prevalence of tenancy.

The measure provides that loans may be made not in excess of the appraised value of single unit farms to worthy tenants who will obligate themselves to repay the purchase price over a 30-year period, with interest at the rate of 3 percent per annum.

The Committee on Agriculture has provided that in each county where the program is to be put into effect, a committee of three resident farmers who are familiar with local conditions shall assist in administering the act.

It is further provided that application shall be made through such local committee and that no farm shall be selected and no tenant shall be financed except with the approval of the local committee. In this way the tenant will be consulted in the purchase of the farm, the price to be paid and the details of the transaction. It is hoped that by this select method on the part of the local committee, the program will be given its greatest opportunity to succeed.

SPECULATION

In order to avoid speculation it is provided that no purchaser shall be permitted to sell the land to other than a resident home owner who is approved by the Secretary of Agriculture until the entire obligation to the Government has been paid. In other words, the purchaser will not be able to make an unauthorized sale of his property until he has met all the terms of his obligation. This method is adopted in order to prevent speculation in land, which has frequently been the curse both of the farmer and the home owner.

TITLE II

Title II of the measure provides for the making of rehabilitation loans to cover equipment, livestock, essential supplies, and financing.

The Resettlement Administration is abolished, effective June 30, 1937. The Secretary of Agriculture is authorized to establish the Farm Security Administration, which would administer the provisions of the pending measure.

The Resettlement Administration not only inherited the old subsistence homesteads provisions, but also was called upon to administer relief funds, which were transferred from the Relief and Public Works lump sum appropriation to the Resettlement Administration for administering this program as it pertained to the needs of the farm population.

Under the terms of that transfer, the Resettlement Administration made both loans and grants to people in the country.

We authorize the Administration to utilize any funds that may be transferred by Executive order from Relief and Public Works appropriations for such purpose.

The Resettlement Administration cared for more than 300,000 farm families through loans and grants. We have recommended the broadening of the base of these loans in order to make all those who are unable to secure credit elsewhere eligible for these loans. It is hoped that through this method many individuals may be placed in such a position as to enable them to purchase small homes through private sources.

TITLE III

Under title 3 an appropriation of $10,000,000 is authorized to be made available for the first year and $20,000,000 for each of the 2 succeeding years for the purchase of lands not primarily suitable for tillage. These lands may be used for any public purpose, such as parks, game preserves, recreation centers, forest reserves, or for any other public purpose.

The needs for such a program are manifest and are well known to those who are familiar with conditions which prevail, especially in certain sections of our country.

AN OLD QUESTION

The tenant problem is age old. Far back in the history of our race, in times less complex than our own, we find the farmer tilling land that did not belong to him. He did a share of the work in the agricultural village and received a part of what was produced. Such relationships between tenant and landowner are found in various ages and various types of government.

It is only natural that the idea of tenancy should reach our shores early in our own history. We know from writings of colonial days that tenancy existed at a very early date. There were many large landed estates and gentlemen farmers. Our long period of westward expansion and the opening of free land, however, delayed the development of tenancy as a problem. We were still developing, still growing. Opportunities lay always ahead. Then, with the closing of our frontiers, we settled down and began to grow as a nation.

The development of the tenancy problem has taken place largely in the last 50 years, and today we find tenancy existing in every State in the Union. It is more acute in the South, perhaps, than in any other section. This is due largely to the fact that after the War between the States there was very little money in the South, and most of the financing necessarily came from the outside. This caused interest-rate payments to flow out of that great section of the country. A money crop was necessary. The logical development was the one-crop system of cotton, because it was the single one that would produce the returns necessary to replenish the section for the outflow of money and high interest rates.

NOT LIMITED TO ONE SECTION

The rapid increase in tenancy, however, has developed into a problem in many other sections of our country. This has been due in the main to land speculation. The boom

years threw land into speculation and into mortgages. The depression years caused difficulties and foreclosures and consequent changes in ownership. Thus the number who were compelled to rent land was increased.

Any attack on the problem, therefore, must be Nation-wide in scope and not limited to any particular area. It is truly a national problem and the remedy must apply equally to all sections.

AN ESSENTIAL OF GOVERNMENT

In working to solve the tenancy problem, we are endeavoring to add strength to one of the most essential parts of every free government. We are seeking to perpetuate the home.

As long as it is possible for a man to return to his home after a day of labor in the office or in the field, and find awaiting him all the things that home means, we will have a substantial and patriotic citizenship. It is the home that is the first unit of all organized society. It is the starting point of training, the place where character building is begun. The future of our form of government depends on maintenance of the American home. That is why the tenancy measure, directed toward turning the trend back toward farm home ownership, is important.

Regardless of the merits of any other essentials of government, there can be no difference of opinion about the desirability of home ownership. To stop the trend away from home ownership and throw the tendency back in the other direction is the purpose of this measure.

The first thought of the pioneers who founded this country was to own a piece of land. The first step of practically all of them was to secure title to a small part of the land in the new America. This desire to own the land was responsible for the ring of the ax that made possible access to the land. It was responsible for the creak of the western-bound prairie wagon as the early settlers made their way to western homesteads.

THE FINEST STEP WE COULD TAKE

Unfortunately in the complex economic structure that has developed within the last few decades, much of this contact has been lost. In my judgment the Government could take no finer step than to make possible the ownership of small farm homes and to take the further step of formulating policies that would make those homes secure.

There is something in the contact with the soil that tends to build character. The Republic is anchored in its homes. The threats of those who do not at heart believe in our system of government and who wish to tear down its institutions cannot get far among a home-owning and liberty-loving people. Every man in America, whether he lives North, South, East, or West, is vitally interested in stimulating home ownership both in the country and in the city. Such a course will tend toward a stronger government and national security for all. [Applause.]

Mr. Chairman, I yield 20 minutes to the Speaker of the House.

Mr. BANKHEAD. Mr. Chairman, I am going to ask the indulgence of my colleagues for at least a portion of the time that has been so generously allotted to me by the chairman of the committee to present for your consideration and for your thoughtful meditation, not the details of the proposed legislation, but I shall undertake to draw for you a broad picture of this so-called tenant-farming situation.

As the gentleman from Texas [Mr. JONES] has so well said, I regard it as a problem of tremendous importance. I may be pardoned for making a personal reference, maybe, to explain my inherited interest in all farming problems. My direct ancestors on both sides of my house for 150 years in this country have, without exception, until my generation, been tillers of the soil; and if there is anything in the theory of inherited predilections, I imagine that may account in some measure for my deep interest in all agricultural problems, aside from their grave economic manifestations.

Now, it has been said that the Congress of the United States in the last few years has been particularly solicitous of and generous to all of our farm problems, and I think this is true. I think that we men who represent largely agricultural districts are under a debt of everlasting gratitude to the Members of Congress from the great industrial centers, and particularly from the great cities of the United States, for the consistent and uniform support they have so ungrudgingly given to these great measures for agricultural relief [applause], because, Mr. Chairman, to any thoughtful man, whether he lives in a great city, whether he abides in an area of congested population, upon reflection, must know the absolute indispensability to life and to society and to progress of the products of the farm. The clothes that you wear, the shoes with which you are shod, the food which you consume to continue your life, the shelter that is over you to protect you from the vicissitudes and inclemencies of the elements all directly are remotely come from the good earth; and farms are operated by men, and it is the present condition of a large segment of the agricultural population that has particularly appealed to our consideration and has afforded the basis for this legislation—the farm-tenant class of our population.

A little later, if I have the time, I shall incorporate in the RECORD for your study some statistics as to the number of farm tenants in the country, according to the census of 1935, the number of operating farm tenants, and the number of their families. It is a rather staggering thing to contemplate that, today, practically one-third of our entire farm population is in the class for whose interest we are undertaking to legislate today; and one of the disturbing factors in a study of the whole problem is the increasing, the constantly increasing, number of farm tenants in some sections of our country; not particularly in the South, because our farm-tenancy situation in the last few years has been, in a way, diminishing, but in the great wheat and corn and cattle sections of the country there has been a tremendous increase, which is a challenge to us to undertake to meet and master, if we may, this acute economic problem.

But what about this man I am talking about—this tenant farmer? Oh, it has been said, and argued with some reason, that if a farmer is of any value, if he has any initiative, if he has any backing and capacity, if he has any ability, he can get along, he can borrow money, he can make his way without any governmental assistance; but those of us, Mr. Chairman, who are intimately familiar with this problem, know that that is not always true. I may call your attention to the fact that down in my section of the country, and especially in the hill sections of the South, some of these poor tenant farmers, by descent, are of the best blood of this Republic, sons of the Cavaliers and of the Huguenots, who moved into that section of the country, and decade after decade, because of disadvantages to which they were subjected, which I shall not have the time now fully to enumerate, from generation to generation they have gone from bad to worse in their efforts to sustain themselves according to the traditions and standards of their ancestors; but the very system and environment by which they have been surrounded has made it absolutely impossible.

I am going to be perfectly frank about this thing. I do not know conditions in other sections, but I wish that some of you could visit some of the tenant farms in my section of the country, both white and colored, and see the desperate and hopeless situation by which they have been submerged, I claim, not entirely in all cases because of their own incapacity, but by reason of these circumstances to which I have referred, lack of credit facilities, poor prices year after year for their products, the isolation of their families from contact with their neighbors, their inability to form cooperative associations and to assemble themselves into unions as

those in the industrial centers have done for the protection of their interests.

And there stands a desolate, hopeless, dejected man, working some other man's property, pillaging it, despoiling its rich resources by virtue of the fact that it is not his, but some other man's, and at the end of the year, when they cast up the account, this man who has worked in season and out of season during the whole crop season finds himself with no profit with which to go through the winter, with nothing with which to buy magazines, medicines, or comforts for his family. It is a rather pathetic picture, and as a man representing that section of the country I am ashamed, almost, to describe it here before my colleagues, but God's truth is the God's truth wherever we stand face to face with it. I do not know that the allegory applies all along the line, and some of you may think that it is a fanciful description, but I tell you that the condition of the farm tenant in some sections of the country does not fall far short of that great allegorical poem, The Man With the Hoe, because he is in large measure the forgotten man of agriculture—the man with the hoe—as described by Edwin Markham:

Bowed by the weight of centuries he leans
Upon his hoe and gazes on the ground,
The emptiness of ages in his face,
And on his back the burden of the world.
Who made him dead to rapture and despair,
A thing that grieves not and that never hopes,
Stolid and stunned a brother to the ox?
Who loosed and let down this brutal jaw?
Whose was the hand that slanted back this brow?
Whose breath blew out the light within this brain?
Is this the thing the Lord God made and gave
To have dominion over sea and land;
To trace the stars and search the heavens for power;
To feel the passion of eternity?
Is this the dream He dreamed who shaped the suns
And pillared the blue firmament with light?

* * * * * *

Slave of the wheel of labor, what to him
Are Plato and the swing of Pleiades?
What the long reaches of the peaks of song,
The rift of dawn, the reddening of the rose?
Through this dread shape the suffering ages look;
Time's tragedy is in that aching stoop;
Through this dread shape humanity betrayed,
Plundered, profaned, and disinherited,
Cries protest to the judges of the world—

And we here in the Congress of the United States are his temporal judges this day, my friends. [Applause.] As the chairman of this great committee has so well said, "It is a challenge not only to our humanity, but to our economic judgment." What is the ultimate success of farming in this country? The purchasing power in the aggregate of the producers of the country. And when you deprive a man, as has been suggested, of the impulse and the passion to succeed, that is generated by the consciousness that he is working on his own acres, as the gentleman from Texas so well said, "You hasten tragedy, for there is something in the very thought and sentiment of ownership that seems to give some type of almost divine afflatus to the efforts of a man, no matter how humble he may be." Do you own a farm, do you own a lot in the city, have you fee-simple title to your own property? Subconsciously the satisfaction is great to go out on your own acres, on your own land, put your foot down upon it, look up into the sky and say this, thank God, this little bit is mine. [Applause.] But not so with these drifters, these unhappy, these distressed men. And they are the men—there are 3,000,000 of them in the United States of America out of our total farm population—whom we are seeking in this very limited approach to undertake ultimately to salvage and save and "rebuild in them the music and the dream", to give to them as far as possible that feeling of ownership, of their own, which I have so feebly undertaken to express.

Oh, it is candidly admitted that this bill does not go very far. I heard the strictures of the gentleman from North Dakota [Mr. LEMKE] with reference to the inadequacy of this bill. It is admittedly only capable of reaching a very negligible percentage of those who need this assistance, but it is the establishment by the Congress of the United States of a policy, as suggested by the gentleman from Texas [Mr. PATMAN] in his short statement this morning. A great many other useful things that have taken deep root in our governmental enterprises started as experiments. I very well recall when my honorable father was pioneering here in Congress for Federal aid for the improvement of our national highways. It was regarded as a dream, as unconstitutional, and never possible of accomplishment, and he was content to take an experimental appropriation of $75,000 to see if it would work in practice as in theory. And you see the result. Take the delivery of the mail. The rural free delivery of the mail started as an experiment on a very short route. Who would take that away today from the American people? The same with the parcel post and with our present system of vocational education and farm extension. It all started in a small experimental way, and probably after all, my friends, although I would prefer to have had $50,000,000 appropriated for this bill, though we could not get it—and there have been sound reasons, I think, on the part of the administration in view of our present fiscal condition, to try to trim down as far as possible these appropriations—probably in the long run it may be best for us to feel our way with this thing, to set up an organization, and I hope that organization is going to be a practical thing to be handled by practical men who will be on these county committees all over the country, and not encourage tenants to take up a four or five thousand dollar nicely painted house with lightning rods all over it, and other burdensome and at first unnecessary improvements.

He can go out and build a log house to start with; just the meager necessities, provided it would be his own. I think the biggest factor today in this whole problem, intensified upon the part of those people who are to be served by this legislation, is the fact that they are going to be given an opportunity to show that they can make good as practical farmers; can put off the sackcloth and ashes that they have worn for so many years with an inferiority complex and stand up and look into the face of the sun and their Creator and say, "By the generous grace of a sympathetic Government I am being given another opportunity to prove 'the mettle of my pasture.'"

As I conceive it, that is the objective of this legislation; and we will work it out, I think, if we can get a start here—not too fast. I do not want to go precipitately, because of all the measures that have ever been proposed in the Congress of the United States this is one thing that I do not want to see fail by a bad start. So, Mr. Chairman, in this rather fragmentary fashion I have asked the indulgence of the Committee to submit for their consideration the spirit and, if I may use the word, the sacrament of this legislation. The thing that has animated my ambition about it, my desire to help in it, has been very feebly expressed, but I feel that it is possible for this great Government of ours, without assuming in the long run too great burdens, to take up out of the dust these men, to nurture them to freedom by friendly assistance and Government instruction and leadership, to make them again independent, self-supporting, and extremely useful citizens for agriculture, and for all of the best interests of our Republic. I do hope that this bill will pass without any substantial modification. If there are any differences of judgment between this body and others on the details of this legislation, it may well be ironed out in conference.

I thank you very much. [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BANKHEAD. I append hereto two tables of statistics. The first shows the total of white and colored farm population and total tenants by regional group, as follows:

Division and State	All farm population	All tenants (white)	All tenants (colored)	Total tenants
United States	31,800,907	10,264,801	2,955,633	13,220,434
Geographic divisions:				
New England (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut)	711,486	56,571	191	56,762
Middle Atlantic (New York, New Jersey, Pennsylvania)	1,903,933	330,128	1,961	332,089
East North Central (Ohio, Indiana, Illinois, Michigan, Wisconsin)	4,769,078	1,470,207	6,903	1,477,110
West North Central (Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas)	5,108,220	2,158,258	24,899	2,183,157
South Atlantic (Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, District of Columbia)	6,203,592	1,727,988	1,047,703	2,775,691
East South Central (Kentucky, Tennessee, Alabama, Mississippi)	5,335,291	1,672,216	1,063,244	2,735,460
West South Central (Arkansas, Louisiana, Oklahoma, Texas)	5,387,844	2,299,855	774,460	3,074,315
Mountain (Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada)	1,188,018	310,635	6,062	316,697
Pacific (Washington, Oregon, California)	1,193,445	238,943	30,210	269,153

The second table shows by group total number of farmers, total white and colored tenants, and the total of all tenants.

Division and State	All farm operators	All tenants (white)	All tenants (colored)	Total tenant operators
United States	6,812,350	2,222,184	642,971	2,865,155
Geographic divisions:				
New England	158,241	12,164	46	12,210
Middle Atlantic	397,684	63,920	351	64,271
East North Central	1,083,687	317,231	1,523	318,754
West North Central	1,179,856	497,251	5,513	502,764
South Atlantic	1,147,133	336,991	193,951	530,942
East South Central	1,137,219	369,666	253,967	623,633
West South Central	1,137,571	495,517	181,383	676,900
Mountain	271,392	70,979	1,106	72,085
Pacific	299,567	58,465	5,131	63,596

Mr. HOPE. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Chairman, I know I speak the sentiment of every Member who has been in this Chamber during the last 20 minutes when I say the address just delivered by the Speaker of the House has been an inspiration to us all. [Applause.] He and the chairman of the committee, the gentleman from Texas [Mr. JONES], in presenting this bill, have lent a dignity to this debate and a tone which the importance of the measure amply warrants.

My excuse for inflicting myself upon you for 15 minutes is due to the fact probably that I have been bound by a tradition very much like the tradition described by the Speaker a few moments ago. No member of my family during the last 150 years has been engaged in any business but farming. I refer to that group of the family that lives in a certain area in western New York. It has always been a fascinating problem to me. I have never been able to tear myself away from it. Indeed, I have not tried. I join with the prayer of certain Members that the Congress adjourn quickly, that I may go home.

We are starting on a tremendous experiment. It has been with great reluctance that I have been brought to the conclusion that we should start on such an experiment. My inclinations have always been against the Government of the United States taking any part in business or in financing what might be termed private commercial undertakings, be it upon a farm or in a factory.

But this question of farm tenancy and its underlying problems have become of such immense importance in the life of the Nation, important from its social and political aspects, as well as economic, that reluctantly, as I admit, I have come to the conclusion that the Federal Government should undertake this cure. [Applause.] At the same time I am not unmindful of the fact that governments, like individuals, may make fearful mistakes in the management or financing of business. While I am willing to see—indeed while I am more than willing to see this experiment start, and I rejoice that it is in a small way, nevertheless I can visualize some mistakes which may be made which may bring it to failure in the future. When I endeavor to point out those mistakes I beg of you to believe that I do not boast of knowing everything there is to know about farming. Indeed, I have never met a man who knows everything there is to know about farming. But there are certain fundamental things which every good farmer, at least, knows; certain fundamental principles the violation of which over any considerable period of time will bring any farming operation to ruin, no matter in what part of the country it is undertaken.

Farm troubles in this country which, of course, have been made much more acute as the result of drought, have been growing upon us for 20 years or more. Some of them have an economic origin, the loss, for example, of our foreign markets, in which we were accustomed to rid ourselves of surpluses of certain crops; accidents, acts of God as they are sometimes denominated: Drought, floods, and in recent years, very, very extensive droughts; and then, if you will not regard it as impertinent, bad farming. We might just as well admit that in certain directions and in certain important areas one of the contributing elements to farm distress has been unsound farming. I do not mean to seem to scold, but I cannot blind myself to facts. My concern with respect to this bill is that the Government, if it is to finance the purchase of farms and lend 100 percent of the value of the farms to the purchasers, shall see to it, if possible, without undue regimentation, that sound farming be practiced; otherwise, Mr. Chairman, from 25 to 50 percent of the effort will go to waste. Bear in mind that tradition of which I spoke and of which the Speaker spoke—in fact, I got it from my father and he in turn got it from his father—that the best thing for the land is the foot of the owner, an old-fashioned farming adage. It implies that the owner is exercising constant care and thought as he tramps across his acres, that he loves those acres, and is intent so to manage his farm that the fertility of the soil shall not be impaired. Impair the fertility of the soil and the capital investment is impaired, for the real capital of a farm is its fertility.

It so happens that I live in a strictly farming region in which very, very few requests for aid under this bill will arise. I live in a region fortunate above the average region. In it very, very little demand for agricultural relief has arisen in the last 20 years. I can say to you without the violation of any confidence or the exposure of any secret that within the 5 years that I have had the honor of serving in the House of Representatives I have had only two letters from farmers in my county, Livingston, in the Genesee Valley of western New York, requesting farm-relief legislation. This does not mean that they have not had their troubles; this does not mean that the depression did not hit them exceedingly hard in certain directions, but it does mean to me—and I would have this borne in upon you—it does mean to me that the tradition of sound farming has been practiced in that particular area so long as not only to assure a preservation of the fertility of the soil but also to assure a preservation of the spirit of independence of the owners. This region is not alone; there are many other regions equally fortunate. I am thoroughly and intimately acquainted with a system of farming which has been in operation for 120 years. It is practiced not only by owners but by tenants; and whenever I think of this bill and the possibilities of the future in connection with it, my thoughts revert to this thing with which I am familiar: It is utterly

against the rule, a self-enforced rule, I may say, for the good farmer in the region where I live to sell any rough fodder off the farm; it must be fed to livestock. Through the feeding of livestock the fertility is maintained.

I am in possession of records which show that these particular acres—and there are many, many farms under all kinds of ownership—these acres are producing as many bushels of wheat, of oats, of corn, and other crops as they did 110 years ago. This is the result of sound farming.

Uncle Sam now proposes to finance the purchase of farms and to put carefully selected men upon them. As you all know, I am constitutionally opposed to undue regimentation of the individual by the State, but if the State is to go into this financing of commercial undertakings and is to risk 100 percent of the value of the undertaking, it may become indispensable for the State to see to it that the property the purchase of which it has financed is not injured by unsound practices. Unsound farming extended over 3 or 4 successive years can just about destroy the present productiveness of a farm. Unsound farming extended over 3 or 4 years may require 5, 6, or 7 years of unremitting effort for the restoration of the capital; in other words, the fertility of the soil.

This is not an easy thing that we are attempting; we shall not solve it today. I am waiting to hear with great interest the discussion of the amendments to be offered by the gentleman from Iowa [Mr. BIERMANN], one of which I believe impinges upon this question I have just touched upon. This is an enormously difficult thing. I am not afraid to have the Congress tackle it, but we would better not tackle it with a hysterical enthusiasm, an excessive confidence that will lead us to make all kinds of promises to all kinds of people that agricultural Utopia is at hand.

I greet the presentation of this bill in a sympathetic spirit. There are one or two things in it which I think should be changed. In general I acknowledge that this problem has become so great and so significant with respect to the future of this country that the time has come when Uncle Sam should make it his business to do what he can to help. [Applause.]

Mr. JONES. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. DOXEY]

Mr. DOXEY. Mr. Chairman, in the brief time at my disposal I cannot enter into an exhaustive discussion of this measure, but I cannot repress the impulse to comment upon the atmosphere of good feeling that is manifest in the general debate on this bill. Our distinguished chairman of the Committee on Agriculture, appreciating that we had but a limited time in which to discuss this bill, took but a few minutes. He was followed by our beloved Speaker, whose wholesome remarks were received by you with marked attention. Our distinguished Speaker made not only a logical, sound, and effective presentation of the farm-tenancy problem but he brought you a wealth of information which must convince even those who are strangers to the problem that it is most serious.

We appreciate, I know, the three very brilliant speeches that have been made, including the speech of my distinguished friend from New York [Mr. WADSWORTH], on the other side of the aisle, who talked in such a convincing and sincere manner. I say we do appreciate hearing these gentlemen at this time for their speeches show not only their interest in this problem but also their firm grasp of this farm-tenant situation in which so many of us are vitally interested.

Mr. Chairman, realizing that the time for general debate on this bill is limited and that quite a number of Members desire to speak on the bill, I propose to be brief in what I wish to say here today regarding the bill that we are now considering, H. R. 7562, known as the farm-tenant bill.

This bill is substantially the same as H. R. 6240, which was reported by our Committee on Agriculture to this House some several months ago.

The reason we are now considering H. R. 7562 instead of H. R. 6240 is that in our efforts to get a rule to bring H. R. 6240 before the House for a vote we had to compromise with regard to the amount of the appropriation.

Under this bill, H. R. 7562, authorizations of appropriations under title I of the bill (tenant provisions) are limited to $10,000,000 for the fiscal year 1938, $25,000,000 for the fiscal year 1939, and $50,000,000 for the fiscal year 1940.

Under title II (rehabilitation provisions) the $75,000,000 authorization has been eliminated, but the power of the President to allot relief funds for the purpose remains. I wish we could have secured funds to help the farmer pay at a low rate of interest the mortgage that rests on his farm, but we had to take what we could get.

Under title III (acquisition of submarginal lands) the appropriations authorized are $10,000,000 for the fiscal year 1938 and $20,000,000 for the 2 fiscal years thereafter.

Our original bill (H. R. 6240) carried an appropriation under title I of $50,000,000 for each of the fiscal years ending prior to July 1, 1942. Title II of H. R. 6240 carried for rehabilitation loans an authorization for an appropriation for the fiscal years ending June 30, 1938, and June 30, 1939, a sum not exceeding $75,000,000 for each of such fiscal years. Under this title II of H. R. 6240 we tried to take care of the farmer whose farm is mortgaged and give him the right to secure money at a low rate of interest to pay off his present indebtedness but under the new bill we had to eliminate the authorization for this appropriation. Title III of H. R. 6240 (retirement of submarginal land) carried an authorization to be appropriated the sum of $10,000,000 for the fiscal year ending June 30, 1938, and $20,000,000 for each of the three fiscal years thereafter.

It will not be my purpose here to discuss the reasons for the authorizations for reduced appropriations. We did the best we could and surmounted our many obstacles as best we could. It has been a hard job to get any bill at all.

On Thursday, April 29, 1937, I made a speech on the floor of this House wherein I discussed in detail H. R. 6240. That was after the Rules Committee denied the House Committee on Agriculture a rule for the consideration of H. R. 6240.

At that time I endeavored to explain H. R. 6240, section by section and title by title, and implored the Rules Committee of the House to give us a rule so we could take this legislation up in this House.

I am indeed gratified that we have been able to work out a compromise and obtain a rule for the consideration of this modified farm-tenant bill at this time, which is cited as the Farm Security Act of 1937.

This has required time, tact, effort, and the spirit of giving and taking on the part of those who have had this farm-tenant problem under consideration for quite some time.

At the outset I want us to bear in mind that the position the House Committee on Agriculture takes, as evidenced by this farm-tenant bill and the provisions contained therein, differs materially from the position the Senate Agriculture Committee takes, as evidenced by the provisions of the Senate farm-tenant bill, S. 106.

Of course, I do not know in what respects the membership of this House will amend this farm-tenant bill that the House Committee on Agriculture has worked so hard and long on.

We have brought it on the floor of this House wide open for amendments and after general debate, it will, of course, be read under the 5-minute rule, and I know various and sundry amendments will be proposed.

Of course, no one knows what the final vote will be or in what form this House will pass this bill. However, I trust that we will pass this House farm-tenant bill in substantially the same form as it is now being presented to this House by our House Committee on Agriculture. If we do amend this bill here, I hope that whatever amendments this House adopts will be helpful instead of hurtful in our efforts to tackle this farm-tenant problem.

If the Senate passes a farm-tenant bill, it will, in my judgment, be quite different to this farm-tenant bill that we are now considering in the House.

Of course the conference committee will have to be selected and the whole matter as presented by the position of both the House and the Senate on this question will have to be considered and threshed out in conference.

If the proposed legislation reaches that stage I am likely to be selected as one of the House conferees, and I feel now that the conferees will be faced with some rather serious and fundamental questions involving this particular legislation.

No one knows just what will be finally agreed to, and if and when we finally work out our differences at this session of Congress, no one knows what the Farm Security Act of 1937 will really contain.

I am sure all of us hope that we can get some real constructive legislation enacted at this session of Congress that will enable this administration to tackle this serious and complicated farm-tenant problem in a way that will lead to lasting and worth-while results.

We know it is a vital question and one that certainly presents a most serious problem to the present and future generations of this country.

To my mind, it is certainly a problem so serious and far reaching as to require handling by the Federal Government. However, we must ever be mindful that the Federal control and supervision of this problem should be of a logical, practical, and reasonable nature.

As I have formerly said on the floor of this House in discussing this question, this farm-tenant problem is one that should be cautiously and thoughtfully undertaken.

Personally I feel that the House provisions as set forth in this bill, H. R. 7562, are much better than the provisions of the Senate bill, S. 106. However, I am aware of the fact that the President's Special Farm Tenancy Committee, as well as some of the heads of this administration, prefer the provisions and philosophy of the Senate bill to those provided by our House farm-tenant bill.

To my mind, this does not amount to more than a trifle, and the policy of the administration in handling this matter that will be shaped if and when we finally agree and pass a farm-tenant bill is, to my mind, one of great importance.

If the idea prevails as set forth in the Senate bill, the Government will be absolutely in the land-purchasing business.

Under the Senate bill the Government buys the land in fee simple and in turn sells the land to the prospective home seeker. The Government retains title, and the tenant does not and cannot receive absolute title to the property until after a long period of years.

The Senate bill, to my mind, presents some serious and grave problems in regard to taxation as to local, county, and State requirements. This land should be subject to taxation.

I will not attempt here to analyze the Senate bill. We will cross that bridge when we get to it, as no farm-tenant legislation has been considered on the floor of the Senate thus far this session.

As my time is passing rapidly, I shall be glad to yield to any of my colleagues for any questions they may desire to propound relating to this bill that is now before the House, because I know the Members are interested in this bill, and, although it is not what a lot of us like, it is the best we can do under the circumstances and is a step in the right direction. It is the policy we have agreed upon. I do not hesitate to yield to any Member to answer what questions I can with reference to how this act is supposed to be administered. I shall be glad to answer any questions I can with reference to the set-up under this act, the benefits of which will be brought to every district of the United States where farm tenancy exists and where it is prevalent according to the need and as far as the funds will go that we provide.

Mr. WADSWORTH. Will the gentleman yield?

Mr. DOXEY. I yield to the gentleman from New York.

Mr. WADSWORTH. May I call the gentleman's attention to the language on page 4, line 15, paragraph 4, which reads as follows:

Be in such form and contain such covenants as the Secretary shall prescribe to secure the payment of the unpaid balance of the loan, together with interest thereon, to protect the security, and to assure that the farm will be maintained in repair, and waste and exhaustion of the farm prevented.

Mr. DOXEY. Yes.

Mr. WADSWORTH. It is upon that point I endeavored to address myself a few moments ago. I would like to have the gentleman state to us, if he will, how far it is contemplated the Secretary of Agriculture will obligate the man who has purchased the farm with Government money to refrain from unsound farm practices and, if he does not so refrain, what will be his fate?

Mr. DOXEY. I have an opinion, and it may be speculation on my part, because I cannot answer in detail those questions which will be entirely up to the administrative agency to determine. The matter will be regulated somewhat in this way: There will be the various county committees and these county committees will select, from among the multitude that possibly will apply for the loan to buy a farm, those who appear to be best qualified to receive the benefits of this act. The county committees will select applicants by taking into account their experience, character, standing, and also whether or not they have dependents, are married, have made a partial success of farming, have enough farming implements and livestock to carry on their farming operations and so forth, all leading to a final test of whether or not in their specific cases they have been successful as farm tenants.

This bill applies only to people who are now farm tenants, including laborers, sharecroppers, and those who get the biggest portion of their income from farming operations. It does not say that a man who has possibly owned a farm in the past and who has engaged in sound farming operations, but on account of the depression or some other condition that we know has been prevalent throughout the agricultural sections of our country is now in the class of a farm tenant, cannot be selected. When the individual is selected by the county committee and the farm that he is supposed to buy or be placed in charge of is selected, the contract is made. I may say that what would be a real, practical, sensible, sizable farm in the Middle West would not be the same in the deep South or in the county from which my distinguished friend from New York comes. We know this bill can only scratch the surface, but it will enable people to enjoy the benefits from this particular bill if they will indulge in sound farming practices. When the man is selected and passed upon by the county committee, and approved by the Secretary of Agriculture, or those acting under him, and the farm is agreed upon, I imagine there will be an understanding as well as a contract between that person and the source from which he receives his benefits. This will be his home, as has been so beautifully and touchingly described by not only the Speaker of the House but by the chairman of our Committee on Agriculture, as well as the gentleman from New York.

With reference to that specific paragraph and what will constitute waste and what will not constitute waste, that is left in large measure to the sound, discretionary judgment of the man who fills the position of owner and, of course, to an extent it will be regulated by the Secretary of Agriculture. There is no Member of this Congress or no member of the Committee on Agriculture who can definitely and specifically outline the program in advance. That will have to be worked out by the Secretary of Agriculture and those assisting him in the administration of this bill.

Mr. MAHON of Texas. Will the gentleman yield?

Mr. DOXEY. I gladly yield to the gentleman from Texas.

Mr. MAHON of Texas. Does not my distinguished friend feel that since we want to start off in a small way and conservatively, we should follow the example of other Government lending agencies, or most of them, and require that the tenant make some little down payment of say 5 percent and put a ceiling to these loans, as we do in connection with most other Government loans, providing that not more

than six or seven thousand dollars shall be lent to any one tenant?

Mr. DOXEY. Of course, I listened very attentively to the gentleman's speech this morning and I wish I had time to add something to what he said. The Committee on Agriculture has discussed every phase of this bill. We did not just begin during the present session of this Congress to study and work on this tenant problem. We started hearings on the farm tenancy problem back in 1935. We have worked assiduously on the measure and, as stated by the chairman of the Agriculture Committee, there is a great diversity of opinion. This bill provides for a county committee, which will take into consideration some of the things I have enumerated and I imagine if they find an applicant who is able to make a down payment, that will be quite a factor in that individual's being selected, you may say, from the eligible list. [Applause.]

[Here the gavel fell.]

Mr. DOXEY. Mr. Chairman, I have heard our distinguished Speaker refer to some tables. I do not know what the tables are to which he refers and I do not know whether he is going to put them in the RECORD. However, I have a break-down of the statistics on the tenancy question with reference to States. If our distinguished Speaker does not include them in his remarks, I should like to revise my remarks and include therein these tables, showing not only the number of farmers in each State and the number of tenants, but the number of home owners, the number of farmers who actually operate farms today but do not own them, and the number of farm owners who do not operate their farms. I think all this information will be helpful to the membership of the House.

The CHAIRMAN. The Chair may state to the gentleman from Mississippi that it would be necessary for him to obtain the consent of the House for the inclusion in his remarks of the tables to which he refers.

Mr. DOXEY. I just ask to revise and extends my remarks and set out these tables.

The CHAIRMAN. The gentleman may extend his own remarks, but the gentleman will have to obtain the consent of the House to include the statistics to which he refers.

The consent of the House having been obtained, the tables referred to are as follows:

Percent of tenancy in the United States, 1935[1]

State	Total number of farmers	Total number of tenants	Percentage of farmers who are tenants
Total, United States	6,812,350	2,865,155	42.1
Maine	41,907	2,883	6.9
New Hampshire	17,695	1,284	7.3
Vermont	27,061	2,943	10.9
Ohio	255,146	73,770	28.9
Indiana	200,835	63,509	31.6
Illinois	231,312	102,856	44.5
Michigan	196,517	37,334	19.0
Wisconsin	199,877	41,285	20.7
Minnesota	203,302	68,412	33.7
Iowa	221,986	110,151	49.6
Missouri	278,454	108,023	38.8
North Dakota	84,606	33,122	39.1
South Dakota	83,303	40,477	48.6
Nebraska	133,616	65,808	49.3
Kansas	174,589	76,771	44.0
Delaware	10,381	3,610	34.8
Maryland	44,412	12,090	27.2
District of Columbia	89	21	23.6
Virginia	197,632	58,386	29.5
West Virginia	104,747	27,021	25.8
North Carolina	300,967	142,158	47.2
South Carolina	165,504	102,926	62.2
Georgia	250,544	164,331	65.6
Massachusetts	35,094	2,164	6.2
Rhode Island	4,327	597	13.8
Connecticut	32,157	2,339	7.3
New York	177,025	25,102	14.2
New Jersey	29,375	5,242	17.8
Pennsylvania	191,284	33,927	17.7
Florida	72,857	20,399	28.0
Kentucky	278,298	103,215	37.1
Tennessee	273,733	126,607	46.2
Alabama	273,455	176,247	64.5

[1] From census publications.

Percent of tenancy in the United States, 1935—Continued

State	Total number of farmers	Total number of tenants	Percentage of farmers who are tenants
Mississippi	311,683	217,564	69.8
Arkansas	253,013	151,759	60.0
Louisiana	170,216	108,377	63.7
Oklahoma	213,325	130,661	61.2
Texas	501,017	286,103	57.1
Montana	50,564	13,985	27.7
Idaho	45,113	12,861	28.5
Wyoming	17,487	4,083	23.3
Colorado	63,644	24,840	39.0
New Mexico	41,369	7,857	19.0
Arizona	18,824	3,344	17.8
Utah	30,695	4,582	14.9
Nevada	3,696	533	14.4
Washington	84,381	16,835	20.0
Oregon	64,826	14,065	21.7
California	150,360	32,696	21.7

Percentage of the value of farm real estate owned and not owned by the operator, 1930[1]

State	Total, percent	Percent of equity	
		Not owned	Owned
Total, United States	100	58.0	42.0
Maine	100	22.3	77.7
New Hampshire	100	29.6	70.4
Vermont	100	38.8	61.2
Massachusetts	100	37.3	62.7
Rhode Island	100	38.8	61.2
Connecticut	100	35.7	64.3
New York	100	40.2	59.8
New Jersey	100	43.2	56.8
Pennsylvania	100	38.5	61.5
Ohio	100	50.2	49.8
Indiana	100	58.9	41.1
Illinois	100	70.7	29.3
Michigan	100	44.9	55.1
Wisconsin	100	49.6	50.4
Minnesota	100	58.8	41.2
Iowa	100	70.8	29.2
Missouri	100	56.6	43.4
North Dakota	100	66.1	33.9
South Dakota	100	71.7	28.3
Nebraska	100	67.0	33.0
Kansas	100	65.4	34.6
Delaware	100	52.1	47.9
Maryland	100	49.0	51.0
Virginia	100	36.2	63.8
West Virginia	100	28.1	71.9
North Carolina	100	52.0	48.0
South Carolina	100	60.9	39.1
Georgia	100	64.9	35.1
Florida	100	44.9	55.1
Kentucky	100	41.0	59.0
Tennessee	100	47.8	52.2
Alabama	100	62.1	37.9
Mississippi	100	67.8	32.2
Arkansas	100	64.4	35.6
Louisiana	100	63.6	36.4
Oklahoma	100	69.5	30.5
Texas	100	66.2	33.8
Montana	100	62.2	37.8
Idaho	100	56.5	43.5
Wyoming	100	59.6	40.4
Colorado	100	65.3	34.7
New Mexico	100	60.2	39.8
Arizona	100	65.0	35.0
Utah	100	41.6	58.4
Nevada	100	54.8	45.2
Washington	100	50.5	49.5
Oregon	100	49.7	50.2
California	100	53.9	46.1

[1] From census publications.

Mr. HOPE. Mr. Chairman, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Chairman, we are now discussing the Farm Security Act of 1937. Naturally I am as interested in the security of the American farmer as any individual Member of the House, and have been very much concerned about the problems of the farmer. In my opinion he is the hardest working and most industrious individual in this country, spending many hours working on his farm to secure a livelihood. And this applies not only to the farmer on the farm but to the wife of the farmer who spends more working hours than any other of the women of this country in assisting the farmer in running the farm.

These farmers are as fine a class of people as there are living in this country today. But, I question very much the benefits of some of the things which have been put into effect as law by this administration, especially for the farmers of my district. For instance, these reciprocal-trade agreements, whereby farm produce is imported into this country in greater and greater quantities today than ever before. I know that is the case with dairy and farm products, and if that is aid and assistance to the farmer then I do not understand the economics which this administration is trying to effect. We must keep the American markets for the American farmer.

In this bill, section 41a, provision is made that the Secretary of Agriculture shall have power to appoint those who are to administer the act without regard to civil-service rules and regulations. This I am opposed to. I think we should have the merit system in Government rather than the old log-rolling political methods which those in control of the House have so frequently objected to but which they still support.

Why, it was only last week here in the House we Republicans tried to get a vote on the C. C. C. bill and practically every Member on the Democratic side refused to grant civil service to the employees of the C. C. C. camps. Yet you say you are in favor of civil service. It is just too bad that a vote could not be had on the civil-service provision of that bill so you fellows could have been recorded. Let your constituents know where you are by a vote. Do not be afraid to be recorded. When they asked for a rising vote only five Democrats stood up, and we were unable to get a yea-and-nay vote.

It is appropriate here to add a few remarks on the state of the Nation, showing that by repealing a lot of laws which have been enacted we will benefit the farmer more than by enacting this present bill.

We want to get down to sound solid facts rather than a lot of political joyrides in legislation that will carry the farmer farther away from security rather than nearer to it. This Nation is right on a seething volcano, and if it erupts the farmers and citizens of this country will have no security under our Constitution.

THE STATE OF THE NATION

We have reached the lowest point in the depression both financially and morally from which we can survive as a republic. It is impossible longer to conceal the facts about or disguise the failures of the New Deal. The halo which was skillfully built around the personality of Mr. Roosevelt has just about disappeared. Today he stands revealed as a very human being, a blunderer who obstinately clings to the ill-conceived plans of his New Deal advisers.

That great changes are about to come in this country can be forecast from the great wave of crime which has lately come upon us and the absolute indifference of a large part of the population to law and order. We have seen those of our workingmen who refused to be exploited and herded into labor organizations forced into idleness. We have seen law and order give way before the assaults of armed and organized mobs in many cities. The impotence of State and Federal authorities in the situation has been manifest throughout. In their zeal for the success of friendly cooperators in the ranks of organized labor the New Deal agencies have, at times, themselves become the principal violators of the practices they so loudly condemn in others.

The American workingman looks over the present situation and in the privacy of his home comes to the conclusion that he will be the ultimate victim of the economic breakdown which appears to be upon us; he faces the facts and finds that there has been but little of substantial value accomplished for him and his family.

Mr. Chairman, the workingman of America now knows that we are more than $36,000,000,000 in debt. He knows that the social security he has been promised is based on pauperism. He knows that the frontiers that will be extended for him are the frontiers of regimentation and collectivism.

Mr. Chairman, while there are still many in the country who will not willingly give up their hereditary notions of the private right to work public wrongs, these present no greater dangers to the Republic than the politicians whose ascent to power has been followed time after time by raids upon the public till on their own accounts. The huge army of public employees—Federal, State, and local—has forced many of the States for the first time in history to set up economic trade barriers between each other. We are about to drive out of business many of the great industrial leaders whose services to the people and to the Nation are cheaply paid for by allowing them the acquisition of moderate private fortunes.

The demands of the Government for more and more taxes and a greater share in the production by constant applications of the tax burden have forced many of these industrialists into retirement or to seek other sources for the investment of their capital.

So the situation can be summarized. The people of the Nation no longer prostitute their hearts and hopes at the footstool of Mr. Roosevelt. Events, not politicians, have changed the national outlook. Five years ago the issue was the national depression. Last summer it was the return to prosperity. Today the issue is, Shall the Republic survive?

Mr. Chairman, the people of the Nation will no longer quietly acquiesce in the demands of the President that he be allowed full control over the purse strings of the Nation and the economic life of the masses. This Congress has a responsibility to the people and to the nations of the world. Will Congress assume this responsibility?

This Congress must act. This Congress must do something to end the uncertainty which clouds the citizen's right to work without interference from either the hand of a Federal bureaucrat or the sanction of a labor organizer. Mr. Chairman, this is the state of the Nation today. May God save the United States.

In that way and that way only can we give security to the farmers and to all our citizens. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. HOPE. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I do not believe it is necessary for me to take much time to point out the desirability of legislation which will relieve the farm tenancy situation in this country. I only regret it is such a big problem and has so many ramifications it is impossible for us to solve it all by legislation.

There are those this afternoon who have expressed their regret that we are not attacking this problem in a more extensive way, and I share that regret; that is, I wish we might do more than I feel we shall be doing through the passing of this measure. However, I think also there is something to be said on behalf of a careful and cautious approach. Whatever we may want to do, we know we cannot through the expenditure or the lending of Federal funds make every farm tenant a landowner in this country. This is an impossibility. We have 2,800,000 farm tenants. If we were to spend only $5,000 in putting each one of them on a farm, it would mean the expenditure of $14,000,000,000. However, I think we can, through this proposed legislation, meager and inadequate as it may be, demonstrate within the period of a few years whether or not this is the proper method of approach, or one effective angle of approach, to the problem. Therefore, I favor the measure we have before us this afternoon.

As I stated in the beginning, it is generally recognized that this is a grave national problem. It is not a problem of recent origin, however, because beginning back in 1880, when we had our first census figures on farm tenancy, there has been a steady increase in farm tenancy until the last 5-year period, from 1930 to 1935, when the proportion of tenancy underwent a slight decrease.

However, as I have just stated, the problem is not a new one at all, nor is its gravity new, because during the two decades from 1880 until 1900 we had a greater increase in farm tenancy, both in numbers and percentage, than we have had during the 35 years since that time. During that

20-year period we had an increase in the number of farm tenants in this country of 1,000,000, and a percentage increase of approximately 10 percent. This was at a time when our public lands were still open to settlement, and during a period when 300,000,000 acres of new land were brought into the farm acreage of this country. From 1900 to 1935 we had an increase in the number of tenants amounting to 864,000 and an increase in percentage of 6.8 percent. In other words, the percentage increased from 35.3 to 42.1 percent.

From 1900 to 1930 there was a constant increase in the percentage of tenancy, the greatest increase, however, occurring between 1925 and 1930. From 1930 to 1935 the percentage of tenancy decreased from 42.4 per cent to 42.1 percent; yet during that time there was an actual increase of about 200,000 in the number of farm tenants in this country. However, during the same period of time there was an increase of over 300,000 in the number of owner-operators, which accounts for the fact that the percentage has gone down slightly.

This problem is so great and complex that we cannot possibly go into the causes of it in the brief time we shall have this afternoon. The problem varies in different parts of the country. In some sections it is not serious. It is a greater problem in the South than in other parts of the country, yet in the Middle West, particularly in the States of Iowa, Illinois, South Dakota, Nebraska, and Kansas, it is a serious problem, because in all these States the percentage of farm tenancy approaches 50 percent. It is 49.6 percent in Iowa, 49.3 per cent in Nebraska, 44.5 percent in Illinois, 48.6 percent in South Dakota, and 44 percent in Kansas. Therefore farm tenancy is a grave problem in those States and somewhat of a problem in at least half the States of the Nation.

The problem varies even in different counties within States. In the State of Mississippi, which has the highest percentage of farm tenancy, there is a large variation between the percentages of farm tenancy in different counties. As I recall the figures, in one county the percentage is only 11.4 percent, far below the national average, while in another county it is about 96.8 percent. In the State of Oklahoma there are wide variations, from a low of 30.6 percent to a high of 78.6 percent, and such variations exist in all the States where farm tenancy is extensive.

There are other approaches to the solution of this problem than the one we are attempting to set up today. The President's Commission on Farm Tenancy made a number of recommendations, of which Government financing of tenants is only one. They put their finger on what I think is one of the great causes of farm tenancy, speculation in farm land. If you go to the States in the northeastern part of the country, in New England and the North Atlantic States, where the percentage of farm tenancy is smallest, you will find that in these States for many years farm-land values have been stable. If you go out into Iowa, Kansas, Nebraska, the Dakotas, and other States in that area, you will find that during the same period of time there have been quite violent fluctuations in the prices of farm land.

You will find, I think, that even today a great deal of the farm land in the Middle West is priced higher than will pay interest upon the investment. Of course, one of the reasons for the great fluctuations in the price of farm lands is the fluctuation in the price of agricultural products. If these prices could be stabilized, this would have a great effect upon reducing this particular cause of farm tenancy, but I have not the time now to go into any further discussion of that phase of the question.

One thing that should be remembered in connection with any discussion of the question of farm tenancy in the South is that there are two classes of tenants there, one the class which the Bureau of the Census classifies as a tenant, and the other a class which is classified as a sharecropper, a group which, in effect, is more nearly composed of farm laborers than anything else, because, while they take a share of the crop that they make, yet they ordinarily have nothing to say about the management of their operations or the crop they will grow, but simply occupy the status of working for someone else, getting their compensation out of the crop rather than in cash.

[Here the gavel fell.]

Mr. HOPE. Mr. Chairman, I yield myself 3 additional minutes.

Mr. Chairman, I think we have to approach the solution of the problem of the sharecropper, perhaps, from a different angle than we do that of the tenant who has had some experience in management, who has his own property in the way of farming implements and livestock, and who has gone a little further up the rung of the agricultural ladder.

The authors of the book The Collapse of Cotton Tenancy, one of whom is Dr. W. W. Alexander, Administrator of the Resettlement Administration, conclude that it is practically impossible for tenants in the South to accumulate property or to become independent. The reasons which are given in support of this conclusion are: First, the agriculture that the tenant knows fits only the old system; second, the banks cannot finance the tenant because they are geared to the needs of the plantations; third, the cost of merchant credit leaves little or nothing for captial accumulation; fourth, the crop-lien credit system has destroyed his independence in marketing his crop. Not only do the reasons given above seem to make the problem in the South more difficult than that of the Nation as a whole but, in addition, as mentioned above, the sharecropper particularly does not at this time have either the education, experience, or background to enable him to graduate into the ranks of landowners. Many students of the problem believe that it will never be possible to make independent landowners out of this group and that whatever attempts are made for the relief of this situation should be directed, at least for the time being, to improving their status as sharecroppers and tenants.

The bill which we have before us today is based upon the idea that while we cannot help all of those who are deserving of assistance in becoming farm owners, we ought to do what we can to help the most deserving, those who are more nearly ready to undertake the obligations and the burdens of farm ownership.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield for a question just at that point?

Mr. HOPE. For a very brief question; yes.

Mr. WHITTINGTON. Since the Government, manifestly, is unable to help all, would it not prevent discrimination if there were some qualifications so as to enable the aid to be extended to the most deserving and thereby give all the same opportunity to qualify?

Mr. HOPE. I think that is true, and this bill does provide some qualifications which will enable the local committees to choose the most deserving.

Mr. WHITTINGTON. May I be more specific by saying that the qualifications should be that a man is able to furnish at least a part of the purchase price or is better qualified by experience to operate a farm?

Mr. HOPE. Of course, that is an element that the local committee should carefully consider. I think the success or failure of this approach to the problem is going to depend very largely upon the local committees. If we have local committees the members of which are conscientious and will give their time and their effort to a job at which they are going to be very poorly paid, and who will exercise proper judgment and discretion in the selection of the tenants, the plan has a much better chance of being successful. Local committees can also be of great assistance in the selection of desirable farms and in seeing they are secured at fair prices.

In conclusion let me say that I think it is particularly important that we recognize this bill as an attempt to solve the many-sided tenant problem from only one angle. There are many other things which need to be done not only by the Federal, State, and local governments, but by individual and community efforts as well. [Applause.]

[Here the gavel fell.]

Mr. HOPE. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Chairman, first, I want to express my appreciation to the Members who have spoken preceding me on the presentation of this important question, which we have up for consideration this afternoon. This is, after all, a gigantic problem and the measure we are considering now, of course, admittedly is an experiment at best.

We are considering the matter of expending some $10,000,000 which, when divided among the various divisions of the United States, gets pretty small, being approximately $3,000 for each county in the United States, if you please. So it naturally resolves itself into an experiment which, after all, is well worth trying. When we appreciate the fact that the condition with reference to farm tenancy is continually growing worse, we realize it is high time for us as individuals and as Members of Congress to take hold of this problem and try to help bring about its solution to some extent at least.

The general intention of the bill before us today is to reduce to some extent the number of farm owners who are becoming tenants in this country. Our attention has just been called to the fact that some 50 years ago 24 percent of our farmers were tenant farmers, but that now half of them are tenant farmers. In Mississippi we are told that 60 percent are tenants, in South Carolina 62 percent, in Alabama 64 percent, and Georgia 65 percent. Between 35,000 and 40,000 farmers are becoming tenant farmers every year. So we have approximately some 2,865,000 tenant farmers and 3,800,000 farm owners.

I want, however, to call your attention this afternoon to a measure pending before Congress that I deem is of considerable importance to the country at large, and especially to those who are interested in agricultural pursuits. It is with reference to H. R. 6763, which passed this House on June 7, and is now pending before the Senate.

This bill provides for the extension for 1 additional year of the 3½-percent interest rate on Federal land-bank loans and for a 4-percent rate for the following year on land-bank loans and land-bank commissioner loans. The present extension expires on July 1 this year. Unless this extension is granted, the farmers holding Federal land-bank loans will go back to the payment of the old rate of interest as it existed 2 years ago. In other words, in just 3 days the present extension expires, and the farmers who owe these loans will be charged with an additional interest rate of from 1 percent to 2 percent.

The thing that causes me to call your particular attention to this bill is the text of the President's letter, dated June 7, directed to the chairman of the Committee on Agriculture of the House and to certain Members of the Senate, wherein he opposes the reduction in interest rates on Farm Credit Administration loans. He states in the letter that he is "disturbed by the provisions of this bill" and believes the Members of Congress should be advised of the situation which will be created by the passage of that measure. He says, among other things, that any reduction below the rates of interest that were formerly provided by the Federal land bank would create a gift to the farmer from the Federal Treasury, and he also states that the borrowers from the Federal land bank, under this bill, "are given an annual grant or gift by legalizing an abnormally low rate of interest."

He further states that the reduction in the interest rates to the farmers by the Federal land bank and the Land Bank Commissioner, as provided by the terms of this bill, will cost the United States Government more than $40,000,000 per year, and that the passage of this bill was not contemplated in the preparation of the Budget for the fiscal year of 1938. He says he is definitely seeking the balancing of the Budget, and that the Budget must not be thrown out of balance through extra appropriations or obligations.

First, I should like to give due credit to the administration for having given this problem the consideration to which he believes it is entitled. I am also in favor of balancing the Budget, just as soon as it possibly can be done, and do not want that bill to create a further deficit in the United States Treasury.

I propose first to show that I do not believe there should or will be a deficit that will require the need of an appropriation from the Treasury, by reason of the extension of the present interest rates by the Federal land bank, or the Federal Land Bank Commissioner, for a period of 1 more year. I do not believe this measure is going to cause a raid on the United States Treasury by the farmers of this country, in any sense of the word. However, let me suggest that even if the passage of this bill should result in the creation of a small subsidy on the part of the Treasury—that the administration is inconsistent in opposing it.

I realize we should not grant subsidies to one group of persons just because we have granted them to other groups of persons or concerns—but we should take into account at least, that subsidies have been granted by the hundreds of millions of dollars to municipalities and private corporations, as well as individuals, during the past few years.

In the discussion of this bill, I do not want to go into a discussion of those expenditures, except to call your attention to the fact that during the 6 months Congress has been in session, it has exceeded its estimated appropriations by millions of dollars. This seems not to have disturbed the administration or its leaders. The House has already appropriated about $600,000,000 for the Navy, and $425,000,000 for the Army. You will recall that amendments have been made to the various appropriation bills, increasing the liberal recommendations of the Appropriations Committee of the House, in many instances, amounting in all to many millions of dollars.

I do not want to take too much of your time at this point. You will, however, recall that, without much opposition, during this session this House has agreed to spend a vast amount of funds from the Federal Treasury that were not originally contemplated by the committee having the measures in charge. For instance, only a few days ago this House agreed to spend $7,000,000 for a tract of timberland in California that is to be added to a national park. I am informed that this tract is 15 miles away from the park. This House agreed to spend without the matching of State funds, $5,000,000 to complete or extend the building of a national highway in North Carolina and two or three Southern States. There are so many instances where we have exceeded the committee recommendations.

I mention these items to show that, generally speaking, the administration does not seem to be so much "disturbed" about the expenditure of a large amount of funds from the Federal Treasury, even in many instances beyond the amounts suggested by our committees.

During the past 4 years, according to statistics furnished by the Department of Agriculture, 27 out of every 1,000 farm owners in this country lost their farms for the reason that they were not able to pay their interest and their taxes. And I believe that you will agree with me that with comparatively few exceptions this failure came about by circumstances over which they had no control. Thousands of farmers in the last 4 years have lost their homes. They have either become tenant farmers or have in many cases gone on the relief rolls.

We have here a serious situation. I cite these figures to you to show that the farmer's condition is far from being solved and that he is going to need some further assistance, for a while at least, if he is expected to live on his own farm.

Now, I should like to call your attention to the fact that there are 639,800 land-bank and land-bank-commissioner borrowers in the United States which, I am informed, includes about 37 percent of the farm loans in this country. About 77 percent of these borrowers had paid their interest at the end of the year 1936. According to Federal land-bank figures, there were 95,300 farmers who were unable to take care of their interest items and the taxes which became due at the end of last year. This by reason of crop failures and adverse conditions. These farmers could not meet their obligations. These farms involve an investment of approxi-

mately $428,800 worth of land. This number would have been greater had it not been for the reduction of interest heretofore granted by this Congress.

We are dealing with a stupendous problem this afternoon. It seems to me that if we are going to save the farms for the farmers, that the least thing we can do is to maintain the present rate of interest on Federal land-bank and commissioner loans for another year, and the reason I call your attention to it now is because the bill is in the hands of a committee in the Senate, and, with the administration apparently opposed to it, I believe the situation can be most important.

One of the things we have been discussing during this session of Congress is trying to keep people from the relief rolls. We have talked about the farmers who are on relief rolls, and yet we find between 35,000 and 40,000 farmers, on an average, are losing their farms each year. If you want to keep men off the relief rolls—if at this particular time you want to help the farmer to help himself—let us see that the present rate of interest is maintained, and let us assist materially some 685,000 farmers who will be benefited thereby and without, in my opinion, any expense to the Federal Government.

A good deal has been said about the low rate of interest granted to farmers by the Federal agencies during the present emergency. I grant you that it is a comparatively low rate, but not as compared with the rates granted to railroad companies and corporations which have been assisted by the use of Government funds. Furthermore, when these loans were first made the interest rate was 4½ and 5 percent. The interest rate that is now being paid for the use of this money is approximately 3 percent. And let us not forget that the farmer, when he makes his loan, buys stock for an amount equivalent to 5 percent of the amount of his loan; and since we have some $2,000,000,000 in farm loans, we have approximately $100,000,000 of the farmers' money paid to the Federal land banks that helps to guarantee the payment of these obligations. Also, when the farmer made his loan, he paid the secretary of the local organization a fee on a percentage basis on his loan for services in securing the loan for him.

Furthermore, if you will examine the statement of the Federal land bank for the year 1936, and the first quarter of 1937, it will show a net profit of some $22,000,000, with sufficient reserves that have been set up to protect the bank against losses of shrinkage on account of judgments, foreclosures, and real estate owned, and so forth.

It is my contention that with the $22,000,000 of profits already shown by the Federal land bank, and the profits that should accrue during the next year, by the careful management on the part of those in charge of Federal farm mortgage organizations that there will be more than enough profit to offset the slight reduction in interest rates, and at the same time maintain a sound financial situation so far as the land bank is concerned.

If the farmers of this country can raise a good crop this year and have a fair price for it—the delinquencies in the payment of interest and taxes will be at a minimum in a year from now. If you want to help the farmer to help himself, here is a chance where you can assist a great number of representative persons who are engaged in the business of agriculture in this country. They are not asking for alms in any sense of the word. All they are asking for is an even break. Let's help provide it to them if we can.

Mr. DOXEY. Mr. Chairman, I now yield to the gentleman from Tennessee [Mr. MITCHELL].

Mr. MITCHELL of Tennessee. Mr. Chairman, as a result of legislation enacted during the past 4 years by the Democratic Party, increased income has come to the farmers of America and with it, a revival in all business. Restored purchasing power has resulted in improved business conditions in the cities. The wheels of factories, mills, mines, and railroads are again turning, and all this gained in the face of unusual natural disaster—the droughts and floods of recent years. But the consequences of these unusual natural conditions have not been as severe as the man-made disaster from 1929 to 1933, when bankruptcy and ruin overtook the American farmer and his earnings were swept from under him. Because of the legislation passed by the Roosevelt administration, national recovery has been realized and the progress made by agriculture has been of tremendous assistance to the entire Nation in recovery from the depths of depression. The Agricultural Adjustment Act was the keystone in the arch of the Nation's recovery. At present, we have the Soil Conservation program, supplemented by marketing agreements, surplus crop removal, commodity loans, flood- and drought-relief measures.

We have laid the foundation for an economically sound national farm policy. The Committee on Agriculture, of which I am honored to be a member, is now working with the farmers and the farm organizations on a permanent legislative program to safeguard food supplies and farm income. We hope to draft a bill that will make possible legislation to store up reserves of farm crops from surplus years for use in lean years. To preserve and build up the fertility of the soil, to stabilize the supply and prices of farm products, and to increase the farmer's income. This proposed legislation we hope to soon have ready for consideration by the House.

Today we deal with the farm-tenant bill. We provide for loans to be made available to sharecroppers, laborers, and tenants. Fifty years ago one out of every four farmers was a tenant. Today two out of every five are tenants. Statistics tells us that for the past 10 years there has been an annual yearly increase of tenants of about 40,000 farmers. This must not continue in the future. Sound legislation must be provided by which unfortunate people may be able to secure land or credit with which to make a crop and purchase a home. By so doing, a large measure of poverty, social unrest, and economic insecurity will be eliminated. The farm-tenant bill, now under consideration, proposes to remedy this condition and provide money for distressed farm tenants. It will prevent the tendency of landowners to become tenants, and tenants to become laborers, and laborers to become objects of charity. The bill authorizes loans to be made at an interest rate of 3 percent per annum for a period of 30 years, with which to buy farm lands. The appropriation made available in the bill is $10,000,000 for the fiscal year ending June 30, 1938, and $25,000,000 for the year 1939, and not to exceed $50,000,000 for the year 1940.

Only farm owners, farm tenants, farm laborers, and sharecroppers are eligible for this loan. To my mind it is a most meritorious bill. I have been greatly interested in helping to secure legislation of this kind before our committee. We have held extensive hearings, which are now in the hands of the Members of the House. My regret and disappointment is only because of the small appropriation carried in the bill, which has been made necessary because of the economy drive. I hope by next year it will be possible to increase the appropriation and to amend the bill from year to year that more money will be made available for those in need of this assistance and to prevent the further losing of farm homes and lands by their owners.

There is provided in the measure a local county committee of three members to be appointed by the Secretary of Agriculture to supervise the loans provided for in the bill. This will guarantee proper appraisal on the part of the borrowers and a fair basis upon which the Government can carry out the provisions of this act.

The future of America is inseparably bound with our farms and farmers. The farmer employs more laborers than all the railroads, mills, mines, and factories combined. He has more invested in capital than do all other lines of business. The successful management of this great investment and basic industry affects the future welfare of our country. It is a national problem and should be treated as such. The successful management of the farm is essential to the existence of all other business. The farmer feeds and clothes the world. He produces new wealth from the soil he

cultivates each year. He is the foundation of all national prosperity. If he does not have buying power, the wheels of industry stop. What would happen if the farmers in the United States should go on a sit-down strike as we witness today in many of our factories? Who would feed and clothe the city dweller and the factory worker? The answer is, He would go naked and hungry, seeking relief, with none to be had; yet the farmer works longer hours and more days per week than any mill or factory.

Not only does the farmer do this, but all the members of his family have their long hours, from early morn until late in the night, they each go about their daily task. If the drought, or the flood, overtakes him, he must continue his efforts. The tax gatherer and the banker levy their tribute just the same, whether the season is good or bad, whether the prices of farm products are high or low. No delays or stay of judgment is tolerated by the interest collector, nor can the payment of taxes be deferred. The one basic industry that must carry on is agriculture. America must be fed. Happy homes are the only guaranty that liberty and freedom possess. Without them anarchy and communism overtake us.

On the Union Railway Station building here in Washington are inscribed these prophetic words: "The farm, the best home for the family, the main source of national wealth, the foundation of society." How true are these words. Farming is the most satisfying life of our people. Here contentment and happiness are most often found. It is where the young men and young women are to receive their first and best training for future citizenship. The security of our Nation and of our people is wrapped up in the farm life. Liberty and freedom had their birth in the open spaces and in the country life. The love of home and the farm is the basis for the love and devotion we feel for our State and Nation. It is around the fireside and in the family circle that patriotism has its beginning. The city environment cannot, and does not produce the serenity of soul, and the clarity of vision, and the steadfastness of purpose, as does the farm and country life. This fact was well-known by our forefathers when they settled America. It was their purpose that every man should own his home and farm. Westward they went and settled the fertile acres between the Atlantic and the Pacific. They fought for more acres to have more farm homes. Today, amidst all the friction and strife that obtains in the industrial and manufacturing centers and cities in our country, the farm home stands as a beacon light to calm and still the waves of discord and discontent.

If the farmer can have equal opportunity with industry and receive parity prices for his crops, and if he can receive his share of Government credit and protection, that is all he asks. He does not seek a dole. He seeks only equality in commodity prices, in interest rates, and in taxes. No farm home in this country should be required to pay a tax where the farm is valued at $2,500 or less. The people of America should be encouraged to become home owners. Too many in the cities and towns all ready. Many of them could, and would become self-sustaining on the farm. Their families would be better off in health, in happiness, and in all the things worth while in life, if they would experience the dignity of honest toil on the farm. The city life weakens, rather than makes strong. It is mechanical and machine like. Every day like the preceding one. No diversity of employment, no change of surroundings, no independence of action or freedom of initiative, no broadening of the vision, no communion with nature, no inspiration from the hills.

The 30,000,000 farmers in America should continue to organize for their own protection and security, the same as has industry. They are entitled to a fair and stable income, the same as the laborer in the mill or the factory. They are entitled to the same convenience to satisfy home needs, as others—cheaper electricity, cheaper farm machinery, cheaper fertilizer, and cheaper interest rates.

They are entitled to a foreign policy that will encourage peace with other nations and a greater market abroad for their farm products.

They are entitled to a soil conservation program. Lands unsuited for cultivation or land that is unprofitable should be taken out of active cultivation.

Better opportunities for the farmer to own his land and his home must be afforded him. This, the bill under consideration seeks to do. Greater security for tenants and sharecroppers and greater incentive to laborers to become home owners is provided for in this measure. The bill is a step in the right direction.

Much better and more far-reaching is the measure than the resettlement and homestead programs. They have been, and will continue to be, an expensive experiment. To my mind, the so-called homesteads will result, and have already done so, in great waste of the taxpayers' money and a still greater disappointment in the future to the homesteaders themselves. Too much waste and extravagance, too many inexperienced, so-called experts and blueprint farmers and builders have been put in control and permitted to experiment with the taxpayers' money. It will be a disappointment throughout the years and will not succeed unless and until men are put in charge to superintend these projects who are actual farmers by experience and who have made a success on their own farms, and who, above all, must know the value of a dollar, and who himself is a taxpayer. No so-called "brain truster" or theorist can successfully carry on a development of this kind, as they have tried to do in the past, with any other result than a waste of the people's money.

The farmer may and does profit by advice and expert assistance, but at last he must be an individualist and work out his own salvation and be the author of his own destiny, if he is to succeed. Individual effort and personal planning has builded a great civilization in America in the past 150 years. It will likewise be responsible for our development in the future. Every farmer and businessman must be the captain of his own soul and pilot his own ship, if he is to succeed. The Government can stand by and aid the farmer and business, as it should do, but at last the farmer and businessman must be responsible for results. This alone encourages him to carry on. Thrift, economy, fair dealing, and the good-neighbor policy will make him sovereign. It will lead to success. Service and honest toil bring their own reward in the great stretch of years ahead, when the shadows fall in the evening across the western slopes.

It is not easy to bring about, by legislation, protection against the drought, flood, frost, or plague, but cooperation and teamwork upon the part of the farmers themselves will largely make this possible. The Congress can substantially aid by proper legislation and the pending bill, in its provisions, will afford great assistance to many deserving borrowers and new home owners.

A higher standard of living will be gradually experienced by the less fortunate by legislation of this kind. I regret that the appropriation provided in the bill is not sufficient to do what we would like to for all the tenant farmers and the home owners in America, but it is a step in the right direction. It is a milestone in the march of progress. Much has been done to aid agriculture in the past few years, and much more remains to be done in the future. The home owners and the farmers are the last great hope in America. I confidently believe, if we are to be saved from communism, socialism, and the Reds, it will be because of the stabilizing influence of the farmers in the United States. They will be the defenders and preservers of our liberty and our institutions in the future as in the past. It is to them that industry owes its life and existence. Business could not exist, nor the professional man live, except the farmer who feeds and clothes him, and provides a market for his merchandise, and pays to it and to him his bills from the earnings of the good earth. Let the Congress continue to concern itself with the farmers' problems. The present administration has been most helpful and, while the farmer has a friend in court, let him demand and receive equal rights and equal opportunities with the manufacturer, and all other industry. The industrialist has been subsidized and protected throughout the years. Let us give the American

farmer a legislative program that will afford him economic security and equality of opportunity.

As was so well said by President Roosevelt in his recent message to Congress:

When fully half the total farm population of the United States no longer can feel secure, when millions of our people have lost their roots in the soil, action to provide security is imperative and will be generally approved.

This is certainly true. The Federal Government cannot alone accomplish the end desired. We must have the cooperative effort of local and State institutions. We must make possible farm ownership to tenants who have ability and experience, but who cannot become owners without assistance. Loans must be made by the Federal Government to those who are about to lose their farms and who need credit extensions. The passage of this bill will aid the tenants, sharecroppers, and farm laborers to become home owners. This is certainly to be desired by all of us.

We must endeavor in every possible way to increase the income of the farmers of America. They must be protected in what they sell because of the price they are required to pay when they buy. We must also endeavor to have land values become more stable. Too much fluctuation in the price of real estate has existed in the past. We must make it possible for our farmers to receive their share of the national income. This is a national problem. The public welfare demands it. We must provide the normal requirements of the people for food and sufficient reserves must be maintained to protect the people against the hazards of weather, drought, flood, pests, and disease, and also against the dangers of international crises. We must continue with added interest our soil erosion and soil conservation program to protect our land resources. We must also provide for the retirement of submarginal lands of the country from cultivation as provided for in this bill. Soil fertility of the farmlands must, at all times, be maintained and increased. A proper and effective national adjustment of production in line with the demands of consumption is essential. The Government must assist in aiding the farmer to control the movement of his crops to market after they have been produced in order that the prices he is to receive will be stabilized at such levels as to always insure parity income to farmers and fair prices to the producers.

National prosperity and security exist only when the buying power of the farmer is made secure and certain. The consuming public is entitled to have the normal granary and the food reservoir sufficient to meet its demands.

AGRICULTURE MUST NOT BE THE FORGOTTEN INDUSTRY IN AMERICA

The farmer needs to organize for his own protection, as has industry. His production of farm goods must be adjusted to adequate home needs and to foreign demand. Foreign policies to encourage peace with other countries and an increased market abroad for our farm products is demanded. We must afford better opportunities for the man with the hoe to own his land and increased security for tenants and owner-operator. Industrial policies to insure abundance to the wage earners and farmers alike, is needed. Within the past few years and during the Roosevelt administration, more beneficial legislation has been passed than under any previous administration in the history of our country. Let us continue this policy of making more secure the farmers, who feed and clothe us.

Let the farmer continue his fight for equality of opportunity. He deserves to win. He has had many long, lean years. He is the owner of the greatest industry in America. His success means your success. Let us pass the pending bill. I am proud I was born and raised on a farm. I am proud of this heritage. My father was a farmer. My people have all been farmers before me. I have always engaged in farming myself. I am honored to represent the people of the Fourth District of Tennessee and farming is the principle business of my people. It is a great agricultural district and contributes much in food supplies, livestock, and general farm resources. Let us undertake, for the first time in the history of the Nation, this constructive and helpful piece of legislation. We are making worthwhile history for the future in the passage of this measure. [Applause.]

Mr. HOPE. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. ANDRESEN].

Mr. ANDRESEN of Minnesota. Mr. Chairman, the distinguished chairman of our Committee on Agriculture, Mr. JONES, stated a very certain fact when he said that he had considerable difficulty in the committee in arriving at some conclusion on the farm-tenant bill now before this Committee. The hearings which are available covering H. R. 8 are not the hearings on the bill now before the Committee, because the policies outlined in our committee in H. R. 8 are totally different from the principles involved in the bill now under consideration. H. R. 8 provided that the Government should go into the land business and buy farms and distribute those farms to individuals selected by the Secretary of Agriculture, through the county committees, while the bill before us today provides that the Secretary of Agriculture shall make loans to farmers who desire to purchase farms and who receive the approval of county committees and the Secretary of Agriculture. The farmers in this instance will immediately get title to the land they purchase, while under H. R. 8, which was not reported by the committee, they would not have received title until they had operated the land from 20 to 40 years.

I do not believe the bill now under consideration—and I feel sure it will pass the House—will remain in its present form when it gets to the United States Senate. I am satisfied that the bill will be amended and that the old Bankhead bill will be substituted. In other words, they will put in the farm-tenancy legislation, the original bill, which was rejected by the Committee on Agriculture after 11 weeks of debate in the committee.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. ANDRESEN of Minnesota. I yield.

Mr. KELLER. Will the gentleman tell us the difference in the two bills specifically?

Mr. ANDRESEN of Minnesota. I have just stated that the bill which was before the committee, which was rejected by the Committee on Agriculture, sets the Government up in the land business, so that the Government would go out and buy land and select future owners to occupy it, and that they would be from 20 to 40 years in paying for it, while in this instance the tenant may exercise his own judgment, may go out and pick out a farm, go to the county committee and make application for a loan, and if it is approved by the county committee and the committee thinks the farm is all right and the value is all right, then he can get a loan up to the entire purchase price of the farm if the value fixed by the county committee is the same as the purchase price.

Mr. HOOK. In other words, the committee decided to write its own legislation?

Mr. ANDRESEN of Minnesota. The gentleman is correct. We tried for 11 weeks to write this bill. The chairman of the committee tried his best to get a majority of the members to write the kind of a bill he wanted, but after all these weeks of debate, the committee finally wrote the bill which the committee decided it wanted. That is the bill that is before us.

This bill has been termed "an experiment." That is not exactly correct, because the Resettlement Administration under the Department of Agriculture, has been conducting a similar experiment for the last 2½ or 3 years. They have purchased thousands of farms throughout the United States in all sections. They have selected tenants or individuals to occupy those farms. Many of you know something about the experience of the Resettlement Administration and the unsatisfactory results. I know of an instance in my own congressional district where they completed a resettlement homestead project 2 years ago, and to this date the 52 tenants, or purchasers, do not know how much they are going to pay for those homes which they have purchased from the Government.

[Here the gavel fell.]

Mr. HOPE. Mr. Chairman, I yield the gentleman from Minnesota 5 additional minutes.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. ANDRESEN of Minnesota. In just a moment I will yield.

I have tried for the last 9 months to have the Resettlement Administrator tell me how much each of his subsistence homesteaders will have to pay for his home. They all want to know. Still he fails or refuses or is unable to give the information. As a consequence, a great many of those homesteaders have become disgusted and have moved off of the premises, because they do not know whether they have title or ever will get title, or how much they will have to pay for it in the end.

Possibly some of the things that the Resettlement Administration did are subject to criticism. In this particular project in my own congressional district, which I have in mind, the tenants were led to believe that they would pay around $2,500 for each homestead. The construction was so poor and there were so many idealistic things that the Resettlement Administration thought homesteaders should have, such as a new $10,000 community house and a great many other things that raised the cost, that now when we divide the total number of homesteads by the total cost of the project, instead of the individual paying $2,500, the cost has mounted up to over $5,200 for each homestead. So throughout the United States where these individuals who were to be helped, thought they were going to pay a medium price for the new homes, they will find that the cost will run up to five, seven, ten, or twelve, or, in some instances, $15,000 for a little home and a few acres of land.

The same group which has handled the Resettlement Administration will undoubtedly handle the administration of this act. I hope it will succeed. I am for the bill because it is the best bill we could get out of the committee. The tenant problem is a serious problem, not so much in our section of the country as in some of the other States.

When I heard the distinguished Speaker of the House today picture the condition of the tenants down in his section of the country, I realized the truth of many of the facts that he pointed out. I have visited a good many tenants and sharecroppers down in that section, and I say to you honestly that we in Minnesota and the northern parts of the central West would not let our hogs live in the houses that the tenants and sharecroppers live in in that part of the country. It is a shame; it is a reflection on someone; whether it is the United States Government, the individual, or the landowner, I do not know, but whoever has the responsibility in connection with the present status of this large class of people in the Southern States should assume the responsibility and not blame us in other parts of the country, for we are trying to fulfill our duty by giving them the proper kind of help to make them contented American citizens.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. ANDRESEN of Minnesota. I yield.

Mr. CASE of South Dakota. The gentleman spoke about delay in payment. I am wondering whether this bill, providing, as it does in subparagraph 5 of title IV, power for the Secretary to make payments prior to audit and settlement by the General Accounting Office, will correct it and whether it is a good correction.

Mr. ANDRESEN of Minnesota. No; I do not say it will correct it, and I do not think that we will get away from governmental red tape and delay in connection with this proposition.

[Here the gavel fell.]

Mr. HOPE. Mr. Chairman, I yield 2 additional minutes to the gentleman from Minnesota.

Mr. ANDRESEN of Minnesota. Mr. Chairman, I think that this program will fail, although I hope that it will not. The reason I say that it will fail is because of governmental red tape. Let us take the case of a tenant sharecropper who wants to buy a farm. He goes over and looks at John Doe's farm. They agree on a price and he tells John that he will buy the farm if he can get a loan from this new set-up of the Government. They sign a contract. Then the sharecropper has to go to the county committee and place his problem before the committee and make his application. They will look at the farm, and if they feel that the purchase price is all right and that the man is all right, they will recommend him for a loan. They recommend him to the Secretary of Agriculture. The Secretary of Agriculture will get it after 3 or 4 months. Then he will have to have his legal experts look up the title, and this takes anywhere from 6 months to 2 years. The sharecropper gets the action or approval in anywhere from several months to 2½ years. By that time the man who was going to sell the farm has lost his sale, but in the meantime he has had all of his land tied up. I think it will be difficult to get any individual who has land to sell to enter into an agreement to sell his farm contingent upon the purchaser getting a loan from the Secretary of Agriculture under this bill. It will take too long. We cannot do much about it except try to put through a piece of legislation that we believe will be helpful to some of the tenant farmers and others who desire to own farms in this country. [Applause.]

[Here the gavel fell.]

Mr. HOPE. Mr. Chairman, I yield such time as he may desire to the gentleman from Michigan [Mr. HOFFMAN].

(Mr. HOFFMAN asked and was given permission to revise and extend his own remarks.)

Mr. HOFFMAN. Mr. Chairman, the generosity of the House in unanimously granting this time is deeply appreciated.

The kindliness and the friendliness shown by the gentleman from Illinois [Mr. SABATH], in promptly, when his attention was called to the fact, withdrawing the erroneous statement which he inadvertently made and which intimated that I was advocating unnecessary violence, is acknowledged. His action was characteristic and explains, if explanation was needed, the reason for the esteem in which he, as dean of the House, is held by its membership. Again I thank you, gentlemen.

He, who by word or deed when strife is abroad in the land, has sought to stir up class hatred, dissension, or strife, serves not the cause of patriotism. If his act be thoughtless, he deserves the reproval of his associates. If his act be deliberate, he deserves their censor, and that in no uncertain terms.

Time was sought to correct an error made by the gentleman from Texas [Mr. MAVERICK], not because of any feeling of personal hurt or chagrin, but for the reason that today throughout the country there are two schools of thought held by two groups of people who are swiftly and steadily traveling toward a destination which, when reached, if the objectives now sought are not changed, can but lead to bloody civil strife. These are not the words of an alarmist. The fact is known to all.

For that reason there should be no misinterpretation of the signs along these pathways, there should be no misunderstanding of the purposes of those who advocate their use, no regret after our choice has been made. Let us look, therefore, at the facts as they exist. On June 22, CONGRESSIONAL RECORD, page 6162, the gentleman from Texas [Mr. MAVERICK], speaking in the House, among other things said:

> Mr. Speaker, referring to the behavior of judges, the gentleman from Michigan [Mr. HOFFMAN] turned to me and said that I had gone into the State of Michigan and had made a speech for the C. I. O., stating that I hoped the C. I. O. would be organized in the South. That is not wholly correct. I want labor organized in the South and everywhere, and the citizens can choose what organization they please. I am frank to say that I hope the C. I. O. is organized in mass industries.

The statement by me, as referred to by the gentleman from Texas, will not be found in the printed RECORD, as under permission given me to revise my remarks, it was stricken. In fairness to the gentleman from Texas, I have obtained from the stenographer a transcript of what was said on the floor. It was this:

> Mr. HOFFMAN. I will try hard to abide by the ruling of the Chair. The point of order is raised by the gentleman from Texas who went into Michigan and told people up there he was going

to help the C. I. O. organize the South as well as the North to free the slaves of Ford. [Laughter.]

My basis for that statement was taken from the remarks and a speech which he caused to be inserted in the Appendix of the RECORD, from pages 1517 to 1519, and which I ask you gentlemen, if you are interested, to read as it is a notable contribution to present-day knowledge. The address was delivered on June 5 before the United Automobile Workers of America, at Baby Creek Park, Detroit, Mich.

The gentleman stated to his audience, among other things:

Oh, my friends, I want you to know in the first place that down my way labor is not very well organized; labor is not very well organized anywhere in the South. But let us get organized North, South, East, and West, and let us do it for the purpose of preserving American liberty and the American standard of living.

You know, my friends, I thought it a little significant and that it really meant something, because the very first tune you played was John Brown's Body Lies A 'Moldering in the Grave. That is the same tune they played and the same song they sang when the slaves were freed in the South.

Yes, fellow Americans, that's what we are going to do for the people of the Ford plant. [Applause.] Or, better, in modern parlance, we will cooperate with them in organizing so that they may protect their own rights.

On the subsequent page, he said:

* * * I know and appreciate John L. Lewis. I think he is the greatest labor organizer in America, because he has intelligence and character and because he is honest. [Applause.] * * *. The point is the United Automobile Workers is a fine organization; it is the strongest one in the field; and Lewis is the strongest man in the field; and Homer Martin, your leader, is absolutely O. K. [Applause.]

The accuracy of the author, historian, and statesman from Texas and the nature of his reasoning may perhaps be understood by two quotations from the RECORD.

The eminence of the gentleman from Texas who confers with the President, who, according to the papers, announces the President's will upon his return from the island, makes me hesitate that I should question either his accuracy or his philosophy.

In passing, let me note, that on page 1589 of the Appendix of the RECORD, in the speech delivered by the gentleman, I find this statement:

After the war began there were more and more blunders. Armies went out of their way to meet and destroy each other, and their tactics were brave and courageous, but foolhardy to the extreme.

May I most humbly venture to say to the Speaker and to the Members of the House that there is a somewhat startling statement. Armies went out of their way to meet and destroy each other. The gentleman from Texas added greatly to the historical knowledge of our day by that statement.

Again I find on page 1586 of the Appendix of the RECORD, news for you of the South who so justly glory in the bravery of your soldiers. The gentleman from Texas, referring to the heroism of General Pickett and his men, said:

But I was shown the field where General Pickett charged, and I could see in my imagination the Confederates as their cavalry sabers flashed in the sun, bravely advancing in futile attack.

Again, if memory serves correctly, Pickett's men went forward across the shell-torn fields, advanced up the hill, surmounted the fence, but they were on foot, and it was here, as leaders of this charge, that brave Armistead and Garnett died within the Federal lines and at the muzzles of Cushing's guns. Cushing gave up his life at the same time. But perhaps I am unduly critical in suggesting to the gentleman the facts should not be disregarded and truth ignored, even where the object is the attainment of some worthy end.

The record of John L. Lewis is written so that all men may read it, all men may choose whether they will follow his leadership. It would be presumptuous for me to suggest to the gentleman from Texas that he should follow any man as a leader.

It would not be improper, however, to call his attention to the fact that after a telegram was received at Herrin, Ill., in 1922, 25 unarmed, defenseless men, who had surrendered to Lewis' mine workers, were either beaten, shot, or hanged until all were dead. It should not be forgotten that, while Lewis has collected millions of dollars in dues from workingmen, he has left behind a trail of loss of wages, reduction of production, violence, bloodshed, and death unequaled by that of any other labor leader.

It might be noted in passing that a Department of Labor report shows that during the first 4 months of the year, 10,851,706 days' work were lost, and this by labor while Lewis was carrying on his campaign.

From 1922 through 1926, a period of 4 years, 17,050,000 workdays were lost because of strikes. From 1927 through 1931, another period of 4 years, 5,665,000 days' work were lost because of strikes.

It will be noted that, while Lewis was in the saddle organizing and directing labor, almost twice as many days' work were lost through strikes in a period of 4 months as were lost in the 4 years from 1927 through 1931.

It is the gentleman's right—it may be his pleasure—to turn in on a highway like that and follow it to the end of the road. For myself I seek another destination over a traveled way, perhaps not so easy, not so broad, and at times perhaps more lonesome, but which, along its traveled way, has signboards of equality, justice, law, order, and which in the end has liberty for the individual, prosperity and perpetuity for the Nation.

June 22, in the House, the gentleman said:

I am getting a little bit tired of constantly hearing this ranting and roaring of the gentleman from Michigan [Mr. HOFFMAN]. It is getting very boresome—

May I most humbly apologize to the gentleman from Texas and assure him that I will endeavor to avoid any contest, for I have not the slightest idea of ever at any time, in view of the excellence of his performance in the House, making the slightest effort to compete with him in ranting or roaring.

May I concede to him all the laurels which go to the winner of such a competition. If not presumptous, may I suggest that he might have retired to the cloak room for a few moments and saved himself a bit of weariness.

The gentleman then continued—

But, speaking of his getting together an army and marching into a State, if we go back into history and study one of the famous judicial trials of the South, when Mr. John Brown came into the State of Virginia with arms and ammunition he was tried for treason. Suppose Mr. John Lewis would announce, like a Congressman, that he was getting up an army to invade a State, what would happen?

But a Congressman can get up and say that he can invade a State with arms and ammunition, and have his son get ammunition, like John Brown's son did, and that is all right. That is fine; that is wonderful. But if John L. Lewis said that, he would be tried for treason, as John Brown was. He would be called a traitor on this floor; but we permit one of our own Members to do it. What is sauce for the goose is sauce for the gander; and a Congressman has no more right to violate the law of the land than John Lewis or anybody else.

Most assuredly a Congressman has no right to violate the law of the land. He should, and I have always tried to be, extremely careful to obey not only the laws of the Federal Government, of the State, but the ordinances of all communities.

Never but once have I even taken advantage of the privilege of a Congressman to park where others could not, except as I park my car in a space reserved for the purpose alongside buildings. In view of the gentleman's statement about getting together an army and marching into a State, let us consider briefly what was said and the circumstances which brought about that statement. When the facts are clear, it is to be doubted whether any true, patriotic American will disagree with what was said or the purpose intended.

Sunday, June 13, I drove into the city of Monroe, in my own State. Some time before, less than a hundred workers out of a total of over a thousand had called a strike in the Newton Steel plant, and a small group of pickets, which had kept the public highway blockaded and the men from their work, were, by officers duly appointed and deputized, driven from the picket line. In reply to this action, the

C. I. O. had announced that it would invade Monroe. It had threatened to hold a demonstration in that city.

On this Sunday I saw honest, respectable businessmen and workers armed with clubs, knives, pistols, shotguns, tommy guns, standing guard to repel an invasion. That same day, according to the newspapers, some 8,000 men from other parts of the State and outside the State—for Monroe is less than a half hour's drive from Toledo—met in the park just outside the city limits threatening advances on the people of Monroe.

I came on my way, and Monday's papers quoted Bittner, one of the C. I. O. organizers from Chicago who handled that crowd, as saying, "If we wanted violence, we'd go to Monroe today and take it", then added, "but what would we have if we took it? Who ever heard of Monroe until a few days ago? It is a fly spot on the United States." He threatened the C. I. O. would be back, and he said—I quote: "By God, they will pay for what they did at Monroe, and pay well."

Having seen the strained, drawn faces of the men at Monroe; having heard their expressions of anxiety, of fear; having sensed their determination to protect their city and their people; having in mind the invasion of the plant by hundreds of armed workers from outside the State, knowing Murphy stood back of and encouraged lawlessness and violation at Flint, Mich., I sympathized with these men of Monroe.

My heart went out to them in time of stress in their helplessness against the army which the C. I. O. could bring against them. So I wired the mayor of that city and I also at the same time wired my secretary in my home town "to have reliable citizens who are willing to go to Monroe to aid in defending the city from invasion promised by C. I. O. Organizer Bittner leave name, address, telephone number, list of arms, tents, and cots at office." For that action I have no apologies to make. The offer to the mayor of Monroe was made in good faith. It stands.

The fact which the gentleman from Texas and the C. I. O. organizers fail to grasp is that the farmers of America, the small businessmen of our country, the people, women, as well as men, in the smaller communities, will shed their blood, will give their lives, before they will be dominated, driven from their working places, from their towns and cities, by the C. I. O. or any other Communist-controlled group.

Another mistake which the gentleman and the C. I. O. workers make is the assumption that, like the innocent medicine man of old, they are immune from the fatalities which overtake others.

It is the privilege as well as the right of the gentleman from Texas [Mr. MAVERICK] to go up and down the countryside assisting the C. I. O. and its affiliates in organizing to fight and march under the banner of Madam Perkins in her effort to force businessmen to acknowledge the supremacy of Lewis. It may be his pleasure to address crowds which boo the mention of the Supreme Court, as was done at Detroit. They will make no impression; he will get little sympathy in his preachment of the doctrine that American citizens should permit their towns, their cities, their industrial plants, to be taken over by those whom he enlists under the banner of the C. I. O. and the Communists.

It may have given the gentleman pleasure to say, as he did at Detroit, "and Homer Martin, your leader, is absolutely O. K."

But I call attention to the fact that it was Homer Martin, acting under the leadership of Lewis, who stilled the wheels of industry; who closed the factories; who destroyed automobiles in the making; who prevented the orderly execution of the lawful processes of the Court; who sent workers by the thousand from their jobs; who deprived women and children of the means of livelihood; who brought anarchy to Detroit.

It was members of an organization which acknowledges the leadership of Homer Martin, who turned off the power in the Saginaw Valley, depriving hundreds of thousands of citizens of the necessities of life and who undoubtedly would have kept the people of that valley plunged in darkness, had not the sheriffs of three counties notified Michigan's Governor that the citizens would take the law into their own hands, if power was not restored.

We have come to the parting of the ways. For the moment the broad and the easy road, politically, may be the one pointed out by the gentleman from Texas. Along that road under the banner of a fighting leader with almost unlimited funds at his command, with an organization the like of which has never been seen in this country, march hundreds of thousands of grim, determined men who have been led to believe, who are told frequently, that they are the slaves of industry, of men who would deprive them of their just rights.

Small wonder then that they are earnest, that their actions are vigorous, that they are willing to sacrifice. But hundreds of thousands of men have suffered and have died because of erroneous belief, because of false leadership. Lewis is hailed as the greatest labor leader of the century, and it is true that he has gathered millions under his banner, but he has gathered them by the holding out of false hopes, promises impossible of performance, and by intimidation and violence.

And where has he led them and what has he accomplished? Examine thoroughly, painstakingly, the history of the recent strike in General Motors. Compute for yourself from reliable sources the increase in wages and against it set the total pay-check loss of the workers, and to that loss add the amount which Lewis' organizations collected for initiation and dues. Then balance your books and note the result. Ascertain the working conditions and the hours which prevailed before Lewis entered the field, examine subsequent conditions, and determine what, if anything, has been gained. Apply the same methods to the other industries which have felt his blighting touch, and you will have a fair and true picture of what has happened.

That the C. I. O. does not always represent the workers has been convincingly and spectacularly demonstrated at Youngstown and also at Johnstown, where, when the workers were assured of protection, they went back to their tasks, the mills were opened, and the pay checks are ready.

But that is not the whole story. Lewis raises a man of straw, a false issue, and makes the declaration that his fight is between the workers and the employers. All know that this is not true. His fight is not only against the employer, but into that battle he has thrown his workers against the unorganized and the organized workers who do not belong to his organization. From the beginning he has constantly attempted to drive every toiler into his organization to sign on the dotted line. About this there is no dispute, so that under whatever banner the fight may be waged, under whatever slogan the battle carried on, the truth is that the C. I. O. is fighting not only the employers but all other industrial workers.

Even this does not complete the story, for aside from the workers in the industries where Lewis' efforts are concentrated, the New York Times in an editorial of yesterday tells us:

> • • • that all the workers in all the coal mines in the country, in all the iron, copper, gold, silver, lead, and zinc mines, in all the quarries, oil wells and gas wells, in all the iron and steel mills, in all the automobile factories and repair shops, car and railroad shops, agricultural implement factories, ship and boat works, and in all the metal-working industries together, constitute, according to the census of 1930, less than 10 percent of the total number of gainfully occupied persons.

And upon the remaining 90 percent Lewis would throw the larger part of the immeasurable cost of his industrial warfare. While the gentleman from Texas marches shoulder to shoulder with Lewis he should not forget that with Lewis and with him march Homer Martin, Frankensteen, the Reuther boys, Browder, and a host of Communists who sneer at the Supreme Court, scoff at law and order, and boast of the aid of State and Federal officials in their enterprise.

The issue cannot be confused. Letters pouring in from all parts of the country, from the uneducated and the educated, from the man who dictates his letter to the man or woman

who writes on tablet paper or a post card, from the editorial writers of the great national dailies to the most obscure weeklies, bring the word, the thought, that the right to work is not only a right guaranteed by law but it is a right demanded by necessity.

I cannot more accurately, clearly, and concisely state the issue than to quote Governor Davey, of Ohio, who said: "The right to work is sacred; the right to strike is equally valid."

He lays down the doctrine that those workers who wish to remain on strike "certainly are entitled to do so, and to continue any and all lawful protests", and that in equal fairness, he said, "those who want to work should enjoy that privilege without being molested."

Speaking of government, he said: "It must not abdicate its sovereign powers to any who challenge its existence."

Here is a declaration of principle which breeds justice for all, and which, if announced by either the President of the United States or the Governor of Michigan in December of 1936 when these sit-down strikes began in the General Motors plants, would have avoided controversy, violence, and bloodshed. It is the application of this principle as followed by Governor Davey, as followed by Governor Townsend, of Indiana; Governor Horner, of Illinois; Governor Cross, of Connecticut; Governor Hurley, of Massachusetts, Democrats all, which must be adhered to if peace is to return.

Another thing which must come before we will have lasting peace in industry is the repeal or the drastic amendment of the Wagner Act. That piece of legislation, no matter what its purpose may have been, has proven to be the entering wedge which has driven apart organized and unorganized labor, employer and employee.

The unfairness of that act, as enforced by the National Labor Relations Board, the arbitrariness of it as applied by the decisions of that Board, the encouragement which it gives to ambitious, self-seeking racketeers, have demonstrated beyond all question that it adds to, rather than diminishes, strife. Could those who passed it have foreseen the interpretation which would be given it, and the purpose for which it would be enforced, and the disaster which has followed in its wake, it is more than probable that it never would have reached the statute books.

We have the National Labor Relations Board telling us that it is the duty and the obligation of employers to sign a contract with the C. I. O. and its affiliates in various interests. We have the President of the United States making the bald declaration that employers should sign with the C. I. O. in the steel strike now on. But listen to the argument, to the promises which were made when the bill was before the Senate. The Senate committee in reporting it favorably, among other things, said:

[S. Rept. No. 573, 74th Cong. 1st sess., p. 12]

The committee wishes to dispel any possible false impression that this bill is designed to compel the making of agreements or to permit governmental supervision of their terms. It must be stressed that the duty to bargain collectively does not carry with it the duty to reach an agreement, because the essence of collective bargaining is that either party shall be free to decide whether proposals made to it are satisfactory.

Senator WAGNER himself wrote on November 2, 1935, that there was nothing in the law to compel an employer to sign. He held further and said Congress had no authority to impose such a requirement. Getting Saturday's papers, we find the reputed author of the bill particularly criticizing the mill operators because they will not sign a contract which he formerly said the law did not require them to sign, which Congress had no authority to demand that they sign, and which the committee said was not designed to compel the making of a contract or permit governmental supervision of its terms.

Aside from the use of Pennsylvania's armed forces by the Governor to drive men from their work, perhaps the most outrageous demand ever put forth was that Governor Davey said was made upon him by Madam Perkins, who, he says, asked him to call in Tom Girdler, of Republic Steel Corporation, and Frank Purnell, of Youngstown Sheet & Tube Co., and "keep them there until they sign an agreement" with their steel workers.

The Governor characterized Secretary Perkins' suggestion as the "exercise of the most autocratic and dictatorial powers ever attempted" and "in private life it would be kidnaping." Let us pause here, use a little common sense, and consider. Just assume for the moment that the Governor had the authority and could and would call in Girdler and Purnell, and suppose he called in Lewis and his chief lieutenant, and he announced his intention of holding them until they agreed. Just what agreement could he force them to make?

I am now waiving all questions of law, all questions of right. Here they sit around the council table. Lewis says you must sign. Girdler and Purnell say we will not sign. The Governor says sign; they sign; sign what? An agreement to bargain collectively. Well and good. Now, what is the bargain? Lewis has so many thousand men. He says he will work under certain conditions and for so much per hour. Girdler and Purnell say, we cannot pay it; we will not pay it. Shall the Government say, you shall pay it, regardless of whether the industry can stand the charge? Regardless of the fact that the demand may break the industry and drive it into bankruptcy? Assume Girdler and Purnell say that they cannot meet the union demand for a dollar and can pay but 50 cents per hour. Lewis says, "We will not accept it." Shall the Government say, "You must work for 50 cents an hour?"

These are extreme illustrations. Nevertheless, the constantly increasing demands of labor for a larger share of the gross sales price, the ever-present desire of the manufacturer to reap a profit, are in continuous conflict and if Government, as pointed out by Donald Richberg, assumes control, labor may in the end find itself begging for the right to sell its services to the highest bidder, rather than in a Government-controlled market.

Labor cannot be employed without industry, and industry cannot make a profit without labor, and if the two are left alone without Government compulsion to bargain collectively, and meet in a spirit of reasonableness, they will in the future, as they have in the past, find a common ground where labor will have employment at a steady wage, and industry will be able to make a profit which will enable it to exist.

Denunciation—criticism without the suggestion of a remedy—is futile. January 14, on the floor of the House, I pointed out that "by failure to act, the Governor of Michigan and the President are permitting, if not sanctioning, mob rule." From that day to the date when Governor Davey, of Ohio, announced his policy of protecting the man who wants to work, guaranteeing his right to a job; lawlessness has continued to increase, and the battle front has been rapidly widening.

The gentleman from Texas said he was getting a little bit tired of constantly hearing this ranting and roaring. May I call his attention to page 6213 of the CONGRESSIONAL RECORD under date of June 23, where the Democratic whip in the Senate said:

There is not a State in our Union which just now is not threatened with what may be called a form of riotous confusion. * * * Shall we overlook at this time and forget that it was in like manner that Italy yielded, bring in a condition which has finally resulted in a tyranny and a form of despotism we shrink to mention? * * * Here within ourselves we are nearer to insurrection and apparently, sir, confronting an army of revolt in the largest numbers, whether from the employers or the employees becomes secondary.

Turn to page 6284 of the RECORD of June 24 and note there the statement on present conditions by a distinguished Democrat whose loyalty is unquestioned, whose vision is clear:

We have got no government in Washington, and we have got no government in some of the States, because government has surrendered to mob rule.

It was with the thought of doing something to remedy the situation that, on April 15, I offered H. R. 6456. This bill provided, among other things, for the registration of labor organizations, for the enforcement by such organizations of discipline upon their members; prohibited sit-down

strikes; made labor organizations responsible for the acts of their officers and their members.

That bill has remained with the committee ever since, while conditions have steadily grown worse.

It was on June 21 that I offered H. R. 7598, making it a felony to transport in interstate or foreign commerce persons who are engaged in going from one State to another to close factories.

Each of these bills, if enacted into law, would go a long way toward aiding in the solution of some of our industrial troubles and there is nothing in either that would be unfair to labor, or that would in any way prevent the growth of unions. In fact, if the same result followed which followed the enactment of the British labor law—and there is no reason to believe that it would not—the enactment of these two measures would strengthen labor unions, aid in driving out racketeers and create new confidence between employer and union organizations.

These two bills were followed, on the 22d day of June, by a resolution respectfully calling upon the President to declare that no citizen of the United States should be deprived of the opportunity to engage in his usual and customary task, and further requesting that where the civil or military authorities of a State or of a subdivision failed, for a period of 2 days, to give protection to any person desiring to work, that right should be secured to him by the action of the armed forces of the United States.

That such a resolution was necessary to dispel the idea that lawlessness was approved by the national administration is a matter of common knowledge. Such a declaration would undoubtedly, in almost all instances, protect, without bloodshed, the right of men to work.

That this is evident is shown by the circumstances following the declaration of courageous Governor Davey, of Ohio. There, immediately upon being assured of protection, the men returned to their work, demonstrating, as I have said before, that they do not wish to strike; that they are driven into strikes by the lawless violence of a small minority.

May I not appeal to the Democratic Members of this House to consider the situation as it exists today? And when I say Democratic Members I mean Democratic Members; I do not mean New Dealers.

Many of you sat here in the last session. You heard that most eloquent Member of the House from Alabama, Mr. Huddleston, make his remarkable plea for what he believed to be right and just, and you remember how, because he dared to oppose these fanatics who were advising the President, he went down to defeat after years of courageous, patriotic service here.

Now, make no mistake and do not deceive yourselves. You gentlemen who have the courage to express your convictions are marked for political slaughter. Jim Farley and the vote-buying boys will get you if you do not watch out.

You may have thought in the past that you were a part of the national administration. Nothing is further from the truth. You have been the tools, the errand boys, for the national administration. Of all the laws which have been enacted since the President was elected, probably not a hundredth part of the thought expressed is your thought.

The gentleman from Texas told how Pickett's men made their glorious charge on the hill at Gettysburg, and, in truth and in fact, history records no instance of greater patriotism, greater courage, greater loyalty to a leader, more self-sacrificing devotion.

But in another way you gentlemen of the South have, during the past 4 years, shown a loyalty to your leader equal to that of Pickett's men. You have submerged your individual opinions. You have followed blindly, unhesitatingly, and unwaveringly the commands, the suggestions, of the President.

You have watched with doubt and apprehension many of the moves which he has made. In your minds you have questioned not only the legality but the soundness of the policies which he advocated.

Nevertheless, you yielded obedience; you made the fight; you upheld his hands.

You have been sitting here watching, waiting, hoping, and I know many of you praying, that he would cease in those efforts which at last you realize will overthrow the Government which you love.

Today you know, you understand, as you have never understood before, the road which he is following, the destination toward which he is traveling.

With amazement and almost unbelief, you saw his attack against the Supreme Court unfold. You received his reorganization bill and you sensed its purpose. You were given the hour and wage law and you realized its import.

You saw going in and out of the White House John L. Lewis, who publicly demanded that the President of the United States pay a political debt.

You have observed the President of the United States sitting silent and, by his silence, giving approval to the acts of Lewis and his organizers in wrecking industry throughout the land, in depriving men of their right to work.

You have heard the statement of a great Democratic Governor of the great State of Ohio that the President's Secretary of Labor called upon him to kidnap the heads of industry and hold them until they yielded.

And, whatever may be the controversy between the great Governor of that State and Mme. Perkins, you know that the President has not interfered when industries have been kidnaped and held to ransom.

Oh, I appeal to you Democrats of the South and true Democrats of the North, to act before it is too late.

Do not believe that the loyalty and self-sacrificing service which you have given to the President will save you. You will follow in the wake of that long, long list of patriotic Democrats who have been kicked out of the party organization.

Have you forgotten what happened to the Democrats of Minnesota in the last campaign? Have you forgotten other loyal Democratic candidates who were sacrified by the President where his organization thought it politically expedient?

Already the signs point to a new Democratic leadership in the Senate and House.

Sucked dry like an orange, having no more to yield, you will be carelessly but deliberately tossed aside into the political gutter.

Jonah's shipmates tossed him overboard with no more disregard of consequences than will the Administration heave you gentlemen out to sink or swim—only you will find that, instead of a rescuing whale, Jim Farley and his political machine will be on your neck.

Why not from this day on make the fight, not only for the principles of true democracy, but for your own political salvation? After all, in 1938, the voters will be the ones who pass upon your fate and they will have in mind the President's assault upon the Supreme Court, upon our form of government, his approval of the sit-down strikes and of lawlessness.

The people of the United States will not quietly submit to the wrecking of their Constitution; to the assault upon the integrity of the Supreme Court; to the destruction of their form of government.

Let the President, John L. Lewis, and the C. I. O. continue on the course which they have marked out, and you will have civil strife throughout the Union.

The President has gone from an open and willful disregard of all of his campaign promises to a repudiation of his oath of office and his obligations to uphold the law, and this he has done in order to obtain his objective, which now stands disclosed as the domination of all industry and commerce and the centralization of all functions of government in the executive department.

Writers like Lawrence, Sullivan, Thompson, and Walter Lippmann, and a host of editorial writers from the great dailies of the cities to the country weeklies, have long been pointing out the end to which his course will lead, and long have they been saying that they did not believe the President was aware of the inevitable results of his actions.

This attitude was charitable, but it was inaccurate and implied that the President was a man of small intellectual

attainment, that he was deceived and misled by those who advised him.

Nothing but a lack of the knowledge of the abiding principles of justice, of equality, of a square deal for every man, or a failure to apply that knowledge, can account for the failure of the President to declare for law and order when these strikes first came about.

I ask you to read the article of Lippmann in Saturday's issue of the dailies and note how he, always a friend and an admirer of the President, has at last arrived at the conclusion that the President is seeking to establish a dictatorship.

All this welter of violence and of bloodshed which confronts us, which, beyond question, will come to us, can be avoided, if you men who believe in the principles of the great Democratic Party here and now insist upon the application of those principles to the present situation.

The time has come to repudiate men like Governors Earle, of Pennsylvania; Murphy, of Michigan; and to follow men like Governors Townsend, of Indiana; Cross, of Connecticut; Horner, of Illinois; and last and most unflinching of all, Governor Davey, of Ohio.

Get back of him, declare for law and order, pass the resolution which I introduced and see this threatened trouble fade like mist before the morning sun.

Mr. DOXEY. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. BIERMANN].

Mr. BIERMANN. Mr. Chairman, in considering this bill it is well to bear clearly in mind the purpose of the legislation and not to lose sight of that. The purpose of this legislation is to make owner-operators out of people who have heretofore not been owner-operators, or who, having been owner-operators, have failed in that capacity.

I expect to offer the following amendments which are calculated to promote the purpose of this bill:

Page 5, after line 3, insert:

(7) Be in such form, and contain such provisions, conditions, and limitations as may be necessary to assure that the borrower will conform to such farming practices and methods as the Secretary may prescribe in order that, during the first 5 years the loan is in effect, the borrower's farming operations may be sufficiently profitable to enable him to carry out successfully the responsibilities of ownership and his undertakings under the loan agreement.

Page 4, line 6, after "not", insert "less than 20 nor."

Page 4, strike out lines 24 and 25, and on page 5 strike out lines 1 to 3, inclusive, and insert:

"(6) Provide that the borrower shall not voluntarily assign, sell, or otherwise transfer the farm, or any interest therein, without the consent of the Secretary, and provide that upon involuntary transfer or sale the Secretary may declare the amount unpaid immediately due and payable.

"(8) Provide that upon satisfaction of the borrower's obligation, but not less than 20 years after the making of the loan, he shall be entitled to the farm free of any estate or property interest retained by the Secretary to secure the satisfaction of the obligation."

Page 5, line 5, before the period, insert a comma and the following: "except that the final payment of any sum due shall not be accepted if the effect of such acceptance would be to make ineffective the 20-year limitation provided in paragraph (8) of subsection (b) of this section."

The first of these amendments provides that for the first 5 years after the arrangement has been made with the beneficiary of the act he shall be given the advice of the Department and also a certain amount of supervision by the Department in order that he may not only conduct his farm in a farmerlike manner but that he shall conduct it in a businesslike manner.

I heard or read a statement many years ago which I have had occasion to see proved again and again: That if a man were in the position of an employee until 40 years of age and then were to become an employer that the chances are against his making a success. It does not foreclose his success, but it makes the chances of success against him. The beneficiaries of this act will be of two classes: Tenants who never owned a farm, or former owners who for one cause or another lost their farms. I submit to the committee that the chances are against these people paying a 100-percent loan unless they have the most careful supervision and advice. This amendment provides that during the first 5 years of this relationship they shall have the benefit of sound advice and wise supervision.

My second amendment provides that the beneficiary of the act cannot alienate this farm; that is, he cannot sell it during the first 20 years of this relationship.

He cannot pay off his obligation completely for at least 20 years.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. BIERMANN. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. As I understand the gentleman's amendment, he cannot pay it off in less than 20 years?

Mr. BIERMANN. Yes.

Mr. ROBSION of Kentucky. Why is that?

Mr. BIERMANN. I am going to go into that.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. BIERMANN. I yield to the gentleman from New York.

Mr. FITZPATRICK. Would that be mandatory? Would he have to carry out the advice of the Department? In other words, would it be mandatory?

Mr. BIERMANN. I think that is something the Secretary ought to work out, but I believe to a large extent it ought to be mandatory.

We are not entering into a strictly business relationship. We are entering into a sort of paternal relationship. Of course, it is not sound business policy to lend 100 percent of the value of property. It is not businesslike to lend money at 3 percent, because that will not pay the cost. If we enter into such a relationship, I contend it is proper for the lending agency to exercise some supervision over the borrower.

Mr. FITZPATRICK. Does the gentleman's amendment make it mandatory?

Mr. BIERMANN. I think it does. Yes.

Mr. VOORHIS. Will the gentleman yield?

Mr. BIERMANN. I yield to the gentleman from California.

Mr. VOORHIS. Has the gentleman considered the possibility in connection with this advice and counsel, which I feel is most important, of allowing the tenant certain credits against the indebtedness if that advice is followed?

Mr. BIERMANN. No; I have not considered that.

Mr. WADSWORTH. That would be lending more than 100 percent of the value.

Mr. MITCHELL of Tennessee. Will the gentleman yield?

Mr. BIERMANN. I yield to the gentleman from Tennessee.

Mr. MITCHELL of Tennessee. My colleague is a member of the committee and I know he is anxious to serve the farmers. I do not understand the gentleman has in mind he would actually keep the man from alienating or selling this farm for a period of 20 years?

Mr. BIERMANN. Yes; exactly.

Mr. MITCHELL of Tennessee. Would not that discourage the idea of taking advantage of a Government loan?

Mr. BIERMANN. No; I do not think so.

Mr. MITCHELL of Tennessee. I think it would.

Mr. BIERMANN. Mr. Chairman, I would prefer not to yield any more, as my remaining time is short.

It has been pointed out here again and again this afternoon that this legislation is going to reach only a small fraction of the potential beneficiaries, at least for a few years. We can hand pick them. I would like to hand pick the kind of people who seriously want to make these farms their long-time homes, and not to enter into speculation. There are two things that have been of great damage to the farming business of the United States; at least, these are two of the biggest items. One is the ups and downs in the prices of the products of the farms. The other, which has been nearly, if not quite, as damaging, has been the ups and downs of the price of the land itself. If we leave this bill as it is, a man may buy a farm today for $50 an acre and if in 6 months he can get $60 or $75 an acre for the farm, under the bill as it is presently written he may sell

the farm and, of course, he will. Instead of getting a long-time owner operator of the farm who looks upon this farm as his home and as his dwelling we have a speculator.

We want to recall if we pass this bill and make it law we are going to get the Government into the business of financing the purchase of farms. The Government, in effect, becomes another land buyer and each added buyer tends to raise land prices. That is a bad thing. My amendment will, as far as the beneficiaries of the act are concerned, take the land the Government finances out of the speculative class for 20 years at least. It will make this a bill for the benefit of permanent home owners, and that should be the main purpose of the bill.

Mr. LUCAS. Will the gentleman yield?

Mr. BIERMANN. I yield to the gentleman from Illinois.

Mr. LUCAS. If we take this man out of the speculative class, we would permit his neighbors to speculate on their farms and deprive him of any profit they might make on theirs?

Mr. BIERMANN. Under this bill we are considering just one type of farm and I would rather confine my discussion to that one type.

Mr. LUCAS. Would not the gentleman consider a windfall tax, whereby we would take the profits on all farms rather than take the profits on a single farm?

Mr. BIERMANN. Yes. I would be in favor of any kind of practical legislation that would prevent or lessen speculation in farm land.

May I say further that the amendments I propose are precisely in line with the findings of the Farm Tenancy Committee which the President of the United States appointed to investigate this problem, not only in this country but in foreign countries. They have written a report in which they suggest what we should do in regard to this problem of farm tenancy, and among the things they proposed are these two ideas which I have embodied in the two amendments.

Mr. THOM. Will the gentleman yield?

Mr. BIERMANN. I yield to the gentleman from Ohio.

Mr. THOM. I am in sympathy with the general object sought to be attained by the gentleman from Iowa, but let us suppose this instance: Here is a family who locates on a farm and the husband suddenly becomes an invalid and cannot continue the operation of the farm.

Mr. BIERMANN. The bill covers a situation of that kind in another section. My amendment would not preclude that. If a man becomes an invalid or if he dies or if some unforseen thing happens, there is a remedy provided.

Mr. THOM. You would have to have some discretion in the Farm Board.

Mr. BIERMANN. The following is a simple illustration of what may happen in thousands of cases if the credit and mortgage program as now proposed in H. R. 7562 is put into effect and the purchasers are allowed to pay their debts to the Government and sell the land at any time they desire. Let us assume that the reasonable appraised value of the farm is $3,000, and that the Secretary secures the loan by a first mortgage on the property which is to be amortized within 30 years, at 3-percent interest. Under such circumstances the annual payment would be $153, a part of which would be used to reduce the amount of the loan. Within 3 years the tenant purchaser would have repaid the Government approximately $195 on the principal of the $3,000 loan.

Suppose now that land values have risen and a local real-estate operator knows that he can sell this particular farm for $4,000. Obviously, he can make a profit if he can buy the farm for $3,500. Since the tenant purchaser agreed to pay the Government $3,000 for the farm, and has actually paid only $195 on the principal, it is obvious that he also has a chance to make a profit by selling for $3,500. If he accepts the offer made by the real-estate dealer, he can pay the Government the balance of $2,805 and have left $695 in cash, of which $500 is clear profit.

Both the speculator and the farmer have made a $500 profit each on the double transaction. But what has happened to the Government's program of aiding the tenant farmer in becoming an owner? Obviously, it has failed. The tenant purchaser whom the Government started toward home ownership no longer has a farm. The man who now owns the farm may be another speculator or an absentee owner. He may, of course, be an operating farmer, but even so, he has paid $4,000 for a farm at speculative levels which, according to normal appraised value, is worth only $3,000.

Unless there is some kind of restriction in the mortgage or loan contract, which will prevent such a situation from occuring, a Government program of this type will aid in bringing about an increase in land values. Its greatest adverse effect will be at times when speculation is rife, and hence the program will be a direct impetus to speculative booms.

[Here the gavel fell.]

Mr. DOXEY. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska [Mr. COFFEE].

Mr. COFFEE of Nebraska. Mr. Chairman, title I of this bill provides authority for the Secretary of Agriculture to loan $10,000,000 for the first year, $25,000,000 the second year, and $50,000,000 the third year to farm tenants, farm laborers, and sharecroppers to purchase farms. While this is a large amount of money, it will be only a drop in the bucket in comparison to the amount that would be required to make farm owners out of all the farm tenants in this country. At present there are 2,860,000 tenants. There are 40,000 people being added to this class annually. Assuming that the average cost of a self-sustaining farm would be $5,000—and it runs much more than this in the North—only 2,000 tenants in the United States could be financed the first year, 5,000 the second year, and 10,000 the third year, with $50,000,000 appropriated. In other words, the $50,000,000 would only take care of about one-fourth of those dropping into the tenant class every year, and it would provide a farm for only one of every 286 tenants and sharecroppers in the United States. The $10,000,000 will provide loans to purchase only 1 farm for every 1,430 tenants and sharecroppers.

With 2,907 counties in the United States having 300 or more farms each and regarded by the Agriculture Department as agricultural counties, it is evident that it would require approximately $15,000,000 to finance only one tenant in each of these agricultural counties in the United States. It is clearly evident that only a very small percentage of the tenants can be benefited under this legislation and that the vast majority, who might be led to believe that a generous Federal Government will loan them money to purchase a farm, will be disappointed. If you are going to treat them all alike, it would require over $14,000,000,000 to finance the purchase of farms for all the tenants and sharecroppers in the United States. Obviously this cannot be done.

Under the bill as it stands, the Secretary is authorized to loan 100 percent of the purchase price. Such an unsound loaning policy by the Federal Government, in my judgment, cannot be justified.

The serious question involved is, Should the Federal Government embark on an unsound program that will in future years bring demands on Congress to appropriate billions of dollars for this purpose, or should we approach this problem with a more practical loaning policy that would in itself limit the number who might apply for the benefits of this act?

I propose to offer an amendment at the appropriate time to section 3 (a) of title I, to provide that these loans shall not be in excess of 90 percent of the value of the farm. I do not contend that this will make all the loans sound, but it will be a great improvement over the present provision authorizing 100-percent loans. It is a mistake to encourage tenants to assume the burden of ownership before they are financially able to do so. A great many farmers are in a far more fa-

vorable position as tenants than they would be as farm owners.

By requiring the tenant who is to be financed to make a down payment of 10 percent, the Government will be saved millions of dollars in possible future losses and the future success of this program will be greatly enhanced. It will encourage thrift to make loans available only to those tenants who are better able to purchase and assume the burden of financial responsibility of operating their own farms. And furthermore, by requiring the 10 percent payment, the prospects are greater for the purchaser to eventually pay off the indebtedness due the Federal Government.

This bill will not solve the farm-tenant problem which is a result, rather than cause, of an economic maladjustment. If we could make farming profitable, the farm-tenant problem would solve itself.

I have 32 counties in my district, which is entirely of an agricultural nature. The State of Nebraska depends solely upon agriculture as it has no natural resources other than fertile soil and water. Of the farmers in my district, 49.3 percent are tenants. I do not believe there is a better class or a more worthy class of farm tenants in the United States than you will find in Nebraska. They are not expecting, neither are they asking, the Federal Government to finance the full purchase price of a farm for them. They realize that some limitation must be placed on Federal expenditures and that they will be called upon as taxpayers to repay their share of the 36 billion dollars of bonds the Federal Government now owes, not to mention any further increases that may be incurred. They realize the Federal Government cannot maintain its stability in continuing indefinitely to spend more than its revenues. They are more interested in legislation that will maintain fair prices on agricultural commodities.

Nebraska last year suffered a loss of $288,000,000 due to the drought. This is more than one-half of the total loss sustained by all of the States in the recently flooded area of the Ohio River. In 1934 we suffered a drought equally as severe, and the 2 years were the worst droughts in over 40 years. In spite of all this, Nebraska as a State has maintained its credit and is one of the few States in the Union that has no bonded indebtedness. It has no State income tax nor State sales tax. Nebraska balances its budget. When we do not have the money we do not spend it. I commend Nebraska's record to you in charting the future financial policy of the Federal Government.

Because of the great distress in the drought area, rehabilitation loans, as provided for in title II of this bill, have been of great assistance in rehabilitating many worthy tenants. In many cases a loan of a few hundred dollars has made it possible for these rehabilitation clients to become self-sustaining on rented farms at less expense to the Federal Government than would have resulted had they been left on the relief rolls and to work on W. P. A. projects.

Under title III funds are authorized for the purchase by the Government of submarginal land. This would be a continuation of the present program and in many States additional purchases are necessary to block together the purchases already made. The objective is to retire this submarginal land from unprofitable crop production and to turn it back to grass and into grazing and forest areas. In purchasing this land the Government will have something to show for the money spent. It will help to relieve crop surpluses, especially in wheat, since in good years this submarginal land helps to swell the price-depressing surplus. Twenty-five percent of the net revenue received by the Secretary from the use of the land will be paid to the respective counties for school and road purposes. This is quite essential inasmuch as a great deal of the taxable property in some counties has been or will be purchased by the Government under this program.

I am supporting titles II, III, and IV of this bill, and I urge that title I be amended to limit the loans to 90 percent of the value of the farm in order that we may approach the farm-tenant problem on a sounder basis. [Applause.]

Mr. HOPE. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CULKIN].

Mr. CULKIN. Mr. Chairman, although I am speaking on a related subject, I ask unanimous consent to proceed for 10 minutes out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

THE FORGOTTEN MAN—THE AMERICAN DAIRYMAN

Mr. CULKIN. Mr. Chairman, the gentleman from New York [Mr. SNELL] last week made reference to the sad plight of the dairymen in the North and Northeast. This picture he painted was not too pessimistic. The American dairyman, be it said, is making a more important contribution to the health and welfare of the American people than any other type of farmer. He is making an essential contribution to the physical growth and development of American childhood and youth. It is important to remember in these days when we are spending hundreds of millions of dollars on soil conservation that his is the only type of farming that conserves soil fertility. Nor is his any seasonal job. He works from dawn to dark 365 days of the year. The assessments on his property require him to pay $90,000,000 annually in taxes. The dairymen of the North and East have spent $250,000,000 in perfecting their herds and in insuring the sanitary production and marketing of milk. He educates his worth-while child and from this group is recruited the American leadership in professions, science, art, and politics. Despite all this record of service to the Nation, he is today threatened with social and economic extinction. If present conditions continue he and his will be scattered to the four winds, and the professionals, exploiters, and economic parasites will be "in the saddle."

THE FORGOTTEN DAIRYMAN

The condition of the corn, cotton, and wheat farmers has, so far as the Government can do it, been aided and promoted. But on the head of the dairyman has fallen in these troublesome times all the evils of an arrogant and stupid bureaucracy. The original A. A. A. included dairy products as one of the basic commodities. Under the urge of the late Rex Tugwell, now gone to sweeter camping grounds, Secretary Wallace's initial object was to hamper the dairyman by destroying the solidarity gained through cooperative organizations. This procedure failed, but it left the dairyman exhausted and with no governmental remedies applied to his desperate condition.

No sooner was the program out of the way than the dairyman was placed on the altar of foreign trade by the present scheme of trade agreements. In these agreements he was sold over the Lakes and across the seas by the foreign trade policy of the administration. Year by year this foreign encroachment on the market of the dairyman, both from this continent and Europe, has been increasing in volume. Last year the shipment of dairy products to the United States from sources where sanitary production is entirely unknown, amounted to $16,102,954. The foregoing facts are now history, and I merely review them so that the House may have a picture of these recent years.

UNDERPAID AND EXPLOITED

The economic vise in which the dairyman finds himself is due to the fact that he has been unable to obtain a living price for his product. This has not been due to overproduction, although at times the production of dairy products just about balances the national demand. The fact is that this marketing of dairy products is in the grip of an unrestrained savage monopoly which reaches into practically every part of continental America. This monopoly is composed of the National Dairy Products Corporation, which corporation, acting in collaboration with the Borden Co. and the Plymouth Cheese Board, of Plymouth, Wis., fix with inflexible certainty the amount that the dairy producer shall get for his product. These outfits hold the dairyman in the hollow of their hand, and, while these great

corporations are paying high dividends on their very much watered stock and millions to their officers and lobbyists in salaries, they give the dairyman starvation prices for his products. I again make bold to say that the dairyman, under the manipulations of these professionals, will soon cease to be an economic and social factor in America.

A CRIMINAL CONSPIRACY

The first phase of this criminal monopoly to which I wish to call your attention is the price-fixing performance which for many years has been going on at Plymouth, Wis., principally through the Plymouth Cheese Exchange. I call the attention of the House to the report of the Federal Trade Commission made April 30, 1928, and printed as Public Document No. 95. It appears that this Plymouth Exchange meets weekly and is made up entirely of dealers and processors. The dominating influences on the board are the National Dairy Products Corporation, the Borden Co., and the "packer kings", Swift & Co., and Armour & Co. The satellites of these outfits meet before the alleged market day and agree on a price of cheese for the following week. The next day a meeting of the board is held and the fiction of bids with no deliveries is gone through with. The price of cheese is thus fixed for the following week by these criminal monopolists and the 140,000 dairy farmers who are delivering milk to cheese factories throughout the United States receive a price for their milk at the cheese factory based on the weekly price of cheese fixed as I have stated.

There are 160,000 farmers delivering milk to evaporated milk plants in the United States, and the price they receive is fixed on a formula in which the price of cheese at Plymouth, Wis., is a large factor.

In the Chicago milkshed at least 20,000 dairy farmers are delivering milk for fluid purposes in the city of Chicago, and they are paid for their milk on a formula which takes into consideration the price of cheese at Plymouth, Wis., fixed by the "packer kings" and their associates. In the Nation generally there are 2,500,000 additional dairymen whose economic life is threatened by this brazen procedure.

The price of milk products is interdependent. When the price of either butter, cheese, or fluid milk is beaten down, it affects the whole price structure in every part of the country. It affects the well-being and security of every dairyman in the Nation. And so I charge today that there exists at Plymouth, Wis., a criminal conspiracy against the well-being of a great mass of our people, which is, in fact, holding this great army of dairy producers in a state of almost complete serfdom. The Federal Trade Commission has made repeated findings on this question, and yet the executive branch of our Government and those officials in charge of enforcing the Antitrust Act do not function. They permit this economic homicide to go on without hindrance.

THE ROBBER BARONS

I refer the Members of the House to the report of the Federal Trade Commission, made in September 1936, where it reiterates former findings, and states that the price of twins cheese, which is also the basis of determining the price of fluid milk to dairymen, was fixed by the sales offers made on the Plymouth, Wis., Cheese Exchange by a subsidiary of Swift & Co., a subsidiary of the National Dairy Products Corporation, a subsidiary of the Borden Co., and a subsidiary of the Armour Co. If the Federal Trade Commission does not have jurisdiction over this question, the query naturally arises as to whether or not they called it to the attention of the Attorney General's office. Three times this Commission has gone to the well on this and made findings, and yet on March 2, this year, the Commission sent out a new press release, which only promised further investigation. I make bold to call upon the Federal Trade Commission to pursue this inquiry to its logical conclusion and to call into play the full power of law enforcement against the "packer kings" and the other robber barons, who are, in fact, destroying one of the most essential and worth-while farm groups.

THE DUTY OF THE ATTORNEY GENERAL

I likewise call upon the Attorney General, whose record in the field of criminal-law enforcement is greatly commended and admired by me, to turn loose the G-men of his Antitrust Division against these greedy monopolists who are robbing the American dairyman blind. I suggest to the Federal Trade Commission and the Attorney General that they stand not upon the order of their going, but go at once and land some of these criminal parasites behind the bars of Leavenworth prison, or some other convenient Federal domicile.

My remarks on this question would be inconclusive if I did not enumerate more in detail the outfits which are destroying the dairyman. Let me briefly call the roll on some of these participants in this criminal conspiracy.

First, there are the so-called "packer kings", Swift and Armour, and others of their ilk. They toil not, neither do they spin, but even during the lean years of the depression they showed profits well up into the hundred millions. Just now they are engaged in a frontal attack on the butter market by exploiting the manufacture and sale of synthetic oleomargarine in place of life-giving butter. You have all had their propaganda on your desks and know whereof I speak.

THE MONOPOLY CALLED THE NATIONAL DAIRY PRODUCTS CORPORATION

Perhaps the most colossal outfit in this field is the National Dairy Products Corporation, which was born in 1923, and is now in control of, and has acquired by purchase, 238 organizations which have to do with the marketing of dairy products. They reach into every nook and corner of the land, and for good measure, so they may give the American dairyman foreign competition, they have plants in eight foreign countries. The report of the Federal Trade Commission, filed with the Speaker of the House on September 30, 1936, shows that during 1935 48 officers and executives of the National Dairy Products Corporation received in excess of $15,000 each, and that the total salaries of this group amounted to $1,129,000. The average salary of these men came to more than $25,000 annually. The president of this company received an annual salary of $108,000; J. L. Kraft, an officer, received $75,000 annually, and L. A. Von Bomel, of the Sheffield Farms, a subsidiary of the National Dairy Products Corporation, received an annual salary of $60,000. These were the salaries which appeared on paper, but doubtless the amount they received in bonuses and from other sources amounted to as much more. It is safe to say that they disburse annually for lobbyists and entertainment in various State capitals and for political lawyers as high as $5,000,000. All through the years and through the depression they paid liberal dividends on their preferred and common stock, this at a time when the dairyman was going over the hill to the poorhouse. This quasi criminal outfit has a stranglehold on the milksheds of the country.

I charge that the National Dairy Products Corporation is in direct collusion with Borden, the "packer kings", and other distributors in fixing the price paid to the producer.

THE FUNCTION OF THE FEDERAL TRADE COMMISSION

I have been carefully through the findings of the Federal Trade Commission in the various milksheds as to the activities of this outfit. May I say that I have always had a high regard for the Federal Trade Commission as a fact-finding body? I have been inclined to class them with the United States engineers in their loyalty and devotion to the public service. But I confess a feeling of disappointment in reading their report. In some respects it is haphazard, and its conclusions are often mere surface findings. It does not live up to the high traditions of the Federal Trade Commission. Reading between the lines it is apparent to me that monopoly exists in most of the milksheds of the country, and the National Dairy Products Corporation and the Bordens are in command.

It appears, too, from the corespondence set forth in the report that these outfits have divided up the various milksheds like captive provinces and have thus regulated the price the dairyman gets for his product. This question is, of course, infinitely more important than any partisan consideration, but the story is rife, and will not down, that Field Marshal Farley has placed his hand on the staff of the Commission. We all know the firm of Davies, Busick & Richardson, lawyers, are the attorneys for the National Dairy Products Corporation. Joseph B. Davies, of this firm, is

now Ambassador to Russia and Donald Richberg, who was the last potentate of the defunct N. R. A., is likewise a member of this firm. Mr. Richberg is said to be the Presidential choice for the Supreme Court vacancy and is now said to occupy the position of chief adviser and "brain truster" extraordinary to the distinguished occupant of the White House. I am curious to know how much the National Dairy Products Corporation pays this firm of lawyers and for what.

The fact is the National Dairy Products Corporation has gone into 300 communities and by oppressive methods, which were characteristic of the lush days of the Standard Oil Co., broke down the price structure to the dairymen and so holds him eternally in a vise. This inference of mine would be made by any jury, and the statement that the National Dairy Products Corporation only use such a percentage of national production, as appears from this report, would seem to come from the lips of the political lawyers who represent this outfit.

THE BORDEN GROUP

Hand and hand with the National Dairy Products Corporation goes the Borden Co., which now controls 200 companies in every branch of the dairy industry. There are 19 States, as well as Canada, England, and Sweden, in which this company is active. I call attention again to the foreign affiliates of this company. They are used, of course, to stimulate foreign imports and to break down the price structure to the dairyman. The surface salaries of this outfit amount to more than a million dollars a year. The president, Arthur W. Milburn, receives $95,000 a year. This company is especially concentrated in the metropolitan areas, where the spread between what the producer gets and the farmer gets is little short of murderous. The correspondence printed by the Federal Trade Commission established conclusively that this company is acting in violation of the antitrust act continually. The methods of this company are notoriously corrupt and oppressive. They maintain lavish suites at the various capitals and you can always have the Borden lobbyist pointed out to you. He usually sticks up like a sore thumb. Last year the Borden profits were the best in its history.

The foregoing is true of the National Dairy Products Corporation. Last year their income was higher than ever before. Their net profit, after charges and dividends on preferred stock had been deducted, amounted to $13,000,282.38.

I have great confidence in the integrity and high ability of Messrs. Davis and Ayers, of the Federal Trade Commission. They were former Members of the House. I was delighted when the President appointed them to the Federal Trade Commission, for I knew they would carry the banner for real law enforcement in the interests of the people. I have not lost my confidence in these men. But I am calling to the attention of the country and the Commission the foregoing facts and hope that investigations of milksheds where the National Dairy Products Corporation is concerned will no longer be perfunctory or casual. In doing that I speak for the dairymen of my district and of the country. Not long since the president of the Dairyman's League in New York State, Mr. Fred A. Sexauer, called the attention of the dairymen of New York State to the fact that dealers expect, through coercion, threats and propaganda to force farmers to protect dealers' interests. Mr. Sexauer knew whereof he spoke. There is a new milk law in New York State, born of agitation and distrust, and obviously it is the intention of these monopolistic outfits like the National Dairy Products Corporation and Bordens to endeavor to take the law in their own hands. I particularly invite that situation to the attention of the Federal Trade Commission and ask that they go into action on it.

A CHALLENGE TO ORGANIZED SOCIETY

In conclusion let me state the conditions I have described are a challenge to organized government. They concern public health and a vast number of dairyman who have their backs to the wall by reason of this monopolistic performance. The legal machinery is adequate for disciplining these exploiters and the time is now ripe when they must be shown that organized government and the law dominates this Nation. The Congress and the country will watch with interest and concern the performance of the Attorney General and the Federal Trade Commission in this situation. [Applause.]

FARM-TENANCY BILL

Mr. DOXEY. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon [Mr. PIERCE].

Mr. PIERCE. Mr. Chairman, my congratulations to our colleague from New York [Mr. CULKIN.] He has put his finger on the difficulty and explained why we have farm tenancy.

We have heard eloquent speeches from the Chairman of this Committee, from the Speaker of this House, and from the always eloquent gentleman from New York [Mr. WADSWORTH]. The real reason for farm tenancy was correctly stated by Mr. CULKIN.

I hope you are all familiar with Charles Beard's history which he calls the Rise of American Civilization. In opening his chapter on agriculture, he says:

> In every age and in every clime where civilization has passed its most primitive form, there has always appeared a small group of men devoted to finance, commerce, and industry, and this group of men has always borne down with terrific oppression upon the group that derives its sustenance from agriculture.

When our Speaker this afternoon so eloquently told us of the conditions in Alabama and described the condition of those people who are the descendants of the Huguenots and the Cavaliers, the best blood of America, I could not help but wonder why they had lost their heritage. It is a well known fact that following the Revolutionary War the finest strip of land on earth was from the Alleghenies west to the Mississippi River and from the Lakes to the Gulf, afterward increased by the Louisiana Purchase and extended later by the acquisition of Texas and the great Northwest. Why did the descendants of these Cavaliers and Huguenots lose their lands? For the very reason that Beard so graphically described—on account of the group devoted to finance, commerce, and industry who, today, have borne down upon the group that lives on the farm as described so eloquently by the gentleman from New York.

Farm tenancy is a symptom, it is not the disease. A few weeks ago I had an acute pain in my side. The physician looked me over. He did not give me medicine to kill that pain, he put me on a table, cut me open, found out the cause, removed it, and this is what we should do with respect to farm tenancy. What has caused it? The very thing that our colleague from New York has so graphically described.

It surely is not necessary to call the attention of the Committee of the Whole House to the fact that this bill under consideration is no cure for the farm problem. It will not even scratch the surface. This farm bill is a mere gesture. The farm problem is a serious one which has been more than a century and a half in the making. Soon it must be met and solved by some substantial and far-reaching action quite unlike our emergency legislation. The American farmer must really be put on a parity with industry or he will sink to peasantry. By "parity", I mean income for labor and investment and resultant products equivalent to that which is the reward in industry and commerce. Farm tenantry is not even one of the major problems confronting the men and women who are producing the food and fiber upon which America is living, and upon which industry thrives. Millions upon millions of acres of land were given by the Government, practically without cost, to the ancestors of many of the present tenants. Conditions that made tenants of them, instead of landowners, are still here. These conditions are not corrected by this bill, nor can they be changed by any similar bill. Tenancy conditions are very different in sections of our country. In my section, good farmers prefer to rent lands because they make more money and have full use of earnings, avoiding taxes and interest. It is now hard to find a good farm for rent. In some sections tenancy seems to be a form of peonage. The same legislation cannot be

curative in all situations. The Committee on Agriculture of the House spent over 12 weeks, sitting almost every day, considering practically nothing but farm tenancy. It was the longest discussion of one phase of the farm situation that has occurred in that committee since I have been a member of it.

THE FIRST TENANT BILL

While I do not consider the problem a major one, nevertheless, since farm tenancy increases year by year, it is a matter of concern and should be studied. It will continue, in spite of all the bills of this class we may pass. Major problems facing agriculture should first be correctly solved. There are two theories advanced for corrective legislation on the farm-tenant problem, and each was forcefully presented by its proponents who appeared before the Committee on Agriculture. The one pressed hardest was the plan by which the Government would buy tracts of land in tenant sections and resell farms to selected tenants. The original idea was to invest $100,000,000 a year for 10 years, or a total of $1,000,000,000 to be provided by the Government for the solution of this minor problem. This parallels the Russian system, making the Government a superlandlord. It would have been a great help to those who have found themselves in possession of enormous holdings of land of little value. I doubt if it would have helped the small farmer. This plan contemplated the supervision of the tenants from the fountain of all wisdom on agriculture, namely, Washington, D. C. Had regulations been adopted similar to those used in Resettlement, the tenant would have been obliged to secure approval from the National Capital for every improvement planned and for each building that he wished to construct. These plans were based on the assumption that Government would supply, as leaders or preceptors, men of perfect judgment and wide practical knowledge. My observation leads me to suggest that men and women engaged in advising others should first qualify themselves by successfully operating under similar conditions.

One idea discussed at great length, incorporated in some of the prints of the bill, was that the tenant should not be allowed to sell the land once he entered the "service" and made payments thereon, until many years had passed. Those who proposed this kind of treatment acted upon the theory that tenantry had been brought about by the carelessness of the tenants; that they had not kept their land, had wasted it and what it had produced. The facts are that tenantry has grown, and will continue to grow, from causes that cannot be corrected by the tenant.

THE PRESENT TENANT BILL

A substitute bill was offered providing for a Government loan fund for those who wanted to buy land and become landlords. This bill, now pending before this House, is a compromise bill and provides that $10,000,000 for the first year may be loaned under certain conditions to tenants selected by the Department of Agriculture which is given the unrestricted right to acquire the lands for the experiment. The second year $25,000,000 to be devoted to such expenditures, and the third year fifty millions. There are about 3,200 counties in the United States; it is safe to say that portions of this money will be desired by nearly 3,000 counties. This would provide one farm of $3,000 in value for some one lucky tenant who wants to become a landowner in each of the 3,000 counties, provided the money is equitably distributed. It is like trying to dip up the ocean with a bucket; it will not make even an impression. It will be difficult to administer such an act impartially and to the satisfaction of the poor farmers. Next year there will be $25,000,000 to spend, that will be two and one-half farms in each county, and the third year it will be five farms to a county at a valuation of $3,000. The facts of the case are, that in most of the Pacific Northwest and much of the North, not very much of a farm can be purchased for $3,000. Still I believe that it is best to pass the bill and stop the clamor for this type of legislation.

OBJECTIONS TO THE BILLS

I am free to admit that I opposed the first bills for the Government's purchasing tracts of land, and then trying to fit the tenants into the picture. I think that was the height of folly, especially for the West. I have no accusations to make and no time to state the fears expressed to me, but how easy it would be for certain people or companies owning tracts of land to make the proper showing to certain officials, and to secure from them the sale of their lands to the Government. How easily the worn-out, valueless, heavily eroded land could be sold to the Government for real money and then unloaded on a poor tenant compelled to assume the burden for repaying his "paternal" Government. The poor fellow might be bilked by the very Government that was pretending to help him. There might have been very great danger of fraud or charges and suspicion contaminating every movement of such a plan for solving the tenant problem. I am glad that system was not adopted.

I dreaded such results more than I feared the situation pictured by our colleague from Iowa, and others, that the farm tenant, after buying a place with Government help, would sell the land when he could make a few dollars. We ought not to prevent the tenant, who has struggled through years without any margin of profit, from realizing a little profit of his own. I, for one, would not blame him when he can have $1,000 in the clear, or whatever he may think sufficient, if he should sell his farm to another. I see no harm in allowing the farmer to be a free agent.

FARM PRICES MUST BE STABILIZED

The real difficulty of the whole agricultural situation will not be even remotely affected by the passage and enforcement of this bill. Among the farmers' serious problems I would list first the uncertainty of price for his products. When he plants a field of corn or an acre of wheat the farmer has to take all chances on weather conditions that may ruin the crop at any time from planting to harvest; and then, when the product is ready for the markets, he is obliged to sell it in competition with the same product from all the leading countries of the world. Especially is this true of wheat. Somebody has said the farmer is a gambler; indeed, I know of no one who takes bigger chances than the wheat farmer, with smaller opportunity to make a winning. I can see no solution for the future except some sort of fixed and guaranteed price. I do not know that the country is ready for it; I do not know that it could be enforced even if we enacted it into law; but certainly from ocean to ocean and in every meeting of groups where farmers' problems are discussed, the question of a reasonable price for leading agricultural products should be under discussion. The 12 weeks spent on the farm-tenant bill, I think, could have been better devoted to consideration of the problem of prices on leading farm products than so many hours spent attempting to get the Government into the real-estate business by purchasing large tracts for the purpose of settling tenants thereon.

SPECULATION IS THE MAJOR FARM PROBLEM

The ever-normal granary is not an idle dream; it is a suggestion worthy of the most careful study. There should be held in this country, at all times, sufficient products, like wheat, to carry us over any reasonable period of crop failure. Wheat, corn, rice, and other products of this nature lend themselves easily to storage and can be carried over from year to year for a reasonable length of time. The plan would aid materially in wiping out the agricultural depressions and levelling down the high spots. When the farmers of the Pacific Northwest harvested their crop in the fall of 1936, all creditors immediately commenced to push hard for their money. Wheat at that time was about 60 cents a bushel at local stations. Many of the farmers, perhaps most of them, were obliged to sell. Wheat later in the fall and early winter went up above the dollar mark at the local stations. That rise of 40 to 50 cents did many of the producers no good—it was money made by the speculators, the warehouse men, who had been able to buy of the distressed farmer and hold for the higher prices. For several weeks, now, in the leading markets of the United States, the price has ranged around $1.10 to $1.30 a bushel, bringing to the farmer something like 85 cents to a dollar. Should the full crop mature, as we now have in prospect, again there will be a depression in prices, unless some unforeseen event occurs.

Many of the farmers will be obliged to market their crop at 75 or 80 cents a bushel, which will leave very small margin of profit, if any. That leads me to the conclusion that there must be some legislation wiping out the speculation in grains. During the years of the World War I was a large producer of wheat in Oregon. We had a set, firm market in Chicago at that time, for the gamblers were not buying or selling. They were not allowed to operate under the law. I took chances when I planted my wheat on the quantity of the crop, but I knew the price I was going to get for it when it was ready for the market. Those were the 3 most happy years of my life in the farming industry. The Government had fixed the price at cost with a reasonable margin of profit. Ever since I have wondered why if such laws can be passed and enforced in times of war they will not serve in times of peace? Speculation in farm products is the first and major farm problem.

TAXES THE SECOND PROBLEM

Another problem, and one that seems to grow worse with the years, is that of taxes, which are just the same whether the farmer has a good year or a bad one, whether prices are high or low. The farmer's possessions out in plain sight are tangible and the assessor has no difficulty in finding them. He can see livestock and land and all the machinery that the farmer has. The assessor fixes the value, and the farmer pays on a higher percentage of value than any other taxpayer. All government activities grow more expensive year by year. The merchant must ask a little more for his goods that the farmer has to buy because he, too, pays more taxes. Farmers' mowers, reapers, or binders cost more because that merchant has to pay the extra charges. In other words, the extra high taxes in city, county, State and Nation are passed on to the man who cannot pass them on—the farmer. He goes ahead and does not and cannot question the price of anything, neither that which he buys nor what he sells. An investigation of the trusts which make farm machinery has been too long delayed. Why does Government permit these prices to soar?

Recently I made a study of the cost of electricity to consumers, comparing Portland and Tacoma. I ascertained that the city of Portland pays about $5,000,000 a year more than it would pay if it had a publicly owned plant operated like that in Tacoma. Those $5,000,000 are paid by the citizens and businessmen of Portland. The merchants of Portland collect them from their customers, some of whom are the farmers, who pay much of that $5,000,000 in increased costs of what they buy, and lowered prices of what they sell.

Several years ago, when Governor of the State, I started a campaign to remove all State taxes from real estate by substituting income and other taxes; I met with many difficulties. I am delighted to note that now, some 15 years later, the goal toward which I struggled in the years gone by has been reached and Oregon levies no taxes upon real property for the maintenance of State government. Real property should pay a reasonable tax, but much of the expense of city and county governments should come from sources other than real estate.

INTEREST RATES ANOTHER PROBLEM

Another ever-present problem on a farm is interest. I have spoken so often in the last 5 years on the floor of this House on the subject of interest rates, that probably there is nothing new to be added. I do desire again to emphasize my belief that interest, unconscionably high interest, is largely the cause of our difficulties today. Our capitalistic system, which has developed such a useful, valuable, pleasant civilization, is based on interest higher than the increase of wealth. It is such a cancerous, deep-seated growth that the only way the present capitalistic civilization can survive is occasional periods of depression in which large amounts of capitalization are wiped out by repudiation and compositions. Business starts up again and goes on until interest has once more brought its evil results, and another depression follows. In other words, the depression cycle seems to be a part of the economic system, for when obligations draw interest beyond the increase of wealth it is only a question of time until those obligations become so oppressive and the annual contribution for interest each year is so large that it cannot be paid. The farmer, being the ultimate consumer and in a business requiring borrowed money, is in a position to bear the brunt. He takes the heavy load resulting from these interest charges above and beyond the increase of wealth. No interest beyond the increase of wealth should be charged or collected on long-time obligations. The one who contributes only his money and demands 100-percent security and takes none of the risks of the business should justly receive only the amount that would approximate the increase of wealth which is usually calculated at about 2 percent a year.

I deeply regret the refusal of this administration to assist in holding the reduction of interest in the Federal land bank to 3½ percent for another year. I realize the fact that the Federal land bank has several millions in outstanding bonds which are drawing 4 percent and more interest, and most of these bonds are not yet callable. The farmers of today ought not to pay for the governmental mistakes of yesterday.

I cannot see now, and never could see, any justification in requiring the borrower to invest 5 percent of the amount of his loan in stock in the loaning association. The same exaction is made from the producer who is obliged to borrow through the Crop Production Association. I never have been able to obtain figures from the Farm Credit Administration as to what portion of that 5 percent exacted from borrowers is lost through bad loans, but my observation is that the loss of this stock is 100 percent to many borrowers. This is not the fault of the farmer but of the method. The result is that many who borrow money on land from the Federal Government at 4 percent pay more than 5 percent for that money. Those who object to the reduced interest rate never mention the 5-percent forced investment.

I know the Farm Credit Administration constantly issues newspaper releases showing the large amounts of money loaned farmers through various governmental agencies. I have no way of comparing these figures with the amounts lent by all agencies prior to 1929. I daresay, if figures could be secured, it would be found that the amount lent through the Production Credit Corporation and the Farm Credit Administration is only a small percentage of the amounts loaned to farmers by banks, insurance companies, and private individuals prior to the catastrophe of 1929. The Government, through its lending agencies, has made rules so stringent, and the demand for securities so severe, that many who would like to secure farm loans have been unable to do so. Many a farmer who would like to negotiate a loan through the Crop Production Association is unable to get it because he cannot meet the severe conditions exacted by the Government. I believe the Government should use every force and power available to keep farm interest rates down, and there are plenty of powers available if they were used. So I name that as another real farm problem which is not even seriously considered at this time, and through this bill.

TRANSPORTATION COSTS A PROBLEM

Transportation is another ever-present problem to the average farmer. The wheat regions of the West are subject to an excessively high toll from transportation lines which move the wheat from local warehouses to mills and water terminals. When the World War was on, freight rates were on an average of about 50 percent less than they are today. Formerly, before the war, I could ship a bushel of wheat from my ranch to tidewater for 9 cents. Those rates have been advanced at different times until today it costs over 15 cents a bushel.

The Interstate Commerce Commission is supposed equitably to adjust transportation rates. They seem to be convinced that their chief duty is to recognize a rate schedule sufficiently high to earn money to pay interest and dividends upon inflated valuations. It has been estimated that if the water could be squeezed out of the stock and bonds of the transportation lines, freight rates could be reduced by one-third.

REAL FARM LEGISLATION NEEDED

I have set forth briefly what seem to me to be the real farm problems. I have done this to explain why I think the pending bill will be of very little value. Those few who receive the preferential benefits will have to struggle along under the same handicaps now making farming difficult and hazardous.

I sincerely hope some farm legislation of real value and widespread benefit can be offered this body. When this bill passes and becomes a law, I hope that the result will be beneficial. I would be sorry indeed to learn that this is offered and pressed for passage to still the demand for real farm legislation. This act cannot justly be called the "Farm Security Act of 1937." That is a misnomer. The act covers only a very small portion of a broad field. Farm security legislation has not yet come before this session. [Applause.]

Mr. HOPE. Mr. Chairman, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. KINZER].

Mr. KINZER. Mr. Chairman, I do not believe much argument is needed to impress the membership not only with the desirability but the necessity for making some approach to the problem here presented.

I am in entire agreement with the gentleman from Nebraska [Mr. COFFEE] when he expressed his judgment with respect to the provision of the bill providing for the lending of Government money up to the full value of the land purchased by the tenant farmer, who is the man sought to be benefited. I have always thought that when you lent the full price, it was not a loan any more, but a sale, and if we are to follow the suggestion laid down by the Speaker, as well as the gentleman from New York [Mr. WADSWORTH], we must realize there is an element of thrift, as well as one of ability, to be considered by the local committee, and I do not think it is wise for us to incorporate in the bill a provision to lend up to the full value, although the local committee may approve a loan for less than the value. If the desirable tenants have a will to accomplish something and to purchase a farm, they should have some part of the fund which is intended to be used, and, following the example of Denmark, 90 percent would be the limit of the loan.

As I have said, I am in entire accord with the suggestion of the gentleman from Nebraska [Mr. COFFEE], and I think an amendment limiting such a loan to 90 percent of the purchase price is a good one.

I believe it is absolutely necessary for the Government to make a start and to grant some assistance, although with the amount of $10,000,000, when divided and spread over the entire Nation, will be very small for the first year. However, a beginning can be made, and, while this amount may not buy many farms throughout the country, it will be a start and provide an experiment which will be helpful in approaching a wise solution of the farm-tenant problem. [Applause.]

Mr. DOXEY. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman, on September 21, 1936, the President addressed a letter to Senator BANKHEAD, of Alabama, suggesting preparation of plans to meet the farm-tenant problem, and in the letter stated:

> Thoughtful people everywhere have been gravely concerned with the steady increase in farm tenancy from 1880 to 1935. Since the earliest days of their history it has been an ideal of the American people that every American should have an ownership interest in land or in some other means of production.
>
> Despite this fundamental objective, we have seen farm tenancy increase relative to farm ownership decade by decade. An enduring agricultural civilization must be built on the firm foundation of home and farm ownership.
>
> Any long-time improvement of the welfare of the Nation and of farm people involves improvement of the tenancy situation.
>
> The tenancy problem in the United States cannot be solved overnight. But through Government financing of land purchased by tenants, other countries, notably Ireland and Denmark, have substantially increased farmer ownership of farm land.
>
> I think we need some such approach. It should give tenants who have demonstrated their ability to manage land an opportunity to buy farms on long-time terms at moderate interest rates.

On October 10, 1936, the President, in a speech delivered in Omaha, Nebr., said:

> It is a further part of our long-time farm policy to attack the evil of farm tenancy. In this we have already made a good beginning with lower interest rates and better prices. We are preparing legislation, in cooperation with farm leaders, to submit to the Congress in January to help solve this problem. We cannot, as a Nation, be content until we have reached the ultimate objective of every farm family owning its own land.

After the election, on January 6, 1937, the President delivered before a joint session of the two Houses of Congress his annual message, in which he stated:

> There are far-reaching problems still with us for which democracy must find solutions if it is to consider itself successful.

And further said:

> For example, many millions of Americans still live in habitations which not only fail to provide the physical benefits of modern civilization but breed disease and impair the health of future generations. The menace exists not only in the slum areas of the very large cities, but in many smaller cities as well. It exists on tens of thousands of farms, in varying degrees, in every part of the country.
>
> Another example is the prevalence of an un-American type of tenant farming. I do not suggest that every farm family has the capacity to earn a satisfactory living on its own farm. But many thousands of tenant farmers—indeed most of them—with some financial assistance and with some advice and training, can be made self-supporting on land which can eventually belong to them. The Nation would be wise to offer them that chance instead of permitting them to go along as they do now, year after year, with neither future security as tenants nor hope of ownership of their homes nor expectation of bettering the lot of their children.

The figures in the 1935 census of agriculture show that there are approximately 2,865,000 tenant farmers in the United States. These are farmers who rent all of the land they operate. They represent more than 42 percent of all the farmers in the country. In addition to these 2,865,000 tenants, we have about 689,000 part owners. These part owners are farmers who own part of the land they operate and rent part of it. They represent 10 percent of all our farmers. Hence, we are faced with the fact that 52 percent—more than half—of all the farmers in the United States rent all or part of the land they farm. An additional 1 percent of our farmers are hired managers. Consequently, only 47 percent of the 6,812,000 farmers, enumerated by the census of 1935, own all of their land.

Realizing the magnitude of the problem, the President appointed a special committee headed by the Secretary of Agriculture and composed of farm leaders, experts, and other distinguished citizens, and directed the committee to make a careful study of the problem to the end that certain recommendations for action might be made. Upon completing its investigation and study the committee filed its report and recommended the enactment of legislation at the present session of Congress. Early in this session H. R. 8 was introduced by the distinguished chairman of the House Committee on Agriculture and was referred to and received the attention of that committee. Extensive hearings were held and many officials, experts, farm leaders, interested citizens, and groups of citizens were heard, and the committee had the benefit of the findings of the committee appointed by the President. Several members of the committee appeared and gave us the benefit of their opinion as to the kind of measure which should be enacted.

In the Seventy-fourth Congress the House Committee on Agriculture held hearings on two bills, H. R. 7018 and S. 2367, but no action was taken at that time. The bill now under consideration is the outgrowth of these long and extensive hearings. I am sure, therefore, that the members of the Committee on Agriculture who have sat through these extensive hearings and protracted executive sessions are impressed with the profound importance of the basic and fundamental problem involved and of the absolute necessity for its ultimate solution.

This bill seeks to deal with a grave social and vitally important economic problem which is national in its scope. I am not afraid that the membership of this House will underrate the importance of the problem with which we are now dealing. I am not afraid that we will forget those in

the rural areas of our country who are not able to scratch out even a bare existence on small and infertile farms and in areas which have been devastated by floods and drought and erosion; those on the hillsides and on the ragged edge of swamp lands far from the stream of commerce and the eyes of the world. I am not afraid that amid the conflicts and bewilderments of the world in which we live that the Democratic Party and its leadership will forget the destitution and poverty of those who are helpless to help themselves in the rural sections of this great country, but, on the other hand, I believe that it will reach out the strong arm of this Government to lift them from their submerged insecurity and dire destitution and take them from submarginal lands and aid them in reaching the goal of every true American farmer—that of obtaining and owning a farm home upon which he and his family may earn a livelihood and enjoy some of the blessings of modern life. This administration possesses the power and the capacity for sensible decision and quick action. While we may not hope for an immediate solution of the problem with which we are now dealing, at least, we must take this step to bring help and hope to those who have in the past been forgotten.

While the amount herein authorized to be appropriated is wholly inadequate, it will at least eliminate in some degree the poverty and economic insecurity of a vital part of our population.

I am sure that no one would suggest that this is a solution of the problem which today faces these destitute rural people, yet at the same time it is an important part of a well-rounded program for agriculture. It will do much through the years to retard the growth of tenancy and to relieve a situation which has been accentuated by an economic collapse. I realize that even a gift of fertile farm land will not in itself mean security. We must in addition stabilize farm income and protect our farmers from wild speculations and extreme fluctuations in commodity prices and land values if we are to find an adequate answer to this pressing problem. The evils of farm tenancy are a national disgrace and land speculation and price fluctuation are the greatest foes of farm ownership. We have in the past few years had at least some degree of stability in commodity prices and land values and now in a modest way we are seeking to lessen the evils of farm tenancy and to improve our system of land tenure.

As a remedy for the present ills this bill is, of course, wholly inadequate and insufficient. For this reason I preferred certain provisions which were stricken from the original bill but as most legislation is the result of compromise I shall gladly support the measure as reported by the committee in the hope that some progress may be made and some security may be brought to those who will receive the benefits of the provisions of this measure. Even though we may not help many, we will at least give a ray of hope to those who are now helpless.

In order to impress upon you the importance of the problem, may I call attention to the fact that 2,865,155 farms were operated by tenants in 1935, and to the fact that between 1925 and 1935 tenancy has increased 40,255 annually, and during the years of 1930–35 increase has been at the rate of 40,158 annually? To further impress upon you the magnitude of the problem, if we assume that $4,000 per tenant farmer is to be invested, it would require, at the rate of increase during the past 5 years, an appropriation of $160,632,000 per year merely to take care of the increased number of tenants, to say nothing of the 2,865,155 other tenants in the country. Even if we could stop the increase and appropriate the sum of $50,000,000 annually to reduce the number of tenant farmers already in existence, spending $4,000 on each tenant farmer, it would require 230 years to eliminate tenancy in the United States. It is, therefore, plain to see that this is a problem of stupendous proportion and is one which will not be solved in this generation, yet all fair-minded men will agree that we should do something to help those who are most worthy in this great group of our citizens. We should adopt a long-time program, a practical program, which will make the tenants' climb to ownership easier and their security more certain.

Many of these tenants have once known and enjoyed the pride of ownership but, due to no fault of their own, were forced to fall back into tenancy. If our system is improved and agriculture is made profitable, these men and women will again take their proper places in American life. We must, therefore, improve and perfect the system under which they are to labor and give them another chance to prove their real worth. We must expand our foreign trade and develop our domestic markets, and give to those who labor in the field a degree of security yet unknown. This must be done if we are to check the growth of tenancy and save those who are now fighting to hold onto their farm homes. Many of our landlords are now only tenants, mortgagors in possession, working for those who hold encumbrances upon their farms. The plight of the American farmer is a challenge to our statesmanship. When our great President pointed out that one-third of our population is ill-clothed, ill-fed, and ill-housed, surely he had in mind that large group of our citizens who are poverty-stricken upon the farms of our Nation. In May 1935 approximately 1,000,000 rural families were on relief. If we assume that there are 5 in the average family, we have the spectacle of 5,000,000 people from the farms of America forced to accept public charity.

Even if we go back to 1929 there were about 398,000 farm families in this country which had a total gross income of less than $250 for a year. This included the products which they sold, traded, and consumed, their meat and bread, fruit and vegetables, and all that they had to eat. If we assume that the average size of the family was 5 people, we had 1,990,000 people, each one of whom had a gross income for the year of $50, or less than 8 cents a day. Of course, many of these farm families are twice as large as the figure used and, therefore, the income of many individuals would be less.

Census figures show 916,000 farm families with a total gross income of less than $400. Assuming that they are families of 5 people, this means $80 annually for each person in the family, or $40 annually for members of families of 10, and this is not unusual in many sections of the South.

Even in 1929 about 47 percent of all our farmers had an annual gross income, including the value of products grown and consumed on the farm, of less than $1,000. These figures include both landlords and tenants. Is this the true picture of real American life? Is it the American standard of living? But, you say, this bill will not bring about the stabilization of an adequate farm income or remedy the ills of which I complain. No, but it is an important step which must be taken without delay.

I realize that there are some who will say that this is a continuation of the Resettlement Administration. I know that some will say that the Resettlement Administration has spent huge sums of money, much of which has been wasted. While I hold no brief for the Resettlement Administration, its extravagance and its waste, I am unwilling to condemn its high objectives merely because those who first embarked upon the program were ill-advised and are guilty of faults and failures and follies upon which I am not willing to place my stamp of approval. The Resettlement Administration undertook many foolish, unsound, and extravagant projects, but even so I am unwilling to repudiate it or the man who issued the Executive order which brought it into existence. I am willing, therefore, and anxious to vote for this bill which authorizes the completion of the Resettlement projects which have been undertaken, to the end that that which has been invested may not be totally lost.

I know that there are those present who would like to see this bill defeated so that they could go to the country next spring with the cry that this Congress had repudiated the emergency program set up by the President for the rehabilitation of agriculture and the resettlement of some of our poverty-stricken farm people. I cannot, in the brief space of time allotted, discuss that which has been done by the

rural-rehabilitation section of the Resettlement Administration in bringing relief to poverty-stricken farmers, nor can I discuss the fine service which its Land Utilization Division has rendered in reclaiming submarginal land and correcting maladjustments in land use and in making farming more profitable. Even though the Resettlement Administration has made many mistakes, let us not burn down the house to get rid of the rats, but rather let us profit by the mistakes which have been made and go forward with a broadside attack upon the problem of rural slum clearance.

The bill which we are now considering, H. R. 7562, is a bill to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, and for other purposes. The bill authorizes the Secretary of Agriculture to establish in the Department of Agriculture a Farm Security Administration to assist him in the exercise of the powers and duties conferred by this act. The act authorizes an appropriation of not to exceed $10,000,000 for the first fiscal year ending June 30, 1938, not to exceed $25,000,000 for the fiscal year ending June 30, 1939, not to exceed $50,000,000 for the fiscal year ending June 30, 1940, to be administered by the Secretary through the Farm Security Administration in making loans to farm tenants, farm laborers, sharecroppers, and other individuals who obtain or who recently obtained the major portion of their income from farming operations for the purpose of purchasing efficient farm management units sufficient to enable a diligent farm family to carry on successful farming which the Secretary deems can be successfully carried on in the locality in which the farm is situated.

Realizing the wisdom of decentralizing the functions of Federal agencies, the bill provides further for the establishment of county committees which shall be charged with the duty and responsibility of receiving applications of persons desiring to finance the acquisition of farms by means of a loan from the Secretary under the provisions of this bill and with the duty and responsibility of examining and appraising the farm or farms which are to be purchased, and in general to pass upon the eligibility of the applicant, the character of the farm to be purchased, and the amount which the committee finds is a reasonable value of the property to be bought.

The Secretary is authorized to loan the full, fair, and reasonable value of the farm for an agreed period of not more than 30 years at a loan rate of 3 percent per annum and to make certain other provisions for the protection of the security which will require insurance, maintenance, and repair and prevent waste and exhaustion of the farm property and its fertility. The amount so appropriated shall be distributed equitably among the several States and Territories on the basis of farm population and the prevalence of tenancy.

REHABILITATION LOANS

Under title II of the bill the Secretary is authorized to make loans to eligible individuals for the purchase of livestock, farming equipment, supplies, and other farm needs, and for the refinancing of indebtedness and family subsistence. These loans are to be made at the rate of 3 percent per annum and shall have maturities not in excess of 5 years and shall be secured by a chattel mortgage, crop liens, and the assignment of proceeds from the sale of agricultural products.

No definite amount is authorized to be appropriated for this purpose other than unexpended balances available to the Secretary for loans and relief to farmers and such other sums as the President is authorized to allot to the Secretary out of appropriations for relief or work relief.

The Secretary is further authorized to assist in the voluntary adjustment of indebtedness between farm debtors and their creditors. Under the farm debt adjustment program which has been undertaken by this administration the farmers of the Nation have been saved millions of dollars.

RETIREMENT OF SUBMARGINAL LAND

Title III authorizes and directs the Secretary to develop a program of land conservation and land utilization including the retirement of lands which are submarginal or not primarily suitable for cultivation and charges him with the responsibility of improving, developing, and administering the property so acquired and authorizes him to sell, exchange, lease, or otherwise dispose of any such property upon such terms and conditions as he deems will best accomplish the purpose of the title.

Title III further directs the Secretary to pay to the county in which the land is held by the Secretary under this title, 25 percent of the net revenues received by the Secretary from the land during such year. This is a payment in lieu of taxes. The payment so made shall be made upon the condition that it is used for school or road purposes.

For the purposes mentioned in title III there is authorized to be appropriated not to exceed $10,000,000 for the fiscal year ending June 30, 1938, and not to exceed $20,000,000 for each two fiscal years thereafter.

GENERAL PROVISIONS

Title IV provides for the establishment of the Farm Security Administration, the appointment of personnel, and general provisions with reference to the administration of the act, including local committees to be composed of three farmers residing in the county.

Title IV further authorizes the Secretary to continue the activities of the Resettlement Administration to the extent that may be necessary only for the completion and the administration of those resettlement projects, rural-rehabilitation projects for resettlement purposes and land development, and land utilization projects for which funds have been allotted by the President.

I desire to remind our Republican brethren of the fact that the Republican platform adopted in 1936 has this to say with reference to agriculture and with reference to the farm problem now under consideration:

> The farm problem is an economic and social, not a partisan, problem, and we propose to treat it accordingly.

Again I quote from the Republican platform:

> We propose—
>
> A national land-use program, including the acquisition of abandoned and nonproductive farm land by voluntary sale or lease, subject to approval of the legislative and executive branches of the States concerned, and the devotion of such land to appropriate public use, such as watershed protection and flood prevention, reforestation, recreation and conservation of wildlife.
>
> To provide for ample farm credit at rates as low as those enjoyed by other industries, including commodity and livestock loans, and preference in land loans to the farmer acquiring or refinancing a farm as a home.

In this connection I desire also to call attention to the Democratic platform of 1936 in which we find this language:

> We recognize the gravity of the evils of farm tenancy, and we pledge the full cooperation of the Government in the refinancing of farm indebtedness at the lowest possible rates of interest and over a long term of years.

Our hills and valleys and fertile lands are ladened with gifts quite beyond the comprehension of man. While it is true we have extended our geographical frontiers until now the stream of commerce flows into even the remotest sections of our great and common country, yet we are now face to face with a problem of further extending the social and economic frontiers of modern American life. Here is a problem and here is a field of human endeavor wherein the tingling thrill and all the tremor and throb of eager and earnest emotions can be used to the greatest and grandest advantage. While it is true that America stands out today as the greatest force in world progress, when we think of the problem of farm tenancy we must be conscious of a great lack of full and complete accomplishment. In passing this bill we are embracing a fundamental problem of first magnitude and stupendous proportions, yet it is a problem which Americans will and must some day solve.

Mr. DOXEY. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. LUCAS].

Mr. LUCAS. Mr. Chairman, regardless of how much money might be appropriated by the Federal Government for the purpose of curing the evil of farm tenancy, I undertake to say that under present economic conditions that such would be an impossible task. Until there is a stability of price of the basic commodities and until the farmer's dollar has a purchasing power on a parity with all other industry, we are attempting to do something which may aggravate rather than clarify the issue, as I see it. Nevertheless I am for this farm tenancy bill as it stands at the present time, and I sincerely hope that the membership of this House will stand firm and pass this bill as reported by the Committee on Agriculture. I trust that under no circumstances will we submit to the terms and conditions of a bill which is proposed at the other end of the Capitol. Our committee studied the provisions of H. R. 8 for many weeks, which is in substance what is reported out by the Senate at the present time. Extensive hearings were held upon that bill, the result being that a majority of the committee favored the principles endorsed in the legislation before you. There are many problems in the Senate bill which are difficult of administration and should not be embodied in any bill which is designed in the first instance as an experiment to meet a national condition. I call attention to what seems to me glaring defects and not in keeping with the spirit of American institutions.

First. The restriction of alienation is unknown in America. It is common in European countries where dictators and monarchies prevail. I undertake to say that any time a man has the money to pay for his farm he ought to be able to get a deed for that farm and not wait for a period of 20 or 40 years, as originally proposed. The gentleman from Iowa [Mr. BIERMANN] seeks to enforce this restriction and bases his argument on the fact that speculation in land will be restrained. If you want to keep the question of speculation out of the picture, why penalize the owner of one of these Government-loaned farms and permit the man next door who owns land to make a profit when there is a speculative boom in the country?

Pass the windfall tax which affects all land alike, as was suggested by the President's committee, reporting to the House Committee on Agriculture when we held our hearings.

Second. If you pass the Senate bill the Government will control the lease of every farm in every community in America. In other words, the remaining tenants in that community are going to compel the landlords to go along with Uncle Sam, who will be the greatest landlord in America in time to come. Every lease in the county will be centered around the leases which are being promulgated by the Government. If a landlord cannot compete with Uncle Sam he will be forced as a matter of self preservation to sell his land, and the Government will be the ultimate purchaser.

Third. On the question of taxes, the Senate bill provides among other things the following:

"Real property, other than real property to which subsection (a) applies, acquired, held, or leased by the corporation under this title shall be exempt from taxation by any State, Territory, or political subdivision."

Mr. NELSON. From what bill is the gentleman reading?

Mr. LUCAS. I am reading from the Senate bill that has been reported out. In other words, if the Government acquires a farm it is exempt from taxation so long as the title remains in the Federal Government. Think of such a provision being incorporated in a bill. Think of the bitterness and the rancor that will be engendered in every community as a result of this unfair discrimination. If that bill comes here upon a conference report, and our conferees permit the Senate Members to have their way, gentlemen who vote for it may have their political future somewhat jeopardized, especially if the United States Government is permitted to have its lands exempted, and the farmer down the road is compelled to pay the regular tax assessed by the assessor in that community.

Fourth. Death of the purchaser: Here we find plenty of problems from the standpoint of law, when one of these tenants dies, if the Senate bill becomes the law of the land. One of the best lawyers who came before our committee said he could not tell where the Federal jurisdiction started and where the State jurisdiction ended, or where the State jurisdiction began and the Federal jurisdiction ended. In that statement I concur. Whether the contract for a deed would be personal property or would be considered under the doctrine of equitable conversion is not clear.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HOPE. Mr. Chairman, I yield the gentleman from Illinois 2 additional minutes.

Mr. LUCAS. Another matter of importance in the Senate bill involves the question of double jeopardy. In other words, if the tenant be charged with arson for burning the barn on Government property, he not only can be prosecuted in a Federal court but he can also be prosecuted in the State court. If he is acquitted in the Federal court, they can bring him to the county where the barn is located and prosecute him again for the same offense, just like they used to do in the prohibition days.

In conclusion, Mr. Chairman, I boldly assert that any tenant in this country who is frugal, industrious, and thrifty, the type of tenant that the Government seeks to keep in the farm-tenancy program, will never go in partnership with Uncle Sam if he thoroughly understands the bill that has been reported out of the United States Senate today, providing it should be enacted into law. I undertake to say that if I had the opportunity of explaining that bill to the type of tenant worth while he never would sign a contract with Uncle Sam.

It is only the man whom we call the cove in the mountain, or the irresponsible tenant who never was worth anything to himself or to his community or to anyone else, who will take hold of a contract of that kind and attempt to carry on in behalf of himself and the Government.

Mr. Chairman, the buying of land by the Government and the resale thereof to tenants is the beginning of a dangerous philosophy of Government ownership of land. It is estimated that within 40 years the Government would have under their control or jurisdiction a million tenants. The next step will be to take them all in as they do under the powers of a dictatorship. I trust the time may never come when such may happen, but if the Senate bill should be agreed to, I can see the beginning of the end of independent and free ownership of lands in this Republic.

Mr. LANZETTA. Mr. Chairman, in connection with the bill, H. R. 7562, I ask unanimous consent to include a letter from the Secretary of the Interior to the chairman of the Committee on Agriculture [Mr. JONES] together with some tables showing purchases made by Puerto Rico from the United States.

The CHAIRMAN. Without objection it is so ordered.

There was no objection.

The matter referred to is as follows:

THE SECRETARY OF THE INTERIOR,
Washington, D. C.

HON. MARVIN JONES,
Chairman, Committee on Agriculture,
House of Representatives.

MY DEAR MR. JONES: My attention has been called to the fact that H. R. 7562, a bill for the Farm Security Act of 1937, introduced in the House on June 17, 1937, as a substitute for H. R. 6240, was reported out on June 18, 1937, and referred to the Committee of the Whole House; and that this bill, in its present form, does not extend to Puerto Rico, although it does extend to Hawaii and Alaska, and although the Senate bill, S. 106, the companion bill to the original bill, H. R. 8, for which 6240 was substituted, as reported to the Senate and now pending there, does extend to Puerto Rico.

Puerto Rico with a population now estimated at 1,800,000 is, in population, by far the greatest of the organized Territories whose people are citizens of the United States. It is greatest in amount of purchases from the mainland as well as in population. It

purchased $86,352,000 worth of goods from the mainland in 1936, largely farm products. Its purchases were greater than those of any other area in the Western Hemisphere except Canada, and were greater than those of any country in the world, outside of Canada, except Great Britain, France, Germany, and Japan. Since 1931 Puerto Rico has risen from the tenth among world customers of the mainland United States to sixth place, increasing her purchases during that period from $60,637,000 in 1931 to $86,352,000 in 1936. She buys from the mainland nearly everything she consumes.

Puerto Rico is almost wholly agricultural, and because of her dense population it is peculiarly necessary that her land be utilized as fully and advantageously as possible. With a total acreage of about 2,240,000 acres, it is estimated that only about 1,220,000 acres are now under cultivation, which gives only about seven-tenths of an acre per person for the total 1,800,000 people in the island. Perhaps 500,000 acres more can be made available. After the disastrous hurricanes of 1928 and 1932 many small farmers, particularly coffee farmers on the hillsides, abandoned their lands and drifted to San Juan and the others of the larger cities of the island, accentuating slum conditions there and adding to the social problems. Their former lands rapidly go back to jungle or are exposed to erosion. It is imperatively necessary that aid be extended to such small farmers, to reinstate them on the land, to save the lands, and to ameliorate social conditions in the island's cities. The loans and credits contemplated by titles I and II of H. R. 7562 could well be utilized and would be of great help for these purposes. There are also some submarginal lands which should be utilized and developed under a program such as that contemplated in title III of this bill. Tropical products, such as vanilla beans, quinine, bamboo, and other tropical plants, as well as coffee, can be grown on these lands, products of a kind well designed to check erosion on the hillsides, and not to compete with mainland agricultural products.

Because of its dense population every social and governmental problem is accentuated in Puerto Rico. Here is a farm community with the density of a city suburban population. If Iowa were as densely populated as Puerto Rico it would have some 28,000,000 people. Texas would have around 130,000,000. This places a definite responsibility on the administration for the welfare of these American citizen farmers. Puerto Rico has not received more than its fair share of Government benefits during the period of the depression, in spite of the needs arising from this heavy population. Rather, it has received less, on a per-capita basis, indeed, less than one-half the average share of the States and Territories, as appears from the brief tabular statement hereto appended. Detailed figures are before your committee in the hearings on the sugar bill. (Hearings on H. R. 5326, present session, before special subcommittee, Mar. 15–22, 1937, serial B, pp 88–93 and 116.)

As was said in Secretary Ickes' letter to you of May 7, 1937: "Since the great fundamental principle of American democracy is the equal treatment of all citizens, there is no need to dwell upon the moral or practical necessity of avoiding economic discriminations against the citizens of the United States who may be residing in insular parts of our country."

It is earnestly requested, therefore, that a committee amendment to this bill, H. R. 7562, be accepted that will extend its provisions to Puerto Rico. That purpose could be accomplished by the following changes in the present bill:

In section 1 (a), in line 1 on page 2, strike out the word "and", the first word of the line, and insert a comma in lieu thereof, and insert in the same line after the word "Hawaii" the words "and Puerto Rico."

In section 50, in line 14 on page 17, strike out the word "and", following "Alaska" and insert a comma in lieu thereof, and strike out the period at the end of the line after the word "Hawaii" and insert "and Puerto Rico."

Sincerely yours,

(Signed) CHARLES WEST,
Acting Secretary of the Interior.

Puerto Rico:	
Imports from United States mainland, 1936—Sixth best customer; exceeds any other in Western Hemisphere except Canada; exceeded only by Great Britain, Canada, Japan, France, and Germany.	$86,352,000.00
Buys 92 percent of all its purchases from U. S. mainland.	
Population about 1,800,000; area only about 2,200,000.	
Benefits, all sources last 3 years, per capita	26.51
Plus, from retained customs duties and taxes, per capita	6.46
Total benefits	32.97
Average benefits per capita all States and Territories, same years	68.41
Average benefits all other territories, same years	55.72

Mr. HOPE. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. GEHRMANN].

Mr. GEHRMANN. Mr. Chairman, I really had not expected to get any time on this bill, but I am very, very much interested in the problem. All my life I have operated a farm, and I am still operating it—at least, my family is operating it during my absence. That is the only way I had to make a living until I came to Congress, and now I spend the money I make here on the farm to pay for losses incurred. I am very much interested in this attempt to make a start at farm ownership. In Wisconsin a few years ago we had about 12 percent renters, and now it has crept up to nearly 40 percent. Certainly it was not through the fault of the majority of the farmers in that State. A majority of the farmers are either German or Scandinavian extraction, the type that certainly did not squander their money or who are shiftless farmers. They are the conservative, hard-working, up-to-date farmers, who have tried their best to make a living and who, through no fault of their own, have drifted into a condition where they are losing their farms by the thousands yearly that were operated for three or four generations by their people.

While this bill does not go nearly far enough, and the committee admits it does not go far enough, it is a step in the right direction.

We already have the Resettlement Administration with an office and personnel in every county looking after rehabilitation loans or grants. These local people in my State are for the most part very well acquainted with all the farmers that are in distress. They could pick out those worthy of consideration when applications are received, and drop those not worthy, without creating the expense of investigating each applicant. I believe that the Secretary of Agriculture should use the Resettlement county set-up.

The gentleman from New York [Mr. CULKIN] certainly hit the nail on the head when he said that the price-fixing monopolies have driven the farmers of the country, especially the dairy farmers, to their present plight. I know that this is true in other lines as well. The packers control the price of the animals they buy as well as the price of their finished products. The gentleman from New York stated that in the case of the dairy industry the price of cheese for the whole United States is fixed at Plymouth, Wis. This is true. It has gone to such an extent, the monopoly is so great, that in 1931 the Department of Agriculture, with the consent of the Governor, appointed a special committee consisting of three producers chosen by the farmers and the cheese producers, three men selected by the processors, the packers, and the large cheese buyers, and the State appointed the seventh member to represent the State as a whole. I happened to be the unfortunate victim that had to act as umpire between the producer that wanted all he could get and the buyer that wanted it as cheaply as possible. We met at Plymouth every Friday, that being the day on which the price of cheese is fixed—every Friday at 2 o'clock in the afternoon there is a sham auction, and the highest bidder sets the price of cheese for the United States. But there is very seldom more than one bid for a certain type of cheese. A few of the big buyers get together around a table for lunch and agree on who is going to bid on the cheese that is to be auctioned off to the highest bidder at 2 o'clock. There never was any competition unless they happened to have a batch of cheese they wanted to unload on some little fellow who was foolish enough to overbid them; but they have taught the little fellows a few lessons, so that very seldom anybody dares to bid.

The State of Wisconsin tried to break up that ring with the fair-price committee mentioned, but it was impossible. The committee studied the situation for 9 months. We found it was a problem for the Federal Government, not the States. In spite of the fact that Wisconsin at that time produced 74 percent of the cheese in the United States, we found we could not solve it, for they said they would simply move their offices over into another State if we tried to interfere with them or molest them at all. So I say that the gentleman from New York has put his finger on the pulse of the evil: The monopolies fix the price both to the producer and the consumer. I blame the farmers, of course, for not organizing, so as to control their own commodity, their investment, and their labor.

No other industry in the world today allows the price of the product, their money, their investment, their brains, their toil, to be fixed by others. Agriculture is the only industry that seems willing to produce, and then take whatever price somebody will offer for their goods. The farmers, because of lack of foresight to organize and control their own production, allow a monopoly such as the National Dairy Co., which is a holding company and controls every major dairy distributing agency in the United States, to fix the prices of their products.

The United States Attorney and the Federal Trades Commission should have taken steps long ago to dissolve this gigantic dairy trust that holds a strangle hold on the price of dairy products.

But the farmers should become better organized so that they may some day say, "It costs me so much to produce these products, and unless you pay me that price, you cannot have it." Yes, producer and consumer must eliminate these unnecessary middle men for the benefit of all concerned. [Applause.] [Here the gavel fell.]

Mr. HOPE. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. LORD].

Mr. LORD. Mr. Chairman, some of the provisions of the pending bill may be good, but there are many with which I do not agree. I believe, with the gentleman from Nebraska [Mr. COFFEE], and the gentleman from Pennsylvania [Mr. KINZER], that the purchaser of a farm should have some financial interest in it and should provide some portion of the purchase money.

To my mind, we need more to purchase small tracts of 5 or 10 acres for the tenants. Many of them cannot operate a large farm but could a small one.

What I am most interested in and what I want to talk about in the brief time allotted to me is submarginal land that in volume of thousands and thousands of acres are being taken from the tax rolls of this country. Most of this land in my district is timber land. Twenty-five percent of the profit derived from these lands is returned to the counties where located, for highways and for schools, but there will be no income. The net result will be that the withdrawal of this land from the tax rolls will add just that much more to the burden of the farmers in the districts throughout my State, New York, and what applies in New York applies to all States. The State of New York buys land for reforesting at a cost of $4 an acre. It is assessed for what it costs and pays the local rate of school and highway taxes; and I believe this bill should carry a similar provision, for just as soon as you take land out of taxation, take it off of the tax rolls, it adds a great deal more to the tax burden the remaining land must bear.

It is my intention to offer an amendment to correct this situation, and I hope it may have the support of this House. Some of this land the Government is buying costs as much as $20 an acre. In some instances where there are woodworking factories, acid factories, and so forth, they are dismantling the factories, and tearing down dwellings, and this all goes off the tax rolls. It is planned to keep this land for years, I suppose, and let the timber continue to grow, but during all this time it will be out of taxation. It seems to me this creates an unfair situation, and I ask your support of the amendment I shall offer at the proper time.

Mr. Chairman, I yield back the balance of my time.

Mr. DOXEY. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. TARVER].

Mr. HOPE. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. TARVER].

Mr. TARVER. Mr. Chairman, my only purpose in using this brief allotment of time is to endeavor to call to the attention of the House three amendments which I intend to offer when this bill is reached for consideration under the 5-minute rule, and which I intend to ask unanimous consent to have printed in the RECORD in connection with my remarks. It is manifestly impossible to discuss any of these amendments in the brief time I have at my disposal.

Two of my amendments, construed together, have for their objective the removal of a condition provided in this bill which I think you will agree with me ought to be corrected: This bill as it is drawn and as I construe it would subject the equity of the borrower who might secure money for the purpose of purchasing a farm to levy and sale under civil process for the payment of debts. The amendments to which I have made reference undertake to provide that for a period of 5 years the equity or interest which the borrower may have in the land purchased shall not be subject to levy and sale under civil process without the consent of the Secretary of Agriculture. There are other objectives sought to be achieved by the amendments, but that is the principal one.

I think you will agree with me where a man has become overburdened with debt, perhaps, and is given a new chance by reason of the extension of the benefits provided by this legislation, and enters upon a farm purchased for him by the Government of the United States and manages to make some payments thereon, as a result of which he acquires an equity in the farm, we should not permit him to be sold out within a year or two after his equitable interest may have been acquired under processes in favor of creditors whose debts may have been existing at the time when the farm was purchased for him by the Government. We ought to give him at least 5 years in which to straighten out his affairs and we should provide that during the 5 years any interest or equity he may acquire in the land shall not be subject to levy or sale under civil process.

I understand it is insisted by some members of the committee that that matter would be taken care of by the homestead laws of the various States. That unfortunately is not true so far as my own State is concerned and I am satisfied it is not true with regard to many of the States of the Union. In my State a debtor may waive his homestead rights by written instrument executed for that purpose, except as to $300 worth of household and kitchen furniture, wearing apparel, and provisions; therefore, under the terms of this bill and under the laws of my State a sharecropper or tenant, perhaps heavily involved, who might be given the opportunity provided by this bill and allowed to purchase a farm, could be sold out as far as his interest or equity in the farm is concerned at any time after it may have been acquired to satisfy the claim of any creditor holding an obligation of that kind which he may have reduced to judgment. It would be true, of course, that if the instrument taken by the Government were a trust deed, the amount of the Government's debt would first have to be tendered or paid by the creditor, but the farm could nevertheless be sold out from under a borrower who might be in good faith meeting all of his obligations to the Government.

The amendment also prohibits the assignment of the interest of the sharecropper or tenant not for a period of 20 years, but for a period of 5 years after his acquisition of the property, except by consent of the Secretary of Agriculture. It does not go as far as the amendment which has been proposed by the gentleman from Iowa [Mr. BIERMANN]. It does, however, afford to the sharecropper or tenant who may have been accorded the opportunity to buy a farm at least 5 years' protection from land sharks or speculators who possibly might inveigle him into parting with the interest which he may have acquired.

Mr. Chairman, I invite the membership of the House to read the language of the amendments which I have not discussed in detail, as they will appear in today's RECORD. I sincerely trust that after you have done so and have given to the subject matter the consideration which I feel it deserves you may feel justified in supporting them.

The amendments which I have referred to are, as follows:

Line 16, page 3, after the word "committee", insert "or any person related to such member within the fourth degree of consanguinity or affinity."

Page 4, line 1, after the words "shall be secured by", strike out the remainder of line 1 and line 2 and insert "instruments vesting the legal title to the farm in the Secretary of Agriculture for the use and benefit of the United States as its interests may appear, and the acquisition of title to such farm or of rights and interest therein by the borrower shall be strictly in accordance with the terms of the instruments executed in connection with such loan."

Page 5, line 3, after the word "payable", strike out the period and insert a colon and the following proviso:

"*Provided*, That the borrower shall not for a period of 5 years after the loan is granted, nor at any time until 25 percent of the loan has been repaid, have an assignable interest in the farm, unless the Secretary agrees that such an interest shall vest in him, nor shall he have any equitable or other interest subject to levy and sale under process in favor of creditors under the laws of any State for such period of 5 years."

No Member of this House is more deeply interested in this proposed legislation than I am, or will work more consistently for its passage, whether my amendments are adopted or not. I shall simply offer them because I feel that they will improve the bill. My first amendment relates to the provision in section 2 (c) that no county committee shall certify for purchase and sale to a tenant any farm in which any member of the committee has any property interest. My amendment broadens this so as to exclude from consideration farms owned by close relatives of the committeemen, and without it a committeeman might have the Government take over for sale to a tenant or sharecropper a farm owned by the committeeman's wife, brother, father, or other near relative. The propriety of so amplifying this restriction is clearly apparent. No committeeman should be allowed to profiteer for himself or family in carrying out his duties under this program.

The two amendments—one in line 1, page 4, and the other in line 3, page 5—are necessary if any restriction is to be imposed upon the alienation of the sharecropper's or tenant's equity in the farm bought for him, either by his voluntary act or by sale under civil process. Under the bill as drawn, the title to the land is to vest in the borrower, who may secure his loan by executing a mortgage "or" deed of trust. If he executes only a mortgage, there can be no question of the right of judgment creditors to sell his equity for the satisfaction of their debts. If he executes a deed of trust, under the laws of my State, such creditors could have levy made upon the land after first paying or tendering the amount due the Government. With either instrument it does not appear possible for the Government to prevent voluntary sale by the borrower of his equity, and the only restriction sought to be applied to such procedure is the right of the Secretary in such an event to declare the balance of the loan immediately due and payable. This would not interfere with a transaction in which the purchaser of the borrower's equity might be able and willing to pay the balance due the Government, and thus secure complete title. The temptation of a borrower who had been hard pressed all of his life if he found himself in possession of a farm which had increased in value since the Government's loan was made to him, or in which by his own payments he had acquired a substantial equity, to sell out, take a few hundred dollars profit, and rejoin the tenant class, might be overwhelming in many instances. Since the purpose of this bill is to seek to bring about the eradication of tenancy, and have the men who work the farms own the farms, it certainly seems to me that provision ought to be made for at least 5 years against alienation of the borrower's equity, either voluntarily or involuntarily. This I do not understand that we can do unless the title is placed in the Government when the Government furnishes the money to buy the farm. If that is done, then the Government may fix by contract with the borrower such restrictions as to the character of interest which may vest in him, and when it may grow to be of a type subject to alienation, as it feels are proper. The amendment on page 5 will therefore not be offered unless the amendment on page 4, providing for the acquisition of title by the Government, is agreed to. If that amendment is agreed to, there can be no doubt as to the validity of the restrictions sought to be imposed by the amendment on page 5.

It will be noted that the amendment on page 5 does not preclude alienation, either voluntary or involuntary, if the consent of the Secretary can be secured. That will insure proper consideration of cases where under unusual circumstances it might be proper to permit such alienation.

I have long been interested in the problem of the tenant farmer. I have heretofore been heard many times in his behalf on this floor, in connection with farm legislation of various types. In my judgment, he usually gets the hot end of the poker in legislation proposed for farm relief. I do not think this bill will solve his problem. It is, however, a bona-fide, conscientious effort to start toward solving it, and so far as I am concerned, I shall support such a step, although it may go only a little way. The solution of that problem is essential to the welfare of our entire country.

Statistics have been placed in the record showing the growth of farm tenancy and share cropping to a point where 52 percent of the farmers of the United States are farming lands which in whole or in part are owned by others. This condition cannot continue and the agricultural population of the country remain, as it has always been, the backbone of American citizenship. Nowhere is the problem of greater importance than in my own State and in my own congressional district.

The importance of tenancy in the Seventh Congressional District in Georgia varies considerably from county to county, but it is relatively important throughout the area. Only about one-third of the farmers are tenants in Dade County while almost three-fourths of them are tenants in Bartow and Polk Counties.

The following table indicates the importance of tenancy in the Seventh Congressional District in Georgia. It shows the number of owners and tenants and the percentage of tenancy by counties for 1935.

Counties	All farmers	Owners	Tenants	Percentage of tenancy
Bartow	2,373	710	1,655	69.7
Catoosa	1,182	571	610	51.6
Chattooga	1,450	512	930	64.1
Cobb	3,292	1,388	1,902	57.8
Dade	555	355	199	35.8
Douglas	1,423	539	884	62.1
Floyd	2,835	1,032	1,795	63.3
Gordon	2,632	966	1,693	64.3
Haralson	1,962	831	1,148	57.9
Murray	1,581	664	916	57.9
Paulding	2,088	860	1,227	58.8
Polk	1,933	590	1,338	69.2
Walker	2,616	1,402	1,203	46.0
Whitfield	2,031	984	1,044	51.4
Total	27,973	11,374	16,544	59.1

The following table shows the percentage of tenancy in the entire State of Georgia:

Year	Percentage of tenancy	Year	Percentage of tenancy
1880	44.9	1920	66.6
1890	53.5	1930	68.2
1900	59.9	1935	65.6
1910	65.6		

The increase in my State from 44.9 percent in 1880 to 65.6 percent in 1935 of farm tenancy should alarm every citizen who is really interested in agricultural welfare. It is with a grateful heart that I support the efforts now being made by this administration to at least make a start toward the solution of this problem.

Mr. HOPE. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Chairman and colleagues, we have under consideration H. R. 7562, which purports to encourage and promote the ownership of farm homes, and for other purposes. I have enjoyed and feel that I have been greatly benefited by the speeches I have heard on this bill. Splendid speeches have been made by Mr. JONES, chairman of the Agriculture Committee; Mr. HOPE, the ranking Republican member; Mr. BANKHEAD, the Speaker of the House; Mr. WADSWORTH, of New York; Mr. LEMPKE, and others. All of these speeches have been free of partisan appeal and have been very informing.

The policy declared for in this bill—to make farm owners out of tenant farmers—is most appealing. Inasmuch as I was brought up as the son of a tenant farmer, it will be seen

at once how deeply interested and how sympathetic is my attitude toward this legislation.

The declared purpose is to aid the unfortunate and the meek and lowly. There are many wonderful men and women who, because the breaks were against them, have been forced to drag their lives out in poverty as tenant farmers. To my way of thinking, there is nothing that can add so much to create and maintain a fine, patriotic citizenship as for the citizens to own their own farms and homes.

According to the census reports, the total number of farms in the United States is 6,812,350. The average size of the farms is 154 acres, and the average value is a little less than $5,000. There are 2,865,000 tenant farmers. It can be seen at once that almost half of the farms of the United States are being operated by tenant farmers or sharecroppers. The total farm population is approximately 32,000,000. Nearly 16,000,000 of these are made up of the tenant farmers and their families. It can be seen at once the bigness of the tenant-farm problem.

The platform of the Republican Party last year expressly declared in favor of farm-tenancy legislation, and the Democrats made similar promises. I am supporting this measure because of the principle involved and the policy declared.

LESS THAN A GESTURE

The thing that worries me, however, is the meager sum authorized to be appropriated. This bill carries no appropriation at all—it merely authorizes Congress in the future to appropriate $10,000,000 for the fiscal year beginning July 1, 1937, $25,000,000 for the fiscal year beginning July 1, 1938, and $50,000,000 for the fiscal year beginning July 1, 1939. It authorizes the appropriation in all for the next 3 years of only $85,000,000.

On first thought this appears to be a considerable sum, but if you should divide $85,000,000 among 16,000,000 people it would allow to each one of them less than $5.50, not taking anything out for overhead and the administration of the fund; or if you should divide it among a little less than 3,000,000 farm-tenant families it would give to each family less than $30 over a period of 3 years, or an average of less than $10 per year. It can be seen at once, so far as taking care of this big problem is concerned, this measure is less than a gesture.

There are approximately 3,300 counties in the United States. If we should divide the $10,000,000 authorized to be appropriated for the fiscal year beginning July 1, 1937, and ending June 30, 1938, it would give in the neighborhood of $3,000 of farm tenancy relief to each county in the United States. Of course, this bill sets up a new set of officeholders here in Washington and a committee consisting of three members in each county in the United States. It will add several thousand officeholders to the already overburdened taxpayers of the country, and if this group of officeholders handle these funds as other funds have been handled for the last few years, there will not be much left of the $10,000,000 for the coming fiscal year with which to loan tenant farmers to buy farms.

It is assumed that on an average each farm will cost not less than $3,000. If it costs as much as $3,000, there could not be one farm bought on an average for one tenant farmer in each county, and therefore not more than one tenant farmer in each county, during the coming fiscal year, would have a chance to get one of these farms financed by the Government. That would mean one tenant farmer out of approximately 1,500 would have a chance to borrow part of this money and buy and equip a farm with it the first year, and the second year there would be on an average less than three farmers in each county that would have a chance to buy and equip a farm, and the third year there would not be over five farmers on an average to each county that would be able to borrow of this fund and buy and equip a farm; and for the 3 years there would be less than nine farmers on an average in each county in the United States that would be able to borrow of this fund to buy and equip a farm; or, in other words, if none of this money was eaten up by an army of officeholders in the 3 years, these funds authorized in this bill would furnish $3,000 to approximately 20,000 farm tenants and sharecroppers of the United States to buy and equip farms.

We must bear in mind, however, there are now 2,865,000 of such tenant farmers and sharecroppers. In other words, in this year, under this bill, if all the money was turned over for the purpose of loaning to tenant farmers and sharecroppers not less than $3,000 each, it would only aid 1 out of every 143 tenant farmers and sharecroppers of the United States.

The Democrats promised the tenant farmers and sharecroppers that they were going to do something substantial for them. This bill, like other promises made by this administration during their campaign, proves that their platforms and campaign promises are made to run on.

Now let us see how this matter works out. Let us assume in Clay County, Ky., several hundred farm tenants make application for a loan under this bill. They must first find some fellow who is willing to sell his farm and get a title bond or some other written obligation from the owner of the land expressing the price to be paid. There will be a committee appointed by the authorities here in Washington for that county and every other county. The tenant farmers take their title bonds and turn them over to this county committee, and then this county committee goes out and examines these various tracts of land, and from all this number they could not select more than one for the coming fiscal year, and if they then approve one of the applications, this is sent to the Secretary of Agriculture at Washington, and he investigates the recommendation of the committee, and if he approves it, he will order an abstract of the title.

This whole procedure generally requires from 6 months to 2 years. It can be seen at once that perhaps not one tenant farmer, and it can be said without fear of successful contradiction, there will not be 200 tenant farmers in the Uinted States in the next fiscal year that will have completed the transaction and be in possession of farms under this bill.

Yes; this bill is less than a gesture. It will be a great disappointment to the tenant farmers and sharecroppers of the Nation. I am supporting it because this is the only bill the administration has permitted to come up. I want my constituents and the country to know that I favor the policy of help to the worthy tenant farmers and sharecroppers who desire to improve their condition.

The Department of Agriculture will administer this bill. They have administered the resettlement law. They spent $35,000,000 to resettle 3,500 families. This averaged $10,000 per family. If the overhead in administering this measure is as high as in administering that, practically all of these funds will be swallowed up by overhead expenses.

To those who are sincerely interested in this problem this measure is a very grievous disappointment.

HIGH TAXES MAKING TENANT FARMERS

We have pointed out how few farm owners this legislation in its present form will make. The H. O. L. C. has been in operation for a comparatively short time. The Government has already foreclosed on 99,937 homes through loans made by that Corporation. More than 26 farms out of every thousand in this country changed hands in 1936 through foreclosures, bankruptcy, and delinquent tax sales. In other words, the owners of 178,483 farms, involving nearly 25,000,000 acres and with a value of more than $860,000,000, changed hands in the year of 1936 on account of foreclosures, tax, and bankruptcy sales. It can be seen at once how inadequate the measure before us is. Under this bill we could not make more than 3,300 farm owners in the coming fiscal year, when, as a matter of fact, there will likely be sold through foreclosures, bankruptcy, and tax sales, more than 175,000 farms. It seems to me that we are saving at the spigot and losing at the bunghole.

I have before me a number of the weekly county newspapers of counties in my district. Page after page is filled with tax-sale advertisements of farms and homes for State,

county, city, and school taxes, several hundred in each county. And one of the editors comments on the fact that not a single owner was present to bid in his or her farm or home.

Of course, many of these are widows. People are becoming discouraged on account of the constant increase in taxes. The press announces that the State of Kentucky for State purposes will collect $10,000,000 more this year than it ever collected in any other one year in its history. The Federal Government, the States, the counties, the cities, and the towns and other taxing districts continue to increase their taxes.

I pointed out the other day in a speech that approximately one-third of the income of the American people on the average was taken in taxes. I would not have any unit of the Government to neglect those things that are essential and necessary for the welfare of the people, but all units of the Government should avoid squandering and wasting the peoples' tax money.

Mr. ANDRESEN of Minnesota. Will the gentleman yield?

Mr. ROBSION of Kentucky. Not just now. We now have about 100,000 foreclosures of Government loans by the H. O. L. C., and I understand that before another year there will be, perhaps, 160,000 farm foreclosures by the Federal land banks and other credit agencies of the Government. We are making many times as many tenant farmers and tenant home owners as we can possibly make of farm and home owners under this bill. I now yield to the gentleman from Minnesota.

Mr. ANDRESEN of Minnesota. The argument the gentleman just made would indicate that in many instances tenants are better off than the men owning farms. I think the gentleman is right.

Mr. ROBSION of Kentucky. The tax burden is being increased. Taxes are increasing more and more, and perhaps the farm owners and home owners are becoming discouraged in their efforts to hold their farms and their homes. Let us help to make farm owners out of tenant farmers, but at the same time let us help those who have farms to hold their farms and keep them from becoming tenant farmers. [Applause.]

Mr. DOXEY. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa [Mr. WEARIN].

Mr. WEARIN. Mr. Chairman, at the time the Committee on Agriculture was discussing the subject of tenancy I submitted a statement that was included in the hearings. Later, I addressed the House at some length concerning pending legislation in that field. I have also discussed the question under various circumstances in many parts of the country. I make this statement in explanation of my interest in the matter for a long time past.

There is no question that the country is expecting this Congress to pass tenancy legislation of some sort. As I have stated before, I prefer to call it land purchase and resale legislation rather than tenancy legislation. I believe the psychological effect of the term is better.

Tomorrow at the appropriate time when the bill is being read under the 5-minute rule I expect to offer an amendment myself, which will involve a principle I feel is fundamental, and which has been demonstrated as being such in other countries where they have attempted to deal with this problem. My amendment will incorporate in the pending bill a provision whereby the Secretary of Agriculture shall receive the land now owned by the Federal land banks and shall resell such property to tenant purchasers on a long-term-contract basis. The amendment will not be long, nor will it be complicated. It can be printed on one typewritten page. It has been before this House for a long time, because I have written the various Members upon at least two different occasions on the subject, and have discussed it before the House upon at least one occasion. The principle thereof is incorporated in my bill H. R. 5239.

I simply take this opportunity of calling the attention of the membership to the fact that at the appropriate time the amendment will be placed before the House and I will attempt to discuss it as extensively as time will permit under the 5-minute rule.

Mr. ANDRESEN of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. WEARIN. Yes.

Mr. ANDRESEN of Minnesota. Is the gentleman aware of the fact that the Federal land bank has in the past year sold two or three thousand farms to tenants in this country and has financed them?

Mr. WEARIN. I am fully aware of the fact the Federal land bank has sold a large number of farms to land purchasers who were financially able to buy them and to make down payments. However, I want to aid the tenants who are unable to qualify to that extent financially. They are the people who constitute the tenancy problem that we are trying to solve. [Applause.]

The amendment I propose to offer is as follows:

AMENDMENT TO TITLE IV, SECTION 41 (E)

(7) Acquire all real property in the United States that the Federal land banks now own outright without any redemption rights outstanding in former owners, which the said Federal land banks are hereby authorized and directed to transfer and convey to the Secretary of the Treasury, for which the said Federal land banks shall accept from the Secretary of the Treasury in exchange therefor Federal land bank stock of equal value. In the same manner the Secretary of Agriculture shall acquire within 6 months real property against which the Federal land banks at the time of the adoption of this act hold sheriff's certificates or judgments. For the purposes of such exchanges, the value of such real property shall be the "carrying value" as it appears on the books of the said Federal land banks on the last day of the month next preceding the adoption of this act; and the Federal land bank stock shall be valued at par. The Secretary of Agriculture shall acquire forthwith all real property so acquired by the Secretary of the Treasury: *Provided*, That the conveyance of such real property may be made under any procedure adopted by the Governor of the Farm Credit Administration, the Secretary of the Treasury, and the Secretary of Agriculture direct from the Federal land banks to the said Secretary of Agriculture without any intermediate transfer through the Secretary of the Treasury. The provisions of section 355 of the Revised Statutes as amended relating to restrictions on the acquisition of land by the United States shall not apply to such transfers and conveyances. The Secretary of Agriculture shall administer and dispose of such real property as hereinafter prescribed in this act.

Mr. DOXEY. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Alabama [Mr. SPARKMAN].

Mr. HOPE. Mr. Chairman, I yield the remainder of the time on this side to the gentleman from Alabama.

Mr. SPARKMAN. Mr. Chairman, for the first time since becoming a Member of this House I have asked for time to speak. I have done so now because the measure under consideration strikes so near to the heart of the district and section which I have the honor to represent and because it is of such importance to our entire Nation. I believe that no other legislation has had such a widespread demand. During the recent past the press everywhere has been pointing out the need for it. Editors and preachers, students and teachers, farm leaders, industrialists, businessmen—leaders in every walk and profession—sensing the great need have argued for it. The Nation-wide demand for farm-tenant legislation makes it imperative that this Congress enact it.

This great cry for farm-tenant legislation is not unnatural, artificial, or arbitrary. It is the natural outgrowth of land-tenure conditions that are approaching, if not already at, the danger point. I think it requires no argument to back up a statement that home ownership by farmers is highly desirable. Only in that way can we obtain stability of our social order. Widespread farm tenancy is always a threat—it is a cancer that slowly but surely eats into the vitals of a democracy and undermines its very life. It has reached that cancerous stage in the United States.

The farm census of 1935 showed that of the 2,865,000 tenant farmers of this Nation 34.2 percent of them were single year tenants. This means that in the State of Mississippi, which has the highest percentage of farm tenancy—70 percent—every year 24 percent of the people in the farm community move on to other farms. In my own State of Alabama with a 64.5 percent farm tenancy, 22 percent of the farmers change farms every year. And it means that in my own county of Madison—one of the greatest agricultural counties in the Southeast—where 72 percent of the

farms are run by tenants, one out of every four families in any farm community, assuming the average to hold, moves every year from farm to farm. The result is inevitable—run-down houses, ramshackle barns, broken-down fences, abused soil—erosion and waste of the worst kind. In this way our Nation is being despoiled of one of its greatest natural resources.

But as bad as are the erosion of the soil and the waste of the improvements, that is not the worst part of it. The worst feature lies in the lack of community consciousness and civic mindedness in the tenant himself. How can he feel any pride in his community—in its schools, its churches, its movements for community betterment? He cannot, nor can the community, hope for any permanence in any worthwhile program or stability in its institutions with one-fourth of its people moving every year and a great part of the others moving every 2 or 3 years.

From the farm census of 1935 we learned that there were 3,899,000 farm owners as compared with 2,865,000 farm tenants in the United States as a whole, or that a little more than 42 percent of our farmers were tenants, and that in the South, where tenancy ran highest, it reached 54 percent average, with the peak in Mississippi at 74 percent. In my own State, with an average of 64.5 percent, 13 counties have 75 percent or more of tenants. The percentage for Alabama, county by county, is shown by the following table:

	Number farms	Number tenants	Percent tenancy
Autauga	2,761	1,833	68.0
Baldwin	2,676	664	25.0
Barbour	3,691	2,785	75.0
Bibb	1,955	1,075	55.0
Blount	4,897	2,536	52.0
Bullock	3,100	2,574	83.0
Butler	3,857	2,540	64.0
Calhoun	3,289	2,054	62.0
Chambers	4,131	3,016	73.0
Cherokee	3,442	2,254	65.0
Chilton	3,978	2,237	56.0
Choctaw	3,104	1,825	59.0
Clarke	3,953	2,036	52.0
Clay	3,313	1,767	53.0
Cleburne	2,192	1,178	54.0
Coffee	4,273	3,170	74.0
Colbert	2,726	1,798	66.0
Conecuh	3,795	2,125	56.0
Coosa	1,998	1,127	56.0
Covington	4,218	2,623	62.0
Crenshaw	3,484	2,388	69.0
Cullman	7,376	3,737	51.0
Dale	2,946	1,844	63.0
Dallas	7,025	6,056	85.0
De Kalb	6,684	3,523	53.0
Elmore	4,549	2,925	64.0
Escambia	2,913	1,380	47.0
Etowah	4,182	2,455	59.0
Fayette	3,189	1,676	53.0
Franklin	3,741	2,179	58.0
Geneva	3,732	2,640	71.0
Greene	3,917	3,334	85.0
Hale	4,666	3,606	77.0
Henry	2,823	2,084	74.0
Houston	4,595	3,191	69.0
Jackson	5,517	3,250	59.0
Jefferson	6,491	3,349	52.0
Lamar	3,210	1,862	58.0
Lauderdale	5,170	3,180	61.0
Lawrence	4,855	3,408	70.0
Lee	3,301	2,440	74.0
Limestone	6,266	4,521	72.0
Lowndes	4,329	3,664	85.0
Macon	3,942	3,117	79.0
Madison	7,034	5,085	72.0
Marengo	6,412	4,986	78.0
Marion	4,345	2,436	56.0
Marshall	6,316	3,725	59.0
Mobile	1,905	450	24.0
Monroe	4,182	2,744	66.0
Montgomery	4,464	3,443	77.0
Morgan	4,912	2,996	61.0
Perry	4,394	3,378	77.0
Pickens	4,490	3,137	70.0
Pike	3,699	2,890	78.0
Randolph	4,138	2,258	55.0
Russell	3,168	2,402	76.0
St. Clair	3,612	2,141	59.0
Shelby	2,728	1,487	55.0
Sumter	4,697	3,796	81.0
Talladega	4,255	2,921	69.0
Tallapoosa	3,794	2,515	66.0
Tuscaloosa	5,297	3,102	59.0
Walker	4,700	2,035	43.0
Washington	1,580	549	35.0
Wilcox	4,554	3,644	80.0
Winston	2,554	1,166	46.0
Total	273,455	176,247	64.5

Mr. Chairman, I am proud of the district which I represent—the rich Tennessee Valley in north Alabama. It is composed of seven counties along the Tennessee River as it crosses Alabama—seven great agricultural counties with fertile soil and high production. But farm tenancy is a problem there as the following table shows:

County	Number farms	Number tenants	Percent tenancy
Colbert	2,726	1,798	66.0
Jackson	5,517	3,250	59.0
Lauderdale	5,170	3,180	61.0
Lawrence	4,855	3,408	70.0
Limestone	6,266	4,521	72.0
Madison	7,034	5,085	72.0
Morgan	4,912	2,996	61.0
Total	36,480	24,238	66.4

I submit, ladies and gentlemen, that such statistics indicate an alarming condition in our social order calling for remedial legislation. And it becomes even more alarming when we consider its growth. In 1880—the earliest date at which we have available information—the tenancy percentage was only 25.6. Today it is 42.1. How it has steadily increased is shown as follows:

Year:	*Percent tenancy*
1880	25.6
1890	27.9
1900	35.3
1910	37.0
1920	38.1
1925	38.7
1930	42.4
1935	42.1

The problem as to the South cannot be explained away by the presence of the Negro, for from 1920 to 1935, while the number of Negro farm tenants in the Southern States decreased by 102,000, the white farm tenants during the same period increased by 148,000.

Mr. MAHON of Texas. Mr. Chairman, will the gentleman yield?

Mr. SPARKMAN. Yes.

Mr. MAHON of Texas. I may say on that point that less than 2 percent of the people in my district are Negroes and 61 percent of the farmers are tenants, which clearly shows this is not a Negro problem.

Mr. SPARKMAN. I thank the gentleman for his contribution.

We are all more or less familiar with the land-tenure problem that vexed Ireland for so long a time. We recall how in 1867 it led to an open revolt which, although a failure, forced England to the enactment in 1870 of a land law for Irish farm tenants. At that time 97 percent of the Irish farmers were tenants and only 3 percent were owners. Since the enactment of that farm-tenant measure for Ireland there has been a steady shifting of those figures until today the figures are exactly reversed, with 97 percent land owners and 3 percent tenants.

Many people feel and some of them have said that the present measure outlines a program entirely too modest—that it would be better to postpone its consideration until a more adequate program could be initiated. I for one should have preferred a larger authorization and a wider program. But I am convinced that we must make a start. This measure is a start in the right direction. Farm tenancy is a problem that cannot be worked out in a year or a few years, nor can it be cured or covered by a single law enacted by this Congress. It will call for a program involving experiments, changes, amendments, patience, and years of work. Again turning to Ireland, the one law of 1870 did not work out the problem. As I recall, a new law was passed a few years later—1881—and others followed in 1885, 1888, 1891, 1896, 1903, 1909, and 1935—a long, changing, growing program, but one that has proved effective. I believe that we can expect a similar development in this country. I believe that it is time to start.

Personally, I wish to congratulate the Agriculture Committee of this House for reporting this bill out—for giving us something to start on. It is not all that I should wish.

I should like to see under title I a proving period—a time for testing and selecting the new owners—supervising them to be sure that they might be capable of becoming an owner; also I should like to see a method of assuring protection from land speculators and from the vicissitudes of land booms and depressions. But as I study this bill, aside from the part dealing with submarginal lands, I believe it will do three things that are badly needed:

First. It will check that ever upward swinging curve of farm-tenancy increase.

Second. It will encourage and enable new farm ownership, instilling into such new owners a feeling of pride, a new feeling of ownership in the soil, in the community, in the social order, in the Government.

Third. It will rehabilitate and give security to the tenant, at the same time giving protection to the landlord and to that priceless natural resource—the soil itself. Many a landlord, himself hard pressed to maintain his farm, in an effort to get enough cash from the crops to support himself and his tenants, sees his soil being stripped, powerless to put into effect a program of rotation and soil building crops without turning away his tenants with no means of support. They have both become the victims of an economic condition from which they cannot escape by themselves. Rehabilitation will give relief to the landlord as well as to the tenant whom he is now carrying.

The program is not entirely untried and uncharted. The Resettlement Administration, during the last 2 years, has bought and placed tenants on nearly a thousand farms—experimenting with this same thing and testing the size and value of the economical farm unit. These experiments have been carried on in 10 Southern States. The table speaks for itself:

State	Number of farms	Average acreage per farm	Average price per farm	Average price per acre
Alabama	97	111.6	$2,439	$21.86
Arkansas	117	61.0	1,985	32.51
Georgia	115	104.8	2,067	19.72
Louisiana	94	62.3	2,311	37.10
Mississippi	143	51.9	2,026	39.01
North Carolina	103	76.7	2,882	37.58
Oklahoma	56	84.6	4,869	57.55
South Carolina	60	111.0	3,144	28.31
Tennessee	78	69.4	2,236	32.20
Texas	121	99.7	4,408	44.23
Total	984	81.4	2,723	33.46

A break-down of these experiments in the 18 counties of my own State where these farms were bought shows the following:

County	Number of farms	Average acreage per farm	Average price per farm	Average price per acre
Autauga	1	120.0	$3,000.00	$25.00
Blount	3	85.3	1,509.54	17.69
Butler	7	136.4	2,628.57	19.26
Calhoun	3	88.3	2,706.62	30.65
Chambers	2	58.0	915.98	15.79
Chilton	2	137.2	2,812.74	20.50
Coffee	5	100.0	3,300.00	33.00
Covington	6	120.0	2,125.20	17.71
Crenshaw	3	86.7	2,650.00	30.58
Cullman	6	62.6	2,065.25	33.00
Dale	5	89.3	3,572.00	40.00
Dallas	10	86.3	1,378.42	15.97
Lowndes	15	173.3	1,607.47	9.62
Madison	7	76.6	4,284.93	55.96
Morgan	1	60.0	2,175.00	36.25
Pickens	2	57.5	1,725.00	30.00
Tuscaloosa	14	127.1	2,757.33	21.69
Walker	3	116.0	2,914.12	25.12

Now, Mr. Chairman, speaking very briefly concerning the rehabilitation feature, I have seen this program as carried on by the Resettlement Administration at work and can testify as to its effectiveness. I have seen it actually bring new life and new hope to men whom the depression years had left floundering, helpless, and hopeless. I have seen them absolutely down and out, and I have then seen them become again self-respecting, self-supporting citizens of their communities. A carefully planned rehabilitation program can be most effective. In Alabama, as well as elsewhere, the Resettlement Administration has done a great work in this field, and here and now I wish to compliment that agency for it. The following table speaks eloquently and convincingly:

Rural rehabilitation—Alabama

	1935	1936	1937
Case load	13,259	13,451	12,000
Average loan	$225.00	$186.00	$235
Average cash farm income	$91.00	$226.27	[1]$460
Net worth	$3.03	$317.07	$362
Clients having:			
Mules or mares—percent	13.0	14.8	81.37
Steers—do	87.0	85.2	18.63
Milk cows—do	47.5	63.1	79.1
Hogs—do	61.1	77.5	83.3
Brood sows—do	19.2	22.5	42.1
Hens—do	79.1	90.9	95.6
Total net worth	$40,174.77	$3,043,557.77	$4,344,000

[1] Estimated.

Total increase net worth from 1935 to 1937, $4,303,825.23

I cannot add to the arguments presented by the above figures, but I do wish to call your attention to the increase in net worth of each family from $3.03 to $362 in a period of 2 years, and also to the almost complete reversal of percentage of those using mules and those using steers from 1935 to 1937. In 1935 only 13 percent owned mules with which to make their crops, the other 87 percent using steers. In 1937 we find over 81 percent using mules and less than 19 percent using steers. The number of milk cows increased from less than one to every two families to nearly four to every five families. The number having hogs increased more than a third; the number having brood sows more than doubled, while nearly every family now keeps poultry.

Someone might be interested to know that of the loans in Alabama during 1936 totaling $2,501,955.71, the amount of $1,646,887 has been collected, representing a percentage of 65.82 collected.

Under this program the United States Government has been doing a real rehabilitation work among the farmers. In a way it has been relief, but the cheapest relief that the Government could give. Far better than mere relief, however, has been the rebuilding of human character, initiative, and community interest.

In conclusion I wish to quote from an editorial by Mr. J. L. Meeks, appearing May 27, 1937, in the Tri-Cities Daily of Sheffield, Ala., one of the papers of which he is editor and publisher, as follows:

The rising percentage over a period of years of farm tenancy surely tells us that this is no sudden problem. It has been growing in intensity until today it has become a sore spot on the body politic. We should have started seeking a solution 30 years ago. We did not. Certainly we must do so now * * *. Almost any kind of an initial program will be better than nothing * * *.

A sound, well-administered program to break up the downward trend in farm-home ownership must become one of the principal proposals of the Federal Government in the near future or within a few more years, the present downward spiral continuing, we will become a nation of princes and paupers and a nation of aristocrats and peasants. And none of us want that to happen, what with European experiences fresh in our mind or now before it.

The present measure is a start. I view it as only the beginning. I am happy to speak and vote for it, feeling that as time and experience show its good points and its defects we shall work out and develop an adequate farm-tenant program. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That this act may be cited as the "Farm Security Act of 1937."

Mr. DOXEY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. DRIVER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 7562) to encourage and promote the ownership of farm homes and to make possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—MEXICAN CLAIMS COMMISSION

The SPEAKER laid before the House the following message from the President of the United States which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State recommending the enactment of legislation for the purposes described therein.

The recommendations of the Secretary of State have my approval, and I request the enactment of legislation for the purposes indicated, in order that the difficulty that has arisen in relation to the jurisdiction of the Special Mexican Claims Committee may be overcome.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *June 28, 1937.*

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—INTERNATIONAL LABOR ORGANIZATION

The SPEAKER laid before the House the following further message from the President of the United States which was read and, with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States of America:

The Congress, by a joint resolution approved June 19, 1934, authorized me to accept membership for the Government of the United States in the International Labor Organization. Pursuant to that authorization I accepted such membership on behalf of the Government of the United States.

Representatives of this Government and of American employers and American labor attended the Twentieth Session of the International Labor Conference, held at Geneva June 4 to 24, 1936.

That Conference adopted three draft conventions and two recommendations, to wit:

The Draft Convention (no. 50) concerning the regulation of certain special systems of recruiting workers.

The Recommendation (no. 46) concerning the progressive elimination of recruiting,

The Draft Convention (no. 51) concerning the reduction of hours of work on public works,

The Draft Convention (no. 52) concerning annual holidays with pay,

The Recommendation (no. 47) concerning annual holidays with pay.

In becoming a member of the organization and subscribing to its constitution this Government accepted the following undertaking in regard to such draft conventions and recommendations:

Each of the members undertakes that it will, within the period of 1 year at most from the closing of the session of the conference, or if it is impossible owing to exceptional circumstances to do so within the period of 1 year, then at the earliest practicable moment and in no case later than 18 months from the closing of the session of the conference bring the recommendation or draft convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action. (Art. 19 (405), par. 5, Constitution of the International Labor Organization.)

In the case of a federal state, the power of which to enter into conventions on labor matters is subject to limitations, it shall be in the discretion of that government to treat a draft convention to which such limitations apply as a recommendation only, and the provisions of this article with respect to recommendations shall apply in such case. (Art. 19 (405), par. 9, Constitution of the International Labor Organization.)

In accordance with the foregoing undertaking, the above-named three draft conventions and two recommendations are herewith submitted to the Congress with the accompanying report of the Secretary of State and its enclosures, to which the attention of the Congress is invited.

I wish particularly to call to the attention of the Congress the draft convention (no. 51) concerning the reduction of hours of work on public works, and recommend that action be taken by the Congress on this draft convention at its earliest convenience.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *June 28, 1937.*

CONFERENCE REPORT ON THE RELIEF BILL

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a conference report on the relief bill.

Mr. TABER. Mr. Speaker, reserving the right to object, is it the intention of the gentleman to bring up the conference report the first thing in the morning?

Mr. WOODRUM. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

THE LATE HONORABLE JOHN W. FISHBURNE

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SMITH of Virginia. Mr. Speaker, it becomes my sad privilege and duty to announce the death of a former Member of this House from Virginia. The Honorable John W. Fishburne, of Charlottesville, Va., departed this life on the 25th instant. He was a Member of the Seventy-second Congress and served here with distinction. He is well known to many Members of the Seventy-fifth Congress who served with him in the Seventy-second Congress. He was beloved by them, and I know they will all join with me in mourning his departure.

EXTENSION OF REMARKS

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to include in an extension of my remarks certain tables referred to therein, and also a very short excerpt from an editorial relating to the pending bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. MAHON of Texas. Mr. Speaker, I ask unanimous consent to extend the remarks which I made today in discussing the rule on the pending bill and to insert in connection therewith certain amendments which I expect to offer to the bill when it is considered under the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONTROL AND ERADICATION OF INSECT PESTS

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes in order that I may acquaint the House with an insect-pest emergency existing in the West.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

GRASSHOPPER PLAGUE IN THE WEST

Mr. MARTIN of Colorado. Mr. Speaker, on April 6, 1937, the President approved a joint resolution authorizing the

sum of $2,000,000 to be made available annually for the purpose of control and eradication of insect pests. On April 27, 1937, the President approved a joint resolution, being House Joint Resolution 319, appropriating $1,000,000 for this purpose. This appropriation has been completely exhausted, and now I am advised by agricultural extension agents that the grasshopper situation is getting out of control in the West.

The Senate has added an amendment to the work-relief bill, which included the eradication of insect pests and minor miscellaneous work projects, but that money will be available for labor only and not for poison mix.

To meet this situation, there being no money whatever available now, the $1,000,000 having been expended, as a last resource today I introduced a resolution appropriating another $1,000,000 for this very necessary work, and I sincerely hope that favorable action may immediately be had on the resolution.

In support of the resolution which I have just introduced, I may cite the fact, as stated in the Appropriations Committee report on H. J. Res. 319, that the authorization carried in the resolution of April 6, 1937, was based upon the Budget estimate theretofore submitted to Congress by the President, with his approval, and that the sum of $2,000,000 recommended was solely for the control and eradication of grasshoppers. The joint resolution as passed included Mormon crickets and chinch bugs, but the point I make is that the Budget estimate was for grasshoppers only and it was estimated that $2,000,000 would be required. One million dollars was appropriated. I regret very much indeed that recent developments have borne out the Budget estimate. The exhaustion of the $1,000,000 in 60 days speaks for itself.

The Bureau of Entomology advises me that Arkansas, Oklahoma, Montana, Colorado, South Dakota, and Wyoming are badly infested and that North Dakota, Nebraska, and Kansas and other States are in line for invasion.

The agricultural-extension agent in Colorado wires me that 4,000 square miles in that State are badly infested and in a telegram dated June 26 he said they would take wing in about 10 days. He says, and I quote—

> The situation is getting out of control because of inadequate supplies and is very discouraging to farmers who have fought so vigorously and effectively to date.

He fairly begs for additional mixture and the Bureau of Entomology says there is no money to furnish it. A farmer who is running a mixing station in the infested area graphically describes the situation as follows—

> The 'hoppers are so thick that honestly the whole face of the earth seems to be moving when they are on the move.

And this means that they are only crawling at an estimated rate of 2½ miles per day. When they take wing there is no telling where they will go, so interest in the campaign of extermination is by no means limited to the present infested area, of which there is more than 4,000 square miles in southeastern Colorado, as against 700 square miles in any prior invasion.

The committee report accompanying House Joint Resolution 319 stated that "the campaign contemplates the States affected, the survey indicating possibility of parts of 24 States being involved." This robs the situation of the aspect of a merely local threat.

Mr. Speaker, I have contacted in the last 2 or 3 days every agency of relief with the result that apparently there is no relief except the appropriation of the additional $1,000,000 recommended by the Director of the Budget, an amount which, expended at this time, may save several times that amount in crop losses, not only in the infested areas but in adjacent sections which will shortly be invaded unless these pests are exterminated on the ground. I strongly urge immediate and favorable consideration of my resolution, not on my account, but on account of the distressed farmers and communities which have lost so much through drought the past 4 or 5 years.

EXTENSION OF REMARKS

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to extend the remarks I made today with respect to H. R. 5860.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOPE. Mr. Speaker, I ask unanimous consent to extend the remarks I made this afternoon on the farm-tenancy bill and to include certain statistical tables.

The SPEAKER. Is there objection?

There was no objection.

Mr. WEARIN. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein an amendment I expect to offer tomorrow.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. BUCKLER of Minnesota, on account of illness.

HOUR OF MEETING TOMORROW

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock a. m. tomorrow.

The SPEAKER. Is there objection?

Mr. TABER. Mr. Speaker, I reserve the right to object. Is it contemplated that we go on with this bill at that time or take up a conference report?

Mr. RAYBURN. It had been the thought to take up the conference report, and that is the reason for asking that we meet at that hour.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. DOXEY. Mr. Speaker, during the course of the general debate on the bill this afternoon in Committee of the Whole, our beloved and distinguished Speaker in the course of his remarks referred to some statistics which he expected to place in the RECORD as a portion of his remarks. During my discussion of the same bill I referred to some statistics. I did not have time to go into the details, but stated that if they were the same statistics to which the Speaker referred I would not ask to have mine made a part of my remarks. The statistics I have in mind are a break-down of the tenancy problem with reference to various States, showing the number of farmers in each State, the number of tenants and owners, and so forth, which are different from those which the Speaker intends to include within his remarks. Therefore I ask unanimous consent to include in my remarks certain statistics. I understand the Speaker had in mind statistics in reference to regional matters.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred, as follows:

S. 2661. An act granting the consent of Congress to a compact entered into by the States of Maine and New Hampshire for the creation of the Maine-New Hampshire Interstate Bridge Authority; to the Committee on Interstate and Foreign Commerce.

S. 2662. An act authorizing the Maine-New Hampshire Interstate Bridge Authority to construct, maintain, and operate a toll bridge across the Piscataqua River at or near Portsmouth, State of New Hampshire; to the Committee on Interstate and Foreign Commerce.

S. 2681. An act to authorize the construction of the Colorado-Big Thompson project as a Federal reclamation project; to the Committee on Irrigation and Reclamation.

S. J. Res. 164. Joint resolution to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928, as amended; to the Committee on the Library.

ADJOURNMENT

Mr. DOXEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 52 minutes p. m.), in accordance with the order heretofore adopted, the House adjourned until tomorrow, Tuesday, June 29, 1937, at 11 o'clock a. m.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., Tuesday, June 29, 1937, at 10 a. m., on H. R. 6039 and H. R. 7309, known as the "Fishery Credit Act" bills.

COMMITTEE ON MILITARY AFFAIRS

The Committee on Military Affairs will meet at 10:30 a. m., Tuesday, June 29, 1937, for the consideration of H. R. 7494, to amend the act entitled "An act to amend the act entitled 'An act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense and to the development of commercial aeronautics, and for other purposes.'"

COMMITTEE ON NAVAL AFFAIRS

Open hearing will be held before the full Committee on Naval Affairs at 10:30 a. m. on Tuesday, June 29, 1937, to consider H. R. 7216, assignment of officers for duty under the Department of Commerce. Important.

COMMITTEE ON THE DISPOSITION OF EXECUTIVE PAPERS

The Committee on the Disposition of Executive Papers will hold a public hearing in room 246, known as the Civil Service Committee room, in the House Office Building, at 10:30 a. m., Thursday, July 1, 1937, on H. R. 7504, to provide for the disposition of certain records of the United States Government.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, July 7, 1937, at 10 a. m., on H. R. 7158, to except yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Wednesday, July 7, 1937, on H. R. 5182 and H. R. 6917—textile bills.

COMMITTEE ON IRRIGATION AND RECLAMATION

There will be a meeting of the Committee on Irrigation and Reclamation in room 128, House Office Building, at 10 a. m., Wednesday, June 30, 1937, for the consideration of S. 2681, to authorize the construction of the Grand Lake-Big Thompson Transmountain water-diversion project as a Federal reclamation project, and H. R. 7680, to authorize appropriations for the construction of the Arch Hurley Conservancy District in New Mexico.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

682. A letter from the Assistant Administrator, Federal Emergency Administration of Public Works, transmitting draft of a proposed bill for the relief of Virgil D. Alden; to the Committee on Claims.

683. A letter from the Acting Secretary of Commerce, transmitting draft of a proposed bill with reference to the exchange of two lighthouses in the Territory of Hawaii; to the Committee on Merchant Marine and Fisheries.

684. A communication from the President of the United States, transmitting draft of a proposed provision pertaining to an existing appropriation of the National Capital Park and Planning Commission for the fiscal year 1937 (H. Doc. No. 274); to the Committee on Appropriations.

685. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the fiscal year 1932 and prior years in the sum of $756.61, and a supplemental estimate of appropriation for the fiscal years 1936–38 in the sum of $85,000, amounting in all to $85,756.61, and two drafts of proposed provisions pertaining to existing appropriations, for the Department of Justice (H. Doc. No. 273); to the Committee on Appropriations and ordered to be printed.

686. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated June 17, 1937, submitting a report, together with accompanying papers and illustrations, on a preliminary examination and survey of Bayous La Loutre, Saint Malo, and Yscloskey, La., authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 275); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

687. A communication from the President of the United States, transmitting an estimate of appropriation for the Civilian Conservation Corps for the fiscal year 1938, amounting to $350,000,000 (H. Doc. No. 276); to the Committee on Appropriations and ordered to be printed.

688. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the railroad retirement account, Railroad Retirement Board, ammounting to $99,880,000 (H. Doc. No. 277); to the Committee on Appropriations and ordered to be printed.

689. A letter from the Acting Secretary of the Interior, transmitting a copy of legislation passed by the Municipal Council of St. Thomas and St. John, and approved by the Governor of the Virgin Islands; to the Committee on Insular Affairs.

690. A letter from the Acting Secretary of the Treasury, transmitting a draft of a proposed bill to amend the Adjusted Compensation Payment Act, 1936, as amended; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. HILL of Washington: Committee on the Public Lands. H. R. 3866. A bill to add certain lands to the Columbia National Forest in the State of Washington; with amendment (Rept. No. 1113). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEROUEN: Committee on the Public Lands. H. R. 5593. A bill to provide for the addition or additions of certain lands to the Fort Donelson National Military Park in the State of Tennessee, and for other purposes; without amendment (Rept. No. 1114). Referred to the Committee of the Whole House on the state of the Union.

Mr. VOORHIS: Committee on the Public Lands. H. R. 5685. A bill to facilitate the control of soil erosion and flood damage originating upon lands within the exterior boundaries of the Angeles National Forest in the State of California; with amendment (Rept. No. 1115). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEROUEN: Committee on the Public Lands. H. R. 7086. A bill to direct the Secretary of the Interior to notify the State of Virginia that the United States assumes police jurisdiction over the lands embraced within the Shenandoah National Park, and for other purposes; with amendment (Rept. No. 1116). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEROUEN: Committee on the Public Lands. H. R. 7487. A bill to establish the San Juan National Monument, P. R., and for other purposes; without amendment (Rept.

No. 1117). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 7614. A bill to amend the act entitled "An act for the establishment of marine schools, and for other purposes", approved March 4, 1911; without amendment (Rept. No. 1118). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEMPSEY: Committee on the Public Lands. H. R. 7618. A bill relating to the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands situated in the State of Oregon; without amendment (Rept. 1119). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITTINGTON: Committee on Flood Control. H. R. 7646. A bill to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936; with amendment (Rept. No. 1120). Referred to the Committee of the Whole House on the state of the Union.

Mr. O'CONNOR of Montana: Committee on Indian Affairs. S. 641. An act conferring jurisdiction on the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes; with amendment (Rept. No. 1121). Referred to the Committee of the Whole House on the state of the Union.

Mr. TOWEY: Committee on the Judiciary. H. R. 6283. A bill to increase the punishment of second, third, and subsequent offenders against the narcotic laws: with amendment (Rept. No. 1122). Referred to the House Calendar.

Mr. MOTT: Committee on the Public Lands. H. R. 2888. A bill granting a leave of absence to settlers of homestead lands during the year 1937; without amendment (Rept. No. 1123). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. WOOD: Committee on War Claims. H. R. 3739. A bill conferring jurisdiction upon the Court of Claims to hear and determine the claim of the Mack Copper Co.; without amendment (Rept. No. 1124). Referred to the Committee of the Whole House.

Mr. O'MALLEY: Committee on War Claims. S. 51. An act for the relief of Fred G. Clark Co.; without amendment (Rept. No. 1125). Referred to the Committee of the Whole House.

Mr. DEEN: Committee on War Claims. S. 1242. An act for the relief of Stanley A. Jerman, receiver for A. J. Peters Co., Inc.; without amendment (Rept. No. 1126). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DEMPSEY: A bill (H. R. 7680) to authorize the construction of a Federal reclamation project to furnish a water supply for the lands of the Arch Hurley conservancy district in New Mexico; to the Committee on Irrigation and Reclamation.

By Mr. ROBERTSON: A bill (H. R. 7681) to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes; to the Committee on Agriculture.

By Mr. COLDEN: A bill (H. R. 7682) to provide for making public certain statements with respect to income tax; to the Committee on Ways and Means.

By Mr. McFARLANE: A bill (H. R. 7683) with reference to the issuance of letters patent on inventions covering airplanes; to the Committee on Patents.

By Mr. MAGNUSON: A bill (H. R. 7684) to amend subsection (c) of section 8 of the act entitled "An act to amend the Judicial Code, and to further define the jurisdiction of the circuit court of appeals and of the Supreme Court, and for other purposes", approved February 13, 1925, as amended; to the Committee on the Judiciary.

By Mr. MEAD: A bill (H. R. 7685) to amend the Air Mail Act of 1934 to provide greater safety in the transportation of mail by air; to the Committee on the Post Office and Post Roads.

By Mr. O'TOOLE: A bill (H. R. 7686) to authorize the reinstatement of any veterans who were reduced or dismissed through the enactment of the Economy Act of 1933; to the Committee on the Civil Service.

By Mr. SHAFER of Michigan: A bill (H. R. 7687) to regulate shipment of alcoholic beverages into the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. ENGLEBRIGHT: A bill (H. R. 7688) to authorize the addition of certain lands to the Modoc, Shasta, and Lassen National Forests, Calif.; to the Committee on the Public Lands.

Also, a bill (H. R. 7689) to authorize the addition of certain lands to the Shasta and Klamath National Forests, Calif.; to the Committee on the Public Lands.

Also, a bill (H. R. 7690) to authorize the addition of certain lands to the Plumas, Tahoe, and Lassen National Forests, Calif.; to the Committee on the Public Lands.

By Mr. DEMUTH: A bill (H. R. 7691) to encourage home ownership and make it secure, for the reduction of unemployment and the stimulating of business activity to reestablish American economic independence, and prevent the evils of tenancy as now prevails in farm and urban communities, to promote the health, the housing, and the social conditions, and the general welfare, and for other purposes; to the Committee on Banking and Currency.

By Mr. IGLESIAS: A bill (H. R. 7692) to authorize the Secretary of the Navy to transfer to the Government of Puerto Rico certain real estate of the Navy Department; to the Committee on Naval Affairs.

Also, a bill (H. R. 7693) to authorize the Secretary of War to transfer to the government of Puerto Rico certain real estate of the War Department; to the Committee on Military Affairs.

By Mr. HILL of Washington: A bill (H. R. 7694) to authorize postmasters and assistant postmasters to administer oaths in connection with certain immigration and naturalization documents; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: A bill (H. R. 7695) to add certain lands to the Siuslaw National Forest in the State of Oregon; to the Committee on the Public Lands.

By Mr. PACE: A bill (H. R. 7696) to amend section 77 of the Judicial Code, as amended, to create a Fitzgerald division in the southern district of Georgia, with terms of court to be held at Fitzgerald, Ga., and for other purposes; to the Committee on the Judiciary.

By Mr. JONES: A bill (H. R. 7697) to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes; to the Committee on Agriculture.

By Mr. ELLENBOGEN: Resolution (H. Res. 266) to make H. R. 6092, a bill to amend the Home Owners' Loan Act of 1935, to reduce the rate of interest to 3½ percent, to extend the time of maturity to 25 years, and for other purposes, a special order of business; to the Committee on Rules.

By Mrs. ROGERS of Massachusetts: Joint resolution (H. J. Res. 430) consenting to an interstate compact relating to flood control in the Merrimack River Valley; to the Committee on Flood Control.

By Mr. MARTIN of Colorado: Joint resolution (H. J. Res. 431) making an appropriation for the control of outbreaks of insect pests; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GAMBRILL: A bill (H. R. 7698) for the relief of Charles W. Fields; to the Committee on Claims.

By Mr. KLOEB: A bill (H. R. 7699) granting a pension to Emma Hinton; to the Committee on Invalid Pensions.

By Mr. McCORMACK: A bill (H. R. 7700) for the relief of Maurice Victor; to the Committee on Claims.

By Mr. MAAS: A bill (H. R. 7701) to authorize retirement annuity for Margaret L. Mullane, clerk, United States District Court, District of Minnesota; to the Committee on the Civil Service.

Mr. MILLER: A bill (H. R. 7702) for the relief of J. N. Sutherland, Lula E. Lucus, W. E. Cooper, J. D. Wallace, and J. F. Martin; to the Committee on Claims.

By Mr. O'TOOLE: A bill (H. R. 7703) for the relief of Bernard Rothstein; to the Committee on Naval Affairs.

By Mr. PACE: A bill (H. R. 7704) for the relief of Lucile Snider and Cliff Snider, Jr.; to the Committee on Claims.

By Mr. ROBSION of Kentucky: A bill (H. R. 7705) for the relief of Susie R. Stone; to the Committee on Claims.

By Mr. WHELCHEL: A bill (H. R. 7706) for the relief of Mrs. Earnest Smith and two small children; to the Committee on Claims.

Also, a bill (H. R. 7707) to honor the military service of Charles G. Clement; to the Committee on Military Affairs.

By Mr. WHITE of Ohio: A bill (H. R. 7708) for the relief of John and Irma Yedlick; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2777. By Mr. BIERMANN: Memorial of Iowa farmers assembled at Ames, Iowa, June 24, in reference to proposed farm legislation; to the Committee on Agriculture.

2778. By Mr. COFFEE of Washington: Petition in the nature of a letter of the Associated Clubs of the North End of Seattle and King County, Wash., Jennie L. Barnes, Seattle, Wash., secretary, pointing out the incomparable beauty of the great forests of the Olympic Peninsula of Washington, insisting that House bill 7086, Seventy-fourth Congress, is the only adequate bill to consider in the creation of the Mount Olympus National Park, deprecating the fact that the pending House bill 4724 has, for the sake of compromise, eliminated some of the most glorious parts of the forest area, and urging Congress to substitute House bill 7086, Seventy-fourth Congress, for House bill 4724 and forthwith enact the same in the interests of conservation; to the Committee on the Public Lands.

2779. By Mr. COLDEN: Senate Joint Resolution No. 25, relative to memorializing the President and the Congress of the United States to protect the rights of the State of California to its tidelands and the coastal area lying seaward of the State of California; to the Committee on Military Affairs.

2780. Also, resolution adopted by the International Labor Defense Convention in Washington, urging the repeal of criminal syndicalism, sedition, anarchy, insurrection, and related laws, and numerous statutes outlawing the main activities of trade-unions, etc.; to the Committee on Labor.

2781. Also, resolution adopted by the City Council of the City of Los Angeles, Calif., on June 18, 1937, opposing the adoption of the Byrnes amendment to the relief bill, which amendment provides that political subdivisions sponsoring Works Progress Administration projects must assume a 40-percent share of the expenditures therefor; to the Committee on Ways and Means.

2782. Also, resolution adopted by the Board of Supervisors of Los Angeles County, Calif., on June 18, 1937, opposing the adoption of an amendment to the relief bill providing that Federal contributions for relief be matched by the States, or political subdivisions thereof, in any proportion; and urging that the Federal Government again assume full responsibility of transient unemployed and transient alien unemployed in the State of California; to the Committee on Ways and Means.

2783. By Mr. CURLEY: Petition of the division of relief of the department of public welfare, Minneapolis, Minn., urging enactment of Senate Joint Resolution No. 85; to the Committee on Labor.

2784. Also, petition of the Minneapolis Council of Social Agencies, Minneapolis, Minn., concerning Senate Joint Resolution No. 85; to the Committee on Labor.

2785. Also, petition of the National Food Brokers' Association, endorsing the Robinson-Patman bill as enacted, and opposing any legislation effecting changes in this legislation; also urging Congress to permit the Federal Trade Commission to issue rules, regulations, and interpretations with respect to laws under its jurisdiction in a manner similar to the practices of the Interstate Commerce Commission and similar governmental agencies so that delays resulting under the present procedure of investigations may be avoided; to the Committee on Interstate and Foreign Commerce.

2786. By Mr. FITZPATRICK: Petition of the American Labor Party of Bronx County, New York City, urging the passage of the Wagner-Steagall housing bill; to the Committee on Banking and Currency.

2787. By Mr. FORD of California: Resolution of the City Council of Los Angeles, opposing the adoption of the Byrnes amendment to the relief appropriation bill of 1937–38; to the Committee on Ways and Means.

2788. Also, resolution of the Board of Supervisors of the County of Los Angeles, opposing any new contributions from California in carrying out unemployment relief that will be greater than those exacted from any other State when the full load of unemployment within States and its total cost is considered; to the Committee on Ways and Means.

2789. Also, resolution of the Senate and Assembly of the State of California, requesting that Senate bill 2164 be defeated; to the Committee on the Public Lands.

2790. By Mr. HILDEBRANDT: Petition of the Detroit Local, National Federation of Post Office Clerks, endorsing House bill 4647; to the Committee on the Post Office and Post Roads.

2791. By Mr. LUTHER A. JOHNSON: House concurrent resolution passed by the Legislature of Texas, urging passage of Senate bill 602, now pending before the Military Affairs Committee of the House; to the Committee on Military Affairs.

2792. Also, petition of Mr. Raphael Levine, of Corsicana, Tex., favoring House bill 7131, to establish an office of motion pictures in the Government Printing Office; to the Committee on Printing.

2793. Also, memorial of Cres W. Watson, of Park Minter Camp, No. 32, Spanish-American War Veterans, Abilene, Tex., favoring House bill 5030; to the Committee on Rules.

2794. By Mr. KEOGH: Petition of the New York Women's Trade Union League, New York City, concerning the Celler bill (H. R. 3408) to repeal section 213 of the Economy Act of 1932; to the Committee on the Civil Service.

2795. Also, petition of the Van Iderstine Co., Long Island City, N. Y., concerning the reduction of the existing import excise tax on whale oil; to the Committee on Ways and Means.

2796. Also, petition of Guild & Garrison, Brooklyn, N. Y., concerning sugar legislation in line with Secretary Wallace's recommendations; to the Committee on Agriculture.

2797. Also, petition of Federal Mill, Inc., Lockport, N. Y., concerning the Black-Connery labor bills; to the Committee on Labor.

2798. By Mr. PFEIFER: Petition of the New York Branch, National Customs Service Association, New York City, urging the enactment of the McCormack bill (H. R. 3); to the Committee on Ways and Means.

2799. Also, petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., concerning the Black-Connery bills (S. 2475 and H. R. 7200); to the Committee on Labor.

2800. By Mr. PLUMLEY: Memorial of the Mill River Grange, No. 514, of East Wallingford, Vt., opposing the transfer of the Forest Service and other conservation activities out of the Department of Agriculture; to the Committee on Agriculture.

2801. Also, memorial of the Lamoille Grange, No. 233, having membership of 194, opposing transfer of the Forest Service and other conservation activities out of the Department of Agriculture; to the Committee on Agriculture.

2802. Also, petition of the Prospect Grange, No. 429, Fair Haven, Vt., opposing the removal of the Forest Service and other conservation activities from the Department of Agriculture; to the Joint Committee on Governmental Reorganization.

2803. By Mr. WELCH: Resolution relative to memorializing the President and the Congress of the United States to protect the right of the State of California to its tidelands and the coastal area lying seaward of the State of California; to the Committee on Military Affairs.

SENATE

TUESDAY, JUNE 29, 1937

(Legislative day of Tuesday, June 15, 1937)

The Senate met, in executive session, at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the legislative proceedings of Monday, June 28, 1937, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6958) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1938, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JOHNSON of Oklahoma, Mr. SCRUGHAM, Mr. O'NEAL of Kentucky, Mr. FITZPATRICK, Mr. LEAVY, Mr. RICH, and Mr. LAMBERTSON were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H. R. 5860) making further provision for the fisheries of Alaska, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

H. R. 2291. An act to amend the act of May 25, 1933 (48 Stat. 73);

H. R. 6523. An act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1938, and for other purposes;

H. R. 7206. An act to permit the temporary entry into the United States under certain conditions of alien participants and officials of the World Association of Girl Guides and Girl Scouts Silver Jubilee Camp to be held in the United States in 1937; and

H. J. Res. 375. Joint resolution to provide revenue, and for other purposes.

CALL OF THE ROLL

Mr. LEWIS. In order to assure the presence of a quorum, I ask for a roll call.

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Lee	Reynolds
Andrews	Connally	Lewis	Robinson
Ashurst	Copeland	Lodge	Russell
Austin	Davis	Logan	Schwartz
Bailey	Dieterich	Lonergan	Schwellenbach
Bankhead	Donahey	Lundeen	Sheppard
Barkley	Ellender	McAdoo	Shipstead
Berry	Frazier	McCarran	Smathers
Bilbo	George	McGill	Steiwer
Black	Gerry	McKellar	Thomas, Okla.
Bone	Green	McNary	Thomas, Utah
Borah	Guffey	Minton	Townsend
Bridges	Hale	Moore	Truman
Brown, N. H.	Harrison	Murray	Tydings
Bulkley	Hatch	Neely	Vandenberg
Bulow	Hayden	Nye	Van Nuys
Burke	Hitchcock	O'Mahoney	Wagner
Byrd	Holt	Overton	Walsh
Byrnes	Hughes	Pepper	Wheeler
Capper	Johnson, Colo.	Pittman	White
Caraway	King	Pope	
Chavez	La Follette	Radcliffe	

Mr. LEWIS. I announce the absence of the Senator from Connecticut [Mr. MALONEY] because of illness.

The Senator from Michigan [Mr. BROWN], the Senator from Wisconsin [Mr. DUFFY], the senior Senator from Iowa [Mr. GILLETTE], and the junior Senator from Iowa [Mr. HERRING] are detained from the Senate on important public business.

The Senator from Virginia [Mr. GLASS] and the Senator from South Carolina [Mr. SMITH] are unavoidably detained.

Mr. SCHWELLENBACH. I announce that the Senator from Nebraska [Mr. NORRIS] is absent because of illness.

Mr. AUSTIN. I announce that my colleague the junior Senator from Vermont [Mr. GIBSON] is necessarily absent.

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, a quorum is present.

INCLUSION OF CERTAIN POSITIONS WITHIN THE MERIT SYSTEM: SOCIAL SECURITY BOARD

The PRESIDING OFFICER. As in legislative session, the Chair lays before the Senate a communication from the President of the United States, which will be read.

The legislative clerk read as follows:

THE WHITE HOUSE,
Washington, June 28, 1937.

The PRESIDENT OF THE SENATE.

SIR: In signing the independent offices appropriation bill for the fiscal year 1938, I note that the appropriation for the Social Security Board contains a provision requiring Presidential appointment and Senate confirmation of experts and attorneys receiving compensation of $5,000 or more per annum.

I regret the inclusion of this provision in the bill. Aside from the hampering effect of the prohibition against receipt of compensation by such employees until confirmed by the Senate, particularly during periods when Congress is not in session, the method adopted for the selection of these employees seems to me unfortunate. In lieu of the present procedure for the appointment of these employees without regard to civil-service laws, I think it would have been preferable to bring the positions within the civil-service system. Under the reorganization of the work of the Civil Service Commission, as contemplated by the pending bill, S. 2700, it is expected that there would be developed improved methods for the examination and selection of such employees.

I am writing to express the hope that the Congress may see fit to enact legislation at an early date to place these positions under the merit system. I strongly recommend, as urged in my communication to the Congress of June 2, 1937, that all but policy-forming positions in the executive branch of the Government be included within the merit system.

Respectfully,

FRANKLIN D. ROOSEVELT.

The PRESIDING OFFICER. The communication will be referred to the Committee on Civil Service.

Mr. LA FOLLETTE. Mr. President, without desiring to question the right of the Chair to make appropriate reference of the communication, may I suggest that in view of

the creation by the Senate of a select committee to consider the reorganization of the Government departments it might be more appropriate to refer the message of the President to the select committee?

The PRESIDING OFFICER. Does the Senator make the suggestion in the form of a motion?

Mr. McNARY. Mr. President, I concur in the statement of the Senator from Wisconsin, except that I think the communication should probably be referred to the joint committee rather than to the select committee.

Mr. LA FOLLETTE. I made the suggestion, if the Senator will pardon me, that the communication be referred to the Senate select committee because the communication is addressed to the President of the Senate.

Mr. McNARY. Then I think it should go to the select committee rather than to the committee indicated by the Chair.

Mr. ROBINSON. I ask unanimous consent that the communication from the President of the United States be referred to the Select Committee on Government Organization.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the communication is so referred.

INTERIOR DEPARTMENT APPROPRIATIONS

Mr. HAYDEN. Mr. President, as in legislative session, I ask that the action of the House of Representatives with reference to the Interior Department appropriation bill be laid before the Senate.

The PRESIDING OFFICER, as in legislative session, laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6958) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1938, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HAYDEN. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HAYDEN, Mr. MCKELLAR, Mr. THOMAS of Oklahoma, Mr. ADAMS, Mr. NYE, and Mr. STEIWER conferees on the part of the Senate.

TREATY WITH MEXICO TERMINATING ARTICLE VIII OF TREATY OF DECEMBER 30, 1853

Mr. PITTMAN. Mr. President, I understand that the first treaty on the calendar is the unfinished business.

The PRESIDING OFFICER. The Senator from Nevada is correct.

The Senate, as in Committee of the Whole, resumed the consideration of Executive J (75th Cong., 1st sess.), a treaty terminating article VIII of the treaty of December 30, 1853, which was read the second time, as follows:

The Governments of the United States of America and the United Mexican States, desirous of manifesting the mutual and enduring respect which they have for their independence; desirous also of eliminating all obstacles that may arise to the good relations which happily exist between them; and deeming that Article VIII of the Boundary Treaty which they concluded in the City of Mexico, December 30, 1853, was agreed upon in the light of a certain state of affairs which has disappeared, have agreed to conclude a treaty in which the said article VIII is declared to be terminated, and for this purpose, have appointed as their Plenipotentiaries:

The President of the United States of America, Cordell Hull, Secretary of State of the United States of America, and

The President of the United Mexican States, Francisco Castillo Nájera, Ambassador Extraordinary and Plenipotentiary of the United Mexican States to the United States of America.

Who, after having shown to each other their respective Full Powers, found to be in good and due form, have agreed upon the following articles:

ARTICLE I

Article VIII of the Boundary Treaty concluded between the United States of America and the United Mexican States in the City of Mexico, December 30, 1853, is hereby terminated.

ARTICLE II

The present Treaty shall be ratified by the High Contracting Parties in accordance with their constitutional methods, and the ratifications shall be exchanged, as soon as possible, in the city of Washington, D. C.

The Treaty shall go into effect on the day when the ratifications are exchanged.

Done in duplicate, in English and Spanish, in the city of Washington, D. C., on April 13, 1937.

CORDELL HULL [SEAL].
F. CASTILLO NÁJERA [SEAL].

Mr. PITTMAN. Mr. President, this treaty is not in the group of eight treaties, known as the Pan American treaties, which were adopted at Buenos Aires. It relates to the Gadsden Treaty of 1853. The object of the treaty is to repeal article VIII of the Gadsden Treaty. Article VIII provided for the construction of a plank road or railroad across the Tehuantepec Peninsula which might be used by citizens of the United States equally with citizens of Mexico. At the present time there is no necessity for that article, and Mexico desires it repealed. The treaty now pending is for the purpose of repealing article VIII of the treaty of 1853.

In the President's message it is stated:

The treaty terminating article VIII of the treaty of December 30, 1853, was signed by the Secretary of State and the Mexican Ambassador at Washington on April 13, 1937, and I transmit it herewith to the Senate.

Article VIII of the treaty of 1853, while of potential value at the time it was negotiated, has never operated and has no present-day use, since the work contemplated in its first paragraph was undertaken and completed by Mexico without the assistance of the United States, and transportation between the eastern and western parts of the United States is now better served by transcontinental means of transportation across the United States or by the Panama Canal than it can be served across the Isthmus of Tehuantepec to which the right was granted by article VIII of the Gadsden Treaty.

I ask the advice and consent of the Senate to ratification of the treaty of April 13, 1937, herewith transmitted.

Then the President said:

The termination of article VIII of the treaty of December 30, 1853, will not affect any other provisions of that treaty, and they will remain in full force and effect.

I think that should be a sufficient statement with regard to the treaty, and I ask for its ratification.

The PRESIDING OFFICER. If there be no amendment, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive J (75th Cong., 1st sess.), the treaty terminating article VIII of the treaty of December 30, 1853, signed by the Secretary of State and the Mexican Ambassador at Washington on April 13, 1937.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution is agreed to, and the treaty is ratified.

ADDITIONAL PROTOCOL BETWEEN AMERICAN REPUBLICS RELATIVE TO NONINTERVENTION

The Senate, as in Committee of the Whole, proceeded to consider Executive M (75th Cong., 1st sess.), an additional protocol relative to nonintervention, which was read the second time, as follows:

The Governments represented at the Inter-American Conference for the Maintenance of Peace.

Desiring to assure the benefits of peace in their mutual relations and in their relations with all the nations of the earth, and to abolish the practice of intervention; and

Taking into account that the Convention on Rights and Duties of States, signed at the Seventh International Conference of American States, December 26, 1933, solemnly affirmed the fundamental principle that "no State has the right to intervene in the internal or external affairs of another",

Have resolved to reaffirm this principle through the negotiation of the following Additional Protocol, and to that end they have appointed the Plenipotentiaries hereafter mentioned:

Argentina: Carlos Saavedra Lamas, Roberto M. Ortiz, Miguel Angel Cárcano, José María Cantilo, Felipe A. Espil, Leopoldo Melo, Isidoro Ruiz Moreno, Daniel Antokoletz, Carlos Brebbia, César Díaz Cisneros,

Paraguay: Miguel Angel Soler, J. Isidro Ramírez.
Honduras: Antonio Bermúdez M., Julian López Pineda.
Costa Rica: Manuel F. Jiménez, Carlos Brenes.
Venezuela: Caracciolo Parra Pérez, Gustavo Herrera, Alberto Zerega Fombona.
Peru: Carlos Concha, Alberto Ulloa, Felipe Barreda Laos, Diómedes Arias Schreiber.
El Salvador: Manuel Castro Ramírez, Maximiliano Patricio Brannon.
Mexico: Francisco Castillo Nájera, Alfonso Reyes, Ramón Betetá, Juan Manuel Alvarez del Castillo.
Brazil: José Carlos de Macedo Soares, Oswaldo Aranha, José de Paula Rodrigues Alves, Helio Lobo, Hildebrando Pompeu Pinto Accioly, Edmundo da Luz Pinto, Roberto Carneiro de Mendonca, Rosalina Coelho Lisboa de Miller, María Luiza Bittencourt.
Uruguay: José Espalter, Pedro Manini Ríos, Eugenio Martínez Thedy, Juan Antonio Buero, Felipe Ferreiro, Andrés F. Puyol, Abalcázar García, José G. Antuña, Julio César Cerdeiras, Gervasio Posadas Belgrano.
Guatemala: Carlos Salazar, José A. Medrano, Alfonso Carrillo.
Nicaragua: Luis Manuel Dabayle, José María Moncada, Modesto Valle.
Dominican Republic: Max Henriquez Ureña, Tulio M. Cestero, Enrique Jiménez.
Colombia: Jorge Soto del Corral, Miguel López Pumarejo, Roberto Urdaneta Arbeláez, Alberto Lleras Camargo, José Ignacio Díaz Granados.
Panama: Harmodio Arias M., Julio Fábrega, Eduardo Chiari.
United States of America: Cordell Hull, Sumner Welles, Alexander W. Weddell, Adolf A. Berle, Jr., Alexander F. Whitney, Charles G. Fenwick, Michael Francis Doyle, Elise F. Musser.
Chile: Miguel Cruchaga Tocornal, Luis Barros Borgoño, Felix Nieto del Río, Ricardo Montaner Bello.
Ecuador: Humberto Albornoz, Antonio Pons, José Gabriel Navarro, Francisco Guarderas, Eduardo Salazar Gómez.
Bolivia: Enrique Finot, David Alvéstegui, Eduardo Diez de Medina, Alberto Ostria Gutiérrez, Carlos Romero, Alberto Cortadellas, Javier Paz Campero.
Haiti: Horacio Pauleus Sannon, Camille J. León, Elie Lescot, Edmé Manigat, Pierre Eugene de Lespinasse, Clemente Magloire.
Cuba: José Manuel Cortina, Ramón Zaydin, Carlos Márquez Sterling, Rafael Santos Jiménez, César Salaya, Calixto Whitmarsh, José Manuel Carbonell.

Who, after having deposited their full powers, found to be in good and due form, have agreed as follows:

ARTICLE 1

The High Contracting Parties declare inadmissible the intervention of any one of them, directly or indirectly, and for whatever reason, in the internal or external affairs of any other of the Parties.

The violation of the provisions of this Article shall give rise to mutual consultation, with the object of exchanging views and seeking methods of peaceful adjustment.

ARTICLE 2

It is agreed that every question concerning the interpretation of the present Additional Protocol, which it has not been possible to settle through diplomatic channels, shall be submitted to the procedure of conciliation provided for in the agreements in force, or to arbitration, or to judicial settlement.

ARTICLE 3

The present Additional Protocol shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The original instrument and the instruments of ratification shall be deposited in the Ministry of Foreign Affairs of the Argentine Republic which shall communicate the ratifications to the other signatories. The Additional Protocol shall come into effect between the High Contracting Parties in the order in which they shall have deposited their ratifications.

ARTICLE 4

The present Additional Protocol shall remain in effect indefinitely but may be denounced by means of one year's notice after the expiration of which period the Protocol shall cease in its effects as regards the party which denounces it, but shall remain in effect for the remaining Signatory States. Denunciations shall be addressed to the Government of the Argentine Republic which shall notify them to the other Contracting States.

In witness whereof, the above-mentioned Plenipotentiaries sign the present Additional Protocol in English, Spanish, Portuguese, and French and hereunto affix their respective seals, at the City of Buenos Aires, Capital of the Argentine Republic, on the twenty-third day of the month of December, nineteen hundred and thirty-six.

Argentina:
CARLOS SAAVEDRA LAMAS.
ROBERTO M. ORTIZ.
MIGUEL ANGEL CARCANO.
JOSÉ MARÍA CANTILO.
FELIPE A. ESPIL.
LEOPOLDO MELO.
ISIDORO RUIZ MORENO.
DANIEL ANTOKOLETZ.
CARLOS BREBBIA.
CÉSAR DÍAZ CISNEROS.

Paraguay:
MIGUEL ANGEL SOLER.
J. ISIDRO RAMÍREZ.
Honduras:
ANTONIO BERMÚDEZ M.
JULIÁN LÓPEZ PINEDA.
Costa Rica:
MANUEL F. JIMÉNEZ.
CARLOS BRENES.
Venezuela:
CARACCIOLO PARRA PÉREZ.
GUSTAVO HERRERA.
ALBERTO ZÉREGA FOMBONA.
Peru:
CARLOS CONCHA.
ALBERTO ULLOA.
FELIPE BARREDA LAOS.
DIÓMEDES ARIAS SCHREIBER.
El Salvador:
MANUEL CASTRO RAMÍREZ.
MAXIMILIANO PATRICIO BRANNON.
Mexico:
FRANCISCO CASTILLO NÁJERA.
ALFONSO REYES.
RAMÓN BETETA.
JUAN MANUEL ALVAREZ DEL CASTILLO.
Brazil:
JOSÉ CARLOS DE MACEDO SOARES.
JOSÉ DE PAULA RODRIGUES ALVES.
HELIO LOBO.
HILDEBRANDO POMPEU PINTO ACCIOLY.
EDMUNDO DA LUZ PINTO.
ROBERTO CARNEIRO DE MENDONÇA.
ROSALINA COELHO LISBOA DE MILLER.
MARÍA LUIZA BITTENCOURT.
Uruguay:
PEDRO MANINI RÍOS.
EUGENIO MARTÍNEZ THEDY.
FELIPE FERREIRO.
ABALCÁZAR GARCÍA.
JULIO CÉSAR CERDEIRAS ALONSO.
GERVASIO POSADAS BELGRANO.
Guatemala:
CARLOS SALAZAR.
JOSÉ A. MEDRANO.
ALFONSO CARRILLO.
Nicaragua:
LUIS MANUEL DEBAYLE.
JOSÉ MARÍA MONCADA.
MODESTO VALLE.
Dominican Republic:
MAX HENRÍQUEZ UREÑA.
TULIO M. CESTERO.
ENRIQUE JIMÉNEZ.
Colombia:
JORGE SOTO DEL CORRAL.
MIGUEL LÓPEZ PUMAREJO.
ROBERTO URDANETA ARBELÁEZ.
ALBERTO LLERAS CAMARGO.
JOSÉ IGNACIO DÍAZ GRANADOS.

Mr. PITTMAN. Mr. President, this is one of the eight treaties which were negotiated and executed at Buenos Aires at the recent convention there. The treaties all deal with the relationship between the Pan American countries and the United States. They deal, however, with different subjects.

In the beginning I may say, as it applies to each of the treaties, that, in my opinion and I believe in the opinion of nearly all the members of the Foreign Relations Committee, the treaties will be of great value in preserving friendship not only between the United States and the Latin American Republics but between those republics themselves. The treaties are excellently drawn. They have avoided any effort whatever at force. The conversations which are provided for will be consultations looking to the settlement of disputes between the parties solely by peaceful methods, by mediation, arbitration, or other judicial process.

All the way through the treaties it will be found, while there is an effort at solidarity, a desire that all the republics shall agree on the peaceful methods to be utilized both in time of peace and in time of war, that the individual independence of action by each Government is retained intact.

The treaties were given very careful study by the Foreign Relations Committee. We had before us the Secretary of State and the Under Secretary of State. All such questions as were deemed proper and advisable were asked. I think it well to read at this time a short statement made by the

Secretary of State which applies equally to all the treaties to be considered today. His statement reads as follows:

DEPARTMENT OF STATE,
Washington, May 15, 1937.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: I have the honor to transmit herewith the following instruments which were negotiated and signed at the Inter-American Conference for the Maintenance of Peace held at Buenos Aires December 1–23, 1936:

1. Convention for the Maintenance, Preservation, and Reestablishment of Peace.
2. Additional Protocol Relative to Nonintervention.
3. Treaty on the Prevention of Controversies.
4. Inter-American Treaty on Good Offices and Mediation.
5. Convention to Coordinate, Extend, and Assure the Fulfillment of Existing Treaties Between the American States.
6. Convention on the Pan American Highway.
7. Convention for the Promotion of Inter-American Cultural Relations.
8. Convention Concerning Artistic Exhibitions.

These documents were signed by the delegates of the United States of America, subject to ratification, in accordance with the full powers issued by you, and accordingly they are sent to you with a view to their transmission to the Senate for its advice and consent to their ratification, if you approve thereof.

I am transmitting these instruments with separate reports for your convenience, as well as that of the Senate, if you approve of their submission. The separate reports briefly describe and explain these documents.

This conference was convened in pursuance of the proposal made by you on January 30, 1936, to the Presidents of all the American republics that the time was opportune for the countries of this hemisphere at a common council table to consider their joint responsibility for the maintenance of peace. Both the spirit in which the deliberations of the conference were conducted and the achievements themselves, all reached by unanimous agreement, established this conference as one of the most successful international gatherings in recent times.

The delegations of the several countries demonstrated a solidarity of purpose and determination to strengthen the edifice of peace seldom seen at an international conference. That they succeeded is evidenced by the instruments themselves. These reinforce the structure of peace by the reaffirmation of obligations to settle by pacific means all controversies of an international character; by providing the machinery for consultation and cooperation to prevent the outbreak of war, and, should these efforts unhappily fail to prevent the spread or prolongation of hostilities; by declaring inadmissible intervention by one state in the internal or external affairs of another; and by providing measures for the improvement of cultural relations and communications. These instruments are interconnected segments of a structure of permanent peace, so that failure to ratify one will weaken the efficacy of all.

The policy of the good neighbor which you enunciated in your first inaugural message brought into the conduct of our foreign relations a spirit of friendship, tolerance, and good will. The early evidences of what that policy means in practice has dissipated the many apprehensions held among the other American republics concerning our motives and desires. The conference at Buenos Aires was, perhaps, the most important demonstration thus far of our motives and of our willingness to cooperate for the common good. From every point of view it is to be desired that this country do its share in carrying into reality the high hopes aroused by that conference by ratifying the various instruments adopted there.

I therefore recommend these instruments to your favorable consideration, with a view to their submission to the Senate for its advice and consent to ratification.

Faithfully yours,

CORDELL HULL.

Mr. President, as these treaties are all interconnected, I wish also to read a declaration.

At that conference there was adopted a declaration which bears very closely upon the interpretation of each and all these eight treaties. I think it well to have in the RECORD that declaration. I will read it.

DECLARATION OF PRINCIPLES OF INTER-AMERICAN SOLIDARITY AND COOPERATION

The Governments of the American republics, having considered:

That they have a common likeness in their democratic form of government, and their common ideals of peace and justice, manifested in the several treaties and conventions which they have signed for the purpose of constituting a purely American system tending toward the preservation of peace, the proscription of war, the harmonious development of their commerce and of their cultural aspirations demonstrated in all of their political, economic, social, scientific, and artistic activities;

That the existence of continental interests obliges them to maintain solidarity of principles as the basis of the life of the relations of each to every other American nation;

That Pan Americanism, as a principle of American international law, by which is understood a moral union of all of the American republics in defense of their common interests based upon the most perfect equality and reciprocal respect for their rights of autonomy, independence, and free development, requires the proclamation of principles of American international law; and

That it is necessary to consecrate the principle of American solidarity in all noncontinental conflicts, especially since those limited to the American Continent, should find a peaceful solution by the means established by the treaties and conventions now in force or in the instruments hereafter to be executed,

The Inter-American Conference for the Maintenance of Peace

DECLARES

1. That the American nations, true to their republican institutions, proclaim their absolute juridical liberty, their unrestricted respect for their several sovereignty, and the existence of a common democracy throughout America;

2. That every act susceptible of disturbing the peace of America affects each and every one of them, and justifies the initiation of the procedure of consultation provided for in the Convention for the Maintenance, Preservation, and Reestablishment of Peace, executed at this conference; and

3. That the following principles are accepted by the international American community:

(a) Proscription of territorial conquest, and that, in consequence, no acquisition made through violence shall be recognized;

(b) Intervention by one State in the internal or external affairs of another State is condemned;

(c) Forcible collection of pecuniary debts is illegal; and

(d) Any difference or dispute between the American nations, whatever its nature or origin, shall be settled by the methods of conciliation, or full arbitration, or through operation of international justice.

Mr. BORAH. Mr. President——

Mr. PITTMAN. I yield to the Senator from Idaho.

Mr. BORAH. There is a treaty pending known as the Argentine Sanitary Treaty. Since this discussion opened two Senators have asked me whether any of these treaties dealt in any way with that subject matter. I have stated that said treaty is not among the treaties now being considered, and no reference to the subject matter is to be found in any of these treaties.

Mr. PITTMAN. It is not. The so-called Argentine Treaty has no relation whatever to the matter here, and is still in the Committee on Foreign Relations.

Mr. BORAH. And the subject matter is not incorporated in any of these treaties?

Mr. PITTMAN. Not any subject relating to it.

Mr. VANDENBERG. Mr. President, may I ask the Senator which one of these treaties is the one to which a number of republics attached reservations, and we in turn attached a reservation?

Mr. PITTMAN. It is not this one. It is Executive P, the last one.

I move that the Senate advise and consent to the ratification of the treaty.

Mr. BORAH. Mr. President, the treaty is simple enough on its face, but I think it is of very great moment. The treaty provides:

The High Contracting Parties declare inadmissible the intervention of any one of them, directly or indirectly, and for whatever reason, in the internal or external affairs of any other of the Parties.

The violation of the provisions of this Article shall give rise to mutual consultation, with the object of exchanging views and seeking methods of peaceful adjustment.

If that principle can be carried into effect, if this treaty can be made effective, it will inaugurate a new reign of good will and of peace upon the western continent, and especially among our South American brethren.

The PRESIDING OFFICER. If there be no amendment, the additional protocol will be reported to the Senate.

The additional protocol was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive M (75th Cong., 1st sess.), an additional protocol relative to nonintervention, signed at Buenos Aires on December 23, 1936, by the respective plenipotentiaries of the United States of America and the other 20 American republics represented at the Inter-American Conference for the Maintenance of Peace held at Buenos Aires in December 1936.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution is agreed to and the additional protocol is ratified.

TREATY BETWEEN AMERICAN REPUBLICS ON THE PREVENTION OF CONTROVERSIES

The Senate, as in Committee of the Whole, proceeded to consider Executive N (75th Cong., 1st sess.), a treaty on the prevention of controversies, which was read the second time, as follows:

The Governments represented at the Inter-American Conference for the Maintenance of Peace.

In order to adopt, in the interest of the maintenance of international peace so far as may be attainable, a preventive system for the consideration of possible causes of future controversies and their settlement by pacific means; and

Convinced that whatever assures and facilitates compliance with the treaties in force constitutes an effective guarantee of international peace,

Have agreed to conclude a treaty and to this effect have named the following plenipotentiaries:

Argentina: Carlos Saavedra Lamas, Roberto M. Ortiz, Miguel Angel Cárcano, José María Cantilo, Felipe A. Espil, Leopoldo Melo, Isidor Ruiz Moreno, Daniel Antokoletz, Carlos Brebbia, César Diaz Cisneros.

Paraguay: Miguel Angel Soler, J. Isidro Ramírez.

Honduras: Antonio Bermúdez M., Julián López Pineda.

Costa Rica: Manuel F. Jiménez, Carlos Brenes.

Venezuela: Caracciolo Parra Pérez, Gustavo Herrera, Alberto Zérega Fombona.

Peru: Carlos Concha, Alberto Ulloa, Felipe Barreda Laos, Diómedes Arias Schreiber.

El Salvador: Manuel Castro Ramirez; Maximiliano Patricio Brannon.

Mexico: Francisco Castillo Nájera, Alfonso Reyes, Ramón Bateta, Juan Manuel Alvarez del Castillo.

Brazil: José Carlos de Macedo Soares, Oswaldo Aranha, José de Paula Rodrigues Alves, Helio Lobo, Hildebrando Pompeu Pinto Accioly, Edmundo da Luz Pinto, Roberto Carneiro de Mendonca, Rosalina Coelho Lisboa de Miller, María Luiza Bittencourt.

Uruguay: José Espalter, Pedro Manini Rios, Eugenio Martínez Thedy, Juan Antonio Buero, Felipe Ferreiro, Andrés F. Puyol, Abalcázar García, José G. Antuña, Julio César Cerdeiras Alonso, Gervasio Posadas Belgrano.

Guatemala: Carlos Salazar, José A. Medrano, Alfonso Carrillo.

Nicaragua: Luis Manuel Debayle, José María Moncada, Modesto Valle.

Dominican Republic: Max Henríquez Ureña, Tulio M. Cestero, Enrique Jiménez.

Colombia: Jorge Soto del Corral, Miguel López Pumarejo, Roberto Urdaneta Arbeláez, Alberto Lleras Camargo, José Ignacio Díaz Granados.

Panama: Harmodio Arias M., Julio J. Fábrega, Eduardo Chiari.

United States of America: Cordell Hull, Sumner Welles, Alexander W. Weddell, Adolf A. Berle, Jr., Alexander P. Whitney, Charles G. Fenwick, Michael Francis Doyle, Elise F. Musser.

Chile: Miguel Cruchaga Tocornal, Luis Barros Borgoño, Félix Nieto del Río, Ricardo Montaner Bello.

Ecuador: Humberto, Albornoz, Antonio Pons, José Gabriel Navarro, Francisco Guarderas, Eduardo Salazar Gómez.

Bolivia: Enrique Finot, David Alvéstegui, Eduardo Díez de Medina, Alberto Ostria Gutiérrez, Carlos Romero, Alberto Cortadellas, Javier Pas Campero.

Haiti: H. Pauleus Sannon, Camille J. León, Elie Lescot, Edmé Manigat, Pierre Eugéne de Lespinasse, Clément Magloire.

Cuba: José Manuel Cortina, Ramón Zaydin, Carlos Márquez Sterling, Rafael Santos Jiménez, César Salaya, Calixto Whitmarsh, José Manuel Carbonell.

Who, after having deposited their full powers, found to be in good and due form, have agreed as follows:

ARTICLE 1

The High Contracting Parties bind themselves to establish permanent bilateral mixed commissions composed of representatives of the signatory governments which shall in fact be constituted, at the request of any of them, and such party shall give notice of such request to the other signatory governments.

Each Government shall appoint its own representative to the said commission, the meetings of which are to be held, alternately, in the capital city of one and the other Governments represented in each of them. The first meeting shall be held at the seat of the Government which convokes it.

ARTICLE 2

The duty of the aforementioned commissions shall be to study, with the primary object of eliminating them, as far as possible, the causes of future difficulties or controversies; and to propose additional or detailed lawful measures which it might be convenient to take in order to promote, as far as possible, the due and regular application of treaties in force between the respective parties, and also to promote the development of increasingly good relations in all ways between the two countries dealt with in each case.

ARTICLE 3

After each meeting of any of the said preventive commissions a minute shall be drawn and signed by its members setting out the considerations and decisions thereof and such minute shall be transmitted to the governments represented in the commissions.

ARTICLE 4

The present treaty shall not affect obligations previously entered into by the High Contracting Parties by virtue of international agreements.

ARTICLE 5

The present Treaty shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The original instrument shall be deposited in the Ministry of Foreign Affairs of the Argentine Republic which shall transmit authentic certified copies to the Governments for the aforementioned purpose of ratification. The instruments of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory Governments of said deposit. Such notification shall be considered as an exchange of ratifications.

ARTICLE 6

The present Treaty will come into effect between the High Contracting Parties in the order in which they deposit their respective ratifications.

ARTICLE 7

The present Treaty shall remain in effect indefinitely but may be denounced by means of one year's notice given to the Pan American Union, which shall transmit it to the other signatory governments. After the expiration of this period the Treaty shall cease in its effects as regards the party which denounces it but shall remain in effect for the remaining High Contracting Parties.

In witness whereof, the above mentioned Plenipotentiaries sign the present Treaty in English, Spanish, Portuguese, and French and hereunto affix their respective seals, at the City of Buenos Aires, Capital of the Argentine Republic, on the twenty-third day of the month of December 1936.

RESERVATION OF THE DELEGATION OF PERU

Peru adheres to the above proposal with a reservation to Article 1 in the sense that it understands that recourse to the bilateral mixed commission is not mandatory but optional.

Argentina:
CARLOS SAAVEDRA LAMAS.
ROBERTO M. ORTIZ.
MIGUEL ANGEL CARCANO.
JOSÉ MARÍA CANTILO.
FELIPE A. ESPIL.
LEOPOLDO MELO.
ISIDORO RUIZ MORENO.
DANIEL ANTOKOLETZ.
CARLOS BREBBIA.
CÉSAR DÍAZ CISNEROS.

El Salvador:
MANUEL CASTRO RAMÍREZ.
MAXIMILIANO PATRICIO BRANNON.

Mexico:
FRANCISCO CASTILLO NÁJERA.
ALFONSO REYES.
RAMÓN BETETA.
JUAN MANUEL ALVAREZ DEL CASTILLO.

Paraguay:
MIGUEL ANGEL SOLER.
J. ISIDRO RAMÍREZ.

Honduras:
ANTONIO BERMÚDEZ M.
JULIÁN LÓPEZ PINEDA.

Costa Rica:
MANUEL F. JIMÉNEZ.
CARLOS BRENES.

Venezuela:
CARACCIOLO PARRA PÉREZ.
GUSTAVO HERRERA.
ALBERTO ZÉREGA FOMBONA.

Peru:
CARLOS CONCHA.
ALBERTO ULLOA.
FELIPE BARREDA LAOS.
DIÓMEDES ARIAS SCHREIBER.

Nicaragua:
LUIS MANUEL DEBAYLE.
JOSÉ MARÍA MONCADA.
MODESTO VALLE.

Dominican Republic:
MAX HENRÍQUEZ UREÑA.
TULIO M. CESTERO.
ENRIQUE JIMÉNEZ.

Colombia:
JORGE SOTO DEL CORRAL.
MIGUEL LÓPEZ PUMAREJO.
ROBERTO URDANETA ARBELÁEZ.
ALBERTO LLERAS CAMARGO.
JOSÉ IGNACIO DÍAZ GRANADOS.

Panama:
HARMODIO ARIAS M.
JULIO J. FÁBREGA.
EDUARDO CHIARI.
United States of America:
CORDELL HULL.
SUMNER WELLES.
ALEXANDER W. WEDDELL.
ADOLPH A. BERLE, JR.
ALEXANDER F. WHITNEY.
CHARLES G. FENWICK.
MICHAEL FRANCIS DOYLE.
ELISE F. MUSSER.
Brazil:
JOSÉ CARLOS DE MACEDO SOARES.
JOSÉ DE PAULA RODRIGUES ALVES.
HELIO LOBO.
HILDEBRANDO POMPEU PINTO ACCIOLY.
EDMUNDO DA LUZ PINTO.
ROBERTO CARNEIRO DE MENDONCA.
ROSALINA COELHO LISBOA DE MILLER.
MARÍA LUIZA BITTENCOURT.
Uruguay:
PEDRO MANINI RÍOS.
EUGENIO MARTÍNEZ THEDY.
FELIPE FERREIRO.
ABALCÁZAR GARCÍA.
JULIO CÉSAR CERDEIRAS ALONSO.
GERVASIO POSADAS BELGRANO.
Guatemala:
CARLOS SALAZAR.
JOSÉ A. MEDRANO.
ALFONSO CARRILLO.
Chile:
MIGUEL CRUCHAGA TOCORNAL.
LUIS BARROS BORGOÑA.
FÉLIX NIETO DEL RÍO.
RICARDO MONTANER BELLO.
Ecuador:
HUMBERTO ALBORNOZ.
ANTONIO PONS.
JOSÉ GABRIEL NAVARRO.
FRANCISCO GUARDERAS.
Bolivia:
ENRIQUE FINOT.
DAVID ALVÉSTEGUI.
CARLOS ROMERO.
Haiti:
H. PAULEUS SANNON.
CAMILLE J. LEÓN.
ELIE LESCOT.
EDMÉ MANIGAT.
PIERRE EUGÉNE DE LESPINASSE.
CLÉMENT MAGLOIRE.
Cuba:
JOSÉ MANUEL CORTINA.
RAMÓN ZAYDIN.
CARLOS MÁRQUEZ STERLING.
RAFAEL SANTOS JIMÉNEZ.
CÉSAR SALAYA.
CALIXTO WHITMARSH.
JOSÉ MANUEL CARBONELL.

Mr. McNARY. Mr. President, this series of treaties was reached on the calendar last week in executive session. On account of the absence of the Senator from California [Mr. JOHNSON] I asked that the treaties go over. The Senator from California is unavoidably absent today. I have a memorandum from him with respect to this treaty which I should like to have placed in the RECORD:

I cannot ask Senator PITTMAN to continue further the consideration of those treaties, but please to register me against—
(1) Treaty between American republics for the maintenance, preservation, and reestablishment of peace. (Executive N.)

That is the treaty now before the Senate for consideration.

(2) Convention between American republics for the maintenance, preservation, and reestablishment of peace. (Executive L.)
(3) Convention between American republics to coordinate, extend, and assure the fulfillment of existing treaties. (Executive P.)
And particularly Executive P.

That is the declaration of the able Senator from California. I desire the RECORD to show his opposition to these three treaties.

Mr. PITTMAN. Mr. President, I merely wish to call attention to the fact that the Commission provided for in the treaty is to perform no function as a court of arbitration or mediation. It is to be created for the purpose of studying causes which may arouse controversies between the various countries, and to make recommendations with regard to future treaties or amendments to existing treaties.

The PRESIDING OFFICER. If there be no amendment, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive N (75th Cong., 1st sess.), a treaty on the prevention of controversies signed at Buenos Aires on December 23, 1936, by the respective plenipotentiaries of the United States of America and the other 20 American republics represented at the Inter-American Conference for the Maintenance of Peace, held at Buenos Aires in December 1936.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution is agreed to and the treaty is ratified.

TREATY BETWEEN AMERICAN REPUBLICS ON GOOD OFFICES AND MEDIATION

The Senate, as in Committee of the Whole, proceeded to consider Executive O (75th Cong., 1st sess.), an inter-American treaty on good offices and mediation, which was read the second time, as follows:

The Governments represented at the Inter-American Conference for the Maintenance of Peace;
Considering that, notwithstanding the pacts which have been concluded between them, it is desirable to facilitate, even more, recourse to peaceful methods for the solution of controversies,
Have resolved to celebrate a treaty of Good Offices and Mediation between the American Countries, and to this end have named the following Plenipotentiaries:
Argentina: Carlos Saavedra Lamas, Roberto M. Ortiz, Miguel Angel Cárcano, José María Cantilo, Felipe A. Espil, Leopoldo Melo, Isidoro Ruiz Moreno, Daniel Antokoletz, Carlos Brebbia, César Díaz Cisneros.
Paraguay: Miguel Angel Soler, J. Isidro Ramírez.
Honduras: Antonio Bermúdez M., Julián López Pineda.
Costa Rica: Manuel F. Jiménez, Carlos Brenes.
Venezuela: Caracciolo Parra Pérez, Gustavo Herrera, Alberto Zérega Fombona.
Peru: Carlos Concha, Alberto Ulloa, Felipe Barreda Laos, Diómedes Arias Schreiber.
El Salvador: Manuel Castro Ramírez, Maximiliano Patricio Brannon.
Mexico: Francisco Castillo Nájera, Alfonso Reyes, Ramón Beteta, Juan Manuel Alvarez del Castillo.
Brazil: José Carlos de Macedo Soares, Oswaldo Aranha, José de Paula Rodríguez Alves, Helio Lobo, Hildebrando Pompeu Pinto Accioly, Edmundo da Luz Pinto, Roberto Carneiro de Mendonca, Rosalina Coelho Lisboa de Miller, María Luiza Bittencourt.
Uruguay: José Espalter, Pedro Manini Ríos, Eugenio Martínez Thedy, Juan Antonio Buero, Felipe Ferreiro, Andrés F. Puyol, Abalcázar García, José G. Antuña, Julio César Cerdeiras Alonso, Gervasio Posadas Belgrano.
Guatemala: Carlos Salazar, José A. Medrano, Alfonso Carrillo.
Nicaragua: Luis Manuel Debayle, José María Moncada, Modesto Valle.
Dominican Republic: Max Henríquez Ureña, Tulio M. Cestero, Enrique Jiménez.
Colombia: Jorge Soto del Corral, Miguel López Pumarejo, Roberto Urdaneta Arbeláez, Alberto Lleras Camargo, José Ignacio Díaz Granados.
Panama: Harmodio Arias M., Julio J. Fábrega, Eduardo Chiari.
United States of America: Cordell Hull, Sumner Welles, Alexander W. Weddell, Adolf A. Berle, Jr., Alexander F. Whitney, Charles G. Fenwick, Michael Francis Doyle, Elise F. Musser.
Chile: Miguel Cruchaga Tocornal, Luis Barros Borgoño, Félix Nieto del Río, Ricardo Montaner Bello.
Ecuador: Humberto Albornoz, Antonio Pons, José Gabriel Navarro, Francisco Guarderas, Eduardo Salazar Gómez.
Bolivia: Enrique Finot, David Alvéstegui, Eduardo Díez de Medina, Alberto Ostria Gutiérrez, Carlos Romero, Alberto Cortadellas, Javier Paz Campero.
Haiti: H. Pauleus Sannon, Camille J. León, Elie Lescot, Edmé Manigat, Pierre Eugéne de Lespinasse, Clément Magloire.
Cuba: José Manuel Cortina, Ramón Zaydin, Carlos Márquez Sterling, Rafael Santos Jiménez, César Salaya, Calixto Whitmarsh, José Manuel Carbonell.
Who, after having deposited their full powers, found to be in good and due form, have agreed as follows:

ARTICLE I

When a controversy arises between them, that cannot be settled by the usual diplomatic means, the High Contracting Parties may have recourse to the good offices or mediation of an eminent citizen of any of the other American countries, preferably chosen from a general list made up in accordance with the following article.

ARTICLE II

To prepare the aforementioned list, each Government, as soon as the present treaty is ratified, shall name two citizens selected from among the most eminent by reason of their high character and juridical learning.

The designations shall immediately be communicated to the Pan American Union, which shall prepare the list and shall forward copies thereof to the contracting parties.

ARTICLE III

According to the hypothesis set forth in Article I, the countries in controversy shall, by common agreement, select one of the persons named on this list, for the purposes indicated in this treaty.

The person selected shall name the place where, under his chairmanship, one duly authorized representative of each of the parties shall meet in order to seek a peaceful and equitable solution of the difference.

If the parties are unable to agree concerning the selection of the person lending his good offices or mediation, each one shall choose one of those named on the list. The two citizens chosen in this way shall select, from among the names listed, a third person who shall undertake the functions referred to, endeavoring, in so far as possible, to make a choice that shall be acceptable to both parties.

ARTICLE IV

The mediator shall determine a period of time, not to exceed six nor be less than three months for the parties to arrive at some peaceful settlement. Should this period expire before the parties have reached some solution, the controversy shall be submitted to the procedure of conciliation provided for in existing inter-American agreements.

ARTICLE V

During the procedure established in this Treaty each of the interested parties shall provide for its own expense and shall contribute equally to common costs or honoraria.

ARTICLE VI

The present Treaty shall not affect obligations previously entered into by the High Contracting Parties by virtue of international agreements.

ARTICLE VII

The present Treaty shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The original instrument shall be deposited in the Ministry of Foreign Affairs of the Argentine Republic which shall transmit authentic certified copies to the Governments for the aforementioned purpose of ratification. The instruments of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications.

ARTICLE VIII

The present Treaty will come into effect between the High Contracting Parties in the order in which they deposit their respective ratifications.

ARTICLE IX

The present Treaty shall remain in effect indefinitely but may be denounced by means of one year's notice given to the Pan American Union, which shall transmit it to the other signatory Governments. After the expiration of this period the Treaty shall cease in its effects as regards the Party which denounces it, but shall remain in effect for the remaining High Contracting Parties.

In witness whereof, the above mentioned Plenipotentiaries sign the present Treaty in English, Spanish, Portuguese, and French, and hereunto affix their respective seals, at the City of Buenos Aires, Capital of the Argentine Republic, on the twenty-third day of the month of December 1936.

Argentina:
CARLOS SAAVEDRA LAMAS.
ROBERTO M. ORTIZ.
MIGUEL ANGEL CÁRCANO.
JOSÉ MARÍA CANTILO.
FELIPE A. ESPIL.
LEOPOLDO MELO.
ISIDORO RUIZ MORENO.
DANIEL ANTOKOLETZ.
CARLOS BREBBIA.
CÉSAR DÍAZ CISNEROS.

Paraguay:
MIGUEL ANGEL SOLER.
J. ISIDRO RAMÍREZ.

Honduras:
ANTONIO BERMÚDEZ M.
JULIÁN LÓPEZ PINEDA.

Costa Rica:
MANUEL F. JIMÉNEZ.
CARLOS BRENES.

Venezuela:
CARACCIOLO PARRA PÉREZ.
GUSTAVO HERRERA.
ALBERTO ZÉREGA FOMBONA.

Peru:
CARLOS CONCHA.
ALBERTO ULLOA.
FELIPE BARREDA LAOS.
DIÓMEDES ARIAS SCHREIBER.

El Salvador:
MANUEL CASTRO RAMÍREZ.
MAXIMILIANO PATRICIO BRANNON.

Mexico:
FRANCISCO CASTILLO NÁJERA.
ALFONSO REYES.
RAMÓN BETETA.
JUAN MANUEL ALVAREZ DEL CASTILLO.

Brazil:
JOSÉ CARLOS DE MACEDO SOARES.
JOSÉ DE PAULA RODRIGUES ALVES.
HELIO LOBO.
HILDEBRANDO POMPEU PINTO ACCIOLY.
EDMUNDO DA LUZ PINTO.
ROBERTO CARNEIRO DE MENDONCA.
ROSALINA COELHO LISBOA DE MILLER.
MARÍA LUIZA BITTENCOURT.

Uruguay:
PEDRO MANINI RÍOS.
EUGENIO MARTINEZ THEDY.
FELIPE FERREIRO.
ABALCÁZAR GARCIA.
JULIO CESAR CERDEIRAS ALONSO.
GERVASIO POSADAS BELGRANO.

Guatemala:
CARLOS SALAZAR.
JOSÉ A. MEDRANO.
ALFONSO CARRILLO.

Nicaragua:
LUIS MANUEL DEBAYLE.
JOSÉ MARÍA MONCADA.
MODESTO VALLE.

Dominican Republic:
MAX HENRÍQUEZ UREÑA.
TULIO M. CESTERO.
ENRIQUE JIMÉNEZ.

Colombia:
JORGE SOTO DEL CORRAL.
MIGUEL LÓPEZ PUMAREJO.
ROBERTO URDANETA ARBELÁEZ.
ALBERTO LLERAS CAMARGO.
JOSÉ IGNACIO DÍAZ GRANADOS.

Panama:
HARMODIO ARIAS M.
JULIO J. FÁBREGA.
EDUARDO CHIARI.

United States of America:
CORDELL HULL.
SUMNER WELLES.
ALEXANDER W. WEDDELL.
ADOLF A. BERLE, JR.
ALEXANDER F. WHITNEY.
CHARLES G. FENWICK.
MICHAEL FRANCIS DOYLE.
ELISE F. MUSSER.

Chile:
MIGUEL CRUCHAGA TOCORNAL.
LUIS BARROS BORGOÑO.
FÉLIX NIETO DEL RÍO.
RICARDO MONTANER BELLO.

Ecuador:
HUMBERTO ALBORNOZ.
ANTONIO PONS.
JOSÉ GABRIEL NAVARRO.
FRANCISCO GUARDERAS.

Bolivia:
ENRIQUE FINOT.
DAVID ALVÉSTEGUI.
CARLOS ROMERO.

Haiti:
H. PAULEUS SANNON.
CAMILLE J. LEÓN.
ELIE LESCOT.
EDMÉ MANIGAT.
PIERRE EUGÉNE DE LESPINASSE.
CLÉMENT MAGLOIRE.

Cuba:
JOSÉ MANUEL CORTINA.
RAMÓN ZAYDIN.
CARLOS MÁRQUEZ STERLING.
RAFAEL SANTOS JIMÉNEZ.
CÉSAR SALAYA.
CALIXTO WHITMARSH.
JOSÉ MANUEL CARBONELL.

The PRESIDING OFFICER. If there be no amendment to be offered, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive O (75th Cong., 1st sess.), an Inter-American Treaty on Good Offices and Mediation signed at Buenos Aires on December 23, 1936, by the respective plenipotentiaries of the United States of America and the other 20 American republics represented at the Inter-American Conference for the Maintenance of Peace held at Buenos Aires in December 1936.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution is agreed to and the treaty is ratified.

CONVENTION BETWEEN AMERICAN REPUBLICS ON THE PAN AMERICAN HIGHWAY

The Senate, as in Committee of the Whole, proceeded to consider Executive Q (75th Cong., 1st sess.), a Convention on the Pan American Highway, which was read the second time, as follows:

The Governments represented at the Inter-American Conference for the Maintenance of Peace,

Cognizant of the fact that the primary purpose of the Inter-American Conference is the strengthening of the bonds of friendship already existing between the countries of this Continent;

Convinced that direct and material contact between the American peoples necessarily would strengthen those bonds, consolidating therefore the peace of the Continent;

Knowing that the general welfare will be greater when there is greater facility for the exchange of the products of said countries;

Considering, finally, that one of the most adequate and efficient means for the attainment of the moral and material end aimed at jointly by the American Republics, is the termination of a highway which establishes a permanent communication between their respective territories,

Have decided to conclude a convention on that subject and for such purpose, have appointed the following plenipotentiaries:

Argentina: Carlos Saavedra Lamas, Roberto M. Ortiz, Miguel Angel Cárcano, Felipe A. Espil, Leopoldo Melo, Isidóro Ruiz Moreno, Daniel Antokoletz, Carlos Brebbia, César Díaz Cisneros.

Paraguay: Miguel Angel Soler, J. Isidro Ramírez.

Honduras: Antonio Bermúdez M., Julián López Pineda.

Uruguay: José Espalter, Pedro Manini Ríos, Eugenio Martínez Thedy, Juan Antonio Buero, Felipe Ferreiro, Andrés F. Puyol, Abalcázar García, José G. Antuña, Julio César Cerdeiras Alonso, Gervasio Posadas Belgrano.

Costa Rica: Manuel F. Jiménez, Carlos Brenes.

Guatemala: Carlos Salazar, José A. Medrano, Alfonso Carrillo.

Nicaragua: Luis Manuel Debayle, José María Moncada, Modesto Valle.

Dominican Republic: Max Henríquez Ureña, Tulio M. Cestero, Enrique Jiménez.

Colombia: Jorge Soto del Corral, Miguel López Pumarejo, Roberto Urdaneta Arbeláez, Alberto Lleras Camargo, José Ignacio Díaz Granados.

Panama: Harmodio Arias M., Julio J. Fábrega, Eduardo Chiari.

United States of America: Cordell Hull, Sumner Welles, Alexander W. Weddell, Adolf A. Berle, Jr., Alexander F. Whitney, Charles G. Fenwick, Michael Francis Doyle, Elise F. Musser.

Venezuela: Caracciolo Parra Pérez, Gustavo Herrera, Alberto Zérega Fombona.

Peru: Carlos Concha, Alberto Ulloa, Felipe Barreda Laos, Diómedes Arias Schreiber.

El Salvador: Manuel Castro Ramírez, Maximiliano Patricio Brannon.

Mexico: Francisco Castillo Nájera, Alfonso Reyes, Ramón Beteta, Juan Manuel Alvarez del Castillo.

Brazil: José Carlos de Macedo Soares, Oswaldo Aranha, Jóse de Paula Rodrigues Alves, Helio Lobo, Hildebrando Pompeu Pinto Accioly, Edmundo da Luz Pinto, Roberto Carneiro de Mendonça, Rosalina Coelho Lisboa de Miller, María Luiza Bittencourt.

Chile: Miguel Cruchaga Tocornal, Luis Barros Borgoño, Félix Nieto del Río, Ricardo Montaner Bello.

Ecuador: Humberto Albornoz, Antonio Pons, José Gabriel Navarro, Francisco Guarderas, Eduardo Salazar Gómez.

Bolivia: David Alvéstegui, Enrique Finot, Eduardo Díez de Medina, Alberto Ostria Gutiérrez, Carlos Romero, Alberto Cortadellas, Javier Paz Campero.

Haiti: H. Pauleus Sannon, Camille J. León, Elie Lescot, Edmé, Manigat, Pierre Eugéne de Lespinasse, Clément Magloire.

Cuba: José Manuel Cortina, Ramón Zaydin, Carlos Márquez Sterling, Rafael Santos Jiménez, César Salaya, Calixto Whittmarsh, José Manuel Carbonell.

Who, after exhibiting their Full Powers, found to be in good and due form, have agreed as follows:

ARTICLE 1

The High Contracting Parties agree to collaborate, with all diligence and by all adequate means, in the speedy completion of a Pan American Highway, which will permit at all times the transit of motor vehicles.

ARTICLE 2

The High Contracting Parties shall form a Commission of technical experts with the object of coordinating the work of the different governments and also to complete the studies and formulate the necessary projects in those countries which, not having heretofore completed this work, may need the cooperation of the Commission.

ARTICLE 3

Immediately after ratifying the present Convention, the High Contracting Parties shall consult among each other with a view to appointing a financial committee composed of the representatives of three of the ratifying Governments. This Committee shall study the problems concerning the speedy completion of the Pan American Highway, and within a period not more than six months from the date of its constitution shall submit a detailed report for the consideration of the Governments, accompanied by a plan for the solution of said problems.

ARTICLE 4

Finally, the High Contracting Parties bind themselves to establish or designate at once in their respective territories at least one permanent public office, for the purpose of giving information on the work in progress, the sections of the Highway which are passable, the local transit regulations and all other information which nationals and tourists of the signatory countries may require.

ARTICLE 5

The present Convention shall not affect obligations previously entered into by the High Contracting Parties by virtue of international agreements.

ARTICLE 6

The present Convention shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The original instrument shall be deposited in the Ministry of Foreign Affairs of the Argentine Republic which shall transmit authentic certified copies to the Governments for the aforementioned purpose of ratification. The instruments of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications.

ARTICLE 7

The present Convention will come into effect between the High Contracting Parties in the order in which they deposit their respective ratifications.

ARTICLE 8

The present Convention shall remain in effect indefinitely but may be denounced by means of one year's notice given to the Pan American Union, which shall transmit it to the other signatory governments. After the expiration of this period the Convention shall cease in its effects as regards the party which denounces it but shall remain in effect for the remaining High Contracting Parties.

ARTICLE 9

The present Convention shall be open for the adherence and accession of States which are not signatories. The corresponding instruments shall be deposited in the archives of the Pan American Union, which shall communicate them to the other High Contracting Parties.

In witness whereof, the above mentioned Plenipotentiaries sign the present Convention in English, Spanish, Portuguese, and French, and hereunto affix their respective seals, at the City of Buenos Aires, Capital of the Argentine Republic, on the twenty-third day of the month of December 1936.

Argentina:
CARLOS SAAVEDRA LAMAS.
ROBERTO M. ORTIZ.
MIGUEL ANGEL CÁRCANO.
JOSÉ MARÍA CANTILO.
FELIPE A. ESPIL.
LEOPOLDO MELO.
ISIDORO RUTZ MORENO.
DANIEL ANTOLOLETZ.
CARLOS BREBBIA.
CÉSAR DÍAZ CISNEROS.

Paraguay:
MIGUEL ANGEL SOLER.
J. ISIDRO RAMÍREZ.

Honduras:
ANTONIO BERMÚDEZ M.
JULIÁN LÓPEZ PINEDA.

Costa Rica:
MANUEL F. JIMÉNEZ.
CARLOS BRENES.

Venezuela:
CARACCIOLO PARRA PÉREZ.
GUSTAVO HERRERA.
ALBERTO ZÉREGA FOMBONA.

Peru:
CARLOS CONCHA.
ALBERTO ULLOA.
FELIPE BARREDA LAOS.
DIÓMEDES ARIAS SCHREIBER.

El Salvador:
MANUEL CASTRO RAMÍREZ.
MAXIMILIANO PATRICIO BRANNON.
Mexico:
FRANCISCO CASTILLO NÁJERA.
ALFONSO REYES.
RAMÓN BETETA.
JUAN MANUEL ALVAREZ DEL CASTILLO.
Brazil:
JOSÉ CARLOS DE MACEDO SOARES.
JOSÉ DE PAULA RODRIGUES ALVES.
HELIO LOBO.
HILDEBRANDO POMPEU PINTO ACCIOLY.
EDMUNDO DA LUZ PINTO.
ROBERTO CARNEIRO DE MENDONÇA.
ROSALINA COELHO LISBOA DE MILLER.
MARÍA LUIZA BITTENCOURT.
Uruguay:
PEDRO MANINI RÍOS.
EUGENIO MARTÍNEZ THEDY.
FELIPE FERREIRO.
ABALCÁZAR GARCÍA.
JULIO CÉSAR CERDEIRAS ALONSO.
GERVASIO POSADAS BELGRANO.
Guatemala:
CARLOS SALAZAR.
JOSÉ A. MEDRANO.
ALFONSO CARRILLO.
Nicaragua:
LUIS MANUEL DEBAYLE.
JOSÉ MARÍA MONCADA.
MODESTO VALLE.
MAX HENRÍQUEZ UREÑA.
TULIO M. CESTERO.
ENRIQUE JIMÉNEZ.
Colombia:
JORGE SOTO DEL CORRAL.
MIGUEL LÓPEZ PUMAREJO.
ROBERTO URDANETA ARBELÁEZ.
ALBERTO LLERAS CAMARGO.
JOSÉ IGNACIO DÍAZ GRANADOS.
Panama:
HARMODIO ARIAS M.
JULIO J. FÁBREGA.
EDUARDO CHIARI.
United States of America:
CORDELL HULL.
SUMNER WELLES.
ALEXANDER W. WEDDELL.
ADOLF A. BERLE, JR.
ALEXANDER F. WHITNEY.
CHARLES G. FENWICK.
MICHAEL FRANCIS DOYLE.
Chile:
MIGUEL CRUCHAGA TOCORNAL.
LUIS BARROS BORGOÑO.
FÉLIX NIETO DEL RÍO.
RICARDO MONTANER BELLO.
Ecuador:
HUMBERTO ALBORNOZ.
ANTONIO PONS.
JOSÉ GABRIEL NAVARRO.
FRANCISCO GUARDERAS.
Bolivia:
ENRIQUE FINOT.
DAVID ALVÉSTEGUI.
CARLOS ROMERO.
Haiti:
H. PAULEUS SANNON.
CAMILLE J. LEÓN.
ELIE LESCOT.
EDMÉ MANIGAT.
PIERRE EUGÈNE DE LESPINASSE.
CLÉMENT MAGLOIRE.
Cuba:
JOSÉ MANUEL CORTINA.
RAMÓN ZAYDIN.
CARLOS MÁRQUEZ STERLING.
RAFAEL SANTOS JIMÉNEZ.
CÉSAR SALAYA.
CALIXTO WHITMARSH.
JOSÉ MANUEL CARBONELL.

Mr. PITTMAN. Mr. President, the treaty provides for cooperation between the Latin American Republics and the United States in the building of an intercontinental highway, which has been sought for a long time. The contracting parties are to appoint commissioners for the purpose of study and cooperation and coordination of the proposed highway. It is provided that the highway through all the countries shall at all times be open to free travel by the citizens of any of the contracting parties.

Mr. KING. Mr. President, would the commissioners so designated have any authority to bind their respective governments?

Mr. PITTMAN. They would not.

Mr. KING. Or is there any commitment in the treaty as to the adoption of any plan or the amount which is to be expended?

Mr. PITTMAN. There is no such provision in the treaty. The commission is to be made up of representatives of the contracting parties, who will study the plans and procedure and report to their respective governments.

Mr. KING. Would they have the right to adopt a plan for the construction of a highway, for instance, through Mexico or Honduras or some part of the United States?

Mr. PITTMAN. They would have, but it would be subject, of course, to the approval of the countries through which the road was built. The only binding clause is that when the road is constructed it shall be open to free travel by the nationals of all the contracting parties.

Mr. KING. Would they have authority to allocate to the respective governments the amounts which they think the respective governments should appropriate for the construction of the highway?

Mr. PITTMAN. They would have no such authority.

Mr. KING. That is entirely a matter for legislation?

Mr. PITTMAN. Yes; that is entirely a matter for legislation.

The PRESIDING OFFICER. If there be no amendment, the convention will be reported to the Senate.

The convention was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive Q (75th Cong., 1st sess.), a convention on the Pan American Highway signed at Buenos Aires on December 23, 1936, by the respective plenipotentiaries of the United States of America and 19 of the other American Republics represented at the Inter-American Conference for the Maintenance of Peace held at Buenos Aires in December 1936.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution is agreed to and the convention is ratified.

CONVENTION BETWEEN AMERICAN REPUBLICS FOR PROMOTION OF INTER-AMERICAN CULTUPAL RELATIONS

The Senate, as in Committee of the Whole, proceeded to consider Executive R (75th Cong., 1st sess.), a convention for the promotion of inter-American cultural relations, which was read the second time, as follows:

The Governments represented at the Inter-American Conference for the Maintenance of Peace;

Considering that the purpose for which the Conference was called would be advanced by greater mutual knowledge and understanding of the people and institutions of the countries represented and a more consistent educational solidarity on the American continent; and

That such results would be appreciably promoted by an exchange of professors, teachers, and students among the American countries, as well as by the encouragement of a closer relationship between unofficial organizations which exert an influence on the formation of public opinion,

Have resolved to conclude a convention for that purpose and to that effect have designated the following plenipotentiaries:

Argentina: Carlos Saavedra Lamas, Roberto M. Ortiz, Miguel Angel Cárcano, José María Cantilo, Felipe A. Espil, Leopoldo Melo, Isidoro Ruiz Moreno, Daniel Antokoletz, Carlos Brebbia, César Díaz Cisneros.

Paraguay: Miguel Angel Soler, J. Isidro Ramirez.

Honduras: Antonio Bermúdez M., Julián López Pineda.

Costa Rica: Manuel F. Jiménez, Carlos Brenes.

Venezuela: Caracciolo Parra Pérez, Gustavo Herrera, Alberto Zérega Fombona.

Peru: Carlos Concha, Alberto Ulloa, Felipe Barreda Laos, Diómedes Arias Schreiber.

El Salvador: Manuel Castro Ramirez, Maximiliano Patricio Brannon.

Mexico: Francisco Castillo Nájera, Alfonso Reyes, Ramón Beteta, Juan Manuel Alvarez del Castillo.

Brazil: José Carlos de Macedo Soares, Oswaldo Aranha, José de Paula Rodrigues Alves, Helio Lobo, Hildebrando Pompeu Pinto Accioly, Edmundo da Luz Pinto, Roberto Carneiro de Mandonça, Rosalina Coelho Lisboa de Miller, María Luiza Bittencourt.

Uruguay: José Espalter, Pedro Manini Ríos, Eugenio Martínez Thedy, Juan Antonio Buero, Felipe Ferreiro, Andrés F. Puyol, Abalcázar García, José G. Antuña, Julio César Cerdeiras Alonso, Gervasio Posadas Belgrano.

Guatemala: Carlos Salazar, José A. Medrano, Alfonso Carrillo.

Nicaragua: Luis Manuel Debayle, José María Moncada, Modesto Valle.

Dominican Republic: Max Henríquez Ureña, Tulio M. Cestero, Enrique Jiménez.

Colombia: Jorge Soto del Corral, Miguel López Pumarejo, Roberto Urdaneta Arbeláez, Alberto Lleras Camargo, José Ignacio Diaz Granados.

Panama: Harmodio Arias M., Julio J. Fábrega, Eduardo Chiari.

United States of America: Cordell Hull, Sumner Welles, Alexander W. Weddell, Adolf A. Berle, Jr., Alexander F. Whitney, Charles G. Fenwick, Michael Francis Doyle, Elise F. Musser.

Chile: Miguel Cruchaga Tocornal, Luis Barros Borgoño, Félix Nieto del Río, Ricardo Montaner Bello.

Ecuador: Humberto Albornoz, Antonio Pons, José Gabriel Navarro, Francisco Guarderas, Eduardo Salazar Gómez.

Bolivia: Enrique Finot, David Alvéstegui, Eduardo Díez de Medina, Alberto Ostria Gutiérrez, Carlos Romero, Alberto Cortadellas, Javier Paz Campero.

Haiti: H. Pauleus Sannon, Camille J. León, Elie Lescot, Edmé Manigat, Pierre Eugéne de Lespinasse, Clément Magloire.

Cuba: José Manuel Cortina, Ramón Zaydin, Carlos Márquez Sterling, Rafael Santos Jiménez, César Salaya, Calixto Whitmarsh, José Manuel Carbonell.

Who, after having deposited their Full Powers, found to be in good and due form, have agreed as follows:

ARTICLE I

Every year each Government shall award to each of two graduate students or teachers of each other country, selected in accordance with the procedure established in Article II hereof, a fellowship for the ensuing scholastic year. The awards shall be made after an exchange between the two Governments concerned of the panels referred to in Article II hereof. Each fellowship shall provide tuition and subsidiary expenses and maintenance at an institution of higher learning to be designated by the country awarding the fellowship, through such agency as may seem to it appropriate, in cooperation with the recipient so far as may be practicable. Traveling expenses to and from the designated institution and other incidental expenses shall be met by the recipient or the nominating Government. Furthermore, each Government agrees to encourage, by appropriate means, the interchange of students and teachers of institutions within its territory and those of the other contracting countries, during the usual vacation periods.

ARTICLE II

Each Government shall have the privilege of nominating and presenting to each other Government on or before the date fixed at the close of this article a panel of the names of five graduate students or teachers together with such information concerning them as the Government awarding the fellowship shall deem necessary, from which panel the latter Government shall select the names of two persons. The same students shall not be nominated for more than two successive years; and, except under unusual circumstances, for more than one year. There shall be no obligation for any country to give consideration to the panel of any other country not nominated and presented on or before the date fixed at the close of this article, and fellowships for which no panel of names is presented on or before the date specified may be awarded to applicants nominated on the panels of any other country but not receiving fellowships. Unless otherwise agreed upon between the countries concerned, the following dates shall prevail:

Countries of South America, November 30th.

All other countries, March 31st.

ARTICLE III

If for any reason it becomes necessary that a student be repatriated the Government awarding the fellowship may effect the repatriation, at the expense of the nominating Government.

ARTICLE IV

Each High Contracting Party shall communicate to each of the other High Contracting Parties through diplomatic channels, on the first of January of every alternate year, a complete list of the full professors available for exchange service from the outstanding universities, scientific institutions and technical schools of each country. From this list each one of the other High Contracting Parties shall arrange to select a visiting professor who shall either give lectures in various centers, or conduct regular courses of instruction, or pursue special research in some designated institution and who shall in other appropriate ways promote better understanding between the parties cooperating, it being understood, however, that preference shall be given to teaching rather than to research work. The sending Government shall provide the expenses for travel to and from the capital where the exchange professor resides and the maintenance and local travel expenses while carrying out the duties for which the professor was selected. Salaries of the professors shall be paid by the sending country.

ARTICLE V

The High Contracting Parties agree that each Government shall designate or create an appropriate agency or appoint a special officer, charged with the responsibility of carrying out in the most efficient way possible the obligations assumed by such Government in this Convention.

ARTICLE VI

Nothing in this convention shall be construed by the High Contracting Parties as obligating any one of them to interfere with the independence of its institutions of learning or with the freedom of academic teaching and administration therein.

ARTICLE VII

Regulations concerning details for which it shall appear advisable to provide, shall be framed, in each of the contracting countries, by such agency as may seem appropriate to its Government, and copies of such regulations shall be promptly furnished, through the diplomatic channel, to the Governments of the other High Contracting Parties.

ARTICLE VIII

The present Convention shall not affect obligations previously entered into by the High Contracting Parties by virtue of international agreements.

ARTICLE IX

The present Convention shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The original instrument shall be deposited in the Ministry of Foreign Affairs of the Argentine Republic which shall transmit authentic certified copies to the Governments for the aforementioned purpose of ratification. The instruments of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory Governments of said deposit. Such notification shall be considered as an exchange of ratifications.

ARTICLE X

The present Convention will come into effect between the High Contracting Parties in the order in which they deposit their respective ratifications.

ARTICLE XI

The present Convention shall remain in effect indefinitely but may be denounced by means of one year's notice given to the Pan American Union, which shall transmit it to the other signatory Governments. After the expiration of this period the Convention shall cease in its effects as regards the party which denounces it but shall remain in effect for the remaining High Contracting Parties.

In witness whereof, the above mentioned Plenipotentiaries sign the present Convention in English, Spanish, Portuguese, and French and hereunto affix their respective seals, at the city of Buenos Aires, Capital of the Argentine Republic, on the twenty-third day of the month of December 1936.

Argentina:
CARLOS SAAVEDRA LAMAS.
ROBERTO M. ORTIZ.
MIGUEL ANGEL CÁRCANO.
JOSÉ MARÍA CANTILO.
FELIPE A. ESPIL.
LEOPOLDO MELO.
ISIDORO RUIZ MORENO.
DANIEL ANTOKOLETZ.
CARLOS BREBBIA.
CÉSAR DÍAZ CISNEROS.

Paraguay:
MIGUEL ANGEL SOLER.
J. ISIDRO RAMÍREZ.

Honduras:
ANTONIO BERMÚDEZ M.
JULIÁN LÓPEZ PINEDA.

Costa Rica:
MANUEL F. JIMÉNEZ.
CARLOS BRENES.

Venezuela:
CARACCIOLO PARRA PÉREZ.
GUSTAVO HERRERA.
ALBERTO ZÉREGA FOMBONA.

Peru:
CARLOS CONCHA.
ALBERTO ULLOA.
FELIPE BARREDA LAOS.
DIÓMEDES ARIAS SCHREIBER.

El Salvador:
MANUEL CASTRO RAMÍREZ.
MAXIMILIANO PATRICIO BRANNON.

Mexico:
FRANCISCO CASTILLO NÁJERA.
ALFONSO REYES.
RAMÓN BETETA.
JUAN MANUEL ALVAREZ DEL CASTILLO.

Brazil:
JOSÉ CARLOS DE MACEDO SOARES.
JOSÉ DE PAULA RODRIGUES ALVES.
HELIO LOBO.
HILDEBRANDO POMPEU PINTO ACCIOLY.
EDMUNDO DA LUZ PINTO.
ROBERTO CARNEIRO DE MENDONÇA.
ROSALINA COELHO LISBOA DE MILLER.
MARÍA LUIZA BITTENCOURT.

Uruguay:
PEDRO MANINI RÍOS.
EUGENIO MARTÍNEZ THEDY.
FELIPE FERREIRO.
ABALCÁZAR GARCÍA.
JULIO CÉSAR CERDEIRAS ALONSO.
GERVASIO POSADAS BELGRANO.
Guatemala:
CARLOS SALAZAR.
JOSÉ A. MEDRANO.
ALFONSO CARRILLO.
Nicaragua:
LUIS MANUEL DEBAYLE.
JOSÉ MARÍA MONCADA.
MODESTO VALLE.
Dominican Republic:
MAX HENRÍQUEZ UREÑA.
TULIO M. CESTERO.
ENRIQUE JIMÉNEZ.
Colombia:
JORGE SOTO DEL CORRAL.
MIGUEL LÓPEZ PUMAREJO.
ROBERTO URDANETA ARBELÁEZ.
ALBERTO LLERAS CAMARGO.
JOSÉ IGNACIO DÍAZ GRANADOS.
Panama:
HARMODIO ARIAS M.
JULIO J. FÁBREGA.
EDUARDO CHIARI.
United States of America:
CORDELL HULL.
SUMNER WELLES.
ALEXANDER W. WEDDELL.
ADOLF A. BERLE, JR.
ALEXANDER F. WHITNEY.
CHARLES G. FENWICK.
MICHAEL FRANCIS DOYLE.
ELISE F. MUSSER.
Chile:
MIGUEL CRUCHAGA TOCORNAL.
LUIS BARROS BORGOÑO.
FÉLIX NIETO DEL RÍO.
RICARDO MONTANER BELLO.
Ecuador:
HUMBERTO ALBORNOZ.
ANTONIO PONS.
JOSÉ GABRIEL NAVARRO.
FRANCISCO GUARDERAS.
Bolivia:
ENRIQUE FINOT.
DAVID ALVÉSTEGUI.
CARLOS ROMERO.
Haiti:
H. PAULEUS SANNON.
CAMILLE J. LEÓN.
ELIE LESCOT.
EDMÉ MANIGAT.
PIERRE EUGÉNE DE LESPINAS.
CLÉMENT MAGLOIRE.
Cuba:
JOSÉ MANUEL CORTINA.
RAMÓN ZAYDIN.
CARLOS MÁRQUEZ STERLING.
RAFAEL SANTOS JIMÉNEZ.
CÉSAR SALAYA.
CALIXTO WHITMARSH.
JOSÉ MANUEL CARBONELL.

Mr. PITTMAN. Mr. President, the treaty provides for fellowships. Each of the contracting parties is to make out a list of those who may be selected for fellowships. Each country grants a fellowship, through one of its universities, to two of the nationals of each of the other countries.

In addition to that, another provision is that there will be a list of professors available for transfer to the universities in the respective countries. Professors will be selected from these lists by each and all of the countries in exchange of professorships.

Mr. KING. Mr. President, how is it to be determined which university will be selected? Obviously there will be a good deal of competition between the great universities of the United States and some of the other countries for the fellowships.

Mr. PITTMAN. The country designating the professors selects the university from which they come, and pays all expenses.

The PRESIDING OFFICER. If there be no amendment, the convention will be reported to the Senate.

The convention was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive R (75th Cong., 1st sess.), a convention for the promotion of Inter-American cultural relations, signed at Buenos Aires on December 23, 1936, by the respective plenipotentiaries of the United States of America and the other 20 American Republics represented at the Inter-American Conference for the Maintenance of Peace held at Buenos Aires in December 1936.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution is agreed to, and the convention is ratified.

CONVENTION BETWEEN AMERICAN REPUBLICS CONCERNING ARTISTIC EXHIBITIONS

The Senate, as in Committee of the Whole, proceeded to consider Executive S (75th Cong., 1st sess.), a convention concerning artistic exhibitions, which was read the second time, as follows:

The Governments represented at the Inter-American Conference for the Maintenance of Peace;

Desirous of improving their spiritual relationships through a better acquaintance with their respective creations have resolved to conclude a Convention relative to the exhibition of artistic productions, and to this effect have named the following plenipotentiaries:

Argentina: Carlos Saavedra Lamas, Roberto M. Ortiz, Miguel Angel Cárcano, Felipe A. Espil, Leopoldo Melo, Isidoro Ruiz Moreno, Daniel Antokoletz, Carlos Brebbia, César Díaz Cisneros.

Paraguay: Miguel Angel Soler, J. Isidro Ramírez.

Honduras: Antonio Bermúdez M., Julián López Pineda.

Costa Rica: Manuel F. Jiménez, Carlos Brenes.

Venezuela: Caracciolo Parra Pérez, Gustavo Herrera, Alberto Zérega Fombona.

Peru: Carlos Concha, Alberto Ulloa, Felipe Barreda Laos, Diómedes Arias Schreiber.

El Salvador: Manuel Castro Ramírez, Maximiliano Patricio Brannon.

Mexico: Francisco Castillo Nájera, Alfonso Reyes, Ramón Beteta, Juan Manuel Alvarez del Castillo.

Brazil: José Carlos de Macedo Soares, Oswaldo Aranha, José de Paula Rodrigues Alves, Helio Lobo, Hildebrando Pompeu Pinto Accioly, Edmundo da Luz Pinto, Roberto Carneiro de Mendonça, Rosalina Coelho Lisboa de Miller, María Luiza Bittencourt.

Uruguay: José Espalter, Pedro Manini Ríos, Eugenio Martínez Thedy, Juan Antonio Buero, Felipe Ferreiro, Andrés F. Puyol, Abalcázar García, José G. Antuña, Julio César Cerdeiras Alonso, Gervasio Posadas Belgrano.

Guatemala: Carlos Salazar, José A. Medrano, Alfonso Carrillo.

Nicaragua: Luis Manuel Debayle, José María Moncada, Modesto Valle.

Dominican Republic: Max Henríquez Ureña, Tulio M. Cestero, Enrique Jiménez.

Colombia: Jorge Soto del Corral, Miguel López Pumarejo, Roberto Urdaneta Arbeláez, Alberto Lleras Camargo, José Ignacio Díaz Granados.

Panama: Harmodio Arias M., Julio J. Fábrega, Eduardo Chiari.

United States of America: Cordell Hull, Sumner Welles, Alexander W. Weddell, Adolf A. Berle, Jr., Alexander F. Whitney, Charles G. Fenwick, Michael Francis Doyle, Elise F. Musser.

Chile: Miguel Cruchaga Tocornal, Luis Barros Borgoño, Félix Nieto del Río, Ricardo Montaner Bello.

Ecuador: Humberto Albornoz, Antonio Pons, José Gabriel Navarro, Francisco Guarderas, Eduardo Salazar Gómez.

Bolivia: David Alvéstegui, Enrique Finot, Eduardo Díez de Medina, Alberto Ostria Gutiérrez, Carlos Romero, Alberto Cortadellas, Javier Paz Campero.

Haiti: H. Pauleus Sannon, Camille J. León, Elie Lescot, Edmé Manigat, Pierre Eugéne de Lespinasse, Clément Magloire.

Cuba: José Manuel Cortina, Ramón Zaydin, Carlos Márquez Sterling, Rafael Santos Jiménez, César Salaya, Calixto Whitmarsh, José Manuel Carbonnell.

Who, after having deposited their full powers, found to be in good and due form, have agreed as follows:

ARTICLE I

Each of the High Contracting Parties agrees to grant, so far as its legislation may permit, all possible facilities for the holding within its territory of artistic exhibitions of each of the other Parties.

ARTICLE II

The facilities referred to in Article I shall be granted to Government agencies and to private enterprises which are officially authorized by them and shall be extended, as far as possible, to customshouse formalities and requirements, to transport on communication lines belonging to the respective States, to rooms for exhibition or storage, and to other matters related to the object referred to.

ARTICLE III

The present Convention shall not affect obligations previously entered into by the High Contracting Parties by virtue of international agreements.

ARTICLE IV

The present Convention shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The original instrument shall be deposited in the Ministry of Foreign Affairs of the Argentine Republic which shall transmit authentic certified copies to the Governments for the aforementioned purpose of ratification. The instruments of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications.

ARTICLE V

The present Convention will come into effect between the High Contracting Parties in the order in which they deposit their respective ratifications.

ARTICLE VI

The present Convention shall remain in effect indefinitely but may be denounced by means of one year's notice given to the Pan American Union, which shall transmit it to the other signatory governments. After the expiration of this period the Convention shall cease in its effects as regards the party which denounces it but shall remain in effect for the remaining High Contracting Parties.

ARTICLE VII

The present Convention shall be open for the adherence and accession of States which are not signatories. The corresponding instruments shall be deposited in the archives of the Pan American Union, which shall communicate them to the other High Contracting Parties.

In witness whereof, the above mentioned Plenipotentiaries sign the present Convention in English, Spanish, Portuguese and French and hereunto affix their respective seals, at the City of Buenos Aires, Capital of the Argentine Republic, on the twenty-third day of the month of December, 1936.

Argentina:
CARLOS SAAVEDRA LAMAS.
ROBERTO M. ORTIZ.
MIGUEL ANGEL CÁRCANO.
JOSÉ MARÍA CANTILO.
FELIPE A. ESPIL.
LEOPOLDO MELO.
ISIDORO RUIZ MORENO.
DANIEL ANTOKOLETZ.
CARLOS BREBBIA.
CÉSAR DÍAZ CISNEROS.

Paraguay:
MIGUEL ANGEL SOLER.
J. ISIDRO RAMÍREZ.

Honduras:
ANTONIO BERMÚDEZ M.
JULIÁN LÓPEZ PINEDA.

Costa Rica:
MANUEL F. JIMÉNEZ.
CARLOS BRENES.

Venezuela:
CARACCIOLO PARRA PÉREZ.
GUSTAVO HERRERA.
ALBERTO ZÉREGA FOMBONA.

Peru:
CARLOS CONCHA.
ALBERTO ULLOA.
FELIPE BARREDA LAOS.
DIÓMEDES ARIAS SCHREIBER.

El Salvador:
MANUEL CASTRO RAMÍREZ.
MAXIMILIANO PATRICIO BRANNON.

Mexico:
FRANCISCO CASTILLO NÁJERA.
ALFONSO REYES.
RAMÓN BETETA.
JUAN MANUEL ALVAREZ DEL CASTILLO.

Brazil:
JOSÉ CARLOS DE MACEDO SOARES.
JOSÉ DE PAULA RODRIGUES ALVES.
HELIO LOBO.
HILDEBRANDO POMPEU PINTO ACCIOLY.
EDMUNDO DA LUZ PINTO.
ROBERTO CARNEIRO DE MENDONÇA.
ROSALINA COELHO LISBOA DE MILLER.
MARÍA LUIZA BITTENCOURT.

Uruguay:
PEDRO MANINI RÍOS.
EUGENIO MARTÍNEZ THEDY.
FELIPE FERREIRO.
ABALCÁZAR GARCIÁ.
JULIO CÉSAR CERDEIRAS ALONSO.
GERVASIO POSADAS BELGRANO.

Guatemala:
CARLOS SALAZAR.
JOSÉ A. MEDRANO.
ALFONSO CARRILLO.

Nicaragua:
LUIS MANUEL DEBAYLE.
JOSÉ MARÍA MONCADA.
MODESTO VALLE.

Dominican Republic:
MAX HENRÍQUEZ UREÑA.
TULIO M. CESTERO.
ENRIQUE JIMÉNEZ.

Colombia:
JORGE SOTO DEL CORRAL.
MIGUEL LÓPEZ PUMAREJO.
ROBERTO URDANETA ARBELÁEZ.
ALBERTO LLERAS CAMARGO.
JOSÉ IGNACIO DÍAZ GRANADOS.

Panama:
HARMODIO ARIAS M.
JULIO J. FÁBREGA.
EDUARDO CHIARI.

United States of America:
CORDELL HULL.
SUMNER WELLES.
ALEXANDER W. WEDDELL.
ADOLF A. BERLE, JR.
ALEXANDER F. WHITNEY.
CHARLES G. FENWICK.
MICHAEL FRANCIS DOYLE.
ELISE F. MUSSER.

Chile:
MIGUEL CRUCHAGA TOCORNAL.
LUIS BARROS BORGOÑO.
FÉLIX NIETO DEL RÍO.
RICARDO MONTANER BELLO.

Ecuador:
HUMBERTO ALBORNOZ.
ANTONIO PONS.
JOSÉ GABRIEL NAVARRO.
FRANCISCO GUARDERAS.

Bolivia:
ENRIQUE FINOT.
DAVID ALVÉSTEGUI.
CARLOS ROMERO.

Haiti:
H. PAULEUS SANNON.
CAMILLE J. LEÓN.
ELIE LESCOT.
EDMÉ MANIGAT.
PIERRE EUGÉNE DE LESPINASSE.
CLÉMENT MAGLOIRE.

Cuba:
JOSÉ MANUEL CORTINA.
RAMÓN ZAYDIN.
CARLOS MÁRQUEZ STERLING.
RAFAEL SANTOS JIMÉNEZ.
CÉSAR SALAYA.
CALIXTO WHITMARSH.
JOSÉ MANUEL CARBONELL.

Mr. PITTMAN. Mr. President, this convention is simply intended to facilitate the sending of exhibits by the various governments, or by those whom they shall have approved as representatives, to exhibitions held in other countries, and provides that, insofar as the statutes of the various countries may permit, those sending such exhibits shall be relieved of import duties.

Mr. KING. Mr. President, that would mean, I presume, would it not, that if there be no general law which would relieve the imports from the ordinary tariff duties statutes would have to be enacted by the respective governments?

Mr. PITTMAN. That is true.

Mr. KING. The ratification of the treaty does not ipso facto repeal the tariff laws?

Mr. PITTMAN. It does not. It provides "so far as its legislation may permit."

Mr. ROBINSON. But there is no difficulty in that particular, because we have always granted such consideration.

Mr. PITTMAN. Yes.

The PRESIDING OFFICER. If there be no amendment, the convention will be reported to the Senate.

The convention was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive S (75th Cong., 1st sess.), a convention concerning artistic exhibitions, signed at Buenos Aires on December 23, 1936, by the respective plenipotentiaries of the United States of America and

the other 20 American republics represented at the Inter-American Conference for the Maintenance of Peace, held at Buenos Aires in December 1936.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution is agreed to, and the convention is ratified.

CONVENTION BETWEEN AMERICAN REPUBLICS FOR THE MAINTENANCE, PRESERVATION, AND REESTABLISHMENT OF PEACE

The Senate, as in Committee of the Whole, proceeded to consider Executive L (75th Cong., 1st sess.), a convention for the maintenance, preservation, and reestablishment of peace, which was read the second time, as follows:

The Governments represented at the Inter-American Conference for the Maintenance of Peace,

Considering:

That according to the statement of Franklin D. Roosevelt, the President of the United States, to whose lofty ideals the meeting of this Conference is due, the measures to be adopted by it "would advance the cause of world peace, inasmuch as the agreements which might be reached would supplement and reinforce the efforts of the League of Nations and of all other existing or future peace agencies in seeking to prevent war";

That every war or threat of war affects directly or indirectly all civilized peoples and endangers the great principles of liberty and justice which constitute the American ideal and the standard of American international policy;

That the Treaty of Paris of 1928 (Kellogg-Briand Pact) has been accepted by almost all of the civilized states, whether or not members of other peace organizations, and that the Treaty of Non-Aggression and Conciliation of 1933 (Saavedra Lamas Pact signed at Rio de Janeiro) has the approval of the twenty-one American Republics represented in this Conference,

Have resolved to give contractual form to these purposes by concluding the present Convention, to which end they have appointed the Plenipotentiaries hereafter mentioned:

Argentina: Carlos Saavedra Lamas, Roberto M. Ortiz, Miguel Angel Cárcano, José María Cantilo, Felipe A. Espil, Leopoldo Melo, Isidoro Ruiz Moreno, Daniel Antokoletz, Carlos Brebbia, César Díaz Cisneros.

Paraguay: Miguel Angel Soler, J. Isidro Ramírez.

Honduras: Antonio Bermúdez M., Julián López Pineda.

Costa Rica: Manuel F. Jiménez, Carlos Brenes.

Venezuela: Caracciolo Parra Pérez, Gustavo Herrera, Alberto Zerega Fombona.

Peru: Carlos Concha, Alberto Ulloa, Felipe Barreda Laos, Diómedes Arias Schreiber.

El Salvador: Manuel Castro Ramírez, Maximiliano Patricio Brannon.

Mexico: Francisco Castillo Nájera, Alfonso Reyes, Ramón Beteta, Juan Manuel Alvarez del Castillo.

Brazil: José Carlos de Macedo Soares, Oswaldo Aranha, José de Paula Rodriguez Alves, Helio Lobo, Hildebrando Pompeu Pinto Accioly, Edmundo da Luz Pinto, Roberto Carneiro de Mendonça, Rosalina Coelho Lisboa de Miller, Mariá Luiza Bittencourt.

Uruguay: José Espalter, Pedro Manini Ríos, Eugenio Martínez Thedy, Juan Antonio Buero, Felipe Ferreiro, Andrés F. Puyol, Abalcázar García, José G. Antuña, Julio César Cerdeiras Alonso, Gervasio Posadas Belgrano.

Guatemala: Carlos Salazar, José A. Medrano, Alfonso Carrillo.

Nicaragua: Luis Manuel Debayle, José María Moncada, Modesto Valle.

Dominican Republic: Max Henríquez Ureña, Tulio M. Cestero, Enrique Jiménez.

Colombia: Jorge Soto del Corral, Miguel López Pumarejo, Roberto Urdaneta Arbeláez, Alberto Lleras Camargo, José Ignacio Díaz Granados.

Panama: Harmodio Arias M., Julio Fábrega, Eduardo Chiari.

United States of America: Cordell Hull, Sumner Welles, Alexander W. Weddell, Adolph A. Berle, Jr., Alexander F. Whitney, Charles G. Fenwick, Michael Francis Doyle, Elise F. Musser.

Chile: Miguel Cruchaga Tocornal, Luis Barros Borgoño, Félix Nieto del Río, Ricardo Montaner Bello.

Ecuador: Humberto Albornoz, Antonio Pons, José Gabriel Navarro, Francisco Guarderas, Eduardo Salazar Gómez.

Bolivia: Enrique Finot, David Alvéstegui, Eduardo Diez de Medina, Alberto Ostria Gutiérrez, Carlos Romero, Alberto Cortadellas, Javier Paz Campero.

Haiti: Horacio Pauleus Sannon, Camille J. León, Elie Lescot, Edmé Manigat, Pierre Eugene de Lespinasse, Clémente Magloire.

Cuba: José Manuel Cortina, Ramón Zaydin, Carlos Márquez Sterling, Rafael Santos Jiménez, César Salaya, Calixto Whitmarsh, José Manuel Carbonell.

Who, after having deposited their full powers, found to be in good and due form, have agreed as follows:

ARTICLE I

In the event that the peace of the American Republics is menaced, and in order to coordinate efforts to prevent war, any of the Governments of the American Republics signatory to the Treaty of Paris of 1928 or to the Treaty of Non-Aggression and Conciliation of 1933, or to both, whether or not a member of other peace organizations, shall consult with the other Governments of the American Republics, which, in such event, shall consult together for the purpose of finding and adopting methods of peaceful cooperation.

ARTICLE II

In the event of war, or a virtual state of war between American States, the Governments of the American Republics represented at this Conference shall undertake without delay the necessary mutual consultations, in order to exchange views and to seek, within the obligations resulting from the pacts above mentioned and from the standards of international morality, a method of peaceful collaboration; and, in the event of an international war outside America which might menace the peace of the American Republics, such consultation shall also take place to determine the proper time and manner in which the signatory states, if they so desire, may eventually cooperate in some action tending to preserve the peace of the American Continent.

ARTICLE III

It is agreed that any question regarding the interpretation of the present Convention, which it has not been possible to settle through diplomatic channels, shall be submitted to the procedure of conciliation provided by existing agreements, or to arbitration or to judicial settlement.

ARTICLE IV

The present Convention shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The original convention shall be deposited in the Ministry of Foreign Affairs of the Argentine Republic which shall communicate the ratifications to the other signatories. The Convention shall come into effect between the High Contracting Parties in the order in which they have deposited their ratifications.

ARTICLE V

The present Convention shall remain in effect indefinitely but may be denounced by means of one year's notice, after the expiration of which period the Convention shall cease in its effects as regards the party which denounces it but shall remain in effect for the remaining signatory States. Denunciations shall be addressed to the Government of the Argentine Republic, which shall transmit them to the other contracting States.

In witness whereof, the above mentioned Plenipotentiaries sign the present Convention in English, Spanish, Portuguese and French and hereunto affix their respective seals, at the City of Buenos Aires, Capital of the Argentine Republic, on the twenty-third day of the month of December, nineteen hundred and thirty-six.

Reservation of Paraguay: "With the express and definite reservation in respect to its peculiar international position as regards the League of Nations."

Argentina:
CARLOS SAAVEDRA LAMAS.
ROBERTO M. ORTIZ.
MIGUEL ANGEL CÁRCANO.
JOSÉ MARÍA CANTILO.
FELIPE A. ESPIL.
LEOPOLDO MELO.
ISIDORO RUIZ MORENO.
DANIEL ANTOKOLETZ.
CARLOS BREBBIA.
CÉSAR DÍAZ CISNEROS.

Paraguay:
MIGUEL ANGEL SOLER.
J. ISIDRO RAMÍREZ.

Honduras:
ANTONIO BERMÚDEZ M.
JULIÁN LÓPEZ PINEDA.

Costa Rica:
MANUEL F. JIMÉNEZ.
CARLOS BRENES.

Venezuela:
CARACCIOLO PARRA PÉREZ.
GUSTAVO HERRERA.
ALBERTO ZÉREGA FOMBONA.

Peru:
CARLOS CONCHA.
ALBERTO ULLOA.
FELIPE BARREDA LAOS.
DIÓMEDES ARIAS SCHREIBER.

El Salvador:
MANUEL CASTRO RAMÍREZ.
MAXIMILIANO PATRICIO BRANNON.

Mexico:
FRANCISCO CASTILLO NÁJERA.
ALFONSO REYES.
RAMÓN BETETA.
JUAN MANUEL ALVAREZ DEL CASTILLO.

Brazil:
JOSÉ CARLOS DE MACEDO SOARES.
JOSÉ DE PAULA RODRIGUES ALVES.
HELIO LOBO.
HILDEBRANDO POMPEU PINTO ACCIOLY.
EDMUNDO DA LUZ PINTO.
ROBERTO CARNEIRO DE MENDONÇA.
RASOLINA COELHO LISBOA DE MILLER.
MARÍA LUIZA BITTENCOURT.

Uruguay:
PEDRO MANINI RÍOS.
EUGENIO MARTÍNEZ THEDY.
FELIPE FERREIRO.
ABALCÁZAR GARCÍA.
JULIO CÉSAR CERDEIRAS ALONSO.
GERVASIO POSADAS BELGRANO.
Guatemala:
CARLOS SALAZAR.
JOSÉ A. MEDRANO.
ALFONSO CARRILLO.
Nicaragua:
LUIS MANUEL DEBAYLE.
JOSÉ MARÍA MONCADA.
MODESTO VALLE.
Dominican Republic:
MAX HENRÍQUEZ UREÑA.
TULIO M. CESTERO.
ENRIQUE JIMÉNEZ.
Colombia:
JORGE SOTO DEL CORRAL.
MIGUEL LÓPEZ PUMAREJO.
ROBERTO URDANETA ARBELÁEZ.
ALBERTO LLERAS CAMARGO.
JOSE IGNACIO DÍAZ GRANADOS.
Panama:
HARMODIO ARIAS M.
JULIO J. FÁBREGA.
EDUARDO CHIARI.
United States of America:
CORDELL HULL.
SUMNER WELLES.
ALEXANDER W. WEDDELL.
ADOLF A. BERLE, JR.
ALEXANDER F. WHITNEY.
CHARLES G. FENWICK.
MICHAEL FRANCIS DOYLE.
ELISE F. MUSSER.
Chile:
MIGUEL CRUCHAGA TOCORNAL.
LUIS BARROS BORGOÑO.
FÉLIX NIETO DEL RÍO.
RICARDO MONTANER BELLO.
Ecuador:
HUMBERTO ALBORNOZ.
ANTONIO PONS.
JOSÉ GABRIEL NAVARRO.
FRANCISCO GUARDERAS.
Bolivia:
ENRIQUE FINOT.
DAVID ALVÉSTEGUI.
CARLOS ROMERO.
Haiti:
H. PAULEUS SANNON.
CAMILLE J. LEÓN.
ELIE LESCOT.
EDMÉ MANIGAT.
PIERRE EUGÉNE DE LESPINASSE.
CLÉMENT MAGLOIRE.
Cuba:
JOSÉ MANUEL CORTINA.
RAMÓN ZAYDIN.
CARLOS MÁRQUEZ STERLING.
RAFAEL SANTOS JIMÉNEZ.
CÉSAR SALAYA.
CALIXTO WHITMARSH.
JOSÉ MANUEL CARBONELL.

Mr. LODGE. Mr. President, I should like to ask a question of the Senator from Nevada [Mr. PITTMAN], the chairman of the Foreign Relations Committee.

In the first part of the treaty, and I understand it is an integral part thereof, on page 4, the paragraph occurs which I will read:

That according to the statement of Franklin D. Roosevelt, the President of the United States, to whose lofty ideals the meeting of this conference is due, the measures to be adopted by it "would advance the cause of world peace, inasmuch as the agreements which might be reached would supplement and reinforce the efforts of the League of Nations and of all other existing or future peace agencies in seeking to prevent war."

I should like respectfully to inquire whether that provision in any way commits the United States to the decisions and actions of the League of Nations.

Mr. PITTMAN. Not in the slightest degree; but the Senator will remember, from the report of the conference, that it appears that a number of the republics are members of the League of Nations, and throughout the treaty they have made reservations with respect to their obligations under existing treaties, stating that they are prior and superior to the obligations contained in the treaty under consideration. That is the reason for the inclusion of the language mentioned by the Senator from Massachusetts.

Mr. LODGE. I thank the Senator. I should like to ask him one more question. Did the Senator from Idaho [Mr. BORAH] concur in the action of the committee in that respect?

Mr. PITTMAN. The Senator from Idaho is present and can answer that question for himself.

Mr. LODGE. I beg the Senator's pardon. I did not see him.

Mr. BORAH. I did concur. I agree with the view expressed by the chairman of the committee.

Mr. KING. Mr. President, I should like to ask if there is anything in the treaty now under consideration which would in any way weaken or invalidate the Kellogg-Briand Pact, or restrict the operations of that pact so far as it has been assented to by signatories to this treaty?

Mr. PITTMAN. There is not. In fact, in the Declaration of Principles of Inter-American Solidarity and Cooperation, adopted by the various countries, which I read this morning, it is expressly stated that these various treaties are adopted in pursuance of the efforts of the various countries to carry out the Kellogg-Briand Pact.

The PRESIDING OFFICER. If there be no amendment, the convention will be reported to the Senate.

The convention was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive L (75th Cong., 1st sess.), a convention for the maintenance, preservation, and reestablishment of peace signed at Buenos Aires on December 23, 1936, by the respective plenipotentiaries of the United States of America and the other 20 American republics represented at the Inter-American Conference for the Maintenance of Peace held at Buenos Aires in December 1936.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution is agreed to, and the convention is ratified.

CONVENTION BETWEEN AMERICAN REPUBLICS TO COORDINATE, EXTEND, AND ASSURE THE FULFILLMENT OF EXISTING TREATIES

The Senate, as in Committee of the Whole, proceeded to consider Executive P (75th Cong., 1st sess.), a convention to coordinate, extend, and assure the fulfillment of the existing treaties between the American states, which was read the second time, as follows:

The Governments represented at the Inter-American Conference for the Maintenance of Peace,

Animated by a desire to promote the maintenance of general peace in their mutual relations;

Appreciating the advantages derived and to be derived from the various agreements already entered into condemning war and providing methods for the pacific settlement of international disputes;

Recognizing the need for placing the greatest restrictions upon resort to war; and

Believing that for this purpose it is desirable to conclude a new convention to coordinate, extend, and assure the fulfillment of existing agreements, have appointed plenipotentiaries as follows:

Argentina: Carlos Saavedra Lamas, Roberto M. Ortiz, Miguel Angel Cárcano, José María Cantilo, Felipe A. Espil, Leopoldo Melo, Isidoro Ruiz Moreno, Daniel Antokoletz, Carlos Brebbia, César Díaz Cisneros.

Paraguay: Miguel Angel Soler, J. Isidro Ramírez.

Honduras: Antonio Bermúdez M., Julián López Pineda.

Costa Rica: Manuel F. Jiménez, Carlos Brenes.

Venezuela: Caracciolo Parra Pérez, Gustavo Herrera, Alberto Zérega Fombona.

Peru: Carlos Concha, Alberto Ulloa, Felipe Barreda Laos, Diómedes Arias Schreiber.

El Salvador: Manuel Castro Ramírez, Maximiliano Patricio Brannon.

Mexico: Francisco Castillo Nájera, Alfonso Reyes, Ramón Beteta, Juan Manuel Alvarez del Castillo.

Brazil: José Carlos de Macedo Soares, Oswaldo Aranha, José de Paula Rodriguez Alves, Helio Lobo, Hildebrando Pompeu Pinto

Accioly, Edmundo da Luz Pinto, Roberto Carneiro de Mendonça, Rosalina Coelho Lisboa de Miller, María Luiza Bittencourt.

Uruguay: José Espalter, Pedro Manini Ríos, Eugenio Martínez Thedy, Juan Antonio Buero, Felipe Ferreiro, Andrés F. Puyol, Abalcázar García, José G. Antuña, Julio César Cerdeiras Alonso, Gervasio Posadas Belgrano.

Guatemala: Carlos Salazar, José A. Medrano, Alfonso Carrillo.

Nicaragua: Luis Manuel Debayle, José María Moncada, Modesto Valle.

Dominican Republic: Max Henríquez Ureña, Tulio M. Cestero, Enrique Jiménez.

Colombia: Jorge Soto del Corral, Miguel López Pumarejo, Roberto Urdaneta Arbeláez, Alberto Lleras Camargo, José Ignacio Díaz Granados.

Panama: Harmodio Arias M., Julio J. Fábrega, Eduardo Chiari.

United States of America: Cordell Hull, Sumner Welles, Alexander W. Weddell, Adolf A. Berle, Jr., Alexander F. Whitney, Charles G. Fenwick, Michael Francis Doyle, Elise F. Musser.

Chile: Miguel Cruchaga Tocornal, Luis Barros Borgoño, Félix Nieto del Río, Ricardo Montaner Bello.

Ecuador: Humberto Albornoz, Antonio Pons, José Gabriel Navarro, Francisco Guarderas, Eduardo Salazar Gómez.

Bolivia: Enrique Finot, David Alvéstegui, Eduardo Díez de Medina, Alberto Ostria Gutiérrez, Carlos Romero, Alberto Cortadellas, Javier Paz Campero.

Haiti: H. Pauleus Sannon, Camille J. León, Elie Lescot, Edmée Manigat, Pierre Eugéne de Lespinasse, Clément Magloire.

Cuba: José Manuel Cortina, Ramón Zaydin, Carlos Márquez Sterling, Rafael Santos Jiménez, César Salaya, Calixto Whitmarsh, José Manuel Carbonell.

Who, after having deposited their full powers, found to be in good and due form, have agreed upon the following provisions:

ARTICLE 1

Taking into consideration that, by the Treaty to Avoid and Prevent Conflicts between the American States, signed at Santiago, May 3, 1923 (known as the Gondra Treaty) the High Contracting Parties agree that all controversies which it has been impossible to settle through diplomatic channels or to submit to arbitration in accordance with existing treaties shall be submitted for investigation and report to a Commission of Inquiry;

That by the Treaty for the Renunciation of War, signed at Paris on August 28, 1928 (known as the Kellogg-Briand Pact, or Pact of Paris) the High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations with one another;

That by the General Convention of Inter-American Conciliation, signed at Washington, January 5, 1929, the High Contracting Parties agree to submit to the procedure of conciliation all controversies between them, which it may not have been possible to settle through diplomatic channels, and to establish a "Commission of Conciliation" to carry out the obligations assumed in the Convention;

That by the General Treaty of Inter-American Arbitration, signed at Washington, January 5, 1929, the High Contracting Parties bind themselves to submit to arbitration, subject to certain exceptions, all differences between them of an international character, which it has not been possible to adjust by diplomacy and which are juridical in their nature by reason of being susceptible of decision by the application of the principles of law, and moreover, to create a procedure of arbitration to be followed; and

That by the Treaty of Non-Aggression and Conciliation, signed at Rio de Janeiro October 10, 1933 (known as the Saavedra Lamas Treaty), the High Contracting Parties solemnly declare that they condemn wars of aggression in their mutual relations or in those with other states and that the settlement of disputes or controversies between them shall be effected only by pacific means which have the sanction of international law, and also declare that as between them territorial questions must not be settled by violence, and that they will not recognize any territorial arrangement not obtained by pacific means nor the validity of the occupation or acquisition of territories brought about by force of arms, and, moreover, in a case of noncompliance with these obligations, the contracting states undertake to adopt, in their character as neutrals, a common and solidary attitude and to exercise the political, juridical, or economic means authorized by international law, and to bring the influence of public opinion to bear, without, however, resorting to intervention, either diplomatic or armed, subject nevertheless to the attitude that may be incumbent upon them by virtue of their collective treaties; and, furthermore, undertake to create a procedure of conciliation;

The High Contracting Parties reaffirm the obligations entered into to settle, by pacific means, controversies of an international character that may arise between them.

ARTICLE 2

The High Contracting Parties, convinced of the necessity for the co-operation and consultation provided for in the Convention for the Maintenance, Preservation and Reestablishment of Peace signed by them on this same day, agree that in all matters which affect peace on the Continent, such consultation and co-operation shall have as their object to assist, through the tender of friendly good offices and of mediation, the fulfillment by the American Republics of existing obligations for pacific settlement, and to take counsel together, with full recognition of their juridical equality, as sovereign and independent states, and of their general right to individual liberty of action, when an emergency arises which affects their common interest in the maintenance of peace.

ARTICLE 3

In case of threat of war, the High Contracting Parties shall apply the provisions contained in Articles 1 and 2 of the Convention for the Maintenance, Preservation, and Reestablishment of Peace, above referred to, it being understood that, while such consultation is in progress and for a period of not more than six months, the parties in dispute will not have recourse to hostilities or take any military action whatever.

ARTICLE 4

The High Contracting Parties further agree that, in the event of a dispute between two or more of them, they will seek to settle it in a spirit of mutual regard for their respective rights, having recourse for this purpose to direct diplomatic negotiation or to the alternative procedures of mediation, commissions of inquiry, commissions of conciliation, tribunals of arbitration, and courts of justice, as provided in the treaties to which they may be parties; and they also agree that, should it be impossible to settle the dispute by diplomatic negotiation and should the States in dispute have recourse to the other procedures provided in the present Article, they will report this fact and the progress of the negotiations to the other signatory States. These provisions do not affect controversies already submitted to a diplomatic or juridical procedure by virtue of special agreements.

ARTICLE 5

The High Contracting Parties agree that, in the event that the methods provided by the present Convention or by agreements previously concluded should fail to bring about a pacific settlement of differences that may arise between any two or more of them, and hostilities should break out between two or more of them, they shall be governed by the following stipulations:

(a) They shall, in accordance with the terms of the Treaty of Non-Aggression and Conciliation (Saavedra Lamas Treaty) adopt in their character as neutrals a common and solidary attitude; and shall consult immediately with one another, and take cognizance of the outbreak of hostilities in order to determine either jointly or individually, whether such hostilities shall be regarded as constituting a state of war so as to call into effect the provisions of the present Convention.

(b) It is understood that, in regard to the question whether hostilities actually in progress constitute a state of war, each of the High Contracting Parties shall reach a prompt decision. In any event, should hostilities be actually in progress between two or more of the Contracting Parties, or between two or more signatory States not at the time parties to this Convention by reason of failure to ratify it, each Contracting Party shall take notice of the situation and shall adopt such an attitude as would be consistent with other multilateral treaties to which it is a party or in accordance with its municipal legislation. Such action shall not be deemed an unfriendly act on the part of any state affected thereby.

ARTICLE 6

Without prejudice to the universal principles of neutrality provided for in the case of an international war outside of America and without affecting the duties contracted by those American States, members of the League of Nations, the High Contracting Parties reaffirm their loyalty to the principles enunciated in the five agreements referred to in Article 1, and they agree that in the case of an outbreak of hostilities or threat of an outbreak of hostilities between two or more of them, they shall, through consultation, immediately endeavor to adopt in their character as neutrals a common and solidary attitude, in order to discourage or prevent the spread or prolongation of hostilities.

With this object, and having in mind the diversity of cases and circumstances, they may consider the imposition of prohibitions or restrictions on the sale or shipment of arms, munitions and implements of war, loans or other financial help to the states in conflict, in accordance with the municipal legislation of the High Contracting Parties, and without detriment to their obligations derived from other treaties to which they are or may become parties.

ARTICLE 7

Nothing contained in the present Convention shall be understood as affecting the rights and duties of the High Contracting Parties which are at the same time members of the League of Nations.

ARTICLE 8

The present Convention shall be ratified by the High Contracting Parties in accordance with their constitutional procedures. The original convention and the instruments of ratification shall be deposited with the Ministry of Foreign Affairs of the Argentine Republic, which shall communicate the ratifications to the other Signatory States. It shall come into effect when ratifications have been deposited by not less than eleven Signatory States.

The Convention shall remain in force indefinitely; but it may be denounced by any of the High Contracting Parties, such denunciation to be effective one year after the date upon which such notification has been given. Notices of denunciation shall be communicated to the Ministry of Foreign Affairs of the Argentine Republic which shall transmit copies thereof to the other Signatory States. Denunciation shall not be regarded as valid if the Party making such denunciation shall be actually in a state of war, or shall be engaged in hostilities without fulfilling the provisions established by this Convention.

In witness whereof, the Plenipotentiaries above mentioned have signed this Treaty in English, Spanish, Portuguese, and French,

and have affixed thereto their respective seals, in the City of Buenos Aires, Capital of the Argentine Republic, this twenty-third day of December of the year 1936.

RESERVATIONS

Reservation of the Argentine Delegation: (1) In no case, under Article VI, can foodstuffs or raw materials destined for the civil populations of belligerent countries be considered as contraband of war, nor shall there exist any duty to prohibit credits for the acquisition of said foodstuffs or raw materials which have the destination indicated.

With reference to the embargo on arms, each Nation may reserve freedom of action in the face of a war of aggression.

Reservation of the Delegation of Paraguay: (2) In no case, under Article VI, can foodstuffs or raw materials destined for the civil populations of belligerent countries be considered as contraband of war, nor shall there exist any duty to prohibit credits for the acquisition of said foodstuffs or raw materials which have the destination indicated.

With reference to the embargo on arms, each Nation may reserve freedom of action in the face of a war of aggression.

Reservation of the Delegation of El Salvador: (3) With reservation with respect to the idea of continental solidarity when confronted by foreign aggression.

Reservation of the Delegation of Colombia: (4) In signing this Convention, the Delegation of Colombia understands that the phrase "in their character as neutrals", which appears in Articles V and VI, implies a new concept of international law which allows a distinction to be drawn between the aggressor and the attacked, and to treat them different. At the same time, the Delegation of Colombia considers it necessary, in order to assure the full and effective application of this Pact, to set down in writing the following definition of the aggressor:

That State shall be considered as an aggressor which becomes responsible for one or several of the following acts:

(a) That its armed forces, to whatever branch they may belong, illegally cross the land, sea, or air frontiers of other States. When the violation of the territory of a State has been effected by irresponsible bands organized within or outside of its territory and which have received direct or indirect help from another State, such violation shall be considered equivalent, for the purposes of the present Article, to that effected by the regular forces of the State responsible for the aggression;

(b) That it has intervened in a unilateral or illegal way in the internal or external affairs of another State;

(c) That it has refused to fulfill a legally given arbitral decision or sentence of international justice.

No consideration of any kind, whether political, military, economic, or of any other kind, may serve as an excuse or justification for the aggression here anticipated.

Argentina:
CARLOS SAAVEDRA LAMAS.
ROBERTO M. ORTIZ.
MIGUEL ANGEL CÁRCANO.
JOSÉ MARÍA CANTILO.
FELIPE A. ESPIL.
LEOPOLDO MELO.
ISIDORO RUIZ MORENO.
DANIEL ANTOKOLETZ.
CARLOS BREBBIA.
CÉSAR DÍAZ CISNEROS.

Paraguay:
MIGUEL ANGEL SOLER.
J. ISIDRO RAMÍREZ.

Honduras:
ANTONIO BERMÚDEZ, M.
JULIÁN LÓPEZ PINEDA.

Costa Rica:
MANUEL F. JIMÉNEZ.
CARLOS BRENES.

Venezuela:
CARACCIOLO PARRA PÉREZ.
GUSTAVO HERRERA.
ALBERTO ZÉREGA FOMBONA.

Perú:
CARLOS CONCHA.
ALBERTO ULLOA.
FELIPE BARREDA LAOS.
DIÓMEDES ARIAS SCHREIBER.

El Salvador:
MANUEL CASTRO RAMÍREZ.
MAXIMILIANO PATRICIO BRANNON.

Mexico:
FRANCISCO CASTILLO NÁJERA.
ALFONSO REYES.
RAMÓN BETETA.
JUAN MANUEL ALVAREZ DEL CASTILLO.

Brazil:
JOSÉ CARLOS DE MACEDO SOARES.
JOSÉ DE PAULA RODRIGUES ALVES.
HELIO LOBO.
HILDEBRANDO POMPEU PINTO ACCIOLY.
EDMUNDO DA LUZ PINTO.
ROBERTO CARNEIRO DE MENDONÇA.
ROSALINA COELHO LISBOA DE MILLER.
MARÍA LUIZA BITTENCOURT.

Uruguay:
PEDRO MANINI RÍOS.
EUGENIO MARTÍNEZ THEDY.
FELIPE FERREIRO.
ABALCÁZAR GARCÍA.
JULIO CÉSAR CERDEIRAS ALONSO.
GERVASIO POSADAS BELGRANO.

Guatemala:
CARLOS SALAZAR.
JOSÉ A. MEDRANO.
ALFONSO CARRILLO.

Nicaragua:
LUIS MANUEL DEBAYLE.
JOSÉ MARÍA MONCADA.
MODESTO VALLE.

Dominican Republic:
MAX HENRÍQUEZ URENA.
TULIO M. CESTERO.
ENRIQUE JIMÉNEZ.

Colombia:
JORGE SOTO DEL CORRAL.
MIGUEL LÓPEZ PUMAREJO.
ROBERTO URDANETA ARBELÁEZ.
ALBERTO LLERAS CAMARGO.
JOSÉ IGNACIO DÍAZ GRANADOS.

Panama:
HARMODIO ARIAS M.
JULIO J. FÁBREGA.
EDUARDO CHIARI.

United States of America:
CORDELL HULL.
SUMNER WELLES.
ALEXANDER W. WEDDELL.
ADOLF A. BERLE, JR.
ALEXANDER F. WHITNEY.
CHARLES G. FENWICK.
MICHAEL FRANCIS DOYLE.
ELISE F. MUSSER.

Chile:
MIGUEL CRUCHAGA TOCORNAL.
LUIS BARROS BORGOÑO.
FÉLIX NIETO DEL RÍO.
RICARDO MONTANER BELLO.

Ecuador:
HUMBERTO ALBORNOZ.
ANTONIO PONS.
JOSÉ GABRIEL NAVARRO.
FRANCISCO GUARDERAS.

Bolivia:
ENRIQUE FINOT.
DAVID ALVÉSTEGUI.
CARLOS ROMERO.

Haiti:
H. PAULEUS SANNON.
CAMILLE J. LEÓN.
ELIE LESCOT.
EDMÉ MANIGAT.
PIERRE EUGÉNE DE LESPINASSE.
CLÉMENT MAGLOIRE.

Cuba:
JOSÉ MANUEL CORTINA.
RAMÓN ZAYDIN.
CARLOS MÁRQUEZ STERLING.
RAFAEL SANTOS JIMÉNEZ.
CÉSAR SALAYA.
CALIXTO WHITMARSH.
JOSÉ MANUEL CARBONELL.

Mr. PITTMAN. Mr. President, this is the most comprehensive of all the treaties which have been before the Senate today. It contains a number of reservations by several of the countries; and the Foreign Relations Committee, in presenting this treaty, also makes a reservation on behalf of the United States. I shall be glad to endeavor to answer questions which may be asked concerning the treaty by Senators who are not members of the Foreign Relations Committee.

The PRESIDING OFFICER. Does the Senator from Nevada desire to have read now the reservations made by other nations?

Mr. PITTMAN. I do not think it is necessary that the reservations be read, in view of the recommendations of the Foreign Relations Committee, unless some Senator desires them read.

Mr. KING. What are the recommendations?

Mr. PITTMAN. The resolution of ratification, of course, will be read later, but I will state the reservation which is made a part of the resolution of ratification, and which is as follows:

The United States of America holds that the reservations to this convention do not constitute an amendment to the text, but

that such reservations, interpretations, and definitions by separate governments are solely for the benefit of such respective governments and are not intended to be controlling upon the United States of America.

Mr. KING. Mr. President, may I make an inquiry of the Senator?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Utah?

Mr. PITTMAN. I yield.

Mr. KING. Are any of the reservations made by other nations signatory to the treaty of such character as to increase or diminish the responsibilities resting upon the United States as a signatory to the treaty?

Mr. PITTMAN. I do not think that the committee so considered them. However, there was a reservation, such as this, on the part of Paraguay:

Reservation of the delegation of Paraguay: (2) In no case, under article VI, can foodstuffs or raw materials destined for the civil populations of belligerent countries be considered as contraband of war, nor shall there exist any duty to prohibit credits for the acquisition of said foodstuffs or raw materials which have the destination indicated.

That is a declaration as to what may constitute contraband of war in the event of war. We do not desire to be bound by the admission that that will always be true.

Mr. KING. May I ask another question?

Mr. PITTMAN. I yield.

Mr. KING. Assume signatories to the League of Nations or to the Kellogg-Briand Pact wage war among themselves; take two nations, they become belligerents and one of the two, if not both, appeals to the League of Nations, is there anything in this treaty that would drag the United States into the controversy, or would the appeal to the League of Nations by one of the parties, the other resisting, repeal ipso facto the provisions of the treaty under consideration as between the parties?

Mr. PITTMAN. To a certain extent, by its very terms, such a circumstance would repeal or abrogate the treaty, because it explicitly provides that all its provisions are subject to every other treaty that any of the signatory powers may have entered into. It also expressly provides that in the case of consultations each Government may make its own decision and act independently. So that is all taken care of.

Mr. KING. If the Senator will pardon me, I had in mind a case of this character: Supposing two South American republics, who are members of the League of Nations, became involved in a controversy and hostilities were imminent, indeed entered upon, and one of the parties appealed to the League of Nations for the purpose of settling the controversy and the other refused to do so, what would be our duty and the duty of the other signatories to the treaty in respect to both of the belligerents, and particularly to the belligerent that had appealed to the League of Nations for a determination of the conflict?

Mr. BORAH. Mr. President, I should like to say for myself that I do not find anything in these treaties that changes our attitude or relationship in any respect toward the League of Nations. Whatever might transpire under the treaties would not in any degree change our position or our relationship or our obligations so far as the League of Nations is concerned.

Mr. PITTMAN. That had to be taken care of, I will say, Mr. President, because some of the governments are still in the League of Nations and others are not. Undoubtedly, if two governments, members of the League of Nations, in the event of war should appeal to the League of Nations, our jurisdiction or responsibility under this treaty, even to the extent of engaging in consultation, would be eliminated.

Mr. LEWIS. Mr. President, may I ask, does not the able chairman understand that there is a specific negation against the assumption of our Government being drawn into a controversy between any governments of South or Central America or any other countries which might themselves ask the intervention of or endorse the League of Nations?

Mr. PITTMAN. I think it is clear all the way through.

Mr. LEWIS. Such is my understanding.

Mr. PITTMAN. That if the League of Nations is appealed to, it takes precedence over any form of consultation provided by this instrument.

The PRESIDING OFFICER. The treaty is before the Senate and open to amendment. If there be no amendment to be proposed, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification with the reservation will be read.

The legislative clerk read, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive P (75th Cong., 1st sess.), a convention to coordinate, extend, and assure the fulfillment of the existing treaties between the American states, signed at Buenos Aires on December 23, 1936, by the respective plenipotentiaries of the United States of America and the other 20 American republics, represented at the Inter-American Conference for the Maintenance of Peace held at Buenos Aires in December 1936, with the following declaration as a part of such ratification:

"The United States of America holds that the reservations to this convention do not constitute an amendment to the text, but that such reservations, interpretations, and definitions by separate governments are solely for the benefit of such respective governments and are not intended to be controlling upon the United States of America."

The PRESIDING OFFICER. The question is on agreeing to the reservation to the resolution of ratification.

The reservation was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification with the reservation. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification, with the reservation, is agreed to, and the treaty is ratified.

The PRESIDING OFFICER. That completes the consideration of treaties on the calendar for today.

Mr. ROBINSON. I suggest that the regular order of business in executive session be followed. I understand reports of committees come first.

EXECUTIVE REPORT OF A COMMITTEE—ROBERT FECHNER

Mr. WALSH, from the Committee on Education and Labor, reported favorably the nomination of Robert Fechner, of Massachusetts, to be Director of the Civilian Conservation Corps, which was ordered to be placed on the Executive Calendar.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state, in their order, the nominations on the calendar.

THE JUDICIARY

The legislative clerk read the nomination of Ralph E. Jenney to be United States district judge for the southern district of California.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Louis LeBaron, of Hawaii, to be first judge of the Circuit Court of Hawaii for the First Circuit.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES ATTORNEYS

The legislative clerk read the nomination of William A. Holzheimer, of Alaska, to be United States attorney, division no. 1, district of Alaska.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Thomas J. Morrissey to be United States attorney for the district of Colorado.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of John A. Carver to be United States attorney for the district of Idaho.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES MARSHALS

The legislative clerk read the nomination of Frank L. Middleton to be United States marshal for the district of Nevada.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of W. Joe Ballard to be United States marshal for the western district of Oklahoma.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

NATIONAL EMERGENCY COUNCIL

The legislative clerk read the nomination of Ernest L. Bailey to be State director, National Emergency Council, West Virginia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COLLECTORS OF CUSTOMS

The legislative clerk read the nomination of Joseph H. Lyons to be collector of customs, customs collection district no. 19, with headquarters at Mobile, Ala.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of William B. George to be collector of customs, customs collection district no. 25, with headquarters at San Diego, Calif.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Charles O. Dunbar to be collector of customs, customs collection district no. 28, with headquarters at San Francisco, Calif.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COMPTROLLER OF CUSTOMS

The legislative clerk read the nomination of Arthur A. Quinn, of New Jersey, to be comptroller of customs, customs collection district no. 10, with headquarters at New York, N. Y.

The PRESIDING OFFICER. Without objection the nomination is confirmed.

PUBLIC HEALTH SERVICE

The legislative clerk read the nomination of Allen M. Perkins to be dental surgeon, Public Health Service.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

That completes the Executive Calendar.

LEGISLATIVE SESSION

Mr. ROBINSON. Mr. President, I move that the Senate proceed to the consideration of legislative business.

The motion was agreed to; and the Senate proceeded to the consideration of legislative business.

MAY REPORT OF RECONSTRUCTION FINANCE CORPORATION

The PRESIDENT pro tempore laid before the Senate a letter from the Chairman of the Reconstruction Finance Corporation, submitting, pursuant to law, a report of the activities and expenditures of the Corporation for the month of May 1937, which, with the accompanying papers, was referred to the Committee on Banking and Currency.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following joint resolution of the Legislature of the State of Maryland, which was referred to the Committee on the District of Columbia:

Joint resolution requesting Congress to increase the gasoline tax in the District of Columbia

Whereas the present rate of tax on gasoline in the District of Columbia is lower than the rates imposed by Maryland and Virginia; and

Whereas this results in a hardship on the gasoline dealers in the State of Maryland adjoining the District of Columbia; and

Whereas most of the States have a higher rate of tax on gasoline than the District of Columbia: Therefore be it

Resolved by the General Assembly of Maryland, That the United States Congress be and it is hereby requested to enact legislation increasing the tax on gasoline to 4 cents per gallon in the District of Columbia; and be it further

Resolved, That the secretary of state be, and he is hereby, requested to send under the great seal of the State of Maryland a copy of this resolution to the President of the Senate, the Speaker of the House of Representatives, and to each of the Senators and Representatives from Maryland in the United States Congress.

The PRESIDENT pro tempore also laid before the Senate the following joint resolution of the Legislature of the State of Maryland, which was ordered to lie on the table:

Joint resolution expressing appreciation to the President and Congress of the United States

Whereas during the past 4 years the President of the United States, through his unparalleled leadership and guidance, has carried the country through one of the greatest economic depressions in the history of the country; and

Whereas the President and Congress of the United States have made available funds not only for the relief and care of the needy and unemployed, but have also made provision for the aged and for the dependent and neglected children; and

Whereas the President and Congress have, for the purpose of giving employment, granted funds to the several States, counties, municipalities, and other subdivisions of the States for the construction of public works and have in addition loaned funds to banks, railroads, and other corporations, which have enabled them to continue operations in the interest of the people generally; and

Whereas as a result of the initiative, incomparable leadership, and guidance of the President of the United States, confidence has been restored and the industrial, commercial, agricultural, and financial conditions have been greatly improved: Therefore be it

Resolved by the General Assembly of Maryland, That the appreciation and gratitude of the people of Maryland be, and they are hereby, extended to the Honorable Franklin Delano Roosevelt, President of the United States, and to the Congress of the United States for the great benefits which they have brought to the people of the State of Maryland during the past 4 years and for the general improvement of social, business, economic, and welfare conditions; and be it further

Resolved, That the secretary of state of Maryland be, and he is hereby, directed to send, under the great seal of the State of Maryland, a copy of this resolution to the President of the United States, to the Speaker of the House of Representatives, and to the President of the Senate of the United States Congress.

Mr. COPELAND presented a resolution, adopted by the Common Council of the City of Buffalo, N. Y., protesting against adoption of the proposal to make sponsors of W. P. A. projects pay 40 percent of the labor costs thereof, which was ordered to lie on the table.

Mr. WALSH presented a resolution adopted by the Stoneham (Mass.) League for Peace Action, favoring ratification of treaties initiated by the Buenos Aires Inter-American Conference providing for compulsory consultation in case of war threats, for the extension of liberal trade policies, and for educational exchanges, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Stoneham (Mass.) League for Peace Action, favoring the enactment of legislation providing for the submission of proposed declarations of war to a referendum of the people, except in case of invasion, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Stoneham (Mass.) League for Peace Action, favoring consideration of the so-called Boileau bill, being the bill (H. R. 1488) to establish the Department of National Defense, to limit the activities of the national-defense establishments to defense purposes only, to make such establishments instruments of national peace, and for other purposes, which was referred to the Committee on Military Affairs.

INDUSTRIAL MOBILIZATION PLAN—RESOLUTIONS OF FARMERS' UNION, SHEYENNE, N. DAK.

Mr. NYE presented a letter embodying resolutions from the resolutions committee of the Farmers' Union of Sheyenne, N. Dak., which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Hon. GERALD P. NYE,
Washington, D. C.

DEAR SENATOR NYE: The following resolution was unanimously adopted at our Farmers' Union meeting, and we request that you have same inserted in the CONGRESSIONAL RECORD:

"*Resolved* by 150 people present (mostly Farmers' Union members) at Sheyenne, N. Dak., this 10th day of June 1937, That we

are unalterably opposed to the Sheppard-Hill bill, the so-called industrial mobilization plan, as destructive of our freedom and un-American. Under no conditions will we submit, as Rev. Emerson Fosdick says, to "allow ourselves or our sons to be used as cannon fodder"; be it further

Resolved, That copies of this resolution be sent to President Franklin D. Roosevelt, Vice President Garner, Senators NYE and FRAZIER, and Congressmen LEMKE and BURDICK, also the North Dakota Union Farmer, and request Senator NYE to have this resolution inserted in the CONGRESSIONAL RECORD.

O. C. LANSVERK,
H. R. ASLAKSON,
H. G. HENDRICKSON,
Resolutions Committee.

REPORTS OF COMMITTEES

Mrs. CARAWAY, from the Committee on Commerce, to which was referred the bill (H. R. 1561) for the protection of oyster culture in Alaska, reported it without amendment and submitted a report (No. 827) thereon.

Mr. PEPPER, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 4716. A bill authorizing the construction and equipment of a marine hospital in the State of Florida (Rept. No. 828); and

H. R. 5140. A bill to provide for the establishment of a Coast Guard station at or near St. Augustine, Fla. (Rept. No. 832).

Mr. COPELAND, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 2335. A bill to amend the laws relating to enlistments in the Coast Guard, and for other purposes (Rept. No. 834);

S. 2336. A bill to adjust the pay of certain Coast Guard officers on the retired list who were retired because of physical disability originating in line of duty in time of war (Rept. No. 835);

H. R. 4896. A bill to authorize a preliminary examination and survey of Cayuga, Buffalo, and Cazenovia Creeks, N. Y., with a view to the control of their floods (Rept. No. 829);

H. R. 5040. A bill to provide for the establishment of a Coast Guard station at or near Beaver Bay, Minn. (Rept. No. 830);

H. R. 7017. A bill to amend section 4450 of the Revised Statutes of the United States, as amended by the act of May 27, 1936 (49 Stat. 1380, 1383; U. S. C., 1934 ed., title 46, sec. 239) (Rept. No. 836); and

H. R. 7401. A bill to authorize the Secretary of Commerce to convey to the Commissioners of the Palisades Interstate Park, a body politic of the State of New York, certain portions of the Stony Point Light Station Reservation, Rockland County, N. Y., including certain appurtenant structures, and for other purposes (Rept. No. 837).

Mr. WAGNER, from the Committee on Banking and Currency, to which was referred the bill (H. R. 6287) to amend Public Act No. 467, Seventy-third Congress, entitled "Federal Credit Union Act", reported it without amendment and submitted a report (No. 833) thereon.

EXTENSION OF TIME FOR INSTALLING SPRINKLER SYSTEMS ON PASSENGER VESSELS—REPORT OF COMMITTEE ON COMMERCE

Mr. COPELAND, from the Committee on Commerce, reported an original joint resolution (S. J. Res. 172) to amend the act entitled "An act to amend section 4471 of the Revised Statutes of the United States, as amended", which was read twice by its title and ordered to be placed on the calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ASHURST (by request):

A bill (S. 2721) to amend the White Slave Traffic Act in respect of women and girls under 18 years of age; to the Committee on the Judiciary.

By Mr. CHAVEZ and Mr. HATCH:

A bill (S. 2722) to authorize the construction of the San Juan-China transmountain diversion reclamation project in New Mexico; to the Committee on Irrigation and Reclamation.

By Mr. COPELAND:

A bill (S. 2723) to amend paragraph 1733 of subtitle II of the Tariff Act of 1930; to the Committee on Finance.

By Mr. CLARK:

A bill (S. 2724) granting an increase of pension to Helen Dorsey; and

A bill (S. 2725) granting an increase of pension to Mrs. Thomas H. Jackson; to the Committee on Pensions.

By Mr. MOORE:

A bill (S. 2726) for the relief of Mrs. George Orr; and

A bill (S. 2727) for the relief of Newark Concrete Pipe Co.; to the Committee on Claims.

HOUSE BILL REFERRED

The bill (H. R. 5860) making further provision for the fisheries of Alaska, was read twice by its title and referred to the Committee on Commerce.

STAMP PROVISIONS OF BOTTLING IN BOND ACT—AMENDMENT

Mr. WALSH submitted an amendment intended to be proposed by him to the bill (H. R. 6737) to amend the stamp provisions of the Bottling in Bond Act, which was ordered to lie on the table and to be printed.

THE FUTURE OF AMERICAN DEMOCRACY—ARTICLE BY DR. STUDEBAKER

Mr. NYE. Mr. President, having read recently an article published in the official organ of the American Legion which I am inclined to believe properly belongs in the CONGRESSIONAL RECORD, it is my intention to ask unanimous consent to have it so printed. Before doing so I desire to submit a remark or two in reference to it.

While the article, entitled "Safer for Democracy", written by Dr. J. W. Studebaker, United States Commissioner of Education, is addressed primarily to the American Legion, it carries a vital message to every American as well. It defines the democratic system in definite and practical terms and emphasizes the need for mass education as a cornerstone for a democratic and peaceful world.

The junior Senator from Oklahoma [Mr. LEE] has introduced a bill which I hope will receive the careful consideration of the Members of this body, providing for a 3-year public forum demonstration program in the various States. While the plan outlined in the bill does not appear at first glance to compare in significance to some of the proposals calling for huge outlays of funds, it is nevertheless a measure which is more important to the future of American democracy than any which has come to my attention in recent months. I for one am convinced that unless the citizens of a democracy are constantly discussing and studying the basic problems, local, national, and international, we cannot expect the intelligent understanding necessary to grapple with these issues.

During the past year and a half, under emergency funds and local administrations, Commissioner Studebaker has been demonstrating the value and significance of this type of education in some 19 centers in 19 States. In these places, with a total population of about 4,000,000 people, more than 10,000 meetings have been held, attended by more than one and a half million people. If this procedure were being followed in other States, and in hundreds of communities in these States, we might be more confident that our great democracy rests upon a sure foundation of intelligent public opinion. Therefore I commend for the attention of the American people this brief but significant article by Commissioner Studebaker, which I ask unanimous consent to have printed in connection with my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the American Legion Monthly for June 1937]

SAFER FOR DEMOCRACY

(By J. W. Studebaker, United States Commissioner of Education)

"We won't come back till it's over, over there", ran a popular wartime song. This was the spirit of the recruits in 1917–18. They were enlisted for the duration of the war. We were given two slogans in those days. One was, "A war to end war." The other was, "To make the world safe for democracy."

The casual reader of the newspapers knows that the world is on the brink of another war, and that no country on earth is now "safe for democracy." Quite apart from the controversy which continues to rage concerning the underlying causes of the war, few Americans will dispute the desirability of achieving the two ends given us as slogans. In terms of those objectives, the war was a fight to a draw and the peace treaty defined the terms of the next armed conflict.

Those who entertain these two great goals—world peace and world democracy—know that the struggle to attain them has never ended. As a matter of fact, the struggle has now advanced to a most critical stage. The forces of democracy and peace have been driven to the wall by the forces of dictatorship and imperialism. The struggle on the political front has now come to a crisis where it again may be shifted to the military front. Those who went "over there" are back, but they know that it isn't "over, over there." It looks as though our real problem is to keep that basic conflict from spreading over here.

The question which confronts us as enlisted recruits in the struggle that never ended is, "What can we do to win an eventual victory; that is, a warless, democratic world?" It would seem to be good tactics to hold the line of democracy here in America. I would suggest for our slogan, "Organize to preserve and extend in America what we fought to make the world safe for." That may be poor grammar, but it appeals to me as good sense all the same.

A slogan is a crystallized philosophy, an abbreviated purpose for action. It is a useful thing if the people who get together to work for it know what it means. It is a dangerous thing if it becomes a substitute for thinking.

The basic ideas and ideals of a democratic society are simple and yet profound. No society has yet applied them to all of the aspects of social organization. Indeed, the prerequisites of democratic behavior are so severe that the progress from despotism on the one hand to complete self-government on the other must of necessity be slow and halting. The urge in man for power over his fellow man which has been passed on from tribal days must be sublimated by an intelligent understanding of the infinite possibilities of man's power with man.

People have to learn the ways of democratic behavior. Like all other strong human urges, the passion for power over people can be mastered only by the substitution of other patterns of behavior through education. Therefore the battlefront in the world-wide struggle for democracy stretches from the home through the schools, the local community, State and Nation to the international conference table. Parents who encourage children to join in a cooperative organization of family life as early as possible are contributing to a world "safe for democracy." Schools which develop self-government, self-discipline, and the practice of respecting group decisions prepare youth for citizenship in a democracy. Educational and social organizations which define greatness of character in terms of service and meanness of character in terms of exploitation lead us toward the democratic ideal.

The world or any section of it will be a safe place for the flowering of democracy when enough people understand and practice the fundamental principles of that way of life. Essentially, the idea of democracy contains two important principles. First, the freely expressed will of the majority is law. Second, the right and privilege of people in the minority to attempt to become the majority through peaceful persuasion is scrupulously protected. The phrases "majority rule" and "freedom of expression" are commonplace in our vernacular. But the realization of their profound meaning in national and international affairs requires patient and careful education and organization.

If the will of the majority is expected to promote progress and intelligent action, the masses of people must have access to thoroughgoing educational preparations. The leaders of the democratic idea have always maintained that it could not be achieved without mass education. At least three kinds of educational experience are necessary for citizens of a democracy.

First, they must learn to use the tools of communication—reading, writing, and speech. People who cannot read are slaves whether they have the right to vote or not.

Second, they must learn in actual practice in group life, starting with the family and continuing in all other social groupings, the methods and techniques of self-government. People must be educationally prepared to treat each other as free, self-respecting human beings. They must come to understand the ways of getting things done with group understanding and participation. When it is generally recognized that people who seek to arrive at goals, no matter how worthy, by the use of dictation and force, are anti-social persons, we may consider our educational and social institutions successful in citizenship training.

Third, the citizens and those preparing for citizenship should have educational facilities for the continuous study and discussion of the problems which require their intelligent attention.

Majority rule, of course, implies some power to compel compliance. But if the people understand and participate intelligently in important decisions, and if they have learned the essentials of democratic behavior, the problem of securing compliance is not so difficult to solve with the minimum of force. The great difficulty arises when the members of the minority are unwilling to accept the expressed will of the majority and seek to change that will by force. This unwillingness to accept majority government when it rules contrary to one's own hopes or interests must be dealt with educationally on the school playground, in summer camps, in student self-government, in social groups of all kinds.

People who have not, by and large, come to appreciate the importance of compliance with majority rule are not prepared for citizenship in a democracy. Therefore, we will do well to inspect carefully the methods we are using in the home, in the school, and in our various organizations to see that we are really promoting a respect for and confidence in majority rule. Without mass confidence in the ultimate value of majority rule, we face the danger of open clashes between majority and minority forces, called civil war. This is a reversion to the old way of deciding important matters by contest of armed forces. The policy is made by the side which can kill most efficiently the people on the other side.

But we should never forget that respect for and confidence in majority rule are engendered and increased only by a majority attitude which scrupulously protects the minority in its chance to become the majority by processes of peaceful persuasion, by free discussion, by argument. Centuries of human struggle have taught us that it is in a minority which has been coerced into silence by an arrogant and intolerant majority that the seeds of violence are planted. Therefore, those of us who profess to believe in the democracy of self-government by majority rule bear the responsibility of exemplifying tolerance toward the dissenting voice of the minority. And, on the other hand, the minorities which clamor for the right to be heard and which protest against restrictions of civil liberties must recognize their obligation not to use these liberties as a means of establishing a social order that would place control in the mailed fist of a new and intolerant majority.

The democratic method rests on the process of counting noses and not corpses. But it takes a high state of culture and civilization to get social action in this way.

In international affairs, the Kellogg Pact notwithstanding, there is still a general reliance on the method of counting corpses to arrive at important decisions. We know that this is costly and uncivilized. We have made some attempts to decide things internationally by counting noses. But governments are reluctant to give up the right to turn to the old method in case they get an unfavorable decision through majority rule.

So, it appears, the desirable slogan "to end war" is dependent in the last analysis upon the world-wide achievement of the other slogan, "to make the world safe for democracy." When the democratic idea is being practiced by people in all parts of the world in their homes, schools, social and political institutions, we may expect to see this civilized technique of social progress employed in international affairs. In other words, it is my conviction that a democratic world is essential to a warless world.

The scene abroad looks rather dreary and to some hopeless. We ourselves hold a strategic place of world influence. The question is put to us: "Will democracy work in this new, complex machine age?" If we can make it work here to create an ordered social and economic progress resulting in the greatest good for the greatest number, it will spread by contagion. The present trend toward new chaos and economic collapse which characterizes the old-style dictatorships turns the attention of people abroad to successful experience with democracy.

Therefore, I can think of nothing more significant for the veterans of a struggle fought under the slogan "to make the world safe for democracy" to do, than to enlist their support behind those educational institutions which give our democracy a good fighting chance to survive and mature. This involves support of our public school system which equips youth with the tools of expression and a basic understanding of the history and nature of our world. It involves the intelligent support of all educational and social institutions which train youth and adults in the habits of democratic action. It also involves, in my opinion, vigorous support of discussions, forums, study groups, and adult civic education programs.

If we seriously want to perpetuate the democratic ideas of majority rule and freedom of expression, we must somehow perfect ways and means of enabling free citizens to come to an understanding of the perplexing problems over which they must exercise their rulership.

The enemy within the gates of a democratic society is he who accepts the rights of citizenship without discharging his responsibility of studying the problems of his community and country. But it seems to me that we cannot mark these "slackers" in the struggle for a democratic world unless we plan and operate educational facilities for the use of all the people in achieving civic understanding. If we do organize such institutions for adult discussion and study, we may come to the day when the citizen who neglects to inform himself as a prerequisite to the exercise of citizenship will be subject to the pressure of public disapproval.

A Nation-wide system of adult civic education operated under local managements appeals to me as an important phase of national defense, if what we are really defending is our democratic tradition as well as the land which gave it birth. The duration of the war is perhaps longer than we at first expected. We cannot truly call ourselves veterans until the basic struggle to make the world safe for democracy has ended in a victory. Education of the three types I have suggested is essential to the winning of eventual victory. For services already rendered to the cause of public education, grateful credit is given to the American Legion. The future offers even greater challenges to those who are still enlisted in the cause of a democratic and warless world.

ADDRESS BY HON. JAMES A. FARLEY AT OLD ORCHARD, MAINE

[Mr. BROWN of New Hampshire asked and obtained leave to have printed in the RECORD an address delivered by Hon. James A. Farley at Old Orchard, Maine, Thursday evening, June 24, 1937, which appears in the Appendix.]

SIGNS OF PROSPERITY—ARTICLE FROM THE WASHINGTON STAR

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an article entitled "Signs That Prosperity Has Turned That Corner", written by Lucy Salamanca and published in the Washington Star of Sunday, June 27, 1937, which appears in the Appendix.]

EXTENSION OF REDUCED INTEREST RATE ON FEDERAL LAND-BANK LOANS

Mr. BARKLEY. Mr. President, on the 7th of June the House of Representatives passed House bill 6763, extending for 1 more year the reduced rate of interest on Federal land-bank notes. Two years ago Congress reduced the rate of interest on land-bank loans to 3½ percent to apply for a period of 2 years. That reduction expires tomorrow, the 30th day of June. The Farm Credit Administration, while opposing the reduction, are anxious to know what they must do about the reduced rates of interest beginning July 1.

The Banking and Currency Committee, through a subcommittee of which I happen to be chairman, held hearings on the matter of extension, and the subcommittee reported to the full committee favorably recommending the extension. This morning the full committee directed that the bill be reported favorably to the Senate with an amendment.

In order that the matter may be determined and that the Farm Credit Administration may know what it is expected to do with respect to the collection of interest beginning July 1, I ask unanimous consent that I may be permitted at this time to report the bill to the Senate, and then I shall ask for its present consideration.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky for permission to report the bill? The Chair hears none.

Mr. BARKLEY. From the Committee on Banking and Currency I report back favorably, with amendments, the bill (H. R. 6763) to extend for one additional year the 3½-percent interest rate on certain Federal land-bank loans, to provide a 4-percent interest rate on such loans for the period July 1, 1938, to June 30, 1939, and to provide for a 4-percent interest rate on land bank commissioner's loans for a period of 2 years, and I submit a report (No. 831) thereon.

I now ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky?

Mr. KING. Mr. President, I do not know that I shall object, but I think we ought to have a little further time for consideration of the matter. It is my understanding that the President of the United States has indicated, after full consideration of the questions involved, the condition of the Treasury, and all the implications that would arise from the measure, that it is not wise, and he has recommended adversely. The Senator from Kentucky has just stated that Dr. Myers, head of the Farm Credit Administration, which is intimately connected with the law and its enforcement, has also recommended adversely.

I wonder if the exigency is such as to warrant the Senate now, in view of the facility which we have always exhibited toward approving recommendations of the President, in rejecting his suggestion and the suggestion of the organization primarily concerned with the matter, and now take up the bill for consideration?

Mr. BARKLEY. Mr. President, in that connection I have purposed to have read the letter of the President relating to the matter. I shall explain the situation very briefly so that all Senators may understand what is the real issue.

If the bill is not passed at once, then, beginning day after tomorrow, the Farm Credit Administration must collect the normal rate of interest because the extension of the reduced rate expires tomorrow by operation of law. Regardless of the attitude of the Farm Credit Administration, it is necessary for them to know what they are expected to do about it, and we have only 1 more day in which we can act. If the Senate does not see fit to pass the bill, then automatically the rate goes back to the normal rate. If we do pass the bill, then for 1 more year the rate of 3½ percent will be maintained.

Mr. McNARY. Mr. President, I understand the able leader on the Democratic side of the Chamber intends later to move a recess until Thursday. That is the emergency which the Senator from Kentucky is now trying to meet. I favor the proposal made by President Roosevelt and by Mr. Myers, of the Farm Credit Administration. The reduced rate is to be extended for only 1 year. So far as I am concerned, I have no objection to the present consideration of the bill.

Mr. BORAH. Mr. President, if there is no objection to the present consideration of the bill, I have nothing to say.

Mr. CONNALLY. Mr. President, I hope there will be no objection, because this is a matter in which a considerable section of the country is deeply interested. It has already been shown that if we are going to act at all, we must act quickly. I hope there will be no objection to the present consideration of the bill.

Mr. GEORGE. Mr. President, did I correctly understand the Senator to say the proposal is to extend the present rate of interest for 2 years or for 1 year?

Mr. BARKLEY. The present rate is to be extended 1 year, and then a rate of 4 percent is fixed for the following year. There is an extension for 2 years of a reduced rate, but for the first year the 3½ percent will remain as it has been for the last 2 years, and for the second year the rate will be 4 percent.

Mr. GEORGE. I express the hope there will be no objection to the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill as requested by the Senator from Kentucky [Mr. BARKLEY]?

There being no objection, the Senate proceeded to consider the bill (H. R. 6763) to extend for 1 additional year the 3½-percent interest rate on certain Federal land bank loans, to provide a 4-percent interest rate on such loans for the period July 1, 1938, to June 30, 1939, and to provide for a 4-percent interest rate on land-bank commissioner's loans for a period of 2 years, which had been reported from the Committee on Banking and Currency with an amendment.

The PRESIDENT pro tempore. The amendment of the committee will be stated.

The LEGISLATIVE CLERK. On page 2, after line 9, it is proposed to strike out section 2, as follows:

SEC. 2. Section 32 of the Emergency Farm Mortgage Act, as amended (relating to loans by the Land Bank Commissioner), is amended by adding at the end thereof the following new paragraph:

"Notwithstanding the foregoing provisions of this section, the rate of interest on loans made under this section outstanding when this amendatory paragraph takes effect or made on or after such date, shall not exceed 4 percent per annum for all interest payable on installment dates occurring within a period of 2 years commencing on the date when this amendatory paragraph takes effect."

So as to make the bill read:

Be it enacted, etc., That (a) effective July 1, 1935, the first sentence of paragraph "Twelfth" of section 12 of the Federal Farm Loan Act, as amended (relating to reduction in interest rates on certain Federal land-bank loans), is amended by striking out the following: "occurring within a period of 2 years commencing July 1, 1935" and inserting in lieu thereof the following: "occurring within a period of 3 years commencing July 1, 1935, and shall not exceed 4 percent per annum for all interest payable on installment dates occurring within a period of 1 year commencing July 1, 1938."

(b) The fourth sentence of such paragraph "Twelfth" (relating to the time limit on payments made by the United States to land banks on account of such interest reduction) is amended to read as follows: "No payments shall be made to a bank with respect to any period after June 30, 1939."

Mr. BARKLEY. Mr. President, the House bill would extend the 3½-percent interest rate for 1 year as it has existed for the past 2 years. Then it is provided that a 4-percent rate of interest shall apply for a second year beginning

July 1, 1938, and running until July 1, 1939. From now until July 1, 1938, the rate would remain at 3½ percent as provided by the action of Congress of 2 years ago.

Section 2 of the bill deals with loans upon which the interest rate has never been reduced; that is, commissioner's loans. The rate of interest on commissioner's loans, which are of a secondary nature or the security for which may be second mortgages, chattel mortgages, or security of a lower degree than first mortgages on farms, is limited under the law providing for obtaining loans through the ordinary farm-loan associations and the Farm Credit Administration.

There never has been any reduction in the rate on the commissioners' loans. The rate has been 5 percent since they were inaugurated. The reason for that is that since the loans are of a secondary nature, the chances are that there will be greater losses on the commissioners' loans than on the first-mortgage loans taken by the farm-loan associations. The security for the commissioners' loans is not as good as the security for the first-mortgage loans; and now that we are at least on the way out of the depression and up the hill, and inasmuch as no action ever has been taken by Congress to reduce the interest on the commissioner's loans, the committee felt that it was not well now to begin a new practice, but was wiser simply to continue the status quo as it has existed with respect to farm loans generally. For that reason the committee struck out section 2, which makes a reduction in the interest on commissioner's loans in addition to the reduction of interest on land-bank loans already provided for.

Mr. CONNALLY. Mr. President——

Mr. BARKLEY. I yield to the Senator from Texas.

Mr. CONNALLY. I have here the House bill. There does not seem to be any Senate committee amendment in it.

Mr. BARKLEY. I will say to the Senator that the committee acted only this morning. The report has not been formally made; but in the copy which I have reported I have stricken out section 2, which provides for a reduction in the rate of interest on the commissioners' loans.

Mr. CONNALLY. Why should not the interest on the commissioners' loans be reduced, as well as the interest on the other loans? The commissioners' loans are harder to pay now than the others, because they are based on second liens, and are more shaky. I do not see any reason why we should make it still harder to pay them by providing for an increased rate of interest.

Mr. BARKLEY. Of course the question also involves the Treasury. I will say frankly that a legitimate argument may be made in favor of a reduction of interest on commissioners' loans on the same basis as land-bank loans, but the reduction in the rate of interest on land-bank loans means an outlay of $31,000,000 per year from the Treasury. In other words, it is an outright grant from the Treasury of $31,000,000. The reduction in the rate of interest on commissioners' loans involves an outlay of $9,000,000; so both of them together mean that out of the Treasury there must be taken $40,000,000 per annum in order to meet the deficiency in the interest charged the farmer. That is the amount that the Government is out.

Inasmuch as the commissioners' loans have gone along for the past 2 or 3 years at the rate of interest which has prevailed—there has been no agitation, and really no particular request for a reduction of the interest on those loans—and in view of the fact that interest rates are always based somewhat upon the possibility of loss, on the whole, by reason of the character of the loans, the committee felt and the Farm Credit Administration feels that if this extension is to be made of the 3½-percent interest rate on land-bank loans, we ought not now to enter a new field and reduce the interest rate on commissioners' loans.

That is the explanation, I will say to the Senator.

Mr. BORAH. Mr. President, if this amendment is adopted, changing the House bill, the measure will have to go back to the House.

Mr. BARKLEY. That is true.

Mr. BORAH. And in that event we are likely to lose it. It must become a law by tomorrow.

Mr. BARKLEY. Of course, if the bill should be passed now and sent to the House today, the House could act on it, and either accept or reject the amendment, and then it would be an easy matter to adjust. I do not think there would be any delay beyond the 1st of July by reason of the amendment.

I will say to my friend from Texas that that is the reason why the amendment was adopted by the committee.

Mr. CONNALLY. Mr. President, I hope the Senate will not adopt this amendment.

The Senator from Kentucky suggests that there will be a loss to the Treasury on these two transactions. That is altogether possible and likely; but, Mr. President, if we are going to pay out any bounties, or are going to give any "hand-outs", this is the best place I know to do it, because here we are helping people who are helping themselves.

We have been through a very critical period in the United States in the way of holding on to land during this depression. Commissioners' loans are instrumentalities that were devised to help out the man who had a farm and was trying to pay for it by giving him a further increase of loan. Many of these farmers will pay out. They are on the land, they are working, they are digging, they are trying to get out, and they are not on a relief roll in town. If we can give a billion and a quarter dollars to people to do nothing, I do not see how the Government will suffer much by giving $40,000,000 in the form of reduced interest rates to people who are at work establishing homes and increasing the value of those homes.

That is just the plain situation. In my State and in many other farm States the people have been gallant during the depression. They have stayed on the land and suffered, and could not pay their interest; but they have worked and rearranged matters and refinanced their loans, and now they are coming out. I believe this is money well spent, and I particularly hope the Senate will not adopt the Senate committee amendment.

As was so well pointed out by the Senator from Idaho [Mr. BORAH], if we adopt the amendment the bill will have to go back to the House. I assume the House meant what it said when it passed the bill with section 2 in it; and the House may not be as complaisant as the Senator from Kentucky seems to think it is. It may resist. The bill may go to conference; and, furthermore, the President may veto the bill. This is not an administration bill, even though it is sponsored by the leadership here on the floor of the Senate, because the President, in his message which is set out in the hearings, states that he is opposed to it. Therefore, even after the bill gets to the House we may have to vote on a veto—that is, some of us.

So, Mr. President, I hope the Senate will not adopt this amendment, but will pass the bill as it passed the House. This is one place where we can help people who are helping themselves, not directly by giving them something, but indirectly by lowering the interest rate. The land banks will have to absorb some of the reduction for this period of extension; but it is justified aid, it is sound aid, given to people who are trying to build homesteads and trying to pay for them, and who are out in the hot sun at work. While some of the W. P. A. people are standing out here in the lobby of the Senate of the United States, coming to Washington on Government money and lobbying for the continuation of made work, free jobs, the farmers are asking this slight concession.

I hope the Senate will reject the amendment of the Senate committee.

Mr. BARKLEY. Mr. President, in connection with the whole subject I think it would be well to have the letter of the President read into the RECORD. The letter was written to a Member of the House of Representatives, the chairman of the House Committee on Agriculture. It was written the day following the passage of the bill through the House. The President was not aware of the fact that on the 7th

day of the month the bill had passed the House; and on the 8th he wrote this letter to Hon. MARVIN JONES, chairman of the House Committee on Agriculture. I think the President's letter ought to be read, because it is in harmony with the position taken by the Farm Credit Administration in its testimony before the subcommittee.

The PRESIDENT pro tempore. Without objection, the letter will be read.

The legislative clerk read as follows:

THE WHITE HOUSE,
Washington, June 8, 1937.

Hon. ROBERT F. WAGNER,
Chairman, Senate Committee on Banking and Currency,
Washington, D. C.

MY DEAR SENATOR: I am enclosing herewith a copy of a letter which I have sent today to Hon. MARVIN JONES, chairman of the Committee on Agriculture of the House of Representatives. H. R. 6763, has, of course, not yet been acted on by the House, and I am sending you this merely to keep you informed.

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

[Enclosure]

JUNE 8, 1937.

Hon. MARVIN JONES,
Chairman, Committee on Agriculture,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: I am disturbed by the provisions of H. R. 6763 and think I should advise you of the situation which the passage of this bill would create. The whole question involves the rate of interest charged by Government agencies and relates not only to farm loans but also to moneys lent by the Home Owners' Loan Corporation, the Reconstruction Finance Corporation, the Public Works Administration, and other agencies.

We ought, first of all, to examine into the original object of the Congress and the administration in 1933. It was—

1. To stop wholesale foreclosures and failures by refinancing the debts of farmers, home owners, counties, cities, towns, small businesses, and banks on a basis that would permit them to pay out as national prosperity returned.

2. To provide for extensions of principal and interest payments which farmers, home owners, etc., were unable to meet because of causes beyond their control.

In the case of farmers, they were the only classification of the many listed above who were given temporary reductions in interest rates to assist in their financial rehabilitation. This was done because of their then existing mortgages due to the Federal land banks, which had been made necessary by previous conditions.

In regard to farm borrowers, there was another definite objective—to avoid the old custom of 6 or 7 or 8 percent charged on first mortgages and 8, 10, 12, and even 15 percent charged for second mortgages.

At the time the original legislation for farmers, home owners, businessmen, banks, municipalities, etc., was passed, no one thought, and no reasonable person should think today, that the Government of the United States should permanently subsidize these borrowers by an annual grant or gift caused by legalizing an abnormally low rate of interest.

It is not reasonable to insist that 4 percent on a first mortgage for a farmer or 5 percent on a second mortgage is an unreasonably high rate of interest.

Everybody knows that the Government, as well as the Federal land banks, has to borrow money before it lends it and must, therefore, get that rate back. On long-term borrowings the Government would have to pay a rate of interest of about 3 percent. The Federal land banks or the Government must stand the cost of servicing loans and collecting the interest which, on the average, amounts to a little less than 1 percent. In addition to this, there are losses which will amount to at least one-half of 1 percent to 1 percent additional. The net result is that, at present, the Federal land banks must get a 4-percent return on first mortgages and the Government a 5-percent return on second mortgages (where, of course, the losses are heavier), in order nearly to break even.

Any reduction below these rates constitutes a gift from the Federal Treasury.

In the case of H. R. 6763, the additional cost to the Government of the United States would be more than $40,000,000 a year. It seems to me that the Congress should be definitely advised of this fact before taking action on this bill.

The passage of this bill was clearly not contemplated in the preparation of the Budget for the fiscal year 1938. As you know, I am definitely seeking the balancing of that Budget. The problem is a comparatively simple one from the budgetary standpoint: If the Budget is thrown out of balance through extra appropriations or obligations, new taxes alone will bring the Budget into balance.

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

Mr. VANDENBERG. Mr. President, may I ask the Senator from Kentucky a question?

Mr. BARKLEY. I will be glad to answer if I can.

Mr. VANDENBERG. I should like to be sure that I understand the situation. Is it correct that, once the committee amendment is adopted, this bill not only will extend the previous gift, but will add a brand new gift that will cost $9,000,000, and put the Budget that much more out of balance?

Mr. BARKLEY. That is correct.

Mr. VANDENBERG. Under those circumstances, it would seem to me that since the bill itself runs the possibility of a veto, in view of the President's letter those who are anxious to get completed legislation had better not add another uncontemplated burden which certainly would produce a veto.

Mr. BARKLEY. Mr. President, I appreciate the suggestion of the Senator. Personally, I have no interest, one way or the other, in whether this amendment is adopted or not. I am merely trying to represent the committee in presenting it, and giving the reasons which actuated the committee in striking out section 2.

There are in this country more than 6,000,000 farmers, and of that 6,000,000 about 650,000 are borrowers from the Federal land banks. About one-tenth of the total number of farmers in the United States borrow money from the land banks. There are between five and six hundred thousand of the Commissioner's loans, but because of the duplication, many of the original borrowers also borrowed under the Commissioner's loans, so that the total number of farmers who have both Commissioner's loans and land-bank loans is a little more than 800,000 out of a total of 6,000,000.

The question is very simple, whether we want to extend what we have already done or do more. That is all there is to it, and that is why this amendment is recommended.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BORAH. Has the Senator any information or intimation about how the House would feel in regard to eliminating this section? I should be disposed to take the view of the matter taken by the Senator from Michigan, but it seems to me that we are running about ninety-nine chances out of one hundred of losing the bill, because it will go to the House, and in all probability it will not be acted upon today, though it possibly may be acted upon tomorrow. I think the President is just as likely to veto the bill carrying $31,000,000 as $40,000,000; and it seems to me that we have now delayed the matter so long we are in such a position that if we do not act expeditiously we will not get anything at all.

Mr. ROBINSON. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. ROBINSON. I should like to inquire why it is that the matter has been delayed until just the day before the change would take place in the interest rate, why it is that it has not been brought before the Senate earlier?

Mr. BARKLEY. Three or four bills were introduced by Members of the Senate extending the 3½-percent interest rate, one or two of them providing an extension for 1 year, one or two of them for 2 years. The House committee reported their bill, put it on the calendar, and the subcommittee of the Senate Committee on Banking and Currency felt that unless the House passed its bill, there was really no need to take up the bill in the Senate, as it had it already on the calendar.

The House passed the bill about 3 weeks ago. The subcommittee of the Senate committee which had charge of the proposed legislation also had a number of other bills before it for consideration, and hearings were in progress. Hearings were held on the pending bill at the very earliest possible date when the matter could be reached, and the subcommittee acted about a week ago in voting to report the bill to the full committee. The full committee did not meet until this morning when it could take action on the report of the subcommittee. That explains the delay. It may not have been a justifiable delay, but that is the explanation.

I have no information as to whether or not the President will veto the bill. He sent the letter to the other body in order to express his views. Representatives of the Farm Credit Administration appeared before the Senate subcommittee and opposed any extension at all, on the ground that, after all, agriculture was on its way up the hill, and that

farm prices had increased to such an extent that the Farm Credit Administration did not feel this bounty, or subsidy, or gift, or whatever it may be termed, ought to be granted any further. The committee did not agree with the Farm Credit Administration on that subject, and that is why the bill is here.

Mr. ROBINSON. Mr. President, what has been the amount of liability borne by the Government during the last year on account of the 3½-percent interest rate?

Mr. BARKLEY. Approximately $31,000,000.

Mr. ROBINSON. That much has been lost to the Government?

Mr. BARKLEY. That much has been lost, and it is estimated that much will be lost to the Treasury in the next 12 months if this bill shall pass, even without the reduction of the Commissioner's rate, and $40,000,000 if the two are put together and the reduction is made.

Mr. VANDENBERG. Mr. President, while I am quite willing to go along with the extension of the existing low rate, I want to ask the Senator, if we are to start now expanding the privilege of a low rate, what earthly reason have we for not extending it to the H. O. L. C. and all the other loans of the Government?

Mr. BARKLEY. As the President pointed out in his letter, of course, if this is to be continued indefinitely, sooner or later the question will arise whether the same reduction is to be extended to home owners under the H. O. L. C. and all other agencies which have been put at the disposal of the people in order to help solve the problem of the depression. It is a very serious question now, when we are on the way out, when everyone admits we are in better condition, whether we ought to extend the field of interest reductions out of the Treasury of the United States.

Mr. BORAH. Mr. President, I agree with the Senator, that we are on the way out of the depression, and I agree that the farmers are in better condition than they were. But the farmers are not out yet by any means. My recollection is that in 1929 the income from the American farm was about $11,500,000,000. It dropped to about $5,500,000,000 in 1932 and 1933. It is now back to about eight and a half or nine billion. But that income is still two or two and a half billion behind what it was in 1929.

We know what the conditions were on the farm in 1929. They were very bad. Everyone will recall that in 1929 the political conventions were waited on by delegations of farmers stating their condition, telling of foreclosures, sales for taxes, and like things. The farmers are not yet out of their trouble.

While we are pleased that they are moving out, and are quite willing to give all credit due to those who have helped to move them out, yet many of them still are in a distressing condition. There can be no doubt about that. I recognize that the question before us is serious, but a serious situation is faced out on the farms, where the foreclosures are taking place. As the Senator from Texas has well said, nowhere can we contribute more effective aid under present circumstances than to the man who is on the farm, in order to keep him there. There is one way to stop the growth of tenancy, and that is to keep the owner in possession of the title to the farm. It seems to me that we can well afford to lower the interest rate in view of the number it will likely enable to avoid foreclosure and loss of title.

Mr. CONNALLY. Mr. President, has not the Senator observed that where the land banks foreclose they are worse off than they were before the foreclosures, because they cannot dispose of the lands and get anything substantial for them? If we can keep the man on the farm, the Government will suffer less loss than if it forecloses and has to sell the place for half price. That is the experience in my State.

Mr. BORAH. That is correct.

Mr. BARKLEY. Mr. President, the representative of the farm organizations who appeared before the committee in behalf of this extension did not request that the privilege be extended to Commissioner's loans. Mr. Chester Gray, whom we all know, who represents the American Farm Bureau Federation, testified before the committee. All they asked was the extension of the present low rate on land-bank loans. Mr. Gray stated that he did not request that the low rate be extended to Commissioner's loans, because his organization had taken no action on that subject. They had not authorized him to request that the reduction be extended to Commissioner's loans, and therefore he made no such request. If the farmers, through their spokesman, are not asking the expansion of this reduction, it seems to me we might well ponder whether we ought to grant it.

Mr. BILBO. Mr. President, I should like to ask the Senator from Kentucky a question. He states that there will be a $31,000,000 loss through the Farm Credit Administration. In what does that loss consist, or how is it brought about?

Mr. BARKLEY. It is the difference between the rate that is borne by the land-bank bonds, which are held by the general public, and the rate which the farmer pays to the land bank from which he borrows money. In other words, if the farmer pays only 3½ percent interest to the bank, and the bank must pay the holders of its bonds 4 or 4½ percent, the difference is made up by the approximate amount of $31,000,000. The law obligates the Treasury to reimburse the land banks for that difference, and that difference amounts to the $31,000,000 about which we are talking. In other words, the rate of interest paid by the farmer does not compensate the land bank for the interest it pays the holders of the land-bank bonds.

Mr. ROBINSON. Mr. President, of course, if some arrangement were not effected to reimburse the banks for the difference between the interest they pay and the interest they charge, the banks would become insolvent, their bonds would be in default, and the system probably would be wrecked.

Mr. BARKLEY. They could not pay interest on the bonds held by the general public, and, therefore, we must appropriate out of the Treasury the difference.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. CONNALLY. The bonds are guaranteed by the Government, are they not?

Mr. BARKLEY. Not all of them.

Mr. ROBINSON. No; not land-bank bonds.

Mr. BARKLEY. Not land-bank bonds.

Mr. BILBO. What rate of interest is the Government charging the shipbuilders on its loans made in connection with the merchant marine?

Mr. BARKLEY. I cannot answer the Senator's question. The Maritime Commission as yet have made practically no loans. We appropriated $160,000,000 for the use of the Maritime Commission, but they have not yet gotten far enough along in their work to determine the interest rate; so I cannot give the Senator that information.

Mr. BILBO. Mr. President, the Committee on Agriculture and Forestry has had before it for some time a resolution proposing an investigation of the administration of the Federal land banks and their operations, upon the theory that there is a great deal of lost motion in the operation of these banks, and that many unnecessary expenses are involved in their operation. I have an idea that possibly the trouble is not so much in the rates of interest as in the operation of the Farm Credit Administration and that that is the reason why it shows a loss.

Personally, I think this amendment ought to be killed. I am not adverse to subsidizing, as evidenced by my vote for merchant-marine legislation, though I knew that meant subsidizing by the hundreds of millions of dollars; but if anybody in this country ought to enjoy any subsidies at all, they ought to be enjoyed by those least able to take care of themselves, and who are trying to take care of themselves.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. BARKLEY. Of course the object of Congress in providing for the Maritime Commission, and providing loans in order to maintain and build up the American merchant marine, was to provide facilities for finding markets for the

people of the United States, not only industrial markets but agricultural markets as well; and, of course, an indirect benefit will result to the farmers all over the country from building up our merchant marine and providing facilities through which it may carry the farmers' products to the markets of the world.

Mr. BILBO. I agree with the statement made by the Senator from Kentucky. For that reason I voted for the merchant-marine legislation.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. VANDENBERG. I will say to the Senator that the maritime loans must bear at least the same rate of interest that is borne by the Government securities which produce the funds.

Mr. BILBO. I take the position that the Government can get money at 4 percent and can make these Commissioner's loans and Federal lank-bank loans at that rate.

Mr. BARKLEY. Not long-term loans. The Government can get short-term loans at that rate, and less, but not long-term loans.

Mr. FRAZIER. Mr. President, I am a member of the Finance Committee and also a member of the subcommittee which considered this bill. Unfortunately, I was not present when the Senator from Kentucky [Mr. BARKLEY] explained the measure; but the subcommittee was strongly in favor of the bill as passed by the House, and favorably reported it to the full committee by quite a large majority.

I believe the last paragraph of the bill, reducing the interest on the Commissioner's loans from 5 percent to 4 percent, should be retained. The money that goes into the Commissioner's loan is not derived from the sale of land-bank bonds. It comes from the Treasury of the United States, and that money, of course, is derived from the sale of ordinary Government bonds at a lower rate—2½ or 3 percent—so there is no loss to the Government on these 4-percent loans. Of course, there would be a loss of 1 percent to the Treasury if the interest rate on the Commissioner's loans were reduced from 5 percent to 4 percent; but I mean there is no actual loss as a result of the reduction to that amount of interest on the bonds in view of the ability of the Government to borrow money at less than 4 percent.

Furthermore, the bill must be passed and signed by the 1st of July, and the time is now short. The House passed the bill with section 2 in it; and if it is to be passed in time to be of benefit to the farmers, it seems to me it should be passed as it was passed by the House. Already it has been delayed a long time. The bill was passed by the House on the 7th of June. The farmers need this lower rate of interest. They are still in hard circumstances. Conditions have improved somewhat; but the fact was brought out before the subcommittee by those representing the farm organizations that in 1936 there were 178,000 farmers whose farms had been foreclosed and that there were 24,158 cases still pending in adjustment of foreclosures, making over 200,000 farms foreclosed. That gives the Senate an idea of the general condition of the farmers. It is true that the foreclosures were not all in connection with land-bank loans, but they were farm loans just the same; and any saving that is made to the farmers on the interest they must pay, of course, will be a saving in their general income.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. BARKLEY. That is the point I desire to make—that one-hundred-seventy-odd thousand foreclosures represented the total number of foreclosures on all farms; but only a small proportion of that number represented foreclosures made by Federal lank banks.

Mr. FRAZIER. The Federal land banks have made a great many foreclosures. I have not the number of foreclosures instituted by the Federal land banks. There are also 28,000 foreclosures still pending, awaiting readjustment.

Mr. BARKLEY. That is, pending readjustment of indebtedness with a view of scaling it down, and making it more easy for the farmers to pay.

Mr. FRAZIER. That is true. Mr. President, this reduction of 1 percent, while it does not make a great deal of difference to the Government, does make some difference to the farmers who are doing their best to save their homes and lands; and I hope the amendment will be rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

The PRESIDENT pro tempore. The question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

AUTHORITY TO SIGN BILLS DURING RECESS

Mr. ROBINSON. Mr. President, I ask unanimous consent that during the recess or adjournment to follow today's session the President pro tempore be authorized to sign bills.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORITY FOR APPROPRIATIONS COMMITTEE TO SUBMIT REPORTS

Mr. ROBINSON. I also ask that the Committee on Appropriations may be permitted to file reports during the recess or adjournment of the Senate to follow today's session.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ELIGIBILITY OF CERTAIN PERSONS FOR ADMISSION TO THE CIVIL SERVICE

Mr. MOORE. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 792, being Senate bill 714 relating to the eligibility of certain persons for admission to the civil service.

The PRESIDENT pro tempore. The clerk will state the title of the bill.

The CHIEF CLERK. A bill (S. 714) relating to the eligibility of certain persons for admission to the civil service.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Civil Service with an amendment, on page 1, line 11, after the word "prescribed", to strike out "the provisions of the Civil Service Retirement Act of 1930, as amended, shall not apply to any person admitted to the classified civil service by reason of this act" and to insert "Any applicant admitted to any examination under the provisions of this act who passes such an examination and who is later appointed to a position in the classified civil service and who by reason of his age at the time of appointment may not serve a minimum of 15 years before he shall reach the retirement age for his group shall not be eligible for admission to or participation in the retirement benefits as provided in the Civil Service Retirement Act of 1930, as amended", so as to make the bill read:

Be it enacted, etc., That notwithstanding any provision of the civil-service laws or any rule or regulation made or promulgated thereunder prescribing a maximum age limit for persons seeking admission into the classified civil service of the United States, hereafter no candidate for such admission, who is otherwise duly qualified for examination or appointment as provided by law, shall be held ineligible for such examination or appointment solely by reason of his having attained the maximum age so prescribed. Any applicant admitted to any examination under the provisions of this act who passes such an examination and who is later appointed to a position in the classified civil service and who by reason of his age at the time of appointment may not serve a minimum of 15 years before he shall reach the retirement age for his group shall not be eligible for admission to or participation in the retirement benefits as provided in the Civil Service Retirement Act of 1930, as amended.

Mr. MOORE. Mr. President, this bill makes no change in the present civil-service procedure. It is a bill that the committee has unanimously reported favorably. It is a bill which does away with all age limits in civil service. I think that without any difficulty I can convince the Senate that it is a bill which means much to our Nation just at this time.

It provides that a person fully qualified in all other respects shall not be debarred from taking an examination

nor from having his name placed upon an eligible list merely by reason of his age.

Under the present practice, the Civil Service Commission fixes an arbitrary age limit for every examination. In one instance the Commission may fix a maximum age limit of 35. In another it may fix a maximum age limit of 44, and in a third it may fix a maximum age limit of 53. These age limits may have nothing whatever to do with the requirements for the particular job for which the examination is being held. The higher age limit may be established for a job requiring greater physical strength and endurance than the job with the lower age limit. These age limits, it seems, represent pretty largely the notions of the various department and bureau chiefs who make or recommend appointments.

My proposal does away with all of these uncertainties and admits men and women to these examinations on the basis of their qualifications and fitness for a particular job which they seek.

This measure establishes no new precedent. I want to impress this upon the Senate. It is not new. Under the present law veterans may take any civil-service examination, notwithstanding what their age may be. I support this kind of consideration for veterans and the wives and widows of veterans, but we shall not do any injury to them by admitting everyone to examinations exactly on the same basis.

We have talked a great deal in recent years about the problem of the man above 40 and the reluctance, even the refusal, of industry to employ men and women of this age and above this age. Civic bodies insist that this policy creates a serious social problem. National and State officials and many Senators in this body, I am sure, have talked long and eloquently about this lack of opportunity that closes in on middle-aged workers who are strong and able and willing to work.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. MOORE. I yield.

Mr. ROBINSON. I shall not interrupt the Senator in the presentation of his remarks if he wishes to finish them. I should like to direct a question to him as to the form of the bill, if he is prepared to submit to that sort of a question at this time.

Mr. MOORE. Yes; Mr. President.

Mr. ROBINSON. It is noted that the language is as follows:

> That notwithstanding any provision of the civil-service laws or any rule or regulation made or promulgated thereunder prescribing a maximum age limit for persons seeking admission into the classified civil service of the United States, hereafter no candidate for such admission, who is otherwise duly qualified for examination or appointment as provided by law, shall be held ineligible for such examination or appointment solely by reason of his having attained the maximum age so prescribed.

My inquiry is why the Senator does not propose to repeal or change the law rather than merely to take note of it. It seems to me that what is being done by this language is to leave in force the law fixing a maximum age governing appointments and qualifications by the civil service, and yet expressly providing for disregarding the law.

Mr. MOORE. Mr. President, there is not any law establishing age limits; there is not any law which says a draftsman shall be 30, or that he shall be 40. The Civil Service Commission makes the rule. The law provides that a man must attain a certain age, but this bill provides that if a man is appointed when over age he shall not receive the benefit of the pension or retirement system.

Mr. ROBINSON. That makes the question even more pertinent from my standpoint than when it was first asked. The bill begins:

> That notwithstanding any provision of the civil-service laws or any rule or regulation made or promulgated thereunder—

And so forth. Why does not the Senator provide that—

> All laws or regulations fixing the maximum age heretofore promulgated are hereby repealed and hereafter—

And so forth? I am merely inquiring for information; I am not seeking to embarrass the consideration of the bill.

Mr. MOORE. I understand the Senator's position. The only answer I can give is that there is not any law to be repealed with regard to a maximum age limit. A rule is set up, but it is not a law. The civil-service law provides that there shall be examinations to ascertain merit and fitness, but it does not say anything about an age limit for specific positions.

I will admit the language of the bill is rather general, but it was made so in order to cover the entire situation both as to the law and the rules. There is not, however, any law to be repealed.

I may say that a similar law has been in effect in New Jersey for some time and has worked wonderfully well. Under present conditions, in the Government service, a man over 40 years, for instance, or a woman over 40 years, cannot take an examination for a position involving a class of service which has been his or her life work.

I have many letters here with regard to this matter. One is from a woman who states she is 44 years of age, that she has six children, and her husband is dead. Before she married she was a stenographer and secretary and had had many years of experience; she had also been vice president of a company. She wants to take a Federal examination for stenographer, but is debarred from doing so because she is 44 years of age. She has to pay taxes just the same. In some instances the same situation applies to a person over the age of 35.

I have another letter from a man who has been an engineer in naval construction for 33 years. He is 53 years of age. There is an examination to be held for a position involving that kind of work, but he cannot take the examination.

In New Jersey we have no age limit; it is a question of merit and fitness, and, as I have said, the law there has worked wonderfully well. It helps the morale of people in these days when a man over 40 may be considered an old man. In New Jersey, no matter what the job, if a man can prove that he is capable of doing it and is otherwise qualified, he is entitled to it and is appointed. Let the Senate understand that this bill does not make any change. Veterans already have such a preference.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MOORE. I yield.

Mr. BARKLEY. Of course, this bill is intended to apply to all civil-service employees in the United States?

Mr. MOORE. Yes.

Mr. BARKLEY. It would apply to rural mail carriers and storekeeper-gagers. While it may be by regulation, I was under the impression that there was some law fixing in some cases a maximum age. In the Internal Revenue Service, I think, 55 is the age limit. If this bill should be enacted, would it mean that anybody 60 or 65 or 70, if otherwise qualified, would be eligible to take the examination?

Mr. MOORE. Yes, sir.

Mr. BARKLEY. An applicant for rural mail carrier might take the examination no matter what his age, if he were otherwise qualified?

Mr. MOORE. Yes; if he were physically and otherwise qualified; but he would not get the pension right.

Mr. BARKLEY. No; he would not get the retirement privilege.

Mr. MOORE. Many men 55 years of age are better than others who are 30. I could cite numerous instances.

Mr. BARKLEY. I realize that is true. Take the Senator's case and my own——

Mr. MOORE. I agree with the Senator.

Mr. BARKLEY. We offer ourselves as evidence of the fact that a man 55 years of age is still pretty good. However, I am wondering what the effect would be upon the general morale of the hundreds of thousands of Federal employees who have accepted always the age limit fixed by the commission or the bureau or the department under which they work.

Mr. MOORE. The president of the civil-service employees' organization appeared before the committee and urged the passage of the bill. What is a man over 35 going to do when he is not allowed to take an examination simply because of the notion of the head of a department who may have in mind a man 30 years of age? It is the easiest thing in the world to get the man who is wanted by taking the man who is 30 and saying, "This examination is limited to people 30 years of age." A man who is 32 could not take it.

Mr. BARKLEY. Of course, an age limit of 35, I presume, is an exception. In most of the positions with which I have come in contact in connection with civil-service examinations the age limit has been above 50.

Mr. MOORE. If the Senator will let me correct him there, let me say that a census of 405 representative industries throughout the United States was taken and inquiry made as to the chance for jobs for applicants of various ages. The following results were shown:

Age of applicant	Percentage of job opportunities in industry	Percentage in United States civil service
For applicant under—		
35 years	100	100
35 to 40 years	100	85
40 to 45 years	94	66
45 to 50 years	88	43
50 to 53 years		37
50 to 60 years	80	0
60 to 65 years	76	0
Over 65 years	75	0

So it goes. How can we stand here and talk about industry taking up people who are unemployed who are over 40 years of age?

Mr. BARKLEY. I appreciate that, because that is information I am trying to obtain.

Mr. President, will the Senator permit me to ask one other question?

Mr. MOORE. Certainly.

Mr. BARKLEY. I am merely seeking information; I am not opposing the Senator's bill; I may be for it.

Mr. MOORE. I hope the Senator will be.

Mr. BARKLEY. But it is a new proposition and one to which I have not given any thought.

Mr. MOORE. New Jersey has been operating under such a law for years.

Mr. BARKLEY. I am only trying to find out how it is going to work. I will not, however, interfere further with the Senator's remarks.

Mr. SCHWELLENBACH. Mr. President——

Mr. MOORE. Mr. President, I yield to the Senator from Washington.

Mr. SCHWELLENBACH. I should like to point out to the Senator an apparent inconsistency. The National Reemployment Service, trying to get work for the unemployed in private industry, has as its most difficult task the securing of work for men and women over 40. They are spending a very large portion of their time going out in private industry and saying that industry should not have a rule providing a 40-year age limit; and yet the National Reemployment Service, in the employment of its own people, has a rule fixing an age limit of 30, 35, and 40 years. The personnel department hires men within the service and says that for certain work they cannot be over 30, and for other work over 35, and for other work over 40; yet they are out telling industry all the time that they should hire men who are 40, 45, 50, or 55 years of age.

Mr. BARKLEY. Is the age limit of 32, 35, or 40 fixed by the reemployment service brought about in any way by the refusal of industry to consider the employment of men over that age? In other words, has that refusal had anything to do with the fixing of the limitation by the reemployment service?

Mr. SCHWELLENBACH. I think the limitation is fixed by the Department of Labor by a certain expert lady who has charge of the personnel there, and who believes that in certain classifications nobody over 30 years of age should be employed. It is entirely within the Department of Labor itself.

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. MOORE. I yield.

Mr. REYNOLDS. I am sorry to say that I have not read the report submitted by the committee that considered the bill being now sponsored by the Senator from New Jersey.

Mr. MOORE. It was approved unanimously.

Mr. REYNOLDS. But I should like to ask if any members of the Civil Service Committee have appeared before the committee; and if so, what was their combined or individual attitude?

Mr. MOORE. They did not appear at the hearing. They objected originally because the bill did not contain a provision to preclude men over age from receiving a pension status. They said that in that form it would interfere with the pension fund. However, under the bill as now presented, a man who is over age will not get a pension; he will waive his right to one.

I wish to say that in the last few days the Commonwealth of Massachusetts, I am informed, has passed a law making it a misdemeanor for any corporation in industry to refuse to employ a man over 45. So I do not see how we, as a Federal Government, can take a position that a man has to be not over 30 or 31 in order to take a civil-service examination.

Mr. REYNOLDS. I am wondering if any of the organized bodies interesting themselves in legislation appeared before the committee; for instance, the American Federation of Labor and the Veterans of Foreign Wars and the American Legion.

Mr. MOORE. The Veterans of Foreign Wars are under such a provision of law. They have a right to take examinations regardless of their age.

Mr. REYNOLDS. All veterans have that right?

Mr. MOORE. Yes; and the president of the civil-service employees appeared in favor of the bill. I have a telegram from the executive committee of the Federation of Architects, Chemists, Engineers, and Technicians, who have been particularly affected by present conditions, endorsing this bill. I have many other letters and telegrams likewise endorsing it.

Mr. REYNOLDS. I believe the Senator stated that a similar law has been in operation in the State of New Jersey for 10 years?

Mr. MOORE. A law of this character has been in operation there for years and has worked wonderfully well. It helps the morale of the man over 40. When he sees an announcement of a civil-service examination he says, "Oh, if I only could take the examination and secure a position, perhaps I could support my family." He has to pay taxes, but he is now prevented from taking the examination for the Government service.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 361) making appropriations for relief purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

H. R. 5996. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such

District for the fiscal year ending June 30, 1938, and for other purposes;

H. R. 7589. An act to levy an excise tax upon carriers and certain other employers and an income tax upon their employees, and for other purposes; and

H. J. Res. 361. Joint resolution making appropriations for relief purposes.

RECESS TO THURSDAY

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon on Thursday next.

The motion was agreed to; and (at 2 o'clock and 16 minutes p. m.) the Senate took a recess until Thursday, July 1, 1937, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 29 (legislative day of June 15), 1937

UNITED STATES DISTRICT JUDGE

Ralph E. Jenney to be United States district judge for the southern district of California.

CIRCUIT COURT OF HAWAII—FIRST JUDGE, FIRST CIRCUIT

Louis LeBaron to be first judge, Circuit Court, First Circuit of Hawaii.

UNITED STATES ATTORNEYS

William A. Holzheimer to be United States attorney for division no. 1, district of Alaska.

Thomas J. Morrissey to be United States attorney for the district of Colorado.

John A. Carver to be United States attorney for the district of Idaho.

UNITED STATES MARSHALS

Frank L. Middleton to be United States marshal for the district of Nevada.

W. Joe Ballard to be United States marshal for the western district of Oklahoma.

NATIONAL EMERGENCY COUNCIL

Ernest L. Bailey to be State director in the National Emergency Council for West Virginia.

COLLECTORS OF CUSTOMS

Joseph H. Lyons to be collector of customs for customs collection district no. 19, with headquarters at Mobile, Ala.

William B. George to be collector of customs for customs collection district no. 25, with headquarters at San Diego, Calif.

Charles O. Dunbar to be collector of customs for customs collection district no. 28, with headquarters at San Francisco, Calif.

COMPTROLLER OF CUSTOMS

Arthur A. Quinn to be comptroller of customs for customs collection district no. 10, with headquarters at New York, N. Y.

PUBLIC HEALTH SERVICE

Allen M. Perkins to be a dental surgeon, to rank as such from May 29, 1937.

HOUSE OF REPRESENTATIVES

TUESDAY, JUNE 29, 1937

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We pray Thee, O Lord, our God, to vouchsafe to us that which we need. Our Father, search the hidden sin and forgive, the unuttered grief and give grace to bear. Our experiences are different, yet we are united in a common infirmity and by a common need; do Thou let us hear the whisper of the Most High; our hope is in Thy everlasting bounty. We pray that our hearts may beat to that greater measure of that greater heart of which we are only fragments. We praise Thee for the eternal promise: Surely goodness and mercy shall follow us all the days of our lives and we will dwell in the house of the Lord forever. Almighty God, bless and preserve in safety the American youth of our land which is in our midst. May the light of Thy truth shine in growing brightness upon them. Blessed Lord God, shelter and keep them in the knowledge of Thy teaching. We pray that they may be prepared for clean, courageous, and patriotic citizenship. Make our fathers and mothers grandly conscious of their responsibility for the sake of our homes, our churches, and our country. For the love of Thy only Son, Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 2229. An act for the relief of Florida O. McLain, widow of Calvin E. McLain;

H. R. 3259. An act for the relief of Laura E. Alexander;

H. R. 4597. An act to amend the Canal Zone Code;

H. R. 4795. An act to provide for a term of court at Livingston, Mont.;

H. R. 6635. An act to dispense with the necessity for insurance by the Government against loss or damage to valuables in shipment, and for other purposes; and

H. R. 6958. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1938, and for other purposes.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the House of the following titles:

H. R. 114. An act to provide for studies and plans for the development of a hydroelectric power project at Cabinet Gorge, on the Clark Fork of the Columbia River, for irrigation pumping or other uses, and for other purposes;

H. R. 458. An act for the relief of Eva Markowitz;

H. R. 730. An act for the relief of Joseph M. Clagett, Jr.;

H. R. 1377. An act conferring jurisdiction upon the United States District Court for the Southern District of Ohio to hear, determine, and render judgment upon the claims of Walter T. Karshner, Katherine Karshner, Anne M. Karshner, and Mrs. James E. McShane;

H. R. 1945. An act for the relief of Venice La Prad;

H. R. 2562. An act for the relief of Mr. and Mrs. David Stoppel; and

H. R. 3634. An act for the relief of Noah Spooner.

The message also announced that the Senate had passed bills, a joint resolution, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 642. An act for the relief of the Indians of the Fort Berthold Reservation in North Dakota;

S. 676. An act for the relief of Heinrich Schmidt, G. m. b. H., of Flensburg, Germany;

S. 821. An act for the relief of Lawson N. Dick;

S. 972. An act for the relief of Ethel Smith McDaniel;

S. 1216. An act authorizing the Secretary of the Interior to convey certain land to the State of Montana to be used for the purposes of a public park and recreational site;

S. 1379. An act authorizing any nation, tribe, or band of Indians, in suits heretofore filed under their original jurisdictional acts, to present claims to the United States Court of Claims, by amended petitions at any time before final submission of said suits, to conform to the evidence; and authorizing the said court to adjudicate such claims upon their merits as though filed within the time limitation fixed in said original jurisdictional acts;

S. 1435. An act to create a Board of Shorthand Reporting, and for other purposes;

S. 1517. An act authorizing the payment of attorneys' fees contracted to be paid by certain Indians allotted on the Quinaielt Reservation, State of Washington, and for other purposes;

S. 1626. An act for the relief of Maurice D. Pryor;

S. 1759. An act to amend an act entitled "An act to eliminate the requirements of cultivation in connection with certain homestead entries", approved August 19, 1935;

S. 1762. An act to add certain lands to the Rogue River National Forest in the State of Oregon;

S. 1865. An act for the relief of Mrs. Cliff Snider;

S. 1882. An act for the relief of the Consolidated Aircraft Corporation;

S. 1918. An act to authorize the award of a decoration for distinguished service to Acors Rathbun Thompson;

S. 1986. An act to amend section 42 of title 7 of the Canal Zone Code;

S. 1998. An act to amend the act entitled "An act to provide for the collection and publication of statistics of peanuts by the Department of Agriculture", approved June 24, 1936;

S. 2010. An act to authorize the appointment of an additional judge for southern district of Ohio;

S. 2026. An act to provide for the addition of certain lands to the Fort Donelson National Military Park in the State of Tennessee, and for other purposes;

S. 2086. An act to authorize the construction of a Federal reclamation project to furnish a water supply for the lands of the Arch Hurley conservancy district in New Mexico;

S. 2093. An act for the relief of George H. Stahl and Henry A. Behrens;

S. 2146. An act to amend the act entitled "An act conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the city of Perth Amboy, N. J.", approved July 23, 1935;

S. 2221. An act to facilitate the control of soil erosion and flood damage originating upon lands within the exterior boundaries of the Cache National Forest in the State of Utah;

S. 2241. An act for the relief of W. G. Adams;

S. 2276. An act to provide for an additional midshipman at the United States Naval Academy, and for other purposes;

S. 2279. An act to amend section 2 of the act entitled "An act to give wartime rank to retired officers and former officers of the Army, Navy, Marine Corps, and/or Coast Guard of the United States", approved June 21, 1930, so as to prohibit persons who have been subsequently separated from the service under other than honorable conditions from bearing the official title and upon occasions of ceremony wearing the uniform of the highest grade held by them during their war service, and for other purposes;

S. 2301. An act for the relief of Lois H. Anthony;

S. 2349. An act to authorize the administration of oaths by the chief clerk and the assistant chief clerk of the office of the United States High Commissioner to the Philippine Islands, and for other purposes;

S. 2416. An act relating to the citizenship of certain classes of persons born in the Canal Zone or the Republic of Panama;

S. 2418. An act for the relief of John Prosser;

S. 2497. An act authorizing John Monroe Johnson, Assistant Secretary of Commerce, to accept the decoration tendered him by the Belgian Government;

S. 2620. An act to amend the Hawaiian Homes Commission Act, 1920;

S. 2621. An act to enable the Legislature of the Territory of Hawaii to authorize the city and county of Honolulu, a municipal corporation to issue sewer bonds;

S. 2622. An act to authorize the Legislature of the Territory of Hawaii to create a public corporate authority authorized to engage in slum clearance and housing undertakings and to issue bonds of the authority, to authorize said legislature to provide for financial assistance to said authority by the Territory and its political subdivisions, and for other purposes;

S. 2629. An act to authorize an exchange of lands between the city of San Diego, Calif., and the United States;

S. 2647. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost while engaged in emergency-relief expeditions during the Ohio Valley flood in January and February 1937;

S. 2649. An act to authorize appropriations for construction and rehabilitation at military posts, and for other purposes;

S. 2652. An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes;

S. 2653. An act to amend an act entitled "An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes", approved August 3, 1935;

S. J. Res. 150. Joint resolution to provide for the appointment of a delegate to the Fifth World Congress of the Deaf; and

S. Con. Res. 17. Concurrent resolution authorizing the printing of additional copies of Senate Report No. 711, Seventy-fifth Congress, on the bill (S. 1392) to reorganize the judicial branch of the Government.

INTERIOR DEPARTMENT APPROPRIATION BILL, 1938

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6958) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1938, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. TABER. Mr. Speaker, reserving the right to object, I understand that the Senate has added a very considerable sum of money to the bill as it passed the House and, in addition, some projects that are not authorized by law. I wish to express the hope that the conferees will stand to keep the bill down as closely as possible to the House figures.

Mr. JOHNSON of Oklahoma. I will say to the distinguished gentleman from New York that he is correct in that there has been a considerable sum of money added to the Interior bill by the other body. I am advised that 134 amendments, practically all of which would increase the appropriation for the various departments, have been added by the Senate. Personally I felt like introducing the House subcommittee to the bill. I hardly recognized it when it came back. As far as I am concerned, I shall do my best to hold it down as much as possible.

Mr. COCHRAN. Mr. Speaker, reserving the right to object, I would like to call the attention of the chairman of the subcommittee as well as the Members of the House, to some of the Senate amendments. As I understand, under paragraph 2, rule 20, any amendment that would be subject to a point of order when the appropriation bill was pending in the House must be brought back to the House for a vote.

Mr. JOHNSON of Oklahoma. The gentleman is correct.

Mr. COCHRAN. Then certain Senate amendments must be brought back to the House and I will insist on it. I want to call the attention of the chairman of the subcommittee to one item in this bill in particular. There are a number of bad ones, but this one is an amendment offered by the Senator from Oklahoma [Mr. THOMAS], on page 6409 of the RECORD, in the second column. It will be found on page 67 of the bill as it passed the Senate. It is only two lines:

Provided further, That section 2 of the act of Congress approved August 12, 1935, shall not apply to the Five Civilized Tribes.

Of course, no one knew that amendment was adopted until the RECORD was received this morning, unless one happened to be in the Senate yesterday afternoon. I have secured a report from the General Accounting Office this morning which shows that if that amendment is agreed to by the House the Court of Claims will not be able to recognize as an offset $17,000,000 in gratuities and advances made to these tribes in their claims pending against the Government, which were filed by the Five Civilized Tribes.

A bill passed the Senate yesterday by unanimous consent which provides that that section shall not apply to those cases. A similar bill has been reported favorably in the

House, but it has not yet been acted upon. If this amendment is agreed to it takes $17,000,000 out of the Treasury, because the Department of Justice will be absolutely powerless to defend the Government against these claims. I want to express the hope to the gentleman from Oklahoma that he will not agree to that amendment. Let the Indian Affairs Committee bring the bill to the floor of this House and let it be considered under the general rules of the House.

Mr. JOHNSON of Oklahoma. I will say to the gentleman that, of course, I cannot speak for the committee, but it is my understanding that under the rule a separate vote will be required on that and other items. At any rate, I will go into the matter and see that the gentleman gets every opportunity to express his wishes.

Mr. COCHRAN. That is not enough for me. Before I allow this bill to go to conference by unanimous consent I want some assurance that that item will be brought back to this House for a vote.

Mr. JOHNSON of Oklahoma. I think I can safely assure the gentleman that there will be a separate vote on that item.

Mr. COCHRAN. The gentleman, of course, always keeps his word. Such action on the part of the conferees will expedite the matter, because we are in a position under the rules to force a separate vote.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from New York.

Mr. TABER. As I understand, that is a change in existing law?

Mr. COCHRAN. It is a change in existing law, and it would have been subject to a point of order in the House when the appropriation bill was pending here and, of course, was not offered.

Mr. TABER. That will have to be brought back to the House for a separate vote. The conferees could not agree to it.

Mr. COCHRAN. Under the jurisdictional act passed by the Congress allowing the Five Civilized Tribes to take their claims to the Court of Claims regardless of the statute of limitations, some 50 petitions were filed, and in each instance, I am advised, the court held in favor of the Government. In other words, the attorneys for the Five Civilized Tribes have been unable to convince the court they have a just claim. Therefore, they come now and want the Congress to pass a law which will prevent the Government from presenting its evidence showing advances made to these tribes. Pass this amendment, and no less than $17,000,000 of the taxpayers' money will be required to meet the decision of the court. It is the same as saying to a defendant in a damage case you can present only the evidence the plaintiff says you can present. It is absurd to think that this House is going to agree to that amendment. The Senate yesterday put that amendment in the bill; and if you will refer to the RECORD, you will see it was not debated—no facts were presented as to the effect the amendment would have on the pending claims.

Mr. Speaker, I know it is late and that appropriation bills should be passed before the night of the 30th, which is tomorrow night; but, so far as I am concerned, this bill is not going to pass without some roll calls on the amendments added by the other body, which, if adopted, will take millions out of the Treasury. You have amendment after amendment authorizing public-works projects which have no place in the bill. We should not agree to them until the legislative committees have considered the bills and the House has passed them. This thing of authorizing public-work projects on appropriation bills should stop, and now is the time to stop it. There is no rush. If there is a disagreement among the conferees, bring in a resolution continuing the present appropriations, which will enable the department to carry on until an agreement can be reached. I repeat, Mr. Speaker, I am going to insist upon a separate vote on some of the amendments; and when I say separate vote, I mean roll calls.

Mr. Speaker, having received the assurance of the gentleman from Oklahoma [Mr. JOHNSON] that the amendment will be brought back for a separate vote, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. JOHNSON]?

Mr. MICHENER. Mr. Speaker, reserving the right to object, does this include the tunnel through the mountain?

Mr. JOHNSON of Oklahoma. I think the gentleman refers to a $900,000 project in Colorado which will ultimately mean millions more. Oh, yes; that is now in the bill.

Mr. MICHENER. That has no place in an appropriation bill. As I understand it, before the conferees agree to that proposition it will come back for a vote?

Mr. JOHNSON of Oklahoma. That is correct.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. JOHNSON of Oklahoma, SCRUGHAM, O'NEAL of Kentucky, FITZPATRICK, LEAVY, RICH, and LAMBERTSON.

RELIEF BILL OF 1938

Mr. WOODRUM. Mr. Speaker, I call up the conference report on House Joint Resolution 361, making appropriations for relief purposes.

The Clerk read the title of the joint resolution.

Mr. WOODRUM. Mr. Speaker, I expect to make an explanatory statement. I wonder if the House would grant unanimous consent that the statement of the managers on the part of the House be printed in the RECORD at this point instead of being read. There is nothing controversial.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the reading of the conference report and statement of the managers on the part of the House may be dispensed with and that the statement may be printed in full in the RECORD at this point. Is there objection?

There was no objection.

The conference report and the statement of the managers on the part of the House are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 361) making appropriations for relief purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 13, 14, 25, 26, 27, 36, 49, 50, 51, 52, 53, and 56.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 2½, 6, 7, 9, 10, 11, 12, 15, 16, 17, 18, 22, 23, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 57, 58, and 64, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "control, conservation, eradication of insect pests, and miscellaneous"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows: "and self-help,"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lines 4, 5 and 6 of the matter inserted by such amendment strike out the words: "or for completion of flood control projects already begun and for which other relief money has heretofore been allocated"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "or aliens who have not filed declaration of intention to become citizens"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "who are in need of relief"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "who are in need of relief and"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "who are in need of relief"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows: "or as may be necessary for administrative expenses of the National Resources Committee,"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows:

"SEC. 10. In carrying out the purpose of the foregoing appropriation the President is authorized to prescribe rules and regulations for the establishment of special funds in the nature of revolving funds for use, until June 30, 1938, in the purchase, repair, distribution, or rental of materials, supplies, equipment, and tools: *Provided*, That the requirement in Section one hereof that no Federal construction project shall be undertaken unless and until there have been allocated and irrevocably set aside sufficient funds for its completion shall not apply to flood control and water conservation projects authorized by other law and prosecuted hereunder."

And the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following "made available in this joint resolution"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "the President shall find that the projects to be financed with such loan or grant will not cause or promote competition of the products of convict labor with the products of free labor"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by such amendment insert the following:

"SEC. 201. The Federal Emergency Administration of Public Works (herein called the 'Administration') is hereby continued until July 1, 1939, and until such date is hereby authorized to continue to perform all functions which it is authorized to perform on June 29, 1937. All provisions of law existing on June 29, 1937, and relating to the availability of funds for carrying out any of the functions of such Administration are hereby continued until July 1, 1939, except that the date specified in the Emergency Relief Appropriation Act of 1936, prior to which, in the determination of the Federal Emergency Administrator of Public Works (herein called the 'Administrator'), a project can be substantially completed is hereby changed from 'July 1, 1938' to 'July 1, 1939.'"

And the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by such amendment insert the following:

"SEC. 202. The amount which the Reconstruction Finance Corporation is authorized by existing law to have invested at any one time in securities purchased from the Administration is hereby increased from $250,000,000 to $400,000,000."

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by such amendment insert the following:

"SEC. 203. The amount of funds which the Administrator, upon direction of the President, is authorized to use for grants from moneys realized from the sale of securities is hereby increased from $300,000,000 to $359,000,000; and after the date of the enactment of this joint resolution no allotment shall be made by the Administrator for any project the application for which has not been approved by the examining divisions of the Administration prior to such date."

And the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by such amendment insert the following:

"SEC. 204. The paragraph in the Independent Offices Appropriation Act, 1938, under the caption 'Federal Emergency Administration of Public Works' is hereby amended by (a) striking out the words 'in connection with the liquidation' and (b) striking out the sum of '$10,000,000' and inserting in lieu thereof the sum '$15,000,000'."

And the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by such amendment insert the following:

"SEC. 205. The funds available to the Administrator for the making of loans or grants or loans and grants may be used for projects (in addition to other purposes for which funds may be used) of the following classes, in amounts not to exceed the sums specified for each such class: (a) For school projects (other than those included in subdivisions (b) and (c) of this section) to replace, eliminate, or ameliorate existing school facilities or conditions which, in the determination of the Administrator, are hazardous to the life, safety, or health of school children, $60,000,000 for grants and $11,000,000 for loans; (b) for projects which have been authorized, or for the financing of which bonds or other obligations have been authorized, at elections held prior to the date of enactment of this joint resolution, or for projects for which an authority or board constituting an independent corporation without taxing power has been specifically created by a State legislature prior to such date, $70,000,000 for grants and $22,000,000 for loans; (c) for projects for which appropriations have been made by the legislatures of the States, $13,000,000 for grants and $2,000,000 for loans; (d) for projects to be financed, except for the grant, by the issuance to contractors of tax or assessment securities at not less than their par value: *Provided*, That an allotment shall not be made for any such project unless the applicant has, in the determination of the Administrator, made or incurred substantial expenditures or obligations in contemplation of receiving an allotment, $5,000,000 for grants; (e) for projects for which funds have been tentatively earmarked by the Administrator but for which formal allotments have not been made, $54,000,000 for grants and $78,000,000 for loans: *Provided*, That the grant for any such project shall not exceed the amount tentatively earmarked as a grant for such project: *Provided further*, That the amount specified for any of the foregoing classes may be increased by not to exceed 15 per centum thereof by transferring an amount or amounts from any other class or classes in order to effectuate the purposes of the title."

And the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by such amendment insert the following:

"SEC. 207. Title II of this joint resolution may be cited as the 'Public Works Administration Extension Act of 1937.'"

And the Senate agree to the same.

C. A. WOODRUM,
CLARENCE CANNON,
LOUIS LUDLOW,
THOS. S. MCMILLAN,
J. BUELL SNYDER,
JOHN TABER
(except as to No. 47),
R. B. WIGGLESWORTH,
Managers on the part of the House.

ALVA B. ADAMS,
KENNETH MCKELLAR,
CARL HAYDEN,
JAMES F. BYRNES,
FREDERICK STEIWER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 361) making appropriations for relief purposes submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On nos. 1, 2, 2½, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 29, 35, 42, 43, 49, 50, 51, 52, 53, 56, and 57: Provides for changes in section numbers, technical corrections, clarification, and other changes not involving the purposes of the text of the House measure or the Senate amendments.

On no. 3: The Senate amendment inserts the words "eradication of insect pests" and "minor miscellaneous" in category (b) of the limitations on the classes of projects under the appropriation. The House accepts the Senate amendment modified so as to eliminate the word "minor."

On no. 4: The House bill made provision for "self help" projects in category (c) of the limitations on the classes of projects under the appropriation. The Senate struck out these words and the conference agreement restores them to the bill.

On no. 5: The House has accepted the Senate amendment which provides that no part of the funds for relief and work relief shall be allocated or used for any purpose except to provide relief or work relief for persons in need or for completion of flood control projects already begun and for which other relief money has heretofore been allocated, and that not to exceed 5 percent of the amount allotted or used by any department or agency may be expended for administration of such relief or work relief except in the case of the agencies specifically set forth in the amendment with a modification striking out the words therein "or for comple-

tion of flood control projects already begun and for which other relief money has heretofore been allocated."

On no. 6: The House measure contains a provision that no non-Federal projects shall be undertaken or prosecuted under the relief appropriation unless and until "adequate provision has been made or is assured for financing" such part of the entire cost thereof as is not to be supplied from Federal funds. The Senate changed the words in quotation marks in the preceding sentence to "the sponsor has made a written agreement to finance" and the House has accepted the Senate amendment.

On nos. 7, 8, and 9: The House bill provided for loans, relief (direct), and rural rehabilitation for needy persons to be administered through any agency to which the President might allot the funds for that purpose. The Senate amendment restricts the administration of funds for those purposes to allocations to the Resettlement Administration and makes provision for administrative expenses of such administration and provides that the words "needy persons" in the House measure should include "Indians." The House accepts the Senate amendments insofar as they relate to the Resettlement Administration and the Senate has receded from the insertion of the words "including Indians."

On no. 10: The House measure provided that no agricultural laborer and no unskilled laborer who refuses or has refused an offer of private employment paying as much or more in compensation for such work as such person has received or could receive under the relief provided in the joint resolution, and who is capable of performing such work, shall be eligible for relief for the period such private employment or any similar subsequent offer of such employment would be available, with the further stipulation that any such person who performs any such private employment shall, at the expiration thereof, be entitled to an immediate resumption of his previously existing employment status on work relief. The Senate has stricken out the House provision and inserted a substitute embodying in clarified form the purpose of the House and extending the same to include all classes of persons employed on work projects and certified as in need of relief. The House accepts the Senate substitute.

On nos. 11 and 12: The House required that the part of the appropriation allocated to the W. P. A. be so apportioned and distributed over the 12 months of the fiscal year 1938, and be so administered during such fiscal year, as to constitute the total amount that will be furnished during such fiscal year for relief purposes through such agency. The Senate amendment strikes out the reference to the W. P. A. and requires the entire appropriation to be apportioned and distributed as to constitute the total amount for all agencies for relief for the year. The House accepts the Senate amendment.

On no. 13: The House measure contains a provision authorizing the President to prescribe rules and regulations for administering the appropriation and to utilize agencies within the Government and to delegate to such agencies the authority to prescribe rules and regulations to carry out the functions delegated to them by the President. The Senate struck out that part of the House text authorizing the President to delegate to agencies the authority to prescribe rules and regulations. The Senate recedes from its amendment and restores the House provision.

On no. 14: The Senate inserted a requirement that in the event the Congress, or any Federal agency so authorized by act of Congress, shall establish minimum rates of pay for persons employed by private employers in any occupation or occupations, and shall establish differentials applicable to different localities or sections of the country in such rates of pay, that thereafter no greater percentage differentials shall be applicable to the compensation of persons engaged upon projects under the relief appropriation than the average differentials so established by law or such Federal agency and in the event the law or such Federal agency shall establish such minimum rates of pay without any differential applicable to different localities or sections of the country that there shall be no such differential in compensation applicable to persons engaged on work-relief projects. The Senate recedes from this amendment.

On no. 25: Strikes out the Senate amendment requiring that the W. P. A. shall, upon request, make public a list of the names, positions, and salaries of all administrative personnel heretofore or hereafter appointed by the W. P. A. whose annual compensation is $1,000 or more.

On nos. 26, 27, and 28: The House text contains a section providing that any administrator or other officer named to have general supervision at the seat of government over the program and work contemplated under the appropriation, and any State or regional administrator (except persons now serving as such under other law), receiving a salary of $5,000 or more a year should be appointed by the President and confirmed by the Senate. The Senate amendments modified the section to make such appointment and confirmation extend to all officers and employees with a salary of $5,000 or more a year whether located in the District of Columbia or in the field and to strike out the language in the House text exempting from such appointment and confirmation State or regional administrators now serving as such under other law. The Senate recedes from its amendments extending Presidential appointment and confirmation by the Senate to persons other than those provided by the House language and the House agrees to the Senate amendment striking out the text of the House which exempted certain State or regional administrators with salaries of $5,000 or more a year from such appointment and confirmation.

On nos. 29, 30, and 31: The House provided that appointments to Federal positions of any administrative or advisory capacity under the relief appropriation in any State or county should be made from among the bona-fide residents of that State or county so far as not inconsistent with efficient administration. The Senate amendment eliminates the requirement for county residence and changes the word "residents" to "citizens". The House accepts the Senate amendments.

On nos. 32, 33, and 34: The House measure contains a provision prohibiting the payment of any of the appropriation therein as compensation to any Federal officer or employee in an executive, administrative, or supervisory position located outside the District of Columbia unless such person is an actual and bona-fide resident of the State or Territory in which such person is employed. The Senate amendment modifies the House language (1) to change the word "resident" to "citizen", (2) to restrain the operation of the paragraph so that it will be effective "so far as not inconsistent with efficient administration", and (3) to change the qualification of citizenship from the "State or Territory" to the "State, Territory, region, or district." The House accepts the Senate amendments.

On nos. 36 and 37: The House measure contains a section prohibiting the use of any of the appropriation to pay the salary or expenses of any person who is a candidate for any State, district, county, or municipal office (such office requiring full time of such person and to which office a salary attaches), in any primary, general, or special election, or who is serving as a campaign manager or assistant thereto for any such candidate. The Senate amendment expands the House provision to include any person who "holds" any such office and expands the definition of the term "office" as one to which "per diem" attaches as well as one to which salary attaches. The Senate recedes from its extension of the section to an officeholder and the House accepts the extension of the definition of "Office."

On no. 38: The Senate struck out the proviso of the House that none of the appropriation should be used to pay any W. P. A. district official unless such person is a bona-fide resident of the W. P. A. district in which the office is located. As the substance of this amendment has been included in the House agreement to Senate amendment no. 34, the House accepts the Senate amendment eliminating the proviso.

On no. 39: The Senate struck out the paragraph of the House prohibiting the payment of any of the appropriation as compensation to any Federal officer or employee in any administrative, executive, or supervisory capacity if such person receives or earns compensation for personal services (rendered during the period when such person holds such position) from any other source. The House accepts the Senate amendment eliminating the paragraph.

On no. 40: The House prohibited the use of any of the appropriation for the payment of the salary or expenses of any person who is related to the State administrator, district manager, or county supervisor, or the appointing power, within the third degree by blood or marriage. The House accepts the Senate amendment striking out the paragraph.

On nos. 41 and 44: The House measure contains a requirement that Federal appointments to positions under the joint resolution for employment within the District of Columbia should be apportioned among the several States and the District of Columbia on the basis of population. The Senate has modified the requirement to make it effective "so far as not inconsistent with efficient administration" and the House accepts the Senate amendment. The same section of the House text provides that in making separations from the Federal service, or furloughs without pay for as long as 3 months, of persons employed in the District of Columbia under the joint resolution, preference shall be given, in retaining employees, to those from States that have not received their share of appointments according to population. The Senate amended this part of the section to permit the appointing power to exercise the preference "as nearly as good administration will warrant" and the House accepts the Senate amendment.

On nos. 45, 46, and 47: Section 9 of the House measure makes provision for use of the appropriation for payment of administrative expenses, as determined by the Director of the Bureau of Budget, for any department, establishment, or agency for additional work incident to carrying out the purposes of the appropriation or the provisions of section 5 of the Emergency Relief Appropriation Act of 1935 or for agencies established by the President under section 4 of such act. Senate amendment no. 5 to section 1 of the joint resolution, as accepted by the House, deals specifically with administrative expenses and the Senate, therefore, made allotments under section 9 subject to the limitations of section 1, and the House accepts this change. Senate amendments to section 9 also changed the authority for the determination of administrative expenses from the "Director of the Bureau of the Budget" to the "President", and struck out authority for administrative expenses for agencies established by the President under section 4 of the Emergency Relief Act of 1935. The House accepts the change substituting the President for the Director of the Bureau of the Budget and accepts the Senate amendment with reference to administrative expenses of agencies under section 4, modified so as to provide specifically for the National Resources Committee instead of the general provision of the House measure.

On no. 48: Section 10 of the House measure was stricken out by the Senate. It provided (1) for the establishment of special revolving funds for the purchase, distribution, or rental of materials, supplies, equipment, and tools in connection with the furnishing of relief and work relief under the appropriation; (2) for

the assignment, with the approval of the President, of personnel, equipment, and materials of the Corps of Engineers, War Department, to service in connection with flood-control and water-conservation projects under the joint resolution, even though such projects have not been duly authorized by law; and (3) waiving the requirement in section 1 that no Federal construction project under the relief appropriation should be undertaken until the full amount necessary for its completion should be allocated and irrevocably set aside for that purpose. The House accepts the Senate amendment with modifications which (1) restores the House language relating to revolving funds and making such funds available to include "repairs", and (2) restores the House provision relative to waiving the requirement for complete allocation of the entire cost of a Federal project changed so as to waive such requirement only in the case of Federal projects authorized by a law other than this joint resolution.

On nos. 54 and 55: Section 15 of the House measure provided that no part of the funds of the United States should be loaned or granted, except for an obligation previously incurred, to any State or any of its political subdivisions or agencies for any program or project of constructing, rebuilding, repairing, or replanning its penal or reformatory institutions unless under the laws of such State the sale in the open market of goods, wares, or merchandise, manufactured or mined in whole or in part by convicts or prisoners (except convicts or prisoners on parole or probation) has been prohibited. The Senate amendments to the section modified it (1) by changing the class of funds prohibited from expenditure from those of the "United States" to those "appropriated in this joint resolution" and (2) by changing the qualification to obtain the use of the funds for the stated purposes from that of State law prohibiting the sale in the open market of the products of prison labor to a finding by the President that the projects to be financed with the loan or grant will not cause or promote prison competition with private enterprise. The House accepts the Senate amendments modified so as to make more clear the intent of the Senate amendments.

On nos. 58, 59, 60, 61, 62, 63, 64, and 65, comprising title II of the joint resolution, extending the life of the Federal Emergency Administration of Public Works: The House, by the passage of H. R. 7363, extended for a period of 2 years the functions and funds of the P. W. A., increased from $300,000,000 to $340,000,000 the amount which the Administrator might use from the sale of securities for the making of grants, provided $3,000,000 for administrative expenses for the fiscal year 1938 (in addition to the $10,000,000 in the Independent Offices Appropriation Act, 1938), and provided that after the date of the enactment of H. R. 7363 no allotment should be made for any project the application for which had not been approved by the examining divisions of the P. W. A. prior to such date.

The Senate did not pass the House bill, but instead inserted title II of the joint resolution dealing with the same subject matter. Each of the Senate amendments is a separate section dealing with P. W. A. As to all of these, except one, the House has agreed with amendments substituting for the Senate language a composite of the Senate and House proposals. Senate amendment 64, the House accepts without amendment; it provides that no new applications for loans or grants for non-Federal projects shall be received or considered by the administration after the date of enactment of the joint resolution.

The substitute proposed by the House for the other amendments of the Senate increase from $300,000,000 to $359,000,000 the amount that may be used for grants instead of from $300,000,000 to $367,000,000 the amount which in effect might be so used under the Senate amendments.

The Senate amendments provide for an increase in the amount of P. W. A. securities which the Reconstruction Finance Corporation might hold at any one time from $250,000,000, in effect, to such an amount as might be necessary to carry out the Senate proposal. The substitute increases the amount from $250,000,000 to $400,000,000. The House bill (7363) had no such similar provision.

H. R. 7363 and the Senate proposal contain provision that after the date of the enactment of the joint resolution no allotment shall be made for any project the application for which has not been approved by the examining divisions of the P. W. A. prior to such date. The substitute contains such a provision.

H. R. 7363 provides $3,000,000 additional administrative expenses for P. W. A. during the fiscal year 1938. The Senate amendments provide for $5,000,000 additional administrative expenses for 1938 and $10,000,000 for 1939 and amend the Independent Offices Appropriation Act, 1938, so as to provide that the $10,000,000 of administrative expenses therein for the fiscal year 1938 shall not be in liquidation of P. W. A. The substitute adopts the Senate proposals for administrative for 1938 and for amendment of the Independent Offices Appropriation Act, but omits the administrative expenses for the fiscal year 1939.

Senate amendment 63 is accepted with modifications setting forth categories of projects which were considered by both the House and Senate in arriving at an increase in the amount of grant money which the Administrator might use. The House bill, H. R. 7363, increased from $300,000,000 to $340,000,000 the amount of grant money for the purpose of providing for certain classes of projects which were set forth in the report of the House on that bill. The Senate amendment set forth the classes of projects in specific form. The conference agreement sets forth these classes of projects informatively and makes it clear that these classes of projects for which the funds may be used are in addition to other purposes for which funds may be used under the provisions of title II. The substitute for section 205 clarifies the Senate text with respect to projects in subdivision (b) and omits subdivision (f) and the proviso thereto dealing with miscellaneous projects.

The House bill, H. R. 7363, left the authority with respect to the P. W. A. in the determination of the President as provided by the present law. The Senate proposals took the authority from the President and placed it in the Administrator of the P. W. A. The substitute adopted leaves the authority in the President.

C. A. WOODRUM,
CLARENCE CANNON,
LOUIS LUDLOW,
THOS. S. MCMILLAN,
J. BUELL SNYDER,
JOHN TABER
(except at to no. 47),
R. B. WIGGLESWORTH,
Managers on the part of the House.

The SPEAKER. The gentleman from Virginia is recognized for 1 hour.

Mr. WOODRUM. Mr. Speaker, I hope to take very little time, because there is nothing controversial in this report, and, of course, I am very happy about that.

There were no fundamental changes in the bill which came from the Senate as compared to the bill which we passed in the House. A number of clarifying amendments were inserted by the Senate, many of which were agreed to by the House conferees. Perhaps the principal amendments in which the House might be interested are amendments nos. 26, 27, and 28, on page 9 of that print of the bill carrying the Senate amendments.

In amendments nos. 26 and 27 an effort was again made by the Senate to secure for that body the right to confirm the appointment of employees of the Government who receive salaries of $5,000 or more. I am very glad to be able to report that after full and complete consideration the Senate receded from these amendments and this provision was stricken out of the bill.

On page 16 of the bill is amendment no. 55, relating to the use of Federal funds for projects which involve the use of prison labor. The Senate put a proviso in that amendment to permit prisoners to be used in the preparation of materials for and in labor upon the projects for which grants could be made. This proviso, of course, was very vigorously objected to by labor and by the building-trades industry—and I think with much merit—upon the ground that it was not right to use relief money or P. W. A. money to pay for a structure and then use prison labor to build it; that this was putting prison labor into direct competition with free labor. This proviso was stricken out.

Title II of the bill comprises the Senate amendments extending the Public Works Administration for 2 years.

You will recall that we passed a separate bill in the House (H. R. 7363) carrying out, as we thought, the understanding about an extension of the Public Works Administration. It was sent to the Senate on June 7. The Senate, instead of passing the separate House bill, added an extension of P. W. A. as title II of the relief bill. In general intent their action was the same, but in method of approach and in language it was entirely different. After careful deliberation the Senate language, in nearly every instance, was stricken out and the text of the House bill used as the basis for carrying what is the final provision, the substance of which, as carried in this conference report, is that instead of taking the control of the Public Works Administration out of the hands of the President and putting it in the hands of the Public Works Administrator, as the Senate amendments sought to do, it leaves control in the President and administrative control in the Administrator subject to the approval of the President. We agree also in language of the former House bill increasing the amounts for grants in that bill to the extent of $17,000,000 and $2,000,000 more for administrative expenses, which is $8,000,000 less than the amount for grants which the Senate put in the bill.

Mr. BEITER. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. BEITER. I much prefer the original language of section 203, which specified that the amount of the grant

should be 45 percent. Under the section as it is now drafted another administrative order similar to 197 could be issued, and we would again be forced to accept Federal grants on a restricted relief labor basis.

Mr. WOODRUM. I may say to the gentleman from New York that while another administrative order could be issued, yet under H. R. 7363, as passed by the House, the President had control over the Public Works Administration, but I think it would not be fair to assume that the President, having agreed to recall the no. 197 order and having actually recalled it, would issue another such order.

Mr. BEITER. That is true, but a similar order could be issued and the grant that is to go to these municipalities in that event would not necessarily amount to 45 percent.

Mr. WOODRUM. It could be less than 45 percent.

Mr. BEITER. It could be less than 45 percent, whereas in the language of the original bill it was specifically directed to be 45 percent.

Mr. WOODRUM. The original bill (H. R. 7363) as we passed it continued the present law of grants at not to exceed 45 percent, whereas in this agreement, if there are communities where a grant of less than 45 percent has been earmarked the grant cannot exceed that, and to that extent it is more flexible and more in favor of the Government, and after all we would like to give Uncle Sam a break in connection with these things.

This agreement carries an additional authorization of $17,000,000 for grants which cover some classes of projects put in by the Senate. We struck out of the Senate amendments an item of $8,000,000 for grants for miscellaneous projects.

Mr. LEWIS of Colorado. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Colorado.

Mr. LEWIS of Colorado. Some days ago our conferees were instructed by vote of the House to insist that the two separate bills, appropriating money respectively for the military and for the civil functions of the War Department, be kept separate, although the Senate had combined the two bills in one. In this case it appears we passed two separate appropriation bills, one for the Works Progress Administration, the other for the Public Works Administration. The Senate has combined these two in one bill. I am wondering if that is not a departure from the precedents which have been set in the recent case and in other cases.

Mr. WOODRUM. I may say to the gentleman from Colorado the House conferees frankly stated to the Senate that though neither the relief bill nor P. W. A. extension bill was a "general" appropriation bill, they felt the Senate should have taken action on the Public Works Administration extension bill which the House sent over there. Those gentlemen assured us their action in putting this on as an amendment here was an effort to conserve time and when we met them in conference they were generous and very agreeable about it. Academically and theoretically, we do not like it, but actually it gives us an opportunity now in one transaction to do both jobs, which, after all, is what we are trying to do. I may say to the gentleman that this is in no manner a parallel case to that of the War Department appropriation bill, where two entirely separate "general" appropriation bills have been passed by the House and combined into one by the Senate. The relief bill and the P. W. A. extension are both legislative bills. Neither of them is a "general" appropriation bill.

Mr. LEWIS of Colorado. Knowing as I do the jealousy of the gentleman from Virginia for the prerogatives of the House, I am glad to have his explanation. I trust this will not be a precedent.

Mr. WOODRUM. No. I may say to the gentleman that in the last few days before July 1st necessity makes us wound our prerogatives sometimes.

Mr. LEWIS of Colorado. I realize that.

Mr. PARSONS. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Illinois.

Mr. PARSONS. I notice that the Senate struck out all of section 10, which, among other things, provided for the President assigning personnel, equipment, and materials of the Corps of Engineers of the War Department to supervise construction of flood-control projects not authorized by law.

There is a substitution in place of that amendment, but it leaves out that particular feature of flood control and water conservation that is not authorized at the present time. It was the understanding when this bill was pending before the House, that as a part of the compromise in not earmarking these funds that amendment would be permitted to stay in the bill. When section 10 was eliminated from the House bill, it was stated in the Senate at the time Senator BARKLEY brought that matter up, by the Senator who had charge of the bill, Senator ADAMS, of Colorado, that they would try and write a new amendment in conference that would take care of the situation along the Ohio Valley where flood-control projects have not been authorized by law. May I ask the gentleman what it is proposed to do in this connection?

Mr. WOODRUM. That provision was stricken out of there upon the positive assurance it was not needed and that the Corps of Engineers already had that authority under existing law without such amendment being written into this bill.

Mr. PARSONS. The Corps of Engineers does not have the authority to embark upon flood-control projects that are not already authorized by law?

Mr. WOODRUM. I do not understand that amendment would have permitted them to do that.

Mr. PARSONS. The House language was written especially for that purpose, that is, to authorize the President to assign engineers, material, and equipment to projects not authorized by law.

Mr. WOODRUM. I do not believe the House ever would attempt to write a provision in the bill that would permit embarkation on flood-control projects not authorized by law. If that provision was written in there, I think we did not know what we were doing when we put it there.

Mr. PARSONS. I may say to the gentleman that was a part of the compromise in withdrawing support for earmarking these funds. There was not an authorization bill from the Flood Control Committee setting up projects following the flood of 1937 and we wanted it distinctly understood in this bill these funds would be made available for flood control in the Ohio Valley and its tributaries and that the President could assign personnel, equipment, and material of the War Department to supervise the construction of these projects that had not been authorized.

Mr. WOODRUM. They told us they had a right to assign the personnel, equipment, and materials without that authority. We were told this language was not needed to accomplish what it states.

Mr. PARSONS. If the gentleman will yield further, may I read the language of the House bill? This was the particular amendment upon the adoption of which a large group withdrew their support of earmarking. The amendment reads as follows:

Provided, That with the approval of the President, materials, equipment, and personnel of the Corps of Engineers, War Department, may be assigned to service in connection with flood-control and water-conservation projects prosecuted under this act notwithstanding that such projects have not been duly authorized by act of Congress.

This language particularly was placed in the amendment, and this was a part of the compromise.

If the Committee on Flood Control reports and the Congress passes an authorization bill, that will then take care of the situation. However, I may say to the gentleman that thus far, so far as I know, the committee has not reported such a bill, and we have no assurance the Congress will pass such a measure this year. Therefore, the Ohio Valley will be left out entirely except with regard to projects which have been heretofore authorized in the omnibus bill, and this bill will not give the relief we expected to be given under this amendment.

Mr. WOODRUM. I may say to the gentleman I have a memorandum on the margin of my bill, and Mr. Sheild, our clerk, verifies my statement, that when we came to consider this matter we found there is no question about the fact the President has authority under this bill to allocate this money for relief projects, whether they are flood-control projects or what they are, and can use the Army Engineer Corps on those allotments.

Mr. PARSONS. He can do that on projects not authorized by law?

Mr. WOODRUM. Yes. This relief bill is a "law", and he can allot for flood control under it in providing work relief.

Mr. PARSONS. However, the Army engineers cannot go upon these projects without the consent of Congress.

Mr. WOODRUM. We understand that if the President allots money for the construction of the Federal flood-control project as a relief project the Army engineers can be used upon it. There was no contest made over the provision by the gentlemen who were the conferees representing the other body because the matter was explained to the satisfaction of everyone. It was not a question of wanting to take the authority away but it was simply stated that it was not necessary to put the provision in the law.

Mr. PARSONS. I may say to the gentleman if I did not have some hope and expectation that the Committee on Flood Control will report a bill which may become law in this session, I certainly would fight the language which has been agreed upon in this bill. I think the committee is going to report such a bill.

Mr. RAYBURN. If the gentleman will yield, is it not the understanding of the gentleman from Virginia that, without being specific about these things, the President under this bill will have the authority to use this money on unauthorized flood-control projects and, further, will have the authority to carry on the projects under the supervision of the Army engineers?

Mr. WOODRUM. That is my understanding. I am pleased to have the record show that was the understanding of the conferees, for whatever it may be worth to the gentleman.

Mr. PARSONS. With that assurance, and with the hope the Committee on Flood Control will report an authorization bill, I withdraw my objection.

Mr. BEITER. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. BEITER. Under section 205, $60,000,000 is made available for grants and $11,000,000 for loans to replace schoolhouses which are considered by the Administrator to be in a hazardous condition. Where a school district has made application setting out that it has raised 55 percent of the funds which will be used to construct such a project, would it be entitled under the language of this bill to a grant of 45 percent?

Mr. WOODRUM. My understanding is that it would be eligible for consideration.

Mr. BEITER. During the consideration of the bill in the House the same question was propounded by another Member of the House. Upon reading the RECORD the following day, I saw that an affirmative answer had been stricken out of the RECORD. I wanted to get this in the RECORD, so it would be given consideration.

Mr. JONES. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. JONES. I note that in connection with amendments 7, 8, and 9 it is stated on page 6, in the statement accompanying the conference report, that—

> The House provided for loans, relief (direct), and rural rehabilitation for needy persons to be administered through any agency to which the President might allot the funds for that purpose. The Senate amendment restricts the administration of funds for those purposes to allocations to the Resettlement Administration.

Under the bill which we will further consider when the pending matter is out of the way, we provide that such of the funds as are allocated for this purpose shall be handled by the Department of Agriculture, and also such funds as may be transferred by Executive order. We make no appropriation. We permit the Resettlement Administration as such to die on June 30, but stipulate that rehabilitation loans shall be handled by the Department of Agriculture, where we shall have departmental responsibility. It seems to me this provision would complicate the situation.

Mr. WOODRUM. I may say to the gentleman I am afraid it does, but the House conferees were unable to get that language stricken out of the bill. The report has been adopted by the Senate, and it is now to be adopted in the House. I hope the bill will go through just as it is. We cannot frame this bill to anticipate what Congress may do in the future. We shall have to try to meet that situation when we come to it.

Mr. JONES. By resolution or some other way?

Mr. WOODRUM. Yes.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. WALTER. Since it is desired that this entire appropriation shall be expended for relief purposes, the House adopted an amendment to the original bill making it illegal to pay any part of the appropriation to anyone who has another job. I see the conferees have agreed to strike this language out of the bill. I would like to know what prompted the conferees to reach such an agreement.

Mr. WOODRUM. Of course, the main thing that prompted the conferees to reach that agreement was that they had to reach such an agreement or still be conferring perhaps. The gentleman knows that in the stress of time you have to give and take. However, I may say to the gentleman that the same reason that was advanced in the House was advanced by the Senate conferees, that this kind of a provision would prevent the employment on a part-time basis of architects, engineers, and people in a supervisory capacity who might be used temporarily, and who might have a position where they could do a small job somewhere else.

Mr. WALTER. It seems to me the conferees could very easily have met that situation by modifying this language in such a way as to have made it possible for people of that sort to have been employed temporarily by the W. P. A., without leaving in the administration a great many people who are receiving salaries for whole-time work and are devoting very little of their time to the W. P. A.

In view of the fact that this appropriation is considerably less than is necessary to relieve distress and unemployment, I feel the conferees certainly should have insisted that the language the House put in the bill should remain in the measure.

Mr. WOODRUM. The conferees did insist, I may say to the gentleman from Pennsylvania, but you cannot always get everything you want.

Mr. BEITER. Mr. Speaker, will the gentleman yield again?

Mr. WOODRUM. I yield.

Mr. BEITER. Section 206 provides that—

> No new applications for loans or grants for non-Federal projects shall be received or considered by the Administration after the date of enactment of this joint resolution.

It is my understanding that after administrative order 197 was issued, in some cases the school boards called off the bond elections, and since this bill has been considered in the Senate and this amendment added to the relief bill, some of these school districts now have ordered bond elections to be held. Will they be precluded from consideration for a grant?

Mr. WOODRUM. I should think they would be, unless you are going again to open the doors for all applications.

Mr. BEITER. I grant that, but where a project has been approved, and upon the suggestion of the Administrator no bond election has been held, it would appear there is more or less of a moral obligation on the part of the Government there, because they were ready to proceed and had advertised their bond elections previously. In many cases they have again advertised, and in one case I know about the bond election is being held today. In the event this measure is passed and the election is carried, they will be precluded from participation in a Federal grant.

Mr. WOODRUM. I am afraid that will be true, I may say to the gentleman.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield there?

Mr. WOODRUM. I yield to the gentleman from Texas.

Mr. RAYBURN. The only moral obligation on the part of the Government that I thought existed was where elections had been held, and this was the basis of whatever conversations I had with the gentleman from New York and others.

Mr. BEITER. That is right.

Mr. RAYBURN. Whether the bonds were sold or not. Now, it appears to me that the matters that the gentleman from New York is now talking about will just be matters that are in the lap of the gods for the future as to whatever course may be taken, but the moral obligation on the part of the Government that we were discussing here 2 weeks ago extended only to those places where they had voted bonds, sold them, or the legislature had taken action and had done whatever was necessary under the law of the State with respect to the State, county, municipality, or whatever subdivision may have been concerned.

Mr. BEITER. I want particularly to see the consummation of all projects in school districts where they have not held bond elections, but where the school directors have issued a tax levy and raised their proportionate share through a tax levy and not by a bond issue.

Mr. RAYBURN. I think if they had raised it by tax levy sometime in the past and before these agreements were made, and it was proper and legal in that jurisdiction, a moral obligation would exist so far as I am concerned.

Mr. BEITER. I thank the gentleman.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. Mr. Speaker, I yield to the gentleman from Pennsylvania briefly.

Mr. RICH. In the allocation of funds for flood control, who is going to make the recommendations to the President with respect to the projects that are to be constructed?

Mr. WOODRUM. I assume the President will get technical information from the Corps of Army Engineers who have charge of the supervision and construction of these projects, as well as consider a list of authorized projects which Congress has specifically authorized and I understand exists, although I am just answering the gentleman somewhat at random.

Mr. RICH. Congress has not authorized anything along that line that is applicable to this one billion and a half dollars.

Mr. WOODRUM. Oh, yes; as I understand it, there are many authorized flood-control projects to which the President, under this bill, could allocate funds.

Mr. RICH. On the direct recommendation of the Army engineers?

Mr. WOODRUM. Yes.

Mr. RICH. Will the President hold up the recommendations of the Army engineers or is he going to try to carry out all the promises that have been made over the week end to Members of Congress who have had the privilege and pleasure of going down to Jefferson Island; and what consideration is going to be given to Members on this side of the House who did not receive an invitation to attend that love feast?

Mr. WOODRUM. I am sure the President will take care of the matter in the proper way.

Mr. RICH. Does the gentleman think he will give us proper consideration?

Mr. WOODRUM. I am sure he will give you the consideration you merit. [Laughter.]

Mr. RICH. It might be considered by some that there is no merit in the minority, and on that point we may disagree very much; but I would like to ask the gentleman this further question. The gentleman is one of the leading members of the Appropriations Committee. You have appropriated one billion and a half dollars now for relief. In the gentleman's opinion, what will be the result of this one billion and a half so far as taking care of the relief situation for the next year? Since you claim that prosperity is back, and that the Democratic Party has brought prosperity to this country, how long are you going to be compelled to carry on relief?

Mr. WOODRUM. Mr. Speaker, I may say to the gentleman from Pennsylvania that, of course, my views on the question of how much money is necessary for relief are pretty well known. I do not mean to say that one billion and a half dollars is not necessary for relief. Perhaps much more than that amount will be necessary, but I have felt all along, and have not changed by mind in this respect, that Uncle Sam should not pay all the bill.

A provision has been written into the bill that has not had much said about it. There has not been much publicity about it. This provision will save between $750,000,000 and a billion dollars on the relief bill in the fiscal year 1938 unless Congress subsequently repeals it. It provides that the funds appropriated here shall be set up on a basis of 12 months; that it shall be the total sum to be used for the relief bill for 1938. That provision was written into the bill in the Committee on Appropriations of the House. It was retained in the House and has been retained in the Senate, and will be in the law when we adopt this conference report. What does it mean? Last year we appropriated $1,425,000,000 for relief in the regular relief bill. They came back early in this session for $789,000,000 more. If this provision to which I relate were not in this bill which we adopt today, I have no doubt, yielding to pressure from States, municipalities, groups whom you represent and I represent, not able to stand up against the pressure, perhaps, they would be back here next January for another $750,000,000. They cannot come now. To that extent I answer the gentleman by saying that this bill carries a billion and a half for relief, more than I would like to see, but a very substantial and drastic reduction in the relief bill of the United States.

Between now and the time we convene next to consider this matter I hope to see some sane, logical, sensible method worked out whereby we can handle this relief problem, or so much of it as the Federal Government is going to assume, and yet put the responsibility upon the States and upon the localities. [Applause.]

I make this prediction to you. Unless you do that, an organization will arise in this country, a federalized organization, that will be so powerful politically that no Congressman can ever be elected in this country unless they put their stamp of approval upon him—an organization of people receiving gratuities from the Federal Government. They will be here asking you for a civil-service status. They want to be classed as Government employees. They will want annual leave and sick leave and retirement benefits, and an increase in wages.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. In just a moment. I do not believe that that is merely an alarming statement. The Federal Government is going to have to bear part of this cost for a while, until conditions come nearer to being normal. There are certain areas, congested areas, metropolitan centers, that obviously cannot carry the whole burden of this thing. What should we do? We should place upon that individual community or State or municipality the responsibility of purging their relief rolls, of taking the racketeering out of it and bringing it down, and then when the Federal Government is convinced that that locality or State cannot carry that burden, it is the duty of the Government to help them with it in some way, but let us put the responsibility back home, for that is where it belongs. Unless we do that, I say to you that this problem will come down upon you every Congress with increasing intensity, and you will not be able to stand up under it, and the taxpayers of the country will not be able to stand up under it, and they will wreak their vengeance upon those of us who permit that kind of condition to arise. I hope that between now and next year somewhere, somehow, there will be some sort of sane, logical, sensible plan evolved and brought here whereby such part as

the Federal Government has to take in this relief program will be patterned in a way that it will clean it up to some extent.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. RICH. The gentleman from Virginia answered several other questions that I was going to ask. I say to the gentleman that he has the respect of the Members of this House. There are from Virginia two of the greatest Senators in the United States, and would to God we had about 70 more of them. When those gentlemen put aside the mantle we feel sure that the gentleman from Virginia is going to be a successor to take his place in that body. Those Senators take the same attitude that the gentleman is advocating here, and if he will advocate that stronger, the House of Representatives will go with him in January, and I say to him that I am behind him 100 percent. I hope the gentleman will be able to carry out that program. [Applause.]

Mr. MASSINGALE. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. MASSINGALE. I want a little information about section 14 on page 16 of the bill. That section seems to provide that no loan or grant shall be made to any State when it is engaged in producing articles that will go into commerce in competition with a private enterprise. Here is a condition that we have in my State. I do not know just exactly what the status of the agreement is in that respect. We have a twine plant in connection with the State penitentiary at McAlester, and that plant was put there to enable the farmers of Oklahoma to get their twine without having to pay International Harvester Co. monopolistic prices. Under this law as agreed to, as I understand it, the State of Oklahoma can get no assistance in the further continuance of the manufacture of binder twine.

Mr. WOODRUM. Of course, they would not get assistance, anyway, in the manufacture of twine. The question arises only in the matter of getting a loan for the construction of buildings, getting relief funds for the construction of buildings, and there is no other way that question can arise.

If the State of Oklahoma had an application for a relief grant for the purpose of erecting buildings at its penal institutions, then it could not get that grant if that institution, when erected, was going to manufacture goods that would go ino the open market in competition with free labor.

Mr. MASSINGALE. The part that gives rise to the question is on line 22, where it provides that—

> Unless the President shall find that the projects to be financed with such loan or grant will not cause or promote prison competition with private enterprise.

Mr. WOODRUM. That is right.

Mr. MASSINGALE. That is just exactly the reason that the twine plant in the State Penitentiary of Oklahoma was put there. As I understand it, under this language Oklahoma is shut out as far as the operation of the twine plant is concerned.

Mr. WOODRUM. No. It does not affect the operation of its twine plant. It affects its ability to get money from the Government to improve it.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. WALTER. On page 2, line 25, is the proviso that—

> No portion of the funds hereby appropriated shall be allocated or used for any purpose except to provide relief or work relief for persons in need or for completion of flood control—

And so forth. Does that mean if a man is receiving a salary of $30,000 for liquidating a bank, he could be employed as a W. P. A. administrator?

Mr. WOODRUM. If I had the construction of it, I would say I would make that kind of construction of it.

Mr. WALTER. Was it the gentleman's understanding that that sort of situation could not exist when he agreed with the Senate conferees in striking out language that would have made that sort of thing impossible?

Mr. WOODRUM. I cannot say that there was any specific understanding about that particular case but we were definitely assured that the situations of which the gentleman speaks did not exist; that there were no cases where people were on the pay roll of the Works Progress Administration and had salaries that amounted to anything, who had other incomes or other business of any moment.

Mr. WALTER. The gentleman can take my word or the word of the people who are busily engaged in building up the vast political machine of which the gentleman spoke a moment ago, that the W. P. A. administrator in my district was appointed liquidator of a mortgage pool of a closed bank and his fee fixed at $30,000. He is engaged in liquidating that mortgage pool and at the same time drawing a salary of $4,300 as W. P. A. administrator, and he never goes near the W. P. A. office.

Mr. WOODRUM. That should not exist.

Mr. WALTER. What would the gentleman do about it?

Mr. WOODRUM. The gentleman knows what I would do about it.

Mr. WALTER. We are bound under the amendment adopted by the House.

Mr. WOODRUM. We could not save it for the gentleman, I am sorry to say.

Mr. HOOK. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. HOOK. I was interested in the gentleman's reference to the relief work being turned back to the States. Does the gentleman know that in most of the States, at least in my State, the direct relief is taken care of by the State and furnished directly by the State, and that the only assistance the State receives from the Federal Government is the Works Progress Administration? Michigan matches practically dollar for dollar all the relief grants for work relief. Does not the gentleman believe that is an equitable distribution, and is it not the proper thing to do?

Mr. WOODRUM. I think it is not the proper thing to do under any circumstances, unless it is absolutely necessary to relieve suffering and unemployment. In my judgment that is the only possible basis on which you can put the right of the Federal Government to go into Virginia or into Michigan and build sidewalks, sewers, schoolhouses, and streets, as much as we like to see those wonderful improvements come into our own communities.

Mr. HOOK. Is that not the only reason we are passing this bill, and as long as that necessity exists, should we not carry it on?

Mr. WOODRUM. I yield to the gentleman from California.

Mr. COLDEN. The gentleman from Virginia mentioned the responsibility of the States. In southern California we have 6,000 transients per month arriving there without means of subsistence and displacing other people who are working and throwing them on relief. Does this bill permit assistance in the case of transients which we face in California and perhaps in Florida?

Mr. WOODRUM. I think it does.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. CRAWFORD. May I ask the distinguished gentleman, who has devoted so much study to this question, if it is his opinion that the $1,500,000,000 will be sufficient to meet the pressing needs when you consider that since January 1 we have lost man-days of work on account of strikes amounting to a little over 10,000,000 days, with the increased load that is taking place at this very time on the agencies which are administering this kind of relief?

Mr. WOODRUM. Of course, that is an added feature to it, undoubtedly.

Mr. VOORHIS. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. VOORHIS. The gentleman feels, does he not, that in the case of able-bodied people who are unemployed a program of constructive work is much superior to direct relief?

Mr. WOODRUM. Yes.

Mr. VOORHIS. And is that not the main reason for the work-relief program?

Mr. WOODRUM. Yes.

Mr. SPARKMAN. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. SPARKMAN. I would like to ask the gentleman with reference to this public-works extension, particularly with reference to section 205, where various projects, projects of different classes for which these funds can be spent are mentioned?

I notice this language in Senate amendment no. 63:

for projects which have been authorized, or for the financing of which bonds or other obligations have been authorized, at elections held prior to the date of enactment of this joint resolution, or for projects for which an authority or board constituting an independent corporation without taxing power has been specifically created by a State legislature prior to such date.

I have in mind also the statement of our floor leader, the distinguished gentleman from Texas, regarding moral obligations. He referred to the issuance of bonds duly authorized. In my State we have this situation: In 1933 a law was prepared here in Washington, sent down there and presented to the legislature, and was enacted by the legislature, setting up a bond authority and giving power to the various political subdivisions to issue revenue bonds without calling an election; that when approved by that bond authority these bonds would be good.

As I say, that law was passed and a great many of our projects are set up on that basis; in fact, in some instances these applications have been pending for 2 or 3 years; they have been approved by all of the examining divisions. In some cases they have actually sold such bonds and have the money in the bank and are paying interest on the bonds. In the gentleman's opinion would such projects be covered under this bill?

Mr. WOODRUM. The gentleman's statement presents a somewhat involved case. As I have been able to follow it, it seems to me that he has a class of cases that are provided for under this bill, but without further and considered judgment I would not like to make that as a binding statement. The language is as plain as we were able to make it, and it seems to me that the gentleman has stated a case that would come under it; but I must make that answer with reservations.

Mr. SPARKMAN. I wonder if the gentleman from Texas, our majority leader, would state an opinion regarding it?

Mr. RAYBURN. If the gentleman from Virginia will yield, I answered that question a while ago when I interrupted the gentleman from Virginia. I think so; except, I may say to the gentleman from Alabama, that a revenue bond is about the hardest thing to convince them is sound. If they are convinced that this is sound—they do not have to do this in all cases—but if they are convinced that it is a sound proposition I think that a basis would exist, myself.

Mr. SPARKMAN. I may say with reference to soundness that there are at present pending 55 applications from the State of Alabama which have been approved by all of the examining divisions. I understand that all of those except 21 will be left out unless such projects as I have described are included in this provision.

Mr. PARSONS. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. PARSONS. Getting back to flood control, which I mentioned a few moments ago, I find in the bill reported by the Flood Control Committee yesterday this language:

That any funds appropriated for the fiscal year 1938 to carry out the provisions of the Flood Control Act of June 22, 1936, may be used for plant, material, supervisory, and skilled service necessary in the execution of the projects authorized herein, with relief labor furnished under the provisions of the Emergency Relief Appropriation Act of 1937.

Which if passed will take care of the situation, as I mentioned a while ago. Would the gentleman be willing to support such a bill if brought before the House? And I propound the inquiry to our majority leader if he will use his good offices to see that this bill is brought before the House for consideration?

Mr. WOODRUM. Answering for myself, I may say that I shall be very glad to give it very careful consideration.

Mr. RAYBURN. I have heard only a few lines of the bill read.

Mr. PARSONS. Our majority leader is doubtless sympathetic with the intent of the flood-control bill.

Mr. RAYBURN. I am for the flood-control bill, I will say to the gentleman, for a specific one in this session and for a general one in the next session.

Mr. LANZETTA. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. LANZETTA. In connection with the apportionment and distribution of the amount appropriated in this bill does not the gentleman feel that if the need should arise the President should relax and permit the use of more funds during any 1-month period in which such increase was needed?

Mr. WOODRUM. I think he does not have the right to do it under the provisions of the bill. The bill does not provide for an allocation on a monthly basis. He may set it up on a seasonal basis; but it must be for 12 months; that is the point of it. He could use 75 percent of it in the first 6 months, but then he would have to make the 25 percent stretch over the next 6 months.

Mr. LANZETTA. Then it is the gentleman's understanding that it is to be on a seasonal basis?

Mr. WOODRUM. It is to be on a 12 months' basis. It has got to be spread out over a year and used as his good judgment and experience dictate it should be used.

Mr. MARTIN of Colorado. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. MARTIN of Colorado. In view of the different methods used by political subdivisions to meet the requirements of P. W. A., not merely by bond elections, but by tax levies and other methods so long as they meet the requirements, why should they be excluded and only those projects recognized for construction in the matter of which bond elections have been held?

Mr. WOODRUM. It gets back to the proposition of moral obligations on the basis that where communities and localities had gone to the trouble of taking overt acts under the requirement, setting up men, machinery, and operations, it was felt that there was some moral obligation on the part of P. W. A.

Mr. MARTIN of Colorado. A tax levy would involve practically the same obligation as a bond election.

Mr. WOODRUM. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, this bill, as far as I can observe, carries a direct appropriation of one and one-half billion dollars. Referring to the Treasury statement of June 25, which came this morning, I would think there is about $270,000,000 of reappropriation that the President could turn into this item for the first title of the bill.

Under the second title there is a reappropriation of funds growing out of the funds which have been turned over or will be turned over by the P. W. A. to the R. F. C. of approximately $204,000,000. So that the total, in addition to the loans to municipalities for expenditures which will be available under this bill in the next fiscal year, amounts to approximately $1,974,000,000.

The expenditures for so-called relief this year, according to the Treasury statement—and I refer to expenditures, not the total that is carried there—run approximately $3,800,000,000. Page 2 of the statement shows $2,800,000,000, but we must add to that the repayments which have been made, amounting to $1,000,000,000 in revolving funds, which have been subtracted from the recovery and relief expenditures on page 2 of the Treasury statement.

Mr. Speaker, this is a very large sum of money, and practically none of it is going to be available for relief, according to the program. It simply means a continuation of the W. P. A. and their extravagant method of doing business and their inefficient method of doing business. A friend of mine who has been going around the country came in this morning and advised me that in no place all over the country—and he has paid special attention to it—was there efficiency in the administration of the W. P. A. The sooner

we get away from this type of demoralizing, so-called work and so-called relief, and have things administered in an efficient manner, where expenditures of that kind are supervised by the local authorities and the responsibility put up squarely to the local authorities for the relief situation, the better this country is going to be, and the better the people who are on so-called relief employment and that sort of thing are going to be. We are not going to make a forward step toward rehabilitating that group until we get rid of this overhead in Washington and this idea of managing things from a central spot instead of placing the responsibility where it belongs.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Speaker, I yield the remainder of the time to the gentleman from Missouri [Mr. CANNON].

Mr. CANNON of Missouri. Mr. Speaker, the presentation of this conference report in its present form and its adoption by the practically unanimous vote which will presently be accorded it, carries a significance which should not be overlooked just at this time.

In adopting this report the House and Senate are not merely voting on the appropriation of a billion and a half dollars for relief. That is the least important issue submitted for the action of the House here this morning. The real question before the House when the vote is taken on the conference report is the approval of the relief program of the administration; the endorsement of the methods used, the amounts expended, the results secured, and especially our cooperation in the continuance and completion of the program. Every opportunity has been afforded for observation at first hand of the program and its objectives.

In every State, every congressional district, and every community projects have been carried on, relief has been administered, employment has been provided. And now, after 3 years of trial, we vote this morning to decide whether it has been a success or a failure; whether it has been honestly and efficiently administered; whether we decide to continue it as heretofore or whether we prefer to revise or amend it; whether we wish to reduce the amount available for the purpose or continue it at the figure recommended by the administration. That is the issue before the country. That is the question on which we vote in passing on the adoption of the conference report.

We are now in the later stages of that program. In its furtherance we have disbursed sums so stupendous as to stagger human comprehension. The proposition now before us is to spend another billion and a half in the same way, under the same circumstances, and by the same authority. As has well been said, that in each previous appropriation we have given the President a blank check. And now again, after exhaustive investigations and debate in the House and Senate, through the newspapers, over the radio, and on the streets of every city and village in the Republic, we again propose in this conference report to give him another blank check. And in a few minutes this House will vote practically unanimously to adopt the conference report and turn the check over to him practically without qualification or limitation.

It is the greatest tribute ever paid to a public official, the strongest endorsement ever given an administration, the most convincing expression of confidence ever voted by this or any other Congress.

Mr. LAMBERTSON. Will the gentleman yield?

Mr. CANNON of Missouri. My time is so brief I hope the gentleman will not insist.

Mr. Speaker, persistent efforts have been made to create the impression that the Congress is out of sympathy with the administration and the President. Columnists and editorial writers, with whom the wish was father to the thought, have affected to see in the debate on the relief bill the reflection of an unrelenting opposition to the program and the determination to deny either approval or cooperation. But this conference report, unanimously submitted by House and Senate conferees and shortly to be approved by both Houses, effectually sets at rest any doubts which may have been entertained on that score. We are united. We are back of the President. And after 3 years of trial the administration program meets with the wholehearted cooperation of both the Congress and the country.

In this connection, Mr. Speaker, we might also recall the assurances freely given that any action taken by the House of Representatives on this bill was inconsequential and could have no ultimate effect on the measure; that regardless of the form in which passed or the amount written in by the House it would be revised, rewritten, and reduced to a billion, or a billion and a quarter. But here it is before the House for final approval in practically the same form in which it was reported by the committee and in the same amount passed by the House. This conference report is conclusive and convincing evidence that the House of Representatives is still a part of the Federal Government, and that it continues to discharge its proper functions under the Constitution of the United States. [Applause.]

[Here the gavel fell.]

Mr. WOODRUM. Mr. Speaker, I had intended to save more time for the gentleman from Missouri, the acting chairman of the Appropriations Committee. I therefore ask unanimous consent that he may have 5 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. CANNON of Missouri. Mr. Speaker, the bill as reported by the committee, as passed by the House, and as now submitted in the conference report is the happy medium between two extremes. On the one hand there were those who contended that it carried too much money; that it promoted racketeering, was characterized by few redeeming features, and should be limited to an appropriation of a billion dollars at most. On the other hand were those who insisted just as strenuously that the amount carried was inadequate; that the bill was a niggardly and parsimonious makeshift and should be increased to a minimum of $2,000,000,000 at least. The bill before us is the well-considered mean between the two. Press reports from all parts of the country within the last week reflect protests against the retrenchments and reductions enforced by the Government in its program to curtail relief and return to normal conditions. The suggestion that some plan must be adopted to discontinue relief comes belatedly. That course was determined upon by the President months ago, and this bill reducing the annual expenditure by more than three-quarters of a billion dollars is a studied step in that direction.

At the same time provision is made for actual requirements and no child will lack food or clothing; no unfortunate family will suffer; recovery will continue; the Budget will be balanced and national welfare promoted and safeguarded. The President will disburse this money honestly, wisely, and effectively, as in the past. And despite widely disseminated reports of discord, disloyalty, and disintegration here on the Hill, the Congress will continue its united support and cooperation, as evidenced by the enactment of this legislation in the form and amount warranted by the successful experience of the past 3 years. [Applause.]

Mr. WOODRUM. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

OMAHA-COUNCIL BLUFFS MISSOURI RIVER BRIDGE

Mr. McLAUGHLIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7405) to amend the act relating to the Omaha-Council Bluffs Missouri River Bridge Board of Trustees, approved June 10, 1930, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

Mr. TABER. Mr. Speaker, reserving the right to object, it seems to me that private bridge bills of this character, providing for tolls, should come up on the regular call of the Consent Calendar and should not be considered specially.

The SPEAKER. If the gentleman will yield for just a moment, the Chair justified the recognition of the gentleman from Nebraska by the assurance given to the Chair that time is of the essence in this matter, inasmuch as certain obligations and contracts will expire on the 1st of July.

Mr. McLAUGHLIN. Mr. Speaker, I shall be pleased to explain the bill if the gentleman will yield.

Mr. TABER. Mr. Speaker, I reserve the right to object, and yield to the gentleman.

Mr. McLAUGHLIN. Mr. Speaker, this is a bill for the extension of a franchise for a publicly owned bridge at Omaha, Nebr., across the Missouri River at that point. The franchise was granted in 1930 and has been extended by the Congress from year to year. This bill provides for an additional extension for 1 year.

The reason I have asked for the immediate consideration of this measure is that if the bill is passed by July 1, certain Federal funds may be allocated for use on this bridge which cannot be used if the bill is not passed before that date. This is not a private bridge but a publicly owned bridge, which is to be owned and controlled by a board set up by public law. The board is a nonprofit board. The bridge is not in any sense a private toll bridge.

Mr. TABER. Does the gentleman mean highway funds will be so allocated?

Mr. McLAUGHLIN. Highway funds; not W. P. A. funds, but highway funds.

Mr. TABER. Is not that an unusual procedure?

Mr. McLAUGHLIN. I am informed by the Bureau of Public Roads it is perfectly proper. The matter came up before the Subcommittee on Bridges of the Committee on Interstate and Foreign Commerce, of which the gentleman from New York [Mr. WADSWORTH] and the gentleman from Massachusetts [Mr. HOLMES] on the gentleman's side of the aisle, are members. These gentlemen were thoroughly satisfied from the representations of the Bureau of Public Roads that this is in every way in order.

Mr. HOLMES. Mr. Speaker, will the gentleman yield?

Mr. McLAUGHLIN. I yield.

Mr. HOLMES. During the time this franchise has been under consideration work has actually started. The State Highway Department of Nebraska, in cooperation with the Federal Government, has spent practically $2,500,000 in widening and broadening the Lincoln Highway leading out of the city of Omaha, which brings it right into the location of this bridge. This is a direct east-and-west highway to take the through traffic directly west through the city of Omaha and Council Bluffs on the Iowa side. This bill is very important. It was demonstrated before our subcommittee on bridges, which gave 2 days of public hearings to this bridge bill, that it was essential the measure be passed in order that advantage may be taken of the agreements made between the departments of public works of the city of Omaha and of the city of Council Bluffs, and that these agreements may be carried out before June 30, 1937.

Mr. DONDERO. Mr. Speaker, will the gentleman yield for a question?

Mr. McLAUGHLIN. I yield.

Mr. DONDERO. Is it not true this bridge will be built just 1 block from a bridge which is now in use?

Mr. McLAUGHLIN. The gentleman is correct.

Mr. DONDERO. What can the gentleman say with respect to what will become of the investment in that bridge?

Mr. McLAUGHLIN. I may say to the gentleman the history of that bridge, briefly, is that in 1887 a private bridge was built across the Missouri River between Omaha and Council Bluffs and has been in existence, privately owned, from that day to this. More than $10,000,000 in tolls has been extracted from the public. You and I and everyone who travels by the Lincoln Highway pays a toll to this bridge company. The residents of the city of Omaha, numbering about 225,000, and the residents of the city of Council Bluffs, immediately across the river, numbering about 50,000, are required to pay toll every time they go across the bridge. It was built in 1887 at a cost of about $600,000 and was later improved at a cost, it is said, of about a million dollars. The bridge, including the cost of improvements, has been paid for time and again. The city of Omaha, through its officials, has made efforts to negotiate with the private company owning the bridge to purchase the bridge, but the negotiations have come to naught. I respect private property as much as does the gentleman who is now inquiring of me, but I say that any man who objects to this bill stands in the way of the people of the State of Nebraska, the State of Iowa, and the cities of Omaha and Council Bluffs, and stands in the way of every person who is required to pay toll across that bridge as he travels across the continent on the Lincoln Highway and five other continental highways which cross the bridge.

It is important that this bill pass at this time, and as has been explained, there is nothing new about the measure. The Congress is committed to this franchise. The franchise was granted in 1930 and has been extended from year to year. Did the gentleman object when the franchise was originally granted or when yearly extensions were granted in the past? We now ask merely for another extension. The only opponents of this bill in the hearings before the subcommittee, which were held before the distinguished group of men who compose that subcommittee, were those who own the private bridge which is now extracting toll from the public.

Mr. DONDERO. Does the gentleman think a public necessity exists for the building of the new bridge?

Mr. McLAUGHLIN. Not only do I feel that way about it, but the people of my city feel that way and the people of the city of Omaha and of the State of Nebraska feel that way and the people of Council Bluffs, represented here so ably by my friend, the gentleman from Iowa [Mr. WEARIN], feel that way, as well as the people of the State of Iowa generally. They are all united in this request.

Mr. MAPES. Mr. Speaker, reserving the right to object, I sympathize a great deal with what the gentleman from New York [Mr. TABER] has said in regard to this request for unanimous consent, but the urge for the passage of the bill before the 1st of July seems to be great. I do not understand why those interested have delayed so long before bringing the bill before the Congress, but the Subcommittee on Bridges of the Committee on Interstate and Foreign Commerce considered the bill very carefully. After holding extensive hearings on it the subcommittee reported it back to the full committee unanimously and the full committee in turn unanimously approved the recommendation of the subcommittee and reported the bill to the House. The present bill is only an extension of a permission which was granted by the Congress in 1930.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the time for completing the construction of the bridge at or near Farnam Street, authorized under the provisions of section 3 of the act entitled "An act to authorize the construction of certain bridges and to extend the times for commencing and completing the construction of other bridges over the navigable waters of the United States", approved June 10, 1930, as extended, is hereby further extended 1 year from June 10, 1938. It is hereby recognized that construction has been heretofore commenced under the provisions of section 3 of said act as extended, and said bridge may be constructed at any point at or near Farnam Street, irrespective of the site of the commencement hereby recognized, subject to the approval of the War Department and the approval of either of the Highway Departments of the States of Iowa or Nebraska, all in accordance with and subject to the provisions of said act approved June 10, 1930, as extended, and as amended by this act.

SEC. 2. Any bridge constructed or to be constructed or owned and operated by the Omaha-Council Bluffs Missouri River Bridge Board of Trustees under said act of 1930, as herein amended, shall be

deemed a Federal instrumentality for facilitating interstate commerce, improving the postal service, and providing for military and other governmental purposes.

SEC. 3. That in addition to the powers granted by said act of 1930, said the Omaha-Council Bluffs Missouri River Bridge Board of Trustees may acquire and purchase and thereafter operate any other bridge or bridges (including approaches) over the Missouri River within 1 mile of the site of the bridge to be constructed by said board at or near Farnham Street, Omaha, Nebr., as referred to in said act of 1930, all in the manner provided by this act and said act of 1930, it being contemplated that all bridges owned and operated by said board will be so financed that the obligations incurred will be amortized and the travel over such bridge or bridges will be made free of tolls at the same time. It shall be obligatory upon said board that all toll revenues, after paying the reasonable and proper charges of operation and maintenance and the accruing interest on the outstanding indebtedness, be applied to the retirement of such indebtedness. The rate or rates of toll for crossing any bridge now or hereafter constructed which abuts upon or enters into the corporate limits of both the cities of Omaha, Nebr., and Council Bluffs, Iowa, shall not be reduced below the rate or rates now in effect on existing bridges so long as any indebtedness of said board for the account of any bridge or bridges shall be outstanding and unpaid. To pay the cost of any such bridge or bridges so purchased, the board may, either separately or in conjunction with the financing of any other bridge, issue bonds as provided in said act of 1930 as herein amended: *Provided*, That said board shall operate each of the bridges under its control and charge and collect such rates of toll for transit over same as will not reflect upon or impair the earnings of any other bridge to such extent as to adversely affect any outstanding bonds which said board may have issued for account of such other bridge: *Provided further*, That the power granted in this section with respect to the acquisition and purchase of any other bridge shall not be exercised by said the Omaha-Council Bluffs Missouri Bridge Board of Trustees until the amount to be paid for the acquisition and purchase of any such bridge shall have been approved by the Highway Departments of the States of Iowa and Nebraska. The construction of no competing bridge shall hereafter be authorized, the operation of which will adversely affect such outstanding bonds, unless provision is otherwise made for the payment thereof: *Provided further*, That the rates of toll to be charged for transit over bridges operated by said board shall at all times be subject to regulation by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. That either the State of Nebraska and the State of Iowa, separately or jointly, or the cities of Omaha and Council Bluffs, separately or jointly, or the counties of Douglas, Nebr., and Pottawattamie, Iowa, separately or jointly, may at any time acquire and take over all right, title, and interest in all of the bridges, including approaches, and including any interest in real property necessary therefor, then owned and operated by said board. It shall not be necessary to condemn or expropriate such property, but the said the Omaha-Council Bluffs Missouri River Bridge Board of Trustees, its legal representatives and assigns, shall deliver same by proper instrument of conveyance; and no damages or compensation whatsoever shall be allowed for any such right, title, and interest, but such conveyance shall be made and taken subject to the bonds, debentures, or other instruments of indebtedness of said board then outstanding, including accrued interest thereon. Such instrument of conveyance shall be executed and delivered within a period of 30 days after a written notice of such intention to take over such property.

SEC. 5. That in addition to the powers granted by said act of 1930, as extended, said the Omaha-Council Bluffs Missouri River Bridge Board of Trustees, its legal representatives and assigns, are hereby granted power and authority to acquire, condemn, occupy, and possess and use real estate and other property acquired for or devoted to a public use for park or other purposes by the State of Nebraska or the State of Iowa, or any governmental or political subdivision thereof, or any person or corporation which real estate or other property may be required for the location, construction, operation, and maintenance of such bridge and its approaches and highways leading thereto, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in condemnation or expropriation of property for public purposes in such State.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, line 3, strike out the words "at or near" and insert the following: "Providing the west end of said bridge is within 2,000 feet of the center line of said."

Page 2, line 21, after the word "River", strike out the words "within 1 mile of the site of the bridge to be constructed by said Board at or near Farnam Street, Omaha, Nebr., as referred to in said act of 1930" and insert the following: "which (including approaches) abuts upon or enters into the corporate limits of either or both the cities of Omaha, Nebr., and Council Bluffs, Iowa."

Page 3, line 10, after the word "the", insert the word "present."

Page 3, line 22, after the word "bridge", insert "operated by said board, or of which the construction was financed in whole or in part by a loan and a grant from the United States of America, or any agency or instrumentality thereof."

Page 3, line 23, strike out the words "said board."

Page 3, line 23, after the word "have" insert the word "been."

Page 4, line 2, after the word "Missouri", insert the word "River."

Page 4, line 3, after the word "until" strike out the words "the amount to be paid for the" and insert "all terms of the proposed."

Page 5, after line 24, insert a new section as follows:

"SEC. 6. Said bridge may be constructed with the aid of any Federal funds appropriated and apportioned to the States of Iowa and Nebraska, or either of them, for expenditure under the Federal Highway Act, as amended and supplemented, and the limitations of such act, as amended and supplemented, relating to the construction of toll bridges with Federal funds, and the use of tolls controlled for transit over bridges so constructed and operated shall not be applicable to the tolls authorized to be charged under the provision of this act."

Page 5, line 25, change "Sec. 6" to "Sec. 7."

The committee amendments were agreed to.

Mr. McLAUGHLIN. Mr. Speaker, I ask unanimous consent that the bill (S. 2156) to amend the act relating to the Omaha-Council Bluffs Missouri River Bridge Board of Trustees approved June 10, 1930, and for other purposes, may be substituted in lieu of the House bill (H. R. 7405), and that all after the enacting clause of the Senate bill be stricken out and the House bill (H. R. 7405), as amended, be substituted therefor.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The Clerk read the title of the Senate bill.

The SPEAKER. The gentleman from Nebraska offers an amendment striking out all after the enacting clause and substituting therefor the House bill as amended, which the Clerk will report:

The Clerk read as follows:

Amendment offered by Mr. McLAUGHLIN: Strike out all after the enacting clause of the Senate bill and insert the following:

"That the time for completing the construction of the bridge at or near Farnam Street, authorized under the provisions of section 3 of the act entitled 'An act to authorize the construction of certain bridges and to extend the times for commencing and completing the construction of other bridges over the navigable waters of the United States', approved June 10, 1930, as extended, is hereby further extended 1 year from June 10, 1938. It is hereby recognized that construction has been heretofore commenced under the provisions of section 3 of said act as extended, and said bridge may be constructed at any point, providing the west end of said bridge is within 2,000 feet of the center line of said Farnam Street, irrespective of the site of the commencement hereby recognized, subject to the approval of the War Department and the approval of either of the Highway Departments of the States of Iowa or Nebraska, all in accordance with and subject to the provisions of said act approved June 10, 1930, as extended, and as amended by this act.

"SEC. 2. Any bridge constructed or to be constructed or owned and operated by the Omaha-Council Bluffs Missouri River Bridge Board of Trustees under said act of 1930, as herein amended, shall be deemed a Federal instrumentality for facilitating interstate commerce, improving the Postal Service, and providing for military and other governmental purposes.

"SEC. 3. That in addition to the powers granted by said act of 1930, said the Omaha-Council Bluffs Missouri River Bridge Board of Trustees may acquire and purchase and thereafter operate any other bridge or bridges (including approaches) over the Missouri River which (including approaches) abuts upon or enters into the corporate limits of either or both the cities of Omaha, Nebr., and Council Bluffs, Iowa, all in the manner provided by this act and said act of 1930, it being contemplated that all bridges owned and operated by said board will be so financed that the obligations incurred will be amortized and the travel over such bridge or bridges will be made free of tolls at the same time. It shall be obligatory upon said board that all toll revenues after paying the reasonable and proper charges of operation and maintenance and the accruing interest on the outstanding indebtedness be applied to the retirement of such indebtedness. The rate or rates of toll for crossing any bridge now or hereafter constructed which abuts upon or enters into the corporate limits of both the present cities of Omaha, Nebr., and Council Bluffs, Iowa, shall not be reduced below the rate or rates now in effect on existing bridges so long as any indebtedness of said board for the account of any bridge or bridges shall be outstanding and unpaid. To pay the cost of any such bridge or bridges so purchased the board may either separately, or in conjunction with the financing of any other bridge, issue bonds as provided in said act of 1930 as herein amended: *Provided*, That said board shall operate each of the bridges under its control and charge and collect such rates of toll for transit over same as will not reflect upon or impair the earnings of any other bridge operated by said board, or of which the construction was financed in whole or in part by a loan and a grant from the United States of America, or any agency or instrumentality thereof, to such extent as to adversely affect any outstanding bonds which may have been issued for account of such other bridge: *Provided further*, That the power granted in this section with respect to the acquisition and purchase of any other bridge shall not be exercised

by said the Omaha-Council Bluffs Missouri River Bridge Board of Trustees until all terms of the proposed acquisition and purchase of any such bridge shall have been approved by the Highway Departments of the States of Iowa and Nebraska. The construction of no competing bridge shall hereafter be authorized, the operation of which will adversely affect such outstanding bonds, unless provision is otherwise made for the payment thereof: *Provided further,* That the rates of toll to be charged for transit over bridges operated by said board shall at all times be subject to regulation by the Secretary of War under the authority contained in the act of March 23, 1906.

"SEC. 4. That either the State of Nebraska and the State of Iowa, separately or jointly, or the cities of Omaha and Council Bluffs, separately or jointly, or the counties of Douglas, Nebr., and Pottawattamie, Iowa, separately or jointly, may at any time acquire and take over all right, title, and interest in all of the bridges, including approaches, and including any interest in real property necessary therefor, then owned and operated by said board. It shall not be necessary to condemn or expropriate such property, but the said the Omaha-Council Bluffs Missouri River Bridge Board of Trustees, its legal representatives and assigns, shall deliver same by proper instrument of conveyance; and no damages or compensation whatsoever shall be allowed for any such right, title, and interest, but such conveyance shall be made and taken subject to the bonds, debentures, or other instruments of indebtedness of said board then outstanding, including accrued interest thereon. Such instrument of conveyance shall be executed and delivered within a period of 30 days after a written notice of such intention to take over such property.

"SEC. 5. That in addition to the powers granted by said act of 1930, as extended, said the Omaha-Council Bluffs Missouri River Bridge Board of Trustees, its legal representatives and assigns, are hereby granted power and authority to acquire, condemn, occupy, and possess and use real estate and other property acquired for or devoted to a public use for park or other purposes by the State of Nebraska or the State of Iowa, or any governmental or political subdivision thereof, or any person or corporation which real estate or other property may be required for the location, construction, operation, and maintenance of such bridge and its approaches and highways leading thereto, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in condemnation or expropriation of property for public purposes in such State.

"SEC. 6. Said bridge may be constructed with the aid of any Federal funds appropriated and apportioned to the States of Iowa and Nebraska, or either of them, for expenditure under the Federal Highway Act, as amended and supplemented, and the limitations of such act, as amended and supplemented, relating to the construction of toll bridges with Federal funds, and the use of tolls controlled for transit over bridges so constructed and operated shall not be applicable to the tolls authorized to be charged under the provision of this act.

"SEC. 7. The right to alter, amend, or repeal this act is hereby expressly reserved."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill was laid on the table.

Mr. WEARIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. WEARIN. Mr. Speaker and Members of the House, it was of the utmost importance that the House of Representatives consider the bill now before Congress extending the right of franchise for the building of a free bridge between Council Bluffs, Iowa, and Omaha, Nebr. It has been a great pleasure to cooperate with Senator EDWARD R. BURKE, of Nebraska, and Congressman MCLAUGHLIN, as well as the two mayors of the cities interested, the Governor of Nebraska, the chairman of the present bridge board, Mr. Henry Kieser, and all interested parties in bringing this matter to a successful conclusion. It was my pleasure to introduce and obtain passage of an extension of the same franchise at one of the earlier sessions of Congress of which I was a Member.

It is very fine indeed that all groups in the two cities of Council Bluffs and Omaha have united in an agreement under which they can proceed toward the construction of a bridge, and I believe that the erection of such a structure is nearer to a realization today than it has been for many years.

As has already been explained, the necessity for haste with reference to the pending bill is due to the fact that unless it passes this House, in addition to the approval that has already been given to the bill in the Senate, we will be unable to utilize certain Federal funds now available in the State of Nebraska. The fact that the legislation will have practically completed its passage through Congress upon its approval here today will indicate definitely to the authorities now in charge of the funds that the franchise is to be extended. The cooperation of the Speaker of the House [Mr. BANKHEAD] and the Members with reference to this particular matter is, I am sure, greatly appreciated by the citizens of Council Bluffs and southwest Iowa, whom I represent.

EXTENSION OF REMARKS

Mr. BEITER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. MAVERICK. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and to include therein the statement of Mr. Donald Richberg before the Joint Labor Committee on Wages and Hours.

The SPEAKER. Is there objection?

There was no objection.

Mr. HILDEBRANDT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

FARM-TENANCY BILL

Mr. JONES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 7562) to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7562, with Mr. DRIVER in the chair.

The Clerk read the title of the bill.

Mr. BOILEAU. Mr. Chairman, I understand that the first section of the bill has been read.

The CHAIRMAN. The first paragraph of the bill has been read.

Mr. BOILEAU. Is it proper to offer an amendment at this time?

The CHAIRMAN. An amendment is in order at this time if it is germane.

Mr. BOILEAU. Mr. Chairman, I offer the following amendment, which I send to the desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk proceeded to report the amendment.

Mr. BOILEAU (interrupting the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with—it is rather long—and that it be printed in the RECORD at this point.

Mr. JONES. Mr. Chairman, I reserve all points of order on the amendment, and ask the gentleman to explain the amendment before making the point of order.

The CHAIRMAN. The gentleman asks unanimous consent that the further reading of the amendment be dispensed with and that it be printed in the RECORD at this point? Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Texas reserves all points of order against the amendment.

The amendment referred to is as follows:

Substitute amendment offered by Mr. BOILEAU: Page 1, line 3, strike out all of section 1 and insert in lieu thereof the following:

"That this act may be cited as the 'Farmers' Security Act of 1937.'

"TITLE I—FARM TENANT PROVISIONS

"SECTION 1. (a) There is hereby established a corporation to be known as the Farmers' Security Corporation (hereinafter in this act referred to as the Corporation), which is hereby declared to be an agency and instrumentality of the United States. The principal office of the Corporation shall be located in the District of Columbia. The management of the Corporation shall be vested in a board of directors composed of five members, not less than two of whom, at the time of their appointment, are farm tenants or sharecroppers. The directors shall be appointed by the President, by and with the advice and consent of the Senate. Each director shall receive a salary at the rate of $7,500, together with actual necessary traveling and subsistence expenses when engaged in the business of the Corporation outside of the District of Columbia, and shall hold office for a term of 5 years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the term of office of the members first taking office after the date of the enactment of this act shall expire as designated by the President at the time of appointment, one at the end of 1 year, one at the end of 2 years, one at the end of 3 years, one at the end of 4 years, and one at the end of 5 years after the date of the enactment of this act. In submitting the names of such nominees to the Senate for confirmation, the President shall certify that, in his opinion, each of such persons has demonstrated that he will exert every effort to improve the status of those who qualify for loans or grants under the provisions of this act and is in sympathy with the efforts of farm tenants, farm laborers, and sharecroppers to become farm owners. Before the President submits the names of nominees for membership on the board of directors of the Corporation, he shall give a reasonable opportunity to the national representatives of the various organizations composed primarily of farm tenants or sharecroppers to recommend persons for such positions. The Corporation shall annually make a full report of its activities to the President of the Senate and the Speaker of the House of Representatives, who shall cause the same to be printed for the information of the Congress.

"(b) The board of directors shall have power (1) to select from its members a chairman and a vice chairman; (2) to determine and prescribe the manner in which the obligations and expenses of the Corporation shall be incurred, allowed, and paid; and (3) to adopt such bylaws and to promulgate such rules and regulations, not inconsistent with the provisions of this act, as may be necessary or convenient for the proper conduct of the affairs of the Corporation or to carry out the purposes of this act.

"(c) The capital of the Corporation shall be in the sum of $500,000,000, subscribed by the United States of America, payment for which shall be subject to call, in whole or in part, by the board of directors of the Corporation. The Corporation shall issue to the Secretary of the Treasury receipts for payments for such stock subscriptions and such receipts shall evidence the stock ownership of the United States. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum not in excess of $500,000,000 for the purpose of subscription to the capital stock of the Corporation. In addition, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for each year succeeding the first fiscal year for which an appropriation is made under the preceding sentence, such sums as may be necessary to carry out the purposes of this act, and the sums appropriated in pursuance of this authorization shall be available to the Corporation for the purposes of this act.

"(d) The Corporation, including its property, franchise, capital, reserves, surplus, and other funds, and its loans and income, shall be exempt from all taxation now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipal, or other local taxing authority, except as hereinafter provided. Mortgages, notes, and other lien and credit instruments executed to, or held by, the Corporation and any obligation issued or executed by it shall be deemed and held to be instrumentalities of the United States. The Corporation, when designated for that purpose by the Secretary of the Treasury, shall be a depositary of public money, except receipts from customs, under such regulations as may be prescribed by said Secretary; and may also be employed as a financial agent of the Government; and shall perform all such reasonable duties, as depositary of public money and financial agent of the Government, as may be required of it. The Corporation may also function as an agent of the United States with respect to lands in the public domain to the extent and in the manner prescribed by the Secretary of the Interior, or by the Commissioner of the General Land Office with the approval of the Secretary of the Interior. The Corporation, with the consent of any board, commission, independent establishment, or executive department of the Government, may avail itself of the use of information, services, facilities, officers, agents, and employees thereof in carrying out the provisions of this act.

"(e) The Corporation shall have power to employ, to fix the compensation, and to prescribe the powers and duties of such officers, examiners, attorneys, other experts, and employees and agents as may be necessary to carry out the powers and duties conferred upon the Corporation by this act, to require bonds of them and fix the penalties thereof. The Corporation shall be entitled to the free use of the United States mails for its official business in the same manner as the executive departments of the Government.

"(f) All books, records, and accounts of the Corporation and of all county committees shall be open for inspection, under such regulations as the Corporation may prescribe, by any officer of the Corporation or any member of a county committee, or by any person who has applied for or received assistance under this act.

"(g) The Comptroller General of the United States is hereby authorized and directed to audit at least once each governmental fiscal year, and at such other times as he may prescribe, the books, records, and accounts of the Corporation. Such audit shall be for the sole purpose of making a report to the President of the United States and the Congress, together with such recommendations thereon as the Comptroller General deems advisable.

"SEC. 2. The Corporation shall have the power, and it shall be its duty, to establish, and to assist in the establishment of, farms and farm homes, for the purpose of encouraging the ownership of farm homes and improving the situation of farm tenants, sharecroppers, and farm laborers.

"ACQUISITION AND IMPROVEMENT OF PROPERTY

"SEC. 3. The Corporation shall have power, in order to carry out the purposes of section 2, to—

"(a) Acquire by purchase, gift, devise, condemnation, or by transfer from any agency of the United States or from any State, Territory, or political subdivision, real property, and options to purchase real property, suitable for use for farming and for farm homes. Real property may be acquired subject to any reservations, outstanding estates, interests, easements, or other encumbrances which the Corporation determines will not interfere with the utilization of such property for the purposes of this title.

"(b) Construct and maintain necessary buildings and improvements on property acquired under this section. No building shall be constructed under this subsection unless the county committee has certified to the Corporation the necessity therefor and has approved the type of building and the amount proposed to be expended for the construction thereof.

"(c) Improve, develop, maintain, and insure property acquired under this section.

"COUNTY COMMITTEES AND LAND PURCHASE

"SEC. 4. The county committee established under section 32 shall—

"(a) Receive applications of persons desiring to sell real property in the county to the Corporation for the purposes of this title.

"(b) Make inquiries in the county as to real property which may be suitable and available in such county for purchase for the purposes of this title.

"(c) Examine and appraise real property in the county when required by the Corporation or with respect to which application to sell is made.

"If the committee determines that any such real property in the county is of such character that there is a reasonable likelihood that its purchase and lease would carry out the purposes of this title, it shall so certify to the Corporation and it shall certify the amount which the committee finds is a reasonable purchase price, taking into consideration land values in the county. No real property shall be purchased by the Corporation unless certified by the county committee in which such real property is situated, nor shall the Corporation pay for any such real property an amount in excess of its value as so certified by the county committee. No certification shall be made with respect to land in which any member of the committee has any property interest, direct or indirect.

"ELIGIBLE BENEFICIARIES

"SEC. 5. (a) Only farm tenants, farm laborers, sharecroppers, and other individuals who obtain, or who recently obtained, the major portion of their income from farming operations shall be eligible individually or cooperatively to receive the benefits of this title; but no such person shall be eligible if his income is sufficient to maintain his family, pay operating expenses and taxes on and maintain property owned by him, and discharge the interest and principal payments on any indebtedness secured by such property. In making available the benefits of this title, the Corporation shall give preference to persons who are married or who have dependent families, and who are most in need.

"(b) The recommendations of prospective lessees by the county committee provided for in section 32 shall be considered in selecting lessees of land within that county, and no lease of land shall be made in a county to any person until the county committee has had an opportunity to report its opinion with respect to the ability of such person to carry out undertakings which may be required of him under this title. The county committee established under section 32 shall make inquiries in the county as to prospective lessees who are eligible to receive the benefits of this title and shall receive applications of prospective lessees. If the committee finds that any person is so eligible and that such person by reason of his character, ability, and experience is likely successfully to carry out undertakings required of him under a lease which may be made under this title, it shall so certify to the Corporation. No lease of any land in the county shall be made under this title to any person unless such person has been so certified by the county committee.

LEASES TO TENANTS

"SEC. 6. (a) The Corporation shall lease farms acquired by it under this title to persons or cooperatives eligible for its benefits.

"(b) Farms leased shall be of such size as the county committee with the approval of the Corporation determines to be sufficient to constitute an efficient farm-management unit and to enable one or more diligent farm families, either individually or cooperatively, to carry on farming of a type which the county committee deems can be successfully carried on in the locality in which the farm is situated, which gives reasonable indication of providing minimum standards of health and decency for such family or families as established by the Bureau of Home Economics of the Department of Agriculture or other Government agencies.

"(c) Each lease shall be for a term not in excess of 5 years, and the Corporation may renew any such lease for a term not in excess of 5 years.

"(d) The lease shall provide for payments which the Corporation determines to be fair and reasonable, and such payments shall not be in excess of the prevailing rentals in the locality in which the farm is situated as certified by the county committee. No lease shall prohibit the prepayment of any sum due under it.

"(e) The lease shall provide that the lessee will conform to such requirements as the Corporation shall prescribe in order that the property may be maintained in repair, and waste and exhaustion of the farm prevented.

"(f) The lease shall provide for its termination upon default of any obligation thereunder or upon assignment, without the consent of the Corporation, by the lessee of this interest.

"(g) The Corporation shall have power to prescribe such additional terms (not inconsistent with this title) in the lease as it deems necessary to carry out the provisions of this title.

"(h) Amounts paid under subsection (d), diminished by such amounts as the Corporation determines are necessary to reimburse it for insurance paid on the farm and for amounts paid under section 13 with respect to the farm, shall be applied to the purchase price of the farm if the Corporation enters into a contract for the purchase of the farm by the lessee.

"LESSEE PARTICIPATION

"SEC. 7. (a) Wherever practicable, in the administration of this title, the prospective lessee shall be consulted respecting the farm which is to be made available to him and respecting the construction, remodeling, extension, or repair of any building on the farm.

"(b) No building shall be constructed, remodeled, extended, or repaired by the Corporation on any farm during the period during which a lease is in effect unless with the consent of the lessee.

"PURCHASE BY LESSEE

"SEC. 8. (a) The Corporation is authorized, at any time not later than the termination of the lease, to enter into a contract with the lessee under which the lessee agrees to purchase the farm and pay the price agreed upon (minus amounts applied to such price in pursuance of section 6 (h)). The term of each such contract shall be 40 years from the time of the making of the contract. The term of any such contract may be extended in the case of a purchaser who has not paid the entire amount due by reason of the provisions for reduced payments of subsection (b) if the purchaser is not in default on any other provision of the contract. The extension in such case shall be for such period as the Corporation determines will be necessary to enable the purchaser to pay the amount due, together with interest thereon at the rate of 1½ percent per annum, in annual installments equal to the average annual payment made by him during the last 10 years of the term of the 40-year contract.

"(b) The contract shall provide for payment of the unpaid balance of the price agreed upon, together with interest thereon at the rate of 1½ percent per annum in annual installments in accordance with uniform amortization schedules prescribed by the Corporation. The contract shall provide that if, on any installment date, one-fourth of the cash value of the farm products produced on the farm for sale during the period since the due date of the previous installment is less than the installment due, the purchaser shall be permitted to pay on account on such installment an amount equal to but not less than one-fourth of the cash value of such farm products. The contract shall also provide that if, on any installment date, one-fourth of the cash value of the farm products, produced on the farm for sale during the period since the due date of the previous installment, is more than the installment due, the purchaser shall be permitted to pay in addition to such installment an amount not more than the amount by which one-fourth of the cash value of such farm products exceeds such installment, except that, in addition, an amount equal to the whole or part of accumulated deficiencies in payment by reason of payments permitted under the preceding sentence may be accepted.

"(c) The contract shall be in such form and contain such covenants as the Corporation shall prescribe to secure the payment of the unpaid balance of the price agreed upon, together with interest thereon, to protect the security, and to assure that the farm will be maintained in repair, and waste and exhaustion of the farm prevented.

"(d) The contract shall provide that the purchaser shall pay taxes and assessments on the farm to the proper taxing authorities, and insure and pay for insurance on the farm buildings.

"(e) No contract shall be assigned except with the consent of the Corporation.

"(f) Upon satisfaction of the purchaser's obligation under the contract, he shall be entitled to the farm free of any estate or property interest retained by the Corporation to secure the satisfaction of the obligation.

"(g) For the purposes of this section, in computing the amount paid on the agreed purchase price (1) there shall be included amounts paid (pursuant to sec. 6 (d)) under a lease, diminished by such amounts as the Corporation finds are necessary to reimburse it for any insurance paid on the farm and for amounts paid under section 13 with respect to the farm, but (2) there shall be excluded such portions of amounts paid under a contract to purchase as the Corporation determines are properly allocable to interest paid under the contract.

"REPURCHASE BY CORPORATION

"SEC. 9. At any time during which a contract, under section 8, is in effect, the Corporation, with the consent of the purchaser and upon recommendation of the county committee, shall purchase the interest of the purchaser in the farm at a price which shall not exceed an amount equal to the current appraised value of the farm diminished by the amount unpaid under the contract.

"RELIEF LABOR COSTS

"SEC. 10. In any case in which improvements on any property acquired under this title have been made by relief labor, the price at which such property is sold to a purchaser shall include only so much of the cost of such labor as is not in excess of the amount which the county committee determines would be the cost of similar labor other than relief labor.

"DEATH OF PURCHASER

"SEC. 11. If the purchaser under a contract made under section 8 dies, the law of the State or Territory in which the farm is situated shall govern in determining the person who shall exercise the rights and be subject to the liabilities under the contract and such person shall be entitled to exercise the same rights and shall be subject to the same liabilities as the purchaser. The Corporation, at the request and with the consent of the person so determined, is authorized to terminate the contract and purchase the interest of such person at a price which shall not exceed an amount equal to the current appraised value of the farm diminished by the amount unpaid under the contract. The contract shall contain such provisions as the Corporation shall prescribe to carry out this section.

"STATE JURISDICTION

"SEC. 12. The acquisition by the Corporation of any real property to carry out the provisions of this title shall not deprive any State, Territory, or political subdivision of its civil and criminal jurisdiction in and over such property, or over persons resident thereon, or impair the civil or political rights, under the law of the State, Territory, or political subdivision, of such persons.

"TAXATION

"SEC. 13. Except in the case of property with respect to which a contract under section 8 is in effect, the property acquired, held, or leased by the Corporation under this title shall be exempt from taxation by any State, Territory, or political subdivision, but the Corporation shall pay, in respect of such property (except property used solely for administrative purposes), to the State, Territory, or political subdivision concerned, an amount which the Corporation determines to be fair and reasonable but not more than the property taxes (including special and other assessments) which would be payable to such State, Territory, or political subdivision if such property were owned by a private individual. The payment of such amount shall be made on the day upon which such taxes would otherwise be due and payable.

"EQUITABLE DIVISION OF FUNDS

"SEC. 14. In the expenditure of funds for the purchase of land under this title, the amount which is devoted to such purpose during any fiscal year shall be expended equitably among the several States and Territories on the basis of the prevalence of farm tenancy and farm population, as determined by the Corporation, on the basis of the latest available United States census.

"TITLE II—REHABILITATION LOANS

"BORROWERS AND TERMS

"SECTION 21. (a) The Corporation shall have power to make loans to eligible individuals or cooperatives only upon the recommendation of the county committee for the purchase of livestock, farm equipment, supplies, seed, feed, fertilizer, and for other farm needs, and for the refinancing of indebtedness, and for family subsistence.

"(b) Loans made under this section shall bear interest at a rate not in excess of 1½ percent per annum, and shall have maturities not in excess of 5 years. Such loans shall be payable in such installments as the Corporation may provide in the loan agreement. All loans made under this title shall be secured by a chattel mortgage, a lien on crops, and an assignment of proceeds from the sale of agricultural products, or by any one or more of the foregoing.

"(c) Only farm owners, farm tenants, sharecroppers, farm laborers, and other individuals who obtain, or who recently obtained, the major portion of their income from farming operations, shall be eligible, individually or cooperatively, for loans under this section.

"PURCHASE OF PERSONAL PROPERTY AND SALES TO TENANTS

"SEC. 22. The Corporation shall have power to purchase, out of funds appropriated pursuant to the provisions of this title, livestock, farm equipment and supplies, seed, feed, fertilizer, and

other farm personal property, for sale to any individual or cooperative leasing, any farm from the Corporation pursuant to the provisions of section 6 of this act. Every contract for the sale of such property shall provide for the payment therefor within such time (not to exceed 5 years) and in such installments as the Corporation may prescribe. Any unpaid balance of the agreed purchase price shall bear interest at such rate, not in excess of 1½ percent per annum, as may be agreed upon, and shall be secured by a chattel mortgage, a lien on crops, and an assignment of proceeds from the sale of agricultural products, or by any one or more of the foregoing.

"SEC. 23. (a) For the fiscal year ending June 30, 1938, the balances of funds available to the Secretary of Agriculture for resettlement which are unimpended on June 30, 1937, are authorized to be appropriated and are hereby transferred to the Corporation to carry out the prpvisions of this act.

"(b) In addition to other sums made available by this act, or otherwise, the President is authorized to allot to the Corporation out of appropriations hereafter made for relief or work relief for any fiscal year, such sums as he determines to be necessary to carry out the provisions of sections 21 and 22 and to enable the Corporation to carry out such other forms of rehabilitation of individuals eligible under this title to receive loans as may be authorized by law and designated in the Executive order directing the allotment.

"TITLE III—GENERAL PROVISIONS

"SECTION 31. The Corporation shall have succession in its corporate name until dissolved by act of Congress, and shall have power—

"(a) To sue and be sued in its corporate name in any court of competent jurisdiction, Federal or State.

"(b) To lease such real estate as may be necessary for the transaction of its business.

"(c) To make necessary expenditures for personal services and rent at the seat of government and elsewhere; contract stenographic reporting services; purchase and exchange of supplies and equipment, law books, books of reference, directories, periodicals, newspapers, and press clippings; travel and subsistence expenses, including the expense of attendance at meetings and conferences; purchase, operation, and maintenance, at the seat of government and elsewhere, of motor-propelled passenger-carrying and other vehicles; printing and binding; and for such other facilities and services as he may from time to time find necessary for the proper administration of this act.

"(d) To adopt and use a corporate seal which shall be judicially noticed.

"(e) Make contracts for services and purchases of supplies without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., 1934 ed., title 41, sec. 5) when the aggregate amount involved is less than $300.

"(f) Make payments prior to audit and settlement by the General Accounting Office.

"(g) Acquire land and interests therein without regard to section 355 of the Revised Statutes, as amended (relating to restrictions on the acquisition of land by the United States).

"(h) Compromise claims and obligations arising under, and adjust and modify the terms of contracts and agreements entered into pursuant to, this act, as circumstances may require.

"(i) Pursue to final collection, in any court, State or Federal, all claims arising under this act, or under any contract or agreement entered into pursuant to this act.

"(j) To establish and maintain such branch and local offices as it may deem necessary.

"(k) To exercise all such incidental powers as may be necessary or appropriate to the carrying out of its powers and duties.

"(l) To exercise and perform such other powers and duties as may be conferred or imposed upon it by or pursuant to any act of Congress.

"(m) Make such rules and regulations as it deems necessary to carry out this act.

"SEC. 32. (a) The President, by proclamation, shall fix a date, not more than 30 days after the passage of this act, and shall designate the places within each county or parish of the United States for a meeting of the working farmers, farm tenants, and sharecroppers of such county or parish. A majority of all the working farmers, farm tenants, and sharecroppers within the county or parish shall constitute a quorum at such meeting. If no quorum is present at any meeting the same may be adjourned to a later date not to exceed 30 days from the date originally set, and for like periods thereafter until such time as a quorum is present. The President shall appoint an organizer for each such county or parish meeting whose duty it shall be to act as temporary chairman thereof.

"(b) Each working farmer, farm tenant, and sharecropper personally present at any such county or parish meeting shall be entitled to one vote in any election, and upon any other question which may properly come before such meeting.

"(c) As used in this section a 'working farmer' is defined as a farmer who by his own labor works the land on which he lives and shall not include corporations, banks, insurance companies, or absentee owners or their representatives, except that nothing herein contained shall exclude any bona-fide farm tenant or sharecropper from exercising the right to attend and participate in every respect at such meeting.

"(d) Each county or parish meeting shall elect by secret ballot a president, vice president, secretary and treasurer, and two additional committeemen, all of whom shall constitute the 'county committee' for such county or parish: *Provided*, That a majority of members of the committee shall at all times be farm tenants or sharecroppers, working farms within the county or parish. All members of said committee shall be elected for a period of 1 year, and it shall be the duty of such committee from year to year to call annual meetings of working farmers, farm tenants, and sharecroppers residing within the county or parish for the purpose of electing members of the committee and for the transaction of such other business as shall properly come before the meeting, except that at all meetings subsequent to the first meeting a quorum shall consist of 30 percent of those who are eligible to participate in said meeting.

"(e) Any person who is leasing any real property or who is under contract to purchase property from the Corporation under the provisions of title I of this act, shall so long as he remains in that status be, for the purpose of determining his qualifications as a member of the county committee, considered a farm tenant or sharecropper.

"(f) No person shall be disqualified from attending and participating in a county or parish meeting, or from membership in the committee by reason of race, religion, nationality, political affiliation, or union membership.

"(g) Any vacancies occurring prior to 60 days before the next annual meeting shall be filled by appointment of qualified persons by the remaining members of the committee.

"(h) No person who is otherwise eligible shall be deprived of the benefits of this act by reason of his being a member of any county committee.

"(i) Immediately after the first meeting, the organizer appointed by the President and the members of the committee shall certify the names of said county committee to the Corporation, and thereafter the said committee shall be recognized by the Corporation for all intents and purposes under this act as the duly elected county committee of the county or parish. At all annual meetings after the first county or parish meeting, such certification shall be made by the county committee.

"(j) Each member of the county committee shall be allowed compensation at the rate of $3 per day while engaged in the performance of duties under this act, but no compensation shall be allowed with respect to more than 10 days in a month. In addition there shall be allowed such amounts as the Corporation may prescribe as necessary traveling and subsistence expenses.

"(k) The committee shall meet at least once in each month and three members shall constitute a quorum. The Corporation shall prescribe rules governing all procedure of the committee, furnish forms and equipment necessary for the performance of their duties and authorize and provide for the compensation of such clerical assistance as it deems may be required by the committee. Committee established under this act shall, in addition to the duties specifically imposed under this act, perform such other duties under this act as the Corporation may require of them.

"GENERAL PROVISIONS APPLICABLE TO SALE

"SEC. 33. The sale of any property acquired by the Corporation pursuant to the provisions of this act, or any interest therein, shall be subject to the following provisions:

"(a) The conveyance in the case of real property shall be by quitclaim deed.

"(b) Except as otherwise provided in title I or title II of this act, the purchaser shall be required to pay the entire purchase price at the time title is transferred to him.

"(c) In the case of real property, the Corporation shall reserve on its behalf not less than an undivided half-interest in all coal, oil, gas, and other minerals in or under such property.

"SURVEYS AND RESEARCH

"SEC. 34. The Corporation is authorized to conduct surveys, investigations, and research relating to the conditions and factors affecting, and the methods of accomplishing most effectively, the purposes of this act, and may publish and disseminate information pertinent to the various aspects of its activities.

"TECHNICAL ASSISTANCE

"SEC. 35. The Corporation is authorized to furnish, without cost, to persons who are indebted to the Corporation under this act technical assistance relating to farm management and practices.

"VARIABLE PAYMENTS

"SEC. 36. The Corporation may provide for the payment of any obligation or indebtedness to it under title II in farm products or from the receipts from the sale thereof, on a share or absolute basis, and may provide for variable payments under which a surplus above the required payment will be collected in periods of above-normal production and employed to reduce payments below the required payments in periods of subnormal production. Section 321 of the Legislative Appropriation Act, fiscal year 1933 (U. S. C., 1934 edition, title 40, sec. 303b) (prohibiting rentals in kind and improvement of rented property), shall not apply with respect to any lease made under this act.

"BID AT FORECLOSURE

"SEC. 37. The Corporation is authorized and empowered to bid for and purchase at any foreclosure or other sale, or otherwise to acquire property pledged to secure any loan or other indebtedness owing under this act; to accept title to any property so purchased or acquired in the name of the Corporation; to operate or lease such property for such period as may be deemed necessary or advisable to protect the investment therein; and sell or otherwise dispose of such property so purchased or acquired subject to the conditions enumerated in section 33, upon such terms and for such considerations as the Corporation shall determine to be reasonable.

"STATE COOPERATION

"SEC. 38. The Corporation shall not acquire or dispose of real or personal property or make any loans or in any other manner perform any of its functions within any State or Territory that has not by proper legislation provided—

"(a) That all contracts between landlords and farm tenants or sharecroppers shall be in writing.

"(b) That farm tenants and sharecroppers shall have the right to remove or be compensated for all improvements to the leased property upon the termination of the lease.

"(c) That farm tenants and sharecroppers shall have the right to quit the leased premises upon reasonable notice to the landlord.

"(d) Such further guaranties as the Corporation may determine are necessary to insure the security and civil rights of farm tenants, sharecroppers, and farm laborers.

"SEC. 39. The Corporation, the county committees, and all other persons administering this act shall at all times maintain a balance between ethnic groups, within each county or parish, receiving benefits hereunder so that benefits to the members of any such group shall approximate in value as nearly as may be a proportion of the total benefits extended in such county or parish determined by the relation between the members of such group in such county or parish eligible to benefits hereunder and all persons therein so eligible.

"OFFENSES ON PROPERTY

"SEC. 40. Nothing in this act shall be construed to prevent the application, in respect of property acquired or held by the Corporation under this act, of sections 35, 46, 47, 48, 49, 51, 52, and 56 (relating to certain offenses in respect of property of the United States) of the Criminal Code, as amended (U. S. C., 1934 ed., title 18, secs. 82, 99, 100, 101, 103, 105, 106, and 110), or of the act entitled "An act to define trespass on coal land of the United States and to provide a penalty therefor", approved July 3, 1926 (U. S. C., 1934 ed., title 18, sec. 103a).

"FEES AND COMMISSIONS PROHIBITED

"SEC. 41. No officer, attorney, or employee of the United States shall, directly or indirectly, be the beneficiary of or receive any fee, commission, gift, or other consideration for or in connection with any transaction or business of the United States under this act other than such salary, fee, or other compensation as he may receive from the United States. Any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not more than $1,000 or imprisonment for not more than 1 year, or both.

"EXTENSION TO TERRITORIES

"SEC. 42. The provisions of this act shall extend to the Territories of Alaska and Hawaii.

"SEPARABILITY

"SEC. 43. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act and the application of such provisions to other persons or circumstances shall not be affected thereby."

Mr. BOILEAU. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for 10 minutes. Is there objection

There was no objection.

Mr. BOILEAU. Mr. Chairman, I have offered as a substitute the provisions of a bill which I introduced some time ago on this same subject. The bill is known as H. R. 6836. It deals with the same subject matter dealt with in the bill now before the Committee. Sometime ago it will be recalled the President's special committee on farm tenancy submitted a report to this House. I believe the bill I have introduced more clearly follows out the recommendations of the President's special committee than does any bill that was introduced in this session of Congress. The bill differs in some respect, but the substance is the same as the recommendations of the President's committee. In making that statement I want to make it clear that no member of the President's special committee had anything to do with the drafting of this bill. I was assisted by many men and women in this country who are vitally interested in farm tenancy and the sharecropper problem. Men and women who have been devoting their lives to this problem have assisted me in drafting this bill. The bill first provides for the creation of a corporation, the capital stock of which shall be subscribed by the Treasury of the United States, in the amount of $500,000,000. That sounds like a lot of money, and more than is carried in this bill before the Committee, but I call attention to the fact that the $500,000,000 will care not only for the purchase of land, to put tenants on, but will also provide for rehabilitation so that it will not be necessary to allocate money out of the relief fund for this purpose, and my bill does not contain provisions requiring the President to do so.

The $500,000,000 will be turned over to this corporation the first fiscal year with authorization for subsequent fiscal years in such amount as the Congress shall from year to year authoize for that purpose. The bill goes upon the theory that the Federal Government through this corporation should purchase suitable farm lands, and after having purchased those farm lands, sell the land back to sharecroppers and farm tenants on reasonable terms over a long amortization period, with interest at the rate of 1½ percent. I emphasize the fact that the $500,000,000 authorized this first fiscal year is in no sense of the word a gift to the sharecroppers or to farm tenants, but is merely a loan with interest rates at 1½ percent. The money is loaned for the purpose of rehabilitating this vast number of people in this country who are now working on farms, living on farms, but who are not farm owners, and have no ownership rights in the land they till. The bill provides for the creation of a board which shall be the executive board of this corporation, consisting of five members, and two at least of the five members shall at the time of their appointment be sharecroppers or farm tenants, not the majority, but only two of them. Many men and women have developed in these farm-tenant organizations real ability and they can be of help to serve on this board. All names must be certified by the President to the Senate, and there must be a recommendation that these men have been in the past very sympathetic to the needs of farm tenants and sharecroppers in this country.

Then in each county there is an election. Each county in the entire United States holds an election, at which all working farmers, whether he be the owner of his farm, a sharecropper, or a tenant, shall have one vote. That county convention shall elect a county committee of five members—a president, a secretary-treasurer, a vice president, and two additional members. Three of those five must actually be farm tenants or sharecroppers, and they are elected by the working farmers of that particular county. Those men have no authority to loan the money, but before the corporation can buy any land in a community for its purposes it must first have the approval of the county committee. That will prevent this corporation from buying lands that are valueless, buying farms upon which these sharecroppers or farmers cannot rehabilitate themselves. In addition to that the county committee will have authority to recommend to the corporation the names of those people who are suitable, those people who would make good farmers, who would probably be able to carry this load and finally become farm owners. If the county committee submits a name to a corporation, that does not mean that the corporation must of necessity loan money to those farmers, but they cannot loan it to any farmer, any tenant, or sharecropper who has not been first approved by this local committee that is democratically elected. That would insure not control by the county committees of sharecroppers or tenants but it would insure sympathetic administration of the act. It will also provide insurance against waste, because the people in the various localities who are vitally interested in the success of the bill will have a great deal of responsibility to guide the destinies of the program and to assist the corporation.

Now, the first step is a lease. The corporation will lease this land to the tenant or sharecropper for a period not to exceed 5 years, with the provision that an extension of an additional 5 years can be granted if the corporation sees fit. That is a lease. It is a trying-out period. If the sharecropper or tenant shows during that period of time that he is competent, that there is likelihood of his carrying out his obligations, then he can become a purchaser, provided the corporation sees fit to sell the land to him. The county committee has no jurisdiction there. That insures the operation of the program from a Federal standpoint. They can sell the land to a farmer on a 40-year contract, bearing 1½-percent interest. They amortize the loan over this 40-year period, including principal payments and interest, and a definite amount is fixed that the purchaser shall pay

to the corporation. His contract provides for a definite payment in amounts of money, with the provision, however, that in no year shall the farmer be obliged to pay more than 25 percent of the cash value of the crop produced for sale upon his farm. So that if there should be, on account of a drought or pestilence or for some other reason, a very small crop, in no one year will the purchaser be obliged to pay more than 25 percent of the crop produced for sale upon that farm.

You may say, "Well, how do you know you are going to finally pay off this indebtedness?" The bill provides that, if with these variable payments of not to exceed 25 percent, at the end of 40 years the purchaser has not paid all of the money he is obliged to pay under his contract, an additional period of time will be given, during which period he shall pay the average amount that he paid to this corporation during the preceding 10 years. So that it may extend this period of 40 years for a few years more.

This bill will give security to the farmers who are put upon these lands for at least 45 or 50 years. During that period of time they can acquire ownership. During that period of time they cannot be dispossessed if they comply with the terms of their contract. During that time they will have an opportunity to rehabilitate themselves and their families.

I submit to you that with the growing tenancy problem in this country, with the increase of tenancy year after year, such as we have seen in the last 25 or 50 years, there is need for tackling this problem, not in a peanut way, not in a drop-in-the-bucket way, but in the same proportion as the problem exists in this country.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. JONES. Mr. Chairman, in the interest of saving time I am not going to press the point of order. I will withdraw the point of order, although I think it is very doubtful. The gentleman from Missouri [Mr. NELSON] desires recognition.

The CHAIRMAN. The gentleman from Texas withdraws the point of order reserved.

Mr. NELSON. Mr. Chairman, I rise in opposition to the amendment. No one who knows my colleague from Wisconsin [Mr. BOILEAU], who has just offered this amendment, doubts his sincerity or his real heart interest in this cause. The question, as I see it, is not what we want but what we can reasonably hope to get.

The bill now being considered, and which represents months of study on the part of our committee, is not a perfect measure. It is, though, much better than was the original. It is no "cure-all." Frankly, it represents but an experiment, an experiment which all hope may prove successful but about which many entertain justifiable doubts. In the beginning it can, at best, benefit but few. But it is worth a trial.

In the first place, tenancy is not a disease but only evidence of the disorder which we are now attacking, in the hope that, after due time, we shall discover a cure. The trouble, to discontinue the figure of speech, is that farming has not been profitable. In agriculture, as in any other business—and farming is a business—prosperity is properly measured by the purchasing power of the profit. If there is no profit, there can be no permanent purchasing power. Make the farmer secure. Give him the cost of production and a little more for what he has to sell, year after year, and the farm-tenancy problem will largely be a thing of the past.

As a member of the subcommittee which gave long study to this bill, I fully appreciate the difficulties encountered in framing a measure that will apply with equal fairness and desirability to all sections of the country. However, as this measure, carrying an appropriation representing only a fractional part of the $500,000,000 suggested by my colleague from Wisconsin [Mr. BOILEAU], can justly be looked upon only as an experiment, the committee felt proper that all sections of our country should be included in the trial. So in section 4 equitable distribution of loans is provided, the requirement being that the amounts available be distributed among the States and Territories on the basis of farm population and prevalence of tenancy. This is fair to all the States.

As I have said, conditions differ, as do terms. In Missouri, for instance, I do not recall that in any talk between farmers, of whom I am one, I have ever heard another referred to as a "tenant." We speak of "renters", never of "tenants" or "sharecroppers."

From some of the discussions heard on this bill, one might gain the impression that the tenant, or, let us say, renter, is a man of less than ordinary ability, incapable of succeeding without a great deal of guidance and direction. This may be true of some, but it in no sense applies to the rank and file of renters in Missouri. Some of the best farmers I have ever known have been renters. In this class are many who a few years ago were prosperous farm owners, but who because of economic conditions, especially during the latter part of the Hoover administration, and through no fault of their own, lost their farms. Afforded an opportunity to again acquire these same farms or others, they will demonstrate their fitness to farm and ability to succeed under ordinary conditions. Men of this type deserve the utmost consideration in any farm-tenancy bill. It is not enough to put a man on a farm. It is more to keep him there. Generally speaking, one experienced farmer who knows and loves the land is worth a dozen inexperienced men who might be taken out of the big cities and placed on farms.

I do not agree with the suggestion that where a tenant of the right type is selected it will be necessary to provide greater safeguards than are contained in paragraph 4 of section 3 of the bill, "to assure that the farm will be maintained in repair and waste and exhaustion of the farm prevented." If the right farmer is selected by the county committee of three farmers, as provided in the bill, and after this selection has been approved by the final authorities there is little doubt but that he will succeed without having to follow a book of instructions or heeding expert advice from Washington or elsewhere. The big job is to select the right man with whom to begin. I have every confidence that this can be done. Speaking for the 15 counties of the Second Missouri Congressional District, which I have the honor to represent, I know that in each county there is at least one farmer—of course, there are many—who will make a go of a farm to be secured under the loan provision of this bill.

A word about the county committee to pass upon the farm and the tenant. This committee is to be made up of practical farmers, who will know the man and the land. For their services, members will receive $3 per day but for not more than 5 days in any 1 month.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. NELSON. I yield.

Mr. MILLS. How will these three men on the county boards be appointed?

Mr. NELSON. My understanding is that they will be appointed by the Secretary of Agriculture.

[Here the gavel fell.]

Mr. NELSON. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

Mr. WITHROW. Reserving the right to object, Mr. Chairman, I think, in fairness to the amendment, that the gentleman should direct his remarks in opposition to it. I think the amendment is very important. Thus far, during the first 5 minutes, the gentleman's only opposition to the amendment is on the ground that it is not what we want but what we can get. I think, in all fairness to this amendment, the gentleman should direct his remarks to it. I think it is of sufficient importance to warrant that objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. NELSON. My thought is: Is it possible to go as far as my colleague, for whom I have very great respect, wishes us to go? If not, then we must make a choice between his plan and the plan which comes to us from the committee.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. NELSON. I yield.

Mr. BOILEAU. The gentleman said that under the committee's plan one tenant farmer in each county would be taken care of. Does not the gentleman think that, if we are going to take care of this problem, we should try to care for at least 50 in each county, as my bill provides?

Mr. NELSON. I would be very glad if it were possible to take care of more farmers.

Mr. BOILEAU. I know the gentleman feels that way; on the other hand, it seems to me that we should go ahead and solve this problem now.

Mr. NELSON. I look upon this as in the nature of an experiment.

Mr. BOILEAU. I do not doubt that.

Mr. NELSON. Insofar as possible, the so-called expert—and sometimes I feel that I should like to see this much-abused word stricken from the dictionary—is not given the place of greatest prominence in this measure, but more thought has been given to experience and to the practical. I would add that the excessive use of the word "expert" is unjust to the comparatively few who are really entitled to be so designated.

As to title 1 of the bill, dealing with the farm-tenant problem, I agree that changes would have been desirable, but as it is, there is much to commend. For instance, variable payments are provided for, so that in "fat" years, years of good crops, extra payment may be made to take care of "lean" years, years of poor yields, which might follow. This provision, if generally adopted in the matter of farm loans, would prevent many foreclosures. Unlike the original bill, this one merely makes provision for loans directly to farmers. It does not put the Government deeper into the land-buying business. There can be no "Tugwelltowns" or any such set-ups.

Another thing that I like about this bill, and it was at my suggestion that it was so drafted, is that there are no authorizations for vast and ever-increasing sums which, like Tennyson's babbling brook, would go on forever. Continuing appropriations, which begin at gimlet size and grow to auger appropriations, are largely responsible for Government waste and extravagance. If the experiment under the present plan, which limits authorizations to 3 years, is successful, a future Congress will, of course, make provision for continuing the program. If the plan proves a failure, many millions of dollars may be saved because no further continuing authorizations have been written in. This is good business and common sense.

Getting back to the importance of selecting the right farmer, and in the beginning there will be less than an average of one for each of the 3,000 counties in the United States, my thought is that he should be given a deed to the land as soon as he is able to make proper payment and when he has demonstrated his ability to succeed. To my way of thinking, it is unfair to the purchaser to require him to live for many years on the land before he can actually own it and really call it his home. To postpone delivery of the deed for 20 or 30 years would mean merely that the tenant had exchanged landlords, substituting Uncle Sam for the one who had previously owned the acres.

Just here, I digress in the brief time remaining to refer to title 2 of the bill, dealing with rehabilitation loans, and which provision is, in some respects, most important. Loans under this section are to bear interest not in excess of 3 percent and may run for 5 years. The object is to provide credit for farm owners and others, so that they may be able to carry on and not lose their homes. I am especially pleased with the debt-adjustment feature of this section, as carried in section 22, where machinery is set up for voluntary adjustment of indebtedness between farm debtors and their creditors. Title 3 deals entirely with the retirement of submarginal lands. To carry out provisions as shown in section 34, an appropriation of not to exceed $10,000,000 is authorized for the first fiscal year and not to exceed $20,000,000 for each of the two fiscal years thereafter.

America needs home owners. If this bill does not have this as its objective, there is no reason why it should be approved. Yesterday our beloved Speaker, in one of the most impressive addresses ever heard in the House, quoted, in matchless manner, lines from The Man with the Hoe, by Edwin Markham. This bill, I hope, once it has been approved by both Houses of Congress and signed by the President, the greatest home saver in the history of America, will in time mean that the man with a "hoe" will become the man with a "home." [Applause.]

Mr. STARNES. Mr. Chairman, I move to strike out the last word.

One of the most perplexing national problems which challenges our interest and our best thought in an effort to bring about a proper solution is the farm-tenant situation. Too often in the past has the mistaken idea been advanced that farm tenancy is a local or regional problem. It is as national in its scope as is our rural life. We cannot expect an economy of abundance in a land wherein approximately one-half of our people devoted to the field of agriculture are tenants.

The land is our greatest natural resource. From its various elements we contrive shelter, food, and raiment. Practically every necessity and every luxury of life come from the land or the proper utilization of the land. It follows, therefore, the system of landholding and land use is of vital interest. Farm operators are designated as owners or landlords and tenants. For census purposes ownership is classed as "full" or "part", a full owner being one who owns all the lands he operates, while a part owner owns a part and rents a part. Other operators are classed as managers or tenants. The 1935 farm census reveals the number of farm operators was 6,812,350; of this number 3,210,224 were full owners, 688,867 part owners, 48,104 managers, and 2,865,155 were tenants. The percentage of tenants was 42.1, which is a slight decrease from the percentage in 1930. This marks the first decline in the proportion of all farms operated by tenants.

In 1880, 25.6 percent of farm operators were tenants. This percentage grew to 42.4 percent in 1930. While it is true the highest percentage of farm tenancy is in the Cotton Belt and the Corn Belt, yet the growth and spread of farm tenancy has reached every farm section in America. The 1935 farm census reveals the fact that farm tenancy actually decreased in the 16 States known as the South from 55.5 percent in 1930 to 53.5 percent in 1935. Outside of the South, farm tenancy increased in the other 32 States from 28.5 percent in 1930 to 30.6 percent in 1935.

There are a number of reasons why farm tenancy has increased during the past 50 years. These reasons are social and economic and their effect is not only social and economic but also political and spiritual.

The following are some of the causes of the growth of farm tenancy: (1) The gregarious instinct of mankind; (2) the better social and educational advantages offered by urban life; (3) the loss of income and purchasing power of the farmer; (4) the growth of industry; and (5) the advantage of varied employment in cities.

Man by nature and instinct is gregarious. He seldom likes solitude. He wants and seeks association with his peers. This natural instinct has led to a movement from the farm to the city. As landowners have moved from their farms they have left their farms to tenants for cultivation. Thus we have a beginning and an example of absentee landlords. In modern days we also have another form of absentee landowning in the large farms owned and operated by corporations. Then, too, certain lending agencies have acquired extensive landholdings by reason of mortgage foreclosures and possession of the mortgaged lands.

Educational opportunities in our urban centers were better than those afforded by rural schools. Longer school terms, modern and well-equipped buildings, a better trained and paid teaching corps—all had their appeal for the training of childhood. The theater, the movie, the literary guilds, parks, and recreational facilities offered entertainment and an outlet for social activities which held an alluring promise of happiness to the adult and youth alike.

The American farmer is not getting his share of the national income. There is a direct connection in the continued loss of the farmer's income and the rise in farm tenancy. In 1870, 53 percent of the gainfully employed in the Nation were in the field of agriculture and received 26.5 percent of the national income. In 1880 the percentage of farm tenancy was 25.6. In 1932 the percentage of farm income to the national income had fallen to an all-time low of 7.2, while in 1930 the percentage of farm tenancy had risen to 42.4.

The loss of farm income has been tragic in its consequences. The cash income of many tenant farmers is below $100 per year. This economic fact explains why so many farmers and farm tenants have deserted the field for the factory. To these people wages of $7.50 to $12.50 per week offered an irresistible appeal. This fact is illuminating in ascertaining why wages in the South are lower than in other sections of the country.

The growth of industry in the United States since the War between the States has been phenomenal. Naturally there has been a continual increase in the proportion of the income of industry as related to the national income. Attractive wages, community life, social advantages and opportunity for advancement caused a migration from the farm to the city in ever-increasing numbers until the recent debacle in business and industry changed the trend of the tide for the first time in more than 50 years.

The endless variety of our business and industrial life offered an infinite variety of employment to our people. Sons and daughters of the wealthier farmers after completing their educational training were immediately employed by business and industrial concerns of the urban centers and contributed their talents of energy and capacity for service to business and industry. Thus farm life was impoverished of vision and leadership as well as of its best labor.

After studying the causes of farm tenancy let us briefly review some of the effects of the system.

ECONOMIC

Some of the economic evils attendant upon farm tenancy are (1) loss of purchasing power by reason of reduction of cash income; (2) the decrease in land values, with a consequent loss to the individual farmers and loss of revenue to local and State governments; (3) a loss or drainage of soil fertility caused by improper farm methods and devoting the land to crops with immediate cash market values.

We have already discussed the loss of farm income as a cause of increase in farm tenancy. The loss of income means a decrease of purchasing power. This decrease of purchasing power of more than 31,000,000 people has a serious effect upon every walk of life and every phase of business and industry. It means fewer and fewer luxuries and a scantier supply of necessities for this vast portion of our population. Bank deposits shrink, market values fall, and fewer wheels of industry turn in direct response to the decrease of income and purchasing power of the farmer.

Farm lands and buildings in the United States decreased in value between April 1930 and January 1, 1935, by approximately one-third, or from $47,879,638,358 to $32,858,844,012. Proportionately the decline in the average value of lands and buildings per farm was from $8,200 to $5,217 for owners, and from $6,148 to $3,823 for tenants. These facts prove conclusively that operating farms by tenants decreases the value of the land.

Even more startling in its full consequences is the loss of revenue by ad-valorem taxation, with the increase of farm tenancy and the decrease of value of buildings and land. In a short period of 5 years we see a loss in taxable property of approximately $15,000,000,000. We are unable to comprehend what this means in terms of loss of revenue for local and State support for schools, roads, and other necessary governmental functions in our complex social system.

Small wonder, too, that public-health work has been curtailed and that many States are finding it difficult to raise revenues to carry their share of the social-security program.

The system of tenancy prevailing has drained our soil of its fertility. It is significant that in the South and Midwest, where the percentage of tenancy is highest, most of the land is devoted to crops of cotton, tobacco, corn, and wheat. All these crops are annuals and have a cash market value at all times. They are also soil-depleting crops. Lands devoted to these crops continuously require fertilization in order to supply necessary plant-food elements. The tenant operates a farm under an annual renting system and therefore is unable to build up the soil by a well-regulated diversified farm program. His economic status will not permit; then, too, he would not reap any benefit because he does not fit in a long-range program for soil building and conservation. Work of this character indulged in by him would inure to the benefit of the landowner or to some tenant who would follow him.

The land is the capital of the owner. Constant depletion of soil fertility by use of a one-crop system and soil erosion means a constant depletion of the capital stock of the owner, and when continued leads from independence to a mortgage and from a mortgage to bankruptcy and the loss of his land. The owner then must join the ever-increasing tribe of the landless farmer—and economic paralysis grows apace.

SOCIAL LIFE

The farm tenant being essentially nomadic is unable to beautify and adorn his temporary home. It is not his. He is unable to contribute in a material manner to the support of schools and churches. He is, in fact, a man without a home and under the influences of a grinding, wasting system he becomes an economic fatalist. What is of striking import to me is that he loses his individuality. To me this means a loss of identity. Individuality distinguishes one from the mass. It carries the spark of virility and courage which, set aflame by vision, develops leadership and progress.

We have witnessed the designs of radical leaders in attempting to inflame the tenants. Their economic condition stifles social and mental development and makes fertile soil for communism and socialism. They are too easily led by shallow philosophies of government and religion.

A SOLUTION OF THE PROBLEM

Many of our tenant farmers are excellent citizens who desire to become home owners but do not have the financial means to acquire and develop land. These men are of excellent character. With proper assistance they could become home owners and self-sustaining units in society. With their status fixed we could then concentrate upon building the sharecropper and poorer tenant up to the level where he would be eligible for assistance. In this way we can restore the land to the people and leaven the loaf of rural life.

I introduced the first farm tenant bill in the House in March 1935. It was identical with and a companion bill with the original Bankhead farm-tenant bill. This bill sought to establish a fund to provide financial assistance for tenant farmers of good character and who were good credit risks to enable them to buy and operate a farm, thereby changing their status from tenants to landholders. The bill now introduced differs somewhat from the bill which I introduced but in my judgment is an excellent bill and will carry out the purposes sought to be attained by legislation of this type.

In the solution of this problem it is absolutely necessary for some agency to finance the farmers—first, in the purchase of land; second, in building and operating expenses until a return is made on the investment; and, third, adequate time and low interest rates to refund the obligations.

We ask for the wholehearted cooperation of every American citizen in bringing to this great group of deserving people an opportunity to improve their condition. In so doing those of us who have pioneered and have carried it forward feel that our efforts will not have been in vain if we can see a bold and stalwart farming class erected as a

barrier to the advancement of communism and atheism. Communism cannot grow in a land of social security and economic justice. A home, a well-filled granary, and a contented people are a part and parcel of a democracy. This great landholding group will become the core of a social and economic order which will not be subject to rapid changes which sweep old and established principles in the discard. It will hold fast to the truth and provide the anchor to which we must adhere in preserving the individuality of the citizen, restoring family life, creating confidence and new faith in a democracy and the opportunity for a better future.

Mr. JONES. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I have a high regard for my distinguished colleague, and I want to pay him a tribute by saying he is helpful in connection with many matters in the committee. He is always an earnest and hard worker. But if the Members of the House will stop and think for a moment, they will realize how impractical it is at this time to talk about making an appropriation of $500,000,000 for the current fiscal year for this particular purpose.

I am going to urge that the House vote down the amendment for that reason. May I say further there have been one or two requests for extension of time to speak. There are a great many amendments to be offered, some by members of the committee and some by those who are not members of the committee, and I would like to have each Member given the opportunity to explain his particular amendment. I hope the Members will not ask for an extension of the speaking periods for that reason. Extensive speaking now will necessitate later in the afternoon cutting down time, and the opportunity will not then be given for legitimate amendments to be offered in regular order. This is a measure of great importance in which many Members are interested; in fact, I suspect practically all Members are interested in it. I ask for a vote on the amendment offered by the gentleman from Wisconsin.

Mr. WITHROW. Mr. Chairman, I move to strike out the last three words.

Mr. JONES. Mr. Chairman, I ask unanimous consent that all debate on this particular amendment conclude in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WITHROW. Mr. Chairman, I offer this pro-forma amendment for the purpose of calling to the attention of the House the fact that whenever it is proposed that we do in a constructive and an adequate way something which will really help the farmer, the leaders of the House, those in control of the machinery of the House, immediately become inoculated with economy poisoning.

In this amendment we are asking that $500,000,000 of Government credit be extended to deserving debtor farmers, who every one of us admits are in need and ought to be helped. There are any number of precedents which have been established by the Congress since we have been in this emergency that justify the adoption of the amendment now under consideration which would afford some measure of constructive relief. Take the R. F. C., for example, which was an experiment in every sense of the word. In 1931 we never batted an eye before making $2,000,000,000 of credit available to industry. What happened? The credit was extended to the small banks and the large industries of this country, with the result that when there was a loss it was because the large industries fell down. General Dawes and his bank in Chicago pilfered the Treasury to the extent of more than $50,000,000. However, in spite of the racketeering on the part of Mr. Dawes and his bank and other exploiting of the R. F. C., they have shown a profit, because every cent of the money lent to the small banks and small industrialists has been repaid. As a matter of fact, when an extension of the R. F. C. was asked at this session of Congress, it was shown the R. F. C. had made a profit of $141,000,000.

We are merely asking that you extend credit to people who need it, who will pay the money back, and who are not racketeers. Not one argument has been made against this amendment. One gentleman had his time extended, but he avoided presenting an argument against the amendment. He argued around the amendment and lauded the bill. The chairman of the committee did not argue against the amendment. He cannot attack the amendment in any way, shape, or form. The gentleman says it is not possible to accept the amendment at this time, but he does not give any substantial reason.

Some of my people are tenant farmers and need help. I think they should get help. Here we have a bill which is so inadequate it is a joke, and every one of you know it is entirely inadequate. You talk about helping one farmer in each county. You cannot buy a farm in any one of my counties for $3,500 unless it is a sand patch. You know you are not helping the people when you pass this type of legislation. We are asking you to give us something adequate. Why do you not do it? You do not do it because you say it cannot be done now. Just exactly why can it not be done now? I should like to have someone tell us. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. BOILEAU].

The question was taken; and on a division (demanded by Mr. BOILEAU) there were—ayes 17, noes 50.

So the amendment was rejected.

Mr. MICHENER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it has been customary during the last few years for the House to give consideration, at least once in each session, to some legislation presumed to be of assistance to agriculture. The net result, however, is usually a testimonial meeting. On these occasions, it seems to be the proper thing for each Member representing an agricultural district to arise in his place, declare allegiance to, promise assistance to, and express sympathy for that forgotten one-third of our population commonly designated as the farmer. I ofttimes wonder if the good farmer and his wife do not become disgusted with these promises and excuses.

This bill is to be known as the Farm Security Act of 1937. The title is promising enough, but the bill itself in no way lives up to its name. Let us just take the bill apart in a general way and see what it is all about. The proposed law is divided into three titles or parts.

TITLE I—FARM TENANCY

Title I is presumed to be a provision for financing tenants in the purchase of farm homes.

Title II is presumed to provide rehabilitation loans for temporary aid to tenants and distressed landowners.

Title III is presumed to provide for the purchase of submarginal or other lands not suited to cultivation, and the utilizing of such land for various purposes.

The farm-tenancy provision of the bill is the one most talked about in the debate and the one intended to appeal most to the farmer. In short, the Secretary of Agriculture is authorized to make loans in the United States and in the Territories of Alaska and Hawaii to persons eligible under the act to enable them to acquire farms. Only farm tenants, farm laborers, sharecroppers, and other individuals who obtain or who recently obtained the major portion of their income from farming operations are eligible. Subject to certain limitations, the Secretary of Agriculture is the judge of the eligibility.

The Secretary of Agriculture is authorized to appoint in each county in which activities are carried on a county committee composed of three farmers residing in the county. Each committeeman shall be allowed $3 per day while engaged in the performance of his duties, not to exceed 5 days a month. In addition, he shall be allowed "such amounts as the Secretary of Agriculture may prescribe for necessary

traveling and subsistence expenses." The Secretary shall also prescribe rules governing the procedure of the committee, furnish forms and equipment necessary for the performance of their duties, and provide for the compensation of "such clerical assistance as he deems may be required by the committee."

Now, any farm tenant desiring to get help under this act must make application to this county committee. The committee will examine and appraise the farm the tenant desires to purchase, and, if in the judgment of the committee, the tenant meets the requirements of the act, it shall so certify to the Secretary, including the recommendation of the committee as to the amount to be loaned to purchase the farm, and no loan shall be made by the Secretary unless approved by this committee.

Loans made under this act shall be in such amount "as may be necessary to enable the borrower to acquire the farm"—that means 100 percent of the purchase price—and shall be secured by first mortgage given by the purchaser to the Secretary of Agriculture.

The mortgage shall provide for the repayment of the loan in full within 30 years, with interest at the rate of 3 percent per annum, and the payments shall be made "in installments in accordance with amortization schedules prescribed by the Secretary." The purchaser must, in addition to interest and payment on principal, pay all taxes when due, maintain proper insurance on the buildings at all times, and also keep the buildings and fences in good repair.

In making loans under this title, the—

> Amount which is devoted to such purpose during any fiscal year shall be distributed equitably among the several States and Territories on the basis of farm population and the prevalence of tenancy, as determined by the Secretary.

To carry out the provisions of this title, the bill authorizes the appropriation of $10,000,000 for the fiscal year ending June 30, 1938; $25,000,000 for the fiscal year ending June 30, 1939; and $50,000,000 for the fiscal year ending June 30, 1940.

The first important observation I desire to make with reference to this so-called farm-tenancy title is that the Secretary of Agriculture in the final analysis makes all determinations. Of course, the Secretary himself cannot do all these things. Therefore some bureaucrat in the Department of Agriculture will in reality be the boss.

The 1935 census of agriculture shows that there are approximately 2,865,000 tenant farmers in the United States. These are farmers who rent all of the land they operate. They represent more than 42 percent of all the farms in the country, and it is interesting to note in which section of the country farm tenancy is most prevalent. In Mississippi 69.8 percent of the farmers are tenants, in Georgia 65.6 percent are tenants, in Louisiana 63.7 percent are tenants, in South Carolina 62.2 percent are tenants, in Oklahoma 61.2 percent are tenants, and in Arkansas 60 percent are tenants. In Maine 6.9 percent are tenants. In Michigan there are 196,517 farmers, the total number of tenants being 37,334, making 19 percent of the farmers tenants.

I again call attention to the wording of the bill requiring the Secretary of Agriculture to "distribute equitably among the States on the basis of farm population and the prevalence of tenancy." I do not want to view this matter in a sectional sense at all; but if the Secretary of Agriculture follows the mandate of the law, what relief will a State like Michigan, having 19 percent of farm tenancy, get when compared with the southern bloc of States, ranging in percentage up as high as 69.8 percent?

There are 3,200 counties in the United States, and if the Secretary were to disregard the law and furnish the assistance on the basis of counties alone he could loan money to one tenant farmer in each county to buy a $3,000 farm during the first year of operation under this proposed law, because only $10,000,000 is made available for overhead, loans and all. The next year there will be $25,000,000 to spend. That would mean two and one-half farms to each county. The third year there is $50,000,000 to spend, and that would mean five farms to a county, at a valuation of $3,000 each. Yet they call this a general farm relief bill.

The Second Congressional District of Michigan, which I have the honor to represent, is composed of four agricultural counties, and according to the 1935 census the number of farms, the number of farm tenants, and the percentage of tenancy in each county are as follows:

County	Number of farms	Number of tenants	Percent of tenancy
Jackson	3,579	718	20.1
Lenawee	4,661	1,322	28.4
Washtenaw	3,506	752	21.4
Monroe	4,315	1,043	24.2

The term "farm tenants" used in the national sense is most comprehensive. It is just as varied as is the term "farm." In California, when we talk about farmers, we possibly mean a grower of nuts or fruit, cultivating 10 acres. In Kansas we possible have in mind a wheat farmer, growing 1,000 or more acres of wheat. In Iowa it may be a corn farmer, with 200 or 300 acres of corn, while in one of the cotton States we may have in mind several hundred acres operated by sharecroppers, so-called. In my own section of Michigan we have in mind the operators of from 40 to 160 acres of diversified farming.

Those advocating this bill concede that the figures above given, as to the possible number of farm tenants to be helped during the first 3 years of the law, are as indicated. They cannot tell me, neither can they tell the intelligent farmers of my locality, that any genuine help is to be given where, at the most, one farmer in any one county in my district can borrow enough money to buy a $3,000 farm. In the first place, the farms that the right type of tenant would want to purchase will cost more than $3,000. All this is not denied, but it is insisted that the farmers have been promised something; therefore, a step in this direction should be taken. Some have even suggested that this is a laboratory experiment, and is for the purpose of testing the soundness of the plan. Well, I believe in laboratories and in experiments, but the farmer has been made the guinea pig so long that he will recognize an unsound experiment before the operation begins. We are told that this is beginning in a small way, but that at the expiration of the 3-year period we can then take care of all of the tenant farmers in the country. It will take $14,000,000,000, if this plan is followed, to buy a farm for all the tenant farmers in the country. This is unsound, it is impossible, and out of the question, if the Government is to issue its bonds to raise the money to take over the farm indebtedness of the Nation. The Frazier-Lemke bill was at least honest on its face. It contemplated the eventual printing of new money to purchase farms for farm tenants; but Mr. LEMKE, the author, recognized that it would not be sound to loan 100 percent on the value of the farm, and when his bill was before the Congress he offered an amendment making the amount 80 percent of the purchase price of the farm.

This bill contemplates loaning the farmer 100 percent. In other words, the purchaser will have no equity whatever in the farm. The Government will buy it, purchase the stock, the machinery, set the tenant up in business, and then tell him that he has a home, to go forward, and that the only person to whom he has to answer is the Secretary of Agriculture, but he must make sufficient profit off the farm each year to meet all the payments required in his mortgage. If the Government is to provide all of the tenant farmers and farm laborers with farms and homes, then it naturally follows that the same Government will be asked and required to do likewise for the city tenant, and, if carried to a logical conclusion, to the city laborer and all others who do not have homes as well. This philosophy might be applicable in Russia but it is not in keeping with American principles. The sad part of it is, however, that this legislation is not only a gesture but it is a cruel hoax on the tenant farmer who reads the newspaper headlines telling him that the Congress

is providing him with a farm and a home. I am not familiar with the sharecropper and the tenant in some sections of the country, but in my own territory we have no higher class farmers than a large percentage of our farm tenants, and they cannot be fooled.

There can be no security in farm ownership unless farming on the family-sized farm is profitable. Behind the tenant question is the problem of price and income. The real essential to successful agriculture is to maintain a fair and stable price for the products of the farm. Without that price no farmer can long succeed. That price must be the actual cost of production plus a reasonable profit, and worthwhile farm legislation must recognize that truth. There is no disputing the fact that as a general proposition the farmer has been operating at a loss during the last few years. Eliminate the subsidies paid by the Government and he is operating at a loss today. Are these subsidies to continue permanently, and if so, in what form? This question must be answered and a definite policy for agriculture must be established before we attempt anything like title I of this bill.

Who is there among you who would advise his son to go in debt 100 percent in any line of industry and be required to make a living for his family, pay taxes, insurance, and annual payments on the principal indebtedness, when he knew that the industry in which he was placing him was running at a loss and that his son could not possibly succeed unless something was done to make the industry prosperous? No; you would not do this because you think too much of that son. If this reasoning is right, then we would do an unkindness to the tenant farmers of this country even if we provided all of them with sufficient loans to permit them to engage in a losing industry. We must strike at the fundamentals. The cause of the disease must be discovered and the remedy applied. When we have succeeded in that particular, then we can conscientiously endeavor to make profitable owners out of worthy tenants.

Practically every speech made in this debate has extolled the virtues of home ownership and deplored the fact that there are so many farm tenants in our land. It is true that there has been a great increase in farm tenancy over a period of many years down to 1933. There has been no increase since that date. During this period many farms have been refinanced and payments through the A. A. A. and other temporary agencies have checked the increase. Many tenant farmers who understand the agricultural situation realize that it is impossible to buy a farm and pay for it without more stabilization in the industry. Again I say that stabilization is the objective which we must seek rather than a make-believe like this proposition. This bill is not endorsed by any of the large farm organizations.

Mr. LUCKEY of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Not just now. I am sorry.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. The gentleman from Nebraska has asked me to yield, but I do not want to yield for an observation.

Mr. BULWINKLE. This is just a question.

Mr. LUCKEY of Nebraska. I have a short question.

Mr. MICHENER. In courtesy I must yield first to the gentleman from Nebraska.

Mr. LUCKEY of Nebraska. May I ask the gentleman if he has the same feeling against a subsidy to the farmer as he has against newspapers using the second-class mail who are receiving $75,000,000, against the ship subsidy, and against the air-mail subsidy?

Mr. MICHENER. The gentleman's question is entirely irrelevant. We are discussing agriculture and farm relief and not the Post Office Department and ship subsidies and air mail. A discussion of the United States mails at this time is, however, very pertinent. I should like to have time to call the gentleman's attention to the fact that the C. I. O. has interfered with delivery of the United States mail, and it would seem that the administration might take some action to compel the Post Office Department to perform the functions for which it was established.

Mr. LUCKEY of Nebraska. How about the subsidy?

Mr. BULWINKLE. If the gentleman will yield for a short question, would the gentleman mind telling the Committee what plan he would pursue?

Mr. MICHENER. I say frankly that, like the gentleman from North Carolina and all other students of the agricultural problem, I have found it impossible to determine upon a positive, specific plan. I do not know just what should be done, and no one else does. I would only do real things and not make-believe things, if I wanted to help the farmer.

Mr. BULWINKLE. I thought the gentleman had given some consideration to this subject. What plan would the gentleman bring in?

Mr. MICHENER. Well, the first thing I would do if I had my way would be to give the farmer the American market. I would cut out those parts of the Canadian and other reciprocal trade agreements which militate against the American farmer. I would pass a law making it possible for this country to grow its own sugar, and protect all agriculture against imports from Canada and other countries where the cost of production is much less. I would at least attempt to do something to put the entire industry on a paying basis. I would do nothing that would put the farmer further in the red. I would stop this unnecessary spending on the part of the Government and reduce the farmers' taxes. I would make it possible for him to get his money at the lowest possible rate of interest consistent with sound business. The more consideration I give, the more I am convinced that eventually some plan will be worked out along the line of the equalization fee or the export debenture. Honest benefits paid for honest service to the farmer cannot be criticized. The philosophy of scarcity and the doctrine that we should pay the farmer to prevent Nature from producing is all wrong, and I am opposed to it. Consequently I do not want to give any more discretion to the present Secretary of Agriculture than necessary, because we all understand that the Secretary is an exponent of this philosophy of producing less and having more.

TITLE II—REHABILITATION LOANS

In short, this title authorizes the Secretary of Agriculture to make loans up to 100 percent of their cash value for the purchase of livestock, farm equipment, family subsistence, and so forth, to those qualified under title I to purchase farms. The interest is 3 percent, payable in 5 years, and is secured by chattel mortgage covering the things purchased.

It is unsound and unreasonable for the United States Government to loan these groups vast sums of money on livestock and crops when the borrower has no equity whatever in the property. The Government already has loan agencies to care for this group of farmers who must have assistance. I want to call attention, however, to the provision of subsection (b) of this title, which authorizes the President to allot out of appropriations made for relief such sums as he may determine to be necessary to carry out the provisions of the title and "to enable the Secretary to carry out such other forms of rehabilitation of individuals eligible under this title to receive loans as may be authorized by law and designated in the Executive order directing the allotment." I am opposed to giving the Executive any additional power. If the Congress appropriates for relief, that money should be used for relief, and the President should not have the money to spend in such places and at such times as he may think advisable to serve his purposes, be they political or otherwise.

TITLE III—RETIREMENT OF SUBMARGINAL LANDS

In this title the Secretary of Agriculture is authorized to develop a program of land conservation and land utilization, including the retirement of lands which are submarginal or not suitable for cultivation. This purpose is laudable, and I have much sympathy with any law making it possible to retire some of this land on which farmers never can even make a living. We are doing the farmer a better service by

getting him off of this land than loaning him money to live on it or to buy more of it.

The powers granted to the Secretary go too far, however. In reality the Secretary is authorized to do about anything he sees fit to reach the objectives. For instance, he is authorized "to sell, exchange, lease, or otherwise dispose of, with or without consideration, any property so acquired under such terms and conditions as he deems will best accomplish the purposes of the title." These are broad powers, and I do not like to give them to any department without more specific limitations. The Secretary is even given authority to "disseminate information concerning these activities." Now we have had considerable experience during the last 4 years with these information bureaus; and, believe me, they can spend the people's money and propagandize the country in behalf of any projects undertaken by the Secretary.

I am bitterly opposed to granting a bureaucrat the right to make rules and regulations having the force and effect of laws, where a serious penalty is attached, when there is no notice given to the public other than the Executive order setting up the rule. In this title the Secretary of Agriculture can make such rules and regulations and "any violation of such rules and regulations shall be punished by a fine of not more than $500 or 1 year in the penitentiary, or both." We had enough of these rules and regulations under the recent N. R. A. and Potato Control Act, both of which were held unconstitutional by the Supreme Court. I do not want to pass any law making it possible for any Secretary of Agriculture to write some rule or regulation in Washington for the violation of which one of my farmer constituents might be sent to the penitentiary, unless that rule is embodied in a law found in our statute books.

TITLE IV

This title provides the machinery for carrying out titles I, II, and III. In the first place, it sets up another bureau within the Department of Agriculture, to be known as the Farm Security Administration. Here, again, the Secretary is given authority to employ such persons and appoint such agents as are necessary, in his judgment, to carry out the terms of the law. As is usual with these new agencies, the Secretary may make political appointments, and "without regard to the civil-service laws and regulations." He is also given the right to fix the compensation of these officers and employees. I believe thoroughly in the civil service, and if we are going to set up agencies of this kind, let us remove them as far as possible from all political patronage.

I think this title gives authority to the Secretary to do anything he may desire and create almost unlimited expense in connection with his duties. A new provision, however, is listed among many other things he may do, and that is he may "purchase, operate, and maintain at the seat of government and elsewhere motor-propelled passenger-carrying and other vehicles" for the use of the swarm of investigators and agents that will be put to work if this law becomes effective. For my part, I have felt that these agents could get about the country from place to place often enough by using the railroads and other methods of transportation, but here the taxpayers' money may be used to purchase flying machines in addition to motorcars, and all this in the interest of the farmer.

The Resettlement Administration expires on June 30, 1937, and the understanding is that many of the Resettlement officials will be given new jobs under this act. Now, from a business standpoint, many Resettlement projects have been a stench in the nostrils of the sound-thinking public. Witness the project at Beltsville as an example, where homes costing from ten to sixteen thousand dollars have been erected to rent to laborers and persons with low incomes, and all this out of the taxpayers' money. The Alaskan colony is another example of Tugwellian dreams. It is true that Professor Tugwell, the head of Resettlement, is no longer connected with the Government, but his trainees, those who operated with him and who are still carrying on his policies, are the people, we are told, who will be largely charged with the administration of this new set-up.

While I believe thoroughly in legislation making it possible to return submarginal land to the Government rather than continue contributing annually to the support of the people who are trying to eke out an existence on that land, at the same time I want to eliminate a lot of the half-baked theories of this new school of social uplifters which has cost our people so much money during the last few years.

CONCLUSION

We are told by members of the Agriculture Committee that the committee devoted 11 weeks to consideration of farm tenancy. The House will pass this bill and with very few of its Members knowing anything about the details of the proposal. The bill will then go to the Senate. The Senate will pass the Bankhead farm tenancy bill, and we will find the real legislation written in the conference committee. The Bankhead bill provides that the Government go into the land-purchasing business. The Government would buy tracts of land in tenant sections and resell farms to selected tenants. This bill would be a great help to those who find themselves in possession of large holdings of land of little value. I cannot see where it would be any help to the small farmer in my section of the country. This plan contemplates the supervision of tenants by a bureau in Washington. We have too much Washington regulation already, and any plan that makes the independent owners of small farms subject to the dictates of some theorist in Washington is just simply un-American. While we have had considerable experience along this line during the last 4 years, yet we are not converted. If the Bankhead bill is accepted by the House and becomes a law, there is no question in my mind but that the Federal Government will eventually own large sections of this tenant farm land. It will be impossible for the tenant to ever comply with the terms of the regulations, and he will in reality become a peasant as the term is accepted in foreign countries.

If 42 percent of the farmers of the country are tenants, and if this 42 percent is brought under the domination and control of a Washington bureau, then truly regimentation of agriculture has gone a long way. My farmers are opposed to regimentation. They want to own their own farms. They want to regulate their own families. They want to work out their own problems, and all they ask is a fair show and a square deal in comparison with all other industries.

This discussion is necessarily somewhat technical because I have attempted to explain just what the bill embraces. It is somewhat lengthy because I could not say to you these things in less time. For the reasons herein stated, I am unwilling to be a party to the enactment of this law. The $10,000,000 provided for the first year must be borrowed, and a large part of it will be wasted in overhead. As I said in the beginning, the farm question is not going to be solved until the farmer is assured of a parity price with other industries.

[Here the gavel fell.]

Mr. PETERSON of Georgia. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I have listened during the last 2 days with a great deal of interest to the lamentations of the great on both sides of the aisle as they bemoaned the hopeless plight of the American farmer; and as their wails of woe have gone from this Hall I have been constrained to think of the conduct of the scribes and Pharisees.

It is startling to me to find that men who are supposed to have dedicated long years of their lives to the problem of the American farmer and who have witnessed during the last 20 years the continuing depressed condition of the American farmer are now bringing before the American people a piece of legislation which, at its most, can be considered nothing but a hypocritical pretense. [Applause.]

I have studied this measure to the best of my ability, and I refer in particular to title I. I do not find therein one single idea or thought or word which in any manner advo-

cates or presents a policy which will lead the American farmers out of their present hopeless plight and place them again in a position of economic independence.

The gentleman from North Carolina [Mr. BULWINKLE] has just asked a very pertinent question, "What will you offer?" I will say to the gentleman from North Carolina and to this House that there is now pending before this body a measure which incorporates the very fundamental principles of Jeffersonian democracy and which offers a means and a pathway by which the 6,000,000 farm families of America and the 30,000,000 farm population will be granted an opportunity to get out of this wilderness of economic despair and be placed in a condition of economic independence.

Why, Mr. Chairman, the pending bill is a farce, and you know it is a farce. It offers no remedy for the diseased condition of agriculture. Why, the only thing it does for the few farmers who will receive the so-called benefits is to place them 100 percent in debt, and the very next day they are eligible to go into the bankruptcy courts of America.

Mr. LUCAS. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Georgia. I yield.

Mr. LUCAS. Will the gentleman explain to the House the major features of his bill?

Mr. PETERSON of Georgia. I may state to the gentleman I am sorry he has not been on the floor when I have explained it on at least two occasions, and in the 5 minutes now allotted to me I will not have an opportunity to explain it, but a complete explanation of the measure is available, and I hope before the day is over, if I can obtain recognition and get enough time, to give the membership the essence of the measure which is now before them; and if the gentleman has an open mind and is really interested in the welfare of the American farmer, I should like for him to listen to what I have to say on this measure during the remainder of the day. [Applause.]

[Here the gavel fell.]

The pro-forma amendment was withdrawn.

The Clerk read as follows:

TITLE I

POWER OF SECRETARY

SECTION 1. (a) The Secretary of Agriculture (hereinafter referred to as the "Secretary") is authorized to make loans in the United States and in the Territories of Alaska and Hawaii to persons eligible to receive the benefits of this title to enable such persons to acquire farms.

(b) Only farm tenants, farm laborers, sharecroppers, and other individuals who obtain, or who recently obtained, the major portion of their income from farming operations shall be eligible to receive the benefits of this title. In making available the benefits of this title the Secretary shall give preference to persons who are married, or who have dependent families, or, wherever practicable, to persons who are able to make an initial down payment, or who are owners of livestock and farm implements necessary successfully to carry on farming operations. No person shall be eligible who is not a citizen of the United States.

(c) No loan shall be made for the acquisition of any farm unless it is of such size as the Secretary determines to be sufficient to constitute an efficient farm-management unit and to enable a diligent farm family to carry on successful farming of a type which the Secretary deems can be successfully carried on in the locality in which the farm is situated.

Mr. MAHON of Texas. Mr. Chairman, I offer an amendment which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. MAHON of Texas: On page 1, line 6, strike out "Power of Secretary" and insert in lieu thereof the following: "Power of Farm Credit Administration."

On page 1, lines 7 and 8, strike out the following: "The Secretary of Agriculture (hereinafter referred to as the 'Secretary')" and insert in lieu thereof the following: "The Farm Credit Administration."

Mr. MAHON of Texas. Mr. Chairman, the amendment which I offer is an amendment which simply turns over the administration of this act to the Farm Credit Administration. The present bill places the administration of the act in the hands of the Secretary of Agriculture, but the Secretary of Agriculture and the bureaus operating under him are not skilled in the business of lending money to farmers on farm land, and my amendment provides that we shall turn over this credit measure—and this is a credit bill—to the Farm Credit Administration. Indeed, it was said yesterday on the floor that Governor Myers, Administrator of the Farm Credit Administration, is the ablest administrator in any department of the Government; and I say to you frankly that this is the hardest credit problem before the Congress and before the American people, and it requires the ablest and most experienced hands available. We ought to lay down proper rules and regulations and turn over the administration of this act to the Farm Credit Administration.

That agency has already lent during the past 4 years to 3,000,000 American farmers more than $4,000,000,000. It has already lent on farm land about $3,000,000,000, and about $2,800,000,000 is now outstanding, and of the Federal land-bank loans about 87 percent are in good standing at this time.

Here we have an experienced agency. It is well oiled. It is operating in all of the 3,059 agricultural counties in this country. And in view of the difficulty of this credit problem I think we had better turn it over to this agency, because if we make a big blunder in the administration of this act and bring down the contempt of the American people upon this experiment, a great stumbling block may be placed in the way of a proper program for the tenant farmers of the country in the years to come. Therefore I hope that the members of the Committee will agree with me in turning over the money authorized to be appropriated in this bill to an organization that is already set up; to an organization that can begin work immediately after the passage of the bill, to the end that those loans which may be made can be made promptly and on a sound basis.

Mr. CRAWFORD. Has the gentleman given any thought to the practical problem the Farm Credit Administration will be up against, lending money to farmer A at 3 percent under the gentleman's proposal, as set forth in this bill and lending money to farmer B at 3½ or 4 percent?

Mr. MAHON of Texas. I certainly have. The Farm Credit Administration is doing that today. The Land Bank Commissioner loans draw 5 percent and the land-bank loans 4 percent. Of course, we have had an emergency rate of 3½ percent for some time. I propose that no one should be eligible for one of these tenancy loans unless he is unable to secure a loan under the Federal land bank and the Land Bank Commissioner. As I said yesterday, a national farm-loan association of five directors and a secretary-treasurer is now operating in every agricultural county of the country. They know how to cooperate in a program such as we propose in this bill. I hope this amendment will be adopted.

The appropriation provided for in this bill is so small no very material accomplishment can be expected from the passage of this measure. Under amendments which I have proposed, if we handle this program through the Farm Credit Administration, we will be able to secure much more readily adequate money to finance it. Under the bill as drawn a direct appropriation from the Treasury is required.

Mr. Chairman, I should like to present some general facts and ideas on the subject of farm tenancy. We cannot appropriately forget the facts of the problem until we have achieved a solution.

We had no serious problem of farm tenancy until about 50 years ago. Beginning with 13 colonies, this Nation has expanded at intervals until now it embraces a vast empire with 1,903,337,600 acres. Formerly the farmer could secure land under the homestead laws of the United States for nothing. A farmer who became heavily indebted on one farm could surrender it to his creditors and go into new and fertile territory and homestead another farm. There was not very much in those days to provoke farm tenancy. Even when free land became scarce it was still possible for a farmer to buy much of the most fertile farm land in America for only a few cents or a few dollars an acre. The time of free land and good land that can be bought cheaply has passed and we have come into the evil days of pronounced and pernicious farm tenancy.

The record reads about like this: In 1880 only 25 percent of farmers were tenants; in 1900 the percentage had increased to 35 percent, and by 1935 the percentage had increased to 42 percent. Farm tenancy is greatest in the South and West and least in New England. In Massachusetts and Maine only about 6 percent of the farmers are tenants, while in Mississippi more than 70 percent of the farmers are tenants. These are the two extremes, but all the Southern and Western States present a bad situation in regard to this question. Mr. H. A. Turner, of the Bureau of Agricultural Economics, states that, in 1930, 73 percent of all cotton farmers were tenant farmers.

My distinguished colleague [Mr. SOUTH] sometime ago pointed out the figures which are applicable to my own State of Texas. In 1880 only 30 percent of our farmers were tenants. By 1900 the number had increased to 49 percent, and in 1935, 57 percent of the farmers in Texas were tenants. In 1935, 286,000 farm families in Texas, representing about 1,400,000 people, were tenants.

The casual student of farm tenancy might say that since 42 percent of the farmers of America are tenants, it necessarily follows that 58 percent of all farmers are land owners. Unfortunately this is far from the truth. About 58 percent of the farmers do have legal title to their land, but only slightly more than one-half of these own their lands, free of mortgage. That reduces the percentage of actual farm owners in the United States to less than 30 percent. In other words, not one farmer out of three in the United States actually owns his farm. These figures represent the average and take into consideration the almost total lack of farm tenancy in some States. The figures indicate that in the South considerably less than one farmer out of every four actually owns his farm free of debt.

In 1930 the average farm mortgage was approximately $3,500. It is a well-known fact that many farmers who are so-called farm owners are worse off than tenants because they owe more on their land than the land is worth.

The real cause for so much farm tenancy is low and inadequate farm income. Our farm-tenancy problem will largely vanish when we have established a system which will give the farmer an adequate price for his labor and products.

Washington is a city of many monuments. It is being proposed that there be erected here a $3,000,000 monument to the memory of Thomas Jefferson. If we build any more after that, I think we ought to build one to the memory of the farm family who has traveled the rocky and perilous road from farm tenancy to farm ownership during the adverse conditions which have prevailed during the last 25 years. I am not talking about farmers who have inherited farm lands or who have bought and paid for farms out of an independent income.

I am talking about real dirt farmers who have gone on the land and paid for it out of the sweat of their brow. Such a monument would symbolize more acts of heroism, self-sacrifice, and unheralded courage on the part of thousands of fathers and mothers and their children than could be recorded in the Appendix of the CONGRESSIONAL RECORD during the next several sessions. Such a monument would symbolize the fact that in order to become farm owners and cease to be tenants thousands of farm families had followed a course of self-sacrifice which would read about like this:

No bathtub, no kitchen sink, no water even piped to the house, no rugs on the floor, no daily newspapers; younger children rarely having anything new, but being required to wear clothing which the older children had outgrown; a lot of heartaches because the children cannot dress as well as neighbors and wear prettier graduation dresses when the school closed in the month of May; a little cobbler's shop where the family could sole its shoes; on rainy days, no vacation, the time being devoted to working over the chicken house or doing a little wood hauling, fence building, or ditch digging; no radio; no automobile at all, or no new one—work all week from sun to sun, and often continuation of work on Saturday afternoon while the neighbor's children had gone to town or to the ball game—a very modest diet, sometimes not balanced and usually devoid of store-bought fruit; no haircuts at the barber shop, the father or mother or one of the sons doing the family haircutting; no doctor nor dentist in many cases when the services of doctors and dentists were absolutely necessary for the health of the family.

Such is a brief description of a few of the minor hardships on the road that many have followed and must follow if farm ownership is to be achieved under present conditions. The great Champ Clark, former Speaker of the House, once said that his life could be condensed into these words: "Fifty-odd years of unremitting toil." Unremitting toil and much good luck is the price of farm ownership under the present system. It is not a matter of unremitting toil and self-sacrifice for a year only; it is often prolonged for a score of years or more before the goal is attained. No one knows very much about farm tenancy who does not know by experience something about "the short and simple annals of the poor." Farm ownership has been in the grasp of many farm families only to be snatched away by serious illness, death, accident, drought, flood, storm, or any one of a score of other factors beyond the control of the farmer. Those who have no patience with the problems of the farmer and the farm tenant and denounce him for his position of economic insecurity are unfaithful to the Nation's welfare and grossly ignorant of conditions prevailing among 30,000,000 American farm people. But, referring to the monument to the memory of the unknown farmer, I am not in favor of appropriating the money for it until we have supplanted farm tenancy with wholesome farm ownership.

I think it is well to point out in discussing this subject that the solution of the problem of farm tenancy will be a step forward in the reduction of relief expenditures.

We have spent billions of dollars for relief in recent years, and there is a very definite relationship between relief and the collapse of agriculture, especially in the South and West. To do nothing about farm tenancy and to continue to appropriate billions of dollars for relief is to be inconsistent and uneconomic.

If much of that relief money had been spent in the South and West on a wise farm-ownership program, it would have accomplished greater good, and permanent good, in putting many farm families in a position to support themselves, who are now on relief. Much relief is of temporary value, but money wisely spent in the interest of farm ownership will bear good fruit for generations.

If more of the boys and girls of the future are born on farms owned by their fathers and mothers, they will have a better chance in the world than those who go from farm to farm, from year to year or at frequent intervals, but never finding a home.

We are spending about a billion dollars per year on our Army and Navy for purpose of national defense, but guns and ammunition are not the only elements to be considered in forming a policy of national defense. The morale—the spirit and solidarity of the people—is the more important thing. Before a nation can fight very successfully it must have something to fight on and something to fight for, and a citizenry of home owners and farm owners is the most necessary bulwark in national defense.

Many men love their own farm lands so much they have been known in hundreds of cases, in their misguided and intemperate zeal, to kill a neighbor over a boundary-line dispute. You will recall the story of Naboth, the Jezreelite who suffered himself to be stoned to death through the machinations of the wife of King Ahab of Samaria rather than give up a little farm which he owned and loved. Those who are interested in the reduction of relief expenditures and those who are interested in national defense cannot in good judgment withhold assistance in the attack on farm tenancy. We have begun the attack and those who love the institutions of this country will not give up until success is achieved.

Mr. NICHOLS. Mr. Chairman, I rise in opposition to the amendment. I think everyone agrees, surely everyone who is

familiar at all with agriculture, that the tenancy problem in this Nation is a big one at the present time. I think we all realize that probably the United States needs a new crop of landlords on the farms of this Nation as badly as anything else. I think I shall support this bill, but I am not supporting it, lulled into a feeling of security that the bill will accomplish any major good for the farm tenants of the country. The only reason I do support it is because I am in hopes that even though we spend $10,000,000 to do it, the experience derived from the expenditure of that money will teach the leadership of this Congress and teach this administration that this problem cannot be met in this way. I doubt that you could get Congress to appropriate enough money to adequately deal with the tenancy problem in this country on this basis. I think there is an adequate way, and it is a very simple one, a proven way, by which this can be handled. A few years ago we set up under the Congress what is known as the Federal Housing Administration. That Administration used private capital and the credit of the Government to build homes in this Nation. That Administration has had remarkable success. It is just as feasible to make landlords out of tenants under a plan similar to the Federal Housing Administration, using the Government's credit and private capital, as it was to carry on a home-building program under the Federal Housing Administration.

If this bill will do what one gentleman of the committee says it will do—buy a farm for one farmer in every county in the United States—and I presume it will, and if that purpose is accomplished 100 percent, what, then, have we done toward solving the tenant problem in this Nation? What would we have accomplished had we adopted the amendment of the gentleman from Wisconsin a moment ago for $500,000,000? Under that you would have put 50 tenants on farms that they own in every county of the United States; but what then would you have accomplished? I shall support this bill for another reason, because I am happy to find that the Congress has finally become conscious of the fact that farm tenancy is a real problem in this Nation; but it is not going to help the situation except that it may teach the proponents of the plan the absolute unfeasibility of their plan, and then we might be able to enlist them, because of their experience of failure under this plan, to give their support to a plan that will adequately take care of the tenant problem in this Nation; and it can be done, and there is no need to break or bankrupt the Government in accomplishing it.

I come from an agricultural country and my district is one in which the tenancy situation is very bad. Statistics taken by the farm census of 1935 showed that between 80 and 90 percent of the farms were being operated by tenants. It further showed that of these tenants, more than half of them moved every year.

Think what this means. A move every other year by 80 to 90 percent of our farmers. They have no chance of success under such conditions. They cannot get acquainted with the soil they are attempting to till. They have no incentive to improve fences or buildings. Why should they cooperate to preserve the fertility by terracing or doing any of the other things that we are attempting to teach them under the Soil Conservation Service.

This bill cannot solve our problem in the Second District of Oklahoma in a hundred years. We must devise a program which will give more of our tenants a chance.

But I am glad that we are recognizing the problem and the necessity for a solution. We cannot walk until we have taken the first step.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. LUCKEY of Nebraska. Mr. Chairman, I move to strike out the last two words to support the amendment of my good friend from Texas [Mr. MAHON]. I rise to call attention to the statements made by my good friend from Michigan [Mr. MICHENER], who said that this measure is unworkable because it is a subsidy to the farmers. That is remarkable. It is remarkable that a subsidy to the farmers will not work. I call attention to the fact that in 1916 we established what we called the Shipping Board. The Shipping Board granted to the merchant marine up to the time it went out of existence a subsidy of over $3,000,000,000, yet today we do not have any merchant marine. I wonder if the gentleman from Michigan has considered that?

Furthermore, the United States Government sold to the Dollar Steamship Co. on the Pacific coast, vessels at 10 and 20 cents on the dollar. They loaned them the money to buy those ships at that remarkably low price, and then loaned them money for 20 years' time at less than 1 percent interest. If that is not a subsidy I would like to know what it is.

Furthermore, we are subsidizing the newspapers and magazines of this country to the tune of $75,000,000 a year, and the Postal Department is footing the bill. We do that through low second-class mail rates. Your constituents and mine have to meet that subsidy.

Not only that, but we have subsidized the great business industries on the Atlantic coast and in the East, the great industrial centers, by a protective tariff; but the protective tariff does not work for the farmer unless he has nothing to sell. Then it works.

The great commoner, the statesman from Nebraska, William Jennings Bryan, often used to say, "Destroy our farms and grass will grow in the city streets." This is a measure that is of tremendous importance not only from an economic standpoint but from a sociological standpoint. If this country ever gets into trouble, your safest bet will be on those people who live on the farms, who have a knowledge of real values in life.

Mr. ANDRESEN of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. LUCKEY of Nebraska. I yield.

Mr. ANDRESEN of Minnesota. The gentleman from Michigan may have indicated that this was a subsidy. It might be a subsidy for a large number of landowners at the present time who might like to sell their land to the Federal Government.

Mr. LUCKEY of Nebraska. It is not a subsidy to the man who buys. He pays it back, and that is something that the big businesses we have subsidized have never done. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. PETERSON of Georgia. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I was glad to hear the remarks made by the gentleman from Texas a few minutes ago regarding the fact that this measure, and I refer particularly to title I, is in reality a duplication of agencies which now exist in our Federal Government.

The Federal land bank was organized about 20 years ago for almost the identical purpose that this proposal is here made today, but here you are setting up an entirely new agency, with its headquarters in Washington, with thousands of employees throughout America. I understand there will be an effort made to put those employees under civil service, so as to be sure it is a permanent agency. And for what purpose? To proceed in the most expensive possible way, in my opinion, to deal with the farm problem of America. According to the most conservative figures that have yet been brought out on this floor, it will cost approximately $7,500 per farm family to get them into title ownership of a farm home. Are they in ownership? Why, that is an absurdity. They have theoretical title, but to carry this bill to its ultimate conclusion means that you will have an increased farm-mortgage indebtedness in America of approximately $20,000,000,000. Add this $20,000,000,000 to the approximately $8,000,000,000 present farm-mortgage indebtedness and you have a farm-mortgage indebtedness of $28,000,000,000. The interest alone, Mr. Chairman, will amount to approximately one-fifth of the present total gross cash income of the entire farm products of this country.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Georgia. I yield.

Mr. COOLEY. Does the gentleman intend to vote for this measure?

Mr. PETERSON of Georgia. I wish to state to the gentleman that I do not know how this measure will finally be amended, but at present I am opposed to the measure. I believe that the members of this committee have brought here a measure which is a travesty and an insult to the intelligence of the 30,000,000 farm population of America.

Mr. COOLEY. Would the gentleman be kind enough to point out the particular section to which he so vigorously objects?

Mr. PETERSON of Georgia. I have not heard one word from the gentleman from North Carolina [Mr. COOLEY] on this floor which in any manner showed that he was offering a measure which will place the farm families of America in a position of economic independence.

Mr. COOLEY. Does the gentleman understand that we are not talking now about the general farm program but about a specific measure for relief of farm tenants?

Mr. PETERSON of Georgia. I am glad the gentleman has mentioned that fact, because in the report of the committee, of which the gentleman is a member, he himself admits that this bill cannot succeed unless there is passed other legislation in support of it, and I will read to the gentleman his own report.

Mr. COOLEY. That is the position, I think, all of the members of the committee entertain—that we must have additional legislation.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. PETERSON] has expired.

Mr. JONES. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 5 minutes.

Mr. MILLS. Mr. Chairman, I object to that. I have an amendment at the desk.

Mr. JONES. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 11 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. PETERSON of Georgia. Mr. Chairman, reserving the right to object, I insist that inasmuch as this is a measure of tremendous importance not only to the farm population but to the entire population of America, the Chairman should permit full opportunity to discuss the bill.

Mr. LANZETTA. Mr. Chairman, reserving the right to object, I should like to ask the gentleman from Texas, the chairman of the committee, if time will be allowed for the consideration of the amendment introduced by the Commissioner from Puerto Rico.

Mr. JONES. Yes, the amendment is satisfactory to the committee.

The CHAIRMAN. The gentleman from Texas is merely asking unanimous consent to limit debate on this amendment.

Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. MILLS] for 3 minutes.

Mr. MILLS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLS: Page 2, line 4, after the second word "who", strike out "recently" and insert the words "has ever."

Mr. MILLS. Mr. Chairman and colleagues, I am very happy to rise at this time in support of farm-tenant legislation. Being a southern farmer, and my ancestry on both sides having been tillers of the soil for more than 100 years, I naturally have acquired a sympathetic interest in the farming industry of this country as a whole. Therefore, I am deeply gratified that this Government has come to the realization that the welfare of a citizenry must look for legislation that will help to cure the many evils that are now existing and growing in this great land of plenty.

Mr. Chairman, on page 2, in line 4, the committee has seen fit to use the word "recently." I ask that the committee strike out the word "recently" and insert in lieu thereof the two words "has ever."

The purpose of the amendment is to take care of those farmers who have moved into towns or cities but who wish to return to the farms.

First, I wish to furnish you with some specific facts as presently exist generally throughout the country on this subject. First, at present we have about 6,000,000 farms with millions of people making a livelihood from the soil out of 3,059 counties in this country, and of the total farmers, 2,800,000 are tenant farmers, with an increase of 40,000 each year. The appalling condition is an ever-increasing condition, in that 40 years ago only 1 in every 4 were farm tenants, whereas today more than 40 percent of the farm population are tenant farmers.

I readily agree that the appropriation of only $10,000,000 for the fiscal year 1938, $25,000,000 in 1939, and $50,000,000 in 1940 is only a miniature set-up, to allow farm tenants to purchase farms, but I had rather for this Government to make a success, even though it is small in the beginning, than to make too large an appropriation and at the end prove that such an undertaking is a failure.

My friends, I hesitate on the floor of this House to paint an appalling picture as exists in certain sections of this great land, where there is too much to eat, too much to wear, and too much of everything to supply the demands, for people to go hungry or undernourished, poorly clad, and without shelter. Therefore we must come to the rescue of our unfortunate members of society and show them that Congress has an interest, that they all may enjoy some of the pleasures and happiness that God intended for them to enjoy. It is an unfair situation for a selected few in a democratic form of government to enjoy the advantages of life in a land of too much to eat and too much to wear and the unfortunate group to go hungry, begging for food, sleepy and no place to sleep, clothesless and no money to buy clothes. Therefore this legislation is pointing toward the greatest humanitarian move, the greatest act that I have seen this Congress begin to undertake in my short period of association, and I contend, if more of such legislation was adopted, the country as a whole would decline in looking upon this body as one that has more often shown discrimination in favor of a selected few. This type of legislation affords a greater possibility for the greater percentage of the masses becoming better independent citizens, enabling them to make a livelihood permanently. Further, this type of legislation is nothing new, as it was advocated by the early philosophers, also the Pilgrim and Puritan forefathers, as well as the Bible itself.

I have heard numbers of speeches on this floor and over the radio by Congressmen advocating pro and con various plans of legislation that will help solve the now existing conditions, but I believe passage of this bill will be going a long way toward a greater redistribution of wealth, in that it has a tendency to tax the more well-to-do and guarantee something to the smaller people.

I readily accept the sneers from some of the Members of this House when I say that this is pointing toward the ticket I was elected on—the share-our-wealth—although I desire at this time to give you to understand where the share-our-wealth meaning was first used, but not the words. I will read from the President's acceptance speech in Chicago, page 388 of the proceedings of the Democratic National Convention of 1932, and I am quoting from Mr. Roosevelt:

Throughout the Nation, men and women, forgotten in the political philosophy of the Government of the last years look to us here for guidance and for more equitable opportunity to share.

I want you to understand the idea of the share-our-wealth phrase was a phrase of Senator Huey P. Long, who is now deceased, but yet today even though he is deceased, those words ring in the hearts of every American citizen and they believe this Government, as originally founded, so well de-

clared in the Declaration of Independence, is supposed to guarantee life, liberty, and the pursuit of happiness to all its citizens, and I contend that this body should adopt more of such legislation that will afford the masses an opportunity to make a livelihood; inasmuch as that is the great cry throughout the land in preference of relief.

Senator Huey P. Long in his share-the-wealth reply to General Johnson stated:

That 1 percent of Americans own 59 percent of America's wealth, while 4 percent own between 85 percent and 95 percent of the wealth.

Therefore, the cry began throughout the land that the demagogue Long is incorrect. Therefore, the New York Daily News of April 11, 1935, intimated and added that somebody ought to look into this question and get the true figures on America's wealth in order to refute Long. The News then assigned one of its most competent investigators, Lowell Limpus, to the job of digging up the figures, so Limpus came to Washington and worked for weeks here in the Library of Congress and elsewhere, to rout up the true figures, with which to deny Senator Long, and, therefore, the results of that research showed Senator Long had essentially the correct information, especially where the money power is lodged in this country.

I shall herewith set forth Mr. Limpus' findings:

More than 96 percent of the workers in the United States receive less than $2,000 a year, which is regarded as sufficient only for basic necessity.

According to the United States Federal Trade Commission in 1926, 1 percent of the people dying did not own as much as 59 percent of the wealth reported, and since that time the rich have been getting richer in proportion and the poor poorer, so stated Mr. Limpus' findings; therefore, my colleagues, this investigation by the New York Daily News shows specifically that Senator Huey P. Long had underestimated the wealth holders in America and that 1 percent owned a great deal more than 59 percent of all the property. After Mr. Limpus had discussed these facts it was decided, after some deliberation, to publish them, inasmuch as they were afraid by not publishing the uncovered truths it would be very harmful and cause a large increase of share-our-wealth believers throughout the land.

This big newspaper of the United States further stated that America has got to redistribute the wealth in the land one way or the other. Therefore, my colleagues, this is one of the safest ways, through farm tenancy and old-age pensions, that this wealth may be distributed, and I am proud this Congress is coming to the realization of the truth; and if we do not adopt the truth I am afraid eventually it will be too late.

My colleagues, in part, the language in section B, title I, reads as follows:

Only farm tenants, farm laborers, sharecroppers, who have recently obtained a livelihood from farming, shall be eligible to receive benefits from this title.

I believe the language should be changed and be sufficiently wide to allow people in towns who have not recently farmed the privilege to borrow money to buy farms, as we have thousands of families in towns who would be proud to move on a farm if ways and means could be provided for them to purchase a place. I am sure some of you will disagree by stating if too many are allowed to farm we will have an overproduction. No; we must go further and adopt the share-our-wealth way of dealing with farming by allowing the lands to lay idle every seventh year, as taught in the Bible, and Government guaranteeing to our farmers a price for their raw products equal basically to the manufacturing price. Thereby I contend buying power will be increased among the farming class and a greater demand for the farm commodities will exist. Further, as long as mass purchasing power stays down and continues to shrink, there will be an overproduction of bathtubs, cars, radios, and so forth, which we like to think are elements in the American standard of living.

There is not any overproduction in the United States of cotton, corn, wheat, rice, beans, or cattle, and have not been; there is an underproduction of those things. However, the farmers of Louisiana, Texas, Iowa, and all of the States are gradually being stamped out of existence; they are gradually having to resort to the W. P. A. rolls and various other relief agencies.

Is it because there is an overproduction? No. It is because the people do not have the money with which to buy the things they need and must consume if they are to live in a reasonable or respectable way. Farmers are not overproducing, yet those poor farmers are being told that.

My colleagues, after the New York Daily News in 1935 undertook to refute the statements of Senator Huey P. Long relative to concentration of wealth in the hands of a few and was unsuccessful, this Congress has done little toward curing that evil. Here are the multimillionaire families that found out the truth, yet this Congress and the preceding ones have undertaken very little, if anything, along this line other than this bill. It reminds me of the rich man who allowed Lazarus to stay outside the gate, with the dogs licking his sores, begging for the crumbs that fell from the rich man's table. When Lazarus died and the rich man died, and the rich man looked afar off and saw Abraham with Lazarus in his bosom, the rich man cried and said, "Father Abraham, send Lazarus that he may pour water and cool my tongue." Abraham said, "It cannot be done." The rich man said, "Then send Lazarus back to earth that he may tell my four brothers there of the torments with which I am afflicted that they may avoid this place." Abraham said, "There is not a bit of use. They have Moses and the prophets; they will not believe one who has risen from the dead and has come back to earth."

This Congress stands here today neglecting to accept so many great truths that, if adopted, would solve a great economic condition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana.

The question was taken; and on a division (demanded by Mr. MILLS) there were—ayes 15, noes 61.

So the amendment was rejected.

The CHAIRMAN. The Chair recognizes the Delegate from Puerto Rico for 4 minutes.

Mr. IGLESIAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. IGLESIAS: On page 2, line 1, after the word "Hawaii", insert "and in Puerto Rico."

Mr. IGLESIAS. The chairman of the Committee on Agriculture has agreed to this amendment, and I request that it be voted on.

Mr. JONES. Mr. Chairman, I have no objection.

The CHAIRMAN. The question is on the amendment offered by the Delegate from Puerto Rico.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Texas [Mr. JONES] is recognized for 4 minutes.

Mr. JONES. Mr. Chairman, I rise in opposition to the amendment offered by my colleague the gentleman from Texas [Mr. MAHON]. I share his regard for the Farm Credit Administration and its activity. I think that Governor Myers under the rules of his administration has done a wonderful work, but the principle underlying this bill removes it from the purview of his work. Several of us thought that perhaps it ought to go to that organization. Governor Myers came before our committee, making the statement that unless we wanted to change the whole set-up it would tend to injure very greatly the accomplishments of his administration. Under that administration he must sell the obligations of the Federal land banks in the open market, he must sell the obligations of the intermediate credit banks in financing the current credit of those organizations. Whether you believe in the system or not, that is the basis on which it is built. When he began, land-bank bonds were selling in the 80's and in many instances were not selling at all. They

are now selling above par and the farmer is getting the lowest interest rates that have ever prevailed in the United States—the lowest rates that have ever prevailed on such a large scale anywhere in the history of the world. The system has been well administered. Questionable things have been kept out of it and only adequately secured credit has been accepted. Do you want to jeopardize that by taking a different type of credit that one who purchased bonds, one who purchased the obligations of the intermediate credit bank, might feel should not have been included? I do not believe you do.

This goes a little further than that. I hope the House will not accept the amendment because this bill follows the pattern that has been proved and tested in many other countries. It is a starting point. It is fair and I think we would do better if we started on a moderate scale.

Mr. DIES. Will the gentleman yield?

Mr. JONES. I yield to the gentleman from Texas.

Mr. DIES. Is it not a fact that the bonds issued by the Farm Credit Administration are guaranteed by the Federal Government?

Mr. JONES. No. The bonds of the land banks are not guaranteed by the Government, either as to principal or interest; yet they are selling about par. If we tack this on, I do not believe that condition will continue. Governor Myers, whose administration we are complimenting, feels that it might materially injure the sale of those bonds.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. MAHON].

The amendment was rejected.

The Clerk read as follows:

COUNTY COMMITTEES AND LOANS

SEC. 2. (a) The county committee established under section 42 shall—

(1) Receive applications of persons desiring to finance the acquisition of farms in the county by means of a loan from the Secretary under this title.

(2) Examine and appraise farms in the county with respect to which an application for a loan is made.

(b) If the committee finds that an applicant is eligible to receive the benefits of this title, that by reason of his character, ability, and experience he is likely successfully to carry out undertakings required of him under a loan which may be made under this title, and that the farm with respect to which the application is made is of such character that there is a reasonable likelihood that the making of a loan with respect thereto will carry out the purposes of this title, it shall so certify to the Secretary. The committee shall also certify to the Secretary the amount which the committee finds is the reasonable value of the farm.

(c) No certification under this section shall be made with respect to any farm in which any member of the committee has any property interest, direct or indirect.

(d) No loan shall be made to any person or with respect to any farm unless certification as required under this section has been made with respect to such person and such farm by the committee.

Mr. TARVER. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. TARVER: Page 3, line 16, after the word "committee", insert "or any person related to such Member within the third degree of consanguinity or affinity."

Mr. JONES. Mr. Chairman, I have consulted with as many members of the Committee on Agriculture as I could contact and they have all agreed this is a good amendment. Therefore, there is no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. TARVER].

The amendment was agreed to.

Mr. McCLELLAN. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. McCLELLAN: Page 3, at the end of line 16, strike out the period, insert a comma and add thereto the following: "or in which they or either of them have had such interest within 1 year prior to the date of certification."

Mr. JONES. Mr. Chairman, I shall be glad to agree to the amendment.

Mr. McCLELLAN. Mr. Chairman, I thank the gentleman for accepting the amendment. Since the amendment is accepted, I should like, Mr. Chairman to address my remarks briefly to the merits of the bill. Yesterday in general debate the time was so limited that many of us who are anxious to see this legislation adopted did not have an opportunity to express our views; therefore, we must secure time under the 5-minute rule.

Mr. Chairman, I do not believe there is anyone in this House who has keener sympathy for or deeper interest in the class of people for whose benefit we are undertaking to legislate today than I have. I speak from personal experience and not as one who might have read of or who may have heard about the plight of the tenant farmers. I was reared the son of a tenant farmer and I know how hard the struggle is and how difficult it is for one in that class under present economic conditions to acquire a farm of his own. They have not the power to give themselves a start, and this bill is at least the adoption of a policy whereby the Federal Government recognizes the tenant farmer and offers some aid and assistance in his ambition to become a home owner.

Mr. Chairman, the committee is being criticized for not bringing in a better bill. Certainly this measure is not all that was hoped for. Everyone, perhaps, would like to see more money appropriated, more people benefited, and more people aided, but unfortunately we cannot do that at this time. Here is the important thing about this program. We are starting. Everybody agrees that this is a good policy. No one criticizes the policy of trying to help this class of people. As we start out I think it is important that we proceed cautiously in order to make this experiment a success, because, God pity the tenant farmers of America if this experiment fails. We must make it succeed, and the only way to make it succeed is to place it on as high a plane as possible and undertake to administer the law without financial loss to the Government.

If those charged with administering the provisions of this law will use precaution in selecting tenants most deserving and best suited to receive Government aid and proceed under a program of this kind, in a year or two, even with this meager start, the program will begin to bear fruit, and we will have gained some experience and will better understand how to develop and expand and extend this aid to larger numbers. When we have set up an organization to carry out the provisions of this act and have created the machinery to deal with this problem effectively we can then increase the appropriation and extend this aid to larger numbers of those worthy to receive it.

True, Mr. Chairman, we will never be able to lift all the share croppers and tenant farmers to a higher level and standard of living. There are those, of course, who would not take proper advantage of this opportunity if it were extended to them, but there are many who will and who will become the owners of homes and farms of their own and thus make better citizens by reason of this assistance and the program we are launching by the enactment of this legislation.

Tenant farming and sharecropping has practically doubled in my State within the past half century. We cannot close our eyes to this unhealthy condition in our agricultural industry. This trend must be checked, and the number steadily reduced. It is going to take time. It cannot be done at one session of Congress.

No doubt we will find it necessary to adopt many amendments to this legislation from time to time, but we have started and I want to join with many others in expressing thanks to the Committee on Agriculture for its work in reporting out this bill. [Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, I rise in opposition to the amendment and I do this for the purpose of asking a question of the chairman of the Committee on Agriculture.

This part of the bill we are considering undertakes to establish certain limitations with reference to the conduct of this committee. In turning to the penal provision of the bill, I do not find anything, from a hurried examination, which

makes the penal provisions of the bill applicable to the doing of things by this committee which it is intended by the provisions of the bill to prevent them from doing. There is a provision here with reference to what employees may do, and I refer to section 49.

Mr. JONES. Section 42, as we understand it, makes these county committees employees of the Federal Government and, therefore, they would be subject to the penalty provisions.

Mr. SUMNERS of Texas. I direct the attention of the gentleman to the fact that section 49 is not a blanket provision which seeks to punish persons who do the things prohibited by the provisions of this bill, as I read this hurriedly.

The penal provision has to do with gifts, fees, and so forth, but not false certificates. I suggest to the chairman that before we conclude the bill this be given consideration.

Mr. JONES. I should like to have the help of the gentleman. If the gentleman has an amendment to suggest, I shall be pleased to consider it when we reach that point. I do not have time now to go into the question, but I thank the gentleman for calling my attention to it.

Mr. SUMNERS of Texas. I shall be glad to look into the matter.

The CHAIRMAN. The question is on the amendment of the gentleman from Arkansas [Mr. McCLELLAN].

The amendment was agreed to.

Mr. PETERSON of Georgia. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, the gentleman from North Carolina a few minutes ago asked a very pertinent question in regard to whether or not I thought this measure was a piece of separate and independent legislation. It is very evident it is not. The committee in its report, which is now available, states on page 3 the following:

> The program here contemplated must be founded upon the principle that farming will be profitable enough to make the objectives of the bill realizable.

Above that it states:

> Neither the landlord nor the tenant has had sufficient income, and the landholder who hires farm laborers has not had enough income.

In addition to this, it is evident there is now in the making a measure which proposes to place in a strait jacket every farmer of America, just as this bill does. Under this proposed legislation, if it is enacted into law, the Secretary of Agriculture can actually prevent the farmer from hitching his mule to the wagon and taking his family to church on Sunday. The Secretary has absolute and complete control and domination over the farm family which is supposed to receive these so-called benefits, yet you say this is placing the American farm family in a condition of economic independence. The farm mortgages are what got us into our present trouble. The average farm mortgage in America today is only approximately $3,500, but here you are going to create a farm mortgage of approximately $7,500.

Mr. COOLEY. Does the gentleman oppose the granting of Federal aid to the most destitute people in America—those on the farms?

Mr. PETERSON of Georgia. No; but I do propose that instead of placing them in a condition not of tenancy but of serfdom and bondage to the so-called economic royalists that we place them in a condition of economic independence.

Mr. COOLEY. What plan does the gentleman have to offer?

Mr. PETERSON of Georgia. I may say to the gentleman there is a plan now before Congress which, for approximately $1,500 per farm family, will completely restore the farm population of America to a condition of economic independence.

Mr. COOLEY. What is the plan?

Mr. PETERSON of Georgia. The plan is the bill, H. R. 6748. Has the gentleman read it?

Mr. COOLEY. No; I have not.

Mr. PETERSON of Georgia. Has the gentleman read the report of the subcommittee of the Committee on Public Lands, which has gone into this matter very extensively?

Mr. COOLEY. No; I have not.

Mr. PETERSON of Georgia. Let me tell the gentleman what the condition is in North Carolina?

Mr. COOLEY. Whose bill is it?

Mr. PETERSON of Georgia. It is the bill of the gentleman from Georgia who is now speaking.

Mr. COOLEY. Did the gentleman from Georgia ask permission to appear before the House Committee on Agriculture to express or offer any constructive suggestions about the pending legislation?

Mr. PETERSON of Georgia. No, I did not; but the bill is now before the Committee on the Public Lands, of which the gentleman from Georgia is a member, where the bill rightfully belongs. This, my friend, is a national land-policy program, not one which would place the farmers of America in complete bondage forever. [Applause.]

Mr. COOLEY. Then, why does the gentleman blame the Committee on Agriculture for failure to act?

[Here the gavel fell.]

Mr. JONES. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 8 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LAMBERTSON. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I rise at this time to talk a little out of order, with the permission of the Committee, while the Members cool off enough to do some sober thinking on the announcement I am going to make.

The subcommittee of the Committee on Appropriations which is handling the Department of the Interior appropriation bill is meeting at 2 o'clock to consider the 134 amendments made to the Interior Department appropriation bill by the Senate. Anything which pertains to the Interior has some contact with soil conservation, and soil conservation has some contact with tenancy, so I am speaking on the subject.

The Senate committee made 134 amendments to the Interior Department appropriation bill. In only 5 of these amendments the amounts were decreased, a dozen of the amendments were provisional, but in over 100 of the 134 amendments the Senate committee recommended increased amounts and the Senate agreed to such increases. There is over a $13,000,000 increase on the face of it, not to say anything about the babies born which are going to cost hundreds of millions in time to come. One amendment inserted by the Senate gives birth to a baby which will cost $41,000,000 before it is matured. The committee is going to meet now, and the bill must be passed by tomorrow night. We spent 30 days in hearings, and the other body spent 10 hours last week considering the bill.

Here are the names of the six leading majority conferees on the part of the Senate: Senators HAYDEN, McKELLAR, THOMAS of Oklahoma, ADAMS, BANKHEAD, and O'MAHONEY. These administration leaders increased the amounts carried in the bill as it passed the House in 100 amendments out of the 134, and decreased the amounts in only 5 amendments. I could say something about what some of these things are, but I shall do so a little later. However, this is what these leaders who have just come from Jefferson Island have done under instructions to balance the Budget.

[Here the gavel fell.]

The Clerk read as follows:

TERMS OF LOANS

SEC. 3. (a) Loans made under this title shall be in such amount (not in excess of the amount certified by the county committee to be the value of the farm) as may be necessary to enable the borrower to acquire the farm and shall be secured by a first mortgage or deed of trust on the farm.

(b) The instruments under which the loan is made and security given therefor shall—

(1) Provide for the repayment of the loan within an agreed period of not more than 30 years from the making of the loan.

(2) Provide for the payment of interest on the unpaid balance of the loan at the rate of 3 percent per annum.

(3) Provide for the repayment of the unpaid balance of the loan, together with interest thereon, in installments in accordance with amortization schedules prescribed by the Secretary.

(4) Be in such form and contain such covenants as the Secretary shall prescribe to secure the payment of the unpaid balance of the loan, together with interest thereon, to protect the security, and to assure that the farm will be maintained in repair, and waste and exhaustion of the farm prevented.

(5) Provide that the borrower shall pay taxes and assessments on the farm to the proper taxing authorities, and insure and pay for insurance on farm buildings.

(6) Provide that upon the borrower's assigning, selling, or otherwise transferring the farm, or any interest therein, without the consent of the Secretary, or upon involuntary transfer or sale, the Secretary may declare the amount unpaid immediately due and payable.

(c) No instrument provided for in this section shall prohibit the prepayment of any sum due under it.

Mr. BIERMANN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BIERMANN: Page 5, line 3, insert:

"(7) Be in such form and contain such provisions, conditions, and limitations as may be necessary to assure that the borrower will conform to such farming practices and methods as the Secretary may prescribe, in order that, during the first 5 years the loan is in effect, the borrower's farming operations may be sufficiently profitable to enable him to carry out successfully the responsibilities of ownership and his undertakings under the loan agreement."

Mr. BIERMANN. Mr. Chairman, the amendment which I propose is in line with the report of the farm tenancy committee appointed by the President. You will find this provision on page 12 of their report.

The philosophy of the amendment is this: We are not solving the problem of turning a tenant into a successful owner-operator by merely lending the man 100 percent of the value of the farm he wants to buy. Sometimes we would be making him worse off than he was before. We provide in this bill for the lending of money to a great variety of people, tenants, sharecroppers, and people who recently got a major part of their living from farming, and we are lending 100 percent of the value of the farm. It is not everyone who can pay out on such a loan. These people, as I said yesterday, are of two kinds. They are either men who never owned farms or they are men who, having owned farms, have lost them. It is reasonable to suppose that these people, generally speaking, do not know everything about operating farms successfully. They may be just as able to plow, they may be just as able to do the manual work on the farm, but that is not all that is required to make a successful farmer-operator. Management and planning are essential to success.

In this amendment we propose that the Secretary of Agriculture, out of the experience accumulated in that Department, for which we appropriate millions of dollars, and out of the experience of the Extension Bureau and the State agricultural colleges, shall supply the beneficiaries of this bill for a period of 5 years with advice and supervision, so that they may have the best opportunity possible to succeed in the operation of their farms.

Mr. HOPE. Mr. Chairman, will the gentleman yield?

Mr. BIERMANN. I yield to the gentleman from Kansas.

Mr. HOPE. Is it the gentleman's intention that this supervision shall be given only during the first 5 years?

Mr. BIERMANN. Yes.

Mr. HOPE. It seems to me the gentleman ought to change the form of his amendment so as to make that more specific, because it is not clear, the way I read the amendment, whether it is during the first 5 years or during the entire period.

Mr. RANKIN. Does the gentleman want to give him a life sentence?

Mr. HOPE. No; I want to limit it to 5 years, but I do not believe the amendment does that.

Mr. RANKIN. Why give him a 5-year sentence?

Mr. BIERMANN. I have no pride of authorship in the amendment. The wording is immaterial to me.

Mr. HOPE. The suggestion I would make would be that the gentleman's amendment should read that the borrower will conform to such farming practices and methods as the Secretary may prescribe during the first 5 years the loan is in effect. It seems to me the phrase "in order that" ought to come after, instead of before, the words "the first 5 years."

Mr. BIERMANN. I am perfectly willing to adopt that suggestion and, Mr. Chairman, I ask unanimous consent that the amendment may be changed to conform with the language suggested by the gentleman from Kansas.

Mr. RANKIN. I object to that, Mr. Chairman. I am going to oppose the gentleman's amendment when the gentleman gets through; and if he is through now, I will rise in opposition to the amendment.

Mr. ZIMMERMAN. Mr. Chairman, will the gentleman yield?

Mr. BIERMANN. I yield to the gentleman from Missouri.

Mr. ZIMMERMAN. From the discussion of this bill it appears there will be about one of these farms for each county throughout the country.

Mr. BIERMANN. That would be true if they were divided evenly, but there is nothing in the bill that requires that.

Mr. ZIMMERMAN. Does the gentleman think it is wise at this time to establish a bureau to furnish an expert adviser for one farm in each county in this country? Does not the gentleman think we should wait until the plan is developed further?

Mr. BIERMANN. My amendment does not provide for that at all, and the bill does not provide for one beneficiary in each county. The bill simply provides for starting this plan slowly and carefully and sensibly with a $10,000,000 appropriation instead of going into it on a big scale, and my amendment provides that these men be given the advice and the help that is certainly necessary to the majority of them in order that they may have a Chinaman's chance of paying off the 100-percent loans on their farms.

Mr. ZIMMERMAN. Do you not think it will require an adviser for a number of counties?

Mr. O'CONNOR of Montana. Mr. Chairman, will the gentleman yield?

Mr. BIERMANN. I yield.

Mr. O'CONNOR of Montana. Does not the bill provide that the money is to be distributed on the basis of population?

Mr. BIERMANN. Population and prevalence of farm tenancy per State, but not per county.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. BIERMANN. Yes; I yield to the gentleman from Mississippi.

Mr. RANKIN. Why turn these farmers over to somebody else who could not make a living on the farm himself? The gentleman underestimates the intelligence of the average tenant farmer.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa to amend the pending amendment?

Mr. RANKIN. Mr. Chairman, I objected to that request, and I ask recognition in opposition to the amendment of the gentleman from Iowa.

Mr. COOLEY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from North Carolina, a member of the committee, is recognized for 5 minutes.

Mr. COOLEY. Mr. Chairman, it seems we are in a right unique situation here. One Member of the House has just taken the position with reference to this bill that the House Committee on Agriculture has proposed a measure which will, in effect, put the American tenant farmer into a complete, governmental strait jacket. Now we have another gentleman, a very distinguished member of the committee, taking the position that the bill which we have reported places insufficient regulations around the person whom we are seeking to help. I believe if the Members of the House will look on page 4, section 4, they will see that the committee has reached what might be called a happy medium. Section 4 of the bill provides, among other things:

Be in such form and contain such covenants as the Secretary shall prescribe to secure the payment of the unpaid balance of the loan, together with interest thereon, to protect the security, and to assure that the farm will be maintained in repair, and waste and exhaustion of the farm prevented.

Mr. BIERMANN. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. Not now. The amendment proposed uses in place of the word "covenants" the words "provisions, conditions, and limitations." I believe that the language of the bill is sufficiently broad in its scope to authorize the Secretary of Agriculture to require the tenant whom we are seeking to aid to use modern farm methods, and to comply with the soil-conservation program and to protect the soil fertility.

Mr. PETERSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. Not at this point. With further reference to the suggestion that there should be some supervision, apparently my distinguished friend from Iowa [Mr. BIERMANN] overlooks the fact that in practically every agricultural county in the United States we have a county agent, and I suppose that most, if not all of them, are graduates of agricultural colleges. We have the extension service, which is rendering a fine service to the agricultural people of the Nation. Could it be wished that the Federal Government would add to this great list of governmental employees, and, as my distinguished friend from Missouri has suggested, employ another corps of governmental experts to go on a man's farm every day and direct the activities around his farm and around his household? I believe the Secretary in the deed of trust or mortgage which he will accept upon the granting of a loan, could place certain broad conditions laying down certain requirements with reference to the farm, and if that is done we will accomplish what we want to accomplish.

Mr. KLEBERG. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. Yes.

Mr. KLEBERG. Mr. Chairman, if we are going to provide, in addition to credit, for the purpose of enabling the tenant farmer to acquire a farm and become a farm owner, certain restrictions with reference to eligibility, if we are going to carry on a school for farming, admitting those whom you are going to admit to credit, does not the gentleman believe that we should open the whole bill and let some of the city folk, who would like to own farms, come under the bill also?

Mr. COOLEY. I quite agree with the gentleman from Texas.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. RANKIN. Mr. Chairman, it is my desire to make it possible for every farmer who wishes to do so to be able to own his home. But while we are attempting to cure the land-tenant situation by making landholders out of tenants we should also do something to reverse the policy that is now making tenants out of landowners by foreclosing mortgages on their homes and rendering it impossible for them to make a living on their own lands and pay their debts and taxes.

While it is said that this measure would only provide for purchasing land for one tenant a year in each county, on an average, it is the beginning of a policy which if properly carried out, may result in enabling large numbers of people to own homes who have never been able to do so before. I believe, however, that we should remove some of the restrictions contained in this measure so as to enable the purchaser to get full title to his land just as soon as he can pay it out and free himself from any kind of governmental supervision as early as possible.

For that reason I am opposing the amendment offered by the gentleman from Iowa [Mr. BIERMANN]. I fear he underestimates the intelligence of the average tenant farmer in this country. He certainly underestimates the intelligence of the white tenant farmers in the South. Those tenants, when they become landowners, do not need guardians to tell them what to do, when to sow and when to reap, or how to plow and hoe. It would be useless to send some Government agent who could not make a living farming on the best land in the South to interfere with these people and constantly harass them in their endeavors to earn a livelihood on this land. I do not believe you could send one man from the Department of Agriculture who could teach one of these farmers in my district how to raise cotton. I remember one time we had the members of the Bureau of Agricultural Economics before a committee here and someone asked them what kind of cotton bore red blooms and what kind bore white blooms. Not one of them could answer the question, although some of them pretended to be experienced in growing cotton. Any 10-year-old boy living in the cotton States could have told them that all cotton blooms are white the first day and red the next. How far do you think these men would get teaching southern farmers how to grow cotton? I doubt if one of them could go into the State of Iowa and teach those farmers how to raise corn, or into Kansas and teach them how to raise wheat. The trouble with these agricultural experts is that too many of them are overeducated and undertrained.

I feel that we are approaching this farm problem from the wrong angle. While, as I said, this measure will help as far as it goes, it certainly does not reach the farmers' trouble. We make a landowner of one tenant a year in each county, while large numbers of landowners are made tenants by having their farms sold under mortgage. This shows that there is something wrong with our economic policies—something that goes far deeper than we can hope to reach by passing legislation of this kind.

I will tell you what some of those troubles are. One of them is our taxing system. We hear a great deal about burdensome taxes here in the House. People with large incomes protest that their income taxes are too high. People who inherit enormous estates protest against paying an inheritance tax. Manufacturers of luxuries protest against high taxes on luxuries. But the highest taxes paid by anybody in America, according to his income, is that paid by the farmer who tries to own his home. He has to pay it whether he makes any income or not, or else lose his home—or both. If a man owns a farm worth, we will say, $5,000 and he owes $4,500 on it, he has to pay interest on the $4,500 and pay taxes, not on the $500 equity which he has in the farm, if it is an equity, but he has to pay taxes on the entire farm, valued at $5,000, even if his crops fail and his stock die of starvation, as has happened in some of the drought-stricken areas in the last few years.

That is the reason some tenants tell you frankly that they do not want to own land; that it is less expensive to rent a farm than it is to own one.

The farmer also pays the highest interest rate of anybody in the United States and invariably pays a bonus to get his loan through, and then has to hire someone to make him an abstract, or go through court to clear a title that has never been questioned. If we could get the interest rate to the farmer down to the very minimum and spread his payments out over a long term of years, and relieve him of these additional charges, it would do more to help people who now own farms to hold them than this bill will do, I fear, to help somebody else buy them back, after the owners have lost them. That would make home owning more desirable and cause the more enterprising tenants to strive to purchase homes.

Again, the farmer is taxed indirectly through the high protective tariff system, which has come down from former administrations and which we have not been able to entirely get rid of. A tariff is an indirect tax, a burden upon the producers on those materials for which they get nothing in return. The farmer has all this to pay. Hundreds of millions of dollars are thus wrung from the farmers of this country annually through this method of indirect taxation that levies a tribute upon everything he buys, from the swaddling clothes of infancy to the lining of his coffin.

The farmer is the victim of the manipulation of our monetary system. We call it an elastic system, because under it our monetary supply can be expanded or contracted

at the will of the Federal Reserve Board. They respond to the requests or demands of private banking institutions, and therefore expand or contract the currency to meet the demands of great financial institutions without regard to its disastrous effect upon the Nation's unprotected farmers.

They are selling wheat and cotton today at practically the same price they sold it during the Taft administration, when conditions became so bad in the agricultural States that the farmers in the West revolted and drove that administration from power. Yet they are paying two or three times as much for manufactured articles now as they paid at that time.

What is the cause of this? It is the manipulation of our elastic currency. In 1913, the year that President Taft went out of office, there were approximately $34 per capita in money in circulation, or on the books of the Treasury. The Federal Reserve System was created, and they expanded that currency until by 1920 it had reached $53 per capita, with the result that wheat, cotton, corn, and other agricultural commodities rose to the highest levels they have reached since the Civil War. Then the Federal Reserve Board raised the rediscount rate, called its loans, contracted the currency, and drove commodity prices down to where they swept away the homes of thousands of farmers who were unable to pay the debts they had contracted while prices were high. They never can pay them on the present price levels.

They are now required to pay the taxes and other obligations that were made on those high prices of 20-cent cotton and $2 wheat with 11-cent cotton and $1 wheat. It cannot be done, and this bill will not reach the trouble.

If we would help the farmer to hold his home and help enterprising tenants to purchase homes, we should force a reexpansion of that currency, to raise farm prices high enough to make home owning safe and profitable. That would do more good than all the farm-tenancy laws this Congress could pass.

Another thing, our transportation system penalizes the farmer to an unconscionable degree. The average farmer, the average human being in an agricultural State, and especially in the small towns, and in the rural communities, pays the highest freight rates known on earth, and instead of helping to reduce those freight rates, Congress has recently gone on record for the so-called Pettengill bill that would pile those burdens higher. No wonder tenants are being made out of landowners in every State in the Union infinitely more rapidly than this proposed measure would make landowners out of tenants.

Again, we find the farmer is bled white by monopolies. It is a significant coincidence that where monopolies have grown and expanded the prosperity of the farmer has diminished and farm tenancy has increased. These vast monopolies raise the prices of everything the farmer has to buy and then turn around and fix the prices of the things the farmer has to sell below the cost of production.

Take the dairy farmers, for instance, and you will find that practically all the processors of dairy products are in some kind of combination that enables monopolies to control the price of milk as it leaves the farmers' hands, with the exception of the cooperative creameries and cooperative cheese plants and other farm cooperatives which the farmers control themselves.

Look at the cottonseed industry and see how it is controlled by a vast monopoly. Measured in bushels, the cottonseed crop of the South amounts to about two-thirds of the wheat crop of the entire United States. A bushel of cottonseed has more food value than a bushel of wheat, yet the processors of cottonseed products are controlled by great monopolies that fix the price of cottonseed far below their economic value, thus robbing the cotton farmers of millions of dollars every year, and making tenants out of landowners by the thousands, while we pass a bill here to make one landowner out of one tenant in each county each year.

Look at your wheat and corn farmers and see how they are plundered by the great monopolies that control the processing agencies of those commodities. A man in Kansas looks out of his window over a vast field of wheat, while he eats shredded wheat prepared in Chicago. A tomato grower in south Mississippi sits down to a meal and eats tomato catsup invariably put up in Pittsburgh, Pa., while a corn farmer in Nebraska or Iowa eats cornflakes processed in Battle Creek, Mich.; and all of them pay at least 10 times and often 100 times or 500 times as much for the processed product as they received when they sold the raw material.

These processing establishments are controlled by vast monopolies over which sprawl gigantic holding companies, all of which reach down into the farmer's pocket with one tentacle and take from him the pennies he should receive for the raw material, while with the other they reach into the homes of the ultimate consumers and exact their enormous tributes in overcharges for the finished products in order to maintain and fatten these gigantic monopolies and the influences that control them.

In addition to all that, the farmer pays the highest utility rates that can be imposed, limited only by the amount the traffic will bear, unprotected by his Government or his State. Telephone rates have become so high that the average farmer has long since abandoned the use of a telephone. Electric light and power rates have been so high that, as a rule, it is like paying rent on his farm if the farmer even secures enough electricity to furnish lights for his home, depriving him of the use of a sufficient amount of it to operate those appliances which make his income pleasant, profitable, and attractive. If we would electrify every farmhouse in America at the standard T. V. A. rates, it would do the farmers more good than any other one thing that has ever been done or attempted.

These are the farm problems with which we must deal. We cannot cure the trouble by inducing a few tenants to buy farms on credit when the farmers who own land are unable to hold it and make a living for themselves and their families.

We can cure this trouble, but it will take a major operation. This mild ointment will not cure the cancer; we must go deeper and reach the very root of the trouble.

This is the richest country in all the world. We have the richest lands, the finest soils, an abundant rainfall, a gentle climate, and the finest rural population to be found in all the world. Yet we find that in this twentieth century, this age of education and progress, when mankind has gained the greatest ascendency over the forces of nature ever known in all the ages—with all these advantages, we see our farmers driven from their farms by abnormal prices for what they must buy, depressed prices for what they sell, exorbitant taxes compared with their meager incomes, interest rates all out of proportion, indirect taxes on everything they purchase, and their very lives regulated by remote control.

We cannot cure this situation by inducing a few people to buy farms on credit, but we must go to the root of the trouble and take from the back of the farmer those burdens which selfish interests have placed upon him and give him the benefits made possible by our modern civilization, protect him from oppressive monopolies, and permit him to share in the use of our natural resources. Then the farmer will become prosperous and independent. We will then stop making tenants out of landowners by impoverishing the man who toils, but we will make it possible for the present landowners to retain their homes and for the enterprising tenants to acquire land of their own. [Applause.]

Mr. GRAY of Indiana. Mr. Chairman, we hear men talk very assuringly about giving economic security to the farmers who are in debt. But there is no economic security for the farmers in debt under existing conditions today.

We hear men holding out the hope to the farmers, laboring under mortgage debts, of independence as home owners, but there is and can be no such independence with the farmers in debt under existing conditions.

The gentleman from Iowa [Mr. BIERMANN] has offered an amendment to hold the farmers in debt on their farms by

preventing the farmers from selling their property and giving them wholesome counsel and advice. But there is no way under which, by giving advice, encouragement, or otherwise to hold farmers who are in debt on their farms.

There was a farmer in my district with only a debt of two-thirds on his farm. He disappeared one dark night when love and innocence sleeps and when found later in another State, explaining the cause of his secret departure, said he was afraid that he would be made to keep his farm.

To give the farmer economic security and independence as a home owner, we must go back to fundamentals. We must go back to first principles. We must go back to the source of the evil and remedy the cause of farm tenancy, the cause which drove the farmer from his farm.

First, we must go back to 1921–22, when, in the course of less than 18 months over 2,000,000 farmers lost their farms and either became tenants on their own land or were compelled to move and to live under strange landlords.

Then following this wholesale movement of farmers leaving their farms to become wandering farm tenants, hundreds of thousands of other farmers lost their farms annually until the army of tenancy had become a threatening menace to the peace and order of the country.

It was in 1924 that the loaning insurance companies, becoming landlords of their mortgaged farms, applied to the Agriculture Department to create a farm-manager bureau to educate men as farm managers to manage 20,000-acre farms or tracts with former farm landowners as their tenants.

Then, following this and between 1924 and 1929, farm conditions became relaxed and relieved and many existing mortgages were changed, not by payment but by renewal of the old debt. And following 1929 mortgages were again foreclosed and other millions of farmers were dispossessed as owners and became tenants on their own land.

These farmers became tenants not because the Government did not loan them money, nor because they could not meet and pay the amount of the mortgage they promised to pay, but because of the fall of values and the price level which compelled them to pay back to mortgagees with two, three, or four times the farm products they had promised and obligated themselves to pay.

The farm owners became tenants because under the farm values and prices their farms fell in value until the value of the farm home mortgaged to only one-half of its value was now less than the mortgage debt, or calling for two or three times the farm products and labor to pay.

Until farm values are made stable and unchanging it is folly to put farmers back on farms under mortgages equaling their full value and expect them to pay and become owners and regain so-called economic security and become independent home owners.

But restore farm values and the price level to their former and normal state and farm laborers will again save, buy themselves a farm of their own, and pay their mortgage debts and achieve economic security without Government or other aid.

I am supporting this bill, not in the hope of giving farmers economic security but to support the principle of farm relief and to hold the farmers on the land until Congress can recover the control of the public currency of the country and thereby stabilize values and prices.

The causes driving millions of farmers from their farms and country homes to become roving tenants must be first removed and overcome before we can restore farmers back upon the land and keep them there and rescue agriculture from the menace of tenancy.

But the evils of fluctuating money values, the evil of falling values and the price level, are not the only evils to be remedied to stop augmenting the army of farm tenants increasing now year by year and creating a greater menace than ever before.

Agricultural land in the United States is fast losing the fertility of the soil by erosion and water carrying the fertility from the land, until over 50,000,000 acres of land have become worthless for cultivation and have been deserted by the farmers to become tenants upon other land.

This is not a charge against farmers, nor against farmers as a class of people. It is only an oversight, overlooked by all, which could not have been seen in advance even by natural scientists and critical students in time to be warned against and remedied. And now the loss and waste have gone too far to be stopped except by Federal aid.

And even now, with the appalling loss and waste of the fertility of our rich farmland open to be observed by the world, the Nation is standing aghast, beholding the wasted and eroded fields, and is pausing to formulate a program for conservation and reclamation of once fertile land.

The farmers living upon these 50,000,000 acres have deserted the farm homes of their ancestors with hundreds of millions more acres doomed to go, with the coming of not to exceed 3 or 4 years, and the farm owners of these lands will be likewise forced to leave their homes to join the band of wandering farm tenants.

With these evil causes still operating to drive farmers from their land, declaring economic security for the farmers, independence for the farm home owners, and loaning them the full value of their farms with interest, upkeep, and taxes to pay will not solve the problem of farm tenancy.

And there are other causes contributing to farm tenancy which must be removed and overcome, and the farmers relieved from the burdens of which, before they can assume debt obligations equal to the whole value of their farms, and pay their way to economic recovery and independence.

One of these burdens bearing upon the farmer is the inequality of the prices he receives with the prices he is compelled to pay for his supplies and farm equipment, and materials for repairs and upkeep. He must have parity of prices for what he has to sell and buy.

It is folly to loan to a farmer the whole value of a farm and expect him to pay the debt and become an independent home owner when the same farmer could not pay the one-half mortgage on his farm and was compelled to suffer foreclosure under these same conditions.

To make this legislation a success in restoring farmers back on the farm they must first be given economic stability, must be safeguarded against fall of prices, must have Federal aid in reclaiming soil fertility, and must have equality of prices for what he has to sell and buy.

Without restoring normal farm values, without stabilizing farm prices under which to pay these farm debts, and without conserving the resources of eroding land and wasting soil fertility, loaning money to the farmers to buy a farm today will be only a vain gesture or maneuver, and farm tenancy will remain a growing evil tomorrow. [Applause.]

Mr. JONES. Mr. Chairman, I understand there will be several amendments to this section. I ask unanimous consent that all debate on the amendment offered by the gentleman from Iowa now close and that we have a vote on the amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that all debate on the pending amendment do now close. Is there objection?

Mr. WADSWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WADSWORTH. Did I understand the gentleman from Iowa had unanimous consent to amend his amendment?

The CHAIRMAN. That was objected to.

Is there objection to the request of the gentleman from Texas?

Mr. COLDEN. Mr. Chairman, reserving the right to object, can the chairman of the Committee on Agriculture inform us whether there is any possibility of amending the Federal Banking Act so as to permit these banks with huge reserves to lend money on land? This would somewhat meet the problem. The bankers could be protected by some method of insurance such as was used in the housing program. And may I say in this connection that the country

banker, more than any other individual, is usually familiar with the ability to pay and the character of the average man in his community. If we could open this great source of idle funds in this country it would help the situation very much, it seems to me.

Mr. JONES. There are, of course, various ways in which the Banking Act might be amended, but I would rather not pass judgment on that as it is within the jurisdiction of another committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BIERMANN. Mr. Chairman, I ask unanimous consent, inasmuch as so much debate has intervened since the amendment was reported, that the Clerk may again read the amendment for the information of the House.

The CHAIRMAN. Without objection it is so ordered.

There was no objection.

The Clerk again read the Biermann amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was rejected.

Mr. BOILEAU. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOILEAU: On page 4, line 9, after the word "of" where it appears the second time, strike out "3" and insert in lieu thereof "1½."

Mr. BOILEAU. Mr. Chairman, the amendment is self-explanatory. It provides for reduction in interest rates from 3 percent down to 1½ percent. Many Members, especially those from agricultural sections have in recent years made speech after speech upon the stump in which they said that they believed that interest rates were too high, that the farmer was being obliged to pay too much in the form of interest; and a good many Members have said that they would support the provisions of the Frazier-Lemke bill. One of the important provisions of the Frazier-Lemke bill was that interest rates should be 1½ percent. I appeal to you Members who have made such statements in the campaign to take this opportunity, which may be the only one afforded you during this session of Congress, to reduce the interest rates. At least give this help to those who will be benefited under the provisions of this bill.

Then, too, in a recent message delivered to the Congress, the President of the United States said that one-third of our people were ill-housed, ill-nourished, and ill-clothed. He made the statement that a large percentage of our people were underprivileged. Here today we are attempting, in a very feeble way, it is true, to give some relief to a large part of that underprivileged class. If you subscribe to the President's views in that respect, if you subscribe to the theory that a large percentage of our people need this assistance and for that reason are going to vote for this bill, it seems to me you should be consistent and should support an amendment that would reduce the interest rates down to 1½ percent.

One and a half percent is enough interest to be paid to the Government to insure that the operations conducted under the bill will not cost the Federal Treasury one red cent. The Federal Treasury can get this money for less than 1½ percent, and I submit to you that they should lend this money to the farmers at this rate. If, perchance, the cost of administration should be proportionately unduly high because of our effort to do a big job with a little bit of money; if, perchance, the administrative cost is excessive, do not tie this additional cost around the necks of the people you are going to help. I submit to you that if we adopt a proper plan for the relief of sharecroppers and farm tenants, if we can do the job charging not more than 1½-percent interest, again referring to the statement of the President of the United States, the time to do that job is now.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. CRAWFORD. I think it is very interesting to observe that the man who has a first mortgage on his farm pays 4 percent; a second mortgage, 5 percent. The pending bill provides 3 percent on loans made under it. Other branches of organized industry get as low as three-fourths of 1 percent and 1 percent per annum. This is supposed to be social insurance, social lending, social rates. What do we call rates of interest such as one-fourth of 1 percent, one-half of 1 percent, and 1 percent?

Mr. BOILEAU. I submit to the gentleman that the cost should be 1½ percent. This bill if properly administered, as I hope it will be, can be carried out so there will not be any loss to the Treasury at that rate. I do not believe there is any justification for saddling around the necks of these people, who are practically destitute, an interest rate of 3 percent.

Oh, it will be said that these are lower than he can get almost any other place. I submit that it is lower than the farmers can get, but it is not as low as many of the privileged groups in this country can get. I submit, furthermore, that if we are going to give any help to these people it must be by way of reducing the interest rate that has been eating up all of the profits of agriculture for so many years.

Mr. PETERSON of Georgia. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I was delighted to hear the statement of the gentleman from Mississippi a few minutes ago that this bill does not touch the vital question that now affects the American farm population. In reply to questions asked me by other Members while I was speaking a few minutes ago, may I say that in reality from an economic standpoint, what this piece of legislation does to those who come under its influence and effect is to decrease rather than increase their cash net income.

Mr. LUCAS. Will the gentleman yield?

Mr. PETERSON of Georgia. I decline to yield.

Mr. Chairman, I call the attention of the Members of the House to a table that has been prepared from the census of 1930, which is the last complete farm census available, and I may say incidentally in that year the farm income only lacked about 4 percent of being upon a parity with the industrial income of this Nation. This census shows that during that year the average farm laborer who labored as a tenant had a monthly net cash income of $28 per month, while the average farm operator who owned his own farm and had a mortgage on it received an average net cash income of only $20 a month, or $8 less than the tenant.

In the State of North Carolina, from whence comes the gentleman who asked me questions previously, we find that the average net cash income of the tenants in 1930 was $11 per month, while the average net cash income of the owner-operator, whose land was mortgaged, was $7 per month, or $4 less than the tenant.

Mr. Chairman, we are not putting those farmers in a position of economic independence. We are simply pauperizing and putting them deeper into serfdom if this proposal is put into operation.

There has been mentioned during the debate on this proposal the great work that has been done in the nation of Denmark under a similar proposal. I may say to the membership that for over 30 years Denmark has been following a very similar, yea, an almost identical, program. I quote from a periodical that was prepared and issued by the United States Department of Agriculture:

Beginning in 1899, and at frequent intervals since that time, Denmark has passed laws providing for Government loans to individuals for the acquisition of land and construction of buildings. All the laws have permitted the loans to cover an unusually large part of the value of the property, usually up to 90 percent, and the interest rate has been consistently low.

What did they find after an exhaustive survey?—

One of the greatest draw-backs to profitable operation of farms in Denmark is the high price of land, caused principally by heavy encumbrances.

What did they find in their summary?

[Here the gavel fell.]

Mr. JONES. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MASSINGALE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I find from the discussion of this bill that we must all be kinsfolk in America. Down in Oklahoma this is a most fertile field for oratory. I find that must be true all over this Union from remarks I have heard in the discussion of this bill.

Why is it, Mr. Chairman, that all of a sudden there is a flood of oratory in this House eulogizing the farmer? This Congress has been in existence for about 150 years and we have kept the farmer outside the pale during that time. Now he has become a kind of hero in Congress. I wonder if it is not due to the fact that we have just recently discovered that we are living in a land of sleeping giants who may suddenly awake and demand recognition of their rights before the Congress of the United States?

I live in a farming district, inhabited by the very pick of the men and women of America. These folks have been demanding recognition and we have not given it to them.

Mr. Chairman, I am going to support this bill, not because I believe it carries any worth-while recognition of the farmers, or gives them any real service, but because it makes a crack in the wall of exclusion that has held them out for these 150 years, in the hope that crack will grow larger and after a while something will be done of substantial worth to the farm class in America.

Let me tell you something further. You go up to Detroit and that manufacturing district and you have a citizenship that is torn asunder. You do not know whether that flag that floats there is in danger in the Detroit region or not. You go to the farmers of this Union, give them a new toehold, give them a place they may call home, and then protect them with something like cost of production and a decent farm program and you have an abiding faith for the flag of this Union and America will always be safe. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. BOILEAU].

The amendment was rejected.

Mr. COFFEE of Nebraska. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. COFFEE of Nebraska: Page 3, line 23, after the word "excess", insert "of 90 percent."

Mr. COFFEE of Nebraska. Mr. Chairman, this amendment is offered for the serious consideration of the Members of the House. The amendment lost by a small vote in committee.

We are embarking on a new program that will involve this Government in the expenditure of millions, if not billions, of dollars. The question is, If we embark on this program, are we going on a reasonable basis, or on one that no one can defend as being sound from a lending standpoint?

Under the provisions of this bill it is proposed to loan 100 percent of the value of the farm. Bear in mind there are approximately 3,000 counties in the United States, and that at $5,000 per farm it would require $15,000,000 to finance just one tenant in each county. It would require about $14,000,000,000 to finance all the 2,860,000 tenant farmers in the United States. To finance 1 percent of them would require approximately $140,000,000.

Do you want to commit the United States Government to a program where it will lend 100 percent of the purchase price, or would you prefer a more sound program which will provide for lending only 90 percent of the purchase price thus requiring the tenant to put up a 10-percent down payment? Bear in mind you are not doing a tenant a favor when you load him down with 100-percent indebtedness. If the farm owners who today are farming with mortgages of only 50 and 75 percent of the value of their farms are having difficulty financing their farming operations, how do you expect a man to succeed with a 100-percent mortgage?

By the adoption of this amendment you will help protect the credit of the United States Government. The Federal Government has been looking after the distress needs of our people for the last few years, and it is now time for the people of the country to help look after distress needs of the Federal Government. [Applause.]

Mr. O'CONNOR of Montana. Mr. Chairman, will the gentleman yield?

Mr. COFFEE of Nebraska. I shall be pleased to yield when I finish my statement.

The farm tenants and sharecroppers in this country will soon realize that, even with $50,000,000 a year appropriated for this purpose, less than 1 percent of them could be financed to purchase a farm. I fully realize that very little of this money will reach Nebraska. My objective is to prevent, as far as I can, the inauguration of unsound experiments by the Federal Government that may in the future lead to such vast appropriations as to impair the credit of the Federal Government.

The farmers in my State are not asking for this legislation. They are more interested in farm prices. If farming is profitable, the owners and tenants alike are prosperous. There are in Nebraska today many tenants who, if they wanted to, could buy on reasonable terms the farms they are operating. Most of them are wise in not purchasing until they are financially able to assume the risk and responsibilities of ownership.

By requiring only a 10-percent payment, no one could contend that the Government was not offering a most liberal provision. Without this provision, many tenants will be encouraged to assume the responsibilities of ownership who will not be able to pay their taxes and interest and eventually will lose their farms through foreclosure. Had they remained as tenants until they had accumulated sufficient funds, stock, and equipment, they perhaps would have made a success of the venture. Some would undoubtedly be much better off renting the land on a share basis where the owner shared in the loss from drought, hail, grasshoppers, and other hazards that are always a threat to the farmer in many sections of this country.

There is no one more interested in assisting the farmers of this country than I am. Forty-nine percent of the farmers in Nebraska are tenants, but I am glad to say that the tenants are getting along just as well as the owners. If we make farming profitable, there will be no tenant problem in Nebraska. The tenants who want to buy a farm will be able to make the 10-percent down payment and take advantage of the liberal terms provided in this measure.

Mr. O'CONNOR or Montana. Will the gentleman yield for just a question?

Mr. COFFEE of Nebraska. I yield, briefly, for a question.

Mr. O'CONNOR of Montana. Is it not a fact the Federal land bank lends money on the basis of 75 percent of the valuation of the property?

Mr. COFFEE of Nebraska. The gentleman is correct, if the Federal land-bank loan and commissioner loan is combined. The Federal land bank is now selling to tenants most of the farms they had to take over. They will, however, not sell unless they have a substantial down payment.

In my judgment it is a mistake to authorize any Federal agency to loan 100 percent of the purchase price of a farm. We have provided under title II for rehabilitation loans which are justified. The money put into the purchase of one farm would perhaps take care of 10 rehabilitation clients.

I submit that if you want this tenant program to succeed without criticism and to have the support of the country in years to come, you will vote for my amendment. You cannot

justify authorizing a Federal agency to loan 100 percent of the purchase price, but you can justify your position in authorizing loans not to exceed 90 percent of the purchase price.

[Here the gavel fell.]

Mr. MAHON of Texas. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Nebraska [Mr. COFFEE].

The Clerk read as follows:

Amendment offered by Mr. MAHON of Texas to the amendment offered by Mr. COFFEE of Nebraska: After section 3, page 3, strike out "90 percent" and insert "95 percent."

Mr. MAHON of Texas. Mr. Chairman, like the gentleman from Nebraska [Mr. COFFEE], for whose judgment I have high regard, I represent an agricultural district. I represent 25 of the best farm counties in Texas. I cannot express too strongly my interest in helpful farm legislation and a wise farm program. I am especially interested in a farm-home-ownership program to combat the growth of farm tenancy. I regret to report that 61 percent of the farmers of my district have as yet been unable, largely because of adverse circumstances and low prices for farm products, to become owners of the farms they cultivate. It goes without saying that I would not favor anything I thought would be injurious to the farmers of my district. Such an attitude would be unfair to the people I represent and politically unwise.

My amendment provides that no applicant for a loan under this act shall receive a loan on land in excess of 95 percent of the value of the land. In other words, the farmer would put up 5 percent of the value of the farm which he proposed to purchase. This would be $250 on a $5,000 farm. I cannot see anything wrong with this principle of a down payment on the farm to be bought. Our farmers know the difficulties involved in buying land. They want to start out on a sound basis. They are not looking for a semirelief contract. They want a fair chance to become home owners in their own right.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. MAHON of Texas. Yes.

Mr. COOLEY. Does not the gentleman recognize that this is an experiment?

Mr. MAHON of Texas. I do.

Mr. COOLEY. Does the gentleman think, if it is an experiment, that we should undertake to put it on a sound financial basis rather than on an experimental basis?

Mr. MAHON of Texas. I think we ought to start out on the soundest basis we possibly can. If we want to invite disaster and pull the mountain down upon the tenant farmers of America, we are at liberty to do so, but if we want to start right in the beginning and build well the structure in which we are interested today, we will try to proceed cautiously and wisely in the beginning of the administration of this measure. If the tenant cannot pay $250 as a down payment, how is he going to pay interest at the rate of 3 percent, which will be $150 the next year, and the taxes on the land?

I do not want to see the tenant farmers in my district go into an undertaking which from its inception is bound to fail. There are many farm families in this country who are longing for a chance to buy a home with a small down payment and a guaranty of proper credit facilities. The aims of the Government could not be directed in more worthwhile channels.

Mr. COOLEY. Will the gentleman yield for a brief question?

Mr. MAHON of Texas. Yes.

Mr. COOLEY. Does the gentleman realize that under the provisions of this bill the person who is able to make an initial payment is to be given a preference? The provision is very specific.

Mr. MAHON of Texas. There is no mandatory provision in the bill to the effect that the man who can make a down payment shall get the farm.

Mr. COOLEY. Does the gentleman realize that many people might be able to make a down payment who would be otherwise objectionable?

Mr. MAHON of Texas. Certainly; and we provide that they must be first-class risks.

Mr. THOMASON of Texas. Mr. Chairman, will the gentleman yield?

Mr. MAHON of Texas. Yes.

Mr. THOMASON of Texas. Does not the gentleman think that if his amendment is adopted a down payment would represent some evidence of good faith on the part of the tenant and some evidence of a serious intention and purpose to make the farm a success?

Mr. MAHON of Texas. The gentleman is eminently correct.

[Here the gavel fell.]

Mr. HOPE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Nebraska [Mr. COFFEE].

Mr. Chairman, this bill, of course, does not require that loans be made to the full value of the land. It permits loans up to that amount, but it specifically provides that preference shall be given to the farmer who is able to make a down payment.

Now, as has been said a number of times in the course of this discussion, this bill is an experiment, and if it is an experiment, I feel the Department of Agriculture ought to have an opportunity, under the provisions of the bill, to make it somewhat flexible. There may be some parts of the country in which it would be better and sounder to require a down payment of maybe more than 10 percent, and in other sections it might be desirable to make these loans without a down payment. I think the Department ought to have the opportunity to try out different methods and make loans on a different basis within the limits of the bill, in order to determine what policy we shall finally adopt if we find that this experiment is successful.

The greatest success that has been made in this type of project anywhere in the world has been in Ireland. They began back in 1870 in Ireland to solve their tenant problem by making loans to tenants to purchase land, and they began by making the loans on the basis of 66.7 percent, or two-thirds of the value. Then they raised it to 75 percent, but ever since 1881 they have made these loans on the basis of 100 percent. During this time they have loaned approximately $725,000,000 and have made owners or put on the road to ownership 547,000 tenants. So that whereas back in 1870, 97 percent of the farmers of Ireland were tenants and 3 percent were owners, now the percentage is just the reverse and 97 percent are owners and 3 percent are tenants. Practically all of this was done on the basis of loans at 100 percent of the value of the land.

Mr. JONES. Mr. Chairman, will the gentleman yield for a question?

Mr. HOPE. Yes.

Mr. JONES. The gentleman mentioned the fact that preference is given to the one who can make an initial payment, also preference is given to the one who has equipment and machinery, and is it not frequently a sounder loan to lend 100 percent to a man who has equipment and machinery to operate a farm than 95 percent to a man who does not have such equipment; and the adoption of either of these amendments would make it so that the man who had plenty of machinery and plenty of equipment to farm probably would be turned down for the man who had a 5-percent payment, even though he had no equipment whatever.

Mr. HOPE. I agree with the gentleman entirely.

[Here the gavel fell.]

Mr. HOOK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I did not intend to talk on this bill because of the fact that the State of Michigan is not faced with the problem of tenancy, because we only have about 19 percent of tenancy, but one of the previous speakers here today mentioned the fact that the flag of our country was being desecrated in the city of Detroit.

Let us go back a few years to the days when the I. W. W.'s were out in the wheat fields and went through the farming country and burned the barns and burned the wheat fields.

Did we consider that the farmers were desecrating the flag of the United States of America? No! That same element today is in the city of Detroit. This is the element that has worked its way into the labor movement in America and it is the element that labor leaders must take out of its ranks. The city of Detroit and the good people of Detroit are not desecrating the flag of America. It is the communistic element that has crept into labor that is desecrating the flag. It is bent on destroying not only the labor movement but the very principles upon which this democracy is founded.

I have always been a friend of labor, and I well remember when the United Mine Workers of America was a real organization—and I am weighing well my words—when John L. Lewis was at the head of that organization, and when he, in no uncertain terms, condemned certain communistic leaders and drove them out of that miners' organization because he said they were there for disruptive work from within, and now where are those very Communists he condemned? They are the first lieutenants of John L. Lewis in the C. I. O. today—Phil Murray, John Brophy, Powers Hapgood, and others. He cannot deny it. Why the change of heart?

Let me say to you that while I was back in my district some of the real, honest C. I. O. labor organizers came to me and begged me to use my influence to have the C. I. O. and its leaders take these Communists as organizers out of that organization. I am not opposed to the C. I. O. or to industrial organizations, but I am opposed to the communistic, anarchistic organization that is working from within, and that is going to disrupt labor if it is allowed to go on. Yes; disrupt this Nation, but only temporarily, because real Americans accept the challenge and will never bow to communistic, irreligious slavery.

As it has been mentioned here that the crack is open for the farmer to come in, let us open a crack for labor to come into this House of Representatives and be recognized. Let us pass laws outlawing the right of any employer or employee, engaged in the manufacture of goods that will go into interstate commerce, to arm his factory. Let me suggest that we may pass legislation that will make it a crime to transport men from one place to another or from one State to another, if you please, either for strikebreaking or strike picketing excepting troops authorized by lawful authority. Lawful picketing is the right of labor. The right to strike is their only weapon; but do not let some Communist, who has not the interest of labor at heart, direct that strike. The American Federation of Labor refuses to allow known Communists within their ranks, and I congratulate them for it. When the C. I. O. enforces such a rule they will gain the respect of the American people, but until then they will continue to lose in the eyes of public opinion, and public opinion rules in America.

[Here the gavel fell.]

Mr. JONES. Mr. Chairman, I did not make the point of order to the remarks of the gentleman from Michigan [Mr. HOOK], but I shall hereafter when outside matters are discussed make the point of order, because we have a great many who want to discuss this particular measure. I want to see now if we cannot agree upon a time limit for discussion of this section. I ask unanimous consent that in the further discussion of this section, the speeches shall be limited to 3 minutes.

The CHAIRMAN. Is there objection?

Mr. FLANNAGAN. Mr. Chairman, I object.

Mr. JONES. Then, Mr. Chairman, I ask unanimous consent that each of the amendments that are to be offered to this section be read first for the information of the committee.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the amendments in the order in which they reach the desk.

The Clerk read as follows:

Amendment by Mr. WARREN: Amend section 3 on page 3, line 25, by inserting after the word "farm" the words "and for the necessary repairs and improvements thereon."

Mr. WARREN. Mr. Chairman, I rise merely to state that I do not wish any time on that particular amendment, because I understand it is entirely satisfactory to the gentleman from Texas [Mr. JONES]. While I have the floor, however, because of inquiry raised by many Members, I announce that I shall offer a very important clarifying amendment to section 43 later. I understand there is no objection to the pending amendment.

Mr. JONES. Mr. Chairman, I have no objection to the amendment, and I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by Mr. WARREN.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. PACE: Page 5, insert:

"(7) Contain a waiver by the borrower of all rights and benefits under the terms of the act approved August 28, 1935, commonly referred to as the Frazier-Lemke Act, as against the Secretary of Agriculture until he has paid as much as 15 percent of the reasonable value of the farm."

Mr. JONES. Mr. Chairman, I reserve the point of order upon that amendment.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAWFORD: Page 5, line 16, strike out the figures "$25,000,000" and insert "$15,000,000."

Mr. JONES. That is to the next section.

The CHAIRMAN. We have not reached that part of the bill.

The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. MAHON of Texas. Page 3, line 22, and page 4, lines 1 and 2, strike out all of paragraph (a) of section 3 and insert in lieu thereof the following:

"Loans made under this title shall not exceed $6,500 to any one applicant and shall not be in excess of the amount certified by the county committee to be the value of the farm, and shall not exceed the amount necessary to enable the borrower to acquire the farm and shall be secured by a first mortgage or deed of trust on the farm."

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. TARVER: Page 4, line 1, after the words "secured by", strike out the remainder of line 1 and line 2 and insert: "instruments vesting the legal title to the farm in the Secretary of Agriculture for the use and benefit of the United States as its interests may appear, and the acquisition of title to such farm or all rights and interest therein by the borrower shall be strictly in accordance with the terms of the instruments executed in connection with such loan."

The Clerk read as follows:

Another amendment offered by Mr. TARVER: Page 5, line 3, after the word "payable", strike out the period and insert a colon and the following proviso: "*Provided*, That the borrower shall not, for a period of 5 years after the loan is granted, nor at any time until 25 percent of the loan has been repaid, have an assignable interest in the farm unless the Secretary agrees that such interest shall vest in him, nor shall he have any equitable or other interest subject to levy and sale under process in favor of creditors under the laws of any State for such period of 5 years."

The Clerk read as follows:

Amendment offered by Mr. BIERMANN: Page 4, line 6, after the word "not", insert "less than twenty nor."

Page 4, strike out lines 24 and 25; and on page 5, strike out lines 1 to 3, inclusive, and insert:

"(6) Provide that the borrower shall not voluntarily assign, sell, or otherwise transfer the farm or any interest thereunder, without the consent of the Secretary, and provide that upon involuntary transfer or sale, the Secretary may declare the amount unpaid immediately due and payable.

"(7) Provide that upon satisfaction of the borrower's obligation but not less than 20 years after the making of the loan, he shall be entitled to the farm free of any estate or property interest retained by the Secretary to secure the satisfaction of the obligation."

Page 5, line 5, before the period, insert a comma and the following: "except that the final payment of any sum due shall not be

accepted if the effect of such acceptance would be to make ineffective the 20-year limitation provided in paragraph 1 of subsection (b) of this section."

Amendment offered by Mr. FLANNAGAN to amend the Biermann amendment: Strike out the word "twenty" where it appears in the Biermann amendment and insert the word "ten."

Mr. KLEBERG. Mr. Chairman, I move to strike out the last three words.

The discussion of this particular bill has taken a wide range, and I do not propose to go into a discussion of the bill in its entirety, but will confine my remarks to the record as it appears today, and to references which have been made to the Farm Credit Administration during this debate.

I want to call the attention of the House to the fact that despite every effort having been made to show that the farm tenants of America have been the forgotten people of this land, in the year 1936 this very Farm Credit Administration, which has been accused here of holding up the people and of ruthless foreclosures, put 20,000 farms into the hands of new farm owners. About 10,000 of those farms to which I refer came to the Farm Credit Administration following advances under mortgages created in 1920 under the Federal land bank. The particular 10,000 to which I refer were abandoned, and there was no real action in foreclosure, because the then owners of the farms had no interest whatsoever in retaining them, due to taxes and other matters.

In the case of the other 10,000 farms, money was advanced to the extent of over 75 percent of the value of the farms to those who could make the proper showing as proper credit risks under the Farm Credit Administration. The F. C. A., therefore, made advances of in the neighborhood of $50,000,000 toward the solution of the tenant problem in the United States. I think it is perfectly fair that this debate should keep the record clear as to the work of the Farm Credit Administration, both in refinancing and in bringing people back to farms which had no people on them, and farms that were then owned by the Government and held by the Farm Credit Administration. Those 20,000 farms bear the following ratio to the total credit extended by the Farm Credit Administration up until April 30 of this year:

Eight hundred and fifty thousand farms refinanced by the Farm Credit Administration; 10,000 of the farms sold came in by abandonment proceedings on the part of the owners, and in the case of the 10,000 other farms, credit was advanced in most instances to tenant farmers who had saved enough out of their operations to make the proper first payments and to meet the credit requirements of the Farm Credit Administration.

In connection with the amendment offered by the distinguished gentleman from Texas, we have rather definite evidence that there are many farm tenants in these United States, sharecroppers and tenants alike, men of sufficient ability and earnestness of desire to permit them to make a reasonable down payment, showing, first, good faith, and, second, placing the operation of this administration on a basis which would be reasonably sound and in accordance with the practice heretofore established by the present administration.

I feel very strongly about this matter. I propose to vote for the amendment offered by the gentleman from Nebraska [Mr. COFFEE], first, because I think 10 percent is not too much down payment to require during the administration of the early operations of this act, and, failing in that amendment, I will vote for the amendment offered by the gentleman from Texas [Mr. MAHON].

In summation, the bill under consideration will provide credit up to 100 percent of the value of the farm and will furnish finances sufficient to put about 2,000 farms in the hands of now tenant farmers.

We already have evidence that the F. C. A. has done well by 10 times that number in 1 year, and will continue so to do in a sound, orderly way.

None of the farms held by the Farm Credit Administration during the aforementioned operations were acquired after 1933.

The Farm Credit Administration now has about 28,321 farms evidenced by sheriff's certificates and a very, very few of these acquired by foreclosure.

The CHAIRMAN. The time of the gentleman from Texas [Mr. KLEBERG] has expired.

Mr. TOBEY. Mr. Chairman, I rise in opposition to the pending amendments. My State of New Hampshire has about the lowest proportion of tenancy of any State in the Union. Nevertheless, I well understand this is a national problem and as such it commands my sympathetic interest and attention.

I want to say at the beginning of my remarks that I find myself not in accord with the gentleman from North Carolina, who by his interrogation of one of the Members a few moments ago suggested that matters of an experimental nature in government were justified in being based upon a basis which is not sound.

For either experimental or permanent legislation there is one fundamental requirement: It must be sound all the way through. Nothing will bring this country into evil days any more than setting up experimental legislation that is not sound in its provisions.

Some years ago I went to the Secretary of Agriculture and demanded the report made by Mary Connor Myers, a Government investigator, on the subject of farm tenancy. This report was made by her for the Department of Agriculture. It was not made public. It was ordered suppressed by the Department. I was granted an opportunity, however, of reading that report in its entirety and I became well aware of the terrible conditions of the tenant farmers and sharecroppers through the medium of that report.

I want to support this legislation, as a national experiment to try and do something to meet a serious situation, but I want to see it sound. To that end I would like to have the amendment of the gentleman from Nebraska adopted placing only a 90-percent burden on the Government.

Some time ago when our House Committee on Agriculture had under consideration the original bill H. R. 8, we finally repudiated the bill because it would put the Government into the business of buying and selling land. The committee took this action despite the fact that its members were put under great pressure from the administration and were subject to cajolery and threats.

It was to the everlasting credit of those who resisted such methods. That is now a matter of record.

Addressing myself now to the chairman of the Committee on Agriculture I need not have the gift of prophecy to realize that when this bill goes to the Senate, in all probability that body will put in the bill the original provision for the buying and selling of land by the Government. If the bill comes back to the House containing this provision, addressing myself to the chairman of my committee and to the gentleman from Nebraska, I ask them if they will support me in a resolution of the House instructing the conferees to stand against that provision for buying and selling land and to eliminate it from the bill. What do you say, Mr. Chairman?

Mr. JONES. We have not gotten this bill to conference yet. I am going to sustain the position of the House as best I can.

Mr. TOBEY. Coming events cast their shadows before them, however, sir.

Mr. JONES. I do not think the gentleman will expect me to make a commitment thus far in advance.

Mr. TOBEY. Give me a little friendly advice. What do you think, sub rosa?

Mr. JONES. I cannot see that what I might think would be governing in that respect. I know that the gentleman feels that I will do the best I can in working out the bill.

Mr. TOBEY. I want to go on record here and now that I on behalf of this House, to sustain the position of the House, will support a resolution instructing the conferees

to strike out such a provision if inserted in the bill by the Senate. Will you gentlemen support me?

Mr. COFFEE of Nebraska. I am for the gentleman.

Mr. TOBEY. One thing more, Mr. Chairman. We hear a lot of statistics these days about the number and activities of Government departments. This bill would add to our already topheavy bureaucracy. The bureaucrats are often in each other's way, stumbling over each other. Often their statements are at cross purposes one with the other. Here is a bill which aims to put thousands more people on the farms of America. Many other pieces of farm legislation have that import behind them through granting more credit, and lower rates of interest—trying to get more people on the farms. Listen, Mr. Chairman JONES, of Texas, while I read an amazing statement coming from no less a man than Dr. O. E. Baker, population authority for the United States Department of Agriculture. In an Associated Press article in the Washington Post today he is reported to have said in an address at Purdue University Institute on American Policy and Technology on June 28:

> Half of the Nation's farms now operating are not needed to feed and clothe the people.

Is that true in the gentleman's judgment?

Mr. JONES. I do not think so.

Mr. TOBEY. Then I submit to the chairman of the Committee on Agriculture that this is another bureaucratic incongruity.

Mr. JONES. You cannot prove a thing by newspaper statements.

[Here the gavel fell.]

Mr. HILL of Alabama. Mr. Chairman, I want to express to the chairman of the committee and to its members my appreciation of the work they have done in bringing this bill to the floor of the House. I am sure that but for the devoted efforts of the chairman and the members of the committee we would not today have the opportunity of considering and passing this bill.

I was greatly impressed by the very able address of the gentleman from New York [Mr. WADSWORTH] on yesterday. I was impressed in the first place because we all recognize his outstanding ability. In the second place, we realize that he speaks with authority, having spent all of his life in the business of farming. In the third place there is perhaps no man in Congress who is a more devoted advocate of what we might term individualism, the individual liberty and individual rights of the people than the gentleman from New York. Yet, on yesterday he warned us that if the Government were to make a success out of this land purchase and farm-tenant program there had to be at least some direction by the Government of the farm tenants. I am fearful that the language in the House bill looking to that question is too indefinite and uncertain. The gentleman from New Hampshire has spoken of the conference committee. I believe that the language in the Senate bill takes care of this question in a much better way, and I hope that when this bill is in conference that some language will be worked out between the conferees that will insure the necessary direction and leadership for the tenants who are to be the beneficiaries of this act.

Mr. Chairman, I am opposed to the two pending amendments, one permitting a loan of 90 percent of the value of the farm, and the other a loan of 95 percent of the value of the farm.

We must bear in mind that the purchase of the farm is not the only expenditure that must be made if the farm tenant is to be put on a farm and then operate it successfully. As the chairman of the Agricultural Committee suggested in his question propounded to the gentleman from Kansas, there is farm machinery to be purchased, which is expensive in itself. There is seed to be bought. There is work stock, cows, hogs, and fertilizer to be acquired. There are all kinds of things that cost money that are essential to the operation of a farm in addition to the land itself.

Many of the farm tenants have today little money or property of any kind, and most of what little they have will be needed for these other essentials. Given the proper assistance and direction by the Government, it is astounding with what success they work out their welfare. The record of rehabilitation work by the Resettlement Administration shows interesting and worth-while accomplishments among the class of farmers that we would now make farm owners.

In 1935 there were 13,259 rehabilitation clients in Alabama. This year there are about 12,000. The average cash farm income of the clients in 1935 was $91 per family. In 1936 it was $226, a gain of 148 percent; and it is estimated that this year it will be about $460. If this estimate proves to be approximately accurate, it is evident that their incomes this year will be about five times what they were in 1935. Most of the gain in income which occurred between 1935 and 1936, and which is expected to occur again this year, results from better farm-management practices and better capital equipment in the hands of the farmer.

In 1935 the average net worth of the 13,259 rural rehabilitation clients was only $3.03. In other words, the families were practically destitute. They had nothing. Today the average net worth of the rehabilitation clients in Alabama is $362. This is still low, but it is more than 100 times larger than the 1935 figures. This is a tremendous increase. The total net worth of all these clients in Alabama in 1935 was only $40,175. Today it is $4,344,000. This is a total gain in the net worth of the clients during a 2-year period of $4,303,825. This accomplishment speaks for itself.

The bill before us does not go as far as I would like to see it go. I fear that it is far too short in its monetary provisions, but in this regard it is the best that we can get under conditions today. It is at least a beginning toward the solution of the farm-tenant problem, and we have waited all too long to attack this problem, one of the most important challenging the Nation.

During the past 50 years we have seen farm tenancy in this country increase from some 25 percent to some 42 percent. We cannot have an economy of security, not to say of abundance, in a land where nearly half of its agricultural people are tenants. The problem is not sectional, as is believed by some, for although it is most acute in the South, yet the census shows that Iowa has a greater degree of tenancy than Tennessee, Indiana has passed Florida, and Minnesota's tenancy ratio exceeds Virginia's. There is nothing that makes for idleness, ignorance, shiftlessness, insecurity, soil depletion, and poor citizenship like tenancy. There is nothing that so defeats a wise balanced plan of agriculture or is so destructive of land conservation as is tenancy. It was Arthur Young, one of the earliest of our agricultural economists, who, in his Travels in France, observed concerning the French peasant that "the magic of property turns sand to gold. Give a man the secure possession of a bleak rock and he will turn it into a garden, give him a 9-year lease of a garden and he will convert it into a desert."

The late Dr. E. C. Branson, who gave a large part of his life to a study of the problems of the tenant farmer, tells us that—

> The ownership of land tethers a man to law and order better than all the laws of the statute books. It breeds in him a sense of personal worth and family pride. It identifies him with the community he lives in and gives him a proprietary interest in the church, and school, and other organizations and enterprises of his home town or home community. It enables him to hold his family together, makes him a better father, a better neighbor, and a better citizen mainly because it makes him a stable, responsible member of society.

The bill will not only prove a benefit to the tenant capable of taking advantage of the opportunities offered by it but it will benefit the landowner in the form of good neighbors, stability of land values, decline of poverty as a public charge, and a wholesome and enlightened community life.

Our Nation was founded as a nation of farm-owning, farm-loving, and farm-living people, and it was on the

cornerstone of individual freedom and individual ownership that our free institutions were established. We know that Thomas Jefferson's faith in democracy was based not so much on his faith in people generally but rather on his faith in the home-owning agricultural class of the country. Farm tenancy is subversive of the American way of life. It is a type of economic serfdom which if permitted to continue and to grow will threaten and endanger our very form of government.

Other nations have attacked the tenant problem with definite success. As early as 1870 Ireland and as far back as 1899 Denmark undertook the task of reversing the tenant tide. As a result today Ireland is preponderantly a country of farm owners and Denmark has some 90 percent of its farmers owner-operators.

England, Scotland, Germany, Holland, Austria, Italy, Poland, and the Balkan countries are attempting in one way or the other to curb the evils of the problem. Surely the hour has come for us to make a beginning. Let us pass the pending bill that we may make a beginning, to the end that we may elevate the worth and the dignity of the individual, that we may recognize that property was created for man and not man for property, that we may contribute to the pursuit of the social good, that we may hold fast to the ideal of free men and free homes in which our Nation had its birth, and that commen men may own the land. [Applause.]

Mr. THOMASON of Texas. Mr. Chairman, I move to strike out the last nine words.

Mr. JONES. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and the amendment thereto close in 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. THOMASON of Texas. Mr. Chairman, I am very much in sympathy with the good purposes of this legislation and no Member of the House is more interested in its success than I. The bill has my active support but I want it to be sound and workable. No class of people in our country have been more neglected or need assistance so much as the tenant farmers. The living condition of many of them is pitiful.

I rise in support of the amendment offered by my colleague from Texas [Mr. MAHON]. I feel that the amendment offered by the gentleman from Nebraska places the amount that the tenant must pay too high, but I undertake to say, Mr. Chairman, that the tenant who is in good faith and who wants to show some evidence of his serious purpose and intention and of his determination to make a success out of his purchase, will be very happy to pay something in order that he may have that feeling and pride of ownership and responsibility. There are good tenants and sorry tenants, just like there are good and bad in every line of human endeavor.

There are some tenant farmers throughout the United States in the years since 1929 who have met with more success at farming than the landlords themselves and have not had the debts, worries, and responsibilities. If he has the animals, tools, and equipment necessary to start a farm, he can easily raise the 5 percent. That would be only $150 on a $3,000 farm and only $250 on a $5,000 farm. If he does not have it, his neighbor, his relative, his banker, his local merchant or somebody who has faith in him will assist. I claim you raise his feeling of pride, ownership, and responsibility when he makes the purchase on that sort of a basis. He will feel that it is his, that he already has some of his own money in it, that he is not on charity or relief. He will also have more incentive to work hard, economize, manage well, and pay it out.

It is stated that this is an experiment and, of course, it is an experiment, but look through the pages of the statutes of the United States and you will not find another single set-up where the Government has paid or loaned the full value for a home of any kind. Take the H. O. L. C., the Federal Farm Credit, or any Government organization, and you will not find that the Government has been Santa Claus for the full amount. It ought to be on a kind of partnership basis. There ought to be encouragement and a premium on thrift and good management. I suggest the amount of cash payment be very small, but it should be something. If the purchaser pays absolutely nothing and becomes discouraged at the end of the first year, he will throw up his hands and quit. He has no investment, nothing to lose, and has had free use of the land and improvements for a year. The thrifty, industrious, and determined tenant will not object to this. He is the kind who is entitled to preference, for he is the only kind that will make good.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. MAHON] to the amendment offered by the gentleman from Nebraska [Mr. COFFEE].

The question was taken; and on a division (demanded by Mr. MAHON) there were—ayes 18, noes 37.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. COFFEE].

The question was taken; and on a division (demanded by Mr. JONES) there were—ayes 42, noes 41.

Mr. JONES. Mr. Chairman, as close as that vote is, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. JONES and Mr. COFFEE of Nebraska to act as tellers.

The Committee again divided; and the tellers reported there were—ayes 58, noes 62.

So the amendment was rejected.

Mr. BIERMANN. Mr. Chairman, I rise in support of my amendment, which has been previously read.

Mr. Chairman, this bill has one purpose; in fact, it has only one excuse. We have not the right to lend the Government's money to the extent of 100 percent of the value of a piece of property at less than the cost of the money unless there is a very good purpose in view. The purpose, the only valid excuse, for these unusual loans is to make owner-operators of farms. But under the bill as it is now written that purpose is obscured by the ever-present menace of land speculation.

Under this bill a beneficiary, who has borrowed 100 percent of the value of the farm, can in 3 months or 6 months, if he can make money by turning the farm over, sell it and take his profit.

My amendment provides he cannot do that for 20 years. If the Government lends him 100 percent of the value of the farm and makes a mortgage extending over a term of 30 years, at an interest rate of 3 percent, which is less than the cost of the money in spite of what the counterfeiters may say regarding paper money, the Government has a right to ask in return that the beneficiaries of the act conform to the purpose for which this bill is written, that is, they, in truth and in fact, become owner-operators. My amendment simply provides that for 20 years after the contract has been entered into the beneficiary shall continue as an owner-operator and shall not become a speculator. In case of accident or any untoward event the Secretary has the right to allow the man to sell the farm. However, when things are going along normally we expect the man to conform to his part of the bargain and make an owner-operator out of himself, which is the purpose of this amendment.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. BIERMANN. I yield.

Mr. MICHENER. Suppose a man in good faith moves on a farm and does the best he can, thinking himself a farmer and a manager, but at the end of 10 years has demonstrated to himself and everybody else that he just is not the man for the farm; would the Secretary have discretion under this bill to permit him to sell the farm and go into something he can do?

Mr. BIERMANN. Yes; my amendment would not prevent that at all.

Mr. FLANNAGAN. Mr. Chairman, I rise in support of my amendment to the Biermann amendment.

Mr. Chairman, my amendment only reduces the period from 20 years to 10 years. I hope the membership of the House realizes the importance of the Biermann amendment. To my mind, it is fundamental. The object of this bill is to bring economic security to the farm tenants of America, yet under the terms of the bill we are simply picking a tenant up by the nape of the neck and the seat of his britches and putting him in the farmer-owner class by legislative fiat, without throwing around him those safeguards and protections prudent legislation demands. It cannot be done that way. If this Government is going to rehabilitate the tenants, it should throw around them every protection the Congress can give them. The tenant is not on the same footing with the farmer who has demonstrated his ability to cope with his fellow man under our economic system. The very fact the man is in the tenant class shows he has not been able under our economic system for some reason to cope with his fellow man. We are trying to rehabilitate this man, but we are leaving him at the mercy of the speculators.

If this legislation is followed by a general farm bill which will raise the price level of farm products and give the American farmer at least a parity price for the products of his soil, then farm values are going to increase. What will be the result? Here is a tenant who has been rehabilitated through a 100-percent loan. He never had over $200 or $300 in cash in his life. Here comes a speculator and offers him a $100 or $200 profit. Under this bill, the tenant can sell his farm the day after he gets his loan. You know what will happen. He will fall under the temptation of the speculator and will sell his farm. Then he will be right out in the public road the next day with his wife and children, and with about $100 or $200 in his pocket, which will not last him for 6 weeks. He will then be right back in the tenant class.

If we are going to help the tenant, if we are going to rehabilitate him, when we rehabilitate him let us make him stay rehabilitated for a reasonable period of time, in order to see if he can be elevated from the tenant class to the farmer class.

This amendment is fundamental. We need not fool ourselves. We know farm values are going up. Farm values always have gone up and down. When they go up we are turning the tenants who have been rehabilitated over to the speculators and putting them right back in the tenant class. I think a period of 10 years is a reasonable period. Keep the tenant on the farm for 10 years and he will become more attached to the farm from year to year. If he does not demonstrate in 10 years the fact he is able to be made into a farmer, he never will.

I am only trying to help the tenant. I am only trying to aid him in keeping the land he has been able to acquire through the 100-percent assistance of a generous Government. I hope the amendment will be adopted.

[Here the gavel fell.]

Mr. JONES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have a very high regard for the gentlemen who have offered both these amendments; in fact, I am very partial to all the members of my committee. I have listened with interest to what they have had to say. I do feel, however, that this amendment would be unfortunate. The fact is that no law is stronger than its penalty. All the penalty that is or can be attached by this amendment is that if the covenants are violated the Secretary may declare the payments due. You could write into this amendment that if the tenant violated the covenants he should go out and hang himself, but still all the Secretary could do when the tenant violated the covenants and refused to hang himself would be to declare the payments due and payable. We do that in the present bill.

Mr. FLANNAGAN. Mr. Chairman, will the gentleman yield?

Mr. JONES. I am sorry, but I cannot yield now.

The bill provides as follows:

That upon the borrower's assigning, selling, or otherwise transferring the farm, or any interest therein, without the consent of the Secretary, or upon involuntary transfer or sale, the Secretary may declare the amount unpaid immediately due and payable.

So long as there is a cent due the Government the tenant cannot transfer or mortgage the property without the Secretary's consent. When he has paid out the loan, if he works hard and pays it out in 5 years, for instance, why in the name of common sense not let him have the fee? [Applause.] I have seen people meet around the campfire and burn the mortgage, because they wanted to feel the deep sentiment of home ownership.

Mr. BIERMANN and Mr. FLANNAGAN rose.

Mr. JONES. I am sorry; I cannot yield. I do not have the time.

Let us look at this from a practical viewpoint. We have all the safeguards possible. The Secretary can take away every advantage. The man might just as well go out and buy an outside farm as buy this farm when the loan is declared due and payable. Therefore, if there is an increase in value, the tenant farmers can buy an outside farm and perhaps not have to pay for all of it.

Let me submit a practical proposition. Suppose a man thinks he can take one of these farms and pay it out. After he has worked on it about a year he decides he is not the man for it, and wants to let someone else pay it out. Are you going to keep him there 10 years, or let someone else who is interested in getting a farm and in owning a farm he can call his own have a chance at that farm?

We have every safeguard thrown around it. If a man gets sick and wants to give up his farm, or wants to sell it to a man who is acceptable to the Secretary, why not let him sell it?

We take away all the special privileges granted by the Government when he transfers the title, and that is all you can do, no matter what covenants you may put in the measure. Of course, if the Government bought the land they could levy conditions, but they cannot levy conditions on a loan, other than calling the loan, and we have that provision in the bill. [Applause.]

Mr. LUCAS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am very happy, indeed, to hear the distinguished chairman of the Committee on Agriculture of the House take such a firm and judicious position upon the question pending before the House in the Biermann amendment. I sincerely trust that when the conferees of the House go into session with the Senate conferees that the same type of argument and persuasion will be made in order to convince the Senate of the importance of the provisions found in title 1 of this bill.

Mr. Chairman, I am unalterably opposed to the amendments of the gentleman from Iowa and the gentleman from Virginia, which seek to restrict the alienation of the fee-simple title of this land for a period of 10 or 20 years. I think it wholly unfair, inequitable, and unjust to place a limitation of that kind upon the average thrifty tenant farmer of America who may desire to take advantage of the liberal provisions of this bill. I submit in all sincerity that the type of tenant we seek to impress with the importance of this legislation will not enter into a partnership with Uncle Sam if he is thoroughly familiar with the provisions of this amendment in the event it should become a law. I have more confidence and respect for the ability and industry of the tenants who can qualify under this act.

This amendment which seeks to restrict the alienation of the fee-simple title of land is placed before the House on the further theory that it will eliminate land speculation. That may be true insofar as the individual who has borrowed this money from the Government is concerned. But I ask in the name of common justice why should this man be penalized for making a profit on his farm when his neighbors surrounding him are making a profit on theirs

during a land boom? I know that the gentleman from Iowa is sincere in his fight on land speculation, but I submit in all sincerity that unless the entire field is covered we should not make fish out of one farm owner and fowl out of another.

It would seem to me that the unearned increment tax suggested by the President's committee on farm tenancy whereby a certain part of the profits on all lands sold within a given length of time would be the basic and fundamental way to cure this evil if one cares to accept the viewpoint of the gentleman from Iowa.

Again, Mr. Chairman, I am unalterably opposed to giving to the Secretary of Agriculture the power to control this land for a period of 20 years. In my judgment, this is the beginning of land socialization in America. This is the most important point in the bill, to my way of thinking. It is the initial step upon the part of the Government to ultimately acquire lands for the purpose of resale to tenants. This is the vital principle in the bill reported out by the Senate, and one which I hope will never be accepted by the conferees.

ALIENATION OF PROPERTY IS ONE OF THE INHERENT RIGHTS OF FREE GOVERNMENT

And, as I stated yesterday in a speech on the floor of this House, if this principle involved ultimately becomes the law of the land, within a period of 40 years a million tenants will be under the control and jurisdiction of the Federal Government. And when that time arrives it will be a short and decisive step to Government ownership of all the lands in this Nation. I trust that I shall never live to see the day arrive in this great country of ours when the American farmer is regimented in a way which compares with the regimentation of the farmers of the Old World. Remember well, if and when that happens, a different form of government will supplant the Government that you and I love. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. FLANNAGAN] to the amendment offered by the gentleman from Iowa [Mr. BIERMANN].

Mr. McLAUGHLIN. Mr. Chairman, may we have the amendments again reported?

Mr. BIERMANN. Mr. Chairman, a reading of the amendments does not give very much of an idea what they mean, and I therefore ask unanimous consent that I may address the Committee for 1 minute to make a brief statement in lieu of having the amendments read.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BIERMANN. Mr. Chairman, my amendment provides that the beneficiary of this act cannot pay out his loan in less than 20 years. He has to be an owner-operator for 20 years before he can get rid of his farm. The amendment of the gentleman from Virginia limits the time to 10 years, but, of course, under either amendment the Secretary of Agriculture may provide otherwise.

The CHAIRMAN. The question is on the amendment to the amendment.

The amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Iowa.

The amendment was rejected.

Mr. TARVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TARVER: On page 4, line 1, after the words "shall be secured by", strike out the remainder of line 1 and line 2 and insert "instruments vesting the legal title to the farm in the Secretary of Agriculture for the use and benefit of the United States as its interests may appear and the acquisition of title to such farm or rights and interests therein by the borrower shall be strictly in accordance with the terms of the instruments executed in connection with such loan."

Mr. JONES. Mr. Chairman, if the gentleman from Georgia will permit, I ask unanimous consent that after the presentation by the gentleman from Georgia that all speeches for the remainder of the consideration of the bill may be limited to 3 minutes. I do this because we have been very generous, and I think amendments hereafter can be presented in 3 minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that all speeches on all amendments, following the remarks of the gentleman from Georgia [Mr. TARVER], be limited to 3 minutes on each amendment. Is there objection?

Mr. HOPE. Mr. Chairman, reserving the right to object, why does not the gentleman limit his request to the pending title, as this is the title to which most of the amendments will be offered.

Mr. JONES. I purposely have been liberal because there has not been a bill before the House where there has been so much interest manifested, and I wanted everyone to have an opportunity to express his views, but I believe the House now is very familiar with the bill and any amendments can be presented in 3 minutes, and in this way we will get through in a reasonable time.

Mr. HOPE. As the gentleman knows, there are some important provisions further on in the bill which may or may not cause some discussion. I do not like to object, but I shall have to object to a limitation of 3 minutes in the discussion of amendments to the other features of the bill. I have no objection to such a limitation with respect to title I, because that has been discussed.

I object, Mr. Chairman.

Mr. JONES. Mr. Chairman, I ask unanimous consent that all speeches on this particular title and all amendments thereto, with the exception of the remarks of the gentleman from Georgia, be limited to 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. CRAWFORD. Mr. Chairman, I reserve the right to object. Some of us are a little more inclined to be modest and conserve the time and energy of the House. All yesterday afternoon I waited for 5 minutes to talk on the bill. I want to talk on this title, and under the circumstances I shall have to object.

The CHAIRMAN. The gentleman from Michigan objects.

Mr. ANDRESEN of Minnesota. Mr. Chairman, I make the point of order that the amendment offered by the gentleman from Georgia is not germane to this section of the bill as it seeks to put the Government into the land business and secure the title in the Government by the provisions of this amendment.

The CHAIRMAN. The gentleman's point of order comes too late. The point of order is overruled. The Chair recognizes the gentleman from Georgia [Mr. TARVER].

Mr. TARVER. Mr. Chairman, I dislike to impose on the patience of this House at this hour of the day, especially since I realize that it is hardly possible that any amendment which does not receive the approval of the committee will be adopted. However, I am fortified in the intention that I have to present this amendment for consideration by my believe that the chairman of the committee at heart approves the principle of the amendment and that if he were not bound by the action of his committee he would agree to the amendment and ask you to agree to it.

The purpose of the amendment is to vest legal title to the lands that are to be sold to the sharecropper and the tenant in the Secretary of Agriculture for the use and benefit of the Government of the United States, and with no rights or equities therein to accrue to the tenant or sharecropper except in accordance with the terms of the instruments that may be executed or exchanged between him and the Secretary of Agriculture. The purpose, I think, is manifest. It is to enable the House of Representatives, should it desire to do so by a subsequent amendment, to attach conditions to the rights secured by the share cropper or the tenant, which it cannot attach, as has been explained by the chairman in his speech regarding the proposed Biermann amendment, unless the title of the land is vested in the Government itself. When that is done, then the Govern-

ment may attach to its contract with the sharecropper or the tenant such conditions as it may deem proper.

I am interested principally in providing by the amendment already offered, and which will be subsequently reached for consideration, that the equity of these tenants or sharecroppers shall not be subject to levy and sale by creditors at least for a period of 5 years, without the consent of the Secretary of Agriculture. Unless you insert a provision of that kind in the bill which now provides, in line 2, page 5, for involuntary transfer or sale, then under the laws of many States—at least, of my own State—the equity of the sharecropper or tenant in the course of a year or two, perhaps, after he buys the farm and after he has made some payments thereon, may be subjected to sale under civil process. I have explained this matter fully in my speech on yesterday and further discussion is perhaps unnecessary.

Mr. HILL of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. TARVER. Yes.

Mr. HILL of Oklahoma. Does not every State in the Union provide homestead exemption for farms, and every tenant who buys one of these farms immediately makes it his home, and it is already exempt?

Mr. TARVER. No.

Mr. HILL of Oklahoma. Unless the Government in the sale restricts it from exemption.

Mr. TARVER. No. My own State, for example, provides for a homestead, but provides further that the debtor may by written instrument waive his homestead rights except as to $300 worth of household and kitchen furniture, wearing apparel and provisions, so that the sharecropper buying land under this bill in my State, as to his equity thereunder, would have no protection whatever, if he had executed an instrument or promissory note in usual form to a creditor waiving his homestead rights, and that creditor for a preexisting indebtedness might come in and by civil process subject the sharecropper's equity at any time after he went into possession of the farm to levy and sale for the purpose of paying the antecedent debt, although, if a trust deed had been executed to the Government, the creditor would first have to pay or offer to pay the amount due the Government. I do not know whether the Committee of the Whole will adopt the restriction I propose in the next amendment or not. I shall not offer it unless this amendment is adopted. This amendment is necessary to give the House the right to provide for the attaching of such terms and conditions. If you adopt this amendment, then certainly you would have the right in subsequent portions of the section to consider whether or not you would attach restrictions of that kind, limiting the interest of the borrower so that it would not be subject to levy and sale for 5 years.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. PETERSON of Georgia. Mr. Chairman, I desire for the membership of the House to understand that I am not speaking here today just to take the time of the Committee, but to impress upon you the fact that in my opinion this bill in no way offers a solution of the problem which today confronts the American farm tenant and farm population, and that there is before this House a bill (H. R. 6748) which does attack this problem in a sane, sound, and sensible manner, and which does provide a program that is in complete harmony with the fundamental principles of free government.

Mr. LUCAS. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Georgia. Not at this time. Sometime ago, while I was speaking, I was showing to the membership the hopeless plight of the farmers of the nation of Denmark where a similar program has been in existence for over 30 years under which program farmers have been permitted to borrow up to approximately 90 percent of the value of their loans.

The United States Department of Agriculture, in summarizing the plight of the farmers of Denmark, states that—

> The land has been burdened with debt to the extent that interest charges and amortization are out of all proportion to its productive powers. This situation, aggravated by restrictions of market and world prices generally, has brought the Danish farmer to a condition of real distress, from which the Government is striving to lift him by various farm-aid schemes.

Instead of leading the farm family out of the wilderness of despair, you are attempting here today to drive him deeper into a condition of real distress, similar to that which exists in Denmark. The program in Denmark, as I understand, reduced tenancy to less than 8 percent of the total farm population, but it by no means solved the problem of the farm population of Denmark.

Now, there is a sensible way out. This is not the first time in America that this problem has been discussed in these Halls. For approximately 50 years the land problem was the center around which the political storms of this Nation raged, from approximately 1820 to 1860. Previous to that time there had always prevailed a policy of free land for free labor. American lawmakers attempted, when purchasing various acreages from foreign nations, to sell those acreages then, as you are today here attempting to sell acreages to farmers. The plan was a failure, and it was only after approximately 18 years of agitation of free land that in 1862 this Nation adopted the homestead plan, which has been recognized as one of the greatest laws that has ever been written by human hands.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. PETERSON] has expired.

Mr. JONES. Mr. Chairman, I ask unanimous consent that immediately following the remarks of the gentleman from Kansas [Mr. HOPE] all debate on this section and all amendments thereto be limited to 3 minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that following the 5 minutes by the gentleman from Kansas [Mr. HOPE] all addresses on the pending amendment and all amendments to this section be limited to 3 minutes. Is there objection?

Mr. CRAWFORD. Reserving the right to object, is that only with reference to this section?

Mr. JONES. Just with reference to this section.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HOPE. Mr. Chairman, the Committee has just recently voted down the amendment offered by the gentleman from Iowa [Mr. BIERMANN]. I am sure everyone recognizes that the amendment offered by the gentleman from Georgia [Mr. TARVER] seeks to do in another way exactly what the amendment offered by the gentleman from Iowa would have done had we adopted it. I do not believe it is the policy of this Committee or of the House to put the Government of the United States into the land business and to give the Secretary of Agriculture the power and authority to tie up the estate of anyone who becomes a purchaser under this bill in such a way that he has no right to alienate it except under certain circumstances and after a period of years.

Mr. TARVER. Mr. Chairman, will the gentleman yield?

Mr. HOPE. I yield.

Mr. TARVER. Will the gentleman inform us whether or not he thinks that the equity of the tenant ought not to be subject to sale under civil process for a reasonable period of time after he acquires the farm?

Mr. HOPE. As the gentleman from Oklahoma remarked a while ago, most of the States of this Union protect the homestead. If the gentleman's State of Georgia will not protect the homestead of the farmers of his State, he ought not to come here and ask the Congress of the United States to do it.

Mr. TARVER. But why did the gentleman put in the bill in line 2, page 5, "or upon involuntary transfer or sale", unless it is intended to subject this equity to involuntary transfer or sale, which means sale under civil process?

Mr. HOPE. That has no application in any State which protects the right of the farmer to his homestead.

Mr. TARVER. The very bill provides for this thing which I am trying to protect the borrower against.

Mr. HOPE. If the State does not protect its citizens in their homestead rights, its Representatives should not come in here and ask the Congress of the United States to do so.

Now, Mr. Chairman, there appears to be a sentiment on the part of the gentleman from Georgia [Mr. PETERSON], and others who have spoken, to put the Government of the United States into business and furnish every farmer with a farm.

At least, I understand that is the idea of the gentleman from Georgia [Mr. PETERSON], although he has refrained from telling us exactly what his plan is this afternoon. But I just want to call attention to the fact that it has already been proven in this country that that is not the way to solve the tenant problem. Beginning in 1880 and during the period from 1880 to 1900 we had the greatest increase in number of tenants and in the percentage of tenancy in this country that we ever had during any similar period in our history. We had an increase of over 1,000,000 tenants during that period of time, yet during that time our homestead laws were operating and there was brought into the farm acreage of this country more than 300,000,000 acres of land. In 1880 the average value of the farms in this country was $3,000. Today the average value of the farms is $9,000.

If in the decade beginning in 1880 with 300,000,000 acres of free farm lands we could not solve the tenancy problem but instead saw it increase; if in 1880 when you could buy a farm for $3,000 we saw the tenancy problem increase, then I say that the indiscriminate giving away farms is not the way to cure the tenancy problem. This might indicate that we are proceeding along the wrong direction in this bill; and we may be. The bill is only an experiment. We do know that in other countries, notably in Denmark and in Ireland, a plan similar to this has succeeded. Success in those countries gives us some ground to hope that through experiment we may be able to work out a plan which will be successful in this country and which would justify this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The amendment was rejected.

Mr. LUTHER A. JOHNSON. Mr. Chairman, this bill is designed to redeem, in a measure at least, two of the pledges contained in the national Democratic platform of 1936. One relates to the farm tenancy problem and the other to the purchase and retirement of submarginal lands of such a character as to be unproductive in agricultural pursuits.

As to the first, I quote from the platform:

> We recognize the gravity of the evils of farm tenancy, and we pledge the full cooperation of the Government in the refinancing of farm indebtedness at the lowest possible rates of interest and over a long term of years.

The bill is composed of four titles. Title 1 relates to loans to enable tenant farmers to buy farm homes, and, due to my limited time, I shall only briefly discuss this one feature of the bill.

The number of farm tenants in the United States is so large, and their diminution is of such importance that the problem raises a question of national interest and importance.

The number of farm tenants has greatly increased in the whole country. Fifty years ago 25 percent of the farmers were tenants, while today approximately 42 percent of all the farmers are tenants.

In 1935 the farm tenants numbered 2,149,000, and in addition to this there were 716,000 farm tenants generally known in the Southern States as sharecroppers, making a total of 2,865,000 farm tenants in the United States.

These farm tenants are in all sections of the Nation, but New England and the North Atlantic States have fewer than the rest. The largest number of farm tenants reside in the Southern and the Central and Midwestern States of the North. According to statistics the "high tenancy area" includes seven Northern and nine Southern States. The Northern States being North and South Dakota, Nebraska, Kansas, Indiana, Illinois, and Iowa. The Southern States include Mississippi, North and South Carolina, Georgia, Alabama, Louisiana, Arkansas, Oklahoma, and Texas. There are many in all sections, and some in every State, but these States have the largest percentage according to population.

In my own State of Texas, 57 percent of all of the farmers are tenants. There are four other States, Mississippi, Arkansas, Louisiana, and Oklahoma, where the percentage of tenant farmers is greater than Texas.

One reason for this high percentage of farm tenancy in the South is due to insufficient capital and consequent high interest rates. The East and the North, and especially the Northeast, has had an ample supply of capital and resultant low interest rates, while in the South funds available for investment have been of lesser volume, and consequently loans brought higher interest, making it more difficult for tenants to borrow funds with which to buy farm homes.

At the beginning of the present session I introduced a bill (H. R. 3590) to promote the purchase of farms by farm tenants, and the bill now being considered has a number of the features contained in my bill. One of the chief differences, however, is that my bill would have made available a much larger sum for the aid of farm tenants than the bill under consideration. The bill we are now considering authorizes an amount not to exceed $10,000,000 for the first year, $25,000,000 for the second year, and $50,000,00 for the third year, or an aggregate of $85,000,000. My bill would have made available an amount about 12 times this large. My bill provided an interest rate of 2 percent, while this bill stipulates a 3-percent rate.

The chief disappointment about the bill now being considered is that it will furnish aid to only a very small number of tenant farmers. If the average loan to each individual farmer should be $6,000, this would give aid to only one-half of 1 percent of the tenant farmers. Some member of the committee, in discussing the bill, has stated that the present bill would only afford loans to about one tenant in each county of the United States. This is grossly inadequate, but the bill does inaugurate a policy which I hope may be developed and enlarged so that the Government will still further aid and encourage in a much larger way home ownership by tenant farmers by making available a greater sum for this laudable purpose.

The committee justifies the small amount on the ground that the bill is an experiment, and that if it is found that it is workable and affords relief, that the Government will then launch a program of greater magnitude, and which will be beneficial to a substantial number of the farm tenants of America.

Home ownership by the farmers of America is of vital importance not only to the tenant farmers, who will be permitted to borrow money from the Government at 3 percent with which to buy homes, but the beneficent effect in the reduction of the number of farm tenants will favorably affect the social and economic welfare of the Nation as a whole. Worthy tenants should be given a chance to buy homes, and every encouragement should be offered them to do so.

There is no class in greater need than the tenant farmers of America, and I am glad to vote for a bill which will give recognition to the need of this worthy class. I recognize that the bill will be a disappointment in the number of farmers aided, but I feel sure that its beneficent effects will at once be recognized, and at the next session of Congress I am hoping that a larger amount may be made available.

Mr. JONES. Mr. Chairman, I ask unanimous consent that all debate on this section close in 6 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. TARVER——

Mr. TARVER (interrupting the reading of the amendment). Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The CHAIRMAN. The Clerk will report the next amendment in order.

The Clerk read as follows:

Amendment offered by Mr. PACE: Page 5, after line 3, insert "and shall contain a waiver by the borrower of all rights and benefits under the terms of the act approved August 28, 1935, commonly referred to as the Frazier-Lemke Act, as against the Secretary of Agriculture until he has paid as much as 15 percent of the purchase price of the farm."

The CHAIRMAN. The gentleman from Georgia is recognized for 2 minutes.

Mr. PACE. Mr. Chairman, I am certainly concerned in doing something for the tenants of this Nation. The fact that there are 24,000 tenant farmers in the 24 counties which I am trying to serve gives you some idea of how important it is to my people. This bill has been described as an experiment. In the hope of making it more than a noble experiment merely, but rather a successful experiment, I think we should make the bill as practical as possible. You have voted to lend 100 percent of the value of the land. My amendment proposes that if you lend 100 percent of the value of the land, 100 percent of the value of the improvements, and in some cases 100 percent of the value of the stock and equipment, that certainly the Secretary of the Treasury—that is, the United States Government—should have some protection against those few who will try to take advantage of this law. It is therefore provided in this amendment that before a person can take advantage of the Frazier-Lemke law and stay the proceedings for 3 years, he must at least have an investment equal to 15 percent of the purchase price of the land.

This bill, of course, is designed to help the tenant. The Secretary of Agriculture will be in sympathy with the tenant, but there will be a few tenants not in sympathy with the Secretary of Agriculture, and certainly we should not permit a man to borrow 100 percent, use the land for a year, and then file a proceeding under the Frazier-Lemke Act and keep the place for an additional 3 years without one dollar invested. My amendment provides simply that he must have an equity to protect, which he would not have in a 100-percent loan, before he could take advantage of the Fraizer-Lemke Act and stay the proceedings for 3 years.

Mr. JONES. Mr. Chairman, may I be recognized for 1 minute at this time?

The CHAIRMAN. The gentleman from Texas is recognized for 1 minute.

Mr. JONES. Mr. Chairman, I have talked with a number of members of the committee about this amendment. They are not sure about it. I wonder if the gentleman would be willing for us to accept it for the purpose of study and then determine our position before we finally pass the bill? I am inclined to believe there is some force in what the gentleman says.

Mr. PACE. I think it is proper. If the gentleman does not, then I will ask that it be withdrawn when we get back in the House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. PACE].

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. MAHON of Texas: Page 3, line 22, and page 4, lines 1 and 2, strike out all of paragraph (a) of section 3 and insert in lieu thereof the following:

"Loans made under this title shall not exceed $6,500 to any one applicant and shall not be in excess of the amount certified by the county committee to be the value of the farm and shall not exceed the amount necessary to enable the borrower to acquire the farm and shall be secured by a first mortgage or a deed of trust on the farm."

The CHAIRMAN. The Clerk will report the amendment to the amendment offered by the gentleman from Alabama [Mr. HOBBS].

The Clerk read as follows:

Amendment offered by Mr. HOBBS to the amendment offered by Mr. MAHON: Strike out "$6,500" and insert in lieu thereof "$3,500."

Mr. MAHON of Texas. Mr. Chairman, I so rarely ask the indulgence of the House that I am sure the membership will be willing to listen to me for a few minutes to explain an amendment which I think is very necessary to the successful administration of this bill.

I merely provide in the amendment that no loan for the purpose of purchasing a farm under this Farm Security Act shall be made in excess of $6,500 to any one applicant. Certainly that figure is high enough and certainly the Congress of the United States ought to exercise some jurisdiction over the money that it appropriates. We owe this to ourselves and to the taxpayers of the country.

Everyone seems to be calling this bill an experiment. I am afraid it is an experiment that is going to be very disappointing to the country and to the tenant farmers we represent. I should like to amend and perfect this bill and make it a successful experiment in the right direction. The fact that it is an experiment does not justify us in failing to lay down proper rules for the administration of the bill. The solution of the farm-tenancy problem is vitally important to the whole Nation, and we ought to spare no effort in our attempt to insure a proper beginning.

Every time a Member on the floor makes a speech and talks about the integrity of the Congress and the retention of our prerogatives, he gets a cheer. Here is an opportunity to vote for some control over public funds by Congress and assert our proper authority.

The easiest way to get a man into trouble is to lend him too much money. My amendment is right in principle, and certainly since we have so little to lend in each county under the appropriation provided for in this measure, we ought to adopt this amendment providing that no loan under this title shall exceed $6,500.

I have been in most of the States of the Union and I know that agricultural conditions and land prices vary in different localities, but I am compelled to say that if the Government is going to pay 100 percent of the purchase price of a farm and turn it over to an occupant without a down payment there ought to be a limit of cost fixed by the Government.

Mr. JONES. Mr. Chairman, I am in thorough accord with the purpose the gentleman has in mind, but we think we have a much lower limitation than suggested by the gentleman. We discussed that in the committee. We talked about $2,500 and $3,500, but we found that the size of the farms varied so greatly we could not put on a specific limitation, because what would be fair as applied to one section is not fair as applied to another. The three resident people may put on an upper limitation and the Secretary may put more in the farm. I believe with the limitations we have provided the limit will be much lower, and I may say to the gentleman I hope the average farm will be much lower than the figures suggested by him. In some places there are truck farms. In other places there are dairy farms, wheat farms, cotton farms, vegetable farms, and they vary in value so much in different communities that it is not practical to have a rigid limit.

Mr. ANDRESEN of Minnesota. Will the gentleman yield?

Mr. JONES. I yield to the gentleman from Minnesota.

Mr. ANDRESEN of Minnesota. If the amendment is adopted, the provisions of this bill could not be made to operate in the northern section of this country.

Mr. JONES. I may say I had the same idea until we heard the testimony of the people who represented the various areas.

[Here the gavel fell.]

Mr. LUCAS rose.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. LUCAS. Mr. Chairman, it is so obvious that my distinguished friend from Texas [Mr. MAHON] does not thoroughly appreciate the value of the Corn and Wheat Belt

lands in Illinois that I desire to revise and extend my remarks in the RECORD at this point, and I ask unanimous consent so to do.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LUCAS. Mr. Chairman, during the hearings upon the farm tenancy bill there were frequently injected into the testimony and discussion and statements which indicated that in certain sections of the country only a small amount of capital was necessary to transform hopeless and submerged tenants into happy, industrious, and contented landowners. As I recall, the gentleman from Tennesse [Mr. MITCHELL] asserted with confidence before the committee that many tenants in his section of the State with an operating base of $2,500 could conquer and hurdle the farm hazards of today and ultimately reach the peak of comfort, happiness, and prosperity.

The gentleman from Texas [Mr. MAHON], following in the wake of such unusual optimism offers an amendment to this bill limiting the loan that any one person should receive to $6,500. Mr. Chairman, I do not question the good faith of my distinguished colleague from Texas. The gentleman begs the question when he attempts to influence this House, citing the Home Owners' Loan Corporation loans and emergency crop loans upon which there is a loan limitation. You and I know those were emergency measures, designed to aid the little fellow in immediate and dire distress. The policy we pursue today is being followed under the theory that it will become a basic and fundamental part of our law, and the chances are that it will run the gamut of centuries.

I confess that I am not entirely familiar with all the conditions which exist in the various farming communities of America. No doubt, as the distinguished Speaker of this House said yesterday, that there is a great satisfaction in knowing that you own acres of ground or that you own a lot. It may be that there is a great satisfaction in going out and building a little log house to start with. In that picture there is a lot of sentiment; there is a lot of feeling that is worth while to the future of America. But at the same time this is a cold, hard, practical world, and unless there is something more than the little log house in the woods the man who is given the opportunity to build that house with the taxpayers' money will ultimately fail, and the Government will lose.

It is obvious that the gentleman from Texas is not familiar with the corn and wheat belt of Illinois. Let me remind my colleagues that the average size family farm in Illinois is 156 acres. If the $6,000 is the limit that any individual may borrow, the committee in my section of the country would be compelled to look for farm lands selling at approximately $35 per acre. That would mean the selection of a farm in my section of the State which would materially handicap payment in full by the prospective purchaser, and it would also eliminate a certain type of high-class tenant who would not care to till that kind of soil. Our rich productive lands sell from $75 to $150 per acre even in these days of economic distress.

The records of the hearings disclose that it will take from $12,000 to $16,000 to finance adequately the purchase of the average farm in my part of Illinois, as contemplated under this bill.

If the people of my section are to be foreclosed from participating in this fund, I prefer that the matter be done through the administration agency. Let it not be said here today that by adopting this amendment practically half of this Nation would be enjoined from participating in the benefits of this bill.

Mr. HOBBS. Mr. Chairman, I ask unanimous consent to extend my own remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HOBBS. Mr. Chairman, the purpose of this amendment is manifest, of course, but in the light of the other provisions of the pending bill, that purpose means far more than is manifest upon its face.

This bill authorizes to be appropriated not to exceed $10,000,000 for the first year of the operation of the plan, not to exceed $25,000,000 for the second year, and not to exceed $50,000,000 for the third. The maximum that this could mean in appropriations would be $85,000,000, or less than $30 per tenant farmer.

There are 3,059 agricultural counties in the United States. Ten million dollars would not buy one farm in each of these counties at a cost of $3,500. Unless this bill means a start on the road to farm ownership for at least one tenant farmer in every agricultural county of the Nation, its blessings will be so rare as to be almost indiscernible. Three thousand tenant farmers benefited out of three million would be very few.

Naturally, those sections of the country where the prevailing prices of land are high, will contend that so low a ceiling as $3,500 per farm would not enable a tenant farmer to purchase many acres of their high-priced land. This would be perfectly true. But if their land prices can be justified upon the ground of real value, then a smaller number of such acres would be equal in productivity to a larger number of cheaper acres. The purpose of this bill is not to provide the tenant farmers of America with luxurious homes and splendidly improved farms. As I envision it, it is to bring to our tenant farmers the opportunity to work out their own salvation on good land, according to a fair plan, shot through with hope of independence and constantly improving surroundings and financial condition. [Applause.] With all of this I am in hearty accord, and wish to spread the benefits of the bill as widely as possible. The larger the investment in the individual project, the smaller the number of projects, is as inexorably true as mathematics.

While I am cordially in favor of the pending bill, I am not unmindful of the even greater need of the farmers of this Nation, owners and tenants alike, for a sure and ready market for their produce, at parity prices with the price curves of the commodities they must buy—prices which will assure them reasonable profit upon their investment of money, time, brawn, and brains. [Applause.]

This transcendent need of fair markets for farm products is to be taken care of in the general farm-relief bill which I hope will soon be brought before the House and passed. Without such a companion measure we will not be conferring a real benefit upon any person by giving him title to a farm. Without such provision, farms are liabilities, not assets. It is the absence of fair marketing facilities which has caused the present plight of agriculture.

Would you really help the farmer? Then insure fair prices for the products of the soil. In no other way can you enable him to buy the things he needs in a tariff-protected market, discriminated against as he is in the matter of freight rates, and paying tribute on every hand to those who demand and get high prices for the things and services the farmers must have. [Applause.]

Give the American farmer fair prices for all the things he can produce, and you have solved the farm problem. [Applause.]

In passing this bill, today, let us each and everyone resolve to hasten as much as possible the passage of the general farm-relief bill of 1937, without which the pending bill, as beneficent as its purposes are, will fail of their accomplishment. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. HOBBS] to the amendment offered by the gentleman from Texas [Mr. MAHON].

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. MAHON].

The amendment was rejected.

The Clerk read as follows:

EQUITABLE DISTRIBUTION OF LOANS

SEC. 4. In making loans under this title, the amount which is devoted to such purpose during any fiscal year shall be distributed

equitably among the several States and Territories on the basis of farm population and the prevalence of tenancy, as determined by the Secretary.

Mr. PETERSON of Georgia. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I appreciate the gentleman from Kansas making the suggestion that I have not presented to the House today the provisions of the proposal which I am advocating for the relief of the farm population of America. I may say to the gentleman that instead of creating an entirely new agency with thousands of additional Government employees my proposal provides that the General Land Office, which is one of the oldest departments of the Government, shall proceed, not to buy new land as is provided in this bill to be given to especially favored farmers, but to buy liens on farm mortgages. It further provides that the Government shall in each instance proceed to liquidate these liens, with the consent and approval of the mortgagor. Mr. Chairman, I call attention of the membership of the House to the fact that the average farm mortgage today is approximately $3,500 and that the average size of the farm under mortgage is approximately 150 acres. Under my bill in every instance where the mortgagor so desires he may liquidate the farm mortgage and shall have the right to a free homestead.

[Here the gavel fell.]

Mr. JONES. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. VOORHIS. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, it is useless to try to speak adequately on a subject as broad as this in 3 minutes, so I shall confine my remarks to only two or three things.

In the first place, as has been stated so many times today, it is obvious that the problem of farm tenancy can never be solved until the general problem of agriculture is solved. The only contribution I want to make to this thought is that I doubt it will be solved until we take speculation out of the entire process of the marketing of farm products, so the gap between what the farmer receives and the consumer pays can be closed. So long as eggs, for example, sell for 15 cents or 18 cents a dozen during the heavy laying season when the poultrymen have plenty of eggs to sell and then climb to 28 cents or 30 cents a dozen wholesale when the commission men and cold-storage houses have already bought in most of the eggs—so long as this condition persists our farmers will have a hard time.

In the second place, I doubt if any class of people in this Nation has been so greatly harmed by the power of the financial interests of the Nation to create and then to destroy bank credit as the agricultural population. I believe something must be done about this question before the problem of the farmer will be solved.

In the third place, I shall vote for this bill and do it with some enthusiasm in spite of the fact it is literally only a mere drop in the bucket. I shall vote for it because it sets forth a principle of American Government, namely, that the American Government will not from this time forward be satisfied to see a large portion of our agricultural population forced out of the class of substantial owners of land into a subject class of tenants and kept there. We are, I trust, going to pursue this course until we have restored to the position of security on their own land our present tenant-farming population. It will be a big job.

Finally, for my part I shall not be sorry if the Senate bill should prevail over the bill we have before us. Since we are admittedly only making a start at this great problem it is most important that we do it right. The danger of speculation and a speculative rise in land values and the danger that the new farm owners will have a difficult time to discharge their indebtedness and make a success of their new venture must be faced. We cannot forget either the danger of the new owner being deprived of his land by action of speculators or former creditors before he has fairly got started. I cannot but believe that the straightforward way to avoid these dangers and to work out the problem with the greatest benefit to our hardest pressed people is by the simple process of direct purchase of land by the Government and resale to our tenant farmers on the easiest possible long-time terms with provisions for proper land use and the assistance of the Department should he need it. I think, at least, we should provide that all land now in the possession of the Government, and much of it is in the possession of the Government, should be disposed of on this basis, with a long-time payment at very easy terms to our tenant population.

Therefore I shall support the amendment of the gentleman from Iowa [Mr. WEARIN] when it is offered.

[Here the gavel fell.]

The Clerk read as follows:

APPROPRIATION

SEC. 5. To carry out the provisions of this title, there is authorized to be appropriated not to exceed $10,000,000 for the fiscal year ending June 30, 1938, not to exceed $25,000,000 for the fiscal year ending June 30, 1939, and not to exceed $50,000,000 for the fiscal year ending June 30, 1940.

Mr. COLMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLMER: Page 5, line 18, after the period add a new sentence, as follows: "*Provided*, That not in excess of 5 percent of the amount of money herein authorized to be appropriated may be used for administrative purposes."

Mr. COLMER. Mr. Chairman, I do not care to take the 5 minutes allotted to me in the discussion of this amendment but I call your attention to the fact that the amount of money appropriated is very limited, and that it has been estimated it will amount to only approximately $3,000 per county if distributed throughout the United States. Since we are going to have only $10,000,000 for the first year, I do not want to see any substantial proportion of this appropriation wiped out and dissipated in overhead expense.

Frankly, I do not know what it would cost to administer this bill. I have endeavored to get some information upon the subject without any success. However, I do want to limit the amount which can be expended for overhead and administration, so I address the amendment to your consideration. Certainly 5 percent is the maximum which should be expended under any circumstances. For that matter, I see no reason why 2 or 3 percent should not be sufficient.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. COLMER. Yes.

Mr. HEALEY. Is the gentleman's amendment worded "not to exceed 5 percent"?

Mr. COLMER. "Not to exceed 5 percent" is correct.

Mr. JONES. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 5 minutes.

Mr. CASE of South Dakota. Mr. Chairman, I reserve the right to object in order to ask the chairman of the committee a question. Is it anticipated the expense of administration of the first section will come out of this appropriation, or is there another appropriation for the administrative costs?

Mr. JONES. The administrative costs of the bill will come out of the funds appropriated in the bill. The bill is complete in that regard.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. COLMER].

The amendment was rejected.

Mr. CRAWFORD. Mr. Chairman, I offer an amendment which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. CRAWFORD: Page 5, line 16, strike out "$25,000,000" and insert "$15,000,000", and in line 17, after the word "exceed", strike out "$50,000,000" and insert "$25,000,000."

Mr. CRAWFORD. Mr. Chairman, this amendment is offered in all seriousness. I have had the privilege of studying the hearings, the report of the President's committee, and the bill. I am so much in accord with what the distinguished chairman of the committee said yesterday in his opening statement, and I feel so much that this is the creation of a laboratory for the purpose of studying a social land problem, that I do not desire to have $85,000,000 spent in the building of a laboratory. I think the bill which will have to come hereafter and which will come after some experimentation has been carried on should carry the big appropriations. When the tenant problem is adequately legislated, billions of dollars will be involved. This bill does not tackle the real factors involved.

In my State I have 37,000 farm tenants out of a total of 196,000 farmers. The greatest amount which the tenants can possibly hope to get under this bill is $60 per farm family. I have taken the floor here to indicate my willingness to go along with this bill to create the laboratory, although I disapprove of certain provisions in it, but it is only the creation of a laboratory. I do not want the people in my State, either the tenants or those who may be tenants hereafter, to get the idea that this bill is being enacted to give them relief, because it will not. That fact is too evident to claim otherwise. It is only the beginning of research.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. CRAWFORD. I yield to the gentleman from Michigan.

Mr. MICHENER. As I understand, this is to be a laboratory; but if it works, we have no money. We have got to get the money somewhere. Will it be the purpose then to adopt the Frazier-Lemke bill as a corollary to print the money to do the job which this bill contemplates?

Mr. CRAWFORD. I have no idea what a future Congress will do in passing legislation dealing with this problem when the experimental work has been carried on and when the economic conditions relating to agriculture forces that Congress to act, but I think this Committee on Agriculture has done one of the finest jobs in connection with creating a laboratory that has ever been performed by any House committee. I do believe sincerely that the amount of the appropriation in this section is entirely too much for the work that is to be carried on. I wish that this amendment could be adopted here today, and I offer it in all sincerity. The popular thing to do would be to offer an amendment asking for greater appropriations.

Suppose you were a board of directors, would you spend $85,000,000 on a laboratory, or would you spend a reasonable amount and after that laboratory works out the problem that is before you, then proceed to build a plant to carry on the job which has been demonstrated as practicable by the laboratory? These are the things that have been done by organized industry through years of experience, and I hope we will not go ahead and squander $25,000,000 or $35,000,000 unnecessarily, when we could proceed to spend a proper amount and then come along with a bill which would tackle the problem that is unravelled by reason of the demonstration of the laboratory. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was rejected.

Mr. JONES. Mr. Chairman, I ask unanimous consent that title II and III be read as titles.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read as follows:

TITLE II—REHABILITATION LOANS

BORROWERS AND TERMS

SECTION 21. (a) The Secretary shall have power to make loans to eligible individuals for the purchase of livestock, farm equipment, supplies, and for other farm needs, and for the refinancing of indebtedness, and for family subsistence.

(b) Loans made under this section shall bear interest at a rate not in excess of 3 percent per annum, and shall have maturities not in excess of 5 years. Such loans shall be payable in such installments as the Secretary may provide in the loan agreement. All loans made under this title shall be secured by a chattel mortgage, a lien on crops, and an assignment of proceeds from the sale of agricultural products, or by any one or more of the foregoing.

(c) Only farm owners, farm tenants, farm laborers, sharecroppers, and other individuals who obtain, or who recently obtained the major portion of their income from farming operations and who cannot obtain credit on reasonable terms from any federally incorporated lending institution, shall be eligible for loans under this section.

DEBT ADJUSTMENT

SEC. 22. The Secretary shall have power to assist in the voluntary adjustment of indebtedness between farm debtors and their creditors and may cooperate with and pay the whole or part of the expenses of State, Territorial, and local agencies and committees engaged in such debt adjustment. He is also authorized to continue and carry out undertakings with respect to farm debt adjustment uncompleted at the time when appropriations for the purpose of this section are first available. Services furnished by the Secretary under this section shall be without charge to the debtor or creditor.

APPROPRIATION

SEC. 23. (a) For the fiscal year ending June 30, 1938, the balances of funds available to the Secretary for loans and relief to farmers, pursuant to Executive Order No. 7530 of December 31, 1936, as amended by Executive Order No. 7557 of February 19, 1937, which are unexpended on June 30, 1937, are authorized to be appropriated to carry out the provisions of this title.

(b) The President is authorized to allot to the Secretary, out of appropriations made for relief or work relief for any fiscal year ending prior to July 1, 1939, such sums as he determines to be necessary to carry out the provisions of this title and to enable the Secretary to carry out such other forms of rehabilitation of individuals eligible under this title to receive loans as may be authorized by law and designated in the Executive order directing the allotment.

Mr. MARTIN of Colorado. Mr. Chairman, this will be positively my first and last appearance today, but I must go on record on this important legislation. I shall support this bill, because it is said to be a step in the right direction, but I am afraid it will be a very short step in a very long direction.

Farm tenancy is not the cause—and I shall not attempt to state the cause—of the present predicament of agriculture in the United States. Mortgages are not the cause of it. Some gentleman remarked this afternoon that in his opinion the trouble with the farmers is that they are overmortgaged, but I believe that we could give every farm tenant in the United States a free farm and cancel every dollar's worth of farm mortgages in the United States, and if we leave in operation the causes which have bankrupted agriculture and made mortgages and tenants, history would repeat itself, and in a few years more we would be confronted with the same conditions with which we are confronted today.

I think one trouble with the farmer is that he is now, in a highly organized society, the last survivor of ragged individualism. He is not organized and apparently he does not believe in organization. I have dumbfounded farmers by saying that, in my judgment, they could take a leaf from the book of labor and organize like labor has and like every other interest has, and agriculture in this country would begin to get somewhere. The farmers built Chicago but they do not own it. They built a lot of New York but they do not own any of it. They toiled and produced that others might own cities. It is a singular anomaly that the people of the United States who produce all of its food cannot make a living out of it. Is not that a singular thing?

One hundred years ago it is said that it took about 80 percent of the people of the country to produce food for the entire population. Today it takes only 30 percent, and even that 30 percent apparently cannot make a living out of it. Agriculture was bankrupt before the depression. Agriculture in this country struck bottom during what is said to have been the most prosperous era in this or any other country in the world. It is incomprehensible. There must be a lot of causes. I am satisfied this bill does not touch it even if it were on a much larger scale than it is. We have to go deeper than this, and outside of this, before we can arrive at the causes and find a solution for

the incomprehensible thing presented in this country, that agriculture, the basic industry that produces all of the food of the people is in a condition of chronic bankruptcy and that hundreds of thousands of the farmers themselves must be fed out of the Federal Treasury.

Mr. Chairman, even if I cannot lay my finger on the trouble or name the remedy, I could if my voice reached far enough, do some good by showing what the trouble is not. I am afraid that this and other farm legislation focuses too much attention or gives too much weight to farm tenancy and farm debts as causes of the decline of agriculture in the economic scale and by comparison with industry.

Take for example the great farming State of Oklahoma—and it is a rich farming State. That State was virgin territory only 45 years ago when it was thrown open for settlement and the people were given free farms. They got a start from taw, so to speak, with a clean slate. It looked like the ideal situation for a great experiment. Yet the farm census of 1935 shows that more than 61 percent of the farmers of Oklahoma are tenants, and probably the majority of the rest of them are mortgaged. It is not much different in Kansas, one of the great bread-basket States. Kansas is a comparatively new State. It has practically all been settled in my lifetime, but 44 percent of the farmers of Kansas are tenants. In my own State, Colorado, a new State, the percentage of tenancy is 39. In Iowa, the great corn State, it is 49. These States and many others did not begin with tenants and mortgages. They began with the owners of free soil, and now what is to be done about them has become a major national question.

Another puzzling feature of the unfavorable situation of agriculture is that the growth of tenancy and debt among the farmers has been contemporaneous with a period of the greatest industrial expansion and increase in material wealth generally in the history of the world. On the surface it would seem inevitable that agriculture would benefit by the growth of such a market for its products. I have already mentioned the fact that a hundred years ago it took 80 percent of the people to produce the food supply of the country. If now that percentage has dwindled to 30 and the other 70 percent are in the consumers' class, that is seemingly another factor that ought to have contributed to the prosperity of agriculture.

Yet in the face of this highly favorable combination of conditions, the decline of agriculture has extended over a long period of time. For example, in 1880, 25 percent of the farmers were tenants. In 1900 the percentage had grown to 35. During that period of 20 years the number of tenant farmers increased by over 1,000,000, although during that time 300,000,000 acres of new free land were settled. Even the giving away by the Government of a vast rich public domain did not stop the growth of tenancy among the American farmers.

From 1900 to 1935 the percentage of tenancy increased to 42 and the total number of tenants in the United States as shown by the census of 1935 was 2,865,000 out of a grand total of 6,812,000 farmers.

So it appears that for nearly 60 years, and under what would appear to be the most favorable conditions in all history, the great basic industry of agriculture in the United States has steadily lost ground. It has been progressive and continuous under all changes and conditions and apparently it has affected agriculture alone. Putting out $85,000,000 over a period of 3 years will not make much of a dent in this situation.

The growth in farm indebtedness has been no less alarming. In March 1933 farm mortgages amounted to around $12,000,000,000. This administration has put out over $4,000,000,000 to relieve the farm-debt situation with interest as low as 3½ and 4 percent per annum.

In arguing that tenancy and debt are not responsible for the economic condition of agriculture, I am not to be understood as condoning or minimizing these conditions. On the contrary, I have supported every farm-aid measure which has come within my reach through the last five sessions of Congress, and some of these measures, in my opinion, embodied ideas which were at least partial solutions. I refer particularly to the Agricultural Adjustment Act and kindred separate measures for the control of production and increase in farm prices.

In the hearings before the Interstate Commerce Committee on a resolution directing the Federal Trade Commission to investigate farm-machinery prices, it developed that while production in farm machinery declined 80 percent at the depth of the depression the prices of farm machinery had only declined 6 percent. Translated into the terms used by the critics of crop control, the Farm Machinery Trust plowed under four rows out of five, by which means they were enabled to maintain prices. The farmers could take a leaf from that book.

Overspeculation in land prices, charged as one of the causes of the decline in agriculture, no doubt had some place, but, as I have pointed out, the process of decline has been continuous over a long period of time and when speculation could not have been a factor.

From my observation I would say that no one factor has contributed more than the inability of the farmer to protect himself from and against the markets and to successfully market his products. The major part of his crops are thrown on the market in a short period of time, overloading and breaking it down. The prices were always highest when he had the least to sell. Speculation in the price of his crops has cost him a lot more than speculation in the price of his land. Acting as an individual against the organized traders in his products he had no chance. Producing all the food in the country, he had no voice in the bargain. The buyer fixed the price of everything he sold and the seller fixed the price of everything he bought, and that tells a lot of the farmer's story in a sentence.

Surpluses, the mass-production of machinery, is another cause. Perhaps the ever normal granary would help some with the problem of fat years and lean years. In some way the farmer must handle surpluses. Marketing agreements in which he would have a voice in the distribution and the prices of his products, cooperative marketing, would help. His business must be regulated. That is the end toward which he must strive.

It is not disputed that some of the acts of Congress, like the Agricultural Adjustment Act, the cotton, tobacco, and sugar acts, did much to pull the basic farm commodities of the country out of the hole. It is a singular thing that measures which are good, which achieve such results, must be thrown in the discard. They were good for the emergency, but bad as permanent measures. I have never quite reconciled myself to that viewpoint. It is possible they required modifications, but I still have an unshaken conviction that in the farm legislation which was declared invalid by the Supreme Court, there was embodied practical methods for the regulation and stabilization of agriculture, and that no successful farm program hereafter can be wholly free from the influence of those measures.

Mr. JONES. Mr. Chairman, I ask unanimous consent that all debate on this title and on all amendments thereto close in 5 minutes.

Mr. GREEVER. Mr. Chairman, I reserve the right to object, in order to ask the chairman of the committee one question with regard to the provisions of section 22, page 6, as to voluntary adjustment of indebtedness between farm debtors and their creditors. Does that include any class of farm debtors?

Mr. JONES. Yes; it is not limited to those involved in this bill. That is a general provision, a continuation of the present activity.

Mr. GREEVER. It means that any farm debtor who wants to compromise his debts will have the opportunity under the authority of this bill?

Mr. JONES. Yes; and some very fine work has been done along that line in adjusting farm mortgages.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that all debate upon the title just read and all amendments thereto close in 5 minutes. Is there objection?

There was no objection.

Mr. PETERSON of Georgia. Mr. Chairman, the Federal Government at the present time is spending approximately $1,000 per person for each person who is on the relief rolls of this Nation. I contend that for a small amount additional this Nation, under a sound national land program, can completely rehabilitate upon a self-sustaining basis not one individual but an entire farm family. I contend that the bill now before this membership will require an expenditure of approximately $7,500 per farm family, and they will not be in a condition of complete economic independence after it has been expended, but will be $7,500, or 100 percent deeper in debt. Under my proposal, for every $3,500 or less expended, we will completely relieve one family of its entire farm-mortgage indebtedness, and will also give a farm to an additional family.

In other words, for less than $1,750 per family we are permitted to grant complete economic independence to a complete farm family unit of this Nation. In doing so we will be going in complete harmony with the traditional Jeffersonian policies which we all claim to hold in such high regard.

Mr. Chairman, I appreciate the indulgence of the Committee today. I have not done this deliberately to take your time, but to tell you I firmly believe that unless we do reestablish the farm population of this Nation to a condition of economic independence our free institutions cannot survive.

I am offering to you a program that is sound; a program that is right; a program that is in harmony with the true principles of free government; a program that is in harmony with the divine laws of God and the eternal laws of Nature. This bill H. R. 6748 and the committee reports which have been prepared after months and years of laborious study and thought are now before the Public Lands Committee of this House, where they rightfully belong. I sincerely trust that we will have the cooperation of the chairman and the membership of that committee in bringing that bill before this House, where it can receive the same consideration this bill has received during the last 2 days.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. PETERSON] has expired. All time has expired.

The Clerk read as follows:

TITLE III—RETIREMENT OF SUBMARGINAL LAND

PROGRAM

SECTION 31. The Secretary is authorized and directed to develop a program of land conservation and land utilization, including the retirement of lands which are submarginal or not primarily suitable for cultivation, in order thereby to correct maladjustments in land use, and thus assist in controlling soil erosion, reforestation, preserving natural resources, mitigating floods, preventing impairment of dams and reservoirs, conserving surface and subsurface moisture, protecting the watersheds of navigable streams, and protecting the public lands, health, safety, and welfare.

POWERS UNDER LAND PROGRAM

SEC. 32. To effectuate the program provided for in section 31, the Secretary is authorized—

(a) To acquire by purchase, gift, or devise, or by transfer from any agency of the United States or from any State, Territory, or political subdivision, submarginal land and land not primarily suitable for cultivation, and interests in and options on such land. Such property may be acquired subject to any reservations, outstanding estates, interests, easements, or other encumbrances which the Secretary determines will not interfere with the utilization of such property for the purposes of this title.

(b) To protect, improve, develop, and administer any property so acquired and to construct such structures thereon as may be necessary to adapt it to its most beneficial use.

(c) To sell, exchange, lease, or otherwise dispose of, with or without a consideration, any property so acquired, under such terms and conditions as he deems will best accomplish the purposes of this title, but any sale, exchange, or grant shall be made only to public authorities and agencies and only on condition that the property is used for public purposes. The Secretary may recommend to the President other Federal, State, or Territorial agencies to administer such property, together with the conditions of use and administration which will best serve the purposes of a land-conservation and land-utilization program, and the President is authorized to transfer such property to such agencies.

(d) With respect to any land, or any interest therein, acquired by or transferred to the Secretary for the purposes of this title, to make dedications or grants, in his discretion, for any public purpose, and to grant licenses and easements upon such terms as he deems reasonable.

(e) To cooperate with Federal, State, Territorial, and other public agencies in developing plans for a program of land conservation and land utilization, to conduct surveys and investigations relating to conditions and factors affecting, and the methods of accomplishing most effectively the purposes of this title, and to disseminate information concerning these activities.

(f) To make such rules and regulations as he deems necessary to prevent trespasses and otherwise regulate the use and occupancy of property acquired by, or transferred to, the Secretary for the purposes of this title, in order to conserve and utilize it or advance the purposes of this title. Any violation of such rules and regulations shall be punished as prescribed in section 5388 of the Revised Statutes, as amended (U. S. C., 1934 ed., title 18, sec. 104).

PAYMENTS TO COUNTIES

SEC. 33. As soon as practicable after the end of each calendar year, the Secretary shall pay to the county in which any land is held by the Secretary under this title 25 percent of the net revenues received by the Secretary from the use of the land during such year. In case the land is situated in more than one county the amount to be paid shall be divided equitably among the respective counties. Payments to counties under this section shall be made on the condition that they are used for school or road purposes, or both. This section shall not be construed to apply to amounts received from the sale of land.

APPROPRIATION

SEC. 34. To carry out the provisions of this title there is authorized to be appropriated not to exceed $10,000,000 for the fiscal year ending June 30, 1938, and not to exceed $20,000,000 for each of the 2 fiscal years thereafter.

Mr. LORD. Mr. Chairman, I offer an amendment which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. LORD: Page 10, strike out lines 3 to 14, inclusive, and insert:

"TAXATION

"SEC. 33. The property acquired by the Secretary to carry out the provisions of this title shall be exempt from taxation by any State or political subdivision thereof, but the Secretary shall pay, in respect of such property (except property used solely for administrative purposes), to the State or political subdivision thereof concerned, an amount which the Secretary determines to be fair and reasonable but not more than the property taxes (including special and other assessments) which would be payable to such State or political subdivision if such property were owned by a private individual. The payment of such amount shall be made on the day upon which taxes would otherwise be due and payable.

Mr. LORD. Mr. Chairman, I want to call the attention of the House to section 33, on page 10. This provides that 25 percent of the profits from the submarginal lands purchased by the Government shall go to the counties as taxes. The submarginal land as purchased will not pay any income whatever, but will take out of the tax rolls and from the school districts and the highway districts land that is now on the assessment roll and paying taxes.

It will add to the taxes of all other farm lands and all other property in the district. They will have to bear the burden of taxation that was formerly assessed on these particular lands.

In the State of New York the State buys land for reforestation. The State buys the land and it is assessed for what the State pays for it, and the State pays taxes for highways and schools on the same basis as other real property in the district. I do not propose to assess the land but I have taken this language from a bill which the Secretary presented to us. I propose that the Secretary decide what is the fair and equitable tax for the Government to pay to the various counties and school districts. On this basis they will receive payment, and the extra burden will not fall upon the taxpayers for these various purposes. In other words, in this bill we are trying to relieve farmers and at the same time we are adding on to the tax rate of all other farmers in the tax district in order to do it.

In addition, in most districts where the land is purchased there is bonded indebtedness and the balance of the taxpayers will have to bear the extra burden that has been assessed against the land purchased by the Government.

This is to my mind very unfair to the farmers and taxpayers of our Nation.

The CHAIRMAN. The time of the gentleman from New York [Mr. LORD] has expired.

Mr. JONES. Mr. Chairman, I ask unanimous consent that all debate on this title and all amendments thereto close in 9 minutes, 3 minutes to be allowed each of the three gentlemen now seeking recognition.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LORD].

The amendment was rejected.

Mr. WEARIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEARIN: On page 9, line 2, after the word "purposes", strike out the period and insert "or to tenants who can qualify as such under the terms of this act."

Mr. WEARIN. Mr. Chairman, I have offered this amendment to this particular title with the thought in mind that submarginal lands should be available for resale to tenants whenever the Secretary of Agriculture thinks that it is advisable that such action proceed. I do not expect to press the amendment; in fact, I intend to withdraw it because, by virtue of having discussed the situation with the distinguished chairman of the Committee on Agriculture [Mr. JONES] it is my understanding that in all probability legislation dealing with the disposition of submarginal land will be forthcoming. I do, however, expect, as I originally intended, to offer an amendment to title IV with reference to the transfer of lands now held by the Federal land banks to the Department of Agriculture for resale by the Secretary to purchasers on a contract basis; and when we reach that point I desire to call the matter to the attention of the members of the committee. I believe firmly that it constitutes one of two major plans by which we can solve the problem of tenancy in the United States. This particular procedure has been followed with some degree of success in other sections of the world, and this is especially true of the Free State of Ireland. I believe that when we are experimenting with a proposition so vast as this that we should incorporate in any model project, if such it can be called, the various provisions that might prove satisfactory with a view to advancing each of them to such a point that we can decide for ourselves after that experimental period which is the most satisfactory.

Keeping in mind the fact that I shall offer this amendment to title IV when we reach that particular juncture in the reading of the bill, I ask unanimous consent at this time, Mr. Chairman, to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. CASE of South Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CASE of South Dakota: On page 10, line 13, after the word "both", strike out the period, insert a semicolon and the words "or applied to sinking funds for the retirement of bonds or warrants legally issued and outstanding at the time of the passage of this act."

Mr. CASE of South Dakota. Mr. Chairman, this amendment is to page 10 of the bill. The sentence to be amended reads as follows:

Payments to counties under this section shall be made on the condition that they are used for school or road purposes, or both.

My amendment adds to that the authority for this money to be applied also to the sinking funds for retirement of bonds and warrants legally issued and outstanding at the time this act becomes law.

A good deal of the debate on this bill has been confined to the subject of the farm-tenancy program in title I. As far as I am concerned titles II and III are equally important in the Great Plains area.

Rehabilitation loans and the submarginal land buying program are equally important with the tenancy program. The rehabilitation grants have kept thousands of farmer families alive the past winter and the loans are giving them a chance to get going again. The marginal land-purchase program opens the way to a wiser land use. These things are continued under titles II and III and my desire is to have future operations in these fields profit from what experience has been had.

If we limit the use of this 25 percent of the revenue from these purchased lands to school and road purposes we are going to throw the entire burden of present bonds and warrants onto the remaining landholding taxpayers.

I have seen how that has worked out in two or three submarginal areas in my district. We have a constitutional limit on levies as well as total debt. In counties where those limits have been reached, it is not only unfair but impractical to throw onto remaining taxpayers the capital debts that have been based on an assessed valuation that included the lands this purchase program will remove.

It means an unbalanced tax structure that is unworkable. It will relieve the road and school funds, but where the limit has been reached on sinking fund levies, you cannot shift or adjust the situation. But if this revenue from the grazing areas or from this submarginal area can be applied to outstanding, legally issued bonds and warrants it will contribute much to the workability of the bill.

I hope the committee will accept the amendment.

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERGUSON] is recognized for 3 minutes.

Mr. FERGUSON. Mr. Chairman, as to the general philosophy of this bill, it is a "hope bill" in that we hope it will be administered in a manner that will work out beneficially to the farm-tenant class in this country.

As far as I am concerned I hope that the county committees devote their attention to the young, well-qualified people in the counties who will make good, and they do not spend too much time rehabilitating farmers who have spent 20 years as tenants and failed to make good. It seems strange to me that the Congress would authorize the loaning of this vast sum of money which admittedly will not scratch the surface of the tenant problem without first taking into consideration these things: First, the farmer who is still operating his own place and must have stable prices over a period of years to continue to operate. Second, the great number of farmers in the drought area who have been dispossessed of their property although they had demonstrated, without doubt, their ability to farm with favorable rainfall and prices. Third, sufficient and reasonable farm credit to those farmers who are able to put up margin both on the purchase of land and operation of their farm.

It seems to me that this class of farmer should receive first attention before we go into the business of setting up tenant farmers for whom the Government is required to pay the full purchase price of land and then loan the full amount necessary to start and operate the farm.

However, if the county committees pick out the best-trained and best-equipped young people in the counties to give them the advantage of this bill it can be of great benefit, because the boy and girl vocationally trained for life on the farm will make a success.

This, however, is not the reason for my taking the floor. Three years ago I started talking about the Dust Bowl and wind erosion in the panhandle of Oklahoma and in the Southwest. I introduced several bills on the subject—H. R. 5961 that provides for an appropriation for the Secretary of Agriculture to create a special "dust bowl" area in five Southwestern States and for the establishment of grass-breeding and experiment projects; H. R. 5959, authorizing the Secretary of Agriculture to create a special "dust bowl" area in Kansas, Oklahoma, Colorado, New Mexico, and Texas; H. R. 2286, making an appropriation for emergency relief in the stricken agricultural areas; H. R. 2287, that

would provide for a 10-year program of purchasing pasture land under the authority of the Soil Conservation and Domestic Allotment Act. The distinguished and able chairman of the Committee on Agriculture has also worked on this subject during this time. At last a bill that covers the subject of buying submarginal land is before this House. The provisions with reference to the submarginal land program are contained in title III. I hope the House realizes the importance of title III.

Unquestionably the Government policy of granting homesteads and establishing small units in the western plains area was the cause of economic distress to the homesteader and destruction of land. Many Members cannot yet distinguish between the dust storms of recent years and the sand storms we have always had in the West. Sand storms are caused by high winds. The dust storms are caused by fine silty soil that has been cultivated, then dried out by months of burning sun. This dust will rise miles in the air with even the slightest breeze, and when this soil is gone the bare subsoil in this country is worthless. Not only does it destroy the land that has been cultivated, but it is more unbearable than a flood or fire to the people for hundreds of miles around. The dust cannot be extinguished like a fire nor does it reach a peak and recede like a flood. It is a constant menace day after day and when the rain clears the atmosphere it is likely to return a few days after. So I have sought legislation from the Congress for 3 years to tackle this problem. A bill that would commit the Government to buy this land, restore it to its economic use of grazing and remove this land as a menace to surrounding land and the inhabitants of the country for a radius of several hundred miles. This area is a sore that has spread and is gradually increasing in spite of all private and Government efforts made so far to stop it. And within the course of our lifetime at its present rate of expansion we could see the area between the Rocky Mountains and the Mississippi change from the greatest agricultural area in the world to a desert.

The Assistant Secretary of Agriculture, Mr. M. L. Wilson, when testifying before the Committee on Flood Control, substantiated the necessity of this land-buying program. While the testimony is not available in printed form as yet, I may quote him, in substance, as saying that several million acres in this Southwest country were so badly eroded that there is no incentive for a private individual to restore this land to economic uses. He also agreed with me that in many instances, in spite of the amount of rainfall, the soil in this area is of a type, and the velocity of the wind is so high, that once the land is denuded, regardless of rainfall, nature alone will not cover this land with vegetation. The drifts of soil along the fence lines and in hummocks in the fields must be worked into the soil. The soil must be cultivated before any vegetation can start to grow. Once you have a crop started, a vegetative cover, then the regrassing process, which will take some 10 to 15 years, according to a statement made before the Flood Control Committee by Mr. H. H. Bennett, Director of the Soil Conservation Service, can begin in earnest.

In summary, this land must be purchased by the Government under the provisions of this section of the bill: First, to save the eroded land itself; second, to save adjacent farm land that has been carefully farmed, that is now being carefully farmed, but will be ruined if these fields are not properly cared for; third, to save the people for a radius of several hundred miles from the discomfort and economic loss caused by repeated dust storms; fourth, to check the constant threat of turning a vast area between the Rocky Mountains and the Mississippi River into a desert.

This section of the bill to me is the most important not only to my district but to the Nation. I hope that it will be in the final bill as passed by the Congress and that appropriations will be made immediately to carry out the program as authorized.

Mr. Chairman, let me, in closing, urge my colleagues to support this bill containing this program of land purchased by the Government to obtain the proper utilization of land. From the wording of the section I know every effort will be made by the Department of Agriculture to cooperate with the State agencies such as have already been set up in my State of Oklahoma to carry out this program.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota [Mr. CASE].

The amendment was rejected.

The Clerk read as follows:

TITLE IV—GENERAL PROVISIONS

FARM SECURITY ADMINISTRATION

SECTION 41. (a) The Secretary shall establish in the Department of Agriculture a Farm Security Administration to assist him in the exercise of the powers and duties conferred by this act.

(b) For the purposes of this act, the Secretary shall have power to—

(1) Appoint (without regard to the civil-service laws and regulations) and fix the compensation of such officers and employees as may be necessary. No person shall be appointed or transferred under this act to any position in an office in a State or Territory the operations of which are confined to such State or Territory or a portion thereof, or in a regional office outside the District of Columbia the operations of which extend to more than one, or portions of more than one, State or Territory, unless such person has been an actual and bona-fide resident of the State or Territory, or region, as the case may be, in which such office is located, for a period of not less than 1 year next preceding the appointment or transfer to such position (disregarding periods of residence outside such State or Territory, or region, as the case may be, while in the Federal Government service). If the operations of the office are confined to a portion of a single State or Territory, the Secretary in making appointments or transfers to such office shall appoint or transfer only persons who are residents of such portion of the State or Territory.

(2) Accept and utilize voluntary and uncompensated services, and, with the consent of the agency concerned, utilize the officers, employees, equipment, and information of any agency of the Federal Government, or of any State, Territory, or political subdivision.

(3) Within the limits of appropriations made therefor, make necessary expenditures for personal services and rent at the seat of government and elsewhere; contract stenographic reporting services; purchase and exchange of supplies and equipment, law books, books of reference, directories, periodicals, newspapers, and press clippings; travel and subsistence expenses, including the expense of attendance at meetings and conferences; purchase, operation, and maintenance, at the seat of government and elsewhere, of motor-propelled passenger-carrying and other vehicles; printing and binding; and for such other facilities and services as he may from time to time find necessary for the proper administration of this act.

(4) Make contracts for services and purchases of supplies without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., 1934 ed., title 41, sec. 5) when the aggregate amount involved is less than $300.

(5) Make payments prior to audit and settlement by the General Accounting Office.

(6) Acquire land and interests therein without regard to section 355 of the Revised Statutes, as amended (relating to restrictions on the acquisition of land by the United States).

(7) Compromise claims and obligations arising under, and adjust and modify the terms of mortgages, leases, contracts, and agreements entered into pursuant to, this act, as circumstances may require.

(8) Pursue to final collection, in any court, State or Federal, all claims arising under this Act, or under any mortgage, lease, contract, or agreement entered into pursuant to this act.

(9) Make such rules and regulations as he deems necessary to carry out this act.

COUNTY COMMITTEE

SEC. 42. (a) The Secretary is authorized and directed to appoint in each county in which activities are carried on under title I a county committee composed of three farmers residing in the county.

(b) Each member of the committee shall be allowed compensation at the rate of $3 per day while engaged in the performance of duties under this act but such compensation shall not be allowed with respect to more than 5 days in a month. In addition, they shall be allowed such amounts as the Secretary may prescribe for necessary traveling and subsistence expenses.

(c) The committee shall meet at least once in each month and two members shall constitute a quorum. The Secretary shall prescribe rules governing the procedure of the committees, furnish forms and equipment necessary for the performance of their duties, and authorize and provide for the compensation of such clerical assistants as he deems may be required by any committee.

(d) Committees established under this act shall, in addition to the duties specifically imposed under this act, perform such other duties under this act as the Secretary may require of them.

RESETTLEMENT PROJECTS

SEC. 43. The Secretary is authorized to continue to perform such of the functions vested in him pursuant to Executive Order No.

7530 of December 31, 1936, as amended by Executive Order No. 7557 of February 19, 1937, and pursuant to Public Act No. 845, approved June 29, 1936 (49 Stat. 2035), as shall be necessary only for the completion and administration of those resettlement projects, rural rehabilitation projects for resettlement purposes, and land development and land utilization projects, for which funds have been allotted by the President, and the balances of funds available to the Secretary for said purposes which are unexpended on June 30, 1937, are authorized to be appropriated to carry out said purposes.

GENERAL PROVISIONS APPLICABLE TO SALE

SEC. 44. The sale or other disposition of any real property acquired by the Secretary pursuant to the provisions of this act, or any interest therein, shall be subject to the reservation by the Secretary on behalf of the United States of not less than an undivided half of the interest of the United States in all coal, oil, gas, and other minerals in or under such property.

SURVEYS AND RESEARCH

SEC. 45. The Secretary is authorized to conduct surveys, investigations, and research relating to the conditions and factors affecting, and the methods of accomplishing most effectively, the purposes of this act, and may publish and disseminate information pertinent to the various aspects of his activities.

VARIABLE PAYMENTS

SEC. 46. The Secretary may provide for the payment of any obligation or indebtedness to him under this act under a system of variable payments under which a surplus above the required payment will be collected in periods of above-normal production or prices and employed to reduce payments below the required payment in periods of subnormal production or prices.

SET-OFF

SEC. 47. No set-off shall be made against any payment to be made by the Secretary to any person under the provisions of this act, by reason of any indebtedness of such person to the United States, and no debt due to the Secretary under the provisions of this act shall be set off against any payments owing by the United States, unless the Secretary shall find that such set-off will not adversely affect the objectives of this act.

BID AT FORECLOSURE

SEC. 48. The Secretary is authorized and empowered to bid for and purchase at any foreclosure or other sale, or otherwise to acquire property pledged or mortgaged to secure any loan or other indebtedness owing under this act; to accept title to any property so purchased or acquired in the name of the United States; to operate or lease such property for such period as may be deemed necessary or advisable to protect the investment therein; and to sell or otherwise dispose of such property so purchased or acquired upon such terms and for such considerations as the Secretary shall determine to be reasonable, but subject to the reservation of mineral rights provided for in section 44.

FEES AND COMMISSIONS PROHIBITED

SEC. 49. No officer, attorney, or employee of the United States shall, directly or indirectly, be the beneficiary of or receive any fee, commission, gift, or other consideration for or in connection with any transaction or business of the United States under this act other than such salary, fee, or other compensation as he may receive from the United States. Any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not more than $1,000 or imprisonment for not more than 1 year, or both.

EXTENSION TO TERRITORIES

SEC. 50. The provisions of this act shall extend to the Territories of Alaska and Hawaii.

SEPARABILITY

SEC. 51. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

Mr. BOILEAU. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. BOILEAU: Page 11, line 5, after the word "appoint", strike out line 5 and all of line 6 down to and including the word "of."

Mr. BOILEAU. Mr. Chairman, this amendment would knock out of the bill that language which would suspend the operation of the civil-service and classification laws. In the bill as presented by the committee there is a provision to the effect that the Secretary will have power to appoint, without regard to civil-service laws and regulations, and fix the compensation of such officers and employees as may be necessary. The amendment I have offered would strike out the words "without regard to the civil-service laws and regulations and fix the compensation of"; so that the sentence would read as follows:

The Secretary would have the power to appoint such officers and employees as may be necessary.

The elimination of the language exempting the civil-service laws and regulations from applying to this section would mean all persons appointed and salaries paid them would be governed entirely by the civil-service laws and the Classification Act.

This amendment is the subject of a minority report signed by the minority members of the Committee on Agriculture, including the Republican members of that committee and myself. I submit there is no justification for knocking out the civil service so far as this bill is concerned. If you do not believe in the civil service, if you want to eliminate it entirely, then in the name of justice bring in a bill here that will eliminate it; but if you do believe in the civil service, or if you lack the courage to bring in a bill which would outlaw it, then in the name of fair play do not take potshots at the civil service every chance you get.

The civil service has not been perfect. No one who is interested in that system believes it has been. There is chance for improvement in the civil-service system, but the way to improve it is to perfect the system and not make it inapplicable to various bills as they come on the floor of this House for consideration from time to time.

I submit if you permit this bill to be passed in its present language, it means that the Democratic Party is against civil service, and the Democratic Party in all these years has never adopted a national platform in which it dared come out in opposition to the civil service. There was some justification a few years ago when emergency legislation was being brought before the Congress to provide that the civil-service laws should not apply, but there is no such justification now. The emergency has passed and there is no longer any justification whatsoever for providing that the civil-service laws and regulations shall not apply to this or any other bill which may be brought before the Congress.

In conclusion may I say that the American people have a right to believe because of the recent activities of the Congress that the Democratic Party is not very friendly toward civil service, and if we allow the language to remain in this bill, you cannot get away from the charge that you are not only unfriendly to the civil service but you may rightfully be charged with being an enemy of the civil service.

[Here the gavel fell.]

Mr. JONES. Mr. Chairman, I ask unanimous consent that all speeches in connection with amendments to this title of the bill be limited to 3 minutes each.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. JONES. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 6 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HILL of Oklahoma. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin [Mr. BOILEAU] for the reason if we make it possible in this bill for the civil-service rules and regulations to apply that would result in sending out over the country to appraise farms and buy them for these tenant farmers some fellow who never saw a farm, who does not know anything about the value of land, and who is thoroughly incompetent. As a matter of fact, most of the civil-service employees are. They get in through some hocus-pocus and do not care very much for the Congress or the Government just so they can hold their jobs and we are kind enough to continue to make them appropriations. They are named all wrong. They are hardly civil, and for their actual service they are considerably overpaid. I think the more often we leave them out the better off we will be. So much for that, because I know the amendment will not be adopted.

Mr. Chairman, I am going to support this bill. Nearly every Member who has spoken on this bill has offered a

reason for so doing or a hope it might turn out good as his excuse for doing so.

You know this country has been in the habit of subsidizing some interest that gets into distress for a good many years. I remember over 20 years ago when I was a Member of this body we subsidized the shipping industry because it was said they were not self-sustaining and could not compete with the rest of the shipping countries of the world. Then in recent years when everybody and all business concerns went down on their knees and were begging for help and their very lives and were ready and willing to give up half of all they had if the President would save the other half, we commenced a free use of legislative subsidies. We subsidized all the banks in order that the poor, prostrate things might rise on both of their feet and open their doors in safety. We also subsidized the railroads of this country in order that they could roll their cars on the railroad tracks from one end to the other. We subsidized building and loan associations. We subsidized insurance companies in order that they could have the assurance they could insure you. We subsidized mines and factories. In fact we subsidized enterprises and businesses that came begging, crying, and kneeling at our feet.

Therefore, any time any industry in this country has become distressed financially, for a good many years we have just subsidized them. These industries are the comparatively small ones. The largest industry we have in the country is farming. There are something like 10,000,000 farmers in this country engaged in that business, which is a lot of stockholders. Approximately one-third of this number are tenant farmers.

Now we come in with some little peewee program and hope we may pry in and lend some money to subsidize the broken-down farmers who went broke for the same reason the banks, the railroads, and the insurance companies, and so forth, went broke, and for no other reason.

If we will just be as charitable and as liberal to these fellows who really want to farm, who really want to engage in the largest industry in the United States, one which is absolutely indispensable to the welfare of this country, maybe this bill will be an intervening wedge which will give us the right to do so.

Mr. Chairman, notwithstanding the apparent good purpose and intent of this bill, yet I am imbued with two very serious misgivings as to its complete satisfactory workability. In the first place, the amount of the appropriation in this bill is not sufficient for the farming industry to feel the entrance of this intervening wedge. I am also fearful that this may be the beginning of an expenditure that we do not here fathom, and one that at a future date we shall be called upon to check. At that time it may be difficult for us to legislate the check.

In the second place, I am not fully convinced but that this bill will call for the creation of an additional commission or bureau to administer the expenditure of the appropriation, although I was advised here on the floor today by our worthy and capable chairman, Mr. JONES, of Texas, that there would be no such expense, and I am trusting in the correctness and truthfulness of that advice.

We have heard a great deal today from the gentleman from Georgia [Mr. PETERSON] about a land bill in which he is interested and that he soon hopes to have before us for consideration—a bill which he says will provide for the already established Land Office of the Government to buy and sell the lands to tenant farmers with no necessity for an extra or additional bureau. That bill may do more and go farther than this one, and if so, when it comes on for consideration it may be that we shall be convinced it should supplant this one. If it does, let us not hesitate to adopt it in lieu of the present bill.

These are my misgivings, and may I now say I am unalterably opposed to the creation of any other commissions or bureaus. I should like to see this Congress abolish about 75 percent of all present existing commissions and bureaus and try to operate all the affairs of the Government at a tremendously great saving to the taxpayers. If we should now begin to conduct the business of the Government along the line and with some economy that a private individual or corporation operates his or its business, you would be surprised how quickly an out-of-balance Budget would begin to balance itself.

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I wonder if the provision in this bill to destroy the civil service and merit system is one of the decisions made by the Democratic Party down on Jefferson Island the other day. Is this the kind of religion that sprung from that revival meeting? It is a complete change of front since the last election. I shall read to you what the Democratic national platform had to say about the merit system last year.

> For the protection of Government itself and the promotion of its efficiency, we pledge the immediate extension of the merit system through the classified civil service—which was first established and fostered under Democratic auspices—to all nonpolicy-making positions in the Federal service.
>
> We shall subject to the civil-service law all continuing positions which, because of the emergency, have been exempt from its operations.

This is pretty explicit and a definite pledge to the people. Now the Democrats come in here with a new civil-service policy. It seems to me either you are for civil service or you are against civil service. If this had been the first time and was merely the exception to the rule it would be a different matter, but bill after bill is coming from the Democratic majority that undermines and destroys the civil service, protection of which your party claims you had so much to do in establishing.

I submit the time has come for a record vote on the question of civil service. There are plenty of good men left even in the Democratic Party to fill these positions under civil service. There are plenty of honest men left in the Democratic Party under civil service to fill all these jobs. Why not have a record vote with respect to where we stand on this question of merit and the civil service instead of violating the civil-service system by subterfuge and not by a record vote of the Members of Congress. That is the issue before you. This provision is merely another one of the efforts of Democratic spoilsmen to grab the jobs and to seize upon all possible political plunder and patronage for deserving Democrats regardless of the merit system. Let us be honest with ourselves. Let us take a stand whether we are for the merit system or against it. The President repeatedly gives lip service to the merit system and just as often joins with the Democratic spoilsmen in Congress to undermine and destroy the civil-service system in violation of platform promises and campaign pledges. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. BOILEAU].

The question was taken; and on a division (demanded by Mr. BOILEAU) there were—ayes 32, noes 81.

So the amendment was rejected.

Mr. JONES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. JONES: On page 10, line 23, after the word "Secretary", strike out the word "shall" and insert in lieu thereof the word "may."

Mr. JONES. Mr. Chairman, this amendment simply makes the establishment of the act discretionary. It is not a committee amendment. I think it is wise. If there is any objection to the amendment, I shall not insist on it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. JONES].

The amendment was agreed to.

Mr. JONES. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

> Amendment offered by Mr. JONES: On page 17, line 8, after the period, insert a colon and the following: "No member of a county committee established under section 42 shall knowingly make or join in making any certification prohibited by section 2 (c)."

Mr. JONES. Mr. Chairman, this amendment is simply to correct the oversight to which the gentleman from Texas [Mr. SUMNERS] called our attention.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. JONES].

The amendment was agreed to.

Mr. JONES. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES: Strike out lines 11 to 14, inclusive, on page 13 and insert in lieu thereof the following: "(8) Collect all claims arising under this act or under any mortgage, lease, contract, or agreement entered into pursuant to this act, and, if in his judgment, necessary and advisable, to pursue the same to final collection in any court, State or Federal, upon suits brought under the supervision of the Attorney General by the United States attorneys for the districts, respectively, in which such claims arise, or by such other attorney or attorneys as may under the law be designated by the Attorney General."

Mr. JONES. Mr. Chairman, this amendment, offered at the suggestion of the Department of Justice, simply provides that suits, when claims go to suit, shall be handled by the Department of Justice.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. JONES].

The amendment was agreed to.

Mr. JONES. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES: On page 11, line 8, before the word "shall", insert the following: "(except as to positions requiring technical training and experience for which no one possessing the requisite technical training and experience is available within such area)", and in line 24, after the word "shall", insert the following: "except as provided above."

Mr. JONES. Mr. Chairman, I have shown this amendment to a number of members of the committee. This simply exempts the positions requiring technical training from the residential requirements.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. JONES].

The amendment was agreed to.

Mr. WARREN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WARREN: Amend section 43, page 15, line 4, by adding at the end of the section the following: "*Provided*, That any land held by the United States under the supervision of the Secretary of Agriculture pursuant to said Executive orders may, where suitable, be utilized for the purposes of title I of this act, and the Secretary may sell said land and make loans for the necessary improvement thereof to such individuals and upon such terms as shall be in accordance with the provisions of said title."

Mr. JONES. Mr. Chairman, I have consulted with the ranking minority member of the committee, and we have no objection to the amendment.

The amendment was agreed to.

Mr. BIERMANN. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. BIERMANN: On page 15, line 10, after the first word "of", strike out all the rest of line 10 and the first three words in line 11.

Mr. BIERMANN. Mr. Chairman, this amendment simply provides that when the United States Government sells any land, that it shall retain all the coal, all the oil, all the gas, and all other minerals in the property. It seems to me there ought to be no argument about this. This land, when sold, is sold for farming purposes and not for speculative purposes. It seems to me there can be only one side to this proposition. The Government ought to retain all the mineral rights.

Mr. JONES. Mr. Chairman, may I suggest to the gentleman that if he makes it three-fourths that it will be agreeable; otherwise, you could go on this land under a lease from the Government and destroy the surface value. There ought to be a part of such rights left in the owner of the land in some instances.

Mr. BIERMANN. No; this is the case of the Government selling the land to an individual.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. BIERMANN].

The question was taken; and on a division (demanded by Mr. BIERMANN) there were—ayes 27, noes 98.

So the amendment was rejected.

Mr. FULLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FULLER: Page 14, lines 5 and 6, strike out the following: "The committee shall meet at least once in each month and two members" and insert "two members of the committee."

Mr. JONES. Mr. Chairman, I have talked with the ranking minority Member, and unless there is some objection, I have no objection to the amendment.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. JONES. I yield to the gentleman from New York.

Mr. WADSWORTH. It is a little difficult for us to understand just what this amendment does. May I ask this question, and perhaps it will be answered by the amendment. In view of the fact that under this bill for the first year no more than one case can be decided upon in each agricultural county of the United States, is it necessary under those circumstances that the committee in every county meet once every month?

Mr. JONES. The amendment does away with that necessity.

Mr. FULLER. That is to save $30,000 a month.

Mr. WADSWORTH. Congratulations.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

The amendment was agreed to.

Mr. COCHRAN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Page 15, line 10, strike out the word "half" and insert "three-quarters."

Mr. COCHRAN. Mr. Chairman, my amendment meets the suggestion of the chairman of the Committee on Agriculture made at the time the gentleman from Iowa [Mr. BIERMANN] offered his amendment. If the framers of the Constitution had seen the wisdom of providing that all coal, oil, gas, and other minerals in or under all lands belonging to the Government at the time of the adoption of the Constitution would remain the property of the United States when the land was disposed of we would never have been bothered with taxes. The revenue derived from the sale of oil, coal, and so forth, would have supported the Government for all time. I hope the amendment will be adopted.

Mr. JONES. Mr. Chairman, I have no personal objection to that. I would like to have the House know what it is. The committee reported a reservation of one-half of the mineral rights, and this amendment would change that to three-fourths.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. COCHRAN) there were—ayes 52, noes 29.

So the amendment was agreed to.

Mr. WEARIN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. WEARIN: Amend title IV, section 41 (b), by inserting at the end of line 6, on page 13, the following: "(7) Acquire all real property in the United States that the Federal land banks now own outright without any redemption rights outstanding in former owners, which the said Federal land banks are hereby authorized and directed to transfer and convey to the Secretary of the Treasury, for which the said Federal land banks shall accept from the Secretary of the Treasury in exchange therefor Federal land-bank stock of equal value. In the same manner the Secretary of Agriculture shall acquire within 6 months real property against which the Federal land banks at the time of the adoption of this act hold sheriff's certificates or judgments. For the purposes of such exchanges, the value of such real property shall be the carrying value as it appears on the books of the said Federal land banks on the last day of the month next preceding the adoption of this act; and the Federal land-bank stock shall be valued at par. The Secretary of Agriculture shall acquire forthwith all real property so acquired by the Secretary of the Treasury: *Provided*, That the conveyance of such real property may be made under any procedure adopted by the Governor of the Farm Credit Administration, the Secretary of

the Treasury, and the Secretary of Agriculture direct from the Federal land banks to the said Secretary of Agriculture without any intermediate transfer through the Secretary of the Treasury. The provisions of section 355 of the Revised Statutes, as amended, relating to restrictions on the acquisition of land by the United States shall not apply to such transfers and conveyances. The Secretary of Agriculture shall administer and dispose of such real property as hereinafter prescribed in this act."

Mr. JONES. Mr. Chairman, I reserve all points of order on that amendment.

Mr. WEARIN. Mr. Chairman, a parliamentary inquiry. The gentleman from Texas reserves all points of order. I appreciate his doing that, but after I have discussed the amendment, then I presume I shall have have an opportunity to be heard on the point of order.

The CHAIRMAN. As a matter of course the gentleman would have that privilege.

Mr. WEARIN. Mr. Chairman, in brief this amendment does this: It takes approximately 8,000,000 acres of land now owned by the Federal land banks and transfers it to the United States Department of Agriculture, to be resold by the Secretary on a contract purchase agreement with certain reservations pertaining to title, and the manner in which the land is operated by the tenant purchaser. At the present time that land is carried on the books of the Federal land bank at a price of approximately $123,000,000. That includes the land owned by the Federal land bank and the land in process of foreclosure, the two groups amounting to a little over 8,000,000 acres.

At the present time the Federal Treasury owns approximately $124,000,000 worth of stock in the Federal land banks that would, in effect, offset the carrying value of the land, that 8,000,000 acres; so that an exchange could be made very nicely.

I realize the fact that there might be some opposition to the procedure, and naturally so, because, as I understand it and have been informed, the Federal land bank is not now paying any interest to the Treasury on the $124,000,000 worth of stock. I believe this transfer could be made and once the 8,000,000 acres were so transferred to the Secretary of Agriculture, he would have an opportunity to begin a land-purchase and resale program operated side by side with the loan program provided in this bill, so that at the end of a 2-year, 4-year, or 6-year period the United States Congress would be better able to decide which of them was working out the most satisfactorily as far as the tenant purchaser was concerned.

[Here the gavel fell.]

Mr. JONES. Mr. Chairman, I desire to make a point of order against the amendment. It is clearly subject to a point of order. It would authorize acquiring land from the Federal land banks and the trading of stock in the banks. These are not involved in this bill. It also provides for the Treasury to accept this stock and turn land over to this organization. There are a number of different points on which it is subject to a point of order. It also makes the provisions of section 355 of the statute inapplicable. It provides that for the purpose of exchanges the value of such real property shall be that carried on the books of the land banks. It is not germane to this bill. It brings in new subjects. As I understand the rules of the House, if it is subject to a point of order on any ground, a point of order must be sustained.

The CHAIRMAN. Does the gentleman from Iowa [Mr. WEARIN] desire to be heard on the point of order?

Mr. WEARIN. I do, Mr. Chairman. I desire to call the attention of the Chair to the enacting clause of this bill, which specifies that it is an act to encourage and promote ownership of farm homes. It can be seen that the enacting clause itself, therefore, does not set out that this proposed act provides exclusively for loans. It says it is a provision to encourage and promote the ownership of farm lands, which is precisely what my amendment does.

Secondly, this bill already deals with three separate and distinct subject matters, one of which involves the purchase and resale of land, as does my amendment. The first of those separate and distinct features is the title that deals with rehabilitation loans, which have been discussed extensively today; another is the retirement of submarginal lands, and a third is an allocation of funds, or rather permission granted to the Secretary of Agriculture to use funds appropriated in this act to continue and complete projects now under operation in the Resettlement Administration, which I remind the Chair involves the purchase and resale of land, exactly as this provision in my amendment does.

I have in my hand a letter from the Resettlement Administration of the United States Department of Agriculture, setting out specifically that they have been proceeding in exactly that way; that they have been buying land and reselling that land to tenant purchasers. That is what I provide to do in this amendment, and therefore it is germane to a section of the measure under consideration.

Mr. Chairman, in view of the fact that this particular bill involves three separate and distinct subject matters it should be within the order of this committee to include a fourth, if it were a fourth separate and distinct matter, but I would remind the Chair of the fact that resettlement projects are included in title IV of this act under section 43, where the Secretary of Agriculture is permitted to use funds for a continuation of the land purchase and resale program on the part of the Federal Government, which is precisely what my amendment proposes to do. There is no doubt, Mr. Chairman, in the light of the above facts, that it is germane.

The CHAIRMAN (Mr. DRIVER). The gentleman from Iowa offers an amendment which contains the following language:

Acquire all real property in the United States that the Federal land banks now own outright, without any redemption rights outstanding in former owners, which the said Federal land banks are hereby authorized and directed to transfer and convey to the Secretary of the Treasury, for which the said Federal land bank shall accept from the Secretary of the Treasury in exchange therefor, Federal land-bank stock of equal value—

And so forth.

The measure under consideration has this provision in title I:

The Secretary of Agriculture, herein referred to as the Secretary, is authorized to make loans in the United States and in the Territories of Alaska and Hawaii, to persons eligible to receive the benefits of this title, to enable such persons to acquire farms.

It is true that this amendment seems to direct the thought to the same purpose, the acquisition of land for the purpose of placing the same in the hands of tenants, sharecroppers, and so forth, for the purpose of providing farm homes for that class of citizens; but there is a very distinct difference in the provision for the acquisition of such homes under the terms of this amendment and the provisions of the bill. One is the purchase of a home direct by the tenant and the furnishing of the money by the Secretary of Agriculture for the purpose of enabling him to acquire the title. In this amendment, however, new machinery is set up for the purpose of operating with property that was not considered at all in the bill under consideration. New machinery is brought into life and authorized to operate in connection with the use of properties owned by a separate and distinct agency of the Government.

The Chair, therefore, is of the opinion that this amendment is not germane to the provisions of the bill under consideration.

The point of order is sustained.

Mr. FADDIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FADDIS: On page 11, line 25, after the word "Territory", strike out the period, insert a semicolon and the following:

"*Provided hereafter*, That appointment of persons to the Federal service for employment within the District of Columbia under the provisions of this act, whether such appointment be within the classified civil service or otherwise, shall be apportioned among the several States and the District of Columbia upon the basis of population as ascertained at the last preceding census.

"In making separations from the Federal service or furloughs without pay to last as long as 3 months of persons employed

within the District of Columbia under the provisions of this act, the appointing power shall give preference in retention to appointees from States that have not received their share of appointments according to population: *Provided, however,* That soldiers, sailors, and marines, the widows of such, or the wives of injured soldiers, sailors, and marines who themselves are not qualified but whose wives are qualified to hold a position in the Government service, shall be given preference in retention in their several grades and classes where their ratings are good or better."

Mr. JONES. Mr. Chairman, I regret exceedingly to make a point of order against the amendment offered by my friend, with much of which I am in sympathy, but I think it ought to go to another committee.

Mr. Chairman, I make the point of order that the amendment is not germane to the paragraph or to the bill. The second paragraph of the amendment treats with making separations from the Federal service through furloughs and otherwise, it deals with employment in the District of Columbia, and so forth.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. FADDIS. Mr. Chairman, I believe this amendment is germane to the bill. The portion of the amendment referred to by the gentleman from Texas as treating with separations refers to separations from the Federal service of those coming under the provisions of this bill.

The CHAIRMAN. The Chair is ready to rule.

The bill under consideration seeks to vest in the Secretary of Agriculture, by the language beginning in line 3, on page 11, authority to employ certain persons in connection with the operation of the business, the duties and responsibilities of making acquisitions of land, and making those lands available to the classes of persons embraced in the bill.

The amendment under consideration is nothing more nor less than a mere limitation on the authority granted by the bill.

The Chair therefore rules that the amendment is germane to the bill.

The point of order is overruled.

The gentleman from Pennsylvania is recognized for 3 minutes.

Mr. FADDIS. Mr. Chairman, I merely wish to state to the members of the committee that this is an amendment which provides that appointments in the District of Columbia shall be apportioned among the several States according to population. The amendment is fair in all respects and should not be controversial at all. I hope it is adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. MARTIN of Colorado. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. MARTIN of Colorado: Page 15, line 10, strike out "an undivided three-quarters" and insert in lieu thereof "nine-tenths."

Mr. JONES. Mr. Chairman, I make the point of order that the amendment has been acted upon.

Mr. MARTIN of Colorado. Will the gentleman withhold his point of order for a half a minute?

Mr. JONES. Mr. Chairman, I reserve a point of order against the amendment.

Mr. MARTIN of Colorado. Mr. Chairman, the Federal Government, as the gentleman from Texas well knows, reserves all mineral rights and has reserved all mineral rights on the public domain for more than 30 years, so that an entryman gets nothing by his patent but surface rights. I do not see any reason on earth why a tenant farmer, for whom the Government buys land, should be given one-half, as the bill originally proposed, or one-quarter of the mineral rights, as amended, and I offer the amendment if for no other purpose than to prevent this point passing unnoticed and to preserve the matter in the record for possible consideration in the other body. The absolute owner of the mineral rights gets only a one-tenth royalty and the Government should in no event surrender more than this.

Mr. JONES. Mr. Chairman, I renew my point of order that this undertakes to amend an amendment already adopted by the committee.

The CHAIRMAN. Does the gentleman from Colorado desire to be heard?

Mr. MARTIN of Colorado. Mr. Chairman, I regret very much I did not have the opportunity to offer the amendment when the matter was up for consideration before, because it ought to be in the law.

The CHAIRMAN. The point of order is sustained.

Mr. DIMOND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DIMOND: Page 17, line 14, after the period, insert: "In the case of Alaska and Puerto Rico ,the term 'county', as used in this act, shall be synonymous to 'Territory' or any subdivision thereof as may be designated by the Secretary, and payment under section 33 of this act shall be made to the Governor of the Territory or to the fiscal agent of such subdivision."

Mr. JONES. Mr. Chairman, the gentleman from Alaska has explained this amendment to several members of the Committee on Agriculture. We think it is a desirable amendment and have no objection.

The CHAIRMAN. The question is on the amendment offered by the Delegate from Alaska [Mr. DIMOND].

The amendment was agreed to.

Mr. IGLESIAS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. IGLESIAS: On page 17, line 14, after the word "Hawaii", insert "and to Puerto Rico."

Mr. JONES. Mr. Chairman, that amendment is all right and fits in with the other amendment.

The CHAIRMAN. The question is on the amendment offered by the Delegate from Puerto Rico.

The amendment was agreed to.

Mr. JONES. Mr. Chairman, I promised the chairman of the steering committee, the gentleman from Oklahoma [Mr. JOHNSON], some time in general debate, but through oversight I neglected to reserve sufficient time for him. He has been very helpful in this matter, and I ask unanimous consent that the gentleman may proceed for 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

HELP FOR LANDLESS FARMERS

Mr. JOHNSON of Oklahoma. Mr. Chairman, I deeply appreciate the request of the chairman of the Agricultural Committee that I be permitted to close this debate on the farm-tenant bill. I have not had the opportunity of hearing all of the discussion this afternoon, but I did hear some of it. Two of my committees have been in session most of the afternoon. However, I did hear the discussion on the pending measure yesterday. I heard some of the distinguished Members of this body make speeches against adoption of the rule to bring up the bill and then admit they were going to vote for it. I heard my distinguished friend, the gentleman from New York [Mr. FISH], make a very convincing speech against this measure, then he closed that address by stating he was going to support the bill.

The distinguished chairman of the Committee on Agriculture, my good friend from Texas [Mr. JONES], gave us a very interesting and detailed explanation of the provisions of the Farm Security Act of 1937 on yesterday, and I shall not take up the time of the House in going back over the ground that he covered so ably.

It is my feeling that in the years to come this legislation, regardless of what may be the final provisions of the law when finally enacted, will be remembered as the most important accomplishment of this session of Congress. We are making history here today. When this legislation is finally enacted the 3,000,000 landless farmers of America will have a new hope.

STEERING COMMITTEE ENDORSED BILL

The last time I addressed this House, on June 15, I gave a brief report of a very interesting meeting that the Democratic steering committee had just held. At that meeting we had the gentleman from Texas [Mr. JONES] and Senator JOHN H. BANKHEAD, author of the Bankhead farm-tenant bill. At that time it was my happy privilege to report to you that the committee found the gentleman from Texas and the Senator from Alabama anxious and willing to cooperate in getting farm-tenant legislation enacted at this session. I was also able to report to you that the steering committee had pledged its active and enthusiastic support to this legislation of such vital importance to nearly half of our farm population.

Permit me to congratulate the gentleman from Texas upon the courageous fight he has made for this legislation, and also to thank the Rules Committee for making it possible to bring the Farm Security Act up at this time.

BILL NOT ENTIRELY SATISFACTORY

This bill is by no means satisfactory to me. I am sure it is not altogether satisfactory to the chairman of the committee, to the Speaker, or others who are fighting for it. As our distinguished and beloved Speaker stated yesterday, it is freely admitted that this bill does not go very far. We are not going to accomplish much by appropriating $10,000,000 the first year, $25,000,000 the second year, and $50,000,000 the third year, as proposed in this bill. But it is an opening wedge—it is a start—and if properly administered this bill will convince us of the necessity of going ahead with a real, effective, and serious attack upon the farm-tenancy problem.

I was especially interested in what the Speaker told us about the early efforts of his distinguished father to get Federal aid for highways; how the idea was considered a dream, unconstitutional, and impossible, but how an experimental appropriation of $75,000 was finally made. I am pleased, also, that he reminded us that rural free mail delivery started as an experiment on a very short route.

Like the Speaker, I would prefer to have at least $50,000,000 appropriated now to start this farm-security program; but if that is impossible, I am willing to take what we can get and continue to fight for an adequate program. [Applause.]

Mr. JONES. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the distinguished chairman with pleasure.

Mr. JONES. I want to express my appreciation for the gentleman's fine, unselfish work in connection with this measure, and I wish to say the gentleman has done exceptionally good work as chairman of the Democratic steering committee.

PROBLEM LONG NEGLECTED

Mr. JOHNSON of Oklahoma. I thank the gentleman. May I say that Congress needs more men of the caliber, vision, and courage of the gentleman from Texas.

Congress has not realized the seriousness of this problem nor considered where it is leading us, or something would have been done about it a long time ago, I am convinced.

Tenant farming is taking an alarming and costly yearly toll in human and natural resources. The 1935 farm census revealed that 52 percent of the farmers in the United States rent all or part of the land they farm. There were 2,865,000 tenant farmers in 1935. In the spring of 1935, 34.2 percent of the farmers had occupied their farms less than 1 year. This annual and continuous moving of farm families from farm to farm each year has a disintegrating influence upon rural social institutions—schools, churches, lodges, cooperatives, and various farmers' organizations.

A study published by the Oklahoma A. & M. College indicated that at least "half of this moving is of no economic or social benefit to the moving farmer, the owner of the land, or to the State." The report also states:

Children of the less-frequent movers averaged around one-fifth more educational progress per school-age year than did the children of more frequent movers.

SOIL RESOURCES THREATENED

This constant shifting from farm to farm is not only hampering the development of good rural schools and churches but it is destroying our soil. Tenant farmers are not in a position to maintain the soil and prevent erosion. Many times inestimable loss occurs from negligent farming. But how can this be prevented when the tenant has little or no permanent interest in his farm? Once a ton of soil is washed down into the sea, it is gone forever, and there is nothing this or any future Congress can do to get it back.

I want to warn Members from the industrial centers that they have a vital interest in this problem of farm tenantry and soil erosion also. If the day ever comes when the soil resources of this great land of ours are so depleted that we cannot produce enough to feed the Nation we shall all suffer, if not from scarcity, at least from a sharp increase in the cost of living.

I ask you to consider the alarming increase in the number of farm tenants in this country since the turn of the century. If you do this, I am sure that this bill will pass by an overwhelming majority.

FIGURES ARE ALARMING

The figures are alarming. The proportion of tenant farmers in Oklahoma, a new State, increased from less than 1 percent in 1890 to over 60 percent in 1935. At present some 130,000 tenants in Oklahoma operate almost 17,000,000 acres of land. Sixty-five percent of the farmers in the Sixth Congressional District of Oklahoma are tenants.

The following table indicates the importance of tenancy in the Sixth Congressional District in Oklahoma, which district I have the honor to represent in Congress. It shows the number of owners and tenants and the percentage of farm tenancy by counties for 1935.

Number and percent of tenants in the Sixth Congressional District of Oklahoma

County	All	Owners	Tenants	Percentage of tenancy
Blaine	2,709	1,210	1,492	55.1
Caddo	5,579	2,031	3,520	63.1
Canadian	2,704	1,297	1,392	51.5
Comanche	2,826	1,060	1,743	61.7
Cotton	2,052	693	1,357	66.1
Grady	4,812	1,736	3,061	63.6
Jefferson	1,994	591	1,395	70.0
Kingfisher	2,623	1,282	1,334	50.8
Stephens	3,023	912	2,102	69.5
Total	28,322	10,812	17,396	65.0

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and, the Speaker having resumed the chair, Mr. DRIVER, Chairman of the Committee of the Whole House on the state of the Union, reported that, the Committee having had under consideration the bill (H. R. 7562) to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, and for other purposes, pursuant to House Resolution 261, he reported the same back to the House with sundry amendments agreed to in Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be engrossed, read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BOILEAU. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BOILEAU. I cannot qualify in that respect, Mr. Speaker.

The SPEAKER. The Chair cannot recognize the gentleman to offer a motion to recommit.

Mr. MARTIN of Massachusetts. Mr. Speaker, I qualify, and offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MARTIN of Massachusetts. I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies, and the Clerk will report the motion to recommit.

Mr. BOILEAU. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BOILEAU. In the event a member of the minority or any other Member of the House desires to offer a motion to recommit and seeks recognition, in the absence of any statement that he is opposed to the bill, is not the Member who seeks recognition entitled to recognition for that purpose?

The SPEAKER. The rule is that a member of the minority is entitled to recognition to offer a motion to recommit. In order that the member of the minority may qualify, upon inquiry by the Chair he must state that he is opposed to the bill. The Chair inquired of the gentleman if he was opposed to the bill and the gentleman stated he could not qualify in that respect. The gentleman from Massachusetts [Mr. MARTIN] was on his feet seeking recognition as a member of the minority.

Mr. BOILEAU. I submit the gentleman from Massachusetts was not on his feet, Mr. Speaker. The gentleman from Massachusetts was preparing to offer a motion to recommit in the event I was not granted recognition.

The SPEAKER. The Chair will again qualify members of the minority who desire to offer a motion to recommit.

Is there any member of the minority who desires to offer a motion to recommit?

Mr. BOILEAU. Mr. Speaker, I desire to submit a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr BOILEAU. I cannot qualify in that respect, Mr. Speaker.

Mr. MARTIN of Massachusetts. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MARTIN of Massachusetts. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit offered by the gentleman from Massachusetts.

The Clerk read as follows:

Mr. MARTIN of Massachusetts moves to recommit the bill to the Committee on Agriculture with instructions to report the same forthwith with the following amendment: Page 11, line 5, strike out the following: "(without regard to the civil-service laws and regulations) and fix the compensation of."

Mr. MAPES rose.

The SPEAKER. For what purpose does the gentleman from Michigan rise?

Mr. MAPES. Mr. Speaker, I should like to pursue a little further the parliamentary inquiry of the gentleman from Wisconsin [Mr. BOILEAU], inasmuch as the question has been raised.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. MAPES. The gentleman from Wisconsin's inquiry had to do with a situation where no one asked for recognition who was opposed to the legislation. Would the gentleman from Wisconsin not have been entitled to make the motion to recommit if no one opposed to the bill had asked for recognition to make the motion?

The SPEAKER. The Chair thinks, in view of the present status, the gentleman's inquiry is a hypothetical one. The Chair undertook under the rules to qualify Members who were entitled under the rules to make a motion to recommit.

Mr. JONES. Mr. Speaker, I move the previous question on the motion to recommit.

Mr. MAPES. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MAPES. Inasmuch as this question has been raised, it seems to me that now is a good time to have the rule clarified. My own thought is that if no one else asks recognition, a person should be recognized to make a motion to recommit, although he does not qualify as being opposed to the entire legislation. I know the impression has got around the House that this cannot be done. I think this is a wrong impression. I think now is a good time, inasmuch as the question has been raised, when the Speaker might well clarify the atmosphere in that respect.

The SPEAKER. The gentleman will kindly state his point of order.

Mr. MAPES. I have stated a parliamentary inquiry.

The SPEAKER. The Chair has answered the gentleman's parliamentary inquiry.

Mr. MAPES. If the Chair will permit, I do not think it has been answered definitely.

The SPEAKER. The gentleman will kindly restate his parliamentary inquiry.

Mr. MAPES. Following up the inquiry of the gentleman from Wisconsin with respect to the situation where no one cared to ask for recognition who was prepared to say he was opposed to the bill, my inquiry is, Was not the gentleman from Wisconsin entitled to recognition to make a motion to recommit?

The SPEAKER. The Chair has undertaken clearly to state the rule with reference to qualification for offering a motion to recommit. The Chair is of the opinion the record made in this matter clearly states the proper position with reference to this parliamentary situation.

The Chair asked the gentleman from Wisconsin, who first arose and desired to offer a motion to recommit, if he was opposed to the bill. The gentleman stated he could not qualify in that he was not opposed to the bill. The Chair then inquired if there was any Member of the minority who desired to make a motion to recommit who was opposed to the bill. Thereupon the gentleman from Massachusetts [Mr. MARTIN] qualified and the Chair recognized the gentleman from Massachusetts, under the circumstances, for the purpose of submitting a motion to recommit.

The gentleman from Texas moves the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. MARTIN of Massachusetts and Mr. TOBEY), there were—ayes 62, noes 165.

Mr. BOILEAU. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 102, nays 231, not voting 99, as follows:

[Roll No. 93]

YEAS—102

Allen, Pa.	Eaton	Ludlow	Seger
Amlie	Eicher	Mapes	Shafer, Mich.
Andresen, Minn.	Engel	Martin, Mass.	Short
Arends	Englebright	Maverick	Smith, Conn.
Bacon	Ferguson	Michener	Smith, Maine
Bates	Fish	Millard	Smith, Wash.
Bigelow	Gearhart	Mott	Stefan
Boileau	Gehrmann	Oliver	Taber
Brewster	Guyer	Patterson	Telgan
Burdick	Gwynne	Pettengill	Thomas, N. J.
Carlson	Hancock, N. Y.	Plumley	Thomas, Tex.
Carter	Harter	Polk	Thurston
Case, S. Dak.	Higgins	Powers	Tinkham
Church	Hill, Wash.	Ramspeck	Tobey
Cochran	Holmes	Randolph	Towey
Coffee, Wash.	Hope	Reed, Ill.	Voorhis
Crawford	Hull	Reed, N. Y.	Wadsworth
Crosser	Jenkins, Ohio	Rees, Kans.	Welch
Culkin	Jenks, N. H.	Reilly	Wigglesworth
Dingell	Johnson, Minn.	Robinson, Utah	Withrow
Disney	Kenney	Robsion, Ky.	Wolcott
Ditter	Kinzer	Rogers, Mass.	Wolfenden
Dondero	Lambertson	Rutherford	Wolverton
Douglas	Lambeth	Ryan	Woodruff
Dowell	Lemke	Sauthoff	
Dunn	Lord	Schneider, Wis.	

NAYS—231

Aleshire	Doxey	Kee	Parsons
Allen, Del.	Drew, Pa.	Keller	Patman
Allen, La.	Driver	Kelly, Ill.	Patrick
Arnold	Duncan	Kelly, N. Y.	Pearson
Ashbrook	Eberharter	Kennedy, Md.	Peterson, Fla.
Atkinson	Eckert	Kennedy, N. Y.	Peterson, Ga.
Barden	Edmiston	Keogh	Pfeifer
Barry	Elliott	Kirwan	Phillips
Bell	Evans	Kitchens	Pierce
Biermann	Faddis	Kleberg	Poage
Binderup	Farley	Kniffin	Rabaut
Bland	Fitzgerald	Kocialkowski	Ramsay
Bloom	Fitzpatrick	Kramer	Rankin
Boland, Pa.	Flannagan	Lamneck	Rayburn
Boren	Flannery	Lanham	Richards
Boyer	Fleger	Lanzetta	Rigney
Boykin	Forand	Larrabee	Robertson
Boylan, N. Y.	Ford, Calif.	Leavy	Rogers, Okla.
Bradley	Ford, Miss.	Lewis, Colo.	Sanders
Brown	Frey, Pa.	Lucas	Schaefer, Ill.
Bulwinkle	Fries, Ill.	Luckey, Nebr.	Schulte
Burch	Fuller	Luecke, Mich.	Secrest
Caldwell	Garrett	McClellan	Shanley
Cannon, Mo.	Gasque	McFarlane	Shannon
Cartwright	Gavagan	McGehee	Sirovich
Celler	Gildea	McKeough	Smith, Va.
Champion	Gingery	McLaughlin	Snyder, Pa.
Chandler	Goldsborough	McMillan	South
Chapman	Gray, Ind.	McSweeney	Sparkman
Citron	Gray, Pa.	Magnuson	Spence
Clark, Idaho	Greenwood	Mahon, S. C.	Stack
Clark, N. C.	Greever	Mahon, Tex.	Starnes
Claypool	Gregory	Maloney	Sumners, Tex.
Coffee, Nebr.	Griffith	Martin, Colo.	Sutphin
Colden	Haines	Massingale	Swope
Cole, Md.	Hancock, N. C.	May	Tarver
Collins	Harlan	Mead	Taylor, S. C.
Colmer	Harrington	Meeks	Terry
Cooley	Hart	Merritt	Thom
Cooper	Havenner	Miller	Thomason, Tex.
Costello	Healey	Mitchell, Tenn.	Thompson, Ill.
Cox	Hendricks	Moser, Pa.	Tolan
Cravens	Hennings	Mosier, Ohio	Transue
Creal	Hill, Ala.	Murdock, Ariz.	Turner
Crosby	Hill, Okla.	Nelson	Umstead
Crowe	Hobbs	Nichols	Vincent, B. M.
Cullen	Honeyman	Norton	Vinson, Fred M.
Curley	Hook	O'Brien, Ill.	Walter
Deen	Houston	O'Brien, Mich.	Warren
Delaney	Imhoff	O'Connell, Mont.	Wearin
Dempsey	Izac	O'Connell, R. I.	Weaver
DeMuth	Jacobsen	O'Connor, Mont.	West
DeRouen	Jarman	O'Day	Whelchel
Dickstein	Jenckes, Ind.	O'Leary	Whittington
Dies	Johnson, Lyndon	O'Neill, N. J.	Wilcox
Dixon	Johnson, Okla.	O'Toole	Zimmerman
Dorsey	Johnson, W. Va.	Owen	The Speaker
Doughton	Jones	Pace	

NOT VOTING—99

Allen, Ill.	Fletcher	McAndrews	Sacks
Anderson, Mo.	Fulmer	McCormack	Sadowski
Andrews	Gambrill	McGranery	Schuetz
Beam	Gifford	McGrath	Scott
Beiter	Gilchrist	McGroarty	Scrugham
Bernard	Green	McLean	Sheppard
Boehne	Griswold	McReynolds	Simpson
Brooks	Halleck	Maas	Smith, W. Va.
Buck	Hamilton	Mansfield	Snell
Buckler, Minn.	Hartley	Mason	Somers, N. Y.
Buckley, N. Y.	Hildebrandt	Mills	Steagall
Byrne	Hoffman	Mitchell, Ill.	Sullivan
Cannon, Wis.	Hunter	Mouton	Sweeney
Casey, Mass.	Jarrett	Murdock, Utah	Taylor, Colo.
Clason	Johnson, Luther A.	O'Connor, N. Y.	Taylor, Tenn.
Cluett	Kerr	O'Malley	Treadway
Cole, N. Y.	Kloeb	O'Neal, Ky.	Vinson, Ga.
Crowther	Knutson	Palmisano	Wallgren
Cummings	Kopplemann	Patton	Wene
Daly	Kvale	Peyser	White, Idaho
Dirksen	Lea	Quinn	White, Ohio
Dockweiler	Lesinski	Reece, Tenn.	Williams
Drewry, Va.	Lewis, Md.	Rich	Wood
Ellenbogen	Long	Romjue	Woodrum
Fernandez	Luce	Sabath	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. BANKHEAD, and he voted "no."

Mr. REILLY, Mr. BIGELOW, and Mr. DINGELL changed their votes from "no" to "aye."

Mr. O'CONNELL of Rhode Island, Mr. BRADLEY, and Mr. ARNOLD changed their votes from "aye" to "no."

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Snell (for) with Mr. Drewry (against).
Mr. Luce (for) with Mr. Beam (against).
Mr. Treadway (for) with Mr. Sullivan (against).
Mr. Maas (for) with Mr. Vinson of Georgia (against).
Mr. Knutson (for) with Mr. Wene (against).
Mr. Hartley (for) with Mr. Mouton (against).
Mr. Dirksen (for) with Mr. White of Idaho (against).
Mr. Crowther (for) with Mr. Patton (against).
Mr. Gifford (for) with Mr. Somers of New York (against).
Mr. McLean (for) with Mr. Murdock of Utah (against).
Mr. Mason (for) with Mr. Hunter (against).
Mr. Cole of New York (for) with Mr. McAndrews (against).
Mr. Andrews (for) with Mr. Schuetz (against).
Mr. Rich (for) with Mr. Steagall (against).
Mr. Halleck (for) with Mr. Fulmer (against).
Mr. Reece (for) with Mr. Byrne (against).
Mr. White of Ohio (for) with Mr. Bulkley (against).
Mr. Simpson (for) with Mr. McReynolds (against).
Mr. Taylor of Tennessee (for) with Mr. Sabath (against).
Mr. Kvale (for) with Mr. Sheppard (against).
Mr. Cluett (for) with Mr. Fernandez (against).
Mr. Buckler of Minnesota (for) with Mr. Mansfield (against).
Mr. Bernard (for) with Luther A. Johnson (against).
Mr. Hoffman (for) with Mr. Beiter (against).
Mr. Jarrett (for) with Mr. Mitchell of Illinois (against).
Mr. Clason (for) with Mr. Mills (against).

Until further notice:

Mr. O'Connor of New York with Mr. Gilchrist.
Mr. Taylor of Colorado with Mr. Hildebrandt.
Mr. Boehne with Mr. Allen of Illinois.
Mr. McCormack with Mr. Wallgren.
Mr. Brooks with Mr. McGrath.
Mr. McGroarty with Mr. Williams.
Mr. O'Malley with Mr. Lewis of Maryland.
Mr. Buck with Mr. Long.
Mr. O'Neal of Kentucky with Mr. Fletcher.
Mr. Green with Mr. Pettengill.
Mr. Hamilton with Mr. Sweeney.
Mr. Wood with Mr. McGranery.
Mr. Anderson of Missouri with Mr. Mills.
Mr. Gambrill with Mr. Quinn.
Mr. Palmisano with Mr. Scrugham.
Mr. Lesinski with Mr. Casey of Massachusetts.
Mr. Romjou with Mr. Kloeb.
Mr. Scott with Mr. Smith of West Virginia.
Mr. Kerr with Mr. Dockweiler.
Mr. Cummings with Mr. Ellenbogen.
Mr. Sadowski with Mr. Lea.
Mr. Daly with Mr. Cannon of Wisconsin.
Mr. Sacks with Mr. Peyser.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. JONES) there were—ayes 275, noes 14.

Mr. PARSONS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 308, nays 25, not voting 99, as follows:

[Roll No. 99]

YEAS—308

Aleshire	Church	Duncan	Haines
Allen, Del.	Citron	Eaton	Hamilton
Allen, Ill.	Clark, Idaho	Eberharter	Hancock, N. C.
Allen, La.	Clark, N. C.	Eckert	Harlan
Allen, Pa.	Claypool	Edmiston	Harrington
Amlie	Cochran	Eicher	Hart
Andresen, Minn.	Coffee, Nebr.	Elliott	Harter
Arends	Coffee, Wash.	Engel	Havenner
Arnold	Colden	Englebright	Healey
Ashbrook	Cole, Md.	Evans	Hendricks
Atkinson	Collins	Faddis	Hennings
Barden	Colmer	Farley	Hildebrandt
Barry	Cooley	Ferguson	Hill, Ala.
Beam	Cooper	Fish	Hill, Okla.
Bell	Costello	Fitzgerald	Hill, Wash.
Biermann	Cox	Fitzpatrick	Hobbs
Bigelow	Cravens	Flannagan	Honeyman
Binderup	Crawford	Flannery	Hook
Bland	Creal	Fleger	Hope
Bloom	Crosby	Forand	Houston
Bolleau	Crosser	Ford, Calif.	Hull
Boland, Pa.	Crowe	Ford, Miss.	Imhoff
Boren	Culkin	Frey, Pa.	Izac
Boyer	Cullen	Fries, Ill.	Jacobsen
Boykin	Curley	Fuller	Jenckes, Ind.
Boylan, N. Y.	Deen	Garrett	Jenkins, Ohio
Bradley	Delaney	Gasque	Jenks, N. H.
Brewster	Dempsey	Gavagan	Johnson, Lyndon
Brown	DeMuth	Gearhart	Johnson, Minn.
Bulwinkle	DeRouen	Gehrmann	Johnson, Okla.
Burch	Dickstein	Gildea	Johnson, W. Va.
Burdick	Dies	Gingery	Jones
Byrne	Dingell	Goldsborough	Kee
Caldwell	Dondero	Gray, Ind.	Keller
Cannon, Mo.	Dorsey	Gray, Pa.	Kelly, Ill.
Carter	Doughton	Greenwood	Kennedy, Md.
Cartwright	Douglas	Greever	Kennedy, N. Y.
Celler	Dowell	Gregory	Keogh
Champion	Doxey	Griffith	Kinzer
Chandler	Drew, Pa.	Guyer	Kirwan
Chapman	Driver	Gwynne	Kitchens

Kniffin	Mitchell, Tenn.	Rabaut	Sumners, Tex.
Kocialkowski	Moser, Pa.	Ramsay	Sutphin
Kramer	Mosier, Ohio	Ramspeck	Swope
Lambertson	Mott	Randolph	Tarver
Lambeth	Murdock, Ariz.	Rankin	Taylor, S. C.
Lanham	Nelson	Rayburn	Teigan
Lanzetta	Nichols	Reed, Ill.	Terry
Larrabee	Norton	Rees, Kans.	Thom
Leavy	O'Brien, Ill.	Reilly	Thomas, Tex.
Lemke	O'Brien, Mich.	Richards	Thomason, Tex.
Lewis, Colo.	O'Connell, Mont.	Robertson	Thompson, Ill.
Lord	O'Connell, R. I.	Robinson, Utah	Thurston
Lucas	O'Connor, Mont.	Robsion, Ky.	Tobey
Luckey, Nebr.	O'Day	Rogers, Okla.	Tolan
Ludlow	O'Leary	Rutherford	Transue
Luecke, Mich.	O'Neal, Ky.	Ryan	Turner
McClellan	O'Neill, N. J.	Sanders	Umstead
McFarlane	O'Toole	Sauthoff	Vincent, B. M.
McGehee	Oliver	Schaefer, Ill.	Vinson, Fred M.
McKeough	Owen	Schneider, Wis.	Voorhis
McLaughlin	Pace	Schulte	Wadsworth
McSweeney	Parsons	Secrest	Wallgren
Maas	Patman	Shafer, Mich.	Walter
Magnuson	Patrick	Shanley	Warren
Mahon, S. C.	Patterson	Shannon	Wearin
Mahon, Tex.	Patton	Short	Weaver
Maloney	Pearson	Sirovich	Welch
Mapes	Peterson, Fla.	Smith, Conn.	West
Martin, Colo.	Pettengill	Smith, Va.	Whelchel
Massingale	Pfeifer	Smith, Wash.	Whittington
Maverick	Phillips	Snyder, Pa.	Wilcox
May	Pierce	South	Withrow
Mead	Plumley	Sparkman	Wolverton
Meeks	Poage	Spence	Woodruff
Merritt	Polk	Starnes	Zimmerman
Miller	Powers	Stefan	The Speaker

NAYS—25

Bacon	Kleberg	Rogers, Mass.	White, Ohio
Bates	Lamneck	Seger	Wigglesworth
Crowther	McMillan	Simpson	Wolcott
Ditter	Martin, Mass.	Taber	Wolfenden
Hancock, N. Y.	Michener	Thomas, N. J.	
Higgins	Millard	Tinkham	
Kenney	Peterson, Ga.	Towey	

NOT VOTING—99

Anderson, Mo.	Fernandez	Long	Sabath
Andrews	Fletcher	Luce	Sacks
Beiter	Fulmer	McAndrews	Sadowski
Bernard	Gambrill	McCormack	Schuetz
Boehne	Gifford	McGranery	Scott
Brooks	Gilchrist	McGrath	Scrugham
Buck	Green	McGroarty	Sheppard
Buckler, Minn.	Griswold	McLean	Smith, Maine
Buckley, N. Y.	Halleck	McReynolds	Smith, W. Va.
Cannon, Wis.	Hartley	Mansfield	Snell
Carlson	Hoffman	Mason	Somers, N. Y.
Case, S. Dak.	Holmes	Mills	Stack
Casey, Mass.	Hunter	Mitchell, Ill.	Steagall
Clason	Jarman	Mouton	Sullivan
Cluett	Jarrett	Murdock, Utah	Sweeney
Cole, N. Y.	Johnson, Luther A.	O'Connor, N. Y.	Taylor, Colo.
Cummings	Kelly, N. Y.	O'Malley	Taylor, Tenn.
Daly	Kerr	Palmisano	Treadway
Dirksen	Kloeb	Peyser	Vinson, Ga.
Disney	Knutson	Quinn	Wene
Dixon	Kopplemann	Reece, Tenn.	White, Idaho
Dockweiler	Kvale	Reed, N. Y.	Williams
Drewry, Va.	Lea	Rich	Wood
Dunn	Lesinski	Rigney	Woodrum
Ellenbogen	Lewis, Md.	Romjue	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. BANKHEAD, and he voted "aye."

So the bill was passed.

The Clerk announced the following additional pairs:

General pairs:

Mr. Drewry of Virginia with Mr. Snell.
Mr. Sullivan with Mr. Treadway.
Mr. Wene with Mr. Knutson.
Mr. Mouton with Mr. Hartley.
Mr. White of Idaho with Mr. Dirksen.
Mr. Somers of New York with Mr. Gifford.
Mr. Murdock of Utah with Mr. McLean.
Mr. Hunter with Mr. Mason.
Mr. McAndrews with Mr. Cole of New York.
Mr. Schuetz with Mr. Andrews.
Mr. Steagall with Mr. Rich.
Mr. Fulmer with Mr. Halleck.
Mr. Sabath with Mr. Taylor of Tennessee.
Mr. Sheppard with Mr. Kvale.
Mr. Fernandez with Mr. Cluett.
Mr. Mansfield with Mr. Buckler of Minnesota.
Mr. Luther A. Johnson with Mr. Bernard.
Mr. Beiter with Mr. Hoffman.
Mr. Mitchell of Illinois with Mr. Jarrett.
Mr. O'Connor of New York with Mr. Gilchrist.
Mr. Disney with Mr. Clason.
Mr. Kelly of New York with Mr. Luce.
Mr. Dixon with Mr. Reece of Tennessee.
Mr. Stack with Mr. Carlson.
Mr. Rigney with Mr. Holmes.
Mr. Jarman with Mr. Smith of Maine.
Mr. Romjue with Mr. Reed of New York.
Mr. Griswold with Mr. Case of South Dakota.
Mr. Kerr with Mr. Williams.
Mr. Buck with Mr. Fletcher.
Mr. Vinson of Georgia with Mr. Quinn.
Mr. Kloeb with Mr. Sweeney.
Mr. Wood with Mr. Casey of Massachusetts.
Mr. Taylor of Colorado with Mr. Lea.
Mr. Scrugham with Mr. Green.
Mr. Palmisano with Mr. Lesinski.
Mr. Ellenbogen with Mr. Anderson of Missouri.
Mr. Sacks with Mr. Lewis of Maryland.
Mr. Gambrill with Mr. Dockweiler.
Mr. O'Malley with Mr. Sadowski.
Mr. Daly with Mr. Scott.
Mr. Cummings with Mr. Smith of West Virginia.
Mr. McReynolds with Mr. Brooks.
Mr. McCormack with Mr. Long.
Mr. Boehne with Mr. Dunn.
Mr. McGrath with Mr. Buckley of New York.
Mr. Cannon of Wisconsin with Mr. McGranery.
Mr. Mills with Mr. McGroarty.

Mr. DISNEY. Mr. Speaker, I desire to be recorded as voting "yea", if possible.

The SPEAKER pro tempore (Mr. WARREN). Does the gentleman qualify? Was he present when his name was called?

Mr. DISNEY. I was not here.

The SPEAKER pro tempore. The gentleman does not qualify.

The result of the vote was announced as above recorded.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE TO ADDRESS THE HOUSE

Mr. DORSEY. Mr. Speaker, on Wednesday, July 7, after the reading of the Journal and the disposition of matters on the Speaker's table, I ask unanimous consent to address the House for 15 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. St. Claire, one of its clerks, announced that the Senate insists upon its amendments to the bill (H. R. 6958) entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1938, and for other purposes", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HAYDEN, Mr. MCKELLAR, Mr. THOMAS of Oklahoma, Mr. ADAMS, Mr. NYE, and Mr. STEIWER, to be conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 6763. An act to extend for 1 additional year the 3½-percent interest rate on certain Federal land-bank loans, to provide a 4-percent interest rate on such loans for the period July 1, 1938, to June 30, 1939, and to provide for a 4-percent interest rate on land-bank commissioner's loans for a period of 2 years.

APPROPRIATION FOR MILITARY ESTABLISHMENT, 1938—CONFERENCE REPORT

Mr. SNYDER of Pennsylvania. Mr. Speaker, I present a conference report and statement upon the bill (H. R. 6692) making appropriations for the Military Establishment, for printing under the rule.

PERSONAL EXPLANATION

Mr. RANDOLPH. Mr. Speaker, on roll call 87, I was not present. Had I been on the floor, I would have voted "yea."

EXTENSION OF REMARKS

Mr. DEMUTH. Mr. Speaker, I ask unanimous consent to extend my own remarks.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. KENNEY. Mr. Speaker, I make the same request and ask to include therein an article written by Anthony Turano.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. WEARIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. EICHER. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just passed and include a short tabulation showing the percentages of farm tenancy in the counties in my district.

The SPEAKER pro tempore. Is there objection?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the special order of the House the gentleman from Nebraska [Mr. LUCKEY] is recognized for 20 minutes.

Mr. LUCKEY of Nebraska. Mr. Speaker and colleagues, I want to address my remarks to this House in the interests of the American wheat grower. The general public and especially the city dweller is laboring under the misapprehension that the farmer is making stacks of money. They reason that, since food prices are high to the consumer, the farmer must be making huge profits.

That is not the case. The wheat growers of the United States are confronted today with a very serious situation. Within the last 60 days the wheat market has fluctuated about 30 cents per bushel entailing a loss to the farmers of more than $216,000,000. This will not redound to the benefit of the consumer. The processor will base his price of flour, bread, or breakfast cereals on the peak price of wheat, and the consumer will not benefit one penny by the loss the farmer is sustaining.

In view of the world wheat situation this huge drop in the wheat market is uncalled for and apparently is solely due to speculative influences. We have today the smallest wheat stocks in the history of this country. The present world crop prospects do not indicate that a huge surplus or carry-over is in sight. For the first time in many years domestic wheat prices are nearing world prices. Under these conditions we should be able to export our surpluses of the present crop.

This should be possible, especially in view of the fact that export subsidies for wheat have been practically eliminated in foreign countries. Poland, one of the normal wheat exporting countries has removed its subsidy on wheat exports and has actually placed an embargo on the export of wheat. Tariff barriers against imports of United States wheat have been removed or greatly lowered in many of our greater markets. The Irish Free State has abolished its tariff on wheat. Germany has reduced her tariff from 93 to 11 cents per bushel; Spain from $1.37 to 10 cents. Sweden and Belgium have reduced their license tax on wheat imports. Sweden from 10 to 3½ cents per bushel and Belgium from 9 cents to practically nothing. In Denmark the surtax on imported hard wheat and wheat flour has been abolished where formerly it amounted to 18 cents on a bushel of wheat and 84 cents on a barrel of flour. The Netherlands has reduced its monopoly tax on wheat from 30 to 15 cents per bushel.

The nationalistic efforts of many European countries to step up wheat production has fallen flatter than a pancake. The big push of the Russian Soviet to double their wheat production has collapsed. The efforts of the dictator countries, Germany and Italy, to force adequate domestic wheat production has increased costs of living in those countries so rapidly that they have been forced to abandon their policies.

At this point I wish to introduce a table showing the United States and world wheat production, carry-overs, and prices paid to American producers by crop years from 1922 to date.

United States and world wheat production, stocks, and price paid to producer in the United States

	Production		Stocks		Average price paid to producer in United States
	United States	World	United States (July 1)	World (July 1)	
	Million bushels	*Million bushels*	*Million bushels*	*Million bushels*	*Cents per bushel*
1922–23	847	3,203	107	588	93.0
1923–24	759	3,519	132	576	92.4
1924–25	842	3,127	137	719	126.6
1925–26	669	3,350	108	666	146.2

United States and world wheat production, stocks, and price paid to producer in the United States—Continued

	Production		Stocks		Average price paid to producer in United States
	United States	World	United States (July 1)	World (July 1)	
	Million bushels	*Million bushels*	*Million bushels*	*Million bushels*	*Cents per bushel*
1926–27	832	3,494	100	655	121.7
1927–28	875	3,573	110	687	119.0
1928–29	914	3,996	112	753	99.8
1929–30	823	3,584	228	1,027	103.4
1930–31	886	3,847	289	943	67.0
1931–32	937	3,860	313	1,055	39.0
1932–33	757	3,863	375	1,041	38.0
1933–34	552	3,837	378	1,142	74.1
1934–35	526	3,527	274	1,167	84.7
1935–36	636	3,571	148	922	83.8
1936–37 [1]	626	3,531	138	762	[2] 89.9
1937–38 [2]	825–850	3,800	90	530	

[1] Preliminary. [2] Estimate.

From those figures it is obvious that if the bumper world wheat crop of 3,800,000,000 bushels is produced this year it will not restore world supplies to the 1922–28 level. It is equally obvious that a domestic production of 825,000,000 bushels will not restore the American stocks to normalcy. The third conclusion to be drawn from those figures is the dependency of the price paid to the producer upon the world and domestic stocks on hand. Therefore it is with every reason that I say the current depression of wheat prices is not based upon supply and demand, but is obviously based upon speculative manipulation of the market.

All these factors should work to the benefit of our wheat growers. But what is the picture confronting the American wheat grower today? First, the farmer is heavily indebted and must sell his crop as soon as harvested. In the years when he did raise a fair crop he received ruinously low prices. Then he encountered a series of drought years, when he had little or nothing to sell. His overhead—taxes, interest, repairs, seed, and other fixed expenses—went on just the same. As a result he is now forced to sell his crops for whatever the speculator and processor are willing to pay him, and they are taking advantage of his predicament with a vengeance.

Within the short space of 2 months the price for wheat on the Chicago market dropped from a little over $1.30 a bushel to less than $1.06 per bushel. In cold figures, this means a loss to the wheat growers of this country of over $204,000,000. Just think what that decline means in loss of farm purchasing power. The farmers will buy fewer automobiles, less clothing, less farm equipment, less paint and repair material for his buildings, less of the things that contribute to the "more abundant life" about which we hear so much today. Yes, it will mean slowing down the production of factories and reducing the number of men employed to the extent required to manufacture the products which farmers would buy with that money. Do you know what a loss of 1 cent per bushel or a loss of 25 cents per bushel will mean to the wheat grower? I have prepared a table showing the loss in farm income suffered by each of the principal wheat-raising States.

Losses sustained by farmers in principal wheat-growing States due to decreases in the wheat market

[Losses figured upon the basis of average production, 1928–32]

State	Average production	Loss sustained in farm income by 1-cent wheat-market drop	Loss sustained in farm income by 25-cent wheat-market drop
	Bushels		
Kansas	177,431,000	$1,774,310	$44,357,750
North Dakota	102,903,000	1,029,030	25,725,750
Nebraska	56,538,000	565,380	14,134,500
Oklahoma	55,145,000	551,450	13,786,250
Montana	45,167,000	451,670	11,291,850
Washington	42,882,000	428,820	10,720,500
Texas	41,083,000	410,830	10,270,750
South Dakota	37,632,000	376,320	8,908,000
Illinois	32,532,000	325,320	7,133,000
Ohio	30,480,000	304,800	7,620,000
Idaho	27,028,000	270,280	6,757,000

Losses sustained by farmers in principal wheat-growing States due to decreases in the wheat market—Continued

State	Average production	Loss sustained in farm income by 1-cent wheat-market drop	Loss sustained in farm income by 25-cent wheat-market drop
	Bushels		
Indiana	26,522,000	$265,220	$6,630,500
Oregon	21,205,000	212,050	5,301,250
Minnesota	20,546,000	209,460	5,236,500
Missouri	20,362,000	203,620	5,090,500
Pennsylvania	17,387,000	173,870	4,346,650
Colorado	17,111,000	171,110	4,277,750
Michigan	15,253,000	155,230	3,880,750
California	11,046,000	110,460	2,761,500
Virginia	9,220,000	92,200	2,305,000
Maryland	8,648,000	86,480	2,162,000
Iowa	7,445,000	74,450	1,860,750
Utah	5,554,000	55,540	1,388,500
New York	4,411,000	44,110	1,102,750
New Mexico	4,148,000	41,480	1,037,000
United States total	860,570,000	8,605,700	215,142,500

According to the latest estimates the wheat production of this country will be between 825,000,000 and 850,000,000 bushels this year. That is just about the average production of wheat over the period from 1928 to 1932, inclusive. Upon the basis of that average production it is easy to figure the loss in farm income sustained by such a falling market. My native State, Nebraska, has sustained a loss of $14,134,500; the neighboring State of Kansas, $44,357,750; Oklahoma, a loss of $13,786,250; Texas, a loss of $10,270,750, and Ohio, a loss of $7,620,000. The loss by States is given on the chart. Just think what a loss that is for each individual State. Present indications are that the market will fall even further and every time it drops 1 cent per bushel it costs the American farmers $8,605,700. Each 1-cent drop costs the farmers of my own State $565,380. A falling market during the marketable period is truly an American tragedy. The bitter part of the whole thing is that it is unnecessary and can be avoided.

But I want to show you another phase of the picture that the general public and the consumer does not know. I refer to the cost of production and parity price of wheat. Right now the parity price of wheat is figured at $1.21 per bushel. The market price for wheat, July delivery, is at present $1.13 per bushel. That indicates that the farmer, if there is no further decline, would receive about $1.01 per bushel for his wheat. If the farmer receives $1.01 per bushel he receives 20 cents less than the parity price. Let me show you just how far we have failed to achieve cost of production and perhaps you can figure why the American farmers do not constitute the vast purchasing power that is necessary to keep factories and industrial production at peak outputs and thus keep American labor off the relief rolls. A table has been prepared which shows the 12 leading wheat States since 1930 with the cost of production and price received in each State for those years.

Wheat—Cost of production and price received by producers in 12 leading wheat States, 1930–35

	1930		1931		1932		1933		1934		1935	
	Cost of production per bushel	Price paid producer per bushel	Cost	Price	Cost	Price	Cost	Price	Cost	Price	Cost	Price
Kansas	$0.92	$0.56	$0.56	$0.33	$0.69	$0.33	$1.00	$0.71	$1.19	$0.84	$1.46	$0.89
North Dakota	.92	.51	2.01	.46	.82	.36	1.18	.70	2.02	.92	1.40	.91
Nebraska	.92	.53	.64	.34	.75	.36	1.00	.71	1.19	.84	1.46	.89
Oklahoma	1.28	.59	.55	.33	.67	.32	1.00	.61	1.19	.81	1.46	.86
Montana	1.05	.48	1.51	.50	.66	.34	1.18	.63	2.03	.86	1.40	.97
Washington	1.05	.56	1.03	.37	.73	.38	.77	.60	.90	.73	.85	.64
Texas	1.23	.70	.60	.36	.75	.32	1.00	.74	1.19	.78	1.46	.84
South Dakota	.92	.46	1.58	.43	.58	.34	1.18	.69	2.03	.92	1.40	.91
Illinois	1.10	.69	.62	.40	.80	.42	.74	.85	.86	.85	1.05	.83
Ohio	1.00	.76	.65	.45	.72	.47	.76	.88	.88	.89	.93	.77
Idaho	1.05	.52	1.03	.34	.73	.31	.77	.55	.90	.69	.85	.70
Indiana	1.00	.71	.66	.40	.84	.43	.76	.86	.88	.86	.93	.78

From that chart you will see that over a period of 5 years there were only three States—Illinois, Ohio, and Indiana—that were ever able to break even. Those three States did make cost of production in 1 year, 1933. The State of Ohio was the only State to make cost of production in 2 years during that period, and Ohio did it only in 1933 and 1934. This bare cost of production does not include anything to compensate the individual farmer for the labor he expended. On that chart you see 12 great States engaged in raising wheat, engaged in feeding the peoples of this country, and doing it at a loss. Now, after years of adversity, we have a wheat market collapsing again right at the very moment when the crop comes to the elevators. The chances of parity and cost of production, so nearly within reach of the farmer, go glimmering just when the goal is in sight.

The present decline of the wheat market is nothing new. It is the regular reenactment of that great American tragedy which forces the American farmer every year to sell his wheat on a falling market.

I have prepared a table and chart showing the monthly rise and fall of wheat prices during the calendar years of 1920 to 1935, inclusive:

Price paid to producer per bushel of wheat

Year	January	February	March	April	May	June	July	August	September	October	November	December
1920	233.8	231.2	230.3	242.6	250.8	256.0	242.9	225.4	216.5	201.2	165.8	146.4
1921	149.2	148.2	140.4	122.1	119.0	119.8	108.5	103.0	103.4	99.9	93.4	93.0
1922	95.2	107.0	117.0	119.0	118.8	109.6	99.8	92.6	89.2	94.1	99.4	103.2
1923	104.6	104.0	106.0	108.4	108.2	100.8	89.6	86.4	91.0	94.2	93.7	94.5
1924	96.7	98.0	98.8	95.8	96.8	98.5	105.8	116.8	114.2	129.7	133.6	141.4
1925	162.1	169.8	164.0	140.5	149.1	152.7	140.3	150.4	144.4	136.4	148.8	153.7
1926	158.1	155.8	146.0	142.2	142.1	138.9	127.7	125.1	117.7	121.4	123.6	122.8
1927	122.8	122.8	120.9	117.2	123.2	130.1	127.3	123.5	119.2	113.7	111.4	113.9
1928	115.2	116.2	121.6	129.2	144.3	132.0	118.1	95.2	94.4	98.7	97.1	98.2
1929	96.5	104.2	104.7	99.8	90.1	86.8	102.4	110.7	112.1	111.5	103.4	108.1
1930	107.5	101.3	91.9	93.4	87.5	87.9	70.6	74.0	70.3	65.6	60.0	61.3
1931	59.1	58.7	58.3	59.2	59.0	51.9	36.3	35.4	35.7	36.1	50.3	44.1
1932	44.1	44.0	44.2	43.1	42.4	37.3	33.6	38.5	37.4	34.6	32.8	31.6
1933	32.9	32.3	34.5	44.8	59.0	58.7	86.9	74.7	71.1	63.6	71.1	67.3
1934	69.4	72.0	70.9	68.7	69.5	78.9	78.8	89.6	92.2	88.5	88.1	90.6
1935	89.3	87.9	85.5	90.2	87.8	77.3	76.4	81.5	86.1	96.4	88.8	90.1
Average	108.6	109.4	108.4	107.9	109.4	107.3	102.9	101.4	99.1	99.1	97.6	97.5
1926–35 average	89.7	89.5	87.8	83.9	90.6	88.0	86.0	84.8	83.6	83.0	82.7	82.8

Those figures show that the highest prices paid to the producer are during the months of January to May, inclusive. By mid-June the decline is on in full force. Now, remember that wheat is a cash crop and finds its way to market from the time threshing begins until the end of the year; thus, during the months when the farmer has wheat to sell the price is low. When he no longer has wheat to sell the price skyrockets. That is a speculator's market. The consumer who buys the wheat, flour, and cereals 6 months later buys them at a cost based upon the peak of the market. Thus the farmer's cash income is slashed and the consumer's dollar buys a minimum of farm products.

There you have the picture of the farmer's predicament. It is a problem of tremendous importance, not only to the farmers but to the entire Nation. It has a far-reaching significance, both from an economic and sociological standpoint. When the income of 33,000,000 of our farm population is reduced, there is corresponding reduction in the purchasing power of the largest economic group in this country. A proper solution must be found if we are to have a balanced economy. We cannot enslave the farmer for the benefit of the speculator and the processor.

What are we going to do about it, and what are the approaches to the problem?

That question can be divided into two points: First, the course of immediate action to meet the existing situation; second, the long-range or permanent program to restore agriculture to a basis of equality with industry and labor.

There is only one possible way by which we can stabilize the price of this year's wheat crop and by which we can guarantee to the farmer at least a fair chance of securing an equitable price for his wheat. That is by the immediate inauguration of a system of wheat loans similar to those previously carried on by the Commodity Credit Corporation

and the Reconstruction Finance Corporation. These agencies, through the authority and powers vested in them and in pursuance of the provisions of the Agricultural Adjustment Act, the National Industrial Recovery Administration, the soil-conservation program, and the Domestic Allotment Act, are in a position to begin such a lending program immediately. The only thing necessary is for Congress or the President to give the necessary impulse to set the wheels in motion. Let us see that they are started and that these hundreds of millions of farm dollars are saved for the farmers and not allowed to fall into the hands of the speculators.

I have shown the market conditions for the present wheat crop. I have shown that this year we should be able to attain cost of production if we will only protect the farmers' rights. If we loan $1 or $1.10 per bushel to the farmer under terms similar to those made on the corn loans we will prevent the present harvest from becoming a glut on the market. We will establish a system of orderly marketing and we will maintain a fair-price level.

Some of you may say, "What if we make these loans and the market falls below $1.10? Won't that leave the Federal Government holding the bag?" Some may even raise the cry that this is a subsidy to the American farmer. My answers to you are simple. In the first place, due to the existing world and domestic market conditions, there is little likelihood that the price to the producer cannot be maintained at $1.10. In the second place, let me say that if the market should fall slightly below $1.10 to the producer, the ultimate good that would be attained by maintaining farm-purchasing power would far outweigh the material loss sustained. To those who raise the cry of subsidies, let me say that a subsidization of a large economic group is far better than the subsidization of a few powerful merchant princes and privileged operators of big business.

We have been and are now subsidizing everything under the sun in the way of special interest and groups. The big newspapers and publishing companies of this country are being subsidized to an extent of $75,000,000 per year through low postal rates on second-class mail. Air lines, railroads, shipbuilders, ship operators, and big businesses are being regularly subsidized. Certainly the farmer who has always been forced to pay the major portion of these subsidies should have an equal opportunity for assistance. Reciprocity is certainly nothing more than the fair and American way of doing things.

A permanent, long-range farm program is an absolute necessity. The American farmers do not want anything more than equality of opportunity with industry and labor. They have a right to such equality. For more than 2 years the legislation and policies of this administration have been concentrated upon the improvement of labor conditions and upon social security. Such legislation and policies inevitably increase the cost of industrial products, but they do not bring about an upward revision of farm prices. This legislation, worthy as it is, destroys any semblance of balance between farm and no farm income. Those of us who represent agricultural districts believe in labor legislation and in social-security legislation, but we do demand that the forgotten farmer be given equal aid and assistance.

There is no lack of proposed farm programs. Offhand I can think of five which have been submitted to this Congress. My good friends and distinguished colleagues, Mr. EICHER, of Iowa; Mr. MASSINGALE, of Oklahoma; and Mr. COFFEE, of Nebraska, have submitted measures designed to meet the existing needs. The American Farm Bureau has prepared an extensive program which has been given some study by our House Agricultural Committee. The able and distinguished Secretary of Agriculture, Mr. Henry A. Wallace, has submitted his ever-normal granary and general farm program.

At this time I do not wish to discuss the relative merits of the various proposals, nor do I wish to advocate one plan against the others. However, I do earnestly urge that the Members of this House insist that one or the other of these measures be brought out of committee and submitted to open discussion and amendment upon the floor. In that way the House of Representatives can express its views and can work out the best possible solution to the problem.

The opportunity for action is here, and we must avail ourselves of that opportunity if we are to have a balanced national economy and a free and prosperous farm population. [Applause.]

The SPEAKER. The gentleman from North Dakota [Mr. BURDICK] is recognized for 20 minutes.

PERMIT THE DISTRESSED MILLIONS TO RETURN TO A STATE OF SELF-HELP, INDEPENDENCE, AND FREEDOM

Mr. BURDICK. Mr. Speaker, there are 12,500,000 people out of employment who can work and want to work. Besides this, there are 40,000,000 people who, because of low wages or who work a few days per month, are eking out an existence by using up what savings and property they have accumulated during their lives. There are, in addition, about 8,000,000 aged and crippled people who ought not to be compelled to enter the ranks of the laboring class to supplant younger people but who are destitute. There are 20,000,000 more people who today are making ends barely meet but who are in constant fear of falling into the class with the 40,000,000 who are using up their savings to live. In all, there are 80,000,000 people either in actual distress or living on the borderline of distress. About 40,000,000 have enough or too much.

The following table may be of interest on the question of employment and wages:

Number of possible workers in Nation	48,250,000
Number now employed	35,750,000
Number unemployed	12,500,000

Average wage is less than $500 yearly, or 25 cents an hour.
Lowest wage recorded is $1 a week (for a 63-hour week).
The legal annual interest rate is as high as 42 percent.
The United States Government itself has borrowed money at 43 different rates of interest, ranging from three-fourths of 1 percent to 4 percent. (See U. S. Treasury daily reports.)

Let us see the other side of the picture. This is a great Nation. Our natural resources of soil, the forests, the mines, and the fisheries are inexhaustible. Properly managed, we are capable of supporting 500,000,000 in this country. Bread, meat, clothing, cotton, and wool, we have in abundance. We have so much of all of the staple necessities of life that this administration has put forward a program to limit our production of foodstuffs. This program is in operation in spite of the fact that we have millions without proper food, proper clothing, and proper homes.

On one side of this imaginary line we have hungry, unclothed, unhoused millions; on the other we have in abundance or the possibilities of the things they need. These millions cannot get the things they need and of which, we, as a Nation, can produce more than enough for all.

The job to bring relief to these millions is so simple that we have failed to understand what to do. We have been looking for some complicated formula; we have absolutely shut our eyes to the evidence all around us. The solution of relief is right before us, and still we either do not have any ability to perceive and interpret, or we purposely do not want to admit that we have blundered so long.

The whole solution is simply this: Permit the distressed millions on the one side of the line to obtain their share of the necessities of life we have on the other. In other words, connect the hungry, the poorly clad, the homeless, with food, clothing, and homes. Give them a chance to consume, and when that day arrives we will not have to curtail production. Let them wear shoes, and in 6 months every shoe factory will be busy instead of closed; let them have enough to eat, and in 6 months we will not have to drive our farmers to cut down production of bread and meat; let them be clad, and the cotton and wool crops will find purchasers; let them live in decent homes, and the lumber mills, the steel mills, and the tradesmen will find work, and manufacturing plants will reopen. Yes; more than that will happen; new industries will spring up and the Nation as a whole will begin to produce goods to an extent never known before.

In applying this remedy, I am presupposing, of course, that every patriotic citizen in this Republic, is willing to do

his share—yes; more than his share—to bring about this program not only of relief but of actual prosperity of the country. If that be our purpose and our aim, then no citizen should want to make profits out of a situation that has reduced two-thirds of our population to poverty, but all should be willing to forego some of their activities in the past that has been the proximate cause of the suffering in this country.

All these distressed millions need to again assume a position of self-support is credit. They must be permitted to use the millions and millions of acres of land which is now owned, but not used. They must be allowed to attach themselves to the soil and there produce the necessities of life. Not only that, but the efforts of their toil must not be taken from them in interest charges and by confiscatory taxation. Those who once owned land, with infinitesimal exceptions, would still own that land if they had never had more than they could use, and the interest sharks had all been executed. Let us try this again, profiting by our sad experience of the past.

Mr. Louis F. Post, in his book entitled "Ethics of Democracy", published in 1903, has given the best analysis of the relations between labor and land as the foundation of all prosperity that I have had occasion to examine. I quote here from that book:

> Human labor is the rock bottom of economic research. It supports all the super-incumbent layers—artificial objects, serviceability, value, trade, and money.
>
> But labor can produce nothing without natural resources. Tools it does not need. For labor, considered as a cooperative whole, makes all its own tools. They are artificial objects—wealth. But it does need raw materials and working places upon the earth. To use the inclusive economic term, it does need "land."
>
> Labor is fundamental and land is fundamental. They are the prime factors of all economic processes; labor being the initial or active force and land the responsive or passive condition. Thus labor produces wealth from land, and land yields wealth to labor.
>
> Land is the natural storehouse from which man draws all his supplies, and the one foundation upon which he rests all his structures. It includes everything except the human family, and such objects as the human family have altered in condition so as to adapt them to human desires. Not only the soil, but the water, the atmosphere, the sunlight, building sites, railway sites, mineral deposits, forests, and even the birds of the air, the fishes of the sea, and the wild animals that roam the earth, are included in this economic category.
>
> Without labor, however, land would yield no artificial thing. Labor is the other indispensable factor. As land is the passive economic condition, so labor is the initial economic force. It is labor applied to and operating upon and in conjunction with land that causes every other economic process.

Private enterprise, the champion of interest, cannot help these millions because when interest is demanded, it must be made secure, and the people, or at least these 80,000,000 people, have no security. They have lost all they had under our present interest system. They have been cast aside by private business as unworthy of any more credit. They have fallen victims of the interest system that now, in their extremity, says that they have nothing to offer to make secure not only the principal, but above all else, the interest.

I am sure we are all convinced that private business will not extend credit to these millions; I am also sure private business would rather see every business plant in America close because of relief taxation before it would consent to begin business operation with all interest barred. If businessmen would just stop and think for one moment, they would realize that they themselves have been victimized by the same institution of interest.

Since private business will not help those millions who have no security and no credit, then this Government, in the interest of the general welfare of all the people, must extend this credit. No nation can continue to hand out the billions annually for relief purposes. The people must become self-supporting, and it therefore becomes the duty of this Government to act. The Supreme Court has made it very certain that the general-welfare clause of the Constitution means what it says.

The need for credit has been fully established and that credit must be extended by the Government. The next step is important. What shall be done with this money we are about to loan the people? Where will we get it, and what will be the cost? When will it be repaid, and what risks are we taking? When I have answered these questions I will assume that I have thought this entire program through to a completion, and that it will appeal to those who have steadfastly insisted that private business interests will provide for the people if this Congress will leave them alone. The glaring fact is that through our faith in private business enterprise and willingness to submit to that system we have landed where we are today.

There are 50,000,000 homeless people in the United States. Taking the average in a family of five, it would require 10,000,000 homes in the United States to accommodate these people.

As a matter of principle, every man who is willing to work is entitled to a home. We went on that theory when we created the homestead law and the people started out all right, but we did not provide them protection against interest. Our slogan now, or at least the progressive Republican slogan, will be in the next election "A home for all; work for all who want work."

In the building and repair of homes for 50,000,000 people, it will require the labor for the next 5 years of 5,000,000 workers who can constantly, during that period, find work. This is valuable and self-liquidating work, which will cost the taxpayers of this country not one cent. From this it will be seen, that with this program in operation, emergency work paid by taxes will disappear as fast as this home-building program can be developed. In 6 months there should be no emergency work.

When these homes are completed, the entire cost will be spread over a period of years, not as long as the debts due us from foreign nations, and without interest the cost will be paid back to the Government. A service charge of not over one-half of 1 percent will be sufficient to cover the cost of extending this credit.

One hears many objections to this program, the principal one being that land cannot be obtained. As a fundamental proposition, no one has the right to own land who cannot use it or permit others to do so. Let us take a look at the insurance companies in this country and see if they, perchance, have any land.

The following is a list of the land holdings in 1936 of insurance companies according to the Insurance Year Book:

Real-estate mortgages and real estate owned by life insurance companies in the United States for the years 1924 to 1935, inclusive

Year	Real estate owned	Real estate mortgages
1924	$238,652,544	$4,174,768,771
1925	265,937,751	4,799,216,486
1926	303,417,616	5,564,257,488
1927	350,365,637	6,183,591,304
1928	402,549,695	6,760,792,001
1929	463,864,187	7,207,308,606
1930	547,462,161	7,577,943,941
1931	683,234,716	7,652,287,150
1932	933,947,996	7,316,093,037
1933	1,264,389,006	6,681,652,321
1934	1,689,083,484	5,856,609,934
1935	1,986,132,729	5,339,860,364

Source: The Insurance Year Book—Life Insurance Volume (The Spectator), 1935-36, pp. 414-415; 1936-1937, pp. 438-439.

Real estate and sheriffs' certificates owned May 31, 1937, and acquired January 1, 1933, through May 31, 1937

Item	Number of farms	Acres	Investment
Real estate and sheriffs' certificates owned May 31, 1937:			
Federal land banks	28,315	6,230,490	$126,305,720.83
Land Bank Commissioner	3,678	(1)	[2] 16,646,441.68
Real estate and sheriffs' certificates acquired Jan. 1, 1933, through May 31, 1937:			
Federal land banks	46,241	(1)	177,147,455.99
Land Bank Commissioner	4,605	(1)	[2] 19,150,865.62

[1] Not available.
[2] Including the amount of prior liens not assumed.

This ownership has gotten away from those who occupy and use our agricultural lands. Of those who till the soil, only a small percentage of them in many States actually own the land. The following is a list of States showing actual ownership of those who occupy and use the lands:

	Percent
North Dakota	23
South Dakota	23
Minnesota	24
Iowa	38
Kansas	34
Nebraska	33
Missouri	30
Oklahoma	39
Colorado	40
Illinois	37
Ohio	60

No one will question but what there is an abundance of land which can be obtained for the purpose of a home-building program. When all the lands owned by the Government, States, and municipalities, already belonging to the people, have been utilized, private lands can be obtained through purchase and condemnation proceedings. There is not the shadow of a doubt but what insurance companies and other corporations and individuals owning large tracts of land (usually obtained through foreclosure) will be glad to sell these lands to the Government. In case they refuse, these lands can be condemned for public use by right of eminent domain. If a railroad, a city, or State can condemn private land for public use, then the people have the right to condemn land for the same public use. The general welfare clause of the Constitution provides plenty of authority, and the Supreme Court has come forward in support of that principle.

The next proposition to which objection is offered is this: These people have nothing; their property is gone; their credit has been entirely wiped out. Let us examine this objection in the light of the ultimate goal of this plan of "a home for everyone who desires to work and is able to work." The aged and the incapacitated will be given a home as a matter of right under a sane social-security program. These people have a great latent asset. They will work. There are only two fundamental elements of prosperity—land and labor. In fact, life itself depends upon these two factors. Land is valueless without labor, and labor cannot attach itself unless there is land. No force in any free government should be permitted another day to prevent labor from attaching itself to land. Land in a country like ours is the most common thing we have. It is all around us, and as we look we find it unoccupied or partly occupied with millions of acres idle and undeveloped capable of sustaining millions of people. The State of Maryland alone is capable of supplying homes for 2 million more people without in the slightest degree interfering with those who now occupy it. The Southern States can supply homes for 30 million people without the slightest degree of interference with the rights of those who now inhabit that area. Everywhere we turn we find the same condition.

The next objection is one which the objectors to this program announce with a satisfied emphasis. Where are we going to get the money? The answer is simple. We are not obtaining it from borrowing it and paying interest on it. We have come to the end of the interest road. We will issue the money by stamping the Government's promise to pay on paper that we call currency, and issue enough to do the business we need to do. It will circulate, and while circulating, will cost the people nothing. It will not be delivered until labor is performed for it. Hence, every dollar in circulation is backed by labor already performed. We have in the past been slaves to a standard of money called the gold standard. Everything we do, everything we want is measured in terms of gold. The results of this blind folly ought to be plain to all. Over half of our population has nothing, not even credit, which has been privately controlled since the Civil War.

Until we discard all spurious standards of money and base our circulating medium on the very basis of all prosperity—labor, we will not accomplish the release of millions from the bondage of "money." When an hour's labor means a dollar and every dollar means an hour of labor, never changing, but eternal, and all commodities measured in terms of labor, there can be no financial disarrangement in this country.

To give just a glimpse of the situation developed in this country, through our ignorant and blind financial policy, let me here insert the wages paid for labor in this country today:

Approximate 1936 wage rates—Estimated number of workers	
Idle (no wages)	12,500,000
Wage rate:	
5 cents an hour or less (farmers)	1,500,000
6 to 10 cents an hour	3,500,000
11 to 15 cents an hour	6,000,000
16 to 25 cents an hour	10,000,000
26 to 50 cents an hour	8,000,000
51 cents to $1 an hour	3,250,000
Above $1 an hour	3,500,000

Glancing at this table, you are not surprised that our purchasing power has disappeared and people go hungry, ragged, and poorly housed, while, in fact, we cannot dispose of our mountains of food, our cotton, and our mills are shut down which are capable of manufacturing clothing, building material, tools, and instruments of trade.

There are not too many factories in this country—there are not nearly enough. The fact that many of them are idle is not because we do not need the products, but because we cannot buy them. This table shows why we cannot.

There are many who say that to fix labor itself as the basis for issuance of money cannot be done, but that the basis or standard should be the results of labor, the commodities produced. That standard, obviously, is better than a metal standard, but if it is logical to fix commodities as a money standard, it is equally as logical to go a step further and fix the labor hour as the standard. There is an added reason why this should be done, and that reason comes home to us with added force just at this time. We must stop labor troubles. Strikes must be eliminated, and they cannot be as long as private industry can fix the standard of wages. This program fixes a Government standard of wages, and while the Government is not primarily interested in engaging in private industry, it is concerned with fixing a standard of wages which private industry must meet. If it does not meet this standard, the workers will continue in Government work. This will eliminate every strike because there will be no reason to strike.

Private industry has just about ruined the Nation with its standard of wages and has been the proximate cause of bringing the country to the verge of civil war.

Then, again, if in these strikes organized labor was granted every demand it makes, that would not put the millions to work who are not now working. We must think of the men and women who are not the beneficiaries of any income whatever. As each year passes those who are now working in the trades will find less of that work to do on account of inventions and the progress of science. They must turn to other fields and when they want work this Government must be in a position to furnish it if private industry cannot.

When private industry fails to furnish work, what right has it to say that the Government shall not engage in business? This Government was not established to protect business—it was established to protect people, and when the rights of the people to life, liberty, and the pursuit of happiness comes in conflict with the proceedings of private business, then the public concern is paramount. The general welfare of all the people is of more Government concern than the success of any individual. Stated in another way, the individual has the right under the Constitution to proceed in any lawful enterprise in a way that best suits him until his right to individual direction conflicts with the general welfare of all the people. When that point is reached the private right ceases and the public interest begins.

Under these general principles, with a monetary system based upon labor, and operating under the larger duty of

Government as herein set forth, it must be apparent to all that this Republic can restore its citizens to the greatest era of prosperity ever known in the history of the country. Finally, the greatest self-defense a country can have is the prosperity and happiness of its citizens. Make a country worth fighting for, and its defenders will rise again as they did at Concord and Lexington. Spend billions on national defense and leave our citizens in want, suffering, and embroiled with strikes, and it will take more to preserve internal peace and feed the hungry than it will to defend this Nation against all the powers of the earth combined.

Under the provisions of H. R. 3297, providing for the issuance of money based upon a labor hour, many hold that this plan would offer an opportunity for a period of wild inflation. Obviously, they do not know what inflation means. There never was and there never can be any inflation when money is issued and delivered only when labor has been performed for it. Inflation only operates when created by a debt, or a mortgaging of the future. When every dollar of money in circulation has been paid for in labor, it becomes good money. The possessor of it knows that it has already been paid for before he received it and that, while he holds it, no interest is being charged against it.

What about our money today? It is highly inflationary. It is based entirely upon a debt. The Government issues bonds for it—the Government goes in debt—obligated to pay principal and interest. As long as it circulates, interest is being charged on it. While I hold $20 in my pocket, the interest goes right on and will keep on until retired.

How will this labor-hour money be retired? The emergency-work currency, issued to carry on emergency work, will be retired through taxation, the same way that relief funds are paid for today. The only difference on that score is as follows:

First, no interest will attach to this money.

Second, it will not be issued at all as soon as the general works program of building homes and necessary public works can be inaugurated, or until private industry can take on more labor. No degree of guesswork is necessary to satisfy the worst conservative in the country that, as soon as buying power is returned to the people, private industry will revive—not only that, but it will actually increase. The more private industry is forced to live up to a Government standard of wages, the more buying power will be put in the hands of the people, and the more business private industry will do. In other words, private industry must be forced, apparently, to pay a Government standard of wages in order to be saved itself.

Permanent improvement work will be paid for from returns from the work itself. The 50,000,000 people who will own homes under this bill, will pay for them over a period of years. Trees planted will be harvested in the forests; work on dams will be paid for in the sale of hydroelectric power.

As this bill operates, there can be no inflation and no one need be alarmed at the amount of circulation. Not a dollar will circulate that is not paid for, and every dollar will be retired—in fact, must be retired as the income from the enterprise comes into being. Time is of no vital consequence, since interest is to be eliminated. Time alone gives vitality to interest. Time and interest will wreck any civilization. History demonstrates this beyond argument. When any civilization reaches a point where the people are in want and endure suffering to the breaking point, that civilization has always been destroyed. Every debt wiped out—every development destroyed, and the people begin over again from the bottom.

After this great democracy has continued 150 years with the most marvelous development in the world's history, have we developed sufficient intelligence to direct our ship of state through the dangerous waters that has brought disaster to nation after nation through all the history of the world? Every ship of state, thus far, has been wrecked upon the rocks of debt and interest. Will we profit by the experience of mankind in the past? Will we now chart our course through the known waters ahead and save for the people of this great Republic the blessings of liberty, and the right to continue to live in a land of the free, or will we shut our eyes to all that is known and permit this greatest experiment of free government to perish from the earth?

The SPEAKER. The gentleman from Ohio [Mr. BIGELOW] is recognized for 10 minutes.

Mr. BIGELOW. Mr. Speaker, a Member of this House yesterday rebuked the Secretary of Labor for calling on the Governor of Ohio to institute certain allegedly high-handed proceedings against one Tom Girdler, forcing this person into a conference with certain labor leaders.

According to a newspaper story, the Ohio Governor was shocked at the proposal of Mme. Perkins and characterized the requested action as a species of kidnapping.

Now, the truth is that in the year 1913, when I was a member of the Ohio Legislature, the Industrial Commission of Ohio was created, which was to absorb the function of a preexisting board for the arbitration and settlement of industrial disputes.

On page 102 of the Ohio Laws of 1913 there is this language of section 8 of this act, enumerating the duties of the commission:

SEC. 8. To do all in its power to promote the voluntary arbitration, mediation, and conciliation of disputes between employees and employers and to avoid the necessity of resorting to lockouts, boycots, blacklists, discrimination, and legal proceedings in matters of employment.

In pursuance of this duty it may appoint temporary boards of arbitration, provide the necessary expenses of such boards, * * * conduct investigations and hearings—

And so forth.

On page 106, section 30 of this act reads as follows:

Each of the commissioners and the secretary of the Commission for the purposes mentioned in this act shall have power to administer oaths * * * issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, documents, and testimony.

The section proceeds to define the manner in which persons refusing to respond to subpoenas shall be dealt with by the court of common pleas.

Obviously what Mme. Perkins did was to ask the Governor of Ohio to invoke this law, in the attempt to bring about a settlement of the steel strike.

It was for just such occasions that the law was passed. The Governor might well have deemed it hopeless, in view of what is now known of the brutal bully type of person representing capital in this controversy. But I should say that, if the situation was serious enough to send troops to Youngstown, it was serious enough to try out every legal means of settlement that the law provides.

If a Republican had presented this episode in an unfavorable light, it might have been discounted as politics. But it is surprising to find such detractors among Democrats. To hear some of us Democrats talk, one might suppose that we had come in on a Landon landslide.

Conservatives on both sides of this House have been vocalizing on the strike situation, and Democrats have joined Republicans in their attacks on the course the administration has pursued. Some of these attacks have been excited and emotional to the point of hysteria. I would like to interpose a few sober comments on the situation.

Organized employers are trying to keep labor in a helpless state of disorganization. I not only believe that labor has the same right of organization as employers of labor, but that the democratic organization of labor is in the interest of the general public, and is especially important in the case of the mass-production industries.

We owe something to the frankness of the Tom Girdlers. Their spokesman has said that they buy labor as they buy scrap iron, and that the only kind of labor organization they propose to tolerate is the kept kind, that will eat out of their hand. This attitude is bad enough in the case of an employer of a small labor force, when personal relationships are possible, but in the case of the management of a plant

of thousands of workers, this dictatorial attitude is intolerable. Such industrial feudalism fairly swears at political democracy.

Political democracy and industrial feudalism cannot exist side by side; one or the other must go.

I want to thank President Roosevelt and Governor Murphy, of Michigan, especially, for their patience and moderation in meeting the critical situations that have arisen. I hope the administration will continue, in spite of attacks from the Democratic and Republican Members of this House, to show its sympathy for the toiling masses, as against the blustering economic royalists who declare, between oaths, their undying hostility to union recognition. I am glad that not all employers are of this ilk; that there are employers who are wise enough to encourage organization and who are pursuing this better American way of industrial democracy and good will.

As a Member of Congress I would vote to use the last limit of constitutional authority in the attempt to compel the large employers of labor to concede the right of organization and to treat with free and independent unions of labor.

And, were I governor of a State, I would go just as far as the law and Constitution would permit, in so directing the civil and military power of the State, as to help labor in extending to these great industrial plants the same democracy that we practice in the State itself. These plants, with thousands of employees, are vested with a public interest. The day is past when the hard-boiled industrialist should be permitted to say: "This plant is mine, and I will do with it as I please." These plants are ours, and we the public have a right to say that they shall be operated with due regard to the rights of labor and to the public welfare.

I invite you to recall the words of the message which Abraham Lincoln, in the year 1865, sent to this House:

> It is assumed that labor is available only in connection with capital; that nobody labors unless somebody else owning capital, somehow by the use of it, induces him to labor. Labor is prior to and independent of capital. Capital is only the fruit of labor and could not have existed if labor had not first existed. Labor is the superior of capital and deserves much the higher consideration. I bid the laboring people beware of surrendering the power which they possess, and which, if surrendered, will surely be used to shut the door of advancement for such as they, and fix new disabilities and burdens upon them until all of their liberty shall be lost.

Mr. Speaker, this labor struggle is the present phase of the age-old struggle to substitute democracy for arrogance and autocracy. We have a long way to go to get rid of our master-slave implications.

It is one of the deep mysteries of life that men can be so blind to the glaring stupidities of society and so indulgent of glorified wrongs.

I honor a certain Englishman of my acquaintance for his scorn of the coronation shams for which our would-be American royalists crossed the ocean and donned knee breeches to see. I had asked this English correspondent of mine what he thought of the coronation, and here is his answer:

> You wondered what I thought about the coronation show? Well, I wondered what God thought of it all. For rarely, if ever, can He have looked down upon human imbecilities and canting hypocrisies so efficiently massed and organized. I am proud, in many ways, of my heritage as an Englishman and count myself fortunate that my earthly pilgrimage has been spent in "England's green and pleasant land."
>
> But because I am proud of my heritage, I blush with shame when I ponder upon the blots and stains which mar the pages of my Nation's history.
>
> We have the worst land system of any of the leading nations. Indeed, it was the manner in which England's soil was stolen from the many by the few which gave birth, in the minds of the cunning, to the idea of stealing, through the might of right, other Nation's territories. And we rewarded them, or rather we allowed them to reward themselves, with hereditary peerships, who, until but a few years ago possessed the right, at their pleasure, to veto the people's will as expressed by the members of the House of Commons.
>
> Thus we have not only the throne occupied by the accident of birth, but also the barons of the soil, and let us look at the cost. The land barons take somewhere between 300,000,000 and 400,000,000 sterling. The new estimates for the succor of the royal family (small "r" please) is 410,000 pounds sterling for the King and his houses, and 70,000 pounds sterling for his Queen, 40,000 pounds sterling for his mother, 35,000 pounds sterling for his brother (the Duke of Gloucester), 25,000 pounds sterling for the Duke of Kent, 6,000 pounds each to the King's eldest child (a girl not yet in her teens) and several uncles and aunts—a total of over 600,000 pounds sterling per annum, for figure-heads who may only say, "yea" and "nay", according to the instructions from the Cabinet Ministers of the Government and who only recite parrot-like speeches made by his Ministers.

I wish more Americans had the gift to see through the absurdities of our own society. One of our millionaires, by taking advantage of the loopholes in our tax laws, will cheat our Government out of enough tax money in a single year to support all these royal paupers of England.

Some of us Americans may laugh at this puppet show of English royalty, but can we see what "fools we be" on our side of the ocean?

Our own economic history may be reduced to allegory. There was a shipwrecked crew that sought refuge on an unknown island. They found but one inhabitant of the island. He claimed to be the owner of the island. The owner met the survivors and said: "This is my island. You cannot land, except on my terms." Right here these immigrants made a fatal mistake. They should have challenged this claim to a monopoly of the island. But they had lived in such countries as England and America and their minds were perverted by unsound property laws. So they said: "Of course the island is yours. What are your terms?"

"You may land", said the monopolist, "if you will till the island and give me in rent all your produce beyond what you must have to sustain your own life."

That wage scale was agreed to. At first, however, their tools were so crude and their labor so unproductive that they needed all they earned to keep themselves alive. So there was little or no rent for the monopolist—or, in other words, the island had not begun to take on value.

But these foolish people said: "We are poor because we are not productive enough." So they invented tools and became more productive. But the bargain was that all beyond their absolute necessities was to go to the monopolist. Consequently, their increased productiveness, intsead of abolishing their poverty, merely raised the rent that the monopolist got, or, in other words, they did not grow richer but the island grew in value.

The time came when these people became so productive that the value of the island became worth $200,000,000,000, but 40,000,000 of the workers were in poverty.

In fact, the workers with their splendid tools became so productive that some two-thirds of them could work the whole island and the other third became permanently unemployed and had to live on charity or die of hunger and disease.

This is the allegorical description of the economic history of America. This is the law of wages that prevails. The fruits of progress go to rising land values and to the dividends of other forms of monopoly.

I am all for organized labor, but one thing I hope from organized labor is that, through the self-education that labor will get in its unions, it will come to see that organizing a labor monopoly against a monopoly of capital is not enough. We must have an intelligent democracy that will liquidate our vast economic illiteracy and learn the meaning of economic freedom to be gained by observance of economic law.

I want labor organized into self-respecting unions, because labor unions are schools of democracy.

Organized labor is not the final answer. An intelligent democracy is the final answer.

But labor disorganized, labor eating out of the hand of capital, labor heedless and incapable of any sense of solidarity, such labor cannot make its contribution to democracy. Such labor is meat for exploitation in time of peace, and

cannon fodder in time of war, pawns of the princes of privilege, door mats for the autocrats.

Labor organized, disciplined, schooled in unions, more than the churches, more certainly than chambers of commerce, or boards of trade, is the hope of democracy.

Brothers of toil, I salute you. Courage to you and victory.

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that notwithstanding that tomorrow is Calendar Wednesday, the conference reports on the appropriation bill for the C. C. C., also for appropriations under the Railroad Retirement Act, and on the War Department appropriation bill may be in order.

The SPEAKER pro tempore. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

The SPEAKER pro tempore. Under special order the gentleman from Texas [Mr. MAVERICK] is recognized for 5 minutes.

Mr. MAVERICK. Mr. Speaker, in view of the lateness of the hour, I will not take the time of the House.

I ask unanimous consent that on Friday I may be permitted to address the House for 15 minutes.

The SPEAKER pro tempore. The gentleman from Texas [Mr. MAVERICK] asks unanimous consent that on Friday next, after the disposition of all legislative matters, he may be permitted to address the House for 15 minutes. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. KOPPLEMANN (at the request of Mr. SHANLEY), for 1 day, on account of urgent business.

To Mr. SHEPPARD, for 10 days, on account of business.

To Mr. GREENWOOD, indefinitely, on account of illness.

To Mr. BUCK, for 2 days, on account of illness.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rules, referred as follows:

S. Con. Res. 17. Concurrent resolution authorizing the printing of additional copies of Senate Report No. 711, Seventy-fifth Congress, on the bill (S. 1392) to reorganize the judicial branch of the Government; to the Committee on Printing.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 2291. An act to amend the act of May 25, 1933 (48 Stat. 73);

H. R. 5996. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1938, and for other purposes;

H. R. 6523. An act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1938, and for other purposes;

H. R. 7206. An act to permit the temporary entry into the United States under certain conditions of alien participants and officials of the World Association of Girl Guides and Girl Scouts Silver Jubilee Camp to be held in the United States in 1937;

H. R. 7589. An act to levy an excise tax upon carriers and certain other employers and an income tax upon their employees, and for other purposes;

H. J. Res. 361. Joint resolution making appropriations for relief purposes;

H. J. Res. 375. Joint resolution to provide revenue, and for other purposes; and

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H. R. 2291. An act to amend the act of May 25, 1933 (48 Stat. 73);

H. R. 5996. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1938, and for other purposes;

H. R. 6523. An act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1938, and for other purposes;

H. R. 7206. An act to permit the temporary entry into the United States under certain conditions of alien participants and officials of the World Association of Girl Guides and Girl Scouts Silver Jubilee Camp to be held in the United States in 1937;

H. R. 7589. An act to levy an excise tax upon carriers and certain other employers and an income tax upon their employees, and for other purposes;

H. J. Res. 361. Joint resolution making appropriations for relief purposes; and

H. J. Res. 375. Joint resolution to provide revenue, and for other purposes.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 10 minutes p. m.) the House adjourned until tomorrow, Wednesday, June 30, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MILITARY AFFAIRS

There will be a meeting of the Committee on Military Affairs in Room 1310, New House Office Building, at 10:30 a. m., Wednesday, June 30, 1937, for further consideration of H. R. 7494, "To amend the act entitled 'An act to amend the act entitled "An act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes." ' "

COMMITTEE ON NAVAL AFFAIRS

The Committee on Naval Affairs will meet on Wednesday, June 30, 1937, at 10:30 o'clock for the consideration of H. R. 7216. Resume hearings.

COMMITTEE ON THE DISPOSITION OF EXECUTIVE PAPERS

The Committee on the Disposition of Executive Papers will hold a public hearing in room 246, known as the Civil Service Committee room, in the House Office Building, at 10:30 a. m., Thursday, July 1, 1937, on H. R. 7504, to provide for the disposition of certain records of the United States Government.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, July 7, 1937, at 10 a. m., on H. R. 7158, to except yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Wednesday, July 7, 1937, on H. R. 5182 and H. R. 6917—textile bills.

COMMITTEE ON IRRIGATION AND RECLAMATION

There will be a meeting of the Committee on Irrigation and Reclamation in room 128, House Office Building, at

10 a. m., Wednesday, June 30, 1937, for the consideration of S. 2681, to authorize the construction of the Grand Lake-Big Thompson Transmountain water-diversion project as a Federal reclamation project, and H. R. 7680, to authorize appropriations for the construction of the Arch Hurley Conservancy District in New Mexico.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

691. A letter from the Acting Secretary of the Interior, transmitting a draft of a proposed amendment to H. R. 7562, extending its provisions to Puerto Rico; to the Committee on Agriculture.

692. A letter from the Chairman of the Reconstruction Finance Corporation, transmitting a report of the activities and expenditures of the Reconstruction Finance Corporation for the month of May 1937 (H. Doc. No. 278); to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KELLY of New York: Committee on Interstate and Foreign Commerce. H. R. 7514. A bill to extend the times for commencing and completing the construction of a bridge across the St. Lawrence River at or near Ogdensburg, N. Y.; without amendment (Rept. No. 1128). Referred to the House Calendar.

Mr. HOLMES: Committee on Interstate and Foreign Commerce. H. R. 7542. A bill granting the consent of Congress to a compact entered into by the States of Maine and New Hampshire for the creation of the Maine-New Hampshire Interstate Bridge Authority; without amendment (Rept. No. 1129). Referred to the House Calendar.

Mr. HOLMES: Committee on Interstate and Foreign Commerce. H. R. 7543. A bill authorizing the Maine-New Hampshire Interstate Bridge Authority to construct, maintain, and operate a toll bridge across the Piscataqua River at or near Portsmouth, State of New Hampshire; without amendment (Rept. No. 1130). Referred to the House Calendar.

Mr. EICHER: Committee on Interstate and Foreign Commerce. H. R. 7405. A bill to amend the act relating to the Omaha-Council Bluffs Missouri River Bridge Board of Trustees, approved June 10, 1930, and for other purposes; with amendment (Rept. No. 1131). Referred to the House Calendar.

Mr. WEAVER: Committee on the Judiciary. H. R. 7092. A bill to provide for the transfer of Scotland County to the middle judicial district of North Carolina; with amendment (Rept. No. 1132). Referred to the House Calendar.

Mr. SWOPE: Committee on the Territories. S. 2254. An act to amend section 460, chapter 44, title II, of the act entitled "An act to define and punish crimes in the District of Alaska, and to provide a code of criminal procedure for said district", approved March 3, 1899, as amended; with amendment (Rept. No. 1137). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEMPSEY: Committee on the Territories. H. R. 7374. A bill to amend the Hawaiian Homes Commission Act, 1920; with amendment (Rept. No. 1138). Referred to the Committee of the Whole House on the state of the Union.

Mr. WENE: Committee on the Territories. H. R. 7377. A bill to enable the Legislature of the Territory of Hawaii to authorize the city and county of Honolulu, a municipal corporation, to issue sewer bonds; without amendment (Rept. No. 1139). Referred to the Committee of the Whole House on the state of the Union.

Mr. CROWE: Committee on the Territories. H. R. 7490. A bill to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes; without amendment (Rept. No. 1140). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Washington: Committee on Indian Affairs. H. R. 5975. A bill establishing per-diem payments in lieu of compensation and expenses for members of Klamath business committee and official Klamath delegates to Washington; with amendment (Rept. No. 1141). Referred to the Committee of the Whole House on the state of the Union.

Mr. IZAC: Committee on Foreign Affairs. Senate Joint Resolution 88. Joint resolution providing for the participation of the United States in the world's fair to be held by the San Francisco Bay Exposition, Inc., in the city of San Francisco during the year 1939, and for other purposes; with amendment (Rept. No. 1142). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLER: Committee on the Library. House Joint Resolution 142. Joint resolution authorizing the erection of an equestrian statue of Gen. Robert E. Lee in the Arlington National Cemetery; with amendment (Rept. No. 1143). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII.

Mr. DEEN: Committee on War Claims. H. R. 2345. A bill for the relief of Joseph Noel Roberts, without amendment (Rept. No. 1133). Referred to the Committee of the Whole House.

Mr. WOOD: Committee on War Claims. H. R. 3960. A bill for the relief of the Southern Overall Co.; with amendment (Rept. No. 1134). Referred to the Committee of the Whole House.

Mr. DEEN: Committee on War Claims. H. R. 4571. A bill for the relief of Helen Mahar Johnson; without amendment (Rept. No. 1135). Referred to the Committee of the Whole House.

Mr. DEEN: Committee on War Claims. H. R. 6784. A bill to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Velie Motors Corporation; without amendment (Rept. No. 1136). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CHANDLER: A bill (H. R. 7709) to incorporate the American Chemical Society; to the Committee on the Judiciary.

By Mrs. JENCKES of Indiana: A bill (H. R. 7710) to provide shorter hours of duty for members of the fire department of the District of Columbia; to the Committee on the District of Columbia.

By Mr. McCORMACK (by request): A bill (H. R. 7711) to amend the act approved June 19, 1934, entitled the "Communications Act of 1934"; to the Committee on Interstate and Foreign Commerce.

By Mr. HAINES: A bill (H. R. 7712) to authorize an appropriation to aid in defraying the expenses of the observance of the seventy-fifth anniversary of the Battle of Gettysburg to be held at Gettysburg, Adams County, Pa., from June 29 to July 4, 1938; to the Committee on Military Affairs.

By Mr. HILL of Alabama: A bill (H. R. 7713) to transfer the control and jurisdiction of the Park Field Military Reservation, Shelby County, Tenn., from the War Department to the Department of Agriculture; to the Committee on Military Affairs.

By Mr. KING: A bill (H. R. 7714) to authorize the Secretary of Commerce to transfer the two unused lighthouse sites in Kahului town site, Island of Maui, Territory of Hawaii, in exchange for two plots of land located in the same town site and now occupied for lighthouse purposes

under permission from the respective owners, the Kahului Railroad Co. and the Hawaiian Commercial & Sugar Co., Ltd.; to the Committee on Merchant Marine and Fisheries.

By Mr. CANNON of Missouri: A bill (H. R. 7726) making appropriations for the first half of the month of July 1937, for certain operations of the Federal Government which remain unprovided for on July 1, 1937, through the failure of enactment of the supply bills customarily providing for such operations; to the Committee on Appropriations.

By Mr. MILLARD: Joint resolution (H. J. Res. 432) declaring Inauguration Day to be a legal public holiday; to the Committee on the Judiciary.

By Mr. WOODRUM: Joint resolution (H. J. Res. 433) making appropriations for the fiscal year ending June 30, 1938, for the Civilian Conservation Corps, the railroad retirement account, and other activities, and for other purposes; to the Committee on Appropriations.

By Mr. BLAND: Joint resolution (H. J. Res. 434) to amend the act entitled "An act to amend section 4471 of the Revised Statutes of the United States, as amended"; to the Committee on Merchant Marine and Fisheries.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Maryland, memorializing the President and the Congress of the United States to consider their Joint Resolution No. 11, 1937, concerning the appreciation and gratitude of the people of Maryland extended to the Honorable Franklin Delano Roosevelt, President of the United States; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Maryland memorializing the President and the Congress of the United States to consider their Joint Resolution No. 23 of the acts of 1937 concerning tax on gasoline in the District of Columbia; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 7715) for the relief of Frank E. Holly; to the Committee on Military Affairs.

By Mr. BURDICK: A bill (H. R. 7716) to provide for admission into the United States of Clarence Joseph Ferguson, an alien; to the Committee on Immigration and Naturalization.

By Mr. CHANDLER: A bill (H. R. 7717) for the relief of Mr. and Mrs. S. A. Felsenthal, Mr. and Mrs. Sam Friedlander, and Mrs. Gus Levy; to the Committee on Claims.

By Mr. DELANEY: A bill (H. R. 7718) for the relief of Angelo Degl' Innocenti, also known as Angelo Innocenti; to the Committee on Immigration and Naturalization.

By Mrs. JENCKES of Indiana: A bill (H. R. 7719) to set aside the action of general court martial provided under the authority of Special Order No. 233, dated at Manila, P. I., September 22, 1902, insofar as it pertained to cause no. 16, against Pvt. William F. Boyer, Company B, Twenty-sixth Regiment, United States Infantry; to the Committee on Military Affairs.

By Mr. PETERSON of Florida: A bill (H. R. 7720) granting a pension to Alice Omundson; to the Committee on Invalid Pensions.

By Mr. POLK: A bill (H. R. 7721) granting a pension to Theresa Donaldson; to the Committee on Invalid Pensions.

By Mr. SOMERS of New York: A bill (H. R. 7722) for the relief of George Church; to the Committee on War Claims.

By Mr. STACK: A bill (H. R. 7723) for the relief of Pete E. Simon; to the Committee on Naval Affairs.

By Mr. THOMASON of Texas: A bill (H. R. 7724) for the relief of Elizabeth Davis; to the Committee on Claims.

By Mr. TINKHAM: A bill (H. R. 7725) granting a pension to Helen Bornstein; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2804. By Mr. ANDREWS: Resolution adopted by the Common Council of the City of Buffalo, N. Y., protesting against a levy of 40 percent of the labor cost of Works Progress Administration projects against the sponsor of the projects; to the Committee on Banking and Currency.

2805. By Mr. COFFEE of Washington: Resolution of the Fruitland Grange, No. 99, C. W. Lunsford, secretary, Puyallup, Wash., setting forth that there are many abuses of the standards of health in food and drug preparation and that there are but inadequate laws to deal with the subject and that the Copeland bill is not as enforceable as is the present law, and therefore urging that the Congress should promptly enact into law House bill 5286, introduced by Mr. COFFEE of Washington, known as the Consumers' Union pure food and drug bill; to the Committee on Interstate and Foreign Commerce.

2806. By Mr. CURLEY: Petition of the Travelers' Aid Society of New Orleans, La., endorsing Senate Joint Resolution 85; to the Committee on Labor.

2807. Also, petition of the New York branch of the National Customs Service Association, urging support and enactment of House bill 3, introduced by Congressman McCORMACK, of Massachusetts, authorizing automatic promotions for satisfactory and meritorious service for every customs employee in the field service; to the Committee on Ways and Means.

2808. Also, petition of the New York Women's Trade Union League of New York City, urging the passage of House bill 3408, introduced by Congressman CELLER; to the Committe on the Judiciary.

2809. By Mr. DOWELL: Petition of citizens of Des Moines, Iowa, relative to House bill 2257; to the Committee on Ways and Means.

2810. By Mr. KEOGH: Petition of Edward G. Sperry, Manhattan Bridge Plaza, Brooklyn, N. Y., concerning the Black-Connery bills (S. 2475 and H. R. 7200); to the Committee on Labor.

2811. By Mr. KRAMER: Resolution of the Los Angeles County Board of Supervisors, relative to Works Progress Administration relief; to the Committee on Ways and Means.

2812. Also, resolution of the Senate and Assembly of the State of California, relative to memorializing Congress to protect the rights of the State of California to its tidelands and the coastal area lying seaward of the State of California; to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JUNE 30, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our Heavenly Father, who givest us the blessings that make life joyous and rich, we acknowledge with grateful hearts Thy goodness and mercy. As Thou art the author of truth and wisdom, we entreat Thy most gracious mercies upon our President, our Speaker, and all Members of this legislative body. We beseech Thee to bestow upon them enduring health, strength, and grace. Oh, come, Eternal Presence, and create within our souls a vital, strong, religious life; make convictions deep about the overshadowing and the all-embracing God, until we shall experience an irresistible urge after the finest and richest things to which the immortal soul can attain.

Let the people praise Thee, O God; let all the people praise Thee.

In our Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On June 28, 1937:

H. R. 937. An act for the relief of Goldie Durham;

H. R. 2108. An act for the relief of Dorothy White, Mrs. Carol M. White, and Charles A. White;

H. R. 2801. An act for the relief of Claude Curteman;

H. R. 2935. An act for the relief of Montrose Grimstead;

H. R. 3451. An act for the relief of F. M. Loeffler;

H. R. 3687. An act to extend the period during which the purposes specified in section 7 (a) of the Soil Conservation and Domestic Allotment Act may be carried out by payments by the Secretary of Agriculture to producers;

H. R. 3812. An act for the relief of the estate of Rees Morgan;

H. R. 4064. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1938, and for other purposes;

H. J. Res. 380. Joint resolution to provide for the publication and sale by the Northwest Territory Celebration Commission of certain historical and educational material; and

H. J. Res. 415. Joint resolution making an appropriation to defray expenses incident to the dedication of chapels and other World War memorials erected in Europe, and for other purposes.

On June 29, 1937:

H. R. 703. An act for the relief of Elbert Arnold Jarrell;

H. R. 988. An act for the relief of Otis Cordle, a minor;

H. R. 1065. An act for the relief of Mrs. Louis Abner;

H. R. 1275. An act for the relief of Sarah L. Smith;

H. R. 2090. An act for the relief of John Knaack;

H. R. 2226. An act for the relief of Leah Levine;

H. R. 2630. An act for the relief of R. N. Teague and Minnie Teague;

H. R. 2781. An act for the relief of Rev. Harry J. Hill;

H. R. 3055. An act for the relief of the estate of John E. Callaway;

H. R. 3575. An act for the relief of Albert Retellatto, a minor;

H. R. 3583. An act for the relief of Martin J. Blazevich;

H. R. 4023. An act for the relief of Lucy Jane Ayer;

H. R. 5146. An act for the relief of Sarah E. Palmer;

H. R. 5214. An act conferring jurisdiction upon the United States District Court for the Eastern District of Arkansas to hear, determine, and render judgment upon the claim of Charles W. Benton;

H. R. 5456. An act for the relief of Harold Scott and Ellis Marks;

H. R. 5996. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1938, and for other purposes;

H. R. 6523. An act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1938, and for other purposes;

H. R. 7328. An act to authorize an appropriation to carry out the provisions of the act of May 3, 1928 (45 Stat. L. 484), and for other purposes;

H. R. 7589. An act to levy an excise tax upon carriers and certain other employers and an income tax upon their employees, and for other purposes;

H. J. Res. 361. Joint resolution making appropriations for relief purposes; and

H. J. Res. 375. Joint resolution to provide revenue, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. St. Claire, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 714. An act relating to the eligibility of certain persons for admission to the civil service.

GOVERNMENT INSURANCE

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6635) to dispense with the necessity for insurance by the Government against loss or damage to valuables in shipment, and for other purposes, with a Senate amendment, and agree to the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain what the amendment is?

Mr. COCHRAN. For the benefit of the Members of the House I may say that I have consulted the minority members of the committee and they consent to my motion. The changes are minor.

One change provides that regulations shall be issued by the Secretary of the Treasury and the Postmaster General instead of by the Postmaster General alone.

The second change provides that the Post Office Department shall not be included in the bill, because it already has its own protection system.

Mr. MARTIN of Massachusetts. What departments are included?

Mr. COCHRAN. It includes the shipment of valuables by the Government by all departments with the exception of the Post Office Department and Government corporations.

Mr. MARTIN of Massachusetts. Will the gentleman give us an idea of the general purpose of the bill?

Mr. COCHRAN. Mr. Speaker, on June 7 the House passed this bill, without objection, which is designed to save the Government the $200,000 to $400,000 which it now spends annually in insuring shipments of Government valuables with private insurance companies. This is accomplished by establishing a self-insurance procedure. The Senate made a number of changes in it, all of which, as I said, are minor in character and do not materially affect the major objectives of this constructive economy legislation.

The changes made by the Senate in the House bill are as follows:

First. The Senate provided that the regulations governing the shipment of valuables by the various governmental agencies with a view to minimizing risks of loss, destruction, and damage, which regulations are authorized by section 1 of the bill, should be prescribed by the Secretary of the Treasury and the Postmaster General jointly instead of by the Postmaster General alone, as the House bill provided. This would make the regulations the joint effort of the agency of the Government which ships the most valuables and the governmental agency which actually carries the bulk of all Government shipments of valuables.

Second. The Senate added a proviso to section 3 of the bill that the revolving fund set up to pay losses should not be available with respect to losses of valuables insofar as the Postmaster General has authority to adjust such losses under the act of March 17, 1882, as amended. Since the Post Office Department already has this self-insurance practice, it was felt that there was no occasion to make the fund available to replace losses covered by existing self-insurance procedure. This proviso is in harmony with the proviso in the same section, as it passed the House, denying the Public Debt Service of the Treasury Department access to the fund to the extent that it is self-insured by existing law.

Third. The Senate struck out the word "disbursing" in that portion of section 3 of the bill, as it passed the House, which provided that replacements of Government valuables lost in shipment should be made out of the revolving fund set up by the bill for that purpose through such "disbursing officers" as the Secretary of the Treasury may designate. This amendment is in the interest of efficient administra-

tion, since it will permit payments to be made directly from the fund by the Treasurer of the United States, who is not regarded as a disbursing officer.

Fourth. The Senate struck out section 4 of the bill, as it passed the House. Section 4 was eliminated because of its possible effect upon those wholly owned Government corporations whose obligations are not fully guaranteed as to principal and interest by the United States. The credit of such corporations might be adversely affected, in the event of a substantial loss of valuables in shipment, as a result of the creation of an obligation to repay to the United States the entire amount of such loss and the creation of a priority in favor of the United States in case of dissolution, as was provided by section 4. Any such impairment of credit would be reflected in higher interest rates, which ultimately would adversely affect the interests of the United States, the sole stockholder in such corporation.

Fifth. The elimination of section 4 necessitated renumbering the remaining sections of the bill. The Senate made several other inconsequential amendments involving form only and corrections of printing errors in the bill.

Mr. MARTIN of Massachusetts. The gentleman really thinks that this will save some money, does he?

Mr. COCHRAN. I have investigated the matter fully, and I know that as soon as this bill passes the Government will save over $1,000 a day. I will insert a letter from the Treasury confirming this statement.

Mr. MARTIN of Massachusetts. If this bill will result in the saving of any money, let it be passed.

Mr. RICH. Reserving the right to object, Mr. Speaker, I see now you have added authority for the Secretary of the Treasury to give instructions to the Postmaster General. It shows that you have not got a lot of confidence in the gentleman who is now running the Post Office Department of this country. It seems as if the committee did a good thing.

Mr. CRAWFORD. Mr. Speaker, reserving the right to object, does this cover the shipment of currency by the Federal Reserve System or by the Comptroller of the Currency to the Federal Reserve banks?

Mr. COCHRAN. It covers the Federal Reserve System in part, but not Government corporations. They take care of their own shipments, as does the Post Office Department.

Mr. CRAWFORD. I understand that we are spending millions of dollars annually as insurance on the transfer of currency, whereas the loss is practically nothing.

Mr. COCHRAN. H. R. 6635 will cover shipments of any valuable which is of, or similar to, a class or kind which it has been the practice heretofore of the United States—which for the purposes of the bill is defined to mean the United States or any of its executive departments, independent establishments, agencies, wholly owned corporations officers, or employees—to insure against loss, destruction, or damage in shipment. Thus, the bill will cover shipments of valuables by the Federal Reserve System when acting as fiscal agent or depositary of the United States and all shipments of valuables by the Comptroller of the Currency, since an insurance policy for the fiscal year 1937 was taken out with private insurance companies on behalf of the Comptroller of the Currency, the Federal Reserve banks, and agents and branches acting as fiscal agents or depositaries of the United States, as well as many other agencies of the Government which are itemized in the committee reports on the bill. The bill would not, however, cover shipments between Federal Reserve banks or branches when they were acting privately and not as fiscal agents or depositaries of the United States.

The letter I referred to follows:

TREASURY DEPARTMENT,
Washington, June 28, 1937.

Hon. JOHN J. COCHRAN,
Chairman, Committee on Expenditures in the Executive Departments, House of Representatives.

MY DEAR MR. COCHRAN: The Senate today passed H. R. 6635, the Government losses in shipment bill, with a number of minor changes, none of which materially affect the major objectives of the bill as it passed the House. I am enclosing a memorandum explaining these changes for your use on the floor of the House.

Because of the necessity for prompt replacement of losses and the uncertainty as to whether the present legislation would be enacted in time, it has been necessary to renew the present private insurance policy which expires on June 30. The new policy, however, contains an express provision that it shall terminate at the hour and upon the date the regulations governing shipments of Government valuables to be prescribed under section 1 of the bill become effective. These regulations are now in process of preparation and will be issued promptly after the enactment of the bill. The new policy goes into effect on July 1 and will cost the Government approximately $1,000 a day for each day it remains in force. It is apparent, therefore, that the immediate enactment of the bill is very desirable from an economy standpoint so that regulations can be promulgated thereunder and the private insurance policy terminated.

The amendments made by the Senate (which, as I have indicated, are minor in character) meet with the approval of the Treasury Department, and we were hopeful, therefore, that in view of the circumstances you would deem it advisable to urge the House to concur promptly in the amendments.

Cordially yours,

C. M. HESTER,
Assistant General Counsel.

The SPEAKER. Is there objection to the present consideration of the Senate amendment?

There was no objection.

The Clerk read the amendment, as follows:

Strike out all after the enacting clause and insert:

"That as soon as practicable after the approval of this act the Secretary of the Treasury and the Postmaster General shall, jointly, with the approval of the President, prescribe regulations governing the shipment of valuables by the executive departments, independent establishments, agencies, wholly owned corporations, officers, and employees of the United States, with a view to minimizing risks of loss and destruction of, and damage to, such valuables in shipment. After the effective date of such regulations, which shall be not more than 30 days after their issuance, it shall be the duty of every such executive department, independent establishment, agency, wholly owned corporation, officer, and employee, and of every person acting for him or it, or at his or its direction, to comply with such regulations in making any shipment of valuables.

"SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000 to be used, under the direction of the Secretary of the Treasury, for the replacement of valuables, or the value thereof, lost, destroyed, or damaged in the course of shipment effected pursuant to the regulations prescribed under section 1. There is hereby further authorized to be appropriated annually, beginning with the fiscal year 1939 and ending with the fiscal year 1948, inclusive, the sum of $200,000 for the said purposes, and from time to time such additional sums as may be necessary for the said purposes. There shall be in the Treasury of the United States a revolving fund, to be known as "the fund for the payment of Government losses in shipment" (hereinafter referred to as "the fund"), to be constituted of the said sum of $500,000 and the sums hereafter appropriated for the said purposes, together with all recoveries and repayments credited to the fund as hereinafter provided. There is hereby further authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000, for expenditures under the direction of the Secretary of the Treasury, to be used for the payment of administrative expenses, including personal services, necessary to carry out the provisions of this act for the fiscal year 1938.

"SEC. 3. In the event of loss or destruction of, or damage to, valuables of which shipment shall have been made pursuant to the regulations prescribed under section 1, a claim in writing for replacement shall be made upon the Secretary of the Treasury, who, if he shall be satisfied that such loss, destruction, or damage has occurred and that shipment was made substantially in accordance with such regulations, shall cause replacement to be made out of the fund through such officers as he may designate. Notwithstanding any provision of law to the contrary, the decision of the Secretary of the Treasury that such loss, destruction, or damage has occurred or that such shipment was made substantially in accordance with such regulations shall be final and conclusive and shall not be subject to review by any other officer of the United States: *Provided, however,* That where the Secretary of the Treasury determines that such replacement can be effected, in whole or in part, without actual or ultimate injury to the United States, by a credit in the accounts of the executive department, independent establishment, agency, officer, employee, or other accountable person making the claim, he shall not resort to the fund, except to the extent that such replacement cannot be so effected by such credit, but shall certify such determination to the Comptroller General and, upon receipt of such certification, the Comptroller General is authorized and directed to make such credit in the settlement of accounts in the General Accounting Office: *Provided further,* That the fund shall not be available with respect to any loss, destruction, or damage affecting valuables

of which shipment shall have been made by or on behalf of the Public Debt Service of the Treasury Department, insofar as such loss, destruction, or damage is chargeable against the indefinite appropriation 'Expenses of loans, act of September 24, 1917, as amended and extended' (U. S. C., 1934 ed., title 31, secs. 760, 761): *And provided further*, That the fund shall not be available with respect to any loss, destruction, or damage affecting valuables, insofar as such loss, destruction, or damage may be adjusted by the Postmaster General under the provisions of the act of March 17, 1882, as amended (U. S. C., 1934 ed., title 39, sec. 49); nor shall it be available with respect to any loss, destruction, or damage affecting valuables of which shipment shall have been made at the risk of persons other than the United States, its executive departments, independent establishments, agencies, wholly owned corporations, officers, and employees. All recoveries and repayments on account of loss, destruction, or damage to valuables of which replacement shall have been made out of the fund shall be credited to it and shall be available for the purposes thereof.

"SEC. 4. On and after the effective date of the regulations prescribed under section 1; no executive department, independent establishment, agency, wholly owned corporation, officer or employee shall expend any money, or incur any obligation, for insurance, or for the payment of premiums on insurance, against loss, destruction, or damage in the shipment of valuables except as specifically authorized by the Secretary of the Treasury. The Secretary of the Treasury may give such authorization if he shall find that the risk of loss, destruction, or damage in such shipment cannot be adequately guarded against by the facilities of the United States or that the circumstances are such that adequate replacement cannot be provided under this act.

"SEC. 5. Every officer and employee of the United States and every person acting on behalf of a wholly owned corporation who makes a shipment of valuables in good faith pursuant to and substantially in accordance with the regulations prescribed under section 1 shall be deemed, insofar as there may be concerned the propriety with respect to such shipment of any act or omission governed by such regulations, to be acting in faithful execution of his duties of office and in full performance of the conditions of his bond and oath of office, if any.

"SEC. 6. The Secretary of the Treasury shall have power, with the approval of the President, to make such rules and regulations as may be necessary for the execution of the functions vested in him by this act, and may for such purpose require persons making shipment of valuables or making claims for replacement to make such declarations or to furnish him with such other information as he may deem necessary.

"SEC. 7. For the purposes of this act—

"(a) The term 'valuables' means any article or thing or representative of value in which the United States has any interest, or in connection with which it has any obligation or responsibility, direct or indirect, and which is of, or is similar to, a class or kind of article or thing or representative of value which it has been the practice heretofore, of the United States to insure as the insured party, against loss, destruction, or damage in shipment, and includes, but is not limited to, coin, specie, bullion, currency, bonds, coupons, debentures, bills, notes, certificates of indebtedness, certificates of deposit, mortgages, assignments, certificates of stock, warehouse receipts, checks, trust receipts, warrants, stamps, and any other securities, papers, or materials of value, whether complete, incomplete, mutilated, in definitive form, or represented by interim documents; the term 'United States' as used in this subsection means the United States or any of its executive departments, independent establishments, agencies, wholly owned corporations, officers, or employees;

"(b) The term 'shipment' means the transportation, or the effecting of transportation, of valuables, without limitation as to the means or facilities used, or by which the transportation is effected, or the person to whom it is made, and includes, but is not limited to, shipments made to any executive department, independent establishment, agency, wholly or partly owned corporation, officer, or employee of the United States, or any person acting on his or its behalf or at his or its direction;

"(c) The term 'wholly owned corporation' means any corporation, regardless of the law or laws under which it is incorporated, the capital of which is entirely owned, directly or indirectly, by the United States, and includes the duly authorized officers, employees, and agents thereof;

"(d) The term 'replacement' means payment, reimbursement, replacement, or duplication, or the expenses incident thereto.

"SEC. 8. (a) Whenever it is clearly proved to the satisfaction of the Secretary of the Treasury—

"(1) That any interest-bearing security of the United States, identified by number and description, payable to bearer or so assigned as to become, in effect, payable to bearer, has been wholly or partly destroyed, or so mutilated or defaced as to impair its value to the owner, or has been lost or stolen under such circumstances, and such a period of time having elapsed after it has matured or has become redeemable pursuant to a call for redemption, as in the judgment of the Secretary would indicate that it has been destroyed or irretrievably lost, is not held by any person as his own property and will never become the basis of a valid claim against the United States; or

"(2) That any interest-bearing security of the United States, identified by number and description, which is not payable to bearer, and which has not been so assigned as to become, in effect, payable to bearer, has been lost or stolen, so that it is not held by any person as his own property, or has been wholly or partly destroyed, or so mutilated or defaced as to impair its value to the owner;

"the Secretary, upon receipt and approval by him of a bond of indemnity, if and as required by subsection (b) hereof, shall, in the case of a security which has not matured or become redeemable pursuant to a call for redemption, issue a substitute marked 'duplicate' and showing the serial number of the original security; or shall, in the case of a security which has matured or become redeemable pursuant to a call for redemption, make payment thereof to the owner, with such interest only as would have been paid had the security been presented when it became due and payable: *Provided*, That in the case of an interim certificate relief may be given by the issue of a definitive security, whether before or after maturity, rather than by the issue of a substitute or by payment: *And provided further*, That no payment shall be made on account of interest coupons claimed to have been attached to such original security unless the Secretary is satisfied that such coupons have not been paid, and are in fact destroyed or can never become the basis of a valid claim against the United States.

"(b) Except as hereinafter provided, the owner of such lost, stolen, destroyed, mutiliated, or defaced security shall file with the Secretary of the Treasury a bond, to indemnify the United States, in such form and amount and with such surety, sureties, or security as the Secretary of the Treasury shall require: *Provided*, That in case of securities payable to bearer or so assigned as to become, in effect, payable to bearer, the destruction of which has not been proved, a corporate surety, qualified under the provisions of the act of August 13, 1894, as amended (U. S. C., 1934 ed., title 6, secs. 6–13), shall be required on such bond of indemnity: *And provided further*, That a bond of indemnity shall not be required in any of the following classes of cases, except as hereinafter provided:

"(1) If the Secretary of the Treasury is satisfied that the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred without fault of the owner and while the security was in the custody or the control of the United States (not including the Postal Service when acting solely in its capacity as the public carrier of the mails), or of a person thereunto duly authorized as lawful agent of the United States, or while it was in the course of shipment effected pursuant to and in accordance with the regulations issued under the provisions of this act;

"(2) If substantially the entire security is presented and surrendered by the owner and the Secretary of the Treasury is satisfied as to the identity of the security presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States;

"(3) If the lost, stolen, destroyed, mutilated, or defaced security is one which by the provisions of law or by the terms of its issue is transferable only by operation of law;

"(4) If the owner is a State or political subdivision thereof, a corporation the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank:

"*Provided, however*, That in any of the foregoing classes of cases the Secretary of the Treasury may require a bond of indemnity if he deems it essential to the public interest.

"(c) The term 'interest-bearing security of the United States' or 'security', wherever used in this section, means any direct obligation of the United States issued pursuant to law for valuable consideration and which by its terms bears interest, or is issued on a discount basis, and includes (but is not limited to) bonds, notes, certificates of indebtedness, and Treasury bills, and interim certificates issued for any such security.

"(d) The Secretary of the Treasury shall have the power to make such rules and regulations as he may deem necessary for the administration of this section.

"(e) Sections 3702, as amended, 3703, 3704, and 3705 of the Revised Statutes of the United States (U. S. C., title 31, secs. 735, 736, 737, and 738) are hereby repealed.

"SEC. 9. Section 3646 of the Revised Statutes of the United States (U. S. C., 1934 ed., title 31, sec. 528), as amended, is further amended to read as follows:

"'(a) Except as hereinafter provided, whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States is lost, stolen, or wholly or partly destroyed, or is so mutilated or defaced as to impair its value to its owner or holder, persons authorized to issue such checks on behalf of the United States are authorized, before the close of the fiscal year following the fiscal year in which the original check was issued, to issue to the owner or holder thereof a substitute, marked "duplicate" and showing the number, date, and payee of the original check, upon the receipt and approval by the Secretary of the Treasury of a bond, to indemnify the United States, in such form and amount and with such surety, sureties, or security as the Secretary of the Treasury shall require; but no such substitute shall be payable if the original check shall first have been paid: *Provided, however*, That the authority herein conferred to issue substitute checks may, in the case of checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, be issued without limitation of time.

"'(b) A bond of indemnity shall not be required under subsection (a) of this section in any of the following classes of cases except as hereinafter provided: (1) If the Secretary of the Treasury is satisfied that the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred without fault of the owner or holder and while the check was in the custody or control

of the United States (not including the Postal Service when acting solely in its capacity as the public carrier of the mails), or of a person thereunto duly authorized as lawful agent of the United States, or while it was in the course of shipment effected pursuant to and in accordance with the regulations issued under the provisions of the Government Losses in Shipment Act; (2) if substantially the entire check is presented and surrendered by the owner or holder and the Secretary of the Treasury is satisfied as to the identity of the check presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States; (3) if the Secretary of the Treasury is satisfied that the original check is not negotiable and cannot be made the basis of a valid claim against the United States; (4) if the amount of the check is less than $50 and the Secretary of the Treasury is satisfied that the giving of a bond of indemnity would be an undue hardship to the owner or holder; (5) if the owner or holder is a State or political subdivision thereof, a corporation the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank: *Provided, however,* That in any of the foregoing classes of cases the Secretary of the Treasury may require a bond of indemnity if he deems it essential to the public interest.

"'(c) The Secretary of the Treasury shall have the power to make such rules and regulations as he may deem necessary for the administration of the provisions of this section.

"'(d) Notwithstanding the provisions of subsections (a), (b), and (c) of this section, whenever any original check of the Post Office Department has been lost, stolen, or destroyed, the Postmaster General may authorize the issuance of a substitute, marked "duplicate" and showing the number, date, and payee of the original check, before the close of the fiscal year following the fiscal year in which the original check was issued, upon the execution by the owner thereof of such bond of indemnity as the Postmaster General may prescribe: *Provided,* That when such original check does not exceed in amount the sum of $50 and the payee or owner is, at the date of the application, an officer or employee in the service of the Post Office Department, whether by contract, designation, or appointment, the Postmaster General may, in lieu of an indemnity bond, authorize the issuance of a substitute check or warrant upon such an affidavit as he may prescribe, to be made before any postmaster by the payee or owner of an original check.

"'(e) Substitutes, marked as hereinabove provided, drawn on the Treasurer of the United States, shall, after the lapse of the period fixed by section 21 of the Permanent Appropriation Repeal Act, 1934 (48 Stat. 1235; U. S. C., 1934 ed., title 31, sec. 725 (t)), for the payment of the original checks, be payable only as the original checks would be payable thereunder.

"'(f) The term "original check" wherever used in this section means any check, warrant, or other order for the payment of money, payable upon demand and not bearing interest, drawn by a duly authorized officer or agent of the United States on its behalf against an account or funds of the United States, whether upon a bank or upon the Treasurer or other paying officer of the United States, but does not include money, coins, or currency of the United States nor instruments issued by any corporation or other entity owned or controlled by the United States, whether in whole or in part, against such corporation's or entity's own funds; as used in subsection (d) of this section it means such an instrument drawn by a duly authorized officer or employee of the Post Office Department.'

"SEC. 10. This act may be cited as the 'Government Losses in Shipment Act.'

"SEC. 11. This act shall become effective on July 1, 1937."

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. COLDEN asked and was given permission to extend his own remarks in the RECORD.

DEPARTMENT OF LABOR

Mrs. NORTON. Mr. Speaker, I present a privileged report on House Resolution 248 and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 248

Resolved, That the Secretary of Labor be, and he is hereby, directed to furnish the House of Representatives all facts which he may possess, or which may be available in the Labor Department, and which will show or tend to show—

(a) Whether one of the issues to be decided by, or on which advice is sought from, the Mediation Board recently appointed and consisting of Charles P. Taft, II, Lloyd K. Garrison, and Edward F. McGrady, is the signing of a contract between labor organizations and employer.

(b) Whether a book written by the said Charles P. Taft, II, contained the statement that "fuel is added to the flames by the silly refusal of employers to put such agreements as they may reach in writing."

(c) Whether Lloyd K. Garrison made the statement: "The establishment of satisfactory relations between labor and management depends upon the frank acceptance of collective bargaining and the reduction of these agreements to writing."

(d) Whether, Edward F. McGrady, of the Labor Department, being a member of the Mediation Board, it is the policy of the Labor Department to close factories where the employer refuses to sign a written contract and a labor organization threatens to either close the factory or make demonstration in force against the workers who may remain within.

(e) What, if any, written agreement, verbal agreement, gentlemen's agreement, or implied agreement, the Labor Department has with John L. Lewis, or any other person, firm, corporation, or organization, with reference to the closing of any factory, where such factory is picketed in force by individuals or labor organizations.

(f) What plans, if any, the Labor Department has made looking toward the securing for workers in industry the opportunity to work, when a majority in any particular industry, plant, or factory desire to work.

(g) Where plants are picketed or where demonstrations against struck plants are made in force, whether it is the policy of the Labor Department to close such plants.

ADVERSE REPORT TO ACCOMPANY HOUSE RESOLUTION 248

The Committee on Labor, to whom was referred the resolution (H. Res. 248) requesting information from the Secretary of Labor, having had the same under consideration, report it back to the House and recommend that the resolution do not pass.

The action of the committee is based upon the following letter from the Secretary of Labor.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, June 26, 1937.

The Honorable MARY T. NORTON,
Chairman, Committee on Labor,
House of Representatives, Washington, D. C.

MY DEAR MME. CHAIRMAN: I have your letter of June 24, 1937, requesting my comment on House Resolution 248, submitted by Congressman HOFFMAN, and requiring the Secretary of Labor to furnish the House of Representatives certain information.

The resolution provides that the Secretary of Labor be directed to furnish the House such information as may be in my possession or available to me with regard to certain issues relating to the appointment of the mediation board for the steel industry and the current labor dispute in that industry.

With regard to paragraph (e), which reads as follows:

"What, if any, written agreement, verbal agreement, gentleman's agreement, or implied agreement the Labor Department has with John L. Lewis or any other person, firm, corporation, or organization with reference to the closing of any factory, where such factory is picketed in force by individuals or labor organizations?"

The answer is—no agreement, actual or implied, has been made nor will be with anyone.

For your convenience I shall analyze the resolution paragraph by paragraph.

The first question upon which information is asked is whether one of the issues to be decided by or upon which advice is sought by the Board is the signing of a contract between labor organizations and employer. I enclose a copy of the order appointing the Board. You will notice that neither the order nor the statute upon which it is predicated gives the Board authority to decide any issues unless the parties voluntarily agree to arbitration and submit issues to it. Thus far this has not been done. (One of the issues reported by the press to be involved was the question of signing a contract. This, however, upon later examination proved to be too limited a description of the issues which, according to the testimony of certain employers in the steel industry, was as to whether they would make any agreement, written or oral.)

The next two questions are as to whether Mr. Charles P. Taft, Chairman of the Board, and his colleague, Mr. Lloyd P. Garrison, have either written or published statements indicating their position with regard to this controversy or issue. I have no personal knowledge of any such statements on their part, and in appointing the Board my only desire was to select men who had already demonstrated their success as mediators in disputes of national significance and whose integrity and fairness was beyond question.

The paragraphs numbered (d), (e), and (g) ask the question as to whether the Labor Department has a policy in favor of closing plants where a factory is being picketed. The Department of Labor has no jurisdiction to close factories, and such factories as have been closed during the current strike have been closed by State or local officials, acting upon their police powers to preserve health and safety. I have no authority, either expressed or implied, to pass upon the legality or propriety of such orders, nor have I done so. The Labor Department has no policy whatever in this respect.

Paragraph (f) asks what plans the Department of Labor has made toward the securing for workers in industry "the opportunity to work when a majority in any particular industry, plant, or factory desire to work." The Department of Labor has no function with regard to referring applicants for employment to suitable jobs except such as are vested in the United States Employment Service under the Wagner-Peyser Act (act of June 6, 1933, 47 Stat. 113). You will notice from the language of this act that Congress did not wish the Service to be used as a strike-breaking agency, since section 11 (b) of the Wagner-Peyser Act provides that regulations shall be issued requiring notice of strikes or lockouts to be given to prospective applicants.

Yours very truly,

FRANCES PERKINS.

ADMINISTRATIVE ORDER

Whereas an emergency has arisen as a result of the labor dispute in the steel industry which tends to obstruct and interrupt the

free flow of raw materials, semifinished and finished steel products in interstate commerce; and

Whereas the effects of such dispute have affected commerce among several States; and

Whereas it is desirable to provide an additional means of accomplishing a reasonable solution to this controversy, and since, in my judgment, the interests of industrial peace require it to be done:

Now, therefore, I, Frances Perkins, Secretary of Labor, by virtue of and pursuant to the authority vested in me by section 8 of the act of March 4, 1913 (37 Stat. 738; U. S. C., title 5, sec. 619), do hereby appoint Charles P. Taft, Lloyd K. Garrison, and Edward F. McGrady as commissioners of conciliation, to mediate the said labor dispute which has arisen in the steel industry. Such commissioners of conciliation shall jointly be referred to as the Federal Steel Mediation Board (hereafter referred to as the Board), and said Charles P. Taft shall act as chairman of such Board.

The Board is further authorized (a) to investigate issues, disputes, facts, practices, and activities of employers and employees that are burdening or obstructing, or threatening to burden or obstruct the free flow of interstate commerce; (b) to conduct hearings, take testimony under oath, and to make findings of fact and recommendations for settlement; (c) to act as voluntary arbitrator on request of the parties to the dispute and render awards with respect to the subject matter of such disputes as are submitted to it as shall be binding upon the parties to the submission.

The Board shall have its headquarters at Cleveland, Ohio, and shall make a weekly report to the Secretary of Labor and shall have authority to recommend to the said Secretary of Labor the appointment of additional employees necessary to the performance of the duties of the said Board. Each Commissioner of the Board shall receive the necessary traveling and subsistence expenses and each Commissioner who prior to the issuance of this order was not an officer or employee of the United States shall receive $25 per diem in addition thereto. All such expenses, together with the expenses incurred for rent, supplies, and employees appointed by the Secretary of Labor, shall be paid from the act of May 15, 1936, making appropriations for the Department of Labor for the fiscal year ending June 30, 1937 (49 Stat. 1347, 1348) which enables the Secretary of Labor to exercise the authority conferred upon the Secretary by law to appoint commissioners of conciliation and shall be disbursed upon vouchers signed by the acting director of conciliation.

JUNE 17, 1937.

Mr. MARTIN of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of Massachusetts. The understanding was that the gentleman from Michigan [Mr. HOFFMAN] might have several minutes in which to talk about his resolution.

The SPEAKER. The gentleman from Michigan may submit such a request.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, the thought behind this resolution, House Resolution 248, which I introduced on June 21, was to get the policy of the Department of Labor and also of the administration, for the Labor Department speaks for the administration, with reference to the question of collective bargaining, about which there is so much dispute.

If my information is accurate, the Secretary of Labor a few days ago called upon the Governor of Ohio to, by the use of some sort of subpena, call in Tom Girdler, president of Republic Steel Corporation, and Frank Purnell, head of Youngstown Sheet & Tube Co., compel them to meet with those representing the C. I. O. and hold them in conference.

The attempt was to be similar to that which was made when the negotiations were pending in Michigan between General Motors and the C. I. O. representatives—that is, to hold them in session, of course, not forcibly, because that is absurd, but by invitation and by persuasion—until an agreement was reached.

It will be recalled that when the General Motors strike was on in Flint, Mich., Governor Murphy was in direct communication with the President. The President had stated, in substance, that it was a mistake on the part of Sloan to refuse to meet and negotiate with C. I. O. representatives.

Governor Murphy insisted, for a period of something like 40 days, that those gentlemen meet from time to time and continue their conferences. With the assistance of Mme. Perkins and of the President, Governor Murphy, who had in the meantime neglected to enforce the laws of the State, forced an agreement.

It may be remarked in passing that he took a great deal of pride in the accomplishment of his purpose. Subsequent events have demonstrated the futility of such a course of conduct.

An agreement obtained by intimidation is of but little value, especially when made, as that one was, with an organization which so quickly and frequently violated its terms.

Not long ago the President said, in substance, that he could see no reason why if a man made an agreement he should not be willing to reduce it to writing and to sign it. This was the statement of an obvious truth but it ignored the fact that the independent steel companies had not made an agreement with the C. I. O.

There has been a great deal of misunderstanding about what the Wagner law required. High Federal officials have intimated, if they have not stated directly, that even though the law did not in terms require a written agreement, nevertheless, those called to collective bargaining, if they acted in good faith, would come to an agreement and would sign a written contract.

Such a conclusion is unjustified. The law itself does not require a written agreement. Senator WAGNER so stated in a letter to the New York Sun.

The truth of the matter is that this act never was intended to compel the making of an agreement between employer and employee, and those who criticize steel or any other employer for not signing such an agreement evidently either know nothing of the history of the enactment of the law or have forgotten it.

The attention of the House is called to a statement which I put in the RECORD the other day—page 6467—which was taken from the report of the Senate Committee on Education and Labor, when this law was being considered by the Senate.

The confusion which exists about this law, its terms and its purpose and what can be accomplished under it, can be avoided if this statement in the report be read. Let me quote it again (S. Rept. 573, 74th Cong., 1st sess., p. 12):

> The committee wishes to dispel any possible false impression that this bill is designed to compel the making of agreements or to permit governmental supervision of their terms. It must be stressed that the duty to bargain collectively does not carry with it the duty to reach an agreement, because the essence of collective bargaining is that either party shall be free to decide whether proposals made to it are satisfactory.

You will note that the Senate was advised, through its Committee on Education and Labor, which reported the bill, that the committee did not have the slightest idea that men could be called in by the Government and forced to enter into an agreement, either verbal or written.

This being true, it is hardly fair to criticize either party for failing to comply with a procedure never contemplated by a committee, House or Senate, when the bill was under consideration.

With this report of the committee in mind, it is apparent that the effort on the part of the Secretary of Labor and the administration to force the C. I. O. upon industry has no justification in law. It certainly has none in morals.

Mr. FORD of California. Will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from California.

Mr. FORD of California. Has the gentleman read the thirteenth amendment to the Constitution?

Mr. HOFFMAN. I do not think it would make much difference under present conditions whether I have read either the thirteenth amendment, any other amendment, or the Constitution itself, for the rights guaranteed under the Constitution are not protected at the present time by this administration.

Mr. FORD of California. I would suggest the gentleman read it.

[Here the gavel fell.]

Mrs. NORTON. Mr. Speaker, I move to lay the resolution on the table.

The motion was agreed to.

A motion to reconsider was laid on the table.

NEW YORK WORLD'S FAIR, 1939

Mr. MERRITT. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Joint Resolution 379, authorizing Federal participation in the New York World's Fair, 1939.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There being no objection, the Clerk read the joint resolution, as follows:

Whereas there is to be held in the city of New York during the year 1939 a world's fair and celebration commemorating the one hundred and fiftieth anniversary of the inauguration of the first President of the United States of America and of the establishment of the Federal Government in the city of New York; and

Whereas the State and city of New York have provided a site and permanent public improvements adjacent to the site at an estimated cost of $18,000,000, and New York World's Fair 1939, Inc., proposes to make available for such world's fair, through the sale of its debentures to the public or otherwise, a sum not less than $25,000,000; and

Whereas such world's fair and celebration are worthy and deserving of the support and encouragement of the United States; and the United States has aided and encouraged such world's fairs and celebrations in the past: Therefore be it

Resolved, etc., That there is hereby established a commission, to be known as the United States New York World's Fair Commission, and to be composed of the Secretary of State, the Secretary of Agriculture, and the Secretary of Commerce; which Commission shall serve without additional compensation and shall represent the United States in connection with the holding of a world's fair and celebration in the city of New York during the observance in the year 1939 of the one hundred and fiftieth anniversary of the inauguration of the first President of the United States of America and of the establishment of the Federal Government in the city of New York.

SEC. 2. There shall be a United States Commissioner for the New York World's Fair, who shall be appointed by the President, and who shall receive compensation at the rate of $10,000 per annum, and one Assistant Commissioner for said New York World's Fair, who shall be appointed by the Commissioner with the advice and approval of the Commission herein designated and shall receive compensation not to exceed $7,500 per annum. The salary and expenses of the Commissioner, the Assistant Commissioner, and such staff as the Commission may require, shall be paid out of the funds authorized to be appropriated by this joint resolution, for such period prior to the opening of the world's fair as the Commission may determine, for the duration of the world's fair, and for not more than 6 months after the official closing thereof.

SEC. 3. The Commission shall prescribe the duties of the United States Commissioner and shall delegate such powers and functions to him as it shall deem advisable in order that there may be exhibited at the New York World's Fair by the Government of the United States, its executive departments, independent offices, and establishments, such articles and materials and documents and papers as may relate to this period of our history and such as illustrate the function and administrative faculty of the Government in the advancement of industry, science, invention, agriculture, the arts, and peace, and demonstrating the nature of our institutions, particularly as regards their adaptation to the needs of the people.

SEC. 4. The Commission is authorized to appoint, without regard to the civil-service laws and regulations and the Classification Act of 1923, as amended, such clerks, stenographers, and other assistants as may be necessary; purchase such materials, contract for such labor and other services as are necessary, including the preparation of exhibits plans: *Provided*, That the Commission may delegate such powers in its discretion. The Commissioner may exercise such powers as are delegated to him by the Commission as hereinbefore provided, and in order to facilitate the functioning of his office may subdelegate such powers (authorized or delegated), as may be deemed advisable by the Commission, to the Assistant Commissioner or others in the employ of or detailed to the Commission.

SEC. 5. The heads of the various executive departments and independent offices and establishments of the Government are authorized to cooperate with said Commissioner in the procurement, installation, and display of exhibits, and to lend to the New York World's Fair, with the knowledge and consent of said Commissioner, such articles, specimens, and exhibits as said Commissioner shall deem to be in the interest of the United States and in keeping with the purposes of such world's fair and celebration, to be placed with the science or other exhibits to be shown under the auspices of such New York World's Fair; to appoint without regard to civil-service laws and regulations and the Classification Act of 1923, as amended, such draftsmen and other assistants as may be necessary; to contract for such labor or other services as shall be deemed necessary; and to designate officials or employees of their departments or branches to assist said Commissioner. At the close of the world's fair, or when the connection of the Government of the United States therewith ceases, said Commissioner shall cause all such property to be returned to the respective departments and branches concerned, and any expenses incident to the restoration, modification, and revision of such property to a condition which will permit its use at subsequent expositions and fairs, and for the continued employment of personnel necessary to close out the fiscal and other records and prepare the required reports of the participating organizations, may be paid from the appropriation authorized therein; and if the return of such property is not feasible, he may, with the consent of the Commission and the department or branch concerned, make such disposition thereof as he may deem advisable and account therefor.

SEC. 6. The sum of $3,000,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of this joint resolution, and shall remain available until expended; except that, upon the termination of the Commission, any unexpended or unobligated balance shall be covered back into the Treasury of the United States. And, subject to the provisions of this joint resolution, the Commission is authorized to erect such building or buildings, or other structures, for its own use, and such other buildings and structures as will further the trade and good will between the United States and the other nations of the world, and to provide for the landscaping of the site or sites thereof; to rent such space without regard to the provisions of section 322 of the act of June 30, 1932 (47 Stat. 412), as the Commission may deem adequate to carry out effectively the provisions of this joint resolution; to provide for the decoration of such buildings or structures, and for the proper maintenance of such buildings or structures, site, and grounds during the period deemed necessary by the Commission. The Commission may contract with the New York World's Fair 1939 Inc. or otherwise for the designing and erection of such building or buildings, structure or structures, improvement or improvements, the rental of such space and for such other services as shall be deemed necessary and proper. The appropriation authorized by this joint resolution shall be available for the operation of the building or buildings, structure or structures, improvement or improvements, including light, heat, water, gas, janitor, and other required services; for the rental of space in the District of Columbia or elsewhere; for the selection, purchase, preparation, assembling, transportation, installation, arranging, safekeeping, exhibition, demonstration, and return of such articles and materials as the Commission may decide shall be included in such Government exhibit and in the exhibits of the New York World's Fair; for the purchase of uniforms, for the compensation of said Commissioner, Assistant Commissioner, and other officers and employees of the Commission in the District of Columbia and elsewhere, for the payment of salaries of officers and employees of the Government employed by or detailed for duty with the Commission, for actual traveling expenses, including travel by air, and for per diem in lieu of actual subsistence at not to exceed $5 per day: *Provided*, That no Government official or employee detailed for duty with the Commission shall receive a salary in excess of the rate which he has been receiving in the department or branch where regularly employed; for telephone service, purchase or rental of furniture and equipment, stationery and supplies, typewriting, adding, duplicating, and computing machines, their accessories and repairs, books of reference and periodicals, maps, reports, documents, plans, specifications, manuscript, newspapers, and all other appropriate publications, and ice and drinking water for office purposes: *Provided further*, That payment for telephone service, rents, subscriptions to newspapers and periodicals, and other similar purposes, may be made in advance; for the purchase and hire of passenger-carrying automobiles, their maintenance, repair, and operation, for the official use of said Commissioner and Assistant Commissioner in the District of Columbia or elsewhere as required; for printing and binding; for entertainment of distinguished guests; and for all other expenses as may be deemed necessary by the Commission to fulfill properly the purposes of this joint resolution. All purchases, expenditures, and disbursements of any moneys made available by authority of this joint resolution shall be made under the direction of the Commission: *Provided further*, That the Commission, without release of responsibility, as hereinbefore stipulated, may delegate these powers and functions: *Provided further*, That the Commission or its delegated representatives may allot funds appropriated herein to any executive department, independent office, or establishment of the Government with the consent of the heads thereof, for direct expenditure by such executive department, independent office, or establishment under such regulations as the Commission may promulgate, for the purpose of defraying any proper expenditure which may be incurred by such executive department, independent office, or establishment in executing the duties and functions delegated by the Commission. All accounts and vouchers covering expenditures shall be approved by said Commissioner or by such assistants as the Commission may designate except for such allotments as may be made to the various executive departments, independent offices, and establishments for direct expenditure; but these provisions shall not be construed to waive the submission of accounts and vouchers to the General Accounting Office for audit, and permit any obligations to be incurred in excess of the amount authorized to be appropriated herein: *And provided further*, That in the construction of buildings and exhibits requiring skilled and unskilled labor, the prevailing rate of wages, as provided in the act of March 3, 1931, shall be paid. Subject to the provisions of this joint resolution, the Commission is authorized to make any expenditures or allotments deemed

necessary by it to fulfill properly the purposes of this joint resolution.

SEC. 7. The Commissioner, with the approval of the Commission, may receive contributions from any source to aid in carrying out the purposes of this joint resolution, but such contributions shall be expended and accounted for in the same manner as the funds authorized to be appropriated by this joint resolution. The Commissioner is also authorized to receive contributions of material, or to borrow material or exhibits, and to accept the services of any skilled and unskilled labor that may be available through State or Federal relief organizations, to aid in carrying out the general purposes of this joint resolution. At the close of the world's fair and celebration or when the connection of the Government of the United States therewith ceases the Commissioner shall dispose of any such portion of the material contributed as may be unused, and return such borrowed property; and, under the direction of the Commission, dispose of any buildings or structures which may have been constructed and account therefor: *Provided*, That all disposition of materials, property, buildings, etc., shall be at public sale to the highest bidder, and the proceeds thereof shall be covered into the Treasury of the United States: *Provided further*, That the Commission may, if it deems it desirable and in the public interest, transfer without consideration and title to the Federal Exhibits Building erected or constructed to the city of New York.

SEC. 8. It shall be the duty of the Commission to transmit to Congress, within 6 months after the close of the world's fair, a detailed statement of all expenditures and such other reports as may be deemed proper, which reports shall be prepared and arranged with a view to concise statement and convenient reference. Upon the transmission of such report to Congress the Commission established by and all appointments made under the authority of this joint resolution shall terminate.

With the following committee amendments:

Page 2, line 5, strike out "the Secretary of State."

Line 6, after the word "Agriculture", strike out "and", and after the word "Commerce" insert "the Secretary of Labor, three Members of the House to be appointed by the Speaker of the House of Representatives, and three Members of the Senate to be appointed by the President of the Senate."

Line 21, strike out "one Assistant Commissioner" and insert in lieu thereof "two Assistant Commissioners not of the same political party."

Page 3, line 6, strike out the word "Commissioner" and insert "Commissioners."

Page 4, line 13, strike out "Commissioner" and insert "Commissioners."

Page 6, line 15, strike out "The Commission may contract with the New York World's Fair 1939, Inc., or otherwise for the designing and erection of such building or buildings, structure or structures, improvement or improvements, the rental of such space, and for such other services as shall be deemed necessary and proper."

Page 7, line 7, strike out "Commissioner" and insert "Commissioners."

Page 8, line 4, strike out "Commissioner" and insert "Commissioners."

Mr. FISH. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I am sure the resolution offered by the handsome, persuasive, and able gentleman from New York [Mr. MERRITT] will have the support of all the Members of the House. I recollect, however, that the President vetoed a former measure carrying $5,000,000, and one of the reasons given was the fact that the Congress of the United States had encroached upon the powers of the Executive. It is a case of the pot calling the kettle black. In other words, we had written our own legislation and we had put something in it that the President did not like. The so-called rubber-stamp Members of Congress had all of a sudden become iron men and had decided for once to write their own legislation, and that evidently displeased the Chief Executive.

Mr. Speaker, I want to say that this legislation as written is far from acceptable to me. The President claimed that the appropriation previously carried of $5,000,000 was excessive, and gave that as an additional reason for his veto. His contention is not based on facts, and amounts to false economy. This fair will bring in three or four times as much in Federal taxes as the $3,000,000 appropriation carried in the present resolution. The $3,000,000 is not sufficient to carry out the purposes of the world's fair at New York, which will be the greatest world's fair in all history. We will have to come back to Congress and, mark my words, ask for $2,000,000 additionally if we are to carry out our obligations made to erect the buildings of foreign nations on the fairgrounds in New York. This is not an ordinary exposition. This fair will so transcend any other world's fair in history that no real comparison can be made. We will spend at least $130,000,000. No other fair on record has spent over $30,000,000. We expect 50,000,000 people, Republicans and Democrats alike, to visit the fair.

Furthermore, we expect that $1,000,000,000 will be put into circulation, not merely spent but put into circulation and turned over a number of times, which will help to stimulate prosperity throughout the United States. The fair will employ a large number of people, not only on the fair grounds proper but in the handling of exhibits and for the material that goes into the exhibits, the development of the grounds, and the erection of the buildings. It has been estimated as high as 200,000 on a temporary basis and 50,000 during the duration of the fair.

This is no new venture. Thirty-five years ago on the floor of the House of Representatives 4 hours were allotted in which to determine where the world's fair, which then went to Chicago, should be located. New York claimed the fair at that time. Each of the following cities, St. Louis, Chicago, New York, and Washington, had Representatives on the floor of the House who spoke for 1 hour in favor of locating that world's fair in one of these four cities. New York failed to get the fair at that time, and since then Chicago has had another, San Francisco is about to have a second, St. Louis received seven millions from the Government for her fair, and we have had none at all and received nothing. The Federal Government donated over five millions to the two Chicago fairs.

The reason New York failed to get the fair at that time is that Thomas C. Platt, the Republican boss of New York State, decided the commission for the world's fair in New York City should be packed with Republicans. It so happened, and I am proud to state it as long as we have this matter before us, that my father was then the Republican leader in the Assembly of New York State.

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I ask unanimous consent to proceed for 3 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. I am proud of the fact that my father refused to go along with this plan to pack the commission which the boss, Mr. Platt, wanted. The result was that my father put through in the New York Legislature a commission composed of Democrats and Republicans alike, members of Tammany Hall, independent Democrats, and Platt and anti-Platt Republicans, with a majority, however, of Republicans. The fight became so bitter—to show that this was a real issue 35 years ago—that my father, the Republican leader of the assembly, and Fred Gibbs, who afterward was Republican national committeeman, were read out of the party by the Republican State committee because they would not go along at the dictation of Mr. Platt and pack the world's fair commission and make it a political and partisan agency.

I am pleased to state to the Democratic Members of the House that this New York World's Fair resolution as about to be passed provides for minority representation. It provides for three Members from the House of Representatives and three from the Senate. Three members are to be appointed by the Speaker and three by the President pro tempore of the Senate, and naturally one of each will be a Republican. The bill also provides there shall be two assistant commissioners with salaries of $7,500, but they must not belong to the same party. Therefore we will have minority representation, and as long as we have minority representation you can rest assured that this money will be honestly and efficiently spent and the Commission will carry out the wishes of the Members of the House, whether Republican or Democratic, to make the New York World's Fair the greatest and best ever undertaken. It will be a credit to the Federal Government, whose constitutional establishment by the inauguration of President Washington at New York City will be commemorated on its one hundred and fiftieth anniversary in 1939.

Above all, I want it understood that reducing the amount to $3,000,000 is false economy. The amount should be $5,000,000. We will be forced to come back for $2,000,000 more if the fair is carried on another year through 1940, as we expect it will be.

I congratulate the Members of the House on writing and passing this kind of nonpartisan legislation. [Applause.]

[Here the gavel fell.]

The committee amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MILITARY ESTABLISHMENT APPROPRIATION BILL, 1938

Mr. SNYDER of Pennsylvania. Mr. Speaker, I call up the conference report on the bill (H. R. 6692) making appropriations for the Military Establishment for the fiscal year ending June 30, 1938, and for other purposes, and ask unanimous consent that the statement may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania that the statement may be read in lieu of the report?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6692) making appropriations for the Military Establishment for the fiscal year ending June 30, 1938, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 7, 8, 17, 22, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 78.

That the House recede from its disagreement to the amendments of the Senate numbered 9, 10, 14, 18, 20, 25, 27, 30, 31, 42, and 46, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert "three hundred and fifty"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert "$34,532,895"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$6,386,560"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$6,181,985"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$161,826,124"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$2,463,350"; and on page 15 of the bill, in line 7, after the comma following the word "camps", insert the word "and"; and on page 15 of the bill, commencing in line 8, strike out "the United States High Commissioner to the Philippine Islands, the United States Soldiers' Home, the nonmilitary activities of the Corps of Engineers, and the Panama Canal,"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows: ": *Provided*, That laundry charges, other than for service now rendered without charge, shall be so adjusted that earnings in conjunction with the value placed upon service rendered without charge shall aggregate an amount not less than $50,000 below the cost of maintaining and operating laundries and drycleaning plants"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: ."work authorized by the Act approved May 6, 1937, at Fort Niagara, New York, $54,000; for work authorized by the Act approved May 14, 1937, at Camp Stanley, Texas, $578,050; for"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$9,388,050"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$58,618,406"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert $19,126,894"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "That the subappropriation for expenses, camps of instruction, and so forth, may be increased not to exceed $625,000 by transfer from other sums appropriated in this Act under the heading 'National Guard', exclusive of pay for armory drills:"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$9,837,883"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$4,119,570"; and the Senate agree to the same.

The committee of conference report in disagreement amendments nos. 2, 5, 16, 24, 26, and 79.

Amendments nos. 1, 47 to 77, inclusive, and 80, and the title of bill are reported in disagreement, as they were not considered by conferees.

J. BUELL SNYDER,
D. D. TERRY,
JOE STARNES,
ROSS A. COLLINS,
CLARENCE CANNON,
D. LANE POWERS,
ALBERT J. ENGEL,
Managers on the part of the House.

ROYAL S. COPELAND,
CARL HAYDEN,
ELMER THOMAS,
JOHN H. OVERTON,
MORRIS SHEPPARD,
JOHN G. TOWNSEND, JR.,
WARREN R. AUSTIN,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6692) making appropriations for the Military Establishment for the fiscal year ending June 30, 1938, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On amendments nos. 3, 4, and 6 to 14, both inclusive, relating to "Pay, etc., of the Army": Appropriates $34,532,895 for pay of 12,350 commissioned officers instead of $34,329,995 for pay of 12,175 commissioned officers, as proposed by the House, and $34,843,745 for pay of 12,653 commissioned officers, as proposed by the Senate; limits the number of medical officers to be in a flying pay status to 5, as proposed by the House, instead of 36, as proposed by the Senate; limits expenditures for flying pay of officers to $2,270,900, as proposed by the House, instead of $2,398,304, as proposed by the Senate; appropriates for pay of enlisted men $67,042,594, as proposed by the House, instead of $67,798,594, as proposed by the Senate; provides for the employment of 12 instead of 11 retired officers on active duty, as proposed by the Senate; adds $74,164 for rental and subsistence allowance of officers because of additional 175 officers agreed upon, instead of $145,893, added by the Senate; and excepts Filipinos in Army transport service from proviso prohibiting employment of aliens, as proposed by the Senate.

On amendment no. 15: Appropriates for travel of the Army $2,463,350, instead of $2,250,000 as proposed by the House and $2,486,150 as proposed by the Senate.

On amendment no. 17: Appropriates for subsistence of the Army $29,329,150, as proposed by the House, instead of $29,601,900, as proposed by the Senate.

On amendments nos. 18 and 19, relating to clothing and equipage: Appropriates $11,901,320, as proposed by the Senate, instead of $11,851,320, as proposed by the House, and restores the proviso designed to make laundries and dry-cleaning plants self-sustaining, excepting, however, from being assessed against

laundry users $50,000 approved by the House and Senate for increasing the pay of laundry employees in low-wage brackets.

On amendment no. 20: Increases from $819,520 to $829,520, as proposed by the Senate, the amount that might be expended from the appropriation "Army transportation, 1937", for the purchase or construction of vessels.

On amendments nos. 21, 22, and 23, relating to military posts: Appropriates, as proposed by the Senate, $54,000 for authorized work at Fort Niagara, N. Y., and $578,050 for authorized work at Camp Stanley, Tex.; appropriates $338,000 for authorized work at Langley Field, Va., as proposed by the House, instead of $258,000, as proposed by the Senate, and strikes out the appropriations proposed by the Senate of $854,000 and $861,190 for authorized work at Edgewood Arsenal, Md., and Savanna Ordnance Depot, Ill., respectively.

On amendment no. 25: Appropriates $952,000 for acquisition of land, as proposed by the Senate, instead of $1,202,000, as proposed by the House.

On amendment no. 27: Appropriates for Signal Service of the Army $5,894,520, as proposed by the Senate, instead of $5,702,920, as proposed by the House.

On amendments nos. 28 and 29, relating to the Air Corps: Appropriates $58,618,406 instead of $60,500,000 as proposed by the House and $57,745,300 as proposed by the Senate, and fixes the maximum of contractural authority at $19,126,894, instead of $17,245,300, as proposed by the House, and $20,000,000, as proposed by the Senate.

On amendments nos. 30 and 31: Strikes out, as proposed by the Senate, the reappropriation of $144,000 proposed by the House under Ordnance Service and Supplies, Army.

On amendments nos. 32, 33, 34, and 35, relating to the Chemical Warfare Service: Restores the title and text to the title and text proposed by the House.

On amendments nos. 36 to 41, both inclusive, relating to seacoast defenses: Appropriates $800,000 specifically for the procurement of mobile antiaircraft guns and mounts, as proposed by the House, instead of $400,000, as proposed by the Senate.

On amendments nos. 42 and 43, relating to the National Guard: Includes motorcycles among procurable equipment, as proposed by the Senate; permits employment of additional $625,000 for expenses, camps of instruction, to be transferred from subappropriations for other National Guard expenses, except the subappropriation for armory drills, as proposed by the Senate, and strikes out the provision proposed by the Senate making the National Guard subappropriation "Arms, uniforms, equipment, and so forth, for field service, National Guard", available for extending the concurrent camp at Fort Sill, Okla.

On amendment no. 44: Appropriates $9,837,883 for the Organized Reserves, instead of $10,397,906 as proposed by the House and $9,355,506 as proposed by the Senate.

On amendment no. 45: Appropriates $4,119,570 for the Reserve Officers' Training Corps, instead of $3,601,720 as proposed by the House and $4,219,570 as proposed by the Senate.

On amendment no. 46: Appropriates $645,726 for the National Board for Promotion of Rifle Practice, Army, as proposed by the Senate, instead of $700,000, as proposed by the House.

On amendment no. 78: Allows a section number to remain as proposed by the House.

Amendments reported in disagreement in consequence of clause 2 of rule XXI

The committee of conference report in disagreement the following amendments of the Senate:

Amendment no. 2: Clothing the Secretary of War with exclusive discretion as to the propriety of expenditures under the appropriation "Contingencies of the Army."

Amendment no. 5: Increasing the authorized number of officers of the Medical Corps and Dental Corps.

Amendment no. 16: Prescribing the annual appropriation chargeable with traveling expenses incurred under change-of-station orders.

Amendments nos. 24 and 26: Relating to the acquisition of land in the vicinity of Mitchel Field, N. Y., and West Point, N. Y., respectively.

Amendment no. 79: Relating to the conduct, operation, or management of post exchanges.

Amendments reported in disagreement in consequence of instructions of House

Amendments nos. 1, 47 to 77, both inclusive, and 80, and the proposal of the Senate to amend the title of the bill, were not considered by the committee of conference pursuant to instructions of the House to its managers.

J. BUELL SNYDER,
D. D. TERRY
JOE STARNES,
ROSS A. COLLINS,
CLARENCE CANNON,
D. LANE POWERS,
ALBERT J. ENGEL.

Managers on the part of the House.

Mr. SNYDER of Pennsylvania. Mr. Speaker, we have presented a complete agreement as to all items having a place in the War Department appropriation bill under the arrangement initiated by the House to divorce from such bill items of a civil character which are administered by the War Department.

We have been assured that the War Department civil functions appropriation bill will be reported to the Senate as a separate measure, and that the Senate will be asked to recede from its amendments to the pending bill looking to continuing a single War Department bill consisting of a military and a nonmilitary title. Therefore we may be reasonably sure, if this conference report be adopted and disposition is made in accordance with the recommendations we shall make as to the six amendments we were required to report in disagreement because of our rules, that the War Department appropriation bill will be quickly sped on its way for Executive approval.

Mr. Speaker, the Senate added to our bill $1,058,863. It made additions of $5,540,237 and it made reductions of $4,481,374, resulting in the net increase I have stated.

The major propositions contributing to the gross Senate increase are these: The addition of 478 commissioned officers—50 Medical, 25 Dental, 228 Air Corps, and 175 other branches—primarily to permit of the establishment of additional R. O. T. C. units. This proposition meant an addition of $1,345,197, and would not be the full cost because it would not be practicable immediately to commission that number of additional officers.

On this proposition we compromised on 175 additional Regular Army officers and 100 additional Air Corps Reserve officers to be employed on continuous active duty. The regular officers are to be assigned—50 to the Medical Corps and 25 to the Dental Corps, as proposed by the Senate, and 100 to other branches, with view to making available officers necessary to the establishment of 51 or 52 additional R. O. T. C. units, which the Department was authorized to establish the present year, but which it could not do because of insufficient officers. The 100 Air Corps Reserve officers will increase the number to 650, or 350 more than are on continuous active-duty detail the present year. Our compromise results in a reduction of $333,163.

The next proposition involves Regular Army enlisted men. The House bill carried an amount sufficient to pay an average of 162,000 enlisted men. Our thought was that there may be as many at times as 165,000 or more men in the service during the next fiscal year, and a considerably lesser number at other times, so that the average probably would not exceed 162,000. It is next to impossible to maintain a constant number. The Senate felt that the money should be available in the event the maximum average number of 165,000 should be maintained, and added $1,028,750 for that reason. The Senate receded from its position on this matter.

For construction at military posts the Senate added to our bill $2,347,240, all for authorized projects, but none with Budget support except the Edgewood Arsenal project, which the House already had refused.

We have agreed upon two projects—one at Fort Niagara, N. Y., to replace buildings destroyed by fire, and another at Camp Stanley, Tex., toward providing modern and adequate ammunition storage facilities. Members of the War Department subcommittee inspected that establishment in the late summer of 1935 and were impressed with the need for early remedial measures, and so stated in the report of the inspections which they made. Therefore, from its increase of $2,347,240, the Senate has receded from $1,715,190.

While a relatively small amount, the Senate added $281,000 to our bill for the acquisition of land at West Point. It also added contractual authority up to $638,000, so that, including the sum previously appropriated, the bill, including the contractural authority, exhausts the authorization of $1,500,000 for expanding the land area of the Military Academy reservation.

I shall later submit a recommendation to agree to the Senate amendment with an amendment repealing existing authority to purchase parcels of land on the easterly side of the area at present authorized to be acquired. This is highly valuable property and such repeal no doubt will result in a saving of several hundred thousand dollars.

Next, the Senate cut in two the $800,000 provided by the House for the procurement of mobile antiaircraft guns and

mounts for assignment to seacoast defenses in the United States, Panama, and Hawaii. We persuaded them to yield on this proposition. We are woefully lacking in this sort of equipment.

An item in which the Members of the House are greatly interested is giving training for 1 year to Reserve officers under the provisions of the so-called Thomason Act. That act authorized 1,000 Reserve officers to be employed on active duty with the Regular Army for 1 year, and the commissioning of 50 of such officers in the Regular Army after such period of active service after competitive tests. The House provided for full compliance and the Senate provided for only 500. The closing date for applications for this assignment occurred just a few days ago and the number was approximately 800. Our information is that of this number not more than 600 will qualify. We have agreed upon making provision for 650 to be on the safe side. This solution permits of a reduction in the amount proposed by the House of $460,023.

These are the major matters we had before us. Partly to offset its increases, the Senate proposed the following reductions or methods:

Acquisition of land at Mitchel Field: Substitute contract authorization for direct appropriation	$250,000
Air Corps: Substitute contract authorization for direct appropriation	2,754,700
Seacoast defenses, mobile antiaircraft guns: Allow half of House proposal	400,000
Reserve officers under Thomason Act: Make provision for one-half compliance	942,400

The Mitchel Field change we have permitted to stand. The seacoast defense and Thomason Act proposals I have already explained. As to the Air Corps, we have reduced the increase under contractual authority by $873,106 and have put that amount back into the direct appropriation.

Mr. Speaker, this bill as it passed the House carried appropriations totaling $415,751,531.

That sum was $734,930 below the Budget estimates.

As we bring it to you from conference, the bill carries a total of $415,269,154.

This sum is $482,377 less than the bill carried when it left the House and is less than the Budget estimates by $1,217,307.

If we charge in the one item of reappropriation, we are still below the Budget $699,457.

The bill carries in contract authorizations $21,887,394, or $873,106 less than it did as it passed the Senate. These have no relation, however, to the appropriations for the fiscal year for which we are appropriating.

Mr. POWERS. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. I am pleased to yield to the senior minority member of the subcommittee on the War Department, the gentleman from New Jersey [Mr. POWERS].

Mr. POWERS. The gentleman stated in his presentation that the bill carries in contract authorizations $21,887,394, or $873,106 less than it carried as it passed the Senate. I want the RECORD to show the contract authorization in the bill as it left the House was $18,347,800.

Mr. SNYDER of Pennsylvania. The gentleman is correct.

Mr. WILCOX. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield to the gentleman from Florida.

Mr. WILCOX. I am interested in amendment no. 28, and I note from the conference report that the general appropriation for the Air Corps was reduced by the conference committee from $60,500,000, as provided by the House, to $58,618,406, or approximately a reduction of $2,000,000. I am informed by the Air Corps that under the appropriation as agreed to by the conference committee the Air Corps will be short 276 Regular officers and 104 Reserve officers, necessary to actually man the planes now under contract by the War Department. I would like to know of the gentleman whether this is true or not.

Mr. SNYDER of Pennsylvania. In the first place, let me say to the gentleman that the amendment to which he refers has nothing at all to do with officer money; it is all for matériel.

Mr. WILCOX. Oh, no; I am speaking now of the general appropriation. I am not speaking of the contract authorization.

Mr. SNYDER of Pennsylvania. But the amount the gentleman has referred to has to do with matériel and not with personnel.

Mr. WILCOX. Does the gentleman mean to tell me that the amount of $58,618,406 is entirely for matériel and not for personnel of the Air Corps?

Mr. SNYDER of Pennsylvania. Absolutely so, except civil employees.

Mr. WILCOX. Then at what point in the appropriation bill is the appropriation for the personnel of the Air Corps, and what reduction was made in that amount which makes it necessary for the Air Corps to be short 380 officers necessary to man the planes under contract?

Mr. SNYDER of Pennsylvania. That all comes under pay of the Regular Army and under pay of the Organized Reserves.

Mr. WILCOX. Did the conference committee agree upon a reduction in the appropriation for personnel?

Mr. SNYDER of Pennsylvania. We are providing for about 400 more air officers for the coming year than they have this year.

Mr. WILCOX. Did the conference committee agree to a reduction in the amount of the appropriation for personnel as it passed the House?

Mr. SNYDER of Pennsylvania. No; not as it passed the House; as it passed the Senate, yes.

Mr. WILCOX. Is there any reduction in the amount appropriated for officer personnel for the Air Corps now below the amount provided in the bill at the time it passed the House?

Mr. SNYDER of Pennsylvania. No; there is an increase, I may say to the gentleman.

Mr. HILL of Alabama. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield.

Mr. HILL of Alabama. Will the gentleman, briefly and succinctly, summarize what was done with reference to additional officers for the Army, not only for the Air Corps but for the ground troops, and also what was done from the standpoint of Regular officers and from the standpoint of Reserve officers on active duty?

Mr. SNYDER of Pennsylvania. I shall be pleased to do that.

The Senate made provision for 478 additional Regular Army officers. We compromised on 175 additional Regular Army officers and 100 additional Air Corps Reserve officers, to be employed on continuous active duty. The Regular officers are to be assigned—50 to the Medical Corps and 25 to the Dental Corps—as proposed by the Senate, and 100 to other branches of the service, with the view to making available officers necessary to the establishment of 51 or 52 R. O. T. C. units.

Mr. HILL of Alabama. Then, as I understand it, there will be 25 additional officers for the Dental Corps?

Mr. SNYDER of Pennsylvania. That is correct.

Mr. HILL of Alabama. And 50 additional officers for the Medical Corps and 100 additional officers to be used with R. O. T. C. units?

Mr. SNYDER of Pennsylvania. That is right, and 100 additional officers of the Air Corps Reserve.

Mr. HILL of Alabama. They are not to be Regular officers?

Mr. SNYDER of Pennsylvania. No.

Mr. HILL of Alabama. They are to be Reserve officers?

Mr. SNYDER of Pennsylvania. Yes.

Mr. HILL of Alabama. For how long a tour of duty?

Mr. SNYDER of Pennsylvania. Five years.

Mr. HILL of Alabama. How many Reserve officers will the additional 100 officers make on duty with the Air Corps during the coming fiscal year?

Mr. SNYDER of Pennsylvania. Six hundred and fifty.

Mr. HILL of Alabama. Looking to a 5-year tour of duty?

Mr. SNYDER of Pennsylvania. A 5-year tour; yes.

Mr. HILL of Alabama. With respect to the additional 100 officers for the Air Corps, inasmuch as the War Department reports it has not had an unusual number of applications for duty as commissary officers, I am wondering if the Air Corps is faced with any difficulty in getting Reserve officers.

Mr. SNYDER of Pennsylvania. Mr. Speaker, as the gentleman from Alabama [Mr. HILL] knows, we are working toward a goal of 1,350 Air Corps Reserve officers to be on continuous active duty. I just said that we will have 650 during the next fiscal year. So far as I am aware, there has been no testimony that difficulty may be experienced in getting the men of the right type to fill these places.

Mr. HILL of Alabama. The gentleman means these Reserve officers?

Mr. SNYDER of Pennsylvania. Yes.

Mr. HILL of Alabama. I am wondering whether or not the Air Corps could get this additional number of Reserve officers for active duty of the type and character they would want?

Mr. SNYDER of Pennsylvania. From inquiries I have made I am inclined to believe that they can.

Mr. HILL of Alabama. Frankly, I say to the gentleman I think it would have been perhaps wiser to have given at least some of the additional 100 Regular officers to the Air Corps, and, if need be, put some of the Reserve officers on some of these R. O. T. C. units.

Mr. SNYDER of Pennsylvania. Of course, we can get 50 more Regular Air Corps under the Thomason Act.

Mr. HILL of Alabama. Provided you took all of your Thomason officers from the Air Corps.

Mr. SNYDER of Pennsylvania. That was done in 1936.

Mr. HILL of Alabama. You did it last year because you had not had 1,000 young men on active duty, all of these young men having been given hope of getting a Regular commission, these young men being in all the different branches. You could not now, under the present circumstances, take away all those 50 commissions and give those 50 commissions to officers for the Air Corps without doing a great injustice and really breaking an obligation to all of these other officers out of the thousand who are in the ground forces. In that connection, this question of getting Reserve officers for the Air Corps naturally leads into the matter of the Thomason officers. My understanding is that the reason you accept a reduction from 1,000 Thomason officers to 650 is because the War Department reported that it had only 800 applications for the 1,000 places.

Mr. SNYDER of Pennsylvania. Yes.

Mr. HILL of Alabama. So it would seem to me if they had trouble in getting these Thomason officers where they can go and get them from the Infantry and the Signal Corps and the Intelligence and all of these branches, the chances are that you would not get the type you wanted from these 100 places for the Air Corps. Let me ask the gentleman another question. I notice that the amendment numbered 25 appropriates $952,000 for acquisition of land, as proposed by the Senate, instead of $1,200,000 as proposed by the House. Will the gentleman advise the House as to what land is involved in those appropriations?

Mr. SNYDER of Pennsylvania. The War Department asked for additional land at Mitchel Field, because, when Mitchel Field was established, being one of the first fields on Long Island, it was built to take care of small planes, for which a runway of 2,000 feet was ample. Now the runways must be around 5,000 feet for some of these large bombers.

Mr. HILL of Alabama. The gentleman is speaking with reference to amendment numbered 25. I notice that on page 6 of the printed report amendments numbered 24 and 26 deal with Mitchel Field as well as with West Point. Do all three of those amendments deal with Mitchel Field?

Mr. SNYDER of Pennsylvania. Amendment no. 25 relates to Mitchel Field alone.

Mr. HILL of Alabama. Do 24 and 26 relate to Mitchel Field?

Mr. SNYDER of Pennsylvania. Twenty-four does, but 26 does not.

Mr. HILL of Alabama. The report on its face does not show in respect to those two amendments. Will the gentleman give us the picture as to those two amendments?

Mr. SNYDER of Pennsylvania. Twenty-five applies to a transfer from direct appropriation to contract authorization of $250,000.

Mr. HILL of Alabama. Will the gentleman tell us how much cash is made available and how much contract authorizations is made available for Mitchel Field?

Mr. SNYDER of Pennsylvania. Five hundred thousand dollars cash and $1,020,000 contract authorization.

Mr. HILL of Alabama. For Mitchel Field?

Mr. SNYDER of Pennsylvania. Yes.

Mr. HILL of Alabama. How much did the House carry for that?

Mr. SNYDER of Pennsylvania. Seven hundred and fifty thousand dollars.

Mr. HILL of Alabama. Which was cash alone?

Mr. SNYDER of Pennsylvania. Yes.

Mr. HILL of Alabama. And carried no contract authorization?

Mr. SNYDER of Pennsylvania. No.

Mr. HILL of Alabama. Will the gentleman give us the same picture with reference to West Point?

Mr. SNYDER of Pennsylvania. We carried $150,000, to be used in conjunction with a prior appropriation of $431,000 for the acquisition of a certain defined area.

Mr. HILL of Alabama. No contract authorization?

Mr. SNYDER of Pennsylvania. No contract authorization; $150,000 in cash.

Mr. HILL of Alabama. The gentleman means that much in cash?

Mr. SNYDER of Pennsylvania. Yes.

Mr. HILL of Alabama. What does the conference report carry?

Mr. SNYDER of Pennsylvania. The Senate bill carried $431,000 by way of appropriation and $638,000 by way of contract authorization. The conference report contemplates concurrence in the Senate action in these respects.

Mr. HILL of Alabama. I am interested in noting that some of these amendments with reference to Mitchel Field and West Point are carried in disagreement under clause 2 of rule XXI. I suppose that is the contract feature?

Mr. SNYDER of Pennsylvania. The gentleman is correct.

Mr. HILL of Alabama. Because a contracting provision is not an appropriation?

Mr. SNYDER of Pennsylvania. That is correct.

Mr. HILL of Alabama. So far as the Chemical Warfare Service is concerned, it is left as it was?

Mr. SNYDER of Pennsylvania. Yes.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. Yes.

Mr. JENKINS of Ohio. The gentleman has made no comment with reference to the appropriation for flood control. Did the conferees finally dispose of that matter?

Mr. SNYDER of Pennsylvania. Under the instructions of the House we were not permitted to agree to amendments numbered 1, 47 to 77, and 80. We had such instructions from the House. We have reason to believe that the Senate will pass the separate bill, which the House passed, containing the matters encompassed by such amendments, which include, among others, appropriations for flood control.

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield.

Mr. JENKINS of Ohio. Then, as I understand, this report only applies to the War Department appropriation bill?

Mr. SNYDER of Pennsylvania. Absolutely.

Mr. JENKINS of Ohio. It has nothing to do with the other appropriation bill that was a companion bill to the regular War Department appropriation bill?

Mr. SNYDER of Pennsylvania. Nothing at all to do with it. I am glad to say to the gentleman from Ohio that I think we shall be able to bring back a report with which he will be pleased.

Mr. JENKINS of Ohio. Not to violate any confidence, how does the gentleman come to that conclusion?

Mr. SNYDER of Pennsylvania. That is just an opinion of my own, not without foundation.

Mr. JENKINS of Ohio. Is this the fact, that the Senate has practically receded from their determination to combine the two bills?

Mr. SNYDER of Pennsylvania. The Senate itself has not finally passed upon the matter. We have reason to believe that the Senate Appropriations Committee will make such a recommendation to the Senate.

Mr. JENKINS of Ohio. That they recede from that position?

Mr. SNYDER of Pennsylvania. Yes.

Mr. JENKINS of Ohio. That is the prospect?

Mr. SNYDER of Pennsylvania. That is the prospect.

Mr. THOMASON of Texas. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield.

Mr. THOMASON of Texas. I am naturally interested in the statement the gentleman makes about the reduction of the young Reserve officers from 1,000 to 650.

Mr. SNYDER of Pennsylvania. May I say to the gentleman right there that we should keep in mind that the House complied with the terms of the law 100 percent? It was the Senate that proposed the reduction.

Mr. THOMASON of Texas. Of course, I regret that the conferees did not stand pat on 100 percent, because I think that is one of the finest activities the War Department has carried on, as it has provided us with a year's training for 1,000 young military men in the country, as well as providing 50 officers each year.

Mr. SNYDER of Pennsylvania. We went along 100 percent as far as we could get any assurance from the sources where we look for assurance, that trainees would be available.

Mr. THOMASON of Texas. I am glad to know that the House committee is committed to the policy involved in that act.

I want to ask the distinguished chairman this question: Now that you propose to reduce that from 1,000 young officers to 650, does it still mean that 50 of the 650 will receive their permanent commissions just the same?

Mr. SNYDER of Pennsylvania. Yes; it does, I am happy to say.

Mr. THOMASON of Texas. One other question, please. Will the gentleman be kind enough to explain the effect of the proviso put on the post-exchange amendment offered by the distinguished Senator from Oklahoma relative to the operation of post exchanges and the indiscriminate selling of all kinds of merchandise in competition with local merchants?

Mr. SNYDER of Pennsylvania. I shall be pleased to discuss that when we take that amendment up separately.

Mr. ALLEN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield.

Mr. ALLEN of Illinois. In regard to sections 21, 22, and 23 at the Savanna Ordnance Depot, Ill., a great emergency exists out there for the storage of ammunition and things in general under the Ordnance Department. What I would like to know is the justification for taking that out of the bill. The Secretary of War, the Chief of Ordnance, the chairman of the Military Affairs Committee, all say that a great emergency exists out there for the storage of ammunition. The Bureau of the Budget also authorized it. Will the gentleman kindly explain why it was taken out?

Mr. SNYDER of Pennsylvania. Yes. I may say to my colleague that there was no Budget estimate whatever for the proposition he has mentioned. There was no Budget support for the item whatever.

Mr. ALLEN of Illinois. That is merely the reason why it was taken out?

Mr. SNYDER of Pennsylvania. Primarily. Furthermore, the committee had no knowledge of its place on the War Department's priority list of matters or projects awaiting appropriation.

Mr. ALLEN of Illinois. That passed the Military Affairs Commitee unanimously and was authorized by the House.

Mr. SNYDER of Pennsylvania. I may say to the gentleman that I know how he feels about it, but there are 30 or 40 other posts in the same shape as the one to which the gentleman refers. There is about equal pressure from every angle to have something done about every other post.

Mr. ALLEN of Illinois. Was there a Budget estimate at Fort Niagara?

Mr. SNYDER of Pennsylvania. No; there was no Budget estimate; but there is an emergency situation there caused by fire.

Mr. ALLEN of Illinois. Is the gentleman acquainted with the Ordnance Depot at Savanna, Ill.?

Mr. SNYDER of Pennsylvania. I am not, I am sorry to say.

Mr. COLE of Maryland. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield.

Mr. COLE of Maryland. I would like to ask the gentleman a question along the same line.

Mr. SNYDER of Pennsylvania. Yes.

Mr. COLE of Maryland. The gentleman stated with reference to the Savanna ordnance depot that there was no Budget estimate. I would like to know why the gentleman disagrees with the Senate in striking out Edgewood Arsenal, for which there was Budget approval, as distinguished from Camp Stanley and some of these others which I understand had no Budget approval? The only items directly authorized by this Congress were eliminated.

Mr. SNYDER of Pennsylvania. I may say for the same reason we had when we did not include the item in the bill when it passed the House, which was, in the main, that after the committee looked over the situation at Edgewood Arsenal—we are not saying we are 100 percent right—we decided that it would be unwise to build these additional buildings so close to the munitions plant, and that further study should be given to this situation before anything was done.

Mr. COLE of Maryland. Knowing the situation as I do, I am surprised that those reasons had any weight with the Senate conferees.

Mr. McCORMACK. My understanding, in response to the question of the gentleman from Ohio [Mr. JENKINS] is that this confines itself to the military aspects of the War Department appropriation.

Mr. SNYDER of Pennsylvania. I am glad to state to the distinguished gentleman from Massachusetts that it does.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield further?

Mr. SNYDER of Pennsylvania. I yield.

Mr. McCORMACK. I simply want to make a brief observation. I was presiding over the War Department appropriation bill, both aspects of it, and I listened with deep interest, as did all Members, to the very fine, and properly so, complimentary references made by the chairman of the subcommittee to the other members of the subcommittee, both Democratic and Republican, and to the distinguished clerk of the subcommittee, John Pugh, with all of which references the Members on both sides of the aisle agree. It is my desire to make a brief reference to the distinguished gentleman from Pennsylvania [Mr. SNYDER]. This is his first year as chairman of the Subcommittee on Appropriations for the War Department. I presided over the bill, as I have stated. I want to state for the RECORD that I have never seen any bill more admirably handled than were the appropriation bills of the War Department by the chairman of the subcommittee. It was a pleasure to see all the members of the subcommittee, both Democrats and Republicans, backing up the chairman of their subcommittee on the floor and manifesting deep interest in fighting for the report of the subcommittee. It is a fine spirit to see. It is a nice thing to see a committee, no matter what their differences may

be in executive session, when they have ironed them out, come on the floor and battle for the report of the committee. It is evidence of fine leadership on the part of the chairman of any committee or subcommittee when such a situation exists. It is an inspiration and example to the other committees of the House. I congratulate the members of this subcommittee, and particularly do I congratulate the gentleman from Pennsylvania [Mr. SNYDER], chairman of the subcommittee, on the very diplomatic and able manner in which he handled both aspects of the appropriations for the War Department when both bills were in the House. [Applause.]

Mr. SNYDER of Pennsylvania. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. FORD].

Mr. FORD of California. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore (Mr. WOODRUM). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FORD of California. Mr. Speaker, on Monday, June 28, the distinguished gentleman from Georgia [Mr. COX] arose in this House and stated that the Secretary of Labor of the United States had suggested to the Governor of Ohio—

> That he use the subpena power of the State to put certain steel-industry officials under duress and to close their plants by the State militia and maintain that status until the C. I. O. had extracted from them such contracts as they might desire.

The gentleman from Georgia described this as "one of the most shocking incidents that has taken place in some time." The distinguished gentleman closed his remarks with this statement:

> Mr. Speaker, this is no time for the suspension of public laws, but it is a time for rigid enforcement if this Government is to live.

Now, my friends, I do not know where the gentleman got his information. Probably from the press. Probably he was taking the statement of the Governor of Ohio seriously. Be this as it may, however, the only thing that is wrong with the statement is that, like the comment of Mark Twain upon reading of his own demise, it is greatly exaggerated.

The Secretary of Labor, who has had long years of experience with industrial disputes, happens to be familiar with the laws of the various States that deal with this class of disputes. It so happens that the Ohio Industrial Commission has authority, conferred upon it by section 871–30 of the Ohio General Code, to make inquiry into industrial disputes, and that in order to make this inquiry effective the commission is empowered to issue subpenas.

The able Secretary of Labor, knowing of this provision in Ohio law, in the most friendly and cooperative manner, suggested to the Governor of the State of Ohio that he call the industrial commission's attention to the power it possessed and call not just the steel officials but all parties to the controversy and ask them to sit around the table and attempt to ascertain if, after hearing both sides, some common ground could not be found to settle the dispute.

I am assured at first hand that no mention was made of calling militia, and knowing the Secretary's well-known aversion to the employing of force as a substitute for reason, am forced to assert that I will accept her word without question.

Now, my friends, I see nothing shocking in the Secretary's suggestion. It was a very natural and, I believe, a very wise suggestion, and I am sure that had the gentleman from Georgia been in possession of the facts, not the garbled newspaper accounts which went to the extreme of asserting that one of the officials was to be legally kidnaped, would not have made the statement he did.

Now, as to the gentleman from Georgia's last paragraph (p. 6423, June 28, RECORD)—

> That this is no time for the suspension of public law, but it is a time for its rigid enforcement if this Government is to live—

Let me offer this comment: I fully agree with my distinguished friend, and I most cordially invite his cooperation in the rigid enforcement of the terms of the Wagner Act not only as it applies to organized labor but as it applies to organized, truculent, law-defying employers of labor.

If the Governor of Ohio had followed the Secretary of Labor's friendly and wise suggestion and employed the legal means at his command, it is entirely within the realms of possibility that a friendly meeting could have been arranged and the differences, if not wholly adjusted, at least brought to a point where the general public would have had something on which to crystallize its opinion as to the facts.

If the Governor of Ohio refuses to utilize the legal means at hand, he is derelict in his duty, and if the citizens of that State, employers and employees, have violated the law, it is the Governor who has shown the way.

I herewith give a brief history of the case which has stirred up all the controversy:

The Federal Steel Mediation Board tried repeatedly to bring the steel and union men together for a joint meeting, but failed. Then it reported:

> We cannot but believe that the bitterness and suspicion which separate the two sides would be allayed by a man-to-man discussion around the conference table and that the only hope of settlement lies in such a meeting.

The Ohio Industrial Commission under the authority conferred upon it by section 871–30 has the power to subpena witnesses to appear at the same time and place for the purpose of testifying in one another's presence in answering questions on the cause of strikes, the facts in the particular case, various opinions held with respect to them and the feasibility of different proposals for settlement. It is believed that out of such testimony and rebuttals understanding and method of settlement would grow naturally, as recommended by the Mediation Board.

The use and meaning of a subpena is clear and lawful. It is a court order to appear in person and/or with papers and records before a properly constituted judicial or Government agency to give evidence on matters within the jurisdiction of the agency or court and recited in the subpena.

Its purpose, of course, is to insure the presence and testimony of all witnesses and to give them the protection of the court in matters relating to their testimony. It is a protection to witnesses against legal action and many careful persons will not give important evidence except under subpena.

Its purpose also is to enable a court or Government agency having jurisdiction to cause opposing witnesses to testify in the presence of each other and so bring about the corrections in factual testimony, and restraints in opinion testimony which are so necessary to calm appraisal of the situation and wise and lawful decisions by the court or agency.

Any individual subpenaed by a Government agency or competent court has a right of appeal to higher court on the validity of the order or of any penalty for contempt.

It is an ancient, carefully safeguarded, lawful method necessary to the administration of justice and law. It has not been abused. It can only be used by Government under constitutional safeguards of the individual subpenaed and is not at the disposal of private persons.

The Industrial Commission of Ohio is specifically given by law the power to issue subpenas for witnesses in the mediation of strikes and industrial disputes and for their prevention—section 871–22, paragraph 9, Ohio General Code. If Mr. Girdler and Mr. Purnell testified in the presence of Mr. Lewis and Mr. Murray, and Mr. Lewis and Mr. Murray in the presence of Mr. Girdler and Mr. Purnell, all might learn something to their advantage about union responsibility, employers' doubts and suspicions, ability and integrity of union leadership, and ability and integrity of industrial direction. Also, both groups might learn something about the state of mind and desires of those workers who are not organized. And having heard each other's testimony and answers under questions and examination, their mental understanding of the situation would almost certainly bring the meeting of minds on some subjects out of which mutual agreements in regard to a settlement might rise.

The Industrial Commission of Ohio may some day have cause to use subpena to bring in as witnesses members, officers, and leaders of unions who are charged with violation of agreements, breach of the peace, acts against the interest of the industry, go-slow or sit-down movements, misrepresentation, coercion, all of which would require real

investigation by the Industrial Commission of Ohio in order to prevent strikes or lockouts and to keep industry moving and to justice to those under contract, as well as others.

The desirability of settling industrial disputes by reason, not by force, by an orderly process of an authorized public body is obviously very important, and it is the duty of the Government, State, Federal, and local, to facilitate this method. It is also the duty of employers and workers to participate fully in such a method. The Secretary of Labor's suggestion to the Governor of Ohio was that he advise the Ohio Industrial Commission to proceed to make inquiry with regard to this strike under the authority conferred upon it by section 871–30 of the Ohio General Code.

Mr. SNYDER of Pennsylvania. Mr. Speaker, I yield 8 minutes to the gentleman from Iowa [Mr. BIERMANN].

Mr. BIERMANN. Mr. Speaker, I dislike to oppose this committee and my distinguished friend the gentleman from Pennsylvania [Mr. SNYDER]. I know it is futile to oppose any of these Army or Navy appropriations, but I do want to call to the attention of the House some figures that I think are worthy of their thoughtful consideration.

We have been passing "neutrality" legislation to keep us out of war. At the same time we have been passing appropriations that cannot be defended on any ground except that we are going to some foreign country to engage in war. I have directed the attention of the House a number of times to the fact that there is not an Army or Navy officer in this country who will contend for one minute that it is possible to invade this country. The matter of transportation alone is something that every Army or Navy officer knows would prevent this country's being invaded; yet in the fiscal year 1935 we appropriated $1,000,000,000 for the Army and the Navy; in 1936 we appropriated, roughly, $1,060,000,000; for the fiscal year 1937 we appropriated about $1,035,000,000; and for the fiscal year 1938 we are appropriating more than $1,100,000,000. During the past 4 fiscal years the War and Navy Departments were allotted more than $900,000,000 of relief money in addition to the appropriations.

This bill carries an appropriation of $415,000,000 for the so-called military activities of the War Department. The nonmilitary activities bring the total appropriations for the War Department up to $609,000,000 for the 1938 fiscal year.

For the year 1904 the total appropriations for all activities of the United States Government were $464,000,000; for 1905 they were $467,000,000; for 1906 they were $489,000,000; for 1907 they were $549,000,000; for 1908 they were $555,000,000. I will skip some years. For the year 1916 they were $678,000,000. Up until 1917 this Government had never appropriated in any single peacetime year as much as $700,000,000 for the entire running expenses of the Government.

For the past 3 fiscal years we have been appropriating each year more than $1,000,000,000 for Army and Navy activities, while at the same time we were passing legislation to keep ourselves out of war. The proponents of these huge appropriations cannot defend them on the plea of "defense", because they are confronted with the incontrovertible fact that not an Army or Navy officer will put his name to a statement that it is possible to invade this country.

Mr. Speaker, I ask unanimous consent to insert at this point in the RECORD a table by the Procurement Division of the Treasury Department showing the cost of all the Government buildings in this city occupied for office purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The table referred to follows:

Land and buildings owned by the United States in the District of Columbia utilized for offices by the executive departments and independent establishments as of June 30, 1936

Department and agency	Name of building	Cost		
		Land	Improvements	Total
AGRICULTURE				
Weather Bureau	Weather Bureau	$112,000	$125,000	$237,000
COMMERCE				
Bureau of Standards	Bureau of Standards	801,923	3,078,433	3,880,356
INTERIOR				
National Park Service	Executive Mansion		2,550,000	2,550,000
Do	Agriculture, Administration Building		1,974,493	1,974,493
Do	Agriculture, miscellaneous	2,982,457	6,975,000	9,957,457
Do	Agriculture, South Building		10,771,970	10,771,970
Do	Agriculture, economics		222,000	222,000
Do	Archives		11,899,350	11,899,350
Do	Arlington	1,000,000	3,119,072	4,119,072
Do	Commerce	1,318,971	17,165,782	18,484,753
Do	Home Owners' Loan Corporation	1,160,500	18,086	1,178,586
Do	Interior (Old)	303,483	2,587,053	2,890,536
Do	Interior (New)	1,183,333	5,320,358	6,503,691
Do	Internal Revenue	1,210,000	9,950,682	11,160,682
Do	Interstate Commerce	917,892	4,397,347	5,315,239
Do	Justice	5,734,452	10,227,089	15,961,541
Do	Labor	3,600,000	4,709,190	8,309,190
Do	Labor Annex		1,973,910	1,973,910
Do	Munitions		3,000,000	3,000,000
Do	Navy		3,000,000	3,000,000
Do	Old Land Office		3,000,000	3,000,000
Do	Old Southern Ry	2,622,700	1,087,500	3,710,200
Do	Patent Office		8,000,000	8,000,000
Do	Pension Office		900,000	900,000
Do	Post Office (Old)	650,491	2,595,675	3,246,166
Do	Post Office (New)	2,500,872	9,286,447	11,787,319
Do	Procurement	424,445	2,615,100	3,039,545
Do	Public Health	774,884	975,911	1,750,795
Do	State, War, and Navy		10,500,000	10,500,000
Do	Temporary 2		20,300	20,300
Do	Temporary 7			
Do	Temporary E			
Do	Temporary F			
Do	Wilkins	500,000	214,500	714,500
Do	Winder	200,000	398,000	598,000
POST OFFICE				
Fourth Assistant Postmaster General	Post Office (new city)	450,189	6,555,516	7,005,705
Do	Post Office and Customhouse	5,500	88,947	94,447
TREASURY				
Chief Clerk	Treasury Building (annex)	250,000	1,246,360	1,246,360
Do	Treasury Building		8,884,659	8,884,659
Do	Liberty Loan Building		800,378	800,378
Do	Auditors' Building	70,357	1,095,137	1,165,494
Engraving and Printing	Bureau of Engraving and Printing	396,512	2,516,511	2,913,023

Land and buildings owned by the United States in the District of Columbia utilized for offices by the executive departments and independent establishments as of June 30, 1936—Continued

Department and agency	Name of building	Cost		
		Land	Improvements	Total
INDEPENDENT OFFICES				
Architect of the Capitol	Senate Office Building	$746,183	$7,625,791	$8,371,974
Do	Old House Office Building	743,636	4,087,286	4,830,922
Do	New House Office Building	1,336,680	6,277,574	7,614,254
Do	Library of Congress	578,977	9,352,951	9,931,928
Do	Library of Congress (Annex)	917,802	3,500,000	4,417,802
Do	Supreme Court Building	1,768,741	9,500,000	11,268,741
Do	U. S. Courthouse		1,029,000	1,029,000
Do	Court of Appeals		234,000	234,000
Do	U. S. Court of Claims	300,000		300,000
Do	U. S. Capitol Building and Grounds	694,445	17,086,928	17,781,373
Federal Reserve Board	Federal Reserve Building	754,583	339,000	1,093,583
Government Printing Office	Government Printing Office		5,260,000	5,260,000
Total		37,012,008	228,138,286	265,150,294

Mr. BIERMANN. As will be seen from the table, the cost of the land on which the buildings are erected, the real estate alone, is $37,012,008; the cost of the buildings themselves amounts to $228,138,286. This makes a total cost for real estate and improvements owned by the United States in the city of Washington and utilized for offices by our executive departments and independent establishments of $265,150,294; in other words, we are appropriating this year for the Army of the United States military and nonmilitary activities nearly $100,000,000 more than twice the cost of all the land and all the buildings occupied by the Government of the United States in the city of Washington. The 1938 appropriations for the War and Navy Departments combined are more than four times the cost of all the land and all the buildings thereon owned by the United States Government and occupied for office purposes in the city of Washington.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. BIERMANN. I yield.

Mr. RANDOLPH. The gentleman does not speak against the nonmilitary appropriations, does he, at this time, but just the military appropriations?

Mr. BIERMANN. I am not acquainted with all the details of the nonmilitary appropriations for the War Department. I think some of them might be classified as military appropriations. The fact of the matter is that the War Department and the Navy Department during the coming fiscal year are going to take out of the taxpayers a good deal over $1,000,000,000. I do not think these appropriations can be defended.

I call the attention of Members of the House to the fact if we are ever going to balance the Budget of the United States, and if we are ever going to relieve the taxpayers of the United States, we have to make the cuts where the big expenditures are made. The big expenditures are made for the Army and Navy and, of course, temporarily for relief. While the expenditures for relief are declining, the Army and Navy appropriations steadily increase.

The other day I secured figures with reference to the total contribution of the State of Iowa to the Federal Treasury. For the year 1936 the total contribution of the people of Iowa in income taxes, corporation taxes, excise taxes, liquor and tobacco taxes, and all others, to the Federal Government was twelve and one-half million dollars. Compare that twelve and one-half million dollars with the enormous appropriations we make for the Army and Navy and you will see what a burden it is on the taxpayers of the United States. At the present rate the Federal taxes of the people of Iowa for 88 years would not quite pay what our War and Navy Departments will consume in 1938.

May I renew my request to any of the Members who are in favor of these enormous expenditures to insert in the RECORD the name of a second lieutenant or of an ensign in the Navy who will make a statement and sign his name to it that it is possible to invade the United States?

Mr. WEARIN. Will the gentleman yield?

Mr. BIERMANN. I yield to the gentleman from Iowa.

Mr. WEARIN. The gentleman has mentioned the total amount of the Army and Navy appropriations for 1 year, which, as I understand it, was $1,100,000,000 plus.

Mr. BIERMANN. Yes.

Mr. WEARIN. That would be more than enough to move the United States Capital out to the central section of the United States where it would be safe from attack?

Mr. BIERMANN. It would be more than four times enough.

[Here the gavel fell.]

Mr. SNYDER of Pennsylvania. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. BIERMANN) there were—ayes 90, noes 8.

Mr. BIERMANN. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and sixty gentlemen present; not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 300, nays 42, not voting 89, as follows:

[Roll No. 100]

YEAS—300

Aleshire	Cluett	Duncan	Guyer
Allen, Del.	Cochran	Eaton	Gwynne
Allen, La.	Coffee, Nebr.	Eberharter	Haines
Allen, Pa.	Coffee, Wash.	Eckert	Hamilton
Andresen, Minn.	Colden	Elliott	Hancock, N. Y.
Arnold	Colmer	Engel	Hancock, N. C.
Atkinson	Cooley	Englebright	Harlan
Bacon	Cooper	Evans	Hart
Barden	Costello	Faddis	Harter
Barry	Cox	Parley	Havenner
Bates	Crosby	Ferguson	Healey
Beiter	Crosser	Fish	Hendricks
Bell	Crowe	Fitzgerald	Hennings
Bland	Crowther	Fitzpatrick	Higgins
Bloom	Culkin	Flannagan	Hill, Ala.
Boehne	Cullen	Forand	Hill, Okla.
Boland, Pa.	Cummings	Ford, Calif.	Hobbs
Boyer	Curley	Ford, Miss.	Hoffman
Boykin	Daly	Frey, Pa.	Honeyman
Boylan, N. Y.	Deen	Fries, Ill.	Houston
Bradley	Delaney	Fuller	Imhoff
Brown	Dempsey	Gambrill	Izac
Bulwinkle	DeRouen	Garrett	Jarman
Burch	Dickstein	Gavagan	Jenckes, Ind.
Caldwell	Dies	Gearhart	Jenkins, Ohio
Cannon, Mo.	Disney	Gildea	Johnson, Luther A.
Cartwright	Ditter	Gingery	Johnson, Lyndon
Casey, Mass.	Dixon	Goldsborough	Johnson, Okla.
Celler	Dondero	Gray, Ind.	Johnson, W. Va.
Champion	Dorsey	Gray, Pa.	Jones
Chandler	Doughton	Green	Kelly, N. Y.
Chapman	Douglas	Greenwood	Kennedy, Md.
Citron	Doxey	Greever	Kennedy, N. Y.
Clark, Idaho	Drew, Pa.	Gregory	Kenney
Claypool	Driver	Griffith	Keogh

Kinzer	Meeks	Powers	Sullivan
Kirwan	Mead	Quinn	Sumners, Tex.
Kleberg	Merritt	Rabaut	Sutphin
Kocialkowski	Michener	Ramsay	Swope
Kramer	Millard	Ramspeck	Taber
Lambeth	Miller	Randolph	Tarver
Lamneck	Mills	Rankin	Taylor, Tenn.
Lanham	Mitchell, Ill.	Rayburn	Terry
Lanzetta	Mitchell, Tenn.	Reece, Tenn.	Thom
Larrabee	Moser, Pa.	Reilly	Thomas, N. J.
Lea	Mosier, Ohio	Richards	Thomas, Tex.
Leavy	Mott	Rigney	Thomason, Tex.
Lewis, Colo.	Mouton	Robertson	Thompson, Ill.
Lewis, Md.	Murdock, Ariz.	Robinson, Utah	Thurston
Long	Nelson	Robsion, Ky.	Tinkham
Lord	Nichols	Rogers, Mass.	Towey
Lucas	Norton	Rutherford	Treadway
Ludlow	O'Connell, R. I.	Ryan	Turner
McClellan	O'Connor, Mont.	Sabath	Umstead
McCormack	O'Leary	Sacks	Vincent, B. M.
McFarlane	O'Neal, Ky.	Sanders	Vinson, Fred M.
McGehee	O'Neill, N. J.	Schaefer, Ill.	Vinson, Ga.
McGrath	O'Toole	Scrugham	Voorhis
McGroarty	Oliver	Secrest	Wadsworth
McKeough	Owen	Seger	Wallgren
McLean	Pace	Shafer, Mich.	Walter
McMillan	Palmisano	Shanley	Warren
McSweeney	Parsons	Shannon	Welch
Maas	Patman	Short	West
Magnuson	Patrick	Simpson	Wheichel
Mahon, S. C.	Patterson	Sirovich	White, Ohio
Mahon, Tex.	Patton	Smith, Conn.	Whittington
Maloney	Pearson	Smith, Maine	Wigglesworth
Mansfield	Peterson, Fla.	Smith, Wash.	Wilcox
Mapes	Peterson, Ga.	Snyder, Pa.	Wolcott
Martin, Colo.	Pettengill	Somers, N. Y.	Wolfenden
Martin, Mass.	Pfeifer	Sparkman	Wolverton
Massingale	Phillips	Spence	Woodruff
Maverick	Plumley	Stack	Woodrum
May	Polk	Starnes	Zimmerman

NAYS—42

Allen, Ill.	Cole, Md.	Jacobsen	Rees, Kans.
Amlie	Crawford	Johnson, Minn.	Rich
Biermann	Dowell	Kitchens	Sauthoff
Bigelow	Dunn	Lambertson	Schneider, Wis.
Binderup	Eicher	Lemke	Stefan
Boileau	Gehrmann	Luckey, Nebr.	Teigan
Boren	Harrington	Luecke, Mich.	Transue
Burdick	Hildebrandt	O'Brien, Mich.	Wearin
Byrne	Hill, Wash.	O'Connell, Mont.	Withrow
Case, S. Dak.	Hope	Pierce	
Church	Hull	Reed, Ill.	

NOT VOTING—89

Anderson, Mo.	Dockweiler	Kerr	Sadowski
Andrews	Drewry, Va.	Kloeb	Schuetz
Arends	Edmiston	Kniffin	Schulte
Ashbrook	Ellenbogen	Knutson	Scott
Beam	Fernandez	Kopplemann	Sheppard
Bernard	Flannery	Kvale	Smith, Va.
Brewster	Fleger	Lesinski	Smith, W. Va.
Brooks	Fletcher	Luce	Snell
Buck	Fulmer	McAndrews	South
Buckler, Minn.	Gasque	McGranery	Steagall
Buckley, N. Y.	Gifford	McLaughlin	Sweeney
Cannon, Wis.	Gilchrist	McReynolds	Taylor, Colo.
Carlson	Griswold	Mason	Taylor, S. C.
Carter	Halleck	Murdock, Utah	Tobey
Clark, N. C.	Hartley	O'Brien, Ill.	Tolan
Clason	Holmes	O'Connor, N. Y.	Weaver
Cole, N. Y.	Hook	O'Day	Wene
Collins	Hunter	O'Malley	White, Idaho
Cravens	Jarrett	Peyser	Williams
Creal	Jenks, N. H.	Poage	Wood
DeMuth	Kee	Reed, N. Y.	
Dingell	Keller	Rogers, Okla.	
Dirksen	Kelly, Ill.	Romjue	

So the conference report was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. Wene (for) with Mr. O'Malley (against).
Mr. O'Connor of New York (for) with Mr. Kvale (against).
Mr. Luce (for) with Mr. Bernard (against).
Mr. Gifford (for) with Mr. Buckler of Minnesota (against).

Until further notice:

Mr. Drewry of Virginia with Mr. Snell.
Mr. McReynolds with Mr. Holmes.
Mr. Beam with Mr. Carlson.
Mr. Collins with Mr. Reed of New York.
Mr. McAndrews with Mr. Knutson.
Mr. Fernandez with Mr. Tobey.
Mr. Fulmer with Mr. Andrews.
Mr. Weaver with Mr. Clason.
Mr. Taylor of Colorado with Mr. Halleck.
Mr. Kerr with Mr. Jarrett.
Mr. Taylor of South Carolina with Mr. Dirksen.
Mr. Steagall with Mr. Brewster.
Mr. Gasque with Mr. Gilchrist.
Mr. Schuetz with Mr. Mason.
Mr. McGranery with Mr. Jenks of New Hampshire.
Mr. Sheppard with Mr. Cole of New York.
Mr. Kelly of Illinois with Mr. Hartley.
Mr. Griswold with Mr. Carter.
Mr. Dockweiler with Mr. Arends.
Mr. Williams with Mr. Creal.
Mr. Hunter with Mr. Sweeney.
Mr. Poage with Mr. Fleger.
Mr. Buck with Mr. Kniffin.
Mr. Wood with Mr. Clark of North Carolina.
Mr. O'Brien of Illinois with Mr. Edmiston.
Mr. McLaughlin with Mr. Tolan.
Mr. Buckley of New York with Mr. Dingell.
Mr. Romjue with Mr. Schulte.
Mr. Flannery with Mr. Keller.
Mr. Smith of West Virginia with Mr. Scott.
Mr. Kee with Mr. Fletcher.
Mr. DeMuth with Mr. Cravens.
Mr. South with Mr. Murdock of Utah.
Mr. Peyser with Mr. Anderson of Missouri.
Mr. Lesinski with Mr. Brooks.
Mr. Ashbrook with Mr. Cannon of Wisconsin.
Mr. White of Idaho with Mr. Ellenbogen.

Mr. COFFEE of Washington changed his vote from "nay" to "yea."

The doors were opened.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment no. 2: Page 7, line 17, after the word "proper", insert "and his determination thereon shall be final and conclusive upon the accounting officers of the Government."

Mr. SNYDER of Pennsylvania. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield to the gentleman from New York.

Mr. TABER. Mr. Speaker, this is an item, while it does not involve much money it does involve a very important principle. Such funds as this have been known to have been misused and the privilege abused very considerably in times past. In my experience with committees having to do with military activities, I have found that kind of authority is not a good thing to allow. This puts the absolute control of this secret fund with reference to the contingencies of the Army in the hands of the Secretary of War without any auditing by the Comptroller General, which is not a good thing to do.

Mr. SNYDER of Pennsylvania. I may say to the distinguished gentleman from New York this question was under consideration by the conferees for a long time. The Senate conferees maintained that if we could not trust the Secretary of War to the extent of $17,500 we would better close shop, and that is no doubt true. Of course, it is inevitable that there are times when the Department must have a little reserve fund to draw upon to pay certain items of an unforeseeable character not provided for under other appropriation heads.

Mr. TABER. Well, those are just the things that we should not do. Nowhere else in the Government is there any such secret fund as this, which is outside of the control of the auditing office, and I think it is a very bad precedent to establish. Is it not a fact this item was considered by the subcommittee which considered this bill and the subcommittee refused to put in the item?

Mr. SNYDER of Pennsylvania. The gentleman is correct.

Mr. TABER. And it ought not to be put in here.

Mr. SNYDER of Pennsylvania. The Senate would not yield. I feel that the Department should have some way of meeting little expenditures that bob up in the War Department here and there.

Mr. TABER. What are they? For instance, like sending flowers to somebody?

Mr. SNYDER of Pennsylvania. Possibly so.

Mr. TABER. That is just the kind of thing we ought not to permit and we have not any business doing so.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. SNYDER] that the House recede and concur in the Senate amendment.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 95, noes 30.

Mr. TABER. Mr. Speaker, I object to the vote on the ground a quorum is not present.

The SPEAKER pro tempore. The Chair will count. (After counting.) Two hundred and twenty Members are present, a quorum.

So the motion was agreed to.

The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 5: Page 10, after the figure in line 16, insert a colon and the following: "*Provided*, That on and after July 1, 1937, there shall be authorized 1,083 officers of the Medical Corps and 208 officers of the Dental Corps, notwithstanding the provisions of the act of June 30, 1922 (42 Stat. 721), and the authorized commissioned strength of the Army is hereby increased by 75 in order to provide for the increase herein authorized in the number of officers in the Medical Corps and the Dental Corps."

Mr. SNYDER of Pennsylvania. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 16: Page 16, after line 14, insert a colon and the following: "*Provided further*, That the appropriation 'Travel of the Army' current at the date of relief from duty station of personnel traveling under orders shall be charged with all expenses properly chargeable to such appropriation in connection with the travel enjoined, including travel expenses of dependents, regardless of the dates of arrival at destination of the persons so traveling."

Mr. SNYDER of Pennsylvania. Mr. Speaker I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 24: Page 28, strike out lines 11 to 15, inclusive, and insert the following: "For the acquisition of land, as authorized by the act of August 12, 1935 (49 Stat. 610): Vicinity of Mitchel Field, N. Y., 342 acres, more or less, $500,000: *Provided*, That in addition to the amount herein appropriated the Secretary of War may acquire by condemnation or may enter into contracts for the acquisition of the above land in the vicinity of Mitchel Field to an additional amount not in excess of $1,020,000, and his action in so doing in either case shall be deemed a contractual obligation of the Federal Government for the payment thereof."

Mr. SNYDER of Pennsylvania. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. SNYDER of Pennsylvania moves to recede and concur in Senate amendment no. 24 with an amendment, as follows: In line 4 of the matter inserted by said amendment, before "$500,000", insert "to be used exclusively for runways."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 26: Page 29, beginning in line 14, strike out down to and including line 24, and insert the following:

"For the acquisition of land in the vicinity of West Point, N. Y., as authorized by the act approved March 3, 1931 (46 Stat. 1491), $431,000, and such sum, in conjunction with the appropriation of $431,000 for a like purpose contained in the War Department Appropriation Act for the fiscal year 1937 without regard to the proviso attached to such former appropriation, shall be available until expended: *Provided*, That in addition to the amount herein appropriated the Secretary of War may acquire by condemnation or may enter into contracts for the acquisition of land in the vicinity of West Point to an additional amount not in excess of $638,000, and his action in so doing in either case shall be deemed a contractual obligation of the Federal Government for the payment thereof: *Provided further*, That no land shall be acquired east of the west boundary of the Highway 9–W, or east of the west boundary of the Highway 9–W as it may be relocated by the State of New York prior to the acquisition of this land."

Mr. SNYDER of Pennsylvania. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. SNYDER of Pennsylvania moves to recede and concur in Senate amendment no. 26 with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"For the acquisition of land in the vicinity of West Point, N. Y., as authorized by the act approved March 3, 1931 (46 Stat. 1491), $431,000; and such sum, in conjunction with the appropriation of $431,000 for a like purpose contained in the War Department Appropriation Act for the fiscal year 1937, without regard to the proviso attached to such former appropriation, shall be available until June 30, 1939: *Provided*, That in addition to the amount herein appropriated the Secretary of War may acquire by condemnation or may enter into contracts for the acquisition of land in the vicinity of West Point, as authorized by such act of March 3, 1931, to an additional amount not in excess of $638,000, and his action in so doing in either case shall be deemed a contractual obligation of the Federal Government for the payment thereof: *Provided further*, That authorization is hereby repealed to acquire any land east of the west boundary of the Highway 9–W, or east of the west boundary of the Highway 9–W as it may be relocated by the State of New York prior to the acquisition of any land west of the present west boundary of such Highway 9–W."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 79: Page 84, strike out, beginning in line 19, down to and including line 9, on page 85, and insert the following:

"SEC. 4. No part of any appropriation made by this act shall be used in any way to pay any expense in connection with the conduct, operation, or management of any post exchange, branch exchange, or subexchange within any State, Territory, or the District of Columbia, save and except for real assistance and convenience to military personnel and civilians employed or serving at military posts and to retired enlisted naval personnel in supplying them with articles of small personal needs, not similar to those furnished by the Government: *Provided*, That the commanding officer of the post at which any such exchange is situated shall certify on the monthly report of the post exchange council that such exchange was, during the period covered by such report, operated in compliance with this section."

Mr. SNYDER of Pennsylvania. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. SNYDER of Pennsylvania moves to recede and concur in Senate amendment no. 79 with the following amendment: Restore the section number proposed by the House, and before the period at the end of the matter inserted by said amendment insert the following: ": *Provided further*, That at posts isolated from a convenient market the Secretary of War may broaden the nature of the articles to be sold."

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent that the reading of the remaining amendments in disagreement may be dispensed with and that they may be considered en bloc.

Mr. AMLIE. I object, Mr. Speaker, because we are unable to secure copies or find out what is being done. I have asked for copies but they are not available.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to recede and concur in Senate amendment no. 79 with an amendment.

The motion was agreed to.

Mr. THOMASON of Texas rose.

The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. THOMASON of Texas. Mr. Speaker, I should like to interrogate the chairman of the subcommittee about the amendment which has just been agreed to, relating to post exchanges.

Mr. SNYDER of Pennsylvania. Mr. Speaker, I shall be pleased to yield to the gentleman from Texas.

Mr. THOMASON of Texas. Just what change, if any, is made in the amendment now offered by the conferees from the amendment as it passed the Senate covering the sale of merchandise by post exchanges? I should like some explanation of the amendment, because I thought the Senate amendment was a very good one. Merchants in many towns and cities where there are Army posts are complaining about unfair competition from post exchanges. There is no objection to the sale of necessaries and small articles but it should stop there.

Mr. SNYDER of Pennsylvania. The present provision applying to the conduct of post exchanges provides for supplying patrons "with articles of ordinary use, wear, and consumption not furnished by the Government." In lieu of such class of articles, the Senate proposed to substitute "with articles of small personal needs, not similar to those furnished by the Government."

The change is quite obvious. The purpose is to take post exchanges out of the business of virtually running department stores in competition with local merchants.

The Senate stood out stoutly for its amendment, but the House conferees felt that if the change were generally effective a real injury might be done to patrons of exchanges at isolated posts. As a way out, it was suggested that, in order to avoid the imposition of any hardship upon service personnel, the Secretary of War should have authority to pursue a more liberal policy as to exchanges conducted at posts isolated from a convenient market, and the action we are now proposing looks to the acceptance of the Senate amendment with such modification.

Mr. THOMASON of Texas. Then is the House to understand it is left to the discretion of the Secretary of War, or perhaps the different corps area commanders, whether or not the sales shall be limited to small personal articles which are needed by officers and enlisted men?

Mr. SNYDER of Pennsylvania. Yes; I should say that is true, but, of course, much depends upon the interpretation that is placed upon small, personal articles.

Mr. THOMASON of Texas. Then it does resolve itself down to a question of fact, within the discretion of the local corps area commander as to whether or not it is restricted to small, personal articles which the men and officers need or whether they shall carry on a general merchandise business in competition with the local merchants.

Mr. SNYDER of Pennsylvania. This provision was designed to take care of the very situation the gentleman complains of.

Mr. THOMASON of Texas. Then it does mean that promiscuous sale of large merchandise in competition with local merchants is to be stopped?

Mr. SNYDER of Pennsylvania. The gentleman is right.

Mr. POWERS. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. Yes.

Mr. POWERS. May I suggest that the gentleman from Pennsylvania, in his own way, explain to the gentleman from Texas the discussion we had in the conference committee, and I think then the gentleman from Texas will be satisfied.

Mr. SNYDER of Pennsylvania. I thank the gentleman for his suggestion, but I think the gentleman from Texas is now satisfied.

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent that the reading of the remaining amendments in disagreement be dispensed with and that they be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON of Missouri. Mr. Speaker, I offer a motion, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. CANNON of Missouri moves that the House adhere to its disagreement to the amendments of the Senate to the bill H. R. 6692, the military appropriation bill, 1938, nos. 1, 47 to 77, inclusive, and 80, and the amendment of the Senate to the title of said bill.

Mr. CANNON of Missouri. Mr. Speaker, I ask for a vote on the motion.

The motion was agreed to.

On motion of Mr. CANNON of Missouri, a motion to reconsider the vote by which action was taken on the various motions with respect to the military appropriation bill, 1938, was laid on the table.

APPROPRIATIONS FOR THE FIRST HALF OF JULY 1937 FOR CERTAIN OPERATIONS OF THE FEDERAL GOVERNMENT

Mr. CANNON of Missouri. Mr. Speaker, I call up the bill (H. R. 7726) making appropriations for the first half of the month of July 1937, for certain operations of the Federal Government which remain unprovided for on July 1, 1937, through the failure of enactment of the supply bills customarily providing for such operations, and ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

Mr. TABER. Mr. Speaker, reserving the right to object, as I understand it, the Senate has adjourned until tomorrow, so that it is absolutely impossible to have all the appropriation bills passed before the 1st of July. I have never known of this kind of a situation arising before.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That for defraying during the first half of the month of July 1937 all expenses of the necessary operations of the Federal Government, which, on July 1, 1937, remain unprovided with appropriations through the failure of enactment on or before such date of the supply bills customarily providing for such operations, there are hereby extended for and during such period all appropriations available for obligation for such expenses during the fiscal year ending June 30, 1937, in the same detail and under the same conditions, restrictions, and limitations as such appropriations were provided for on account of such fiscal year.

SEC. 2. To make effective the appropriations extended by section 1 there are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of certain revenues, receipts, and funds, respectively, as such apppropriations available for the fiscal year ending June 30, 1937, were appropriated, such sums as may be necessary for such first half of the month of July 1937.

SEC. 3. No greater amount shall be expended out of any appropriation provided by this act than an amount equal to one twenty-fourth of the appropriation available for like purposes for the fiscal year ending June 30, 1937.

SEC. 4. The total expenditures for the entire fiscal year ending June 30, 1938, out of the appropriations made by this act and the appropriations in the several pending supply bills, shall not exceed in the aggregate the amounts finally appropriated, respectively, in such pending supply bills when they shall have been enacted into law.

SEC. 5. This act shall not be construed as authorizing the duplication of any special expenditure or providing for the execution of any purpose which was intended to be accomplished only once or done solely for or during the fiscal year ending June 30, 1937.

SEC. 6. (a) This act shall not apply to any expenses of operations of the Federal Government the annual appropriations for which for the fiscal year ending June 30, 1938, have been made on or before July 1, 1937.

(b) On such date or dates subsequently to July 1, 1937, as the several pending supply bills shall, respectively, become law, the appropriations made by this act and applicable to the expenses of operation covered by such pending supply bills shall no longer be available for obligation.

(c) Any appropriations in this act for such first half of the month of July 1937 for any expense of operation for which an appropriation is proposed in, but not finally made by any of, such pending supply bills when the same shall have become law shall cease to be available for obligation on the date upon which the supply bill in which such appropriation was proposed becomes a law; and any expenditure under any such appropriation in this act shall not be included in computing the total of expenditures under section 4 hereof.

SEC. 7. The terms "supply bill" and "supply bills", when used in this act, mean one or more of the regular appropriation bills customarily enacted annually, and for the purposes of this act title II of the War Department Appropriation Act for the fiscal year 1937 shall be deemed such a supply bill.

SEC. 8. This act may be cited as the "Extension of Appropriations Act, 1938."

Mr. CANNON of Missouri. Mr. Speaker, the fiscal year ends at midnight tonight, and all departments for which supply bills have not been enacted by that time are without authority to operate. They can spend no money; they cannot enter into contracts; they cannot employ assistants, rent quarters, buy supplies, or legally transact business of any character.

All of the supply bills have been enacted with the exception of two War Department bills and the Interior bill.

It is our hope that they will be ready in the next day or two, but in the meantime, in order to provide for the maintenance of the War Department and the Interior Department, it is necessary to pass a continuing resolution.

This is the usual bill, prepared in the regular form, and has been submitted to, and approved by, the Comptroller and the Director of the Budget.

Mr. MAPES. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Michigan.

Mr. MAPES. If the Senate should adopt the conference reports on the Army bill and the Interior Department appropriation bill tomorrow, would there be any occasion for the passage of this resolution?

Mr. CANNON of Missouri. If the remaining supply bills should be adopted tomorrow, the appropriations could be dated back and this legislation would not be required, but in the event they were not adopted tomorrow, this emergency legislation would be necessary and, of course, we have no assurance of their passage within the time limit. As a matter of fact, the Senate has added to the Interior bill a provision under which appropriations can be dated back to the first of the fiscal year, and, evidently, has in view some considerable delay which might carry the bill past the first pay day. However, in response to the inquiry of the gentleman from Michigan, I may say that if they are passed and become law within the prescribed time, then this bill does not go into operation. If they are not passed and no provision is made for the operation of the two departments, then this proposed legislation, if passed, will become effective.

Mr. MAPES. Mr. Speaker, will the gentleman yield further?

Mr. CANNON of Missouri. I am glad to yield to the gentleman.

Mr. MAPES. As the gentleman states, it is not an infrequent thing for Congress to pass so-called continuing resolutions somewhat similar to this.

Mr. CANNON of Missouri. That is true.

Mr. MAPES. I have never given any particular attention to the wording of the continuing resolutions, but it seemed to me, as the pending resolution was read, that it was longer and contained more than the usual continuing resolution. Will the gentleman from Missouri tell us whether there is anything in the pending resolution that has not been in the usual continuing resolution?

Mr. CANNON of Missouri. As a matter of fact, it is shorter than some of the continuing resolutions of previous sessions. For example, the continuing resolution passed in the Sixty-fifth Congress had to take into consideration provision for the extraordinary circumstances attending the prosecution of the war which was in progress at that time. This bill omits some of the paragraphs in that resolution, of course, and is to that extent shorter than the resolutions of the war Congress. Otherwise it is the routine legislation adopted on such occasions. One or two minor changes have been made in verbiage which render it a little more restrictive than some previous resolutions of this character, but the change is slight.

Mr. MAPES. Is this resolution retroactive so that it will take care of the interim from 12 o'clock tonight on to the time of its passage?

Mr. CANNON of Missouri. Whenever signed by the President, even after a delay of 2 or 3 days, it will become effective as of midnight tonight.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to my colleague from Missouri.

Mr. COCHRAN. Mr. Speaker, I think the House should commend the Committee on Appropriations for bringing in this resolution. It will enable us to properly consider the outstanding appropriation bills. The Interior Department appropriation bill came back from the Senate in such condition that in my opinion the House should spend at least a week on it before it should ever agree to the Senate amendments. The Senate has inserted in that bill numerous items authorizing public-works projects which have never been authorized by our legislative committees, and while the amount involved is not so much at the present time, yet before the completion of these projects, if the House agrees to the Senate amendments, they will cost the taxpayers of this country several hundred million dollars. I think the gentleman from Missouri [Mr. CANNON] should give the House assurance now, in view of the fact that there are so many Members who have gone home to remain away until the 5th of July, that the Committee on Appropriations will not bring back to this House any conference report upon the Interior Department appropriation bill until next Tuesday at the earliest. I do not think the conference report should be brought back tomorrow. I understand the conferees are meeting at the present time. Further, I understand there is absolutely no chance of an agreement; but even if an agreement is reached, it should not be brought back tomorrow, because so many Members of the House are away, leaving with the expectation that nothing of importance would come up tomorrow or Friday, and they will be home to visit their families over the Fourth. Therefore I think the Committee on Appropriations should insist that the Senate pass this legislation tomorrow, and that the conference report on the Interior Department appropriation bill be held in abeyance until at least next Tuesday.

Mr. CANNON of Missouri. Mr. Speaker, I think the gentleman may be assured that no precipitous action will be taken, and that due consideration will be given all amendments before reported to the House. Of course, it is always to be regretted that we have to resort to temporary stopgaps of this character but it is sometimes unavoidable. We passed the War Department appropriation bill and messaged it over April 30. It has been lying over there more than 2½ months. And we sent over the Interior Department appropriation bill on May 20, nearly a month and a half ago. Now that we have failed to secure final consideration, there is nothing left for us to do but to propose this legislation, without which any action by the two departments would be illegal.

Mr. ENGLEBRIGHT. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. Yes.

Mr. ENGLEBRIGHT. Is the bill general in character or does it cover the specific appropriation bills that have not been passed?

Mr. CANNON of Missouri. It is a general bill. It provides for the activities of all the departments otherwise unprovided for on the 1st of July 1937. If one of the bills should be passed, it would then apply to the other. If neither should become law within the next 2 or 3 days, it would be applicable to both.

Mr. ENGLEBRIGHT. Does not the gentleman think the House should expedite the consideration of these conference reports, in view of this bill and the unsatisfactory manner in which many of the departments will have to operate under the bill? Does not the gentleman think we should expedite the consideration of the conference report, as soon as convenient and possible?

Mr. CANNON of Missouri. I can assure the gentleman that the committee will make every effort to secure enactment before it becomes necessary to invoke the provisions of the pending bill.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from New York, the ranking minority member of the committee.

Mr. TABER. The bill provides that these departments shall run along on the basis of the 1937 appropriations?

Mr. CANNON of Missouri. Yes. It is merely an extension of the current law.

Mr. TABER. And they cannot go ahead and operate under the new appropriations that are under consideration, which have been submitted by the Budget and considered by the Congress, until after these appropriation bills are enacted?

Mr. CANNON of Missouri. No. It merely makes available one twenty-fourth of the amount of the appropriations provided in the current bill and under conditions prescribed by existing law.

Mr. Speaker, if there are no further inquiries, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

RENEWAL OF STAR-ROUTE CONTRACTS—VETO MESSAGE OF THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 281)

The SPEAKER laid before the House the following veto message from the President of the United States, which was read:

To the House of Representatives:

I return herewith, without my approval, H. R. 4408, entitled "An act to provide for the renewal of star-route contracts at 4-year intervals, and for other purposes."

Under existing law contracts for carrying the mail over star routes are required to be let for a period not exceeding 4 years to the lowest responsible bidder. The principal purpose of this bill is to provide that in any case of regular (star route) contracts the contract may, in the discretion of the Postmaster General, if and when he finds it to be in the interest of the Postal Service (and subject to certain other conditions and limitations prescribed in the bill), be renewed for single periods of 4 years from date of expiration, at the rate prevailing at the end of the contract term, and like renewals of such contract may thereafter be made as often as the interests of the Service may require.

I am opposed to this measure, as I am firmly convinced that the existing policy of awarding star-route contracts to the lowest responsible bidder is fundamentally sound. This policy has been in effect for more than 50 years, during which time it has proven on the one hand to be fair to the Government, and on the other it affords to all citizens equal opportunity through fair and open competition to secure the award of such contracts. Without competitive bidding no one can definitely determine the least amount annually for which some responsible bidder may be willing and able to perform the services on a particular route. The Postmaster General, in the discretion granted him by this bill, could not, without obtaining competitive bids, determine whether or not the renewal of a contract would in fact be in the best interests of the service. Obviously there would be no opportunity to reduce the expense of the star-route service in cases where renewals are granted, as the bill provides that such renewals shall be at the rate prevailing at the end of the contract term. Moreover, the Postmaster General would be authorized to grant renewals to a contractor every 4 years for an indefinite period. In other words, the bill contemplates vesting a right to the continuance of a contract merely because of the present holding of the contract without regard to what existing conditions might be at the termination of the particular contract.

For the above reasons and those contained in the attached letter of the Acting Postmaster General, dated June 29, 1937, I do not feel justified in approving this bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *June 29, 1937.*

The SPEAKER. The objections of the President will be spread upon the Journal.

Mr. MEAD. Mr. Speaker, I move that the veto message and bill be referred to the Committee on Post Offices and Post Roads and ordered printed.

The SPEAKER. The question is on the motion of the gentleman from New York.

The motion was agreed to.

ACQUISITION OF CERTAIN LANDS FOR YOSEMITE NATIONAL PARK, CALIF.—CONFERENCE REPORT AND STATEMENT

Mr. DEROUEN, from the Committee on Public Lands, submitted a conference report and statement on the bill (H. R. 5394, Rept. No. 1149) to provide for the acquisition of certain lands for, and the addition thereof to, the Yosemite National Park, in the State of California, and for other purposes, for printing in the RECORD.

EXTENSION OF REMARKS

Mr. COLE of Maryland. Mr. Speaker, I ask unanimous consent to extend my own remarks and insert in the Appendix of the RECORD an address delivered by my colleague from Indiana [Mr. PETTENGILL].

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MEETING OF WAR VETERANS OF THE HOUSE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute to make a statement.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, I wish to state to the veterans of the House that on tomorrow, at 11 o'clock, our veterans' association will meet in the World War Veterans' Committee room in the House Office Building. Let me say this is not an official organization. It is merely a social organization of Members who served in the World War, the Spanish-American War, or in the Philippine Insurrection. Formerly we had some Members who had served in the Civil War.

The association does not participate in legislation, and has no power to even pass a resolution on legislation, or to endorse anybody for any political or official position, but it is merely a meeting of the Members of the House who have served in the military service, and, as I have explained, to get together occasionally. Tomorrow we are going to meet and organize and elect officers of the association. I hope you ex-service Members will all be there.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by printing a radio address I delivered last Friday night over Station WGY.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in three particulars: First, the foreign-trade zone of New York; second, capital gains and losses taxes; and, third, on the matter of undistributed profits.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ALLEN of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERSONAL EXPLANATION

Mr. MILLS. Mr. Speaker, on June 29, 1937, I was unavoidably detained at my office when roll calls no. 98 and no. 99 were called. Had I been present, I would have voted "no" to recommit the bill, roll call no. 98, and I would have voted "yea" on roll call no. 99, the passage of the bill.

EXTENSION OF REMARKS

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a table showing the percentages of tenant farmers in my district.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERSONAL EXPLANATION

Mr. TOBEY. Mr. Speaker, with reference to the roll-call vote this morning on agreeing to the conference report on the War Department appropriation bill, my colleague from New Hampshire, Mr. JENKS, and I were unavoidably absent at a Boy Scout conference. Had we been present, we would have voted "aye."

APPROPRIATIONS FOR THE CIVILIAN CONSERVATION CORPS, RAILROAD RETIREMENT ACCOUNT, AND OTHER ACTIVITIES

Mr. WOODRUM. Mr. Speaker, I call up for immediate consideration the resolution (H. J. Res. 433) making appropriations for the fiscal year ending June 30, 1938, for the

Civilian Conservation Corps, the railroad retirement account, and other activities, and for other purposes.

The Clerk reported the title of the House joint resolution.

Mr. WOODRUM. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 433; and pending that, I ask unanimous consent that general debate be limited to 50 minutes, confined to the bill, the time to be equally divided between the gentleman from New York [Mr. TABER] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Virginia [Mr. WOODRUM].

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 433, making appropriations for the fiscal year ending June 30, 1938, for the Civilian Conservation Corps, the railroad retirement account, and other activities, and for other purposes, with Mr. HOBBS in the chair.

The Clerk read the title of the House joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

Mr. WOODRUM. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this joint resolution provides appropriations for five activities and emergency deficiency items for departments out of funds at midnight tonight. The first is the Joint Committee on Tax Evasion and Avoidance, the committee set up by the House and the Senate, with which I think all of us are familiar, $50,000. The second item is the usual resolution providing authority to pay the pages of the House and the Senate after July 1. The third is an item for the Civilian Conservation Corps. The fourth is a little rent item for the Department of Agriculture. The fifth is an item for the railroad retirement accounts.

The only item on which I think there might be any difference of opinion among the members of the committee is the appropriation for the Civilian Conservation Corps. We passed a bill extending the Civilian Conservation Corps but reducing its enlisted strength to 300,000 and making a number of other very radical changes in the set-up of that organization. For the current fiscal year they have had $403,000,000. This bill provides $350,000,000 for their activities for the fiscal year beginning at midnight tonight. It is true that there is an ostensible reduction of 20 percent in the activities of the Civilian Conservation Corps, and probably it will be claimed that there should, therefore, be a corresponding reduction in their appropriations. Certainly, a substantial majority of the committee does not feel that it would be safe to reduce the appropriation for the Civilian Conservation Corps anything below the amount of the Budget estimate which was for $350,000,000; and it is upon this basis that the Appropriations Committee has brought the item to Congress this year.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. MOTT. Will the gentleman explain the provision at the bottom of page 3 for the retention of employees of the corps and cooperating Federal agencies which are paid from the Emergency Conservation work funds, and particularly whether that includes Reserve officers assigned to the C. C. C. camps.

Mr. WOODRUM. It does not affect Reserve officers. They are assigned by the War Department, as the gentleman knows. The reason for this provision is to make unnecessary the formality of a new appointment for each one of the personnel of the C. C. C. retained after the beginning of the fiscal year.

Mr. MOTT. It has nothing to do with Reserve officers?

Mr. WOODRUM. It has nothing to do with Reserve officers.

Mr. Chairman, I reserve the balance of my time.

Mr. TABER. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I yield to no man on either side of the House in my desire to plug all the loopholes that have been used by tax avoiders and evaders. I probably go further than most Members of the House. I say this so that there will be no misunderstanding of my position. I would do away with all foreign personal holding companies. I would also do away with all domestic holding companies. I would do away with that greatest of all loopholes, the further issuance of tax-exempt securities. Some $15,000,000,000 of tax-exempt securities have been issued in the last 4 years by this administration, and these constitute by far the largest single loophole for the rich men of America to evade paying their share of taxes for the maintenance of the Government.

The President in his recent message on tax evasion and avoidance started by using these words:

> A condition has been developed during the past few months so serious to the Nation that the Congress and the people are entitled to the information about it.

I submit that this is not an accurate statement. This condition has not been developing for the last few months only; it has developed over a long period of time. For many years past, for 3 or 4 years at least—and, to be fair, even before this administration came into power—rich men and others had been using loopholes that have been left by the Congress in order not to pay their taxes to the Government. If anyone is at fault, it is the administration, the Ways and Means Committee, and the Congress for leaving these loopholes.

In America a man is innocent until he is proven guilty. It seems to me that rich men—and I am not here to defend any rich man; I find they can always take care of themselves; I am here merely to state facts—it seems now that certain rich men must be singled out and smeared across the pages as if they were criminals for doing something that they are permitted to do by the Congress and by the Government. Almost without exception, these charges have been made before the investigating committee against men and women who have made deductions within the law. In only a few cases has it been charged or claimed that what was done was illegal. I want to make clear also that I am not criticizing the committee now investigating tax avoidance and evasion, composed of prominent members of the Ways and Means Committee of the House and Senators from the Committee on Finance of the Senate, all honorable, honest, and able men. They have not brought any partisanship into it. They are acting only as servants of the House and the Senate to get the facts. The Treasury Department, however, in my humble judgment, has injected partisanship into it. It has presented a large number of names, not claiming that these people have done something illegal, and it is beginning to look to me as though many of the men mentioned were being singled out for punishment and reprisal not by the committee but by the Treasury of the United States and the administration.

A large number of these names are of people known to be opponents of the administration, who are on record as political foes of the administration. Out of some sixty-odd names, 27 that I have checked up individually have been contributors against the administration through the Republican Party. Others that I have not checked up have been contributors through, let us say, various organizations that are known as anti-New Deal, whether it be the Liberty League or some other organization. It is fair to say that 50 percent of the people whose names were presented by the Treasury Department are men and women who have openly opposed the administration and contributed against it. I must exclude the testimony given before the committee yesterday because I have not had time to check it up, but so far the name of only one Democrat has been presented who has contributed to that party and I happen to know him very well because he lives in my district. Nobody thinks less of the New Deal than he did and does. He contributed for other

reasons, probably on account of the fact that he is the greatest brewer in America today and produces more beer than anyone else.

The origin of the investigation has all the earmarks of soaking and swatting the rich and promoting class hatred. I have thought from the time the President's message was read to Congress and said so at the time, that it was a smokescreen and a camouflage to detract attention from other issues and a red herring dragged across the front lines of the press as an excuse for failure to balance the Budget or to make accurate estimates of income-tax payments and other revenue.

Mr. Chairman, this investigation is not necessary, although nobody objects to it. It must be apparent that the Ways and Means Committee could have obtained the information. The Treasury Department has had the information for a long time. It could be presented overnight to the Ways and Means Committee, which could have written legislation and put an end to at least 90 percent of the loopholes in a few weeks' time. Such a measure could be passed through Congress by a unanimous vote and without opposition before adjournment, and the few remaining loopholes attended to when the Congress convenes in January.

I am not opposing the $50,000; in fact, I am strongly for it and would be in favor of more, if necessary, to plug the loopholes. But I submit this must be an impartial investigation. It must not be merely an investigation of the enemies and foes of the New Deal. It must include all kinds of tax evaders and avoiders from the highest down, from the President of the United States down, including members of the President's family, members of the Cabinet and their families, and high Government officials who have done exactly and identically the same thing—who have taken advantage of these loopholes to deduct from their income within the law—as is charged against others who are foes of the administration.

Now that the chairman of the Ways and Means Committee is present, I want to read to him a letter I mailed last night, which, if Mr. Farley's mails are going regularly, should have been delivered this morning. In case he did not receive it, I want to read it to him and to the Members of the House:

JUNE 29, 1937.

Hon. ROBERT L. DOUGHTON,
Chairman, Joint Committee on Tax Evasion and Avoidance, House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: I am sending you herewith certain remarks I made recently concerning the investigation of tax evasion and avoidance, which are self-explanatory.

I hereby request your committee to make an investigation of these various charges, and will be glad to cooperate to the fullest extent and appear before your committee in substantiation of the main charges. The committee can obtain most of the facts direct from the Treasury Department prior to my appearance, if desired.

I feel very strongly, however, that most of the names that have been submitted by the Treasury Department are opponents of the administration and a large percentage of them are contributors to the Republican campaign funds.

I am confident that the committee desires to avoid any aspect of partisanship or partiality, and for that reason trust that you will take whatever action is necessary to call for the tax returns of members of the administration and friends of the administration who are using the same kind of loopholes to evade and avoid payment of taxes to the Federal Government.

Assuring you of my cooperation, I am,
Sincerely yours,

HAMILTON FISH.

In order to save time I ask unanimous consent to put into the RECORD the names of those already mentioned who are contributors to the Republican Party, instead of reading their names at this time. Included in those names are former officials of the Government, such as Andrew Mellon, formerly Secretary of the Treasury. I submit in all fairness and in all justice, if he is to be pilloried, if he is to be pointed out as a tax evader under the law, a former prominent Secretary of the Treasury, then it is the duty of the committee to call for the tax returns of the members of the Cabinet mentioned in my statement made both inside and outside of this House and printed in the CONGRESSIONAL RECORD, in the Appendix.

The following are the names of Republican contributors who have already been publicly smeared by the Treasury. In all fairness let us have the Democratic evaders as well: Andrew Mellon, Pierre du Pont, F. V. du Pont, Paulina du Pont, Mrs. Ethel du Pont, Mrs. W. du Pont Moss, H. F. du Pont, Thomas W. Lamont, Alfred P. Sloan, Jr., Fred Fisher, William Dewart, Isabel Willys, Charles Hayden, Jeremiah Milbank, Robert Nixon, R. W. Woodruff, Ailsa Mellon Bruce, W. R. Coe, Charles E. Merrill, E. C. Lynch, E. H. Worth, Duncan Phillips, S. E. Summerfield, Clement C. Smith, C. D. Marshall, R. B. Mellon, R. E. Dwight, Jules S. Bache, Wallace Groves, Percy K. Hudson.

Mr. Chairman, I would be glad to appear before the committee in substantiation of those charges that I have deliberately made. The President of the United States sent a report to the Congress in which he talked about the immoral and unethical tax evaders and avoiders and the problem of decency of American morals, and so forth. I will present evidence at that time showing that the President of the United States is using these same loopholes, and has admitted he has used these loopholes to make deductions in connection with his farms in Dutchess County and in Georgia, and has written off depreciation on old buildings and losses on the farms, and, of course, he does not live on either of these farms. I would rather submit that evidence in a concrete way before the proper investigating committee instead of on the floor of Congress.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. FISH. Mr. Chairman, the whole purpose of this investigating committee will be spoiled if it goes before the country as a partisan committee, simply dragging into the limelight Republicans and foes of the administration, who have done nothing more than the President of the United States, and I do not claim the President has done anything illegal; but the President himself has said he has used these loopholes to avoid payment of taxes by writing off depreciation on an old barn on his place that was built in 1790 and which he bought in 1910. This barn is located on his farm at Hyde Park. I therefore repeat, Mr. Chairman, what is sauce for the goose is sauce for the gander. [Applause.]

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. DOUGHTON].

Mr. DOUGHTON. Mr. Chairman, I have listened to the address which the distinguished gentleman from New York has just delivered. The gentleman is quite amiable. But he can undoubtedly dream more wild dreams, see more visions, and impute more unworthy motives, with less evidence, to men in high places than any man inside or outside of this Hall.

He starts in and rambles over enough territory for a 2-hour speech, criticizing the issuance of tax-exempt securities, among other things. Of course, the issuance of tax-exempt securities is not peculiar to the present administration. It is not a modern affair. I do not know how long it has been going on, but it occurred under previous administrations, as well as the present administration. The matter has been discussed again and again, but thus far no remedy has been devised. It is a matter that the Congress can deal with any time, probably through a constitutional amendment.

The main criticism of the gentleman today seems to be of the hearings that are now being conducted by the joint committee of the House and Senate as provided by resolution of the House and Senate and as a result of the message of the President of the United States on tax avoidance and tax evasion. The gentleman seems to think and even charges that discrimination and political methods are being used by the Treasury Department. He absolves the members of the joint committee of anything of the kind, but boldly charges that the Treasury Department is proceeding along political lines.

In other words, he charges the Treasury Department is discriminating and bringing out only the names of those who belong to the minority party and not including the names of those who might belong or do belong to the majority party.

Dr. Magill, Under Secretary of the Treasury, is one of the most able and fairest men I have ever known connected with any department of the Government. In his opening remarks before our committee he made this statement:

We—

That is, the Treasury Department—

asked the revenue agents in charge in each of the 38 internal-revenue districts to submit full information of any new forms of tax avoidance which had come to their attention, and of any existing loopholes in the revenue laws which were causing a substantial loss of revenue. Particular attention was devoted to those major districts in which the increases in income reported had been significantly less than the average increase for the country as a whole. The cases thereby collected were carefully analyzed, and further investigations made when necessary.

Dr. Magill has stated to me in addition that in every instance where there were indications of tax avoidance and evasion by some questionable means, either taking some questionable advantage of the present law or in violation of the present law, the cases without regard to party or to section were reported to the Treasury Department.

On our joint committee are two able, eminent, and fair minority Members of the House, and the same from the committee of the other body. Thus far they have had no occasion—if they have, they have not expressed it—to speak of anything having been done which would raise in the minds of the committee, in the minds of Members of Congress, or in the minds of the people of the country the suspicion that the Treasury Department is proceeding in a partisan manner. I am sure if they become convinced that partisanship is shown and have any evidence to support such a position, they will bring it to the attention of the committee.

I may say, moreover, the committee has the authority to make an investigation of the tax returns of any individual or corporation, and the committee doubtless will make such investigation if request is made by any member of the joint committee. While the gentleman from New York attempts to cast aspersions upon the administration and to claim that the administration is guilty of the same offenses as are involved in the cases which have been brought to the attention of our committee, I have no thought that the President of the United States—and I am not authorized to speak for him; he is always able to speak for himself—or the Secretary of the Treasury or anyone connected with the administration will ask immunity. I challenge the statement, as being unworthy of the gentleman from New York, that the President of the United States has resorted to the same questionable methods of evasion that have been discovered and exposed by our committee. I feel sure he has not incorporated his pocketbook or organized foreign corporations and bogus foreign insurance companies nor resorted to similar devices.

Mr. FISH. All the gentleman has to do is accept my challenge. I will prove it to the gentleman.

Mr. DOUGHTON. I do not yield at this time. I did not interrupt the gentleman.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. DOUGHTON. I yield to my colleague the gentleman from Massachusetts.

Mr. TREADWAY. Was not the subject brought up this morning in the committee of other witnesses being requested to appear or returns of persons other than those whose returns have been or will be submitted by the Treasury itself being requested of the Treasury?

Mr. DOUGHTON. It was mentioned in a general way. No names were mentioned.

Mr. TREADWAY. No names were mentioned; that is right.

Mr. DOUGHTON. Nothing was specified. The gentleman seemed to have had in his mind some suspicion that possibly the hearing might be closed before all parties were given an opportunity to be heard, and he was assured by the chairman of the joint committee that the committee would care for that, that certainly the Treasury officials could not determine when we would close the hearings. I may say to the gentleman I have no doubt any request the gentleman submits to the joint committee will receive the same consideration as requests made by members of the majority party. I do not think the gentleman has any fear that he will not be accorded every right, every courtesy, and every opportunity, or that the investigation will not proceed upon a basis of fairness and justice, without regard to partisanship. I have not seen any evidence on the part of the committee of a desire to manifest any partisanship.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield further?

Mr. DOUGHTON. Yes; I yield.

Mr. TREADWAY. Mr. Chairman, sometimes I have had occasion to differ with the views expressed by my distinguished chairman, but I may say to him and to the House that in this instance he stated very accurately exactly what has happened in the committee, and that I have every assurance the minority members will be given the opportunity to which the chairman has referred of requesting returns of other taxpayers than those whose returns have been submitted by the Treasury Department itself. [Applause.]

Mr. DOUGHTON. I thank the gentleman. I trust the gentleman from New York [Mr. FISH] may be able to possess his soul in peace for a while. If there should be ground for complaint, I am sure the gentleman from Massachusetts and the gentleman from New York, who are able and conscientious members of the joint committee, will find it out. The gentleman from New York [Mr. FISH] is always seeing ghosts, dreaming dreams, and imagining things.

Mr. FISH. The gentleman was asleep while I was talking.

Mr. DOUGHTON. Oh, no.

Mr. FISH. No one has charged the gentleman's committee with doing anything wrong or being partisan. I said exactly the opposite. I think the gentleman was dreaming when I was speaking.

Mr. DOUGHTON. The gentleman charged the Treasury Department with that, which is just as bad.

Mr. FISH. Yes; I did.

Mr. DOUGHTON. And there was not the slightest foundation for it. It is purely without any foundation whatever. It just sprang up in the brain of the gentleman, like a lot of the other brainstorms he has had. [Laughter.]

Mr. TABER. Mr. Chairman, I yield the balance of my time to myself.

Mr. Chairman, I am rising for the purpose of trying to save a little money, so that the Ways and Means Committee will not have to work so hard. We have before us an estimate of $350,000,000 for the C. C. C. for the fiscal year 1938. By the authorization bill, which was passed here in the House, the authorized number of the C. C. C. was reduced from 350,000 to 300,000. The appropriations, therefore, should be reduced from $403,000,000, which is the amount that will be spent in the fiscal year 1937, to $320,000,000, and if they have efficient management and go along in the same way they have before, we ought to be able to cut $30,000,000 from this item and still permit them to function just as they have been permitted to function heretofore.

The estimates that were brought up to us by the C. C. C. called for an average number of enrollees of 303,000 through the year. This appears on the green sheets that were submitted to us.

I want to call the attention of the House to the number of those on the roll and the number being paid by the C. C. C. during the fiscal year 1937, with an authorization of 350,000:

On January 10, there were 351,000.

On March 10, 297,000.

On March 30, 242,000, or over 100,000 below the authorized strength.

On April 10, after enlistments had come in, 280,000, or 70,000 below the authorized strength.

On May 10, 300,000.

On June 10, this month, 278,000.

It is perfectly apparent from a consideration of these figures that the number in the C. C. C. camps will not be anywhere near the authorized strength, and why should we appropriate for the full authorized strength when it is absolutely impossible, in the working out of a normal situation, for that number to be there? It is not a question of whether there is any merit in the C. C. C. or anything of that kind. This is an appropriation bill to provide for an activity which the Congress has authorized and directed shall go on, and we should, in figuring out the amount to be appropriated for this activity, give them funds to take care of the number they will have on hand.

Mr. KELLER. Mr. Chairman, will the gentleman yield for a question?

Mr. TABER. I yield to the gentleman from Illinois.

Mr. KELLER. I would like to know whether the gentleman can tell me how many enrollees there are in the camps and whether there are not thousands and thousands of applicants above the present enrollment waiting to be accepted?

Mr. TABER. I do not know about that. They stated when they were before us that they might have difficulty in filling their enlistments and they might have to go out and solicit such enlistments. This is the statement they made and it is the limit of my knowledge. They did make the statement, and I think this will answer the gentleman's question better than I could answer it in any other way, that enlistments, according to their new ruling, come on the first days of July, the first days of October, the first days of January, and the first days of April, and from the date of enlistment there is a gradual dropping off in the number on hand until the next date of enlistment.

Therefore, in the months of August and September, in the months of November and December, in the months of February and March, and in the months of May and June, there will undoubtedly be a very much smaller number than the authorized enlistment in the corps. This has been the rule right along, ever since the corps started, and figuring on the basis of what has happened before there is no question but what there will be a much smaller number on hand than the outfit has estimated.

Mr. KELLER. May I suggest to the gentleman that I believe an investigation on his part will develop there are more than 100,000 who are anxious to get into the C. C. C., if they can.

Mr. TABER. I only know what they told us, and if we appropriate for this outfit on the basis of 80 percent of what has been expended or will be expended with the close of today, $403,000,000, or approximately $320,000,000, we will have appropriated ample funds to meet the cost of operation and I do not believe we should appropriate $30,000,000 more than is necessary.

Mr. McSWEENEY. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Ohio.

Mr. McSWEENEY. Did the gentleman figure that on a percentage basis or on a per-capita basis?

Mr. TABER. On a percentage basis of the authorized strength, believing that the number who go in on the enlistment dates will drop off, as they have in the months following the enlistment dates.

Mr. McSWEENEY. Does the gentleman believe it is fair to figure on a percentage basis when they must maintain a certain, definite overhead, whether they have a larger or smaller number?

Mr. TABER. They do not have to maintain all of their overhead.

Mr. McSWEENEY. Not all of it, perhaps.

Mr. TABER. Because they are planning to reduce the number of camps by at least 500, bringing the number down to around 1,500, and as they do this they will be able to drop a very large percentage of their overhead.

The figures they have given us, and upon which I have relief, are way beyond what is reasonable.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I ask that the Clerk read.

The CHAIRMAN. The Clerk will read the resolution for amendment.

The Clerk read as follows:

Resolved, etc., That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1938, for the following respective purposes:

LEGISLATIVE

JOINT COMMITTEE ON TAX EVASION AND AVOIDANCE

For payment of salaries and other expenses of the Joint Committee on Tax Evasion and Avoidance authorized by Public Resolution No. 40, approved June 11, 1937, including stenographic reporting services under contract without reference to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), per-diem allowances in lieu of actual expenses of subsistence, traveling expenses, law books, books of reference, periodicals, newspaper clippings, and such other expenditures as the joint committee deems advisable, fiscal years 1937 and 1938, $50,000, to be disbursed one-half by the Secretary of the Senate and one-half by the Clerk of the House of Representatives.

Mr. FISH. Mr. Chairman, I move to strike out the last word. After I had concluded my remarks, which I consider most temperate, the chairman of the Committee on Ways and Means felt it was necessary to indulge in personalities. I have made certain definite charges but not against his committee or any member of his committee. In fact, I had commended the members of the investigating committee for the hard work they were doing and for the impartial treatment of the matters before them. I have made some specific charges, somewhat serious and far reaching, and I had asked for an opportunity to appear before that committee in order to substantiate those charges. As a Member of this House for 17 years, I have not been accustomed to make half-baked charges or charges that I cannot substantiate before this House or any committee of the House. Therefore, I say to the gentleman that he must have been sound asleep while I was speaking, because I commended him most highly, and the members of his committee, and said that they had nothing to do with the names presented to them, that they were presented by the Treasury Department. It is evident that most of them were Republicans, whose names were put into a hat and were taken out at random by the Treasury Department. The fact is, as I told the gentleman, only one Democrat has been involved or rather been presented to the committee to be smeared.

Mr. DOUGHTON. Mr. Chairman, will the gentleman yield?

Mr. FISH. Oh, I know how holy the gentleman is, and how holy the President is and that no Democrat would take advantage of existing loopholes left by the gentleman's committee.

Mr. DOUGHTON. Not like the gentleman from New York.

Mr. FISH. But I say to you that all we ask is an impartial investigation, not from the Treasury Department but opportunity for us to appear before the gentleman's committee, and we challenge him, and I challenge him now, to take up these Democratic tax returns that I have mentioned and submitted to the gentleman today in writing, and I shall substantiate those charges, and substantiate them by their own income taxes and by their own statements, and not by my own or by the statement of any other Member of the House. I want the gentleman to understand that these charges were made seriously, without any reflection whatever upon the gentleman as chairman or upon any member of his committee, but I have a right as a Member of the House and as a minority member, to ask to come before the gentleman's committee and present evidence upon those cases, and I do not propose to have the gentleman or any one else try to laugh them off, because it is not a laughing matter.

Mr. TREADWAY. Mr. Chairman, I rise in opposition to the pro-forma amendment. I am in general sympathy with the remarks of my friend the gentleman from New York [Mr. FISH], but I think it is only fair to correct, if I may, some of the language that he uses. I personally cannot agree with him that any "charges" have been made against anybody. As I recall, the hearings before the joint committee, there has been but one claim made by the Treasury Department of any illegal action, and that was based on an untrue statement by a taxpayer rather than on any detail of the returns.

My understanding of the word "charge" is that it connotes something corrupt, something wrong, something that ought to be prosecuted. I think the gentleman from New York can well say to investigate the returns, but, personally, as a member of that committee and one of the members of the minority party to which the gentleman from New York belongs, I think the use of a word that indicates something absolutely criminal is not quite fair, either to the Treasury or to the committee or to the people whose returns have been brought to the attention of our committee. I wish the word "charge" might be left out and some other word substituted in the revision of the remarks of the gentleman from New York. I repeat, if I may, the remarks I made a few moments ago, with this same idea in mind. The hearings are not over. Names can be submitted to any member of the committee or to the committee, and, from the assurance that I have received on the floor here and in the committee, I am certain that those returns will be submitted in due course to the committee on request of any member of the committee.

Further than that, I think it may be well to clear up this matter. I have been approached by several different persons, who were wondering whether any refutation of some of the statements that had been made before the committee could be made by those to whom reference has been made. Of course, we have the right to subpena witnesses, but that does not carry with it any opposition to the appearance of witnesses voluntarily, and I think it is well that the country should know that anyone desiring to be heard upon the general subject matter of tax avoidance and tax evasion by the joint committee should be allowed and will be allowed to submit their names to the chairman or to the clerk of the committee and have an opportunity to appear.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. FISH. I quite agree with the gentleman. Perhaps the word "charge" is too severe, if it connotes anything illegal or unlawful under the law. I never meant anything of that kind. I specifically so stated when I first spoke, and I am willing to use some other more acceptable word that does not carry with it that meaning.

Mr. TREADWAY. I thank the gentleman for his statement.

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DOUGHTON. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, the gentleman from New York [Mr. FISH] seemed to think I had understood from his first remarks this afternoon that he was reflecting upon the joint committee. I did not have any such thought as that. I did not intend to leave any such impression by the remarks I made. What I attempted to say and intended to say was that I thought his remarks were unjustified and unfair so far as the action of the Treasury Department was concerned, and the Administration. That is the part to which I took exception, and not any reflection on our committee.

Now, as far as the matter just referred to by the gentleman from Massachusetts [Mr. TREADWAY] is concerned, as to the parties whose names have been brought out, we are not responsible. If more of them belong to one party than to another, I did not know it. I have not even asked or heard any suggestions as to the political affiliation of any of those whose names have been mentioned. There has been no mention made to me either in committee or privately about it. This is the first time that I have ever known that they practically all belong to one party. I am assured by Dr. Magill, as reliable a man as there is in the United States, that the revenue agents were instructed to take these names wherever they found any indication whatever of any irregularity, and send the tax returns in or make a report on those cases.

Mr. FISH. The gentleman must know that Andrew W. Mellon, former Secretary of the Treasury, is one of the outstanding Republicans.

Mr. DOUGHTON. I believe someone said the greatest since Alexander Hamilton, or the greatest Secretary of the Treasury. [Laughter.]

Mr. FISH. But if his name can be dragged in——

Mr. DOUGHTON. There is nothing wrong about that. The gentleman wanted to bring in the President of the United States. Is Andrew Mellon more holy than the President? The gentleman has been trying to drag the President in all the time.

Mr. FISH. You have already done it.

Mr. DOUGHTON. That is what the gentleman has been trying to do, and still tries to do.

Mr. FISH. Out of 60 names, you just got 1 Democrat. That is the answer.

Mr. DOUGHTON. We are not to blame for that. If there is only one Democrat who has sinned as against a hundred Republicans, we are not to blame for that. It does not surprise me much, however. [Laughter and applause.]

Now, as to the remarks of the gentleman from Massachusetts [Mr. TREADWAY], I appreciate what he says. They are just as fair and fine as they can be. In my opening statement, which I took the pains to reduce to writing so that there could be no misunderstanding or misrepresentation about it, I said that any parties whose names were brought into the hearings would be given full opportunity to come and exonerate themselves or defend themselves or explain anything in connection with the charges, and it will be done, so that they need have no fears of persecution or prosecution unless they have resorted to some crooked or questionable methods.

I do hope the gentleman from New York [Mr. FISH] can be patient. He is a fine gentleman and one of the very active Members of the minority, but he gets impatient. His partisan zeal sometimes overruns his good judgment. I do hope and trust that he will wait until the minority Members at least find some ground for complaint and objection to the way these hearings are being conducted.

Mr. FISH. I will take the gentleman's word that you are going to have a fair and impartial hearing.

Mr. DOUGHTON. The gentleman should do that in deference to the honorable and capable men of the minority who are on that joint committee. I think he owes that to them—to wait and see whether they are able to take care of the situation.

Mr. FISH. I have made no charges against the committee. I will take the gentleman's word for it that there will be an impartial hearing.

Mr. DOUGHTON. We are not going to try to laugh off anything or give anybody immunity as far as my influence can go on that committee. I desire that this investigation shall be one that will commend itself to the fair judgment of the entire country; that it shall not be a partisan investigation but that it shall be a fair and honest investigation, without discrimination or favoritism.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. DOUGHTON] has expired.

All time has expired.

The pro-forma amendments were withdrawn.

The Clerk read as follows:

PAYMENT OF PAGES

For the payment of 21 pages for the Senate and 47 pages for the House of Representatives, at $4 per day each, for the period commencing July 1, 1937, and ending with the last day of the month in which the Seventy-fifth Congress adjourns sine die at the first session thereof, so much as may be necessary is appropriated for each legislative body.

Mr. DITTER. Mr. Chairman, I move to strike out the last words.

Mr. Chairman, I trust that the distinguished chairman of the Committee on Ways and Means will bide with me and be gracious as he has been to the distinguished gentleman from New York as I make an observation or two respecting this matter that has been under discussion.

Mr. WOODRUM rose.

Mr. DITTER. Now, my distinguished friend from Virginia probably will make a point of order. I ask whether he will indulge me. I am speaking on the words "legislative body." The word "body" was the word I wanted to strike out, and, incidentally, strike at it. Now, I may be subject to a point of order if the gentleman from Virginia presses it.

Mr. WOODRUM. The gentleman anticipates the fact, but I am extremely anxious to get this appropriation bill passed and am torn between two impulses to expedite the bill and to try to be generous to the gentleman.

Mr. DITTER. I have not thrust myself on the graciousness of the gentleman very often.

Mr. WOODRUM. I shall not object to the gentleman's speaking out of order, but I shall be forced to invoke the rule on all other such requests.

Mr. DITTER. Mr. Chairman, I believe we all agree that the matter under discussion with reference to tax avoidance and tax evasion is one that is chargeable entirely to the Ways and Means Committee; in other words, if there are loopholes in the law by which these tax evasions and tax avoidances are possible it is due either to the neglect or to the carelessness of the Ways and Means Committee. This committee for 4 years has had the opportunity of correcting these abuses. The country has been deluged with the paeons of praise of the marvelous things that this New Deal administration has accomplished. During this period of time the distinguished chairman of the Committee on Ways and Means and his very able associates could have changed those things about which there is so much criticism at this time.

I am wondering whether we are proceeding wisely in making such a hue and cry about this matter of tax evasion and tax avoidance in the country right now, whether we are not encouraging the strife and antagonisms that are growing up just as a result of this kind of approach to this subject. I am wondering whether the distinguished chairman of the Committee on Ways and Means and his associates might not have cured these evils without calling any one of these men who have been charged, or at least against whom suspicion has been directed. I am wondering whether the Chief Executive of the United States might not well have directed a suggestion to the distinguished chairman of the Committee on Ways and Means about these loopholes, and that then the chairman of the Committee on Ways and Means and his able committee might have directed their attention during the last 5 months toward a correction of the evils. Since February 6, when the subject of packing the Court was brought before us, the entire legislative program has been stalemated. Why has not the Committee on Ways and Means come here during the last 5 months, as a result of careful analysis and deliberative study and measured judgment, and introduced legislation to correct these conditions?

The fault does not lie with the Ways and Means Committee and certainly not with the energetic and capable chairman of that committee. He is an indefatigable worker, a conscientious public servant, a man of unusual ability who commands the respect and admiration of all. I have a very high regard for him and value the contributions of helpfulness which he brings to the House. The fault, I say, does not lie there. Unfortunately, it is the result of a system which our Democratic Members have permitted to develop, and which I venture they will deplore before long and regret as much as we do on our side of the aisle. It is the system of absolute subserviency to the White House. It is the system which robs this body of its true legislative prerogatives, making of the Members merely approving instruments in the hands of the Executive. It is the system against which many of you rebel in your souls, as you hope for the day when assertiveness may be substituted for submission and articulation may take the place of silence. No; the fault is not the inability nor the unwillingness of the chairman or the committee. It is due to your submissive surrender to the Executive, which will mean ultimately the end of representative government unless, by your independence, there is a reassertion of your rights and a renewed recognition of your privileges.

The investigation being conducted by the special committee on tax avoidance and tax evasions was suggested in a special message from the President. The message was voluminous. It recited instances of avoidance and evasions. Apparently the law needed correction; loopholes were to be plugged. Allegations arresting attention were presented. But what good will come of this investigation? What should be our chief concern? I submit that the Ways and Means Committee could more profitably occupy its time—profitably for the Congress and the country by proceeding at once to a serious, studied consideration of the tax question—especially to those sections in which it is alleged the loopholes exist, and then presenting to the House the amendments to cure the evils. This has been the practice at other times. Nothing has been developed thus far in the hearings which could not have been given the Ways and Means Committee by the Treasury Department. The Treasury Department was in possession of the facts showing the methods and the procedure followed by the alleged tax evaders. The allegations have not been evasions outside the law, but evasions within the law. There can be no serious disagreement with my contention that our task is to tighten up on the law—to make these evasions and avoidances impossible; to get down to the serious business of enacting corrective legislation instead of this boisterous ballyhoo and this blaring of trumpets; to get ourselves out of this stalemated, stagnated inertia and plug up the holes in the tax laws.

Of course, such a policy might not have the news value that the present policy commands. It would mean a new tax bill this year and some of us are of the opinion that the majority is rather eager to do a bit of evading and avoiding itself insofar as voting or even considering a new tax bill this year. Evasions and avoidances on roll calls on embarrassing revenue measures—on the problem of putting on the taxpayer the load of the New Deal extravagance. These evasions and avoidances are also within the law which it would appear should be safeguarded jealously from inquisitorial endeavors, either by our minority or by a troubled tax-paying public.

I am afraid that one of the incidents of this special committee work will be to continue the program of arraying class against class, to increase hatreds, to engender malice, to stir strife, to develop discontent, to arouse passions, and certainly we all agree that these things should be avoided at a time like the present when a state almost approaching civil war exists in many of our industrial districts. Sober, sane men are concerned about present conditions. Strained and anxious faces reflect the serious thoughts of men who study the grave crisis confronting us. Should we add fuel to the fire? Should there be additional hatred, malice, strife, discontent, and passion given to a flame which already is indicative of danger? Have we no duty to preserve domestic tranquillity?

We should not be unmindful of the fact that the Treasury Department has available the service of a distinguished scholar who has made a careful study of taxable incomes. I refer to the Under Secretary, the Honorable Roswell Magill,

who is the author of Taxable Income, and who with Robert H. Montgomery gave to the business and professional world the informative and illuminating volume Federal Taxes on Estates, Trusts, and Gifts. These volumes indicate that Mr. Magill has a profound knowledge of the subject and is conversant with methods pursued to avoid or evade the payment of taxes. Many references might be made to these volumes wherein suggestions are made to the reader of practices to be followed to minimize tax payments. Such inviting and persuasive paragraphs as Different Basis of Estate and Gift Taxes, Double Use of Lower Brackets, Minimizing Estate and Gift Taxes, Minimizing Family Income Taxes, and many others indicate that the Under Secretary is familiar with the methods of which complaint is now made. Surely he could suggest a remedy since he evidences in these volumes a familiarity with the efforts of taxpayers to keep their tax payments to a minimum within the law.

It is to be hoped that the opportunity will be given to the Ways and Means Committee to rid itself of this unnecessary investigation, to apply itself to a correction of the evils, and that it will have the courage not to avoid and evade the responsibility for a tax measure to pay for the New Deal spending.

[Here the gavel fell.]

The Clerk read as follows:

EXECUTIVE

CIVILIAN CONSERVATION CORPS

For all authorized and necessary expenses to carry into effect the provisions of the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes", approved June 28, 1937, including personal services in the District of Columbia and elsewhere; the purchase and exchange of law books, books of reference, periodicals, and newspapers; rents in the District of Columbia and elsewhere; the purchase (including exchange), operation, maintenance, and repair of motor-propelled and horse-drawn passenger-carrying vehicles to be used only for official purposes; hire, with or without personal services, of work animals, animal-drawn and motor-propelled vehicles, and watercraft; printing and binding; travel expenses, including not to exceed $2,000 for expenses of attendance at meetings concerned with the work of the Corps when specifically authorized by the Director; construction, improvement, repair, and maintenance of buildings, but the cost of any building erected hereunder shall not exceed $25,000; and all other necessary expenses; fiscal year 1938, $350,000,000, of which sum not to exceed $240,000 may be expended for salaries and expenses of the Office of the Director: *Provided*, That an enrollee in the Civilian Conservation Corps, or member, or former member, of the Military Establishment, who shall furnish blood from his or her veins for transfusion to the veins of an enrollee or discharged enrollee of the Civilian Conservation Corps undergoing treatment in a Government or civilian hospital authorized to treat such patient, shall be entitled to be paid therefor a reasonable sum not to exceed $50: *Provided further*, That the employment of employees of the Emergency Conservation Work and of the cooperating Federal agencies whose compensation is paid from Emergency Conservation Work funds, as of June 30, 1937, and whose employment was not specifically terminated as of that date, may be continued without reappointment, subject to review by the Director.

With the following committee amendment:

Page 3, line 15, strike out "$240,000" and insert "$200,000."

The committee amendment was agreed to.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 3, line 14, after the figures "1938", strike out "$350,000,000" and insert "$320,000,000."

Mr. TABER. Mr. Chairman, this is the amendment about which I spoke a little while ago. The idea is just this: The authorized strength of the C. C. C. has been reduced from 350,000 to 300,000 and the estimates on that basis, considering what has been spent this year, would be approximately $320,000,000 instead of $350,000,000. Frankly, I do not believe that the limitation of 300,000 authorized strength—and this authorized number is the maximum that can be there when the enlistment dates come around—July, October, January, and April. Then it gradually reduces until the next enlistment date. I do not believe that more funds in fairness can be used than $320,000,000.

Mr. RAMSPECK. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. RAMSPECK. As I recall the bill passed provided that the strength of the corps should be 300,000 men not including veterans and Indians. These classes would bring the total to 315,000.

Mr. TABER. That is true; but the number before was 365,000; so the percentage figures I have used would apply.

Mr. RAMSPECK. Another matter of which the gentleman should take consideration is that the regulations for admission have been changed and no longer require the men to come from relief rolls. We shall, therefore, have many more applicants.

Mr. TABER. They will no longer come from the relief rolls, but between enlistment dates the number will drop down and we could not, therefore, have any larger percentage of men in the corps than we have had. I believe that if they manage this thing right this $30,000,000 cut is entirely justified; and I hope that the House will save some money by adopting the amendment.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOODRUM. Mr. Chairman, I am sympathetic, of course, with any suggestion looking toward the saving of money; but the suggestion of a cut of that amount in this appropriation is not justified by the evidence adduced at the hearings. In the first place, at the present time, today, the requirements for enlistment in the C. C. C. camps is that the boys shall come from the relief rolls, and there are many places in the country where there are no boys on relief rolls to qualify and who can enlist in the C. C. C. camps. Because of this the enlisted strength has dropped way down. An entirely different situation is set up, however, under the new bill. Under this bill the only requirement for enlistment is that they be unemployed and in need. The result will be that we will have them standing in line at the C. C. C. camps asking for admittance and enrollment. The testimony of Mr. McEntee was that the selecting agency had sufficient applications to enroll 100,000 boys. We need only 54,000 to bring the number up to the authorized total. That is just the picture we are going to have.

This estimate is based upon an average enrolled strength of 290,000. In my judgment—and in the judgment of the majority, I may say—that is not too much to take care of it, and I think a cut in this appropriation would mean it would not be possible to carry that enrolled strength in the camps, which would mean closing more camps; and I do not think the Members want to see that done. I hope the Committee will not cut the appropriation.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The amendment was rejected.

The Clerk read as follows:

RAILROAD RETIREMENT BOARD

Railroad retirement account: For an amount sufficient as an annual premium for the payments required under the Railroad Retirement Act approved August 29, 1935, and the Railroad Retirement Act approved June 24, 1937, and authorized to be appropriated to the railroad retirement account established under section 15 (a) of the latter act, fiscal years 1937 and 1938, $99,880,000, together with the unexpended balance of the appropriation for the payment of annuities to employees, representatives, widows, widowers, or dependent next of kin of employees, contained in the "Independent Offices Appropriation Act, 1937", and reappropriated in the "Independent Offices Appropriation Act, 1938": *Provided*, That such amount shall be available until expended for making payments required under said retirement acts, and the amount not required for current payments shall be invested by the Secretary of the Treasury in accordance with the provisions of said Railroad Retirement Act of June 24, 1937: *Provided further*, That all payments under sections 3, 4, and 5 of the Railroad Retirement Act, 1935, heretofore made from the appropriation contained in the "Independent Offices Appropriation Act, 1937", and reappropriated in the "Independent Offices Appropriation Act, 1938", shall be considered as having been made from the railroad retirement account herein established.

Mr. DOUGHTON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the gentleman from Pennsylvania criticized the Ways and Means Committee and myself as chairman of that committee for trying to do the very thing which he also criticizes us for not doing. He criticized us very severely for trying to stop up the loopholes and he criticized us severely for not having done that in the past, but I do not believe he wants to say that.

Mr. DITTER. Will the gentleman yield?

Mr. DOUGHTON. No; not unless I misquoted the gentleman. The gentleman criticized the Ways and Means Committee and said if we had done our duty in the past there would be no need for the present investigation and effort now being made to stop up the loopholes.

Mr. DITTER. Will the gentleman yield?

Mr. DOUGHTON. No.

Mr. DITTER. I have been gracious to the gentleman in times past and I hope he will be courteous with me.

Mr. DOUGHTON. All right. Go ahead.

Mr. DITTER. Is it not true that in times past matters of this kind have come to the attention of the Ways and Means Committee, and without any ballyhoo, without any blaring of trumpets, the Ways and Means Committee has set about to correct the evils, but in this instance there has been a distinct deviation and a blaring of trumpets and ballyhoo about this matter that heretofore has been corrected without all that effort?

Mr. DOUGHTON. That is the trouble, they were not all corrected. We went as far as we could. We have stopped up enough of the loopholes to save the Treasury of the United States between two and three hundred million dollars. We do not expect to be able to stop all of the loopholes any more than the courts can do away with all criminals. As soon as we get new information and evidence upon which to proceed, why, of course, we proposed in the future as we have in the past to proceed, regardless of the gentleman's criticism and his imputation of lack of diligence or lack of ability. The committee will in the future as in the past, as far as it is able, and with as little ballyhoo as possible, endeavor to correct the situation.

Mr. Chairman, I know the gentleman is disturbed, as has been indicated this afternoon. He is high up in his own party and regrets, of course, to see the names of prominent members of that party brought out in the hearing. But if so, let them take their medicine. Let the chips fall where they may. The gentleman should not be unduly disturbed; because the Ways and Means Committee has not been able to prevent all tax avoidance and tax evasion is no reason why we should not at this time, at the request of the administration and the Treasury Department, proceed as diligently as we can, and I hope successfully, to stop up some more loopholes. We do not expect to be able to do away with all the rascals in the country. As fast as we stop up one loophole, ingenious lawyers will find another way to evade the tax laws. But when we discover them, we can go after them. We cannot give up because we have not done it all at one time.

Mr. DITTER. Will the gentleman yield?

Mr. DOUGHTON. I yield to the gentleman from Pennsylvania.

Mr. DITTER. Is it not the reasoned judgment of the gentleman that the same result could have been brought about by having the Treasury lay before the committee the facts which it had, and without calling upon the men in an inquisitorial way, develop the facts without all this blare of trumpets?

Mr. DOUGHTON. I do not think so. I think men who would resort to questionable, unscrupulous, and dishonest means, although it may have been done within the letter of the law, to evade payment of taxes, should be pilloried before the public and the public should know what they are doing. That is one of the most effective ways to stamp out such evils.

Mr. DITTER. Does the gentleman mean that is in accordance with the administration's policy of arraying class against class?

Mr. DOUGHTON. I do not. Neither is in accordance with the policy of our committee.

Mr. DITTER. It is in accordance with the consistent policy of the administration.

Mr. DOUGHTON. I do not concede that.

Mr. BOILEAU. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I want to make just one observation. From what I have been able to learn from reading the newspapers—and that is all the information that I have about this investigation thus far—there have been no methods brought to light that have been employed by income-tax payers to avoid or evade the payment of taxes that were not brought to the attention of Congress in the President's message. The President's message outlined numerous methods that were employed by various taxpayers in order to avoid payment of taxes. I have not yet learned of one additional method that has been employed by a taxpayer as a result of this investigation. I may be in error. If I am, I will be glad to have the gentleman from North Carolina, or any other member of the committee, point out wherein I am in error.

Mr. Chairman, if I am not in error in this respect, I want to predict now that at the end of this investigation you will not have found any other method that has been employed that was not fully explained and pointed out in the President's message. I merely make this statement to vindicate the position I took at the time the investigation was brought about. At that time I said that instead of having an investigation we should act for the purpose of plugging up the loopholes which were brought to our attention at that time. We should have plugged up those loopholes then, and if there was need for further investigation to discover new and additional loopholes, I, for one, would not object to a further investigation, and would be willing to go along. I am very sure, however, we are not going to get any place and no further than we would have gotten if we had passed a law plugging up the loopholes on the day the President's message was brought to us.

[Here the gavel fell.]

Mr. BIERMANN. Mr. Chairman, I move to strike out the last three words in order to ask the chairman one or two questions.

I notice the appropriation for the Railroad Retirement Act is $99,888,000 plus unexpended balances. Will the chairman tell us approximately the amount of such unexpended balances?

Mr. WOODRUM. They have about $41,000,000 in the present fund. This appropriation is made necessary because the new Railroad Retirement Act which we passed brings in and makes subject to pensions and retirement benefits about 50,000 additional employees who were not within the group before.

Mr. BIERMANN. Then the actual amount to be expended during the coming fiscal year for railroad retirement by the Government would be about $140,000,000?

Mr. WOODRUM. In the fund, but not to be expended. This goes into the building up of a revolving fund which is required by the act. All this money will not be actually expended in 1938. The funds are invested in Government securities and constitute a revolving fund which we build up by annual appropriations.

Mr. BIERMANN. Will the gentleman state whether or not the expectation is that this will be about the annual appropriation?

Mr. WOODRUM. I do not think anybody can say that, I may say to the gentleman. It depends on the number of employees who apply and are found subject to the benefits of the act.

Mr. BIERMANN. We cannot know the cost until we get a little experience?

Mr. WOODRUM. That is it.

Mr. DOWELL. Mr. Chairman, if the gentleman will yield, can the gentleman tell us how much money will be covered into this fund by the employees or the employers under the law?

Mr. WOODRUM. It will be covered into the Treasury. It does not go into the fund. About $130,000,000, as I recall it.

Mr. TABER. If the gentleman will permit, $130,000,000 a year is what this is supposed to yield.

Mr. WOODRUM. One hundred and thirty million dollars a year.

Mr. DOWELL. That will be the average?

Mr. TABER. That is what it is estimated it will be next year. The rates are higher thereafter.

Mr. DOWELL. Then the amount will be larger?

Mr. TABER. Probably.

Mr. DOWELL. How much will the Treasury, then, be called upon to contribute to this amount?

Mr. WOODRUM. It all comes out of the Treasury, but the Government is not called upon to contribute anything.

Mr. DOWELL. That is what I understood. Then, as I understand the gentleman, the Government will in the end not appropriate any money which is not paid into the Treasury by the employers and the employees?

Mr. WOODRUM. That is the theory of the legislation.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE

Rent of buildings: Not to exceed $30,000 of such funds available to the Department of Agriculture for the fiscal year 1938, as the Secretary of Agriculture may determine, may be transferred to the appropriation for rent of buildings in the District of Columbia for such Department for such fiscal year.

Mr. COCHRAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: On page 5, after line 12, insert a new paragraph, as follows:

"TREASURY DEPARTMENT

"For the establishment of 'The Fund for the Payment of Government Losses in Shipment', authorized by 'The Government Losses in Shipment Act', $500,000."

Mr. COCHRAN. Mr. Chairman, the House has agreed to the Senate amendment, which completes the legislation necessary to set up a revolving fund to take the place of the private insurance the Government has been carrying to insure valuable shipments. The bill requires $500,000 to be appropriated, which is more or less a bookkeeping transaction. During the present week the Treasury Department has renewed the insurance it carries with a private corporation, but there is a specific proviso in the contract to the effect that when this bill becomes effective the contract ceases.

The Director of the Budget has just told me that if this item is carried in the pending bill the Government is saved approximately $1,200 a day. If the item is not carried in the bill, the appropriation will not be available until the deficiency bill is passed. The deficiency bill will come in at the close of the session, and no one knows when that will be. If you desire to save $1,200 a day, this amendment should be agreed to.

Mr. WOODRUM. Mr. Chairman, I may say I have examined the matter the gentleman suggests, and the committee has been notified that the Budget approves the amendment. I think the gentleman's amendment should be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. COCHRAN].

The amendment was agreed to.

Mr. WOODRUM. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Page 5, after the Cochran amendment, insert the following:

"SEC. 2. The appropriations and authority with respect to appropriations contained herein shall be available from and including July 1, 1937, for the purposes respectively provided in such appropriations and authority. All obligations incurred during the period between June 30, 1937, and the date of the enactment of this joint resolution in anticipation of such appropriations and authority are hereby ratified and confirmed if in accordance with the terms thereof."

The committee amendment was agreed to.

Mr. WOODRUM. Mr. Chairman, I move that the Committee do now rise and report the joint resolution back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the joint resolution, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HOBBS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the joint resolution (H. J. Res. 433) making appropriations for the fiscal year ending June 30, 1938, for the Civilian Conservation Corps, the railroad retirement account, and other activities, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

Mr. WOODRUM. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REPORT ON REORGANIZATION OF THE FEDERAL JUDICIARY

Mr. LAMBETH. Mr. Speaker, by direction of the Joint Committee on Printing, I send to the desk a privileged resolution for immediate consideration.

The Clerk read as follows:

Senate Concurrent Resolution 17

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 30,000 additional copies of Senate Report No. 711, current session, on the bill (S. 1392) to reorganize the judicial branch of the Government, of which 7,000 copies shall be for the use of the Senate document room and 23,000 copies for the use of the House document room.

The Senate concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AMENDMENT OF SECTION 4471 OF THE REVISED STATUTES

Mr. BLAND. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H. J. Res. 434) to amend the act entitled "An act to amend section 4471 of the Revised Statutes of the United States, as amended", which I send to the Clerk's desk.

The Clerk read the title of the joint resolution.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill and, particularly, why it is necessary to pass the measure at this time?

Mr. BLAND. The reason it is necessary to pass the joint resolution at this time is this: Last year we passed a bill requiring automatic sprinklers to be installed on certain ships and provided that on and after July 1, 1937, they should not sail unless they had them on. They undertook to put them on, and there are 41 ships that have been equipped and 61 ships on which the work is 50 percent completed. Unless this bill is passed these ships will be prevented from sailing. The delay has been due to strikes and various other causes of that nature. It is an emergency matter.

Mr. MARTIN of Massachusetts. And this joint resolution gives them further opportunity to meet the law.

Mr. BLAND. Yes; and one of the sprinkler-system concerns telegraphed asking that this be done.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the joint resolution, as follows:

House Joint Resolution 434

Resolved, etc., That the act entitled "An act to amend section 4471 of the Revised Statutes of the United States, as amended" (Public, No. 712, 74th Cong.), approved June 20, 1936, is amended by striking out "July 1, 1937" in the first line of the second paragraph thereof and inserting in lieu thereof "October 1, 1937."

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to print in the Appendix of the RECORD an address delivered by our colleague the gentleman from Ohio [Mr. BIGELOW].

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. DOUGHTON. Mr. Speaker, I offer a privileged resolution, which I send to the Clerk's desk.

The Clerk read as follows:

House Resolution 267

Resolved, That EDWARD L. O'NEILL, of New Jersey, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on the District of Columbia.

The resolution was agreed to.

CALENDAR WEDNESDAY

The SPEAKER. Today is Calendar Wednesday. The Clerk will call the roll of committees.

SLUM CLEARANCE AND HOUSING UNDERTAKINGS IN HAWAII

Mr. GREEN (when the Committee on the Territories was called). Mr. Speaker, by direction of the Committee on the Territories, I call up the bill (H. R. 7378) to authorize the Legislature of the Territory of Hawaii to create a public corporate authority authorized to engage in slum clearance and housing undertakings and to issue bonds of the authority, to authorize said legislature to provide for financial assistance to said authority by the Territory and its political subdivisions, and for other purposes.

The Clerk read the title of the bill.

Mr. GREEN. Mr. Speaker, I ask unanimous consent that Senate bill 2622 of similar title be substituted for the House bill and be considered in the House as in the Committee of the Whole at this time.

The SPEAKER. The gentleman from Florida asks unanimous consent that Senate bill 2622 be substituted for the House bill. Is there objection?

Mr. ENGLEBRIGHT. Mr. Speaker, I reserve the right to object. I would like to have the Delegate from Hawaii [Mr. KING] given an opportunity for a few minutes to explain the bill before the House.

The SPEAKER. The gentleman will have that opportunity, undoubtedly. The gentleman from Florida is entitled to 1 hour. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Legislature of the Territory of Hawaii may create a public corporate authority to engage in slum clearance, or housing undertakings, or both, within such Territory. The legislature of said Territory may provide for the appointment and terms of the members of such authority and for the powers of such authority, except that such authority shall be given no power of taxation. The legislature may authorize the Territory or any political or municipal corporation or subdivision thereof to make loans, donations, and conveyances and make available their facilities and services to such authority, and to take other action in aid of slum clearance or housing undertakings, and may, without regard to any Federal acts restricting the disposition of public lands of the Territory, authorize the commissioner of public lands, the Hawaiian Homes Commissioners, and any other officers of the Territory having power to manage and dispose of its public lands, to grant, convey, or lease to such authority parts of the public domain, and may provide that any of the public domain or other property acquired by such authority may be mortgaged by it as security for its bonds. The legislature of said Territory may authorize such authority to issue bonds or other obligations of such character and maturity and in such manner as the legislature may provide. Such bonds shall not be a debt of the Territory or any political or municipal corporation or subdivision thereof, shall not constitute public indebtedness within the meaning of section 55 of the act approved April 30, 1900, entitled "An act to provide a government for the Territory of Hawaii", as amended, and shall not constitute bonds of the Territory of Hawaii within the meaning of the act approved August 3, 1935, entitled "An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes." All legislation heretofore enacted by the Legislature of the Territory of Hawaii dealing with the subject matter of this act and not inconsistent herewith is hereby ratified and confirmed.

Mr. GREEN. Mr. Speaker, I yield 2 minutes to the Delegate from Hawaii [Mr. KING].

Mr. KING. Mr. Speaker, the Territory of Hawaii has organized a housing authority in accordance with the model legislation proposed by the Department of the Interior. Under the organic act it is necessary to secure the approval of the Congress before that authority can function. This bill simply confirms the creation of the Housing Authority in accordance with the existing legislation, and makes no demands upon the Federal Treasury of any sort. The bonds to be issued by the Housing Authority are to be secured by the property of the Authority.

Mr. GREEN. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 7378) was laid on the table.

ISSUANCE OF CERTAIN BONDS, TERRITORY OF HAWAII

Mr. GREEN. Mr. Speaker, by direction of the Committee on the Territories, I call up the bill (H. R. 7489) to amend an act entitled "An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes", approved August 3, 1935, and ask unanimous consent that Senate bill 2653, of identical title and text, be substituted for the House bill and be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Florida calls up the bill H. R. 7489 and asks unanimous consent to substitute therefor the bill S. 2653, of similar title. Is there objection?

Mr. ENGLEBRIGHT. Mr. Speaker, I reserve the right to object. Is the Senate bill identical with the House bill?

Mr. GREEN. It is identical.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the first paragraph of section 2 of the act entitled "An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes", approved August 3, 1935, is hereby amended to read as follows:

"SEC. 2. That the Territory of Hawaii, any provision of the Hawaiian Organic Act or of any act of this Congress to the contrary notwithstanding, is authorized and empowered to issue bonds in the sum of not to exceed $4,803,000 of the character and in the manner provided in that certain act of the legislature of said Territory, enacted at its regular session of 1935, entitled 'An act to provide for public improvements and for the securing of Federal funds for expenditure in connection with funds hereby appropriated for such improvements', as amended by act 23, Session Laws of Hawaii, 1937."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A House bill (H. R. 7489) was ordered to lie on the table.

SEWER BONDS, CITY OF HONOLULU

Mr. GREEN. Mr. Speaker, by direction of the Committee on Territories I call up the bill (H. R. 7377) to enable the Legislature of the Territory of Hawaii to authorize the city

and county of Honolulu, a municipal corporation, to issue sewer bonds, and ask unanimous consent that the bill S. 2621, an identical bill, be substituted for the House bill and be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Florida calls up the bill H. R. 7377, and asks unanimous consent to substitute therefor the bill S. 2621 and to consider the same in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Legislature of the Territory of Hawaii, any provision of the Hawaiian Organic Act or of any act of this Congress to the contrary notwithstanding, may authorize the city and county of Honolulu, a municipal corporation of the Territory of Hawaii, to issue general obligation bonds in the sum of $1,750,000 for the purpose of enabling it to construct main interceptors and trunk lines and to meet its share of expenses for the construction and extension of laterals under improvement district assessments for a sanitary sewer system in the city and county of Honolulu.

SEC. 2. The bonds issued under authority of this act may be either term or serial bonds, maturing, in the case of term bonds, not later than 30 years from the date of issue thereof, and, in the case of serial bonds, payable in substantially equal annual installments, the first installment to mature not later than 5 years and the last installment to mature not later than 30 years from the date of such issue. Such bonds may be issued without the approval of the President of the United States.

SEC. 3. Any legislation enacted by the Legislature of the Territory of Hawaii in its 1937 session pertaining to the issuance of sewer bonds, as authorized by this act, is hereby ratified and confirmed, subject to the provisions of this act: *Provided, however*, That nothing herein contained shall be deemed to prohibit the amendment of such Territorial legislation by the Legislature of the Territory of Hawaii from time to time to provide for changes in the improvements authorized by such legislation and for the disposition of unexpended moneys realized from the sale of said bonds.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 7377) was ordered to lie on the table.

ISSUANCE OF CERTAIN BONDS, TERRITORY OF HAWAII

Mr. GREEN. Mr. Speaker, by direction of the Committee on the Territories, I call up the bill (H. R. 7490) to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes, and ask unanimous consent to substitute therefor the bill S. 2652, an identical bill, and consider the same in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Florida calls up the bill H. R. 7490, and asks unanimous consent to substitute therefor the bill S. 2652, an identical bill, and to consider the same in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Territory of Hawaii, any provision of the Hawaiian Organic Act, or of any act of this Congress to the contrary notwithstanding, is authorized and empowered to issue bonds in the sum of not to exceed $4,029,000 of the character and in the manner provided in that certain act of the legislature of said Territory, enacted at its regular session of 1937, entitled "An act to provide for public improvements."

Such bonds may be either term or serial bonds, maturing, in the case of the term bonds, not later than 30 years from the date of issue thereof, and, in the case of the serial bonds, payable in substantially equal annual installments, the first installment to mature not later than 5 years and the last installment to mature not later than 30 years from the date of such issue. And said act of said legislature is hereby ratified and confirmed, subject to the provisions of this act: *Provided, however*, That nothing herein contained shall be deemed to prohibit the amendment of said act of said Territory by the legislature thereof from time to time to provide for changes in the improvements authorized by said act or for the disposition of unexpended moneys appropriated by said act, and that said bonds may be issued without the approval of the President of the United States.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 7490) was ordered to lie on the table.

HAWAIIAN HOMES COMMISSION ACT, 1920

Mr. GREEN. Mr. Speaker, by the direction of the Committee on the Territories, I call up the bill (H. R. 7374) to amend the Hawaiian Homes Commission Act, 1920.

The Clerk read the title of the bill.

Mr. GREEN. Mr. Speaker, I ask unanimous consent that the bill S. 2620 be substituted for the House bill, and that the same be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. DOWELL. Mr. Speaker, reserving the right to object, is the Senate bill identical with H. R. 7374?

Mr. GREEN. The form in which the bill passed the Senate, having been amended in the Senate, is the same form that the House bill was reported by the House committee.

Mr. DOWELL. In other words, as reported, H. R. 7374 is identical with the Senate bill as it passed the Senate?

Mr. GREEN. As it passed the Senate.

Mr. ENGLEBRIGHT. Mr. Speaker, reserving the right to object in order to ask the Delegate from Hawaii [Mr. KING] a question. Will the gentleman state to the House whether or not this bill places any obligation, financial or otherwise, upon the Federal Government, and just briefly what the conditions may be?

Mr. KING. Mr. Speaker, I shall be glad to state that. In 1921 the Congress of the United States established the Hawaiian Homes Commission for the rehabilitation of people of Hawaiian blood in the Territory of Hawaii. The entire project has been supported by local funds. During the course of years different amendments have appeared advisable. The measure now being considered proposes a number of minor amendments to perfect the bill. It does not incur any obligation on the part of the Federal Government. It only carries out the rehabilitation program in Hawaii, which is entirely financed by Territorial funds.

I should like to correct the answer made by the gentleman from Florida [Mr. GREEN] to the question asked by the gentleman from Iowa [Mr. DOWELL]. The way the bill passed the Senate, the amendments approved by the House committee were incorporated in the Senate bill. If we accept the Senate bill, that carries out the intention of the House Committee on the Territories.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield for a question?

Mr. KING. I yield.

Mr. MARTIN of Massachusetts. Can the gentleman tell us how many homes have been constructed under this Commission?

Mr. KING. There are four projects, two on the Island of Oahu, one on the island of Molokai, and one on the Island of Hawaii, each project taking care of about 200 families, with a total of over 4,000 people of Hawaiian blood living in either house lots or on small farms. This has been done at a net cost that makes it a very creditable picture in comparison with Resettlement Administration figures.

Mr. MARTIN of Massachusetts. What has been the cost?

Mr. KING. So far the entire amount spent in the 15 years that the rehabilitation program has been in effect is less than $1,500,000, all of which came from Territorial funds.

Mr. MARTIN of Massachusetts. You should come over and instruct some of the departments in Washington. [Laughter.]

Mr. KING. It has been quite a successful program, and this would carry it on even to a greater degree of success.

Mr. DOWELL. Mr. Speaker, will the gentleman yield for a further question?

Mr. KING. I shall be glad to yield.

Mr. DOWELL. How many acres, approximately, under the general law of 1921 have been turned over to the Hawaiian Homes Commission?

Mr. KING. At the time the Congress passed the original act they turned over the remaining public lands in the Territory, with a few exceptions, excluding certain areas of cane lands, amounting to about 208,000 acres, not all of which,

of course, has been developed for the purpose of the act, but all of which is under the jurisdiction of the Hawaiian Homes Commission, available for the extension and further development of this rehabilitation program.

I should like to say further to the gentleman from Iowa [Mr. DOWELL] that I know of his keen interest in this program, since he was in Congress when the original Hawaiian Homes Act was passed and participated in the discussions of that measure, and helped to have it enacted into law. We of Hawaii appreciate the sympathetic attention which Congress has shown in the success of the rehabilitation of the Hawaiian people, and I want to assure the membership of the House that the program has had a considerable degree of success, that we are learning from experience as we go along, and that this bill will provide the Commission with better legislative means for carrying out the original purpose of the act. I want to express my personal appreciation of the support of the chairman of the Committee on the Territories, the gentleman from Florida [Mr. GREEN] and of the membership of that committee.

The SPEAKER. Is there objection to the request of the gentleman from Florida [Mr. GREEN]?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That sections 203 (1), 203 (4), 204 (2), 207 (1), 208, 208 (1), 208 (5), 208 (6), 208 (7), 209 (1), 209 (2), 209 (3), 209 (4), 215 (1), 215 (2), 215 (3), 216, and 220 of the Hawaiian Homes Commission Act, 1920, be amended to read as follows:

"SEC. 203. (1) On the island of Hawaii: Kamaoa-Puueo (11,000 acres, more or less), in the district of Kau; Puukapu (12,000 acres, more or less), Kawaihae 1 (10,000 acres, more or less), and Pauahi (750 acres, more or less), in the district of South Kohala; Kamoku-Kaupalena (5,000 acres, more or less), Waimanu (200 acres, more or less), and Nienie (7,350 acres, more or less), in the district of Hamakua; 53,000 acres to be selected by the Commission from the lands of Humuula Mauka, in the district of North Hilo; Panaewa, Waiakea (2,000 acres, more or less), Waiakea-kai, or Keaukaha (2,000 acres, more or less), and 2,000 acres of agricultural lands to be selected by the Commission from the lands of Piihonua, in the district of South Hilo; and 2,000 acres to be selected by the Commission from the lands of Kaohe-Makuu, in the district of Puna; land at Keaukaha, Hawaii, more particularly described as follows:

"PARCEL I

"Now set aside as Keaukaha Beach Park by Executive Order No. 421, and being a portion of the Government land of Waiakea, South Hilo, Hawaii.

"Beginning at the southeast corner of this parcel of land, on the north side of Kalanianaole Road, the coordinates of said point of beginning referred to Government survey triangulation station 'Halai' being 5,681.12 feet north and 17,933.15 feet east, as shown on Government Survey Registered Map No. 2704, and running by true azimuths.

"1. Sixty-one degrees fifty-eight minutes 1,351.73 feet along the north side of Kalanianaole Road (50 feet wide);

"2. One hundred and fifty-one degrees fifty-eight minutes 840 feet along United States military reservation for river and harbor improvements (Executive Order No. 176);

"Thence along the seashore at high-water mark, the direct azimuths and distances between points at seashore being:

"3. Two hundred and eighty-two degrees no minutes 468.50 feet;

"4. Three hundred and thirteen degrees twenty minutes 441 feet;

"5. Two hundred and sixty degrees twenty minutes 140 feet;

"6. Two hundred and forty-two degrees twenty minutes 250 feet;

"7. One hundred and eighty-eight degrees forty minutes 60 feet;

"8. Two hundred and seventy-two degrees twenty minutes 170 feet;

"9. Two hundred and five degrees no minutes 60 feet;

"10. One hundred and ten degrees twenty minutes 220 feet;

"11. Ninety degrees fifty minutes 80 feet;

"12. One hundred and sixty-two degrees no minutes 170 feet;

"13. Two hundred and fifty degrees thirty minutes 430 feet;

"14. Three hundred and thirty-one degrees fifty-eight minutes 380 feet along parcel II of Government land to the point of beginning and containing an area of 11.20 acres, more or less.

"PARCEL II

"Being a portion of the Government land of Waiakea, South Hilo, Hawaii, and located on the north side of Kalanianaole Road and adjoining parcel I, hereinbefore described.

"Beginning at the south corner of this parcel of land, on the north side of Kalanianaole Road, the coordinates of said point of beginning referred to Government survey triangulation station 'Halai', being 5,681.12 feet north and 17,933.15 feet east and running by true azimuths:

"1. One hundred and fifty-one degrees fifty-six minutes 380 feet along the east boundary of parcel I;

"2. Two hundred and twenty-nine degrees forty-five minutes thirty seconds 191.01 feet;

"3. One hundred and ninety-eight degrees no minutes 230 feet to a 1½-inch pipe set in concrete;

"4. Three hundred and seven degrees thirty-eight minutes 562.21 feet to a 1½-inch pipe set in concrete;

"5. Twenty-eight degrees no minutes 121.37 feet to the north side of Kalanianaole Road;

"6. Sixty-one degrees fifty-eight minutes 483.21 feet along the north side of Kalanianaole Road to the point of beginning and containing an area of 5.26 acres, more or less.

"SEC. 203. (4) On the island of Oahu: Nanakuli (3,000 acres, more or less), and Lualualei (2,000 acres, more or less), in the district of Waianae; and Waimanalo (4,000 acres, more or less), in the district of Koolaupoko, excepting therefrom the military reservation and the beach lands; and those certain portions of the lands of Auwaiolimu, Kewalo, and Kalawahine described by metes and bounds as follows, to wit:

"(I) Portion of the Government land at Auwaiolimu, Punchbowl Hill, Honolulu, Oahu, described as follows:

"Beginning at a pipe at the southeast corner of this tract of land, on the boundary between the lands of Kewalo and Auwaiolimu, the coordinates of said point of beginning referred to Government survey triangulation station 'Punchbowl', being 1,135.9 feet north and 2,557.8 feet east as shown on Government survey registered map no. 2692, and running by true azimuths:

"1. One hundred and sixty-three degrees thirty-one minutes 257.8 feet along the east side of Punchbowl-Makiki Road;

"2. Ninety-four degrees eight minutes 124.9 feet across Tantalus Drive and along the east side of Puuowaina Drive;

"3. One hundred and thirty-one degrees thirteen minutes 232.5 feet along a 25-foot roadway;

"4. One hundred and thirty-nine degrees fifty-five minutes 20.5 feet along same;

"5. One hundred and sixty-eight degrees seventeen minutes 257.8 feet along Government land (old quarry lot);

"6. One hundred and fifty-six degrees thirty minutes 333 feet along same to a pipe;

"7. Thence following the old Auwaiolimu stone wall along L. C. award 3145 to Laenui, grant 5147 (lot 8 to C. W. Booth), L. C. award 1375 to Kapule, and L. C. award 1355 to Kekuanoni, the direct azimuth and distance being 249°41' 1,303.5 feet;

"8. Three hundred and twenty-one degrees, twelve minutes, 693 feet along the remainder of the land of Auwaiolimu;

"9. Fifty-one degrees, twelve minutes, 1,400 feet along the land of Kewalo to the point of beginning; containing an area of 27 acres; excepting and reserving therefrom Tantalus Drive and Auwaiolimu Street crossing this land;

"(II) Portion of the land of Kewalo, Punchbowl Hill, Honolulu, Oahu, being part of the lands set aside for the use of the Hawaii Experiment Station of the United States Department of Agriculture by proclamation of the Acting Governor of Hawaii, dated June 10, 1901, and described as follows:

"Beginning at the northeast corner of this lot, at a place called 'Puu Ea', on the boundary between the lands of Kewalo and Auwaiolimu, the coordinates of said point of beginning referred to Government survey triangulation station 'Punchbowl', being 3,255.6 feet north and 5,244.7 feet east, as shown on Government survey registered map no. 2692 of the Territory of Hawaii, and running by true azimuths;

"1. Three hundred and fifty-four degrees thirty minutes 930 feet along the remainder of the land of Kewalo to the middle of the stream which divides the lands of Kewalo and Kalawahine;

"2. Thence down the middle of said stream along the land of Kalawahine, the direct azimuth and distance being 49°16' 1,512.5 feet;

"3. One hundred and forty-one degrees twelve minutes 860 feet along the remainder of the land of Kewalo;

"4. Two hundred and thirty-one degrees twelve minutes 552.6 feet along the land of Auwaiolimu to 'Puu Iole';

"5. Thence still along the said land of Auwaiolimu following the top of the ridge to the point of beginning, the direct azimuth and distance being 232°26' 1,470 feet and containing an area of 30 acres; excepting and reserving therefrom Tantalus Drive crossing this land;

"(III) Portion of the land of Kalawahine situate mauka or northeast of Roosevelt High School, Honolulu, Oahu.

"Being portion of L. C. award 11215, Apana 2, to Keliiahonui conveyed by W. M. Giffard to the Territory of Hawaii by deed dated February 1, 1907, and recorded in Liber 291, page 1.

"(Being portion of the lands set aside for the Hawaiian Homes Commission by the Seventy-third Congress by Act No. 227, approved May 16, 1934.)

"Beginning at the south corner of this parcel of land and near the east corner of Roosevelt High School lot, the coordinates of said point of beginning referred to Government survey triangulation station 'Punchbowl', being 25.02 feet south and 4,117.39 feet east as shown on Government survey registered map no. 2985 and running by azimuths measured clockwise from true south:

"1. One hundred and twenty-eight degrees fifty-four minutes 706.13 feet along Roosevelt High School lot, and passing over a pipe at 684.13 feet;

"2. Thence up along the middle of stream in all its turns and windings along the land of Kewalo-uka to the south corner of Hawaiian Home land (Presidential Executive Order No. 5561), the direct azimuth and distance being 213°48'40" 1,112.20 feet;

"3. Thence continuing up along the middle of stream in all its turns and windings along the land of Kewalo-uka (Presidential Executive Order No. 5561), to the south side of Tantalus Drive realinement, the direct azimuth and distance being 228°29'10" 1,391 feet;

"4. Thence on a curve to the right with a radius of 120.78 feet along the southerly side of Tantalus Drive realinement (60 feet wide), the direct azimuth and distance being 358°21' 193.80 feet;

"5. Fifty-one degrees forty-two minutes 193.35 feet along the southerly side of Tantalus Drive realinement;

"6. Thence on a curve to the left with a radius of 330 feet, along same, the direct azimuth and distance being 25°23'10" 292.58 feet;

"7. Twenty-two degrees fifty-three minutes 291.93 feet along the southerly side of Tantalus Drive realinement and along the west side of Kalawahine Slope lots;

"8. Thence on a curve to the left with a radius of 305.60 feet along the west side of the Kalawahine Slope lots, the direct azimuth and distance being 6°21'30" 173.85 feet;

"9. Three hundred and forty-nine degrees fifty minutes 47 feet along the west side of the Kalawahine Slope lots;

"10. Thence on a curve to the right with a radius of 520 feet along same and along Territorial land, the direct azimuth and distance being 17°31' 483.18 feet;

"11. Three hundred and fifteen degrees twelve minutes 75 feet along Territorial land;

"12. Forty-five degrees twelve minutes 611.02 feet along the northwest side of a 20-foot road reserve;

"13. Thirty-four degrees four minutes thirty seconds 336.96 feet along same to the point of beginning and containing an area of 31.61 acres.

"(IV) Portion of the Hawaiian Experiment Station under the control of the United States Department of Agriculture, situate on the northeast side of Auwaiolimu Street.

KEWALO-UKA, HONOLULU, OAHU

"Being a portion of the land of Kewalo-uka conveyed by the Territory of Hawaii to the United States of America by proclamations of the Acting Governor of Hawaii, Henry E. Cooper, dated June 10, 1901, and August 16, 1901, and a portion of the United States Navy hospital reservation described in Presidential Executive Order No. 1181, dated March 25, 1910.

"Beginning at the west corner of this parcel of land, on the Auwaiolimu-Kewalo-uka boundary and on the northeast side of Auwaiolimu Street, the coordinates of said point of beginning referred to Government survey triangulation station 'Punchbowl', being 1,230.58 feet north and 2,675.06 feet east as shown on Government Survey Registered Map No. 2985 and running by azimuths measured clockwise from true south:

"1. Two hundred and thirty-one degrees twelve minutes 1,248.26 feet along the land of Auwaiolimu;

"2. Three hundred and twenty-one degrees twelve minutes 860 feet along Hawaiian Home Land as described in Presidential Executive Order No. 5561;

"3. Thence down along the middle of stream in all its turns and windings along the land of Kalawahine to the north corner of Roosevelt High School lot, the direct azimuth and distance being 33°48'40" 1,112.20 feet;

"Thence still down along the middle of stream for the next seven courses along the Roosevelt High School premises, the direct azimuths and distances between points in middle of said stream being:

"4. Twenty-three degrees forty minutes 28.90 feet;

"5. Eight degrees no minutes 115 feet;

"6. Three hundred and thirty-seven degrees fifty minutes 48 feet;

"7. Two degrees thirty minutes 60 feet;

"8. Forty-nine degrees forty minutes 52 feet;

"9. Forty-six degrees six minutes 90.70 feet;

"10. Ninety-two degrees forty-three minutes 95.60 feet; thence

"11. Eighty-three degrees thirty-eight minutes 71.63 feet along Territorial land to the northeast side of Auwaiolimu Street;

"12. Thence on a curve to the left with a radius of 1,176.28 feet along the northeast side of Auwaiolimu Street along land described in Presidential Executive Order No. 1181, dated March 25, 1910, the direct azimuth and distance being 172°29'35" 164.39 feet;

"13. Thence continuing on a curve to the left with a radius of 1,176.28 feet along the northeast side of Auwaiolimu Street, the direct azimuth and distance being 160°50'48" 312.75 feet;

"14. Two hundred and twenty-four degrees fifty-three minutes, 670.65 feet along the Quarry Reservation (Territory of Hawaii, owner);

"15. One hundred and ten degrees six minutes 239.20 feet along same;

"16. Ninety-two degrees five minutes 202.20 feet along same;

"17. Fifty-three degrees twenty minutes 340.34 feet along same;

"18. One hundred and forty-two degrees thirty minutes 424.68 feet along the northeast side of Auwaiolimu Street to the point of beginning, and containing an area of 27.90 acres; excepting and reserving therefrom that certain area included in Tantalus Drive, crossing this land.

"(V) Portion of Kewalo-uka Quarry Reservation. Situate on the northeast side of Auwaiolimu Street.

"KEWALO-UKA, HONOLULU, OAHU

"Being land reserved by the Territory of Hawaii within the Hawaii Experiment Station under the control of the United States Department of Agriculture, as described in proclamations of the Acting Governor of Hawaii, Henry E. Cooper, dated June 10, 1901.

"Beginning at the northwest corner of this parcel of land and on the northeast side of Auwaiolimu Street, the coordinates of said point of beginning referred to Government survey triangulation station 'Punchbowl', being 893.66 feet north and 2,933.59 feet east as shown on Government Survey Registered Map No. 2985 and running by azimuths measured clockwise from true south:

"1. Two hundred and thirty-three degrees twenty minutes 340.34 feet along the Hawaii Experiment Station under the control of the United States Department of Agriculture;

"2. Two hundred and seventy-two degrees five minutes 202.20 feet along same;

"3. Two hundred and ninety degrees six minutes 239.20 feet along same;

"4. Forty-four degrees fifty-three minutes 670.65 feet along same to the northeast side of Auwaiolimu Street;

"5. Thence on a curve to the left with a radius of 1,176.28 feet along the northeast side of Auwaiolimu Street, the direct azimuth and distance being 147°51'13" 219.50 feet;

"6. One hundred and forty-two degrees thirty minutes 134.55 feet along the northeast side of Auwaiolimu Street;

"7. Two hundred and thirty-two degrees thirty minutes 20 feet along same;

"8. One hundred and forty-two degrees thirty minutes 71.57 feet along same to the point of beginning and containing an area of 4.646 acres.

"SEC. 204 (2). Any available land, including land selected by the Commission out of a larger area, as provided by this act, as may not be immediately needed for the purposes of this act, may be returned to the Commissioner of Public Lands and may be leased by him as provided in subdivision (d) of section 73 of the Organic Act; any lease of Hawaiian homelands hereafter entered into shall contain a withdrawal clause, and the lands so leased shall be withdrawn by the Commissioner of Public Lands, for the purposes of this act, upon the Commission giving at its option, not less than 1 nor more than 5 years' notice of such withdrawal: *Provided*, That the minimum withdrawal-notice period shall be specifically stated in such lease.

"SEC. 207 (1). (a) The Commission is authorized to lease to native Hawaiians the right to the use and occupancy of a tract of Hawaiian homelands within the following acreage limits per each lessee: (1) Not less than 1 nor more than 40 acres of agricultural lands; or (2) not less than 100 nor more than 500 acres of first-class pastoral lands; or (3) not less than 250 nor more than 1,000 acres of second-class pastoral lands: *Provided, however*, That lots of not more than 1 acre of any class of land may be leased as residence lots. The Commission is also authorized to grant licenses for terms of not to exceed 21 years in each case, to public-utility companies or corporations as easements for railroads, telephone lines, electric power and light lines, gas mains, and the like.

"SEC. 208 (1). The original lessee shall be a native Hawaiian, not less than 21 years of age. In case two lessees either original or in succession marry, they shall choose the lease to be retained, and the remaining lease shall be transferred or canceled in accordance with the provisions of succeeding sections.

"SEC. 208 (5). The lessee shall not in any manner transfer to, or mortgage, pledge, or otherwise hold for the benefit of, any other person or group of persons or organizations of any kind, except a native Hawaiian or Hawaiians, and then only upon the approval of the Commission, or agree so to transfer, mortgage, pledge, or otherwise hold, his interest in the tract. Such interest shall not, except in pursuance of such a transfer, mortgage, or pledge to or holding for or agreement with a native Hawaiian or Hawaiians approved of by the Commission, or for any indebtedness due the Commission or for taxes, or for any other indebtedness the payment of which has been assured by the Commission, be subject to attachment, levy, or sale upon court process. The lessee shall not sublet his interest in the tract or improvements thereon.

"SEC. 208 (6). The lessee shall pay all taxes assessed upon the tract and improvements thereon. The Commission may in its discretion pay such taxes and have a lien therefor as provided by section 216 of this act.

"SEC. 208 (7). The lessee shall perform such other conditions, not in conflict with any provision of this title, as the Commission may stipulate in the lease: *Provided, however*, That an original lessee shall be exempt from all taxes for the first 5 years from date of lease.

"SEC. 209 (1). Upon the death of the lessee his interest in the tract and the improvements thereon, including growing crops, either on the tract or in any collective contract or program, shall vest and be determined in the following manner: A lessee shall furnish the Commission, in writing, the name or names of such person or persons being a qualified native Hawaiian or Hawaiians, within the limits prescribed in the following sequence of succession, to whom he wishes his interest in the lease to be transferred after his death, this designation to be subject to the approval of the Commission: (1) In the widow or widower; (2) if there is no widow or widower, then in the children; (3) if there are no children, then in the widows or widowers of the children; (4) if there are no such widows or widowers, then in the grandchildren; (5) if there are no grandchildren, then in the brothers and sisters; (6) if there are no brothers or sisters, then in the widows or widowers of the brothers and sisters; (7) if there are no such widows or widowers of the brothers or sisters, then in the nephews and nieces.

"In the absence of such designation, the Commission shall choose a qualified native Hawaiian or Hawaiians in accordance with the foregoing sequence, either individually or collectively, except that such successor or successors need not be 21 years of age.

"Upon the death of a lessee, or the cancelation of a lease by the Commission, or the surrender of a lease by the lessee, the Commission shall appraise the value of all such improvements and said growing crops and shall pay to the legal representative of the deceased lessee, or to the previous lessee, as the case may be, the value thereof, less any indebtedness due the Commission, or for taxes, or for any other indebtedness the payment of which has been assured by the Commission, from the previous lessee. Such appraisal shall be made by three appraisers, one of which shall be named by the Commission, one by the previous lessee or the legal representative of his estate, and the third shall be selected by the two appraisers hereinbefore mentioned.

"SEC. 209 (2). After the cancelation of a lease by the Commission in accordance with the provisions of sections 210 and 216 of this title, or the surrender of a lease by a lessee, the Commission is authorized to transfer the lease or to issue a new lease to any qualified Hawaiian, regardless of whether or not he is related in any way by blood or marriage to the previous lessee.

"SEC. 209 (3). After the death of a lessee, a successor or successors as defined in section 208 of this title shall not during a period of not less than 6 months nor more than 2 years, the exact length of such period to be fixed by the Commission, be deemed to have violated any of the conditions enumerated in section 208 of this title, even though he is not a native Hawaiian and does not during this period, on his own behalf, occupy or use or cultivate the tract as a home or farm in accordance with the provisions of this title and the stipulations and provisions contained in the lease.

"SEC. 209 (4). Should any successor or successors to a tract be a minor or minors, the Commission may appoint a guardian therefor, subject to the approval of the court of proper jurisdiction. Such guardian shall be authorized to represent the successor or successors in all matters pertaining to the leasehold:, *Provided*, That said guardian shall, in so representing such successor or successors, comply with the provisions of this title and the stipulations and provisions contained in the lease, except that said guardian may not be a native Hawaiian as defined in section 201 of this title.

"SEC. 215 (1). Each contract of loan with the lessee or any successor or successors to his interest in the tract shall be held subject to the following conditions, whether or not stipulated in the contract of loan: The amount of loans at any one time to any lessee of a tract of agricultural or pastoral land shall not exceed $3,000, and to any lessee of a residence lot shall not exceed $1,000: *Provided*, That where, upon the death of a lessee or the cancelation of a lease by the Commission or the surrender of a lease by the lessee, the Commission shall make the appraisal and payment provided by section 209 (1), the amount of such payment shall be considered as part or all, as the case may be, of any such loan without limitation as to the maximum amounts herein specified in this section.

"SEC. 215 (2). The loans shall be repaid upon an amortization plan by means of a fixed number of annual installments sufficient to cover (a) interest on the unpaid principal at the rate of 3 percent per annum, and (b) such amount of the principal as will extinguish the debt within an agreed period not exceeding 30 years. The moneys received by the Commission from any installment paid upon such loan shall be covered into the fund. The payment of any installment due shall, with the concurrence therein of at least three of the five members of the Commission, be postponed in whole or in part by the Commission for such reasons as it deems good and sufficient and until such later date as it deems advisable. Such postponed payments shall continue to bear interest at the rate of 3 percent per annum on the unpaid principal and interest.

"SEC. 215 (3). In case of the borrower's death the Commission shall permit the successor or successors to the tract to assume the contract of loan subject to the provisions of paragraph (1) of this section. In case of the cancelation of a lease by the Commission or the surrender of a lease by a lessee, the Commission may, at its option, declare all annual installments upon the loan immediately due and payable or permit the successor or successors to the tract to assume the contract of loan subject to the provisions of paragraph (1) of this section.

"SEC. 216. The Commission may require the borrower to insure, in each amount as the Commission may by regulation prescribe, all livestock and dwellings and other permanent improvements upon his tract, purchased or constructed out of any moneys loaned from the fund; or in lieu thereof the Commission may directly take out such insurance and add the cost thereof to the amount of annual installments payable under the amortization plan. Whenever the Commission has reason to believe that the borrower has violated any condition enumerated in paragraphs (2), (4), (5), or (6) of section 215 of this title, the Commission shall give due notice and afford opportunity for a hearing to the borrower or the successor or successors to his interest in the tract as the case demands. If upon such hearing the Commission finds that the borrower has violated the condition the Commission may declare all annual installments immediately due and payable, notwithstanding any provision in the contract of loan to the contrary. The Commission shall have a first lien upon the borrower's or lessee's interest in his tract, growing crops, either on the tract or in any collective contract or program, dwellings, or other permanent improvements thereon, and his livestock, to the amount of all annual installments due and unpaid and of all taxes upon such tract and improvements paid by the Commission, and of all indebtedness of the lessee, the payment of which has been assured by the Commission. Such lien shall have priority over any other obligation for which the tract, said growing crops, dwellings, other improvements, or livestock may be security.

"The Commission may, at such times as it deems advisable, enforce any such lien by declaring the borrower's interest in his tract, or his successor's interest therein, as the case may be, together with the said growing crops, dwellings, and other permanent improvements thereon, and the livestock, to be forfeited, the lease in respect to such tract canceled, and shall thereupon order the tract to be vacated and the livestock surrendered within a reasonable time. The right to the use and occupancy of the Hawaiian home lands contained in such tract shall thereupon revest in the Commission, and the Commission may take possession of the tract and the improvements and growing crops thereon: *Provided*, That the Commission shall pay to the borrower any difference which may be due him after the appraisal provided for in paragraph (1) of section 209 of this title has been made.

"SEC. 220. The Commission is hereby authorized directly to undertake and carry on general water and other development projects in respect to Hawaiian home lands, and to undertake other activities having to do with the economic and social welfare of the homesteaders. The legislature of the Territory is authorized to appropriate out of the treasury of the Territory such sums as it deems necessary to provide the Commission with funds sufficient to execute such projects, to carry on its administration and maintenance activities, and to accumulate a revolving loan fund of $1,000,000. The legislature is further authorized to issue bonds to the extent required to yield the amount of any sum so appropriated."

Mr. GREEN. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. DOWELL].

The SPEAKER. The Chair will state that we are now under the 5-minute rule. The gentleman can be recognized in his own right.

Mr. DOWELL. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the law that was enacted in 1920 creating the Hawaiian Homes Commission was very unique. I know of no other law passed by the Congress of this general character. Under this law certain public lands in the Territory of Hawaii were turned over to what is called the Hawaiian Homes Commission, the Commission consisting of five persons to administer this law. Under the provisions of the law, this land was given to the Commission for the purpose of turning the same over to the Hawaiian people in the Territory. The purpose of the law was to prevent the further taking up of the public lands by large companies and large landholders and eventually to drive the Hawaiians from the land.

This law was to protect the Hawaiians in their rights to the lands that were then still owned by the Government. Under this same plan, over 200,000 acres of land have been turned over to the Hawaiian Commission, and the Commission has been very successfully carrying on the work of turning these lands over to the Hawaiian people. Many of the Hawaiian people have been placed on these lands and have been able to take care of their lands and to provide a living for their families who otherwise might have been now on relief. I am very glad to know that a very great number of these persons have been successful in their work. The bill we are now considering is to add just a few acres of land to the land that was turned over to these people by the Hawaiian Homes Commission since the law was first enacted, that they may better enjoy their homesteads secured under the provisions of this law, but is to be used for the benefit of homesteaders who occupy adjoining lands, that it may be used by them as an outlet to the sea. As I understand it, the land which is now being turned over to the Commission by this bill is not to be used as homesteads, but is to be used for the benefit of homesteaders.

I know of no experiment that has been more successful in its operation. This law is administered by the Hawaiian people, as the law requires that at least three members of this commission of five must be of Hawaiian blood.

Under this plan title to the land is not given to the homesteader who gets it. Instead he is given a lease and is not permitted to transfer it to any person except of Hawaiian

blood. This keeps the land strictly in the hands of the Hawaiian people, which, to my mind, has been the salvation of the people who were in a position where they needed help from the Government of the United States. They have been able to make their own living and to support their families from the land that the Government has turned over to the Hawaiian Homes Commission.

This plan has been very successful. The Hawaiian Homes Commission received no compensation for their services, except the compensation they receive in the satisfaction of aiding the homesteader in providing a home for himself and family.

I had something to do with the preparation and passing of the original law creating the Hawaiian Homes Commission, and I am more than pleased with its success.

May I say a word about the Delegate from Hawaii [Mr. KING]? This legislation has been brought before the House because of his efforts for its consideration. The original law was presented by the late Prince Kalanianola, who was a Member of this House for many years. By his untiring efforts, the Delegate from Hawaii [Mr. KING], in the presenting of this bill, has greatly improved it. Mr. KING is always busy in the interests of the Territory and the Hawaiian people. Every Member of the House admires and respects him.

This bill should pass, as I am sure it will aid the Hawaiian Homes Commission in making the Hawaiian people happier. I compliment the Delegate [Mr. KING] on his splendid work.

[Here the gavel fell.]

Mr. ENGLEBRIGHT. Mr. Speaker, I move to strike out the last two words.

Mr. Speaker, I desire to compliment the Delegate from Hawaii on the record time in which various important bills have been enacted into law and on the fine manner in which he cooperates with the Committee on Territories and the confidence in which the committee holds him. I compliment him also on the very friendly relationship that he is building up for the people of Hawaii.

This experiment has been outstanding in character, as the gentleman from Iowa has told us, and I am sure that the House is very happy to have this expeditious handling of legislation of some great importance to this Territory.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider and a House bill (H. R. 7374) were laid on the table.

REPEAL OF CERTAIN TAXES ON SHIPPING IN ALASKA

Mr. GREEN. Mr. Speaker, by direction of the Committee on the Territories, I call up the bill (S. 2254) to amend section 460, chapter 44, title II, of the act entitled "An act to define and punish crimes in the District of Alaska and to provide a code of criminal procedure for said District", approved March 3, 1899, as amended, and ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object to ask a question, will the Delegate from Alaska advise us whether this bill affects in any way American ships; for instance, would a ship that sailed from San Francisco to Alaska pay this tax?

Mr. DIMOND. Mr. Speaker, will the gentleman yield?

Mr. GREEN. I yield to the Delegate from Alaska.

Mr. DIMOND. Mr. Speaker, the bill seeks to repeal license tax provisions applicable to Alaska. These tax provisions, in the opinion of the officials of the Department of Justice, apply only to interport business carried on in Alaska. No additional burdens would be imposed upon any shipping by the passage of this bill. On the contrary, the burdens that may be imposed upon some shipping under the provisions sought to be repealed will be removed.

Mr. MARTIN of Massachusetts. Does it affect in any way a ship owned in continental America?

Mr. DIMOND. It is only to the advantage of ships owned in the United States as well as ships owned in Alaska.

Mr. MARTIN of Massachusetts. It does relieve our shipping to a certain extent, then?

Mr. DIMOND. It may relieve, but cannot impose a further burden. The reason I make that answer is because of the uncertainty surrounding the construction of these provisions by the courts, in view of the debate in Congress when the tax provisions were under consideration. To obviate the uncertainty and to clear the thing up we want to repeal these provisions, and to leave the matter of taxation on shipping to the Alaska Territorial Legislature.

Mr. MARTIN of Massachusetts. In any event, it does not add a new burden.

Mr. DIMOND. None at all.

Mr. Speaker, the bill under consideration is a Senate bill. A similar bill was introduced in the House by the gentleman from Washington [Mr. MAGNUSON]. At the time of its introduction I declined to sponsor it because I was then uncertain as to its merit. Since then I have been convinced that the bill ought to pass.

The provisions of the Federal license-tax law applicable to Alaska sought to be repealed by this bill provide for a tax of $1 per ton, customhouse measurement, on freight and transportation lines and ships and shipping doing business or registered in Alaska, "or not paying license or tax elsewhere." May I repeat the phrase, "or not paying license or tax elsewhere", because that phrase is of the utmost importance.

While the circuit court of appeals of the ninth circuit in the case of Northern Commercial Co. against United States, reported in 217 Federal, page 33, has held that the word "elsewhere", as used in the law, means elsewhere in Alaska, or in some other judicial division in the Territory of Alaska, that decision cannot be sustained. From a consideration of the debate in Congress upon the passage of the License Tax Act, the conclusion is inescapable that the word "elsewhere" was intended to mean, and actually means, elsewhere in the United States than in the Territory of Alaska. It necessarily follows that if the freight and passenger transportation lines and the ships and shipping sought to be taxed by the law under consideration be taxed elsewhere than in Alaska they are entirely exempt from the Alaska tax. Most of the shipping lines, and particularly the large ones, which do business in Alaska and between the States and Alaska actually pay some taxes elsewhere and therefore, despite the decision of the circuit court of appeals in the Northern Commercial Co. case, they are and ultimately will be held exempt from the application of the license-tax provisions on freight and passenger transportation lines and ships and shipping now under discussion.

In order to inform myself on the exact question presented in the case of Northern Commercial Co. against United States, which I have just now referred to, I secured from the clerk of the circuit court of appeals at San Francisco, Calif., a copy of the printed record and of the briefs in the case. To my astonishment, I found that the debate in Congress relative to the provisions of the License Tax Act in question concerning Alaska shipping and transportation was not brought to the attention of the Court, and, so far as the record shows and the briefs show, neither the Court nor counsel in that case had any knowledge whatever of the meaning placed upon the tax provisions now under consideration by Congress. It is not necessary to remind the House that under the most elementary principles of statutory construction, the interpretation placed upon the statute by the lawmakers should govern, unless the terms of the statute are so explicit in themselves as to remove all doubt on the question.

Moreover, the officials of the Department of Justice have reached the conclusion, and it is probably the correct conclusion, that the license tax was intended to apply only to interport business carried on in Alaska and not to commerce between the United States and Alaska. The interport busi-

ness carried on in Alaska is relatively negligible and to impose the tax on that business alone works a serious discrimination against local lines which do no interstate business between Alaska and the United States. The present provisions of the law also discriminate against local operators in that their ships are likely to be registered in Alaska and thus be subject to the tax while the ships of the big lines are registered outside of Alaska and, since they pay license or tax "elsewhere", are not subject to the provisions of the tax.

A third reason presents itself for the passage of the bill, and that lies in the fact that Alaska shipping is in a measure in competition with the Canadian shipping serving Alaska. The Canadian ships are forbidden to carry on any interport business in Alaska, and, therefore, under the construction placed upon the law by the Department of Justice officials, are in any case exempt from the tax. The American ships pay higher wages and are generally more costly to build and operate. To impose a tax on American shipping when the competitive Canadian shipping is exempt from the tax is scarcely fair to our own people.

Since the provisions of the tax act mentioned apply only to interport shipping in Alaska and not to interstate shipping between Alaska and the United States, and since, almost by common consent, these provisions of the law have been all but inoperative in Alaska for the period of approximately 37 years, and since, if operative, they are bound to operate with the greatest rigor and with a marked degree of discrimination against small companies carrying on transportation only within the Territory of Alaska; and since, if not repealed, the big companies doing an interstate as well as Alaska interport business will limit their Alaska interport business to a few ships only and refuse to transport passengers or freight from one port to another in Alaska on their ships where the revenues are not very great, in order to avoid payment of the tax, it is my considered judgment that the bill should pass. But it should pass on one condition only. At my suggestion the committee adopted an amendment which is to be incorporated in the bill as section 2, which reads as follows:

SEC. 2. Nothing in this act shall abrogate, limit, or curtail the powers granted the Territorial Legislature of Alaska to impose taxes or licenses, nor limit or curtail any powers granted to the Territorial Legislature of Alaska by the act of Congress approved August 24, 1912, entitled "An act to create a legislative assembly in the Territory of Alaska, to confer legislative powers thereon, and for other purposes", or by any other act of Congress.

It will be observed, Mr. Speaker, that this amendment adequately preserves the right of the Territorial Legislature to impose any tax which it may see fit on Alaska shipping; that is to say, on the interport business carried on by boats and ships in Alaska. Now, it must be remembered that under the construction placed upon it by the Department of Justice, that is all the present law does—imposes a tax upon interport business—unless the vessels are registered in Alaska. As I stated a moment ago, most, if not all, of the vessels owned by the larger companies are not registered in Alaska and as they pay license or tax elsewhere they are not subject to the Alaska tax. Since Congress has not by the tax provisions under consideration, or by any other law, sought to impose a tax upon the interstate business carried on between ports in the United States and ports in Alaska, to retain the present tax provisions on the books would simply result in penalizing Alaskans and Alaska business without accomplishing any good for anyone.

First, last, and all the time, Mr. Speaker, I am a home-ruler. I believe in the largest measure of home rule for Alaska. The amendment which I have suggested will insure to the territorial legislature full taxing power with respect to freight and passenger transportation lines and ships and shipping within the Territory of Alaska. It may be remarked in passing that the language of this amendment, which is to be section 2 of the bill, is substantially the same language embodied in section 8 of the act of June 6, 1924, relative to the fisheries, and that provision has been construed by the United States Circuit Court of Appeals for the Ninth Circuit in the case of *Anderson* v. *Smith* (71 Fed. (2d) 493) to adequately preserve the taxing power of the Alaska Legislature.

In my opinion, Mr. Speaker, the shipping lines serving Alaska ought to register all of their ships in Alaska and thus be clearly subject to the tax imposed by the provisions of law in question. As the income of these companies is derived from the business which they do in transporting freight and passengers between the United States and Alaska, and within the Territory of Alaska, it is only reasonable that they should pay some tax to the Territory, for the residents of the Territory provide a large portion of the income received by the transportation companies. Moreover, the shipping companies serving Alaska undoubtedly take into consideration, in fixing rates, all taxes imposed upon them by any taxing authority. They ought to register their vessels in Alaska and pay this tax without demur. But they refuse to do it. Like many other corporations and individuals, they register their ships where the taxes are comparatively light and decline to register them in Alaska. It may be that their hesitation to register their ships in Alaska is due to some apprehension as to possible taxation by municipalities in the Territory, and it is easy to understand their concern on that ground. In view of the fact that the ship owners cannot be compelled to register their vessels in Alaska under present law, and in view of the fact that the operation of the present law under the construction placed upon it by the Department of Justice will result only in penalizing Alaskans and in placing additional burdens on transportation in Alaska, there is only one thing to do and that is to pass this bill and repeal the tax, for I am not credulous enough to believe that Congress will ever pass a law either requiring unconditionally the transportation companies serving Alaska to register their ships in Alaska, or to amend the provisions of the present license tax act so as to require payment of the tax on interstate as well intrastate commerce with respect to Alaska no matter where the ships are registered.

It has long been my view that all of the provisions of the Federal license tax laws applicable to Alaska should be subject to alteration, amendment, or repeal by the Alaska Legislature, and in the Seventy-fourth Congress and again in the Seventy-fifth Congress I have introduced and urged for passage a bill seeking to grant to the Alaska Territorial Legislature the full right to alter, amend, or repeal all or any part of the Federal License Tax Act applicable to Alaska. The bill now under consideration is in harmony therewith.

Mr. Speaker, so far as I am aware, there is no opposition to this bill in Alaska. I have received approximately 40 letters and telegrams from chambers of commerce, associations, and individuals in all parts of Alaska, urging me to support the bill and not a single letter or telegram or other communication opposed to the passage of the bill. In Alaska it is generally considered, and I think rightly, that the failure of Congress to pass the bill is bound to curtail transportation facilities within Alaska to such an extent that many people will not only be discommoded but will suffer substantial financial loss. One of the crying needs in Alaska at this time is additional transportation facilities on land and water and in the air, and therefore it is part of my duty to support every measure which will not only help us to keep all of the transportation which we now have but which will extend transportation aids and facilities on land and sea and also by air.

The SPEAKER. The gentleman from Florida asks unanimous consent that the bill may be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 460, chapter 44, title II, of the act entitled "An act to define and punish crimes in the District of Alaska and to provide a code of criminal procedure for said District", approved March 3, 1899, as amended, is amended by striking out the following paragraphs:

"Freight and passenger transportation lines, propelled by mechanical power registered in the Territory of Alaska, or not paying

license or tax elsewhere, and river and lake steamers, as well as transportation lines doing business wholly within the Territory of Alaska, $1 per ton per annum on net tonnage, customhouse measurement, of each vessel.

"Ships and shipping: Ocean and coastwise vessels doing local business for hire plying in Alaskan waters, registered in Alaska or not paying license or tax elsewhere, $1 per ton per annum on net tonnage, customhouse measurement, of each vessel."

SEC. 2. Section 13 of the Revised Statutes shall not apply with respect to any penalty, forfeiture, or liability incurred under the provision stricken out by this act.

With the following committee amendment:

Page 2, strike out lines 11, 12, and 13, and in lieu thereof insert the following:

"SEC. 2. Nothing in this act shall abrogate, limit, or curtail the powers granted the Territorial Legislature of Alaska to impose taxes or licenses, nor limit or curtail any powers granted to the Territorial Legislature of Alaska by the act of Congress approved August 24, 1912, entitled 'An act to create a legislative assembly in the Territory of Alaska, to confer legislative powers thereon, and for other purposes', or by any other act of Congress."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to revise and extend the remarks which I have just made concerning this bill.

The SPEAKER. Is there objection to the request of the Delegate from Alaska?

There was no objection.

Mr. GREEN. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GREEN. Mr. Speaker, the Delegate from Hawaii and the Delegate from Alaska are giving unusually good cooperation in our committee. I think the action of the House in sustaining the committee's reports on these bills is the best compliment that could be paid to these gentlemen.

CONTESTED-ELECTION CASE—RUTHERFORD V. TAYLOR (H. DOC. NO. 282)

The SPEAKER laid before the House the following communication, which was read and referred to the Committee on Elections No. 1 and ordered printed:

JUNE 30, 1937.

Hon. WILLIAM B. BANKHEAD,
Speaker of the House of Representatives,
Washington, D. C.

SIR: On December 4, 1936, Calvin Rutherford served notice on J. Will Taylor, returned Member from the Second Congressional District of the State of Tennessee, of his purpose to contest the election of said Taylor, and filed a copy of said notice in this office.

Now comes the sitting Member, J. Will Taylor, and in a communication to me dated June 15, 1937, makes the following statements:

That on December 21, 1936, he replied to the notice of contest served upon him by said Calvin Rutherford;

That on January 27, 1937, contestant began taking testimony on his behalf, and thereafter on January 29 and on April 27, 1937, additional testimony was taken on his behalf;

That no further testimony was adduced, notwithstanding his (contestee's) attorney frequently called upon contestant to complete his case;

That contestant failed to produce evidence in support of his contest and has manifestly abandoned same, 180 days having elapsed from the date of contestee's reply, whereas the law prescribes 90 days in which to take testimony in a contested-election case; and

That he (contestee) incurred legal expenses in connection with the case, for which he desires reimbursement in accordance with law.

For the information of the House the Clerk deems it proper to state that no testimony on behalf of either party has been filed in his office as required and in the manner prescribed by law, and it would therefore appear that the contest had abated.

The letter of Mr. Taylor, together with the letter of his attorney and a certified copy of the testimony taken in behalf of contestant are submitted herewith for the consideration of the appropriate committee.

Respectfully,

SOUTH TRIMBLE,
Clerk of the House of Representatives.

Mr. GREEN. Mr. Speaker, that is all the bills we will call up for consideration today. We have another bill, but that will be presented at a later time.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that further business in order today, Calendar Wednesday, be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. RANKIN. Mr. Speaker, reserving the right to object, the Committee on World War Veterans' Legislation has at least one bill it has been trying to get considered by this House for 60 days. While that committee is not next on the calendar, I should like to have the call of the committees continued, as this seems to be the only way we will ever get a vote on the bill. I dislike very much to object to the request of the gentleman from Texas, but I gave way today in order that the House might take up the conference reports, which took more time than anticipated. It is now rather late in the afternoon, but, Mr. Speaker, I am going to object to dispensing with Calendar Wednesday business at this time and request that the call of the calendar continue.

PERMISSION TO ADDRESS THE HOUSE

Mr. KELLER. Mr. Speaker, I ask unanimous consent to proceed out of order for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. KELLER. Mr. Speaker, I have been asked to communicate the information to the House that the little tent on the way across to the New House Office Building, right-hand side, contains all information about the Boy Scouts th. t are in town. If any of you want to know something about that you may get the information over there. You are invited to call personally or else on the phone, Capitol 1396.

[Here the gavel fell.]

Mr. MAVERICK. Mr. Speaker, I have already received permission to address the House for 15 minutes on Friday next. I ask unanimous consent that that time be extended to 30 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent that the time already accorded him to address the House on Friday of this week under the conditions named in the request may be extended 15 additional minutes. Is there objection?

Mr. PARSONS. Mr. Speaker, reserving the right to object, may I ask the Chair what the program will be on Friday, other than the time various gentlemen will take to address the House?

The SPEAKER. The Chair may say to the gentleman from Illinois [Mr. PARSONS] that he is not able to answer the gentleman's question as a parliamentary inquiry, but will refer his query to the majority leader.

Mr. RAYBURN. Mr. Speaker, on Thursday a rivers and harbors bill will be considered, and if we get through with the consideration of that bill, we will take up a bill which involves the regulation of natural gas. If we finish the consideration of both of those bills on Thursday, there will be no program on Friday, except speeches. If we do not reach consideration of the natural-gas bill until Friday, that will be the only business. The bill is noncontroversial and will take but a short time.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HILL of Washington.. Mr. Speaker, in view of the lateness of the hour, I relinquish the time I had to address the House this afternoon and ask unanimous consent to address the House next Friday, after the address by the gentleman from Texas [Mr. MAVERICK] for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

EXTENSION OF REMARKS

Mr. JOHNSON of Minnesota. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a radio address delivered by myself.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that on Friday next after the special orders heretofore made I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERSONAL EXPLANATION

Mr. LONG. Mr. Speaker, on June 29 on roll calls 98 and 99 I am shown as not having voted. I was unavoidably detained in my office. Had I been present, I would have voted "nay" on roll call 98 and "yea" on roll call 99.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mrs. JENCKES of Indiana, for 1 week, on account of official business.

To Mr. GRISWOLD (at the request of Mr. GREENWOOD), indefinitely, on account of illness.

To Mr. MERRITT, for 2 days, on account of important business.

CALENDAR WEDNESDAY

The SPEAKER. The Clerk will continue the call of the committees.

Mr. RAYBURN (when the Committee on Education was called). Mr. Speaker, I ask unanimous consent that further business in order for today, Calendar Wednesday, be dispensed with.

Mr. Speaker, may I say that this calendar has been called more in the last 6 months than in any 4 years of my experience in the House. I have stated to each and every committee chairman that I would seek to protect the various committees and not have them called at 4:30 in the afternoon when by points of no quorum or otherwise they might lose their day.

The Committee on Labor is the next committee to be called. The chairman of that committee is present and has a bill for the consideration of the House. I am just afraid that committee may lose its day by being called at this late hour and that is why I am making this unanimous-consent request.

Mr. RANKIN. Mr. Speaker, reserving the right to object, I understand the Committee on Labor has some bills.

Mrs. NORTON. The committee has one bill to call up.

Mr. RANKIN. How long will its consideration take?

Mrs. NORTON. That depends entirely upon the House.

Mr. RANKIN. Probably how long?

Mrs. NORTON. It should not take more than 5 minutes.

Mr. RANKIN. Mr. Speaker, there probably will be little or no opposition to the measure, and I see no reason why the Committee on Labor should not take it up.

Mr. RAYBURN. The trouble is that some of the minority members of the Committee on Labor, who had no idea we would reach the Committee on Labor today, are not here.

Mrs. NORTON. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. Yes.

Mrs. NORTON. I may say to the gentleman I have sent a messenger for the gentleman from California [Mr. WELCH], who is the ranking member of the Committee on Labor, in order that he may be on the floor, but I have not been able to reach him.

Mr. RANKIN. The difference between the Committee on Labor and the Committee on World War Veterans' Legislation is that the Committee on Labor is always able to get a rule from the Committee on Rules.

Mr. RAYBURN. Oh, no.

Mr. RANKIN. The Committee on World War Veterans' Legislation is not even able to get a hearing on its bill before the Committee on Rules, and it has been trying to do so for 60 days. So far we have been unable to get any hearing at all. We are not deceived about this matter. We realize this is the only way for us to get this bill passed on by the House of Representatives. I hope the chairman of the Committee on Labor will call up her bill, for I am sure there will be no opposition to it, and let us proceed.

Mr. COX. Mr. Speaker, reserving the right to object, the gentleman from Mississippi knows something of my situation. Under the circumstances, and in view of the statement made by the majority leader, I do feel the gentleman ought to show me the consideration of not insisting upon his objection to the unanimous-consent request.

Mr. RANKIN. The gentleman is on the Committee on Rules.

Mr. COX. Yes; and I am in favor of granting the gentleman a rule for the consideration of his bill. I am for his bill, and I will do everything within my power to influence the committee to give the gentleman a hearing. I hope the hearing will be granted and that a rule will be reported for the consideration of the gentleman's measure.

Mr. RANKIN. Will the gentleman force a vote of the Committee on Rules on my resolution?

Mr. COX. I cannot force the Committee on Rules to do anything, but I will do my best for the gentleman to get a rule.

Mr. RANKIN. This bill involves the gold-star mothers whose insurance payments are expiring, the mothers who sent their sons to the war and never saw them again. They must be taken care of, and this bill is their only hope. This is the only chance we have to take care of them. As I have stated, I have had the bill on the calendar for 60 days, and have had a resolution before the Committee on Rules for 40 days or more, trying to get the bill to the floor of the House. I should like to accommodate the gentleman from Georgia and should like to hear him speak, and will stay here as long as necessary in order to hear the gentleman speak.

Mr. GREEN. I am one who has signed the gentleman's petition, and I am willing to stay here until midnight to help the gentleman pass his bill.

Mr. RANKIN. I am willing to stay here until midnight.

Mr. RAYBURN. Does the gentleman have any idea the bill will come up today? Certainly not.

Mr. GREEN. I thought the Committee on World War Veterans' Legislation had the next call.

Mr. RANKIN. It will come up if the chairman of the Labor Committee will get her bill out of the way.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. RANKIN. Mr. Speaker, I object.

APPRENTICES IN INDUSTRY

Mrs. NORTON. Mr. Speaker, by direction of the Committee on Labor I call up the bill (H. R. 7274) to enable the Department of Labor to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices and to cooperate with the States in the promotion of such standards, and ask for its immediate consideration.

Mr. THOMPSON of Illinois. Mr. Speaker, I make the point of order a quorum is not present.

Mr. RANKIN. We will pass this bill tonight unless the House adjourns on a roll call, if we have to stay here until midnight.

Mr. THOMPSON of Illinois. Mr. Speaker, I withdraw my point of order for the moment.

Mr. MARTIN of Massachusetts. I renew the point of order, Mr. Speaker.

The SPEAKER. The gentleman from Massachusetts makes the point of order a quorum is not present.

Mr. MARTIN of Massachusetts. Mr. Speaker, I think the minority members of the Committee on Labor are not aware this bill is coming up. I think they should be here and have a chance to be heard if we are going on with it.

Mrs. NORTON. Mr. Speaker, will the gentleman withhold his point of order?

Mr. MARTIN of Massachusetts. Yes; I withhold my point of order for the moment, Mr. Speaker.

Mr. COX. May I appeal to the gentleman from Mississippi that he kindly not object to the unanimous-consent request of the gentleman from Texas?

Mr. RANKIN. If the gentleman will let the call of committees proceed, when it gets down to the Committee on World War Veterans' Legislation I am willing to let him dispense with further proceedings under the call of committees, but I am not going to withdraw my objection until the World War Veterans' Committee is called.

Mr. COX. The gentleman has that right, of course.

The SPEAKER. Does the gentleman from Massachusetts withhold his point of order?

Mr. MARTIN of Massachusetts. I must insist on my point of order, Mr. Speaker.

The SPEAKER. The gentleman declines to withhold his point of order. A constitutional question has been raised that a quorum is not present. The Chair will count.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw the point of order for a moment.

The SPEAKER. The gentleman from Massachusetts withdraws his point of order.

Mrs. NORTON. Mr. Speaker, by direction of the Committee on Labor I call up the bill (H. R. 7274) to enable the Department of Labor to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices and to cooperate with the States in the promotion of such standards, and ask for its immediate consideration.

The Clerk read the title of the bill.

Mrs. NORTON. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentlewoman from New Jersey asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, before we give this permission I think we should know something about the bill. We are somewhat handicapped because we did not expect it to come up at this time.

Mrs. NORTON. Mr. Speaker, I may say to the gentleman from Massachusetts that the author of the bill, the gentleman from Connecticut [Mr. FITZGERALD], is here and will be pleased to explain the measure.

I may say further that the bill was reported out unanimously by the Committee on Labor before I became chairman of that committee. I have looked up the record and I have found that the vote of the committee was unanimous.

Mr. MARTIN of Massachusetts. I think the rest of the House should know something about the bill, and under my reservation of objection, in order that we may know what the bill is about, I yield to the gentleman from Connecticut.

Mr. FITZGERALD. Mr. Speaker, this bill sets up in the Department of Labor an apprentice training system for the youth of this country. We have debated here today for hours about taking 300,000 boys and putting them into the forests of America. This bill will provide a cloak of protection to put around boys and girls and encourage them to go back into the skilled trades, and in some localities today we have a crying need for trained and skilled workers.

Mr. MARTIN of Massachusetts. Just what does the bill do?

Mr. FITZGERALD. The bill sets up standards by Federal cooperation with the States and through the formation of voluntary committees in the States, throwing a cloak of protection around the boys and girls and setting up standards and protecting them and guaranteeing that when their time of service in a trade has expired, they will come out full-fledged mechanics. It also incorporates vocational education in the plants.

Mr. HOFFMANN. Mr. Speaker, will the gentleman yield for a question when he concludes his statement?

Mr. FITZGERALD. Yes. The bill was heard by a subcommittee of the Committee on Labor and representatives of labor and capital appeared. I may say this is, perhaps, the only bill before the House today that both labor and capital are in favor of. The National Manufacturers Association wrote the committee and went on record in favor of the bill and Mr. John Frey represented the American Federation of Labor before the committee, testifying in favor of the bill.

If you really want to do something for the youth of the country, this is one of the best bills you can pass, because it will encourage them to learn a skilled trade as a means of livelihood.

In the past 25 years over one million and a quarter mechanics have come here from the European countries, and I am going to tell the Members of the House now that if a bill of this nature is not passed and a system of this kind not established, within 10 years you will lower your immigration bars in order to get mechanics from across the water. We have a need for mechanics in special lines today. Industry is crying for them and still we are passing laws here to put the youth of our country into the forests, instead of encouraging them to go back into the trades and become skilled mechanics.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. HOFFMAN. In the New York Times of yesterday and in the same paper the day before there was a long article each day by a special writer who had been investigating conditions in Michigan, and in the article the statement was made that the W. P. A. and the C. I. O. were interested and that the C. I. O. had contributed some $6,000 in Michigan for the purpose of educating the youth there along certain lines. If the Department of Labor establishes this school, what connection, if any, will the C. I. O. workers have with the undertaking?

Mr. FITZGERALD. This bill does not propose to establish schools, but it proposes to protect the boys and girls in industry.

Mr. HOFFMAN. It proposes to educate them.

Mr. FITZGERALD. While they are getting practical knowledge, so that a boy, after serving an apprenticeship of 4 years, will not be exploited, but when he has served his apprenticeship he will be a first-class mechanic.

Mr. HOFFMAN. The question I want to ask the gentleman is this: What part has the C. I. O. in the training of these young men and women?

Mr. FITZGERALD. It has nothing to do with it, to my knowledge.

Mr. HOFFMAN. The W. P. A. has something to do with it, according to this article.

Mr. FITZGERALD. I do not know about that, but I do know that the bill is endorsed by both labor and capital.

Mr. HOFFMAN. Will not the C. I. O. furnish the teachers if the training is under the present Secretary of Labor?

Mr. FITZGERALD. The training is going to be done by the employers in the various industries.

Mr. HOFFMAN. But under the supervision of the Department of Labor?

Mr. FITZGERALD. The standards will be set up by the Department of Labor in cooperation with the States.

Mr. HOFFMAN. With the cooperation of Mme. Perkins?

Mr. FITZGERALD. The Department of Labor.

Mr. MARTIN of Massachusetts. Will the gentleman tell us whether the committee went into the cost of the administration of this bill?

Mr. FITZGERALD. Approximately $56,000 has been the amount provided previously. This activity has been functioning under the National Youth Administration.

If the gentleman will recall, 2 months ago, when the Committee on Appropriations had that part of the bill under consideration, they would not pass it, because that committee claimed it was not removed legally from the National Youth Administration into the Department of Labor. Both the minority and the majority parties on the committee are in favor of making that small appropriation of $56,900.

Mr. MARTIN of Massachusetts. And this is transferring it to the Department of Labor?

Mr. FITZGERALD. Yes.

Mr. MARTIN of Massachusetts. And then setting up a standard for the apprenticeship, for the different States?

Mr. FITZGERALD. Yes.

Mr. MARTIN of Massachusetts. It is all voluntary?

Mr. FITZGERALD. Yes.

Mr. MARTIN of Massachusetts. It is not compulsory?

Mr. FITZGERALD. No. In fact, 45 States have set up State committees already, and 112 voluntary committees are working, and these States already have passed these plans during the last year. There was no opposition before the committee.

Mr. DITTER. Mr. Speaker, I reserve the right to object. Will the gentleman from Connecticut please tell us what the power of the National Advisory Committee will be? Under section 2 the Secretary of Labor is authorized to appoint a National Advisory Committee, to serve without compensation. Will the gentleman tell us what the duties and powers of that committee will be?

Mr. FITZGERALD. They will set up a voluntary plan. It is national because some association wrote and asked that the name be changed to the National Association or the National Committee, to make it function with the States.

Mr. DITTER. Then to that extent the Secretary of Labor will be able to carry out and formulate a policy with respect to the several States.

Mr. FITZGERALD. Not unless the States agree to it.

Mr. DITTER. But the Secretary of Labor is authorized to appoint the members of the committee. There is no reservation, no limitation with respect to the authority of the Secretary of Labor.

Mr. FITZGERALD. The States adopt their own plan.

Mr. DITTER. I am speaking now of the National Advisory Committee. The gentleman said the National Advisory Committee's duties and powers would be to formulate policies. I say to that extent the influence of the Secretary of Labor will be expressed through the appointees of this committee.

Mr. FITZGERALD. The committees will be appointed through the State agencies.

Mr. DITTER. I am afraid that the gentleman and I are in disagreement. Under section 2 the Secretary of Labor has authority to appoint the committee. It does not say anything except to appoint this national committee. It delegates that authority directly to the Secretary of Labor.

Mr. FITZGERALD. That is, the national committee sets up with the State organization a voluntary plan. Everything in this is voluntary.

Mr. DITTER. And to that extent, then, the Secretary of Labor's influence will be felt in the administration of the proposed act.

Mr. FITZGERALD. I would not say so.

Mr. DITTER. How is it to be obviated?

Mr. FITZGERALD. Because it will be voluntary on the part of a State whether it accepts the act or not.

Mr. DITTER. What is the power of the committee?

Mr. FITZGERALD. Just making recommendations; that is all.

Mr. MARTIN of Massachusetts. Mr. Speaker, I am satisfied with the explanation of the gentleman from Connecticut and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentlewoman from New Jersey to consider the bill in the House as in Committee of the Whole?

Mr. HOFFMAN. Mr. Speaker, I reserve the right to object in order to ask the gentleman a question.

The SPEAKER. The gentleman from Michigan reserves the right to object.

Mr. HOFFMAN. Here is the article to which I referred, and it says about $7,000 is set ascide by the union each month for this educational program from its income of $350,000 a month, and it ties in with the W. P. A. If this committee is established by the Department of Labor to teach these young men and women and qualify them to follow a trade, how does that hook up with this?

Mr. FITZGERALD. I do not see any connection at all with it, because all this bill does is this: After a boy is in a plant, working, he is indentured to learn a trade in the plant, working for the company. After he is indentured, these standards will be set up for his protection. He will get his practical experience right there. His vocational education he will get through the trade school.

Mr. HOFFMAN. But these schools are to be set up in these plants, and the C. I. O. is furnishing $7,000 a month to assist in that. Does not that tie up directly with this?

Mr. FITZGERALD. No.

The SPEAKER. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Labor is hereby authorized and directed to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices, to extend the application of such standards by encouraging the inclusion thereof in contracts of apprenticeship, to bring together employers and labor for the formulation of programs of apprenticeship, to cooperate with State agencies engaged in the formulation and promotion of standards of apprenticeship, and to cooperate with the National Youth Administration and with the Office of Education of the Department of the Interior in accordance with section 6 of the act of February 23, 1917 (39 Stat. 932), as amended by Executive Order No. 6166, June 10, 1933, issued pursuant to an act of June 30, 1932 (47 Stat. 414), as amended.

SEC. 2. The Secretary of Labor may publish information relating to existing and proposed labor standards of apprenticeship, and may appoint national advisory committees to serve without compensation. Such committees shall include representatives of employers, representatives of labor, educators, and officers of other executive departments, with the consent of the head of any such department.

SEC. 3. On and after the effective date of this act the National Youth Administration shall be relieved of direct responsibility for the promotion of labor standards of apprenticeship as heretofore conducted through the Division of Apprentice Training and shall transfer all records and papers relating to such activities to the custody of the Department of Labor. The Secretary of Labor is authorized to appoint such employees as he may from time to time find necessary for the administration of this act, with regard to existing laws applicable to the appointment and compensation of employees of the United States: *Provided, however*, That he may appoint persons now employed in Division of Apprentice Training of the National Youth Administration upon certification by the Civil Service Commission of their qualifications after nonassembled examinations.

SEC. 4. This act shall take effect on July 1, 1937, or as soon thereafter as it shall be approved.

Mr. COX. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Georgia is recognized for 5 minutes.

Mr. COX. Mr. Speaker, several days ago the House very kindly granted me 1 hour's time for an address after the completion of the legislative program for today.

My address, Mr. Speaker, will be more or less factual and largely intended to be used as a basis for discussion later on.

Mr. Speaker, the industrial contest which is today driving the United States of America toward what may be a state of civil war is a titanic struggle between forces favoring industrial relations between labor and capital on the basis of an organized labor democracy, as represented in the American Federation of Labor, and forces favoring industrial relations between labor and capital on the basis of a labor despotism, as typified by the Committee for Industrial Organization. Beginning as an apparently internal disagreement in the American Federation of Labor, John Lewis and his cohorts have expanded the Committee for Industrial Organization movement into what now cannot be described by any other term than as a reign of industrial terror.

Both the philosophies and the modus operandi of the American Federation of Labor and the Committee for Industrial Organization are as far apart as the poles.

The American Federation of Labor system of an organized labor democracy is based upon a lawful and orderly procedure of collective bargaining to adjust capital-labor relations. The Committee for Industrial Organization believes in a lawless and disorderly procedure to force its own desired adjustments of capital-labor relations.

The American Federation of Labor, a conservative but aggressive aggregation of trade-unions, has, over the years, demonstrated its disciplinary control over its unions and its high regard for the inviolability of its contracts with employers.

The Committee for Industrial Organization, a radical if not communistic, reckless, and marauding aggregation of hastily formed unions, has demonstrated no disciplinary control over its unions, but has demonstrated its utter disregard for the inviolability of any contract it has made or may make with employers.

The American Federation of Labor officials have been duly elected by a fair vote of their membership on the basis of a pure labor democracy.

The officials of the Committee for Industrial Organization are a group of self-constituted leaders intent upon wielding a despotic power over the laboring men and women of America. They have never been elected to their offices by any group.

The American Federation of Labor operates under a duly adopted constitution and bylaws approved by its membership.

So far as I have been able to ascertain, the Committee for Industrial Organization operates under no constitution and no bylaws, except the will and desires of John L. Lewis and his cohorts.

The American Federation of Labor grants autonomy to its member unions.

The Committee for Industrial Organization demands and secures absolute submission of its member unions to the mandates of John L. Lewis.

The American Federation of Labor revenues and expenditures are audited and accounted for to the general membership of the organization.

So far as I have been able to ascertain, the Committee for Industrial Organization makes no accounting to its union membership for dues or special assessments collected and expended.

The American Federation of Labor operates on a basis of voluntary membership of working men and women in its craft unions.

The Committee for Industrial Organization operates on a basis of an involuntary and impressed membership of working men and women in its unions.

The American Federation of Labor is a strictly nonpolitical labor democracy.

The Committee for Industrial Organization is a labor-political-communistic organization, insofar as its leaders are concerned.

The American Federation of Labor never makes any political contributions to any party.

The Committee for Industrial Organization made the largest single contribution in history to a political party in the last campaign.

The American Federation of Labor has always sternly rejected from its membership those who advocated a communistic government for the United States.

The Committee for Industrial Organization staff of officials, strike directors, and organizers are shot through and through with avowed Communists.

The American Federation of Labor has never made the closed shop and the check-off system a strike issue.

The avowed intention of John L. Lewis and the other Committee for Industrial Organization leaders is to make every industry, big and small, in the United States a closed shop—a Committee for Industrial Organization closed shop—with the check-off system.

The American Federation of Labor has at all times advocated legal methods of strike and picketing.

The very essence of the Committee for Industrial Organization technique is lawless methods of striking and armed picketing.

The American Federation of Labor invariably takes a vote of its membership in any industry before a strike is adopted—even as a last resort—to effectuate collective bargaining.

The Committee for Industrial Organization, with its group of sit-down technicians, and its strong-arm squads always strikes first without the consent, and usually without the knowledge, of the workers in any industry, and, after suspending operations, impresses those workers into membership in the Committee for Industrial Organization.

The American Federation of Labor has always maintained its operations within the realm of the economic field, where they properly belong, in striving to achieve better adjustment of wages, hours, and working conditions.

The Committee for Industrial Organization has shifted the problem of industrial relations between employers and employees from the economic field into a political movement; and that political movement has been shifted by the leaders of Committee for Industrial Organization into a communistic political movement.

The American Federation of Labor has always maintained the theory of the vested right of the worker in his job at proper wages, hours, and under proper working conditions.

The Committee for Industrial Organization holds to the theory that the worker not only has a vested right in his job but that he also has a vested ownership in the plant in which he may for the moment be working, and is therefore entitled to sit down and suspend operations whenever he so desires.

The American Federation of Labor has never countenanced and has never permitted an outlaw strike by any of its unions in defiance of a contract with employers. It has always appropriately disciplined such unions on the rare occasions of such action.

Committee for Industrial Organization unions, according to Dorothy Thompson, in the Washington Evening Star of Monday, June 21, have had 180 strikes in some part of the motors industry in 180 days since a solemn written agreement was signed between General Motors and Committee for Industrial Organization.

In short, the difference in the concept of industrial labor relations between the American Federation of Labor and the Committee for Industrial Organization is the difference between American constitutional government and the communistic concept of government of Soviet Russia.

The American Federation of Labor has fought for 50 years for the one objective of bettering the condition of the American working men and women.

The Committee for Industrial Organization is fighting for the declared objective of making John L. Lewis the labor czar of America, with a group of self-avowed Communists as his chief lieutenants and advisers.

In the Committee for Industrial Organization movement America today faces an organized terroristic movement which is utterly ruthless, utterly irresponsible, utterly unprincipled, and utterly foreign to any logical concept of the principles of either of the two great political parties of this country; utterly foreign to every concept expressed in the Constitution, completely at variance with everything we have known in this Nation since its birth in the way of organized movements for the improvement of our economic, industrial, or social conditions.

While the American Federation of Labor has always based its movement and its operation on a logical ground of economic necessity and advantage for the whole people, the Committee for Industrial Organization has proceeded, from the day it was conceived in the mind of John L. Lewis, on the basis of an appeal to the basest emotions and the grossest motives that can actuate those persuaded and propagandized into bitter class hatreds and warfare.

It is time that the emotionalism, the deception, and the cowardly acquiescence to a surge of organized lawlessness be stripped from this situation, and the true picture held up before the American people in all of its sinister and ugly possibilities.

How does the Committee for Industrial Organization operate?

A group of sit-down technicians, in no case employed in the industry they are going to strike, decide upon a demonstration of power by either the sit-down method or by the

armed picket method. Outside of a very few key places in the industry which is to be struck, no information is given to the rank and file of the workers in that industry. Suddenly the wheels stop. A small group of these sit-down strikers take wholly illegal possession of the plant. They immediately debar the law-abiding workers from entrance into the plant. To do this, if necessary, they quickly resort to armed intimidation. slugging, assassination, sabotage—any method which at the moment may be regarded as the most effective to frighten the workers and to force the employers to come to such terms as the Committee for Industrial Organization may desire, and by throwing large bodies of massed pickets around the plants, many of these pickets being imported from other States.

Owners of property are barred from their own premises. The United States mails are stopped. The duly constituted courts are defied. The law-enforcement agencies are ignored or resisted.

No appeal is made to the National Labor Relations Board for a free and fair referendum to ascertain whether or not the majority of the workers in the industry want to be represented in collective bargaining by the Committee for Industrial Organization.

Instead of that, these lawless strikers seize the properties; plant records are destroyed, furniture is befouled and defaced.

Not the slightest consideration is given to the economic loss forced upon the workers who, satisfied with the wages, hours, and conditions, are for days and weeks denied their constitutional right to engage peacefully in the vocations upon which they depend for a living for themselves and their families.

Not the slightest consideration is given to the economic loss imposed upon employers and innocent stockholders.

No consideration is accorded the inarticulate mass of ultimate consumers who must finally pay the penalty in increased prices for all the depredations, loss of wages, loss of profits, and suspension of production of real wealth.

Time and again—and it is happening now—the duly elected officials of cities and towns are defied and threatened with armed raids upon their communities, by legions of deluded and power-drunk Committee for Industrial Organization followers, led into these communities from the outside by communistic directors.

When met by determined citizens, properly armed and deputized by their officials, to protect the homes and the towns and the industries of this country, and when some of the Committee for Industrial Organization followers get bruised heads and blackened eyes, and in some cases when they are shot down while on their lawless raids, what happens? John Lewis and his communistic cohorts howl to high heaven of "butcheries", "massacres", "bloody outrages." When the Committee for Industrial Organization pickets beat up honest workingmen who want to go to their peaceful employment in the plants, John Lewis and his lieutenants approve it as being necessary incidents in a good cause.

Very rarely, indeed, is any communistic leader of these deluded Committee for Industrial Organization followers ever found in the forefront of the battle. They are always far back behind the lines inciting their excited dupes to these assaults upon peaceful citizens, and these defiances of the courts and the constituted law enforcement agencies. It is characteristic of this communistic breed, which is so active in carrying on the Committee for Industrial Organization depredations, that they are willing to fight to the last drop of the other fellow's blood. But they always make sure that their own heads are well out of the way of police clubs.

By a cowardly and supine surrender to these lawless forces in their initial depredations in the Michigan sit-down strikes we invited exactly the condition that we have in this country today. This is proved beyond question by the fact that those States whose governors had the moral and political courage to declare that the lawless methods of the Committee for Industrial Organization would not be tolerated have been free of such scenes of carnage and disorder as have characterized the seven States now terrorized by this incipient revolution.

It would seem too grotesque for credence, if it had not happened, that conditions such as obtain in Michigan and Ohio and Pennsylvania could come to pass in the United States of America in A. D. 1937. What a sinister and alarming spectacle we have witnessed in Michigan when the troops were called out to protect and maintain sit-down strikers in their illegal possession of industrial plants, while orders of the courts were defied by the Committee for Industrial Organization.

What a sinister and utterly dangerous event, pregnant with the possibilities for red revolution, we have witnessed in the great State of Pennsylvania. There 14,000 peaceful men quietly engaged, under their constitutional rights, at their vocations in a steel plant were driven from their work by the bayonets and the pistol muzzles of Pennsylvania guardsmen and State police because a group of self-appointed Committee for Industrial Organization leaders had decreed they should not work until they submitted to forced membership in that organization.

What an alarming and utterly dangerous situation has arisen that thousands of men desirous of pursuing their peaceful employment in the steel plants of the Middle West should be driven from their labors at the point of bayonets because a group of self-appointed Committee for Industrial Organization strike leaders decreed they should not work.

What sardonic and unbelievable effrontery these Committee for Industrial Organization leaders have displayed in successfully petitioning the President to close the steel plants because of the "awful carnage", "dreadful scenes", "horrible bloodshed" that would be precipitated by the Committee for Industrial Organization strikers if peaceful American citizens were permitted to continue their work in the struck plants.

I wonder if the full implication of this audacious thing has reached the mind of America yet. Here a group of Committee for Industrial Organization strike technicians struck these plants for no other reason than that they wanted a written contract with the independent steel industry, designating the Committee for Industrial Organization as the sole bargaining agency of all the workers in that industry.

They stationed armed pickets, in defiance of the law and the law-enforcement agencies, to prevent ingress and egress of the workers. They stopped the United States mails. They shot into airplanes. And then they appealed to the President to see that peaceful employees were ejected from the plants by military force, because otherwise these lawless Committee for Industrial Organization groups would not be able to restrain themselves, and carnage and bloodshed would result. It is unfortunate and regrettable that the President acquiesced.

The Committee for Industrial Organization in these cases has made no appeal to the National Labor Relations Board for a free and voluntary referendum of the steel workers as to who shall represent them in their collective bargaining.

There is no issue of wages, or hours, or working conditions involved. The employers have agreed to every wage- and hour- and working-condition demand. The sole issue upon which all this lawlessness and disorder and bloodshed is based is an arrogant demand by the Committee for Industrial Organization leaders that the employers sign a written contract with them recognizing them as the sole representatives of all labor in the industry.

I hold no brief for Tom Girdler and his kind. I think they have been very unwise in their attitude toward labor over the years in the steel industry. That does not alter the fact that two wrongs never made a right; that two lawless and immoral attitudes never create a lawful and moral attitude; that two wrongful acts will not result in a right one.

Let us see what lies behind a written contract between the employers and the Committee for Industrial Organization:

The simple statement sounds logical that if a man is willing to make an agreement he should be willing to put his name to it. Here is a picture of what a signed contract between

employers and the Committee for Industrial Organization means, and has been demonstrated to mean:

It means that the employer is fully responsible for the performance of his part of the contract. It means that there is not one iota of responsibility on the part of the Committee for Industrial Organization to perform its part of the contract. Committee for Industrial Organization leaders have violated their contracts with employers scores of times.

A written contract with the Committee for Industrial Organization means new demands by irresponsible leaders, forced by extravagant promises to their deluded followers, for higher wages and shorter hours, without any regard to the economic laws governing production costs and consuming markets that set limits upon such demands.

A written contract with the Committee for Industrial Organization inevitably means—and it is so avowed by John L. Lewis and his lieutenants—a subsequent demand for a closed shop and the check-off system, precisely as John Lewis brought about the closed shop and the check-off system in the United Mine Workers of America.

What do the closed shop and the check-off system, under the Lewis concept of industrial relations, mean?

They mean that the American Federation of Labor craft unions would necessarily disappear from the economic picture in America. Every man and woman employed in any industry, big or small, dominated by the Committee for Industrial Organization, would have to submit to involuntary membership in the Committee for Industrial Organization as a condition to securing employment and making a living. They could not escape this condition. It would mean that no worker in America, be he skilled or unskilled, would dare, in his place of employment or the precincts of his own private home, to breathe one word of discontent or disrespect that might be heard by any member of the Committee for Industrial Organization OGPU on pain of being blacklisted by the Committee for Industrial Organization and denied any chance to make a living for himself and his family at his trade anywhere in America.

A signed contract with the Committee for Industrial Organization will mean eventually the check-off system. What does the check-off system mean? It means that every worker in every industry dominated by the Committee for Industrial Organization, as a condition of his involuntary and forced membership in the industrial union, would have to agree that any dues or special assessments levied against him as a tribute for his right to work would be withheld from his pay envelope by his employer upon orders of John L. Lewis, and, without the employee's consent or knowledge of the reason for such tribute, be transmitted by the employer to the treasury of John L. Lewis.

For any political or other purposes which he might choose, such a system would give John L. Lewis and his communistic cohorts a fund of untold millions a year with which to corrupt politics, buy elections, bribe officials, or use for any other purpose this labor czar of America might desire.

Such a system is plain unadulterated labor despotism.

There is no shadow of question that John L. Lewis and his leaders mean to move to that ultimate goal of the closed shop and the check-off system just as quickly as they can bludgeon American industry into submission to their power.

There is another and even more sinister picture to be drawn.

John Lewis and his lieutenants are now engaged in the unionization under the Committee for Industrial Organization banner, and according to the Committee for Industrial Organization concepts, of 3,000,000 Government workers, Federal and State. Newspaper reports have quoted some of the Committee for Industrial Organization leaders as saying that "as yet" the Army and Navy forces are not to be so organized. "As yet" the employees of the United States Postal Service are not to be so organized. Those two words, "as yet", contain implications of the gravest danger to this Nation, to our constitutional democracy, and to the personal liberties of our people.

Does anybody believe that when John Lewis and his communistic assistants have thoroughly organized the Federal and State and city employees that these labor commissars will hesitate to demand and to secure the most confidential documents in the files of the Government?

Does anybody question my assertion that the motivating force behind the Committee for Industrial Organization is communistic? Read the article entitled "John L. Lewis, His Labor Record" in the American Mercury Magazine for June.

Let me read you a paragraph from an editorial in the Daily Worker of June 22 last, this being the central organ of the Communist Party, United States of America, a section of the Communist International. This Communist newspaper is printed in New York. In an editorial entitled "Neither Spies Nor Weir's Hatchet Gang", the Daily Worker says:

> Now is the time to enroll the steel workers into the Communist Party, in every steel State and community. They are filled with new hopes in their great awakening. They are eager to listen to the party's message.
>
> What can be a greater contribution to the advance of socialism in America than thousands of steel workers proudly enrolled under the banner of the Communist Party?

I have in my possession an authentic transcript of the plan of campaign for a general steel strike worked out by America's leading Communist, William Z. Foster, in Pittsburgh in 1936, the details of procedure of the present steel strike were laid down in their entirety in that plan.

I have in my possession an authentic list of the names of the organizers for Committee for Industrial Organization, which shows that 75 of them are members of the Communist Party. In addition to these 75 there are working as volunteer organizers 46 others who are known or suspected Communists. I have the names of these organizers and the cities in which they are working. Thus, out of an organizing staff of 249 people, 121 of them are self-avowed Communists or are known to be Communists.

It is not unknown to John Lewis that most of his chief aides and many of his organizers are Communists. He has publicly condoned that fact in more than one statement. The names of many of John Lewis' closest advisers and cofficials in the Committee for Industrial Organization have been placed in the RECORD of this House by other Members with the proof that they are Communists.

It is known to the commanding officers of both the military and the naval services that Communists are recruiting members to their party among the civil and the enlisted personnel. It is known that these Communist workers are carrying on their activities here in the Washington Navy Yard, at Brooklyn, and in the navy yard at San Francisco. Wherever these military and naval forces are stationed these communistic workers, men and women, are busy proselyting. The proofs behind these charges are available whenever any investigating committee of this Congress desires them to be produced.

The avowed purpose of John Lewis and his Committee for Industrial Organization is to create a political party with a large enough treasury—an obvious necessity—which, with the tremendous voting power of his labor forces, will give to him control of the Presidency and the Congress.

In addition to the aid the Committee for Industrial Organization has received from public officials, who are either too cowardly or blind to the ominous trends to perform their sworn duty in the face of John Lewis' threats, we have learned in the last few days that the strikers, as well as the men and women rendered idle through no desire or fault of their own, are to go on relief. If there is anything that has not been done by the Federal and several State Governments to aid and abet John Lewis in establishing a labor despotism in the United States of America, it would be difficult to imagine what it could be.

As I said awhile ago, we have invited this dangerous and costly condition because the Federal and State officials did not meet this threat as it should have been met, by a firm declaration that law and order would be maintained, that the

rights of private property would be upheld, that the rights of men and women to pursue their vocations without interference would be preserved, and that the edicts of the duly constituted court would be enforced by whatever armed force of the Federal and State Governments might be required.

To temporize with this movement is like temporizing with a deadly plague creeping over the country. To continue to temporize with this movement will be to invite utter disaster for this Nation.

If we are for a moment to admit that millions of working men and women who are satisfied with their wages and their hours and their working conditions are to be summarily denied their right to earn their living without being impressed into membership in the Committee for Industrial Organization, or in any other organization, we must be prepared to admit that this Government is no longer capable of maintaining the constitutional rights and privileges of its citizens.

If we are going to pursue a policy of encouraging defiance of the courts, of approving lawlessness and disorder, of condoning illegal seizures of entire industrial plants, and if we are going, as we already have gone, a dangerous step further, and use the armed forces of the States, and finally of the Federal Government itself, to compel satisfied wage earners to submit to conscription into the Committee for Industrial Organizations, then we must be prepared to admit not only that this Government is no longer capable of maintaining the constitutional rights and privileges of its citizens, but that it has gone into partnership with the forces of lawlessness and disorder; it has joined hands with a labor despot; it has embraced communism in industrial relations.

In my own Southland we have conditions unlike industrial conditions in the North, in the West, and in the East.

It is the declared intention of John Lewis, Sydney Hillman, and other Committee for Industrial Organization officials to invade the South and to organize both the white and the Negro labor of the Southern States—under the banner of the Committee for Industrial Organization—into a political party as well as a labor union. The proofs are at hand that Committee for Industrial Organization organizers have been convening meetings of Negroes in different parts of the South, at which they have preached social and political equality. They have promised those Negroes shorter hours and higher wages, and they have gone even further and promised them that through the Committee for Industrial Organization the Negroes would be able to dominate the white man's industry of the South.

There is not a Member of this Congress who comes from the Southland who does not know what awful and bloody possibilities lie alarmingly near the surface in any such situation as that.

I find myself amazed that the southern Members of this Congress do not rise en masse to strangle this movement in the South which will inevitably result not only in utter chaos in industrial conditions, but which will lead many a man, white and colored, ordinarily orderly and law abiding, into a conflict that can only end in havoc, bloodshed, and loss of lives.

I warn John L. Lewis and his communistic cohorts here and now that no second "carpetbag expedition" in the Southland, under the red banner of Soviet Russia, and concealed under the slogans of the Committee for Industrial Organization will be tolerated. If minions of the Committee for Industrial Organization attempt to carry through the South their lawless plan of organization, if they attempt to demoralize our industry, to corrupt our colored citizens, to incite race hatreds and race warfare, I warn them here and now that they will be met by the flower of southern manhood, and they will reap the bitter fruits of their own folly.

It is a lamentable and perilous situation that the apparent tendency of the National Labor Relations Board has been to aid and abet the Committee for Industrial Organization movement at the expense and to the disadvantage of the American Federation of Labor ever since the Supreme Court decided that the Wagner Act was constitutional.

We were promised that the purpose of the National Labor Relations Act was to bring about industrial peace and sanity. We were assured that it would offer through the National Labor Relations Board a much-needed agency by which collective bargaining between industry and labor could be achieved without strikes and bloodshed. We were assured that its functions would be similar to those of the Railway Labor Board, and that the effect of the law would be to produce an era of cooperation between capital and labor which has, on the railroads of this country, prevented strikes for many years.

The National Labor Relations Board has not performed that function. The attitude of the National Labor Relations Board has clearly been that of a partisan adherent of the Committee for Industrial Organization. It has time after time submitted in a so-called free and voluntary referendum ballots which in effect said, "Do you want the Committee on Industrial Organization to act as your collective bargaining agency?" Thus the Labor Board has left no alternative for workers in industry but to choose Committee on Industrial Organization as their bargaining agency or remain without any organized representation.

The American Federation of Labor has protested and is now protesting to the National Labor Relations Board this unfair and prejudiced action. If the National Labor Relations Board does not display a better spirit of fairness it will be necessary for this Congress to amend the act so that the Board will be compelled to be unprejudiced in its operations and decisions.

My chief concern is for the laboring men and women of this country. I do not want to see them conscripted into membership in the Committee on Industrial Organization against their will, or into any other labor organization. I am for labor organization, but I am for voluntary, democratic, American labor organization.

I do not want to see the wage earners of this country compelled to pay tribute to any labor despot or to any group of labor commissars for the privilege of exercising their constitutional right to work and to earn a living.

I have but to look at labor under Mussolini in Italy; I have but to look at labor under Hitler in Germany; I have but to look at labor under Stalin in Russia; I have but to look at labor in Turkey under Kemal Pasha, to learn what will be the plight of labor in America under the despotism of John L. Lewis or any other man who attains to the stature of a labor czar.

My next concern is for the consumers of this country. These consumers must in the end pay the full price for whatever power John Lewis and his communistic cohorts obtain and for the tribute which they will take from the pay envelopes of the wage earners of America. Every dollar of damage, every economic loss caused by these lawless outbreaks, these disorders, these epidemics of illegal strikes, will inevitably have to be paid for out of the pocketbooks of the ultimate consumers of this country.

I favor the highest wages, the best hours, and the most pleasant working conditions it is possible to give the wage earners of America which would be compatible with the purchasing power of the people of this country to afford a market for the products of the workers. But I do not favor any headlong, reckless, irresponsible, lawless terroristic attempt to adjust industrial relations that will precipitate a buyers' strike through inordinately high prices, which would in turn surely close the factories and put the deluded followers of the Committee for Industrial Organization leaders in the bread line along with other helpless wage earners.

John Lewis knows, his communistic cohorts know, we all know, that Mr. Roosevelt himself has been depending for the salvation of this great Nation upon the upturn in business, a return of prosperity to industry. With unerring accuracy, John Lewis and his advisers picked the moment when a recuperating industry was again beginning to hit its stride; they picked the moment when prosperity was returning to bring about this disruption in industrial labor relations. The wheels of industry are slowing down and

growing silent. Millions of dollars in lost wages and lost profits are mounting day after day. Investors are growing fearful of entrusting their money to industrial uses knowing not what they face from the Committee for Industrial Organization.

If this movement is not sternly curbed, it will lead this country directly into a new deflation. If this lawlessness is not strangled, if this disorder is not stamped out like a plague, this country will see civil war.

The wage earners of America must remember that when the right of private property is denied to the industrialists the right of private property is denied to those of the workers who own their own homes.

It is a sinister picture indeed that we face when we recall that the National Labor Relations Board has ruled in the case of a small Virginia industry that it could not be moved from one section of the State to another unless the owners moved their employees and their families to the new location at the expense of the company. It is but one step further—and a very short step indeed—to a decision by the Labor Board that the owner of a factory cannot close his plant without the permission of the Board. Regardless of what the Labor Board may call that sort of thing, it is governmental absolutism.

In the State of Michigan today there is pending before the legislature an act providing that if an employer cannot peacefully operate his business in event of a strike that the State shall take over and operate the plant. It is but one step further—and a very short step, indeed—to the confiscation and socialization of all industry in the United States.

The condition in Pennsylvania, the condition in Michigan, the condition in Ohio and in other States point unerringly to this final result:

If the Governor of Pennsylvania, the Governor of Ohio, and the Governor of Michigan are willing to use the armed forces of the Federal or State Government to close industries because the Committee for Industrial Organization pickets threaten bloodshed if those industries are not closed, then we have arrived at the point where in any community, at any time, the leaders of the Committee for Industrial Organization can, without consulting the workers employed in that industry, picket the plant and be assured of the use of State or Federal troops or police to help them make their picketing effective until they secure whatever demands they may make.

Mr. Speaker, there is no middle ground in this situation. It is law or it is lawlessness. It is order or it is disorder. It is right or it is wrong. It is justice or it is injustice. No compromise with lawlessness, disorder, wrong or injustice is possible if this Nation is to survive as a constitutional democracy.

There is no middle ground, I say. There is only one course for the President, for the Governors of the States, for the courts and law-enforcement agencies to follow, and that is a firm and unflinching adherence to the principles of justice and law and order, let the cost be what it may from the standpoint of political expediency.

Let me paint you one last picture:

Not long ago the great Saginaw Valley in the State of Michigan suddenly found itself paralyzed. The wheels of industry stopped. Hospitals went dark with patients on the operating tables under the knife. Elevators stopped between floore. Fire alarms were stilled. Public transportation ceased and people found themselves trapped in high buildings or many weary miles from their homes. Refrigerators in private homes, hotels, restaurants, and markets ceased to function, and thousands of dollars worth of food spoiled. A vast economic loss was imposed upon this great industralized valley of Saginaw, while 192 towns and villages and four great industrial cities remained helpless. And for 24 hours that condition prevailed. Why?

Because a disgruntled group of power company employees, led, it is said, by a boy 22 years of age, pulled the switches in the power-house that furnished the electric energy for the power and light and heat in that great valley. There was no notice. There was no parley. Suddenly the blow fell that paralyzed the valley. Why did these men do that thing?

Why? Because they grew impatient over a few hours' delay in the negotiations at the moment being conducted in Washington by John L. Lewis and other representatives of the Committee for Industrial Organization for the power company employees of the Saginaw Valley.

At the very instant those reckless men pulled the power switches the utilities company had signed a contract satisfactory to John L. Lewis and the Committee for Industrial Organization representatives of the employees of the power company. We then witnessed the spectacle of Committee for Industrial Organization leaders chartering a plane and flying to the Saginaw Valley in order to persuade those irresponsible industrial vandals to put the switches back in contact and release that valley from paralysis.

What explanation did John L. Lewis and his cohorts give for that lawless and despotic act? Their explanation was an attempt to waive that ominous incident aside with the statement that "It was an unfortunate outburst of impatience", and that "It was all a misunderstanding." Was there one word of regret for the economic loss imposed upon the workers and the employers, the householders, and the businessmen of the Saginaw Valley? Not a word.

Was there any assurance that these hotheaded, irresponsible, impatient men would be punished under the law or disciplined by the Committee for Industrial Organization? Not one word. Have they been punished for that lawless act? Not to this good hour. Have they been warned that it is an outrage not to be tolerated to cut off power and put out lights in hospitals, with patients on the operating tables, to cause elevators to stop between floors, to trap people in high buildings, to cause the spoilage of food in thousands of homes and markets? They have not. Does this ominous occurrence tell America anything?

The city of New York could find itself in that critical condition; it might also occur in the city of Chicago or the city of Washington, or in any large city in this country. A small group of reckless and power-drunk men, blinded and deluded by Committee for Industrial Organization propaganda and the dreams of dominating industry, could disrupt the water systems, the sewer systems, power systems, public transportation, communication, the hospitals, industry, and business in general of any city or community upon which they might choose to vent their wrath or display their lawless, despotic power.

Unless I very greatly misjudge my country and my countrymen, this menacing condition will not much longer be tolerated. If the Federal and State and county officials do not prove faithful to their oaths and duty, if this sinister movement is not brought within the bounds of law and order, this country will witness an uprising of its outraged citizens in protection of their industries, their businesses, their employment, and their homes.

And that, Mr. Speaker, will be civil war!

ORIGINAL LIST OF COMMITTEE FOR INDUSTRIAL ORGANIZATION AND STEEL WORKERS' ORGANIZING COMMITTEE ORGANIZERS

(Prepared June 19, 1937)

ORGANIZERS

(Salary, $160 per month and expenses)

Numerals denote the organization from which the organizers were drawn, and 8 shows volunteer worker.

LEGEND

1. United Mine Workers of America.
2. Mine, Mill, and Smelter Workers.
3. Amalgamated Association of Iron, Steel, and Tin Workers of North America.
4. International Longshoremen's Association.
5. Electrical Workers.
6. Garment Workers.
7. Communist Party.
8. Volunteer worker.
9. Glass Workers.
10. Clothing Workers.

Numerals	Names	Location
3	Wm. Anderson	Chicago.
3	Albert Atallah	Aliquippa.
3	Geo. D. Athya	Apollo.
7-8	Helen Anderson	Indiana Harbor.
1	Bunny Askey	Johnstown.
1	Meyer Adelman	Waukegan.
7-8	D. Antianio	Pittsburgh.
1	Monroe Adcock	Do.
7-8	Arthur Anderson	Gary.
8-3	T. B. Anderson	South Chicago.
7-8	Amos Archer	Youngstown.
	Alfred Avella	South Chicago.
3	Robert Burk	Youngstown, Ohio.
8-3	Maurice Brown	Steubenville, Ohio.
1	Louis Buhaley	Youngstown, Ohio.
1	Alfred Bittner	Ambridge.
3	B. Baird	South Chicago.
1	—— Battaglia	Indiana Harbor.
2	Noel R. Beddow	Birmingham.
7-8	J. Burns	Gary.
7-8	Jos. Baron	McKeesport.
1	Bill Blizzard	Chicago.
1	Cal Bellever	Canton.
3	Hy Braun	Chicago.
1	Virginus Browning	Birmingham.
1	Ike Bullard	Do.
1	Sam Bakely	Cleveland.
7	Louis Bedenz	Pittsburgh.
7-8	Jas. Barton	Birmingham.
7-8	Robt. Brown	Chicago.
7-8	Frank Butler	Pittsburgh.
7-8	—— Burk	Youngstown.
3	Joe Bowen	Wellsburg.
8-3	Louis Baker	Martins Ferry.
8	James Burns	Gary.
1	Thomas Butler	Johnstown.
1	J. P. Bussarella	Pittsburgh.
8-3	Alex Balint	Cleveland.
9	Ferdinand Bundel	Tarentum.
1	John Cingue	Steubenville, Ohio.
3	M. A. Carr	Chicago, Ill.
8-3	Richard Carr	Steubenville, Ohio.
8-3	Bill Coleman	Do.
8-3	Carl Cotton	Do.
8-7	Margaret Cowe	Pittsburgh.
7-8	John Chesovich	Clairton.
8-7	Ben Carrouthers (col.)	Do.
1	John Coccodrilli	Bethlehem.
3	Thomas Cometa	Do.
1	Smile Chatak	Wildwood.
7-3	Elmer F. Cope	Youngstown.
	——— Cox	Duquesne.
7-8	—— Chandler	New Kensington.
	Jas. Carey	Pittsburgh.
7-3	Harry Cope	Youngstown.
7-8	Harry Conner	Gary.
7-8	Robt. Cling	Chicago.
7-8	Paul Cline	Sparrows Point.
7-8	Tony Candreva	Gary.
7-8	Robt. Cruden	
2	—— Cole	Chicago.
8-3	—— Casey (Otis)	Cleveland.
7-8	—— Carpenter	Beaver Valley.
3	Peter Carpa	Ambridge, Pa.
	—— Chambalas	Chicago Heights.
1	John Divens	Steubenville, Ohio.
3	Jack Davis	Do.
8-7	John P. Davis (col.)	Washington, D. C.
8-3	Melon Dobricie	Clairton.
1	John Dolphin	Homestead, Pa.
7-8	John Derkich	Pittsburgh.
7-8	David Doran	Do.
3	Jas. Draperchic	Do.
7-8	Joe Dallet	Youngstown.
7-8	Will Dunne	Chicago.
8-3	J. J. Davey	South Chicago.
3	Charles Davis	McKeesport.
3	—— Donoran (Otis)	Cleveland.
8-5	—— Davis (Otis)	Do.
3	Dick Evans	Portsmouth, Ohio.
3	Wm. Evans	Waukegan.
7-8	James Egan	Homestead.
7-8	Herman Enkuist	Gary.
1	Nick Fontecchio	Chicago, Ill.
1	Wm. Feeney	Monessen, Pa.
1	Patrick Fagan	Pittsburgh.
	Paul Fuller	New Kensington
3	Chas. J. Fleeger	South Chicago.
1	Frank E. Flynn	McKeesport.
1	Dave Fowler	Birmingham.
3	Jake Fink	Chicago.
1	Anthony Federoff	Sharpsburg.
8-3	—— Favorita (Otis)	Cleveland.
7-8	Salvatore Falvo	Pittsburgh.
3	George Ferguson	Farrell.
1	John Grecula	Monongahela Valley.
1	Adolph Germer	Detroit, Mich.
7-1	Ted Gaul	New Kensington, Pa.
8-3	Joe Gilbert	South Chicago.
1	John B. Gallagher	Bethlehem.
7-8	Bill Gebert	Pittsburgh.
1	Leonard J. Green	Birmingham.
3	C. T. Greenwood	Steubenville.
7-8	Ben Green	Chicago.
7	Jos. Gollomb	Pittsburgh.
8-3	Mike Habina	Braddock, Pa.
1	Lee Hall	Steubenville, Ohio.
3	Charles Henry (col.)	South Chicago.
7-8	Roy Hallas	McKeesport, Pa.
7-8	John Hallas	Do.
1	Powers Hapgood	Pittsburgh.
3	James Hart (col.)	Gary.
8-3	Tod Hunter	South Chicago.
1	Ira Hart	Do.
1	Blackie Harris	Birmingham.
1	Dannie Haley	Do.
7-8	Robt. Hall	Do.
7-8	Frank Herron	Gary.
8-3	Wm. Hill	South Chicago.
4	Homer Henderson	Indiana Harbor.
	Jack Hassen	Sharpsburg.
9	C. A. Harris	McKeesport.
	Jas. Hull	Martins Ferry.
	Carl Haessler	Chicago.
7-8	Will Hubert	Pittsburgh.
7-3	Clarence Irwin	New Castle, Pa.
4	Henry (Ben) Johnson	South Chicago.
8-3	Paul Juhasz	Donora.
8	Jack Johnstone	Chicago.
8-3	—— Jenkins	South Chicago.
8-7	George Jaroway	Ambridge.
8-7	Joe Juricich	Midland.
8-7	Hy Jackson (ex-district organizer, Birmingham and San Francisco).	J. and L., Pittsburgh.
7-8	Vladimer Janawicz	Chicago.
7-8	John Julio	Youngstown.
3	Jas. Kirkland	Chicago.
3-8	—— Keim	South Chicago.
3-8	—— Kowalski	Do.
1	Robt. B. Kimble	Baltimore.
3	Anthony Kovalski	Weirton, W. Va.
3	C. R. Kramer	Bethlehem.
7-8	Steve Kiki	McKeesport.
7-8	Thomas Keenan	Pittsburgh.
	Leo Kennedy	Gary.
8-3	Sam D. Kepler	Farrell.
1	Garfield Lewis	Bethlehem.
1	George Lorey	Pittsburgh.
1	Chubby Lark	Do.
8-3	—— Lohman	Cleveland.
	Miss Sarainne Lowe	Chicago.
1	Geo. Lambert	Weirton.
	—— McDonald (col.)	Indiana Harbor.
3	Bert Milligan	South Chicago.
	T. Mellinger	Arnold.
8-3	Grad Matthews	Steubenville, Ohio.
3	John J. Mullen	Clairton, Pa.
1	Geo. Medwick	Charleroi, Pa.
7-8	Thomas Moore	McDonald, Ohio.
1	A. B. Martin	Johnstown, Pa.
1	John Mayo	Charleroi, Pa.
8-3	—— McNellis	South Chicago.
7-8	E. R. McKinney (col.)	Youngstown.
1	—— McCrone	Bethlehem.
3	John S. Mayer	Sharon.
7-3	A. W. McPherson	McKeesport.
1	John J. McCarry	Pittsburgh, Pa.
8-3	Morris Mallinger	Monaca, Pa.
1	Ward Macabee	Steubenville.
1	Wm. Mitch	Birmingham.
1	Frank Miley	Chicago.
1	John F. Moody	Pittsburgh.
1	Matt Markowitz	Do.
3	Harold McMullen	Chicago.
1	James McCullough	Do.
8-3	—— McKnight	South Chicago.
7-8	Wm. Murphy	Farrell.
7-8	Tony Minerich	Pittsburgh.
7-8	A. J. Marsh	Aliquippa.
7-8	John Marsh	Chicago.
7-8	Miles Morton, alias Zaliski	Do.
1	—— McKay	Bellaire.
8-3	John Monarch	Martins Ferry.
8-7	Dave Mates	Gary.
3	—— Moss	Chicago.
8-8	—— Murphy (Otis)	Cleveland.
7-3	T. L. Majors	Ellwood City.
9	Glenn McCabe	New Kensington.
	Jim Malone	Homestead.
	McNeil	Worcester.
8-3	—— Nakardo	South Chicago.
	—— Nordstrom	Waukegan.
7	Jos. North	Pittsburgh.
7-8-1	Joe O'Hara	Renton, Pa.
3	Andrew R. Olmstead	Chicago.
7-8	P. Frank O'Brien	Do.
7	Blane Owens	Pittsburgh.
7-3	Mike Ostroski	Gary.
8-3	Joe Petrich	South Chicago.
7-8	Mildred Price	Pittsburgh.
7	George Powers	Clairton, Pa.
3	Walter J. Payne	Yorkville, Ohio.
8-3	H. R. Patterson	South Chicago.
3	G. A. Patterson	Do.
1	Anthony Pann	Bethlehem.
3	Harry Phillips	Sharon.
3	Geo. Parsons	
7	Jake Rusak	Gary.
3	Richard Reisner	Steubenville, Ohio.
8-3	Mike Repka	Donora, Pa.
3	Paul Russen	Benwood, W. Va.
7	Arthur Rack (attorney)	McKeesport.
	Harold Ruttenberg	Aliquippa.
1	J. V. Rife	Chicago.
	Dan Ryan	Waukegan.
7-8	Ann Rochester	Pittsburgh.

Numerals	Names	Location
3	Harold Rasmussen	Gary.
	Frank Rumbaugh	South Chicago.
1	Wm. J. Sneed	Chicago, Ill.
8-3	Lawrence Szkuski	South Chicago, Ill.
7	Charles Sharbo	Homestead, Pa.
8-7	Tom Shane	Do.
3	—— Shearon	Do.
8-7	Fred Siders	Do.
8-3	George Sekerchak	Braddock, Pa.
	Andy Stewart	Waukegan, Ill.
8-3	Phillip Scharer	South Chicago.
8-3	Dan Serried	Gary.
1	Frank Shiffka	Youngstown.
8-7	Ralph Shaw	Calumet.
8-3	Stewart	South Chicago.
3	Nick Steponovick	Midland.
1	John Sabal	Bethlehem.
7-8	Carl Smith	McKeesport.
7-8	—— Saunders	New Kensington.
3	James Strong	Cleveland.
3	Tim Sullivan	Chicago.
3	Jas. Shallcross	Do.
1	T. J. Sparks	Anniston, Ala.
3	Leon Strong	St. Louis.
3	D. P. Sullivan	Oakland, Calif.
8-3	Carl Schmidt	Homestead.
7-8	Nat Sparks	Pittsburgh.
7-8	Tony Salopak	Duquesne.
1	John Tafalski	Johnstown, Pa.
8-3	Roman Taylor	South Chicago, Ill.
1	Louis Tomiko	Donora, Pa.
1	Harry Tetlow	Youngstown.
1	Joseph Timko	Midland.
8-3	Rade Travica	Do.
1	—— Thomas	Johnstown.
	Paul Tobanko	Pittsburgh.
1	Tom Tippett	Canton.
3	Jas. Thimmes	Chicago.
7-8	Sandor Voros	Youngstown, Ohio.
8-3	August Virkich	Donora.
8-3	Joe Vince	Yorkville.
1	Leo Wisnewski	South Chicago, Ill.
3	Frank Willys	Steubenville.
3	Manuel Wood	South Side, Pittsburgh.
7-8	Rose Wortis	Pittsburgh.
7-8	Robt. Washington	Birmingham.
7-8	Joe Weber	Gary.
4	Emmett Woods	Indiana.
3-8	John Williams	Coraopolis.
1	—— Wilburton	Chicago.

Mr. COX. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD and include therein a list of Committee for Industrial Organization and Steel Workers' Organizing Committee organizers, showing the organization with which they are connected and the places where they are now located.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. BOILEAU. Mr. Speaker, reserving the right to object, I just want to ask the gentleman whether or not this list of organizers to which he refers is a complete list?

Mr. COX. It is a complete list as of date when first prepared. At least 50 percent of them are avowed Communists or known to be Communists.

Mr. BOILEAU. When was that list prepared, may I ask the gentleman?

Mr. COX. I am not prepared to give the gentleman the exact date when it was prepared.

Mr. BOILEAU. I should like to have definite assurance before I permit this request to be granted.

Mr. COX. The gentleman will be within the exercise of his right and privilege in objecting. I make the request, Mr. Speaker.

Mr. BOILEAU. Mr. Speaker, I have reserved the right to object. My only purpose is to identify the list, to know whether or not it is a complete list or whether the gentleman claims it to be a complete list. That is all.

Mr. COX. I do claim it to be a complete list and an accurate list.

Mr. BOILEAU. As of the present time or some time recently?

Mr. COX. June 19, as I recall.

Mr. BOILEAU. Of this year?

Mr. COX. Of this year.

Mr. BOILEAU. That is all I wanted to know.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. MAVERICK. Mr. Speaker, about 3 or 4 weeks ago there came about what amounts to a rule in this House that no one could make a speech until after the legislative business had been completed. I do not say that rule is wrong. I do not want to impede legislation, but I just want to bring up the question of the fairness of the rule and how it applies.

The gentleman from Georgia [Mr. Cox] made an attack on the Secretary of Labor the other day, and I have been seeking recognition for several days, but will not get it until Friday. It seems to me we ought to eventually build up some sort of a custom where a few short speeches can be made in the early part of the day. I had reservation of time and could not speak until 7 o'clock. I did not want to insist on that time so late in the day. So I think something should be done so that Members can make at least short statements.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. MAVERICK. I yield.

Mr. RANKIN. All we have to do is go back to the time-honored practice of the House of Representatives, that when a man gets permission to address the House he should be given that time to address the House at that hour and let the committees come on afterward. This way of shoving these special orders off until after legislation is disposed of simply amounts to "Cannonizing" the House of Representatives, if you want to know how I feel about it. This practice deprives the Members of the only opportunity they have to come down in the Well of the House and deliver their speeches. I think we ought to go back to the original rule and let the Members speak when they have secured time.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. MAVERICK. I yield.

Mr. RAYBURN. I want to say that the only way on earth, in my opinion, we can put into effect a program in the House is to do it the way we are doing it. For 2 months after the Congress met, before committees had reported a great many bills, I even announced that on Wednesday or Thursday of next week or Friday of next week there would be no program, and gentlemen could speak. At this late time in the session I am exercising the same right the gentleman from Mississippi has been exercising this afternoon, in objecting to unanimous-consent requests.

I think it is proper, in order to protect the legislative program, to protect these Mondays, these Tuesdays, and these Wednesdays, and the regular business of the House. I started this and I shall continue it until the close of the session.

Mr. MAVERICK. But let me point out, for instance, that the other day the gentleman from Georgia [Mr. Cox] got unanimous consent to address the House before the legislative program. It is a fact the gentleman from Texas [Mr. RAYBURN] was out of the room, and I think it was all right for the gentleman from Georgia to do what he did—I would have done the same thing. I am not criticizing the gentleman from Georgia. The result, however, is that when a Member wants to talk, the practice amounts to an effective gag. One of the things that is really wrong about it is that when you get a right to talk on a bill under consideration you get off the subject, just as we are doing now. The practice tends to disturb the relevancy of ordinary debate, and to otherwise gag the Members.

Mr. COX. Mr. Speaker, will the gentleman yield to permit me to make a brief observation?

Mr. MAVERICK. I yield.

Mr. COX. While this new rule has operated against me today, to my very bitter disappointment, still I think it is a very sensible practice.

Mr. MAVERICK. Of course the gentleman and I disagree on lots of things, and this is one of them.

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. MAVERICK. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. Formerly we used to have a week now and then when there was nothing very important brought

up. Formerly when appropriation bills were brought up we used to have 3, 4, 5, or 6 days of general debate. Now when a week comes along with nothing particular to do we jam through an appropriation bill in a few hours and no one has any opportunity to talk. In former years, too, of course, we used to work on Saturdays. I think this is a situation that needs to be corrected.

Mr. MAVERICK. I just want to present that thought to the House as something that ought possibly to be changed. The expression of opinion pro and con on any subject is one of the most important functions of the House, whether it concerns actual legislation or not. The present situation should be corrected.

[Here the gavel fell.]

Mrs. NORTON. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 642. An act for the relief of the Indians of the Fort Berthold Reservation in North Dakota; to the Committee on Indian Affairs.

S. 676. An act for the relief of Heinrich Schmidt, G. m. b. H., of Flensburg, Germany; to the Committee on Claims.

S. 714. An act relating to the eligibility of certain persons for admission to the civil service; to the Committee on the Civil Service.

S. 821. An act for the relief of Lawson N. Dick; to the Committee on Claims.

S. 1216. An act authorizing the Secretary of the Interior to convey certain land to the State of Montana to be used for the purposes of a public park and recreational site; to the Committee on the Public Lands.

S. 1379. An act authorizing any nation, tribe, or band of Indians, in suits heretofore filed under their original Jurisdictional Acts, to present claims to the United States Court of Claims, by amended petitions at any time before final submission of said suits, to conform to the evidence; and authorizing the said court to adjudicate such claims upon their merits as though filed within the time limitation fixed in said original Jurisdictional Acts; to the Committee on Indian Affairs.

S. 1435. An act to create a Board of Shorthand Reporting, and for other purposes; to the Committee on the Judiciary.

S. 1517. An act authorizing the payment of attorneys' fees contracted to be paid by certain Indians allotted on the Quinaielt Reservation, State of Washington, and for other purposes; to the Committee on Indian Affairs.

S. 1626. An act for the relief of Maurice D. Pryor; to the Committee on Military Affairs.

S. 1759. An act to amend an act entitled "An act to eliminate the requirements of cultivation in connection with certain homestead entries", approved August 19, 1935; to the Committee on the Public Lands.

S. 1865. An act for the relief of Mrs. Cliff Snider; to the Committee on Claims.

S. 1882. An act for the relief of the Consolidated Aircraft Corporation; to the Committee on Claims.

S. 1918. An act to authorize the award of a decoration for distinguished service to Acors Rathbun Thompson; to the Committee on Naval Affairs.

S. 1986. An act to amend section 42 of title 7 of the Canal Zone Code; to the Committee on the Judiciary.

S. 1998. An act to amend the act entitled "An act to provide for the collection and publication of statistics of peanuts by the Department of Agriculture", approved June 24, 1936; to the Committee on Agriculture.

S. 2010. An act to authorize the appointment of an additional judge for the southern district of Ohio; to the Committee on the Judiciary.

S. 2026. An act to provide for the addition of certain lands to the Fort Donelson National Military Park in the State of Tennessee, and for other purposes; to the Committee on the Public Lands.

S. 2086. An act to authorize the construction of a Federal reclamation project to furnish a water supply for the lands of the Arch Hurley Conservancy District in New Mexico; to the Committee on Irrigation and Reclamation.

S. 2093. An act for the relief of George H. Stahl and Henry A. Behrens; to the Committee on Military Affairs.

S. 2146. An act to amend the act entitled "An act conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the city of Perth Amboy, N. J., approved July 23, 1935; to the Committee on Claims.

S. 2221. An act to facilitate the control of soil erosion and flood damage originating upon lands within the exterior boundaries of the Cache National Forest in the State of Utah; to the Committee on Agriculture.

S. 2241. An act for the relief of W. G. Adams; to the Committee on Claims.

S. 2276. An act to provide for an additional midshipman at the United States Naval Academy, and for other purposes; to the Committee on Naval Affairs.

S. 2279. An act to amend section 2 of the act entitled "An act to give wartime rank to retired officers and former officers of the Army, Navy, Marine Corps, and/or Coast Guard of the United States", approved June 21, 1930, so as to prohibit persons who have been subsequently separated from the service under other than honorable conditions from bearing the official title and upon occasions of ceremony wearing the uniform of the highest grade held by them during their war services, and for other purposes; to the Committee on Military Affairs.

S. 2301. An act for the relief of Lois H. Anthony; to the Committee on Claims.

S. 2349. An act to authorize the administration of oaths by the Chief Clerk and the Assistant Chief Clerk of the Office of the United States High Commissioner to the Philippine Islands, and for other purposes; to the Committee on Insular Affairs.

S. 2416. An act relating to the citizenship of certain classes of persons born in the Canal Zone or the Republic of Panama; to the Committee on Immigration and Naturalization.

S. 2418. An act for the relief of John Prosser; to the Committee on Claims.

S. 2629. An act to authorize an exchange of lands between the city of San Diego, Calif., and the United States; to the Committee on Naval Affairs.

S. 2647. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost while engaged in emergency relief expeditions during the Ohio Valley flood in January and February 1937; to the Committee on Claims.

S. 2649. An act to authorize appropriations for construction and rehabilitation at military posts, and for other purposes; to the Committee on Military Affairs.

S. J. Res. 150. Joint resolution to provide for the appointment of a delegate to the Fifth World Congress of the Deaf; to the Committee on Foreign Affairs.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 563. An act for the relief of E. W. Garrison;

H. R. 607. An act for the relief of Dorothy McCourt;

H. R. 1235. An act for the relief of John Brennan;

H. R. 1310. An act for the relief of Clifford R. George and Mabel D. George;

H. R. 1406. An act for the relief of Frank S. Walker;

H. R. 1689. An act for the relief of Dominga Pardo;

H. R. 1731. An act for the relief of Angelo and Auro Cattaneo;

H. R. 1761. An act for the relief of Paul J. Francis;

H. R. 1851. An act for the relief of W. D. Davis;

H. R. 2404. An act for the relief of James Philip Coyle;

H. R. 2482. An act for the relief of Lonnie O. Ledford;

H. R. 2703. An act to provide for the representation of the United States Court of Appeals for the District of Columbia on the annual conference of senior circuit judges;

H. R. 2757. An act to carry out the findings of the Court of Claims in the claim of the Morse Dry Dock & Repair Co.;

H. R. 2774. An act for the relief of certain employees of the Division of Investigation, Department of the Interior, and certain disbursing officers of the Department of the Interior;

H. R. 2934. An act for the relief of Raymond E. Payne and Anna R. Payne;

H. R. 2983. An act for the relief of Mr. and Mrs. J. C. Porter;

H. R. 3002. An act for the relief of Timothy Joseph McCarthy;

H. R. 3075. An act for the relief of E. P. Lewis;

H. R. 3123. An act to authorize the Secretary of War to lease to Old Fort Niagara Association, Inc., portions of the Fort Niagara Military Reservation, N. Y.;

H. R. 3262. An act for the relief of John H. Wykle;

H. R. 3284. An act to transfer Crawford County, Iowa, from the southern judicial district of Iowa to the northern judicial district of Iowa;

H. R. 3339. An act for the relief of Allie Rankin;

H. R. 3565. An act for the relief of the Northwestern Ohio Mutual Rodded Fire Insurance Co.;

H. R. 3809. An act for the relief of H. E. Wingard;

H. R. 3967. An act for the relief of Adele Fowlkes;

H. R. 4623. An act for the relief of C. O. Eastman;

H. R. 4679. An act for the relief of John L. Summers, former disbursing clerk, Treasury Department; and Frank White, G. F. Allen, H. T. Tate, and W. O. Woods, former Treasurers of the United States;

H. R. 4682. An act for the relief of W. R. Fuchs;

H. R. 4711. An act to extend the times for commencing and completing the construction of a bridge across Puget Sound at or near a point commonly known as The Narrows, in the State of Washington;

H. R. 4942. An act for the relief of A. L. Mallery;

H. R. 5102. An act for the relief of Mr. and Mrs. Frank Muzio;

H. R. 5258. An act for the relief of the Jackson Casket & Manufacturing Co.;

H. R. 5337. An act for the relief of Charles B. Murphy;

H. R. 5438. An act for the relief of Richard T. Edwards;

H. R. 5496. An act for the relief of Willard Webster;

H. R. 5652. An act for the relief of Frank A. Smith;

H. R. 5848. An act to extend times for commencing and completing the construction of a bridge across the Wabash River at or near Merom, Sullivan County, Ind.;

H. R. 6049. An act to amend the Interstate Commerce Act;

H. R. 6144. An act to amend the Canal Zone Code;

H. R. 6230. An act for the relief of certain former disbursing officers of the Veterans' Administration and of the Bureau of War Risk Insurance, Federal Board for Vocational Education, and the United States Veterans' Bureau (now Veterans' Administration);

H. R. 6285. An act authorizing the State Roads Commission of the State of Maryland and the State Road Commission of the State of West Virginia to construct, maintain, and operate a free highway bridge across the Potomac River in Washington County, Md., at or near a point opposite Shepherdstown, W. Va., and a point at or near Shepherdstown, Jefferson County, W. Va., to take the place of a bridge destroyed by flood;

H. R. 6286. An act authorizing the State Roads Commission of the State of Maryland and the State Road Commission of the State of West Virginia to construct, maintain, and operate a free highway bridge across the Potomac River at or near a point in the vicinity of Hancock, in Washington County, Md., and a point near the north end of Morgan County, W. Va., to take the place of a bridge destroyed by flood;

H. R. 6292. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.;

H. R. 6436. An act authorizing cash relief for certain employees of the Panama Canal not coming within the provisions of the Canal Zone Retirement Act;

H. R. 6494. An act to extend the times for commencing and completing the construction of a bridge across the Snake River between Clarkston, Wash., and Lewiston, Idaho;

H. R. 6763. An act to extend for 1 additional year the 3½-percent interest rate on certain Federal land-bank loans, to provide a 4-percent interest rate on such loans for the period July 1, 1938, to June 30, 1939, and to provide for a 4-percent interest rate on Land Bank Commissioner's loans for a period of 2 years;

H. R. 7021. An act validating and confirming certain patents issued for lands situated in township 5 south, range 15 east, Montana principal meridian, in the State of Montana;

H. J. Res. 41. Joint resolution authorizing the disposal of certain lands held by the Panama Railroad Co. on Manzanillo Island, Republic of Panama; and

H. J. Res. 349. Joint resolution authorizing certain retired officers or employees of the United States to accept such decorations, orders, medals, or presents as have been tendered them by foreign governments.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

Mr. RANKIN. Mr. Speaker, I am going to ask the Members to vote that motion down.

The SPEAKER. The question is on the motion to adjourn.

The question was taken; and on a division (demanded by Mr. RANKIN) there were—ayes 41, noes 24.

Mr. RANKIN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. Those who favor taking this vote by the yeas and nays will rise and stand until counted. [After counting.] Thirteen gentlemen have arisen, not a sufficient number. The rule provides that the yeas and nays may be ordered by one-fifth of the Members present.

The yeas and nays are refused.

So the motion was agreed to; accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until tomorrow, Thursday, July 1, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE DISPOSITION OF EXECUTIVE PAPERS

The Committee on the Disposition of Executive Papers will hold a public hearing in room 246, known as the Civil Service Committee room, in the House Office Building, at 10:30 a. m., Thursday, July 1, 1937, on H. R. 7504, to provide for the disposition of certain records of the United States Government.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, July 7, 1937, at 10 a. m., on H. R. 7158, to except yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE—POSTPONED

The meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Wednesday, July 7, 1937, on H. R. 5182 and H. R. 6917—textile bills—is postponed until 10 a. m., Thursday, July 8, 1937.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

693. A letter from the President of the United States, transmitting supplemental estimates of appropriations for the Federal Communications Commission for the fiscal year 1938, amounting to $148,000 (H. Doc. No. 279); to the Committee on Appropriations, and ordered to be printed.

694. A letter from the President of the United States, transmitting an estimate of appropriation submitted by the Commissioners of the District of Columbia to pay a claim which has been settled by them under the provisions of the act entitled "An act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia", approved February 11, 1929 (45 Stat. 1160), as amended by the act approved June 5, 1930 (46 Stat. 500), amounting to $300 (H. Doc. No. 280); to the Committee on Appropriations, and ordered to be printed.

695. A letter from the Clerk of the House of Representatives, transmitting information concerning the contested election of J. Will Taylor, Representative in Congress from the Second Congressional District of Tennessee (H. Doc. No. 282); to the Committee on Elections No. 1, and ordered to be printed with accompanying papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

[*Omitted from the Record of Apr. 12, 1937*]

Mr. WOODRUM: Committee on Appropriations. House Joint Resolution 319. Joint resolution making an appropriation for the control of outbreaks of insect pests; without amendment (Rept. No. 579). Referred to the Committee of the Whole House on the state of the Union.

[*Omitted from the Record of Apr. 15, 1937*]

Mr. WARREN: Committee on Accounts. House Joint Resolution 228. Joint resolution authorizing the payment of salaries of the officers and employees of Congress for December on the 20th day of that month of each year; without amendment (Rept. No. 617). Referred to the Committee on the Whole House on the state of the Union.

[*Submitted June 30, 1937*]

Mr. CANNON of Missouri: Committee on Appropriations. H. R. 7726. A bill making appropriations for the first half of the month of July 1937 for certain operations of the Federal Government which remain unprovided for on July 1, 1937, through the failure of enactment of the supply bills customarily providing for such operations; without amendment (Rept. No. 1145). Referred to the Committee of the Whole House on the state of the Union.

Mr. WOODRUM: Committee on Appropriations. House Joint Resolution 433. Joint resolution making appropriations for the fiscal year ending June 30, 1938, for the Civilian Conservation Corps, the railroad retirement account, and other activities, and for other purposes; with amendment (Rept. No. 1146). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAMILTON: Committee on Naval Affairs. H. R. 4676. A bill to provide for the reimbursement of certain civilian employees of the Navy for the value of personal effects destroyed in a fire at the naval air station, Hampton Roads, Va., May 15, 1936; without amendment (Rept. No. 1153). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 7216. A bill to provide for the assignment of officers of the Navy for duty under the Department of Commerce and appointment to positions therein; with amendment (Rept. No. 1154). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. House Joint Resolution 434. A joint resolution to amend the act entitled "An act to amend section 4471 of the Revised Statutes of the United States, as amended"; without amendment (Rept. No. 1155). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. O'MALLEY: Committee on War Claims. H. R. 2860. A bill for the relief of Walter W. Johnston; without amendment (Rept. No. 1148). Referred to the Committee of the Whole House.

Mr. O'MALLEY: Committee on War Claims. H. R. 5871. A bill for the relief of Ralph B. Sessoms; without amendment (Rept. No. 1150). Referred to the Committee of the Whole House.

Mr. MAGNUSON: Committee on Naval Affairs. H. R. 3372. A bill for the relief of Luke Francis Brennan; with amendment (Rept. No. 1151). Referred to the Committee of the Whole House.

Mr. DELANEY: Committee on Naval Affairs. H. R. 5440. A bill to authorize the award of a decoration for distinguished service, namely, the Congressional Medal of Honor, to Acors Rathbun Thompson; without amendment (Rept. No. 1152). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of rule XIII,

Mrs. NORTON: Committee on Labor. House Resolution 248. Resolution requesting the Secretary of Labor to furnish the House of Representatives with information (Rept. No. 1147). Laid on the table.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KOCIALKOWSKI: A bill (H. R. 7727) to authorize the administration of oaths by the Chief Clerk and the Assistant Chief Clerk of the Office of the United States High Commissioner to the Philippine Islands, and for other purposes; to the Committee on Insular Affairs.

By Mr. COLMER: A bill (H. R. 7728) authorizing the Commissioner of Lighthouses to mark a portion of the Pearl River-Cat Island Channel with buoys; to the Committee on Merchant Marine and Fisheries.

By Mr. O'NEILL of New Jersey: A bill (H. R. 7729) to amend Public Act No. 506, Sixty-eighth Congress, entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes"; to the Committee on the Post Office and Post Roads.

By Mr. ROBINSON of Utah: A bill (H. R. 7730) to authorize the President to appoint not to exceed six administrative assistants; to the Select Committee on Government Organization.

By Mr. BLOOM: A bill (H. R. 7731) to authorize the erection of a suitable memorial to Daniel Carter Beard, founder of the Boy Scouts of America; to the Committee on the Library.

By Mr. CLASON: Joint resolution (H. J. Res. 435) consenting to an interstate compact relating to flood control in the Connecticut River Valley; to the Committee on Flood Control.

By Mr. TOBEY: Joint resolution (H. J. Res. 436) consenting to an interstate compact relating to flood control in the Merrimack River Valley; to the Committee on Flood Control.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRY: A bill (H. R. 7732) for the relief of Alphonsus L. Sherry; to the Committee on Naval Affairs.

By Mr. COOLEY: A bill (H. R. 7733) for the relief of W. B. Tucker, Helen W. Tucker, Lonie Meadows, and Susie Meadows; to the Committee on Claims.

By Mr. LAMNECK: A bill (H. R. 7734) conferring jurisdiction upon the United States District Court for the Southern District of Ohio to hear, determine, and render judgment upon the claim of A. L. Eldridge; to the Committee on Claims.

By Mr. LUECKE of Michigan: A bill (H. R. 7735) granting a pension to Della Goosberry; to the Committee on Pensions.

By Mr. MAGNUSON: A bill (H. R. 7736) for the relief of William E. Beldin; to the Committee on Naval Affairs.

By Mr. O'CONNELL of Rhode Island: A bill (H. R. 7737) granting a pension to Mabel S. Pickup; to the Committee on Invalid Pensions.

By Mr. WADSWORTH: A bill (H. R. 7738) to extend the time within which Leo N. Munro may file suit on his war-risk insurance contract (T-4092077) under section 19 of the World War Veterans' Act, 1924, as amended; to the Committee on World War Veterans' Legislation.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2813. By Mr. COFFEE of Washington: Resolution of Harper, Fragaria, and Olalla (Kitsap County) Precinct Assemblies of the Washington Commonwealth Federation, A. J. Buchanan, secretary, Olalla, Wash., urging that Congress forthwith support the President's judiciary reform legislation without amendment; to the Committee on the Judiciary.

2814. By Mr. CURLEY: Petition of the Brotherhood of Locomotive Firemen and Enginemen, endorsing President Roosevelt's court reform program; to the Committee on the Judiciary.

2815. By Mr. DALY: Resolution adopted by the Brotherhood of Locomotive Firemen and Enginemen, endorsing the President's proposal to enlarge the United States Supreme Court; to the Committee on the Judiciary.

2816. By Mr. PFEIFER: Petition of General Putnam Council, No. 78, Junior Order United American Mechanics, Brooklyn, N. Y., concerning House bill 6320; to the Committee on Ways and Means.

2817. By Mr. THOMAS of New Jersey: Resolution adopted by Benda Roehrich Post, No. 2867, Veterans of Foreign Wars of the United States, Garfield, N. J., on June 24, 1937, stating that the next battleship be named U. S. S. *New Jersey*, due to the fact that records show that since the destruction of the old battleship *New Jersey*, there has never been one to take its place; to the Committee on Military Affairs.

SENATE

THURSDAY, JULY 1, 1937

(Legislative day of Tuesday, June 15, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, June 29, 1937, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 2620. An act to amend the Hawaiian Homes Commission Act, 1920;

S. 2621. An act to enable the Legislature of the Territory of Hawaii to authorize the city and county of Honolulu, a municipal corporation, to issue sewer bonds;

S. 2622. An act to authorize the Legislature of the Territory of Hawaii to create a public corporate authority authorized to engage in slum clearance and housing undertakings and to issue bonds of the authority, to authorize said legislature to provide for financial assistance to said authority by the Territory and its political subdivisions, and for other purposes;

S. 2652. An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes; and

S. 2653. An act to amend an act entitled "An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes", approved August 3, 1935.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 6635) to dispense with the necessity for insurance by the Government against loss or damage to valuables in shipment, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6692) making appropriations for the Military Establishment for the fiscal year ending June 30, 1938, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate nos. 2, 5, and 16 to the bill and concurred therein; that the House had receded from its disagreement to the amendments of the Senate nos. 24, 26, and 79 to the bill and concurred therein severally with an amendment, in which it requested the concurrence of the Senate; and that the House adhered to its disagreement to the amendments of the Senate nos. 1, 47 to 77, inclusive, and 80, and also the amendment to the title of the bill.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 17), as follows:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 30,000 additional copies of Senate Report No. 711, current session, on the bill (S. 1392) to reorganize the judicial branch of the Government, of which 7,000 copies shall be for the use of the Senate Document Room and 23,000 copies for the use of the House Document Room.

The message further announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 2156. An act to amend the act relating to the Omaha-Council Bluffs Missouri River Bridge Board of Trustees, approved June 10, 1930, and for other purposes; and

S. 2254. An act to amend section 460, chapter 44, title II, of the act entitled "An act to define and punish crimes in the District of Alaska and to provide a code of criminal procedure for said District", approved March 3, 1899, as amended.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 7274. An act to enable the Department of Labor to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices and to cooperate with the States in the promotion of such standards;

H. R. 7562. An act to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, and for other purposes;

H. R. 7726. An act making appropriations for the first half of the month of July 1937, for certain operations of the Federal Government which remain unprovided for on July 1, 1937, through the failure of enactment of the supply bills customarily providing for such operations;

H. J. Res. 379. Joint resolution authorizing Federal participation in the New York World's Fair, 1939;

H. J. Res. 433. Joint resolution making appropriations for the fiscal year ending June 30, 1938, for the Civilian Conservation Corps, the Railroad Retirement Account, and other activities, and for other purposes; and

H. J. Res. 434. Joint resolution to amend the act entitled "An act to amend section 4471 of the Revised Statutes of the United States, as amended."

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the President pro tempore:

H. R. 563. An act for the relief of E. W. Garrison;

H. R. 607. An act for the relief of Dorothy McCourt;

H. R. 1235. An act for the relief of John Brennan;

H. R. 1310. An act for the relief of Clifford R. George and Mabel D. George;

H. R. 1406. An act for the relief of Frank S. Walker;

H. R. 1689. An act for the relief of Dominga Pardo;

H. R. 1731. An act for the relief of Angelo and Auro Cattaneo;

H. R. 1761. An act for the relief of Paul J. Francis;

H. R. 1851. An act for the relief of W. D. Davis;

H. R. 2404. An act for the relief of James Philip Coyle;

H. R. 2482. An act for the relief of Lonnie O. Ledford;

H. R. 2703. An act to provide for the representation of the United States Court of Appeals for the District of Columbia on the annual conference of senior circuit judges;

H. R. 2757. An act to carry out the findings of the Court of Claims in the claim of the Morse Dry Dock & Repair Co.;

H. R. 2774. An act for the relief of certain employees of the Division of Investigation, Department of the Interior, and certain disbursing officers of the Department of the Interior;

H. R. 2934. An act for the relief of Raymond E. Payne and Anna R. Payne;

H. R. 2983. An act for the relief of Mr. and Mrs. J. C. Porter;

H. R. 3002. An act for the relief of Timothy Joseph McCarthy;

H. R. 3075. An act for the relief of E. P. Lewis;

H. R. 3123. An act to authorize the Secretary of War to lease to Old Fort Niagara Association, Inc., portions of the Fort Niagara Military Reservation, N. Y.;

H. R. 3262. An act for the relief of John H. Wykle;

H. R. 3284. An act to transfer Crawford County, Iowa, from the southern judicial district of Iowa to the northern judicial district of Iowa;

H. R. 3339. An act for the relief of Allie Rankin;

H. R. 3565. An act for the relief of the Northwestern Ohio Mutual Rodded Fire Insurance Co.;

H. R. 3809. An act for the relief of H. E. Wingard;

H. R. 3967. An act for the relief of Adele Fowlkes;

H. R. 4623. An act for the relief of C. O. Eastman;

H. R. 4679. An act for the relief of John L. Summers, former disbursing clerk, Treasury Department; and Frank White, G. F. Allen, H. T. Tate, and W. O. Woods, former Treasurers of the United States;

H. R. 4682. An act for the relief of W. R. Fuchs;

H. R. 4711. An act to extend the times for commencing and completing the construction of a bridge across Puget Sound at or near a point commonly known as The Narrows, in the State of Washington;

H. R. 4942. An act for the relief of A. L. Mallery;

H. R. 5102. An act for the relief of Mr. and Mrs. Frank Muzio;

H. R. 5258. An act for the relief of the Jackson Casket & Manufacturing Co.;

H. R. 5337. An act for the relief of Charles B. Murphy;

H. R. 5438. An act for the relief of Richard T. Edwards;

H. R. 5496. An act for the relief of Willard Webster;

H. R. 5652. An act for the relief of Frank A. Smith;

H. R. 5848. An act to extend times for commencing and completing the construction of a bridge across the Wabash River at or near Merom, Sullivan County, Ind.;

H. R. 6049. An act to amend the Interstate Commerce Act;

H. R. 6144. An act to amend the Canal Zone Code;

H. R. 6230. An act for the relief of certain former disbursing officers of the Veterans' Administration and of the Bureau of War Risk Insurance, Federal Board for Vocational Education, and the United States Veterans' Bureau (now Veterans' Administration);

H. R. 6285. An act authorizing the State Roads Commission of the State of Maryland and the State Road Commission of the State of West Virginia to construct, maintain, and operate a free highway bridge across the Potomac River in Washington County, Md., at or near a point opposite Shepherdstown, W. Va., and a point at or near Shepherdstown, Jefferson County, W. Va., to take the place of a bridge destroyed by flood;

H. R. 6286. An act authorizing the State Roads Commission of the State of Maryland and the State Road Commission of the State of West Virginia to construct, maintain, and operate a free highway bridge across the Potomac River at or near a point in the vicinity of Hancock, in Washington County, Md., and a point near the north end of Morgan County, W. Va., to take the place of a bridge destroyed by flood;

H. R. 6292. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.;

H. R. 6436. An act authorizing cash relief for certain employees of the Panama Canal not coming within the provisions of the Canal Zone Retirement Act;

H. R. 6494. An act to extend the times for commencing and completing the construction of a bridge across the Snake River between Clarkston, Wash., and Lewiston, Idaho;

H. R. 6763. An act to extend for 1 additional year the 3½-percent interest rate on certain Federal land-bank loans, to provide a 4-percent interest rate on such loans for the period July 1, 1938, to June 30, 1939, and to provide for a 4-percent interest rate on land-bank commissioner's loans for a period of 2 years;

H. R. 7021. An act validating and confirming certain mineral patents issued for lands situated in township 5 south, range 15 east, Montana principal meridian, in the State of Montana;

H. J. Res. 41. Joint resolution authorizing the disposal of certain lands held by the Panama Railroad Co. on Manzanillo Island, Republic of Panama; and

H. J. Res. 349. Joint resolution authorizing certain retired officers or employees of the United States to accept such decorations, orders, medals, or presents as have been tendered them by foreign governments.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate, by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts and joint resolution:

On June 28, 1937:

S. 4. An act to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the original Norfolk (Va.) land grant and the two hundredth anniversary of the establishment of the city of Norfolk, Va., as a borough;

S. 119. An act to provide for the establishment of a Coast Guard station at or near Menominee, Mich.;

S. 713. An act to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926;

S. 1374. An act to provide for the establishment of a Coast Guard station at or near Manistique, Mich.;

S. 1984. An act for the protection of the northern Pacific halibut fishery;

S. 2242. An act to further amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in The National Archives", approved March 3, 1925, as amended; and

S. 2439. An act to extend the time for purchase and distribution of surplus agricultural commodities for relief purposes and to continue the Federal Surplus Commodities Corporation.

On June 29, 1937:

S. J. Res. 111. Joint resolution to provide that the United States extend to foreign governments invitations to participate in the International Congress of Architects to be held in the United States during the calendar year 1939, and to authorize an appropriation to assist in meeting the expenses of the session.

CALL OF THE ROLL

Mr. LEWIS. Mr. President, as the presence of a quorum is necessary, I ask for a roll call.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	La Follette	Pope
Andrews	Connally	Lee	Radcliffe
Ashurst	Copeland	Lewis	Reynolds
Austin	Davis	Lodge	Robinson
Bailey	Donahey	Logan	Schwartz
Bankhead	Ellender	Lonergan	Schwellenbach
Barkley	Frazier	Lundeen	Sheppard
Berry	George	McAdoo	Shipstead
Bilbo	Gerry	McCarran	Steiwer
Black	Glass	McGill	Thomas, Okla.
Bone	Green	McKellar	Thomas, Utah
Borah	Guffey	McNary	Townsend
Bridges	Hale	Minton	Truman
Brown, N. H.	Harrison	Moore	Tydings
Bulkley	Hatch	Murray	Vandenberg
Bulow	Hayden	Neely	Van Nuys
Burke	Herring	Nye	Walsh
Byrd	Hitchcock	O'Mahoney	Wheeler
Byrnes	Hughes	Overton	White
Capper	Johnson, Colo.	Pepper	
Caraway	King	Pittman	

Mr. LEWIS. I announce that the Senator from West Virginia [Mr. HOLT] and the Senator from Connecticut [Mr. MALONEY] are absent because of illness.

The Senator from Michigan [Mr. BROWN], the Senator from Missouri [Mr. CLARK], my colleague the junior Senator from Illinois [Mr. DIETERICH], the Senator from Wisconsin [Mr. DUFFY], the Senator from Iowa [Mr. GILLETTE], the Senator from Georgia [Mr. RUSSELL], the Senator from New Jersey [Mr. SMATHERS], and the Senator from New York [Mr. WAGNER] are detained from the Senate on important public business.

The Senator from South Carolina [Mr. SMITH] is unavoidably detained.

Mr. AUSTIN. I announce that my colleague the junior Senator from Vermont [Mr. GIBSON] is necessarily absent.

Mr. SCHWELLENBACH. I announce that the senior Senator from Nebraska [Mr. NORRIS] is absent from the Senate because of illness.

The PRESIDENT pro tempore. Eighty-two Senators having answered to their names, there is a quorum present.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 7274. An act to enable the Department of Labor to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices and to cooperate with the States in the promotion of such standards; to the Committee on Education and Labor.

H. R. 7726. An act making appropriations for the first half of the month of July 1937, for certain operations of the Federal Government which remain unprovided for on July 1, 1937, through the failure of enactment of the supply bills customarily providing for such operations; and

H. J. Res. 433. Joint resolution making appropriations for the fiscal year ending June 30, 1938, for the Civilian Conservation Corps, the railroad retirement account, and other activities, and for other purposes; to the Committee on Appropriations.

H. J. Res. 379. Joint resolution authorizing Federal participation in the New York World's Fair, 1939; to the Committee on Commerce.

OMAHA-COUNCIL BLUFFS MISSOURI RIVER BRIDGE

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2156) to amend the act relating to the Omaha-Council Bluffs Missouri River Bridge Board of Trustees, approved June 10, 1930, and for other purposes, which was to strike out all after the enacting clause and insert:

That the time for completing the construction of the bridge at or near Farnam Street, authorized under the provisions of section 3 of the act entitled "An act to authorize the construction of certain bridges and to extend the times for commencing and completing the construction of other bridges over the navigable waters of the United States", approved June 10, 1930, as extended, is hereby further extended 1 year from June 10, 1938. It is hereby recognized that construction has been heretofore commenced under the provisions of section 3 of said act as extended, and said bridge may be constructed at any point, providing the west end of said bridge is within 2,000 feet of the center line of said Farnam Street, irrespective of the site of the commencement hereby recognized, subject to the approval of the War Department and the approval of either of the highway departments of the States of Iowa or Nebraska, all in accordance with and subject to the provisions of said act approved June 10, 1930, as extended, and as amended by this act.

SEC. 2. Any bridge constructed or to be constructed or owned and operated by the Omaha-Council Bluffs Missouri River Bridge Board of Trustees under said act of 1930, as herein amended, shall be deemed a Federal instrumentality for facilitating interstate commerce, improving the postal service, and providing for military and other governmental purposes.

SEC. 3. That in addition to the powers granted by said act of 1930, said the Omaha-Council Bluffs Missouri River Bridge Board of Trustees may acquire and purchase and thereafter operate any other bridge or bridges (including approaches) over the Missouri River, which (including approaches) abuts upon or enters into the corporate limits of either or both the cities of Omaha, Nebr., and Council Bluffs, Iowa, all in the manner provided by this act and said act of 1930, it being contemplated that all bridges owned and operated by said board will be so financed that the obligations incurred will be amortized and the travel over such bridge or bridges will be made free of tolls at the same time. It shall be obligatory upon said board that all toll revenues after paying the reasonable and proper charges of operation and maintenance and the accruing interest on the outstanding indebtedness be applied to the retirement of such indebtedness. The rate or rates of toll for crossing any bridge now or hereafter constructed which abuts upon or enters into the present corporate limits of both the cities of Omaha, Nebr., and Council Bluffs, Iowa, shall not be reduced below the rate or rates now in effect on existing bridges so long as any indebtedness of said board for the account of any bridge or bridges shall be outstanding and unpaid. To pay the cost of any such bridge or bridges so purchased the board may either separately, or in conjunction with the financing of any other bridge, issue bonds as provided in said act of 1930 as herein amended: *Provided*, That said board shall operate each of the bridges under its control and charge and collect such rates of toll for transit over same as will not reflect upon or impair the earnings of any other bridge operated by said board, or of which the construction was financed in whole or in part by a loan and a grant from the United States of America, or any agency or instrumentality thereof, to such extent as to adversely effect any outstanding bonds which may have been issued for account of such other bridge: *Provided further*, That the power granted in this section with respect to the acquisition and purchase of any other bridge shall not be exercised by said the Omaha-Council Bluffs Missouri River Board of Trustees until all terms of the proposed acquisition and purchase of any such bridge shall have been approved by the highway departments of the States of Iowa and Nebraska. The construction of no competing bridge shall hereafter be authorized, the operation of which will adversely affect such outstanding bonds, unless provision is otherwise made for the payment thereof: *Provided further*, That the rates of toll to be charged for transit over bridges operated by said board shall at all times be subject to regulation by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. That either the State of Nebraska and the State of Iowa, separately or jointly, or the cities of Omaha and Council Bluffs, separately or jointly, or the counties of Douglas, Nebr., and Pottawattamie, Iowa, separately or jointly, may at any time acquire and take over all right, title, and interest in all of the bridges, including approaches, and including any interest in real property necessary therefor, then owned and operated by said board. It shall not be necessary to condemn or expropriate such property, but the said the Omaha-Council Bluffs Missouri River Bridge Board of Trustees, its legal representatives and assigns, shall deliver same by proper instrument of conveyance; and no damages or compensation whatsoever shall be allowed for any such right, title, and interest, but such conveyance shall be made and taken subject to the bonds, debentures, or other instruments of indebtedness of said board, then outstanding, including accrued interest thereon. Such instrument of conveyance shall be executed and delivered within a period of 30 days after a written notice of such intention to take over such property.

SEC. 5. That in addition to the powers granted by said act of 1930, as extended, said the Omaha-Council Bluffs Missouri River Bridge Board of Trustees, its legal representatives and assigns, are hereby granted power and authority to acquire, condemn, occupy and possess and use real estate and other property acquired for or devoted to a public use for park or other purposes by the State of Nebraska or the State of Iowa, or any governmental or political subdivision thereof, or any person or corporation which real estate or other property may be required for the location, construction, operation, and maintenance of such bridge and its approaches and highways leading thereto, upon making just compensation therefor, to be ascertained and paid according to the laws of such State,

and the proceedings therefor shall be the same as in condemnation or expropriation of property for public purposes in such State.

SEC. 6. Said bridge may be constructed with the aid of any Federal funds appropriated and apportioned to the States of Iowa and Nebraska, or either of them, for expenditure under the Federal Highway Act, as amended and supplemented, and the limitations of such act, as amended and supplemented, relating to the construction of toll bridges with Federal funds, and the use of tolls controlled for transit over bridges so constructed and operated shall not be applicable to the tolls authorized to be charged under the provisions of this act.

SEC. 7. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. BURKE. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

OPERATIONS OF HOME OWNERS' LOAN CORPORATION IN CALIFORNIA (PT. 3, S. DOC. NO. 77)

The PRESIDENT pro tempore laid before the Senate a letter from the Chairman of the Federal Home Loan Bank Board, transmitting, in further response to Senate Resolution 135 (submitted by Mr. McADOO and agreed to May 20, 1937), data setting forth the names, titles, salaries, and addresses of employees of the Home Owners' Loan Corporation in its California offices during the fiscal years 1935 and 1936, and stating that similar data for the regional office personnel, will be transmitted as soon as such information is received and assembled, which, with the accompanying papers, was ordered to lie on the table and to be printed.

STANDARDS OF WEIGHTS AND MEASURES, ETC.

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of Commerce, transmitting a draft of proposed legislation to define certain units and to fix the standard of weights and measures in the United States, which, with the accompanying papers, was referred to the Committee on Commerce.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate a memorial of sundry citizens of Hartford, Conn., remonstrating against the enactment of the bill (S. 1270) to regulate barbers in the District of Columbia, and for other purposes, which was referred to the Committee on the District of Columbia.

He also laid before the Senate a resolution adopted by a mass meeting of so-called white-collar and professional W. P. A. workers of New York State, protesting against proposed quota cuts and dismissals of workers on cultural W. P. A. projects, which was referred to the Committee on Education and Labor.

He also laid before the Senate the statement of Frank E. Baker, president of the Milwaukee (Wis.) State Teachers College, and other citizens, embodying proposals for the prompt adoption of a more adequate educational program, which was referred to the Committee on Education and Labor.

He also laid before the Senate a telegram from members of the Chicago & North Western Railroad Passenger Trainmen's Club, of Chicago, Ill., expressing appreciation on behalf of themselves and their families for the recent enactment of the bill (H. R. 7519) to amend an act entitled "An act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes", approved August 29, 1935, which was ordered to lie on the table.

Mr. LODGE presented a petition of sundry citizens of Dorchester and vicinity, in the State of Massachusetts, favoring the enactment of legislation abolishing the Federal Reserve System as at present constituted, and also praying that Congress exercise its constitutional right to coin money and regulate the value thereof, which was referred to the Committee on Banking and Currency.

Mr. COPELAND presented resolutions adopted by the American Labor Party of the Eleventh Assembly District and the Tremont American Labor Party Club of the Bronx, both of New York City, favoring the prompt enactment of the pending low-cost housing bill, which were referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Flushing, N. Y., favoring the prompt impeachment of any Federal official who fails to enforce the law, also the enactment of legislation to give just consideration to the rights of employers and nonunion labor, and the enactment of legislation to prohibit labor unions from contributing to political campaign funds, and to open the financial records of such unions to public investigation, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by a meeting of citizens of Ossining and Croton, N. Y., held under the auspices of the American League Against War and Fascism, protesting against the enactment of the bill (S. 25) to prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense and promote peace, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 840) to authorize the Secretary of the Interior to issue patents for certain lands to certain settlers in the Pyramid Lake Indian Reservation, Nev., reported it with an amendment and submitted a report (No. 839) thereon.

He also, from the same committee, to which was referred the bill (S. 1880) to amend an act entitled "An act authorizing the Court of Claims to hear, consider, adjudicate, and enter judgment upon the claims against the United States of J. A. Tippit, L. P. Hudson, Chester Howe, J. E. Arnold, Joseph W. Gillette, J. S. Bounds, W. N. Vernon, T. B. Sullivan, J. H. Neill, David C. McCallib, J. J. Beckham, and John Toles", approved June 28, 1934, reported it without amendment and submitted a report (No. 840) thereon.

Mr. WHEELER, from the Committee on Indian Affairs, to which was referred the bill (S. 2299) for the relief of M. M. Twichel, reported it with amendments and submitted a report (No. 841) thereon.

Mr. PITTMAN, from the Committee on Foreign Relations, to which were referred the following joint resolutions, reported them each without amendment and submitted reports thereon:

S. J. Res. 158. Joint resolution to provide for the appointment of a delegate to the First Pan American Congress of Deaf Mutes (Rept. No. 843); and

H. J. Res. 365. Joint resolution authorizing Federal participation in the Seventh World's Poultry Congress and Exposition to be held in the United States in 1939 (Rept. No. 842).

Mr. LOGAN, from the Committee on Claims, to which was referred the bill (S. 2601) to provide for refund of amounts collected as tax under the Bankhead Cotton Act of 1934; the Kerr Tobacco Act, as amended; and the Potato Act of 1935, reported it with amendments and submitted a report (No. 844) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 3251. A bill for the relief of Joseph A. Rudy (Rept. No. 845); and

H. R. 4246. A bill for the relief of N. C. Nelson (Rept. No. 846).

Mr. WHITE, from the Committee on Claims, to which was referred the bill (H. R. 3551) for the relief of Hans Everson, reported it with an amendment and submitted a report (No. 847) thereon.

Mr. ELLENDER, from the Committee on Claims, to which was referred the bill (H. R. 1086) for the relief of Weymouth Kirkland and Robert N. Golding, reported it without amendment and submitted a report (No. 848) thereon.

Mr. TOWNSEND, from the Committee on Claims, to which was referred the bill (S. 606) for the relief of Mabel F. Hollingsworth, reported it with an amendment and submitted a report (No. 849) thereon.

Mr. SCHWELLENBACH, from the Committee on Claims, to which was referred the bill (H. R. 1420) for the relief of Dewey Jack Krauss, a minor, reported it without amendment and submitted a report (No. 850) thereon.

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

H. R. 4688. A bill to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost, damaged, or destroyed during a hurricane in Samoa on January 15, 1931 (Rept. No. 851); and

H. R. 4689. A bill to provide an additional sum for the payment of claims under the act entitled "An act to provide for the reimbursement of certain officers and enlisted men or former officers and enlisted men of the Navy and Marine Corps for personal property lost, damaged, or destroyed as a result of the earthquake which occurred at Managua, Nicaragua, on March 31, 1931", approved January 21, 1936 (49 Stat. 2212) (Rept. No. 852).

Mr. SHEPPARD, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 2232. A bill for the relief of E. Sullivan (Rept. No. 853); and

S. 2557. A bill for the relief of William T. J. Ryan (Rept. No. 854).

Mr. SHEPPARD also, from the Committee on Military Affairs, to which was referred the bill (S. 2273) granting the Distinguished Service Cross to Col. John A. Lockwood, United States Army, retired, reported it with amendments and submitted a report (No. 855) thereon.

Mr. ASHURST, from the Committee on the Judiciary, to which were referred the following bills, reported them each without amendment and submitted a report thereon as indicated:

S. 2115. A bill to amend section 77 of the Judicial Code, as amended, to transfer Clinch County from the southern district of Georgia to the middle district; and

H. R. 6358. A bill to amend section 107, as amended, of the Judicial Code so as to eliminate the requirement that suitable accommodations for holding court at Columbia, Tenn., be provided by the local authorities (Rept. No. 856).

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. COPELAND:

A bill (S. 2728) relative to salaries of librarians in the public schools of the District of Columbia; to the Committee on the District of Columbia.

A bill (S. 2729) to authorize the Secretary of Commerce to transfer the two unused lighthouse sites in Kahului town site, island of Maui, Territory of Hawaii, in exchange for two plots of land located in the same town site and now occupied for lighthouse purposes under permission from the respective owners, the Kahului Railroad Co. and the Hawaiian Commercial & Sugar Co., Ltd.; to the Committee on Commerce.

By Mr. NYE:

A bill (S. 2730) to transfer from the Farm Credit Administration and certain agencies thereof to the Secretary of Agriculture certain notes and other evidences of indebtedness, and for other purposes; to the Committee on Agriculture and Forestry.

A bill (S. 2731) to protect the public health by regulating the importation of dairy products into the United States; to the Committee on Finance.

By Mr. McADOO:

A bill (S. 2732) to regulate interstate and foreign commerce in agricultural products yielding exportable surpluses; to prevent unfair competition by forbidding the purchase of such products from producers for less than cost of production; to fix the value of money therein; to provide for the orderly marketing of such products; to set up emergency reserves from, and to make loans on, certain export percentages; to authorize debentures for processed and manufactured agricultural products for export; to provide for the general welfare; and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. McGILL:

A bill (S. 2733) for the relief of Collin B. Myatt; to the Committee on Naval Affairs.

By Mr. MOORE:

A bill (S. 2734) authorizing the President to appoint Lincoln Ellsworth a lieutenant colonel in the Officers' Reserve Corps; to the Committee on Military Affairs.

By Mr. NEELY:

A bill (S. 2735) for the relief of Sherman W. White; to the Committee on Claims.

By Mr. BAILEY:

A bill (S. 2736) for the relief of W. B. Tucker, Helen W. Tucker, Lonie Meadows, and Susie Meadows, to the Committee on Claims.

By Mr. HARRISON:

A bill (S. 2737) for the relief of Andrew Holliman; to the Committee on Military Affairs.

A bill (S. 2738) for the relief of Zebeldeen D. Smith; to the Committee on Naval Affairs.

By Mr. PITTMAN:

A joint resolution (S. J. Res. 173) relative to the determination and payment of certain claims against the Government of Mexico; to the Committee on Foreign Relations.

FARMERS' HOME CORPORATION

Mr. O'MAHONEY submitted several amendments intended to be proposed by him to the bill (S. 106) to establish the Farmers' Home Corporation, to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, to create a fiscal agent for the United States, and for other purposes, which were ordered to lie on the table and to be printed.

VISION—ADDRESS BY SENATOR COPELAND

[Mr. DAVIS asked and obtained leave to have printed in the RECORD an address by Senator COPELAND on the subject of Vision, delivered at the Pennsylvania State College of Optometry, Philadelphia, June 1, 1937, which appears in the Appendix.]

SETTLEMENT OF CLAIMS ARISING FROM TERMINATION OF OCEAN-MAIL CONTRACTS

[Mr. BILBO asked and obtained leave to have printed in the RECORD a report prepared by the United States Maritime Commission of the results of the negotiation for the settlement of claims arising out of the ocean-mail contracts which were terminated as of June 30, 1937, by act of Congress, as well as the Commission's program for the future, which was ordered to be printed in the Appendix.]

LABOR STANDARDS—STATEMENT BY WILLIAM GREEN

[Mr. BLACK asked and obtained leave to have printed in the RECORD a statement on fair labor standards, made by William Green, president of the American Federation of Labor, before the labor committees of the House and Senate, on June 4, 1937, which appears in the Appendix.]

FARMERS' HOME CORPORATION

Mr. BANKHEAD. I move that the Senate proceed to the consideration of Senate bill 106, the farm tenant bill, so-called.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Alabama.

The motion was agreed to, and the Senate proceeded to the consideration of the bill (S. 106) to establish the Farmers' Home Corporation, to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, to create a fiscal agent for the United States,

and for other purposes, which had been reported from the Committee on Agriculture and Forestry with amendments.

INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT

Mr. HAYDEN. Mr. President, I submit a privileged matter, being the conference report on House bill 6958, being the bill making appropriations for the Department of the Interior for the fiscal year ending June 30, 1938, and for other purposes. I ask unanimous consent for the immediate consideration of the report.

The PRESIDENT pro tempore. The report will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6958) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1938, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 19, 21, 27, 31, 33, 38, 45, 49, 50, 55, 56, 63, 82, 91, 92, 99, 100, 102, 103, 108, 110, 111, 120, 126, 127, and 128.

That the House recede from its disagreement to the amendments of the Senate numbered 9, 10, 11, 13, 14, 17, 20, 22, 29, 36, 39, 40, 41, 42, 44, 47, 48, 51, 52, 57, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 75, 76, 77, 79, 83, 84, 86, 88, 96, 101, 113, 115, 118, 122, 130, and 131, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$280,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$56,460"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$436,100"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$243,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$78,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$10,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$10,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$508,470"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$130,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided further*, That no part of this appropriation shall be available for expenditure in that part of the State of New Mexico embraced in the Navajo Indian Reservation, and not to exceed $15,000 shall be available for expenditure in said State"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert: "$950,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$275,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$625,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert "$23,000"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$30,000"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert "$30,000"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "one physicians' cottage, $7,500"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$2,047,500"; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$900,000"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$700,000"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$60,000"; and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$315,000"; and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$2,927,000"; and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$624,000"; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$359,000"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$300,000"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$225,000"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$2,222,450"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 5, 8, 12, 24, 28, 30, 35, 37, 46, 53, 54, 73, 74, 87 89, 90, 93, 94, 95, 97, 98, 121, 123, 124, 125, 129, 132, 133, and 134.

CARL HAYDEN,
KENNETH MCKELLAR,
ELMER THOMAS,
ALVA B. ADAMS,
GERALD P. NYE,
FREDERICK STEIWER,
Managers on the part of the Senate.

JED JOHNSON,
J. G. SCRUGHAM,
JAMES M. FITZPATRICK,
CHAS. H. LEAVY,
Managers on the part of the House.

The PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. BORAH. Mr. President, I should like to inquire what changes, if any, the report makes in the bill as passed by the Senate?

Mr. HAYDEN. Mr. President, there was necessity for compromise on some amendments. The Senator from Idaho will recall that one of the principal increases made

by the Senate was in the appropriation for the Natchez Trace in Tennessee, Alabama, and Mississippi. The Senate authorized an appropriation of $2,700,000. The conferees compromised on an appropriation of $1,500,000.

The Senate conferees were successful in obtaining the increases provided for surveying the public lands under the General Land Office but could not persuade the House to allow the Senate increase for topographic mapping, which was for some $350,000. The reclamation items which the Senate put in the bill remain practically the same.

The Senate increased the appropriation for investigation of the Colorado River drainage by $100,000, to which the House would not agree.

The Senate adopted an amendment appropriating $300,000 for general reclamation investigations. The House agreed to $200,000 for that item.

Mr. McNARY. Mr. President, I should like to inquire what occurred to the vocational-education amendment, the appropriation for which, as I recall, was increased by the Senate?

Mr. HAYDEN. That item was not in conference. By a vote of the Senate, the Senate concurred in the House provision.

Mr. McNARY. Was the Hayden amendment accepted by the House?

Mr. HAYDEN. The so-called Hayden amendment was rejected by the Senate and was, therefore, not in conference.

Mr. POPE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Idaho?

Mr. HAYDEN. I yield.

Mr. POPE. Was the amendment appropriating the unexpended balances for reclamation projects retained in the bill?

Mr. HAYDEN. Yes; that was agreed to by the House.

Mr. CONNALLY. Mr. President, does the Senator recall a little amendment that was offered by the Senator from Texas?

Mr. HAYDEN. Yes, I do; and the Senate conferees labored with the House conferees to secure its retention in the bill. The House conferees, however, insisted that the provision would not apply because it attempted to affect another bill in the current year, whereas the proposal as originally adopted by the House related to the unexpended balances from prior years.

Mr. CONNALLY. That is true, and that was the reason the Senator from Texas offered the amendment. If it were not designed to have any effect, I do not think I would have offered it. I should like to ask the Senator from Arizona what the conclusion of the conferees is with respect to whether or not those allocations may be made now out of the new fund and allotted to reclamation surveys for carrying on projects which were formerly carried on?

Mr. HAYDEN. The understanding the House conferees had and which they insisted upon was that all provisions of the law are carried over by the legislation in the bill. Any authority heretofore possessed with respect to the fund continues to apply to the unexpended balances which the bill directs and authorizes to be carried over into the next fiscal year.

Mr. CONNALLY. Is that true of the new fund granted by the relief bill of $1,500,000,000?

Mr. HAYDEN. It is not the understanding of anyone that those funds will be available except for work-relief projects, and it was so stated specifically in the relief measure; so that an allotment for public-works purposes could not be made out of the relief bill, as has been done on other occasions.

Mr. CONNALLY. The Senator from Arizona says that is the conclusion of the House conferees. What is the conclusion of the Senate conferees?

Mr. HAYDEN. We had to agree with them.

Mr. CONNALLY. Is it the view of the Senate conferees that the amounts are available and will continue to be available?

Mr. HAYDEN. Undoubtedly.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

APPROPRIATIONS FOR CERTAIN OPERATIONS OF FEDERAL GOVERNMENT UNPROVIDED FOR JULY 1, 1937

Mr. McKELLAR. From the Committee on Appropriations I report back favorably, without amendment, the bill (H. R. 7726) making appropriations for the first half of the month of July 1937, for certain operations of the Federal Government which remain unprovided for on July 1, 1937, through the failure of enactment of the supply bills customarily providing for such operations. The urgency of the bill has been explained to the leader on the other side of the Chamber, and I think there will be no objection. I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the bill (H. R. 7726) making appropriations for the first half of the month of July 1937, for certain operations of the Federal Government which remain unprovided for on July 1, 1937, through the failure of enactment of the supply bills customarily providing for such operations, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That for defraying during the first half of the month of July 1937 all expenses of the necessary operations of the Federal Government, which, on July 1, 1937, remain unprovided with appropriations through the failure of enactment on or before such date of the supply bills customarily providing for such operations, there are hereby extended for and during such period all appropriations available for obligation for such expenses during the fiscal year ending June 30, 1937, in the same detail and under the same conditions, restrictions, and limitations as such appropriations were provided for on account of such fiscal year.

SEC. 2. To make effective the appropriations extended by section 1, there are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of certain revenues, receipts, and funds, respectively, as such appropriations available for the fiscal year ending June 30, 1937, were appropriated, such sums as may be necessary for such first half of the month of July 1937.

SEC. 3. No greater amount shall be expended out of any appropriation provided by this act than an amount equal to one twenty-fourth of the appropriation available for like purposes for the fiscal year ending June 30, 1937.

SEC. 4. The total expenditures for the entire fiscal year ending June 30, 1938, out of the appropriations made by this act and the appropriations in the several pending supply bills shall not exceed in the aggregate the amounts finally appropriated, respectively, in such pending supply bills when they shall have been enacted into law.

SEC. 5. This act shall not be construed as authorizing the duplication of any special expenditure or providing for the execution of any purpose which was intended to be accomplished only once or done solely for or during the fiscal year ending June 30, 1937.

SEC. 6. (a) This act shall not apply to any expenses or operations of the Federal Government the annual appropriations for which for the fiscal year ending June 30, 1938, have been made on or before July 1, 1937.

(b) On such date or dates subsequently to July 1, 1937, as the several pending supply bills shall, respectively, become law, the appropriations made by this act and applicable to the expenses of operation covered by such pending supply bills shall no longer be available for obligation.

(c) Any appropriations in this act for such first half of the month of July 1937 for any expense of operation for which an appropriation is proposed in, but not finally made by any of, such pending supply bills when the same shall have become law shall cease to be available for obligation on the date upon which the supply bill in which such appropriation was proposed becomes a law; and any expenditure under any such appropriation in this act shall not be included in computing the total of expenditures under section 4 hereof.

SEC. 7. The terms "supply bill" and "supply bills", when used in this act, mean one or more of the regular appropriation bills customarily enacted annually, and for the purposes of this act title II of the War Department Appropriation Act for the fiscal year 1937 shall be deemed such a supply bill.

SEC. 8. This act may be cited as the "Extension of Appropriations Act, 1938."

APPROPRIATIONS FOR CIVILIAN CONSERVATION CORPS, RAILROAD RETIREMENT ACCOUNT, ETC.

Mr. McKELLAR. From the Committee on Appropriations, I report back favorably, without amendment, the joint resolution (H. J. Res. 433) making appropriations for the fiscal

year ending June 30, 1938, for the Civilian Conservation Corps, the railroad retirement account, and other activities, and for other purposes.

Mr. President, the activities covered by the joint resolution include the Joint Committee on Tax Evasion and Avoidance, the Civilian Conservation Corps, the Railroad Retirement Board, the Department of Agriculture, and the Treasury Department. These are all matters of immediate importance. The Railroad Retirement Board Act has been passed. I ask unanimous consent for the immediate consideration of the joint resolution.

Mr. McNARY. Mr. President, I merely desire to ask the Senator if these items are in the same category and status as the items discussed a moment ago in connection with another measure?

Mr. McKELLAR. They are. The Senator from Virginia [Mr. GLASS], the chairman of the Committee on Appropriations, asked me to submit this request.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (H. J. Res. 433) making appropriations for the fiscal year ending June 30, 1938, for the Civilian Conservation Corps, the railroad retirement account, and other activities, and for other purposes, was considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1938, for the following respective purposes:

LEGISLATIVE

JOINT COMMITTEE ON TAX EVASION AND AVOIDANCE

For payment of salaries and other expenses of the Joint Committee on Tax Evasion and Avoidance authorized by Public Resolution No. 40, approved June 11, 1937, including stenographic reporting services under contract without reference to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), per-diem allowances in lieu of actual expenses of subsistence, traveling expenses, law books, books of reference, periodicals, newspaper clippings, and such other expenditures as the joint committee deems advisable, fiscal years 1937 and 1938, $50,000, to be disbursed one-half by the Secretary of the Senate and one-half by the Clerk of the House of Representatives.

PAYMENT OF PAGES

For the payment of 21 pages for the Senate and 47 pages for the House of Representatives, at $4 per day each, for the period commencing July 1, 1937, and ending with the last day of the month in which the Seventy-fifth Congress adjourns sine die at the first session thereof, so much as may be necessary is appropriated for each legislative body.

EXECUTIVE

CIVILIAN CONSERVATION CORPS

For all authorized and necessary expenses to carry into effect the provisions of the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes", approved June 28, 1937, including personal services in the District of Columbia and elsewhere; the purchase and exchange of law books, books of reference, periodicals, and newspapers; rents in the District of Columbia and elsewhere; the purchase (including exchange), operation, maintenance, and repair of motor-propelled and horse-drawn passenger-carrying vehicles to be used only for official purposes; hire, with or without personal services, of work animals, animal-drawn and motor-propelled vehicles, and watercraft; printing and binding; travel expenses, including not to exceed $2,000 for expenses of attendance at meetings concerned with the work of the Corps when specifically authorized by the Director; construction, improvement, repair, and maintenance of buildings, but the cost of any building erected hereunder shall not exceed $25,000; and all other necessary expenses; fiscal year 1938, $350,000,000, of which sum not to exceed $200,000 may be expended for salaries and expenses of the office of the Director: *Provided*, That an enrollee in the Civilian Conservation Corps, or member, or former member, of the Military Establishment, who shall furnish blood from his or her veins for transfusion to the veins of an enrollee or discharged enrollee of the Civilian Conservation Corps undergoing treatment in a Government or civilian hospital authorized to treat such patient, shall be entitled to be paid therefor a reasonable sum not to exceed $50: *Provided further*, That the employment of employees of the Emergency Conservation Work and of the cooperating Federal agencies whose compensation is paid from Emergency Conservation Work funds, as of June 30, 1937, and whose employment was not specifically terminated as of that date, may be continued without reappointment, subject to review by the Director.

RAILROAD RETIREMENT BOARD

Railroad retirement account: For an amount sufficient as an annual premium for the payments required under the Railroad Retirement Act, approved August 29, 1935, and the Railroad Retirement Act, approved June 24, 1937, and authorized to be appropriated to the railroad retirement account established under section 15 (a) of the latter act, fiscal years 1937 and 1938, $99,880,000, together with the unexpended balance of the appropriation for the payment of annuities to employees, representatives, widows, widowers, or dependent next of kin of employees, contained in the "Independent Offices Appropriation Act, 1937", and reappropriated in the "Independent Offices Appropriation Act, 1938": *Provided*, That such amount shall be available until expended for making payments required under said retirement acts, and the amount not required for current payments shall be invested by the Secretary of the Treasury in accordance with the provisions of said Railroad Retirement Act of June 24, 1937: *Provided further*, That all payments under sections 3, 4, and 5 of the Railroad Retirement Act, 1935, heretofore made from the appropriation contained in the "Independent Offices Appropriation Act, 1937", and reappropriated in the "Independent Offices Appropriation Act, 1938", shall be considered as having been made from the railroad retirement account herein established.

DEPARTMENT OF AGRICULTURE

Rent of buildings: Not to exceed $30,000 of such funds available to the Department of Agriculture for the fiscal year 1938, as the Secretary of Agriculture may determine, may be transferred to the appropriation for rent of buildings in the District of Columbia for such Department for such fiscal year.

TREASURY DEPARTMENT

For the establishment of "the fund for the payment of Government losses in shipment", authorized by the "Government Losses in Shipment Act", $500,000.

SEC. 2. The appropriations and authority with respect to appropriations contained herein shall be available from and including July 1, 1937, for the purposes respectively provided in such appropriations and authority. All obligations incurred during the period between June 30, 1937, and the date of the enactment of this joint resolution in anticipation of such appropriations and authority are hereby ratified and confirmed if in accordance with the terms thereof.

APPROPRIATIONS FOR MILITARY ESTABLISHMENT—CONFERENCE REPORT

Mr. COPELAND submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6692) making appropriations for the Military Establishment for the fiscal year ending June 30, 1938, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 7, 8, 17, 22, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 78.

That the House recede from its disagreement to the amendments of the Senate numbered 9, 10, 14, 18, 20, 25, 27, 30, 31, 42, and 46, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert "three hundred and fifty"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert "$34,532,895"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$6,386,560"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$6,181,985"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$161,826,124"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$2,463,350"; and on page 15 of the bill, in line 7, after the comma following the word "camps", insert the word "and"; and on page 15 of the bill, commencing in line 8, strike out "the United States High Commissioner to the Philippine Islands, the United States Soldiers' Home, the nonmilitary activities of the Corps of Engineers, and the Panama Canal,"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows: ": *Provided*, That laundry charges, other than for service now rendered without charge, shall be so adjusted that earnings in conjunction with the value placed upon service rendered without charge shall aggregate an amount not less than $50,000 below

the cost of maintaining and operating laundries and drycleaning plants"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "work authorized by the act approved May 6, 1937, at Fort Niagara, New York, $54,000; for work authorized by the act approved May 14, 1937, at Camp Stanley, Texas, $578,050; for"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$9,388,050"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$58,618,406"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$19,126,894"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "That the subappropriation for expenses, camps of instruction, and so forth, may be increased not to exceed $625,000 by transfer from other sums appropriated in this Act under the heading 'National Guard', exclusive of pay for armory drills:"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$9,837,883"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$4,119,570"; and the Senate agree to the same.

The committee of conference report in disagreement amendments nos. 2, 5, 16, 24, 26, and 79.

Amendments nos. 1, 47 to 77, inclusive, and 80, and the title of bill are reported in disagreement, as they were not considered by conferees.

ROYAL S. COPELAND,
CARL HAYDEN,
ELMER THOMAS,
JOHN H. OVERTON,
MORRIS SHEPPARD,
JOHN G. TOWNSEND, Jr.,
WARREN R. AUSTIN,
Managers on the part of the Senate.

J. BUELL SNYDER,
D. D. TERRY,
JOE STARNES,
ROSS A. COLLINS,
CLARENCE CANNON,
D. LANE POWERS,
ALBERT J. ENGEL,
Managers on the part of the House.

Mr. COPELAND. Mr. President, I am about to move the adoption of the report, but before doing so I think an explanation should be made to the Senate. I am sure that the matter which I shall present will be of interest to every Senator, because it has to do with the rights of the Senate regarding appropriation bills.

During the 15 years of my membership in the Senate, and for a long time prior thereto, it has been the custom to embody all appropriations for the Military Establishment in one bill. This year the House, without any reference to or consultation with the Senate, undertook to, and actually did, separate the appropriations and embody them in two bills, one devoted to the strictly military activities—at least that was the intent—and a second to the nonmilitary activities of the Government. As I said the other day, the surgery was not complete, because we find remaining in the bill making appropriations for military activities matters which should have been transferred if the bill making appropriations for nonmilitary activities was to be made a perfect instrument.

The Senate Committee on Appropriations decided to blend the bills and to present them to the Senate as they have been presented through many years. Explanation was made to the Senate, and the Senate, by unanimous vote, decided to accept and act upon the bill in the usual form.

When the bill went to the House it excited some commotion. I find on page 6305 of the RECORD a statement made by the able Representative from Missouri [Mr. CANNON], from which I desire to quote a few words, as follows:

Mr. Speaker, the Constitution confers upon the House and the Senate, respectively, certain exclusive prerogatives. Among those reserved to the House by the Constitution is the right to originate revenue bills, and from the beginning of the Government the House has asserted and successfully maintained that the right to originate revenue bills also involves the right to initiate general appropriation bills.

Of course, we do not concede and cannot concede that the Constitution confers upon the House any such right to initiate general appropriation bills. One has but to read the Constitution itself, article I, section 7:

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

No power is here given to the House to initiate appropriation bills. It is conceded by everybody—it always has been conceded—that revenue bills must originate in the House; but Mr. CANNON takes the position that this language is broad enough to include likewise appropriation bills.

He goes on to say:

That has been the uniform practice—

That is, the right to initiate appropriation bills—

and in keeping with that doctrine the House has formulated the general appropriation bills since the establishment of the Government. Of course, the right to originate general appropriation bills necessarily includes the right to determine the form and the manner in which they shall be presented, and from the beginning the number and scope of the various annual supply bills have been determined by the House with the acquiescence of the Senate. Only on one or two rare occasions has this right of the House been questioned, and in each such instance the Senate has promptly disavowed any intention of infringing on the constitutional prerogatives of the House and yielded without contention.

The last instance was in the second session of the Sixty-second Congress and was the occasion for an exhaustive study of the subject by Hon. John Sharp Williams, formerly minority leader of the House and at the time a Member of the Senate, which was published as a Senate document and which so conclusively confirmed the contention of the House that its right to originate the general supply bills and determine their form had not since been challenged until the receipt just now of a message from the Senate informing the House that the Senate has assumed the right to combine the two War Department appropriation bills by attaching the nonmilitary bill to the military bill as an amendment, with the comment on the floor that the action of the House in reporting and passing the bill was "surgery" and "not well performed."

I observe that Mr. MCCORMACK, the able Representative from Massachusetts, said:

It is our duty to respect our rights as one of the two branches of the Congress. If we do not, nobody else will.

Mr. President, I am instructed by the Committee on Appropriations to say that we challenge the contention that it is the exclusive right of the House to determine the form and number of appropriation bills. We state that it is our conviction that we had and have the right to make such changes in the form and number of these bills as may seem to us wise. We are supposed, under our rules and under the Constitution, to have a free conference with the Members of the House. We have not had a free conference on this bill. The House conferees were instructed by the House, on motion of Mr. CANNON, that—

The managers * * * be instructed not to agree to the Senate amendments to such bill nos. 47 to 77, inclusive, and 80, and not to agree to the amendment of the Senate amending the title of such bill.

Mr. President, we had no opportunity for a free conference.

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

Mr. COPELAND. I yield.

Mr. AUSTIN. Did not the House conferees go beyond the limits of that authority and absolutely refuse even to confer upon the second part of the bill?

Mr. COPELAND. That is correct; and they were so solicitous that they wanted us to give publicity to their statement that they had refused to give any consideration to title II.

This is a matter of concern to every Member of the Senate. It is of particular concern to every member of the Appropriations Committee and other committees. We have been informed all too frequently in our conferences by the managers on the part of the House that they were not permitted to discuss or consider certain amendments which had been proposed by the Senate. We are just now having the same difficulty in connection with the conference on another bill, in another committee, where we are told that we must not do certain things because the House is definitely determined that it will positively not accept this or that action.

I am not reflecting upon the House or upon any Member of the House. I have often wished that I might have served in the House; but, as a Member of this body, I contend that we have rights, too, which we must stand for on all occasions. We feel, to put it mildly, that we have not been generously treated by the House in this particular matter.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. BARKLEY. Of course, we all recognize that while the House has the right to originate revenue bills, the Constitution itself provides that the Senate may amend such bills; and it has always been universally recognized that the Senate has the right to amend appropriation bills. In what regard does this particular amendment differ from any other amendment the Senate might put on an appropriation bill to such an extent as to make it proper for the House to refuse even to consider it?

Mr. COPELAND. I would not concede for a moment that it differs from any other amendment. In the case of the relief joint resolution the Senate added pages of amendments to it, one great group of amendments. We certainly have the right to make amendments; and we were within our rights, as I see it, when we made the amendments to this particular bill.

Mr. BARKLEY. While ordinarily amendments put on these bills by the Senate are given consideration not only by the House but in committee and in conference, what is there about this particular amendmnt which makes it offensive to such an extent that the House would not even consider it? That is what I cannot understand.

Mr. COPELAND. Of course, I can hardly answer that question without myself being offensive.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. COPELAND. I yield to the Senator from Arkansas.

Mr. ROBINSON. The question is further complicated by the fact that the amendment to which the Senator is now referring is substantially a House bill. It has passed the House of Representatives.

Mr. COPELAND. That is true. We have hardly deviated from it.

Mr. ROBINSON. As I remember, some changes were made in what is known as the nonmilitary bill by the Senate committee and by the Senate; but the changes were not very notable.

Mr. COPELAND. No; except as to flood control.

Mr. ROBINSON. On the whole, the Senate amendment was a House bill which the House itself had passed sometime ago.

Mr. COPELAND. That is correct. We did not ruthlessly override the House in their wishes regarding the nonmilitary parts of the bill. We accepted them largely, almost entirely as they came from the House. The chief difference related to the appropriations for flood control. We knew the intense interest of the Senate in that particular matter, and we desired to make certain, if we could, that the great projects for flood control, reaching from Maine to California, should be carried out; but we did not disregard the thought of the House regarding the great bulk of the bill which is included in title II.

Mr. ROBINSON. Of course, as it appears to me, the issue involves a new policy with respect to legislating for the military department. The House has adopted a new plan without the concurrence of the Senate, and that involves a matter which might very well be considered by both bodies. It is not a matter for the exclusive determination of either; and, like all questions that arise and become issues between the two Houses, it is to be worked out in conference. So it does seem that the action at the other end of the Capitol was arbitrary, to say the least.

Mr. COPELAND. I thank the Senator.

Mr. GLASS. Mr. President——

Mr. COPELAND. I yield to the Senator from Virginia.

Mr. GLASS. The whole issue is whether or not the Senate of the United States is a part of the legislative branch of the Government of this country; and it is perfectly absurd for anybody with good common sense who reads the provision of the Constitution on the subject to say that the Senate is not authorized either to originate or to amend appropriation bills.

The Constitution provides that bills for raising revenue shall originate in the House. Who will say that a bill to appropriate revenue, to spend revenue, is a bill for raising revenue?

The Senate committee unanimously directed the chairman of the subcommittee now having the floor to serve notice on the House that we did not accept their ridiculous interpretation of the Constitution of the United States on the subject.

Mr. COPELAND. Mr. President, those of us who work in the Appropriations Committee find it to be arduous work. It is entirely possible that the agricultural appropriation bill might be divided into a number of bills. The Department of Commerce bill could be similarly divided. We could multiply these bills and the labor of dealing with them. If it is in the pubic interest to do so, very well; but the Senate has a right to have a part in deciding whether or not that shall be the policy.

I am directed by the Appropriations Committee to serve notice that at some time when there is less pressure upon the Congress, and certainly when there is less need of immediate action regarding appropriation bills, we intend to assert vigorously our rights in the matter; and we say this with all respect to our colleagues at the other end of the Capitol.

Mr. President, having said all this, I move that the Senate adopt the conference report.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives on certain amendments of the Senate to House bill 6692, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
June 30, 1937.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 2, 5, and 16 to the bill (H. R. 6692) making appropriations for the Military Establishment for the fiscal year ending June 30, 1938, and for other purposes, and concur therein;

That the House recede from its disagreement to the amendment of the Senate numbered 24 to said bill and concur therein with the following amendment: In line 4 of the matter inserted by said Senate engrossed amendment, after "less", insert "to be used exclusively for runways";

That the House recede from its disagreement to the amendment of the Senate numbered 26 to said bill and concur therein with the following amendment: In lieu of the matter inserted by said amendment insert:

"For the acquisition of land in the vicinity of West Point, N. Y., as authorized by the act approved March 3, 1931 (46 Stat. 1491), $431,000; and such sum, in conjunction with the appropriation of $431,000 for a like purpose contained in the War Department Appropriation Act for the fiscal year 1937, without regard to the proviso attached to such former appropriation, shall be available until June 30, 1939: *Provided*, That in addition to the amount herein appropriated the Secretary of War may acquire by condemnation or may enter into contracts for the acquisition of land in the vicinity of West Point, as authorized by such act of March 3, 1931, to an additional amount not in excess of $638,000, and his action in so doing in either case shall be deemed a contractual obligation of the Federal Government for the payment thereof: *Provided further*, That authorization is hereby repealed to acquire any land east of the west boundary of the Highway 9–W, or east of the west boundary of the Highway 9–W as it may be relocated by the State of New York prior to the acquisition of any land west of the present west boundary of such Highway 9–W."

That the House recede from its disagreement to the amendment of the Senate numbered 79 to said bill and concur therein with the following amendment:

In line 1 of the matter inserted by said Senate engrossed amendment strike out "4" and insert "3"; and in the last line of said amendment, after "section", insert: ": *Provided further*, That at posts isolated from a convenient market the Secretary of War may broaden the nature of the articles to be sold"; and

That the House adhere to its disagreement to the amendments of the Senate numbered 1, 47 to 77, inclusive, and 80, and the amendment to the title to said bill.

Mr. COPELAND. I move that the Senate agree to the amendments of the House to the amendments of the Senate numbered 24, 26, and 79.

The motion was agreed to.

Mr. COPELAND. I now move that the Senate recede from its amendments still in disagreement, and its amendment to the title of the bill.

The motion was agreed to.

Mr. ROBINSON. Mr. President, I should like to ask the Senator from New York to tell the Senate the status of the military appropriations, and the status of the nonmilitary appropriations. In what condition does this action leave them?

Mr. COPELAND. Mr. President, title I of the Senate bill, which is the military part, has now been agreed to by both Houses, and on my motion, just made, we receded from the amendments which covered the nonmilitary appropriations.

I now wish to present to the Senate for immediate action House bill 7493, as amended by the Senate committee and by the Senate to cover the nonmilitary item, so that the House will be in the position of having two bills, as it desires.

Mr. ROBINSON. In other words, that puts the Senate in the position of completely yielding to the House?

Mr. COPELAND. Yes.

Mr. ROBINSON. I wish to add that I do not understand that any question as to the right to originate appropriation bills is involved in the controversy over the nonmilitary appropriations. As I pointed out sometime ago, the House passed that amendment in the form of a separate bill, and the Senate merely exercised its right to amend the provisions.

There is nothing in the Constitution, as was said by the Senator from Virginia, which gives either body the exclusive right to originate appropriation bills. General appropriations, by common practice, have usually, if not always heretofore, originated in the body at the other end of the Capitol. But certainly a bill to spend money is not a bill to "raise revenues." The idea is inconsistent with any sound theory that the provision in the Constitution requiring bills for raising revenue to originate in the House could be extended to cover bills to authorize the expenditure of money. Neither in law nor in reason could such a construction be placed on the constitutional provision. However, there has existed the practice of originating general appropriation bills in the House of Representatives. I have no objection to continuing that practice. What I object to is the arbitrary and apparently unreasonable procedure on the part of another body by which it would deny the Senate the admitted right, which it has always exercised, of amending appropriation bills.

The question of the change in policy is one which is of interest and importance to both bodies and to the country. There may be good reason for adopting a new policy of passing two bills instead of one in relation to the military expenditures, but what I maintain is that that is not for the exclusive determination of either body. It is to be decided in the same way in which other questions at issue are decided, namely, in conference.

Mr. BANKHEAD and Mr. AUSTIN addressed the Chair.

The PRESIDENT pro tempore. The Chair understood the Senator from Alabama to yield the floor.

Mr. BANKHEAD. I yielded to the Senator from New York with the understanding that he desired to take up a conference report. That was done, and the conference report was agreed to. Now I understand he is presenting an original bill from the House of Representatives. I do not think the Senator ought to press that bill at this time.

Mr. COPELAND. I do not see how it could take much, if any, time, because it is simply a reenactment of what we have already done.

Mr. BANKHEAD. If it does not lead to debate, I will yield.

APPROPRIATIONS FOR CIVIL FUNCTIONS OF WAR DEPARTMENT

Mr. COPELAND. I appreciate very greatly the courtesy of the Senator from Alabama.

From the Committee on Appropriations I now report back favorably, with amendments, the bill (H. R. 7493) making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes, and I submit a report (No. 838) thereon. I ask unanimous consent for the present consideration of the bill. It is practically in the form in which the bill came from the House, with the amendments which the Senate previously agreed to. It is practically identical with the language of the amendment which the Senate adopted as title 2 of the first bill.

Mr. AUSTIN. Mr. President, I do not intend to object, but I wish to make a brief statement. The action of the Senate in respect of separating the two parts of this bill must be understood to be without prejudice on the question of a conference between the two Houses. We have never in our conferences upon this matter assented to the claims made by the House, but have persistently denied them. This is an act of expediency only, and we prefer to meet the issues directly as soon as the opportunity shall be given to challenge the attempt of the House to deny a free conference, which was denied in this case. I think the RECORD should show that by no means do we admit the claim of the House.

Mr. McNARY. Mr. President, the parliamentary status, as I understand, is that the Senator from Alabama has had his bill, the farm tenancy bill, made the unfinished business.

The PRESIDENT pro tempore. That is true.

Mr. McNARY. And the Senator from New York asked unanimous consent to have considered one of the War Department appropriation bills.

The PRESIDENT pro tempore. And to temporarily lay aside the unfinished business.

Mr. McNARY. I did not understand that to be the request. I was wondering whether it was an attempt to supersede the unfinished business or to temporarily lay it aside.

Mr. COPELAND. I wish to temporarily lay it aside, if that is agreeable to the Senator from Alabama and to move that all the parts of the bill, as now presented, which have been acted upon by the Senate, be reapproved, and that two or three very minor amendments may be stated by the clerk.

Mr. GLASS. Mr. President, I do not intend to prolong the discussion. I rise merely to say that I agree with every word the Senator from Arkansas [Mr. ROBINSON] has conservatively said, except that I would have said it in a more radical way. As chairman of the Committee on Appropriations of the United States Senate I do not intend to have any conference hereafter with House committees that may decide to refuse to consider anything the Senate does. I serve notice on them that hereafter we will refuse to have a conference that is not a free conference.

Mr. COPELAND subsequently said: Mr. President, this morning there was an interesting discussion about the right of the Senate to initiate appropriation bills. In connection with the debate reference was made to an article presented in this body by the late Senator John Sharp Williams on the 15th of July 1912. The article was printed as a Senate document, and as the document is rare I ask unanimous consent that it be included in the RECORD as a part of my remarks.

Of course, it is presumptuous for me to say it, but I make this request with a feeling that Senator Williams was mistaken in his conclusion. Nevertheless, I assume that the debate may be read by someone, and reference having been

made to this matter, and its importance urged, I feel that the record should be complete.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

THE SUPPLY BILLS

(By Hon. John Sharp Williams, concerning the constitutional power of the House of Representatives to originate supply bills)

[From Elliot's Proceedings]

Among the resolutions offered by Mr. Edmund Randolph to the Convention, May 29, 1787, I find the following:

"*Resolved*, That each branch ought to possess the right of originating acts; that the National Legislature ought to be empowered to enjoy the legislative right vested in Congress by the confederation; and, moreover, to legislate in all cases to which the separate States are incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual legislation; to negative all laws passed by the several States, contravening, in the opinion of the National Legislature, the articles of union, or any treaty subsisting under the authority of the Union; and to call forth the force of the Union against any member of the Union failing to fulfill its duty under the articles thereof."

From Mr. Charles Pinckney's Draft of a Federal Government, I quote the following:

"All *money* bills of every kind shall originate in the House of Delegates and shall not be altered by the Senate." [Italics mine.]

Thursday, July 5, 1787. "The committee to whom were referred the eighth resolution reported from the Committee of the Whole House, and so much of the seventh as hath not been decided on", submitted a report, from which I quote the following:

"That all bills for raising or appropriating *money*, and for fixing the salaries of the officers of the Government of the United States, shall originate in the first branch of the legislature and shall not be altered or amended by the second branch." [Italics mine.]

On the question as to whether this clause should stand as a part of the report, it passed in the affirmative.

On Monday, July 16, 1787, the question being taken on the whole of the report from the grand committee as amended, it passed in the affirmative. From the report, as passed, I quote the following:

"*Resolved*, That all bills for raising or appropriating *money*, and for fixing the salaries of the officers of the Government of the United States, shall originate in the first branch of the Legislature of the United States and shall not be altered or amended by the second branch." [Italics mine.]

From the resolutions of the Convention, referred on the 23d and 26th of July to a committee of detail (Messrs. Rutledge, Randolph, Gorham, Ellsworth, and Wilson) for the purpose of reporting a Constitution, I quote the following:

"X. *Resolved*, That all bills for raising or appropriating *money*, and for fixing the salaries of the officers of the Government of the United States, shall originate in the first branch of the Legislature of the United States and shall not be altered or amended by the second branch." [Italics again mine.]

From the draft of the Constitution, reported by the committee of five, August 6, 1787, I quote as follows:

"SEC. 5. All bills for raising or appropriating *money*, and for fixing the salaries of the officers of the Government, shall originate in the House of Representatives and shall not be altered or amended by the Senate. No money shall be drawn from the Public Treasury but in pursuance of appropriations that shall originate in the House of Representatives." [Italics again mine.]

On Monday, August 13, 1787, it was moved by Mr. Randolph, and seconded, to amend the fifth section of the fourth article to read as follows, namely:

"All bills for raising money for the purposes of revenue or for appropriating the same shall originate in the House of Representatives and shall not be altered by the Senate, etc."

Note here it is: "Raising money for the purposes of revenue." Distinction between "raising money" and raising "revenue."

The question was taken on the first clause of this amendment, which passed in the negative.

On Wednesday, August 15, 1787, it was moved and seconded to amend the twelfth section of the sixth article, as follows:

"Each House shall possess the right of originating all bills, except bills for raising money for the purposes of revenue, or for appropriating the same, and for fixing the salaries of the officers of the Government, which shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as in other cases."

It was moved and seconded to postpone the consideration of the last amendment, which was passed in the affirmative.

Yeas: New Hampshire, Massachusetts, Virginia, North Carolina, South Carolina, Georgia—6. Nays: Connecticut, New Jersey, Pennsylvania, Delaware, Maryland—5.

Note: The small States in the negative.

On Saturday, September 8, 1787, it was moved and seconded to amend the third clause of the report, entered on the journal of the 5th instant, to read as follows, instead of the twelfth section, sixth article:

"All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills. No money shall be drawn from the Treasury but in consequence of appropriations by law."

Which passed in the affirmative.

No discussion. Evidently nobody thought that it made a difference from previous drafts. Why? Because the phrase "raising revenue" was equivalent to the phrase "raising money and appropriating the same."

Ayes: New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia—9. Nays: Delaware, Maryland—2.

This time only the two smallest States vote "nay", they still sticking for their branch of the National Legislature—the Senate—to have right to originate.

It was moved and seconded to appoint a committee of five "*to revise the style of, and arrange*" the articles agreed to by the House which passed in the affirmative.

Note what I have italicized in the foregoing sentence.

September 12, 1787. From a revised draft of the Constitution, reported September 12, 1787, by the committee of revision of style, I quote the following from section 7:

"All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills."

As reported by the committee appointed on September 8 to revise the style. No discussion.

Seems still evident that to "raise revenue" meant to raise money and appropriate it.

[From Yate's Minutes]

On Tuesday, July 3, 1787, the grand committee met. From a motion of Dr. Franklin, which, after some modification, was agreed to, and made the basis of a report to the committee, I quote the following:

"That bills for raising or appropriating money and for fixing salaries of the officers of the Government of the United States shall originate in the first branch of the legislature, and shall not be altered or amended by the second branch; and that no money shall be drawn from the Public Treasury but in pursuance of appropriations to be originated in the first branch."

This is the history of the clause up to its report by the Committee on Revision and Style and Arrangement and its adoption by the convention. Meager, but, to my mind, conclusive.

In the consideration of the adoption of the Constitution by the several States in their conventions I find nothing in the discussions in Massachusetts, Connecticut, New Hampshire, New York, Pennsylvania, or Maryland which is significant, unless it be because the absence of discussion shows that they notice no variance between the provisions of the Constitution and the several provisions of the several States requiring money or supply bills to originate in the lower houses. When I come to the proceedings of the State of Virginia, however, I find that Mr. Madison, in his argument in advocacy of the adoption of the constitution of the Virginia convention, uses the following language:

"Mr. Chairman, the criticism made by the honorable Member is that there is an ambiguity in the words, and that it is not clearly ascertained where the origination of money bills may take place. I suppose the first part of the clause is sufficiently expressed to exclude all doubts. The gentlemen who composed the convention divided in opinion concerning the utility of confining this to any particular branch. Whatever it may be in Great Britain, there is sufficient difference between us and them to render it inapplicable to this country. It has always appeared to me to be a matter of no great consequence whether the Senate had a right of originating or proposing amendments to money bills or not. To withhold it from them would create a disagreeable dispute. Some American constitutions make no difference. Virginia and South Carolina are, I think, the only States where this power is restrained. In Massachusetts and other States the power of proposing amendments is vested unquestionably in their senates. No inconvenience has resulted from it. On the contrary, with respect to South Carolina, this clause is continually a source of dispute. When a bill comes from the other house the senate entirely rejects it, and this causes contentions. When you send a bill to the senate without the power of making any alteration, you force them to reject the bill altogether when it would be necessary and advantageous that it should pass.

The power of proposing alterations removes this inconvenience, and does not appear to me at all objectionable. I should have no objection to their having a right of originating such bills. * * * There is no landmark or constitutional provision in Great Britain which prohibits the House of Lords from intermeddling with money bills; but the House of Commons have established this rule. Let the lords insist on their having a right to originate them, as they possess great property, as well as the commons, and are taxed like them. The House of Commons object to their claim, lest they should too lavishly make grants to the Crown and increase the taxes. * * * When a bill is sent with proposed amendments to the House of Representatives, if they find the alterations defective, they are not conclusive. The House of Representatives are the judges of their propriety, and the recommendation of the Senate is nothing.

Mr. Madison here uses the words "money bills" as synonymous with "bills to raise revenue." Power to originate important, lest upper House be "too lavish in their grants." Says House of Representatives are "the judges of the propriety of money bills, and the recommendation of the Senate is nothing."

Mr. Grayson, arguing upon the other side, made use of the following language:

"The Senate could strike out every word of the bill, except the word 'whereas', or any other introductory word, and might substitute new words of their own."

Friday, July 25, 1788. In the North Carolina convention I find that Mr. Iredell, arguing in favor of the adoption of the Constitution, urged this clause specially on the ground that the "House of Representatives would be more numerous than the Senate"; that "they will represent the immediate interests of the people, etc.", showing that Mr. Iredell regarded the phrase "money bills" as synonymous with the phrase "bills to raise revenue." I find further on that Mr. Iredell, in another speech to the same convention, identifies the right given to the House of Representatives with that already enjoyed by the House of Commons in Great Britain, as is shown by the following quotation of his language:

"Yet the Commons have generally been able to carry everything before them. The circumstances of their representing the great body of the people alone gives them great weight. This weight has great authority added to it by their possessing the right (a right given to the people's representatives in Congress) of exclusively originating money bills."

Note the significance of the parenthesis above.

He continues:

"The authority over money will do everything. A government cannot be supported without money. Our Representatives may at any time compel the Senate to agree to a reasonable measure by withholding supplies till the measure is consented to. There was a great debate in the convention whether the Senate should have an equal power of originating money bills. It was strongly insisted by some that it should; but at length a majority thought it unadvisable, and the clause was passed as it now stands. I have reason to believe that our Representatives had a great share in establishing this excellent regulation, and in my opinion they deserve the public thanks for it."

And still later, in reenforcing the same contention, he uses the following language:

"It is contended by that gentleman that the addition of the power of making treaties to the other powers will make the Senate dangerous; that they would be even dangerous to the representatives of the people. The gentleman has not proved this in theory. Whence will he adduce an example to prove it? What passes in England directly disproves his assertion. In that country the representatives of the people are chosen under undue influence—frequently by direct bribery and corruption. They are elected for 7 years, and many of the members hold offices under the Crown—some during pleasure, others for life. They are also not a genuine representation of the people, but, from a change of circumstances, a mere shadow of it. Yet under these disadvantages, they having the sole power of originating money bills, it has been found that the power of the King and lords is much less considerable than theirs. The high prerogatives of the King and the great power and wealth of the lords have been more than once mentioned in the course of the debates. If under such circumstances such representatives—mere shadows of representatives—by having the power of the purse and the sacred name of the people to rely upon are an overmatch for the King and lords, who have such great hereditary qualifications, we may safely conclude that our own representatives, who will be a genuine representation of the people, and having equally the right of originating money bills, will at least be a match for the Senate, possessing qualifications so inferior to those of the House of Lords in England."

In the House of Representatives, March 2, 1797, Mr. Nicholas said:

"*The power of this House to control appropriations has been settled.* It was indeed an absurdity to call a body a legislature and at the same time deny them a control over the public purse. *If it were not so, where would be the use of going through the forms of that House with a money bill?* The Executive might as well draw upon the Treasury at once for whatever sum he might stand in need of. A doctrine like this would be scouted even in despotic countries.

"Note: When he says 'that House' he means the House of Representatives, referring back with his relative to his first sentence."

In the Federalist, that great book whose articles were written by Hamilton, Madison, and Jay—in no. 57 of the Federalist, published in the New York Packet on Friday, February 22, 1788—I find language which I shall quote at large, a part of which I have put in italics as an easy way of bringing it to the attention of the reader. This article, in my opinion, judging by the style of it, was written by Alexander Hamilton. It is more interesting than Jay's style and less diffuse than Mr. Madison's. Next to Mr. Madison himself, Mr. Hamilton perhaps knew better what the Constitutional Convention intended than almost any other one man.

Although in some of the editions of the Federalist this number is attributed to Mr. Madison and in some others to Mr. Hamilton, in a majority of the sources of information, as far as I had time to run it down, the number is attributed to Mr. Madison; but in my opinion, as I said above, the better authority is that Hamilton wrote it, and the style is that of Alexander Hamilton.

I quote from the article as follows:

"These considerations seem to afford ample security on this subject, and ought alone to satisfy all the doubts and fears which have been indulged with regard to it. Admitting, however, that they should all be insufficient to subdue the unjust policy of the smaller States, or their predominant influence in the councils of the Senate, a constitutional and infallible resource still remains with the larger States, by which they will be able at all times to accomplish their just purposes. The House of Representatives cannot only refuse, but they alone can propose, the supplies requisite for the support of the Government. They, in a word, hold the purse; that powerful instrument by which we behold, in the history of the British Constitution, an infant and humble representation of the people gradually enlarging the sphere of its activity and importance, and finally reducing, as far as it seems to have wished, all the overgrown prerogatives of the other branches of the Government. This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people for obtaining a redress of every grievance and for carrying into effect every just and salutary measure.

"But will not the House of Representatives be as much interested as the Senate in maintaining the Government in its proper functions; and will they not, therefore, be unwilling to stake its existence or its reputation on the pliancy of the Senate? Or if such a trial of firmness between the two branches were hazarded, would not the one be as likely first to yield as the other? These questions will create no difficulty with those who reflect that in all cases the smaller the number and the more permanent and conspicuous the station of men in power the stronger must be the interest which they will individually feel in whatever concerns the Government. Those who represent the dignity of their country in the eyes of other nations will be particularly sensible to every prospect of public danger, or of a dishonorable stagnation in public affairs. To those causes we are to ascribe the continual triumph of the British House of Commons over the other branches of the Government whenever the engine of a money bill has been employed. An absolute inflexibility on the side of the latter, although it could not have failed to involve every department of the State in the general confusion, has neither been apprehended nor experienced. The utmost degree of firmness that can be displayed by the Federal Senate or President will not be more than equal to a resistance, in which they will be supported by constitutional and patriotic principles."

You will note that his language is that the "House of Representatives cannot only refuse but they alone can propose the supplies requisite for the support of the Government." He adds, "They, in a word, hold the purse, etc." This demonstrates beyond challenge that in the mind of Mr. Hamilton the phrase "bills to raise revenue" was synonymous with the old English phrase, "supply bills", or, what we call in American phraseology now, "general appropriation bills", as contradistinguished from "special appropriation bills"; that is to say, appropriations for the Army and Navy, executive, legislative, and judicial departments.

Gentlemen have contended that while the practice of the Government was in accordance with my contention, that practice was not founded upon any constitutional warrant. I place against their opinion the opinions of Hamilton and of Madison and of Iredell and of Nicholas (all, if I mistake not, members of the Constitutional Convention), but above all, I place the fact that when the committee on the revision of style reported the present phraseology that it excited no remark and no discussion, which is self-evident proof of the fact that in the opinion of the members of the Constitutional Convention it was a mere change of style or expression and not a change of substance, and that what was meant in their minds by the phrase "bills to raise revenue" was the same thing as is meant by the phrase "bills to raise money and to appropriate the same", or by the phrase "money bills", or by the phrase "supply bills", all of which, in their minds at that time, were synonymous.

Mr. Madison, than whom no man was better acquainted with the Constitution, in the Virginia Convention, constantly uses the words "money bills" and "supply bills" when talking about this clause and the power given the House by it.

Mr. Hamilton uses the words "supplies requisite for the support of the Government."

The confusion of those who, in subsequent generations have raised this question—and it is to be remembered that nobody in the generation of the framers of the Constitution did raise it or did try to make the distinction—grows out of their not understanding that a "bill to raise revenue" means a bill to raise revenue for the supply of the executive branch of the Government. There are two sorts of bills for raising revenue for the Government, or, as the English called it, "for carrying on His Majesty's Government." One was by appropriating money already in the Treasury. In this case the money had been raised, but it had not been made Government revenue and could not be made "revenue" to be disbursed by the executive branch until the legislative branch had appropriated it. When there was no money in the Treasury, then the money had to be "raised" through a bill to appropriate money and a bill to levy taxes, but it did not become "revenue" for the purpose of disbursement by the executive branch solely with the passage of a bill to levy taxes, nor solely with the passage of a bill to issue bonds, but there was need yet to appropriate the money. The further act necessary to make it revenue for the disbursement of the executive branch was an appropriation, put money at the disposal of the executive branch except by not only a tax in the technical sense in which that

phrase was used in the Constitution. There is no such thing as having the legislative branch put money at the disposal of the executive branch except by not only raising the money but by appropriating the same, and raising money and appropriating the same, both taken together, constitute "raising revenue" for the Government.

Even "money in the Treasury" is not a Government "revenue" until rendered disbursable by an appropriation of the money out of the Treasury.

If there were a billion of dollars in the Treasury it would not be revenue for carrying on the Government—revenue of the Government, revenue in a governmental or constitutional sense—until it had been appropriated, and as the House alone can originate a bill "to raise revenue", it alone can originate a bill to transmute money in the Treasury into revenue.

Revenue—Government revenue—is money in the Treasury rendered available to the Executive for expenditure for "carrying on the Government" by an appropriation.

The Senator from Massachusetts [Mr. LODGE] says that "not a week passes that we do not originate appropriation bills in the Senate"; that we originate them on claims, on public buildings, and so forth. I had never contended, and do not now contend, that the power of the House to originate goes beyond origination of general "supply bills" for the carrying on of the Government, or, as it was called in England, carrying on His Majesty's or Her Majesty's Government—what were called in England and by Hamilton, Madison, and their contemporaries "money bills." As to special appropriations for many purposes, even the House of Commons in England never claimed exclusive power over them. The Senator adds: "There is, in my opinion, nothing in the Constitution that can be twisted into any such limitation"—that is, a limitation of the power to originate "supply bills" in the House. In this the Senator differs from Mr. Hamilton; he differs from Mr. Madison; he differs from the first Congress that ever met; and he differs, in my opinion, because he has not truly understood the meaning of the phrase "to raise revenue." To raise revenue for what? Why, evidently for disbursement by the Government. To be disbursed by whom? Why, evidently by the Executive. To be appropriated by whom? Evidently by the legislative. Not a dollar in the Treasury can become revenue for carrying on the Government except after two things have been done: First, having the money placed there; and as long as it is there without an appropriation by Congress it is not revenue; it is merely money, because the Constitution provides that no money shall be taken out of the Treasury except in pursuance of an act of Congress. Secondly, after being put at the disposal of the Executive for expenditure by appropriation out of the Treasury, then and then only has the money changed its character and become revenue—i. e., money for Executive disbursement by direction of law. As long as it is in the Treasury without appropriation it is inert, dead, and cannot be used; it is not governmental revenue; it is not at the behest of the Executive for disbursement. A "bill to raise revenue" is a bill to turn money into an active instrumentality for carrying on the Government.

In 1871 the House adopted a resolution taking exceptions to a Senate bill which repealed the income tax. The Senate asserted the right to originate bills repealing a tax. Roscoe Conkling, as a Senate conferee, contended for the right. The House conferees refused to assent to the position of the Senate, and pointed out that not only "the right to originate tax and tariff bills, but also appropriation bills" was "conceded to the House of Representatives without dispute until the year 1832, when the right of repealing duties was unsuccessfully asserted by the Senate, and again in 1833 the same thing was attempted, but without success."

You will note that the Senate never until then ever asserted any right over general appropriation bills. The resolution recommended by the House conferees was adopted by the House after debate.

Senator Hoar quotes Mr. Webster, who certainly was a very fine constitutional lawyer, as saying: "Whatever the Senate might think, the House is the sole constitutional judge of the extent, meaning, and scope of that constitutional provision", to wit: The constitutional provision to originate revenue bills. Senator Hoar adds: "Mr. Webster was clearly right."

A very clear discussion of this will be found on page 161 of Mr. McCall's The Business of Congress. Mr. McCall adds:

"In practice, the general appropriation bills are now in a sense treated as money bills, and their formation as well as the formation of those relating to taxation is given over to the House."

I admit that the House has sometimes been lax in this assertion of its right, but whenever the matter has been narrowed down to a crisis and discussed, the House has always maintained its right, and the Senate has always acquiesced in it. It is idleness to say that this assertion and maintenance and this acquiescence would have taken place without constitutional authority.

Senator Hoar well said:

"By a practice as old as the Government itself the constitutional prerogative of the House has been held to apply to all the general appropriation bills."

Reference is directed here to an article entitled "Conduct of Business in Congress", published in the North American Review, CXXVII, page 113.

In this connection it is pertinent to inquire that, if I be not right about all this, why is it that the letter from the Secretary of the Treasury, transmitting estimates for appropriations for the fiscal year, is invariably sent to the House and not to the Senate? Why is it not sent to the Senate in the first place, or why not at the same time? Why not addressed to Congress or both Houses? It is sent to the House immediately after the House convenes and is referred to the House Committee on Appropriations. This has been the uniform custom ever since the First Congress met.

Prof. Woodrow Wilson says that the Constitution is silent as to the origination of bills appropriating money. This statement is not correct. The statement begs the question. What are "bills for raising revenue" except bills to make money mobile as a governmental instrumentality—as revenue? Every supply bill is a money bill. Every money bill is a bill to raise revenue. The "revenue" is not "raised" until the appropriation of the money is directed. Raised for what? With us, "to carry on the Government"; in England, "to carry on His Majesty's Government." Who pays out the money to carry on the Government? Why, the Executive, of course. Who raises or provides or supplies the money for the Executive to pay out or to disburse? Why, the legislative branch, equally, of course. Who pays your salary or mine? Why, the Executive. And how? By an order upon the Treasury. And in consequence of what? In consequence of an appropriation bill, rendering inert, dead money active, live Government revenue. You and I are paid by a warrant on the Treasury. We cannot pay our own salaries directly to ourselves by ourselves. How is the Executive warranted to give the warrant? Why, by an act of Congress, of course. What is this act? Why, it is a bill to raise supplies—to raise revenue for carrying on the Government. The revenue is not raised for Executive capacity to pay out, and, therefore, not raised as governmental revenue as an instrumentality in the disbursement whereof the Government is carried on until appropriated by Congress and the purpose of the appropriation designated in an act of Congress. How is revenue raised? I answer, in two ways. What are they? If the money be already in the exchequer or the Treasury here, it is raised for a designated purpose by its appropriation; and if there be no money in the Treasury, then it is raised by levying a tax and at the same time or afterward appropriating the proceeds of it—by tax bills and appropriation bills.

Much of the confusion has grown out of forgetting that in the early history of the country, tax bills and appropriation bills, the conjoint purpose of the two being to raise Government revenue, were provided for in the same act. The Ways and Means Committee of the House levied a tax and at the same time appropriated the tax in one act, which constituted a budget. Later on, when the magnitude of our governmental machinery began to assert itself, the work was divided. Tax bills were left to the Committee on Ways and Means, and bills appropriating the proceeds of taxes were left to a new committee called the Committee on Appropriations. It was not until after this division of labor occurred that any confusion in public thought ever occurred.

Levying a tax and appropriating the money thus raised are two parts of the same act, the object of both of which is to "raise revenue" for carrying on the Government. If you appropriate when there is no money in the Treasury, the Government will not have any revenue. If you levy and collect a tax, but do not appropriate, the Government will still have no revenue. In one and the same bill, or else in two different bills, you must do the two things which are parts of the same act: First, put money in the Treasury; secondly, turn the money into Government revenue by appropriating it.

Henry Jones Ford in his book the Cost of Our National Government (p. 11) says, very properly: "It is a fundamental principle of constitutional government that appropriations are made and expenditures are controlled by the representatives of the people." He adds that "the process of budget making starts with the transmission of a letter from the Secretary of the Treasury to the Speaker of the House of Representatives, giving estimates of appropriations required for the public service"; and "congressional action on the estimates thus transferred begins in the House of Representatives." (See ibid., p. 14.)

This is a significant recognition of the principle by the practice of the executive department. In fact, throughout our whole history the House has asserted, the Executive has practiced, and the Senate has acquiesced by practice in the general principle—a principle and practice founded on the real and historic meaning of the phrase "bills to raise revenue"—a meaning contemporaneous with the Constitution.

I quote from the same author (p. 23): "We began our National Government with a firm and precise principle of budget control, namely, that the House of Representatives held the purse strings. It was the expectation of the framers of the Constitution that the immediate representatives of the people would control the Budget and fix expenditures."

In no. 57 of the Federalist support was given to this position.

I call the reader's attention to CONGRESSIONAL RECORD, volume 16, part 2, page 949 et seq., being the RECORD of the Forty-eighth Congress, second session. Representative Hammond (p. 952), in his reply to what I have called attention to, confuses special appropriations, which are not supply bills, with general appropriations, which are and have always been so treated, both in England and here; and here, as Senator Hoar says, "even from the very origin of the Government."

Mr. Hammond likewise confuses the phrase "raising revenue" and the phrase "raising money." Before the Committee on Style changed the verbiage proposed in the Constitutional Convention it

read "bills to raise money and make appropriation of the same." The language "bills to raise revenue" was substituted and, as far as I can find out, without debate or opposition of any description, showing that the men who had voted for the former phraseology thought that the latter meant the same thing; that is, that a "bill to raise revenue" involved the ideas of "raising money" and appropriating the same.

Raising money, or putting money into the Treasury, is one thing. Making out of money Government revenue is another thing. The money is raised, or collected, or gotten when by operation of a tax bill it is covered into the Treasury, but it does not thereupon become revenue. The executive, which alone disburses revenue, cannot even touch it. If there were $500,000,000 in the Treasury, no branch of the executive could touch it until the legislative branch had made it revenue by an appropriation bill. The process of raising revenue is not completed until by appropriation it has been made available for carrying on the Government.

In England the means of taxation and the appropriation of money raised by taxes were both carried in the same bill, and such a bill was always indifferently called "a supply bill", "a bill to raise revenue", "a money bill." The committee of the whole of the House of Commons when moved for that purpose was called the committee on ways and means, hence the name for our House standing Committee on Ways and Means, which in our early history had jurisdiction over both these parts of the same transaction, to wit, tax bills to put money into the Treasury and appropriation bills directing the use of the money raised by the taxing power; that is, making of the inert money in the Treasury Government revenue to be disbursed by the Executive—making it by law available for executive disbursement.

At first, as I have already said, even with us bills generally did both at the same time, but gradually we found need for two committees in the House acting separately, and out of this grew much of the confusion which has resulted in the failure to make the distinction between "raising money" and "raising revenue"—the distinction between money lying inert in the Treasury and money made active and mobile as a governmental revenue. Governmental revenue is money in the Treasury appropriated and placed at the disposal of the Executive for carrying on the Government, with more or less or sometime no specific and detailed direction for its expenditure. The point is that it is not Government revenue until the Executive can use it.

In Delaware, Maryland, Massachusetts, and New Hampshire at the time of the adoption of the Constitution all money bills had to originate in the lower house, and the senate, or upper house, could amend.

In the colonial constitution of Massachusetts the exact language of the Federal Constitution is used, to wit: That the senate "may propose or concur with amendments."

Blackstone defined "money bills" to be "all bills by which money is directed to be raised." Now, mark that language—"money is directed to be raised"—that is, directed to be made alive; directed to cease to be inert; directed to be lifted into the capacity of carrying on the Government.

The House of Lords in 1702, 1708, 1719, 1733, and 1736 disputed as the United States Senate seems to be beginning to dispute here, the power of the House of Commons to originate appropriation bills, and tried, as gentlemen are beginning to try here, to confuse the power of originating tax bills with the power to raise revenue. The Commons always contended that the tax bills and the appropriation bills were part and parcel of the same thing. That contention of the representatives of the people which was successfully carried to a consummation in Great Britain must be carried to the same successful consummation here, or else there is danger of the cessation of all popular control of legislation.

If you will read the proceedings of the Constitutional Convention at Philadelphia very carefully, you will find that the whole argument there was whether the Senate should or should not have the right to amend. There never was one moment spent in discussion as to whether the House should or should not have the right to originate. As distinguished a man as George Washington took a very broad position in favor of giving the Senate the right to amend, or, as the Constitution expresses it, to propose and concur in amendments.

In 1856 Mr. Seward, of New York, said: "We make a revenue bill but once in 10 or 12 years, and these appropriation bills are, in fact, what were intended, I suppose, by the framers of the Constitution as bills of revenue." (See CONGRESSIONAL RECORD, vol. 16, pt. 2, p. 954.) He added: "The practice for these 70 years had been that all appropriations of this character" (and by that he means general appropriation bills) "have originated in the House." He furher adds: "The stubborn fact is that the Senate has never originated an appropriation bill" (meaning, of course, a general supply bill) "but has always conceded to the House their origination, and the House of Representatives has never conceded to the Senate the right to originate such bills, but has always insisted upon and has always exercised that right itself." Then further he adds significantly: "The spirit of the Constitution as ascertained from the British Constitution and the extemporaneous debates and from the practice for 70 years is stronger than the letter of the Constitution."

Our Constitution provides that no money shall be taken out of the Treasury except in pursuance of law appropriating it. From this it follows, even if the history of the particular language, "bills to raise revenue", did not demonstrate it, that money is not revenue wherewith to carry on the Government until its expenditure is directed by law; that is, until it is appropriated. No Government "revenue" has been "raised" until after appropriation, because it cannot until then be used by the Executive, who alone can ever use it for carrying on the Government.

Mr. Hammond, who has made out the strongest case ever made against what I am contending for, again confuses the source of revenue with revenue. A tax bill is a source of revenue, but the proceeds of a tax bill are not revenue until rendered available for expenditure by an appropriation. The phrase "No money shall be drawn from the Treasury but in consequence of appropriations made by law" is absolutely of the same meaning as if it had been written, "No money in the Treasury shall be available to the Executive for disbursement as Government revenue but in consequence of appropriations made by law."

Hammond, by a slip of the tongue, which gives him away, uses the phrase "the revenue of the King"—a perfectly accurate expression. Money in the exchequer in England is not revenue at all until it becomes by appropriation "the revenue of the King"; so that the King's government can pay it out, with or without specific direction. Nor does money in our Treasury become revenue of the King, or revenue of the Executive, or revenue for carrying on the Government, or in any governmental sense revenue at all—until it has become in the same way, to wit: By appropriation, the revenue of the Executive. It is the Executive alone in either Government which can disburse money.

In New Jersey, South Carolina, and Virginia, at the time of the Constitution, all money bills must originate in the house of representatives of the State, and could not be even amended in the upper house.

For further study of this question, turn to First Congressional Annals (vol. 1, pp. 592, 593, and 597, and pp. 603, 605, and 617). Turn to the Twenty-second Congressional Debates (vol. XIV, pt. 1, pp. 1152 and 1155 and p. 522), and Forty-first Congressional Debates (3d sess., Appendix, p. 265), both of which are quoted in note 1 of Hinds' Precedents, volume 2, page 951.

In April 1872, Mr. Dawes, of Massachusetts, reported a resolution citing what occurred in the House on June 25, 1789, during the First Congress, and says: "Madison, Livermore, Gerry, Lawrence, and Tucker contended that the sole right of originating money bills belonged to the House—this was an appropriation bill—but that this clause coerced all appropriation bills, because an appropriation bill was an appropriation of the money raised by the revenue powers of the Government, and therefore was included; and since that time, as we all know, the appropriation bills of the Government and general supply bills have originated uniformly in the House of Representatives, with perhaps a single exception, which I will note later, and which failed to pass." (See Hinds' Precedents, vol. 2, p. 958, where the above is set forth.)

The J. Proctor Knott House resolution on February 2, 1871, had no reference to a general appropriation bill; it concerned a bill to "purchase lots adjoining the new building for Bureau of Printing and Engraving." It was in no sense a supply bill. I cite this because it has been frequently quoted on the other side. But even here the utmost that can be contended is that the House never acted upon the resolution. (See Hinds' Precedents, vol. 2, pp. 971 and 972, top; the views of the minority, ibid., 972, 973.)

Mr. Garfield's language. (CONGRESSIONAL RECORD, vol. 16, pt. 2, p. 954.) Proceedings of the House quoted by Hammond right afterward prove that Garfield was right about what happened in the House, and the proceedings there do not admit of the explanation attempted to be made by Hammond. The distinction was made in what the House did between general appropriation bills, or supply bills, on the one hand, and special appropriation bills on the other.

If the reader will turn to Webster's Dictionary of 1840 and Worcester's Dictionary of 1846, both of them American, he will find that they bear out exactly the opposite contention to that in behalf of which Hammond quotes them, and that in both cases they confine the meaning of the word "revenue" to "income for public use" and "income for the payment of national expenses."

In no event can money in the Treasury become "income for public use"; that is, be available for the Executive for use or become available for "the payment of national expenses", except by force of appropriation. These phrases are right, and money not made available by appropriation "for public use" or "for the payment of national expenses" is not Government revenue. It is simply money lying inert in the Treasury. It belongs to the people, of course, but it cannot be constitutionally used by "the Government."

Mr. President, if the Senate can constitutionally originate general appropriation bills when money is in the Treasury, then it can do the same thing when there is no money in the Treasury; and thus this body, representing the States and not the people—representing chiefly the smaller States—could force either Federal insolvency—not to be thought of—or else could force the House to levy new or additional taxes; thus force the House to originate tax bills. The two things hang together. If this Senate could originate general supply bills, then it could commit the Government to a course of expenditures that would coerce the House not only into originating but into passing tax bills.

As Seward well says, speaking of the long practice under which the House always insisted upon and the Senate always conceded—the right of the House to originate general appropriation bills:

"This (practice) could not have been accidental; it was therefore designed. The design and purpose were those of the con-

temporaries of the Constitution itself. It evinces their understanding of the subject, which was that bills of a general nature for appropriating of the public money or for laying of taxes or burdens on the people, direct or indirect in their operation, belonged to the province of the House of Representatives." (See CONGRESSIONAL RECORD, vol. 16, pt. 2, p. 959.)

He added:

"If this power be confined to the one and not to the other—that is, to the levying of taxes to get money, but not to its expenditure—then the right is useless, because we change revenue laws so seldom."

This criticism of Seward's is correct, although it was made in view of what occurred later and not of what was in the minds of the framers of the Constitution. I believe it is not too much to say that, in the minds of the framers of the Constitution, a bill to raise revenue was a budget; that is, a bill levying taxes and at the same time appropriating the proceeds of the levy, because such was the contemporaneous practice.

Mr. Sumner, of Massachusetts, said that he regarded the Senate origination of general appropriation bills as "a departure from the spirit of the Constitution." (Ibid.)

Mr. Hinds, in his incomparable work, in a note at the bottom of page 973, volume 2, concerning the question of the right of the House to originate general appropriation or supply bills, says: "But while there has been a dispute as to the theory, there has been no deviation from the practice that the general appropriation bills originate in the House of Representatives." He expressly uses this phrase as contradistinguished from special bills appropriating for single, specific purposes.

It is well to remember in this connection the Hurd resolution of January 13, 1885, which was laid on the table in the House. The fact that it was laid upon the table has been quoted very frequently, but the resolution was directed at Senate bill 398 (the Blair educational bill). It was not a supply bill, but a bill of specific appropriation; not a bill for carrying on the Government any more than a bill making appropriation for a public building would be a bill for carrying on the Government.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New York that the Senate proceed to the consideration of House bill 7493?

There being no objection, the Senate proceeded to consider the bill (H. R. 7493) making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

The PRESIDENT pro tempore. If there is no objection, the amendments reported by the committee will be agreed to en bloc.

Mr. McNARY. Mr. President, I am confused about the situation. The bill has been divided into two parts. As I understand, we have before us the bill making appropriations for the nonmilitary activities of the War Department.

Mr. COPELAND. That is correct. This bill was the second part, or title II, of the bill passed by the Senate a few days ago.

Mr. McNARY. Why are we not to proceed in the usual manner by having the committee amendments read?

The PRESIDENT pro tempore. If any Senator objects to the adoption of the amendments en bloc, the Senate will proceed in the usual manner.

Mr. McNARY. Have these items been heretofore passed on by the Senate?

Mr. COPELAND. All the amendments, except three, which will be read separately, have heretofore been passed on by the Senate. I ask that those which have heretofore been adopted by the Senate be agreed to en bloc.

The amendments of the Committee on Appropriations were, under the heading "Bureau of Insular Affairs—United States High Commissioner to the Philippine Islands", on page 4, line 18, after the word "expenses" and the comma, to strike out "$140,500" and insert "$152,600"; in line 19, after the word "exceeding", to strike out "$7,800" and insert "$18,000"; in line 24, after the words "rate of", to strike out "$8,000" and insert "$12,000"; in the same line, after the word "and", to strike out "$7,500" and insert "$10,000"; on page 5, line 23, after "sec. 661)" and the semicolon, to strike out "for such works, hereby authorized, as may be necessary for the protection of the town of Collinsville, Ala."; on page 8, line 4, after the word "law" and the comma, to strike out "$30,000,000" and insert "$60,000,000"; on the same page, line 15, after the word "expenses", to insert a colon and the following additional provisos: "*Provided further*, That the Chief of Engineers, when authorized by the Secretary of War, may enter into construction contracts prior to July 1, 1938, to an amount not in excess of $38,000,000, in addition to the sum herein appropriated, and his action in so doing shall be deemed a contractual obligation of the Federal Government payable after the next regular annual appropriation becomes available: *And provided further*, That if any funds are made available for the above purposes from the Emergency Relief Appropriation Act of 1937, the appropriation herein made shall be reduced by an amount equal to the sum so made available, but this proviso shall not operate to reduce this appropriation below $30,000,000"; on page 9, line 9, after the word "thereof" and the comma, to strike out "or other responsible local agencies"; on the same page, line 25, before the word "are", to strike out "or other responsible local agencies"; on page 10, line 12, after the figures "$56,300" and the comma, to strike out "$22,500,000" and insert "$45,000,000: *Provided*, That the Chief of Engineers, when authorized by the Secretary of War, may enter into construction contracts prior to July 1, 1938, to an amount not in excess of $10,000,000, in addition to the sum herein appropriated, and his action in so doing shall be deemed a contractual obligation of the Federal Government payable after the next regular annual appropriation becomes available: *Provided further*, That if any funds are made available for the above purposes from the Emergency Relief Appropriation Act of 1937, the appropriation herein made shall be reduced by an amount equal to the sum so made available, but this proviso shall not operate to reduce this appropriation below $22,500,000"; on page 11, line 6, after "(49 Stat. 1508)" and the comma, to strike out "$100,000" and insert "$300,000"; and on page 12, line 12, under the heading "United States Soldiers' Home", after the word "date", to insert a colon and the following additional proviso: "*Provided further*, That not to exceed five retired officers of the Regular Army may be assigned to active duty at the United States Soldiers' Home, and such officers while so assigned shall be entitled, notwithstanding any other provisions of law, to the pay and allowances of officers of the same rank and length of service on the active list of the Army", so as to make the bill read:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes, namely:

QUARTERMASTER CORPS

CEMETERIAL EXPENSES

For maintaining and improving national cemeteries, including fuel for and pay of superintendents and the superintendent at Mexico City, and other employees; purchase of land; purchase of tools and materials; purchase of one motor-propelled hearse at a cost not to exceed $3,150; and for the repair, maintenance, and operation of motor vehicles; care and maintenance of the Arlington Memorial Amphitheater, chapel, and grounds in the Arlington National Cemetery; repair to roadways but not to more than a single approach road to any national cemetery constructed under special act of Congress; headstones for unmarked graves of soldiers, sailors, and marines under the acts approved March 3, 1873 (U. S. C., title 24, sec. 279), February 3, 1879 (U. S. C., title 24, sec. 280), March 9, 1906 (34 Stat., p. 56), March 14, 1914 (38 Stat., p. 768), and February 26, 1929 (U. S. C., title 24, sec. 280a), and civilians interred in post cemeteries; recovery of bodies and disposition of remains of military personnel and civilian employees of the Army under act approved March 9, 1928 (U. S. C., title 10, sec. 916); for repairs and preservation of monuments, tablets, roads, fences, etc., made and constructed by the United States in Cuba and China to mark the places where American soldiers fell; care, protection, and maintenance of the Confederate Mound in Oakwood Cemetery at Chicago, the Confederate Stockade Cemetery at Johnstons Island, the Confederate burial plats owned by the United States in Confederate cemetery at North Alton, the Confederate cemetery, Camp Chase, at Columbus, the Confederate cemetery at Point Lookout, and the Confederate cemetery at Rock Island, $1,227,009, of which $295,477 shall be available immediately: *Provided*, That no railroad shall be permitted upon any right-of-way which may have been acquired by the United States leading to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States: *Provided further*, That no part of this appropriation shall be used for repairing any roadway not owned by the United States within the corporate limits of any city, town, or village.

SIGNAL CORPS

ALASKA COMMUNICATION SYSTEM

For operation, maintenance, and improvement of the Alaska Communication System and for purchase, including exchange, of one motor-propelled passenger-carrying vehicle, and for operation and maintenance of vehicles of this character, $166,338, to be derived from the receipts of the Alaska Communication System which have been covered into the Treasury of the United States, and to remain available until the close of the fiscal year 1939: *Provided*, That the Secretary of War shall report to Congress the extent and cost of any extensions and betterments which may be effected under this appropriation.

BUREAU OF INSULAR AFFAIRS

UNITED STATES HIGH COMMISSIONER TO THE PHILIPPINE ISLANDS

For the maintenance of the office of the United States High Commissioner to the Philippine Islands as authorized by subsection 4 of section 7 of the act approved March 24, 1934 (48 Stat. 456), including salaries and wages; rental, furnishings, equipment, maintenance, renovation, and repair of office quarters and living quarters for the High Commissioner; supplies and equipment; purchase and exchange of law books and books of reference, periodicals, and newspapers; traveling expenses, including for persons appointed hereunder within the United States and their families, actual expenses of travel and transportation of household effects from their homes in the United States to the Philippine Islands, utilizing Government vessels whenever practicable; operation, maintenance, and repair of motor vehicles, and all other necessary expenses, $152,600, of which amount not exceeding $10,000 shall be available for expenditure in the discretion of the High Commissioner for maintenance of his household and such other purposes as he may deem proper: *Provided*, That the salary of the legal adviser and the financial expert shall not exceed the annual rate of $12,000 and $10,000 each, respectively: *Provided further*, That section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) shall not apply to any purchase or service rendered under this appropriation when the aggregate amount involved does not exceed the sum of $100.

CORPS OF ENGINEERS

RIVERS AND HARBORS

To be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, and to remain available until expended:

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation; for survey of northern and northwestern lakes and other boundary and connecting waters as heretofore authorized, including the preparation, correction, printing, and issuing of charts and bulletins and the investigation of lake levels; for prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City; for expenses of the California Debris Commission in carrying on the work authorized by the act approved March 1, 1893 (U. S. C., title 33, sec. 661); for removing sunken vessels or craft obstructing or endangering navigation as authorized by law; for operating and maintaining, keeping in repair, and continuing in use without interruption any lock, canal (except the Panama Canal), canalized river, or other public works for the use and benefit of navigation belonging to the United States; for payment annually of tuition fees of not to exceed 35 student officers of the Corps of Engineers at civil technical institutions under the provisions of section 127a of the National Defense Act, as amended (U. S. C., title 10, sec. 535); for examinations, surveys, and contingencies of rivers and harbors; and for printing, including illustrations, as may be authorized by the Committee on Printing of the House of Representatives, either during a recess or session of Congress, of surveys authorized by law, and such surveys as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress, and for the purchase of motor-propelled passenger-carrying vehicles and motorboats, for official use, not to exceed $197,971: *Provided*, That no funds shall be expended for any preliminary examination, survey, project, or estimate not authorized by law, $128,000,000: *Provided further*, That from this appropriation the Secretary of War may, in his discretion and on the recommendation of the Chief of Engineers based on the recommendation by the Board for Rivers and Harbors in the review of a report or reports authorized by law, expend such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality, or other public agency, outside of harbor lines and serving essential needs of general commerce and navigation, such work to be subject to the conditions recommended by the Chief of Engineers in his report or reports thereon: *Provided further*, That no appropriation under the Corps of Engineers for the fiscal year 1938 shall be available for any expenses incident to operating any power-driven boat or vessel on other than Government business: *Provided further*, That not to exceed $3,000 of the amount herein appropriated shall be available for the support and maintenance of the Permanent International Commission of the Congresses of Navigation and for the payment of the actual expenses of the properly accredited delegates of the United States to the meeting of the congresses and of the Commission.

FLOOD CONTROL

Flood control: For the construction of certain public works on rivers and harbors for flood control, and for other purposes, in accordance with the provisions of the Flood Control Act, approved June 22, 1936 (49 Stat. 1570–1595), including printing and binding and office supplies and equipment required in the Office of the Chief of Engineers to carry out the purposes of this act, the purchase (not to exceed $47,250) of motor-propelled passenger-carrying vehicles and motorboats for official use, and not to exceed $500,000 for preliminary examinations and surveys of flood-control projects authorized by law, $60,000,000: *Provided*, That $500,000 of this appropriation shall be transferred and made available to the Secretary of Agriculture for preliminary examinations and surveys for run-off and water-flow retardation and soil-erosion prevention on the watersheds of flood-control projects authorized by law, including the employment of persons in the District of Columbia and elsewhere, purchase of books and periodicals, printing and binding, rent in the District of Columbia, the purchase (not to exceed $30,000) of motor-propelled passenger-carrying vehicles and motorboats, and for other necessary expenses: *Provided further*, That the Chief of Engineers, when authorized by the Secretary of War, may enter into construction contracts prior to July 1, 1938, to an amount not in excess of $38,000,000, in addition to the sum herein appropriated, and his action in so doing shall be deemed a contractual obligation of the Federal Government, payable after the next regular annual appropriation becomes available: *And provided further*, That if any funds are made available for the above purposes from the Emergency Relief Appropriation Act of 1937 the appropriation herein made shall be reduced by an amount equal to the sum so made available, but this proviso shall not operate to reduce this appropriation below $30,000,000.

The act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936, is hereby amended by adding to the first paragraph of section 5, a proviso reading as follows: "*Provided further*, That the Secretary of War is authorized to receive from States, political subdivisions thereof, such funds as may be contributed by them to be expended in connection with funds appropriated by the United States for any authorized flood control work whenever such work and expenditure may be considered by the Secretary of War, on recommendation of the Chief of Engineers, as advantageous in the public interest, and the plans for any reservoir project may, in the discretion of the Secretary of War, on recommendation of the Chief of Engineers, be modified to provide additional storage capacity for domestic water supply or other conservation storage, on condition that the cost of such increased storage capacity is contributed by local agencies and that the local agencies agree to utilize such additional storage capacity in a manner consistent with Federal uses and purposes: *And provided further*, That when contributions made by States, political subdivisions thereof, are in excess of the actual cost of the work contemplated and properly chargeable to such contributions, such excess contributions may, with the approval of the Secretary of War, be returned to the proper representatives of the contributing interests."

Flood control, Mississippi River and tributaries: For prosecuting work of flood control in accordance with the provisions of the Flood Control Act, approved May 15, 1928 (U. S. C., title 33, sec. 702a), as amended by the Flood Control Act approved June 15, 1936 (49 Stat. 1508), and for the purchase of motor-propelled passenger-carrying vehicles and motorboats, for official use, not to exceed $56,300, $45,000,000: *Provided*, That the Chief of Engineers, when authorized by the Secretary of War, may enter into construction contracts prior to July 1, 1938, to an amount not in excess of $10,000,000, in addition to the sum herein appropriated, and his action in so doing shall be deemed a contractual obligation of the Federal Government payable after the next regular annual appropriation becomes available: *Provided further*, That if any funds are made available for the above purposes from the Emergency Relief Appropriation Act of 1937, the appropriation herein made shall be reduced by an amount equal to the sum so made available, but this proviso shall not operate to reduce this appropriation below $22,500,000.

Emergency fund for flood control on tributaries of Mississippi River: For rescue work and for repair or maintenance of any flood-control work on any tributaries of the Mississippi River threatened or destroyed by flood, in accordance with section 9 of the Flood Control Act, approved June 15, 1936 (49 Stat. 1508), $300,000.

Flood control, Sacramento River, Calif.: For prosecuting work of flood control in accordance with the provisions of the Flood Control Act approved March 1, 1917 (U. S. C., title 33, sec. 703), as modified by the Flood Control Act approved May 15, 1928 (U. S. C., title 33, sec. 704), including not to exceed $2,600 for the purchase of motor-propelled passenger-carrying vehicles and motorboats, for official use, $814,500.

Flood control, Lowell Creek, Alaska: For maintenance of flood-control works in accordance with the act approved February 14, 1933 (47 Stat., p. 802), $1,000.

Flood control, Salmon River, Alaska: For maintenance repairs to dikes in the flood-control works at the town of Hyder, Alaska, as authorized by the act approved June 18, 1934 (48 Stat., p. 991), $800.

UNITED STATES SOLDIERS' HOME

For maintenance and operation of the United States Soldiers' Home, including maintenance, repair, and operation of horse-drawn and motor-propelled freight- and passenger-carrying vehicles and the purchase of one motor-propelled vehicle of the station-wagon type at a cost not to exceed $1,000, including the value of a vehicle exchanged, to be paid from the Soldiers' Home permanent fund, $804,456: *Provided*, That notwithstanding any other provisions of law, the administration, control, procurement, expenditure, ac-

counting, audit, and methods thereof, of funds appropriated from the Soldiers' Home permanent fund (trust fund) shall be according to the laws governing and in effect prior to July 1, 1935, relating specifically to the United States Soldiers' Home, and in accordance with procedure followed prior to such date: *Provided further*, That not to exceed five retired officers of the Regular Army may be assigned to active duty at the United States Soldiers' Home, and such officers while so assigned shall be entitled, notwithstanding any other provisions of law, to the pay and allowances of officers of the same rank and length of service on the active list of the Army.

THE PANAMA CANAL

For every expenditure requisite for and incident to the maintenance and operation, sanitation, and civil government of the Panama Canal and Canal Zone, including the following: Compensation of all officials and employees; foreign and domestic newspapers and periodicals; law books not exceeding $1,000; textbooks and books of reference; printing and binding, including printing of annual report; rent and personal services in the District of Columbia; purchase or exchange of typewriting, adding, and other machines; purchase or exchange, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles; claims for damages to vessels passing through the locks of the Panama Canal, as authorized by the Panama Canal Act; claims for losses of or damages to property arising from the conduct of authorized business operations; claims for damages to property arising from the maintenance and operation, sanitation, and civil government of the Panama Canal; acquisition of land and land under water, as authorized in the Panama Canal Act; expenses incurred in assembling, assorting, storing, repairing, and selling material, machinery, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal which are unserviceable or no longer needed, to be reimbursed from the proceeds of such sale; expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus; expenses incident to any emergency arising because of calamity by flood, fire, pestilence, or like character not foreseen or otherwise provided for herein; traveling expenses, when prescribed by the Governor of the Panama Canal, to persons engaged in field work or traveling on official business; transportation, including insurance, of public funds and securities between the United States and the Canal Zone; and for such other expenses not in the United States as the Governor of the Panama Canal may deem necessary best to promote the maintenance and operation, sanitation, and civil government of the Panama Canal, all to be expended under the direction of the Governor of the Panama Canal and accounted for as follows:

For maintenance and operation of the Panama Canal: Salary of the Governor, $10,000; purchase, inspection, delivery, handling, and storing of materials, supplies, and equipment for issue to all departments of the Panama Canal, the Panama Railroad, other branches of the United States Government, and for authorized sales; payment in lump sums of not exceeding the amounts authorized by the Injury Compensation Act approved September 7, 1916 (U. S. C., title 5, sec. 793), to alien cripples who are now a charge upon the Panama Canal by reason of injuries sustained while employed in the construction of the Panama Canal; in all, $8,519,000, together with all moneys arising from the conduct of business operations authorized by the Panama Canal Act.

For sanitation, quarantine, hospitals, and medical aid and support of the insane and of lepers and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable, and the purchase of artificial limbs or other appliances for persons who were injured in the service of the Isthmian Canal Commission or the Panama Canal prior to September 7, 1916, and including additional compensation to any officer of the United States Public Health Service detailed with the Panama Canal as chief quarantine officer, $918,000.

For civil government of the Panama Canal and Canal Zone, including gratuities and necessary clothing for indigent discharged prisoners, $1,131,760.

Total, Panama Canal, $10,568,760, to be available until expended.

In addition to the foregoing sums there is appropriated for the fiscal year 1938 for expenditures and reinvestment under the several heads of appropriation aforesaid, without being covered into the Treasury of the United States, all moneys received by the Panama Canal from services rendered or materials and supplies furnished to the United States, the Panama Railroad Co., the Canal Zone government, or to their employees, respectively, or to the Panama Government, from hotel and hospital supplies and services; from rentals, wharfage, and like service; from labor, materials, and supplies and other services furnished to vessels other than those passing through the Canal, and to others unable to obtain the same elsewhere; from the sale of scrap and other byproducts of manufacturing and shop operations; from the sale of obsolete and unserviceable materials, supplies, and equipment purchased or acquired for the operation, maintenance, protection, sanitation, and government of the Canal and Canal Zone; and any net profits accruing from such business to the Panama Canal shall annually be covered into the Treasury of the United States.

In addition there is appropriated for the operation, maintenance, and extension of waterworks, sewers, and pavements in the cities of Panama and Colon, during the fiscal year 1938, the necessary portions of such sums as shall be paid as water rentals or directly by the Government of Panama for such expenses.

Memorial to Maj. Gen. George W. Goethals: For necessary expenses incident to the selection of the site, and preparation of plans and estimates of cost, for the erection of a memorial to Maj. Gen. George W. Goethals within the Canal Zone, authorized by the act approved August 24, 1935 (49 Stat. 743), including travel expenses of the members of the Goethals Memorial Commission appointed by the President under authority of said act, and of the employees of said Commission; employment of an architect or architects without regard to the provisions of other laws applicable to the employment or compensation of officers and employees of the United States; stationery and supplies; and all other necessary expenses, $5,000, to be available immediately and and also for payment of expenses heretofore incurred in carrying out the purposes of such act of August 24, 1935.

SEC. 2. Three million dollars of the appropriation "Capital stock, Inland Waterways Corporation" are hereby repealed.

SEC. 3. This act may be cited as the "War Department Civil Appropriation Act, 1938."

The PRESIDENT pro tempore. The Senator from New York now asks unanimous consent that the committee amendments, with the exception of three, be agreed to en bloc. Is there objection? The Chair hears none, and the amendments are agreed to en bloc.

Mr. COPELAND. Now I ask that the three minor amendments of the committee be stated.

The PRESIDENT pro tempore. The clerk will state the first amendment.

The LEGISLATIVE CLERK. It is proposed, on page 10, line 9, after the parenthesis and the comma, insert:

Including additional flood-control works for the protection of cities and towns on the lower Mississippi River, as recommended to the Congress by the Chief of Engineers and approved by previous acts of Congress.

Mr. OVERTON. Mr. President, I did not hear the amendment clearly. Does it refer to projects authorized by the Chief of Engineers or authorized by the Flood Control Act?

Mr. ROBINSON. Let the amendment be restated.

The PRESIDENT pro tempore. The clerk will again state the amendment.

The LEGISLATIVE CLERK. On page 10, line 9, after the parenthesis and the comma, it is proposed to insert:

Including additional flood-control works for the protection of cities and towns on the lower Mississippi River, as recommended to the Congress by the Chief of Engineers and approved by previous acts of Congress.

Mr. OVERTON. That is equivalent to an authorization. Should it not read "as authorized by previous acts"?

Mr. COPELAND. Yes; "as authorized."

Mr. OVERTON. The language is "and approved by previous acts."

Mr. COPELAND. "And authorized by previous acts." I think that would be better. I ask that the change be made.

The PRESIDENT pro tempore. The Senator from New York modifies his amendment, and as modified the clerk will state the amendment.

The LEGISLATIVE CLERK. On page 10, line 9, after the comma and the parenthesis, it is proposed to insert:

Including additional flood-control works for the protection of cities and towns on the lower Mississippi River, as recommended to the Congress by the Chief of Engineers and authorized by previous acts of Congress.

Mr. OVERTON. Mr. President, I do not observe the Senator from Tennessee [Mr. MCKELLAR] in the Chamber. I wished to ask him whether or not this would involve the expenditure of considerably more money than is presently contemplated by this measure.

Mr. GLASS. Mr. President, the Senator will recall that that question was asked the Senator from Tennessee in the committee, and he stated it would not.

Mr. OVERTON. That is what I understood him to say.

Mr. COPELAND. That is the way I understand the matter; that it does not authorize the expenditure of more money, and that the project must take its fate along with other projects on the river.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment of the committee will be stated.

The LEGISLATIVE CLERK. Page 11, line 24, after the word "Home" and the comma, it is proposed by the committee to strike out "including maintenance, repair, and operation of

horse-drawn and motor-propelled freight- and passenger-carrying vehicles and the purchase of one motor-propelled vehicle of the station-wagon type at a cost not to exceed $1,000, including the value of a vehicle exchanged,".

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. McNARY. Mr. President, my attention may have been distracted when the Senator was speaking. How much money does this bill carry conformably to the authorization of the flood-control act of last year?

Mr. COPELAND. The Senate provision carries the $60,000,000 provided in the so-called Copeland Act and the $45,000,000 provided in the Overton Act.

Mr. McNARY. I appreciate that the appropriation necessary to carry into effect the Overton Act is in the bill which we are now considering.

Mr. COPELAND. Yes.

Mr. McNARY. The Senate will recall that last year we passed a bill, which we called the Copeland flood-control bill, authorizing the expenditure of $315,000,000. At that time there was a general feeling and understanding that the sum of $50,000,000 would be carried annually in the appropriation bill.

Mr. COPELAND. And that sum was actually placed in the bill as an authorization for last year.

Mr. McNARY. What is the amount of money that will be carried this year as the commitment of the Treasury to carry out the provisions of the bill?

Mr. COPELAND. If the bill is enacted according to the amendments of the Senate, it will provide the $60,000,000 carried in the so-called Copeland bill, and $38,000,000 of contractual obligations, making an ultimate total of $98,000,000. It will include, for the Overton Act, twenty-two and a half million dollars, plus another twenty-two and a half million dollars, making the $45,000,000 it carried and $10,000,000 for contractual obligations.

Mr. McNARY. Are those items carried in the bill now before the Senate?

Mr. COPELAND. Those items are found in the bill as reported. I may say to the Senator that if this appropriation shall prevail, at the end of the next fiscal year we shall be where we would have been had we had the appropriation last year and gone forward at the same rate this year.

Mr. McNARY. Then, in a word, none of these appropriations have passed the House?

Mr. COPELAND. Yes; the House has made appropriation for just half the amount, as I have stated. They will propose a substitute for our amendment which will contemplate, if they can get money from relief funds, the same amount of money this year that we have provided in our amendment.

Mr. McNARY. Then when this bill goes to conference, and the conference report is adopted by the House and Senate, we shall know the exact amount available to carry out the provisions of the Copeland bill?

Mr. COPELAND. That is correct.

The PRESIDENT pro tempore. The clerk will state the next committee amendment.

The next amendment of the Committee on Appropriations was, on page 17, after line 6, to insert:

SEC. 3. The appropriations and authority with respect to appropriations contained herein shall be available from and including July 1, 1937, for the purposes respectively provided in such appropriations and authority. All obligations incurred during the period between June 30, 1937, and the date of the enactment of this act in anticipation of such appropriations and authority are hereby ratified and confirmed if in accordance with the terms thereof.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment will be stated.

The LEGISLATIVE CLERK. On page 17, line 17, it is proposed to change the section number from "3" to "4."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

If there be no further amendment, the question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. COPELAND. Mr. President, I move that the Senate insist upon its amendments, ask for a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. COPELAND, Mr. HAYDEN, Mr. THOMAS of Oklahoma, Mr. OVERTON, Mr. RUSSELL, Mr. MCADOO, Mr. SHEPPARD, Mr. TOWNSEND, Mr. BRIDGES, Mr. MCNARY, and Mr. AUSTIN conferees on the part of the Senate.

ADDITION OF LANDS TO YOSEMITE NATIONAL PARK—CONFERENCE REPORT

Mr. ADAMS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5394) to provide for the acquisition of certain lands for, and the addition thereof to, the Yosemite National Park, in the State of California, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to same.

ALVA B. ADAMS,
KEY PITTMAN,
HENRY F. ASHURST,
GERALD P. NYE,
Managers on the part of the Senate.

RENÉ L. DEROUEN,
J. W. ROBINSON,
FRED L. CRAWFORD,
Managers on the part of the House.

Mr. ADAMS. This report is an agreement on the House bill with reference to the purchasing of certain lands in connection with the Yosemite National Park in California. The House receded from its disagreement to the Senate amendment; so the bill stands as passed by the Senate with an amendment.

I move that the Senate agree to the conference report.

The motion was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

H. R. 6692. An act making appropriations for the Military Establishment for the fiscal year ending June 30, 1938, and for other purposes;

H. R. 7726. An act making appropriations for the first half of the month of July 1937, for certain operations of the Federal Government which remain unprovided for on July 1, 1937, through the failure of enactment of the supply bills customarily providing for such operations; and

H. J. Res. 433. Joint resolution making appropriations for the fiscal year ending June 30, 1938, for the Civilian Conservation Corps, the railroad retirement account, and other activities, and for other purposes.

FARMERS' HOME CORPORATION

The Senate resumed the consideration of the bill (S. 106) to establish the Farmers' Home Corporation, to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, to create a fiscal agent for the United States, and for other purposes.

Mr. BANKHEAD. Mr. President, the Senate Committee on Agriculture and Forestry reported a substitute for the original bill in the form of an amendment. In order to expedite parliamentary action on the part of the Senate,

I ask unanimous consent that the Senate amendment to the original bill be agreed to, and that it then be considered as if it were the original bill, so that all amendments thereafter may be made without prejudice.

Mr. McNARY. Mr. President, that is a rather unusual request. Does the Senator from Alabama desire to substitute a committee amendment for the Senate bill?

Mr. BANKHEAD. Mr. President, the amendment reported by the Senate Committee on Agriculture and Forestry is a revision of the entire bill. It would be most difficult to deal with the sections of the original bill separately; so I am asking for the adoption of the committee amendment to the bill, and to let that stand as if it were the original bill, so that amendments may be offered without any restriction on account of the substitution.

Mr. ROBINSON. Mr. President, the same end can be reached by amending the amendment in the nature of a substitute. It is subject to amendment.

Mr. BANKHEAD. Yes, Mr. President; that is what I am asking to have done also. That is included in my request.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. BARKLEY. I understand it is the purpose of the Senator, after perfecting the language in the committee amendment, to offer that as a substitute for the language of the House bill. The Senator wants to perfect the committee amendment before he offers it as a substitute. Is that correct?

Mr. BANKHEAD. That is correct.

The PRESIDING OFFICER. The Chair is in some doubt as to the parliamentary situation.

Mr. McNARY. Mr. President, I share in the doubt of the Chair. Has the bill passed the House, and are we acting on a House bill?

Mr. BANKHEAD. No, Mr. President; this is a Senate bill.

Mr. McNARY. It was favorably reported from the Senate Committee on Agriculture and Forestry?

Mr. BANKHEAD. Yes, Mr. President. It is an amendment in the form of a substitute. It is a revision of the entire bill.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. BANKHEAD. I yield.

Mr. BORAH. What has happened is that the Senate Committee on Agriculture and Forestry has struck out the original bill.

Mr. BANKHEAD. That is correct.

Mr. BORAH. And has supplied the Senate with another measure.

Mr. BANKHEAD. Yes.

Mr. McNARY. Mr. President, I understand that the Senator from Alabama wishes to have the Senate strike out all after the enacting clause and substitute the Committee amendment.

Mr. BANKHEAD. Yes, Mr. President; without prejudice.

Mr. BARKLEY. It is the desire of the Senator from Alabama that the language then adopted by the Senate shall be regarded as the language of the original bill, so that amendments offered to it will not be in the second degree.

Mr. BANKHEAD. That is correct.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent that the committee amendment be substituted for the language of Senate bill 106, and that the substitute then be considered subject to amendment as though it were the original text.

Mr. BANKHEAD. That is correct.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Mr. ROBINSON. Mr. President, in order to keep the record straight, let me say that the language of the amendment reported by the Senate Committee on Agriculture and Forestry is subject to amendment, and the original text of the bill is subject to amendment.

Mr. BANKHEAD. Mr. President, I cannot hear the Senator.

Mr. ROBINSON. I am saying that from a parliamentary standpoint the Senate has a right to amend the so-called substitute, to perfect it, anyway.

Mr. BANKHEAD. I do not know whether that is so or not, but I do not want to leave any doubt about it.

The PRESIDENT pro tempore. The parliamentary situation is that Senate bill 106 has been reported back to the Senate with a committee amendment in the nature of a substitute, and the committee amendment is now open to amendment.

Mr. BANKHEAD. Mr. President, before I make a statement about the bill, I wish to present at this time a few clarifying amendments in the nature of corrections.

The PRESIDENT pro tempore. The clerk will state the first amendment.

The LEGISLATIVE CLERK. It is proposed to amend section 8 (b), on page 23, line 16, by inserting after the letter (b) the following words: "Except as provided in section 16."

Mr. McNARY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Oregon?

Mr. BANKHEAD. I yield.

Mr. McNARY. Is it the purpose of the Senator to start to offer amendments without discussing the bill?

Mr. BANKHEAD. The amendments I am now offering are merely minor clerical corrections. For instance, here is one correction of a number improperly placed in the bill. I am perfectly willing, if the Senator prefers, to defer offering the amendments until I have made an explanation of the bill.

Mr. McNARY. I think we should proceed in an orderly fashion. The Senator is in charge of an important bill, which ought to be discussed, and he should, as he is quite able to do, tell us the difference between the bill that is before the Senate today and the one passed by the Senate in 1935. Then, when the proper time comes, after we have considered the committee amendment, he might offer his clarifying amendments.

Mr. BANKHEAD. Very well, I am perfectly willing to follow the suggestion of the Senator. The amendments I was offering, however, were merely designed to clarify and correct typographical mistakes. I am perfectly willing to wait, however, and present them in their order.

Mr. President, it is well known that a bill similar to the one now pending was brought before the Senate 2 years ago, and occupied the attention of the Senate for nearly 10 days; in fact, at that time the bill was given about as much consideration and careful thought as almost any bill has been given since I have been a Member of this body. After the bill had been under consideration for some 5 or 6 days it was recommitted to the Senate Committee of Agriculture and Forestry; it was again reported by the committee, and taken up and considered for some days, and, finally, was passed by the Senate and sent to the House. There it remained in the Committee on Agriculture throughout the remainder of the last Congress. The House committee made no report on it, and the House had no opportunity to vote on it.

The bill as it was presented to the Senate 2 years ago carried, in addition to an appropriation of $50,000,000 for immediate use, an authorized bond issue of $1,000,000,000 as a financial program and guaranty of long-range permanent farm-tenancy adjustment.

Owing to the very large amount of money involved—although, of course, this is not an ordinary expenditure but merely an advancement of the credit of the Government—that phase of the bill, on account of the large indebtedness being accumulated against the Government, was the cause of more discussion and more hesitation than any other feature of the bill. Many Senators were reluctant—and I could appreciate, of course, their reluctance, though

I did not share in it—to commit the Government in the beginning of a new program in the large amount of $1,000,000,000. Finally, however, after full consideration, as I have heretofore stated, the Senate, by a vote of 45 to 32, passed that bill and sent it to the House.

The bill as now presented to the Senate is substantially the same as the bill the Senate passed in 1935, with the omission of the bond-issue provision, which caused at that time so much resistance in this body. Now, instead of having $1,000,000,000 obligated to carry out this program, the obligations have been reduced to $10,000,000 for the first year, $25,000,000 for the second year, and $50,000,000 a year thereafter, these being in each instance mere authorizations; so that in the progress of the program, if it shall not be administered according to the viewpoint of Congress, if it fails to bring the results which we hope for, and Congress wants to terminate the program, it will have the opportunity to do so each year as fresh money shall be requested for the administration of the act in the field.

The pending bill when originally presented, both in the House and in the Senate, carried a $50,000,000 authorization for each year. It will probably be recalled that when the President's economy message was sent to the Congress at once a cloud was raised as to the progress of this bill, and what was done with it. For some weeks the authors of the bill in the Senate and the House did not know what to do about proceeding with it, as they did not care to bring on a contest with the administration about the program to which the administration really was committed. We waited, and finally I had an agreement with the President. I am mentioning this because I think Senators are entitled to know the reason for the great reduction in the amount authorized by the pending bill. In that agreement with the President I represented, of course, myself alone, because I had no authority to represent anyone else; but, as the author and sponsor of this bill, and because of my very great anxiety to have some start made upon this great and important program, I agreed that I would ask the Congress to reduce the authorization to $10,000,000 for the first year, $25,000,000 for the second year, and thereafter $50,000,000 a year. We reached that agreement, and it was announced to the public.

Mr. POPE. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. POPE. With reference to the appropriation, the amounts are the same in the House bill, which passed a day or two ago as in this bill except in the House bill the $50,000,000 authorization is limited to the year 1940?

Mr. BANKHEAD. Yes; that is correct.

Mr. POPE. And the Senator's bill provides that such an appropriation shall be authorized each year thereafter?

Mr. BANKHEAD. Until the Congress shall stop it. That was the agreement I reached with the President, and was one of the important reasons for abandoning the larger appropriation proposed in the earlier stages of the bill. The bill, as written on that subject, represents the understanding that we reached, so far, of course, as we had the right to reach an understanding.

Mr. ROBINSON. Mr. President, would it interrupt the Senator if I should ask him a question?

Mr. BANKHEAD. Not at all.

Mr. ROBINSON. Is the Senator prepared to state the differences between the draft of the bill he is now advocating, as reported by the Senate committee, and the House bill?

Mr. BANKHEAD. Yes; in a general way.

To begin with, I have just stated—and I should like to clear the matter up a little further—that with the elimination of the bond issue provision, and the $50,000,000 appropriation, the substantial provisions of the bill as reported are the same as those contained in the bill finally passed by the Senate 2 years ago. There have been some additions with relation to matters that do not, in fact, go to the real principles involved in the bill. We took the old bill and rewrote it, following it, as far as possible, with some changes, which will be found largely in the administrative features, made necessary by developments since the passage of that bill.

I will now recur to the question of the Senator from Arkansas. It is my purpose to make a very short talk, because I know Members of the Senate at this time are anxious to get away, and I know that nearly all of them are fully informed as to the philosophy of this bill and the essential facts which have made it necessary for the American Congress to take notice of the situation and endeavor in some way to stop the trend toward farm tenancy and to turn the trend in the direction of farm ownership. So I wish to be as brief as possible. I will be glad, of course, to answer any question that any Senator may desire to ask me, because I am not making a prepared speech, but am discussing this bill from the facts and on its philosophy, as I understand it. As occasion may arise during the course of this talk, it will not disturb me at all to have any Senator ask any question he may desire to ask.

Mr. BORAH. Mr. President——

Mr. BANKHEAD. I yield.

Mr. BORAH. How many farm tenants are there in the United States at the present time?

Mr. BANKHEAD. I will give the Senator the exact figures. By the census of 1930 the total number of farms was 6,288,648; the number operated by tenants was 2,664,365, making a percentage of 42.4 percent of all farms that were operated by tenants.

Mr. BORAH. At what rate is farm tenancy increasing in this country?

Mr. BANKHEAD. I will say to the Senator that, very happily, on the whole, between 1930 and the agricultural census of 1935, there has been a small decrease of about two-tenths percent.

Mr. POPE. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. POPE. Do not the figures indicate an increase of about 40,000 a year?

Mr. BANKHEAD. The Senator means in number?

Mr. POPE. Yes; in number.

Mr. BANKHEAD. I have not the figures with respect to the increase in the number of tenants; but let me read, in answer to the Senator from Idaho, a statement issued by the Bureau of the Census, based upon the census of agriculture of 1935:

The Census Bureau points out that while tenants operated 42.1 percent of all farms in the United States on January 1, 1935—

And it will be noted that in 1930 the percentage was 42.4, or three-tenths of a percent higher in 1930 than it was in 1935.

The Census Bureau points out that while tenants operated 42.1 percent of all farms in the United States on January 1, 1935, as compared with 42.4 percent on April 1, 1930, declines in proportion of tenants among the States were recorded only in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, and New Mexico.

Except in those States named there was an increase in the percentage of tenancy.

In other words, gains in tenancy were recorded in all States outside of the South, with one exception—New Mexico—and also in several of the more northerly States of the South. Considering the 32 States located outside of the South as a group, the proportion of farms operated by tenants raised from 28.5 in 1930 to 30.5 in 1935.

Mr. BORAH. Mr. President, from whom is the Senator reading?

Mr. BANKHEAD. I am reading from a statement issued by the Bureau of the Census, an official document.

Recurring to the question of the Senator from Arkansas [Mr. ROBINSON] as to the essential differences between the Senate bill and the House bill, as I understand the principles involved, the chief outstanding difference is the manner or method of handling in their early stages the transactions with the tenant farmers. The House bill provides for a loan of money to a tenant applicant who selects his own farm. After approval of the applicant by a local committee of three farmers, the process continues. That method of approval is provided for in both bills. The applicant must

have approval on the ground, at home, by citizens there who know land values in the community and know the people.

After this examination and approval by a local committee of the applicant, the House bill provides in substance that the Government is to lend the applicant the money to meet the appraised value of the prospective farm. Transfer of title is then to be made to the applicant in a direct way, and the applicant is to execute to the Government a mortgage to secure the money advanced. In short, as contemplated by the House bill, it is a transaction very similar to that carried on by the Federal land bank, except that the lending of the entire purchase money is permitted rather than only 70 percent as is required under the law relating to the Federal land banks.

The Senate bill makes a somewhat different provision in that respect. It authorizes the proposed Farmers' Home Corporation to buy the land, following the approval of a local committee, just as provided in the House bill, and requiring the recommendation of the local committee both as to value of land and applicant. The Senate bill provides further for the appraisal of property, in addition to local appraisal, by expert land appraisers, and their reports are to be filed on each tract and make available to the Congress.

The Senate bill then proposes to permit the corporation, in its judgment, either to permit the transfer of title, taking a mortgage as provided in the House bill, or to hold title for 5 years and execute to the prospective purchaser a contract, a lease, so to speak, for a period up to 5 years, so that the applicant may have the guidance, the supervision, and the assistance of the Government agencies, such as the county agents and others who are prepared to give him helpful advice.

As we know, many tenants do not need any probationary period. There are many tenants in my section of the country who have been operating farms for absentee landlords for a long period of years. Each year the tenant farmer uses his own judgment because each year the landlord is away from the farm. Sometimes in the East the landlord is an insurance company or a loan company or other credit agencies of similar type. It is known, without any theory about it, that many tenants are prepared by experience and are qualified, from the standpoint of character and farming judgment, to step onto a farm of their own and manage it as they have successfully managed farms for their absentee landlords.

Mr. LEWIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Illinois?

Mr. BANKHEAD. I yield.

Mr. LEWIS. Would it divert the able Senator too far if I should ask him to give me information as to the method suggested of returning to the Government the money proposed to be advanced?

Mr. BANKHEAD. I shall be happy to give the Senator that information. I have about completed my statement relative to the differences between the two bills.

The House bill carries an authorization for an appropriation for the purchase of submarginal land, and some provisions as to use of rehabilitation funds under the supervision of the corporation. The Senate bill does not deal with anything except the subject of farm tenancy.

I think these in substance are the principal differences. There are some smaller matters about which I apprehend the two Houses will not have much difficulty in getting together, though there may be some difficulty with reference to the points which I have attempted to explain to the Senate.

With reference to the question of the Senator from Illinois [Mr. LEWIS] as to the return of the money to be advanced by the Government——

Mr. NYE. Mr. President, before the Senator moves on to that point, may I interrupt him?

Mr. BANKHEAD. Certainly.

Mr. NYE. May I ask if the absence from the Senate draft of the bill of a provision for the purchase of submarginal land means that the Senate Committee on Agriculture and Forestry is not in favor of continuing that program?

Mr. BANKHEAD. We did not consider that question at all. We considered the subject of farm tenancy as covered by the bill introduced in January and referred to our subcommittee. Unhappily I was absent from the Senate for 2 months. During that time, out of consideration for me, the subcommittee took no action. When I returned we went ahead and worked out a program. We have expressed no judgment upon the question of the purchase of submarginal land.

Personally, when the matter was suggested to me, my thought was and my reply was, though I am not firm about it, that it would be inconsistent and liable to cause a confusion of ideas if it were proposed in one bill to buy worthless land and also to sell to tenant farmers good agricultural land. I was afraid the impression might go out that it was desired to place the tenant farmers upon acquired submarginal land. That is the only objection I ever had to the bill covering that matter, but it was never formally considered or rejected by anybody on the Senate side.

Mr. McNARY. Mr. President, will the Senator yield on that point?

Mr. BANKHEAD. Certainly.

Mr. McNARY. I am not wholly conversant with the provisions of the bill, as I did not have an opportunity to attend the hearings. Were hearings held on the bill now before us?

Mr. BANKHEAD. No hearings were held at this session. Full hearings were held 2 years ago, and the committee have reported practically the same bill that was considered at that time. We did not regard it necessary to go over the same ground again.

Mr. McNARY. I am speaking of the bill now before the Senate.

Mr. BANKHEAD. This is the same bill, in its essential provisions, as that reported 2 years ago.

Mr. McNARY. I am not criticizing the Senator. I am simply asking a question and seeking information. In answer to the question of the Senator from North Dakota [Mr. NYE] regarding the purchase of submarginal land, I find no restrictive language in the bill, but the bill provides carte-blanche authority for the board to acquire lands of any kind wherever it desires. The board could purchase submarginal lands, could it not?

Mr. BANKHEAD. That is possible; but I say to the Senator frankly we do not contemplate it. Certainly, I know the administration does not contemplate it without an appropriation for the purpose.

Mr. McNARY. Again I say to the Senator I am not criticizing him, but am merely trying to obtain a correct interpretation of the language. On page 25 of the bill, section 10, paragraph (a), having reference to the powers conferred upon the corporation, it is provided that the corporation shall have power—

> To enter into contracts, make loans, and to acquire, by purchase, eminent domain, gift, or otherwise, any real or personal property, or any interest therein.

That is an all-inclusive power to acquire any kind of land which, in the judgment of the board, should be acquired.

Mr. BANKHEAD. I submit to the Senator that any administrative officer would consider the declared policy of the bill, and, in administering a farm-tenant program with money authorized for that purpose, would not use the money to buy post-office sites.

Mr. McNARY. That is the Senator's conclusion as to what might possibly occur.

Mr. BANKHEAD. I think the bill ought to be reasonably construed. If the Senator wants to limit it to farm purchases, I have no sort of objection, because I know that that is the object, and I know that no administrator accountable to Congress would think of spending the money for some foreign and extraneous purpose.

Mr. BLACK. Mr. President, will my colleague yield to me?

Mr. BANKHEAD. Certainly.

Mr. BLACK. Of course, in construing the paragraph to which the Senator refers it would be necessary to consider it in connection with other paragraphs of the bill.

Mr. McNARY. That is quite true.

Mr. BLACK. On lines 18, 19, and 20 of page 24 the Corporation is given power to do certain things:

Provided, That any individual farm shall be of such size and fertility and so stocked and equipped as to reasonably indicate returns which will permit the occupants thereof to repay any obligations incurred by them for the purchase thereof.

It would seem that that and other statements in the bill would indicate that it was the object to buy land of sufficient fertility to accomplish the purpose of the bill.

Mr. McNARY. Mr. President, the section to which the Senator alludes, section 9, contemplates the establishment of farms, together with buildings, and purchases of livestock and equipment; in other words, to start the farmer out on his venture. That might be wholly dissociated from the broad power given to purchase real estate of any kind.

I am not going to ask for a correction of the language. I am merely trying to arrive at a correct conclusion in view of the question submitted by the Senator from North Dakota [Mr. NYE].

Mr. BLACK. I understand that; but if my colleague will yield further——

Mr. BANKHEAD. I yield.

Mr. BLACK. Section 10, in giving the power, explicitly provides in the first sentence that—

In carrying out the provisions and purposes of this title, the Corporation shall have power—

The purposes of this title are to sell farms of sufficient fertility to assure the repayment of the loans. Therefore it is my idea that if the Board, under this language, should attempt to buy submarginal lands not of sufficient fertility to enable the tenant to make repayment, it would be going beyond the object and purpose of the bill.

Mr. McNARY. Mr. President, if the Senator will yield, it is my judgment that the Board, in its wisdom, in trying to carry out the purposes of the act, would not acquire submarginal lands.

Mr. BANKHEAD. Mr. President, the Senator from Illinois asked me about the return and the manner of repayment. He has been called from the Chamber; but that subject is, of course, a matter of interest to all of us, and I shall briefly state what is involved in it.

The bill provides for a rate of interest of 3 percent. It provides that the administration may make loans to be amortized over a period not to exceed 60 years.

Mr. McNARY. Mr. President, will the Senator yield there?

Mr. BANKHEAD. I yield.

Mr. McNARY. I make this statement not in criticism; but the rate of interest charged the tenant is much lower than is now charged owners of farms, and much lower than has been charged them during all the years. So a tenant or cropper will actually have an advantage over a present owner, or an owner in past years, so far as obtaining Government funds is concerned.

Mr. BANKHEAD. I recognize that, Mr. President. The rate of interest is not very much lower, however, than that prescribed in the bill we passed a few days ago, reducing the Federal land-bank interest to 3½ per cent. In addition to that suggestion, the interest to be paid to the Federal land banks on the Federal land-bank mortgages is for the purpose of meeting the interest and amortization upon bonds issued by the Federal land banks when they secured the money. In this instance that particular reason does not prevail, because we are going at this business on a pay-as-you-go basis, so to speak. Here the money, of necessity, is taken out of the current funds of the Government, because we do not provide for any continuing credit facilities covered by interest-bearing obligations. We have in mind a type of citizen whose condition must of necessity be considered.

Frankly, I adopted this rate of interest in the bill because of the outstanding pressure to do so. As the Senator from Oregon will remember, when a similar bill was previously before the Senate we put in it a provision that the rate of interest—that was at a time when a bond issue was provided for—should be as low as that at which the Government was able to secure the money. I think that was an equitable program, especially when we were planning to meet the interest maturities and the principal of an outstanding bond issue. In this instance, however, it is proposed to pay small amounts of money out of taxes.

Consider, for instance, another popular program, the C. C. C. There we are paying around $1,000 a year to each of the boys of the C. C. C. We are not collecting any interest. We are simply giving them the opportunity for healthful training that they can get in the Civilian Conservation Corps, and it is costing us more than $300,000,000 a year.

Here is a class of workers who qualify in very much the same group as the members of the Civilian Conservation Corps. They are not all young, as are the enrollees in the conservation camps, but they are all nearly down upon the borderline between self-support and going upon the relief rolls. Many of them at least are in that situation. So it seems to me it is not unfair to give these people the lowest possible rate of interest upon an appropriation which comes directly out of the Treasury.

I think nearly all of us recognize that the time must come when the Government will quit issuing interest-bearing obligations and adjust the income to its outgo. When that time does come, when the Budget is balanced, these appropriations of necessity will be taken into consideration; and they are, as I said a moment ago, upon a pay-as-you-go basis. So it is not helpful to the poor, down-and-out under dogs in agriculture to say that they must be placed upon as high a basis, so far as interest is concerned, as are the farmers who own their own farms.

Mr. McNARY. Mr. President——

Mr. BANKHEAD. I yield.

Mr. McNARY. The inquiry I made was directed to the fact that under this bill we are giving the tenant a very great advantage over the toiling landlord who has saved his home, paid his taxes all these years to construct schools and roads, and has been a good citizen. There ought to be a plane upon which we would go no higher, and stabilize the Government charge for money. If we are going to give a tenant a rate of 3 percent, we should give the present owner of property a rate of 3 percent. The best we are doing at present is giving him a rate of 3½ percent for 1 year and 4 percent for the next year. During all the years of which the Senator speaks the borrowers have been paying 5 and 6 percent to the land banks. There ought to be some uniformity in the charge for Government funds; and I do not believe that a tenant should pay a lower rate than the struggling landlord who has been a good citizen during all these years.

Now, let me ask the Senator whether the money can be obtained by the Government for 3 percent. If not, where is the loss to be charged—against the Treasury?

Mr. BANKHEAD. I do not think there is any doubt about that. We are not proposing to borrow the money. We are proposing to take it out of taxes.

Mr. McNARY. I appreciate that; but a great deal of the money the Government uses must be borrowed on the market.

Mr. BANKHEAD. Yes; but I have just stated that I hope that day will come to an end before very long.

Mr. McNARY. I hope the day will come when we shall not have to pay any taxes.

Mr. BANKHEAD. I do not think the Senator means that.

Mr. McNARY. Let me ask the Senator another question about the 3-percent interest rate. I use it only in connection with the policy of the land banks, which charge 6 percent, with 1 percent covering the cost of administration, leaving 5 percent to apply on amortization of the capital and on the accruing interest. This proposal has 3 percent as a base. Is any item of administration considered in this connection, or is the cost of that also to be taken out of the Treasury?

Mr. BANKHEAD. It is to be taken out of the 3 percent, I assume. As I have just stated, the principal comes out

of the tax money as the bill stands now. There is not any doubt about that.

Mr. McNARY. What I want to ascertain is the attitude of the Senator. Is the 3 percent to cover the cost of the money to the Government and the cost of administration?

Mr. BANKHEAD. Not the cost of the money to the Government. I assume that the money will come out of the people through their taxes, chiefly from the income-tax payers, because the income tax is our chief source of revenue.

Mr. McNARY. Has the Senator made any estimates as to the cost of administration of this bill?

Mr. BANKHEAD. It is impossible, I think, for an estimate of the cost to be made in advance. Now I want to make a further statement, and I am very glad indeed the Senator has brought up the matteer. I assume that the Senator wishes to know my attitude, because that is all I can speak of.

Mr. McNARY. Yes; I value it.

Mr. BANKHEAD. I say that I am ardently hoping, and I shall with pressure insist, that this program shall be administered at less cost than any other program that has been executed by the present administration.

Mr. CONNALLY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MOORE in the chair). Does the Senator from Alabama yield to the Senator from Texas?

Mr. BANKHEAD. Just let me finish the sentence. Here is the under dog so far as any measures the present Congress has passed are concerned, except possibly those coming under the relief bills. Here is the poorest group of people, at least, to whom loans have been authorized by our Government. There are local committees which have served without compensation in order to help their fellow men in the counties, and, to save my life, I cannot see any real justification for a top-heavy overhead, either in Washington or in regional offices, and whatever I can do to contribute to that end I shall certainly do all I can to bring about an economical and a cheap administration of this program for the poor farmers of this country.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. CONNALLY. In connection with the inquiry of the Senator from Oregon as to the low rate of interest, and as to the expenses of administration, let me ask the Senator from Alabama whether it has not been true in every country which has made a success of this kind of a plan—England, Ireland, Denmark, and other countries—that they fixed a low rate of interest, absorbing part of it by the Government, on the ground that it was to the interest of the Nation to carry forward this sort of a program? They did not put it on the cold, hard basis of a rate that was chargeable in commercial transactions. In other words, it is a form of subsidy, and we might as well acknowledge it, just as the Government is subsidizing the merchant marine. Why are we doing that? Because we want a merchant marine. We are subsidizing the farmers because the Government itself has an interest, irrespective of the welfare of the individual farmer who owns a farm; the Government has a paramount interest in getting people back on the land who will own the land and till the land and be stable, and not be in the bread lines, and not be in the picket lines, and not be raising the devil all the time.

Mr. BANKHEAD. Mr. President, I have a statement here which I ask unanimous consent to have incorporated in the RECORD immediately following my address.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See exhibit A.)

Mr. BANKHEAD. The statement gives a list of countries where the farm-tenancy program has had governmental attention, the program going back in some of the countries as far as 70 years. The list gives the rate of interest in each of the countries, and there are some twenty-odd countries in the list. It gives the time allowed to pay for the land, and for the repayment of loans, and I may say that the interest rate varies from 2½ percent to 4½ percent. The time given for amortizing the loans varies from 30 years to 75 years.

Mr. LOGAN. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. LOGAN. I have made some study heretofore of the plan in Denmark, I believe it is, and I think that is the best of the plans. What is the rate of interest in Denmark?

Mr. BANKHEAD. From 3 to 4 percent.

Mr. LOGAN. The program there was started in 1891, I believe.

Mr. BANKHEAD. It was started 65 years ago. When the program was started in Ireland, there was 97 percent of tenancy on all farms. I am informed that today the figures are exactly reverse, and there is 97 percent of farm ownership upon the farms.

Mr. LOGAN. I think that is correct.

Mr. BANKHEAD. So there have been wonderful results, both in Denmark and Ireland, and the programs in both countries were based upon the principles involved in the pending bill; that is, Federal credit over a long period of years at a low rate of interest.

Mr. VANDENBERG. Mr. President, will the Senator permit me to ask him a question?

Mr. BANKHEAD. Certainly.

Mr. VANDENBERG. With 2,600,000 tenant farms, and only $10,000,000 to initiate the program, it would seem to be manifest that there will be terrific competition for the initial grants. Upon what basis will priorities be granted, in the Senator's judgment, in the initial distribution of this highly limited fund?

Mr. BANKHEAD. Of course, the initial appropriation can do little more than merely bring about demonstrations in different sections of the country of what can be done under the plan. Undoubtedly it provides in the first year simply for setting up an organization, and using it to put as many people as possible under the appropriation upon the farms, to test, as well as may be, how the plan is going to work.

No one has any thought that we can provide Federal credit for every tenant farmer in the country who desires to own a home, because I dare say that more than half of the farm tenants, regardless of their intellectual standards, and regardless of all other considerations, have a longing for homes of their own, for themselves and for their families. I shall not digress at this time to go into the subject of home ownership, its desirability, and its value. Those things are well known to every man intelligent enough to serve in the Congress of the United States.

Mr. HALE. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. HALE. I am not very familiar with this type of legislation. In my State there are very few tenant farmers. I think Maine has the lowest percentage among all the States of the Union.

Mr. BANKHEAD. I think that is accurate, be it said to the credit of the Senator's State and the citizenship of that State.

Mr. HALE. I wish to ask the Senator whether it does not seem to him that the proposed legislation is going pretty far when it gives the corporation to be created the right of eminent domain?

Mr. BANKHEAD. The Government has that power under nearly all of its organizations. It is not intended that the Government shall go out and take a man's farm, but it is intended to make it possible to clear titles.

Mr. HALE. But it might be used as a means of taking a man's farm.

Mr. BANKHEAD. It might be, but such a power never has been so used. There is the power of condemnation not only for the purchase of military posts and post-office sites but for the acquisition of title to land where the land is being overflowed for the development of commerce upon a river. There is the same power in the Tennessee Valley Authority Act, and it has been used at times, but never abused. I know from experience and observation in my

home town, where I practiced law, and saw, every time the Federal court met there, a long list of condemnation cases upon the court docket, that it was used to clear titles where the Government had caused land to be be overflowed, but where there were absentees, or minors, or defects in the old records. But never, I am sure, was it used to deprive any citizen of his right of ownership or of his property. It is simply to save time. The Government could not get along in river matters without the right of eminent domain.

Mr. HALE. Mr. President, the Senator has said that the Government already has this right.

Mr. BANKHEAD. It has.

Mr. HALE. Then why reiterate it in this bill?

Mr. BANKHEAD. It does not have it in matters of this sort. This bill creates a corporation, which is a governmental corporation, just like the Tennessee Valley Authority. The power is specifically given to the corporation in the Tennessee Valley Authority Act, and is very consistently exercised, but never to bring about an injustice. It is simply a curative matter, to correct titles, so that the Government may pay people who own the lands which are overflowed.

Mr. HALE. If I had a farm and leased it to a man who happened to like the farm, under the provisions of the pending bill he could go to the corporation set-up, could he not, and ask their help, and they could then acquire the land by eminent domain and turn it over to him?

Mr. BANKHEAD. I will say to the Senator that I do not intend to go into possibilities——

Mr. HALE. Then, why leave the loophole?

Mr. BANKHEAD. There is no loophole about it. It is provided for a case where it is necessary to clear up titles. The corporation might want to buy a farm, and there might be one minor under a guardianship having an interest; all the adults interested might be favorable to the transaction, as I have often seen, and it would take months and months to go through guardianship proceedings in a probate court to acquire the title of the minor ultimately by public sale. The minor's interest may be acquired and the transaction completed and the minor's right protected by the court, as condemnation proceedings can only go through the courts of our country.

The Secretary of Agriculture will control the corporation, under the language of the bill. It is simply a corporation for convenience in handling titles. I think the Senator upon reflection will not entertain the idea that any Secretary of Agriculture would be used as an instrument of persecution and injustice to anyone through the exercise of the power of condemnation. I do not regard this as an important item in the bill.

Mr. HALE. Then, would the Senator be willing to strike it out?

Mr. BANKHEAD. No; I am not willing to strike it out, unless the Senate decides to strike it out, because I think on many occasions it will be helpful, just as a similar provision has been in the case of numerous other agencies of the Government. Regardless of who may administer the law, I do not believe the Government will ever abuse such a power, as the Senator from Maine seems to have a suspicion it might do.

Mr. BAILEY. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. BAILEY. The Senator said that the right to exercise the power of eminent domain is provided in the bill wholly because it is necessary to clear titles.

Mr. BANKHEAD. That is my idea. I said, in addition, that there might be a minor heir whose title could not be acquired, although there was a large group of adults whose titles were acquired. I do not know whether or not that would be construed as solely to clear titles.

Mr. BAILEY. I do not think that question could arise, because all the States have statutes providing for the conveyance of land, under the supervision of the courts, on behalf of minor heirs, and even unborn heirs. I wish to ask the Senator whether he would not accept an amendment limiting the exercise of the power of eminent domain to instances where it may be found necessary to clear title?

Mr. BANKHEAD. If the Senator really has any feeling about it, I will agree that the provision may go out of the bill, though I do not think it ought to go out.

Mr. BAILEY. I have very considerable feeling about giving the United States Government general power of eminent domain. It has, by the Constitution, no title to land outside of the District of Columbia. The titles are in the States, and I am very much concerned that the titles of lands and the tenures in our country shall always be derived from the States, rather than from the Federal Government. I think the Senator will find there a great principle of our whole national life.

Mr. BANKHEAD. I do not agree with the Senator that the Federal Government cannot acquire title. If it could not, then all the forestry programs would fall; all the national-park programs would fall; all the river improvements and flood-control measures would of necessity fall; all of them would fall if the Government could not acquire title to land.

Mr. BAILEY. What I wish to make clear to the Senate is that the historic tenures of land in the United States are derived, certainly so far as the Original Thirteen States are concerned, from the States. I think it is true with respect to other States. However that may be, it is of very great importance that we shall maintain the land-tenure system of this country as it now is—in the States and not in the Federal Government. We are centralizing everything else. Let us at least not centralize our homes and our tenures.

Mr. BANKHEAD. Mr. President, I ask unanimous consent to have printed in the RECORD immediately following my remarks a table showing the number of farms, the number operated by tenants according to the census of 1930, and also the number operated by tenants according to the census of 1935.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See exhibit B.)

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. VANDENBERG. I call the Senator's attention to the language at the bottom of page 21 and the top of page 22. I read from subsection (h), which gives the Board the power of determining—

> The character and necessity for its expenditures under this act and the manner in which they shall be incurred, allowed, and paid, without regard to the provisions of any other laws governing the expenditure of public funds, and such determinations shall be final and conclusive upon all other officers of the Government.

Does the Senator know of any far-reaching immunity of that character which has been written into any other law?

Mr. BANKHEAD. Yes; I can inform the Senator as to that. That provision is copied from the crop-insurance law which the Senate recently passed.

Mr. VANDENBERG. Does the Senator think it is necessary to leave out all audit?

Mr. BANKHEAD. I will say very frankly that with respect to little details down upon the farm, and where improvements are being made, where they are buying nails here and lumber there, and hiring a carpenter, and all that, my view is that such items should not be inquired into in advance. A detailed statement of such items should not have to be made in advance before the bill goes to the Comptroller's office. A provision sufficiently broad to cover such situations can be incorporated in the measure.

Mr. VANDENBERG. I do not quarrel with that viewpoint at all; but I cannot believe that the Senator would say fundamentally that when we create an independent corporation of this magnitude and give it subsequently enormous funds to administer, we should say they may incur, allow, and pay any bills they see fit, without being responsible to any other auditing authority in the Government. Is that not a broader power than ought to be given them?

Mr. BANKHEAD. I will say to the Senator that I do not know. I think the corporation ought to have general power

with respect to items of detail. I have no objection to the Senator clarifying the provision, but, as I stated a moment ago, that language was taken from the crop-insurance law, a measure recently passed by this body.

Mr. POPE. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. POPE. There was a similar provision in the crop-insurance law passed by the Congress; but there was also a provision in that measure giving to the General Accounting Office and the Comptroller General full power to examine the books, and to make an accounting, and to point out any errors they might find.

Mr. VANDENBERG. Of course that totally changes the situation.

Mr. BANKHEAD. That is in this bill.

Mr. VANDENBERG. Will the Senator point it out to me? Then I shall be entirely content.

Mr. BANKHEAD. It is on page 23, subsection (c).

Mr. POPE. Mr. President, I will say to the Senator from Michigan that that is substantially the provision which is in the Crop Insurance Act to which I referred.

Mr. VANDENBERG. The section to which the Senator now refers me requires an audit solely for reports to be made to the Congress.

Mr. BANKHEAD. Yes; it provides for an audit, not a preaudit.

Mr. VANDENBERG. And that is the provision in the Crop Insurance Act?

Mr. POPE. Yes.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. ADAMS. I should like to make an inquiry for information. A question arising from the colloquy which has taken place is as to whether or not the corporation which is to be created under this measure would have any authority to borrow money; or is the corporation limited to the money which is subscribed by the Treasury, or which is used to purchase the $10,000,000 of stock?

Mr. BANKHEAD. No authority is given to borrow money.

Mr. ADAMS. Is there any obligation on the part of the United States to guarantee or stand behind any obligation the corporation may undertake?

Mr. BANKHEAD. It is just like any other organization set up by the Congress. It is dependent upon the appropriations made by Congress.

Mr. ADAMS. Then, as a matter of fact, it is in effect a corporation. Some of the statutes relating to public expenditures would not apply to this corporation—that is, some of those which are waived in the section to which the Senator from Michigan [Mr. VANDENBERG] called attention. But that is incidental. I come now to the real question in which I am interested. In view of the fact that no hearings were had at this session, I am wondering what the Senator's view is as to the cost necessary to set up a tenant upon a farm equipped as the statute provides, with necessary animals and implements, so that he may be a going landowner?

Mr. BANKHEAD. The cost varies, of course, in different sections of the country. A tenant can be so set up in the South very much cheaper than in the West and Northwest. That was recognized at the hearings on a similar bill last year. It is recognized now.

Mr. ADAMS. No additional investigation has been made of that particular subject?

Mr. BANKHEAD. None by way of hearings. There have been a great many conferences and discussions and considerable information has been developed; but nothing has been brought forward since that time to change what we all realized then to be true.

Mr. ADAMS. That raises the question as to how many tenants can be taken care of. In the western section of the country I imagine that a man who has been a tenant cannot be set up as a going landowner for less than $5,000 per farm. If that were true throughout the country, the amount herein provided, $10,000,000, would take care of only 2,000 tenant farmers.

Mr. BANKHEAD. I will say to the Senator that in the South, in the section with which I am familiar, I shall be very much disappointed if it costs above $2,000 per tenant farmer. I introduced in the Senate the Subsistence Homestead Act, in which I limited the cost of these little homes to $1,500. The Congress subsequently increased it to $2,000 per home.

Mr. ADAMS. What is disturbing me, and the dilemma in which I fear we shall find ourselves, is that if the amount of money is limited, as it is, to $10,000,000, the number of tenants taken care of will be relatively small. The share of my State would not provide for over 20 to 25 tenants. If we should undertake to appropriate sufficient money to take care of a substantial part of the two and a half million farm tenants, we should go beyond what I think might be the fair capacity of the Government to finance.

That is the dilemma in which we find ourselves, and that is what is bothering me.

Mr. BANKHEAD. That will have to be met, of course, by subsequent Congresses as we proceed with this matter. We are certainly not making any raid upon the Treasury with the present program.

Mr. ADAMS. No; but I am wondering whether or not the amount of money that is to be used now will make a dent in the vast number of cases of tenant farmers.

Mr. BANKHEAD. No; it will not. Ten million dollars will not. Neither will $25,000,000. Here is a program which, as I pointed out, has been running for sixty-odd years in Denmark.

Mr. ADAMS. The Senator regards it rather as an experimental program?

Mr. BANKHEAD. Yes; as a demonstration, to see what can be worked out.

Mr. ADAMS. Let me ask one other question. I notice that there are two or three sections in reference to taxation. Can the Senator give a concise summary of the result? I am thinking of the county where there is farm land now subject to taxation which is taken over. One section of the measure exempts the property of the corporation from taxation, and a subsequent section says that under certain conditions real property is to be taxed.

Mr. BANKHEAD. I have an amendment on the subject of taxation which I referred to in my opening remarks, and the Senator from Oregon [Mr. MCNARY] suggested that I delay presenting any amendments until we get further along.

However, let me say as to taxation that while the language of the bill does not aptly express the thought, I intended that there should be no exemption from taxation of any land held by a lessee or a purchaser with a view to becoming the owner of the land; that he should have no special privileges on that point as compared with his neighboring land home owners. That is what the bill will provide if my amendment is adopted, and it will be clarified accordingly. Of course, there is an exemption of the assets and franchise and cash of the corporation, because no Government agency should be subjected to taxation upon the appropriations that Congress makes for the purpose of administering it.

Mr. BILBO. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. BILBO. In answer to the question asked by the Senator from Colorado, I will say that it is true that we have had no hearings on the bill since the hearings of last year; but since then we have had the benefit of the survey by a tenancy commission appointed by the President, which has made a very elaborate report on the proposal.

Mr. BANKHEAD. That is true. We had the benefit of that report.

Mr. President, I shall now bring my discussion to a close. First, I ask unanimous consent to have printed in the RECORD, immediately following the conclusion of my

remarks, an extract from the Democratic platform of 1936, and also one from the Republican platform of 1936, bearing upon the subject of tenancy.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(See exhibit C.)

Mr. BANKHEAD. I also desire to have printed immediately following my remarks an extract from a statement by President Roosevelt, made in his campaign speech at Omaha, Nebr., on October 10, 1936, bearing on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit D.)

Mr. BANKHEAD. I also ask unanimous consent to have inserted in the RECORD an excerpt from the President's letter to Secretary Wallace, dated November 16, 1936, relative to the special committee on farm tenancy appointed by him.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

I am anxious that we thoroughly examine and report on the most promising ways of developing a land-tenure system which will bring an increased measure of security, opportunity, and well-being to the great group of present and prospective farm tenants. The rapid increase of tenant farmers during the past half century is significant evidence that we have fallen far short of achieving the traditional American ideal of owner-operated farms. The growing insecurity of many classes of farm tenants, frequently associated with soil depletion and declining living standards, presents a challenge to national action which I hope we can meet in a thoroughly constructive manner.

As you know, Senator JOHN H. BANKHEAD and Representative MARVIN JONES have manifested a keen interest in this problem and, during the Seventy-fourth Congress, worked actively in behalf of proposed tenancy legislation. It is my desire that the committee consult with them. It will be helpful also to secure the views of other State and National leaders.

Mr. BANKHEAD. I also ask unanimous consent to have printed in the RECORD an extract from the address of Governor Landon—a campaign address—delivered at Oklahoma City on October 23, 1936, in which he declares for this program.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

Here in Oklahoma you have been particularly interested in the plans of this administration for solving the growing farm-tenancy problem. This should have been one of the first problems attacked by this administration. But you know that so far it has been talk, not action. In fact this administration has made the tenancy problem worse through its large payments to big landowners. The Republican program would limit such benefits to the family type of farm. It would not help corporation farmers concentrate land ownership still further.

The farm-tenancy problem is one of the most serious long-time problems confronting the Nation. It is more than just a farm problem. It touches every State, every section, and every field of endeavor, and there is no problem that I am more eager to solve.

Our national welfare demands that this situation be corrected. If history teaches us anything, it teaches that the stability of civilization depends upon ownership of the land by the man who works the land. The owner-operated farm is the foundation of a sound agriculture.

It is our pledge to extend, within the limits of sound finance, adequate credit at reasonable rates, to capable tenants and experienced farmers, for the purchase or refinancing of farm homes.

Protection of the family type of farm is the philosophy that runs like a thread through the Republican platform. It is in keeping with the American tradition, which is based upon preserving individual opportunity. And we must preserve that opportunity if our farm boys and girls are to make the farm their homes and farming their life work.

Mr. BANKHEAD. I desire also to have incorporated in the RECORD an extract from a letter of William Green, president of the American Federation of Labor, written 2 years ago, referring to the farm-tenancy bill then pending before the Senate.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

I have given special consideration to the Bankhead bill. We are in hearty accord with this proposed legislation and gladly extend all assistance and help possible in any effort which may be put forth to secure its enactment into law.

Mr. BANKHEAD. I wish to read a very brief extract from a statement made by Representative WADSWORTH, of New York, in the House when the farm-tenancy bill was pending there a few days ago. Many members of the Senate are acquainted with Representative WADSWORTH, who was a former Senator in this body, a man of very great ability and of outstanding conservatism. His statement was, indeed, a surprise to many of us on this point. I will read it because it is brief. Mr. WADSWORTH said:

We are starting on a tremendous experiment. It has been with great reluctance that I have been brought to the conclusion that we should start on such an experiment. My inclinations have always been against the Government of the United States taking any part in business or in financing what might be termed "private commercial undertakings", be it upon a farm or in a factory.

But this question of farm tenancy and its underlying problems have become of such immense importance in the life of the Nation, important from its social and political aspects, as well as economic, that reluctantly, as I admit, I have come to the conclusion that the Federal Government should undertake this cure.

Further, I should like to read a statement by Dr. George Foster Peabody 2 years ago, at Warm Springs, Ga. The statement is as follows:

I have no doubt but what this new tenant bill, if passed and properly administered, will help to remake many of our agricultural sections. What we need in America is more home owners and fewer tenants. Change a tenant to a home owner and you plant the seed of stability and permanency. You lift the social, economic, and moral standards of the community. You change indifference to interest and shiftlessness to thrift. In short, you remake both the individual and the community. That is undoubtedly the reason the churches are supporting the measure. They see in it a program of more homes instead of merely places to stop a while. And the home is the backbone of our civilization. It is what the churches and the schools build on, and it is these things that have made America what it is today.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. BANKHEAD. I yield.

Mr. BORAH. I merely wish to ask from whom the Senator was reading a moment ago?

Mr. BANKHEAD. I was reading from a speech delivered in the House of Representatives by Representative WADSWORTH, formerly a Senator in this body from New York. I read an extract from the speech that he made on Monday last on the farm-tenancy bill which passed the House.

Mr. POPE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. BANKHEAD. I yield.

Mr. POPE. With reference to the bill of the Senator from Alabama as compared with the bill as passed by the House, it seems to me that title I of the Senator's bill is preferable to title I of the House bill, for the reason, as the Senator explained, that the Government may purchase the land and sell it to the tenants instead of lending money to the tenant with which to purchase the land. Therefore, it seems to me that that provision of the Senate bill is preferable to the provision of the House bill.

I should like to ask the Senator, however, whether he would consider as an amendment to his bill including title II of the House bill referring to rehabilitation loans? The House provision gives broader powers than are contained in the Senator's bill. As I read it, under the Senator's bill money may be expended by the Government for purchasing the necessary buildings and structures, livestock, equipment, machinery, and furnishing supplies and facilities, while in title II of the House bill authority is given to make loans for the purchase of the items referred to in the bill of the Senator from Alabama and also for refinancing indebtedness and for family subsistence.

It seems to me that it is important to the tenant that the larger powers be given to the board. I think in many cases it is just as important to the tenant that he may be enabled to subsist for a time and that his indebtedness may be compromised and adjusted as it is that he have land on which to live or stock with which to cultivate his land. Therefore, I ask the Senator whether he would consider accepting an amendment giving to the board the powers proposed to be granted in title II of the House bill?

Mr. BANKHEAD. I will say to the Senator that I have not given special consideration to the language of the pro-

visions of that portion of the bill. The Senator from Oregon [Mr. McNARY] raised a question here today about the additional provisions in the bill. The differences, of course, will be in conference between the two Houses.

Mr. McNARY. Mr. President, I should like to ask what was the question propounded by the Senator from Idaho?

Mr. BANKHEAD. The Senator from Idaho asked me if I would agree to accept the rehabilitation section of the House bill as amended. I told him I had not studied it. I think the rehabilitation program is exceedingly desirable, but I do not like to accept it here on the floor. If the bill goes to conference, we can work it out there, and there may be some changes or adjustments which will be necessary. Senators know how it is in connection with a matter of that kind which is suddenly sprung here. We are going to have to give up something, I presume, anyway, before we get through; but I do not see why the Senator wants to press the suggestion in connection with the bill now before the Senate.

Mr. POPE. I desired to get the Senator's view as to the suggestion.

Mr. BANKHEAD. I am friendly to rehabilitation, and always have been. I think it is one of the best forms of relief, because it puts the farmers on the farms and lets them work out the advances and when they get the money they pay the loans back in large measure. It is not like the case of relief workers under Mr. Hopkins.

Mr. ADAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Colorado?

Mr. BANKHEAD. I yield.

Mr. ADAMS. I will say to the Senator that I have only seen this bill today, and I should like to have the Senator inform me as to the meaning of two provisions, one at the bottom of page 25, and the other on page 26. The provision at the bottom of page 25 reads:

> In the acquisition of any real property, the provisions of section 355 of the Revised Statutes, as amended, shall not apply.

Then I make a similar inquiry as to the provision on the middle of page 26, which reads:

> Any lease may be made without regard to the provisions of section 321 of the act of June 30, 1932 (47 Stat., 412).

I wish to inquire as to what those exemptions relate?

Mr. BANKHEAD. As I recall—of course, it is difficult to remember all the section numbers of the statutes—from the text, the section referred to on page 25 requires generally that the Attorney General pass upon the title of all lands acquired by the Government.

Mr. ADAMS. Does the Senator have recollection of the section on page 26 in reference to leases?

Mr. BANKHEAD. The statute requires wherever the Government leases property that it be advertised. The statute was enacted a few years ago, as I understand, because of the situation affecting post-office leases. The provision in the bill simply eliminates that provision of the statute so far as this bill is concerned, and permits the retention of the leasing provisions of the bill.

Mr. ADAMS. Mr. President, I will ask the Senator with reference to the provision on page 33, making available for the purposes of this act "any unexpended balances of funds allocated to the Secretary of Agriculture for the acquisition of such lands."

I am wondering how much money the Senator feels will be added to the $10,000,000 by making available unexpended balances. We had a discussion a while back as to unexpended balances, and my recollection is that a very large sum of money in unexpended balances is in the hands of the Secretary of Agriculture and available for the purchase of land. I am wondering whether the Senator means to add this large sum to the $10,000,000 proposed to be authorized this year?

Mr. BORAH. Mr. President, let me say if there is a large sum available in the form of unexpended balances which can be appropriated for the purposes of the pending bill, we might start this bill off with the possibility of having it accomplish something worth while.

Mr. McKELLAR. Mr. President, will the Senator from Alabama yield to me?

Mr. BANKHEAD. I yield.

Mr. McKELLAR. I wish to ask a question for information. Under this bill, will the corporation buy the lands itself and then sell them or lease them to the tenant farmers?

Mr. BANKHEAD. Yes; but the theory is that the corporation will only buy them upon the application of the prospective purchaser.

Mr. McKELLAR. The reason I ask that question is that, in my opinion, the proposal to have the Government buy up large areas of land in some given locality and then attempt to move people from other localities to the new locality will be a failure from the beginning. The Resettlement Administration tried that, and, I think, made a failure of it. I have been looking at the section in regard to the functions of county committees, and I am wondering whether they have any real power under this bill. To my mind, the best possible way to select the land would be for the county agent, who, as a rule, is a very competent official—he is, certainly, in my State—to act as "next friend" or, in a sense, as guardian for the prospective purchaser of the land and help him select such a body of land as he could make a living on. I believe that work of that kind should be done locally. I am in the greatest sympathy with efforts to solve the problem of reducing tenancy. It is one of the most important questions facing the country. The enormous number of tenants in this country should make anyone feel that we ought to take some steps to reduce tenancy; but, as I look at this bill, with its enormous set-up and the tremendous expenses that must be attendant on it—and the organization cannot be established without enormous expenditures—there will be very little left of the appropriation in this bill to loan out to the tenants, and tenancy will be reduced but very slightly.

My judgment is that we ought to work through the local authority, and the best local authority to work through is the county agent, who is already, in part, a representative of the United States Government. I believe that some system could be worked out by which the county agent, knowing all the farmers in his district, could be given the power to select the farmers to whom loans might be made.

I can conceive of no more desirable condition of our country than that those engaged in farming should own the lands which they cultivate. Nothing, perhaps, contributes so much to independent citizenship as the ownership of land. A farmer who owns his land will rarely become a Communist or a Socialist or any other kind of improper "ist"; and, in my judgment, an ideal agricultural situation in this country would be for all the farmers to own their farms and have no mortgages on them. In order to accomplish this, no doubt it will take a long time. I doubt if there is any short cut to any such desirable result. I do not believe the scheme followed by the Resettlement Administration will accomplish the purpose.

We must first remember that we are dealing with a situation where the proposed applicant for farm ownership is not able, of his own means, to buy a farm; that his means are necessarily very small; that he perhaps has nothing more than a mule or a horse and a wagon and some farming implements—perhaps not even these. We must assume, because such is the fact, that the house he lives in at present is really unfitted for a man and his family to live in. We must also assume that he has no profession or calling or trade, and that his only knowledge of how to make a living is to make it on the farm. The applicants will almost all be what are known as sharecroppers or tenant farmers.

I would suggest that in each county where farm tenancy or sharecropping exists, the would-be farm owner apply to the county agent of the county to assist him, first in selecting the farm, and then in taking the necessary steps to acquire a farm under the act, and third, to have the county

agent assist the applicant by timely advice and directions how to make the best crops on the land purchased.

I would have the applicant and the county agent together select the land which the applicant desires—the applicant so that he himself can be satisfied with his farm, and the county agent to be sure that he selects a farm on which he can make a living and pay the interest plus a small amount of the principal each year.

I would next provide that if there is no house already on the land, the county agent shall assist the farmer in erecting on the farm a home suited to the applicant, or, if a home is already on the farm, the county agent shall advise about the repairs, so as to make it a livable home.

A limitation should provide that the amount to be loaned the applicant should be the sum of about $2,500. That will appear very small to Members of the Senate; and yet, if judiciously handled, a small farm and a comfortable little house could be bought and built for this sum of money. We must remember the applicant's situation, and we ought not to let him undertake the scheme on a basis which cannot be successful.

The Government should lend the farmer $2,500 at not exceeding 3½ percent interest for the purpose of buying a small farm with a house on it, or using a portion of this sum to buy a farm and a portion to build a house, and in addition lend him not exceeding $400 for the purpose of making a crop. In other words, simply to buy him the land and the house, and lend him no money to make a crop, would not avail him much.

In most parts of the country where farm tenancy so largely exists, good land can be bought for some $20 to $30 an acre, and a comfortable farmhouse could be built for $800 to $1,000. The applicant should be not be over 35 years of age, and should be married, and the county agent should vouch for him.

I would provide that the county agent in each county where farm tenancy exists should select not exceeding 10 applicants, and this system should be given a trial.

In other words, I think the scheme should be an enlargement of the emergency crop-loan service already in existence. The reason why this plan is favored is because the class of people who will be benefited by the act are the same tenant farmers or sharecroppers who have been borrowing from the Government through the emergency crop-loan service. We know from experience with this service that those who make these loans pay them back. Even during the depression, they paid back remarkably well; and during the depression we loaned not to a picked few, as is here proposed, but to all those in need.

Incidentally, I want to say in regard to the crop-loan service that no service that was instituted by the Government during the depression aided worthier people or did more good. But for these loans, these people could not have made crops. But for these loans, most of these people would have been on relief. The Government has lost exceedingly little money by the service, and the country has been done a vast good.

So I believe that if this service is enlarged by continuing it, and at the same time by extending it to a limited number of selected farm tenants or sharecroppers, they will thereby be enabled, without any loss at all to the Government, to buy their own farms and homes.

If we are to accomplish anything, we must be practical. We must not go into this matter in a tremendous way in the beginning, with such an enormous Federal bureau as, it seems to me, is proposed to be set up by the bill. I voted for the Senator's previous bill on this subject and shall vote for this bill, for the reason that I am so intensely interested in helping the tenant farmer that I am willing to vote for almost any measure that will even tend to accomplish the purpose. However, it seems to me that, by using Federal officials or in part Federal officials already in existence, the Department of Agriculture could have more money to lend and at very much less expense to the Federal Government.

In my judgment, for instance, in each county in a State we might well have, say, 10 tenants or even 5 tenants to whom loans should be made in keeping with the situation in that county, farm tenants who would be willing and anxious to buy a farm that they would be advised to buy by the man who is more familiar with the farms in the county than is any other man, namely, the county agent. It seems to me we could do a great deal more good with a great deal less money in that way; that we could accomplish more if we did not set up an extensive corporation, but simply require the Secretary of Agriculture to utilize largely the employees he now has available, namely, the county agents.

In the end we have to depend on local people in order to make the program a success. We cannot and should not start a great bureau here in Washington and have the Government acquire enormous areas of land and undertake to relocate farmers from one county or one State in another county or State. The work ought to be done by the local county agents. I am wondering if there would not be some way to amend the bill so that greater powers could be given to local authorities, especially the county agents.

So far as I have been able to learn the county agents, employed in part by the Federal Government and in part by local authorities, are doing a valuable work. Unquestionably they would know, if I, for instance, should be chosen as one of the applicants to receive a loan, whether the land I proposed to buy, with their consent and with their approval, would be land upon which I could make a living. These are practical considerations we must look after and which must be looked after in any legislation. Otherwise, it seems to me we are doomed to failure in our attempt to help the tenant farmer.

There is no doubt that we all want to help the tenant farmer. It is amazing to think that today 2,664,000 out of 6,288,000 farms in the country are operated by tenant farmers.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. BANKHEAD. I yield.

Mr. BORAH. The Senator from Tennessee has evidently given a great deal of consideration to this subject.

Mr. McKELLAR. I have thought about it for a long time and have devoted considerable study to the problem.

Mr. BORAH. Has the Senator arrived at any conclusion as to why farm tenancy is increasing so rapidly in this country in recent years?

Mr. McKELLAR. The depression had a great deal to do with it.

Mr. BORAH. It was growing before the depression came upon the country.

Mr. McKELLAR. Yes, it was; and it has been increasing. That is one of the reasons why I think the county agent would be such an important factor in any system we might undertake. The county agent in the first place, is a good farmer. In the next place he knows the farms in his county. In the next place he is ordinarily a man of great common sense; otherwise, he would hardly be a county agent.

Let us take the case of a young man who has been reared on a farm. His father may be a farm tenant. The young man wants to acquire a farm from the Government under this plan. He should have some one to advise him. A youngster might not know what land would produce enough to support him, and his family, if he had one. Even if we could find a committee of local people, just a perfunctory committee of local people in the county, selected with care by the Secretary of Agriculture, we could not attain the desired result, but if we had some paid official of the Government such as the county agent, who is intensely interested in everything that pertains to farming in the particular county, to my mind it would go a long way toward working

out the problem of farm tenancy in each county. Certainly it would be the way to begin.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. BANKHEAD. I yield.

Mr. BORAH. It is not a very difficult task to get men back on the farms, but looking over the last 50 years of experience and consideration the increase in farm tenancy, I think it is much more difficult and a much larger job to keep them on the farms. I do not see anything in the bill that will help to do that.

Mr. McKELLAR. The Senator has evidently thought about the problem. I am sure he has given it considerable attention. I should like to have the Senator's views as to what brought about the tremendous increase in farm tenancy in the United States.

Mr. BORAH. I would not want to enter at length upon that discussion, but let me say that we will have a continued increase in farm tenancy in the country and we will have continued unemployment in the country so long as we live under the monopolistic system which now prevails. So long as private interests fix prices the producers will suffer. He cannot fix prices for the things he sells. Consider, for instance, the question of farm implements. I note that the bill provides that the Government is to buy farm implements for the tenant farmers whom we are endeavoring to help. The prices for farm implements are fixed by a combination or trust. We are going to pay a part of this money into the hands of that combination or trust. Everything which goes on the farm to make it a success, and which will have to go on it in years to come to enable a man to stay on the farm, will be purchased by the man who is trying to hold his farm and must be purchased from someone in private enterprise who fixes the price.

How are we going to keep a man on the farm after we get him there? These men have been on the farm at one time and a great many of them were once successful farmers. They have lost their farms under the same system which prevails in this day, and there is not enough money in the United States Treasury to keep them on the farm under the present system.

Another matter is that the farmer in this country cannot do business and pay the rate of interest which commercial enterprises can pay. It just is not possible in the farming business. While this particular measure would reduce the rate to 3 percent, I believe, of which I do not complain—I think that is perhaps as reasonable as could be established at this time—nevertheless, the farmer is operating generally upon the basis of commercial enterprises of the country with reference to loans, with reference to purchases, with reference to prices, and so forth, but it is not possible in the farming business, and he cannot keep it up.

Mr. McKELLAR. That is one of the things which made me doubt, if a great corporation is formed, with extensive offices here in the city of Washington—in other words, another great bureau established in the District of Columbia with a tremendous set-up of employees, whether it probably would not take for the salaries of the employees fully as much as would be left for the poor farmer under the amount appropriated in this bill; whether the poor farmer would not have very little left in the hands of that bureau to be loaned to him, and if it were loaned, it would be doubtful whether it would be of real benefit to the farm tenant.

I want to say to my good friend the Senator from Alabama [Mr. BANKHEAD], whom I know so well and respect and love—he and I were classmates at college—that I know he is a friend of the farmer if the farmer ever had a friend. I know that he is trying to do a good work that ought to be done, but with the enormous organization proposed, with very little money left to lend to the farmer, and very little local control over the loans which are to be made and over the selection of the tenants who are to be allowed to borrow the money, I am a little doubtful whether the farm tenant really would be helped very much and whether the program which the Senator has in mind would get very far along.

Mr. BORAH. I suppose that under this bill, with $10,000,000, we really shall not get any distance at all in regard to reducing farm tenancy. I look upon the bill as largely preparing for a survey and study of the situation, with what little experiment we can secure with this amount as a help to illustrate what the situation is, and how to deal with it.

Mr. McKELLAR. I am going to vote for the bill on that theory. That is the only theory on which I could vote for it.

Mr. BORAH. Since I asked the question earlier in the day I have ascertained that farm tenancy is increasing at the rate of about 40,000 per year. This bill will not stop 2 percent of that. When we face the proposition, and are in actual contact with it, it may help to find a way by which we can remedy the evil; but so far as really reducing farm tenancy is concerned, we cannot hope for it under this bill.

Mr. BANKHEAD. Mr. President, I desire to reply briefly to the Senator from Tennessee [Mr. McKELLAR]. I am sorry he did not hear my discussion of the bill.

Mr. McKELLAR. I heard most of the Senator's discussion.

Mr. BANKHEAD. The administration of this program will be very cheap and economical—the cheapest in all the Government. I desire to call the Senator's attention to section 5, on pages 19 and 20, which shows that the program will be under the direction of the Department of Agriculture, notwithstanding the corporation form. That is a matter of convenience only in passing upon titles, and so forth. The board is to consist of three persons employed in the Department of Agriculture, and they are to draw no additional salary. It is simply the organization of a corporate entity for the purpose of taking title and making leases, and not passing the title to everything to the United States, which requires so many formalities to get title in various deeds and in the foreclosure of mortgages. So the condition is not as the Senator apprehends; and I am glad to reassure him on that point.

Mr. McKELLAR. I suppose the Senator has had an estimate made of the cost of administration of this measure. What does he estimate the cost to be?

Mr. BANKHEAD. No estimate has been made. It is almost impossible to make an estimate in such a matter. There is a very small appropriation, and there will not be much expenditure during the first year.

I want this enterprise decentralized, just as the Senator does, in the counties, as I said earlier in the day. I think the Senator was out of the Chamber at the time. The Senator asked about the county agents. No man is stronger for the county agent than I am. There is no sort of doubt about the whole thing revolving around administration by the county agent. The Senator will note section 21, on page 31. In the first place, that section is not necessary, because the farm agents are under the direction and control of the Secretary of Agriculture. He could use them without any specific authorization; but, as the Senator will note, in subsection (a) of section 21, specific authority is given to use any of the agencies of the Government in administering this measure. If the Senator wants to make the provision more specific, it is agreeable to me; but we shall get into trouble if we undertake to write too many limitations and details into the authorization.

Mr. McKELLAR. Another question arises in my mind. I notice that the bill sets up county committees. I do not know that they are to be paid.

Mr. BANKHEAD. No; they are not to be paid.

Mr. McKELLAR. At first they will not be paid, but, of course, in a short time they will be receiving salaries, as everybody does who works for the Government, and probably they should be paid salaries.

Mr. BANKHEAD. It may be advisable.

Mr. McKELLAR. But I suggest to the Senator that if we ever succeed in reducing farm tenancy in this country, in my judgment it will be done through the county agents. The county agents, as a body of men, can do more than anyone else, to advise, first as to the applicant who should be selected. The county agent ought to have the primary right—not the absolute right; his action should be approved later on, of course—to select a certain number of persons in each county who, he believes, if the Government will lend them money, could make a success of buying land and tilling it as its owners.

Unless we adopt such a course, it seems to me we shall run into all kinds of trouble. We must have a man on the ground who is familiar with the local conditions, familiar with the lands, familiar with what they will produce, able to advise the farmer who buys lands whether they will produce enough to support him, and more than that. I do not know whether or not that is taken care of by the bill. It will be necessary not only to buy land for the farmer, but to arrange to lend him three or four hundred dollars with which to make a crop. I think also that the bill should contain a limitation on overhead.

Mr. BANKHEAD. I have not anything to say to the Senator in opposition to his views. I am standing here fighting for the county agent to have supervision of this matter, and I may have to fight at the other end of the Capitol.

Mr. McKELLAR. I am glad to hear the Senator say that.

Mr. BANKHEAD. So do not bother about the county agents. They loom big in this picture.

Mr. McKELLAR. Now let me ask the Senator another question. Suppose a young farmer in the Senator's own county should be selected by the county agent or other Government official as a suitable person to whom to make one of these loans. If a loan is made to him just to buy the land itself, that will not do. It will be necessary to provide him with a place of some kind in which to live; and there ought to be some provision, it seems to me, not only for the land but for some kind of a comfortable house in which he may live.

Mr. BANKHEAD. That is all authorized in the bill.

Mr. McKELLAR. In addition to that he must be furnished the money with which to make his crop. Take the case of those who borrow from the seed-loan office in the Senator's State and in my State and in various other States. In our locality they borrow, I think, only about $200. That is all they are allowed to borrow. They are tenants and they borrow $200 with which to make a crop. Incidentally the crop borrowers have paid back something like 95 percent of all the loans that they had ever made; and that was during the depression. It seems to me this bill ought to apply almost first of all to men who have had experience in farming, and who have been able to support themselves and their families during the depression by borrowing small sums from the Government at a low rate of interest. They should be given an opportunity to take advantage of the provisions of this bill, certainly the best ones of them. They should be given a direct opportunity to purchase a small piece of land and farm it with Government money, and then they should be lent enough money with which to make a crop.

If we do that, if we adopt a system of that kind, in my judgment we shall make a success of it; but I am afraid of getting the system top-heavy. There is too much corporation and too many officers and assistant chairmen and all that. I am just calling this matter to the attention of my good friend the Senator from Alabama, who has already done such a wonderful work for the farmers of the country. No Senator here has done any more, and I doubt if anyone has done as much for the farmer, in the time he has been here, as has my distinguished friend and former classmate at college. I am proud of him for the work he has done for the farmer; I take off my hat to him; but I am asking him to look at the matter not from a bureaucratic standpoint but from the practical standpoint of having men who are now tenant farmers financed in such a way that they may own their own homes and farm and pay for them through small payments over a period of years.

EXHIBIT A

(Compiled by Dr. W. W. Long, Clemson Agricultural College, Clemson, S. C.)

Land-tenancy plans in foreign countries

Country	Rate of interest	Time given to pay for land or for repaying loan
Denmark	3 to 4 percent	65 years.
Italy	2.5 percent	50 years.
Holland	4.7 percent	
Norway	3.5 percent to buy land and 4 percent to owners.	
Hungary	4 percent	Do.
Austria	4 to 4.5 percent	54½ years.
Russia	4.5 percent principal and interest	55½ years.
Germany	3.5 to 4 percent	56½ years.
France	4 to 4.5 percent	75 years.
England	4 percent	50 years.
Ireland	3.5 percent	68 years.
Belgium	4.5 percent	30 years.
Switzerland	do	57 years.
New Zealand	4 percent	36½ years.
Victoria, Australia	4.5 percent	Do.
New South Wales	3 to 5 percent	30 to 40 years.
Other Australian States	4 to 5 percent	Do.
British and German South Africa.	4 percent	
Chile	do	33 years.
Argentina	do	
British Columbia	1 percent more than the interest on State bonds; 5 percent at present.	36½ percent.

EXHIBIT B

Total number of farms; number operated by tenants; and percent of all farms operated by tenants, by divisions and States

Division and State	Total number of farms, Apr. 1, 1930	Number operated by tenants	Percent of all farms operated by tenants		
			All tenants	White tenants	Colored tenants
United States	6,288,648	2,664,365	42.4	31.1	11.3
Geographic divisions:					
New England	124,925	7,885	6.3	6.3	(1)
Middle Atlantic	357,903	82,455	14.7	14.6	.1
East North Central	966,502	263,977	27.3	27.2	.1
West North Central	1,112,755	444,169	39.9	39.4	.5
South Atlantic	1,058,468	289,574	48.1	27.6	20.5
East South Central	1,062,214	303,978	55.9	30.5	23.4
West South Central	1,103,134	687,231	62.3	43.2	19.1
Mountain	241,314	58,826	24.4	23.8	.6
Pacific	261,733	46,270	17.7	16.7	1.0
New England:					
Maine	59,606	1,755	4.5	4.5	(1)
New Hampshire	14,906	796	5.3	5.3	(1)
Vermont	24,898	2,409	9.7	9.7	(1)
Massachusetts	25,508	1,442	5.6	5.6	(1)
Rhode Island	3,322	415	12.5	12.5	(1)
Connecticut	17,195	1,068	6.2	6.2	(1)
Middle Atlantic:					
New York	180,806	21,113	13.2	13.2	(1)
New Jersey	25,378	3,948	15.6	15.0	.6
Pennsylvania	172,429	27,394	15.9	15.8	.1
East North Central:					
Ohio	219,296	57,604	26.3	26.1	.2
Indiana	181,570	54,575	30.1	30.0	.1
Illinois	214,497	92,482	43.1	42.9	.2
Michigan	169,372	26,195	15.5	15.4	.1
Wisconsin	181,767	33,121	18.2	18.2	(1)
West North Central:					
Minnesota	185,255	57,638	31.1	31.1	(1)
Iowa	214,928	101,615	47.3	47.3	(1)
Missouri	255,940	89,076	34.8	33.0	1.8
North Dakota	77,975	27,400	35.1	34.9	.2
South Dakota	83,157	37,094	44.6	44.1	.5
Nebraska	129,458	61,039	47.1	47.0	.1
Kansas	166,042	70,326	42.4	42.1	.3
South Atlantic:					
Delaware	9,707	3,282	33.8	29.5	4.3
Maryland	43,203	11,441	26.5	21.4	5.1
District of Columbia	104	24	23.1	21.2	1.9
Virginia	170,610	47,970	28.1	19.2	8.9
West Virginia	82,641	15,347	18.6	18.4	.2
North Carolina	279,708	137,615	49.2	28.8	20.4
South Carolina	157,931	102,768	65.1	26.2	38.9
Georgia	255,598	174,390	68.2	38.6	29.6
Florida	88,906	16,737	28.4	19.3	9.1
East South Central:					
Kentucky	246,499	88,421	35.9	33.9	2.0
Tennessee	248,657	113,899	46.2	35.1	11.1
Alabama	257,395	166,420	64.7	34.4	30.3
Mississippi	312,663	225,617	72.2	20.9	51.3

[1] Less than 1/10 of 1 percent.

Total number of farms; number operated by tenants; and percent of all farms operated by tenants, by divisions and States—Con.

Division and State	Total number of farms, Apr. 1, 1930	Number operated by tenants	Percent of all farms operated by tenants		
			All tenants	White tenants	Colored tenants
West South Central:					
Arkansas	242,334	152,691	63.0	34.9	28.1
Louisiana	161,445	107,551	66.6	27.5	39.1
Oklahoma	203,866	125,329	61.5	54.3	7.2
Texas	495,489	301,660	60.9	47.7	13.2
Mountain:					
Montana	47,495	11,628	24.5	24.1	.4
Idaho	41,674	10,559	25.3	24.8	.5
Wyoming	16,011	3,520	22.0	21.5	.5
Colorado	59,956	20,692	34.5	33.9	.6
New Mexico	31,404	6,330	20.2	20.0	.2
Arizona	14,173	2,331	16.4	15.4	1.0
Utah	27,159	3,321	12.2	11.5	.7
Nevada	3,442	445	12.9	12.1	.8
Pacific:					
Washington	70,904	12,078	17.0	16.5	.5
Oregon	55,153	9,790	17.8	17.4	.4
California	135,676	24,402	18.0	16.5	1.5

Percent of all farms operated by tenants, by States, as shown by the census of agriculture, Bureau of the Census, 1935

Alabama	64.5
Arizona	17.8
Arkansas	60.0
California	21.7
Colorado	39.0
Connecticut	7.3
Delaware	34.8
Florida	28.0
Georgia	65.6
Idaho	28.5
Illinois	44.5
Indiana	31.6
Iowa	49.6
Kansas	44.0
Kentucky	37.1
Louisiana	63.7
Maine	6.9
Maryland	27.2
Massachusetts	6.2
Michigan	19.0
Minnesota	33.6
Mississippi	69.8
Missouri	38.8
Montana	27.7
Nebraska	49.3
Nevada	14.4
New Hampshire	7.3
New Jersey	17.9
New Mexico	19.0
New York	14.2
North Carolina	47.2
North Dakota	39.1
Ohio	28.9
Oklahoma	61.2
Oregon	21.7
Pennsylvania	17.7
Rhode Island	13.8
South Carolina	62.2
South Dakota	48.6
Tennessee	46.2
Texas	57.1
Utah	14.9
Vermont	10.9
Virginia	29.5
Washington	20.0
West Virginia	25.8
Wisconsin	20.7
Wyoming	23.3

EXHIBIT C

DEMOCRATIC PLATFORM, 1936

We recognize the gravity of the evils of farm tenancy, and we pledge the full cooperation of the Government in the refinancing of farm indebtedness at the lowest possible rates of interest and over a long term of years.

REPUBLICAN PLATFORM, 1936

8. To provide for ample farm credit at rates as low as those enjoyed by other industries, including commodity and livestock loans, and preference in land loans to the farmer acquiring or refinancing a farm as a home.

EXHIBIT D

Excerpt on page 4 of address of the President at Omaha, Nebr., October 10, 1936:

"It is a further part of our long-time farm policy to attack the evil of farm tenancy. In this we have already made a good beginning with lower interest rates and better prices. We are preparing legislation, in cooperation with farm leaders, to submit to the Congress in January to help solve this problem. We cannot, as a Nation, be content until we have reached the ultimate objective of every farm family owning its own farm."

THE STRIKE SITUATION

Mr. ELLENDER. Mr. President, I ask the indulgence of the Senate to digress from the discussion of the pending bill in order to afford me an opportunity of discussing the strike situation.

Mr. President, a most serious condition confronts us today because of the strikes that have been existing between various industries and certain labor organizations since the beginning of the year. I hesitate to predict what the future has in store for us should these disorders continue to spread, but I venture to say that their continuance will bring misery and more misery to the millions of workers and toilers of our Nation. Perhaps they may lead us into the depths of a greater depression than that of 1929, for they destroy confidence, the lifeblood of business.

It is not my purpose or my desire to argue the cause of either side in these controversies. I merely propose to make a few observations with respect to the more recent disorders.

I have always sympathized with the laboring man. Labor has no doubt been the under dog of industry in the past, and I feel confident that some industries have prospered and grown rich and potent at the expense of distressed and helpless labor. But in the past few years labor has made rapid strides in its efforts to obtain from industry its just reward; and I sincerely believe that as time goes on industry will more willingly agree to share its profits with labor. I believe that a more cordial relationship could be made to exist between capital and labor if only their respective interests and welfare were considered. The fact that some industries may have taken advantage of labor in the past does not give labor the right to strike back now and attempt in turn to take advantage of industry.

In order to achieve the desired results, it is necessary that confidence, fair play, and a willingness to give and take exist between employers and employees.

It was my privilege to participate in the hearings before the Senate Committee on Post Offices and Post Roads on the resolution introduced by the Senator from New Hampshire [Mr. BRIDGES] and amended by the Senator from Pennsylvania [Mr. GUFFEY]. The resolution called for the appointment of a committee to investigate the alleged failure of the Post Office Department to deliver the mails in the strike area in Chicago, Youngstown, and other cities located in Illinois, Ohio, and Pennsylvania, and also as to the cause of the strikes in those areas.

The evidence produced was most astounding, and it clearly demonstrated the futility of the strikes. There was a decided exhibition of a lack of confidence, whether well-founded or not, between the contending parties. I hold no brief for either Mr. Philip Murray, chairman of the steel workers organizing committee and vice president of the United Mine Workers of America, or Mr. T. M. Girdler, chairman of the Republic Steel Corporation, but to my notion, there exists so much bad blood, as it were, between these two gentlemen, that I am unable to state how it would be possible for them to agree on any proposition. They are both stubborn and defiant, and apparently unwilling to trade with each other on common ground.

Mr. Murray was one of the first witnesses to testify as to strike conditions. He was, of course, very anxious to give his version of the situation, and found fault with any Senator on the committee who differed with him. He accused a few Senators of being biased and prejudiced because of their disagreement with his conclusions of the law. He accused me of being a corporation lawyer because, in the course of my examination of him, I asked a question that he interpreted as favoring the Republic Steel Corporation. He took the position that his side was right, and no one could possibly convince him to the contrary.

This organizer of labor admitted that there was no election held among the employees of the Republic Steel Corporation, Youngstown Steel & Tube Corporation, and Inland

Steel Corporation, in accordance with the requirements of the Wagner Act. He admitted that the workers at those plants were accorded the same rights and privileges, the identical amount of wages, and worked the same number of hours, with the same pay for overtime, as any other men working in the steel industry were receiving, and the only cause for complaint between his organization and these steel companies was that there was no written agreement between them. He admitted that the written agreement that was proposed did not give to the employees involved any more advantages than they were then enjoying, and, notwithstanding all of these facts and circumstances, the strikes were called by his organization.

Mr. Girdler, of the Republic Steel Corporation, stated there was no written or verbal agreement proposed, that he was paying his men as much as anybody in the business, and that he would under no circumstances sign an agreement with the C. I. O., because he felt that they were irresponsible and that a contract with them would not be worth the paper on which it was written. He later qualified this statement by admitting that he would sign, but only if the last Court in the land would order him to do so.

That, Mr. President, was apparently the cause of the strike. It may have been unwise for Mr. Girdler and his associates not to have signed a written contract, but it was bad judgment, to say the least, on the part of Mr. Murray and his associates to deliberately call a strike and keep men from work. A good deal of the evidence not only showed that there was no election held under the Wagner Act to determine who should be the bargaining agency but the strike was called without the consent of the workmen, many of whom did not know there was a strike until they were met by pickets of the C. I. O. when they returned to work the next day. There was some evidence of violence, intimidation, and lawlessness on the part of the strikers. Several witnesses appeared who testified that the majority of the workers were satisfied with conditions and were anxious and willing to return to work, notwithstanding the testimony of Mr. Murray that over 60 percent of the workers of these steel corporations were members of the C. I. O.

Mr. President, in the wake of these strikes followed violence, more lawlessness, more sorrow, and some bloodshed. Twelve human beings lost their lives, and many more were wounded and trampled upon. Judging from the testimony before our committee, the police of the city of Chicago acted in unison to uphold law and order. Both Captains Mooney and Kilroy testified that they were at the steel plants on the day 10 men were killed. They were in command of about 200 policemen. Both testified under oath that they begged the mob to go home and maintain peace, but notwithstanding their ardent pleas the mob advanced to take possession of the physical property in their charge. It was only when the mob continued to advance and missiles were thrown at their men that pistols were fired. There was some evidence of brutality on the part of policemen. In the conflict some no doubt lost their good judgment, all of which can be expected under the stress of mob violence.

Mr. President, it is sad indeed for men to lose their lives, for women and children to be made widows and orphans, because of the exercise of unpardonably bad judgment on the part of a few labor organizers and agitators. O Mr. President, how much better would it have been had both sides made an earnest effort to follow the law. How simple and easy would it have been for the employees of these steel companies to have organized themselves into a union of their own and have had an election to decide who was to do their collective bargaining.

Once that was done it would have been just as simple to have legally determined whether or not a contract should be in writing. I hope other employers and employees will benefit from these tragic events.

Employees should be guaranteed the right to join any labor union of their own choosing. They should be permitted to organize unions of their own without interference by other unions. Severe penalties should be provided for those who interfere with these rights of free Americans.

I do not concur in the publicized attitude of the so-called Committee for Industrial Organization and its organizers. These leaders are bending every effort to incorporate under their banner every form of labor in this country. What is their purpose? Why should they desire to organize the entire steel industry, all coal miners, all railroad employees, the automotive industry, the textile workers—even the Federal, State, and municipal employees, who should owe allegiance to no one but their Government? In undertaking such a gigantic task, do they really and truly have the interest of the employees at heart, or are they organizing them for their own selfish aggrandizement?

Mr. President, I see danger lurking ahead if such a movement should succeed. I see a crumbling of our democratic form of government and the destruction of the sacred rights of free government, for which our forefathers fought and bled.

Such a stupendous aggregation of workers could paralyze industry overnight. Coercion of labor by organizers and agitators is just as reprehensible as coercion by management, and has no place in our American form of democratic government. Most of you no doubt read of the threat by Mr. Lewis of what would happen should the independent steel companies not bow down to his will. He said, in effect, that he would call a sympathetic strike in other industries. He made no exception as between those which had written contracts and those which had not. His idea, I am certain, was to force a strike even in those plants which had written contracts, all in direct violation of the spirit of the contracts, if not in violation of their written provisions. Suppose he had all of the principal industries under his leadership and he attempted such a procedure! I am sure that Senators realize the consequences.

Our Government has fought and is now engaged in fighting industrial monopolies. Monopolies are powerful—they are inimical to American business. I contend that monopoly in trade-unionism is just as undesirable as monopoly on the management side of industry. Because of the competition which exists in various industries, I cannot conceive that industry could organize itself under one banner, but it may be possible for labor to organize under one management, and for that reason I fear labor monopoly even more than I fear industrial monopoly.

Mr. President, judging from press reports, it would seem that the majority of the employees who were forced to strike have gone back to work. They seem anxious to get back to their jobs, provided protection is afforded them.

Some of these labor agitators are promising more fighting! Some proclaim that they have just begun to fight! How will they fight? Will they use force or will they use legal means? Now is the time for them to display their colors. Some have shown their method of offense by inciting the dynamiting of the main water lines of one of these steel companies, and thereby putting the plant out of commission and throwing some six or seven thousand peaceful breadearners out of work! Do Mr. Lewis and Mr. Murray approve of such cowardly acts? Let them help to apprehend the culprit who is responsible for such lawlessness and expel him from their ranks.

Mr. President, it will be recalled that when the first sit-down strike was in effect at the General Motors plant in Detroit, a Senate resolution was offered which called for an investigation of General Motors. It was referred to the Committee on Education and Labor, of which committee I am privileged to be a member. In the midst of the strike a hearing on the resolution was requested, and the committee granted it. A few witnesses were called. I took the position that I did not think the time was opportune for the hearing, because should the Senate show a willingness to take a stand in the strike, one way or the other, it might give rise to a forlorn hope to those at whose instance the hearing was being held, and thereby prolong the strike indefinitely.

Fortunately, further hearings were not had on the pending resolution, the strike was settled, and it is my understanding that no further effort has been made to have hear-

ings on the resolution. I think the Senate acted wisely. I do not believe that either the legislative or executive branches of our Government should definitely side with either party in the present controversy. I sincerely believe that the President acted unwisely when he intimated that the contracts between these parties should have been in writing, and that these steel companies should keep their respective plants closed until the strikes were settled. I know that the President's appeal was made in good faith, but his statement gave the strikers a hope that might have prolonged the strike for many weeks. Few will agree that Miss Perkins acted prudently if she intimated that the representatives of the steel company should be subpenaed and retained in custody until they were forced to sign an agreement. I believe Miss Perkins has denied the statement, but from all reports available, in her zeal to settle the strike she has sided with the strikers, and most assuredly not in compliance with the letter of the law.

The report of the President's Mediations Board contains a clause that might not be conducive to a quick settlement of the strike. Why should the Board even suggest that a contract first be signed between the steel companies and the C. I. O., locked in a safe, and later followed by an election? Should the C. I. O. win, then the contract would be binding; if the C. I. O. lost, then the contract would be destroyed. I believe it would have been better judgment to suggest an election first, and a contract with the winner of the election. If the companies then refused, make out a test case and force them to abide with the law.

Mr. President, to my way of thinking, the President of the United States has been unjustly criticized in several instances, with regard to his authority in some of these strikes. Many felt that he should condemn this side or the other. Why should the President be embroiled on either side, unless he has the power to act? Should he attempt to prevent violence, when he has no authority to act? As I understand the law, Federal troops cannot be mustered out, unless a request comes from the Governor of a sovereign State, and unless it is shown that he is unable to cope with the situation. The President may call Federal troops when the delivery of mails is interfered with, or when interstate traffic is impeded. Some may be of the opinion that the President should have intervened in the instant case, because of the alleged interference with the delivery of mail. It is true that the Post Office Department failed to deliver a certain class of mail during the present strike. From the evidence adduced, I am of the opinion that the Post Office Department acted wisely and within the law.

It was testified that all mail which had ordinarily and customarily been delivered in the past was delivered in the usual way, but when truckloads of bread and packages of clothing were mailed, orders went out to the postmasters to refuse delivery thereof because of the lack of facilities and the endangering of the lives of the carriers. The evidence disclosed the fact that the steel companies, as well as the railroad companies, made several attempts to pass through the picket lines with food and clothing, but all in vain. The railroad tracks were even dynamited. After such attempts, why risk the lives of these Federal Post Office carriers?

Mr. President, I repeat, our Nation is facing a serious crisis. Judging from the newspapers, more strikes are in evidence, and I fear more bloodshed, unless reason and sound judgment guide the parties in interest. I admonish labor to settle their differences peaceably. The Wagner Act should be their guide. I feel confident that through collective bargaining by an agency of their own choosing they can force their employers to treat them fairly and squarely. The law is on their side, as the Wagner Act was held constitutional in every respect. They must not be misled by labor agitators who might, by coercion, intimidation, or otherwise, influence them to join a particular union. They should join unions of their own choice and, by majority, select their own bargaining agency.

Now, as to employers, I plead that they make a serious attempt to end this strife. They must realize that without labor their plants are useless, and in order to get maximum results from labor they must treat them fairly and squarely. If an election is held among their workers under the provisions of the Wagner Act, and a particular agency is named to deal with them, why should they hesitate to put in writing what they agree to do verbally? I say, Mr. President, that to take such a position is but a subterfuge on the part of employer.

Mr. President, again I earnestly call on employers and employees of our various industries to let reason and common sense be their torch; that they overlook these so-called technicalities and be guided by what is just and fair. Both should be willing to face each other with the facts, inspire one another with confidence, and enter into agreements that will redound to their own mutual benefits and for the protection of their loved ones.

FARMERS' HOME CORPORATION

The Senate resumed the consideration of the bill (S. 106) to establish the Farmers' Home Corporation, to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, to create a fiscal agent for the United States, and for other purposes.

Mr. CONNALLY. Mr. President, I offer an amendment, which I ask to have stated.

The PRESIDING OFFICER (Mr. POPE in the chair). The Chair will say to the Senator that an amendment offered by the Senator from Alabama [Mr. BANKHEAD] is now pending.

Mr. CONNALLY. I ask that my amendment be read.

The PRESIDING OFFICER. The amendment offered by the Senator from Texas will be stated.

The LEGISLATIVE CLERK. On page 31, in lines 9 and 10, it is proposed to strike out the figures "$10,000,000" and insert the figures "$50,000,000"; and in line 12, to strike out the figures "$25,000,000" and insert "$50,000,000."

Mr. CONNALLY. Mr. President, I understand that the amendment offered by the Senator from Alabama is in the form of a substitute for the House bill, is it not?

The PRESIDING OFFICER. The pending amendment is an amendment offered by the Senator from Alabama to the substitute measure.

Mr. CONNALLY. What is the pending amendment?

The PRESIDING OFFICER. The clerk will state the pending amendment.

The LEGISLATIVE CLERK. In section 8 (b), page 23, line 16, it is proposed to insert, after the letter (b), the following: "Except as provided in section 16."

Mr. BANKHEAD. Mr. President, the amendment is purely a formal one.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama, on page 23, line 16, to the committee amendment.

The amendment to the amendment was agreed to.

Mr. CONNALLY. Mr. President, I now ask for consideration of the amendment which I have offered and which has already been reported.

The PRESIDING OFFICER. The amendment offered by the Senator from Texas, which is now pending, has been read.

Mr. CONNALLY. Mr. President, I wish to say that I regard the substitute offered by the Senator from Alabama [Mr. BANKHEAD] as much superior to the original House bill, and I am very happy to support the substitute amendment of the Senator from Alabama. Some of the distinguishing features are that under the plan of the Senator from Alabama the Government acquires the title to these lands and then sells them to the tenants under the plan of settlement provided in the bill, whereas under the House bill it is merely a loan proposition to loan the money to the tenant to go out and buy a farm somewhere.

Mr. President, it seems to me that if any sort of farm-tenancy bill, such as that proposed, is to be a success, there must be some correlation between the various projects and the tenants who are occupying these lands. Personally, I think that for some 4 or 5 years there ought to be some

supervision. If we are to require the tenants on these properties to comply with soil erosion and other plans of the Department of Agriculture, and if they are to comply with modern methods of terracing and things of that kind, it cannot be done with an isolated farm over here and another on the other side of the county. I rather favor the colonization proposal, at least at the beginning, in order that we may have somewhat of a demonstration project in particular localities.

Mr. President, it seems to me that the benefits of a plan of this kind, if carried out in a scientific manner and in the light of experiences of other countries, are so obvious that it does not require any argumentation. I offer this amendment for the reason that the initial appropriation of $10,000,000 in this bill for the first year will amount to practically nothing. We need not lay our hands to this plow unless we are determined for a long-range program and the expenditure of a large sum of money. By that I do not mean wasting a large sum of money, because every dollar that the Government spends ought to be represented by assets. We are supposed to acquire real estate and property in behalf of the money which is expended but $10,000,000 over the whole United States for an entire year will amount to so little that it will not even afford a demonstration in any of the counties of the United States. So I propose that the first authorization be $50,000,000 instead of $10,000,000, and I hope the Senate will adopt my proposal.

Mr. President, it seems to me that the bill as it came over from the House provides for a sort of skeleton organization. It does not mean to do anything except to keep up the front for another year; just to keep up the pretense that something is going to be done about the problem at some time. If we are going to start this sort of a project, why not start it at least with $50,000,000 for the first year? I am sure that those who have the project at heart favor such an expenditure; but the Bureau of the Budget or somebody else has caused the committees to reduce the initial appropriation to $10,000,000.

The growth of tenancy in the United States has been and continues to be alarming. Statistics available from the Census Bureau——

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Idaho?

Mr. CONNALLY. I yield.

Mr. BORAH. The Senator was not in the Chamber when I asked the question a while ago, and I should like to have his view of it. What is the cause of the constant increase in farm tenancy in the United States?

Mr. CONNALLY. There are a number of causes. One of the causes is good roads and Ford automobiles. Another cause is that the towns and even the little villages have conveniences of life that are not available out in the country; and many of the farmers want to go to town and either get a job running a streetcar or working for the city or county or somebody else.

Mr. VANDENBERG. Or for the W. P. A.?

Mr. CONNALLY. The Senator from Michigan volunteers the W. P. A. Some of them are on the W. P. A. rolls, no doubt; and, of course, when they are driven off the farm for any reason they are going to go to town and get on the W. P. A. rolls or any other rolls they can get on whereby they can secure money with which to live. One reason, I will be frank to say to the Senator from Idaho, is the restriction of agricultural production. That has increased tenancy somewhat—that is, at least it has increased the migration from the country to the town—because when men are thrown out of employment in the country there is nowhere else to go, and no more inviting place than the town.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield further to the Senator from Idaho?

Mr. CONNALLY. I yield.

Mr. BORAH. Does not the Senator think that the program permitting the importation of agricultural products from low-cost countries will increase farm tenancy in the United States? Does the Senator believe that the farmer of this country can prosper in competition with the agricultural producers of countries where farm labor is paid one-half, or in some instances one-fourth of what the farmer must pay in this country?

Mr. CONNALLY. I agree with the Senator and I do not have any sympathy with some of the so-called trade agreements the State Department has been making for the admission of agricultural products into the United States from foreign countries so that we can sell more automobiles to them. I am not in sympathy with that character of trade agreement. The Senator is correct that whenever we permit the importation of agricultural commodities which we can produce here at home we are contributing to the increase of farm tenancy.

(At this point Mr. CONNALLY yielded to Mr. GEORGE, who briefly addressed the Senate and requested that an editorial be printed in the RECORD. Mr. GEORGE's remarks and the editorial appear at the conclusion of Mr. CONNALLY's speech, p. 6681.)

Mr. CONNALLY. Mr. President, of course the Senator from Georgia [Mr. GEORGE] is correct in that there will always be some tenants, but there are many tenants today who if they could become home owners would undertake to pay for their farms and become owners. There are throughout the United States thousands of tenants who were once farm owners. Some of the reasons for their now being tenants are the heavy load of debt, the high interest rate, the high cost of industrial products, lack of markets which are easily accessible for their own products, and lack of the right kind of credit. Too much credit to some folk is just as bad as no credit, because they overbuy, they overload, and they cannot pay out. Easy credit in many cases has been the cause of making tenants of those who otherwise would be land owners.

But, Mr. President, the statistics reveal that in Alabama 64½ percent of the farms of the State are operated by tenants. In my own State of Texas the latest statistics show that 67½ percent of the farms were operated by tenants, and my State is a comparatively new State. Such a condition ought not to exist.

Mr. BORAH. Mr. President——

Mr. CONNALLY. I yield to the Senator from Idaho.

Mr. BORAH. That condition reaches back for many years. It is not a thing of recent growth in the last 5 or 6 years, is it?

Mr. CONNALLY. Oh, no.

Mr. BORAH. Farm tenancy, according to my reading, has been increasing very rapidly since about 1870.

Mr. CONNALLY. That is true.

Mr. BORAH. And, in my opinion, it will continue to increase under our present economic system. If the farmer must sell in a competitive market and buy in a market where there is no competition, where private interests fix prices, I venture to prophesy farm tenancy will increase regardless of anything we may do by legislation such as we are now considering.

Mr. CONNALLY. The Senator from Idaho is correct. The statistics show that over a long period of years there has been a gradual increase in the percentage of farms operated by tenants.

There are those who do not want to become landowners. I have heard tenants say that it was cheaper for them to rent than it was to buy a home. Of course, it is not so in the long run. A tenant who holds such a view overlooks the value of having a home; he overlooks the value of having a fixed place of residence and gathering about him his household gods and establishing a home from which his children may draw inspiration and which gives substance to the civic fiber of the whole community. He is looking simply at the pocketbook, and that is not a sound philosophy. One of the purposes of the pending bill is to cause the Government, the Nation, for all the people of the United States have an interest in the solution of the problem, to take steps to get men back to the land, so that each one may have a place which he can own and hold, not under feudalistic title from

anybody but from the sovereignty of the Government itself, and from which he can look the world in the face and not be disturbed by waves of industrial and economic unrest. It can be done, Mr. President. With a farm of 10 to 40 acres in any State of this Union that is at all productive, a man with a family can earn a livelihood, whether he makes any cash money or not.

I had an experience which I should like to relate to the Senate. Some years ago I saved a few dollars and had a friend of mine loan the money on security that I never saw and never knew anything about, but I had faith in my friend. So he loaned it on some little farms. Finally the owner of one of the farms moved off and left it. Then the depression came along and pretty nearly extinguished the farm. So last year I happened to be in the county where the land was supposed to be located and thought I had better go down and find my farm. I found a little road running through a rocky pasture, and as I drove on down this rocky road through the pasture I saw several cattle. My grasses were the sustenance of the farmer's cattle.

All the rent I was to get was to be derived from the production of cotton. I saw the fat cattle, and milk cans on the side of the road, awaiting the man who comes from town every day to collect the milk. I drove on down, and as I approached the barn a flock of fat turkeys flew out and almost made the sun go into eclipse. There were also many chickens scattering around the barn and half a dozen big, fat hogs, grunting all about the lot. The farmer's wife came out from the little shack on the place, and I asked, "Where is your husband?" She replied, "He is over to town at the football game." I asked, "How much cotton did you make?" The cotton was all I was interested in from an income standpoint. She replied, "We made one bale." I got $15, and the man on that land got a living off that little, old, rocky, sorry farm, but he was getting it because he had turkeys and cows and pigs and cattle and stuff to feed them, and grass and milo maize, and all that sort of thing. He was making a good, comfortable living off that sorry old farm. That, Mr. President, is what can be done all over this country. Men farming in that way will not make any money; they will not be able to buy stocks and bonds; but they will make a livelihood; and a man on a piece of land such as that cannot be starved to death unless he wants to starve to death.

We hear much about strikes. The Senator from Louisiana [Mr. ELLENDER] made a very instructive and entertaining speech in regard to industrial unrest.

If we can get some of those folks back on the farm who were there at one time, or if we can get some new ones there, we will not have industrial unrest at least in those sections. The people would be more happy and more contented.

I do not regard this as necessarily a wasteful subsidy. It is a subsidy in a way, because if we give these purchasers a rate of interest below what the Government pays to get the money, to that extent it is a subsidy, but it is a subsidy because the national interests justify the subsidy.

Mr. BORAH. Mr. President——

Mr. CONNALLY. I yield to the Senator from Idaho.

Mr. BORAH. My attention was diverted. What did the Senator do with reference to his renter?

Mr. CONNALLY. I took the money and paid part of the taxes, and took some more and paid the rest of the taxes. [Laughter.] I sold the place, or rather, I practically gave it away shortly after that because I did not see how the landlord was going to make anything out of a situation like that.

Mr. BARKLEY. Mr. President, the Senator made a mistake in not requiring that he should be given a portion of the turkeys, hogs, and cattle as a part of his rental.

Mr. CONNALLY. If I had done that I would have violated all ethics of landlord and tenant relationship. [Laughter.] The Senator from Texas is too wise to do anything like that. [Laughter.]

Mr. President, this is a problem which has been largely solved in some other countries. We all remember the tragic story of land in Ireland. The problem has been largely solved in Ireland. There are thousands and thousands of Irish today on their own farms. The Senator from Arizona [Mr. ASHURST] and I were in Ireland in 1930. We rode out over the countryside in that land.

Some of the most prosperous farmers in the world live in south Ireland. England had a long and bitter struggle, but the Irish Government came along and worked out a plan whereby they made it possible for the Irish tenant to become an Irish landlord or landowner.

I am told that in Denmark, which was once a land of tenants, with practically all the farmers tenants, they have worked out a system such as is contemplated in the pending bill, with low-interest rates and Government supervision, until today Denmark is a land of home owners, a prosperous land.

We will not solve this problem in a moment, we will not solve it next year nor perhaps in 10 years, but if we go about it and learn something by experience we will ultimately solve it. We will waste some money in doing it. Let us not fool ourselves about that. We waste money every time we experiment and every time we make a mistake.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Kentucky?

Mr. CONNALLY. Certainly.

Mr. BARKLEY. What the Senator said about Ireland and Denmark is largely true of many parts of Europe. I happened last year to be traveling through Austria and Hungary. I was interested in the agricultural problem there. I was interested in the proportion of ownership of the land in cultivation by those who lived on it and cultivated it. I was amazed when I was told by one of the ablest men I have ever met in Europe, the Minister of Justice of Hungary, that more than 60 percent of the land cultivated in Hungary—and about the same proportion prevails in Austria—is owned by those who cultivate it and live upon it.

I was interested also to know the average size of farms cultivated by those farmers, or as they call them over there, peasants. I was told that, outside of the large landed estates some of which are still left, the average number of acres owned by each farmer was only a little more than three and that on those three acres of land, by the most intensive form of cultivation, those farmers were able to make a fairly good living for themselves, produce a surplus which they might sell and out of which they might enjoy some of the things which they themselves do not produce.

Of course, as the Senator from Texas will realize, in any country where population has increased to such an extent that every acre of land must support infinitely more people than in this country, they have learned that lesson after long and bitter experience, but we are coming to the time in the United States when we must learn the lesson also. While it may be that the large land owner 20, or 30, or 40 acres looks like a mere pittance in the way of a farm, I agree with the Senator from Texas that by industry, hard work, and frugality, a man can make an adequate living upon a farm of that size if it is reasonably fertile and if it is cared for and worked as we are going to have to work and care for our land.

I am in sympathy with the Senator and with the objects of the bill.

Mr, CONNALLY. I thank the Senator from Kentucky for his very illuminating illustration.

Mr. BORAH. Mr. President, may I ask the Senator from Kentucky a question in the time of the Senator from Texas?

The PRESIDING OFFICER. Does the Senator from Texas yield for that purpose?

Mr. CONNALLY. Certainly.

Mr. BORAH. To what extent have the cooperative systems advanced in the countries of which the Senator has been speaking, where the farmers buy through a cooperative system which is not limited to the number of products which they have to sell, but covers the entire field of what they have to buy as well as what they have to sell?

Mr. BARKLEY. The cooperative system in many of the countries of Europe has gone far beyond what we have ever contemplated in this country, not only with reference to control of production and marketing and prices of farm products, but including what they purchase from others, so that it works both ways. They are able to dovetail the sale and purchase of things grown upon and those necessary to the operation of the farm to a much greater extent and in a much more effective way than the farmers of this country have ever been able to do.

Mr. BORAH. They can protect themselves in their selling and in their buying both?

Mr. BARKLEY. That is correct.

Mr. BORAH. But under our system at the present time there is no way by which the farmer can protect himself as to that which he buys and there is a very limited way by which he can protect himself in what he sells.

Mr. BARKLEY. One of the difficulties is the magnitude of our country. In smaller countries it is much easier to bring about a close cooperative system than it is in a country 3,000 miles one way and half that distance the other way, with all sorts of varied conditions. It is more difficult here to bring about a nation-wide system of cooperation among farmers, either in selling or in the purchase of commodities, than it is in smaller countries in the older sections of the world.

Mr. CONNALLY. Let me suggest to the Senator from Idaho and to the Senator from Kentucky also that it is not so much the size of the country after all as it is the fact that in countries where the population is dense and the communities are closely knit it is much more simple to have cooperative associations. For instance, in Europe they have the village system. The farmers do not live on isolated farms, but all live in the village and farm out from the village. Their social and communal life is more highly developed than it is among the agricultural people of the United States.

Mr. BORAH. Is it not also true that the living which they make upon the farm is very much lower than the standard of living in this country?

Mr. CONNALLY. It is. They do not live as well as our farmers. On many of the farms in Europe they consume the food that in a sense is not marketable. They cull over their vegetables and fruits and use the culls themselves at home and sell that which is more salable.

Mr. BARKLEY. Mr. President, will the Senator yield further?

Mr. CONNALLY. Certainly.

Mr. BARKLEY. In addition, it is also true that the methods of farming, even in the most prosperous sections of Europe, are extremely primitive. One can go along on an electrified railroad, traveling at the rate of 60 or 65 or even 70 miles an hour, through a beautiful farming country, and alongside the track he will see men and women cutting their wheat with a scythe or with an old-fashioned wheat cradle. Of course, the smallness of their farms makes it impossible for any individual farmer to invest enough money to buy modern machinery, and as a result, except where they have the great cooperative organizations, they cannot afford to invest in farm machinery. Instead of tractors one will see ox teams pulling plows and can even see wheat being threshed in the old-fashioned way which our grandfathers used.

Of course, we hope our agricultural tenancy will never become so low as to make it impossible for our farmers to invest in modern machinery, but the mere fact that the countries have become densely populated, that every acre of land must support more people, that every clod of dirt must be made to work as is done in the older countries of Europe, instead of allowing it to wash down the streams into the sea as we are doing in large sections of our country, brings about automatically the necessity for every man to devote himself almost without restriction to the cultivation of his little share of the earth's surface, and, of course, that itself robs him of many pleasures which we think fundamentally necessary in the enjoyment of life in the United States.

But the thing we ought to guard against in all our legislative program, it seems to me, is the coming of the day when our farmers will have so to restrict themselves, not only in acreage but in methods of cultivation, that they cannot continue to progress and move forward as we have always been proud to feel that our agriculturists could do.

Mr. CONNALLY. I thank Senators for these contributions.

France is a good illustration of a very successful agricultural country. Probably there is a larger percentage of home ownership in France than in any other great country of Europe. Most of the farms, at least in the section of France which I have visited, are very small. In Brittany, up in the northern part of France, the fences are usually mud fences, with grass and other vegetation growing over them, and a farm contains only a few acres; but there are a great many fat cattle there, and all that sort of thing, and the people there make a living on only a few acres because of the intensive cultivation; and they are economical. They do not live as well as our farmers in America live. Referring to what the Senator said about plowing with oxen, and the tractor, they can raise oxen but they cannot raise tractors. The result is that they do not have to pay for tractors; they do not have to pay for gasoline.

Mr. BARKLEY. They also have the patience to use the oxen after they raise them.

Mr. CONNALLY. Yes.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield to the Senator from New York.

Mr. COPELAND. I can quite sympathize with the Senator in what he has said about the success of small farms in other countries. I have visited the Holy Land, and I have seen farmers there make a living off 2 acres of ground; but that cannot be done in the United States.

I am going to vote for this bill, but I have no delusions about it. I could give a farmer 20 acres of the best land I have in my farm, and build him a house, and give him a plow and a horse and a cow, and he might possibly get enough off those acres to keep his family from starvation; but he would have no cash to spend, and he would not have enough money to pay his taxes.

This bill is all right as an experiment, and I hope it may prove valuable; but I am not fooling myself a bit. I was born on a farm and brought up in the country. I know the conditions that surround American farmers. In my section of the country it is impossible to put a man on one of these small farms and have him succeed. It may be done elsewhere if he can specialize. If he can raise berries or eggs or vegetables, if he can specialize in something for which there is a local demand, he may make some money; but the ordinary, everyday farmer who is just hitting the line cannot make a living in my section of the world from 25 or 30 acres.

Mr. CONNALLY. Mr. President, of course, I am not familiar with farming in New York State. Farming is a hard life anywhere. There is no doubt of that. The returns compared to what is put into a farm are very small; but the fact that the conditions on the farm are already hard is no reason why we should not undertake to lessen their rigor if we can. I am sure the Senator from New York will agree that if a man is going to farm, he ought, if possible, to own the land that he is farming on, rather than be a liege tenant of some landlord.

Mr. COPELAND. I fully agree to that. I have already assured the Senator that I am going to vote for the bill.

Mr. CONNALLY. I thank the Senator.

Mr. COPELAND. But I am not deluding myself. I feel that this experiment is bound to end in heartaches and disappointments for most of those who take advantage of the provisions of the bill. There may be some who, by reason of favorable location, access to markets or to cooperatives, may make good; but I do not believe the millennium will dawn when this act takes effect.

Mr. CONNALLY. I have already suggested that no one need think that under this bill he is going to get rich, or be able to operate on the stock market. Of course not; but those who take advantage of its provisions are going to be better off than they are now. If by any hook or crook they

can acquire an interest, if it is only in 10 acres of land, they are better off than if they do not have 1 acre of land. They have a place to shelter them from the storm; they have a place where they cannot be run out by the sheriff; they cannot be ousted by the tax collector or ousted by the landlord.

Mr. President, I do not wish to consume the time of the Senate, but I do desire to impress upon Senators the necessity for increasing this initial appropriation over the $10,000,000 figure set in the bill. I will say to the Senator from Idaho [Mr. BORAH], in answer to a question he asked awhile ago, that tenancy in Texas has increased from 37.6 percent in 1880 to 57 percent in 1935. I think probably those figures are fairly reflective of the trend in other Southern States. Tenants now operate 57 percent of all farms in Texas, 54 percent of all harvested cropland, 30 percent of all farm land, and the farms operated by tenants include 40 percent of the value of all Texas farms. The land operated by tenants, excluding the big farms, represents 40 percent of the entire value of all the farms in my State.

Along with the increase of tenancy has also come an increase in the percentage of mortgage indebtedness of those who actually own farms. They go hand in hand. Statistics reveal that farmers who operate their own land for an equity amount to only 33 percent of the value of all Texas farm land. From 1900 to 1930 the percent of owner-operated farms that were mortgaged increased from 22 to 40 percent. The deflations in values which occurred during the depression show how shadowy and uncertain is an equity in high-priced land covered by a mortgage.

Mr. President, my view of a plan for dealing with farm tenantry involves five points:

First. As is provided for in the bill of the Senator from Alabama, provide for the Government to acquire and sell to experienced and industrious farm tenants farms of sufficient acreage to support a family, but not of such size as to place too great a burden of debt upon the purchaser. In other words, none of these farms ought to be sold to a tenant until he can convince a local committee that he is already a successful tenant farmer, that he has had experience, that he is honest, and that he is frugal, because it will not do any good to put a man on one of these farms who either does not know how to farm or who is too lazy to farm. So we should select the very cream of the class of tenants who seek this aid.

Second. Of course, the plan must provide cheap credit and amortization over a sufficient period of years whereby the tenant may become the owner, and be able to meet his payments, as well as the support of his family, out of the land itself. That is a justification for the 3-percent interest rate. It is somewhat in the form of a slight subsidy, but the subsidy is justified because of the national interest in getting these men back on the farm and in building up the civic fabric.

Third. The plan should tie into other farm plans for the conservation and scientific cultivation of the soil. Every tenant who acquires one of these farms should be made to comply with soil-conservation plans, and to submit to leadership and direction in farm economics and in the diversification of his crops, and not except to make a living out of one isolated crop, such as cotton.

Mr. President, the fourth point perhaps will not meet with the favor of some Senators; but I believe that for a period of years a certain degree of supervision over the tenants may be desirable toward stimulating diversification and the scientific utilization of land resources.

Fifth. A cardinal feature should be making the farm a home and not a mere wagon yard; not a place to stop for the night and then move on to another home.

Mr. President, such a program envisions over a long period of years, a stabilized agriculture and a stabilized citizenship. As I have already suggested, Great Britain and Denmark and Ireland have made great advances in this field; and the United States can make advances if we give the matter attention and scientific study and experimentation.

The appropriation for the first year is inadequate. The amendment I have offered provides for an appropriation of $50,000,000 for the first and succeeding years. The Government ought to lay out a plan for the expenditure over a period of years of a billion dollars. Now, do not gasp. That money will represent assets. It will not be wasted. The problem is too big, too gigantic, to be solved by piecemeal methods. It is an investment. The Government will own the assets which represent the money expended. Ultimately, we hope, it will be returned. Ultimately, the purchasers will become home owners. This is the great objective. That is the justification for this program. It is one of the most fundamental problems of America.

At the moment the United States is staggered by industrial and labor clashes. Here lies the pathway to economic and social security for those who till the soil of America. Here lies the pathway to a stabilized agriculture, and to a stiffening and toughening of the civic fiber of this Republic.

I hope very much that the Senate will adopt the amendment, which will give assurance to those who are interested in this program that we are serious about it, that we are not simply playing to their imagination in appropriating only $10,000,000 for a program for a whole year all over the United States, but that we mean to go through and pledge $50,000,000 each year, I hope for a period of at least 20 years, so that the people of this country may know that we are making a serious endeavor and an earnest effort to solve this very important and compelling problem.

During the delivery of Mr. CONNALLY's speech,

Mr. GEORGE. Mr. President——

Mr. CONNALLY. I yield to the Senator from Georgia.

Mr. GEORGE. Mr. President, I ask permission to insert in the body of the RECORD itself an editorial or article appearing in the Lavonia Times, a weekly newspaper published at Lavonia, Ga., entitled "Love Your Land—It's the Source of All Wealth." It is a worth-while editorial expression and not without some pertinency to the general question involved in the debate now proceeding.

I wish to thank the Senator from Texas for yielding to me, because I must leave the Senate Chamber in a moment, and I wish to take this occasion to register my position upon the pending bill.

I heartily favor the bill, although I recognize that the amount authorized for the first and second years is wholly inadequate to meet the demands that will be made against the fund. However, it is the beginning of an experiment, if it may be stated in that way, for the matter is hardly experimental. It is the beginning of the inspiration of many tenants to farm ownership.

I should like to take occasion, with the Senator's indulgence, to say that I do not regard the question of farm tenancy as fundamental. It is not fundamental; it is merely symptomatic; it is merely the result of a combination of circumstances, a combination of practices and policies. However, it is a stubborn fact, and a fact that ought to be considered by the Congress and one that ought to be remedied, so far as it is possible to remedy it. I congratulate the Senator from Alabama on having taken this initial step in that direction.

The PRESIDING OFFICER. Without objection, the editorial will be made a part of the RECORD.

The editorial referred to is as follows:

[From the Lavonia (Ga.) Times of June 25, 1937]

LOVE YOUR LAND—IT'S THE SOURCE OF ALL WEALTH

(By Stiles A. Martin, statistician, Georgia Department of Agriculture)

Land is the only permanent thing in the world. All other substance decomposes and returns to the land, thus enriching the soil, which produces the sustenance of all life. A piece of land an acre square today will be the same size a million years from now, while all else around it will return to dust.

Every living thing, whether it be man, animal, fowl, fish, tree, or grass, owes its life to land. Every substance on earth comes from the soil, whether it be a house built of lumber, brick, or stone, put together with nails, or mortar, and furnished with beds made of wood or metal.

Every object in every building in the world, whether it be Westminster Abbey in London, the Empire State Building in New York, or the State capitol in Atlanta, comes from the soil. Every brick, every stone, every piece of wood, or other material used in the construction of every building in every city in the world come from the land. All man-made structures are only collections of material from the soil.

The source of every flower, every piece of fabric, every sheaf of grain, every flash of electricity that lights our homes and drives our machinery, is traced to the soil. Every blade of grass that supports animal life that gives us the horse and the mule which are used to till the soil, and the dairy cow which supplies us with milk and butter, owes its life to the soil. Every bit of food consumed by the human race at every meal, comes from the soil.

Stone will crumble to dust, buildings will burn to ashes, seed time and harvest come in their season, one generation passes and another follows, and only land remains permanent.

If you do not own any land, acquire some and realize the feeling of security, independence, and contentment that comes when you own your own home and the land you cultivate. Then you will come to a full realization of what Sir Walter Scott meant when he said:

"Breathes there a man with soul so dead, who never to himself hath said, 'This is my own, my native land'?"

When you stand on your own land and gaze across your fields, remember you have the most valuable of all material things. The family with land needs never go hungry. The factory may shut down and business firms may fail and the pay roll may stop, but the man with land can always grow something to eat.

Land is nature's greatest gift to man. Land will support us, our children, and our children's children if we will protect and care for it.

Love of land and home ownership lend to stability and permanency of citizenship. No country rises in prosperity above the level of the standard set by its farmers. As the farmer prospers, so does the city. Let the farmer stop his plow and every citizen will be hungry in a few days and will starve to death if the farmer does not feed him.

William Jennings Bryan said: "Burn down your cities and leave our farms, and your cities will spring up again as if by magic; but destroy our farms, and the grass will grow in the streets of every city in the country."

Emerson said: "The first farmer was the first man, and all historic nobility rests on possession and use of the land."

It was the land that saved the South following the War between the States. The same land that had run red with the blood of its soldiers, produced food when at the end of the conflict the Confederate soldier returned home.

It was the love of land that caused Scarlett in Gone With the Wind to offer to sacrifice her honor in order to raise money to save Tara, the family home, and the farm. It was the love of home and land that caused Olan, the wife and the mother in Pearl Buck's book, The Good Earth, to keep her husband from selling their land during the famine, even though her children were hungry.

The love of land is part of nature. Children prefer to go barefooted rather than wear shoes, so they may feel the farm earth ooze between their toes. Children at play, given a sand pile and a lot of toys, will turn from the toys to play in the sand and make mud pies.

The man who lives on the land starts no wars and generally lives at peace with his neighbor and the world, loves nature and reveres God, because he sees His handiwork in every blade of grass, every grain of corn, every calf, every colt; in every drop of rain, in every lightning flash, in the sun's rays by day and the moonbeams at night.

The man who tills the soil is usually a religious man and one who is interested in the welfare of his family, his school, his church, his community, his State, and his Nation.

Therefore if you own land, protect it from erosion and washing by terracing, by rotation of crops, and by keeping as much of the water as possible on the land that falls upon it. Muddy water contains soil.

Three kinds of land do not lose soil: Grassy pastures, grain fields, and woodland.

After the conclusion of Mr. CONNALLY'S speech,

SAFETY AT SEA

Mr. COPELAND. Mr. President, I desire to ask that the Senate proceed to the immediate consideration of House Joint Resolution 434. My reason for making the request that it be considered now is that the law to which this measure applies goes into effect today. It has to do with the installation of sprinklers upon ships, part of the safety at sea legislation.

The Department of Commerce has found it impossible to have the laws providing for the devices fully applied by this date. The joint resolution which has come from the House puts the effective date over to the first of October.

I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of the joint resolution.

There being no objection, the joint resolution (H. J. Res. 434) to amend the act entitled "An act to amend section 4471 of the Revised Statutes of the United States, as amended", was considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That the act entitled "An act to amend section 4471 of the Revised Statutes of the United States, as amended" (Public, No. 712, 74th Cong.), approved June 20, 1936, is amended by striking out "July 1, 1937" in the first line of the second paragraph thereof and inserting in lieu thereof "October 1, 1937".

The PRESIDING OFFICER. Without objection, Senate Joint Resolution 172 will be indefinitely postponed.

Mr. COPELAND. Mr. President, the newspapers this morning carried the pleasing information that the chairman and members of the Maritime Commission have succeeded in adjusting the differences which existed between the Maritime Commission, or the Government, and the owners of the ships operating them under mail contracts. It seems to me that what has been accomplished is notable.

Mr. Kennedy, in his statement today, announced that the contracts, or a large number of them, have been canceled at an amazingly low figure. I am not so sure but the figure is too low. But, since it is in the interest of the Government, I assume there will be no objection to that.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. McKELLAR. I have not read the article the Senator is about to put in the RECORD, but will do so. I was wondering what figure had been obtained.

Mr. COPELAND. I am not seeking to put an article in the RECORD; I was using it as a reminder. But Mr. Kennedy telephoned me a few days ago that he had succeeded in bringing about the cancelation of the mail contracts for $750,000.

Mr. McKELLAR. That is probably a very reasonable adjustment.

Mr. COPELAND. I would say it was more than reasonable.

Mr. McKELLAR. What is the extent of the subsidies the Government is to pay?

Mr. COPELAND. That is even more remarkable than the adjustment I have mentioned. At the various times when bills on this subject were before the Senate, we estimated the operating subsidies at from $20,000,000 to $25,000,000 annually. The mail contracts amounted to about $20,000,000, but we estimated that the operating subsidies would be from $20,000,000 to $25,000,000. As a matter of fact, according to Mr. Kennedy's statement, during the 6 months' period beginning today and going forward until New Year's, all subsidy payments for the 22 services which have been agreed upon, will amount to only $4,645,579, less than $5,000,000.

Mr. McKELLAR. My recollection is that under the old system there were 41 shipping companies which received subsidies. The Senator says that now only 22 will receive subsidies. What has become of the others? Have they gone out of business?

Mr. COPELAND. No; as to them, there is still negotiation; but I may say to the Senator that I have here comparable figures showing that the subsidy will be slightly under $5,000,000, as I have already indicated. The same ships received postal subsidies of $7,570,908. So it will be seen that the operating subsidies provided under the new law are only about two-thirds as much as the old mail contracts.

Mr. McKELLAR. Assuming that the statement in the newspaper is correct—and I have no doubt it is—I wish to congratulate the new commission on their good work, and I hope they will continue to keep the subsidies within bounds. My belief is that it will be better for the Government, and better for the shipping companies themselves, if that is accomplished.

Mr. COPELAND. I share with the Senator the feeling he has about the commission. I think the commission is alert, and intelligent, and aggressive, and successful.

We must reserve judgment as to what this may ultimately do to the American merchant marine. I am not so enthusiastic about the future of the American merchant marine as I have been at times, for a reason which I am about to state. That was really the occasion for my asking for the floor.

There cannot be a successful American merchant marine without efficient crews. A good crew can operate a poor ship with much greater chance of success than a poor crew can operate a good ship.

Mr. President, we are having too much trouble on the sea. There are too many conflicting doctrines. There are too many major generals. There are too many groups representing opposing views. Unless there can be harmony in the labor groups upon the sea, it is my opinion that the American flag will disappear from the sea.

We have not had the harmony which we should have. Last year on the Pacific coast, by reason of what I regard as uncalled-for labor disputes, there was a loss to the shippers of a billion dollars. I do not know how much the ship operators lost, and perhaps it is not a matter of concern how much they may lose in the future, because under the subsidy law which is now on the statute books the losses will be made up, to a great extent.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. McKELLAR. I have sent for the act, but does the Senator recall whether or not a limitation was provided on the salaries of officials?

Mr. COPELAND. A limitation upon the salaries of the officials was provided, and a limitation so low that many of the companies will be deprived of the services of men who would advance the cause of American shipping if they were permitted to be so engaged. I think the limitation was a great mistake; but I am not now finding fault about that.

Mr. McKELLAR. As I recall, under an amendment offered by the Senator from Alabama [Mr. BLACK] a certain figure was fixed, and I believe that in the end it will greatly benefit the shipping companies, and I know it will be of benefit to the stockholders of the companies.

Mr. COPELAND. The Senator from Alabama is on the floor and can correct me if I am wrong, but I believe the limitation was finally fixed on $25,000 although $17,500 was first considered.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. O'MAHONEY. Does the act contain any provision protecting the rights of the stockholders in the various corporations that benefit from the Government subsidies?

Mr. COPELAND. There is a limitation placed——

Mr. O'MAHONEY. I know there is a limitation on the salaries. I remember that very well. But the Senator is very familiar with the fact that there is probably no line operating ships in the merchant marine which is not operating as a corporation under charter from some State; and the Senator knows that many, if not most, of the modern corporations which are engaged in anything which may be denominated "big business", are operated by insiders, without a great deal of concern or care for the interest of the stockholders. Does the Senator recall whether provision was made in the Merchant Marine Act for the protection of the stockholders?

Mr. COPELAND. Mr. President, there was reasonable provision made, and I hope provision for protection such as the Senator has in mind shall be made as to other corporations. I confess I have a great sympathy for what the Senator is attempting to do for the good of the country.

If I may now revert to the subject in mind, that is what I wish to say. The committee in formulating this act and the Congress in passing it had in mind all the time the upbuilding of an American merchant marine, placing emphasis upon the word "American." So the law which becomes effective this very day, the 1st day of July 1937, prescribes that "all licensed officers of vessels documented under the laws of the United States shall be citizens of the United States, native born or completely naturalized."

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. CONNALLY. Does not the Senator agree that that is good, sound policy?

Mr. COPELAND. Oh, yes; I surely do. That is the reason I am on my feet. I am here to brag about it a little bit. I think the policy is good, and I look forward to the time when every man employed upon the sea, sailing in a vessel under the American flag, shall be an American citizen.

We went very far in this law, however, much further than ever before. So far as cargo vessels are concerned which are subsidized under the new law, every single member of the crew, and by that I mean all the employees of the ship, shall be citizens of the United States, native born, or completely naturalized. Heretofore, there has never been any such requirement as that. On all the cargo ships every member of the crew must be an American citizen. This is the first time since 1812 that so proud a boast could be made.

We did not go quite so far with respect to the passenger ships. For a period of 1 year from the effective date—that is, for 1 year from today—80 percent of the crew of a passenger ship subsidized under the law must be American citizens. And the only place where there can be noncitizens is in the steward's department, which is the department having to do with the serving of food and service in the staterooms.

For this year in that department there may be noncitizens to the extent of 20 percent of the entire crew. Next year the number is to be 15 percent, and the following year 10 percent. I hope to see the time in the near future when every employee upon every ship shall be an American citizen.

Think what it would mean to American labor. We can make it possible for forty to sixty thousand jobs to be held by Americans. Loyalty to the flag and country is assured when good Americans are on guard.

The only reason we made any distinction in the case of the crew on passenger ships is that a great many passengers carried by American ships speak other languages—French or Spanish or Italian or German or Greek or some other language.

So it was thought that in the steward's department, in order that the transition might not be too sudden, for a period, this year and next year and the following year, there might be a limited number of noncitizens.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. VANDENBERG. Without wishing to divert the Senator from what he is saying, I should like to inquire if it would not be equally good if the officers of the maritime labor union should similarly be required to be American citizens.

Mr. COPELAND. Mr. President, I am familiar with suggestions made by the Senator from Michigan. I was particularly attracted by the proposal which he made to the effect that the leaders and agents of labor unions should be citizens of the United States. And why should they not be?

I do not presume to speak about other industries; the same thing must apply to them; but certainly, so far as the unions of men upon the seas are concerned, they ought to be under the domination and leadership of American citizens. I wish that were the case today. It is not the case today.

In my opinion, one of the reasons why we are having so much trouble upon the seas, so much trouble with the crews of American ships, is because the "big mogul" of the new and noisy seamen's union, at least on the west coast, is an alien. He has not thought enough about our country to become a citizen. Whether he is here legally or not I do not know, but I do know that on three separate occasions he has applied for citizenship and two of those applications were never carried through. As to the pending one I do

not know what will be done with it. But the fate of our ships and the fate of our crews and the fate of the American sailors—the fate of all those great maritime affairs which we hold dear—is in the hands of a man who does not care enough about the American flag to become a citizen, if he is entitled to become one.

If I had my way, he would not be in the United States, Mr. President. If he is subject to deportation—and I have my suspicions that he is—he should be deported. He should go back to the land whence he came and organize all the unions he wants to organize over there. Let him leave it to American citizens to determine about the crews of our ships and the control of the unions having to do with the regulation of the crews of our ships.

Mr. President, I have been somewhat diverted, but I wish to congratulate the Maritime Commission upon the good work it has done. I wish to congratulate the country that we appear now to be on the way to the development of an effective merchant marine. But at the same time I desire to warn the country that we will never have an effective American merchant marine until it is in every sense an American merchant marine. I want to see the time when every sailor upon the seas under the American flag is an American citizen. I want to see the time when he is in an organization made up of American citizens. I want to see the time certainly when the leaders of every one of these organizations of seamen shall be American citizens.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. CONNALLY. Let me ask the Senator, does he really feel, however, that under present circumstances the American merchant marine can successfully compete with foreign merchant vessels?

Mr. COPELAND. Mr. President, the American merchant marine cannot compete with foreign-flag ships without Federal aid. I say that because we expect labor on the seas to enjoy the same standard of living that labor has upon land. Many foreign ships pack their crews like sardines in quarters which are inhuman and indecent. They feed their crews with food that we would not want any American to look upon. If we are to have an American merchant marine, if it is worth our while for two reasons to have an American merchant marine—to carry the bulk of our cargo to and fro, and an American merchant marine to be an auxiliary to the Navy—we can do it only by Federal aid.

There are reasons, too, which go beyond the matter of a subsidy for operation which has to do with the crew. I refer to the building of the ships. It costs twice as much to build an American ship in an American shipyard as it does in a foreign shipyard. Why? Because labor is paid so much more here. Those who work with the steel and with the wood, those who work fabricating the machinery, those who take the iron out of the earth, those who take the coal from the earth to smelt the iron into steel, all these men are paid higher wages than are men similarly employed abroad. Naturally, all these items reflect themselves in the cost of building ships.

Mr. President, it is not alone the initial cost of the ship, which is twice as great as it is abroad. There is a continuance of expense, due to the additional cost of insurance upon the vessel, the interest upon the investment, and the increased sinking fund required. So, Mr. President, the law which we are lauding today provides not alone for an operating differential to make possible the operation of the ships under American standards of living, but also provides for subsidy from the Government for the additional cost of building.

I hope Senators will bear in mind all the time that a navy is of no use without auxiliary ships. I remember very well, when President Theodore Roosevelt sent the "White Fleet" around the world, how proud we were to see those great white vessels plowing the seas. But there was no particular pride in my heart when I found that we had to charter from foreign countries, mainly from England, the vessels to carry supplies to make possible the operation of that fleet. A navy made up alone of battleships and cruisers and other fighting craft is of no value unless there is a merchant fleet to carry the supplies which must be had to make possible the operation of the fleet.

So, Mr. President, this second provision of the subsidy law is a wise one, I think, because it makes possible the building of ships which will serve as auxiliaries to the Navy. It is needless to refer to what a merchant fleet means to the farmers of the country.

On two or three occasions, by reason of difficulty abroad, for example, during the coal strike in England, and, going back of that to the Boer War, when the many merchant ships of England were employed in carrying products for the use of the British Empire, we had no ships. Then our grain and our fruits piled up on the docks on the Gulf of Mexico and on the west coast and in New York because there were no bottoms to carry our products abroad. It was only because we had the defective Shipping Board ships, which were built during the war, hastily and cheaply, and which were then in reserve, that made it at all possible for us to carry the supplies.

Mr. President, in closing, let me say that I think the Maritime Commission, headed by Mr. Kennedy, is rendering useful service. I hope the Department of Commerce will see to it that the provision of the law about Americans being employed in the crews will be carried out to the letter; that we may have, in every sense, an increasingly useful and valuable American merchant marine. When we have that, in my opinion, we will have materially advanced the welfare of our country and the prosperity of every State in our great Union.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7493) making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SNYDER of Pennsylvania, Mr. DOCKWEILER, Mr. TERRY, Mr. STARNES, Mr. COLLINS, Mr. CANNON of Missouri, Mr. POWERS, and Mr. ENGEL were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 2156. An act to amend the act relating to the Omaha-Council Bluffs Missouri River Bridge Board of Trustees, approved June 10, 1930, and for other purposes;

S. 2620. An act to amend the Hawaiian Homes Commission Act, 1920;

S. 2621. An act to enable the Legislature of the Territory of Hawaii to authorize the city and county of Honolulu, a municipal corporation, to issue sewer bonds;

S. 2622. An act to authorize the Legislature of the Territory of Hawaii to create a public corporate authority authorized to engage in slum clearance and housing undertakings and to issue bonds of the authority, to authorize said legislature to provide for financial assistance to said authority by the Territory and its political subdivisions, and for other purposes;

S. 2652. An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes;

S. 2653. An act to amend an act entitled "An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes", approved August 3, 1935; and

H. R. 6635. An act to dispense with the necessity for insurance by the Government against loss or damage to valuables in shipment, and for other purposes.

AMENDMENT OF CRIMINAL CODE FOR ALASKA

The PRESIDING OFFICER (Mr. PEPPER in the chair) laid before the Senate the amendment of the House of Repre-

sentatives to the bill (S. 2254) to amend section 460, chapter 44, title II, of the act entitled "An act to define and punish crimes in the District of Alaska and to provide a code of criminal procedure for said District", approved March 3, 1899, as amended, which was, on page 2, to strike out all of section 2 and insert:

SEC. 2. Nothing in this act shall abrogate, limit, or curtail the powers granted the Territorial Legislature of Alaska to impose taxes or licenses, nor limit or curtail any powers granted to the Territorial Legislature of Alaska by the act of Congress approved August 24, 1912, entitled "An act to create a legislative assembly in the Territory of Alaska, to confer legislative powers thereon, and for other purposes", or by any other act of Congress.

Mr. MURRAY. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

FARMERS' HOME CORPORATION

The Senate resumed the consideration of the bill (S. 106) to establish the Farmers' Home Corporation, to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, to create a fiscal agent for the United States, and for other purposes.

Mr. O'MAHONEY. Mr. President, I send to the desk an amendment which I should like to offer to the measure pending before the Senate.

The PRESIDING OFFICER. The Chair will state that there is an amendment now pending and undisposed of.

Mr. O'MAHONEY. Then, I give notice that, when the pending amendment shall have been disposed of, I will call attention to the amendment intended to be proposed by me.

Mr. BANKHEAD. Mr. President, before a vote is taken on the amendment offered by the Senator from Texas [Mr. CONNALLY], by which he seeks to increase the appropriation for the first year to $50,000,000, I should like to make a statement. The Members of the Senate who were present when I discussed the bill earlier in the day understand that I should like to have $50,000,000 for the purposes of the bill, but such an amount of money appears to be inconsistent with the President's financial policy at this time. In that connection, I stated that I had made an agreement with him that we would start with $10,000,000 this year. I stated earlier in my remarks, and I repeat, that I had no authority to bind anybody but myself, but I was speaking in the interest of the passage of long-delayed legislation on this subject, and in the hope that we would be able to get some measure embodying legislation of this character on the statute books. So I hope that the arrangement which has been made and publicized and upon which the House of Representatives has acted will be carried out.

The House passed a bill in line with this understanding, and changed the appropriation to $10,000,000. It doubtless would not yield, in view of the statements I have made to the Senate, and, while most of us would like to have more money the first year, it is possible that increasing the authorization might jeopardize the final passage of the bill. I am not sure that the reduction in the long run may not be wholesome and helpful in working out a program to be put in operation and which, if successful, may be in continuance for from 50 to 100 years. I think precipitous haste may be injurious.

So I am going to ask the friends of the measure to vote down the pending amendment, and let the authorization for the next year stand at $10,000,000. I recognize the interest of the Senator from Texas. His heart beats strong for the under dogs in agriculture; he made a fine statement in support of the philosophy of the bill; and it is with great reluctance that I oppose anything that he offers here, especially when personally I should like to have done the very thing which he desires.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Wyoming?

Mr. BANKHEAD. I yield.

Mr. O'MAHONEY. In connection with the discussion which is now proceeding on the amendment offered by the Senator from Texas, I should like to invite the attention of the Senator from Alabama to language of the bill appearing on page 21, paragraph (h) on line 22. It seems to me that this is rather an extraordinary provision.

Mr. BANKHEAD. It has nothing to do with the amount to be appropriated.

Mr. O'MAHONEY. Let me read the provision to the Senator, and I think he will agree that it has a great deal to do with the amount. It reads as follows:

(h) Shall determine the character and necessity for its expenditures under this act and the manner in which they shall be incurred, allowed, and paid, without regard to the provisions of any other laws governing the expenditure of public funds and such determinations shall be final and conclusive upon all other officers of the Government.

It strikes me, Mr. President, that a broad provision of that kind should give pause to every person who is considering increasing the appropriations to be made available for such a corporation as is proposed to be created. May I ask the Senator from Alabama if the Committee on Agriculture and Forestry gave any special consideration to that provision?

Mr. BANKHEAD. No; and I will ask the Senator if he gave any consideration when he voted for it in voting for the crop-insurance law?

Mr. O'MAHONEY. I did not see it in the bill at that time.

Mr. BANKHEAD. I am informed it was there.

Mr. O'MAHONEY. At the proper time I shall move to strike out all of that paragraph following the word "act" in line 23 on page 21.

Mr. BANKHEAD. I do not see that that has anything to do with the matter involved in the amendment of the Senator from Texas.

Mr. CONNALLY. Mr. President, I want to say just a word in reply to the Senator from Alabama. I regret that the Senator from Alabama feels the necessity of having to quote on the floor of the Senate the wishes and desires of the President of the United States with regard to this particular legislation. No man in this Chamber has higher respect for the views and wishes of the President of the United States than I, but I think it is a bad practice for Senators, when they want to bolster up some argument, to drag out a letter or quote some verbal statement of the President of the United States in regard to pending legislation.

This is the Senate of the United States, and it is our duty to legislate. We all know how powerful any President is. We all know how powerful the present President is. The President can veto this bill if he does not like it. He can send here a message when he submits legislation, if he desires. But I do not think it is fair and I do not think it is good sportsmanship for Senators to turn the scale on these measures by quoting a private conversation with the President of the United States and saying, "Do not vote for this. The President does not want it. He told me so, and I promised I would not put it in the bill."

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. BANKHEAD. It was an authorized statement and not a private one. The President authorized me to give the statement to the newspapers, and it was published in the newspapers as coming from the President.

Mr. CONNALLY. I do not care whether it was authorized or unauthorized.

Mr. President, I know that the President of the United States is in sympathy with the agricultural interests of the Nation. I know he is in sympathy with the laboring people of the Nation. But in this Chamber I have to vote my own views on these questions. I think I know something about the tenant farmer of America. I think I know something about the hardships he endures. I was raised among tenant farmers. My playmates were the children of tenant farmers. My schoolmates were the sons and daughters of tenant

farmers. I know all about them. If there is one class of people in the United States that needs, not charity, not the dole, not hand-outs, not subsidies, but the opportunity to work out their own salvation on the soil, it is the tenant farmers of America.

We have here a bill relating to the tenant farmer. We have told him we are going to do something for him. We are going to buy a home for him. How much does the bill provide for that purpose? It provides $10,000,000 for the entire United States—only $10,000,000. Mr. President, that is nothing for a project of this kind. It is just a gesture, and not a good gesture at that. It is not a substantial gesture. It is just sort of a little wave at the tenant farmer, and he is gone. It is not even a glint in the eye.

I hope the Senate will vote for the $50,000,000 amendment. Let us start on this program in the proper way. Ten million dollars is proposed to be provided for the first year's operation. Three hundred million dollars was spent for the resettlement program, but they did not settle anything. They did not even settle their own accounts. They wasted a great deal of money. It was wasted in my State. The program was along the same line, but under an entirely different policy.

This bill provides for the selection of industrious, successful farmers and for putting them on the land and letting them work out their own salvation. We appropriated $300,000,000 for resettlement but propose to appropriate only $10,000,000 for a substantial, sound program looking to the future. We need this more now than we will need it next year. We need this more now than we will need it 2 years from now or 3 years from now or 5 years from now. We need it worse in the beginning of the program to take some of these people now on the W. P. A. and relief rolls and put them on these farms and give them some opportunity and some ambition and some hope.

We appropriated $1,500,000,000 for so-called relief, free relief, imaginary relief, temporary relief, work relief, so-called, but we propose to appropriate only $10,000,000 for the tenant farmers of America to rebuild the civic structure of this Nation and provide homes in which a man, when he goes home at night, does not have to worry about the landlord knocking on the door tomorrow morning and demanding his rent, when he goes home at night can feel he is anchored in the soil and that his children may grow up with satisfaction that they are sheltered by the roof of their own parents rather than getting a free bed in some free tourist establishment here in the city of Washington or in some other metropolitan territory.

The Senator from Alabama in his final argument undertook to execute the coupe de grace. However, the amendment is sound and ought to be adopted. I do not propose to abandon it. Last year the Senator from Alabama wanted $1,000,000,000, and defended his request for that amount and said it was sound. What a marvelous shrinkage in the Senator's financial vision has taken place within a year. A billion dollars then and now only $10,000,000! What percentage is that? I ask the former Secretary of the Treasury, who knows all about figures.

Mr. McADOO. It is 1 percent.

Mr. CONNALLY. One percent. I thank the Senator from California. The amendment ought to be adopted, and I hope the Senate will adopt it.

Mr. GUFFEY. Mr. President, we have heard the junior Senator from Texas [Mr. CONNALLY] discuss the question of farm tenancy in Texas, and I know from the smiles that spread over the faces of some of his colleagues that they doubted if he was familiar with the subject. In the meantime I have sent to the Congressional Library, and have secured a copy of a bulletin of the University of Texas entitled "Studies in Farm Tenancy in Texas", from which I desire to read some extracts into the RECORD:

Prof. Franklin H. Giddings, of Columbia University, who is recognized as one of the world's greatest authorities in social and economic studies, has put into one of his books the following paragraph:

"Whenever a commonwealth, whose people are impoverished and burdened with mortgages and other debts, is observed to appeal continually to its government to enact laws of a socialistic nature, or to undertake industrial and commercial enterprises for the benefit of a suffering population, the first inquiry made should ascertain whether that commonwealth is not really suffering from sociological poverty—from a certain incapacity or lack of enterprise to organize those varied forms of voluntary association by which, in other communities, great economic activities are successfully maintained."

In the opinion of the present writer, Texas is suffering from sociological poverty. The foregoing paragraph contains the keynote of most of the difficulties which we, as a State, face today. In the following pages we have discussed many of the problems pertaining to tenancy and tenant life. But the tenant as a class cannot be set off from the rest of our citizenship and discussed without reference to other classes and to many other problems besides that which is commonly known as the tenant question. In other words, whatever may be said in the following pages concerning tenant conditions, it must be remembered that the writers believe that all citizens of the State must assume their share of responsibility for any deplorable conditions which may be found. The tenant has his shortcomings. So has the commercial man, the professional man, and the landowner. But the tenant as a class has less chance to assist in that voluntary association work which has meant so much to other sections of the country. The man with something accumulated, and with that something constantly adding perspective to his view, must assume his greater responsibility.

To what is our sociological poverty due? In other words, why have we as a people and as a State permitted any problem to rise to the proportions of the tenant question? There are many reasons. They may be enumerated here, but we shall take little time to discuss them at this point. In the first place, we have always had in Texas such an abundance of land and natural resources that they have possessed small value and have been given little consideration. In time past only the minority comprehended the relation between industrial development and the rise in the value of land, and this minority took advantage of the opportunity and succeeded in obtaining large holdings. The wisdom of their actions has been jusified. In the second place, the conquest of Nature has been carried forward with great rapidity. The stream of immigration has flowed constantly in and constantly toward that section of the State where farming promised most for the least effort. The rise in the value of land has been greatest in this section.

The tenant question is now most pressing where originally farming could be started with the least immediate expenditure of labor and capital. To make a living in Texas or in most of the South has been easier than elsewhere, but easy living conditions are not conducive to strong or united social action. Ability to make a comfortable existence on a piece of land of sufficient size to keep the tiller of the soil isolated from the neighbors, has kept out all evidence of need for social unity and social action. This has been supplemented by a lack of common school facilities and of compulsory education for those who thought the farmer could farm without education.

The problems of industry confronting us today have not grown slowly. The rapid industrial development has rather thrust them upon the people. It takes time to acquire sociological wealth—more time than has elapsed since our industrial development began—and hence our people are unprepared to meet the large and bewildering problems which suddenly confront us. Every tide of home seekers coming into the State from other sections and other countries tends to keep us from that wealth because the newcomers must be assimilated by the social body. One of the great draw-backs to cooperative action has been the newness of the country and the fact that sufficient time has not elapsed to permit the growing up of stable community life.

It would be possible to take the voting population of the greater number of our counties and show what is meant by the foregoing comments on social life. As an example, we have taken the voters of Brown County and have grouped them by ages, so that the first table below shows the number of farm voters in each age group. In the second table we have shown by certain groups, of so many years' duration, how long these voters have been in the State and in the county. These tables give a fair idea of the movement of population in this State. In 1910 Brown County had a 42 percent of tenancy in its farm population. The table shows that there were in 1913, 23 voters of more than 60 years of age, but only four men had been in the State that long and none had been in the county that long. The greatest number of voters in any age group was between the ages of 30 and 35; the number being 354. But there are in the county 376 men who have been in the State that long. However, only 224 have been in the county that long. Further study of these tables will bring out other facts of a similar nature.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. GUFFEY. I yield.

Mr. CONNALLY. Would the Senator mind, in the course of his remarks, pointing out the relative economic status of the coal miner and the tenant farmer, as to which one received the larger return and had the more comfortable life?

Mr. GUFFEY. I shall have an article on the coal miner here in a minute. I will take up that subject later.

The above figures are illustrated in various ways, either in whole or in part, by our various maps and charts, but attention is

called here to figure I, which shows the population of Texas born in the United States and the rural and urban population born in the State and in other States.

Closely connected with the movement of population in our own State and in many other States has been the increase or decrease in the number of farm tenants. For the purpose of making a comparison between Texas and several other Southern States and States from different sections of the country, we give the following table concerning farm tenants, the increase or decrease being represented by percentage instead of numbers.

Growth of tenancy in the United States

	1880	1890	1900	1910
United States	25.6	28.4	35.3	37.0
Mississippi	43.8	52.8	62.4	66.1
Georgia	44.9	53.6	59.9	65.6
South Carolina	50.3	55.3	61.1	63.0
Alabama	46.8	48.6	57.5	60.2
Louisiana	35.2	44.4	58.0	55.3
Oklahoma			43.8	54.8
Texas	37.6	41.9	49.7	52.6
Iowa	23.8	28.1	34.9	37.8
Kentucky	26.5	25.0	32.8	33.9
Indiana	23.7	25.4	28.6	30.0
Missouri	27.3	26.8	30.5	29.9
Virginia	29.5	26.9	30.7	26.5
New York	16.5	20.2	23.9	20.8

The movement of population and the increase in the number of people per unit of area in Texas may be very closely followed by taking note of the time of organization of the different counties in the State. While almost anyone can tell where the older counties of the State are located and where the newer counties are to be found, very few people, perhaps, have in mind the general development as it is brought out in figure II.

As may be seen, the older section of the State is the small portion of the southeast part. Bexar County stands alone on the west side. There is a complete tier of counties between it and other original counties on the east. On the north, Shelby County marks the limit except for Fannin and Red River, which stand alone like two frontier sentries on the extreme north of the State. The counties which were organized between 1836 and 1840 may be easily distinguished on the map.

During the next decade 1840–50, the most of the counties in the northeast corner of the State were organized. There was also a block of a half-dozen organized around Bexar County and four in the southern point of the State. Of 25 of our leading cotton counties now, only two-thirds were organized before the year 1850.

Between the years 1850 and 1860 there was a solid block at the center of the State which extended both to the north and the south. Ellis, Johnson, Hill, Bosque, McLellan, Falls, Bell, Coryell, Hamilton, Tarrant, Parker, Palo Pinto, Jack, Wise, Montague, and others in the southwest were all organized during this decade.

Perhaps not more than five counties were organized between 1860 and 1870, but in 1870 more than a half-dozen of the smaller counties of the northeast corner of the State were ready for organization and on the west between 1870 and 1880 there was organization from Clay and Baylor on the north to the south and west as far as the Rio Grande, and three counties in the El Paso country.

With the exception of Wheeler and Tom Green Counties, all of the Plains and Panhandle country north of San Angelo has been organized since 1880. The greater part of it has been organized into counties since 1890. The work of organization is still going on.

A study of the map will show the settling up and filling in of the State. It does not show our population as it now exists. Figure III shows the density of population in 1910. The map which we are now discussing shows the speed and direction of movement of the people in order to settle the State as it is peopled now. It is not to be understood that the people who lived in the southeastern section of the State, sent their children into the center of the State and their grandchildren into the western part. This may be true in a large degree, but the tide of immigration which has swept in from the older States has been largely responsible for this later development in the central and western portions.

The important point, in connection with our brief study of development, is that the great agricultural and industrial problems of present-day Texas are to be found in a section of the State which was organized 5 or 10 years after Texas entered the Union.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. GUFFEY. I yield to the Senator from Montana.

Mr. WHEELER. Am I to understand that the Senator is now filibustering against the railroad bill?

Mr. GUFFEY. The Senator is not filibustering. He is just reading into the RECORD some interesting data on farm tenancy in Texas, to prove the position which the junior Senator from Texas argued in his brilliant speech a few minutes ago.

Mr. WHEELER. I thought probably the Senator was filibustering against the railroad bill which is coming up in a few minutes.

Mr. GUFFEY. No, Mr. President.

Mr. WHEELER. I could not understand why the Senator was reading the figures he is reading, because they certainly are not interesting to anybody, unless it be to the Senator himself.

Mr. GUFFEY. If we listened only to interesting things in the Senate, we should hear very little talking here. [Laughter.]

Taking the 37 counties of the State which had in 1910 a tenancy in excess of 59 percent, we find the following with regard to the dates of their organization:

Six were organized between 1836 and 1839, inclusive.
Three were organized between 1840 and 1844, inclusive.
Thirteen were organized between 1845 and 1849, inclusive.
Six were organized between 1850 and 1854, inclusive.
One was organized between 1855 and 1859, inclusive.
Three were organized between 1870 and 1874, inclusive.
Three were organized between 1880 and 1884, inclusive.
One was organized between 1885 and 1889, inclusive.
One was organized between 1890 and 1894, inclusive.

These 37 counties include all the greatest cotton counties of the State. Twenty-two were organized before 1850 and fifteen of them since.

Mr. DAVIS. Mr. President——

The PRESIDING OFFICER (Mr. HERRING in the chair). Does the Senator from Pennsylvania yield to his colleague?

Mr. GUFFEY. I yield.

Mr. DAVIS. Is the Senator familiar with the 1935 statistics, which show that 17.7 percent of the farmers in Pennsylvania were tenants?

Mr. ROBINSON. Mr. President, we cannot hear what is going on. What is the arrangement being effected between the two Senators from Pennsylvania? [Laughter.]

Mr. DAVIS. I was giving my colleague some information on the number of tenant farmers in the State of Pennsylvania.

Mr. ROBINSON. What is there confidential about it? Why should not other Senators have the information?

Mr. GUFFEY. It was a very low percentage, I was very glad to learn.

Mr. DAVIS. There is nothing on this subject I would hold in confidence from the distinguished and able majority leader, the senior Senator from Arkansas.

Mr. GUFFEY. Mr. President, in conclusion I wish to say that I strongly approve the amendment offered by the Senator from Wyoming, seconded by the Senator from Texas.

Mr. CONNALLY. I thank the Senator for his support.

Mr. DAVIS. Mr. President, I should like to have the amendment stated.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Texas to the amendment of the committee.

The LEGISLATIVE CLERK. It is proposed, on page 31, lines 9 and 10, to strike out "$10,000,000" and to insert "$50,000,000", and in line 12 to strike out "$25,000,000" and insert "$50,000,000."

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

NO RESTRAINT ON EXPENDITURES

Mr. O'MAHONEY. Mr. President, a few moments ago I interrupted the Senator to call attention to the provisions of the bill which appear on pages 21 and 22. The bill creates a corporation to administer the functions created by the measure. In paragraph (h) it is provided that the corporation—

(h) Shall determine the character and necessity for its expenditures under this act and the manner in which they shall be incurred, allowed, and paid, without regard to the provisions of any other laws governing the expenditure of public funds and such determinations shall be final and conclusive upon all other officers of the Government.

Mr. President, it seems to me this provision could scarcely have had any lengthy consideration at the hands of the Committee on Agriculture and Forestry. The Senate has just

voted down an amendment which would have increased the capital stock of the corporation by $10,000,000, and which would have increased the authorization for the first year from $25,000,000 to $35,000,000. But as the bill now stands it places in the hands of the proposed corporation $25,000,000 of public funds from the Treasury of the United States and gives to the corporation complete freedom from every act which has ever been passed to control the expenditure of public funds. There is talk about deficits, about taxes, about balancing the Budget; yet we are asked to pass on to a corporation complete unlimited power to spend all the money Congress may appropriate without any responsibility under the general law.

Mr. President, if a proposal of that kind had been made when this Government was established the man who made it would have been deemed insane; but now, apparently without a thought, it is proposed that we turn over to the corporation now about to be created this large sum of money to be spent without any let or hindrance.

The importance of what we are doing should become apparent when we read another provision of the bill. On page 19, section 5, provides that—

> The management of the corporation shall be vested in a board of directors (hereinafter in this act called the board) subject to the general supervision of the Secretary of Agriculture.

We are asked to create a board of directors and to make that board subject to the general supervision of the Secretary of Agriculture, "hereinafter in this act called the Secretary."

Observe this language:

> The board shall consist of three persons employed in the Department of Agriculture, who shall be appointed by and hold office at the pleasure of the Secretary.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. ADAMS. I was wondering if the Senator had been analyzing the powers of this corporation, made up of three employees of the Secretary of Agriculture, he would look at subdivision (l), at the top of page 22, and see if he could define the powers given under that section, which provides that the corporation "shall have such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred upon the corporation." This is the part to which I direct the Senator's special attention:

> And all of such incidental powers as are customary in corporations generally.

I am wondering what powers are "customary in corporations generally."

Mr. O'MAHONEY. The Senator is aware of the fact that he has put his finger upon one of the chief evils of our modern economic systems. Corporations are being created in numerous States, notably the State of Delaware, with absolutely unlimited power, and we have come to feel that the exercise of these powers is a sort of a divine right in a corporation. When three men gather together in a room and call themselves a corporation, they may do a multitude of things which no one of them in his natural capacity would think of being able to do. The law would prevent any natural person from exercising any part of the power which is conveyed to corporations under just such a phrase as that to which the Senator has called attention.

The corporate device is a device whereby a certain amount of public power can be exercised by private individuals. I am not referring solely to those provisions of the proposed legislation which refer to the character of the corporation proposed to be set up by this bill. I am wholly in favor of the plan to provide relief for farm tenants. I think it is absolutely essential that we should find a method whereby to establish the rural population of the United States upon the land upon a self-sufficient basis. But are we going to do that by turning the powers of Congress over to a corporation directed by three individuals, selected by the Secretary of Agriculture at his pleasure, to serve for such a term as he may decide—persons for whom absolutely no qualifications are set down in this bill?

The Senator from Colorado [Mr. ADAMS] has referred to the incidental powers that are customary in corporations generally. Those of us who have given any study to the corporation problem know that as a matter of fact hundreds of corporations have been created in this country by private interests—for private purposes, it is true—in which stenographers and office boys were made directors. I see the junior Senator from Missouri [Mr. TRUMAN] on the floor, and I am reminded of the statement which he made here only a few weeks ago in respect to the manner in which the Van Sweringen corporations were created. What is attempted to be done by this bill is the same sort of device that has been used by the exploiters of high finance, and we are adopting it for a public purpose. Is there any necessity for such a provision? Is there any reason for such a provision? Why should the Congress of the United States, in establishing a system designed to be helpful to the rural population of the United States, create a corporation of unlimited power, to be governed by a board of directors selected by the Secretary of Agriculture and to serve at the will of the Secretary? What Secretary of Agriculture? It may be one today and another tomorrow. We are legislating here not for today or this week or for this month. We hope we are undertaking to pass a permanent law, one that will be permanently beneficial to the people of the United States.

I do not believe that the rural population of this country desire to have their farms handled by a corporation created in this loose manner, a corporation the powers of which and the duties of which are so casually defined.

Let me call attention to another provision, bearing in mind that the members of the board of directors are to be appointed by the Secretary of Agriculture. It makes no difference what our ideas may be; he may select any person in the employ of the Department of Agriculture to fill these places.

Observe section 7 (a). We have created a board of directors. We have conveyed to that board of directors, we think, the power to govern the corporation. Subparagraph (e) of section 6 provides that this board may adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which the work may be carried on. But observe section 7 (a):

> CIVIL-SERVICE LAWS ABROGATED
>
> The Secretary of Agriculture may appoint such officers and employees, subject to the provisions of the Classification Act of 1923, and acts amendatory thereof, and such attorneys and experts as may be necessary for the purposes of this act.

We have created a board of directors to govern the corporation, and then we turn over to the Secretary of Agriculture the power to select the employees of the corporation. But that is not all.

> The Secretary may make such appointment without regard to the civil-service laws or regulations.

We not only repeal all the laws that govern the expenditure of public funds for the benefit of this corporation, to be governed by a board of directors of three persons, selected without stated qualifications by the Secretary of Agriculture, but now we give to the Secretary of Agriculture the power to appoint all of the employees without regard to the civil-service laws.

I read further:

> The board shall define the authority and duties of the officers and employees of the corporation, delegate to them such of the powers vested in the corporation as it may determine, and require bonds of such of them as it may designate and fix the penalties and pay the premiums of such bonds.

Mr. President, it seems to me impossible that the provision to which I have just referred could have been given any real consideration by the Committee on Agriculture and Forestry; and I should personally hesitate to see a bill of this magnitude passed without serious consideration by this body.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. SCHWELLENBACH. Will the Senator state just what is his specific objection to requiring bonds of the employees of the corporation?

Mr. O'MAHONEY. Ah, but the Senator misunderstands me. I made no reference whatsoever to the requirement of bonds. That is one of the few good provisions to be found in the portion of this measure dealing with the character of the proposed corporation. I was pointing out the fact that the Secretary of Agriculture may appoint such officers and employees, subject to the provisions of the Classification Act, and attorneys and experts, as may be necessary, and that these appointments may be made without regard to the civil-service laws and regulations. I was not making any allusion whatever to the provision governing bonds.

FREE USE OF THE MAILS

There is another provision in the measure to which it seems to me attention should be directed. It appears on page 21, in line 13, subparagraph (f). This corporation, now created with unlimited power, to be governed sometimes by a board appointed by the Secretary, without qualifications; this corporation, which is to be free from every law designed to place a restriction upon the expenditure of public funds; this corporation, which is now being released from the civil-service law, is being given another privilege. It—

Shall be entitled to the free use of the United States mails in the same manner as other executive agencies of the Government.

I am sure no Member of this body and no Member of the House—certainly no member of the Committee on Appropriations and no member of the Committee on Post Offices and Post Roads—is without knowledge of the fact that the mails are simply loaded down with unnecessary publications that are never read and which never should be printed.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. HATCH. Is the Senator referring to speeches by Members of Congress? [Laughter.]

Mr. O'MAHONEY. I am not referring to speeches. I am not referring to discussions of legislative problems. It would probably be a blessing to the country at large if the debates in the Senate and House were circulated more voluminously and were more widely read than they are. I am referring to the material which is printed in the departments, and which is never used, and which can serve no useful purpose.

Mr. ADAMS. Mr. President——

Mr. O'MAHONEY. I yield to the Senator from Colorado.

Mr. ADAMS. May I call the Senator's attention to another paragraph? His amendment deals with paragraph (h) on page 21, where the board is allowed to determine the character and necessity for its expenditures without regard to the provisions of any other law. At the top of page 23, paragraph (c), I find that the Secretary of Agriculture may take away from the corporation all of its funds and allot them to other bureaus within the Department.

Mr. O'MAHONEY. I thank the Senator for calling attention to that paragraph. This is the way that very interesting provision reads:

The Secretary may allot to bureaus and offices of the Department of Agriculture, as he may direct, to assist in carrying out this act, any funds made available pursuant to this act.

In other words, though the Committees on Appropriations of the Senate and the House may decide that certain funds are necessary for the purposes of this corporation, and though the directors of the corporation might feel that the funds were necessary for the purposes of the corporation, yet the Secretary of Agriculture is given authority to take away that money without the consent of Congress. Does the Senator so understand it?

Mr. HATCH. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. HATCH. I think perhaps that is the wrong interpretation of that paragraph. That paragraph contains the phrase "to assist in carrying out this act", which clearly means, to my mind, that if the Secretary of Agriculture takes any funds from this corporation it must be for the purpose of carrying out the provisions of this act. He cannot allot those funds to some other bureau for some other purpose.

Mr. O'MAHONEY. But who will determine whether the activities of such a bureau are necessary in carrying out the provisions of this act?

Mr. HATCH. Under the provisions of the bill itself the Secretary of Agriculture would determine that point.

Mr. O'MAHONEY. I have no doubt the Senator is correct that it is intended by this provision to give the Secretary the authority to switch funds for the general purposes of the act; but the circumstance to which the Senator from Colorado [Mr. ADAMS] alluded and the circumstance which I am discussing is that the Secretary has the power to switch these funds, even though for that purpose, without regard to the desires of Congress which passes the appropriation bill.

Mr. ADAMS. I add the additional suggestion that the Senator will find in section 4 (a), on page 19, that these funds are given to the corporation in exchange for the issuance of corporate stock so they become a corporate fund.

Mr. O'MAHONEY. The Senator is referring now only to the capital stock?

Mr. ADAMS. Yes; I am dealing with the first $10,000,000.

Mr. O'MAHONEY. That is the capital stock, and I suppose it could be used solely for capital-stock purposes, though there is no limitation. On page 31 of the bill the Senator will find an authorization for an appropriation of $25,000,000 for the fiscal year over and above the capital stock, and that is the fund which, under the provisions to which the Senator alluded, the Secretary of Agriculture could switch around as he pleased.

Mr. BANKHEAD. Mr. President, that is the authorization for the second year for capital-stock purposes.

Mr. O'MAHONEY. I misunderstood it then. Then there is authorized $50,000,000 for the next calendar year.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Certainly.

Mr. VANDENBERG. I should like to call the Senator's attention to another amazing section of the bill, but it relates directly to the amendment which he has submitted. His amendment, as I understand, is directed particularly to the unlimited power of the corporation to incur its own bills, pass on them, pay them, audit them, and finish everything.

Mr. O'MAHONEY. They may spend the money as they please.

Mr. VANDENBERG. I invite the Senator's attention to the fact that finally there is one post audit. I am referring to subsection (c) beginning at the bottom of page 23. The Comptroller General finally gets a chance to go over the transaction after everything has been completed beyond recall. I invite the Senator's particular attention to the provision at the top of page 24. We are so tender of this corporation that the Comptroller General is not permitted to report to Congress what he has found until he has sent his report to the corporation to find out what it thinks about it.

Mr. BANKHEAD. Mr. President, I suppose the Senator from Michigan understands that that came out of developments in connection with T. V. A. where thoroughly unjustified criticisms were made without giving T. V. A. any opportunity to make an explanation. In a subsequent bill the same provision was inserted by the able Senator from Nebraska [Mr. NORRIS].

Mr. VANDENBERG. The fact remains that I fail to understand how we can have an independent Comptroller General exercising his authority the way Congress intended it to be exercised if he cannot even submit his report to Congress until he has had a private conference with the bureau which he proposes to criticize.

Mr. O'MAHONEY. That deals with the subject matter which has been under consideration by the special joint

committee of the two Houses on reorganization of the Federal Government. A great deal of attention has been devoted to the necessity and the desirability of audits of Government expenditures and whether or not they should be post audits or audits made before the expenditures are made.

Mr. ROBINSON. Mr. President, it is my purpose to move an executive session at an opportune time, and then to move a recess until tomorrow. Will the Senator from Wyoming yield for that purpose at this time?

Mr. O'MAHONEY. I yield.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

Mr. HARRISON. Mr. President, among the nominations in the messages just laid before the Senate are several experts and attorneys in the Social Security Board. There is some question as to where those nominations should be referred.

It is my opinion, because the social security bill was considered by the Finance Committee, that that would be the appropriate committee to which the reference should be made. I understand that the chairman of the Committee on Appropriations contends that because the provision of law which brought these nominations here was included in an appropriation bill and was written into an appropriation act, the nominations should go to that committee. I think they ought to be referred to the Finance Committee. However, I am going to leave the reference entirely in the hands of the Chair and make no motion to that effect.

Mr. McKELLAR. Mr. President, the Senator from Virginia [Mr. GLASS], the chairman of the Appropriations Committee, is not present. It will be recalled that nominations of the administrators for W. P. A., and I believe for P. W. A., were referred to the Committee on Appropriations. The Senator from Virginia feels that these nominations in like manner should be referred to that committee. I hope they may be so referred, though I do not know what the correct parliamentary procedure may be.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Tennessee, that the nominations be referred to the Committee on Appropriations.

The motion was agreed to.

REPORTS OF COMMITTEE ON FOREIGN RELATIONS

The PRESIDENT pro tempore. As chairman of the Committee on Foreign Relations, the Chair reports back favorably from that committee the following nominations:

Hugh R. Wilson, of Illinois, to be an Assistant Secretary of State;

William H. Hornibrook, of Utah, formerly Envoy Extraordinary and Minister Plenipotentiary to Iran (Persia) and Afghanistan, to be Envoy Extraordinary and Minister Plenipotentiary to Costa Rica; and

Miss Margaret M. Hanna, of Kansas, to be a Foreign Service officer of class 5, a consul, and a secretary in the Diplomatic Service.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY TO COSTA RICA

Mr. ROBINSON. Mr. President, there is occasion for the prompt consideration of the nomination of Mr. Hornibrook to be minister to Costa Rica. The Committee on Foreign Relations, through its chairman, has reported the nomination. I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Is there objection? The Chair hears none; and, without objection, the nomination is confirmed.

Mr. ROBINSON. I ask unanimous consent that the President be notified of the confirmation of Mr. Hornibrook's nomination.

The PRESIDENT pro tempore. Without objection, the President will be notified.

If there be no further reports of committees, the Executive Calendar is in order.

CIVILIAN CONSERVATION CORPS—ROBERT FECHNER

The legislative clerk read the nominaion of Robert Fechner, of Massachusetts, to be director of the Civilian Conservation Corps.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

That completes the Executive Calendar.

RECESS

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate took a recess until tomorrow, Friday, July 2, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 1 (legislative day of June 15), 1937

DIPLOMATIC AND FOREIGN SERVICE

Jefferson Caffery, of Louisiana, now Ambassador Extraordinary and Plenipotentiary to Cuba, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brazil, vice Hugh S. Gibson.

J. Butler Wright, of Wyoming, now Envoy Extraordinary and Minister Plenipotentiary to Czechoslovakia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Cuba, vice Jefferson Caffery.

Hugh S. Gibson, of California, now Ambassador Extraordinary and Plenipotentiary to Brazil, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium; also Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Luxemburg, vice Dave Hennen Morris.

William H. Hornibrook, of Utah, formerly Envoy Extraordinary and Minister Plenipotentiary to Iran (Persia) and Afghanistan, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Costa Rica.

Ferdinand L. Mayer, of Indiana, now a Foreign Service officer of class 1 and counselor of Embassy at Berlin, Germany, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Haiti, vice George A. Gordon.

Leland Harrison, of Illinois, now Envoy Extraordinary and Minister Plenipotentiary to Rumania, to be Envoy Extraordinary and minister plenipotentiary of the United States of America to Switzerland, vice Hugh R. Wilson.

William E. Chapman, of Oklahoma, now a Foreign Service officer of class 5 and a consul, to be also a secretary in the Diplomatic Service of the United States of America.

APPOINTMENTS IN THE SOCIAL SECURITY BOARD

Mary E. Austin, of New York, Assistant Director, Bureau of Public Assistance (field activities).

Frank Bane, of Virginia, executive director.

Paul E. Batzell, of New York, Chief, Division of Administration, Bureau of Unemployment Compensation.

Thomas C. Billig, of Maryland, senior attorney.

Robert P. Bingham, of New Hampshire, principal attorney.

Benjamin S. Beecher, of Wisconsin, principal technical analyst.

Thomas C. Blaisdell, Jr., of New York, Assistant Director, Bureau of Research and Statistics.

Ruth O. Blakeslee, of Pennsylvania, Chief, Regulations and Procedure Division, Bureau of Public Assistance.

Thomas C. Broadaway, of Arkansas, senior administration officer.

Leonard J. Calhoun, of Mississippi, assistant general counsel.

John R. Campbell, Jr., of Massachusetts, regional representative, Bureau of Federal Old-Age Benefits.

John J. Corson, of Virginia, assistant executive director.

James S. Douglass, of Louisiana, technical adviser on motion pictures.

Thomas H. Eliot, of Massachusetts, general counsel.

Merton L. Emerson, of Massachusetts, Chief, Coordinating and Review Division.

Thomas I. Emerson, of the District of Columbia, principal attorney.

Isidore S. Falk, of Connecticut, principal medical economist.

Joseph L. Fay, of Massachusetts, technical adviser on machine methods.

William M. Galvin, of Maryland, senior technical adviser.

Walter Gellhorn, of New York, regional attorney, New York, N. Y.

John F. Hardy, of Massachusetts, regional attorney, Boston, Mass.

S. Park Harman, of New York, regional unemployment compensation representative.

Gladys A. Harrison, of Minnesota, regional attorney, region VIII, Minneapolis, Minn.

LeRoy Hodges, of Virginia, Director of Bureau of Federal Old-Age Benefits.

Jane M. Hoey, of New York, Director, Bureau of Public Assistance.

Robert E. Huse, of Massachusetts, Associate Director, Bureau of Informational Service.

Jesse O. Irvin, of Georgia, Chief, Press Service Division.

Helen R. Jester, of California, Chief, Public Assistance Statistics Division.

Curtis E. Lakeman, of Connecticut, Chief of Publications Division.

Bernice Lotwin, of Wisconsin, principal attorney.

Geoffrey May, of Maryland, Associate Director, Bureau of Public Assistance.

Elliott H. Moyer, of Michigan, senior attorney.

Merrill G. Murray, of Minnesota, Chief, Division of Legislative Aid.

Edward J. McCormack, of Tennessee, special assistant to Board.

Joseph E. McElvain, of New York, senior attorney.

Rose J. McHugh, of New York, Chief, Division of Administrative Surveys.

Harold P. Packer, of New York, senior attorney.

Louis Resnick, of New York, Director, Informational Service.

Mary Ross, of New York, senior social economist.

A. Melvin Sims, of New York, principal attorney.

A. Delafield Smith, of New York, principal attorney.

Jack B. Tate, of Tennessee, assistant general counsel.

James Guy Tucker, of Arkansas, constructive accountant.

Agnes Van Driel, of Illinois, Chief, Division of Technical Training.

R. Gordon Wagenet, of Connecticut, Director, Bureau of Unemployment Compensation.

Norman J. Ware, of Connecticut, senior economist.

Sue S. White, of Tennessee, senior attorney.

Leonard J. Wilbert, of Wisconsin, constructive accountant.

Alanson W. Willcox, of the District of Columbia, assistant general counsel.

Edward B. Williams, of Arkansas, principal attorney.

Marie R. Wing, of Ohio, regional attorney, region V—Cleveland, Ohio.

COAST GUARD

Albert A. Lawrence to be a professor (temporary), with the rank of lieutenant, in the Coast Guard of the United States, to take effect from date of oath.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 1 (legislative day of June 15), 1937

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY TO COSTA RICA

William H. Hornibrook to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Costa Rica.

CIVILIAN CONSERVATION CORPS

Robert Fechner to be Director of the Civilian Conservation Corps.

HOUSE OF REPRESENTATIVES

THURSDAY, JULY 1, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal God, our Father, without whose guidance our labor is useless and our search is vain, draw near to us. We ask Thee to invigorate our counsels and direct our inquiries that by due diligence and discernment we may be wise unto the claims our country has laid upon us. We pray Thee to lift us above all suspicion and distrust and hallow our deliberations with Thy blessing. Do Thou inspire us with high standards and wholesome ideals which will deepen our desire for purity, unselfishness, and sincerity. May we labor with singleness of heart as those who realize that their tasks are measured by the years. Our Heavenly Father, may the humblest cottage and the commonplace things of human life stand forth in the victory of day where the shadows are doomed because the light has come. In the blessed name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

JUDICIARY COMMITTEE

Mr. CHAMPION. Mr. Speaker, I am directed by the Committee on the Judiciary to ask unanimous consent that that committee may be permitted to sit for the remainder of this week during the sessions of the House.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

RETIREMENT OF EMPLOYEES IN THE CIVIL SERVICE AND IN CERTAIN POSITIONS IN THE LEGISLATIVE BRANCH

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2901) to amend the act of May 29, 1930, for the retirement of employees in the classified civil service and in certain positions in the legislative branch of the Government to include all other employees in the legislative branch, with Senate amendments thereto, and agree to the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, as I understand, this extends certain privileges to the employees of the legislative branch of the Government?

Mr. RAMSPECK. That was provided by the House bill. The Senate put in an amendment extending the benefits also to the judicial employees of the Government. I have in my hand a letter from the Attorney General stating he has no objection to the inclusion of the judicial employees. The gentleman will understand this is not mandatory. It is simply a permissive bill.

Mr. MARTIN of Massachusetts. The minority conferees are in accord?

Mr. RAMSPECK. I have spoken to the gentlewoman from Massachusetts, and I think she is in accord with the action I am seeking to have taken.

Mrs. ROGERS of Massachusetts. I think the bill is in satisfactory form. Certain changes were made in reference to Senate employees.

Mr. RAMSPECK. The Senate employees are in a little different position than employees of the House in that they do not pay any deductions into the fund until they have served 15 years, but if they want to avail themselves of the act at that time they have to pay for all of their previous service.

Mr. MARTIN of Massachusetts. The Senate always wants a little edge on the House?

Mr. RAMSPECK. Yes; they insist on that, and as long as it did not affect the House employees, I agreed to the amendment.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. RAMSPECK]?

There was no objection.

The Clerk read the Senate amendments, as follows:

Page 1, line 3, strike out "349" and insert "468."

Page 1, line 7, after "branch", insert: "and all officers and employees of any of the courts of the United States who are not entitled to the benefits of any other retirement act whose tenure of employment is not intermittent nor of uncertain duration."

Page 2, line 3, after "be", insert: "and shall not be applicable to any officer or employee of any court of the United States who is brought within its scope by section 1 of this act until such officer or employee gives notice in writing to the disbursing officer by whom the salary of such officer or employee is paid."

Page 2, line 9, after "entrance", insert: ": *Provided*, That in the case of any such employee whose salary or any part thereof is paid by the disbursing officer of the Senate, such notice may be given at any time, and such employee shall come under the provisions of such act of May 29, 1930, at the beginning of the sixth month after the giving of such notice."

Page 2, after line 9, insert:

"No such employee whose salary or any part thereof is paid by the disbursing officer of the Senate shall make any deposit required by section 9, or any redeposit required by subsection (b) of section 12, of such act of May 29, 1930, and there shall not be deducted and withheld from the basic salary, pay, or compensation of any such employee the sum required to be deducted and withheld by section 10 of such act of May 29, 1930, unless and until such employee shall have completed 15 years of service: *Provided*, That before any such employee may derive any of the benefits provided by such act of May 29, 1930, he shall be required to deposit an amount qual to the following sums: (1) The sum which would have been deducted and withheld from his basic salary, pay, or compensation but for the foregoing provisions of this paragraph, together with interest on such sum computed at the rate of 4 percent per annum compounded on June 30 of each fiscal year; (2) any sum required to be deposited under the provisions of section 9 of such act of May 29, 1930; and (3) any sum required to be redeposited under the provisions of subsection (b) of section 12 of such act of May 29, 1930: *Provided further*, That should any such employee who shall have served for a total period of not less than 5 years become totally disabled for useful and efficient service, within the meaning of section 6 of such act of May 29, 1930, before completing 15 years of service, he shall be entitled to the benefits provided by such section 6, upon deposit of the amount required to be deposited under the preceding proviso."

Page 2, lines 13 and 14, strike out "employee in the legislative branch" and insert "officer or employee."

Page 2, line 15, after "act", insert: ", nor hereafter to employees of the office of the Architect of the Capitol."

The Senate amendments were agreed to, and a motion to reconsider was laid on the table.

REREFERENCE OF CERTAIN BILLS

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent that the bill (H. R. 296) to reclassify the salaries of employees in the custodial service of the Post Office Department of the United States, the bill (H. R. 2686) to provide automatic increases in compensation to employees of the custodial service of the United States, and the bill (H. R. 2687) to reclassify the compensation of head charwoman and charwoman in the custodial service of the Post Office Department of the United states be withdrawn from the Committee on the Civil Service and referred to the Committee on the Post Office and Post Roads.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. COLDEN and Mr. ECKERT asked and were given permission to extend their own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. VOORHIS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VOORHIS. Mr. Speaker, I respectfully direct the attention of the Members of the House to an extension of remarks I will presently ask permission to include in the RECORD today on the subject of sugar and an outline of what has happened under a sound policy as represented by the Jones-Costigan Act after the invalidation of the processing taxes and benefit payments by the Supreme Court, through the activities of certain lobbyists.

Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mrs. HONEYMAN. Mr. Speaker, I ask unanimous consent that on Wednesday next, after the disposition of business on the Speaker's desk and special orders previously made, the gentleman from Pennsylvania [Mr. ALLEN] may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

GOLDEN GATE INTERNATIONAL EXPOSITION

Mr. WELCH. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Joint Resolution 88, as amended, authorizing Federal participation in the Golden Gate Exposition to be held in 1939.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. RICH. Mr. Speaker, reserving the right to object, I would like to find out how much this fair is going to cost.

The SPEAKER. The Chair cannot inform the gentleman.

Mr. RICH. I would like to have the gentleman from California [Mr. WELCH] answer the question.

Mr. WELCH. Mr. Speaker, the bill just referred to, I may say to the gentleman from Pennsylvania, provides for an appropriation of $1,500,000.

The original bill as introduced provided for an appropriation of $3,000,000, but by reason of the many demands on the Government and the gentleman's insistence on holding down appropriations, we cut the appropriation from $3,000,000 to $1,500,000.

Mr. RICH. This exposition comes in the same year we are having the world's fair in New York. Considerable Federal funds are being spent during that year for the fair in New York City. Is it not possible we might have this fair in some other year, as we get requests annually for appropriation for fairs? Then we would not have two in the same year, one in California and one in New York. The people may get kind of dizzy going back and forth.

Mr. WELCH. I wish to state to the gentleman we all hoped this could be avoided but it developed it was impossible. Both expositions must go on. The President of the United States last year sent out invitations to the nations of the world, 59 in all, to participate in both expositions. Predicated on that, millions of dollars have been spent by New York and by San Francisco. Here is a picture of the San Francisco exposition site, which is on a man-made island in the middle of San Francisco Bay. This island has been reclaimed at a cost of a vast sum of money. The State of California has already appropriated $5,000,000 for State participation, and the people of San Francisco have contributed $7,500,000 up to this time. I may say to the gentleman we are too far advanced to defer the exposition another year. It is impossible. There has been a mutual understanding between New York and San Francisco that there will be no conflict between the two expositions. The gentleman knows, of course, that New York and San Francisco are 3,000 miles apart. An exposition is going on in Paris at the present time. There is not much difference in distance between New York to Paris and from New York to San Francisco. This is a large country of ours.

Mr. RICH. I may say to the gentleman that you wanted $3,000,000 and now you are asking for $1,500,000. What assurance have we you will not be back for the other $1,500,000 before the fair is over?

Mr. WELCH. I can say to the gentleman I will not be back asking for it.

Mr. RICH. How about the other Members of the California delegation?

Mr. WELCH. I do not think so. However, I cannot speak for the other Members.

Mr. RICH. I hope you have a good time in California.

Mr. WELCH. I thank the gentleman.

Mr. RICH. And we might say, "California, here we come." [Laughter.]

Mr. WELCH. Mr. Speaker, on November 16, 1936, the President, pursuant to Senate Joint Resolution 226, now Public, No. 107, Seventy-fourth Congress, invited 59 countries of the world to attend and participate in the Golden Gate International Exposition. Many foreign countries have accepted the invitation, particularly Central America, South America, Hawaii, the Philippine Islands, the Orient, Australia, and New Zealand.

Twenty-three States have enacted legislation or have legislation pending providing for participation, as have European countries and nations of the Pacific, while the requests for concession space far exceed the number that can be accepted.

The exposition will celebrate the completion of the world's two largest bridges across the San Francisco Bay, the inauguration of trans-Pacific air service that brings the Orient to our very door, the progress of the nations bordering the Pacific, and the economic and social development of the 11 States constituting America's western empire.

The site of the exposition is a man-made island, 400 acres in size, in the center of San Francisco Bay. Building this island involves the construction of a 16,000-foot sea wall, containing 220,000 tons of rock, and the pumping of 20,000,000 cubic yards of sand by nine giant dredges. The administration building and 2 exhibit palaces are one-half completed, and 12 exhibit buildings, ferry terminals, and roadways are now under contract. At the close of the exposition, the island will be cleared of structures, with the exception of the $800,000 administration building and two hangars, each costing $400,000, and turned into an airport and seaplane base, with legal and statutory obligations giving both Army and Navy access and use of this land, which will become part of our national defense.

A minimum attendance of 20,000,000 persons is anticipated. This is being conservative when it is considered that there are 3,000,000 persons located within 1 hour of the exposition gates and 9,000,000 population in the three Pacific Coast States. The sum to be paid in taxes to the Government is estimated at $30,000,000, more than 15 times the amount of the Federal appropriation.

At no point is San Francisco stressing selfish advantage or contemplating purely local profit. The whole of California, Pacific Coast and Rocky Mountain States, Central America, South America, Hawaii, the Philippines, the Orient, Australia, and New Zealand have all been joined as cohosts.

This resolution has the approval of the Departments of State, Commerce, Agriculture, Treasury, Interior, and War, and the Comptroller General of the United States.

The original resolution introduced by me provided for an appropriation of $3,000,000. This sum was reduced upon the suggestion of the Bureau of the Budget in order to conform with the financial policy of the President to $1,750,000. By agreement, a further reduction was made, reducing the amount to $1,500,000. The State of California recently appropriated $5,000,000 toward the exposition, and the people of San Francisco raised $7,500,000 for this purpose.

Primarily and essentially, this great exposition is for the purpose of emphasizing the amazing progress of the Western Hemisphere and laying the cornerstone of a new Pacific empire.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

Whereas there is to be held in the city of San Francisco during the year 1939 a world's fair and celebration commemorating the completion of the San Francisco-Oakland Bridge and the Golden Gate Bridge, and designed to gather, arrange, and exhibit the varied cultures of the countries tributary to the Pacific Ocean and the origins, progress, and accomplishments in science, the arts, education, industry, business, and transportation of the Pacific area of the United States, and the nations of the world;

Whereas a site for the exposition, an island of 400 acres, municipally owned and located in the center of San Francisco Bay, is now nearing completion, and the San Francisco Bay Exposition, Inc., will expend not less than $24,500,000 on its improvement; said site, upon the close of the exposition to become a municipal airport serving the entire metropolitan San Francisco Bay district, and forming an adjunct of vast importance to national defense; and

Whereas such world fair and celebration are worthy and deserving of the support and encouragement of the United States; and the United States has aided and encouraged such world's fairs and celebrations in the past: Therefore be it

Resolved, etc., That there is hereby established a Commission, to be known as the United States Golden Gate International Exposition Commission and to be composed of the Secretary of Agriculture, the Secretary of Commerce and the Secretary of Labor; which Commission shall serve without additional compensation and shall represent the United States in connection with the holding of a world's fair and celebration in the city of San Francisco during the year 1939.

SEC. 2. There shall be a United States Commissioner for the Golden Gate International Exposition, who shall be appointed by the President, and who shall receive compensation at the rate of $10,000 per annum, and one Assistant Commissioner for said Golden Gate International Exposition, who shall be appointed by the Commissioner with the advice and approval of the Commission herein designated and shall receive compensation not to exceed $7,500 per annum. The salary and expenses of the Commissioner, the Assistant Commissioner, and such staff as the Commission may require, shall be paid out of the funds authorized to be appropriated by this joint resolution, for such period prior to the opening of the Golden Gate International Exposition as the Commission may determine, for the duration of the Golden Gate International Exposition, and for not more than 6 months after the official closing thereof.

SEC. 3. The Commission shall prescribe the duties of the United States Commissioner and shall delegate such powers and functions to him as it shall deem advisable, in order that there may be exhibited at the Golden Gate International Exposition by the Government of the United States, its executive departments, independent offices, and establishments, such articles and materials and documents and papers as may relate to the growth and development of civilization on the American continents from the first arrival of man to the present day, and such as illustrate the function and administrative faculty of the Government in the advancement of industry, science, invention, agriculture, the arts, and peace, and demonstrating the historic growth and nature of American institutions, particularly as regards their adaptation to the needs of the people.

SEC. 4. In carrying out the purposes of this joint resolution, the Commission is authorized—

(a) To appoint, without regard to the civil service laws and regulations and the Classification Act of 1923, as amended, such clerks, stenographers, and other assistants, and to engage by contract or otherwise such other services as may be necessary in connection with the performance of the functions of the Commission, including the preparation of exhibits plans.

(b) To erect such building or buildings, or other structures, and to provide for the landscaping of the site or sites thereof: *Provided*, That in the construction of buildings and exhibits requiring skilled and unskilled labor, the prevailing rate of wages, as provided in the act of March 3, 1931 (46 Stat. 1494), shall be paid; to rent such space in the District of Columbia or elsewhere, without regard to section 322 of the act of June 30, 1932 (47 Stat. 412), as the Commission may deem necessary; and to provide for the decoration and maintenance of buildings, structures, sites, and grounds during the period deemed necessary by the Commission.

(c) To contract with the San Francisco Bay Exposition, Inc., without advertising, for the designing and erection of such building or buildings, structure or structures, the rental of such space, and for such other services as the Commission shall deem advisable to be contracted for in that manner.

(d) To use funds appropriated under authority of the joint resolution to pay salaries of employees of other Government agencies detailed or loaned for duty with the Commission at rates not in excess of the rates received in the agency from which detailed or loaned; to purchase books of reference, newspapers, and periodicals, payment for which, and for telephone service, rents, and similar items, may be made in advance; to purchase, hire, maintain, repair, and operate passenger-carrying vehicles for use of the Commissioner and Assistant Commissioner without regard to the statutory restrictions upon the price for new cars or

the amounts which may be expended for maintenance, repair, and operation; to have printing and binding done elsewhere than at the Government Printing Office in the discretion of the Commission; to entertain distinguished guests; to provide for reimbursement of expenses of travel by airplane when deemed necessary notwithstanding the cost may exceed the cost by rail; to provide for insurance on privately owned exhibits loaned to the Commission; to purchase ice and drinking water for use in buildings and offices; to purchase uniforms for guards and attendants; and to insure such other expenses as may be deemed necessary to the fulfillment of the purposes of this joint resolution.

(e) To allot funds appropriated for the purposes of this resolution to any executive department, independent office, or establishment of the Government with the consent of the head thereof, for direct expenditure in executing the duties or functions delegated by the Commission.

(f) To delegate any of its powers and authority, in its discretion, and any power or authority vested in the Commissioner by this resolution or delegated to him may be delegated or subdelegated by him to the Assistant Commissioner or to any other person or persons in the employ of the Commission or detailed to it.

SEC. 5. The heads of the various executive departments and independent offices and establishments of the Government are authorized to cooperate with said Commissioner in the procurement, installation, and display of exhibits, and to lend to the Golden Gate International Exposition, with the knowledge and consent of said Commissioner, such articles, specimens, and exhibits as said Commissioner shall deem to be in the interest of the United States and in keeping with the purposes of such world's fair and celebration, to be placed with the science or other exhibits to be shown under the auspices of such Golden Gate International Exposition, to appoint without regard to civil-service laws and regulations and the Classification Act of 1923, as amended, such draftsmen and other assistants as may be necessary, to contract for labor or other services as shall be deemed necessary, and to designate officials or employees of their departments or independent offices and establishments to assist said Commissioner. At the close of the world's fair, or when the connection of the Government of the United States therewith ceases, said Commissioner shall cause all such property to be returned to the respective departments and independent offices and establishments concerned, and any expenses incident to the restoration, modification, and revision of such property to a condition which will permit its use at subsequent expositions and fairs, and for the continued employment of personnel necessary to close out the fiscal and other records and prepare the required reports of the participating organizations, may be paid from the appropriation authorized herein; and if the return of such property is not feasible, he may, with the consent of the Commission and the departments or independent offices and establishments concerned, make such disposition thereof as he may deem advisable and account therefor.

SEC. 6. The sum of $1,500,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of this joint resolution, and shall remain available until expended; except that, upon the termination of the Commission, any unexpended or unobligated balances shall be covered back into the Treasury of the United States. And, subject to the provisions of this joint resolution, the Commission is authorized to erect such building or buildings, or other structures, for its own use, and such other buildings and structures as will further the trade and good will between the United States and the other nations of the world, and to provide for the landscaping of the site or sites thereof; to rent such space without regard to the provisions of section 322 of the act of June 30, 1932 (47 Stat. 412), as the Commission may deem adequate to carry out effectively the provisions of this joint resolution; to provide for the decorations of such buildings or structures, and for the proper maintenance of such buildings or structures, sites, and grounds during the period deemed necessary by the Commission: *Provided*, That the facilities of the Public Buildings Branch, Procurement Division, Treasury Department, shall be utilized in the preparation of plans, drawings, designs, specifications, and estimates, the execution of contracts, and the supervision of construction in connection with any buildings or structures erected for Federal exhibits and for other purposes: *Provided further*, That funds designated for the foregoing construction purposes shall be available for transfer to and expenditure by the Procurement Division, Treasury Department, to the extent and at such times as may be deemed necessary by the Director of Procurement to permit him to carry out the work herein designated. The Commission may contract with the San Francisco Bay Exposition, Inc., sponsors of the Golden Gate International Exposition, for improvement or improvements, the rental of such space and for other services as shall be deemed necessary and proper. The appropriation authorized by this joint resolution shall be available for the operation of the building or buildings, structure or structures, improvement or improvements, including light, heat, water, gas, maid, janitor, and other required services; for the rental of space in the District of Columbia or elsewhere; for the selection, purchase, preparation, assembling, transportation, installation, arrangement, repair, safekeeping, exhibition, demonstration, and return of such articles and materials as the Commission may decide shall be included in such Government exhibits and in the exhibits of the Golden Gate International Exposition; for the purchase of uniforms, for the compensation of said Commissioner, Assistant Commissioner, and other officers and employees of the Commission in the District of Columbia and elsewhere, for the payment of salaries of officers and employees of the Government employed by or detailed for duty with the Commission, for actual traveling expenses, including travel by air, water, and automobile, and for per diem in lieu of actual subsistence at not to exceed $5 per day: *Provided*, That no Government official or employee detailed for duty with the Commission shall receive a salary in excess of the rate which he has been receiving in the department or branch where regularly employed, plus such reasonable allowance to officers and enlisted men of the armed forces for additional uniforms and equipment required by participation in the Golden Gate International Exposition, including alteration, laundering, cleaning, and pressing thereof, as deemed proper by the Commissioner; for telephone service, purchase or rental of furniture and equipment, stationery and supplies, typewriting, adding, duplicating, and computing machines, their accessories and repairs, books of reference and periodicals, uniforms, maps, reports, documents, plans, specifications, manuscripts, newspapers, and all other appropriate publications, and ice and electric refrigeration and drinking water for office purposes: *Provided further*, That payment for telephone service, rents, subscriptions to newspapers and periodicals, and other similar purposes, may be made in advance; for the purchase and hire of passenger-carrying automobiles, their maintenance, repair, and operation, for the official use of said Commissioner and Assistant Commissioner in the District of Columbia or elsewhere as required; for printing and binding; for entertainment of distinguished visitors; and for all other expenses as may be deemed necessary by the Commission to fulfill properly the purposes of this joint resolution. All purchases, expenditures, and disbursements of any moneys made available by authority of this joint resolution shall be made under the direction of the Commission: *Provided further*, That the Commission, without release of responsibility, as hereinbefore stipulated, may delegate these powers and functions: *Provided further*, That the Commission or its delegated representatives may allot funds appropriated herein to any executive department, independent office, or establishment of the Government with the consent of the heads thereof, for direct expenditure by such executive department, independent office, or establishment, for the purpose of defraying any proper expenditure which may be incurred by such executive department, independent office, or establishment in executing the duties and functions delegated by the Commission. All accounts and vouchers covering expenditures shall be approved by said Commissioner or by such assistants as the Commission may designate, except for such allotments as may be made to the various executive departments, independent offices, and establishments for direct expenditure; but these provisions shall not be construed to waive the submission of accounts and vouchers to the General Accounting Office for audit, and permit any obligations to be incurred in excess of the amount authorized to be appropriated herein: *And provided further*, That in the construction of buildings and exhibits requiring skilled and unskilled labor, the prevailing rate of wages, as provided in the act of March 3, 1931, as amended, shall be paid. Subject to the provisions of this joint resolution, the Commission is authorized to make any expenditures or allotments deemed necessary by it to fulfill properly the purposes of this joint resolution.

SEC. 7. The Commissioner, with the approval of the Commission, may receive contributions from any source to aid in carrying out the purposes of this joint resolution, but such contributions shall be expended and accounted for in the same manner as the funds authorized to be appropriated by this joint resolution. The Commissioner is also authorized to receive contributions of material, or to borrow material or exhibits, and to accept the services of any skilled and unskilled labor that may be available through State or Federal relief organizations, to aid in carrying out the general purposes of this joint resolution. At the close of the world's fair and celebration or when the connection of the Government of the United States therewith ceases, the Commissioner shall dispose of any such portion of the material contributed as may be unused, and return such borrowed property; and, under the direction of the Commission, dispose of any buildings or structures which may have been constructed and account therefor: *Provided*, That all disposition of materials, property, buildings, etc., shall be at public sale to the highest bidder, and the proceeds thereof shall be covered into the Treasury of the United States: *Provided further*, That the Commission may, if it deems it desirable and in the public interest, transfer without consideration the title to the Federal Exhibits Building erected or constructed to the city of San Francisco.

The Commissioner, with the approval of the Commission and in cooperation with the Secretary of the Interior, shall make provision for participation in the exposition by the Indian citizens of the United States. For this purpose the Commission is authorized to set aside from the appropriation herein authorized so much as may be necessary for the erection of buildings, the employment of supervisory and other personnel without regard to the civil-service laws and regulations and the Classification Act of 1923, as amended, and for all other expenses incident thereto, including the classes authorized under section 4 of this joint resolution.

SEC. 8. It shall be the duty of the Commission to transmit to Congress, within 6 months after the close of the world's fair, a detailed statement of all expenditures and such other reports as may be deemed proper, which reports shall be prepared and arranged with a view to concise statement and convenient reference.

Upon the transmission of such report to Congress the Commission established by and all appointments made under the authority of this joint resolution shall terminate.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the enacting clause and insert:

"That there is hereby established a Commission, to be known as the United States Golden Gate International Exposition Commission and to be composed of the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, three Members of the House to be appointed by the Speaker of the House of Representatives and three Members of the Senate to be appointed by the President of the Senate; which Commission shall serve without additional compensation and shall represent the United States in connection with the holding of a world's fair and celebration in the city of San Francisco during the year 1939.

"SEC. 2. There shall be a United States Commissioner for the Golden Gate International Exposition, who shall be appointed by the President, and who shall receive compensation at the rate of $10,000 per annum, and one Assistant Commissioner for said Golden Gate International Exposition, who shall be appointed by the Commissioner with the advice and approval of the Commission herein designated and shall receive compensation not to exceed $7,500 per annum. The salary and expenses of the Commissioner, the Assistant Commissioner, and such staff as the Commission may require, shall be paid out of the funds authorized to be appropriated by this joint resolution, for such period prior to the opening of the Golden Gate International Exposition as the Commission may determine, for the duration of the Golden Gate International Exposition, and for not more than 6 months after the official closing thereof.

"SEC. 3. The Commission shall prescribe the duties of the United States Commissioner and shall delegate such powers and functions to him as it shall deem advisable, in order that there may be exhibited at the Golden Gate International Exposition by the Government of the United States, its executive departments, independent offices, and establishments, such articles and materials and documents and papers as may relate to the growth and development of civilization on the American continents and such as illustrate the function and administrative faculty of the Government in the advancement of industry, science, invention, agriculture, the arts, and peace, and demonstrating the historic growth and nature of American institutions, particularly as regards their adaptation to the needs of the people.

"SEC. 4. In carrying out the purposes of this joint resolution, the Commission is authorized—

"(a) To appoint, without regard to the civil-service laws and regulations and the Classification Act of 1923, as amended, such clerks, stenographers, and other assistants, and to engage by contract or otherwise such other services as may be necessary in connection with the performance of the functions of the Commission, including the preparation of exhibits plans: *Provided, however*, That for similar services, the pay shall not be in excess of that provided by the Classification Act of 1923, as amended.

"(b) To erect, on land owned by the city and county of San Francisco, such building or buildings, or other structures, and to provide for the landscaping of the site or sites thereof: *Provided*, That in the construction of buildings and exhibits requiring skilled and unskilled labor, the prevailing rate of wages, as provided in the act of March 3, 1931 (46 Stat. 1494), shall be paid; to rent such space in the District of Columbia or elsewhere, without regard to section 322 of the act of June 30, 1932 (47 Stat. 412), as the Commission may deem necessary; and to provide for the decoration and maintenance of buildings, structures, sites, and grounds during the period deemed necessary by the Commission.

"(c) To use funds appropriated under authority of the joint resolution to pay salaries of employees of other Government agencies detailed or loaned for duty with the Commission at rates not in excess of the rates received in the agency from which detailed or loaned; to purchase books of reference, newspapers, and periodicals, payment for which, and for telephone service, rents, and similar items, may be made in advance; to purchase, hire, maintain, repair, and operate passenger-carrying vehicles for use of the Commissioner and Assistant Commissioner without regard to the statutory restrictions upon the price for new cars or the amounts which may be expended for maintenance, repair, and operation; to have printing and binding done elsewhere than at the Government Printing Office in the discretion of the Commission; to entertain distinguished guests; to provide for reimbursement of expenses of travel by airplane when deemed necessary notwithstanding the cost may exceed the cost by rail; to provide for insurance on privately owned exhibits loaned to the Commission; to purchase ice and drinking water for use in buildings and offices; to purchase uniforms for guards and attendants; and to incur such other expenses as may be deemed necessary to the fulfillment of the purposes of this joint resolution.

"(d) To allot funds appropriated for the purposes of this resolution to any executive department, independent office, or establishment of the Government with the consent of the head thereof, for direct expenditure in executing the duties or functions delegated by the Commission.

"(e) To delegate any of its powers and authority, in its discretion, and any power or authority vested in the Commissioner by this resolution or delegated to him may be delegated or subdelegated by him to the Assistant Commissioner or to any other person or persons in the employ of the Commission or detailed to it.

"SEC. 5. The heads of the various executive departments and independent offices and establishments of the Government are authorized to cooperate with said Commissioner in the procurement, installation, and display of exhibits, and to lend to the San Francisco Bay Exposition, Inc., sponsors of the Golden Gate International Exposition, with the knowledge and consent of said Commissioner, such articles, specimens, and exhibits as said Commissioner shall deem to be in the interest of the United States and in keeping with the purposes of such world's fair and celebration, to be placed with the science or other exhibits to be shown under the auspices of such Golden Gate International Exposition, to appoint without regard to civil-service laws and regulations and the Classification Act of 1923, as amended, such draftsmen and other assistants as may be necessary, to contract for labor or other services as shall be deemed necessary, and to designate officials or employees of their departments or independent offices and establishments to assist said Commissioner. At the close of the world's fair, or when the connection of the Government of the United States therewith ceases, said Commissioner shall cause all such property to be returned to the respective departments and independent offices and establishments concerned, and any expenses incident to the restoration, modification, and revision of such property to a condition which will permit its use at subsequent expositions and fairs, and for the continued employment of personnel necessary to close out the fiscal and other records and prepare the required reports of the participating organizations, may be paid from the appropriation authorized herein; and if the return of such property is not feasible, he may, with the consent of the Commission and the departments or independent offices and establishments concerned, make such disposition thereof as he may deem advisable and account therefor.

"SEC. 6. The sum of $1,500,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of this joint resolution, and shall remain available until expended; except that, upon the termination of the Commission, any unexpended or unobligated balances shall be covered back into the Treasury of the United States; and, subject to the provisions of this joint resolution, the Commission is authorized to erect, on land owned by the city and county of San Francisco, such building or buildings, or other structures, for its own use, and such other buildings and structures as will further the trade and good will between the United States and the other nations of the world, and to provide for the landscaping of the site or sites thereof; to rent such space without regard to the provisions of section 322 of the act of June 30, 1932 (47 Stat. 412), as the Commission may deem adequate to carry out effectively the provisions of this joint resolution; to provide for the decorations of such buildings or structures, and for the proper maintenance of such buildings or structures, sites, and grounds during the period deemed necessary by the Commission: *Provided*, That the facilities of the Public Buildings Branch, Procurement Division, Treasury Department, may be utilized in the preparation of plans, drawings, designs, specifications, and estimates, the execution of contracts, and the supervision of construction in connection with any buildings or structures erected for Federal exhibits and for other purposes: *Provided further*, That funds designated for the foregoing construction purposes may be available for transfer to and expenditure by the Procurement Division, Treasury Department, to the extent and at such times as may be deemed necessary by the Director of Procurement to permit him to carry out such work as the Commission shall deem advisable to be contracted for in that manner. The appropriation authorized by this joint resolution shall be available for the operation of the building or buildings, structure or structures, improvement or improvements, including light, heat, water, gas, maid, janitor, and other required services; for the rental of space in the District of Columbia or elsewhere; for the selection, purchase, preparation, assembling, transportation, installation, arrangement, repair, safekeeping, exhibition, demonstration, and return of such articles and materials as the Commission may decide shall be included in such Government exhibits and in the exhibits of the Golden Gate International Exposition; for the purchase of uniforms, for the compensation of said Commissioner, Assistant Commissioner, and other officers and employees of the Commission in the District of Columbia and elsewhere, for the payment of salaries of officers and employees of the Government employed by or detailed for duty with the Commission, for actual traveling expenses, including travel by air, water, and automobile, and for per diem in lieu of actual subsistence at not to exceed $5 per day: *Provided further*, That no Government official or employee detailed for duty with the Commission shall receive a salary in excess of the rate which he has been receiving in the department or branch where regularly employed, plus such reasonable allowance to officers and enlisted men of the armed forces for additional uniforms and equipment required by participation in the Golden Gate International Exposition, including alterations, laundering, cleaning, and pressing thereof, as deemed proper by the Commissioner; for telephone service, purchase or rental of furniture and equipment, stationery, and supplies, typewriting, adding, duplicating, and computing machines, their accessories and repairs, books of reference and periodicals, uniforms, maps, reports, documents, plans, specifications, manuscripts, newspapers, and all other appropriate publications,

and ice and electric refrigeration and drinking water for office purposes: *Provided further*, That payment for telephone service, rents, subscriptions to newspapers and periodicals, and other similar purposes, may be made in advance; for the purchase and hire of passenger-carrying automobiles, their maintenance, repair, and operation, for the official use of said Commisisoner and Assistant Commissioner in the District of Columbia or elsewhere as required; for printing and binding; for entertainment of distinguished visitors; and for all other expenses as may be deemed necessary by the Commission to fulfill properly the purposes of this joint resolution. All purchases, expenditures, and disbursements of any moneys made available by authority of this joint resolution shall be made under the direction of the Commission: *Provided further*, That the Commission, without release of responsibility, as hereinbefore stipulated, may delegate these powers and functions: *Provided further*, That the Commission or its delegated representatives may allot funds appropriated herein to any executive department, independent office, or establishment of the Government with the consent of the heads thereof, for direct expenditure by such executive department, independent office, or establishment, for the purposes of defraying any proper expenditure which may be incurred by such executive department, independent office, or establishment in executing the duties and functions delegated by the Commission. All accounts and vouchers covering expenditures shall be approved by said Commissioner or by such assistants as the Commission may designate, except for such allotments as may be made to the various executive departments, independent offices, and establishments for direct expenditure; but these provisions shall not be construed to waive the submission of accounts and vouchers to the General Accounting Office for audit, and permit any obligations to be incurred in excess of the amount authorized to be appropriated herein: *And provided further*, That in the construction of buildings and exhibits requiring skilled and unskilled labor, the prevailing rate of wages, as provided in the act of March 3, 1931, as amended, shall be paid. Subject to the provisions of this joint resolution, the Commission is authorized to make any expenditures or allotments deemed necessary by it to fulfill properly the purposes of this joint resolution.

"SEC. 7. The Commissioner, with the approval of the Commission, may receive contributions from any source to aid in carrying out the purposes of this joint resolution, but such contributions shall be expended and accounted for in the same manner as the funds authorized to be appropriated by this joint resolution. The Commissioner is also authorized to receive contributions of material, or to borrow material or exhibits, and to accept the services of any skilled and unskilled labor that may be available through State or Federal relief organizations, to aid in carrying out the general purposes of this joint resolution. At the close of the world's fair and celebration or when the connection of the Government of the United States therewith ceases, the Commissioner shall dispose of any such portion of the material contributed as may be unused, and return such borrowed property; and, under the direction of the Commission, dispose of any buildings or structures which may have been constructed and account therefor: *Provided*, That all disposition of materials, property, buildings, etc., shall be at public sale to the highest bidder, and the proceeds thereof shall be covered into the Treasury of the United States: *Provided further*, That the Commission may, if it deems it desirable and in the public interest, transfer, with or without consideration, the title to the Federal exhibits building or buildings erected or constructed to the city and county of San Francisco.

"The Commissioner, with the approval of the Commission and in cooperation with the Secretary of the Interior, may make provision for participation in the exposition by the Indian citizens of the United States. For this purpose the Commission may allot funds appropriated under authority of this joint resolution as may be necessary for the erection of buildings, the employment of supervisory and other personnel without regard to the civil-service laws and regulations and to fix their salaries in accordance with the Classification Act of 1923, as amended, and for all other expenses incident thereto, as the Commission shall deem advisable to be contracted for in that manner.

"SEC. 8. It shall be the duty of the Commission to transmit to Congress, within 6 months after the close of the world's fair, a detailed statement of all expenditures, and such other reports as may be deemed proper, which reports shall be prepared and arranged with a view to concise statement and convenient reference. Upon the transmission of such report to Congress the Commission established by and all appointments made under the authority of this joint resolution shall terminate."

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. LUCAS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address I delivered in Springfield, Ill., last week on the conservation of the migratory waterfowl.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief table.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. TURNER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting a brief letter and a short article by Mr. J. F. Porter, president of the Tennessee Farm Bureau Federation.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, and I shall not object, may I ask the majority leader if he can give any information as to the probable program for next week? Some Members would like very much to know.

Mr. RAYBURN. On Tuesday of next week the Private Calendar will be called, which will take about an hour. After that there is a possibility there may come up the resolution from the Committee on Rules with respect to some matters in which the gentleman from New York [Mr. BLOOM] is interested. If this is not called up, then the measure regarding the so-called section 213, known as the married woman's clause, will come up. Also, there are rules from the Committee on Rules making in order the consideration of two bills reported by the Committee on Naval Affairs. This is about as far as I know the program for next week.

Mr. MARTIN of Massachusetts. The understanding is that the conference report on the Interior Department appropriation bill will not come up until next week, anyway?

Mr. RAYBURN. The gentleman is correct.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. COCHRAN. I may say for the benefit of the House that the Senate has already passed a resolution which continues the appropriations and lets the departments carry on legally. Therefore there seems to be no reason whatsoever why any conference reports on appropriation bills should be called up until next week.

Mr. RAYBURN. Certainly the conference report on the Interior Department appropriation bill will not come up this week.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. Yes; I yield.

Mr. FISH. May I ask the majority leader if he can inform the House what he has in mind for the balance of the week?

Mr. RAYBURN. This week?

Mr. FISH. No; next week. Some of us are going home for the Fourth, and might like to go on a little fishing trip and possibly stay away a few days. Can the gentleman inform the House what he has in mind for the balance of next week after Tuesday?

Mr. RAYBURN. I thought I had just stated that.

Mr. FISH. No; the gentleman gave us the program for Tuesday.

Mr. RAYBURN. The statement I made a moment ago was that on Tuesday, after the call of the Private Calendar, a rule will be called up making in order the resolution introduced by the gentleman from New York [Mr. BLOOM] with reference to the continuance of the work of the United States Constitution Sesquicentennial Commission. If this rule is not called up, then the so-called married woman's clause measure will be considered that day, otherwise it will go over until Thursday. If the consideration of that measure takes the day, then the two bills from the Committee on Naval Affairs will come up Thursday. Calendar Wednesday will not be set aside.

Mr. FISH. The gentleman does not have in mind the consideration of any essential or important bills for next week?

Mr. RAYBURN. I may say the majority Members would like to be recorded on the so-called married woman's clause measure.

Mr. FISH. That is a matter of opinion, is it not? Some may not want to be recorded.

Mr. RAYBURN. That is the program for next week. I intend to ask unanimous consent that when the House adjourns tomorrow it adjourn to meet on Tuesday next.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee to extend his remarks in the RECORD in the manner indicated?

There was no objection.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns tomorrow, Friday, it adjourn to meet on Tuesday next.

Mr. RICH. Mr. Speaker, reserving the right to object, I should like to ask the majority leader a question. As I understand it, there is a bill to be brought in here sometime before we take up the Interior Department appropriation bill for the approval of what they call the Big Thompson project in Colorado. Will that measure come up this week?

Mr. RAYBURN. It will not.

Mr. RICH. I do not object, Mr. Speaker.

Mr. TABER. Mr. Speaker, reserving the right to object, I should like to ask the majority leader if it will be the policy to bring up the Interior Department bill before Wednesday next?

Mr. RAYBURN. I think not; and I will state for the RECORD that the Interior Department bill will not come up this week and will not come up on Tuesday of next week.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

RIVERS AND HARBORS BILL

Mr. DRIVER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 241.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 7051, a bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. That after general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rivers and Harbors, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. DRIVER. Mr. Speaker, the purpose of this resolution is to make in order the consideration of the bill H. R. 7051, the river and harbor bill.

This is the first river and harbor bill presented to the House in the past 2 years, and includes 119 projects, located in 17 States and Territories, and two of our island possessions have one each.

The amount involved in the 119 projects is $31,600,000, and the 119 projects included are practically all projects already adopted by the Congress on which necessary expenditures must be made due to conditions arising during the course of the past 2 years.

This is one of the smallest rivers and harbors authorization bills that has ever been presented to the Congress, and the work is very necessary and essential for the benefit of commerce and transportation, because, as you are aware, navigation very largely enters into all projects included in rivers and harbors activities.

However, the measure involves certain improvements that are to be made in our Pacific islands possessions which are believed to be very highly necessary in order to carry on the policy we have in shaping those islands for any eventuality that may occur.

No part of this authorization is expected to be appropriated this year. This is a future appropriation matter, containing only the authorization, and the improvements provided for will cover possibly a period of from 4 to 6 years.

I do not believe it is necessary to make any further statement. The rule is an open one, providing for 2 hours of general debate, when the bill will be read and be open to any amendment that is germane to the measure.

Mr. Speaker, I yield 30 minutes to the gentleman from Massachusetts [Mr. MARTIN].

Mr. MARTIN of Massachusetts. Mr. Speaker, I have no demands for time, and I am perfectly willing to have the rule adopted at this time.

Mr. DRIVER. Mr. Speaker, I offer an amendment to the resolution.

The Clerk read as follows:

Amendment offered by Mr. DRIVER: After the word "purposes", in line 6, insert "and all points of order against said bill are hereby waived."

Mr. DRIVER. Mr. Speaker, this is merely to insert in the rule a matter that was overlooked.

The amendment was agreed to.

Mr. DRIVER. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The resolution was agreed to.

Mr. MANSFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7051) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7051, the rivers and harbors authorization bill, with Mr. LUCAS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

There was no objection.

Mr. MANSFIELD. Mr. Chairman, the bill before us authorizes the improvement of 119 waterway projects involving a total expenditure for completion of $31,720,300. The projects are fully described in the report, hence a further detailed description at this time is deemed unnecessary. The improvements recommended in the bill are deemed to be urgent and necessary in the systematic movement of our great and ever-growing commerce. The total expenditure involved is small as compared with that of former river and harbor bills. The last bill of the kind to pass Congress, and which was approved by the President on August 30, 1935, authorized 246 projects, having an aggregate cost to complete of over $660,000,000.

In the early history of our country the waterways constituted the only practical means of transportation. Great networks of towpath canals were constructed, and every river capable of floating a boat was brought into use in the transportation of freight and passengers. The canals were constructed, dredged, and maintained, at the cost of the respective States or other local interests, and but little if any improvement was given to the rivers and harbors, and none of which was by the Federal Government.

From the beginning of our Government Congress, while not providing the means of transportation, yet recognized the necessity of safeguarding our commerce, as well as of human life. Even back to the first Congress provision was made for the establishment of buoys, lights, and other danger signals. The viewpoint seemed to have been that Congress had constitutional authority to incur the cost of warning the mariner of a dangerous channel in order that he might provide for his own safety, but that it was without constitutional authority to incur the cost of removing those dangers.

In 1808, Albert Gallatin, Secretary of the Treasury, submitted a report recommending expenditures by the Federal Government for internal improvements, including both

roads and waterways. Mr. Jefferson put this recommendation into partial effect in the establishment of the national turnpike, but his successor, Mr. Madison, took a different view of the powers granted by the Constitution, and the program was permitted to "die aborning."

In 1817, Congress passed a bill for internal improvements which included waterways. The last official act of Mr. Madison before retiring from the presidency on March 3, 1817, was to veto this bill. His veto message was as follows:

MARCH 3, 1817.

To the House of Representatives of the United States:

Having considered the bill this day presented to me entitled "An act to set apart and pledge certain funds for internal improvement", and which sets apart and pledges funds "for constructing roads and canals, and improving the navigation of water courses, in order to facilitate, promote, and give security to internal commerce among the several States, and to render more easy and less expensive the means and provisions for the common defense", I am constrained by the insuperable difficulty I feel in reconciling the bill with the Constitution of the United States to return it with that objection to the House of Representatives, in which it originated.

The legislative powers vested in Congress are specified and enumerated in the eighth section of the first article of the Constitution, and it does not appear that the power proposed to be exercised by the bill is among the enumerated powers, or that it falls by any just interpretation within the power to make laws necessary and proper for carrying into execution those or other powers vested by the Constitution in the Government of the United States.

"The power to regulate commerce among the several States" cannot include a power to construct roads and canals, and to improve the navigation of water courses in order to facilitate, promote, and secure such a commerce without a latitude of construction departing from the ordinary import of the terms strengthened by the known inconveniences which doubtless led to the grant of this remedial power to Congress."

Mr. Madison was known as the "Father of the Constitution", and was regarded as our foremost authority upon constitutional questions. While his veto message on this bill was more or less questioned and criticized, yet no serious attempts were made for the improvement of rivers and harbors by the Federal Government until after the decision of the Supreme Court in the case of Gibbons against Ogden, rendered on March 2, 1824. In May 1824, following that decision, Congress passed its first distinctive act for river and harbor improvement. It was a bill for the improvement of the Ohio and Mississippi Rivers. This was about 35 years after the adoption of the Constitution.

In a speech before the National Rivers and Harbors Congress in 1936, I called attention to the decision of Chief Justice Marshall in the case of Gibbons against Ogden. With the possible exception of the Dred Scott decision, it perhaps attracted greater public interest than any other case ever coming before the Supreme Court, at least in the first century of our national existence. It completely reversed the attitude of the Government with respect to interstate commerce, and laid the foundation for the building of a great nation. It restored to Congress its constitutional right to regulate commerce among the States, and to provide the necessary facilities to that end.

Chief Justice Marshall has been severely criticized in recent years, yet I believe the record shows that he was probably the foremost New Dealer of his time. It is true he did not hesitate to nullify acts of Congress when considered in conflict with the Constitution. At the same time, he just as unhesitatingly upheld Congress in the exercise of its constitutional functions, even after that power had been denied by no less a person than the Father of the Constitution, then President of the United States.

Mr. SMITH of Washington. Mr. Chairman, will the gentleman yield?

Mr. MANSFIELD. Yes.

Mr. SMITH of Washington. It is interesting to note that Daniel Webster was the principal counsel in that case, and made the main argument, and his view was adopted by the Supreme Court of the United States. I recently had occasion to read his argument which I found very informative.

Mr. MANSFIELD. I refer to that later.

If the Madison interpretation of the Constitution had prevailed to the present time our great inland water-borne commerce would not have been within the realm of possibilities. Our foreign and coastwise trade could never have developed to its present proportions on account of the inadequacy of port and harbor facilities. The Great Lakes could never have been placed in condition for the systemmatic development of our great steel industry. Our Navy could not have assumed its present proportions, as but few, if any, of our harbors would have been in condition suitable for its use. Practical flood protection would not have been possible. These illustrations could be extended almost indefinitely.

Prior to the decision in the case of Gibbons against Ogden interstate shipping had become involved in so many complications as to render it practically impossible. The Federal Government issued permits or licenses to steamboats engaged in interstate and coastwise trade, but this authority was disputed by many of the States, who claimed the exclusive right to regulate all commerce within their respective boundaries, whether it be State or interstate traffic.

New York prohibited boats to enter her navigable waters without a permit under the sanction of the Fulton and Livingston privilege granted. Neighboring States enacted retaliatory measures. Connecticut enacted a law prohibiting boats from entering the waters of that State if they held such licenses from New York. By the law of New Jersey, if any citizen of that State should be restrained under the New York law, the courts of New Jersey would be given jurisdiction on action for damage, with treble costs against the party seeking such restraint. This was termed an "act of retortion against the illegal and oppressive legislation of New York." Other States had enacted somewhat similar retaliatory measures. From this it will be seen that commerce between the States would be impossible unless regulated by the Federal Government as provided in the Constitution. Chief Justice Marshall, in sustaining the Constitution of the United States in this decision, made interstate commerce possible and practicable.

Robert Fulton, who developed the *Clermont*, the first steamboat to be successfully navigated, together with Robert R. Livingston, his wife's uncle, a man of great prominence, obtained from the State of New York the exclusive privilege of operating boats propelled by steam upon the navigable waters of that State. Under the act of the New York Legislature, no one could navigate a boat propelled by steam on any water in the State of New York without a permit from Fulton and Livingston. Ogden held such a permit, and under it was operating boats between New York and Elizabethtown, N. J.

Gibbons, under a permit from the Federal Government, was operating boats in competition with Ogden. He was enjoined by Ogden from navigating his boats across the State line into the State of New York. This injunction was affirmed by the Supreme Court of New York, Chancelor Kent rendering the decision. Gibbons carried the litigation to the Federal court upon the ground that the act of the New York Legislature, under which he was enjoined, was in conflict with that provision of the Constitution of the United States which gave Congress exclusive jurisdiction over commerce between the States. This plea was sustained by Chief Justice Marshall.

Gibbons against Ogden was one of the most noted cases ever coming before the Supreme Court, not only on account of the great issue involved but also on account of the great prominence of all the persons concerned. Gibbons was ex-mayor of Savannah, Ga., and also maintained residence in New Jersey. He was locally and nationally prominent. Ogden had been Governor of New Jersey and United States Senator from that State, and both Gibbons and Ogden had been prominent in promoting navigation. The attorneys employed in the case were both nationally and internationally known. Gibbons was represented by Daniel Webster, and by William Wirt, then Attorney General of the United States, and famed as the prosecutor of Aaron Burr. Ogden was represented by Pinckney, of Maryland, and Thomas J. Oakley, attorney general of New York. He was also represented by Thomas A. Emmet, the great Irish patriot.

Gibbons and Ogden had been partners at one time, but the partnership had ceased before the beginning of this liti-

gation. During their copartnership they operated boats under Fulton and Livingston permits. Commodore Cornelius Vanderbilt was then in their employ, and there laid the foundation for amassing a colossal fortune. Water transportation was generally profitable in those days, though the charges were reasonable. Gibbons left an estate valued at more than $1,000,000, principally accumulated in that line of trade.

Our waterway improvements have now been carried on for more than a century under the able supervision of the Chief of Engineers of the War Department. During this time there has been expended $2,046,419,384.93, not including flood control. These figures include expenditures for both new work and maintenance to the present time. Of these expenditures, $720,602,125.25 were upon seacoast harbors and channels, $236,803,192.57 upon the Great Lakes, and $1,089,014,067.16 upon inland and other waterways.

The President has now inaugurated a new policy with respect to the navigable rivers of the United States. Under this plan, the country is to be divided into seven planning zones, each to include one or more watersheds. The purpose and policy of the bill is set forth in section 1, as follows:

It is the purpose and policy of this act to develop, integrate, and coordinate plans, projects, and activities for or incidental to the promotion of navigation, the control and prevention of floods, the safeguarding of navigable waters, and the reclamation of the public lands, in order to aid and protect commerce among the several States, to strengthen the national defense, to conserve the water, soil, mineral, and forest resources of the Nation, to stabilize employment and relieve unemployment, and otherwise to protect commerce among the States, provide for the national defense, and promote the general welfare of the United States.

Hearings have not yet been commenced on this bill, but it is awaiting reports from the various departments of the Government to which it has been referred. I express the hope and belief that a comprehensive system will be worked out that will eventually place the United States in the forefront of the nations of the world in carrying out the laudible purposes set forth in the proposed act.

In this connection, I wish to call attention to the part performed by a former Member of Congress and former member of the Rivers and Harbors Committee in promoting the purposes now developing into this comprehensive scheme. The River and Harbor Act of 1922 contained an authorization for a large sum for a comprehensive survey of the Tennessee River. I was in the hospital when that bill was under consideration in the House and took no part in its preparation. After its passage by the Senate, I was minority conferee and supported the provision for the survey for the Tennessee.

The results of that survey by the Corps of Engineers of the War Department gave promise of a broader scheme of river improvement than had ever been undertaken by our Government previous to that time. When the river and harbor bill of 1925 was under preparation, provision was made for the survey of a large number of rivers, to be selected by the Chief of Engineers and the Federal Power Commission acting jointly. More than 200 rivers were selected and embraced in Document No. 308. These surveys have been completed on 199 of those rivers at a cost of more than $10,000,000. Those surveys constitute the base of the comprehensive improvements now proposed to be carried out. The language in the River and Harbor bill of 1925, launching this movement, was as follows:

SEC. 3. The Secretary of War, through the Corps of Engineers of the United States Army, and the Federal Power Commission are jointly hereby authorized and directed to prepare and submit to Congress an estimate of the cost of making such examinations, surveys, or other investigations as, in their opinion, may be required of those navigable streams of the United States, and their tributaries, whereon power development appears feasible and practicable, with a view to the formulation of general plans for the most effective improvement of such streams for the purposes of navigation and the prosecution of such improvement in combination with the most efficient development of the potential water power, the control of floods, and the needs of irrigation: *Provided*, That no consideration of the Colorado River and its problems shall be included in the consideration or estimate provided herein.

The gentleman from Alabama, Mr. McDuffie, now United States District Judge at Mobile, but then a Member of Congress and of the River and Harbor Committee, was primarily responsible for the proposal for the general purpose surveys of the rivers embraced in Document 308. He was a zealous advocate of the proposal and carefully considered and suggested the language in the bill of 1925 making the authorization. The ultimate success which I hope for the present movement will be largely due to the vision of Judge McDuffie.

Mr. Chairman, Presidents of the United States have generally been sympathetic with the improvement of our waterways to facilitate the movement of commerce. In this respect, President Franklin D. Roosevelt has been outstanding. It is no exaggeration to say that under his administration, river and harbor improvements have been advanced to an extent never before seriously considered. He has made a thorough study of the entire waterway situation and is familiar with every detail of it. His plans embrace a broader and more comprehensive scheme than has heretofore been inaugurated. So far as our rivers are concerned, his chief purpose is to convert them into agencies seeking to avoid waste, prevent destruction, and to secure the performance of every possible service to mankind. [Applause.]

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from California.

Mr. COLDEN. Mr. Chairman, I rise to say in behalf of the other members of the Committee on Rivers and Harbors, that the gentleman from Texas [Mr. MANSFIELD] is one of the considerate Members of the House. One of the greatest pleasures that I have enjoyed as a Member of Congress has been to serve on this committee with him. I am sure that every Member of the House who has listened to his speech realizes the depth and breadth of his information on this question and I venture to say that no Member of Congress, no chairman of any committee, is better informed on the subject within its jurisdiction than our good friend and esteemed colleague, Judge Mansfield. [Applause.]

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. MANSFIELD. Yes.

Mr. McCORMACK. I am sure my friend anticipates my question, about Boston Harbor. Will the gentleman advise me whether or not there is a provision for Boston Harbor in the bill?

Mr. MANSFIELD. That is to be offered as a committee amendment. It is not in the bill as printed.

Mr. HOBBS. Mr. Chairman, will the gentleman yield?

Mr. MANSFIELD. Yes.

Mr. HOBBS. Mr. Chairman, I rise simply to thank the distinguished chairman of the Committee on Rivers and Harbors for the kind words that he just said with respect to our mutual friend, and the friend of so many Members of this House, Hon. John McDuffie, of Alabama. I am sure I speak the conviction of every Member of the House when I say that the distinguished present chairman of this committee is entirely too modest in failing to claim any credit for the statesmanlike design of the pattern of the bills which have been brought into this House from that committee. Both he and John McDuffie have wrought well in this specialized field. They both deserve the appreciative thanks of the Congress and of the Nation.

We glory in such skillful and devoted leadership, and we thank the gentleman from Texas for the constructive and statesmanlike program which he and the members of his great committee are putting forward. [Applause.]

Mr. SEGER. Mr. Chairman, before allotting time, I want to supplement what has been said here relative to the good work of the chairman of the committee of which I have the privilege of being a member. In the 16 years I have been a member of that committee I have worked with many chairmen, but I believe the present chairman is as well informed, if not better than some of his predecessors. It has been a pleasure to work with him, on account of his earnest desire, if I may say so, to keep down appropriations for rivers and harbors beyond what they might otherwise be if it were not for his great interest and research into the

merits of the bills that come before us. We take the recommendation very largely of the engineers, of course; but there is always a discussion in the committee as to the merits of individual bills, and I think it is due to his great effort that this bill is as small as it is, in view of the fact that there has not been a river and harbor bill in 2 years. I again compliment the chairman of the committee on his great work and upon the great speech which he has delivered. [Applause.]

Mr. MANSFIELD. Mr. Chairman, I want first to thank those gentlemen who have uttered such kindly words concerning myself on this occasion, and also to thank all of the members of the Committee on Rivers and Harbors, and other Members of the House for the many courtesies they have shown me and for the great deal of aid and assistance they have given in the performance of our duties in the committee.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LUCAS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill (H. R. 7051) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Crockett, its Chief Clerk, announced that the Senate had passed without amendment a bill and joint resolution of the House of the following titles:

H. R. 7726. An act making appropriations for the first half of the month of July 1937, for certain operations of the Federal Government which remain unprovided for on July 1, 1937, through the failure of enactment of the supply bills customarily providing for such operations; and

H. J. Res. 433. Joint resolution making appropriations for the fiscal year ending June 30, 1938, for the Civilian Conservation Corps, the railroad retirement account, and other activities, and for other purposes.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the House of the following titles:

H. R. 5394. An act to provide for the acquisition of certain lands for, and the addition thereof to, the Yosemite National Park, in the State of California, and for other purposes; and

H. R. 6958. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1938, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to a bill of the following title:

S. 2156. An act to amend the act relating to the Omaha-Council Bluffs Missouri River Bridge Board of Trustees, approved June 10, 1930, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6692) entitled "An act making appropriations for the military establishment for the fiscal year ending June 30, 1938, and for other purposes", agrees to the amendments of the House to the amendments of the Senate nos. 24, 26 and 79; recedes from its amendments nos. 1, 47 to 77 inclusive, and 80; and also recedes from its amendment to the title of said bill.

RIVERS AND HARBORS BILL

Mr. MANSFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7051.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7051, with Mr. LUCAS in the chair.

Mr. MANSFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. MOSIER].

Mr. MOSIER of Ohio. Mr. Chairman, I rise for just a few moments to express the grateful appreciation of the people of the whole State of Ohio for the very excellent work that the gentleman from Texas, Judge MANSFIELD, and the Committee on Rivers and Harbors have done on this bill.

There are included in this bill five major Ohio improvements. Those ports which are improved form the gateway to the great steel empire which reaches from Minnesota down to Pitttsburgh. The gentleman from Texas, Judge MANSFIELD, has been very indulgent with all of us, and so have the members of the Committee on Rivers and Harbors. As a result of the action of the committee on this bill, the city of Cleveland will start on straightening the Cuyahoga River, a river that was named by the Indian name Cuyahoga, meaning "crooked" in the English language. That river carries about 11,000,000 tons of freight a year, mostly iron ore, and has been the subject of deep concern to that portion of the State for almost a hundred years. So I say to you, Judge MANSFIELD, we are deeply appreciative of your efforts and the efforts of the other members of this very fine committee. [Applause.]

Mr. SEGER. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. DONDERO].

Mr. DONDERO. Mr. Chairman, as one of the minority members of the Committee on Rivers and Harbors of this House, I shall not let this opportunity pass without saying a brief word in praise of the splendid chairman of that committee. I doubt if there is any Member of this House who has more first-hand knowledge of the navigable waters of the United States or river and harbor improvement than the gentleman from Texas, our courteous, considerate, cultured, and able chairman, Judge MANSFIELD.

My responsibility to the people I represent and my State would not be fully discharged if I did not raise my voice in favor of the bill now before the House (H. R. 7051), the rivers and harbors bill for 1937.

Like a great network spreading its fiber over the waters of the world, the water-borne commerce of this Nation and of any nation is the only method and the only means by which can be accomplished the exchange of goods between the nations of the world; and so important has it become to the United States that during the year 1935 the commerce of this Nation rose to the stupendous sum of 453,000,000 tons.

To the Members who come from the Northwest, representing districts in States that border on the Great Lakes, it ought to be, and I am sure is, of some interest to you to know that of that great amount of commerce, between one-quarter and one-third originates and moves on the breast of the fresh water seas, the Great Lakes.

The projects in this bill are many. While it has been stated by the gentleman from Arkansas [Mr. DRIVER] that it includes 119 projects, by amendment the number is about 125; and, in addition to that, the bill also includes about 125 surveys, so that 250 different items are included in the rivers and harbors bill, the first bill in 2 years to be presented to the Congress of the United States by the Rivers and Harbors Committee. Therefore the bill represents the work of 2 years on the part of your committee.

I call the attention of the House to the further fact that while the bill of 1935 carried $660,000,000 in authorized projects this bill carries less than $34,000,000, or about 5 percent of the amount in the bill 2 years ago. It is the smallest sum included in a river and harbor bill since 1920. There is a reason for that, and that is that a great many of the projects on rivers and harbors have been paid for or had funds allotted to them, not only by specific appropriation but also by emergency-relief funds.

Mr. MANSFIELD. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. MANSFIELD. The bill at that time was a 5-year accumulation and this is a 2-year accumulation.

Mr. DONDERO. Yes. The Chairman is entirely correct about that. The bill of 1935 carried 5 years' work. This bill carries but 2 years' work.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. DOWELL. Is it contemplated that any other money will be used in addition to the amount in this bill on these projects?

Mr. DONDERO. I may inform the gentleman, of course, that this is not an appropriation bill.

Mr. DOWELL. I understand that.

Mr. DONDERO. This is an authorization bill, and the amount of money that will be required to carry on these projects will have to be appropriated by the proper committee of the Congress.

Mr. DOWELL. But will any other moneys be used aside from the moneys appropriated in these authorizations?

Mr. DONDERO. I am not able to answer that question. Perhaps the chairman of the committee may be more fully informed on that subject.

Mr. MANSFIELD. I will say that I do not know of any funds outside of the regular appropriations through Congress. Formerly we had Public Works Administration funds.

Mr. ENGEL. I understood that the $34,000,000 or whatever the amount may be, was the cost of these projects.

Mr. DONDERO. That is the estimated cost of the projects in the bill. That money, however, will have to be spread over a number of years in order to complete the work. I understand that no part of it will be appropriated this year.

Mr. ENGEL. And that appropriation may be covered either in the rivers and harbors appropriation bill, or in the nonmilitary activities bill of the War Department, or it may come from relief funds?

Mr. DONDERO. From one of those sources.

Mr. ENGEL. But the total cost of the authorized projects is $34,000,000.

Mr. DONDERO. Approximately that.

The bill also carries an item for an airplane base in the Pacific Islands which will serve not only our commercial requirements but the needs for trans-Pacific mail as well.

Since the beginning of the Government, it has been shown that water-borne commerce is the cheapest in the world; and I trust that the time is not far distant when the wisdom of this Nation and that of our friendly neighbor across the border, Canada, will conclude a treaty which will make it possible for the unobstructed passage of water-borne commerce on the greatest fresh-water seas on earth, the Great Lakes, connecting them with the oceans of the world, by completing the St. Lawrence seaway. Whatever we do to improve the navigation and commerce of the country makes it just that much easier to distribute the products of farm and factory to the consuming public, the people who need them. When we make it easier to transport such products we also make it possible to provide such products at lower cost.

The bill now under consideration comes to us with the unanimous approval of every member of the Rivers and Harbors Committee. I desire to point out to the Members who come from the Great Lakes States particularly that in this bill are 19 projects authorized, the estimated cost being about $3,500,000. Although the Great Lakes furnish between one-quarter and one-third of the water-borne commerce of the United States, nevertheless in this bill we receive but one-tenth of the amount of work provided. I desire to point out, however, that sectionalism, partisanship, and politics have no place in a rivers and harbors bill. It is a subject that affects the general welfare of the Nation as a whole and not any particular section of the country. The Members of the House representing the most inland States are interested in this bill for the reason that the products of their States and their districts may have to find their way to the markets of the world and to the ports of the country not only by rail transportation but also by water transportation.

The conclusions as to the merit of the projects included in the bill are not reached without careful consideration. Every item set forth within its pages has been shown to be meritorious and worth while, as well as economically sound. Not only has every project satisfied the members of the committee, but it has also borne the searchlight of the Board of Army Engineers. I doubt if this Government has any other arm or branch in its service which serves better or more efficiently than the Board of Army Engineers serves this Nation in the projects which it recommends to the Rivers and Harbors Committee for the consideration of Congress. [Applause.]

The amount involved is spread over a period of years; and, as I said before, is small. It represents a moderate sum in comparison with the importance of the work involved and the good it will do. There is not a Member of the House who will say that he is not interested, for the reasons I have already stated.

[Here the gavel fell.]

Mr. SEGER. Mr. Chairman, I yield 1 additional minute to the gentleman from Michigan.

Mr. DONDERO. The question of national defense is interwoven with the commerce of the country; it is a part of this bill; and I trust that the House will give its careful attention to the items mentioned and described, that the bill will have the unanimous support of every Member of this body, and that it will pass when the committee reports it to the House. [Applause.]

[Here the gavel fell.]

Mr. SEGER. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CULKIN].

Mr. CULKIN. Mr. Chairman, since my service in this House began I have had a growing conviction, a conviction that increases as the years go by, that the average Member of the House is too modest a personality. When it comes to matters involving his own district he is, of course, rather aggressive; but when it comes to asserting his share in the larger affairs of government he is too modest.

Today, in the chairman of this committee, we have an example of the finest flower of parliamentary development, a real technician in his field, a man who knows the national transportation picture thoroughly yet bears himself with extreme modesty. Speaking from the Republican side of the aisle, I want to say that it is a matter of regret to me that the distinguished occupant of the White House did not call into the executive service and consult more intimately men of the splendid technical equipment possessed by the chairman of this committee. The hope of popular government rests in the continuation of the Mansfield type in the public service. [Applause.] In this House, may I say in passing, there are a hundred technicians in their own fields developed through service on committee who are infinitely superior in the technique of their particular committee, in their loyalty to the public service, and in splendid intelligence to many of the tyros whom the distinguished President has placed in high office. I say to you of the majority that although the soothing effect of Jefferson Island is still in your blood, be mindful that you represent a coordinate branch of the Government, and that in technical equipment you are superior to the tyros, the honest Harolds, and the others of his ilk, by virtue of your long years of faithful service to the people. I say to you on the majority side of the aisle that the fault is not in your stars; it is in yourselves; you make yourselves the underlings.

Mr. Chairman, this bill represents one of the most useful contributions to national development, national growth, and to the comfort and security of the individuals throughout all of America. My friend, the gentleman from Michigan [Mr. DONDERO] gave us some figures a moment ago. The items of tonnage referred to the tonnage carried over the waterways which have been improved by this and past

Congresses run into the stupendous sum of 599,212,000 tons in 1935, the figures of the last year available. That includes the Pacific, the Atlantic, the intercoastal waterways, the inland waterways, and the Great Lakes system to which he referred. I repeat that that is one part of the public domain that is still serving the public free from the interference of commissions and free from the interference of bureaucracies.

The gentleman from Michigan [Mr. DONDERO] made some reference to the St. Lawrence seaway, and I desire to emphasize some of his remarks. The treaty, which would make possible this great project, is now in the hands of our Canadian friends, and it is said that they are favorable toward it. I am looking forward to the day when the treaty will be returned to the Senate and its favorable consideration.

The St. Lawrence seaway, of course, has two objects, namely, navigation and power. The construction of this seaway will admit ocean vessels from the Atlantic to the Great Lakes. Ratification of the treaty will add 3,500 miles to the coast line of the United States. It brings the Atlantic Ocean 1,000 miles inland.

It will lessen the economic handicaps of adverse transportation costs to the vast area in the interior of the American Continent. This area embraces more than 22 States. Within these States are more than 40,000,000 people who gain their livelihood from agricultural production and manufacturing. It cannot be denied that the people of this inland section have their progress retarded both from manufacturing and agricultural standpoints by handicaps in transportation.

The building of the Panama Canal left them marooned in the interior of the continent. It placed on them unfair handicaps in the matters of transportation. Never in the history of the Republic has a project been offered that was so fruitful of benefits to the whole country as the St. Lawrence seaway. Its consummation will be in the interests of a real nationalism.

In passing, may I also say to you that by virtue of the development of water transportation by the Rivers and Harbors Committee and in turn by this Congress, that gasoline is selling for an average price of 17 cents in America, whereas if this type of transportation had not been developed and perfected we would be paying an average of 39 cenets for every gallon of gasoline sold in America.

Mr. PARSONS. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. I yield.

Mr. PARSONS. The average price of plain gasoline without ethyl or special improving processes would be even 2 cents less than the gentleman's statement, and would be still lower if it were not for the gasoline taxes.

Mr. CULKIN. Yes.

Mr. PARSONS. And would be still much lower than that if it were not for the gasoline taxes.

Mr. CULKIN. I think that is undoubtedly true. That reasoning applies to every phase of farm produce, bulk commodities and raw materials, transported over our waterways.

Mr. KITCHENS. Will the gentleman yield?

Mr. CULKIN. In a moment. A discussion of the rivers and harbors bill would be incomplete if some reference were not made to those great public servants, the Army engineers. During my service on the Rivers and Harbors Committee I have been amazed at the work of the Army engineers. The efficiency and devotion of this group to the cause of America is in large part the basis of our national development. The future engineers were the intellectual leaders at West Point. Under the stress and discipline of this system they were the dominating mental and physical types, and as such were selected for the engineering service. Originally the engineers pioneered the West, built railroads, bridges, and performed other notable service in peacetime. It is, of course, a combatant branch of the United States Army in times of war.

The Nation has expended hundreds of millions of dollars for pioneering purposes, for the improvement of rivers and harbors, and for flood control. This work has been highly technical in character, requiring the exercise of the highest engineering skill. It has all been accomplished successfully, and the Nation, which hears little of this group of technicians, has reaped incalculable economic benefits from their work. It is interesting to note that while all the millions of dollars appropriated for these purposes, running beyond the billion mark, has been expended under the direction of the engineers, there has been but one case of peculation in 110 years of this service. The engineers are the real field marshals of the public domain. They combine extraordinary industry and power of research with the highest order of intellect. Through my 10 years on the Rivers and Harbors Committee, I have been brought in contact with this group of remarkable public servants and have been amazed by the breadth and clarity of their findings on all questions concerning waterways and economics.

I want to call the attention of the Members to the fact that for the past several years there has been a Nation-wide effort through various types of lobbying, perhaps none of it yet venal, to write off and destroy water transportation in fact and in the minds of the people. Every subsidized economist takes a fling at the efficiency of water transportation, upon which I say the very life, the very security, and the comfort of America depends. Today we have pending before one of the committees of the House a bill to place water transportation under the jurisdiction of the Interstate Commerce Commission. May I say in passing that we placed truck transportation under the Interstate Commerce Commission, and immediately truck transportation in most parts of the country doubled. The Interstate Commerce Commission now has jurisdiction where there are joint water-and-rail rates. May I call attention to what the Interstate Commerce Commission has done with water rates where they have had jurisdiction of that matter?

[Here the gavel fell.]

Mr. SEGER. Mr. Chairman, I yield to the gentleman 10 additional minutes.

Mr. CULKIN. Mr. Chairman, a report of the Interstate Commerce Commission recommends, and based on what has gone before, it will be adopted, a raise of $1.85 per hundred pounds from New York to New Orleans. The existing rate is about 85 cents. The rate from New York to Buenos Aires, 5,757 miles, is 98 cents. Bear in mind that the distance between New York and New Orleans is approximately 1,800 miles. The freight rate per 100 pounds from New York to Cape Town, 6,786 miles, is 90 cents per hundred pounds, and so all along the scale. To Kobe, Japan, over 10,000 miles, the rate is 90 cents. Yet the Interstate Commerce Commission is prepared to write into law, and it will be law if you give them jurisdiction of this question, a provision making the rate to the American people, because they are the ones who pay the freight, from New York to Gulf ports $1.85 per hundred pounds.

I wonder sometimes just who the Interstate Commerce Commission thinks it serves. I am wondering if it thinks it has a definite direction from Congress to destroy water or other types of transportation by raising the rate up to the level of the rail rate, and whether or not it considers the fact it is the representative of the people.

I now yield to the gentleman from Arkansas [Mr. KITCHENS].

Mr. KITCHENS. In connection with the question of water transportation and reducing and holding down the price of gasoline, may I say you can ship 100 pounds of gasoline from Memphis, Tenn., to El Dorado, Ark., for 15 cents.

Mr. CULKIN. By water?

Mr. KITCHENS. By rail. This is because they ship the gasoline up the Mississippi River and load it at Memphis. But if you ship a hundred pounds of gasoline from El Dorado to Memphis it costs you 30 cents. That is the difference. In other words, the country west of the Mississippi River is discriminated against in that we have to pay twice as much in freight rates.

Mr. CULKIN. That is always the fact; and, as the gentleman suggests, where there are competing waterways the

saving to the people is tremendous. May I say in that connection, in my own State it has been stated by excellent economists that the mere presence of the Erie and Oswego Canals, if not a pound of freight moved over them, results in a potential saving to the people of the State of $50,000,000 a year.

Mr. KITCHENS. The refining company in Eldorado, Ark., is located 36 to 40 miles from the Ouachita River. There is a picture in the paper this morning which shows that company has gone to the expense of thousands of dollars in order to build a loading place on the Ouachita River. They are going to haul the oil 40 miles by truck, then ship it down the Ouachita River. It will take 25 days for them to move that gasoline from El Dorado, Ark., to Memphis, yet it is cheaper for them to do that than to utilize the railroad from El Dorado to Memphis.

Mr. CULKIN. Except for the interior waterways and the inland waterways, which this bill develops, the people's economic life and their comfort would be strangled.

Mr. MANSFIELD. Will the gentleman yield?

Mr. CULKIN. I yield to the gentleman from Texas.

Mr. MANSFIELD. I may say to the gentleman that the States of Texas and Oklahoma produce approximately one-third of the cotton crop of the United States. Practically none of it is milled in those States. It has to go into either the export trade or to the New England or Eastern Atlantic coast mills. The rate by rail from Texas to Massachusetts mill towns is on an average $1.54 a hundred pounds, or $7.70 a bale. The ship rate from Galveston to those points is 35 cents a hundred pounds or less than $2 per bale. If the bill the gentleman refers to is enacted into law and these rates are equalized, the cotton farmers of Texas and Oklahoma especially will have to pay approximately $5 a bale additional in transportation charges on each bale of cotton.

Mr. CULKIN. Exactly; and that is the definite trend of the Commission's decisions.

Mr. SHORT. Will the gentleman yield?

Mr. CULKIN. In a minute.

The Interstate Commerce Commission should be led to understand by some procedure that it represents the public and that that was the conception of the Commission when it was established in 1887. But, thus far, as near as I can analyze the situation, it does not consider the public at all. It is railroad minded to the last degree, and if the Congress of the United States does not watch out, the country will find itself in the grip of a transportation monopoly which will be murderous not only to the farmers but to the city dwellers whose comfort will be seriously affected.

Mr. PIERCE. Will the gentleman yield?

Mr. CULKIN. I yield to the gentleman from Oregon.

Mr. PIERCE. The gentleman referred to the trend of the Interstate Commerce Commission's decisions. Do those decisions not show clearly that the object it has in view is the fixing of such a rate structure as to pay dividends upon stocks and bonds which, if the water was squeezed out of them, would result in lower freight rates?

Mr. CULKIN. I agree with the gentleman, it is an unpleasant topic and reminiscent of an evil past. The country, under the theory of the Interstate Commerce Commission, is now paying for the past financial sins of the railroads, the Jay Goulds and Jim Fiskes and their ilk. Even in these days the so-called Wall Street banker, when he gets his teeth into a situation, always pours in three or four million dollars of water for his own purpose and for his own fee. I have no hesitancy in saying to the gentleman that at the present time in the railroad set-up, with a capitalization of $26,000,000,000, there is at least $8,000,000,000 of water.

Mr. PIERCE. At least one-third.

Mr. CULKIN. On the mistaken and unholy theory of the Interstate Commerce Commission, the people of the United States have to pay freight rates based on that capitalization. To this end they are going to drag the trucks up to the cost of railroad transportation and drag water transportation up to the level of the trucks.

[Here the gavel fell.]

Mr. MANSFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from New York.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. I yield.

Mr. RANKIN. As a matter of fact, the policy which has been adopted of reducing freight rates to water points in order that the railroads may compete with water transportation, and which has been carried through Congress in the Pettengill bill to reduce further freight rates to water points, is simply discriminating against the people in the interior. We in the interior, who do not live on the rivers, are with you on this legislation, but we are paying a terrific penalty in exorbitant freight rates as a result of this policy, which Congress has not manifested an inclination to check but has promoted by its passage of these measures which further discriminate against the people in the interior.

Mr. CULKIN. I agree with the gentleman. I think Congress took a definite step back, and went back half a century, when it passed the Pettengill bill. [Applause.] Here is a more serious menace. Preliminarily may I say in that connection that the whole theory of water transportation, the whole theory of the engineers, the economic theory on which water transportation is brought to this floor and passed is that the savings in the cost of transportation are passed on to the people. I say that water transportation is the last of the public domain which the people have in an unhampered and unadulterated form. If the people pass this on to a bureaucratic outfit—I do not say a venal but an uneconomic outfit from the standpoint of people like the Interstate Commerce Commission—the American people will be in the grip of a monopoly alongside of which the Standard Oil in its lush days was a white angel.

[Here the gavel fell.]

Mr. SEGER. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. CULKIN. I want you to think over what I have said about this question. It is not pleasant to inveigh against the railroads. They are doing a better job than they have been doing. They have their function and they have their place in national economics, but water transportation and truck transportation also have their place in the economics of the people. No one type of transportation should be permitted to surround, engulf, and destroy the others to the detriment of all the people.

Mr. PIERCE. Will the gentleman yield for one more question?

Mr. CULKIN. I yield.

Mr. PIERCE. Is it not a fact that freight rates have gone up nearly one-third since the World War? It is true.

Mr. CULKIN. Yes; I think that is true.

Mr. PIERCE. Why? To pay dividends on this watered stock.

Mr. CULKIN. There is one case on the books where steamers left Florida carrying fruit several days a week. On those days the Interstate Commerce Commission lowered the rates by rail. The thing is barefaced, it is indefensible, it is hopelessly destructive of the interests of the farmer—East, West, North, and South. It is destructive of the consumer. I say to Congress in that connection, "Watch your step." [Applause.]

[Here the gavel fell.]

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. Yes.

Mr. ROBSION of Kentucky. I was very much interested in the statement of the gentleman that there is $8,000,000,000 of watered stock in the capitalization of the railroads. What is the capitalization of the railroads of this country?

Mr. CULKIN. Twenty-six billion dollars.

Mr. ROBSION of Kentucky. What is the physical valuation as expressed under the La Follette Act?

Mr. CULKIN. I think that was entirely a synthetic valuation. It was based on the reproduction value and represents, of course, little more than sheer economic nonsense.

Mr. ROBSION of Kentucky. It cost about $100,000,000 to make the valuation. I am wondering to what extent the valuation was correct.

Mr. CULKIN. I think the theory of it is wrong. I think the valuation of the railroads would be very high at $18,000,000,000.

[Here the gavel fell.]

Mr. SEGER. Mr. Chairman, I yield such time as he may require to the gentleman from California [Mr. GEARHART].

Mr. GEARHART. Mr. Chairman, the improvement of navigation upon the various rivers of the country is one of the most important duties of the Congress, a duty which down through the years the Congress has discharged with credit to itself and untold benefit to the Nation. I, too, desire to add my congratulations to the Rivers and Harbors Committee and to its distinguished chairman, the gentleman from Texas [Mr. MANSFIELD], for the excellence of the legislation which is offered for our consideration today.

Because of the authorizations contained in this bill which have to do with the promotion of navigation upon the Sacramento and San Joaquin Rivers in California—the great water arteries of that State—I am deeply interested in the ultimate passage of the legislation we are considering at this moment.

Not only will the interests of navigation be served but, as a consequence of the improvement of these two great waterways, a control of the water resources of California's Great Central Valley will be achieved—a control which is vital to the future development of this great Western Commonwealth.

In river control lies the hope of the ultimate realization of our "dream of dreams", the Central Valley water project of California. The enactment of the technical provisions of this bill will do much to translate that which is today but a paper conception into a pulsating actuality, a boon to mankind, indeed.

Mr. Chairman, notwithstanding the impression that may have been created to the contrary, there is not any shortage of water in the Great Central Valley of California. There is plenty of water there to adequately supply all of the domestic, agricultural, and industrial demands as well as the necessities of navigation.

The problem is merely one which has to do with the scientific placement upon the proper lands of the waters which nature has so abundantly supplied.

The Great Central Valley in the north produces more water than is needed by the people who reside there. In the south there is not enough water to meet the minimum necessities of the people, to adequately care for the thousands of settlers who have already established themselves in that remarkably fertile area.

So the problem is merely one of collecting the water where it is plentiful and taking it to the places where it is scarce; and in order to produce this result so devoutly to be desired, the project has been devised. The Central Valley water project is a complete, self-sufficient, self-sustaining, self-operating single unit, though it is composed of a variety of different works of various kinds.

The Central Valley water project is the answer to the one overshadowing problem of this great inland empire, that is, the efficient spread of the water over all of the irrigable lands through the length and breadth of the Great Central Valley of this golden State of romance.

In the control of the water and its transport to the places where it can be most profitably used, certain things are accomplished which are in themselves subsidiary to the main objective but which are, nevertheless, highly valuable in the development of the State as a whole.

First. Control over the flood menace will be achieved by virtue of the construction of two great dams, one on the San Joaquin River in the south and the other on the Sacramento River in the north. From these dams the State will obtain protection from an annual property loss, which has mounted into millions of dollars during the last few years.

Second. In the obtaining of that flood control, the holding back of waters during the flood season, the releasing of waters in a regulated flow from the river's source in its race to the sea, the navigability of these two great rivers will be greatly improved, stabilized, and extended far beyond the highest point now reachable. The regulation of the flow of the Sacramento River will render that great river navigable some 50 or 60 miles beyond the point to which it is navigated today.

Third. The regulation of the natural flow of water to the sea through the control established by the construction of the dams above will insure a steady pressure of fresh water against the salt water of San Francisco Bay, thereby terminating the saline menace which now threatens the destruction of some 400,000 acres of delta lands, the finest in the world, all of which are today in danger of being rendered absolutely unusable by man.

Fourth. Incidental to the main objective of the great dam and reservoir on the upper Sacramento River of furnishing urgently needed water supplies for many purposes, a billion and a half kilowatt-hours of hydroelectric energy will be generated, one-fifth of which will be consumed in operating the project, the balance to be sold for public or private use. That there will be a ready market for the electricity, there can be no question, as the great privately owned public utility which is now serving northern California has offered to purchase the entire output as fast as it can be generated. The profits from this phase of the enterprise will add greatly to the certainty of success of the project, insofar as its financial feasibility is concerned.

Control and regulation of flow having been established, the surplus waters of the Sacramento Valley in the north will be taken to the south portion of the San Joaquin Valley, where the water is sorely needed today, and where, if water is not produced in the near future, a great land area, consisting of some 450,000 acres, will, because of an increasing scarcity of waters formerly plentiful, gradually return to the conditions of the desert; that is, to conditions under which it will no longer be possible for man to profitably till the soil.

Now, I want to emphasize one thing about this project. It is no longer necessary to defend it in respect to its engineering feasibility, because it has been investigated, time and time again, by engineers of the greatest ability, representing various public and private agencies, and there has not been one of them who has rendered an adverse report.

There has not been a single report rendered by a financial expert, who is willing to say over his signature, that the project is not financially feasible. All are in agreement, lavish in their praise.

The approval of this project by the committee, its early construction, is of untold importance insofar as the development of the State of California is concerned.

Without it the steady march of civilization in this great western Commonwealth will be halted; the further development of this Pacific coastal State will fall into retrogression. It means that the thousands upon thousands of Americans for whom we had hoped to provide homes will have to seek homesteads elsewhere.

It is natural that you, if your consideration of our great problem is superficial, will jump to the conclusion that this is merely a California development; that we are asking for something for ourselves alone. In this connection let me point out that the estimates of the Bureau of the Census demonstrate convincingly that this great valley will in but a short time provide homes for millions and millions of people who do not live there today. When we ask for governmental assistance in the development of this valley we are asking not so much for the improvement of California for Californians alone, as for its development for the benefit of all of the people of the United States, for the tens of thousands of people—yes; the hundreds of thousands of people from all over the Union that are coming to California to establish their homes in its Great Central Valley.

So when the Government offers in this instance its helping hand to California, it is in fact furthering a plan which will eventually provide homes not only for California, but for an untold number of people who are destined to come to California to settle upon the lands which this inspiring project will make available.

It is a great enterprise. Today, it contemplates merely the saving of land which is already in a high state of pro-

ductivity. In the future, when the demands of that day require it, 10 or 15, 20 or 30 years from now, the plan may be extended to include lands which are unused today, but that is only remotely within the contemplation of those who are pleading for this project. Since no new lands are to be immediately brought into use the fears that have been expressed by some that increased agricultural production will but add to the embarrassing surpluses which already burden the Nation are quite unfounded. Even if new acres were to be brought into production, this result which is giving our people such concern, could not develop for the reason that very few of our California crops are in competition with the products of other States which are suffering in value because of overproduction. The crops raised in the Great Central Valley are specialized crops in the production of which we have practically no competition from without our borders. We are producing crops which we sell to the entire world, not to the East alone.

We would have to multiply many times over the acreage now devoted to our specialized crops, produced, as they are, on irrigable lands, before we will approach the production of a surplus in any one of them.

Certainly, if the construction of the Central Valley project would appreciably embarrass the agricultural situation in the Nation, the opposition of the Department of Agriculture would have been long ago manifested. On the contrary, the Honorable Henry A. Wallace, the Secretary of Agriculture, has frequently stated that neither he nor the Department over which he presides has any objection to the immediate development of the plan. In support of this contention I quote a paragraph from a letter I received from Mr. Wallace but a few weeks ago:

DEAR MR. GEARHART: A couple of years ago I indicated to persons interested in the Central Valley water project that I thought it unobjectionable and, in general, in line with the desirable policy of taking care of people already on irrigated lands. It is therefore our purpose not in any way to object to the project.

A careful reading of this pronouncement ought to dispel all doubts and fears that anyone may have heretofore entertained that the construction of this great project would adversely affect the general agricultural situation.

This is one of the greatest projects which has ever been devised by man for the improvement of conditions of mankind. When it is carried into fulfillment, it will indeed make the valley of the San Joaquin blossom as the rose, make of it all that man has dreamed of—man's paradise on earth.

A hasty review of these great benefits which will flow from the construction of the Central Valley water project in its entirety convinces us that it is indeed worth while to improve the navigability of California's two greatest rivers, contributing as this work will to the attainment of so many coordinated facilities. I, therefore, beseech your favorable consideration of this bill which the Rivers and Harbors Committee offers to us for our consideration today. [Applause.]

Mr. SEGER. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. DITTER].

Mr. DITTER asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. DITTER. Mr. Chairman, the Nation is in a grave crisis. Justice has been flouted. For months lawlessness has been rampant. Properties have been illegally seized and held. Incalculable economic losses have been inflicted upon wage earners, businessmen and women, upon the whole people. Bombings, shootings, riots, defiance of court orders and of the duly constituted law-enforcement agencies are matters of daily news in the press of the country. Marauders have marched upon and have terrified entire communities. Men have been killed, women have been wounded, little children have been injured. The laws have been scoffed at and violated times without number. Thousands of men and women are being denied their constitutional rights of protection as they seek to follow peacefully their vocations in an effort to make a living for themselves and their families. Power systems, water systems, transportation systems, fire-protection systems, and even the United States mail service have been disrupted; and the air is filled with threats of more depredations to come. Terrorism pervades the industrial field in every section of the country.

For months the Secretary of Labor has given by word and deed aggressive encouragement to the groups who have been perpetrating these outrages. Now the citizens of many States are organizing themselves into vigilantes and arming themselves through sheer desperate necessity for self-protection in the face of the break-down of duly constituted law-enforcement agencies.

Congress and the whole Nation have for months been demanding that the Federal Government move to end this reign of lawlessness and anarchial industrial disorder. The country has been waiting for the President, with the influence of his high office and the power of his prestige, to speak the words which would recall these lawless elements to sanity and order.

Mr. Chairman, the mountain has labored and brought forth a mouse!

Finally, the President of the United States, after long, silent acquiescence, has no word of his own to speak, but must needs go back to William Shakespeare for the words to express his attitude:

A plague o' both your houses!

And no sooner had the words fallen from his lips then his secretaries were scurrying about explaining that he did not mean the C. I. O. or John L. Lewis, but he meant those engaging in violence and those who will not submit to coercion and sign contracts to avoid these lawless conditions.

With the urgent need for a forthright stand, a firm declaration that law and order must be upheld, that orderly and lawful procedure must be followed by both employer and employee, the President gives voice to no stronger statement than "A plague o' both your houses." The country is disappointed. It had the right to expect a positive declaration. It had the right to expect candor, high moral courage, and perfect frankness. It had the right to expect that the persuasiveness of the President would be exercised for the maintenance of law and order. Disappointment and foreboding are its portions. Industrial differences provide no excuse for mob rule, nor for the wanton destruction of property, nor for the defiance of accepted rules of law and order.

The blessings of liberty depend to a large degree upon domestic tranquillity, and domestic tranquillity depends upon the maintenance of law and order. The protection of the lives and property of the citizens against acts which are in violation of every established rule of society is a duty of government. Representative democracy does not mean mob rule. Liberty does not mean license. Obedience to law is still the heart of self-government, and respect for law still determines the capacity of a people to govern themselves. If self-government is to be perpetuated, order cannot become anarchy, might cannot be right, and the defined processes of established government cannot become the riotous confusion of rebellious barbarism.

The President has never been at a loss for words with which to lash the money changers. He has never lacked a vocabulary with which to denounce the economic royalists. He has never had to hunt for phrases with which to condemn the tax evaders. He has never been at a loss for cutting expressions with which to castigate those who opposed him. Why is it now, knowing, as he does, that a firm declaration for law and order from him would end this reign of terror and would restore the dignity of the law and the stability of government, why, I ask, can he find no statement stronger than "a plague o' both your houses"?

Have we come to the point where the President does not dare declare for law and order? Have we come to such a pass that the President of the United States, because of political ties and obligations, does not dare act to uphold the constitutional rights of our people?

The country has looked to the President to end this intolerable condition of affairs by a determined declaration. He has thus far disappointed the Nation which believed in

his courage, his fairness, and his concern for the orderly processes of government.

Does the President fear to speak out in this crisis? For him to declare for law and order, to condemn lawlessness and terrorism, does not necessitate his taking sides in the conflict. It does necessitate his being the spokesman for the millions of helpless consumers, the unprotected and unorganized householders, the small business men and women, and the thousands of industrious workingmen who are being daily made the victims of these lawless groups of industrial marauders who are spreading terror under the cloak of labor organization.

The peace of this Nation is in peril, and the time has come for plain speaking. Does the President intend to take a firm stand for law and order, and if not, what is it that seals his lips?

Is this menacing condition to be permitted to grow worse and worse until a dictatorship under a declaration of martial law is invited? Does this account for the Presidential silence?

Does the President condemn this reign of terror, or does he regard it with complacence, if not acquiescence? The Nation is entitled to know. [Applause.]

Mr. SEGER. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. JOHNSON].

Mr. JOHNSON of Minnesota. Mr. Chairman, the bill as it is before the House today, insofar as Minneapolis is concerned, is not complete, but this is no fault of the chairman of the committee [Mr. MANSFIELD] or the members of the committee, who have been untiring in their efforts.

The 9-foot channel will be completed during the latter part of next summer, when they will impound the water above each of the 26 dams that will be completed at that time; but it appears that the 9-foot channel in Minneapolis will only come to the Washington Avenue Bridge, which is a mile and a half from the nearest point in the industrial area of the city.

In order to bring the Mississippi River and the 9-foot channel up to a city of half a million people, which is the head of navigation, one project will have to be completed in addition to the work that has been done on the river, and this is the building of two locks through St. Anthony Falls.

Mr. MANSFIELD. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Minnesota. I yield.

Mr. MANSFIELD. To carry the navigation channel up to the point the gentleman speaks of would carry it above St. Anthony Falls, would it not?

Mr. JOHNSON of Minnesota. Yes; it would. It would carry it above St. Anthony Falls, and it was previously thought, perhaps, not practical from an engineering standpoint because of the numerous bridges above the falls, to bring the 9-foot channel up into the upper harbor; but now, due to the development of Diesel-powered tugs, you can tug your barges into the upper harbor without changing the bridge construction in that area. The Army engineers have not completed the report on this project, and, of course, the committee does not desire to incorporate such an amendment in the bill until this report has been received from the Army engineers.

Mr. ANDRESEN of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Minnesota. I yield.

Mr. ANDRESEN of Minnesota. Does the gentleman propose to offer an amendment to this bill to include that part of the river near St. Anthony Falls?

Mr. JOHNSON of Minnesota. I may say to the gentleman from the first district of Minnesota that such a bill was introduced at the beginning of the session, and if an amendment were to be offered today it would have to be offered at page 12, line 23, but I do not believe the committee would accept such an amendment, and I withhold offering the amendment because of the fact that the report of the engineers has not been received by the committee.

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Minesota. I yield.

Mr. CULKIN. Does not the gentleman think the more orderly procedure would be, in view of the fact the gentleman is going to get a report shortly, to put the amendment on in the Senate, if it is approved?

Mr. JOHNSON of Minnesota. Yes. The only reason I am bringing this up today is because of the fact that you will have spent in 1938, $148,000,000 to put in a 9-foot depth in the Mississippi River, but the big city above St. Louis is Minneapolis, and Minneapolis yearly ships 10,000,000 tons of freight, of which about 55 percent is available for water transportation. So it seems to me good business, if you are going to make the $148,000,000 bring a real, economic return, to bring the river up to the industries, up to the mills of Minneapolis, up to the factories, and up to the cold storage houses above St. Anthony Falls, and I would like to have the RECORD contain this statement, because the Ohio River yearly ships 20,000,000 tons, and even with a 6-foot channel, the Mississippi River, which, at low water has only a 5-foot channel during the summer, last year carried over 1,500,000 tons. We have great faith in the Inland Waterways Corporation, under Major General Ashburn. They have done a good job, and the Army engineers have done a good job, but to complete this real job, the House and the Senate, after the report of the Army engineers is in, should extend the channel to the north limits of Minneapolis and put the 9-foot channel right up to the industries of the city of Minneapolis, which has a population of half a million people.

[Here the gavel fell.]

Mr. MANSFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. BARDEN].

Mr. BARDEN. Mr. Chairman, I probably should discuss the bill without taking the time to make the statement which I am going to make, but I could not help but be reminded a few moments ago, when the gentleman from Pennsylvania [Mr. DITTER] was addressing the committee, of something that happened only a few weeks ago. When the so-called antilynching bill was before the House, I made the statement that if the good Lord would save the South from our so-called reformers to the north of us, I thought we would recover, and at the same time it would give those gentlemen more time to look around and discover the terrible conditions growing and existing in their own back yards. I regret that the conditions are as they are today, but I am delighted they have found time to give them some thought and I hope they will be able to work the problems out satisfactorily.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. BARDEN. I cannot yield at this point. I say that merely because I somehow dislike to hear a man get up and try to throw dust in somebody else's face.

With reference to the river and harbor bill, I am interested to report this fact to the House. That in the $34,000,000 worth of work covered in this bill, there are 37 projects involving less than $30,000 each. That to me is a very significant fact. It shows that not only the Rivers and Harbors Committee, but the Corps of Army Engineers are interested in developing the small projects which take care of the small communities and give the man with a small boat an opportunity to make a better living, and to serve in a better way and at the same time conserve and make more available our natural resources.

I could mention one little harbor in my district—Atlantic, N. C. The improvement cost only approximately $15,000. The project was pushed along by a public-spirited gentleman named Capt. Jim Morris. He believed in it, and finally the engineers made a favorable report. On the first day that little port was open the amount received from the sale of fish alone over that dock was over double the cost of the entire project, and over 200 boats called into that port. So one can see the extent of the benefits to be derived from these small projects.

Let me say a word now about the Army Engineers. In my opinion they are one of the most efficient agencies in the Government. They have cooperated 100 percent with the Rivers and Harbors Committee and with the chairman

of that committee. I would hate very much to see anything take place that would in any way disturb the organization to which I refer. They are doing a fine piece of work; they are giving proper attention to the needed waterways; and they are approving waterways that are carrying freight and paying to the users a rich dividend. Not only that, but I may also say they are in operation, and in case of war they are most familiar with their work and ready for action at all times. They, too, are entitled to a great deal of credit for this bill, and that would not in any way detract from the credit due our most efficient chairman, who, in my opinion, knows more about the waterways in the United States than any man in it. [Applause.]

Mr. MANSFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I consider the bill now before us one of the most important that has been before the House at this session of Congress. It is a broad and comprehensive program of waterways development in our country, which will carry these developments to practically every part of the country where waterway possibilities exist. The authorization is very small comparatively speaking, only about $34,000,000.

ARMY ENGINEERS EFFICIENT

I was particularly impressed by the statement made by my colleague from North Carolina [Mr. BARDEN] concerning the efficient manner in which the Board of Army Engineers operate in river and harbor matters. I should be very much displeased to see the Congress in any manner dislodge the existing functions and powers now handled by the Board of Army Engineers under the War Department. It happens that in a century of experience no one can ever point the finger of accusation against this Board for any wrongdoing or the exercise of any favoritism to any community in the United States or to any individual. Their examinations and surveys are made impartially, and with only one thing in mind, finding what are the needs of communities, and what are the possibilities of a community and commerce as a result of any expenditure which may be recommended through their reports.

RIVER AND HARBOR IMPROVEMENTS NOT SECTIONAL

I was also particularly impressed by the gentleman from Michigan [Mr. DONDERO], when he mentioned the fact that river and harbor authorizations have always been nonpartisan, also nonsectional, and have reached to all parts of the country, and I venture the prophecy now that the gentleman's cherished St. Lawrence waterway development is only a matter of time. This great waterway, which would carry great benefits to the American people, is going to be carried out. The project will ultimately be carried out because there is public demand for it. If you will notice the history of our country, the centers of population have grown up first where they could have waterway transportation facilities.

Your farming areas are adjacent more or less to the waterway transportation facilities. Within 50 miles of water transportation facilities you will find 85 percent of American industry. Within 50 or 75 miles of direct waterway transportation facilities you will find about 75 percent of the farm-producing areas of the United States. That is most significant. Regardless of the efforts of the rival transportation facilities, and their ally, the Interstate Commerce Commission, water transportation development shall go on in the United States in the future. Rival transportation facilities have been subsidized in value more than a billion dollars in American lands and American moneys. It is true the Congress has spent almost an equal amount for our waterways development. For transportation facilities to try to throttle and lobby and work against water transportation facilities is undoubtedly selfish and contrary to the best interest of the rank and file of the American people—the great mass of American consumers.

RAILROADS SUBSIDIZED

America has in the past aided, assisted, and substantially subsidized transportation facilities. This is particularly true in the case of subsidies, grants, and gifts given to railroads. Adequate transportation facilities have always been essential to general prosperity and the economic life and welfare of our Nation. Our country has quite properly recognized this and gone the limit in subsidizing railroads. The railroads should now be the last ones to yell and cry about the Government's spending money on waterway transportation facilities.

According to reliable authority, Federal railroad grants have been as follows:

Federal railroad grants

	Acres
Estimated total area granted	190,000,000
Estimated area forfeited	35,000,000
Estimated area of unforfeited grants	155,000,000
Area patented to June 30, 1910	113,660,000
Remainder pending adjustment (probably greater part available)	41,340,000

Federal wagon-road grants

	Acres
Estimated total area granted	3,229,000
Area patented to June 30, 1910	2,987,000
Remainder pending adjustment (practically all available)	242,000

Texas was an independent sovereignty before its admission to the United States and the treaty of union provided that the State should retain the ownership of all public lands within its boundaries. It has given to railroads land grants amounting to approximately 32,400,000 acres, over one-sixth of the area of the State.

FLORIDA GAVE ONE-THIRD HER AREA TO RAILROADS

In my own great State of Florida, it is as follows:

	Acres
Land grants made to the railroads by the Federal and State Governments	2,220,779
Land grants made to the railroads by the State government	9,070,156

When you consider that Florida has only about 32,000,000 acres of land, do you not think we have been exceedingly liberal in giving more than one-third of this to the railroads to encourage them to build and operate their transportation facilities for us? Railroad development in Florida has meant much to its economic life. But it seems to me now that this interest could hardly have the nerve to come in and oppose waterway transportation facilities in Florida.

THE FLORIDA CANAL

Now, Mr. Chairman and my colleagues, I have particularly in mind the steamship canal across Florida. This canal, when constructed, will connect up our great waterway transportation facilities of the Atlantic and Gulf of Mexico. For more than 10 years the Board of Army Engineers made exhaustive, detailed, and thorough studies of this project. Authorization for these studies and surveys was based upon bills which it was my pleasure to introduce and which the Congress passed in 1927 and 1930. They spent probably one-half million dollars in the surveys and called in the best talent within their organization and also outside of their organization in order to arrive at the facts in the case. Probably no other engineering project has by Americans ever been examined more thoroughly, exhaustively, and competently than has been the Florida canal. After these exhaustive studies, the Chief of Engineers, through the Secretary of War, on April 1, 1937, transmitted his report to your Committee on Rivers and Harbors. This report was ultra favorable and recommended completion of the canal.

The House Rivers and Harbors Committee, of which I happen to be a member, held exhaustive hearings for more than 21 days. At these hearings, the Chief of Engineers and officers of his corps, the Chief of the United States Geodetic Survey, and a large number of other witnesses appeared. Your committee voted by an overwhelming vote to complete the canal and favorably reported H. R. 6150, which I introduced, for the completion of the canal. This bill is now on the calendar and you will in the future be called upon to act upon it.

THE CANAL IS A NATIONAL PROJECT

The canal across Florida is a national project and, practically speaking, its benefits will apply to the United States as follows:

	Percent
Population	74
Number farms	70
Acreage farms	73
Income farms	72
Manufactures	73
Wholesale and retail trade	84
Forests	53
Minerals	82
Finances	84

No other American project can show anything like half these benefits; therefore, Mr. Chairman and members of the Committee, it is truly a national project and cannot be considered as a local or sectional project.

In stressing the national importance of this project and its far-reaching benefits to the entire Nation, I call attention to the communication received by me from Hon. John L. Bogert, editor of the Marine News, and also a statement appearing in the May issue of the Marine News, as follows:

THE NEW YORK MARINE NEWS CO., INC.,
New York, May 18, 1937.

Hon. LEX GREEN,
Washington, D. C.

DEAR MR. GREEN: With rail charges for grain haulage 13.9 mills per ton-mile from Yankton, S. Dak., to Duluth, and water rates but 2.6 mills per ton-mile on the New York State Barge Canal, it is imperative to utilize the all-water route down the Missouri and Mississippi Rivers to New Orleans, and thence up the coast to Atlantic ports. A canal across Florida becomes a necessity, since river barges cannot go to sea around Florida, and transshipment at New Orleans uneconomic. A canal shortens the haul 460 miles and links up the Gulf and Atlantic intracoastal waterways.

Very truly yours,

JOHN L. BOGERT, *Editor.*

THE CASE FOR THE FLORIDA CANAL

The Missouri, Mississippi, and Ohio Rivers, with their tributaries, constitute a chain of navigable waterways 15,000 miles long, but it is improbable that the time will ever come when 75 percent of these rivers will be navigable for vessels drawing more than 9 feet of water. Such being the case, barges, both self-propelled and towed, must constitute the bulk of that immense flotilla of freight carriers, that can alone insure to the dwellers of our vast interior sufficiently low-cost transportation.

The Department of the Interior has issued a pamphlet which shows that many of our Middle West States, which were at one time the granary of the world, are now losing their inhabitants; and their farms, which were years ago the producers of great national wealth, are now being abandoned. High transportation costs will always arrest the growth in population of any land.

Montana, North Dakota, Wyoming, Nebraska, Kansas, Iowa, Missouri, Oklahoma, Arkansas are all seriously handicapped by the high cost of rail transportation. Congressman PETTENGILL, in a pamphlet entitled "Giving All Shippers an Even Break", makes the statement that in 1910, 38 percent of our people lived within 50 miles of salt water or the Great Lakes, and in 1930 this percentage had grown to 45. Coupled with that he calls attention to the fact that two-thirds of our growth in population had taken place in that strip of 50 miles from salt water or from the shores of the Great Lakes.

If those figures prove anything, they prove that people cannot afford to stay anywhere where there is no cheap water transportation available. There is but one lesson to be learned from such figures, and that is the importance from a national standpoint of extending cheap water transportation throughout our interior. To fancy that this natural drift to the shores of waterways can properly be arrested by abandoning the waterways and forcing into bankruptcy all transportation systems that utilize those same waterways is the height of absurdity. Cheap transportation means extended markets, and etxended markets means a higher standard of living.

It is easy to demonstrate from the history of the great State of New York that a perfectly adequate waterway paralleling a railroad, not only does not injure that railroad, but builds it up and increases its earning capacity. There are three trunk lines that cross the State diagonally from New York to Buffalo, with a mileage haul of about 436 miles. The New York Central, paralleling the Hudson to Albany, and from Albany paralleling the New York State Barge Canal for its 340 miles to Buffalo, is several miles longer. Nevertheless, the New York Central has assisted in the building up of five cities of over 100,000 inhabitants, while Binghamton alone, of all the cities and towns on the Erie, Delaware, Lackawanna & Western and Lehigh Valley Railways, has as much as 78,300. The conclusion is inescapable that cheap water transportation is absolutely essential for rapid growth in population.

Congressman PETTENGILL'S figures don't begin to tell the tale so far as the State of New York goes. We understand that 85 percent of the entire population of New York is located within 10 miles of its great waterway route up the Hudson to Troy, and thence to Buffalo. And Albany, Troy, Schenectady, Utica, Rome, Syracuse, and Rochester are the prosperous growing cities they are, just because they are not at the mercy of "all the traffic will bear" railroad freight rates.

Suppose we contrast the happy fate of these prosperous cities with the melancholy fate of the grain growers of South Dakota. If we do, we will speedily discover ample reason why the farm population of the Central West is shrinking. From Yankton, S. Dak., to Duluth, Minn., is but 424 miles by rail and the railroad charge is 15.9 cents per bushel of heavy grain, which on the basis of 60 pounds to the bushel would be closely 14 mills per ton-mile, or $5.93 for the ton haul. Now contrast that with what the railroads ask to haul that same bushel of wheat from Buffalo to New York—4 cents per bushel. The distance is 436 miles, so the rate per ton-mile is but 3.4 mills. Now, if the railroads can afford to haul grain through the State of New York for 3.4 mills per ton-mile, what earthly right have they to ruin the poor farmer of the Dakotas by mulcting him 14 mills per ton-mile? Nevertheless, the Interstate Commerce Commission permits just such discrimination.

There is salvation for the western farmer, however, but it does not lie in any route through the Great Lakes; it lies down the Missouri and Mississippi Rivers. The annual report of the Inland Waterways Corporation for the year 1935 conclusively proves the possibility of a "down stream" rate for bulk cargoes as low or even lower than 1 mill per ton-mile. Therefore the Yankton, S. Dak., farmer can have his heavy grain hauled down the Missouri and Mississippi Rivers 2,050 miles to New Orleans for 5.5 cents per bushel. That is but little more than one-third of what the railroads ask him to land it at the head of Lake Superior, 4,576 miles from Liverpool; to be exact, 10.4 cents less. Now, that 10.4 cents per bushel will go a long way to pay the cost of the ocean haul from New Orleans to Liverpool, a distance around through the Florida Straits of 5,266 statute miles.

It must be evident that every mile cut off this long haul will be a distinct benefit to the shipper; a saving of 400 statute miles (350 nautical miles) would reduce this ocean haul to 4,866 statute miles. At 1 mill per ton-mile, 10.4 cents saving per bushel would pay for a haul of 3,892 miles. So down the Missouri River to its junction with the Mississippi River, thence down the Mississippi River to New Orleans, and from thence across Florida, 15.9 cents per bushel would pay for the transportation of that South Dakota heavy grain to within 1,000 miles of Liverpool. Think of it, ponder over it, hauling heavy grain by water nearly 6,000 miles for the same price as is demanded by the railroads to haul it 424 miles. There is nothing extraordinary about hauling a busbel of grain 6,000 miles for 15.9 cents by a water route. The Argentinian, 7,178 miles away from Liverpool at Buenos Aires, has during the recent depression had his coal brought to him for 10 shillings per ton and his grain hauled back to Liverpool for 20 shillings per ton. Prices are higher now, but still well under a mill per ton-mile. In sailing vessels grain has been carried from Australia to Liverpool, 15,000 miles, for $6 per ton, or six-fifteenths of a mill per ton-mile. This compares very favorably with bulk-cargo haulage on the Great Lakes, where coal and grain have been carried for as little as three-eighths of a mill per ton-mile.

In view of the Report of the Board of Engineers for Rivers and Harbors, bearing date of February 24, 1937, which after advocating dimensions for the canal of "35 feet increased in the rock sections to 36 feet and 37 feet in the Atlantic and Gulf entrances, with a minimum width of 400 feet in the land cuts increased to 600 feet in open water" it seems pertinent to point out that it is perfectly possible to construct any canal of such excessive cross-section for the canal prism, that the visible traffic would be utterly inadequate to economically justify its construction. This the Board of Engineers and Harbors seems to have done.

Justification for the foregoing conclusion can be pointed out by considering the case of the St. Mary's Canal on the Great Lakes. Here is a canal that passes the largest tonnage of any canal in the world, tonnage that carries cargoes at rates as low as any on any sea, lake, or river anywhere. Furthermore, the bulk cargo vessels that ply through this canal are of considerable length; the steamer *Harry Coulby* is 604 feet long, 65 feet beam and 33 feet depth. Yet these vessels carry cargoes as large as 15,000 tons on less than 20 feet draught. At no time in the last 25 years has the recommended draught exceeded 21 feet.

There are no tankers as yet built that are as long as 600 feet; a standard size may be taken as 500 feet long, 68 feet beam carrying 15,500 tons on 30 feet draught. But it is perfectly possible to build tankers longer than 500 feet and drawing less water than 30 feet when fully loaded; the ratio of length to draught in our large trans-Atlantic passenger vessels is much greater than what obtains in the modern tanker. It can be taken as axiomatic that vessels will always be built to suit the canal locks they must traverse. So it must be obvious to anyone that General Markham is perfectly justified in restricting the cross-section of the Florida Canal prism to such dimensions as he feels the visible traffic warrants.

So far as the needs of vessels that can navigate the upper reaches of our inland waterways is concerned, a canal across Florida that will accommodate barges drawing but 8 feet of water fully loaded will meet their requirements, but no such limited draft would suffice for the trade that will use this most desirable waterway. With the deepening of the New York State Barge Canal, barges drawing 14 feet of water will be constructed in large

numbers, and it would be folly to restrict the possible use of the canal to only river barges.

It seems pertinent to point out here that the tank trade is a one-way trade and that upon its return voyage south to the Gulf, in ballast, these tankers which draw 30 feet fully loaded will rarely draw more than 20 to 21 feet aft and but little more than half that forward. So the very largest tankers in ballast will never call for more than 25 to 30 feet.

There is one other advantage that inheres to the Florida canal route. As everyone knows, the Gulf Stream pours out through the Florida Straits at the rate of 3 to 3½ knots, and for a tanker to go south she must buck this same Gulf Stream. But below Hatteras there is a counterflow current close in to shore running south. So a direct course for Jacksonville would be favorable, while any course around the lower end of Florida would be against the current. It is therefore absurd to suppose that tankers will not use the Florida canal when built, in any event on their south-bound, in-ballast condition. There is a further reduction in fuel consumption when the speed is cut down in transiting the canal. As every naval architect knows the power needed is proportional to the cube of the speed, so that theoretically but one-eighth of the normal power is required when the speed is reduced one-half. While the mechanical losses of the propelling machinery remain nearly constant, so that the fuel consumption does not follow closely any such rule as one-eighth fuel consumption for one-half speed, it is none the less true that in transiting such a canal as the Florida canal, a 15,000 D. W. tanker might save 15 tons of fuel oil in a 24-hour passage, owing to the reduction in speed.

It must always be borne in mind that the cutting of this canal across Florida will permit shoal draft vessels that are utterly unsuited to ocean navigation to pass from the intracoastal waterways of the Gulf to those of the Atlantic. There are over 1,000 miles of these intracoastal waterways in the Gulf and 1,431 miles of them on the Atlantic; this canal will join them.

It will be of interest to all of my colleagues, particularly those from the southern section of our country, to know the substance of a brief statement taken from a recent issue of the Manufacturers Record. This statement gives enlightening information relative to the Nation's oil reserves, and is as follows:

SIXTY-THREE PERCENT OF NATION'S PROVEN OIL RESERVES IN THE SOUTH

An increase of 886,000,000 barrels of petroleum in the proven reserves of the United States on January 1, 1937, over the January 1, 1935, figure is estimated by the American Petroleum Institute. During this 2-year period approximately 2,044,000,000 barrels were produced, but discovery of new pools and development of old ones have covered this and the total reserves of the country are placed at 13,063,000,000 barrels, of which 8,242,000,000 barrels, or 63 percent, are in the southern oil-producing States.

The increase in the South since the last estimate 2 years ago is 1,032,000,000 barrels, compared with a decline of 146,000,000 barrels in the oil regions of the rest of the country, principally California.

"These figures", the president of the A. P. I., Mr. Axtell J. Byles, explained, "do not mean that the country has available only 13,063,000,000 barrels of oil, but that it has proved reserves up to that amount. * * * The probability is that these proven reserves constitute only a small portion of the supply which will be made available. But these reserves do assure that there is no imminent danger of shortage."

Following is a table showing the distribution of reserves in southern fields:

Proven petroleum reserves, Southern States

(As estimated by the American Petroleum Institute for Jan. 1, 1937)

	Barrels
Arkansas	84,000,000
Kentucky	39,000,000
Louisiana	524,000,000
Oklahoma	1,141,000,000
Texas	6,422,000,000
West Virginia	32,000,000
Total	8,242,000,000
Total, United States	13,063,000,000

The American Petroleum Institute is authority for the above statistics, and it is noteworthy that the South supplies two-thirds of the country's petroleum energy and that it has an estimated investment of $6,000,000,000 in southern oil reserve and production enterprises. This tonnage—the bulk of it—will find its way through the Florida Canal.

2½ DAYS SAVED FROM ATLANTIC TO GULF

Mr. Chairman and my colleagues, with our rapidly growing population and rapid exhaustion of our national resources, it is imperative that Americans look scientifically toward economies in transportation. This canal will save in ship-operating costs about $10,000,000 annually. It will reflect three times this amount in a lessened transportation cost to the American consumers. [Applause.]

Mr. MANSFIELD. Mr. Chairman, I yield the gentleman from Florida 1 additional minute.

Mr. GREEN. Thank you, Judge MANSFIELD.

It will save 2½ days' time in making a boat round-trip from New York and European ports to New Orleans and other Gulf ports. From New York to New Orleans this will gain about one round-trip in five. More than 10,000 ships annually will transit it. Practically all engineering and commercial minds of the country admit that it will carry more than twice the annual tonnage of the Panama Canal. The best national defense minds in the country say that from a national defense point alone it is worthy of construction.

It will save numerous lives and hundreds of thousands of dollars storm damage annually by eliminating the necessity of boats going through the hazardous straits south of Florida. It will be a permanent structure and will carry these benefits to each succeeding generation. Each 15 years after its construction, it will return in transportation savings to the American people the cost of its construction.

I earnestly urge you to cooperate for passage of legislation for its completion. [Applause.]

[Here the gavel fell.]

Mr. MANSFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, it was once my good fortune to serve on the Committee on Rivers and Harbors. I desire to express my high regard for the chairman of that great committee, Judge MANSFIELD. He always commanded the profound respect of the members of the committee by reason of his great capacity and his comprehensive knowledge and his modesty, his fine character and his many good qualities have not only endeared him to the members of the committee but to all the Members of the House.

I am not going to discuss the technical features of this bill. There is a matter in the bill in which I have a very great interest.

Section 5 of H. R. 7051, the bill under consideration, contains the provisions of H. R. 2300, a bill introduced by me to provide for a survey of the Ohio River and its tributaries with the view to preventing their pollution.

The question of the elimination of stream pollution is one of transcendent importance to the people of the district I represent and is rapidly becoming a matter of vital importance to all the people of the United States.

The Ohio River is probably more highly improved for the purposes of navigation than any other river in the Nation. It is locked and dammed, and in times of low water it constitutes a series of stagnant pools, one of such pools extending from Coney Island, 7 or 8 miles east of Cincinnati, to Fernbank, a few miles west of Cincinnati. Into that pool flows the domestic sewage and industrial waste of 600,000 people on the Ohio side and 150,000 on the Kentucky side, and out of the pool comes their water supply. It is an indefensible and intolerable condition and one that must be remedied in the near future.

The ordinary processes of coagulation to treat turbidity of aeration and filtration could not produce potable water from the Ohio River if the process of chlorination was unknown. It is necessary to use chlorine in the water plants in the smaller towns to such an extent that it can be plainly tasted in the drinking water.

I voted for the Barkley-Vinson bill which placed this matter entirely in the hands of the Health Department. It will always be necessary for the Health Department to establish standards, but the ultimate solution, it seems to me, is an engineering problem. The water cannot be purified after it is polluted. We must prevent the pollution. That is an engineering problem. It can only be done by interception sewers and disposal plants. However, there will be enough work for all departments in the solution of this great problem.

It is my thought that the Ohio River should be the laboratory where this problem could be solved, not only for the people living in the Ohio Valley, but for the people of the Nation. The Ohio River, by reason of its small volume

of water in many seasons of the year, and the fact that it drains a basin with an area of 200,000 square miles with a population of almost 20,000,000 people, and by reason of the great volume and variety of industrial waste and domestic sewage that flows into the river, should be the laboratory in which this problem should be worked out.

In Secretary Woodring's report on H. R. 2300, which is section 5 of the bill under consideration, and which report is included in the report on the pending bill, he said:

> It is the view of the Department that any plan for the abatement of pollution in the drainage areas of the United States must be based upon results of further investigations and studies of definite streams in which pollution may be acute. The size and importance of the Ohio River and the present condition of pollution in certain reaches of the river indicate that this river and tributaries warrant such a study. The administration of the provisions of the proposed bill can be coordinated with the prosecution of the preliminary examinations and surveys now conducted by the Department.

The larger cities along the Ohio River, by the application of the processes known to science, have made the water fairly potable, but the smaller towns have no capacity to spend the immense sums of money necessary for this purpose. They have largely obtained their water supply from artesian wells and they have lived under the delusion that the water thus obtained was pure and healthful. However, by constant use of the subterranean waters the water table has been lowered in some instances, I have been informed, from the depth of 12 to 80 feet, and the polluted percolating waters of the Ohio River have mingled with the subterranean waters to such an extent that the use of these waters for human consumption is a real source of peril.

Under the commerce clause of the Constitution, the Federal Government retains jurisdiction over all navigable waters. At the time of the formation of our Government almost all the commerce was water-borne. The railroads had not yet come, there were few roads and all of them were almost impassible, so the Nation depended for its commerce upon the rivers and navigable waters.

It was very important that the navigable rivers should be improved and that the great seaports and lake ports should be adequate to care for our commerce. The Corps of Engineers of the United States Army from its beginning has been closely associated with our Federal program of internal improvement and today is still the only general engineering organization in the Government service. In times of peace the War Department's most important civil-engineering activity is the improvement of our waterways for navigation and the control of floods.

The first river and harbor legislation enacted by Congress in 1789 consisted in assenting to certain improvements sponsored by the individual States. The first appropriation for river and harbor improvements was made in 1802, and from 1826 to the Civil War Congress periodically provided appropriations for this purpose. The close of the Civil War and the return of industrial activity brought to the front the necessity for a still more comprehensive program to provide reasonable facilities for our ever-growing commerce. From 1866 to 1920 Congress continued the passage of these periodical river and harbor bills, and in 1920 adopted its present policy of enacting general river and harbor legislation to include the authorization of definite projects and the expenditures necessary for the completion of these projects every several years, and making available in the annual War Department appropriation a lump sum for application to these authorized projects.

Congress has appropriated a total of $2,260,000,000 for maintenance and improvement of our navigable waterways, which carry an annual commerce of 583,800,000 tons, valued at $24,311,000,000.

Advance planning for additional future works of river and harbor improvement and of flood control has continued with the prosecution of works under construction. Plans are prepared for the prompt commencement of further works of improvement of widespread public benefit, all of which have been maturely investigated on the initiative of Congress and recommended by the Chief of Engineers.

Including the reports on the tributary streams of the Mississippi, is the comprehensive survey of approximately 200 streams and their tributaries in the combined interests of navigation, flood control, power development, and irrigation.

The War Department engineers have presented to the Committee on Rivers and Harbors of the House numerous concrete and definite projects, with specific recommendations, and from these we have the bill that is before you now.

In the matter of flood control, the dispatch with which the Army engineers are able to furnish information to Congress and to present reasonable plans was clearly demonstrated this year. In an incredibly short period after the greatest flood of all time had passed down the Ohio River the Chief of Engineers was able to report to Congress a plan designed to prevent a recurrence of this national disaster. These data, with recommendations for other great tributaries of the Mississippi, are now in the hands of the Flood Control Committee.

The present national policy of the Rivers and Harbors Committee has greatly facilitated waterway improvement work and placed it on a sound working basis. This policy of enacting every few years general river and harbor legislation authorizing appropriations for definite projects, with a view to their completion over a period of years, and of making available in the annual War Department appropriation a lump sum for application to these authorized projects provides for the modern and extensive program we now have. While the legislation necessary to carry out this policy and provide for a comprehensive program might at first appear to be an insuperable task, since both preliminary and final decisions depend upon agreement in the committee and on the floors of both Houses of Congress, the records of the past decade stand as monumental evidence that our river and harbor work has functioned efficiently and expeditiously.

Certainly the engineers of the War Department, who have such great knowledge upon the subject of our navigable waters, acquired over the years, should have their proper place in the important work of eliminating stream pollution.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. SPENCE] has expired.

Mr. MANSFELD. Mr. Chairman, I yield to the gentleman from Washington [Mr. SMITH] such time as he may desire.

MERIT OF RIVER AND HARBOR PROJECTS—LABOR EMPLOYED

Mr. SMITH of Washington. Mr. Chairman, I have requested this time in order to briefly point out to Congress and to the country the fact that there is probably no type of Federal project, I care not what its nature may be, which receives the thorough, painstaking study and consideration to which a river and harbor project is subjected before it is authorized by Congress and the money is actually appropriated by Congress.

The local community initiates the project for the dredging or improving of the river or harbor in question, to serve the local community by providing low-cost water transportation, and to aid commerce and navigation at that point. The project is discussed in the community, the citizens themselves see the possibilities and advantages which would accrue, and therefore they agitate and advocate the project and local industries join with them in favoring it; then their representative in Congress is called upon and introduces a bill for a survey which is essential in the case of every new project. He presents the matter to the Committee on Rivers and Harbors, which submits it to the United States Army Engineers having jurisdiction of rivers and harbors, who determine whether a survey is necessary and desirable and recommend accordingly. This results in the bill either being passed separately or included in the omnibus river and harbor bill, such as the pending measure, which includes numerous surveys. If the project is one for the modification or change of an existing project, then a resolution for review of prior reports is sufficient and the Representative sponsors such a resolution which is submitted to the Army engineers and later to the committee which passes

it and refers it back to the Army engineers for the desired report.

The project is then referred to the district engineer, of whom there are 42 in the United States, embracing every section of the country. He calls a hearing in the local community and all those who might be interested are notified and afforded an opportunity to be heard and present testimony and arguments showing the need for the improvement and evidence in support of the merits of the project. It is a public hearing, the public is invited and welcomed, and all those who indicate a desire to be heard either for or against the project are heard. It is in the nature of a quasi-judicial hearing. The district engineer, after considering all the testimony, makes recommendations and refers the project to the division engineer, of whom there are 10 in all sections of the Nation, the last division engineer's office to be established being at Portland, Oreg., in charge of Col. T. M. Robins, who was transferred from San Francisco on account of the large Bonneville Dam project on the Columbia River, in Oregon and western Washington.

The division engineer reviews the recommendations and report of the district engineer. He then makes his report and recommendations and sends the project on to Washington, D. C., where it is again reviewed and considered by the Board of United States Army Engineers, at which time the Representative in Congress is again heard in behalf of the project. The Board consists of seven members. They have served as district and division engineers in various parts of the Nation and like them were honor students at West Point and took the special course at the engineering school at Fort Belvoir, Va., prior to serving as district and division engineers before being promoted to membership on the Board. The members of the Board have no local interest to serve whatsoever; they consider each project from a national viewpoint, how it will affect the navigation and commerce of the United States. They are far removed geographically from each project. These skilled engineers are absolutely divorced from politics. They are nonpolitical and nonpartisan and consider and decide the project solely upon its merits and demerits. The final decision rests with the Chief of the United States Army Engineers, who reviews the report and recommendations of the Board.

After the project has run the gantlet of the district engineer, division engineer, Board of Engineers, and Chief of Engineers, these reports are submitted to the Committee on Rivers and Harbors, which hears the project de novo and listens to the presentation made by the local Congressman and representatives of the office of the United States Army Engineers and either approves or rejects the project, preparatory to its inclusion in an omnibus river and harbor bill. I repeat the assertion made at the outset that the scrutiny and searching investigation which I have described is probably not equaled or even approached by any other class of projects or expenditures of the Federal Government.

Mr. Chairman, not only are river and harbor projects based upon merit, but they also result in a greater proportionate expenditure for labor, direct and indirect, than almost any other class of public-works projects. To substantiate and prove this fact I call attention to the following statement prepared under the direction of Maj. Gen. E. M. Markham, Chief of Engineers, United States Army, furnished to me under date of June 25, 1937. The total percentage, direct and indirect, of labor costs ranges from 78.5 to 87.9 percent, demonstrating conclusively the soundness and desirability of river and harbor projects as labor-employment projects.

The statement of General Markham referred to is as follows:

Percentages of labor costs, direct and indirect, to total cost for work completed with Government plant and hired labor by the Corps of Engineers, U. S. Army, between September 1933 and June 30, 1936

	Dredging, regular funds	Dredging, N. I. R. A. and P. W. A. funds	Operating and care of canals, regular funds	Dike construction, N. I. R. A. and P. W. A. funds	Revetment construction, N. I. R. A. and P. W. A. funds	Lock and dam construction, regular funds	Levee construction, regular funds
1. Direct labor:							
Labor used in construction including plant operation	29.7	33.5	57.2	31.9	34.6	30.0	34.0
Labor used in plant repairs	12.7	11.3	3.8	4.4	3.8	4.0	10.0
Labor used in surveys, superintendence, and overhead	9.0	6.0	7.2	5.4	6.8	7.2	9.0
Miscellaneous services							3.5
Total, direct labor	51.4	50.8	68.2	41.7	45.2	41.2	56.5
2. Indirect labor:							
Material and supplies used in construction	18.0	19.3	17.5	35.8	33.7	32.9	14.0
Material and supplies used in plant repairs, etc	9.4	9.0	2.2	2.3	2.1	2.8	5.6
Miscellaneous supplies							2.4
Total, indirect labor	27.4	28.3	19.7	38.1	35.8	35.7	22.0
3. Total direct and indirect labor	78.8	79.1	87.9	79.8	81.0	76.9	78.5
4. Other costs:							
Basic materials	13.5	13.3	9.2	17.2	15.7	16.1	10.5
Depreciation	7.7	7.6	2.9	3.0	3.3	7.0	11.0
Total other costs	21.2	20.9	12.1	20.2	19.0	23.1	21.5
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Mr. MANSFIELD. Mr. Chairman, I yield to the gentleman from Rhode Island [Mr. FORAND] such time as he may desire.

Mr. FORAND. Mr. Chairman, I am happy, indeed, on my first occasion in the Well of this House, to pay my respects to the genial chairman of the Committee on Rivers and Harbors, the gentleman from Texas [Mr. MANSFIELD].

I heartily subscribe to what has been said here today by my colleagues in praise of the qualities and virtues of Judge MANSFIELD.

When I first came to Congress in January I was to the gentleman from Texas [Mr. MANSFIELD] absolutely unknown; but upon approaching him with reference to projects within my district, one the deepening and widening of the channel of the Providence River and Harbor, and the second a preliminary survey of Warren River and Barrington Harbor, he practically took me by the hand and led me to the point where both these projects are included in this bill. I want to express my thanks to the gentleman from Texas for his courtesy.

Mr. Chairman, the deepening and widening of the channel in the Providence River and Harbor is a matter of deep interest to the State of Rhode Island and to its business. This bill provides for a channel 35 feet deep and generally 600 feet wide from deep water in the upper Narragansett Bay to the turn below Fields Point, from which point the channel would continue at a depth of 35 feet, and would widen up to 1,700 feet to Fox Point.

At the present time the channel is only 30 feet deep and cannot accommodate the larger steamers which could be used to advantage to deliver petroleum products to terminals in Providence Harbor.

The deepening and widening of the channel as proposed in this bill has been recommended by the Army engineers, who have evaluated the benefits to accrue from such improvements at $195,000 annually, which, I believe, fully justifies the expenditure of $1,580,000 as provided in this bill.

The city of Providence, a city of nearly 300,000 inhabitants, is the principal port of the State of Rhode Island. The record shows that in 1934 the commerce of the harbor, exclusive of cargo in transit, amounted to nearly 6,000,000 tons. This is high-class commerce.

It may be noted here that Providence is a distributing center for petroleum products for a considerable area in New England and provides, in addition to the regular commercial terminals, a very fine public terminal on which in excess of $2,000,000 has been spent by the local community. Commodities received and shipped through Providence Harbor include coal, both anthracite and bituminous, coke, petroleum products, lumber, metals, chemicals, sand, stone, coal tar, and freight packages with a value during 1935 in excess of $143,000,000, of which amount nearly $2,000,000 was foreign commerce. There are 23 terminals already doing business on the harbor's 4½ miles of frontage, included in which are 7 petroleum products terminals with a total of 5,000 linear feet of berthage, all with adequate storage facilities and including 1 refinery with pipe line distributing to Worcester and Springfield, Mass. There are 3 lumber terminals with a total berthage of 2,450 feet and adequate back storage and five wholesale and retail coal terminals, each averaging more than 600 feet of berthage and all supplied with storage and trans-shipping facilities. One package freight steamer line, Providence to New York, has about 1,000 feet of berthage, and the local gas company owns and uses about 625 feet. All of these terminals are privately owned and not open to public use. There is a railroad pier with 1,925 feet of berthage with rail and unloading facilities. A terminal warehouse pier, the State pier, and the municipal wharf are open to use on equal terms to all. The State pier is a modern structure, 120 feet wide and 600 feet long, with transfer shed, dock storage, and about 4 acres of general storage.

The municipal wharf at Fields Point is a quay wall about 3,000 feet long, of which 800 feet is open for general use and the balance leased. Closed and open storage, crane service, and rail sidings are available. A project is now on foot for an extension of the municipal wharf to provide greater facilities. This project, it is estimated, will cost approximately $2,000,000.

In view of the great amount of commerce using the port of Providence and the fact that the city of Providence and the State of Rhode Island have shown through the expenditures of large sums of money their willingness and desire to cooperate with the Federal Government in the further development of this great port, I sincerely hope that this bill will pass and that the deepening and widening of the channel in the Providence River and Harbor will become an accomplished fact in the not distant future.

Mr. MANSFIELD. Mr. Chairman, I yield to the gentleman from California [Mr. ELLIOTT] such time as he may desire.

Mr. ELLIOTT. Mr. Chairman, we have under consideration today the Rivers and Harbors Act of 1937, one section of which deals in a very important and substantial manner with the Central Valley project of California. For more than 25 years I have had direct personal opportunity at the very door of my home to watch the effect of the creeping paralysis of water shortage on highly developed lands in great areas of the Central Valley of California. Tulare County, Calif., in which is my home, is one of the counties most acutely affected by this water shortage. Likewise, large parts of Kern County, to the south, and of Fresno and Madera Counties, to the north, as well as Kings County, on the west, face the certainty of reverting from splendidly developed areas contributing enormously to the annual national income by the production of specialized crops, to desert or pasture, unless additional water is brought to their parched lands. I know from personal observation over many years, as well as from studies of official reports, that unless the Central Valley project is brought to completion so as to furnish this additional water, the ensuing 10 years will, in the counties I have named, with mathematical certainty, eliminate from 200,000 to 400,000 acres of these developed lands from production. Already the doom of economic extinction and abandonment due to failure of water supply has fallen upon approximately 50,000 acres.

This presents only the picture as to the southern part of the Central Valley of California, which southern part is called the San Joaquin Valley. In the northern part, called the Sacramento Valley, situations equally as acute but of a different nature exist. In many years floods of devastating extent sweep this area. These floods carry to the sea and waste water, vast quantities of water, constituting the most precious natural resource of California. On their way to the sea in seasons of flood, which occur in the winter or early spring, these floods ravage the countryside, doing great harm. Millions of dollars have been spent by the United States and the State of California in efforts to control these floods, and that money has been in the main wisely expended, but the peak floods of the Sacramento River still remain uncontrolled above certain stages of flow, which higher stages occur all too frequently. Then, when the floods have subsided and the long dry summer comes, as it comes every year in California, the draft on the diminishing flow of both the Sacramento and San Joaquin Rivers for irrigation so reduces the flow of those rivers that their combined outflow into upper San Francisco Bay through the delta channels at the mouths of these rivers becomes too weak to hold back the salt waters creeping up those delta channels by tidal action from San Francisco Bay. Those delta channels traverse an area of 400,000 acres of the most fertile lands in the United States. By way of example, I may state that from these delta lands comes more than 90 percent of all the canned asparagus consumed in the United States. The creeping paralysis of salt water intrusion into that delta is slowly but steadily extinguishing forever the productive fertility of thousands of its best acres. I say forever. Once those lands become impregnated with salt there is no known method of redeeming them.

The cause of all this is the inequality of the distribution of the waters which nature supplies annually to California. Three-fourths of the annual supply in the shape of rain and snow which falls upon the State comes to the northern one-fourth of the State. Three-fourths of the irrigable lands of the State lie south of that heavily watered area. The remedy for this maldistribution of water supply is the Central Valley project.

It has required nearly 20 years of investigation, negotiation, and study to formulate the design and plan of the Central Valley project and bring it to where it is now—ready for construction. California has spent more than $1,000,000 from its treasury in those studies, and the United States has contributed the detailed efforts of its Army engineers and Reclamation engineers. Never has any water project been so exhaustively studied from every angle in advance, and never has any such project been so unanimously approved. There is not one dissent from either Federal or State engineers in approving it, and it bears the official approval of the Secretary of the Interior, and finally of the President of the United States.

Twenty years have been a long time to work on preliminaries to construction. More years cannot be spared for that purpose. The need is now to press forward with construction to the full limit of speed commensurate with economical operations. At best the life-giving water to be sup-

plied by the completed project will arrive too late to avert a vast amount of irretrievable loss.

Of course there are and will be a great number of problems both of engineering and law to solve in connection with the building of the Central Valley project. Some of these problems have already delayed the start of construction on one or two units of the project.

What is urgently needed is to vest in the Bureau of Reclamation such powers and authorization as are necessary to enable it to attack and solve these problems with all its strength in the way they must be solved—justly, but promptly. That power and authority will be vested in the Reclamation Bureau by the provisions of the Rivers and Harbors Act of 1937, now before this House. I cannot find words to convey to you with what prayerful anxiety thousands of people in California whose whole life's efforts and savings have gone into the development of the lands which the Central Valley project will save, are awaiting the decision of this Congress on this act.

May I, in conclusion, summarize a few vital facts as to the Central Valley project.

First. It is not in any sense a promotion scheme for the development of new lands. It is a rescue project to save lands already developed.

Second. The waters from this project will produce almost entirely specialized crops, scarcely in competition with any other parts of the United States, such as grapes, figs, walnuts, vegetables, and citrus fruits. Other crops that may be produced under the project are marketed at a time when there is little or no competition between them and similar crops from other areas. There need, therefore, be no fear that the Central Valley project will add to the problem of surplus in agricultural products. No better evidence of this need be furnished than the fact that after exhaustive investigation the project was officially endorsed by the last national convention of the American Farm Bureau Federation.

Third. The project is and will be absolutely self-liquidating and will repay to the United States Treasury within a reasonable term of years every dollar used from that Treasury for its construction. There is a market and a demand now for every kilowatt of electric energy and every drop of water to be made available by the project, more than sufficient to guarantee by firm contracts repayment of the construction costs.

Fourth. Every aspect, engineering, legal, economic, and financial, of the project has been checked and rechecked by Federal and State agencies. They are unanimous in their approval of the project as a whole, unanimous in urging the pressing necessity for its early construction.

The plans are now being completed, the engineers and the workmen have started, the only obstacle remaining is clear and definite authorization from this Congress to the Reclamation Bureau to go ahead. Let us not seal the doom of more fertile acres in California by withholding that authorization another day. [Applause.]

Mr. MANSFIELD. Mr. Chairman, as there are no further requests for time, I ask that the bill be read for amendment.

Mr. PARSONS. Mr. Chairman, I ask unanimous consent, inasmuch as there are no controversial matters in the first 12 pages of the bill, these pages including the names of the project, that the reading of the first section of the bill be dispensed with, but that it be printed in the RECORD at this point; that then the committee amendments may be offered at the proper places on each page, and after they are disposed of, if there are any other amendments, either to strike out or to insert, that these amendments be in order. I do this to expedite consideration of the bill.

Mr. DONDERO. Mr. Chairman, reserving the right to object, and I shall not object, the gentleman's request is confined to the first section of the bill ending on page 12?

Mr. PARSONS. The gentleman is correct. Section 2 contains the matters that might be controversial.

Mr. MOTT. Mr. Chairman, reserving the right to object, as I understand the gentleman's request, it does not include the second section.

Mr. PARSONS. It gives an opportunity for any Member to offer any amendment he may wish, either to strike out or to insert.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Section 1 of the bill follows:

Be it enacted, etc., That the following works of improvement of rivers, harbors, and other waterways are hereby adopted and authorized, to be prosecuted under the direction of the Secretary of War and supervision of the Chief of Engineers, in accordance with the plans recommended in the respective reports hereinafter designated and subject to the conditions set forth in such documents; and that hereafter Federal investigations and improvements of rivers, harbors, and other waterways shall be under the jurisdiction of and shall be prosecuted by the War Department under the direction of the Secretary of War and the supervision of the Chief of Engineers, except as otherwise specifically provided by act of Congress:

Chelsea River or Creek (Boston Harbor), Mass.; Rivers and Harbors Committee Document No. 24, Seventy-fifth Congress;

Town River, Quincy, Mass.; House Document No. 96, Seventy-fifth Congress;

Scituate Harbor, Mass.; Rivers and Harbors Committee Document No. 26, Seventy-fifth Congress;

Cuttyhunk Harbor, Mass.; House Document No. 81, Seventy-fifth Congress;

Edgartown Harbor, Mass.; Senate Commerce Committee Document, Seventy-fourth Congress;

New Bedford and Fairhaven Harbor, Mass.; Rivers and Harbors Committee Document No. 25, Seventy-fifth Congress;

Providence River and Harbor, R. I.; House Document No. 173, Seventy-fifth Congress;

New London Harbor, Conn.; Rivers and Harbors Committee Document No. 82, Seventy-fourth Congress;

Milford Harbor, Conn.; House Document No. 77, Seventy-fifth Congress;

Bridgeport Harbor, Conn.; House Document No. 232, Seventy-fifth Congress;

Stamford Harbor, Conn.; Rivers and Harbors Committee Document No. 29, Seventy-fifth Congress;

Greenport Harbor, N. Y.; Rivers and Harbors Committee Document No. 88, Seventy-fourth Congress;

Long Island Intracoastal Waterway, N. Y.; House Document No. 181, Seventy-fifth Congress;

New York Harbor: Ambrose, Anchorage, and Hudson River Channels; Senate Commerce Committee Document, Seventy-fifth Congress;

Fire Island Inlet, N. Y.; Rivers and Harbors Committee Document No. 33, Seventy-fifth Congress;

Newtown Creek, N. Y.; Rivers and Harbors Committee Document No. 4, Seventy-fifth Congress;

Irvington Harbor, N. Y.; House Document No. 244; Seventy-fifth Congress;

Raritan River, N. J.; Rivers and Harbors Committee Document No. 74, Seventy-fourth Congress;

Lemon Creek, Staten Island, N. Y.; Rivers and Harbors Committee Document No. 27, Seventy-fifth Congress;

Cohansey River, N. J.; Senate Commerce Committee Document, Seventy-fifth Congress;

Barnegat Inlet, N. J.; Rivers and Harbors Committee Document No. 85, Seventy-fourth Congress;

Delaware River between Philadelphia, Pa., and Trenton, N. J.; Rivers and Harbors Committee Document No. 90, Seventy-fourth Congress;

St. Jones River, Del.; Rivers and Harbors Committee Document No. 18, Seventy-fifth Congress;

Mispillion River, Del.; Rivers and Harbors Committee Document No. 83, Seventy-fourth Congress;

Rock Hall Harbor, Md.; House Document No. 204, Seventy-fifth Congress;

Island Creek, Md.; House Document No. 75, Seventy-fifth Congress;

Waterway from Little Choptank River to Choptank River, Md.; House Document No. 91, Seventy-fifth Congress;

Cambridge Harbor, Md.; Rivers and Harbors Committee Document No. 7, Seventy-fifth Congress;

Fishing Bay, Md.; House Document No. 186, Seventy-fifth Congress;

Nanticoke River, Md.; House Document No. 242, Seventy-fifth Congress;

Wicomico River, Md.; Senate Commerce Committee Document, Seventy-fifth Congress;

Upper Thoroughfare, Deals Island, Md.; House Document No. 76, Seventy-fifth Congress;

Crisfield Harbor, Md.; Rivers and Harbors Committee Document No. 2 and House Document Document No. 72, Seventy-fifth Congress;

Cypress Creek, Md.; House Document No. 161, Seventy-fifth Congress;

Northeast River, Md.; House Document No. 248, Seventy-fifth Congress;

Back Creek, Anne Arundel County, Md.; House Document No. 73, Seventy-fifth Congress;

Fishing Creek, Md.; House Document No. 241, Seventy-fifth Congress;

St. Jeromes Creek, Md.; House Document No. 174, Seventy-fifth Congress;

Neale Sound, Md.; House Document No. 159, Seventy-fifth Congress;

Chincoteague Bay, Va.; House Document No. 233, Seventy-fifth Congress;

Onancock River, Va.; House Document No. 74, Seventy-fifth Congress;

Coan River, Va.; Rivers and Harbors Committee Document No. 30, Seventy-fifth Congress;

Hoskins Creek, Va.; Rivers and Harbors Committee Document No. 8, Seventy-fifth Congress;

James River, Va.; Rivers and Harbors Committee Document No. 68, Seventy-fourth Congress;

Deep Creek, Va.; Rivers and Harbors Committee Document No. 76, Seventy-fourth Congress;

Lafayette River, Va.; Rivers and Harbors Committee Document No. 5, Seventy-fifth Congress;

Cashie River, N. C.; Rivers and Harbors Committee Document No. 31, Seventy-fifth Congress;

Pamlico and Tar Rivers, N. C.; Rivers and Harbors Committee Document No. 22, Seventy-fifth Congress;

Waterway connecting Pamlico Sound and Beaufort Harbor, N. C.; Rivers and Harbors Committee Document No. 92, Seventy-fourth Congress;

Bay River, N. C.; Rivers and Harbors Committee Document No. 72, Seventy-fourth Congress, and House Document No. 185, Seventy-fifth Congress;

Morehead City Harbor and Beaufort Inlet, N. C.; Senate Committee Document, Seventy-fourth Congress;

Inland Waterway, Beaufort, N. C., to the Cape Fear River, including waterway to Jacksonville, N. C.; Rivers and Harbors Committee Document No. 16, Seventy-fifth Congress;

Cape Fear River, N. C., above Wilmington; Rivers and Harbors Committee Document No. 17, Seventy-fifth Congress;

Intracoastal Waterway from Cape Fear River, N. C., to Savannah, Ga.; Rivers and Harbors Committee Document No. 6, Seventy-fifth Congress;

Ashley River, S. C.; House Document No. 449, Seventy-fourth Congress;

Waterway between Beaufort, S. C., and St. Johns River, Fla.; Senate Commerce Committee Document, Seventy-fourth Congress;

Intracoastal Waterway from Jacksonville to Miami, Fla.; House Document No. 180, Seventy-fifth Congress;

Melbourne Harbor, Fla.; House Document No. 390, Seventy-fourth Congress;

Miami Harbor, Fla.; Rivers and Harbors Committee Document No. 86, Seventy-fourth Congress;

Caloosahatchee River and Lake Okeechobee Drainage Areas, Fla.; Rivers and Harbors Committee Document No. 28, Seventy-fifth Congress;

Charlotte Harbor, Fla.; Rivers and Harbors Committee Document No. 95, Seventy-fourth Congress;

Sarasota Bay, Fla.; House Document No. 80, Seventy-fifth Congress;

St. Petersburg Harbor, Fla; Rivers and Harbors Committee Document No. 71, Seventy-fourth Congress;

Steinhatchee River, Fla.; Rivers and Harbors Committee Document No. 87, Seventy-fourth Congress;

St. Marks River, Fla.; Rivers and Harbors Committee Document No. 77, Seventy-fourth Congress;

St. Josephs Bay, Fla.; Rivers and Harbors Committee Document No. 10, Seventy-fifth Congress;

Carabelle Bar and Harbor, Fla.; House Document No. 184, Seventy-fifth Congress;

Pensacola Harbor, Fla.; Rivers and Harbors Committee Document No. 96, Seventy-fourth Congress;

Mobile Harbor, Ala.; Rivers and Harbors Committee Document No. 69, Seventy-fourth Congress;

Vinton Waterway, La.; House Document No. 160, Seventy-fifth Congress;

Waterway from White Lake to Pecan Island, La.; House Document No. 78, Seventy-fifth Congress;

Sabine-Neches Waterway, Tex.; Rivers and Harbors Committee Document No. 3, Seventy-fifth Congress;

Louisiana and Texas Intracoastal Waterway, La. and Tex.; Senate Commerce Committee Document, Seventy-fifth Congress;

Brazos Island Harbor, Tex.; Rivers and Harbors Committee Document No. 32, Seventy-fifth Congress;

Ouachita and Black Rivers, Ark. and La.; Senate Commerce Committee Document, Seventy-fifth Congress;

Black River, Wis.; Rivers and Harbors Committee Document No. 23, Seventy-fifth Congress;

Indiana Harbor and Canal, Ind.; Rivers and Harbors Committee Document No. 19, Seventy-fifth Congress;

Ontonagon Harbor, Mich.; Senate Commerce Committee Document, Seventy-fourth Congress;

Cornucopia Harbor, Wis.; Senate Commerce Committee Document, Seventy-fifth Congress;

Green Bay Harbor, Wis.; Rivers and Harbors Committee Document No. 73, Seventy-fourth Congress;

Big Suamico River, Wis.; House Document No. 468, Seventy-fourth Congress;

Manitowoc Harbor, Wis.; Rivers and Harbors Committee Document No. 80, Seventy-fourth Congress;

Pensaukee Harbor, Wis.; House Document No. 478, Seventy-fourth Congress;

Harbors at Washington Island, Wis.; House Document No. 90, Seventy-fifth Congress;

Grand Haven Harbor, Mich.; Rivers and Harbors Committee Document No. 1, Seventy-fifth Congress;

Frankfort Harbor, Mich.; House Document No. 511, Seventy-fourth Congress;

Detroit River, Mich.; House Document No. 205, Seventy-fifth Congress;

Cheboygan Harbor, Mich.; House Document No. 134, Seventy-fifth Congress;

Saginaw River, Mich.; Rivers and Harbors Committee Document No. 21, Seventy-fifth Congress;

Put in Bay, Ohio; House Document No. 132, Seventy-fifth Congress;

Rocky River Harbor, Ohio; House Document No. 70, Seventy-fifth Congress;

Cleveland Harbor, Ohio; Rivers and Harbors Committee Document No. 84, Seventy-fourth Congress;

Fairport Harbor, Ohio; Rivers and Harbors Committee Document No. 79, Seventy-fourth Congress;

Ashtabula Harbor, Ohio; Rivers and Harbors Committee Document No. 78, Seventy-fourth Congress;

San Diego Harbor, Calif.; Rivers and Harbors Committee Document No. 89, Seventy-fourth Congress;

Newport Bay, Calif.; Senate Commerce Committee Document, Seventy-fifth Congress;

San Francisco Harbor, Calif.; Rivers and Harbors Committee Document No. 12, Seventy-fifth Congress;

Humboldt Bay and Harbor, Calif.; Rivers and Harbors Committee Document No. 11, Seventy-fifth Congress;

Crescent City Harbor, Calif.; Senate Commerce Committee Document, Seventy-fifth Congress;

San Joaquin River, Calif.; Rivers and Harbors Committee Document No. 15, Seventy-fifth Congress;

Suisun Channel, Calif.; Rivers and Harbors Committee Document No. 97, Seventy-fourth Congress;

Old River, Calif.; House Document No. 151, Seventy-fifth Congress;

De Poe Bay, Oreg; House Document No. 202, Seventy-fifth Congress;

Skipanon Channel, Oreg.; House Document No. 201, Seventy-fifth Congress;

Columbia River between the mouth of the Willamette and Vancouver, Wash.; Rivers and Harbors Committee Document No. 81, Seventy-fourth Congress;

Columbia and Lower Willamette Rivers, below Vancouver, Wash., and Portland, Oreg.; House Document No. 203, Seventy-fifth Congress;

Westport Slough, Oreg.; House Document No. 79, Seventy-fifth Congress;

Elokomin Slough, Wash.; House Document No. 510, Seventy-fourth Congress;

Columbia River between Vancouver, Wash., and Bonneville, Oreg.; Rivers and Harbors Committee Document No. 94, Seventy-fourth Congress;

Bellingham Harbor, Wash.; Rivers and Harbors Committee Document No. 70, Seventy-fourth Congress;

Olympia Harbor, Wash.; Rivers and Harbors Committee Document No. 75, Seventy-fourth Congress;

Tacoma Harbor, Wash.; Rivers and Harbors Committee Document No. 91, Seventy-fourth Congress;

Douglas Harbor and Juneau Harbor, Alaska; House Document No. 249, Seventy-fifth Congress;

Wake Island; House Document No. 84, Seventy-fifth Congress;

Welles Harbor, Midway Island; House Document No. 49 and Rivers and Harbors Committee Document No. 9, Seventy-fifth Congress;

Guayanes Harbor, Puerto Rico; House Document No. 243, Seventy-fifth Congress;

St. Thomas Harbor, Virgin Islands; House Document No. 200, Seventy-fifth Congress;

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 2, line 15, strike out the word "Massachusetts:" and insert in lieu thereof "Massachusetts;".

Page 3, line 8, after the word "Waterway", insert the words "New York."

Page 6, after line 20, insert "Channel from Back Sound to Lookout Bight, N. C.; House Document No. 251, Seventy-fifth Congress."

Page 7, line 13, strike out "Congress." and insert "Congress;".

Page 11, after line 13, insert "Yaquina Bay and Harbor, Oreg.; Senate Commerce Committee Document, Seventy-fifth Congress."

Page 12, line 15, strike out "Douglas Harbor and."

Page 12, line 24, strike out "Islands:" and insert "Islands;".

The committee amendments were agreed to.

Mr. MANSFIELD. Mr. Chairman, I offer a number of additional committee amendments.

The Clerk read as follows:

Committee amendments offered by Mr. MANSFIELD: On page 2, between lines 19 and 20, insert "Newport Harbor, R. I.; Rivers and Harbors Committee Document No. 36, Seventy-fifth Congress."

On page 3, between lines 11 and 12, insert "Flushing Bay and Creek, N. Y.; Rivers and Harbors Committee Document No. 35, Seventy-fifth Congress."

On page 7, between lines 10 and 11, insert "Shipyard River, S. C.; Rivers and Harbors Committee Document No. 38, Seventy-fifth Congress.

"Savannah River below Augusta, Ga.; Rivers and Harbors Committee Document No. 39, Seventy-fifth Congress."

On page 8, between lines 19 and 20, insert "Bayous Petit Anse, Tigre, and Carlin, La.; Rivers and Harbors Committee Document No. 40, Seventy-fifth Congress."

On page 8, after line 26, insert "Channel from Pass Cavallo to Port Lavaca, Tex.; Rivers and Harbors Committee Document No. 37, Seventy-fifth Congress."

The committee amendments were agreed to.

The Clerk read as follows:

Committee amendment: Page 9, between lines 5 and 6, insert: "Mississippi River between Missouri River and Minneapolis, Minn.: The existing project is hereby modified in accordance with the recommendation of the district engineer in the report submitted in Rivers and Harbors Committee Document No. 34, Seventy-fifth Congress."

Mr. MANSFIELD. Mr. Chairman, it might be well to have some discussion on the amendment just read, for it pertains to seepage on the Mississippi River and is a new proposition.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. MANSFIELD. I may say to the gentleman from Iowa [Mr. EICHER] that we are now on this seepage proposition and I want the Members of the House to understand it because it is a new proposition. It is something we have never done before. I yield the balance of my time to the gentleman to explain it to the House.

Mr. EICHER. Mr. Chairman, this is a provision to take care of the seepage, backwater, and extra pumping-cost damages that will be caused to about 25 drainage and levee districts along the Mississippi River between Muscatine, Iowa, and St. Louis, Mo., by reason of the locks and dams of the 9-foot channel. It is a matter that has been under consideration by the Rivers and Harbors Committee for 7 or 8 years, I would say, and has been given very careful thought and study. The amendment that the gentleman from Texas [Mr. MANSFIELD] just referred to has been adopted by the Rivers and Harbors Committee upon the recommendation of the Corps of Engineers of the War Department. I do not believe that the House, with the confidence it has in the conscientious study that the Committee on Rivers and Harbors always gives to matters that are presented to it for consideration, cares to have me take time to go into a detailed explanation of what this involves. Numerous and exhaustive hearings have been held by the committee, which are available to Members who may wish to inform themselves more fully.

The CHAIRMAN. The question is on the committee amendment. The committee amendment was agreed to.

Mr. ROBERTSON. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. ROBERTSON: Page 2, line 3, after the words "acts of Congress", insert "which said investigation and improvements shall include a due regard for wildlife conservation."

Mr. ROBERTSON. Mr. Chairman, it frequently occurs in river work and construction of dams that by due regard to conservation interests a dual purpose can be served. I do not imagine that anybody will have any objection to the insertion of the words carried in this amendment, that in formulating plans hereafter for the improvement of rivers and harbors the War Department, through the Secretary of War and the Corps of Engineers, shall give due regard to conservation interests.

I have in mind one particular example. During the war they wanted to expedite shipping in the Albemarle-Chesapeake Canal and they took out the locks. The salt water and the pollution from the harbor seeped into the Sound and into Back Bay, two of the greatest ducking areas on the Atlantic Coast were seriously affected. Conditions became so bad in those areas that the Government had to put the locks back, and it cost $500,000 to restore them. The gentleman from North Carolina [Mr. WARREN] reminds me that it took us 7 years to get them put back, during which time a great industry and a great natural resource was almost wiped out in that area.

I have shown this amendment to the chairman of the Committee on Rivers and Harbors who has no personal objection. I do not imagine any member of the committee will object, and I feel it may add something to the administrative value of this measure. The Corps of Engineers of the War Department is a brilliant organization and one of high efficiency. It will be encouraging to the conservationist of the country to have it give due regard to wildlife conservation in connection with its river and flood-control work.

Mr. CARTER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, as one member of the committee, may I say I am very much in sympathy with this amendment, and I feel it will in no way hinder the river and harbor work. I feel it is a very constructive step toward the conservation of wildlife.

While it is true the committee did not consider this amendment, I am sure there is no objection from any member of the committee to the amendment.

Mr. THOMPSON of Illinois. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I favor the amendment offered to this omnibus river and harbor bill by the gentleman from Virginia [Mr. ROBERTSON]. I desire, however, to protest the present policy of the War Department in connection with the acquisition of lands on the upper Mississippi River between the mouth of the Missouri River and the cities of St. Paul and Minneapolis. I do not know whether all the Members of the House are familiar with the vastness of the 9-foot channel project on the Mississippi or not. It will cost the Federal Government about $148,000,000 before it is complete—the construction program extending over a period of years. Most naturally it is necessary for the engineers to acquire outright or to obtain flowage rights in order to have some place for the water to go when this 9-foot channel project is placed in operation, it being, incidentally, a lock and dam project, from the head of the river down to just above St. Louis.

The Corps of Engineers, in my opinion, has been rather ruthless in their acquisition of land that is very suitable for conservation purposes. In the district I represent a good many citizens have invested large sums of money for camps, hunting lodges, and places to go fishing and are perfectly willing in most cases to grant the United States Government flowage rights upon the payment of $1, and take their chance with reference to where the stage of water will be when the project is completed. But apparently that is contrary to the fixed policy of the Corps of Engineers, and I may say in passing I have no criticism of the Corps of Engineers and their fine work.

I think it is one of the outstanding departments of the Federal Government, but I disagree with their policy of taking over this land and not permitting owners to hold it and use it mostly for recreational purposes. In some cases where condemnation proceedings to take over this land used for recreational purposes has been started, the Corps of Engineers is cutting down all the trees, tearing out all of the underbrush, and every element that we commonly know in this country as suitable for wildlife conservation.

I think the Congress should take cognizance of this and action commenced in this body along the line suggested by the gentleman from Virginia to the end that what little wildlife we have in the Middle West may be preserved, and the owners of these hunting lodges and fishing shacks, if they may be called that, be permitted to retain their holdings and enjoy wildlife sports as they have for many, many years. I hope, therefore, that the committee will adopt the amendment now pending before the committee, because I believe it is a step in the right direction. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. ROBERTSON].

The amendment was agreed to.

Mr. PETERSON of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PETERSON of Florida: Page 8, after line 15, insert the following:

"Clearwater Harbor, Fla., including Big Pass, 12 feet deep by 200 feet wide, provided local interests guarantee maintenance satisfactory to the Chief of Engineers."

Mr. PETERSON of Florida. Mr. Chairman, this involves an improvement costing only $31,500. The situation actually is this: Upon a survey it has been determined that the improvement will be of great benefit, and that the expenditure of this amount is justifiable questioning only this fact: The cost of cutting the pass is the small amount I have mentioned, but it was thought by the Corps of Engineers that in order to prevent the cut from silting it would be necessary to have jetties built, which would cost $175,000. However, in the report of the Board of Engineers it is stated that it is conceivable the silting might be gradual over a period of time. This report came in only 2 days after this bill was reported by the committee, so we have not had time to have the necessary resurvey. However, in order not to embarrass the Committee, to be fair, and to show our interest in this project, in the amendment which I have proposed I have provided the following conditions, "Provided local interests guarantee maintenance satisfactory to the Chief of Engineers."

This project is a needed improvement. As a matter of information to the House the F. E. R. A. built a fish-canning and processing plant there, which, according to the report, will employ workers to the number of between 300 and 400. However, the channel is such that deep-draft fish boats cannot get into the harbor.

The amount involved is only $31,500. We are willing to guarantee any form of maintenance the Chief of Engineers wants, and I have so provided in this amendment. We would also contribute a part of the cost. I sincerely trust the House will agree to the amendment.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Florida. Yes.

Mr. DONDERO. Is the condition the gentleman sets up satisfactory to the Corps of Engineers?

Mr. PETERSON of Florida. They think the cut will silt in, but they do not know over how long a period of time.

Mr. DONDERO. Perhaps this suggestion may solve the gentleman's problem: Wait until the bill reaches the Senate, see if a report cannot be obtained from the Corps of Engineers, and then ask that the amendment be added when this bill reaches the Senate for consideration.

Mr. PARSONS. Mr. Chairman, if the gentleman will permit, I think the engineers have made a report.

Mr. PETERSON of Florida. Yes. The report is adverse, based upon supposition that the maintenance cost might be too great, and that protecting jetties would be needed. Frankly, the Corps of Engineers think it is too big an undertaking for us to attempt the maintenance of this channel, but my people are willing to maintain it and are willing to guarantee it. We will make the form of guaranty acceptable to the Army engineers.

I hope you will agree to this amendment.

Mr. CARTER. Has this matter ever been considered by the House Committee on Rivers and Harbors?

Mr. PETERSON of Florida. No; not formally. The report came in 2 days after the bill was reported by the committee. Frankly, the report is adverse. I do not mean to tell the Committee it is not, but the improvement is needed and this is recognized in the report, and the silting may be gradual.

Mr. CARTER. Then the gentleman is asking the Committee to agree to his amendment in face of the fact the gentleman has had an adverse report on his project and the Committee on Rivers and Harbors has never seen the gentleman's proposal at all. Is this the situation?

Mr. PETERSON of Florida. The rivers and harbors bill was reported out before the report of the Army engineers was received. The proposed amendment was submitted to the chairman of the committee.

Mr. CARTER. Yes; but the Committee on Rivers and Harbors considered a number of proposals which came in after the bill was reported. I think the gentleman is making a most unreasonable request when he comes in with an adverse report on a proposal which has never been considered by the Committee on Rivers and Harbors and asks this committee to insert in the rivers and harbors bill an amendment covering his proposal. I sincerely trust the Committee will not establish a precedent of this kind.

Mr. PETERSON of Florida. They were favorable reports, as I understand. The adverse report is based solely on the question of maintenance. Other passes are not jettied. Our engineers and the district engineers approve. Time alone will show, and we feel so sure that we will guarantee any form of maintenance the committee wants to write into the amendment.

I hope you will vote for the amendment.

[Here the gavel fell.]

Mr. MANSFIELD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the law provides that in making up rivers and harbors bills we shall first submit a survey to the Corps of Engineers of the War Department. They go upon the ground, make a thorough investigation, and report back every fact, with their recommendation either for or against the proposed improvement. After this is done, the committee goes further and holds most thorough investigations upon the proposals. We do not even adopt every project upon which the engineers report favorably, but we have never and cannot under the law report a project which has not been favorably reported upon by the engineers.

To abolish this rule will be to go back to the old pork-barrel schemes of 40 years ago, and the whole program will come into disgrace not only here but in the eyes of the country at large. We are getting a fairly clean program of river and harbor improvements now, and we have done so only by adhering strictly to the law. I have two projects in my district upon which I have unfavorable reports, both of which are far superior to the one now under consideration. I am not asking that they be put into this rivers and harbors bill, because it would be inconsistent for me to do so. I am not going to break the rule, and I hope the House will not break the rule and override the law. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. PETERSON].

The amendment was rejected.

Mr. PARSONS. Mr. Chairman, I ask unanimous consent that the reading of sections 2, 3, and 4, beginning at the top of page 13 and ending with line 7, on page 23, may be dispensed with and this portion of the bill printed in the RECORD, and that following the consideration of the committee amendments, amendments which any Member may desire to offer may be considered.

Mr. MANSFIELD. Mr. Chairman, will the gentleman yield?

Mr. PARSONS. I yield.

Mr. MANSFIELD. We have a number of surveys to add.

Mr. PARSONS. I am including them in this request.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The sections of the bill referred to are as follows:

SEC. 2. That the $12,000,000 recommended for expenditure for a part of the Central Valley project, California, in accordance with the plans set forth in Rivers and Harbors Committee Document No. 35, Seventy-third Congress, and adopted and authorized by the provisions of section 1 of the act of August 30, 1935 (49 Stat. 1028, at 1038), entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", shall, when appropriated, be available for expenditure in accordance with the said plans by the Secretary of the Interior instead of the Secretary of War: *Provided*, That the transfer of authority from the Secretary of

War to the Secretary of the Interior shall not render the expenditure of this fund reimbursable under the reclamation law: *Provided further*, That the entire Central Valley project, Calif., heretofore authorized and established under the provisions of the Emergency Relief Appropriation Act of 1935 (49 Stat. 115) and the First Deficiency Appropriation Act, fiscal year 1936 (49 Stat. 1622), is hereby reauthorized and declared to be for the purposes of improving navigation, regulating the flow of the San Joaquin River and the Sacramento River, controlling floods, providing for storage and for the delivery of the stored waters thereof, for the reclamation of arid and semiarid lands and lands of Indian reservations, and other beneficial uses, and for the generation and sale of electric energy as a means of financially aiding and assisting such undertakings and in order to permit the full utilization of the works constructed to accomplish the aforesaid purposes: *Provided further*, That, except as herein otherwise specifically provided, the provisions of the reclamation law, as amended, shall govern the repayment of expenditures and the construction, operation, and maintenance of the dams, canals, power plants, pumping plants, transmission lines, and incidental works deemed necessary to said entire project, and the Secretary of the Interior may make and enter into repayment contracts with the Water Project Authority of the State of California and other necessary contracts, and may acquire by proceedings in eminent domain, or otherwise, all lands, rights-of-way, water rights, and other property necessary for said purposes: *And provided further*, That the said dam and reservoirs shall be used, first, for river regulation, improvement of navigation, and flood control; second, for irrigation and domestic uses; and, third, for power.

SEC. 3. That for the purpose of improving navigation, controlling floods, regulating the flow of streams, providing for storage and for delivery of stored waters, for the reclamation of lands, and other beneficial uses, and for the generation of electric energy as a means of financially aiding and assisting such undertaking, the project known as "Marshall Ford Dam, First Stage", Colorado River project, in Texas, is hereby authorized and adopted and all contracts and agreements which have been executed in connection therewith are hereby validated and ratified, and the Secretary of the Interior, acting through such agents as he may designate, is hereby authorized to construct, operate, and maintain all structures and incidental works necessary to such project, and in connection therewith to make and enter into any and all necessary contracts including contracts amendatory of or supplemental to those hereby validated and ratified.

SEC. 4. The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys to be made at the following-named localities, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes: *Provided*, That no preliminary examination, survey, project, or estimate for new works other than those designated in this or some prior act or joint resolution shall be made: *Provided further*, That after the regular or formal reports made as required by law on any examination, survey, project, or work under way or proposed are submitted no supplemental or additional report or estimate shall be made unless authorized by law: *And provided further*, That the Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this act until the project for the proposed work shall have been adopted by law:

Inland waterway between Merrimack River, Mass., and Hampton Harbor, N. H., by way of Black Rock Creek and Blackwater River.

Harbor of refuge at or in the vicinity of Swampscott, Mass.

Scituate Harbor, Mass.

Saugus River, Mass.

Nantasket (Hull) Gut, Mass.

Wellfleet Harbor, Mass.

Padanaram Harbor, at South Dartmouth, Mass.

Warren River and Barrington Harbor, R. I.

Connecticut River, below Hartford, Conn., including North Cove in the town of Old Saybrook.

Mianus River, Conn.

Westcott Cove, Conn.

Norwalk Harbor, Conn.

Greenwich Harbor, Conn.

Orowoc Creek, N. Y.

Huntington Harbor, N. Y.

Northport Harbor, N. Y.

Bronx Kills and Harlem River, N. Y.

Cedar Creek, N. J.

Inland waterway through Cumberland, Cape May, and Atlantic Counties, N. J., connecting the mouth of Portescue Creek with Atlantic City.

Waterway from Pleasantville, N. J., through Lake Bay, to deep water at Atlantic City, including connecting channel to Ocean City.

Choptank River, Md.

Duck Point Cove and Tedious Creek, Md.

Lower Thoroughfare, Deals Island, Md.

Town River, at Oxford, Md.

Hearns Creek, Dorchester County, Md.

Middle River and Dark Head Creek, Back River to Chesapeake Bay via Harts Island Narrows, and a cut-off channel from Gunpowder River to Chesapeake Bay via Spry Island Narrows, Md.

St. Patricks Creek, St. Marys County, Md.

Sloope Cove, an arm of Stoney Creek, Anne Arundel County, Md.

St. Catherines Sound, St. Marys County, Md.

Mill Creek, Anne Arundel County, Md.

Plum Point Creek, Calvert County, Md.

Channel to Island Creek, St. Georges Island, St. Marys County, Md.

Channel connecting Herring Bay via Rockhole Creek to West River, Anne Arundel County, Md.

Smallers Drain, Assateague Island, Va.

Channels at and near Hog Island, Va., with a view to their protection and preservation; also the protection of Hog Island and property thereon from erosion and storms.

Assateague Channel, Accomac County, Va., with a view to its protection and preservation; also the protection of Chincoteague Island and property thereon from erosion and storms.

Channel leading from Broadway Road, near Cashville, Accomac County, Va., to deep water in Onancock River.

Chincoteague Bay, Accomac County, Va., with a view to providing a protected anchorage and harbor for small boats at Chincoteague, Va.

Hulls Creek and Rogers Creek, Northumberland County, Va.

Greenvale (Fairweather) Creek, Lancaster County, Va.

Whitings Creek, Middlesex County, Va.

Meachims Creek, Middlesex County, Va.

Queens Creek, Mathews County, Va., to provide adequate channel to deep water in Hills Bay.

Garden Creek, Mathews County, Va.

Western shores of Chesapeake Bay from Plum Point, York County, Va., to the waters of Hampton Roads, with a view to protecting the navigable waters of Chesapeake Bay and Hampton Roads from shoaling.

Roanoke River, N. C., from Weldon to Williamston, with a view to improvement in the interest of navigation and flood control.

Contentnea Creek, N. C., from a point near Wilson to its confluence with the Neuse River, with a view to improvement in the interest of navigation and flood control.

Waterway, approximately 8 feet deep and 50 feet bottom width, from Crescent Lake, Fla., by way of Haw Creek to Bunnell, thence by way of a land cut to the sea at Flagler Beach.

Canaveral Harbor, Fla.

Channel from the Intracoastal Waterway to a point at or near Vero Beach, Fla.

Waterway from Punta Rasa, Fla., by way of the Caloosahatchee River and Canal, Lake Okeechobee, and St. Lucie Canal and River, to the Intracoastal Waterway at Stuart.

Hillsboro River, Fla., from the upper end of the existing project to Sulphur Springs.

Anclote River, Fla.

Pithlachascotee River, Fla.

Hudson Creek, Pasco County, Fla.

Weekiwachee River, Fla.

Florida River, Liberty County, Fla., and the Apalachicola River at and near the mouth of the Florida River.

Waterway between a suitable point on the channel from Apalachicola River to St. Andrews Bay, Fla., and a suitable point in St. Josephs Bay where the depth of said bay is 30 feet or more.

East Pass Channel from the Gulf of Mexico into Choctawhatchee Bay, Fla.

Valley Creek, Ala., to a point at or near Birmingham.

Back Bay of Biloxi, Miss.

Lake Pontchartrain, La., between the New Basin Canal and the Industrial Canal, for a harbor of refuge.

Deep-water channel from New Iberia to the Gulf of Mexico.

Sabine-Neches Waterway, Tex.

Texas City Channel, Tex.

Channel from Palacios, Tex., and Camp John A. Hulen to the Intracoastal Waterway.

Corpus Christi, Tex., with a view to its protection by the construction of breakwaters, sea walls, or jetties.

Carter Lake, Iowa and Nebr.

Meredosia Bay, Illinois River, Ill.

Tanners Creek, Dearborn County, Ind.

Gladstone Harbor, Mich.

Escanaba Harbor, Mich.

Miller Bay, Lake Winnebago, Wis.

Mona Lake (Lake Harbor) Channel, Mich.

Kenosha Harbor, Wis.

The Indiana shore of Lake Michigan, with a view to the establishment of a harbor at the most suitable site.

Harbors at Glen Haven and Glen Arbor, Mich.

The coasts of the Great Lakes, with a view to the establishment of harbors of refuge for light-draft vessels.

Grand Traverse Bay, Mich.

Put-in Bay, Ohio.

Ottawa River, Ohio.

Wilson Harbor, N. Y.

Upper Newport Bay, Calif.

Harbor at Playa Del Ray, Calif.

Monterey Harbor, Calif.

San Lorenzo River, Calif.

Sonoma Creek, Calif.

Benicia Harbor, Solano County, Calif.

Smugglers Cove (Short Sands Beach), Oreg.

Channel at Knappton, Wash.

Columbia River at and in the vicinity of Camas, Wash.

Unga Harbor, Alaska.

Seldovia Harbor, Alaska.
Waterway to connect Tenakee Inlet and Port Frederick on Chichagof Island, Alaska.
Wrangell Harbor, Alaska.
Craig Harbor, Alaska.
Grantley Harbor at Teller, Alaska.
Mount of Sinuk River, Alaska.
Elfin Cove, Alaska.
Myers Chuck Harbor, Alaska.
Jobos Harbor, Guayama, P. R.
Fajardo Harbor, Fajardo, P. R.
Guayanilla Harbor, Guayanilla, P. R.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 14, line 11, after the word "may", strike out the remainder of line 11 and all of lines 12 and 13, and insert the following: "enter into repayment contracts, and other necessary contracts, with State agencies, authorities, associations, persons, and corporations, either public or private, including all agencies with which contracts are authorized under the reclamation law."

The committee amendment was agreed to.

The Clerk read as follows:

Page 19, after line 14, insert:
"Beresford Creek, S. C., from river to Bridge Farm Wharves."

The amendment was agreed to.

Page 20, after line 4, insert:
"Waterway from Anclote River, by way of Lake Butler, to a point near Safety Harbor on Old Tampa Bay, Fla."

The amendment was agreed to.

Page 20, after line 20, insert:
"Gulfport Harbor, Miss.
"Bayou Legare, Miss., at the mouth of the Jordan River."

The amendment was agreed to.

Page 22, after line 9, insert:
"Collinsville Cut, Solano County, Calif.
"Werner Cut, near Werner, Contra Costa County, Calif."

The amendment was agreed to.

Page 23, after line 1, insert:
"Hilo Harbor, Hawaii, including consideration of methods to prevent shoaling by the flow of lava."

The amendment was agreed to.

Mr. MANSFIELD. Mr. Chairman, I offer a number of further committee amendments.

The Clerk read as follows:

Committee amendments offered by Mr. MANSFIELD: On page 16, between lines 10 and 11, insert:
"Boston Harbor, Mass."

The amendment was agreed to.

On page 17, between lines 2 and 3, insert:
"Rondout Harbor, N. Y.
"Great Kills, Staten Island, N. Y.
"Inland waterway from Delaware River to Chesapeake Bay, Delaware and Maryland, with a view to dredging a turning basin in the vicinity of the Chesapeake Cruising Club Docks at Chesapeake City."

The amendment was agreed to.

Page 17, line 20, strike out "Sloope" and insert "Eli."

The amendment was agreed to.

On page 18, between lines 4 and 5, insert:
"Pocomoke River, Md., from a point above Snow Hill to deep water in Pocomoke Sound.
"Inland waterway from Ocean City, Md., to Chincoteague Bay."

The amendment was agreed to.

On page 19, between lines 7 and 8, insert:
"Burwells Bay, Va.
"Southern branch of Elizabeth River, Norfolk Harbor, Va.
"Inland waterway from Norfolk, Va., to Beaufort Inlet, N. C., with a view to the protection of lands in the vicinity of the lock at Great Bridge against flooding by storm tides.
"Belhaven Harbor, N. C.
"Neuse River, N. C., with a view to improvement for navigation and flood control between the Johnson County line and New Bern."

The amendment was agreed to.

On page 19, between lines 23 and 24, insert:
"Channel from main channel of the Intracoastal Waterway to the mainland of Sebastian, Fla."

The amendment was agreed to.

On page 20, between lines 8 and 9, insert:
"Fenholloway River, Fla."

The amendment was agreed to.

On page 20, after line 24, insert:
"Mississippi River at and near New Orleans, La."

The amendment was agreed to.

On page 21, between lines 8 and 9, insert:
"Channel connecting San Antonio Bay, Tex., with the Gulf of Mexico."

The amendment was agreed to.

On page 21, between lines 21 and 22, insert:
"Petoskey Harbor, Mich."

The amendment was agreed to.

On page 22, between lines 8 and 9, insert:
"Noyo River, Calif., including harbor at the mouth thereof."

The amendment was agreed to.

Mr. WARREN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WARREN: On page 19, strike out lines 8, 9, and 10.

Mr. WARREN. Mr. Chairman, it is quite evident that lines 8, 9, and 10, on page 19, were placed in the bill by mistake, as the survey for this river is now going on.

The amendment was agreed to.

Mr. WARREN. Mr. Chairman, I offer a further amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. WARREN: Page 19, after line 7, insert the following paragraph:
"Channel leading from the southeasterly end of Rollinson Channel, N. C., to the wharves in front of the town of Hatteras, N. C."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. Mr. Chairman, also the following amendment.

The Clerk read as follows:

Page 19, insert the following paragraph:
"Channel from Pamlico Sound through Pugh's Channel to the town of Rodanthe, N. C."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CARTER. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CARTER: After line 12, on page 22 insert the following:
"Alamitos Bay, Los Angeles, Calif."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PHILLIPS. Mr. Chairman, I move to strike out the last word. First of all, on behalf of the people of my district I wish to express my gratitude to the Rivers and Harbors Committee for the careful consideration given us in our part of Connecticut. We feel that the Rivers and Harbors Committee, so far as we are concerned, has done a fine, conscientious job, and, regarding other districts, too, I think that is the general feeling in the House.

Having said that, I call the attention of the Members of the House, and of course, respectfully, that of the chairman and members of the Committee on Rivers and Harbors, to a salient omission in the bill and that is the omission of an amount of money specifically designated to reopen the old closed railroad canal across New Jersey. I remind the committee that should anyone desire to navigate a pleasure craft or in fact any kind of a craft, inland, from New London, Conn., to Florida, that individual could complete that navigation with a small craft all the way from New London, Conn., to Florida, with the exception of a short strip of only 44 miles up and down the whole eastern seaboard of the United States, that is, 44 miles across the State of New Jersey. According to figures which I have,

and which I believe to be correct, for the sum of $22,000,000—that is a lot of money, but think what we would get for it—those 44 miles across the State of New Jersey could be reopened and traffic could go inland all the way from New London, Conn., to Key West, Fla., and into the Gulf. But because of those 44 miles what must now be done? A craft must navigate outside in the Atlantic Ocean. Somebody may say that this takes only 2 hours.

This is true, but that craft in navigating during those 2 hours must navigate across waters, if it is lucky enough to do it, where the *Morro Castle* disaster took place, and where the *Vestris* disaster also took place. Turning the matter around positively, think what it would mean to the shipyards, think what it would mean to the resorts, and to the merchants up and down the Atlantic seaboard if those 44 miles could be reopened. I trust, and the people of my district hope, that before another river and harbor bill is brought before the Members of this House, $22,000,000, or if it can be done for less, so much the better, may be appropriated to reopen those 44 miles of closed canal. [Applause.]

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. PHILLIPS. Yes.

Mr. GREEN. I am in sympathy with the project mentioned by the gentleman. It is obvious that this New Jersey canal should be opened. Then there will be an inland waterway to Jacksonville, Fla., and on to Miami, and with the completion of the canal across Florida, then we will have with the completion of the canal to which the gentleman refers in New Jersey, an inland protected waterway all the way from Boston to the Rio Grande River.

Mr. PHILLIPS. That is correct.

Mr. GREEN. It is obvious that those two links will be constructed, and I am glad the gentleman favors it.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. BRADLEY. Mr. Chairman, I rise in opposition to the pro-forma amendment to ask a question of the chairman of the committee. It is my understanding that projects in connection with the Delaware River are being considered right now by the Army engineers. However, I do not see them listed among those surveys which are authorized. Can the chairman tell me if they have been authorized by prior acts?

Mr. MANSFIELD. In reply to the gentleman I will say that the river and harbor bill of 1935 embraced the surveys for those projects which are now being considered by the engineers of the War Department. They have not yet reported upon them and therefore they do not appear in the present bill. We will endeavor to consider them impartially when the reports come in.

In regard to the Raritan Canal, I join with the gentleman from Connecticut [Mr. PHILLIPS] in his remarks. That lack of waterway across the State of New Jersey has been referred to as the "missing link" in the intercoastal waterway from Boston to Miami. However, that is also in the hands of the Army engineers. We have been working on that matter for years and years. They have submitted partial reports on several occasions, but the cost was so tremendously great that they have never been adopted. That canal was constructed many years ago by private interests. It fell into the hands of the Pennsylvania Railroad and, I now understand, belongs to the State of New Jersey, does it not?

Mr. PHILLIPS. Yes, sir; it does.

Mr. MANSFIELD. It is a complicated proposition.

In time a channel will be cut across New Jersey to connect the ports of Philadelphia and New York, not only for a barge canal but for a ship channel, and perhaps you may get it as soon as the gentleman from Florida gets his Florida ship canal. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

SEC. 5. That the Secretary of War is hereby authorized and directed to cause a survey to be made of the Ohio River and its tributaries to ascertain what pollutive substances are being deposited, directly or indirectly, therein and the sources and extent of such deposits, and with a view to determining the most feasible method of correcting and eliminating the pollution of these streams.

The survey herein authorized shall include comprehensive investigations and studies of the various problems relating to stream pollution and its prevention and abatement. In making these investigations and studies, and in the development and formulation of corrective plans, the Secretary of War may, with the approval of the Secretary of the Treasury, secure the cooperation and assistance of the Public Health Service, and may allot funds from the appropriation hereinafter designated to pay for such cooperation and assistance. The survey shall be completed as soon as practicable after the passage of this act, and the Secretary of War shall report the results thereof to the Congress, together with such recommendations for remedial legislation as he deems advisable.

The cost of the survey, and such incidental expenses as may be necessary in connection therewith, shall be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

SEC. 6. That all of that portion of Scajaquada Creek, Buffalo, N. Y., above a line 130 feet west of the west line of Niagara Street, be, and the same is hereby, declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States of America. That the right of Congress to alter, amend, or repeal this section is hereby expressly reserved.

Mr. MANSFIELD. Mr. Chairman, section 6 should be eliminated. A bill has already passed the House, reported by the Committee on Interstate and Foreign Commerce, covering this matter. I ask that it be stricken from the bill.

Mr. BEITER. Mr. Chairman, I move to strike out section 6.

The Clerk read as follows:

Amendment offered by Mr. BEITER: Beginning on page 24, line 8, strike out all of section 6.

Mr. BEITER. Mr. Chairman, in making this request I might explain to the committee that at the time the City Council of the City of Buffalo requested Scajaquada Creek to be declared a nonnavigable stream I asked the War Department to draft a bill for me that I might present to the House. At the time two bills were drafted. One was referred to the Committee on Rivers and Harbors and the other was referred to the Committee on Interstate and Foreign Commerce. I find that the Committee on Interstate and Foreign Commerce reported the bill on March 1, 1937, along with Report No. 332. It was on the House calendar and passed the House on March 15, 1937. It was reported in the Senate on April 29, 1937, and passed the Senate on May 3, 1937. It was approved on May 14, 1937, and is now Public Law No. 80. Therefore the legislation is unnecessary.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BEITER].

The amendment was agreed to.

Mr. MANSFIELD. Mr. Chairman, section 6 having been stricken out necessarily changes the numbers of the following sections. I ask unanimous consent that the Clerk may make all necessary corrections to correspond.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The Clerk read as follows:

SEC. 7. That the project for the maintenance and operation of the lock and dam at Little Callao Landing, mile 62, Big Sunflower River, Miss., be, and the same is hereby, abandoned. That the right of Congress to alter, amend, or repeal this section is hereby expressly reserved.

SEC. 8. That the project for improvement of the existing channel of that section of the Sabine-Neches Waterway, Tex., south and west of Harbor Island from a point opposite Orleans Street, in the city of Beaumont, Tex., to the junction of the main channel in the Neches River, be, and the same is hereby, abandoned. That the right of Congress to alter, amend, or repeal this section is hereby expressly reserved.

SEC. 9. That authority is hereby granted to the State of Oregon, acting through its highway department, and to the city of Eastside, Coos County, Oreg., a municipal corporation organized under the laws of the State of Oregon, to construct, maintain, and operate, at a point suitable to the interest of navigation, a dam and dike for preventing the flow of tidal waters into Willanch Slough in Coos County, Oreg.

Work shall not be commenced on such dam and dike until the plans therefor, including plans for all accessory works, are submitted to and approved by the Chief of Engineers and the Secretary of War, who may impose such conditions and stipulations as they deem necessary to protect the interests of the United States.

The authority granted by this section shall terminate if the actual construction of the dam and dike hereby authorized is not commenced within 1 year and completed within 3 years from the

date of the passage of this act. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 25, line 21, strike out the word "act" and insert the word "section."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 10. That authority is hereby granted to the State of Oregon, acting through its highway department, to the North Slough Drainage District, and to the North Slough Diking District, organized under the laws of the State of Oregon, to construct, maintain, and operate, at a point suitable to the interests of navigation, a dam and dike for preventing the flow of tidal waters into North Slough in Coos County, Oreg., in township 24 south, range 13 west, Willamette meridian.

Work shall not be commenced on such dam and dike until the plans therefor, including plans for all accessory works, are submitted to and approved by the Chief of Engineers and the Secretary of War, who may impose such conditions and stipulations as they deem necessary to protect the interests of the United States.

The authority granted by this act shall terminate if the actual construction of the dam and dike hereby authorized is not commenced within 1 year and completed within 3 years from the date of the passage of this act. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Line 17, page 26, strike out the word "act" and insert the word "section."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 11. That the laws of the United States relating to the improvement of rivers and harbors, passed between March 4, 1913, until and including the laws of the first session of the Seventy-fifth Congress, shall be compiled under the direction of the Secretary of War and printed as a document, and that 600 additional copies shall be printed for the use of the War Department.

The CHAIRMAN. Under the rule, the Committee will rise.

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. LUCAS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 7051, pursuant to House Resolution No. 241, he reported the same back to the House with sundry amendments adopted in Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

On motion by Mr. MANSFIELD, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. IZAC. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. IZAC. Mr. Speaker, in the name of the people of the Twentieth Congressional District of California, I want to take this opportunity to thank the Members of the House and, in particular, the members of the Rivers and Harbors Committee for the consideration they have given the problem of dredging in San Diego Bay.

The Federal Government, with an investment of some $40,000,000 and an annual pay roll of almost half that much, is deeply interested in the proper development of my part of the country.

Because of our strategic location, San Diego always will be the southwestern outpost of our national-defense structure. The greatest minds of this country are aware of the value of a properly developed harbor in the first locality available within the continental limits of the United States north of the Panama Canal.

With only three natural harbors on the Pacific coast of the United States, we must ever guard most jealously, and conserve to the extent of our national ability, the superiority which the land-locked harbor of San Diego affords this Nation in its vital problem of national defense.

San Diego belongs to the Nation in an especial manner and in a more vital way than do most other sections of our great country. I am glad to see that San Diego's God-given advantages are recognized and that they receive the consideration to which their importance entitles them.

San Diego is proud to be of service to the Nation. It only asks that its natural advantages be fully developed for the benefit not only of its own citizens but for the greater benefit of all America. [Applause.]

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, the bill (H. R. 7493) entitled "An act making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes", insists upon its amendments to said bill, requests a conference with the House thereon, and appoints Mr. COPELAND, Mr. HAYDEN, Mr. THOMAS of Oklahoma, Mr. OVERTON, Mr. RUSSELL, Mr. MCADOO, Mr. SHEPPARD, Mr. TOWNSEND, Mr. BRIDGES, Mr. MCNARY, and Mr. AUSTIN to be the conferees on the part of the Senate.

EXTENSION OF REMARKS

Mr. GREEN. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made in the Committee on the rivers and harbors bill and to include therein one or two excerpts from extraneous sources.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

NONMILITARY ACTIVITIES, WAR DEPARTMENT

Mr. SNYDER of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7493) making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes, with Senate amendments, disagree to the amendments of the Senate, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. SNYDER of Pennsylvania, DOCKWEILER, TERRY, STARNES, COLLINS, CANNON of Missouri, POWERS, and ENGEL.

INTERSTATE TRANSPORTATION AND SALE OF NATURAL GAS

Mr. O'CONNOR of New York. Mr. Speaker, I call up House Resolution 242.

The Clerk read as follows:

House Resolution 242

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 6586, a bill to regulate the transportation and sale of natural gas in interstate commerce, and for other purposes. That after general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. O'CONNOR of New York. Mr. Speaker, does the gentleman from Michigan desire any time under the rule?

Mr. MAPES. Mr. Speaker, as far as I know, there is no opposition to the rule or to the bill. Some Members on this

side would like a few minutes to discuss the bill, but we do not care to take any time on the rule.

Mr. O'CONNOR of New York. Mr. Speaker, this is a rule for the consideration of the so-called natural-gas bill. It is an open rule. The Rules Committee were informed that the Interstate and Foreign Commerce Committee were unanimous in their report.

I do not believe there is need for further discussion under the rule.

Mr. Speaker, I move the previous question on the rule.

The previous question was ordered.

The resolution was agreed to.

Mr. LEA. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6586) to regulate the transportation and sale of natural gas in interstate commerce, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6586, with Mr. FADDIS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. LEA. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, as stated by the chairman of the Rules Committee, this bill was reported unanimously by the Interstate and Foreign Commerce Committee.

The statistics of the last 12 years tell an amazing story in reference to the gas industry of the United States. Today we have over 50,000 wells, located in 24 States, furnishing gas to consumers in 35 States. There are about 8,000,000 consumers in these 35 States.

In 1934, 1,770,000,000,000 cubic feet of gas was produced in this country. For this gas the consumers paid $394,000,000; of which amount $260,000,000 was paid for gas transported in interstate commerce.

Today we have 65,000 miles of gas-main pipe lines in the United States. In 1930, 302,000,000,000 cubic feet of gas was transported in interstate commerce. The amount today is the figure I just stated. Today over 41.5 percent of the gas produced in the United States moves in interstate commerce.

The domestic rates paid by the consumers at the present time is: For domestic use, 74.6 cents per 1,000 cubic feet; for commercial use, 49.6 cents; and for industrial use, 16.9 cents.

From 1934 to March 1936; the Federal Trade Commission investigated the gas industry for the purpose of recommending legislation to Congress. Thirty-six of the thirty-eight interstate gas companies reporting to the Federal Trade Commission reported a ledger value of these companies of $1,600,000,000. This is the statistical background that gives the setting for this legislation.

The primary purpose of the pending bill is to provide Federal regulation, in those cases where the State commissions lack authority, under the interstate-commerce law. This bill takes nothing from the State commissions; they retain all the State power they have at the present time. This bill would apply to the transportation of natural gas in interstate commerce and to the sale of natural gas in interstate commerce for resale or public consumption.

Mr. THOMPSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. LEA. I yield.

Mr. THOMPSON of Illinois. Is there anything in this bill that would affect the relationship through which the large industrial consumer buys natural gas directly from the pipe-line company and not through a local distributing company or agency?

Mr. LEA. The question there involved is whether the purchase is for private consumption or resale to the public.

Mr. THOMPSON of Illinois. It would be for private consumption.

Mr. LEA. If it is for private consumption, it would not be affected by this act. If it were for public consumption, the gas rate would be regulated.

Mr. THOMPSON of Illinois. There is an industry in my district, I may say to the gentleman, which I understand buys natural gas directly from the pipe-line company. It has established its own connection. As I understand, this bill does not purport to regulate such a transaction or existing contracts of that nature.

Mr. LEA. Not unless it falls within the class of public consumption. A natural-gas company engaged in the transportation or sale of gas, as I have just indicated, is subject to regulation under this bill.

Mr. GREEVER. Mr. Chairman, will the gentleman yield?

Mr. LEA. I yield.

Mr. GREEVER. Do I understand from the gentleman's statement that where, for instance, each of two States has a public-service commission with jurisdiction of pipe lines this bill in no way affects their control of gas flowing through these pipe lines?

Mr. LEA. Well, it would depend on other circumstances. This bill would not affect the local distribution of gas, but it might affect the city-gate rate that the local company would pay if it bought from an interstate company.

Mr. GREEVER. Then it would affect it to that extent?

Mr. LEA. Oh, yes, indeed. So far as the interstate price is concerned, it may very materially affect it. The interstate price would be subject to regulation by the Federal Power Commission. The city-gate rates in an interstate shipment could be controlled by the Federal Power Commission under this bill.

Mr. GREEVER. In other words, it would take the power away from the State commission to that extent?

Mr. LEA. The State commission does not have that power now.

The object of this bill is to supply regulation in those cases where the State commission has no power to regulate.

There are, however, some situations defined in the bill to which this regulation does not apply. One is local distribution on the principle that where commerce passes in interstate commerce and reaches the point of broken package, the local State commission then has the regulatory power. That same general rule applies to the transportation and sale of gas. So this act does not affect the local distribution of gas. It affects the local consumer's price only by regulating the price at the city gates. The facilities for local distribution are not within the power of regulation provided in the bill.

The bill does not apply to the production and gathering of gas.

Every gas company will be permitted to go into territories without restriction, with two exceptions: One is in the case of exportation or importation of gas over international boundaries, it will be necessary under those circumstances to get a permit from the Power Commission before that transaction may be carried on; the other exception is where one company enters a territory occupied by another, permission from the Federal Power Commission will be necessary to conduct that class of business.

In the main, this is what might be called standardized legislation. There is nothing particularly novel or new in the provisions of the bill.

Mr. BEVERLY M. VINCENT. Will the gentleman yield?

Mr. LEA. I yield to the gentleman from Kentucky.

Mr. BEVERLY M. VINCENT. In reference to the statement made just now, if a company wants to go into another territory, it must get permission from the Federal Power Commission?

Mr. LEA. To go into an already occupied territory.

Mr. BEVERLY M. VINCENT. That eliminates competition, does it not?

Mr. LEA. There is no prior competition there. Before you can have competition in the same territory a permit must be secured from the Power Commission; but there is

no general certificate of convenience and necessity required in order for a company to expand.

Mr. BEVERLY M. VINCENT. Will not the effect of this bill be to limit the competition in any field, or in any State?

Mr. LEA. It will be left to the Federal Power Commission.

Mr. BEVERLY M. VINCENT. And will not this regulation tend to increase the price to consumers?

Mr. LEA. No; it will not. The State commissions have been very strong in supporting this bill; believing it will save millions of dollars to the consumers of the country.

There are the usual provisions. Without attempting to go into detail, what I call usual provisions are those such as we find in all regulatory measures enacted by the Congress. This bill contains, for instance, administrative provisions; for rules affecting just and reasonable rates; for the power of the Commission to fix maximum or minimum rates or a specific rate after hearing; for the rule against discriminations and preferences as between consumers or localities; for the requirement that the schedules be kept open for public inspection; for the power of the Commission to suspend the rates where deemed unduly high. The bill covers the question of accounting, following standard lines; of giving the Commission the power to control the accounts, including the depreciation account; and of requiring the gas companies under the regulation of this bill to conform to those accounting practices.

Mr. HOUSTON. Will the gentleman yield?

Mr. LEA. I yield to the gentleman from Kansas.

Mr. HOUSTON. Where two competing companies are in competition with one another in one community, is that under the State regulation?

Mr. LEA. That remains as at the present time, if they are already there.

Mr. HOUSTON. If one gas-distributing company gets its gas from out of the State and brings it in, and the other gets its gas from within the State, how does the bill affect those companies?

Mr. LEA. In attempting to fix the rates of the company using the interstate gas, the city-gate rate would be fixed by this Commission.

Mr. HOUSTON. It would be fixed at the city gate in either event?

Mr. LEA. No.

Mr. HOUSTON. The State regulatory body takes care of the company within the State?

Mr. LEA. Yes.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. LEA. I yield to the gentleman from New York.

Mr. FITZPATRICK. Let us assume a State where they have a public service commission now and a company that brings gas in from another State. Can the State's public service commission regulate the price?

Mr. LEA. They cannot regulate the interstate transportation. They cannot regulate the city gate price; but they can fix the local rate within the State.

The bill makes provision for complaints and provides for hearings and has the usual provisions in reference to the production of testimony and rehearings by the Commission on petition, court review of the orders of the Commission, and, a rule, that the findings of the Commission, if supported by substantial testimony, are conclusive upon courts in connection with questions that may be taken to the courts.

Those are what might be called the principal provisions of the bill.

Mr. HOOK. Will the gentleman yield?

Mr. LEA. I yield to the gentleman from Michigan.

Mr. HOOK. Will this in any way limit competition as between gas companies?

Mr. LEA. It will be subject to regulation by the Power Commission in every instance; whether or not one company may enter the territory of another, in a community already occupied, will be up to the Power Commission. But there is no exclusion of any company by law.

Mr. HOOK. It would be under the supervision of the Power Commission?

Mr. LEA. Yes. The Federal Power Commission has absolute supervision of rates within its jurisdiction.

Mr. HOUSTON. Will the gentleman yield?

Mr. LEA. I yield to the gentleman from Kansas.

Mr. HOUSTON. I understood the gentleman to say a moment ago that the committee unanimously reported this bill.

Mr. LEA. Yes; they did.

Mr. HOUSTON. May I ask whether any opposition to the bill was indicated in the hearings; and if so, from what source it came?

Mr. LEA. Some of the representatives of the gas companies opposed the bill. Most of the discussion in criticism of the bill was in connection with the suggestions of certain amendments or changes. However, the committee worked out this bill, which seems to be pretty generally accepted without opposition.

Mr. HOUSTON. There is no opposition to speak of from any of the distributing companies, gathering companies, or pine-line companies?

Mr. LEA. No; they have taken the general attitude that while they do not advocate it, if we are going to have a bill, they have no particular objection to this bill.

Mr. SACKS. Mr. Chairman, will the gentleman yield for a question?

Mr. LEA. Yes.

Mr. SACKS. In the operation under this bill, will the commission have the authority to order a cut in the rate, pending a hearing when it finds a rate is excessive?

Mr. LEA. It will.

Mr. SACKS. In other words, the commission can order a cut in the rate and then hold a hearing later, if it sees fit under the circumstances?

Mr. LEA. Yes; they have the 5 months' suspension rule.

The gentleman from Illinois, I believe, mentioned this matter a few moments ago. I have statements indicative of the attitude of the commissions of a number of the States, as expressed to the committee. For example, Mr. Booth, of the Illinois Commission, appeared before the committee and made the following statement:

> It is my opinion that if Congress does not confer upon the Federal Power Commission the power promptly to control interstate natural gas wholesale rates, the people of Illinois may be compelled to pay, during the next 10 years, from twenty to thirty-five million dollars in excessive charges.

I do not know that he is exactly right on the figures, but I mention this to show the attitude of the State commissions, as reported to the committee.

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield?

Mr. LEA. Yes.

Mr. PHILLIPS. The gentleman stated a few minutes ago that no natural-gas company could come into a field already occupied by a company without a hearing by the Commission. Do I correctly understand that is the effect of this bill?

Mr. LEA. Yes.

Mr. PHILLIPS. How would that serve to keep down charges to the ultimate consumer? I should think it might keep charges up, due to the fact the monopoly was preserved.

Mr. LEA. Ordinarily the community wants the services performed by one company; because, in such a case, the people can have better service than they can have with the facilities of two companies going through the streets of the same community.

Mr. PHILLIPS. Suppose the company which wanted to come in would offer a cheaper rate?

Mr. LEA. The Commission has power to let them come in.

Mr. BEVERLY M. VINCENT. When a company came in and offered to sell at a lower rate, would not the issue then be before the Commission as to which company was right, and would not the company already on the ground, but charging a higher rate, offer evidence that its rate was fair? Would not this issue then be submitted to the Commission?

Mr. LEA. Absolutely.

Mr. BEVERLY M. VINCENT. Then, would not this tend to put the price higher all the time?

Mr. LEA. It is the duty of the Commission to allow a reasonable rate—reasonable to the consumer and reasonable to the company.

Mr. BEVERLY M. VINCENT. The Commission would have power to deny to the company, which wanted to compete and sell at a lower rate, an opportunity to enter the field and sell at that lower rate?

Mr. LEA. The Commission decides the question from the viewpoint of the public interest and not from the viewpoint of the welfare of that company.

Mr. VOORHIS. Mr. Chairman, will the gentleman yield?

Mr. LEA. Yes.

Mr. VOORHIS. Is it not true that in any community where there is a duplication of public-service facilities, such as parallel gas mains, and so forth, inevitably the community must pay for this additional and unnecessary expense in higher charges before it gets through?

Mr. LEA. It does.

Mr. VOORHIS. Therefore, the only solution is the one suggested in this bill, namely, effective regulation of rates with one company?

Mr. LEA. Duplication means inferior service or, in the end, higher prices.

This act proposes Federal regulation of the transportation of natural gas in interstate commerce, which, in the final analysis, contemplates Federal regulation of indiscriminate interstate duplication of service, interstate service of inferior character, and fair and reasonable interstate rates.

[Here the gavel fell.]

Mr. MAPES. Mr. Chairman, I yield such time as he may desire to the gentleman from New Jersey [Mr. WOLVERTON].

Mr. WOLVERTON. Mr. Chairman, the purpose of this bill is to provide Federal regulation and control of the interstate transportation and sale of natural gas.

Over a period of years the need for this type of legislation has become increasingly apparent. The State regulatory bodies have wide and comprehensive jurisdiction to fix rates and otherwise regulate and control the sale of natural gas to consumers within the State but do not have any jurisdiction in fixing the rate to the distributing company or the municipality when the purchase of the gas is made from an outside source. This comes within the field of interstate commerce and the jurisdiction over such is denied entirely to the State regulatory bodies and lodged completely in the Federal Congress.

It can be readily seen that the price to be paid by the consumer depends largely upon the price the local distributing company or municipality has been required to pay to the outside producer. Therefore, if the consumer is to be given the benefit of purchasing gas at fair and reasonable rates there must be some regulation of the producing company engaged in the interstate transportation and sale of gas. It is therefore the purpose of this legislation to close the gap now existing between Federal and State regulation and control and confer upon the Federal Power Commission the right, duty, and authority to exercise such regulatory power in fixing a fair and reasonable rate for gas that is a part of interstate commerce. It seeks to give similar power to regulate and control interstate commerce in gas as now exists in State regulatory bodies with respect to transactions entirely within the States.

The enactment of this legislation is sought by the utility commissioners of the several States, by municipalities and States, and by the consuming public. It is meritorious and of a type that past experience has shown to be necessary in the public interest. There are also provisions within the proposed law that seek to provide some measure of conserving the great natural-gas fields from unnecessary use and consequent waste.

The bill has had careful study and consideration by the Committee on Interstate and Foreign Commerce during the last session of Congress and also at the present session. It has the unanimous approval of the membership of the committee and deserves the favorable consideration of the membership of the House. [Applause.]

Mr. MAPES. Mr. Chairman, I yield such time as he may desire to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Chairman, I think the purposes of this bill have all been rather well stated, but possibly I can add a few words which may explain the purposes a little more clearly to the membership of the House.

In the past few years the interstate transportation of gas in large pipe lines at high pressure had been growing by leaps and bounds. Gas is brought from the producing areas in these pipe lines and sold at the city gates to the public utilities which distribute the gas to the consumers. It is obvious the distribution of the gas by the local distributing company is subject to State regulation and the interests of the consumers are protected by State regulation. However, the transportation of gas in interstate commerce in the pipe lines and its sale to the distributing companies for resale is not subject to State regulation, and as a result, we have had a situation under which the price charged the distributing company at the city gate has been fixed wholly by the judgment, discretion, or action of the interstate company. It is charged that in many cases that price is excessive. This bill seeks to regulate those prices.

Now, some question has been raised here about the possibility of setting up a monopoly under the provisions of this bill and that effects on price to the consumer arising out of competition might be destroyed. May I point out in this connection that the reason for this bill, the reason the cities and the consumers' representatives asked for this bill is that they say that competition has heretofore failed to bring the wholesale price down. In other words, competition has not operated to keep the price down and as a result they say to Congress, "This gap that has existed must be filled by the intervention of the Federal Government."

There is ample precedent for this sort of legislation, not only in other measures heretofore enacted by Congress affecting interstate activities of other similar utilities, but there is ample precedent in the action of the States by which they have undertaken to regulate rates of natural gas companies in intrastate business. The States, as I have suggested, have not been able heretofore to regulate the wholesale price in interstate commerce.

Competition in this regard has been ineffective, and as a result, even though the prices of the distributing company to the consumers have been kept within reasonable limits, insofar as the activities of the distributing company are concerned, real protection has not been available to the ultimate consumer, because in many instances the transportation company, transporting in interstate commerce, has charged a rate which is higher than is deemed fair and reasonable.

So it occurs to me this is an entirely proper field for governmental intervention.

The question was asked as to whether or not the price that might be charged to a manufacturer who buys direct from the transportation company would be affected by this bill. As I view it, the answer to that question is that this bill seeks only to reach those sales where the sale is for resale to the ultimate consumer. So a purchaser for industrial use, who bought the gas, not for resale, but for consumption in his own plant, would not be reached by the measure. Any purchase from an interstate carrier by a distributor for the purpose of resale for ultimate public consumption would be reached.

We have heretofore enacted in the Congress a bill to regulate the bituminous-coal industry. We have Federal regulation of the interstate transportation and sale of electrical energy. They all deal with public utilities or businesses said to be charged with a public interest. That is the reason this bill, dealing as it does with a competing commodity and a competing service, should, in my opinion, be passed to the end that the natural-gas industry shall be brought within the realm of Federal regulation so that the public interest and the interest of the ultimate consumer generally shall be protected.

My opinion is that the operations of the Federal Power Commission in applying this act will be in the regulation of rates downward, not in the regulation of rates upward, and I am inclined to believe that if this regulation is to be applied that the public interest will be served by putting into effect the certificates of convenience for which this bill provides, to the end that the companies coming under this bill, and to be regulated by it, may know that they may extend their facilities under the protection of this bill. In the long run such a provision will promote the public interest.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. HALLECK. I yield.

Mr. HOUSTON. Where a distributing or pipe line or gathering company in interstate commerce brings the gas into a State and then sells at the city gates to a distributing company, which is their own company under a different name, would not this regulation have a tendency to lower the price rather than to raise it? As I understand, heretofore they can charge any rate they want at the city gates and the city or distributing company has to regulate their rates according to the prices they pay the carrier.

Mr. HALLECK. That is right.

Mr. HOUSTON. This bill would regulate that, and has it not been a further fact that in a great many instances where the carrier has been attempted to be regulated by the State, they have prevented that by saying that the Federal Government should do it, although heretofore we have not had any Federal Government regulation.

Mr. HALLECK. That is correct.

Mr. HOUSTON. And when the Federal Government attempts to do something along that line they say that it is a matter of State rights, but this bill will reach that entire situation.

Mr. HALLECK. I think the bill reaches what has heretofore been an unregulated field in interstate commerce, and, of course, in my opinion, the bill will reach exactly the situation to which the gentleman refers, otherwise there would be no excuse for its enactment.

Mr. HOUSTON. Is not this a bill that was originated about 2 years ago, or about the time the utility question was up for consideration, and this measure was not perfected at that time?

Mr. HALLECK. I think the principal agitation for the bill has arisen in the last few years, and probably as a result of the fact that in earlier years the gathering, transportation, and sale of natural gas was largely an intrastate matter. More recently many of the States that had a small supply are now without a local supply, and as a result the great end of the natural-gas business involves interstate commerce and transportation of the gas in interstate commerce.

Mr. HOUSTON. That is right. When an interstate company brings gas into a State and turns it over to a distributing company for industrial needs, it is regulated under this bill?

Mr. HALLECK. If they sell to the industrial user who is to use it rather than resell it, they are not reached by this bill; but if they sell to a distributor who distributes, say, to commercial users and domestic users, then that commercial use would be reached by this bill.

Mr. HOUSTON. What kind of a situation would we have if an intrastate company, a gas pipe line, a carrier in a State in competition with the other, would have to resell it to a distributor?

Mr. HALLECK. Of course, this bill would not reach it at all if it is intrastate. That would be without the realm of Federal regulation.

Mr. THOMPSON of Illinois. If that is true, the interstate carrier would come under the control of the State regulatory body, if it became a distributor for State use.

Mr. HOUSTON. I guess that is right.

Mr. LEA. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland [Mr. COLE].

Mr. COLE of Maryland. Mr. Chairman, the House should realize that the measure we are dealing with today is of extreme importance, more so than the attendance and the time taken in the discussion would seem to indicate. It is the culmination of one of the most far-reaching, intensive studies of the Federal Trade Commission I assume that that Commission ever conducted, and last year found a place in not identical language but very similar in the Rayburn bill, the famous holding-company bill, as part 3 thereof. Our committee eliminated part 3, as members will recall, and saved it for a separate measure reported out as it was last year, which was not considered by the House, but is here today in improved form.

Briefly I want to reply to the question, if I may supplement what the distinguished chairman of our committee said, of the gentleman from Kentucky as to what effect this bill will have in requiring certificates of necessity for an area already served. This bill means the same as in railroad regulation, that it is foolish to permit another railroad to come into an area already adequately served, charging rates under the regulation of a commission, such as the Federal Power Commission, unless justification therefor can be shown. As the gentleman from Kansas [Mr. HOUSTON] pointed out so appropriately a moment ago, the main trouble with the natural-gas problem today—an industry supplying more fuel and power than the electric utilities of this country do, coming into all the large cities of this Nation, charging what they please at the city gate, a price determined by a private contract with a local company under regulation as to everything except the price paid to the interstate activity coming from the Panhandle and other parts of the country, which the courts locally cannot reach. Under the passage of this bill a company enjoying, you might say, a monopoly in the city of Chicago, if but one line serves that city, would be forced to charge a fair and reasonable rate, and our Commission, if we have confidence in them, as we do, would see to that, and of course the public could not obtain any benefit by competition coming in, because that competition would be likewise regulated.

I remind the House of this fact. When we pass this bill without any apparent opposition, the people of this country demanding it, it will affect not only the great cities where gas is consumed, but the little fellow in my State back through the rural sections in whom I am interested, where these pipe lines have been running for years, and perform no service to the people along them. They are under no regulation whatever. After this bill is passed, I think the rural sections, having given the rights away to these lines feeding the great metropolitan sections of the country, will find through the machinery of this law a medium of relief so that service will come to them. I remind the House that in passing this bill, without opposition, it is going to cost a considerable sum for the Federal Power Commission to enforce it, as I think all of us want to see it enforced. Do not be surprised, therefore, if the Federal Power Commission, seeking to operate under this new law, not only asks for adequate money to improve the rate structure at the city gate, but under the more important provision goes down into the great gas fields of this country and appraises them for the first time, giving to us a physical valuation of this wonderful resource, in building up a proper rate structure. I hope that the Committee on Appropriations of this House will not try to dictate from a legislative standpoint what the policy of the Federal Power Commission will be, a practice they are falling into so conspicuously lately, especially the subcommittee on War Department appropriations. I remind that committee that this bill is going to cost no small amount to enforce, and, with the unanimous approval that this bill is receiving from the House we expect that kind of reception at the hands of the Appropriations Committee. It should not be other than the policy of the Appropriations Committee to carry out the mandates of the Congress as dictated from a policy standpoint by the legislating committees.

I hope to obtain permission to extend my remarks, and at greater length will insert some interesting statistics from the hearings and some law pertaining to this subject, which law and statistics will furnish an interesting summary and abundance of reason for the wise step taken in this legislation.

Mr. LEA. Mr. Chairman, I yield such time as he may desire to the gentleman from Ohio [Mr. CROSSER].

Mr. CROSSER. Mr. Chairman, sometime ago the Federal Trade Commission made a very thorough investigation of the facts underlying the gas situation in the United States. They did remarkably good work in their investigation and made appropriate recommendations. It is very desirable that the recommendations of the Commission be made effective and the legislation now before us is for that purpose.

For many years I have advocated this type of legislation for the regulation of the sale of natural gas. There has been much trouble on the part of local communities in their efforts to secure a fair rate from the gas companies. Most of the people in the eastern part of the United States consume gas that is produced in another State. As a consequence, any regulation that is attempted either by cities or by public-utility commissions of the States is almost useless. This is so because the people of such cities are required to pay to the producing company in another State a price generally unreasonable because there is no constitutional authority in the city councils nor the public-utility commissions of the State in which such cities are located which enables them to order the sale, at a reasonable rate, of gas produced in another State.

A very glaring example of what happens as a result of this lack of authority is the case of West Virginia and Virginia. In West Virginia they pay 35 cents per thousand cubic feet for gas. From the same gas pipes gas is delivered just a few miles over the border in Virginia, at Lexington, at a price of $1 per thousand cubic feet. That is possible only because Virginia has no authority to fix the price at which the West Virginia Co. must sell in Virginia. The same thing is true in the case of Ohio and West Virginia. When the local company in Ohio had their rates challenged by the city authorities in the first place, and later by the State public-utilities commission, the distributing company answered that it was compelled to pay a certain price to the Hope Gas Co., which was a West Virginia company, and so had to charge the Ohio cities accordingly. The Hope Co. and the East Ohio Gas Co., which sold the gas to the Ohio consumers, were owned and operated by one holding company, the Standard Oil Co. of New Jersey. That is what occurs throughout the country.

This legislation will protect the public from being charged wholly unreasonable prices for gas. There should be no opposition to this bill. I hope that it will pass unanimously. [Applause.]

The CHAIRMAN. The gentleman has consumed 4 minutes.

Mr. LEA. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. POAGE].

Mr. POAGE. Mr. Chairman, I agree with the gentleman from Ohio [Mr. CROSSER] that this is a piece of legislation we should have had for a long time. In my own State we have a situation where we buy gas produced in the panhandle of Texas that is moved through one corner of the State of Oklahoma and back into Texas, and it is interstate commerce. The Texas Railroad Commission cannot control it. We need the regulation. People who are paying for that gas, as small consumers, are entitled to have that regulation. But, on the other hand, this question arises—and I think it is fair that it should have consideration: If we give the Federal Power Commission the right to control these rates, they will have a right, and it will be their duty, to regulate the price of industrial gas, which is in direct competition with other forms of fuel, as well as to regulate the price of gas consumed by the individual in his home. I know there will probably be an amendment offered to exempt industrial gas from the regulation; but if you exempt industrial gas from the regulation and still allow the Commission to fix the price on the domestic consumers' gas, you have to allow a fair return on the entire investment.

Mr. THOMPSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield.

Mr. THOMPSON of Illinois. Does the gentleman mean industrial gas as sold by the pipe-line companies or industrial gas sold by the distributing company?

Mr. POAGE. It is always sold by the distributing company, as I understand it. The pipe-line company sells to the distributing company, but under the present set-up they have a different scale of prices to the distributing company, depending upon whom the distributing company is selling it to. As a matter of fact, gas piped out of the Texas Panhandle today to the city of Chicago sells to the domestic consumer, I understand, as high as $1.50 per thousand cubic feet when mixed with artificial gas, but when sold to industrial concerns I have been informed that some of it sells as low as 9 cents per thousand cubic feet. There is a positive loss in the sale of that gas, yet the gas companies, in order to control that market, are taking that loss. If this amendment is placed on here, and it is the only way you can protect the gas, but if you do put it on without anything else you have then opened the door for the gas company to claim they are entitled to charge the domestic consumer sufficient to pay a return on their entire investment. You cannot escape a fair return. They will claim that they are entitled to pay a fair return on the entire investment, probably one-half or one-third of which is being used to transport industrial gas. That is unfair to the domestic consumer. You should put on a further amendment providing that in taking into consideration the amount of the investment, they should not include that portion of the investment that is devoted to the transportation of the industrial gas through these industrial pipe lines.

Mr. COLE of Maryland. Will the gentleman yield?

Mr. POAGE. I yield.

Mr. COLE of Maryland. If we would put the gentleman's language into the bill, it could not express better the intention of this committee. This matter was discussed in executive session of the committee, and the very argument which the gentleman is making is what controlled the committee.

Mr. POAGE. I thank the gentleman. If this amendment is put on, I then propose to offer an amendment to fix the valuation so that they shall include only that portion of the valuation that is used in moving domestically consumed gas.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MAPES. Mr. Chairman, as far as I know, there is no opposition to this bill. I do not know of any Member of the House or anyone else who opposes it. It is supprted by the public utility commissions of the States and by all public bodies, as far as I know, who have anything to do with or have given any particular attention to the question of the distribution and sale of natural gas to the consuming public. As a matter of fact, my attention has not been called to any opposition to it, even on the part of the gas companies themselves.

One of the principal proponents of the legislation to appear before the Committee on Interstate and Foreign Commerce was the Honorable John W. Smith, formerly mayor of the city of Detroit, who appeared in his official capacity as national chairman of the Cities Alliance, an association of midwestern cities formed some 2 years ago in an endeavor to collaborate and cooperate for the purpose of securing natural gas at proper rates, and as chairman of the Natural Gas Committee of the United States Conference of Mayors. As Mr. Smith said before the committee, he had been working for years to secure natural gas for his city of Detroit and other Michigan cities.

The bill is well drafted. As the gentleman from California [Mr. LEA], the chairman of the committee, has well said, the provisions of the bill are largely the standardized provisions contained in most regulatory acts. The interstate transportation of natural gas is largely the development of the last few years—a trifle over 10 years. It began to expand about the time of the invention and adoption for general use of the seamless pipe. There are now about 50,000 miles

of natural-gas pipe lines throughout the country. Its comparatively recent development undoubtedly accounts for the fact that there has been no national legislation upon the subject before. The Committee on Interstate and Foreign Commerce reported a bill quite similar to this one in the last Congress, but it was not taken up in the House. This bill contains one provision which was not in that bill—namely, the provision which requires a company desiring to put in a pipe line in competition with an existing pipe line to obtain from the Federal Power Commission a certificate of convenience and necessity before it can install such competing line. This seems to the committee a desirable feature and, as the gentleman from Maryland has said, it is a provision required in railroad and other legislation relating to the regulation of public utilities.

State commissions have power to regulate the distribution and sale of natural gas produced and consumed within the States. They also regulate the distribution and sale at retail of natural gas shipped in interstate commerce after its interstate character ceases, but there is no regulation, either by Federal or State authorities, of the transportation or sale of natural gas in interstate commerce. This bill proposes to fill the gap which now exists. It gives the Federal Power Commission power to fix the cost of the transportation of natural gas shipped in interstate commerce and the wholesale price which may be charged for it at the consuming centers. The State commission will continue to have authority to regulate the retail distribution of the gas after the enactment of this legislation the same as they now have.

The bill contains the usual provisions authorizing the Federal Power Commission to ascertain the actual legitimate cost of the property used in the interstate transportation of natural gas in order to enable it to determine the cost of such transportation and after such determination to fix just and reasonable rates for the transportation of it and just and reasonable prices for the sale of the gas. The Commission in its discretion may require the gas companies to file with it an inventory of their properties and to give the original cost of the same. It may also fix the rates of depreciation and amortization of the property.

The only provision in the bill which seems to look to the conservation of the natural gas resources of the country is contained in the provision relating to the State compacts. It is made the duty of the Federal Power Commission to assemble pertinent information relative to such compacts, to make public and report to Congress information so obtained, together with its recommendations for such further legislation as it thinks desirable to carry out the purpose of any State compact and to conserve the natural gas resources of the United States.

The bill has been carefully considered and worked out by the Committee on Interstate and Foreign Commerce. I believe that it is well drafted and will give the Federal Power Commission the necessary power to carry out the purposes sought to be accomplished by the legislation. It should be speedily enacted into law.

In order to keep the record straight, I propose to offer an amendment to the bill under the 5-minute rule to strike out section 18, which authorizes the Commission to appoint attorneys, experts, officers, and examiners without regard to the civil service and to fix their compensation without regard to the Classification Act. This is an old story and it is unnecessary to dwell upon it at any great length at this time. It is hard to overstate the seriousness of such a provision. It has been generally recognized that a similar provision in the Social Security Act has resulted in something approaching a scandal in that organization, with the result that Congress singled it out and enacted a rider upon a recent appropriation bill requiring that all appointees to positions in that organization receiving a salary of $5,000 or more per year must be confirmed by the Senate, and the other day the President recommended that such positions be filled in accordance with the civil-service laws and regulations. At the proper time I intend to offer a motion to strike out section 18 and to substitute therefor a provision requiring that all employees necessary to be appointed by the Commission to carry out its functions under this act shall be appointed in accordance with the civil-service laws and regulations, and that they shall be paid for their work as provided in the Classification Act.

Mr. LEA. Mr. Chairman, I yield 4 mintues to the gentleman from New Jersey [Mr. KENNEY].

Mr. KENNEY. Mr. Chairman, there is no natural gas produced in New Jersey and none comes into the State so far as I have been able to learn. The State, however, is a big consumer of artificial gas. Natural gas is consumed in 35 of our States, some of which are in the neighborhood of and surrounding New Jersey. I hope that the day is not far distant when natural gas will be piped into our State for use by our people.

Natural gas is produced in 24 of our States, mostly in the West and Southwest. It is piped into the Middle West and over into the East. Many State commissions have had great difficulty in fixing reasonable rates for consumers for the reason that State commissions have had no power over the interstate activities of the pipe-line companies. The pending bill gives to the Federal Power Commission authority to sit as an independent board or with a State board as a joint board to enforce this act and to bring about regulation that will result, I believe, in an improvement of conditions and reduction of rates so that consumers in States using natural gas will have a fair and reasonable rate.

In this bill it is provided that the board shall fix a proper and just depreciation which may be charged by pipe-line companies. Furthermore, it has the power to fix the reserve which pipe-line companies may charge against the consumer.

As the situation stands now, the pipe-line companies owning the oil fields can purchase any amount of land they wish and charge the value of all of that land as a reserve in fixing the rate at which the gas is sold at the city line when it is delivered over for resale in any State or community.

There is no opposition to this bill. I believe that results largely from the time and effort that has been spent on the bill. This bill was a part of the utility holding company bill, constituting title III of that bill. The committee felt it would be better to separate the natural-gas features and give them special care and attention. The bill comes on the floor for consideration after having been fully and carefully considered by the committee. Various phases were considered by a subcommittee which had in charge the oil bill which was enacted by the Congress and reenacted the other day. The chairman of that subcommittee, the gentleman from Maryland [Mr. COLE], has given very intensive study to the question and I believe this bill reflects his ability, his energy, and his great concern for the people of this country. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc.,

NECESSITY FOR REGULATION OF NATURAL-GAS COMPANIES

SECTION 1. (a) As disclosed in reports of the Federal Trade Commission made pursuant to Senate Resolution 83 (70th Cong., 1st sess.) and other reports made pursuant to the authority of Congress, it is hereby declared that the business of transporting and selling natural gas for ultimate distribution to the public is affected with a public interest, and that Federal regulation in matters relating to the transportation of natural gas and the sale thereof in interstate and foreign commerce is necessary in the public interest.

(b) The provisions of this act shall apply to the transportation of natural gas in interstate commerce, to the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use, and to natural-gas companies engaged in such transportation or sale, but shall not apply to any other transportation or sale of natural gas or to the local distribution of natural gas or to the facilities used for such distribution or to the production or gathering of natural gas.

SEC. 2. When used in this act, unless the context otherwise requires—

(1) "Person" includes an individual or a corporation.

(2) "Corporation" includes any corporation, joint-stock company, partnership, association, business trust, organized group of

persons, whether incorporated or not, receiver or receivers, trustee or trustees of any of the foregoing, but shall not include municipalities as hereinafter defined.

(3) "Municipality" means a city, county, or other political subdivision or agency of a State.

(4) "State" means a State admitted to the Union, the District of Columbia, and any organized Territory of the United States.

(5) "Natural gas" means either natural gas unmixed, or any mixture of natural and artificial gas.

(6) "Natural-gas company" means a person engaged in the transportation of natural gas in interstate commerce, or the sale in interstate commerce of such gas for resale.

(7) "Interstate commerce" means commerce between any point in a State and any point outside thereof, or between points within the same State but through any place outside thereof, but only insofar as such commerce takes place within the United States.

(8) "State commission" means the regulatory body of the State or municipality having jurisdiction to regulate rates and charges for the sale of natural gas to consumers within the State or municipality.

(9) "Commission" and "Commissioner" means the Federal Power Commission and a member thereof, respectively.

EXPORTATION OR IMPORTATION OF NATURAL GAS

SEC. 3. After 6 months from the date on which this act takes effect no person shall export any natural gas from the United States to a foreign country or import any natural gas from a foreign country without first having secured an order of the Commission authorizing it to do so. The Commission shall issue such order upon application, unless, after opportunity for hearing, it finds that the proposed exportation or importation will not be consistent with the public interest. The Commission may by its order grant such application, in whole or in part, with such modification and upon such terms and conditions as the Commission may find necessary or appropriate, and may from time to time, after opportunity for hearing, and for good cause shown, make such supplemental order in the premises as it may find necessary or appropriate.

RATES AND CHARGES; SCHEDULES; SUSPENSION OF NEW RATES

SEC. 4. (a) All rates and charges made, demanded, or received by any natural-gas company for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission, and all rules and regulations affecting or pertaining to such rates or charges, shall be just and reasonable, and any such rate or charge that is not just and reasonable is hereby declared to be unlawful.

(b) No natural-gas company shall, with respect to any transportation or sale of natural gas subject to the jurisdiction of the Commission, (1) make or grant any undue preference or advantage to any person or subject any person to any undue prejudice or disadvantage, or (2) maintain any unreasonable difference in rates, charges, service, facilities, or in any other respect, either as between localities or as between classes of service.

(c) Under such rules and regulations as the Commission may prescribe, every natural-gas company shall file with the Commission, within such time (not less than 60 days from the date this act takes effect) and in such form as the Commission may designate, and shall keep open in convenient form and place for public inspection, schedules showing all rates and charges for any transportation or sale subject to the jurisdiction of the Commission, and the classifications, practices, and regulations affecting such rates and charges, together with all contracts which in any manner affect or relate to such rates, charges, classifications, and services.

(d) Unless the Commission otherwise orders, no change shall be made by any natural-gas company in any such rate, charge, classification, or service, or in any rule, regulation, or contract relating thereto, except after 30 days' notice to the Commission and to the public. Such notice shall be given by filing with the Commission and keeping open for public inspection new schedules stating plainly the change or changes to be made in the schedule or schedules then in force and the time when the change or changes will go into effect. The Commission, for good cause shown, may allow changes to take effect without requiring the 30 days' notice herein changes for by an order specifying the changes so to be made and the time when they shall take effect and the manner in which they shall be filed and published.

(e) Whenever any such new schedule is filed the Commission shall have authority, either upon complaint of any State, municipality, or State commission, or upon its own initiative without complaint, at once, and if it so orders, without answer or formal pleading by the natural-gas company, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate, charge, classification, or service; and, pending such hearing and the decision thereon, the Commission, upon filing with such schedules and delivering to the natural-gas company affected thereby a statement in writing of its reasons for such suspension, may suspend the operation of such schedules and defer the use of such rate, charge, classification, or service, but not for a longer period than 5 months beyond the time when it would otherwise go into effect: and after full hearings, either completed before or after the rate, charge, classification, or service goes into effect, the Commission may make such orders with reference thereto as would be proper in a proceeding initiated after it had become effective. If the proceeding has not been concluded and an order made at the expiration of the suspension period, on motion of the natural-gas company making the filing, the proposed change of rate, charge, classification, or service shall go into effect. Where increased rates or charges are thus made effective, the Commission may, by order, require the natural-gas company to furnish a bond, to be approved by the Commission, to refund any amounts ordered by the Commission, to keep accurate accounts in detail of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts were paid, and, upon completion of the hearing and decision, to order such natural-gas company to refund, with interest, the portion of such increased rates or charges by its decision found not justified. At any hearing involving a rate or charge sought to be increased, the burden of proof to show that the increased rate or charge is just and reasonable shall be upon the natural-gas company, and the Commission shall give to the hearing and decision of such questions preference over other questions pending before it and decide the same as speedily as possible.

Mr. LEA. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. LEA: Page 6, line 18, insert, after the word "effect", the following: "*Provided*, That the Commission shall not have authority to suspend the rate, charge, classification, or service for the sale of natural gas for resale for industrial use only."

Mr. LEA. Mr. Chairman, this amendment has been approved by the committee and also by the Federal Power Commission. The effect of it is to prevent suspension in cases of industrial use where there are short-term contracts for the supply of gas for industrial use only.

Mr. POAGE. Will the gentleman yield?

Mr. LEA. I yield to the gentleman from Texas.

Mr. POAGE. I am wondering in that connection, when you do make those exceptions, if you do not inevitably then create a situation whereby the gas company can contend that they have such a tremendous investment involved in furnishing this domestic gas that the domestic rates have to be raised, or at least you will require a raise of the domestic rates by the local rate-fixing agency, because the gas company can say that they have an investment in a pipe line 1,200 miles long and they are only selling so much gas for domestic purposes. You have exempted a part of this gas. Are you not going to have to fix a rate for domestic purposes that will take care of that burden?

Mr. LEA. This amendment would not deprive the Commission of fixing general rates.

Mr. POAGE. I know, but will it not force them to fix a rate that will pay a return on the entire investment when, as a matter of fact, many of those contract rates are actually a loss?

Mr. LEA. Under the principle of this bill they would not have the right to do that. The industrial gas should pay its own rate and should be based on a reasonable rate.

Mr. POAGE. But in that connection, if you allow the company to fix their own rates as to this industrial gas, which in many instances will make up one-half or two-thirds of all the gas it moves through the pipe line, and they do not make and profit on that, or make very little profit on it, would you not be requiring the rate-fixing agency, because they have to fix a rate which will result in a fair return on the investment, to fix a rate for the individual or domestic consumer high enough to pay a return on all of the investment used for the industrial gas?

Mr. LEA. In fixing the industrial rate they may adjust the general rate high enough to cover that.

Mr. POAGE. If they fix the industrial rate, yes; but this amendment exempts that.

Mr. LEA. It only exempts as to a suspension order. There is nothing that prevents the Federal Power Commission from making a rule requiring a rate sufficient to meet the cost.

Mr. POAGE. I think they have got to do that. I do not think they can do anything else.

Mr. LEA. This applies only to new rates as to which a suspension order applies and not to the general rates fixed by a commission.

Mr. POAGE. But if they suspend new rates as they go along, they might as well suspend the entire rate structure.

Mr. LEA. No. A regular rate can be put into effect, and the Commission has the power to fix a maximum, minimum, or a specific rate. The general rule that they may adopt

will cover this case and prevent the result the gentleman has in mind.

Mr. POAGE. I think that is what it should do, but if you require them to apply that general rule it might not result in that. I think you have given them the power; but have you got anything in there that will require the exercise of that power?

Mr. LEA. That would be within the discretion of the Commission in fixing a rate. It would be the clear duty of the Commission under this bill to do that. I have consulted with the attorneys for the Federal Power Commission before presenting this amendment. They claim they can control that matter.

[Here the gavel fell.]

Mr. MASSINGALE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I understood the gentleman from Indiana [Mr. HALLECK] to state the provisions of this act apply only to the transportation of natural gas in interstate commerce, to the sale in interstate commerce of natural gas for resale for ultimate consumption for various purposes, and to natural-gas companies engaged in the transportation of gas for sale, and shall not apply to intrastate transportation or sale of natural gas or to the local distribution thereof.

Will not that provision in the law make it possible for a natural-gas company transporting its gas through pipe lines, say from Oklahoma to Kansas, to have its own establishments where natural gas may be used, or to favor one of its friends doing business in a locality to the detriment and hurt of some other legitimate enterprise carried on there?

Mr. LEA. We cover such a case by a provision on, I believe, page 8 of the bill. What the gentleman states is true. The regulation would then rest with the local commission. However, the Federal Power Commission would have a right to investigate the cost of such transportation and give information as to reasonable rates to the State commission, so the commission could put the rates into effect.

Mr. MASSINGALE. What provision is made for transferring the powers of the National Commission to the State commission?

Mr. LEA. The Federal Commission would give the State commission information showing the cost of the property and the reasonable rate for the service performed.

Mr. MASSINGALE. Then, as I understand the chairman, the situation to which I have just referred in connection with paragraph (b) of section 1 is taken care of in a subsequent section of the bill?

Mr. LEA. Yes; it is. The Federal Government would have no right to regulate the local distribution under the constitutional interpretation, but the local commission would have such authority and the Federal Power Commission would have the authority to give the local commission all the information needed to carry out the provision.

Mr. MASSINGALE. I thank the gentleman.

The CHAIRMAN. The question is on the amendment of the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

FIXING RATES AND CHARGES; DETERMINATION OF COST OF PRODUCTION OR TRANSPORTATION

SEC. 5. (a) Whenever the Commission, after a hearing had upon its own motion or upon complaint of any State, municipality, State commission, or gas distributing company, shall find that any rate, charge, or classification demanded, observed, charged, or collected by any natural-gas company in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, or that any rule, regulation, practice, or contract affecting such rate, charge, or classification is unjust, unreasonable, unduly discriminatory, or preferential, the Commission shall determine the just and reasonable rate, charge, classification, rule, regulation, practice, or contract to be thereafter observed and in force, and shall fix the same by order.

(b) The Commission upon its own motion, or upon the request of any State commission, whenever it can do so without prejudice to the efficient and proper conduct of its affairs, may investigate and determine the cost of the production or transportation of natural gas in cases where the Commission has no authority to establish a rate governing the transportation or sale of such natural gas.

Mr. BOREN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOREN: On page 8, line 13, after the word "gas", insert the following: "by a natural gas company."

Mr. BOREN. Mr. Chairman, my amendment has been agreed to by the committee. I offer the amendment in order to keep the jurisdiction of the Federal Government as clearly defined as possible from the jurisdiction of the State government in cases arising under the provisions of this bill.

During the hearings I offered this amendment and made the following statement:

Mr. Chairman, I would like to make this observation for the record and as a challenge to the proponents of this bill: That subsection B of section 5 provides for a growth and for the extension of the influence of a Federal bureau, or commission, in a realm wherein this proposal submits on its own acknowledgment that the Federal authority and responsibility does not rightfully exist.

Mr. Chairman, this amendment clarifies the jurisdiction as between the Federal and State governments, and assures us that the Federal Government will not go into a realm where the State government already has proper authority to handle the problem.

The committee has approved the amendment, and I have nothing further to say.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. BOREN. Yes.

Mr. JONES. Would the gentleman's amendment prevent the Commission from making an investigation such as the gentleman from Maryland referred to a while ago, with reference to costs of production and the conditions in the various local fields?

Mr. BOREN. I may say to the gentleman from Texas that this amendment would not prevent the Commission from making such investigations. According to the definition of a natural-gas company, this amendment would simply guarantee that the commission would not step out of the realm of interstate commerce, but would make such investigations only where companies engaged in interstate commerce were concerned.

The CHAIRMAN. The question is on the amendment of the gentleman from Oklahoma.

The amendment was agreed to.

The Clerk read as follows:

ASCERTAINMENT OF COST OF PROPERTY

SEC. 6. (a) The Commission may investigate and ascertain the actual legitimate cost of the property of every natural-gas company, the depreciation therein, and, when found necessary for rate-making purposes, other facts which bear on the determination of such cost or depreciation and the fair value of such property.

(b) Every natural-gas company upon request shall file with the Commission an inventory of all or any part of its property and a statement of the original cost thereof, and shall keep the Commission informed regarding the cost of all additions, betterments, extensions, and new construction.

Mr. POAGE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POAGE: On page 8, line 22, after the word "property", insert the following, "*Provided, however,* That such portion of the value of such property as is attributable to the production and transportation of natural gas for resale for industrial use will not be taken into consideration in determining a fair return on such property, and it shall be conclusively presumed that the value of that portion of such property attributable to the production and transportation of natural gas for resale for industrial use bears the same relation to the total value of such property as the proportion of natural gas sold for industrial use bears to the entire amount of gas produced and transported."

Mr. POAGE. Mr. Chairman, this amendment is simply an attempt to carry out the purpose I discussed a while ago. I feel there is a real danger that the commission may not actually give the relief it has a right to give under this bill. I think the bill clearly gives the commission the right to give relief to the domestic consumer, and not place the entire burden of paying a fair return on the entire investment on the domestic consumer. I do not think there is any provision in the bill, however, which requires the com-

mission to do this. The bill gives the commission the power to do so. I seek simply to require the commission to place this burden where it falls, to charge the user of industrial gas with bearing the burden of the return on that part of the investment properly attributable to industrial gas, and to charge the domestic consumer only with such portion of the cost as is attributable to the use of the plant for the furnishing of domestic gas.

Mr. KENNEY. Mr. Chairman, will the gentleman yield?

Mr. POAGE. Yes.

Mr. KENNEY. Would not the gentleman's amendment operate as a limitation? Would not this amendment tie the commission's hands so that other factors might not enter into its determination?

Mr. POAGE. I do not think it would keep them from including other factors. I think they would have to include these factors. I do not attempt to strike out the provisions which state that other factors which bear on the determination of such costs or depreciation or fair value of the property shall be considered. This amendment states that no matter what other factors they take into consideration, they must take into consideration what percentage of the investment is attributable to the transportation of gas destined for industrial consumption. Otherwise, they would have the power, although I do not know that they would exercise it, to place the burden of the transportation of the industrial gas, on which there will be no profit, or practically none, upon the domestic consumers, and ultimately result in increasing the price to the domestic consumers.

It is for the purpose of making the matter doubly sure that I offer this amendment. I want to make it sure we are not simply relying upon the frailities of human nature or the frailities of a man-made commission, but making certain that they must take into consideration the fact that not all of this investment is attributable to the domestic consumption of gas, and therefore the gas companies should not be allowed to make a reasonable return upon an investment in excess of what they use to furnish gas to the domestic consumers.

Mr. COLE of Maryland. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield.

Mr. COLE of Maryland. Does not the gentleman believe that his amendment more properly should be directed to section 5 of the bill, which is the section dealing with just rates? Of course, if a rate is determined which is not just, because the commission has not taken into consideration the very things the gentleman has pointed out, and which he wants to set forth mandatorily in the bill, it would more properly apply to the establishment of rates and would have little to do with the cost of the property.

Mr. POAGE. I am inclined to agree with the gentleman it would have been better if offered at that place in the bill, but, frankly, I did not have the amendment in type at the time that portion of the bill was read.

Mr. COLE of Maryland. I am frank to say that in determining a just and reasonable rate to be charged I believe the Commission should take into consideration what the gentleman has pointed out.

Mr. POAGE. Frankly, I would have preferred to have the amendment attached at that point, but since we had reached a situation in the consideration of the bill where I could not do that, and since it is a limitation upon the methods by which they should determine valuations, which result in the determination of the proper rates, and the amendment affects the way you determine values, I believe the amendment properly applies to section 6, although it probably would more properly fit section 5. However, it would appear that the same practical result would be reached if offered at either place, and I therefore submit the amendment for the consideration of the Committee.

Mr. LEA. Mr. Chairman, I rise in opposition to the amendment.

There is no question but what the Commission, under this bill, will have full discretion to do what the gentleman desires; in fact, it would be the duty of the Commission to do so. But I think the standard proposed here to cover the action of the committee, in the exercise of its power, is not authorized by the Constitution.

The gentleman's amendment states that it shall be conclusively presumed that the fair valuation of that portion of such property attributable to the production and transportation of natural gas for resale to industrial use bears the same relation to the total value of such property as the proportion of natural gas sold for industrial use bears to the entire amount of gas produced and transported.

This, as a matter of fact, is in defiance of the actual cost of the gas, which goes through the same pipe, but is used for different purposes, and I believe under the definition of fair value as defined by the Supreme Court, the amendment would make it the duty of the Commission to do a thing that is not justified by the interpretation of the term "fair value." We spent a great deal of time on this section, and we had before us another section, such as the gentleman has here suggested, going into more detail, but, in the meantime, a Supreme Court decision came out that made it very clear we should cut out such details and stay with the safe and unquestionably constitutional provision we have here.

So I hope the amendment will not be agreed to, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. POAGE].

The question was taken; and on a division (demanded by Mr. HOOK) there were—ayes 8, noes 21.

So the amendment was rejected.

Te Clerk read as follows:

EXTENSION OF FACILITIES; ABANDONMENT OF SERVICE

SEC. 7. (a) Whenever the Commission, after notice and opportunity for hearing, finds such action necessary or desirable in the public interest, it may by order direct a natural-gas company to extend or improve its transportation facilities, to establish physical connection of its transportation facilities with the facilities of, and sell natural gas to, any person or municipality engaged or legally authorized to engage in the local distribution of natural or artificial gas to the public, and for such purpose to extend its transportation facilities to communities immediately adjacent to such facilities or to territory served by such natural-gas company, if the Commission finds that no undue burden will be placed upon such natural-gas company thereby: *Provided*, That the Commission shall have no authority to compel the enlargement of transportation facilities for such purposes, or to compel such natural-gas company to establish physical connection or sell natural gas when to do so would impair its ability to render adequate service to its customers.

(b) No natural-gas company shall abandon all or any portion of its facilities subject to the jurisdiction of the Commission, or any service rendered by means of such facilities, without the permission and approval of the Commission first had and obtained, after due hearing, and a finding by the Commission that the available supply of natural gas is depleted to the extent that the continuance of service is unwarranted, or that the present or future public convenience or necessity permit such abandonment.

(c) No natural-gas company shall undertake the construction or extension of any facilities for the transportation of natural gas to a market in which natural gas is already being served by another natural-gas company, or acquire or operate any such facilities or extensions thereof, or engage in transportation by means of any new or additional facilities, or sell natural gas in any such market, unless and until there shall first have been obtained from the Commission a certificate that the present or future public convenience and necessity require or will require such new construction or operation of any such facilities or extensions thereof: *Provided, however*, That a natural-gas company already serving a market may enlarge or extend its facilities for the purpose of supplying increased market demands in the territory in which it operates. Whenever any natural-gas company shall make application for a certificate of convenience and necessity under the provisions of this subsection, the Commission shall set the matter for hearing and shall give such reasonable notice of the hearing thereon to all interested persons as in its judgment may be necessary under rules and regulations to be prescribed by the Commission.

ACCOUNTS, RECORDS, AND MEMORANDA

SEC. 8. (a) Every natural-gas company shall make, keep, and preserve for such periods, such accounts, records of cost-accounting procedures, correspondence, memoranda, papers, books, and other records as the Commission may by rules and regulations

prescribe as necessary or appropriate for purposes of the administration of this act: *Provided, however,* That nothing in this act shall relieve any such natural-gas company from keeping any accounts, memoranda, or records which such natural-gas company may be required to keep by or under authority of the laws of any State. The Commission may prescribe a system of accounts to be kept by such natural-gas companies, and may classify such natural-gas companies and prescribe a system of accounts for each class. The Commission, after notice and opportunity for hearing, may determine by order the accounts in which particular outlays or receipts shall be entered, charged, or credited. The burden of proof to justify every accounting entry questioned by the Commission shall be on the person making, authorizing, or requiring such entry, and the Commission may suspend a charge or credit pending submission of satisfactory proof in support thereof.

(b) The Commission shall at all times have access to and the right to inspect and examine all accounts, records, and memoranda of natural-gas companies; and it shall be the duty of such natural-gas companies to furnish to the Commission, within such reasonable time as the Commission may order, any information with respect thereto which the Commission may by order require, including copies of maps, contracts, reports of engineers, and other data, records, and papers, and to grant to all agents of the Commission free access to its property and its accounts, records, and memoranda when requested so to do. No member, officer, or employee of the Commission shall divulge any fact or information which may come to his knowledge during the course of examination of books, records, data, or accounts, except insofar as he may be directed by the Commission or by a court.

(c) The books, accounts, memoranda, and records of any person who controls directly or indirectly a natural-gas company subject to the jurisdiction of the Commission and of any other company controlled by such person, insofar as they relate to transactions with or the business of such natural-gas company, shall be subject to examination on the order of the Commission.

RATES OF DEPRECIATION

SEC. 9. (a) The Commission may, after hearing, require natural-gas companies to carry proper and adequate depreciation and amortization accounts in accordance with such rules, regulations, and forms of account as the Commission may prescribe. The Commission may from time to time ascertain and determine, and by order fix, the proper and adequate rates of depreciation and amortization of the several classes of property of each natural-gas company used or useful in the production, transportation, or sale of natural gas. Each natural-gas company shall conform its depreciation and amortization accounts to the rates so ascertained, determined, and fixed. No natural-gas company subject to the jurisdiction of the Commission shall charge to operating expenses any depreciation or amortization charges on classes of property other than those prescribed by the Commission, or charge with respect to any class of property a percentage of depreciation or amortization other than that prescribed therefor by the Commission. No such natural-gas company shall in any case include in any form under its operating or other expenses any depreciation, amortization, or other charge or expenditure included elsewhere as a depreciation or amortization charge or otherwise under its operating or other expenses. Nothing in this section shall limit the power of a State commission to determine in the exercise of its jurisdiction, with respect to any natural-gas company, the percentage rates of depreciation or amortization to be allowed, as to any class of property of such natural-gas company, or the composite depreciation or amortization rate, for the purpose of determining rates or charges.

(b) The Commission, before prescribing any rules or requirements as to accounts, records, or memoranda, or as to depreciation or amortization rates, shall notify each State commission having jurisdiction with respect to any natural-gas company involved and shall give reasonable opportunity to each such commission to present its views and shall receive and consider such views and recommendations.

PERIODIC AND SPECIAL REPORTS

SEC. 10. (a) Every natural-gas company shall file with the Commission such annual and other periodic or special reports as the Commission may by rules and regulations or order prescribe as necessary or appropriate to assist the Commission in the proper administration of this act. The Commission may prescribe the manner and form in which such reports shall be made, and require from such natural-gas companies specific answers to all questions upon which the Commission may need information. The Commission may require that such reports shall include, among other things, full information as to assets and liabilities, capitalization, investment and reduction thereof, gross receipts, interest due and paid, depreciation, amortization, and other reserves, cost of facilities, cost of maintenance and operation of facilities for the production, transportation, or sale of natural gas, cost of renewal and replacement of such facilities, transportation, delivery, use, and sale of natural gas. The Commission may require any such natural-gas company to make adequate provision for currently determining such costs and other facts. Such reports shall be made under oath unless the Commission otherwise specifies.

(b) It shall be unlawful for any natural-gas company willfully to hinder, delay, or obstruct the making, filing, or keeping of any information, document, report, memorandum, record, or account required to be made, filed, or kept under this act or any rule, regulation, or order thereunder.

STATE COMPACTS; REPORTS ON

SEC. 11. (a) In case two or more States propose to the Congress compacts dealing with the conservation, production, transportation, or distribution of natural gas it shall be the duty of the Commission to assemble pertinent information relative to the matters covered in any such proposed compact, to make public and to report to the Congress information so obtained, together with such recommendations for further legislation as may appear to be appropriate or necessary to carry out the purposes of such proposed compact and to aid in the conservation of natural-gas resources within the United States and in the orderly, equitable, and economic production, transportation, and distribution of natural gas.

(b) It shall be the duty of the Commission to assemble and keep current pertinent information relative to the effect and operation of any compact between two or more States heretofore or hereafter approved by the Congress, to make such information public, and to report to the Congress, from time to time, the information so obtained, together with such recommendations as may appear to be appropriate or necessary to promote the purposes of such compact.

(c) In carrying out the purposes of this act, the Commission shall, so far as practicable, avail itself of the services, records, reports, and information of the executive departments and other agencies of the Government, and the President may, from time to time, direct that such services and facilities be made available to the Commission.

OFFICIALS DEALING IN SECURITIES

SEC. 12. It shall be unlawful for any officer or director of any natural-gas company to receive for his own benefit, directly or indirectly, any money or thing of value in respect to the negotiation, hypothecation, or sale by such natural-gas company of any security issued, or to be issued, by such natural-gas company, or to share in any of the proceeds thereof, or to participate in the making or paying of any dividends, other than liquidating dividends, of such natural-gas company from any funds properly included in capital account.

Mr. LEA. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Page 15, line 9, strike out the word "made" and insert in lieu thereof the word "make".

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PHILLIPS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 16, line 23, after the word "company", insert "or any officer or director of any bank or trust company loaning money to or acquiring securities from any natural gas company."

Mr. COLE of Maryland. Mr. Chairman, I make the point of order against the amendment that it is not germane.

Mr. PHILLIPS. Mr. Chairman, will the gentleman reserve his point of order.

Mr. COLE of Maryland. Yes.

Mr. PHILLIPS. Mr. Chairman, the amendment that I offer extends the same provisions of the law to any officer or director of any bank or trust company loaning money or acquiring securities from any natural-gas company, as the provisions of the law extended to an officer or director of a natural-gas company. In other words, it seems to those of us who take this view, that no officer or director of any bank ought to receive any private, inside stock because of the fact that he has been responsible in more or less degree for loaning money to a natural-gas company or because of some securities deal which his bank or trust company has had in acquiring securities of that natural-gas company. In other words, if it is a moral wrong for an officer or director of a natural-gas company to have any inside proposition of particular aid financially to him, it is equally morally wrong for any officer or director of any bank having dealings with a natural-gas company as stated to likewise benefit. Hence the reason for this amendment.

Mr. COLE of Maryland. Mr. Chairman, I make the point of order that the amendment is not germane to this section for the reason that section 12 deals exclusively with officers and directors of natural-gas companies. It has nothing to do with banks or officials of banks.

The CHAIRMAN. Does the gentleman from Connecticut desire to be heard on the point of order?

Mr. PHILLIPS. Yes. I respect the opinion of the gentleman from Maryland, Mr. Chairman, but I feel that the point of order is not well taken because of the general provisions of this act as a whole.

The CHAIRMAN. The Chair is ready to rule upon the point of order. Section 12 deals with officers of natural-gas companies. The entire section deals with that particular class and is limited entirely to that. The amendment of the gentleman from Connecticut contains matter entirely foreign to that contained in the paragraph under consideration. The Chair, therefore, holds the amendment not to be germane and sustains the point of order.

The Clerk read as follows:

COMPLAINTS

SEC. 13. Any State, municipality, or State commission complaining of anything done or omitted to be done by any natural-gas company in contravention of the provisions of this act may apply to the Commission by petition, which shall briefly state the facts, whereupon a statement of the complaint thus made shall be forwarded by the Commission to such natural-gas company, which shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable time to be specified by the Commission.

INVESTIGATIONS BY COMMISSION; ATTENDANCE OF WITNESSES; DEPOSITIONS

SEC. 14. (a) The Commission may investigate any facts, conditions, practices, or matters which it may find necessary or proper in order to determine whether any person has violated or is about to violate any provision of this act or any rule, regulation, or order thereunder, or to aid in the enforcement of the provisions of this act or in prescribing rules or regulations thereunder, or in obtaining information to serve as a basis for recommending further legislation to the Congress. The Commission may permit any person to file with it a statement in writing, under oath or otherwise, as it shall determine, as to any or all facts and circumstances concerning a matter which may be the subject of investigation. The Commission, in its discretion, may publish in the manner authorized by section 312 of the Federal Power Act, and make available to State commissions and municipalities, information concerning any such matter.

(b) The Commission may, after hearing, determine the adequacy or inadequacy of the gas reserves held or controlled by any natural-gas company, or by anyone on its behalf, including its owned or leased properties or royalty contracts; and may also, after hearing, determine the propriety and reasonableness of the inclusion in operating expenses, capital, or surplus of all delay rentals or other forms of rental or compensation for unoperated lands and leases. For the purpose of such determinations, the Commission may require any natural-gas company to file with the Commission true copies of all its lease and royalty agreements with respect to such gas reserves.

(c) For the purpose of any investigation or any other proceeding under this act, any member of the Commission, or any officer designated by it, is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records which the Commission finds relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States or at any designated place of hearing. Witnesses summoned by the Commission to appear before it shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(d) In case of contumacy by, or refusal to obey a subpena issued to, any person, the Commission may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, contracts, agreements, and other records. Such court may issue an order requiring such person to appear before the Commission or member or officer designated by the Commission, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found or may be doing business. Any person who willfully shall fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, contracts, agreements, or other records, if in his or its power so to do, in obedience to the subpena of the Commission, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than $1,000 or to imprisonment for a term of not more than 1 year, or both.

(e) The testimony of any witness may be taken at the instance of a party, in any proceeding or investigation pending before the Commission, by deposition at any time after the proceeding is at issue. The Commission may also order testimony to be taken by deposition in any proceeding or investigation pending before it at any stage of such proceeding or investigation. Such depositions may be taken before any person authorized to administer oaths not being of counsel or attorney to either of the parties, nor interested in the proceeding or investigation. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, as either may be nearest, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Commission, as hereinbefore provided. Such testimony shall be reduced to writing by the person taking deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the deponent.

(f) If a witness whose testimony may be desired to be taken by deposition be in a foreign country, the deposition may be taken before an officer or person designated by the Commission, or agreed upon by the parties by stipulation in writing to be filed with the Commission. All depositions must be promptly filed with the Commission.

(g) Witnesses whose depositions are taken as authorized in this act, and the person or officer taking the same, shall be entitled to the same fees as are paid for like services in the courts of the United States.

(h) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, contracts, agreements, or other records and documents before the Commission, or in obedience to the subpena of the Commission or any member thereof or any officer designated by it, or in any cause or proceeding instituted by the Commission, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

HEARINGS; RULES OF PROCEDURE

SEC. 15. (a) Hearings under this act may be held before the Commission, any member or members thereof, or any representative of the Commission designated by it, and appropriate records thereof shall be kept. In any proceeding before it, the Commission, in accordance with such rules and regulations as it may prescribe, may admit as a party any interested State, State commission, municipality, or any representative of interested consumers or security holders, or any competitor of a party to such proceeding, or any other person whose participation in the proceeding may be in the public interest.

(b) All hearings, investigations, and proceedings under this act shall be governed by rules of practice and procedure to be adopted by the Commission, and in the conduct thereof the technical rules of evidence need not be applied. No informality in any hearing, investigation, or proceeding or in the manner of taking testimony shall invalidate any order, decision, rule, or regulation issued under the authority of this act.

ADMINISTRATIVE POWERS OF COMMISSION; RULES, REGULATIONS, AND ORDERS

SEC. 16. The Commission shall have power to perform any and all acts, and to prescribe, issue, make, amend, and rescind such orders, rules, and regulations as it may find necessary or appropriate to carry out the provisions of this act. Among other things, such rules and regulations may define accounting, technical, and trade terms used in this act; and may prescribe the form or forms of all statements, declarations, applications, and reports to be filed with the Commission, the information which they shall contain, and the time within which they shall be filed. Unless a different date is specified therein, rules and regulations of the Commission shall be effective 30 days after publication in the manner which the Commission shall prescribe. Orders of the Commission shall be effective on the date and in the manner which the Commission shall prescribe. For the purposes of its rules and regulations, the Commission may classify persons and matters within its jurisdiction and prescribe different requirements for different classes of persons or matters. All rules and regulations of the Commission shall be filed with its secretary and shall be kept open in convenient form for public inspection and examination during reasonable business hours.

USE OF JOINT BOARDS; COOPERATION WITH STATE COMMISSIONS

SEC. 17. (a) The Commission may refer any matter arising in the administration of this act to a board to be composed of a member or members, as determined by the Commission, from the State or each of the States affected or to be affected by such matter. Any such board shall be vested with the same power and be subject to the same duties and liabilities as in the case of a member of the Commission when designated by the Commission to hold any hearings. The action of such board shall have such force and effect and its proceedings shall be conducted in such manner as the Commission shall by regulations prescribe. The board shall be appointed by the Commission from persons nominated by the State commission of each State affected, or by the Governor of such State if there is no State commission. Each State affected shall be entitled to the same number of representatives on the board unless the nominating power of such State waives such right. The Commission shall have discretion to reject the nominee from any State, but shall thereupon invite a new

nomination from that State. The members of a board shall receive such allowances for expenses as the Commission shall provide. The Commission may, when in its discretion sufficient reason exists therefor, revoke any reference to such a board.

(b) The Commission may confer with any State commission regarding rate structures, costs, accounts, charges, practices, classifications, and regulations of natural-gas companies; and the Commission is authorized, under such rules and regulations as it shall prescribe, to hold joint hearings with any State commission in connection with any matter with respect to which the Commission is authorized to act. The Commission is authorized in the administration of this act to avail itself of such cooperation, services, records, and facilities as may be afforded by any State commission.

(c) The Commission shall make available to the several State commissions such information and reports as may be of assistance in State regulation of natural-gas companies. Whenever the Commission can do so without prejudice to the efficient and proper conduct of its affairs, it may, upon request from a State commission, make available to such State commission as witnesses any of its trained rate, valuation, or other experts subject to reimbursement of the compensation and traveling expenses of such witnesses. All sums collected hereunder shall be credited to the appropriation from which the amounts were expended in carrying out the provisions of this subsection.

APPOINTMENT OF OFFICERS AND EMPLOYEES

SEC. 18. The Commission is authorized to appoint and fix the compensation of such officers, attorneys, examiners, and experts as may be necessary for carrying out its functions under this act without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States; and the Commission may, subject to civil-service laws, appoint such other officers and employees as are necessary for carrying out such functions and fix their salaries in accordance with the Classification Act of 1923, as amended.

Mr. MAPES. Mr. Chairman, I offer the following amendments, which I send to the desk.

The Clerk read as follows:

Page 26, line 4, strike out section 18 and insert in lieu thereof the following:

"SEC. 18. The Commission may, subject to the civil-service laws, appoint such officers and employees as are necessary for carrying out its functions under this act, and fix their salaries in accordance with the Classification Act of 1923, as amended."

Mr. MAPES. Mr. Chairman, I wish I could think that this amendment will be adopted, but in view of the action of the House so many times during this session on similar amendments, it is hard to believe that it will be. However, I do not want a bill coming from the Committee on Interstate and Foreign Commerce with a provision of this kind in it to go through the House without calling attention to such provision. The section which I have moved to strike out authorizes the Federal Power Commission to appoint such officers, attorneys, examiners, and experts as may be necessary to carry out the functions of the Commission under this act, without regard to the Civil Service and to fix their compensation without regard to the Classification Act passed in 1923. Some day, some time, the very men who vote for provisions of this kind, and who have been doing so, so many times in the last few years, are going to reverse themselves.

I do not know when that time will come, but I look for it to come within the next 2 or 3 months in the passage of some of the so-called reorganization legislation recommended by the President. When it does come it will be interesting to see the reversal of form on the part of those who have so persistently voted against civil service, and who have repeatedly voted to authorize these commissions and other administrative officers to make appointments without regard to the civil service and to fix the compensation of employees without regard to the Classification Act. Think of it. It is a violent thing for Congress to pass legislation with such provisions in it, but the majority has insisted upon doing so during the last few years over the protest of a great many of us. Some day, some time, this same majority is going to be just as persistent and just as insistent in refusing to pass such legislation. As I say, it is going to be interesting to watch when that time comes.

Mr. Chairman, I am offering this amendment for the purpose of keeping the record straight.

Mr. LEA. Mr. Chairman, I rise in opposition to the amendment. The provision to which the gentleman takes exception relates to officers, attorneys, examiners, and experts. The general type of employees authorized to be employed are under civil service under this provision. The particular class of officers, which are not under civil service, are required to do such a specialized type of work that it seems to me selection from the civil-service list should not be required. If the Commission does its duty from a business standpoint, it can go out and get these specialized employees to do a better job than you could ever hope to through the mill run of civil-service qualification.

So while I have been for many years generally supporting civil-service legislation, I believe that the departure involved in this section is amply justified.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. MAPES].

The amendment was rejected.

The Clerk read as follows:

REHEARINGS; COURT REVIEW OF ORDERS

SEC. 19. (a) Any person, State, municipality, or State commission aggrieved by an order issued by the Commission in a proceeding under this Act to which such person, State, municipality, or State commission is a party may apply for a rehearing within 30 days after the issuance of such order. The application for rehearing shall set forth specifically the ground or grounds upon which such application is based. Upon such application the Commission shall have power to grant or deny rehearing or to abrogate or modify its order without further hearing. Unless the Commission acts upon the application for rehearing within 30 days after it is filed, such application may be deemed to have been denied. No proceeding to review any order of the Commission shall be brought by any person unless such person shall have made application to the Commission for a rehearing thereon.

(b) Any party to a proceeding under this act aggrieved by an order issued by the Commission in such proceeding may obtain a review of such order in the circuit court of appeals of the United States for any circuit wherein the natural-gas company to which the order relates is located or has its principal place of business, or in the United States Court of Appeals for the District of Columbia, by filing in such court, within 60 days after the order of the Commission upon the application for rehearing, a written petition praying that the order of the Commission be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon any member of the Commission and thereupon the Commission shall certify and file with the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript such court shall have exclusive jurisdiction to affirm, modify, or set aside such order in whole or in part. No objection to the order of the Commission shall be considered by the court unless such objection shall have been urged before the Commission in the application for rehearing unless there is reasonable ground for failure so to do. The finding of the Commission as to the fact, if supported by substantial evidence, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceedings before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings as to the facts by reason of the additional evidence so taken, and it shall file with the court such modified or new findings, which if supported by substantial evidence, shall be conclusive, and its recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court, affirming, modifying, or setting aside, in whole or in part, any such order of the Commission, shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347).

(c) The filing of an application for rehearing under subsection (a) shall not, unless specifically ordered by the Commission, operate as a stay of the Commission's order. The commencement of proceedings under subsection (b) of this section shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

ENFORCEMENT OF ACT; REGULATIONS AND ORDERS

SEC. 20. (a) Whenever it shall appear to the Commission that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this act, or of any rule, regulation, or order thereunder, it may in its discretion bring an action in the proper district court of the United States, the District Court of the United States for the District of Columbia, or the United States courts of any Territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices and to enforce compliance with this act or any rule, regulation, or order thereunder, and upon a proper showing a permanent or temporary injunction or decree or restraining order shall be granted without bond. The Commission may transmit such evidence as may be available concerning such acts or practices or concerning apparent violations of the Federal antitrust laws to the Attorney

General, who, in his discretion, may institute the necessary criminal proceedings.

(b) Upon application of the Commission the district courts of the United States, the District Court of the United States for the District of Columbia, and the United States courts of any Territory or other place subject to the jurisdiction of the United States shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this act or any rule, regulation, or order of the Commission thereunder.

(c) The Commission may employ such attorneys as it finds necessary for proper legal aid and service of the Commission or its members in the conduct of their work, or for proper representation of the public interest in investigations made by it, or cases or proceedings pending before it, whether at the Commission's own instance or upon complaint, or to appear for or represent the Commission in any case in court; and the expenses of such employment shall be paid out of the appropriation for the Commission.

GENERAL PENALTIES

SEC. 21. (a) Any person who willfully and knowingly does or causes or suffers to be done any act, matter, or thing in this act prohibited or declared to be unlawful, or who willfully and knowingly omits or fails to do any act, matter, or thing in this act required to be done, or willfully and knowingly causes or suffers such omission or failure, shall, upon conviction thereof, be punished by a fine of not more than $5,000 or by imprisonment for not more than 2 years, or both.

(b) Any person who willfully and knowingly violates any rule, regulation, restriction, condition, or order made or imposed by the Commission under authority of this act, shall, in addition to any other penalties provided by law, be punished upon conviction thereof by a fine of not exceeding $500 for each and every day during which such offense occurs.

JURISDICTION OF OFFENSES; ENFORCEMENT OF LIABILITIES AND DUTIES

SEC. 22. The district courts of the United States, the District Court of the United States for the District of Columbia, and the United States courts of any Territory or other place subject to the jurisdiction of the United States shall have exclusive jurisdiction of violations of this act or the rules, regulations, and orders thereunder, and of all suits in equity and actions at law brought to enforce any liability or duty created by, or to enjoin any violation of, this act or any rule, regulation, or order thereunder. Any criminal proceeding shall be brought in the district wherein any act or transaction constituting the violation occurred. Any suit or action to enforce any liability or duty created by, or to enjoin any violation of, this act or any rule, regulation, or order thereunder may be brought in any such district or in the district wherein the defendant is an inhabitant, and process in such cases may be served wherever the defendant may be found. Judgments and decrees so rendered shall be subject to review as provided in sections 128 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 225 and 347). No costs shall be assessed against the Commission in any judicial proceeding by or against the Commission under this act.

SEPARABILITY OF PROVISIONS

SEC. 23. If any provision of this act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of the act, and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 24. This act may be cited as the Natural Gas Act.

The CHAIRMAN. Under the rule the Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FADDIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 6586, pursuant to House Resolution 242, reported the same back to the House with sundry amendments adopted in Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered. Is a separate vote demanded on any amendment? If not, the Chair will put them en bloc.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

On motion by Mr. LEA, a motion to reconsider the vote by which the bill was passed was laid on the table.

ACQUISITION OF CERTAIN LANDS IN THE YOSEMITE NATIONAL PARK

Mr. DEROUEN. Mr. Speaker, I call up the conference report on the bill H. R. 5394, Report No. 1149, to provide for the acquisition of certain lands in the Yosemite National Park and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana [Mr. DEROUEN]?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5394) to provide for the acquisition of certain lands for, and the addition thereof to, the Yosemite National Park, in the State of California, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to same.

RENÉ L. DEROUEN,
J. W. ROBINSON,
FRED L. CRAWFORD,
Managers on the part of the House.

ALVA B. ADAMS,
KEY PITTMAN,
HENRY F. ASHURST,
GERALD P. NYE,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5394) to provide for the acquisition of certain lands for, and the addition thereof to, the Yosemite National Park, in the State of California, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House bill (sec. 2) read as follows:

"When title to such of the aforesaid privately owned lands as may be acquired with funds made available therefor has vested in the United States, such lands and all Federally owned lands described in section 1 hereof shall be added to and become a part of the Yosemite National Park and shall be subject to all laws and regulations applicable thereto: *Provided*, That nothing in this act shall be construed to affect any valid existing rights."

The Senate amendment substitutes the following language in lieu of section 2 of the bill as passed by the House:

"When title to the aforesaid privately owned lands has been vested in the United States, all of the lands described in section 1 hereof shall be added to and become a part of the Yosemite National Park and shall be subject to all laws and regulations applicable thereto: *Provided*, That nothing in this act shall be construed to affect any valid existing rights."

The amendment appears to affect no material change in H. R. 5394 and to involve merely a matter of draftmanship, and the purpose thereof is to make H. R. 5394 conform to S. 1791, a similar bill which was passed by the Senate on May 27.

RENÉ L. DEROUEN,
J. W. ROBINSON,
F. L. CRAWFORD,
Managers on the part of the House.

Mr. DEROUEN. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

FEDERAL POLICE JURISDICTION OF LAND WITHIN SHENANDOAH NATIONAL PARK

Mr. ROBERTSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 7086) to direct the Secretary of the Interior to notify the State of Virginia that the United States assumes police jurisdiction over the lands embraced within the Shenandoah National Park, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. ENGLEBRIGHT. Mr. Speaker, reserving the right to object, to ask the gentleman a question. As I understand, this is for the purpose of having the United States take jurisdiction over the Federal lands in the national park, whereas at the present time you have no authority of law which will provide for the appointment of a United States commission?

Mr. ROBERTSON. Exactly. We are having over 100,000 visitors per month at this park. The Federal Government is patroling it, but it has no power to enforce its rules and regulations under Federal law. Also, they are anxious to have immediate action on this bill, because the salary of the park commissioner must be provided in the third deficiency bill, which is coming up shortly.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, directed to give notice to the State of Virginia through its Governor, as contemplated by the act of the General Assembly of the State of Virginia approved March 28, 1928, that the United States assumes police jurisdiction over lands lying in the State of Virginia and included within the Shenandoah National Park, title to and exclusive jurisdiction over said lands having been conveyed and ceded under and by authority of said act and accepted by the Secretary of the Interior, saving, however, to the State of Virginia the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said park; and saving also to the persons residing in said park now, or hereafter, the right to vote at all elections held within the county or counties in which said park is situated; and saving further to the said State the right to tax sales of gasoline and other motor-vehicle fuels and oil for use in motor vehicles. All the laws applicable to places under sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Virginia.

SEC. 2. That said park shall constitute a part of the United States judicial district for the western district of Virginia, and the district court of the United States in and for said district shall have jurisdiction of all offenses committed within the boundaries of the said park.

SEC. 3. That all hunting, or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of any of the waters of the said park, in any other way than by hook and line, and then only at such seasons and at such times and in such manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the said park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the said park. Possession within said park of the dead bodies or any part thereof of any wild bird or animal shall be prima-facie evidence that the person or persons having same are guilty of violating this act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this act, and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the other provisions of this act, or any rule or regulation that may be promulgated by the Secretary of the Interior, with reference to the management and care of the said park, or for the protection of the property therein for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in said park, or who shall within said park commit any damage, injury or spoliation to or upon any building, fence, sign, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment not exceeding 6 months, or both, and be adjudged to pay all the costs of the proceedings.

SEC. 4. That all guns, traps, nets, seines, teams, horses, or means of transportation of every nature or description, used by any person or persons within the limits of said park when engaged in killing, trapping, ensnaring, taking, or capturing such wild beasts, birds, fish, or animals shall be forfeited to the United States and may be seized by the officers in said park and held pending prosecution of any person or persons arrested under the charge of violating the provisions of this act, and upon conviction under this act of such person or persons using said guns, traps, nets, seines, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed in this act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

SEC. 5. That upon the recommendation and approval of the Secretary of the Interior of a qualified candidate the United States District Court for the Western District of Virginia shall appoint a commissioner who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulatjons made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes, authorized by this act. Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of this act prescribed for the government of said park and for the protection of the animals, birds, and fish in said park and to try the person so charged, and, if found guilty, to impose punishment and to adjudge the forfeiture prescribed. In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States District Court for the Western District of Virginia and the United States District Court in the aforementioned district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States District Court.

SEC. 6. That any and all United States commissioners now or hereafter authorized to act within the western district of Virginia and any and all persons who shall hereafter succeed to the duties, powers, and authority of United States commissioners in and for said district shall have full power, authority, and jurisdiction to act, with respect to offenses or violations of law occurring within the limits of the Shenandoah National Park, as the United States commissioner for the Shenandoah National Park may act with respect to offenses or violations of law occurring within the limits of said park.

SEC. 7. That such commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission within said park of any criminal offense not covered by the provisions of section 3 of this act, to hear the evidence introduced, and, if he is of the opinion that probable cause is shown for holding the person so charged for trial, shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for the Western District of Virginia, and certify a transcript of the record of his proceedings and the testimony in such case to court, which court shall have jurisdiction of the case: *Provided*, That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State.

SEC. 8. That processes issued by the commissioner shall be directed to the marshal of the United States for the western district of Virginia, but nothing herein contained shall be so construed as to prevent the arrest by any officer or employee of the Government or any person employed by the United States, without process of any person taken in the act of violating the law or this act or the regulations prescribed by the said Secretary as aforesaid.

SEC. 9. That the commissioner provided for in this act shall be paid an annual salary, as appropriated for by Congress: *Provided*, That the said commissioner shall reside within the exterior boundaries of the Shenandoah National Park or at a place reasonably adjacent to the park, the place of residence to be designated by the Secretary of the Interior: *And provided further*, That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in section 11 of this act.

SEC. 10. That all fees, costs, and expenses arising in cases under this act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.

SEC. 11. That all fines and costs imposed and collected shall be deposited by said commissioner of the United States, or the marshal of the United States collecting the same, with the clerk of the United States District Court for the Western District of Virginia.

With the following committee amendment:

Page 2, line 15, after the word "vehicles", insert "The Secretary is further directed to give like notice as to lands hereafter conveyed to the United States under like authority at such time or times as he shall determine to be consistent with the interests of the United States."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. LEA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on the bill (H. R. 6586) to regulate the transportation and sale of natural gas in interstate commerce, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

GOVERNMENT REORGANIZATION

Mr. FRED M. VINSON, on behalf of the gentleman from Utah [Mr. ROBINSON], presented a privileged report on the bill (H. R. 7730) to authorize the President to appoint not to exceed six administrative assistants, which was referred to the Union Calendar and ordered printed.

EXTENSION OF REMARKS

Mr. COLE of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just passed, dealing with interstate transportation and sale of natural gas and to include therein extracts from the hearings and certain citations on the legal aspects of the question.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

(Mr. FITZGERALD, Mr. MAVERICK, Mr. CROSSER, and Mr. CREAL asked and were given permission to revise and extend their own remarks.)

Mr. KITCHENS. Mr. Speaker, I ask unanimous consent to extend my own remarks on the bill H. R. 7051.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. WIGGLESWORTH. Mr. Speaker, I ask unanimous consent to extend in the RECORD my own remarks recently made in Boston.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

INTERIOR DEPARTMENT APPROPRIATION BILL, 1938

Mr. JOHNSON of Oklahoma. Mr. Speaker, I submit a conference report and statement on the bill (H. R. 6958) making appropriations for the Department of the Interior for the fiscal year 1938 for printing in the RECORD under the rule.

LAURA E. ALEXANDER

Mr. WEAVER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3259) for the relief of Laura E. Alexander, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read as follows:

Senate amendment: Page 1, line 6, strike out "$6,349" and insert "$5,000."

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman tell us the effect of the amendment?

Mr. WEAVER. The amendment simply reduces the amount carried by the House bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

TERM OF COURT AT LIVINGSTON, MONT.

Mr. WEAVER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4795) to provide for a term of court at Livingston, Mont., with a Senate amendment and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read as follows:

Senate amendment: Page 1, line 9, after "Havre", insert: "Miles City."

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, what is the effect of this change?

Mr. WEAVER. This bill, I may say to the gentleman from Massachusetts, was introduced by the gentleman from Montana [Mr. O'CONNOR] to provide for a term of court at Livingston. The Senate added another place, Miles City. I may say to the gentleman, however, that provision is made that the United States shall not bear any of the expense in regard to it.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 6635. An act to dispense with the necessity for insurance by the Government against loss or damage to valuables in shipment, and for other purposes;

H. R. 6692. An act making appropriations for the Military Establishment for the fiscal year ending June 30, 1938, and for other purposes;

H. R. 7726. An act making appropriations for the first half of the month of July 1937, for certain operations of the Federal Government which remain unprovided for on July 1, 1937, through the failure of enactment of the supply bills customarily providing for such operations; and

H. J. Res. 433. Joint resolution making appropriations for the fiscal year ending June 30, 1938, for the Civilian Conservation Corps, the railroad retirement account, and other activities, and for other purposes.

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 2156. An act to amend the act relating to the Omaha-Council Bluffs Missouri River Bridge Board of Trustees, approved June 10, 1930, and for other purposes;

S. 2620. An act to amend the Hawaiian Homes Commission Act, 1920;

S. 2621. An act to enable the Legislature of the Territory of Hawaii to authorize the city and county of Honolulu, a municipal corporation, to issue sewer bonds;

S. 2622. An act to authorize the Legislature of the Territory of Hawaii to create a public corporate authority authorized to engage in slum clearance and housing undertakings and to issue bonds of the authority, to authorize said legislature to provide for financial assistance to said authority by the Territory and its political subdivisions, and for other purposes;

S. 2652. An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes; and

S. 2653. An act to amend an act entitled "An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes", approved August 3, 1935.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H. R. 563. An act for the relief of E. W. Garrison;

H. R. 607. An act for the relief of Dorothy McCourt;

H. R. 1235. An act for the relief of John Brennan;

H. R. 1310. An act for the relief of Clifford R. George and Mabel D. George;

H. R. 1406. An act for the relief of Frank S. Walker;

H. R. 1689. An act for the relief of Dominga Pardo;

H. R. 1731. An act for the relief of Angelo and Auro Cattaneo;

H. R. 1761. An act for the relief of Paul J. Francis;

H. R. 1851. An act for the relief of W. D. Davis;

H. R. 2404. An act for the relief of James Philip Coyle;

H. R. 2482. An act for the relief of Lonnie O. Ledford;

H. R. 2703. An act to provide for the representation of the United States Court of Appeals for the District of Columbia on the annual conference of senior circuit judges;

H. R. 2757. An act to carry out the findings of the Court of Claims in the claim of the Morse Dry Dock & Repair Co.;

H. R. 2774. An act for the relief of certain employees of the Division of Investigation, Department of the Interior, and certain disbursing officers of the Department of the Interior;

H. R. 2934. An act for the relief of Raymond E. Payne and Anna R. Payne;

H. R. 2983. An act for the relief of Mr. and Mrs. J. C. Porter;

H. R. 3002. An act for the relief of Timothy Joseph McCarthy;

H. R. 3075. An act for the relief of E. P. Lewis;

H. R. 3123. An act to authorize the Secretary of War to lease to Old Fort Niagara Association, Inc., portions of the Fort Niagara Military Reservation, N. Y.;

H. R. 3262. An act for the relief of John H. Wykle;

H. R. 3284. An act to transfer Crawford County, Iowa, from the southern judicial district of Iowa to the northern judicial district of Iowa;

H. R. 3339. An act for the relief of Allie Rankin;

H. R. 3565. An act for the relief of the Northwestern Ohio Mutual Rodded Fire Insurance Co.;

H. R. 3809. An act for the relief of H. E. Wingard;

H. R. 3967. An act for the relief of Adele Fowlkes;

H. R. 4623. An act for the relief of C. O. Eastman;

H. R. 4679. An act for the relief of John L. Summers, former disbursing clerk, Treasury Department; and Frank White, G. F. Allen, H. T. Tate, and W. O. Woods, former Treasurers of the United States;

H. R. 4682. An act for the relief of W. R. Fuchs;

H. R. 4711. An act to extend the times for commencing and completing the construction of a bridge across Puget Sound at or near a point commonly known as The Narrows in the State of Washington;

H. R. 4942. An act for the relief of A. L. Mallery;

H. R. 5102. An act for the relief of Mr. and Mrs. Frank Muzio;

H. R. 5258. An act for the relief of the Jackson Casket & Manufacturing Co.;

H. R. 5337. An act for the relief of Charles B. Murphy;

H. R. 5438. An act for the relief of Richard T. Edwards;

H. R. 5496. An act for the relief of Willard Webster;

H. R. 5652. An act for the relief of Frank A. Smith;

H. R. 5848. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at or near Merom, Sullivan County, Ind.;

H. R. 6049. An act to amend the Interstate Commerce Act;

H. R. 6144. An act to amend the Canal Zone Code;

H. R. 6230. An act for the relief of certain former disbursing officers of the Veterans' Administration and of the Bureau of War Risk Insurance, Federal Board for Vocational Education, and the United States Veterans' Bureau (now Veterans' Administration);

H. R. 6285. An act authorizing the State Roads Commission of the State of Maryland and the State Road Commission of the State of West Virginia to construct, maintain, and operate a free highway bridge across the Potomac River in Washington County, Md., at or near a point opposite Shepherdstown, W. Va., and a point at or near Shepherdstown, Jefferson County, W. Va., to take the place of a bridge destroyed by flood;

H. R. 6286. An act authorizing the State Roads Commission of the State of Maryland and the State Road Commission of the State of West Virginia to construct, maintain, and operate a free highway bridge across the Potomac River at or near a point in the vicinity of Hancock, in Washington County, Md., and a point near the north end of Morgan County, W. Va., to take the place of a bridge destroyed by flood;

H. R. 6292. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.;

H. R. 6436. An act authorizing cash relief for certain employees of the Panama Canal not coming within the provisions of the Canal Zone Retirement Act;

H. R. 6494. An act to extend the times for commencing and completing the construction of a bridge across the Snake River, between Clarkston, Wash., and Lewiston, Idaho;

H. R. 6692. An act making appropriations for the Military Establishment for the fiscal year ending June 30, 1938, and for other purposes;

H. R. 6763. An act to extend for 1 additional year the 3½-percent interest rate on certain Federal land bank loans, to provide a 4-percent interest rate on such loans for the period July 1, 1938, to June 30, 1939, and to provide for a 4-percent interest rate on land bank commissioner's loans for a period of 2 years;

H. R. 7021. An act validating and confirming certain mineral patents issued for lands situated in township 5 south, range 15 east, Montana principal meridian, in the State of Montana;

H. R. 7726. An act making appropriations for the first half of the month of July 1937 for certain operations of the Federal Government which remain unprovided for on July 1, 1937, through the failure of enactment of the supply bills customarily providing for such operations;

H. J. Res. 41. Joint resolution authorizing the disposal of certain lands held by the Panama Railroad Co. on Manzanillo Island, Republic of Panama;

H. J. Res. 349. Joint resolution authorizing certain retired officers or employees of the United States to accept such decorations, orders, medals, or presents as have been tendered them by foreign governments; and

H. J. Res. 433. Joint resolution making appropriations for the fiscal year ending June 30, 1938, for the Civilian Conservation Corps, the railroad retirement account, and other activities, and for other purposes.

ADJOURNMENT

Mr. LEA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until tomorrow, Friday, July 2, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, July 7, 1937, at 10 a. m., on H. R. 7158, to except yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE—POSTPONED

The meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Wednesday, July 7, 1937, on H. R. 5182, and H. R. 6917—textile bills—is postponed until 10 a. m., Thursday, July 8, 1937.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

696. A letter from the Secretary of Commerce, transmitting the draft of a bill to define certain units and to fix the standard of weights and measures in the United States; to the Committee on Coinage, Weights, and Measures.

697. A letter from the Acting Secretary of the Interior, transmitting a draft of a proposed bill to make available for national-park purposes certain lands within the boundaries of the proposed Isle Royale National Park, Mich.; to the Committee on the Public Lands.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KELLER: Committee on the Library. H. R. 7564. A bill to permit the erection of the Shenandoah Memorial in or near Ava, Ohio; without amendment (Rept. No. 1175).

Referred to the Committee of the Whole House on the state of the Union.

Mr. GREEVER: Committee on Irrigation and Reclamation. H. R. 7680. A bill to authorize the construction of a Federal reclamation project to furnish a water supply for the lands of the Arch Hurley conservation district in New Mexico; without amendment (Rept. No. 1176). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON of Utah: Select Committee on Government Organization. H. R. 7730. A bill to authorize the President to appoint not to exceed six administrative assistants; without amendment (Rept. No. 1177). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. CASE of South Dakota: Committee on Claims. H. R. 2649. A bill for the relief of Elva T. Shuey; without amendment (Rept. No. 1157). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. H. R. 3723. A bill for the relief of Milton S. Merrill; with amendment (Rept. No. 1160). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 3757. A bill for the relief of Rellie Dodgen; with amendment (Rept. No. 1159). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 3776. A bill for the relief of T. T. East and the Cassidy Southwestern Commission Co., citizens of the State of Texas; without amendment (Rept. No. 1160). Referred to the Committee of the Whole House.

Mr. ATKINSON: Committee on Claims. H. R. 5615. A bill for the relief of Capt. B. B. Barbee; with amendment (Rept. No. 1161). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 5912. A bill for the relief of Judd & Detweiler, Inc.; with amendment (Rept. No. 1162). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 5927. A bill for the relief of Walter G. Anderson; with amendment (Rept. No. 1163). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 7172. A bill for the relief of Jesse A. LaRue; with amendment (Rept. No. 1164). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 7316. A bill to extend the benefits of the United States Employees' Compensation Act of September 7, 1916, to Ethel Smith McDaniel; with amendment (Rept. No. 1165). Referred to the Committee of the Whole House.

Mr. RYAN: Committee on Claims. H. R. 7458. A bill for the relief of John E. T. Clark; without amendment (Rept. No. 1166). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 7679. A bill for the relief of Livvie V. Rowe; without amendment (Rept. No. 1167). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. S. 184. An act for the relief of Josephine M. Scott; without amendment (Rept. No. 1168). Referred to the Committee of the Whole House.

Mr. DREW of Pennsylvania: Committee on Claims. S. 826. An act for the relief of the estates of H. Lee Shelton and Mrs. H. Lee Shelton, Mrs. J. R. Scruggs, and Mrs. Irvin Johnson; with amendment (Rept. No. 1169). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. S. 1219. An act for the relief of Pauline McKinney; with amendment (Rept. No. 1170). Referred to the Committee of the Whole House.

Mr. CARLSON: Committee on Claims. S. 1401. An act for the relief of Willard Collins; with amendment (Rept. No. 1171). Referred to the Committee of the Whole House.

Mr. RYAN: Committee on Claims. S. 1640. An act for the relief of Harry Bryan and Alda Duffield Mullins, and others; with amendment (Rept. No. 1172). Referred to the Committee of the Whole House.

Mr. DREW of Pennsylvania: Committee on Claims. S. 1822. An act for the relief of Harry Burnett; without amendment (Rept. No. 1173). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 2399. An act for the relief of R. L. McLachlan; without amendment (Rept. No. 1174). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on World War Veterans' Legislation was discharged from the consideration of the bill (H. R. 5878) to authorize the payment of the adjusted-service credit of William Francis Powers to his sister, and the same was referred to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FORAND: A bill (H. R. 7739) to increase the hourly rates of pay for charmen and charwomen in the custodial service of the Post Office Department; to the Committee on the Post Office and Post Roads.

By Mr. RAMSPECK (by request): A bill (H. R. 7740) to amend the Classification Act of 1923 (Public, No. 516, 67th Cong.) as amended; to the Committee on the Civil Service.

By Mr. DOUGHTON: A bill (H. R. 7741) to amend the Adjusted Compensation Payment Act, 1936, to provide for the escheat to the United States of certain amounts; to the Committee on Ways and Means.

By Mr. McREYNOLDS: Joint Resolution (H. J. Res. 437), to amend an act entitled "An act to establish a commission for the settlement of the special claims comprehended within the terms of the convention between the United States of America and the United Mexican States concluded April 24, 1934", approved April 10, 1935, and to redefine the jurisdiction of the Special Mexican Claims Commission in certain particulars; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACON: A bill (H. R. 7742) for the relief of James Peter Kalogris; to the Committee on Claims.

By Mr. BARRY: A bill (H. R. 7743) to correct the military record of Emil Bayer; to the Committee on Military Affairs.

By Mr. BOYLAN: A bill (H. R. 7744) for the relief of Frank J. Farrish; to the Committee on Claims.

By Mr. CULKIN: A bill (H. R. 7745) for the relief of H. H. Burnham and James W. Hagan; to the Committee on Claims.

Also, a bill (H. R. 7746) granting an increase of pension to Martha J. Brownell; to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 7747) granting an increase of pension to Jane A. Richardson; to the Committee on Pensions.

By Mr. HAVENNER: A bill (H. R. 7748) for the relief of William Edgar Taylor; to the Committee on Naval Affairs.

By Mr. LEWIS of Colorado: A bill (H. R. 7749) granting a pension to Elizabeth L. Lloyd; to the Committee on Invalid Pensions.

By Mr. MURDOCK of Arizona: A bill (H. R. 7750) to compensate Haldor S. Dever for injuries received on account of a collision with a Government truck, at or near San Carlos Indian Reservation; to the Committee on Claims.

Also, a bill (H. R. 7751) to compensate the heirs-at-law of Eleanor Dalrymple, deceased, for alleged wrongful death of Eleanor Dalrymple, on account of a collision with a Government truck, at or near San Carlos Indian Reservation; to the Committee on Claims.

Also, a bill (H. R. 7752) to compensate the heirs-at-law of Gilda Lipp, deceased, for alleged wrongful death of Gilda Lipp, on account of a collision with a Government truck, at or near San Carlos Indian Reservation; to the Committee on Claims.

By Mr. ROBSION of Kentucky: A bill (H. R. 7753) granting a pension to Addie Higginbotham; to the Committee on Pensions.

By Mr. THURSTON: A bill (H. R. 7754) granting an increase of pension to Eva P. Black; to the Committee on Invalid Pensions.

By Mr. WITHROW: A bill (H. R. 7755) granting an increase of pension to Margaret H. Jones; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2818. By Mr. BOYLAN of New York: Petition of residents of New York City, opposing change in Supreme Court by legislation without constitutional amendment; to the Committee on the Judiciary.

2819. Also, resolution adopted by the Board of Estimate and Apportionment of the City of New York, approving and urging the passage of House bill 6841; to the Committee on Agriculture.

2820. By Mr. BUCK: Senate Joint Resolution No. 25, in the nature of a memorial, of the Legislature of the State of California, memorializing the President and the Congress of the United States to protect the rights of the State of California to its tidelands and the coastal area lying seaward of the State of California; to the Committee on the Public Lands.

2821. By Mr. COLDEN: Resolution adopted by the Sacramento Americanization Assembly, Sacramento, Calif., opposing the admission of the Territory of Hawaii to statehood; to the Committee on the Territories.

2822. By Mr. FORAND: Petition of the Retail Tobacco Dealers of America, Inc., favoring the enactment into law of House bill 6791, a bill to prohibit travelers from bringing into the United States more than 50 cigars duty free; to the Committee on Ways and Means.

2823. By Mr. GILDEA: Resolution of the Pennsylvania Pharmaceutical Association, urging the enactment of the Tydings-Miller Fair Trade Enabling Act; to the Committee on the Judiciary.

2824. Also, resolution of the thirty-third convention of the Brotherhood of Locomotive Firemen and Enginemen, supporting necessary legislation to fully protect the children of today and years to come by enactment of child-labor legislation; to the Committee on Labor.

2825. Also, resolution of the thirty-third convention of the Brotherhood of Locomotive Firemen and Enginemen, endorsing the Honorable Franklin D. Roosevelt's court reform program; to the Committee on the Judiciary.

2826. By Mr. HILDEBRANDT: Petition protesting against the Sheppard-Hill bill; to the Committee on Military Affairs.

2827. Also, resolution regarding crop control and soil conservation; to the Committee on Agriculture.

2828. By Mr. HOOK: Resolution forwarded by John Stone, as chairman of the Finnish American Clubs of the Upper Peninsula of Michigan, urging the Congress of the United States to adopt the amendment to Senate Joint Resolution No. 135, so that Finland and the Finnish people may be invited to participate in the tercentenary celebration of the first permanent settlement of the Delaware River Valley in June 1938; to the Committee on Foreign Affairs.

2829. By Mr. KRAMER: Resolution of the City Council of the city of Los Angeles, relative to relief appropriations, etc.; to the Committee on Appropriations.

2830. Also, resolution of the Brotherhood of Locomotive Firemen and Enginemen, relative to child labor, etc.; to the Committee on Labor.

SENATE

FRIDAY, JULY 2, 1937

(Legislative day of Tuesday, June 15, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, July 1, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

ORDER FOR RECESS TO TUESDAY

Mr. ROBINSON. I ask unanimous consent that when the Senate concludes its labors today it adjourn until 12 o'clock noon on Tuesday next.

Mr. McCARRAN. Mr. President, may I ask a question of the Senator?

Mr. ROBINSON. Certainly.

Mr. McCARRAN. I am not familiar with the rule, and I must apologize for my ignorance in the matter. If a measure is taken up today as the unfinished business and is not disposed of, does that mean that it goes over until Tuesday as the unfinished business for that day?

Mr. ROBINSON. Yes; it would. Any measure before the Senate today and not disposed of at the time of adjournment would be the unfinished business on the reassembling of the Senate on Tuesday.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Arkansas that when the Senate concludes its work today it take a recess until Tuesday next? The Chair hears none, and it is so ordered.

CALL OF THE ROLL

Mr. ROBINSON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	King	Radcliffe
Andrews	Connally	La Follette	Robinson
Ashurst	Copeland	Lewis	Schwartz
Austin	Davis	Logan	Schwellenbach
Bailey	Donahey	Lonergan	Sheppard
Bankhead	Ellender	Lundeen	Steiwer
Barkley	Frazier	McAdoo	Thomas, Okla.
Berry	Glass	McCarran	Thomas, Utah
Bilbo	Guffey	McGill	Townsend
Black	Hale	McKellar	Truman
Bone	Harrison	McNary	Tydings
Borah	Hatch	Minton	Vandenberg
Brown, N. H.	Hayden	Murray	Van Nuys
Bulow	Herring	O'Mahoney	Wheeler
Burke	Hitchcock	Overton	White
Byrd	Hughes	Pepper	
Capper	Johnson, Calif.	Pittman	
Caraway	Johnson, Colo.	Pope	

Mr. MINTON. I announce that the Senator from Connecticut [Mr. MALONEY] is absent because of illness.

The Senator from Michigan [Mr. BROWN], the Senator from Ohio [Mr. BULKLEY], the junior Senator from South Carolina [Mr. BYRNES], the Senator from Missouri [Mr. CLARK], the Senator from Illinois [Mr. DIETERICH], the Senator from Wisconsin [Mr. DUFFY], the senior Senator from Georgia [Mr. GEORGE], the senior Senator from Rhode Island [Mr. GERRY], the Senator from Iowa [Mr. GILLETTE], the junior Senator from Rhode Island [Mr. GREEN], the Senator from West Virginia [Mr. HOLT], the Senator from Oklahoma [Mr. LEE], the senior Senator from New Jersey [Mr. MOORE], the Senator from West Virginia [Mr. NEELY], the Senator from North Carolina [Mr. REYNOLDS], the

junior Senator from Georgia [Mr. RUSSELL], the junior Senator from New Jersey [Mr. SMATHERS], the senior Senator from South Carolina [Mr. SMITH], the Senator from New York [Mr. WAGNER], and the Senator from Massachusetts [Mr. WALSH] are necessarily detained from the Senate.

Mr. SCHWELLENBACH. I announce that the senior Senator from Nebraska [Mr. NORRIS] is absent from the Senate because of illness.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. BRIDGES], my colleague the junior Senator from Vermont [Mr. GIBSON], the Senator from Massachusetts [Mr. LODGE], and the Senator from North Dakota [Mr. NYE] are necessarily absent.

The PRESIDENT pro tempore. Sixty-nine Senators having answered to their names, there is a quorum present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the joint resolution (S. J. Res. 88) providing for the participation of the United States in the world's fair to be held by the San Francisco Bay Exposition, Inc., in the city of San Francisco during the year 1939, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5394) to provide for the acquisition of certain lands for, and the addition thereof to, the Yosemite National Park, in the State of California, and for other purposes.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 2901) to amend the act of May 29, 1930 (46 Stat. 349), for the retirement of employees in the classified civil service and in certain positions in the legislative branch of the Government to include all other employees in the legislative branch.

The message also announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 3259. An act for the relief of Laura E. Alexander; and

H. R. 4795. An act to provide for a term of court at Livingston, Mont.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6586. An act to regulate the transportation and sale of natural gas in interstate commerce, and for other purposes;

H. R. 7051. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; and

H. R. 7086. An act to direct the Secretary of the Interior to notify the State of Virginia that the United States assumes police jurisdiction over the lands embraced within the Shenandoah National Park, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 2254. An act to amend section 460, chapter 44, title II, of the act entitled "An act to define and punish crimes in the District of Alaska and to provide a code of criminal procedure for said District", approved March 3, 1899, as amended;

H. R. 3259. An act for the relief of Laura E. Alexander;

H. R. 4795. An act to provide for a term of court at Livingston, Mont.;

H. R. 5394. An act to provide for the acquisition of certain lands for, and the addition thereof to, the Yosemite National Park, in the State of California, and for other purposes; and

H. J. Res. 434. Joint resolution to amend the act entitled "An act to amend section 4471 of the Revised Statutes of the United States, as amended."

BEQUESTS OF THE LATE JAMES REUEL SMITH

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to authorize the acceptance on behalf of the United States of certain bequests of James Reuel Smith, late of the city of Yonkers, State of New York, which, with the accompanying paper, was referred to the Committee on Commerce.

CLAIM OF LEO L. HARRISON

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, his report and recommendation concerning the claim of Leo L. Harrison against the United States, which, with the accompanying report, was referred to the Committee on Claims.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate a resolution adopted by members of Farmers Union Local No. 89, of Eddy County, N. Dak., protesting against the enactment of the bill (S. 25) to prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense, and promote peace, which was referred to the Committee on Finance.

He also laid before the Senate a letter, with an accompanying statement, from Wilhelm Kuehne, secretary-treasurer of the Labor Alliance of America, Jamaica, N. Y., in relation to the President's Supreme Court proposal, which was ordered to lie on the table.

Mr. COPELAND presented a resolution adopted by the Grand Council of the State of New York, Orders Sons of Italy in America, favoring the enactment of the bill (S. 1678) to provide additional home-mortgage relief by providing for (1) a moratorium on foreclosures permitting appropriate legislation to provide further emergency relief to home-mortgage indebtedness; (2) to further refinance home mortgages; (3) to reduce the rate of interest and extend payment and amortization of mortgages; (4) to eliminate personal and deficiency judgments in foreclosures; and for other purposes, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by a mass meeting assembled at the Vaad Hakole Synagogue in Rochester, N. Y., protesting against alleged attacks upon and the destruction of Jewish life and property in Poland, and also requesting that the Government of the United States make proper representations to the Government of Poland in the premises, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

Mr. LOGAN, from the Committee on Claims, to which was referred the bill (S. 2091) for the relief of Ada Saul, Steve Dolack, and Marie McDonald, reported it with an amendment and submitted a report (No. 857) thereon.

Mr. TOWNSEND, from the Committee on Claims, to which was referred the bill (H. R. 449) for the relief of Earl Hill, reported it with an amendment and submitted a report (No. 858) thereon.

Mr. SCHWELLENBACH, from the Committee on Claims, to which was referred the bill (S. 1881) for the relief of the Consolidated Aircraft Corporation, reported it with amendments and submitted a report (No. 859) thereon.

Mr. CONNALLY, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 537) to provide suitable accommodations for the district court of the United States at Glasgow, Mont., reported it with amendments and submitted a report (No. 860) thereon.

He also, from the same committee, to which was referred the bill (H. R. 5552) to provide for the relinquishment of an easement granted to the United States by the Green Bay and Mississippi Canal Co., reported it without amendment and submitted a report (No. 861) thereon.

Mr. WHEELER, from the Committee on Interstate Commerce, to which was referred the bill (S. 2619) to amend paragraph (1) of section 22 of the Interstate Commerce Act, as amended, reported it without amendment and submitted a report (No. 862) thereon.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on July 1, 1937, that committee presented to the President of the United States the following enrolled bills:

S. 2156. An act to amend the act relating to the Omaha-Council Bluffs Missouri River Bridge Board of Trustees, approved June 10, 1930, and for other purposes;

S. 2620. An act to amend the Hawaiian Homes Commission Act, 1920;

S. 2621. An act to enable the Legislature of the Territory of Hawaii to authorize the city and county of Honolulu, a municipal corporation, to issue sewer bonds;

S. 2622. An act to authorize the Legislature of the Territory of Hawaii to create a public corporate authority authorized to engage in slum clearance and housing undertakings and to issue bonds of the authority, to authorize said legislature to provide for financial assistance to said authority by the Territory and its political subdivisions, and for other purposes;

S. 2652. An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes; and

S. 2653. An act to amend an act entitled "An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes", approved August 3, 1935.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BAILEY:

A bill (S. 2739) for the relief of Virgil D. Alden and others; to the Committee on Claims.

By Mr. TRUMAN:

A bill (S. 2740) to amend the Social Security Act with respect to its application to employees of fraternal beneficiary societies, orders, and associations, and of corporations holding title for tax-exempt organizations; to the Committee on Finance.

A bill (S. 2741) to provide for the erection of a monument on the Lone Jack Battlefield, Mo., in commemoration of the Battle of Lone Jack; to the Committee on Military Affairs.

By Mr. SCHWARTZ:

A bill (S. 2742) for the relief of Mrs. C. Doorn; to the Committee on Immigration.

By Mr. BARKLEY:

A bill (S. 2743) granting a pension to Henry C. Field; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 2744) granting an increase of pension to Helen M. Lamar (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 2745) granting a pension to Alice G. Townsend; to the Committee on Pensions.

By Mr. FRAZIER and Mr. BULOW:

A joint resolution (S. J. Res. 174) providing the right of appeal to the Supreme Court in certain cases involving claims of the Sioux Indians; to the Commitee on Indian Affairs.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 6586. An act to regulate the transportation and sale of natural gas in interstate commerce, and for other purposes; to the Committee on Interstate Commerce.

H. R. 7051. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; to the Committee on Commerce.

H. R. 7086. An act to direct the Secretary of the Interior to notify the State of Virginia that the United States assumes police jurisdiction over the lands embraced within the Shenandoah National Park, and for other purposes; to the Committee on Public Lands and Surveys.

CHANGE OF REFERENCE

On motion by Mr. BAILEY, the Committee on Claims was discharged from the further consideration of the bill (H. R. 5495) for the relief of Anne E. Felix, and it was referred to the Committee on Privileges and Elections.

REORGANIZATION OF FEDERAL JUDICIARY—AMENDMENT

Mr. LOGAN. Mr. President, on behalf of the Senator from New Mexico [Mr. HATCH], the Senator from Arizona [Mr. ASHURST], and myself, I submit an amendment in the nature of a substitute intended to be proposed to the bill (S. 1392) to reorganize the judicial branch of the Government, which I ask may be printed and lie on the table. I also ask that the proposed amendment be printed in the CONGRESSIONAL RECORD.

There being no objection, the amendment was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. LOGAN (for himself, Mr. HATCH, and Mr. ASHURST) to the bill (S. 1392) to reorganize the judicial branch of the Government, viz: Strike out all after the enacting clause and insert the following:

"TITLE I

"SECTION 1. Section 215 of the Judicial Code of the United States is hereby repealed and reenacted to read as follows:

"'SEC. 215. The Supreme Court of the United States shall consist of a Chief Justice and eight Associate Justices, any six of whom shall constitute a quorum: *Provided, however*, The number of Justices may be increased by the appointment of an additional Justice in the manner now provided for the appointment of Justices, for each Justice, including the Chief Justice, who at the time of the nomination has reached the age of 75 years, but not more than one appointment of an additional Justice as herein authorized shall be made in any calendar year: *Provided*, That the authority to appoint for any calendar year shall not lapse by reason of the rejection of the nomination, delay in confirmation, inability to nominate during an adjournment of the Senate or withdrawal of the nomination in a succeeding calendar year; and when such additional Justice or Justices shall have been so appointed no vacancy caused by the death, resignation, or retirement of a Justice (except the Chief Justice) who has reached the age of 75 years, shall be filled, unless the filling of such vacancy is necessary to maintain at not less than nine the number of Justices who have not reached the age of 75. The number of appointments so made shall not, at any time, increase the total number of Justices by more than two-thirds of the permanent membership of the Court. If the number of members of the Supreme Court is in excess of nine not less than two-thirds of the membership shall constitute a quorum. As used in this section, the term "Justice" shall not include a Justice who has retired from regular, active service.'

"SEC. 2. (a) An additional judge of any court of the United States other than the Supreme Court may be appointed, in the manner now provided by law, and to the same court, for each judge, appointed to hold his office during good behavior, who at the time of nomination of the additional judge has reached the age of 70 years.

"(b) The number of judges of any such court shall be increased by the number appointed thereto under the provisions of subsection (a) of this section but no vacancy shall be created by the death, resignation, or retirement of a judge of such court (other than a chief justice) whose continuance in office has occasioned the appointment of an additional judge. No appointment shall be made under subsection (a) which at any one time would result in (1) more than 20 judges in regular active service, in addition to those otherwise authorized by law, or (2) an addition of more than two judges to the number otherwise authorized by law to be appointed to any circuit court of appeals, the Court of Claims, the United States Court of Customs and Patent Appeals, or the United States Customs Court, or (3) more than twice the number of judges otherwise authorized by law to be appointed for any district or, in the case of judges appointed for more than one district, for any such group of districts.

"(c) Three-fifths of the judges of each of the following courts shall constitute a quorum thereof: The United States Court of Appeals for the District of Columbia, the Court of Claims, and the United States Court of Customs and Patent Appeals.

"(d) An additional judge shall not be appointed under the provisions of this section when the judge who has reached the age of 70 years is commissioned to an office as to which Congress has provided that a vacancy shall not be filled.

"SEC. 3. (a) Any Circuit Judge may be designated and assigned from time to time by the Chief Justice of the United States for

general service in the circuit court of appeals for any circuit. Any district judge may be designated and assigned from time to time by the Chief Justice of the United States for general service in any district court, or, subject to the authority of the Chief Justice, by the senior circuit judge of his circuit for service in any district court within the circuit. A district judge designated and assigned to another district hereunder may hold court separately and at the same time as the district judge in such district. All designations and assignments made hereunder shall be filed in the office of the clerk and entered on the minutes of both the court from and to which a judge is designated and assigned, and thereafter the judge so designated and assigned shall be authorized to discharge all the judicial duties (except the power of appointment to a statutory position or of permanent designation of a newspaper or depository of funds) of a judge of the court to which he is designated and assigned. The designation and assignment of a judge shall not impair his authority to perform such judicial duties of the court to which he was commissioned as may be necessary or appropriate. The designation and assignment of any judge may be terminated at any time by order of the Chief Justice or by the senior circuit judge, as the case may be.

"(b) After the designation and assignment of a judge by the Chief Justice, the senior circuit judge of the circuit in which such judge is commissioned may certify to the Chief Justice any consideration which such senior circuit judge believes to make advisable that the designated judge remain in or return for service in the court to which he was commissioned. If the Chief Justice deems the reasons sufficient he shall revoke, or designate the time of termination of, such designation and assignment.

"(3) In case a trial or hearing has been entered upon but has not been concluded before the expiration of the period of service of a district judge designated and assigned hereunder, the period of service shall, unless terminated under the provisions of subsection (a) of this section, be deemed to be extended until the trial or hearing has been concluded. Any designated and assigned district judge who has held court in another district than his own shall have power, notwithstanding his absence from such district and the expiration of any time limit in his designation, to decide all matters which have been submitted to him within such district, to decide motions for new trials, settle bills of exceptions, certify or authenticate narratives of testimony, or perform any other act required by law or the rules to be performed in order to prepare any case so tried by him for review in an appellate court; and his action thereon in writing filed with the clerk of the court where the trial or hearing was had shall be as valid as if such action had been taken by him within that district and within the period of his designation. Any designated and assigned circuit judge who has sat on another court than his own shall have power, notwithstanding the expiration of any time limit in his designation, to participate in the decision of all matters submitted to the court while he was sitting and to perform or participate in any act appropriate to the disposition or review of matters submitted while he was sitting on such court, and his action thereon shall be as valid as if it had been taken while sitting on such court and within the period of his designation.

"(d) When any judge is assigned to duty outside of his district or circuit his subsistence allowance shall be $10 per diem.

"SEC. 4. (a) The Supreme Court shall have power to appoint a proctor. It shall be his duty (1) to obtain and, if deemed by the Court to be desirable, to publish information as to the volume, character, and status of litigation in the district courts and circuit courts of appeals, and such other information as the Supreme Court may from time to time require by order, and it shall be the duty of any judge, clerk, or marshal of any court of the United States promptly to furnish such information as may be required by the proctor; (2) to investigate the need of assigning district and circuit judges to other courts and to make recommendations thereon to the Chief Justice; (3) to recommend, with the approval of the Chief Justice, to any court of the United States methods for expediting cases pending on its dockets; and (4) to perform such other duties consistent with his office as the court shall direct.

"(b) The proctor shall, by requisition upon the Public Printer, have any necessary printing and binding done at the Government Printing Office, and authority is conferred upon the Public Printer to do such printing and binding.

"(c) The salary of the proctor shall be $10,000 per annum, payable out of the Treasury in monthly installments, which shall be in full compensation for the services required by law. He shall also be allowed, in the discretion of the Chief Justice, stationery, supplies, travel expenses, equipment, necessary professional and clerical assistance, and miscellaneous expenses appropriate for performing the duties imposed by this section. The expenses in connection with the maintenance of his office shall be paid from the appropriation of the Supreme Court of the United States.

"SEC. 5. There is hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this act.

"SEC. 6. When used in this act—

"(a) The term 'circuit court of appeals' includes the United States Court of Appeals for the District of Columbia; the term 'senior circuit judge' includes the chief justice of the United States Court of Appeals for the District of Columbia; and the term 'circuit' includes the District of Columbia.

"(b) The term 'district court' includes the District Court of the District of Columbia but does not include the district court in any Territory or insular possession.

"(c) The term 'judge' includes justice and the term 'chief justice' shall include the presiding judge of the United States Court of Customs and Patent Appeals.

"TITLE II

"SECTION 101. Whenever in any court of the United States in any suit or proceeding to which the United States or any agency thereof or any officer or employee thereof, as such officer or employee, is not a party, the constitutionality of any statute of the United States is drawn in question, the court having jurisdiction of the suit or proceeding shall certify such fact to the Attorney General if the court is of opinion that a substantial ground exists for questioning the constitutionality of the statute. The court shall afford the United States an opportunity for presentation of evidence (if evidence is otherwise receivable in such suit or proceeding) and argument. In the suit or proceeding the United States shall, subject to the applicable provisions of law, have the same rights as a party to the extent necessary for a proper presentation of the facts and law relating to the constitutionality of the statute and shall have the right to become a party to such proceeding, case, or controversy.

"SEC. 102. Whenever any judgment, decree, or order in any suit or proceeding referred to in section 101 is based in whole or in part upon a decision that any statute of the United States is unconstitutional as therein applied, the United States, irrespective of whether or not it had previously presented evidence or argument under the provisions of section 101 shall have the same right to appeal therefrom as any party to the suit or proceeding. Within 60 days after the entry of any such judgment, decree, or order, whether final or interlocutory, the United States may also appeal therefrom directly to the Supreme Court, in which event any appeal or cross-appeal therefrom by any party to the suit or proceeding taken previously or taken within 60 days after notice of the appeal by the United States shall also be treated as taken directly to the Supreme Court. Such appeals to the Supreme Court shall, on motion of the United States, be advanced to a speedy hearing. This section shall not confer upon the United States any right of review by the Supreme Court unless a party to the suit or proceeding also takes an appeal.

"SEC. 103. Within 60 days after the entry of any judgment, decree, or order referred to in section 102, the United States, irrespective of whether or not it had previously presented evidence or argument under the provisions of section 101, may appeal therefrom directly to the Supreme Court. Such appeals will lie if no appeal is taken by any party to the suit or proceeding and such appeals shall, on motion of the United States, be advanced to a speedy hearing. If the United States appeals to the Supreme Court under the provisions of section 102, but no appeal is taken by any party to the suit or proceeding, the appeal of the United States shall be regarded as an appeal under this section. If such section, or any provision thereof, is held invalid, the remainder of this act and the other provisions of this section shall not be affected thereby.

"SEC. 104. In any suit or proceeding in any court of the United States to which the United States or any agency thereof or any officer or employee thereof, as such officer or employee, is a party, in which the decision is against the constitutionality of any statute of the United States, the United States, within 60 days after the entry of a final or interlocutory judgment, decree, or order, may, in its discretion, in its own name or in the name of such agency, officer, or employee, as the case may be, appeal therefrom directly to the Supreme Court, in which event any appeal or cross appeal by any party to the suit or proceeding taken previously or taken within 60 days after notice of the appeal by the United States shall also be or be treated as taken directly to the Supreme Court. Such appeals shall, on motion of the United States, be advanced to a speedy hearing. This section shall not apply to any judgment, decree, or order of a district court of the United States which may, under existing provisions of law, be appealed directly to the Supreme Court.

"SEC. 105. The Attorney General is authorized by himself or by counsel designated by him to appear and argue in cases described in section 101, and to invoke appellate jurisdiction in cases described in sections 102, 103, and 104.

"SEC. 106. As used in this title, the term 'court of the United States' means the courts of record of Alaska, Hawaii, and Puerto Rico, the Customs Court, the Court of Customs and Patent Appeals, the Court of Claims, the District Court of the United States for the District of Columbia, any district court of the United States, the United States Court of Appeals for the District of Columbia, any circuit court of appeals, and the Supreme Court.

"SEC. 107. If any provision of this title, or the application thereof to any person or circumstances, is held invalid, the remainder of the act and the application of such provisions to other persons or circumstances shall not be affected thereby."

REGULATION OF TRANSPORTATION BY AIRCRAFT—AMENDMENTS

Mr. TRUMAN submitted amendments intended to be proposed by him to the bill (S. 2) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by aircraft in interstate commerce, and for other purposes, which were ordered to lie on the table and to be printed.

PROTECTION FROM SUBSTITUTES AND MIXTURES IN WOVEN OR KNITTED FABRICS—AMENDMENT

Mr. SCHWARTZ submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 2190) to protect producers, manufacturers, and consumers from the unrevealed presence of substitutes and mixtures in woven or knitted fabrics and in garments or articles

of apparel made therefrom, and for other purposes, which was referred to the Committee on Interstate Commerce and ordered to be printed.

EXTENSION OF TIME FOR SUBMITTING REPORT ON DOMESTIC POTASH INDUSTRY INVESTIGATION

Mr. PITTMAN submitted the following resolution (S. Res. 148), which was referred to the Committee on Public Lands and Surveys:

Resolved, That the report required to be made by the Committee on Public Lands and Surveys pursuant to Senate Resolution 274 (74th Cong., 2d sess.), agreed to June 18, 1936, may be made at any time prior to the expiration of the Seventy-fifth Congress.

STATE TAXATION OF FEDERAL INSTRUMENTALITIES (S. DOC. NO. 86)

Mr. HAYDEN. Mr. President, I ask unanimous consent to have printed as a Senate document a compilation of data which I have gathered concerning State taxation of Federal instrumentalities. The data relate to the denial to the several States of the right to tax the income or property of Federal instrumentalities engaged in proprietary or nongovernmental functions.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PROBLEMS OF THE INDIANS—ADDRESS BY SENATOR CHAVEZ

[Mr. HATCH asked and obtained leave to have printed in the RECORD a radio address entitled "Lo, the Poor Indian", delivered by Senator CHAVEZ on July 1, 1937, which appears in the Appendix.]

CONSTITUTIONALITY OF WAGES-AND-HOURS BILL—STATEMENT BY ROBERT H. JACKSON

[Mr. DONAHEY asked and obtained leave to have printed in the RECORD a statement on the constitutionality of the wages and hours bill, by Robert H. Jackson, Assistant Attorney General, before the joint hearings of the Senate Committee on Education and Labor and the House of Representatives Committee on Labor, which appears in the Appendix.]

PARTITION OF PALESTINE

Mr. COPELAND. Mr. President, I shall detain the Senate for only 2 or 3 minutes. In the newspapers this morning I find a dispatch from London stating that the British Government is determined upon a further partitioning of Palestine. I call attention to the matter here, and I am glad the distinguished chairman of the Foreign Relations Committee [Mr. PITTMAN] is in the chair, because this is a question which concerns our Government and will, I have no doubt, be made a matter of study by the Foreign Relations Committee.

I hope the newspaper report is incorrect. But those of us who have followed the situation in Palestine are prepared for such a report, because it has been in the offing for some months. Last summer the Senator from Vermont [Mr. AUSTIN], former Senator Hastings, and I were in Palestine and learned at first hand about conditions there. Immediately following our visit was the visit of the royal high commission, and from that time to this there has been discussion to the effect that, in all probability, there would be a recommendation made for a further partitioning of Palestine.

I say I hope the report is not true, because those of us who recall the beginning of the World War remember how vigorously the British raised the cry against Germany when Germany marched through Belgium, violating her treaty with Belgium, as was contended by the British. The slogan was that the Germans had made "a scrap of paper" of the treaty.

Mr. President, if it be true that the British propose a partitioning of Palestine and a further restriction of Jewish immigration into that country, and if that should be done without consultation with the United States, it would be making a "scrap of paper" of a treaty which Great Britain has with us.

I fear it may have been forgotten by Members of the Senate that in 1924, on the 3d of December, a convention was entered into between the United States and Great Britain covering the matters which I am presenting to the Senate this morning. I shall recall briefly what led up to the treaty which Great Britain has with the United States.

During the war the now famous Balfour declaration was made—a pledge on the part of Lord Balfour for his Government that in the event of a successful war the Jews would be given a national home in Palestine. So interested was this Government in the Balfour proposal that the Congress of the United States, by unanimous vote, ratified, confirmed, and repeated the Balfour declaration.

At the end of the war the supreme war council of the Allies determined upon the disposition of territory won through the war. When it came to the question of Palestine, it was decided by the supreme council that a mandatory should be placed over Palestine and that the terms of the mandate should be prepared by the League of Nations. As a matter of fact, the League of Nations did prepare the mandate, and in due time the Sovereign of Great Britain was made the mandatory and given the administration of the mandate.

Up to that moment the United States could claim no direct interest in the problem because our country, of course, had no membership in the League of Nations; but the matter came to us through long-time negotiation, and those who are interested will find a public document known as the Mandate of Palestine, a publication of the Department of State, Near Eastern Series No. 1, issued by the Government Printing Office in 1931. In this document will be found a full description and account of the negotiations which led ultimately to the convention between the United States and Great Britain.

When this treaty was finally formulated, it recited in full the identical language of the mandate, as set up by the League of Nations, to be administered by Great Britain as the mandatory. So the treaty which we have with Great Britain includes every word of the mandate.

In addition, I invite attention to article VII of the treaty:

> Nothing contained in the present convention shall be affected by any modification which may be made in the terms of the mandate as recited above unless such modification shall have been assented to by the United States.

I observe in the London dispatch to which I have referred, an Associated Press dispatch, that Mr. Ormsby-Gore, Minister for the Colonies, was queried yesterday in the House of Commons by Geoffrey Mander, Liberal, who asked from the floor whether the English Government "proposed to consult the Government of the United States with regard to the future policy to be pursued in Palestine in view of the treaty of December 3, 1924, between Great Britain and the United States by which the latter became a party to the agreement to establish Palestine as a Jewish homeland."

Mr. Ormsby-Gore replied that the Government would "keep constantly in mind any rights of the Government of the United States under the instrument" to which Mr. Mander referred.

Mr. President, it would be an outrageous thing, in my judgment, if the British Government should seek to partition the Holy Land and actually proceed to take away from the Jews who have gone there the rights which they have under the mandate of the League of Nations and under the treaty between Great Britain and the United States.

I assert that I have never observed any policy on the part of Great Britain except the policy of geography. Great Britain has now moved out of Egypt. We were there at the time of the evacuation. At the time of our visit there were 30,000 British troops in Palestine. Why? To take care of 500 or 600 bandits roaming the country and killing innocent persons and destroying property? I could take a thousand of the cops of New York City and dispose of those bandits in 2 weeks. The British are in Palestine because just back of Palestine is the Suez Canal and around the corner is India.

Mr. President, the British are treating Palestine as if it were English territory. Palestine does not belong to the English. The Holy Land is a possession of the civilized world. In this time of distress and disturbance, when Jews are in trouble everywhere, there ought to be one place in the sun where they can go and live in peace and contentment and in physical safety. That was the intent of the Supreme

Council. The pledges that were made to the world indicated that Palestine was to be made a home for the Jews. I am not in favor of going to war with Great Britain over the question; but I think this Government, in solemn and set terms, should make clear to the British Government that it would be a violation of our treaty, and make it a mere "scrap of paper", if they should fail to take into consideration the views which we hold regarding the problem in Palestine.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Idaho?

Mr. COPELAND. I do.

Mr. BORAH. Do I correctly understand the Senator to say that it would be a violation of our treaty?

Mr. COPELAND. A violation of our treaty.

Mr. BORAH. What did our treaty provide in that respect?

Mr. COPELAND. Our treaty repeats all the terms of the arrangement made by order of the Supreme Council with the League of Nations. It recites all the terms of the mandate under which Great Britain is administering affairs in Palestine; and further, article VII, as I read a little while ago, declares that—

> Nothing contained in the present convention shall be affected by any modification which may be made in the terms of the mandate as recited above unless such modification shall have been asented to by the United States.

My contention is that if this revision were made and this partitioning accomplished it would be in violation of the terms of the mandate, and that it cannot be lawfully or morally made without the consent of the United States.

Mr. President, I have no disposition to detain the Senate at this time. I happen to live in a community where one-seventh of all the Jews of the world live. I think no Christian could possibly have a more intimate knowledge than I possess of the wishes and desires and aspirations of the Jewish people. I know how intent they are upon this matter, how interested they are in it, how devoted they are to it. To them it is a part of their very religion; and, Mr. President, it is amazing to contemplate the millions and tens of millions of dollars which have been contributed by the Jews in America to the cause of Israel in Palestine.

Mr. President, we dealt with this matter years ago. We entered upon a policy. It is a solemn obligation between our country and Great Britain. With all the strength of my body and soul, I resent the effort of the British to violate this convention, to make it a "scrap of paper." If there is anything within reason that our country can do to make certain that the Jews in Palestine shall be undisturbed in their traditional home, I am sure our Government will take appropriate steps.

On our return from Palestine I saw the Secretary of State and presented to him the picture of the situation as I saw it. I am sure there is alertness on the part of the Department of State in the matter; but I wanted the Senate and the country to know that there is in prospect as great a wrong against great masses of human beings as has ever been perpetrated in the history of the world.

WILLIAM SULEM—CONFERENCE REPORT

Mr. BAILEY submitted the following report:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2332) for the relief of William Sulem, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows: In lieu of the sum "$232" insert "$750"; and the Senate agree to the same.
>
> J. W. BAILEY,
> M. M. LOGAN,
> ARTHUR CAPPER,
> *Managers on the part of the Senate.*
> AMBROSE J. KENNEDY,
> ELMER J. RYAN,
> FRANK CARLSON,
> *Managers on the part of the House.*

The report was agreed to.

CLAIMS FOR EXCESS COSTS, MISSISSIPPI RIVER DAMS AND LOCKS—CONFERENCE REPORT

Mr. BAILEY submitted the following report:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2565) to confer jurisdiction on the Court of Claims to hear, determine, and enter judgment upon the claims of contractors for excess costs incurred while constructing navigation dams and locks on the Mississippi River and its tributaries, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the House recede from its disagreement to the amendment of the Senate and agree to the same.
>
> J. W. BAILEY,
> ARTHUR CAPPER,
> *Managers on the part of the Senate.*
> AMBROSE J. KENNEDY,
> ELMER J. RYAN,
> FRANK CARLSON,
> *Managers on the part of the House.*

The report was agreed to.

TRANSPORTATION BY AIR

Mr. TRUMAN. Mr. President, I ask the indulgence of the Senate to make a few remarks about transportation by air.

It has been one of my tasks during the first and second sessions of the Seventy-fourth Congress and the first session of the Seventy-fifth Congress to act as chairman of a subcommittee of the Interstate Commerce Committee of the Senate appointed to hold hearings on Senate bills 3027 and 3420 of the Seventy-fourth Congress and Senate bills 2 and 1760 of the Seventy-fifth Congress. These bills, introduced by the junior Senator from Nevada [Mr. McCARRAN], contemplate carrying out the recommendations of the President of the United States in regard to transportation by air.

Transportation by air, in my opinion, is one of our vital problems which need prompt attention. It affects every phase of our foreign and domestic commerce. We are at the threshold of perfection in air transportation. We do not seem to realize what that means. California and Oregon were made an integral part of the United States by the completion of the Pacific railroad and the Western Union Telegraph line to the Pacific coast. Fast transportation with quick and easy communication has made this country great.

Mr. President, air transport will make Europe, Asia, South America, and Polynesia our next-door neighbors. Shanghai is not as far from San Francisco by air as New York is by rail. Rio de Janeiro is closer to Miami by air than Chicago is by rail.

We must realize what this means to our foreign trade. Domestically, we are no bigger now, in time and distance, than a county was in the old "horse and buggy" days.

We have a chance to do in the air what the old clipper ships did on the water. When steam navigation and steel ships came along, we failed to realize their importance, although the first steamboat was built in America. For the past 20 years we have frantically tried to restore our ocean trade and merchant marine. We are still trying. Had we realized what we had with the old clipper ship, and had we followed through with the new type of trade ship, we never should have lost our trade supremacy on the sea. Here is our opportunity to restore that trade. Air transport makes us near neighbors to Europe, Asia, South America, and Australia.

Let us not overlook the domestic importance of air transport, either. We must not make the same mistakes that we have made with the railroads. Regulation with them came almost too late, and we are still experimenting with it.

Eventually, however, in 1889, the Congress of the United States decided that the rail system of the country was a national public utility, and that, as such, the Federal Government inherently had the right to regulate the railroads for the public interest of the whole Nation. By an act of the Seventy-fourth Congress, Congress decided that the same sort of regulation is necessary for busses and trucks on the national highways in interstate commerce.

Let me read an extract from the message of the President dated June 7, 1935:

> It is high time to deal with the Nation's transportation as a single, unified problem. For many years in the past transportation meant mainly railroads. But the rise of new forms of

transportation, great expenditures of Government funds for the development of waterways and for the building of great highways, and the development of invention within the railroad system itself, have enlarged the problem far beyond that conception which dominated most of our past legislation on the subject. In some instances the Government has helped a little. In others it retarded. In still others it has given special assistance from time to time—in many instances without rime or reason—in all instances without considering each aspect of the problem in the light of all the others. It is small wonder that in a transportation picture so confused, the public has been inadequately served.

I have from time to time, in this session, addressed the Congress as to the necessity of various forms of Government aid and regulation of transportation. I now wish to draw together and supplement these various suggestions for the consideration of the Congress in this session.

* * * * * * *

I have already recommended to the Congress my views with regard to the relations that should exist between the Federal Government and air carriers. Legislation has been introduced for the purpose of carrying out these recommendations. I am in general accord with the substance of this legislation although I still maintain, as I indicated in my message on that subject, that a separate commission need not be established to effectuate the purposes of such legislation. Air transportation should be brought into a proper relation to other forms of transportation by subjecting it to regulation by the same agency.

* * * * * * *

It is my hope that the Interstate Commerce Commission may, with the addition of the new duties that I have indicated, ultimately become a Federal Transportation Commission with comprehensive powers.

Senate bill no. 3420 of the Seventy-fourth Congress was favorably reported by me to the Senate on August 15, 1935, with this statement:

The Committee on Interstate Commerce, to whom was referred the bill (S. 3420, introduced today) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by air carriers operating in interstate or foreign commerce, and for other purposes, having considered the same in committee-print form and authorized its introduction, report the bill back favorably with the recommendation that it be passed at this session.

The bill provides for the regulation of all air carriers and airport operators who operate regular schedule service. The regulation is adapted to the special characteristics of transportation by air and is carried no further than is necessary in the interest of the public and of the carriers and airport operators.

The Interstate Commerce Act, which the Commission now administers, applies to steam railroads, electric railways, express companies, sleeping-car companies, pipe lines, motor carriers, and steamship lines controlled by railroads, and to the joint operations of rail and water lines. Neither air carriers nor airport operators are now subject to regulation by the Interstate Commerce Commission except as to air-mail rates.

In recent years there has been an extraordinary growth of transportation by air. The air lines cover the country, carrying many thousands of passengers and much express and mail, and are engaged in intensive competition with each other and with railroads and other carriers. This competition has been carried to an extreme, which tends to undermine the financial stability of the carriers and jeopardize the maintenance of transportation facilities and service appropriate to the needs of commerce and required in the public interest. The present chaotic transportation conditions are not satisfactory to investors, labor, shippers, or the carriers themselves. The competitive struggle is to a large extent unequal and unfair, inasmuch as the railroads and motor carriers are comprehensively regulated, the water carriers are regulated in lesser degree, and the air carriers are scarcely regulated at all.

In 1933 the Congress, recognizing the existence of an emergency in transportation, enacted the Emergency Railroad Transportation Act, 1933, providing, among other things, for a Federal Coordinator of Transportation, and imposing upon him, among other duties, that of studying means not provided in the act for improving transportation conditions.

Pursuant to the authority of that act, the President, in June 1933, designated Commissioner Joseph B. Eastman as Coordinator, and he has made three reports to the Congress, viz, Regulation of Railroads (S. Doc. 119, 73d Cong., 2d sess.), Regulation of Transportation Agencies (S. Doc. 152, 73d Cong., 2d sess.), and Report of the Federal Coordinator of Transportation, 1934 (H. Doc. 89, 74th Cong., 1st sess.). Since June 1933 the Coordinator has made elaborate surveys and studies of the need for regulation of transportation agencies. In addition to the various reports of the Coordinator, the President appointed the Aviation Commission (Air Mail Act, June 12, 1934), whose report was transmitted to the Congress by the President January 31, 1935 (S. Doc. 15, 74th Cong., 1st sess.).

Pursuant to the Executive order of July 11, 1934 (sec. 5, Economy Act, 1934), the Postmaster General made a report on foreign air-mail contracts, which was transmitted to the Special Committee to Investigate Air-Mail and Ocean-Mail Contracts and is printed in part 3 of the Investigation of Air-Mail and Ocean-Mail Contracts (74th Cong., 1st sess., beginning at p. 701). In addition to these reports of the various Government departments, the committee of the Senate appointed, pursuant to Senate Resolution 349, Seventy-second Congress, investigated thoroughly the whole aviation industry.

As a result of these exhaustive and analytic reports and studies the absolute necessity for Federal regulation of air transportation has been recognized.

Hearings were held on the bill (S. 3027), and the printed record of these hearings consists of 162 pages of testimony and statements.

Federal regulation of air carriers and airport operators engaged in interstate or foreign commerce has the support of the Secretary of Commerce, the Coordinator of Transportation, the Interstate Commerce Commission, Chairman of Federal Aviation Commission, and outstanding individuals in the aviation industry, air-line operators, and air-line pilots' association. The views of the several bodies and groups mentioned were fully developed at the hearing, and the committee also received and has on file a large number of letters, telegrams, and statements in support of the bill.

Because of the lack of proper legislation the air-transport industry has not had the benefit of proper coordinated regulation.

This bill is a part of a complete and coordinated program of legislation touching all forms of transportation recommended by the Federal Coordinator of Transportation. The ultimate objective of the entire program is a system of coordinated transportation for the Nation, which will supply the most efficient means of transport and furnish service as cheaply as is consistent with fair treatment of labor and with earnings which will support adequate credit and the ability to expand as need develops and to take advantage of all improvements in the art. All parts of such a system of transportation should be in the hands of reliable and responsible operators whose charges for service will be known, dependable, and reasonable and free from unjust discrimination. This bill proposes to bring about such conditions among the interstate and foreign air carriers, the only ones now almost wholly unregulated by Federal authority.

I have reported Senate bill 2. Senators have a copy of the report before them accompanying order of business 702 on the calendar. The printed record of the hearings on Senate bill 2 and Senate bill 1760 consists of 599 pages.

Hon. Joseph B. Eastman; Hon. Jesse Jones; Hon. Fiorella LaGuardia; Jack Frye, president of Transcontinental & Western Air; G. B. Brophy, counsel for T. W. A. and Eastern Air Lines; C. R. Smith, president of American Air Lines; Paul A. Wright, representing United Air Lines; C. Bedell Monro, president of Pennsylvania Air Lines; Col. Edgar S. Gorrell, representing all the domestic air lines and Pan-American Air Lines; David L. Behncke and Edward G. Hamilton, president and secretary of the Air Line Pilots Association—all urge the enactment of Senate bill 2. The press of the United States almost unanimously urges the passage of Senate bill 2.

In its declaration of policy the bill points out a threefold function of the air-carrier industry which is recognized. This function has to do with, first, commerce; second, the Postal Service; and, third, the national defense.

From its very inception air transportation has been a waif in the field of commerce. It has been batted about from pillar to post, and it is high time for it to be recognized as a public necessity and given a permanent place in our national transportation system.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER (Mr. POPE in the chair). Does the Senator from Missouri yield to the Senator from Illinois?

Mr. TRUMAN. I yield.

Mr. LEWIS. Does the Senator suggest in his bill that the subject matter be put under the jurisdiction of the Interstate Commerce Commission?

Mr. TRUMAN. Yes; the bill is the bill of the Senator from Nevada [Mr. MCCARRAN], and it places air transportation under the Interstate Commerce Commission.

Mr. LEWIS. May I take the liberty to ask, Is it the assumption of the Senator from Nevada that the subject matter of the bill is to be put under the jurisdiction of the Interstate Commerce Commission and treated in the same way in which the railroads are treated?

Mr. MCCARRAN. Mr. President, the bill provides that the Interstate Commerce Commission shall take direction and supervision over air lines and over air transportation along the same lines on which it has taken supervision over other methods of transportation. In other words, the bill carries out the spirit of the message of the President of the United States, in which he urged the coordination of all the methods of transportation under one head, namely, the Interstate Commerce Commission.

Mr. LEWIS. There is no attempt by the bill to create a new commission, a new body, for the purpose of executing the provisions of the bill?

Mr. McCARRAN. There is not.

Mr. LEWIS. That answers my query, and I thank the Senator from Missouri for yielding.

Mr. BARKLEY. Mr. President, will the Senator from Missouri yield in order that I may ask both him and the Senator from Nevada a question?

Mr. TRUMAN. I yield.

Mr. BARKLEY. There is considerable difference between the scope of Senate bill 2 and Senate bill 1760.

Mr. TRUMAN. They cover two entirely different subjects.

Mr. BARKLEY. I think it is Senate bill 2 which undertakes to place the air lines under the jurisdiction of the Interstate Commerce Commission.

Mr. TRUMAN. That is correct.

Mr. BARKLEY. Senate bill 1760 deals with other phases of aviation. To what extent will that arrangement affect the power or the authority of the Post Office Department?

Mr. TRUMAN. If the Senator will be patient, I will explain that very thoroughly.

Mr. BARKLEY. Very well; I will not intrude now.

Mr. TRUMAN. I quote from the 1935 Report of the Federal Aviation Commission:

In the course of our study, by personal inspection and interview and by formal hearings, certain facts have become apparent. It has become apparent that there exist in the United States today air transport organizations at least the equal, and in certain respects very definitely the superior, of any others in the world; that American air-transport equipment as developed in the last 3 years is generally recognized as occupying a position of world leadership, and that European constructors, once prone to scorn American aeronautical activities, have been visiting our shores in steadily increasing numbers as earnest seekers after information on the methods whereby such remarkable characteristics are obtained; that American transport lines handle a larger volume of traffic than the lines of all the rest of the world combined, and with a safety record unexcelled by the lines of any nation and quite unapproached by most (p. 3, Federal Aviation Commission Report, Jan. 31, 1935).

The claim of world leadership in the air-transportation industry for the United States is no idle boast. The volume of air-passenger traffic under the American flag now exceeds that of all the rest of the world combined. The record indicates that the American air lines, as now constituted, render a highly useful public service, and that they should be maintained upon a high plane of efficiency (74th Cong., Report of the Federal Aviation Commission, 1935, p. 44, par. 2).

It appears from all that we can discover of the record at home and abroad that nowhere else are passengers, mail, and goods carried with such regularity and speed, by day and night, with such comfort and convenience to the user of the service on anything like so broad a network as that provided by our major air lines. It appears, on the other hand, that a considerable part of the Nation's air-transport system is running at a steady loss, and that operations cannot continue indefinitely under present conditions (74th Cong., Report of Federal Aviation Commission, 1935, p. 3).

This bill, if passed, will become part III of the Interstate Commerce Act. It is just another step in the coordination of the country's transportation system. Air transportation is our baby in transportation, a healthy, hardy infant, and one fast growing to maturity. Ten years ago, 8,679 passengers were carried by air, and 1,654,165 pounds of mail. Last year, 1936, 1,147,969 passengers were carried, 18,324,012 pounds of mail, and 9,000,000 pounds of express. (Air Commerce Bulletin, vol. 8, no. 12, June 15, 1937.) Perfection is coming in air transport and its importance to the country cannot be overestimated. We cannot, we must not, make air transportation of this country a system of star routes for mail service. There is no more reason for air transport being an adjunct to the Post Office Department than there is for the railroads, the steamship lines, or the busses and trucks to be.

Senate bill 2 proposes to bring about regulation of interstate, overseas, and foreign air carriers in the public interest. It is the only form of unregulated interstate transportation. I quote from the report on House bill 7273:

Present legislation covers only the air-mail contractors and is limited solely to regulations regarding the carriers of the air mail, with definite mileage limitations as to the amount of service which may be instituted. Nonmail air carriers are subject to no regulation whatsoever except the limited safety regulation imposed by the Bureau of Air Commerce.

The present air-transportation system has been developed at great expense both to the Government and private industry, to say nothing of the lives taken during this development. It is now seriously threatened by the initiation of unregulated air lines, unhampered by any duty to perform the governmental service of carrying mails, and not covered by the present law. The Government cannot allow unrestrained competition by unregulated air carriers to capitalize on and jeopardize the investment which the Government has made during the past 10 years in the air-transport industry, through the mail service which was planned to permit, and at present is permitting, the Government to carry on its Air Mail Service at constantly decreasing costs per unit.

The needs of the public require the immediate extension of Government control to the air-transport industry. In order to prevent chaotic conditions and promote the rapid growth that comes with orderly regulation, this need should be fulfilled at the earliest practicable date.

I have the highest regard for the Post Office Department and for that Department's ability to handle the mail. When I think of the romance of the conquest of the West I think of the pony express and the stagecoach loaded with mail, the stagecoach in which Horace Greeley rode from St. Joseph, Mo., to Salt Lake City, Utah, and on to San Francisco, the stagecoach about which Mark Twain wrote so entertainingly in Roughing It. I think of the golden spike which completed the Pacific railroad and put the stagecoach and pony express out of the mail business. The Post Office Department has always been first to utilize fast transportation for the mail. Air mail came out of the development of war planes from 1914 to 1918. I want the Post Office Department to have complete control of the mail, but I do not want the Post Office Department to control one of our great transportation systems.

This bill does not take away any of the powers of the Postmaster General over the air mail. It gives him every power he now possesses over railway mail, and there is nothing in the bill to prevent his establishing air-mail star routes if he deems it to be in the public interest to do so. He can establish an air-mail star route from Pohick to Accotink, Va., or from Peculiar to Useful, Mo., or from Tombstone, Ariz., to Dutch Flat, Calif., if he so desires. Senate bill 2 contains the substance of provisions in the Air Mail Act of 1934, as amended, in regard to preventing monopoly, protecting the public from interlocking directorates, and control of air lines by aircraft manufacturers. In addition to other things, it protects labor exactly as does section 13 of the Air Mail Act. It gives access to the books and accounts of the carriers so that high rates and unreasonable profits are not possible.

The bill places air transportation under the bipartisan Interstate Commerce Commission, where it belongs. The Interstate Commerce Commission already controls railways, inland waterways, and highway transportation. Fifty years of experience are behind it. It has a most distinguished record. The experts of the Commission are trusted by the public and by the persons it regulates. No single step could do more than this to place public confidence in the airways. Transportation should be no political football.

England, France, Germany, Russia, all realize what air transport means to national defense. Only poor old Uncle Samuel is muddling with his civilian air transport. This bill will stop the muddling and inaugurate a real policy—a policy which will make commercial aviation a second line of defense, just as the merchant marine is the second line of the Navy, and the Reserve Corps is the second line of the Regular Army and the National Guard.

Aviation has become the eyes of the Army and the Navy, as well as a defense against bombing attacks of a possible enemy. Large numbers of trained pilots will be most essential, should an emergency ever come. Commercial aviation will be the place to get them. Large production problems will face both Army and Navy in the event of war. Commercial production factories are the only sources from which we can get war planes. We must, therefore, realize the necessity of portecting and encouraging commercial aviation. I believe that time has arrived, and that the enactment of Senate bill 2 will help materially in accomplishing that very result.

Mr. President, I ask unanimous consent to have printed in the RECORD as part of my remarks excerpts on the subject in question from editorials published in various newspapers throughout the country.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matters referred to are as follows:

[From the Topeka (Kans.) Capital of Apr. 18, 1937]

I. C. C. CONTROL FOR AIR LINES

Operators of the transport air lines are agitated because the United States Chamber of Commerce advocates placing them under the Interstate Commerce Commission. They claim that this is but another step toward Government ownership of the transport planes, although the I. C. C. has regulated the railroads for many years and the roads still are in private hands.

In view of the recent serious accidents, with loss of all on board the transport planes, it appears that some sort of enforced safety measures are due. The railroads did not enter seriously into safety programs until required by the Interstate Commerce Commission regulations.

The Chamber of Commerce suggests that legislation placing the air lines under the I. C. C. should not rigidly follow the railroad pattern but should "be adapted to the special requirements of the industry." The general public does not know much about the problems confronting the air lines, but it does know that nine major accidents in 8 months creates a serious question as to whether the transport companies are taking every precaution for the safety of their passengers.

[From the Boise (Idaho) Statesman of June 1, 1937]

UNDER THE INTERSTATE COMMERCE COMMISSION

A bill amending the Interstate Commerce Act to provide for Interstate Commerce Commission regulation of air lines engaged in interstate transportation of persons, mail, and property is before Congress with the approval of the Air Transport Association of America.

Railroads and motor transport in interstate commerce have long been under such regulation and, though the regulation is stern, it also protects those carriers against irresponsible competition, which could never be of any long-range benefit to the general public.

The amendment to include air lines is being supported by all the big transcontinental air-line companies, for they have suffered by fly-by-night operators. Doubtless they realize that the Interstate Commerce Commission will be rigid in its control of their own lines, but they are more than willing to accept this in return for the protection.

The measure seems eminently fair and consistent with the best public policy.

[From the New York Evening Post of Apr. 14, 1937]

SHORT CUT THROUGH THE AVIATION MUDDLE

It seems to us the shortest, quickest way through the aviation muddle is prompt passage of the McCarran bill to transfer control of commercial aviation from the Commerce Department to the Interstate Commerce Commission.

That body already controls railway and inland waterway transportation. It has 50 years of experience. Its record is a distinguished one. Its experts are trusted by railroad executives and by the public.

No one single step could more quickly restore public confidence in the air lines than this. In place of reactionary hush-hush and political administration by Secretary Roper and his clique, we would have administration by a progressive agency which is free of politics.

The I. C. C. could plan aviation development to coordinate with existing transport methods. Under its overseership the protection of the Railway Labor Act could be extended to air pilots. A national air program could be worked out.

Let's take the air lines away from Roper if we can't take Roper away from the air lines.

[From the Louisville (Ky.) Courier-Journal of Apr. 1, 1937]

FEDERAL CONTROL OF AIR LINES

Joseph B. Eastman, former transportation coordinator, makes a telling argument for unified Federal control over air transportation in endorsing the Lea bill giving the Interstate Commerce Commission wide powers over the commercial air lines similar to that exercised over railroads and busses. Mr. Eastman characterizes as "confusing division of authority", the joint jurisdiction over aviation now exercised by the Post Office, the Commerce Department, and the Interstate Commerce Commission.

"It appears, therefore", he told a House committee yesterday, "that without some governmental supervision over rates, fares, charges, and practices in the transportation by air of both persons and property as well as mail, a situation will be created that will endanger commercial air transportation in the United States."

Nothing could be more timely than unified Federal control over commercial aviation. There have been six major crashes of air liners since December 15, with a total fatality list of 56. Investigations are conducted, but little is done to insure safety. Usually the Department of Commerce is blamed for the failure of its radio beam or the service it gives to commercial lines, but those lines are not required to install expensive equipment that would minimize the hazards of flying. Every accident is followed by some kind of buck passing, to the end that more lives are lost and air transportation suffers.

Because of its hazards air transportation should be subjected to even a stricter regulation than railroads and busses. The Interstate Commerce Commission is the logical agency for this protection of the air lines as well as the public.

[From the Syracuse (N. Y.) Herald of Apr. 14, 1937]

AS TO AVIATORY REGULATION

Mayor LaGuardia, testifying before a Senate committee, expresses the belief that aviation should be entrusted to the regulatory control of the Interstate Commerce Commission. That control is now vested in the Commerce Department. Many air-line pilots favor the change. The mayor advocates it because the Commerce Department's function has been to promote aviation while the Interstate Commerce Commission is a regulatory body with 50 years' experience. It is timely to repeat here a part of the mayor's testimony before the committee:

"The dispatching of planes in bad weather is now entirely under control of the air-line operators and competition forces them to take chances. The operators say that whether to take off is left to the discretion of the pilots, but it's just too bad if the pilot of one company takes off and completes his trip and another doesn't.

"There ought to be a dispatcher at the main terminals who would rule whether it was safe to leave. It's poor sportsmanship to put the blame for accidents on our pilots, who are the best in the world. They have more responsibility than the captain of an ocean liner for they have to make instantaneous decisions and can't take leisurely bearings."

Whether the LaGuardia recommendations point to better regulatory and safety legislation or not, they come from a man who speaks with considerable authority on the subject, because of his World War ordeal as a flyer and his continued practical interest in aviation. His counsel to the committee seems as sensible as is needed. Recent air tragedies have certainly proved that much is lacking in the present system of regulation, and that the proposed transfer of supervision could hardly fail to be a change for the better.

[From the Salt Lake City Tribune of May 3, 1937]

INTERSTATE COMMERCIAL AIR SERVICE

A bill has been introduced in the Senate of the United States to amend the Interstate Commerce Act for the regulation of transportation, by air carriers, of persons and property, similar to the rules which govern such transportation by other carriers now subject to the jurisdiction of the Interstate Commerce Commission. The purpose of the measure is to take commercial aviation out of the control of the Post Office Department and place it in the same category as railway, truck, and bus lines. The natural result of its adoption will be to facilitate operations and give added protection to life and property entrusted to air carriers.

It is specifically provided that due consideration be given to all treaties and agreements now existing, or to be entered into, between this Government and foreign countries, where the passengers, mails, or merchandise are carried wholly by planes, or partly by other means of transportation. The postal service rendered will be subject to contract between the Post Office Department and the carrier companies in which all conditions imposed will be subject to revision and enforcement by the Commission.

Rates, fares, charges, and classifications are to be definite and uniform and no preference will be given to any patron of the service, either at airports or on the planes. Carriers may issue tickets, or passes, to their directors, officers, or employees, and their immediate families; to witnesses or attorneys attending investigations connected with the service; to persons injured in aircraft accidents, their nurses and physicians; to messengers carrying relief to victims of calamities and to Government representatives when requested by the heads of their respective departments; but no privileges are to be extended to individuals not specified in the act.

No officer or director shall serve more than one carrier company, unless duly authorized by the Commission after a thorough investigation of the advantage thus accruing to the general public. Penalties, including fines and imprisonment, are provided for violations of the law and no one connected with the Commission will be permitted to have a financial interest in any company engaged in air traffic.

While the jurisdiction of the Secretary of Commerce relative to safety measures and requirements is to remain unimpaired, it is believed that both safety and efficiency will be promoted, and confusion avoided, by uniting all forms of interstate commerce under one responsible head not directly interested in any shipments or patronage of the service.

From its inception, air transportation has been a waif in the field of commerce. It has been batted around from pillar to post and it is high time it was recognized as a public necessity and given a permanent place in our national transportation system.

[From the New York Times of June 8, 1937]

I. C. C. AIR CONTROL FAVORED IN REPORT—SENATE COMMITTEE COMMENDS BILL TO END POST OFFICE POWER OVER MAIL RATES

WASHINGTON, June 7.—A measure which would give the Interstate Commerce Commission as far-reaching powers over the air

lines, domestic and foreign, as it now has over the railroads was favorably reported in the Senate today by the Committee on Interstate Commerce.

The committee also reported favorably on another measure which would virtually strip the Bureau of Air Commerce of all its present functions in connection with the air lines and transfer them to the Commission.

Both bills were introduced by Senator McCARRAN, of Nevada. The first measure is in the form of an amendment to the Interstate Commerce Act and takes from the Post Office Department its present function of fixing rates on the air mail. It has the backing of the major air lines, principally because it provides for certificates of convenience and necessity, which would tend to "freeze" the present air lines in possession of the territory they now serve.

The second bill, to be called the Air Line Safety Act of 1937, if it is passed, provides for the creation of a Bureau of Air Transport within the Interstate Commerce Commission and an Air Safety Board to investigate air accidents and recommend safety provisions. Under the measure, the Commission would license air carriers and planes, pilots, engines, and accessories. The Commission also would be empowered to rule on hours of service of air-line employees.

The proposed amendment to the Interstate Commerce Act would give the Commission control over air lines plying between this country and foreign ports similar to that the Maritime Commission has over water-borne commerce, except that it makes no provision for subsidies. It does, however, provide for certificates of necessity and convenience outside the shores of the United States and gives the Commission power to fix rates on international air lines under the American flag.

A similar measure introduced by Representative CLARENCE LEA, of California, has been favorably reported in the House.

Opposition in both the House and the Senate is expected to develop through the introduction of other legislation. Tomorrow the Senate Committee on Post Offices and Post Roads is to start hearings on a bill introduced by Senator McKELLAR which provides for stronger Post Office controls over air lines in international operation. He has also introduced a measure enlarging the Post Office Department's powers over air lines.

[From the New York Wall Street Journal of Apr. 10, 1937]

AUTHORITY OVER AIR-MAIL PAY

If common sense is to have any standing in connection with regulation of transportation by air, the whole job will be turned over to the Interstate Commerce Commission for exclusive handling. It is the only way by which the industry can be protected from politics and given a chance to develop itself so as to render to the public the best possible service.

The Commission can deal with all the details of aviation as completely as it deals with those of railroading. Whatever criticisms can fairly be brought against its occasional mistakes in the latter activity, no one with any knowledge of the matter would entertain a suggestion for removal of its authority in any important particular and transfer of that authority to other hands.

Particularly important is it that the Post Office Department should be relegated to its proper place in relation to the industry, as has been done in the case of railroads. That place is no different from that of any other shipper of commodities. There is not a single good reason why rates for carriage of mails by rail or air should not be fixed on principles the same as those which apply to everything else transported by common carrier. There is no reason why owners of railroads or airplanes who pay plenty of taxes should be compelled to accord special privileges to the Post Office, and it is important to have an independent authority to see that they are not so compelled.

The Interstate Commerce Commission has dealt with railway mail pay more than once. The Post Office has on such occasions appeared as party litigant, as do all other shippers of commodities, and has presented testimony and argument in the customary form. The question of air mail pay should be handled in the same way. The Department has no more inherent right to fix rates for the air than it has to fix rates for the rail.

If the Interstate Commerce Commission were only half as intelligent and industrious as it is, the independence that it has conquered for itself against political interference would be amply determinative of the matter of air transportation and its regulation.

Let the job be given to the Commission.

Mr. McCARRAN. Mr. President, in connection with the speech of the able Senator from Missouri [Mr. TRUMAN], I ask unanimous consent to have printed in the RECORD at this point an article of date June 14, 1937, published in the magazine Time; also an editorial published in National Aeronautics for June 1937; also an article by the Senator from California [Mr. McADOO] published in the same periodical, National Aeronautics for June 1937; also an article published in National Aeronautics for June 1937 entitled "Today in Aviation"; also an editorial published in American Aviation for June 1, 1937, entitled "Pawns in the Game"; and, finally, an article by Mr. C. B. Allen published in the New York Herald Tribune on Sunday, May 2, 1937, entitled "Air Lines Face Possible 'War' Over Invasion of Each Other's Established Routes."

I desire to have these articles and editorials printed in the RECORD at this point in connection with the address of the Senator from Missouri.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The articles and editorials are as follows:

[From Time for June 14, 1937]

TRAVESTY

United States air lines are in much the same position as adolescent children of divorced parents. By the terms of the divorce (the Air Mail Act of 1934, passed after the celebrated Farley-Roosevelt air-mail cancelation), "Mother" Interstate Commerce Commission has influence, some jurisdiction. But "Father" Post Office—by control of the air-mail subsidy—has the whip hand. "Mother" I. C. C. would like to let the growing business expand in healthy exuberance. "Father" Post Office, remembering the air-mail scandal, treats the air lines like boys in a reform school.

This situation has resulted in freezing the lines in practically the same status they found themselves in when the Air Mail Act of 1934 was passed. Though there are many places in the United States where extension of routes would benefit both Nation and air lines, such expansions have almost always been forbidden. Sample case was the rejection 2 months ago of Transcontinental & Western Air's application to inaugurate useful service between Albuquerque and San Francisco (Time, Mar. 22). Last week American Airlines was similarly forbidden to inaugurate service between Detroit and Cincinnati and between Detroit and Indianapolis via Fort Wayne. The Air Mail Act prohibits a new service which might compete with an established one, even if the public's best interests might thus be served.

To improve this awkward arrangement no less than seven bills were introduced in the present Congress. Two have now merged into the McCarran-Lea bill, which would put the air lines almost entirely under the nonpolitical jurisdiction of the I. C. C. This bill emerged from committee last week and is soon to face a vote. Few sincerely air-minded persons in the United States oppose it. The Air Line Pilots' Association unanimously voted in favor of I. C. C. jurisdiction; all the air lines devoutly hope the McCarran-Lea bill will pass. They have, however, been slow to say so because they fear offending the potent Post Office, which also has a bill in Congress—the Mead bill giving it even greater power over aviation than it has now.

This legal rivalry has smoldered for months in Washington. To oppose the McCarran-Lea bill the post office has lately softened its harsh attitude toward the lines, gone out of its way to give them what they asked. Example was permission to United Air Lines last month to fly into Denver (Time, May 10). To make this new service jibe with the Air Mail Act, Solicitor Karl A. Crowley had to devise a totally new concept—that an air line is a "zone of influence" instead of a geometric line. Last week post-office men in Washington revealed that they will soon advertise for bids for a number of important new air-mail routes, one of which is the flight from Winslow to San Francisco that was denied to T. W. A. only 2 months ago.[1] Almost every air line in the United States is seriously affected by these proposed new routes, and air-line officers last week freely predicted that the scramble for contracts would rival the furor caused by the 1934 cancelations. How most of them feel was expressed in an editorial in a new magazine named "American Aviation", whose first issue appeared last week.[2] Excerpt:

"The Post Office opposition is no mystery. A politician has to have in his bag of tricks a group of favorites. In the present situation the air lines are one of the pawns. Political groups must pay communities off in the cheapest coin necessary. Air mail is one way of paying political debts. * * * Only the other day some ebullient Congressman introduced a bill to set aside May 28 as 'Aviation Day.' What a travesty!"

[From National Aeronautics for June 1937]

A GOOD BILL

The McCarran-Lea bill should be passed at this session of Congress.

In taking this definite stand we realize that there may be a number of minor features of the bill which may need clarification or revision. Neither we nor a large percentage of our readers are legal experts. Our stand is based merely upon the significance of the main features of the bill and the very urgent need for their enactment into law if we are to give our air-transport system a timely opportunity for orderly development.

---

[1] Others in order of probability: Washington to Buffalo via Baltimore and Harrisburg; Jacksonville to Mobile via Tallahassee; Pittsburgh to Chicago via Dayton; Houston to Corpus Christi; Huron, S. Dak., to Cheyenne; Denver to Kansas City, Memphis, and Birmingham.

[2] An informative, slick-paper bimonthly, selling for $3 a year, edited by outspoken Wayne W. Parrish, one time editor of National Aeronautics Magazine. Copublishers with him are the Stackpole brothers (Maj. Albert Hummel and Gen. Edward James), publishers of the 104-year-old Harrisburg (Pa.) Telegraph.

By far the most important feature of this legislation is that it will turn over to the Interstate Commerce Commission the control of the economic phases of scheduled air transport.

At the present time only those air-transport companies which have air-mail contracts are subject to regulation. Under this bill all operators of interstate transport service, whether they have mail contracts or not, will be placed under the jurisdiction of the Interstate Commerce Commission. Since it is imperative that this highly specialized form of transportation should be conducted on the highest possible plane, there is no place in it for cutthroat and unregulated competition.

It is significant to note that this bill provides for the air lines identically the same type of regulation now in force for railroads and motor-bus lines. In fact, wherever possible, the language of this bill is copied verbatim from similar laws covering rail and bus transportation.

The provision for the issuance of certificates of convenience and necessity will relieve the Government of the burden of making up the losses to air-mail contractors because of the competition of unregulated groups.

We take issue directly with the Department of Commerce when they state that the issuance of such certificates is apt to retard the expansion of our air-transport system. As a matter of fact, by having these certificates issued by the Interstate Commerce Commission wherever the potential passenger and express service warrants such extension rather than having extensions controlled entirely by the Post Office Department merely on the basis of the air-mail possibilities along the routes, it is evident to anyone that our system will grow much more rapidly and soundly than it has in the past.

The bill vests in the Interstate Commerce Commission the right to grant or refuse authority to operate from one point to another with all classes of traffic except mail. In the case of mail, the Postmaster General must initiate any requests for additional service. However, the Interstate Commerce Commission may refuse to grant the authority for such service if it does not consider it warranted in the interests of the public's convenience and necessity. The vesting of this authority in the Interstate Commerce Commission is entirely logical because with the development of our air transport system practically two-thirds of the revenue is now derived from passenger and express service. Consequently, it just doesn't make good sense to leave the control of the air transport systems in the hands of the Post Office Department now that the air-mail revenue represents only one-third of the total, and is growing less.

We do not consider the advocacy of this change as a slap at the Post Office Department. It is merely an admission that the air transport industry has grown to the point where the interests of the Post Office Department are subordinate to passenger and express service. The Department can turn over to the Interstate Commerce Commission its broader control of air transport with considerable satisfaction over the progress which has already been made in this newest of all forms of transportation. Obviously the Post Office Department will continue to exercise its legitimate control over the strictly air-mail service.

It should be noted also that the bill does not interfere in the least with the activities of the Bureau of Air Commerce in its airway inspection, and regulation service.

To summarize, then—the highly important and desirable features of the bill are, simply, (1) the provision for the issuance of certificates of convenience and necessity, so as to avoid unfair and destructive competition, and (2) the vesting in the Interstate Commerce Commission of authority to approve or disapprove requests for extensions of or additions to our air transport system.

Of course the bill contains other provisions which legislative experts must either approve, revise, or eliminate before its final passage. We have enough faith in Congress to feel that there are sufficient brains, ambition, and interest in the welfare of our Nation to see that all the details are properly taken care of.

THE PEOPLE ARE SPEAKING

The aviation people can feel gratified with the fact that Congress and other Government officials are manifesting a deeper and more intelligent interest in aeronautical problems. It is quite clear, for instance, that increased air facilities in the national air defense are being considered seriously and constructively.

There are many aviation bills pending before Congress, most of which will not be passed, but out of the whole a certain amount of good legislation will be enacted.

The telling effects of a widespread public interest in these matters is apparent. In contemplated measures for air defense public opinion has been a decided factor. Information given through these columns showing the unfortunate position of the Nation as compared to other great powers has created a profound impression.

In line with American ideals and their desire for international peace people are awakening to the fact that a dollar buys more defense security in the air than in any other place.

Resolutions, letters, and communications that National Aeronautics Association chapters and other aviation friends have directed to their Washington representatives have not only been highly informing but they serve properly to acquaint the Government with public opinion. For the most part such expressions of thought are those that come from patriotic people who have no selfish interest at stake and therefore their influence is multiplied. In civil aeronautics the effect has been the same.

It is safe to assume that, this being a representative Government, its officials will wish to heed the will of the people whenever they know what that is. In the meantime we may be happy in the knowledge that public opinion is bearing fruit and therefore we can redouble our efforts to advance the same.

[From National Aeronautics for June 1937]

McADOO URGES AIR CONTROL

Rarely has a radio audience been permitted to listen to a more timely and constructive address on aviation than that delivered by Senator W. G. McADOO over a Nation-wide network of the National Broadcasting Co. on Tuesday evening, May 25.

The former N. A. A. president spoke on the radio forum sponsored by the Washington Star, and in the course of his address covered in nontechnical language the most recent developments in the aeronautical world and indicated some of the problems that must be met and solved.

The Senator stressed the need for a greatly increased development in air defense. "I am firmly convinced", he said, "that with an adequate Navy and air force we can keep the United States at peace with the rest of the world, and I am equally convinced that without it we shall court unnecessary and grave danger in the future. I speak with some knowledge when I say this, because I am certain that if the United States had possessed a navy in 1917 capable of taking command of the sea we would never have become involved in the World War. Let us never again repeat that error. The best guaranty of peace for America is to be prepared, not for aggression but for the assertion and maintenance of every vital American right. I am strong for peace and I am strong, too, for national security, because our ability to maintain our national security means, in my opinion, peace."

Turning next to Federal supervision of aeronautics, Mr. McADOO indicated the various Government divisions that have some authority over commercial aviation and urged the need for concentration in a single, responsible bureau or individual commission.

"In our country we are making a grave blunder in giving no authoritative or organized direction to the development of commercial aviation.

"There should be a concentration of authority over commercial aviation so that all phases of this great development may be under highly informed and skilled direction. Some of the European governments already have air ministries, which are equivalent, in our country, to a Secretary of Air Commerce. In other words, they have dignified it with a cabinet status. While I do not advocate that such a Cabinet position should be created now, it is essential, in my judgment, to concentrate the authority in some responsible bureau or independent commission of the Government.

"In the Senate and in the House of Representatives, this great and rapidly developing, highly technical and important industry is a side issue to certain of their standing committees. There should be, in my judgment, a standing committee of both Houses of Congress, charged with the sole duty of considering aviation legislation. More and more, as time goes on, this will become obvious and urgent.

"At present our Government has no definite commercial aviation policy, and it can have none until we effect the necessary organization to study it and to formulate it. Once this is done, we can drive consistently and persistently at a definite objective in the general development of aviation for our economic and social requirements. One thing is certain, and that is that our Government should give every proper aid and encouragement to the development of aviation. All nations are doing this, and we should not be indifferent or oblivious to the necessity for reasonable popular support.

"A haphazard growth of air facilities over land and over sea will render us a Nation less capable of doing the things necessary to meet the highest demands of our people now and in the future. We shall prove recreant to the duty imposed upon us by manifest destiny if we sit complacently and with obscured vision."

[From National Aeronautics for June 1937]

TODAY IN AVIATION

(By the N. A. A. Observer)

Today in aviation the interest of the ordinary American citizen centers around the benefits which aviation can bring to an advancing civilization. His imagination is staggered by the possibilities he sees in frequent air service across the Atlantic and the Pacific. His dreams are shattered by such overwhelming catastrophes as the crash of an airliner or the burning of the *Hindenburg*. In previous years he has had little in the way of carefully compiled and accurate facts to guide his thinking. Most of the facts that were available were hidden in Government reports and uninteresting statistical tabulations.

The Air Transport Association of America has performed a real public service by preparing and distributing a booklet on air transport entitled "Little Known Facts." A careful study of the charts in this booklet will show—

That plane miles flown on scheduled air lines have increased from less than 1,000,000 in 1925 to almost 40,000,000 in 1935.

That in the same period the speed of planes in transport use has increased from 115 miles per hour to 212 miles per hour.

That pounds of air mail carried have increased from 1,000,000 in 1926 to over 15,000,000 in 1936.

That pound-miles of domestic air mail have jumped from four and one-half billions in 1933 to almost ten billions in 1936.

That the number of passengers carried by air liners has more than doubled since 1934.

That the number of miles flown each day by United States domestic and foreign air services has increased from less than 20,000 miles in 1926 to more than 200,000 miles in 1936.

That every day America's air lines fly with passengers and cargo a distance more than eight times around the world at the Equator.

That every second of each day an average of 1,050 passengers and more than 14 tons of mail are being transported by scheduled air liners of United States registry.

These impressive facts are of tremendous importance to the ordinary American citizen. They not only indicate the vital part air transport is playing in the everyday life of the Nation, but they also show that American aviation is literally flying forward with constantly increasing acceleration. In units of time, air transport has shrunk the map of the United States to one-third its former size.

Impressive as are these facts, there is one additional fact which stands out beyond all others and which shows the result of having no adequate national air policy. During the years since 1931, while United States domestic air lines were increasing the number of plane-miles flown annually from thirty-five and one-half million miles to almost 60,000,000 miles, the yearly expenditures of the Federal Government for construction of new and additional aids to air navigation were cut from $2,250,000 to the paltry sum of $87,000. During the years 1933 and 1934 not one dollar was expended from regular appropriations for construction of new and additional air navigational aids.

While the operators of American air transport lines, with characteristic American genius, have built up an air transport system that has been labeled "the eighth wonder of the world", the American people have not known that their Government was following no carefully planned national air policy and was failing to do its part. In the future they must be given a better opportunity to know the truth.

When the "little known facts" presented by the Air Transport Association of America become well known, an informed public opinion cannot fail to demand that Congress give the Nation a well-rounded, carefully planned policy calling for the rapid development and intelligent regulation of civil aeronautics. And at that time Congress cannot avoid its responsibility for the failure of the Federal Government to recognize the important place aviation has come to play in America and the world.

[From American Aviation for June 1, 1937]

PAWNS IN THE GAME

The present air-mail situation is about as sordid a commentary of political manipulation as can be found in American history. It isn't enough that the Post Office Department is playing the air-line operators for a bunch of suckers; even some of the air-line boys "down the line" have fallen like a ton of bricks for subtle Post Office propaganda and have been hypnotized to the proper Post Office frame of mind.

What we are referring to is the legislative program for the air lines now pending before Congress and the new air-mail contracts which the Post Office is about to advertise. The two cannot be considered separately. They have formed a political battlefield, the results of which might even lead to such an extreme as another cancellation and a ruinous price war.

In the first place this is an extremely important year for the air lines. All previous efforts to secure constructive legislation which would take the air lines out of the political realm of the Post Office and place them under the sane and fair regulation of the Interstate Commerce Commission (along with the railroads and bus carriers) have failed. When the present Seventy-fifth Congress opened air-line legislation was introduced immediately (Senator MCCARRAN's bill (S. 2)). Representative CLARENCE LEA, of California, probably the air lines' best friend in the House, introduced another bill which pleased the air lines even more. Senator MCCARRAN promptly introduced the LEA bill into the Senate as Substitute S. 2, so that when the bills are finally reported out for debate, which will be soon, they will be identical.

It is important to note that the McCarran-Lea bill is opposed by only two groups—the Post Office and the Department of Commerce. At the hearings held earlier this year the Department of Commerce had a difficult time explaining why it opposed the bill, but the Post Office opposition is no mystery. A politician has to have in his bag of tricks a group of favorites. In the present situation the air lines are one of the pawns. Political groups must pay communities off in the cheapest coin necessary. Air mail is one way of paying off political debts.

BID LOW OR ELSE

There is nothing mystical about all this. It is common everyday procedure. The political system is inherent in our form of government and we have seen it exercised in hundreds of ways. The big question before aviation, however, is whether this sort of control over air transportation is going to mean a healthy development of a new industry and a new mode of travel that hasn't even begun to reach into its infinite possibilities.

It is no secret in Washington that Representative JIM MEAD is going to get his Washington-Buffalo air mail that he's been fighting for. But it is not unrelated that JIM MEAD's bills pending before Congress are probably the least constructive and least progressive legislation proposed since the Air Mail Act of 1934. A Congressman cannot fight the Post Office and still get his pet route. It also is no secret about the Denver intermediate stop granted to United Air Lines; a political debt was paid to Denver, which wanted the air-mail route, but the Post Office had to stretch a long point of law to find a justification for tip-toeing around the Air Mail Act of 1934. (Incidentally in so doing the Post Office set a precedent of far-reaching magnitude which it may not even be aware of itself.) Also, it is no secret that First Assistant Postmaster General Bill Howes wants a new air-mail route through South Dakota, his home State, as part of the gravy he can take home with him.

All this is chicken feed, though, when it comes to the new air-mail routes which the Post Office will shortly advertise. The inside manipulation has reached almost scandalous proportions. Air-line operators have been called upon one by one. Independent operators have been contacted. The word has been passed around, as the Post Office can only pass word around, that "We're not interested in any bids over 17 cents a mile." Even lower bids are suggested "if you want the business—and if you don't want it, we know somebody that does." The Post Office has made it clear that unless low bids are received the contracts will not be let. It is certainly no secret that the Post Office is high pressuring the air-mail contracts to force through the Mead bill. "If you boys want some more air mail, you'd better help us get the Mead bills through."

DEFEATISM IS RIDICULOUS

Now, any air-line operator knows that a 17-cent rate for carrying the mail is too low. Why shouldn't the Government pay a fair rate for what it gets? Anything under 30 cents a mile should not be considered for multimotored equipment. The cost of operating one major air line is 60 cents a mile, while Lockheed service costs over 30 cents a mile. Then why should the Post Office play the air lines for a bunch of boobs?

The irony of all this is that some of the minor air-line executives have become victims of the Post Office. They have been spreading the word around that "S. 2 hasn't a chance." That's just what the Post Office wants. As a matter of fact, the McCarran-Lea bill has an excellent chance to pass the Seventy-fifth Congress. It is natural for the Post Office to try to defeat it, but it is ridiculous apathy for any air-line man not to resist pressure. The McCarran-Lea bill is the finest legislation the air lines have ever had proposed. Most of them have been working hard for it—but the laggards ought to wake up before it's too late.

Another unfortunate note of despair was the statement made in our hearing by an air-line man to the effect that "there are some changes that will have to be made in the McCarran bill before we'll let it go through. If they make the changes, then we will let it go through." This is childish talk. In the first place, no bill ever introduced or reported out in Congress was ever perfect. The best anyone can expect is to get a general principle adopted and take the best that can be obtained. Also, this individual was bragging in a way that is most damaging to the whole cause. Passage of the bill in no way depends upon the say-so of the air lines. This individual was in a spot where he should know that.

If it wasn't so serious, the situation would be amusing. Only the other day some ebullient Congressman introduced a bill to set aside May 28 as Aviation Day. What a travesty! If Congress wants to recognize aviation, it can do so by giving air transportation a chance to grow constructively, and it isn't getting that chance now. Congressmen can talk about Aviation Days when they do something to merit the honor.

The air lines have the best opportunity in air-line history to obtain constructive legislation at this session. Whether the McCarran-Lea bill is perfect or imperfect is beside the point. Everyone will agree that it would do more to advance air transportation than any other one factor. No air-line official should ever be caught talking pessimistically or bragging about his influence. The air lines aren't out of the political woods yet by a long shot.

[From New York Herald Tribune of May 2, 1937]

AIR LINES FACE POSSIBLE "WAR" OVER INVASION OF EACH OTHER'S ESTABLISHED ROUTES—COMPETITION UNDER THE DISGUISE OF "SEPARATE" FIRMS MAY REVIVE BOOM-TIME CUTTHROAT TACTICS—NEW YORK-BOSTON "INDEPENDENT" WITH VIDAL AS HEAD IS ONE OF SEVERAL SUCH ENTERPRISES EXPECTED—PENDING LEGISLATION MAY SETTLE PROBLEM BY PUTTING I. C. C. IN CONTROL OF AVIATION MAP

By C. B. Allen

Rumors are abroad in the aviation industry of an impending war between various air-line operators, of plans to go off the reservation and invade each other's territory with parallel services under the disguise of independently organized companies. It begins to look as if the boom-time, post-Lindbergh flight era of dog-eat-dog competition in air transportation is about to be ushered in again on top of all the headaches that have befallen the industry in the last 4 years. Some observers say that if the trend isn't checked it will end in chaos; others insist it is the only path to continued progress in aviation. Viewpoints probably depend to a large degree upon whether the prophet is striving to hold on to something he has or trying to lay hands on something he wants.

Under present air-mail laws, of course, one air line cannot establish parallel services in territory served by a rival company without jeopardizing its own Post Office Department contracts. Rates of pay under these are revised from time to time on the basis of the air lines' earnings from other sources, and the Government

logically enough, has refused to permit any off-line activities by one contractor which would cut in on the passenger and express revenues of another and thereby force it to make up the latter's losses in larger air-mail payments.

At the same time, neither the Post Office Department nor any other branch of the Government now has the power to prevent an operator without air-mail contracts from starting up a competitive passenger and express service on any route in the country which appeals to him, provided he meets the same standards of safety required of the established air lines.

OUTSIDERS EYE CREAM ROUTES

During the depression this possibility was only an academic menace—no one exhibited any serious interest in trying to run an air line without a guaranteed business backlog of air-mail patronage—but with the return of more prosperous times this picture is changing. Numerous outsiders are beginning to look with covetous eyes on the cream route monopolies of the current air-transportation map of the United States, and certain of the present operators have indicated their eagerness to find ways and means of extending their sphere of activities at the expense of their competitors.

One of the most probable and imminent developments in this field is a route between New York and Boston paralleling a service that has been maintained by American Airlines and its predecessor companies for 10 years. Reports indicate that this enterprise will be launched in the near future by a group with Eugene L. Vidal, former Director of Air Commerce, at its head and that the equipment to be used will be Douglas DC-2 monoplanes supplied by Transcontinental & Western Air's "Lindbergh Line" as these ships are replaced on T. W. A.'s route by newer and larger DC-3 Douglases which T. W. A. ordered some time ago.

Avowedly the deal between Mr. Vidal's group and T. W. A. will be an out-and-out transaction in second-hand airplanes for which T. W. A. has little or no further use. But American Airlines, a formidable business foe of T. W. A. in the transcontinental and New York-Chicago field, has already felt the sting of rate war and other competitive practices resorted to by its rival, and is inclined to no such innocent view of the "invasion" of its territory.

Possibly American is merely trying to head off Boston-New York competition by throwing a good bluff, but reports are getting around that, when and if erstwhile T. W. A. Douglases start flying between New York and Boston a fleet of similar ships which are no longer vital to American Airlines operations will be disposed of to an "independent" though friendly company for service on T. W. A.'s New York-Pittsburgh run.

It is also rumored that the "reprisal route", purely as a matter of business enterprise, of course, might be extended parallel to T. W. A.'s transcontinental run as far as Columbus, Indianapolis, and St. Louis. American Airlines happens to have radio stations and other facilities in Pittsburgh, Columbus, Indianapolis, St. Louis, and other cities along T. W. A.'s route which are used in connection with its present network of noncompetitive lines, and it could scarcely be penalized by the Post Office Department if it allowed a friendly company which had taken a batch of obsolescent airplanes off its hands to use these airway aids on reasonable terms.

The possibilities of this sort of cutthroat competition, once it is started by the major air lines, are almost limitless. Some of them feel that it is certain to be ruinous; others apparently are not so sure that the "chaos" it would create by throwing the air transportation picture wide open again might not prove beneficial in the long run, if not to aviation as a whole, at least to the surviving operators. Which is correct, and whether the industry ever will be forced to face this issue only time can tell.

At the moment a majority of those in the industry seem to favor legislation pending in Congress which would put the air lines wholly under control of the Interstate Commerce Commission and make it impossible for operators, be they air-mail contractors or otherwise, to set up new routes without first obtaining I. C. C. certificates of convenience and necessity such as must be obtained by railroads before they can establish a new line. The I. C. C. already exercises an important function with respect to the air lines in that it establishes equitable rates which must be paid them by the Post Office Department for flying the mail, but there is no present way of preventing unrestricted competition except on the part of companies which hold air-mail contracts.

Mr. Vidal contends that wide-open competition on such heavy-traffic routes as that between New York and Boston, New York and Washington, and New York and Chicago stimulates far more air travel than ever would result if any one line were allowed to have a monopoly. In support of this, he cites the record of the old Ludington Line from here to Washington, with which he was connected before becoming Director of Air Commerce; he says that so many passengers never have been carried between these two cities as were flown when Ludington and Eastern Air Transport were fighting for patronage on this run 5 years ago.

GOOD EVEN WITHOUT MAIL

And Mr. Vidal believes that with modern large-capacity planes, the sort of operation that enabled the Ludington Line to "stay in the black" during the time he was with the organization, despite the fact that it had no air-mail contract, will make it possible to run a New York-Boston passenger and express route on a very profitable basis. This is particularly true, in his opinion, because a nonmail contractor can set his schedules to suit the convenience of the traveling public and not the odd-hour requirements of the Post Office Department, which frequently motivate against paying passenger loads.

FARMERS' HOME CORPORATION

The Senate resumed the consideration of the bill (S. 106) to establish the Farmers' Home Corporation, to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, to create a fiscal agent for the United States, and for other purposes.

Mr. O'MAHONEY. Mr. President, last evening, when the Senate took a recess, I was discussing certain desirable amendments to the pending bill. I find from the RECORD this morning, however, that I had not offered any of them. I now formally offer the first of the amendments.

The PRESIDENT pro tempore. The amendment offered by the Senator from Wyoming to the amendment reported by the committee will be stated.

The CHIEF CLERK. On page 21, beginning with line 23, it is proposed to strike out all after the word "act" down to and including the word "Government", in line 3, page 24, so that, if amended, the paragraph will read:

(h) Shall determine the character and necessity for its expenditures under this act; and

UNRESTRAINED EXPENDITURES

Mr. O'MAHONEY. Mr. President, this amendment modifies that provision of the pending bill which gives to the corporation which is created to administer the farm tenancy law the power to determine the character and necessity of its expenditures and the manner in which they shall be incurred, allowed, and paid, without regard to the provisions of any other laws governing the expenditure of public funds, and which makes the decisions of the corporation final and conclusive upon all officers of the Government.

As was pointed out yesterday, the purpose of this provision is to exempt this corporation from every provision of law which has been or may be enacted to restrain the expenditure of public funds and to impose economy upon administrative officers. Certainly there never was a time in the history of the United States when we should all be so agreed that economy should be made effective. Certainly, Mr. President, there never was a time in our history when it was so necessary that the Congress, responsible for making appropriations available to executive bureaus, should be careful to see that every law intended to prevent waste and extravagance should be made effective.

Mr. President, I have no intention of occupying the floor for any great length of time, and I expressly disavow any purpose here to impede the consideration of any other measure. I say that because the suggestion has been made that some of the discussion occurring here yesterday and today was not intended to illuminate the provisions of this bill. I want to make it perfectly clear that the remarks I am making are made in absolute good faith for the sole purpose of perfecting this measure.

Mr. POPE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. POPE. Is the Senator's amendment limited to subdivision (h) of section 6, on page 21?

Mr. O'MAHONEY. The amendment that is now being offered; yes.

Mr. POPE. Has the Senator offered amendments affecting other sections?

Mr. O'MAHONEY. Yes.

Mr. POPE. What are they?

Mr. O'MAHONEY. I presented an amendment yesterday, which I have revised today, to change the provision on page 20, lines 2, 3, and 4, which creates a board of directors of three persons employed in the Department of Agriculture, who are to be appointed by and hold office during the pleasure of the Secretary.

Mr. POPE. Does the Senator have an amendment which affects subdivision (f) on page 21?

Mr. O'MAHONEY. Yes. I offered an amendment to strike that out.

Mr. POPE. And also subdivision (c) of section 7, appearing on page 23? All those sections were criticized yesterday, and I wondered if the Senator's amendments applied to all of them.

Mr. O'MAHONEY. I am offering an amendment to section 7, appearing on page 22, by which I propose to strike out the provision which would repeal the civil-service law with respect to appointments made under this act.

Mr. President, in order that the purpose I have in mind may be made clear, I intend now to refer briefly to some of the provisions of law which impose restrictions upon the expenditure of public funds. I will say that this morning I had a conversation with the able Senator from Alabama [Mr. BANKHEAD], who is in charge of the bill, and that, as I take it, he and I are in substantial agreement as to some of these amendments, if not all. He does not agree to striking out all of the language which will be stricken out by the amendment which I now propose.

Mr. McCARRAN. Mr. President, will the Senator yield for just a moment?

Mr. O'MAHONEY. I am glad to yield to the Senator from Nevada.

Mr. McCARRAN. In order to allay apprehension or to satisfy curiosity on the part of any Senator, I wish to say, Mr. President, concerning Senate bill 69, providing for limiting freight or other trains to 70 cars, which it was my intention to move to consider immediately following the conclusion of consideration of the bill now pending, that I will not today move the consideration of that bill. I will, however, at the next available opportunity move that the bill be considered by the Senate. So many Senators have been compelled to leave the Chamber and to leave the city that at this time I think it best not to bring the bill forward, and I will, therefore, make the motion when all Senators may be present in order that the bill may be given full and fair consideration.

Mr. O'MAHONEY. Mr. President, section 628 of title 31 of the United States Code reads as follows:

> Except as otherwise provided by law, sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others.

That provision of law, which is certainly wise and to which no Member of this body would object, is being repealed as to this corporation by the language which I have asked to be stricken out of this measure. I know of no reason——

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I am very glad to yield to the Senator from Texas.

Mr. CONNALLY. Is it the Senator's idea that all employees of the organization to be created by the bill ought to be under the civil service?

Mr. O'MAHONEY. I am not now discussing that question; I am now discussing restrictions upon the expenditure of public funds.

Mr. POPE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. POPE. The Senator does not mean, does he, that the language of the bill would repeal the restriction except as it is applicable to this particular measure?

Mr. O'MAHONEY. I mean it would repeal the provision as to the corporation to be created. Certainly it would not repeal it as to all branches of the Government. The inclusion in the bill of the provision to which the amendment is offered would mean that some of the governmental bureaus would operate under the restrictions of law now imposed, but this corporation would be exempt.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Certainly.

Mr. CONNALLY. Does the Senator from Wyoming think that a corporation of this kind ought to be required to submit every item of expenditure to the Comptroller General and go through a lot of rigmarole?

Mr. O'MAHONEY. This has nothing in the world to do with what the Comptroller General may or may not do; but I contend that when Congress appropriates $10,000,000 or $25,000,000 or $50,000,000 to the corporation provided for by the bill, that those millions out of the Public Treasury should be expended according to the laws written upon the statute books and which apply generally to the expenditure of public funds.

These restrictions in some instances have been on the statute books of the United States since the very beginning of the Government. Why should we, by a blanket phrase, repeal them all so far as the corporation created by the bill is concerned, particularly when, upon reading other provisions of the bill, we find that the corporation is practically exempt from all other responsibility to the legislative branch of the Government?

Mr. POPE. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Idaho?

Mr. O'MAHONEY. I yield.

Mr. POPE. Is it not true that this is a customary provision which is put in laws providing for Government corporations?

Mr. O'MAHONEY. I will say to the Senator from Idaho that it undoubtedly is true that, beginning with the depression in 1929, Congress, because it felt under an impelling necessity to act and act promptly, undertook to create corporations which were freed from these restrictions. I think that was true of the Reconstruction Finance Corporation, which was created under the administration of President Herbert Hoover. The example set then has been followed in innumerable instances in laws which have since been passed. However, I submit to the Senator from Idaho that the time certainly has now come when Congress should cease to delegate all its power and all its authority to unnamed persons in authority over new corporations created with practically unlimited powers.

Mr. POPE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. POPE. Is the Senator familiar with the decision of the Supreme Court of the United States, and particularly the opinion of Mr. Justice Brandeis on this particular point?

Mr. O'MAHONEY. In which he said it was legal? Of course it is legal. That is the reason I am objecting to it. If the provision were not effective, I would not be disturbed about it, but it will be effective. That is why I want to change it.

Mr. POPE. Not only is it legal but, if the Senator will permit me, I will read to him a statement by Mr. Justice Brandeis in which he said it is wise.

Mr. O'MAHONEY. I might differ with the Justice upon that point.

Mr. POPE. Mr. Justice Brandeis said:

> Indeed, an important if not the chief reason for employing these incorporated agencies was to enable them to employ commercial methods and to conduct their operations with a freedom supposed to be inconsistent with accountability to the Treasury under its established procedure of audit and control over the financial transactions of the United States.

He was referring to a very similar provision in the Emergency Fleet Corporation law.

Mr. O'MAHONEY. Of course, the Senator can save himself and his principle by refusing to eliminate the provision which appears upon another page of this bill.

Mr. VANDENBERG. Mr. President——

Mr. O'MAHONEY. I will yield when I finish the sentence.

Mr. VANDENBERG. I was just going to observe that the Senator can also get away from Justice Brandeis by voting to retire him compulsorily.

Mr. POPE. I do not want to get away from him.

Mr. O'MAHONEY. Mr. President, I was about to call the attention of the Senator from Idaho to paragraph (c) of section 8 which exempts this Corporation from all responsibility to the General Accounting Office. It was upon a similar provision that Mr. Justice Brandeis was expressing his opinion. An express exemption, of course, would be operative.

Mr. BANKHEAD. Mr. President——

Mr. O'MAHONEY. I yield to the Senator from Alabama.

Mr. BANKHEAD. I should like to say to the Senator, in order to save time, as Senators desire to get away for the Fourth of July holiday, that I do not regard this section as material. It has been taken from similar provisions in other acts passed by Congress, but I am willing to have the amendment adopted and also the Senator's amendment relating to confirmation by the Senate of appointments to the Board.

Mr. O'MAHONEY. The Senator will accept the amendment?

Mr. BANKHEAD. Yes; so that we may go forward with the bill.

Mr. O'MAHONEY. Mr. President, let me ask unanimous consent, in order to save time, that I may insert in the RECORD at this point as part of my remarks some of the provisions of the statutes which restrict the expenditure of public funds by the executive departments.

The PRESIDENT pro tempore. Without objection, permission is granted.

The matter referred to is as follows:

The following is a partial list of statutes restricting the expenditure of public funds which would be repealed as to the proposed corporation if the amendment now offered should not be agreed to:

Section 628 of title 31, United States Code:

"Except as otherwise provided by law, sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others."

Section 46, title 5, United States Code:

"No civil officer, clerk, draftsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall be employed at the seat of government in any executive department or subordinate bureau or office thereof or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor provided in the law granting the appropriation, and then only for services actually rendered in connection with and for the purposes of the appropriation from which payment is made, and at the rate of compensation provided for in chapter 13 of this title."

Section 674, title 31, United States Code:

"No moneys appropriated for contingent, incidental, or miscellaneous purposes shall be expended or paid for official or clerical compensation.

Section 678, title 31, United States Code:

"Law books, books of reference, and periodicals for use of any executive department or other Government establishment not under an executive department, at the seat of government, shall not be purchased or paid for from any appropriation made for contingent expenses or for any specific or general purpose unless such purchase is authorized and payment therefor specifically provided in the law granting the appropriation." (Mar. 15, 1898, ch. 68, sec. 3, 30 Stat. 316.)

Section 102, title 5, United States Code:

"The amount expended in any one year for newspapers, for any department, except the Department of State, including all bureaus and offices connected therewith, shall not exceed $100, except where otherwise specifically authorized by law. But the foregoing provision shall not apply to the subscriptions to newspapers by the military-information division. No executive officer, other than the heads of departments, shall apply more than $30, annually, out of the contingent fund under his control, to pay for newspapers, pamphlets, periodicals, or other books or prints not necessary for the business of his office." (R. S., secs. 192, 1779; Mar. 2, 1903, c. 975, 32 Stat. 929; June 22, 1906, c. 3514, sec. 7, 34 Stat. 449.)

Section 73 of title 5, United States Code:

"Except as otherwise provided by law, only actual traveling expenses shall be allowed to any person holding employment or appointment under the United States, except marshals, district attorneys, and clerks of the courts of the United States, and their deputies."

Section 34, title 40, United States Code:

"No contract shall be made for the rent of any building or part of any building, to be used for the purposes of the Government in the District of Columbia, until an appropriation therefor shall have been made in terms by Congress, and this clause shall be regarded as notice to all contractors or lessors of any such building or any part of building."

Section 78, title 5, United States Code:

"No appropriation made in any act shall be available for the purchase of any motor-propelled or horse-drawn passenger-carrying vehicle for the service of any of the executive departments or other Government establishments, or any branch of the Government service, unless specific authority is given therefor. There shall not be expended out of any appropriation made by Congress any sum for purchase, maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles for any branch of the public service of the United States unless the same is specifically authorized by law. In the estimates for each fiscal year there shall be submitted in detail estimates for such necessary appropriations as are intended to be used for purchase, maintenance, repair, or operation of all motor-propelled or horse-drawn passenger-carrying vehicles, specifying the sums required, the public purposes for which said vehicles are intended, and the officials or employees by whom the same are to be used." (July 16, 1914, c. 141, sec. 5, 38 Stat. 508.)

Section 219 of title 44, United States Code:

"No head of any executive department, or of any bureau, branch, or office of the Government, shall cause to be printed, nor shall the Public Printer print, any document or matter except that which is authorized by law and necessary to the public business; and executive officers, before transmitting their annual reports, shall carefully examine the same and all accompanying documents, and exclude therefrom all matter, including engravings, maps, drawings, and illustrations, except such as they shall certify in their letters transmitting such reports are necessary and relate entirely to the transaction of the public business."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Wyoming to the amendment reported by the committee.

The amendment to the amendment was agreed to.

CONFIRMATION OF BOARD MEMBERS

Mr. O'MAHONEY. Mr. President, I offer another amendment, which I ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. In the committee amendment on page 20, line 4, it is proposed to strike out all after the word "by" and insert the following:

The President, with the advice and consent of the Senate, for terms of 5 years, provided that the persons first appointed shall serve, respectively, for 1, 3, and 5 years.

Mr. O'MAHONEY. I understand that the Senator from Alabama will not object to that amendment.

Mr. BANKHEAD. The Senator is wrong about that. I said I would not object to an amendment requiring confirmation by the Senate.

Mr. O'MAHONEY. Exactly; and that is all this amendment proposes to do.

Mr. BANKHEAD. No; it fixes the terms of office, as I understood the reading.

Mr. O'MAHONEY. Yes; it fixes a term of 5 years.

Mr. BANKHEAD. I do not think that ought to be done, because, under the theory of this bill, those appointed to the Board are to be under the Secretary of Agriculture.

Mr. O'MAHONEY. The provision of the bill to which the amendment is offered clothes the Secretary with great power.

Mr. BANKHEAD. The amendment proposes to fix terms of office which may not be sufficiently long. If the amendment merely provided for confirmation of the members of the Board, I should have no objection to it. That is what we agreed on this morning.

Mr. O'MAHONEY. It is true the Senator agreed only that he would not object to an amendment which would provide for confirmation of members of the board by the Senate, but I will say to the Senator that we did not discuss the question of the terms of office. When I undertook to write the amendment, however, I discovered that it would be almost impossible to draft a satisfactory amendment without fixing a term.

I shall be very glad to accept the suggestion of the Senator from Alabama as to the length of the term if the term of 5 years is not long enough. The provision of the bill which I think should be changed is that the board shall consist of three persons employed in the Department of Agriculture who shall be appointed by and hold office at the pleasure of the Secretary.

My contention is that the board of directors of this all-powerful corporation should not hold office at the pleasure of the Secretary. My contention is that the mere confirmation of members of the board by the Senate, if they are to hold office at the pleasure of the Secretary, is a concession that concedes nothing. We might be confirming appointees

week after week if the Secretary of Agriculture could remove them at his pleasure.

What objection can there possibly be to fixing a definite term for the members of the board of directors? We are setting up a corporation which will administer farm tenancy; we are setting up a corporation which will deal with the most intimate affairs of many citizens of the United States, and those who, above all others, should have careful consideration of their problems, the tenant farmers. It is proposed to place the administration of this measure in the hands of a board of directors holding office at the pleasure of the Secretary of Agriculture. Secretaries change; secretaries resign; secretaries die; secretaries pass out of office. What sort of permanence can we have in a system of that kind? What possible objection can there be to the establishment of a definite term?

I do not care how long or how short it may be, and I would be very glad to receive any suggestion and to accept any suggestion that may be made by the Senator from Alabama, but it seems to me to be perfectly clear that when we are setting up a corporation to which we shall commit billions of dollars out of the Public Treasury, and to which we shall also commit the affairs of millions of tenants throughout the United States, whose future will depend upon the administration of this Corporation, we should be very certain that there shall be definite terms and definite responsibility for the men who are clothed with the power of administering the law.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Certainly.

Mr. HUGHES. I am not familiar with the amendment. Does the amendment also propose to strike out the provision that?—

> The board shall consist of three persons employed in the Department of Agriculture.

Mr. O'MAHONEY. No; they are to be employees of the Department of Agriculture, so that the board will consist of persons who are in that Department, but, under the amendment, they would be named by the President and confirmed by the Senate and would serve for definite terms of 5 years.

Mr. President, I have no desire to occupy the floor further and am very glad to submit the amendment to a vote.

Mr. BANKHEAD. Mr. President, in view of the program provided in the bill, I think the amendment should not be adopted. Its adoption would set up, in effect, a separate bureau with a board of directors for a fixed term. It would really change the theory of the bill placing the bureau under the Secretary of Agriculture. I hope the amendment will be rejected.

The PRESIDENT pro tempore. The question is on the adoption of the amendment proposed by the Senator from Wyoming to the committee amendment. [Putting the question.] The ayes seem to have it.

Several Senators called for a division.

On a division, the amendment to the amendment was agreed to.

RETENTION OF CIVIL-SERVICE PLAN

Mr. O'MAHONEY. Mr. President, I send to the desk another amendment which I offer.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. In the committee amendment in section 7, on page 22, line 8, beginning with the word "the", it is proposed to strike out all of lines 8 to 13, inclusive, and the word "regulations" in line 14, as follows:

> The Secretary of Agriculture may appoint such officers and employees, subject to the provisions of the Classification Act of 1923, and acts amendatory thereof, and such attorneys and experts as may be necessary for the purposes of this act; and the Secretary may make such appointments without regard to the civil-service laws or regulations.

Mr. O'MAHONEY. Paragraph (a) of section 7 consists of two sentences, the first of which gives the Secretary of Agriculture the power to appoint all officers and employees subject to the classification act but without regard to the civil-service law. The second sentence authorizes the board to define the authority and duties of officers and employees of the corporation. In view of the fact that we have just adopted the other amendment providing for confirmation of the members of this board, it seems to me that this amendment should also be adopted. I invite attention that this is an amendment which will take away from the Board and from the Secretary the power to appoint employees without regard to the civil-service law.

Let me say just a word about it. It seems to me to be perfectly obvious that when we create a corporation to carry on what amounts to a governmental function and clothe that corporation with broad powers, it is extremely unwise to clothe that corporation with the additional power to make appointments without regard to the civil-service laws. If the appointments were being made by Members of the Senate or Members of the House I probably would not be objecting, because no one is more ready to criticize the method by which bureaucracy abuses the civil-service laws than am I; but it is certainly no gain in public responsibility to give not to the Members of the Senate or the House the power to make these appointments, but to give it to the directors of the corporation which is to be created under the terms of the bill, or to the Secretary of Agriculture.

Mr. POPE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. POPE. On page 32 of the bill is a provision for use of county committees and payment of their expenses. Is it the opinion of the Senator that the county committees should be covered by civil service? The committees and their employees are made up of farmers in the various localities.

Mr. O'MAHONEY. Not at all. I quite agree with the Senator that the county committees should be exempt, and I should be very happy to accept an amendment which will provide that members of such committees shall not be subject to the civil-service laws.

Mr. POPE. Should the employees of the committees also be included under the civil-service rules and regulations? The secretaries of the committees are usually bank clerks or local insurance agents who give only a small part of their time to the work. They look after the books and records of the committee and write letters. Employees of the secretary of the committee consist, for example, of a stenographer who spends a very small part of her time on this work. That is illustrative of the kind of employees who would work in connection with the local committees.

Mr. O'MAHONEY. Will the Senator join me in the suggestion that all permanent employees of the corporation shall be appointed under and in accordance with the civil-service laws?

Mr. POPE. The secretaries of the local committees are permanent employees.

Mr. O'MAHONEY. The Senator just said they would work only part of the time.

Mr. POPE. They are permanent in the sense that they are employed regularly and receive a regular monthly or annual salary. I think the term "permanent" and the term "temporary" would have to be clarified and defined.

Mr. O'MAHONEY. Would the Senator agree to an amendment that all employees in the District of Columbia should be appointed under the civil-service laws?

Mr. POPE. I am not sponsoring the bill. The bill is in charge of the Senator from Alabama [Mr. BANKHEAD].

Mr. O'MAHONEY. The Senator is arguing and I am trying to win him over.

Mr. POPE. I have no objection to all employees in Washington being under civil service. We had this same question involved in connection with another bill when I made a rather careful study of it. I raised the question of the applicability of the civil-service rules and regulations to the farmers who would take a substantial part in carrying out the provisions of the law. I should have no objection to having the civil-service laws apply to all employees in the District of Columbia.

Mr. BARKLEY. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. Certainly.

Mr. BARKLEY. I ask the Senator from Idaho [Mr. POPE] whether the situation here is not analagous to that which we had when we were considering the crop-insurance bill which the Senator sponsored. The same question arose, and in view of the particular nature of the work to be done by local people, voluntary committees, and by many others whose services were not of sufficient importance to justify placing them on the permanent roll with an annual salary, but whose services were important in the local communities and in the particular phases of the administration of the act, the Senate decided not to require a civil-service examination of such employees.

I ask the Senator from Idaho if the situation is not somewhat analagous to that which I have just mentioned?

Mr. POPE. It is analogous so far as farmer employees are concerned. The Senator may recall that at that time I presented to the Senate a list of employees who would be doing temporary work or who were farmers and had special knowledge of the particular things they were to be called upon to do. I found in connection with that matter that about 75 percent of the employees were temporary in character, made up of local employees on local committees, watchmen at warehouses, and persons engaged in similar lines of work. I think the Senate at the time agreed with me that in cases where 75 percent of the employees were farmers and of a temporary character, the civil-service laws should not be applicable.

I took that position notwithstanding the fact that I am as strong an advocate of the merit system and of civil service as is any other man in this Chamber; but I think we should look at these matters reasonably in making the civil-service law applicable to the farmers and temporary employees, who necessarily must be relied upon to make the program succeed. Instead of filling a position with a civil-service employee who may come from Florida or Maine or some other place, and putting him into a local situation with which he is not familiar, it seems to me wise to make a proper limitation upon the application of the civil-service laws in order that some local person familiar with the local situation may be appointed to the position. It seems to me the same reason would, to some extent, apply here which applied in the crop-insurance case which we have been discussing, and to that extent the civil-service limitation should be waived.

Mr. O'MAHONEY. Mr. President, I desire to offer a modification of the amendment which I have sent to the desk. On page 22, at the end of the sentence, in line 19, add the following:

> Appointments of temporary employees and of employees in the field may be made without regard to the civil-service laws, under regulations to be prescribed by the Civil Service Commission.

Mr. POPE. I think that is a distinct improvement, but what is the Senator going to do with the experts and attorneys who may be necessary in the administration of the law?

Mr. O'MAHONEY. I think that may be handled through another amendment.

Mr. BARKLEY. Mr. President, in that connection may I ask the Senator a question?

Mr. O'MAHONEY. I yield to the Senator from Kentucky.

Mr. BARKLEY. The law is to be administered by the Department of Agriculture. The Resettlement Administration is a part of the Department of Agriculture. No doubt the Resettlement Administration, in the field, or perhaps even here in the District of Columbia, will be called upon to render service. Certainly there will be a form of cooperation between the Resettlement Administration or service, and the corporation or board which it is proposed to set up under the pending bill. The employees of the Resettlement Administration are not under civil service either in the District of Columbia or out in the field.

Mr. O'MAHONEY. That was because it was an emergency organization; and the Senator well knows, because he is a member of the Committee on Reorganization, that the President is suggesting to us that all these employees be placed under the civil service.

Mr. BARKLEY. Of course, the reorganization bill is still under consideration.

Mr. O'MAHONEY. I assume that the Senator will support it.

Mr. BARKLEY. The bill itself is from time to time being reorganized. I am speaking of the law as it now is. No one can tell what is going to be the fate of the reorganization bill, although we do hope—and I am sure the Senator shares the hope—that we may secure substantial legislation on that subject at a very early date. But the point is, if the agency now in existence which is closest to the farm-tenant situation, and which has made some progress in dealing with that subject, is to be called into cooperation with the administration of this act, and that agency is not under the civil service, to what extent will an amendment of this sort confuse the situation, so as to make it impossible for the Department of Agriculture to utilize the experience and the services of men in the Resettlement Administration?

Mr. O'MAHONEY. Mr. President, the amendment will not confuse the situation at all. The Resettlement Administration was established as an agency outside of the Department of Agriculture. Since then, by Executive order, it has been made a part of the Department of Agriculture. The Resettlement Administration is today working with the Department of Agriculture, most of the employees of which are under the civil service.

Mr. BARKLEY. That statement applies to the employees here in the District of Columbia, but not to those out in the field.

Mr. O'MAHONEY. They are working with employees of the Department of Agriculture out in the field who are under the civil service.

Mr. President, it seems to me there can be no Member of this body who does not know that under the system which has been followed heretofore in the creation of these executive agencies, literally thousands of persons have been appointed to positions in Government employ outside of the civil service who recognize no responsibility to the Congress of the United States or to the administration that is in power and who are without responsibility to the people. I am sure there is no Senator and no Member of the House of Representatives who had anything to do with the last campaign who does not know that literally hundreds of Government employees who were appointed without regard to civil service were active in the campaign against the head of this administration. One of the virtues of the civil service law is that the persons who are appointed under it are forbidden to participate in political activity of a pernicious nature. Why should the Senate and the House undertake to create here a system whereby the bureaucrats may appoint whom they please, without regard to the civil service laws, to run the affairs of the people of the United States? We are drifting so rapidly toward bureaucracy that it ought to make our heads swim.

Mr. President, I do not intend to take up the time of the Senate by protracted argument. I have offered the amendment, and I am very glad to have it submitted as it stands. It places the permanent employees of this Corporation under the merit system, where they ought to be, and exempts temporary employees and those who are in the field.

Mr. HUGHES. Mr. President, a few minutes ago the Senator from Wyoming [Mr. O'MAHONEY] stated that he hoped the Senator from Idaho would be converted to the view of the civil service which is held by the Senator from Wyoming. I have not been here very long, and I have not yet been converted to the virtues of the civil service. So far as I personally feel, I am not impressed with the great advantages of having appointments of any kind, or certainly appointments like these, put under civil service.

The Senator says that because of the fact that a great many employees in the field are not under civil service they took an active part in the recent campaign. I desire to say that in my State those who were under the civil service also took a rather active part in the campaign, although it was contrary to the law. I know that in my case quite a number of officers who were under the civil service were fighting me in the campaign, and I think that will happen everywhere.

So far as I am personally concerned, until I am "converted", as the Senator expresses it, I do not feel inclined to vote in this or any other bill to increase the scope of the civil service, especially in cases like this, where, as the Senator from Kentucky [Mr. BARKLEY] suggests—and I know that to be the case—these officers will be drawn, for the time being, anyhow, largely from other agencies in the field under the Agricultural Department. So I shall not vote for the amendment.

Mr. MINTON. Mr. President, the Senator from Delaware says he has not been here very long, and has not observed much about the workings of the civil service. Neither have I; but I have been here long enough to learn that one does not know anything at all about politics until he runs up against the civil service. If there is any politics that is played with a fine Italian hand, it is the politics that is played in the departments by the inner circle of the civil-service employees. If one wishes to learn something about politics, he should go up against that ring, and they will give him cards and spades and beat him.

Mr. O'MAHONEY. Mr. President, I desire to say to the Senator from Indiana that I think there is a great deal of truth in the remark he has just made. My contention is that we gain nothing whatsoever by giving a free hand to the bureaucrats who play the fine Italian game of politics he describes.

Mr. MINTON. Who are the bureaucrats? That is what I want to know.

Mr. O'MAHONEY. Who are the bureaucrats? Why, Mr. President, they are employees who are scattered all through the fast-ramifying Government establishment that we are building up here, and many of them are civil-service employees.

Mr. MINTON. Exactly so. They have some appointments to make, and they are bureaucrats, and they maintain the existence of the present system.

Mr. O'MAHONEY. I may say to the Senator that the Committee on Reorganization is endeavoring to cure that defect. My only point is that nothing is gained by creating another corporation, the employees of which will have powers even greater than those of the civil-service employees.

Mr. HUGHES. Mr. President, in reply to what the Senator says about bureaucrats, I desire to add to what I have said, that I have known the Secretary of Agriculture for quite a number of years, and I have a very high regard for him.

Mr. O'MAHONEY. Mr. President, let me interrupt the Senator long enough to say that I yield to no one in my admiration for the present Secretary of Agriculture. He is an outstanding man and a public servant of unusual ability.

Mr. HUGHES. Under the bill as it stands, however, he is to appoint these officers and employees. I am certainly prepared to trust him to make the appointments, and I very much prefer that he make them to having them made under civil service.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY] to the amendment reported by the committee.

The amendment to the amendment was rejected.

Mr. BAILEY. Mr. President, I send to the desk an amendment, which I ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 25, line 3, at the end of section 9 (a), it is proposed to amend the committee amendment by adding thereto the following:

In making loans under this act the amount which is devoted to such purpose during any fiscal year shall be distributed equitably among the several States and Territories on the basis of farm population and the prevalence of tenancy as determined by the Secretary.

Mr. BANKHEAD. Mr. President, the amendment just read is agreeable to me, and, so far as I am concerned, it may be accepted.

Mr. BORAH. Mr. President, may the amendment be read again?

The PRESIDENT pro tempore. The clerk will restate the amendment offered by the Senator from North Carolina to the amendment of the committee.

The amendment to the amendment was restated.

Mr. BORAH. Does the Senator think that amendment is necessary?

Mr. BAILEY. I do think it is necessary. I should like to have the funds provided spent equitably throughout the territory affected by the bill. I should not be willing to run the risk of having them concentrated in any one or two or three States or in any one section. I know that tenancy is more prevalent in some States than in others, but I wish the money to be expended fairly throughout the country, with a view to attacking this problem in the small way that is proposed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from North Carolina to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. BAILEY. Mr. President, I send to the desk another amendment, which I ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 31, after line 14, it is proposed to insert the following:

The gross overhead expense of the activity herein created shall not exceed the sum of $400,000 per year, including expense of the agency at Washington and all other expenses in local offices and the field, including travel and communication.

Mr. BANKHEAD. Mr. President, I have no objection to that amendment.

The PRESIDENT pro tempore. Without objection, the amendment offered by the Senator from North Carolina to the amendment of the committee is agreed to.

Mr. BAILEY. Mr. President, I desire to make a statement as to my reasons for putting forward that amendment.

Four hundred thousand dollars is 4 percent of $10,000,000. I think that is fair. I am induced to offer the amendment because of the record made under the Rural Resettlement Administration. In the year 1936 it expended $200,382,268, and the overhead was $33,388,187. Those figures are to be found on page 66 of the Budget, which is before us all. That is an expenditure of 16½ percent for overhead under the illustrious administration of the celebrated Professor Tugwell. The Rural Resettlement Act was designed to some extent to solve the tenancy problem, I thought to a very great extent, but, of course, we all realize that it did not solve the problem, and I suspect that it has not solved anything. I wish to hold the administrative expenditures in this new experiment to $400,000 a year, in the hope that 96 percent of the funds will be addressed to the problem properly.

I understand the amendment has been agreed to, and I send forward another amendment.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. In the committee amendment on page 26, at the end of line 8, it is proposed to insert the following:

But the power of eminent domain herein provided shall be exercised only in instances in which it is necessary to clear titles.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. BAILEY. Certainly.

Mr. BORAH. In connection with his amendment, I desire to ask, as I had intended to ask before, under what circumstances would it be necessary to invoke the power of eminent domain in the execution and administration of the law at all? Secondly, can the power of eminent domain be exercised for the purpose of transferring property from A to B?

Mr. BAILEY. I do not think so.

Mr. BORAH. Nor do I. How is the power of eminent domain to be exercised under the pending measure for a public purpose, in the sense that "public purpose" is used in defining the power of eminent domain?

Mr. BAILEY. I agree with what the Senator has in mind, but I may say that the bill on its face provides for the purchase of property and for condemnation proceedings in view of the purchase. Whether or not we would agree to the use of the power of eminent domain with respect to purchase only, or to purchase with a view to transfer, is a question. I think, therefore, that the amendment restricting the exercise of the power would be helpful. However, I am perfectly willing to vote for an amendment taking out of the bill entirely the section conferring the power of eminent domain.

Mr. BORAH. I was about to ask the Senator in charge of the bill whether he is satisfied that the power of eminent domain could be invoked at all under the measure. I myself cannot conceive of any circumstances or conditions which would justify the exercise of that power. I should be glad to have the Senator's view, because he has undoubtedly considered the matter.

Mr. BANKHEAD. Mr. President, I do not know whether or not the Senator from Idaho was in the Chamber yesterday when this matter was under discussion, but I stated then that the only object the author of the bill had in incorporating the provision for the exercise of the power of eminent domain was to expedite in certain cases the clearing of titles.

I assume that the corporation to be set up can be given such power as the Government has. I do not know any reason why, if the Government has the power, it cannot exercise that power through an instrumentality created by the Congress. At any rate, it is doing that all the time.

In the case of the Tennessee Valley Authority, where lands are being covered by water as the result of the construction of dams, there are two methods of making settlement. One is by purchase; the other, where a price cannot be agreed upon, is by condemnation, authorized in the act and invoked at every session of the Federal court in the district affected.

Mr. BORAH. I can understand that.

Mr. BANKHEAD. I understood the Senator had in mind both the power and the necessity for its use.

As I said on the floor of the Senate yesterday, I myself would not be willing to have the Government exercise the power of eminent domain in this matter for the purpose of acquiring a farm where the real owner of the farm did not desire to sell it. I can conceive of cases, such as those which have developed in T. V. A. transactions, in flood-control transactions where the Government is obliged to acquire lands, in forestry transactions where the Government is constantly buying land, where complete title cannot be acquired, sometimes because of the minority of a party, sometimes because of insanity of some party, sometimes by reason of the fact that heirs are absent or unknown, when in fact the real owners in large part have agreed to the transaction and when the purchase price is acceptable, but for one reason or another complete and legal title cannot be acquired, although the equitable title is being acquired.

So, with the amendment offered by the Senator from North Carolina, to which I have expressed my full agreement, because it covers the only purpose I had in mind in incorporating the provision, the power may well be used purely for clearing titles.

I am sure that the distinguished Senator from Idaho, with his great legal talent and wide legal experience, realizes that under a limitation of that sort, giving the power of eminent domain only for the purpose of clearing title, a well-known legal designation, and a term well known in law books, the power could not be improperly used. It could not be used for the purpose of taking land from those who were on it in their own right and unwilling to have it taken. Therefore no injustice could be accomplished. It is simply to expedite a transaction which the Government and all the adult parties involved wish to carry out, but which they are delayed from carrying out because, as I have said, of facts which make a complete conveyance by the heirs in the chain of title, whether they own any interest at the time or not, impossible to secure.

Mr. BORAH. Mr. President, I ask that the amendment be stated again.

The PRESIDENT pro tempore. The clerk will state the amendment.

The LEGISLATIVE CLERK. In the committee amendment, on page 26, at the end of line 8, it is proposed to add the following:

> But the power of eminent domain herein provided shall be exercised only in instances in which it is necessary to clear titles.

Mr. BORAH. Mr. President, can the power of eminent domain be exercised to clear title?

Mr. BAILEY. If the Senator will allow me to respond, I do not think so. I do not think the section ought to be in the bill. I have offered the amendment by way of modification on the ground that probably it is the best we can get. But I have another consideration. The laws on eminent domain are rather clear, but it is not quite clear in America today what sort of a court we are going to have, and I think we should build modifications here and there.

Mr. BANKHEAD. Mr. President, I do not regard this as of sufficient importance to detain the Senate. It is purely a corrective provision, and in view of the opposition of the Senator from Idaho, for whose views I have very great respect, as I think he knows, and in view of the opposition of the Senator from North Carolina, who is friendly to the bill, I am unwilling to engage in any protracted discussion about a matter which I do not think involves a principle in the measure. So I agree to withdraw the section from the bill, if that is agreeable.

Mr. BORAH. Mr. President, I am not asking the Senator to withdraw the section.

Mr. BANKHEAD. I intended to say that I was willing to strike out the words "eminent domain."

Mr. BORAH. I would simply strike out the two words "eminent domain."

Mr. BANKHEAD. Yes; on reflection, that is what I suggest.

Mr. BAILEY. Then I withdraw my amendment.

Mr. BANKHEAD. I move that the words "eminent domain" be stricken out.

The PRESIDENT pro tempore. The clerk will state the amendment.

The LEGISLATIVE CLERK. In the committee amendment, on page 25, line 17, after the word "purchase" and the comma, it is proposed to strike out the words "eminent domain."

The amendment to the amendment was agreed to.

Mr. BAILEY. I send forward another amendment which I ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. It is proposed to insert in the proper place the following language:

> No farm, or equipment thereof, or improvements thereon, shall be sold for less than cost to the Board, including a reasonable charge for overhead.

Mr. BAILEY. Mr. President, my reason for offering that amendment is based on the experience of the Rural Resettlement Administration. They are expending $20,000 per unit in New Jersey, and they expended $12,000 to $16,000 per unit in Virginia. I understand that they have expended $12,000 per unit in Greenbelt. There is not a possibility of any of that property being sold for the prices which the Government has paid. My amendment is intended to restrict sales of property to an amount which is not less than the cost to the Government, plus a reasonable overhead.

I hope the amendment will be accepted. If it is not accepted, there is no telling how much will be spent, or how much the Government will lose.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from North Carolina to the amendment reported by the committee. [Putting the question.] The Chair is in doubt.

Mr. BAILEY. I ask for a division.

On a division, the amendment to the amendment was rejected.

Mr. BAILEY. Mr. President, I send forward another amendment which I ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. In the committee amendment on page 22, line 14, after the word "regulations", it is proposed to insert:

Appointments to office hereunder, the compensation of which is $4,500 or more, shall be subject to confirmation by the Senate.

Mr. BAILEY. I hope the Senate will accept that amendment.

Mr. BANKHEAD. Mr. President, I think the Senator should make the amount $5,000. I think that is the amount which has been fixed heretofore.

Mr. CONNALLY. Mr. President, if there is to be a change, I think the change ought to be made to $4,000.

Mr. BAILEY. Mr. President, it appears that I am playing safe either way. I ask for a vote on my amendment. If the amendment is rejected, I shall adopt the suggestions made by the two Senators who have just spoken.

Mr. BANKHEAD. I am not trying to "jew" the Senator down. I am suggesting to him that in order to have uniformity the amount ought to be $5,000. I do not care if the Corporation does not pay anyone over $2,000.

Mr. BAILEY. I ask for a vote on the amendment as proposed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Sentaor from North Carolina to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The committee amendment is still before the Senate and open to amendment.

Mr. BANKHEAD. Mr. President, I now offer some slight amendments which I tried to offer when the bill was first called up. They are purely of a corrective nature.

The PRESIDENT pro tempore. The first amendment to the amendment reported by the committee will be stated.

The CHIEF CLERK. On page 35, line 13, it is proposed to strike out the figures "44" and insert in lieu thereof the figures "24."

The PRESIDENT pro tempore. Without objection, the amendment to the amendment reported by the committee is agreed to.

Mr. BANKHEAD. Mr. President, I send forward another amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 35, line 7, it is proposed to strike out the words "United States" and insert in lieu thereof the word "Corporation."

The PRESIDENT pro tempore. Without objection, the amendment to the amendment reported by the committee is agreed to.

Mr. BANKHEAD. I send forward another amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 33, line 10, after the words "by the" and immediately preceding the word "Secretary", it is proposed to insert the words "United States and under the supervision of the."

The PRESIDENT pro tempore. Without objection, the amendment to the amendment reported by the committee is agreed to.

Mr. BANKHEAD. I send forward another amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 33, line 10, it is proposed to insert a comma after the word "Agriculture."

The PRESIDENT pro tempore. Without objection, the amendment to the amendment reported by the committee is agreed to.

Mr. BANKHEAD. Mr. President, I send forward another amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 29, beginning with line 18, it is proposed to strike out all of section 16 down to and including line 11, on page 30, and to insert a new section 16, as follows:

SEC. 16. Nothing in this act shall be construed to exempt any real property held by any purchaser or lessee from the Corporation, notwithstanding the legal title remains in the Corporation, from taxation by any State or political subdivision thereof to the same extent, according to its value, as other real property is taxed.

The PRESIDENT pro tempore. Without objection, the amendment to the amendment reported by the committee is agreed to.

Mr. BANKHEAD. I offer one other amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 21, beginning with line 4, it is proposed to strike out all of subsection (d) of section 6 and to insert a new subsection (d), as follows:

(d) May sue and be sued in its corporate name in any court of competent jurisdiction, State or Federal, provided that the prosecution and defense of all litigation to which the Corporation may be a party shall be conducted under the supervision of the Attorney General, and the Corporation shall be represented by the United States attorneys for the districts, respectively, in which such litigation may arise, or by such other attorney or attorneys as may, under the law, be designated by the Attorney General: *And provided further*, That no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Corporation or its property.

The PRESIDENT pro tempore. Without objection, the amendment to the amendment reported by the committee is agreed to.

Mr. BILBO. Mr. President, it is not my purpose to detain the Senate more than a few minutes; but I have one or two observations which I wish to make on the bill before its final passage.

Before coming to the Senate in 1935 I had made a resolution that during my term of service I would do something about the farm-tenancy problem, because I had not only made an investigation of it in this country but I had occasion to spend several weeks in Denmark and Holland in a study of this very question. When I arrived in the Senate I found that the Senator from Alabama [Mr. BANKHEAD] and Representative JONES, of Texas, had been at work on the subject for some time, and I joined with these gentlemen and contributed my bit toward the perfection of this very much needed legislation.

At this point I ask unanimous consent to have printed in the RECORD, as part of my remarks, a portion of the Report of the President's Committee on Farm Tenancy, found on page 35 and part of page 36, which shows the extent of tenancy in the United States by sections. The report of the President's committee shows that actually 50 percent of the farms of this country are operated altogether or in part by tenants, sharecroppers, and farm laborers. I desire that this portion of the report be printed in the RECORD, because I think the people throughout the country who read the CONGRESSIONAL RECORD will be interested in this particular portion of the report. The information contained therein will not reach the general reading public as well when published in a report as it will when printed in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER (Mr. HATCH in the chair). Without objection, it is so ordered.

The portion of the report referred to, appearing on pages 35 and 36 of the Report of the President's Committee on Farm Tenancy, is as follows:

EXTENT OF TENANCY

The agricultural census of 1935 provides recent information on the extent and distribution of farm tenancy in the United States. According to its classification, approximately 42 percent of the 6,812,350 farmers in the country were tenants; that is, farmers who rent all of the land they operate.[1] The number of tenant farmers was reported as 2,865,155, the highest ever recorded (statis. supp., table I).

An additional 10 percent of all farmers were part owners; that is, farmers who own part and rent part of the land they operate.

[1] Croppers are included as tenants in the census classification. In some States they are legally regarded not as tenants with possession of the land they operate, but as workers, under landlord supervision, who receive a part of the crop as payment.

Hence, more than half of the farmers of the United States rent all or part of their farms. The number of part owners was reported as 688,867, also the highest ever recorded (statis. supp., table II). About 48,000 other farms were operated by hired managers.

These figures show that less than half (47 percent) of the farmers of the United States own all of the land they farm.

DISTRIBUTION OF TENANCY BY REGIONS

The distribution of farm tenancy by States and the proportion of farmers who are tenants vary from State to State (statis. supp., table III). Every State in the Union has some farm tenancy, though it is by no means of the same social, economic, and political significance (fig. 1).

The South: Farm tenants, including croppers, are a higher percentage of all farmers in the South[3] than in any other major section. There were 3,422,000 farmers in the South, according to the 1935 census, of whom 1,831,000, or 54 percent, were tenants. The tenants in the South represent about 64 percent of all the tenant farmers in the United States. Almost every Southern State has a higher percentage of tenancy than those in the North or West. Mississippi ranks at the top, with 70 percent of the farms in the hands of tenants or croppers. In Georgia two-thirds of all farmers are tenants or croppers; and in South Carolina, Alabama, Arkansas, Louisiana, and Oklahoma, more than 60 percent of the farms are operated by tenants or croppers (statis. supp., table I). All of the counties in the United States in which more than 80 percent of the farmers are tenants or croppers are in the South; most of these counties are in the rich alluvial lands along the lower Mississippi River. Throughout the Southern States, however, there are extensive areas where from 60 to 80 percent of all farmers are tenants or croppers.

The North: Even though the 16 Southern States have within their borders almost two-thirds of the total number of tenants and croppers, farm tenancy is important, and growing rapidly, in many other areas of the country (statis. supp., tables I and III).

The 21 States in the North Atlantic and North Central Divisions of the country[2] had 2,819,000 farmers in 1935, of whom 898,000, or about 32 percent, were tenants. The northern State with the highest percentage of tenancy is Iowa, one of the richest agricultural States in the Union, with 50 percent of all farms operated by tenants. Nebraska and South Dakota are tied for second place, with 49 percent of their farms operated by tenants. In 1935 more than two-fifths of the farmers in Kansas and Illinois were tenants. There are a few specialized grain-growing counties in Illinois, Iowa, and South Dakota in which more than 60 percent of the farms are tenant operated. Throughout wide areas of the North there are numerous counties in which from 40 to 60 percent of all farmers are tenants. In the industrial sections of the Northeast, however, the percentage of tenancy is not high, and until the recent depression had been declining for many years.

The West: In most parts of the 11 Western States[4] there is relatively little tenant farming, but it has been increasing for several decades, and in many cash-crop areas has reached levels as high as the average for the country as a whole.

Of the 571,000 farmers in the West reported by the 1935 census, 136,000, or 24 percent, were tenants. The Western State with the highest percentage of tenancy is Colorado, where 39 farms out of each 100 are tenant-operated. Most of the tenant farmers in that State are in the eastern counties near Kansas and Nebraska. In the States of Montana, Idaho, Wyoming, Oregon, and California between 20 and 30 percent of all farmers were tenants in 1935; in the States of New Mexico, Arizona, Utah, Nevada, and Washington less than 20 percent of the farms were tenant-operated.

The disposition of range lands causes the percentage of leased land in the West to be much higher than the percentage of tenant farms. Hundreds of thousands of acres are rented[5] for grazing purposes, but since most of the ranch operators own some land they are not classified as tenants. Approximately 43 percent of all western land in farms was shown as operated under lease in 1935, and since this figure does not include some of the Federal-, State-, railroad-, and absentee-owned land rented to ranchmen for grazing purposes, the actual proportion of rented land is probably considerably higher.

A second factor in the discrepancy between the proportion of rented land and the proportion of tenant farmers is due to the fact that farming corporations are extensive renters in the specialized cash-crop areas where much of the work is done by migratory agricultural laborers. There are a number of "pockets" in these cash crop areas, moreover, and also in the dry-farming areas, where the tenancy rate is high.

State legislation prohibiting orientals from owning land has been a special factor operating to increase tenancy rates in certain Western States where orientals make up a significant proportion of farm operators, though purchase of land by American-born children of oriental parents is in process of offsetting the effect of these laws.

[3] The South is herein defined as the 16 States and the District of Columbia in the South Atlantic and South Central Divisions of the country. The individual States are Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas.

[2] The individual States are Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas.

[4] The individual States are Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

[5] The term "rented" as applied to range land is employed to include land used under permit or license.

Mr. BILBO. Mr. President, some people have despaired of this undertaking because of its magnitude; but in a study of the question of farm tenancy I find that in Ireland, when a start was made to solve this question by long-range legislation and the adoption of a permanent program, it was found that 97 percent of the farmers of Ireland were tenants and sharecroppers; and by adopting a policy somewhat akin to the one we have under consideration, up to the present time that percentage in Ireland has been reduced to 3 percent.

In Denmark, where only half of the farmers were tenants when a similar program was initiated, in the last 35 years that tenancy figure has been reduced to 5 percent.

We are faced today with the situation that about 52 percent of our farmers are tenant farmers; and I say "52 percent" in the face of the statement made yesterday that the figure is 42 percent. The statement was made yesterday that farm tenancy amounted to 42 percent. That figure did not include farmers part of whose farming operations is on rented land, and the statistics show that 10 percent are in that situation. So it is safe to say that 52 percent of the farmers of America do not own their homes outright.

The question is, Can we solve this problem? Personally, I agree with the Senator from Idaho [Mr. BORAH] that this legislation by itself will not solve the question of tenancy in the United States. I make that statement in connection with the question, Who is responsible for farm tenancy? I think the reason why farm tenancy in the United States has shown a gradual increase is because of the failure of the Congress to act. We shall never be able to solve the tenancy question until Congress realizes that we must do something besides buying a home for the tenant farmer. We must have laws and inaugurate policies which will make it possible for the farmer to succeed after we have bought him a farm and equipped him to carry on farming operations.

The Federal Government, acting through Congress, is responsible for the condition of tenancy existing throughout the United States. So long as the Congress is influenced both in the making of laws and in the execution and interpretation of its laws by influences which are not of the best for the rank and file of the American people, we shall not be able to solve the problem.

There are just a few things that Congress must do before we can hope to reduce the great percentage of tenancy in this country. There is not any trouble about the southern farmer. I speak especially at this time concerning the tenancy question in the South; and I think I can speak of that because my State, Mississippi, is the banner State when it comes to the number of tenant farmers.

At one time 72 percent of our farmers were tenants. It is not a race question, either; because in the South two-thirds of the tenants are white and one-third are Negroes.

Mr. President, we are not going to be able to solve the question until we do something to improve the condition of the farmer. When Denmark started out to solve the question of tenancy, not only was it provided that the Government should finance the tenant farmer and the purchase of his holdings, his land, and should also equip him, but the farmers of Denmark took hold of the Government itself and enacted legislation and established policies which would insure the success of farming in Denmark; in fact, the commissioner of agriculture in Denmark is the most important man in the Government, and, if Denmark has a dictator, it is the commissioner of agriculture. In Denmark the marketing end and the selling end of farming have been thoroughly systematized. I had a conference with the gentleman in Denmark who has control of all the agricultural colleges and agricultural activities in the educational line in that country. He told me that they had never been able to make any progress in the solution of the tenancy

question until the Government took hold of the question of marketing profitably the commodities the farmers were able to produce on the fertile lands of Denmark.

It is not difficult for the southern farmer to produce bounteous crops. We have adequate rainfall; we have the proper temperature; we have the soil; we have everything that is ideal for agricultural success; but our trouble has been in disposing of the crops produced at living, decent prices after they have been harvested.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BILBO. I yield to the Senator from Tennessee.

Mr. McKELLAR. Does not the Senator also think that we should have a system of adequate financing of the farmer? It is very difficult, in our section of the country at least, for the small farmer to obtain money. It has been less difficult, of course, since the Government has set up the Crop Loan Bureau, which has helped the small farmers to a very great degree; but there ought to be some system of financing. Whether wholly private or wholly public or partly private and partly public, we ought to have a system under which farmers could obtain the necessary money at a reasonable rate of interest to make their crops.

Mr. BILBO. I appreciate the Senator's position and his observations. I have been very much in sympathy with the Government seed-loan campaign and the work that has been done during the depression by the Resettlement Administration, as well as by the W. P. A. in giving relief. Of course, such aid from the Government is necessary under the present depressed and oppressed conditions of the farmers of the South and of the Nation, but, after there shall be provided permanent relief, so that the farmer may dispose to advantage of the crops he may grow, it will not be necessary to go on with the other kinds of relief, because he will then be able to take care of himself.

I will call attention to just one development in the South. During the last 25 years there has grown up an industry in the South in connection with the production of paper-shell pecans: I know of one of my neighbors who invested $80,000 in the purchase and propagation of a paper-shell pecan grove. At the beginning paper-shell pecans were selling for from 50 to 75 cents and even a dollar a pound, but by the time he got his pecan grove developed and was ready to put his paper-shell pecans on the market the United States was flooded with cheap nuts from South America, from India, and from other portions of the world, and today the domestic pecan grower is not able to get more than 8 or 10 or 12 or 15 cents a pound for the finest paper-shell pecans in the world. Whose fault is it? The fault is with the Congress failing to protect our own people who are engaged in an industry that has great promise. It takes many years to develop a pecan grove, and after it is developed, then all the savings of a lifetime may be swept away because of the failure of the Government in Washington to protect the people from the importation of cheap nuts which are grown in other nations and gathered by cheap labor.

Let me refer to cotton. Some Members of the Senate may know that I have been giving my attention to the question of establishing a great chemical research laboratory in the Cotton Belt for the purpose of discovering other uses for cotton, cottonseed, and its byproducts. I appreciate the fact that it is only a matter of a few months or a few years before the cotton farmer will be faced with bankruptcy. Why? Because of the introduction of substitutes which may be used in the manufacture of clothing and because of the increased production of cotton in foreign countries. It will be but a few months before the only market we will have for cotton grown in the South will be the United States, within our own borders. Domestically we can use about 8,000,000 bales; that is the highest consumption we have had locally so far. If the South is forced to a production of only 8,000,000 bales, then the cotton farmers will be bankrupt, because they must be permitted to raise ten, fifteen, or twenty million bales and sell them at a decent price before they can make any progress, before they can maintain a decent living on the cotton farms of the South.

I picked up a copy of the Cotton Trade Journal yesterday and there I read a statement that 8,000 bales of Soviet cotton are now on the way to the United States to be sold to American manufacturers at a price of 5 or 6 cents a pound.

Just recently our President visited South America. Following his return, he told me that he was disturbed by the observations he had made and what he had learned while he was in South America. The coffee growers of South America are now cutting down their coffee trees and converting their coffee plantations into cotton plantations, because they can produce cotton, under labor and other conditions there, at 5 or 6 cents a pound and make more money than they can make by growing coffee. So they are cutting down the coffee trees in order to cultivate cotton.

Let us not be fooled, Mr. President, and let not the experts deceive us. The increased production of cotton in South America, in India, in Egypt, and in Russia and other parts of the world will soon supply all the markets that we have been supplying with our export cotton, the exportations representing about 50 percent of the crop. That is why I consider, if we want to do something for the farmer, we had just as well force ourselves to collaborate with the chemists. Chemurgy is the only way out. An old Negro connected with Tuskeegee Institute, in Alabama, through the chemical route, found over 300 uses for the lowly peanut.

Under the W. P. A. there was established in the city of Laurel, Miss., a plant to manufacture starch from sweetpotatoes, which is one of the crops that can be grown in great abundance in the South. The first year the enterprise was entered upon, the highest grade of starch, such as is used by mills in the production of the finest type of textiles, was manufactured from sweetpotatoes for 13 cents a pound. Last year 400,000 pounds of starch were manufactured at the little plant in Laurel for 3 cents a pound; and after 400,000 pounds of starch were manufactured from sweetpotatoes for 3 cents a pound one of the scientists in the Bureau of Chemistry and Soils discovered that if there had been utilized what was left of the potatoes 75,000 gallons of alcohol could have been made.

In seeking the establishment of a great chemical laboratory for the South I am not confining its activities to finding other uses for cotton alone but am seeking to find additional uses for every crop that is grown in the South. I have been able to have the project approved by everyone along the line except the Bureau of the Budget, and I hope to get it through the Bureau of the Budget some time this week.

So I say that while the pending measure is essential in order to give the farmer a start, yet we are going to fail in the end if we embark him on an undertaking, equip his farm with mules and teams and implements and everything he needs, unless we create a condition by laws passed by Congress, yes; by the assistance of the Government, yes; that will enable him to sell the crops which it is proposed to help him to produce, so that he may maintain a decent living and pay back to the Government the money we invest in him.

I am very much in favor of the pending bill because I know that the man who owns a home will naturally make a better citizen. If after the Civil War the Negroes of the South, when they were freed, had been given a piece of land to hold as their own, something to which they would have been tied, I say to you, Mr. President, that today there would not be a Harlem in New York, or a "black belt" in Chicago, because the highest and best type of Negroes we have in the South are those who have, through their frugality and labor, become the owners of their own homes. They make a better citizen. Of course, there are many patriotic citizens of this country who are homeless, but I dare say if such citizens owned their homes and had some place they could call home, they would be still better citizens.

I think the ideal place to rear a family is in its own home. The tenant is nomadic in his habits, migratory in his character. He slips from one place to another. There is nothing to tie him. There is nothing to tie him up with the church community or the school community. His children naturally absorb the same indifferent spirit about the things that mean

so much in the making of a good citizen. But if he were tied to the soil and owned his home, and at night could gather around the fireside his wife and children and they could sing Home Sweet Home, he would be in an atmosphere which would produce a better type of citizenship.

Mr. BARKLEY. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment to the committee amendment will be stated.

The CHIEF CLERK. In the committee amendment, on page 18, line 23, it is proposed to strike out the words "This act may be cited as 'The Farmers' Home Act'" and to insert in lieu thereof the following:

This act may be cited as "The Bankhead-Jones Farm Tenant Act."

Mr. BARKLEY. Mr. President, I offer the amendment because I think it is recognized by all of us that the junior Senator from Alabama [Mr. BANKHEAD] really has been a pioneer in the matter of farm-tenancy legislation. The chairman of the Committee on Agriculture of the House, Hon. MARVIN JONES, of Texas, has collaborated with the Senator from Alabama in bringing about the enactment of the legislation. I think it is a fitting tribute to both of them that the act be cited in their names, and for that reason I have offered the amendment to the committee amendment.

Mr. MCNARY. Mr. President, I am not going to oppose the amendment, but it is a very unusual one. I merely desire to call the attention of Members of the Senate to the fact that it is the first time in the history of legislation that an act has been designated officially in the act itself by the name of the author.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Kentucky to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. POPE. Mr. President, yesterday the Senator from Wyoming [Mr. O'MAHONEY] criticized the provision of the bill giving the tenancy corporation the authority to determine expenditures and pay claims without approval of other departments. At that time I stated the particular provision is one which is contained in nearly all of the acts creating governmental corporations. I have had prepared a history of this provision and certain other provisions which were criticized yesterday by the Senator from Wyoming, and as a part of my remarks I shall ask to have it printed in the RECORD.

Before submitting the statement, however, I desire to invite the attention of the Senate to the fact that all or practically all of the corporations which have been organized as governmental corporations have been created under acts containing the provision as to payment of claims. Its use began a number of years ago.

In the Reconstruction Finance Corporation Act will be found a similar provision. Substantially the same provision is in the Federal home-loan bank law. The same provision is contained in the Federal Deposit Insurance Corporation law. Almost the same provision is in the Federal Housing Administration law passed 2 or 3 years ago. Substantially the same provision is contained in a bill recently introduced by the Senator from New York [Mr. WAGNER], known as the new housing bill.

The provision became current many years ago. It was contained substantially in the Food Administration Grain Corporation law. The United States Spruce Corporation law contained about the same proposition. The United States Housing Corporation, organized in 1918, was created under an act containing a similar provision. The War Finance Corporation Act contained the same provision. The act creating the Panama Railroad contained it. The act organizing the Inland Waterways Corporation in 1924 contained the same provision. The Federal Intermediate Credit Bank Act contained the same provision.

The Supreme Court of the United States passed upon these acts in a decision and commented particularly upon this provision. Earlier in the day I read a part of a comment of Mr. Justice Brandeis with reference to it. I think now I shall read the entire comment, because it is worthy of consideration by this body with reference to any future bills which may contain a similar provision. Said the Court:

The accounts of the Fleet Corporation, like those of each of the other corporations named, and like those of the Director General of Railroads during Federal control, have been audited, and the control over their financial transactions has been exercised, in accordance with commercial practice, by the board or the officer charged with the responsibilities of administration. Indeed, an important, if not the chief, reason for employing these incorporated agencies was to enable them to employ commercial methods and to conduct their operations with a freedom supposed to be inconsistent with accountability to the Treasury under its established procedure of audit and control over the financial transactions of the United States.

The main reason why I take the time now to discuss the matter is that the same provision was contained in the crop-insurance bill which passed the Senate 2 or 3 months ago. There was a particular reason, however, why such a provision should be incorporated in that bill. The bill provides that the premium for the insurance shall be paid in wheat and that the indemnity shall likewise be paid in wheat. The principal work of the corporation, therefore, is the collection of premiums in wheat and the payment of indemnities in wheat.

Therefore, it would seem entirely inapplicable that the claims for indemnity should go through all the procedure necessary for approving them in the Treasury Department. Many of us have in mind experiences we have had under the Agricultural Adjustment Administration. There was no such provision in that law. Therefore every claim for benefits had to go through the Treasury Department. Every Member of the Senate has probably had experience with long-delayed payments of benefits under that act. Even today I receive letters containing requests for assistance to secure payment of benefits which accrued a year or more ago.

With that experience in dealing with claims to be paid to farmers that have to be approved by the Treasury Department, it seems that this provision is wise. Therefore, the very thing that Mr. Justice Brandeis suggested, to expedite and to audit and control these funds by the immediate department without all the red tape and all the procedure necessary to gain approval by the Treasury Department, is accomplished by the insertion of this provision in the laws to which I have referred.

I am sorry the sponsor of this bill so readily accepted the amendment to strike the provision from the bill because I think in the administration of the provisions of the bill, with all the red tape and procedure which will be necessary to gain the approval of the Treasury Department, we will have experiences similar to those which we had under the Agricultural Adjustment Act.

I wanted to say particularly with reference to the crop-insurance bill which contains a similar provision that there is a peculiar reason why the provision should be retained in that bill. Since it is now pending before the House, I wanted at least the history and the reason for the provision to be in the RECORD in order that, in the consideration of that bill by the House, there would be no confusion existing there as to the customary provisions contained in these acts creating Government corporations and the reasons existing therefor.

Mr. President, I ask that the statement to which I referred may be inserted in the RECORD at this point as part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EXPLANATION OF PARAGRAPH (H) OF SECTION 6

This paragraph provides that the Farmers' Home Corporation "shall determine the necessity for its expenditures under this act and the manner in which they shall be incurred, allowed, and paid, without regard to the provisions of any other laws governing the expenditure of public funds, and such determinations shall be final and conclusive upon all other officers of the Government."

The criticism which has been directed to this paragraph is based on a failure to appreciate one of the chief reasons for the establishment of Government corporations. There is nothing unusual

about this provision. In fact, it is present in one form or another in practically every act passed by the Congress establishing Government corporations.

The reason for a provision of this type is to enable the Farmers' Home Corporation to employ commercial methods and to conduct its operations with a freedom not possible in ordinary transactions of the United States. The following are typical examples of similar provisions in other acts of Congress:

Section 4 of the Reconstruction Finance Corporation Act provides that "the Board of Directors of the Corporation shall determine and prescribe the manner in which its obligations shall be incurred and its expenditures allowed and paid."

Under this provision the Reconstruction Finance Corporation has been able to establish procedures for the incurring of obligations and the payment of expenses in line with banking and commercial practice without being hamstrung by the ordinary procedure governing the expenditure of funds by regular Government departments. There has never been the slightest suggestion that this clause was used to enable the Corporation to commit any illegal or unlawful acts. The provision has merely had the healthy and desirable effect of enabling the Corporation to operate with efficiency and dispatch in accordance with sound commercial business and accounting practices.

Again, section 6 of the act of June 13, 1933, setting forth the powers of the Federal Home Loan Bank Board, provides explicitly that the sum of $150,000 shall be made available to the Board "which sum, or so much thereof as may be necessary, the Board is authorized to use in its discretion for the accomplishment of the purposes of this section, without regard to the provisions of any other law governing the expenditure of public funds."

Similarly, section 6 (k) of the Banking Act of 1933, establishing the Federal Deposit Insurance Corporation, explicitly provides that the board of directors "shall determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid."

A similar provision is contained in section 1 of the National Housing Act which, while not establishing a corporation, provides that the Administrator of the Federal Housing Administration shall have authority "to make such expenditures as are necessary to carry out the provisions of this title and titles I and II, without regard to any other provisions of law governing the expenditure of public funds."

Here, again, the provision was not included and has not been used to enable the corporation to commit unlawful acts, but merely to enable an administration performing a specialized type of work to determine the necessity for its expenditures and to make such expenditures without regard to the ordinary rules applicable to regular governmental activities. The purpose of the provision is merely to enable the administration to carry on its affairs in a manner in accordance with ordinary commercial accounting methods and not to be bound by the ordinary rules governing governmental expenditures which were not designed for specialized activities of this type.

A similar provision is contained in section 402, subsection (c), paragraph 5, of the National Housing Act, creating the Federal Savings and Loan Insurance Corporation. In setting forth the powers of the Corporation, the section in question provides that the Corporation "shall determine its necessary expenditures under this chapter and the manner in which the same shall be incurred, allowed, and paid, without regard to the provisions of any other law governing the expenditure of public funds."

In support of this explanation, I have no lesser authority than the Supreme Court of the United States. In the case of *Skinner and Eddy Corporation v. McCarl* (275 U. S. 1), decided 10 years ago, an attempt was made to force the Comptroller General by a writ of mandamus to pass upon the claim of the Skinner & Eddy Corporation against the Emergency Fleet Corporation arising out of contracts for the construction of vessels entered into with that Corporation. The Comptroller General refused to pass on the claim on the ground that the audit and control of its financial transactions was, as a matter of general law, committed to its own corporate officers.

The Supreme Court affirmed a decision of the Court of Appeals of the District of Columbia dismissing the writ of mandamus. The Supreme Court in it opinion reviewed the history of Government-owned corporations, including the Food Administration Grain Corporation, organized in 1917; the United States Spruce Corporation, organized in 1918; the United States Housing Corporation, organized in 1918; the War Finance Corporation, organized the same year; and the Panama Railroad Co., the Inland Waterways Corporation, organized in 1924; and the Federal intermediate credit banks, organized in 1923. Referring to all of these corporations, Justice Brandeis said as follows:

"The accounts of the Fleet Corporation, like those of each of the other corporations named, and like those of the Director General of Railroads during Federal control, have been audited, and the control over their financial transactions has been exercised, in accordance with commercial practice, by the board or the officer charged with the responsibilities of administration. Indeed, an important, if not the chief, reason for employing these incorporated agencies was to enable them to employ commercial methods and to conduct their operations with a freedom supposed to be inconsistent with accountability to the Treasury under its established procedure of audit and control over the financial transactions of the United States."

I invite your attention to the forceful point made by Justice Brandeis, namely, that an important if not the chief reason for employing corporations is to enable them to employ commercial methods and conduct business operations with a freedom which cannot be obtained under routine governmental procedures and regulations.

It should be noted that the provision in 6 (h) is like the provisions in all the other acts establishing corporations which, in accordance with the law and the policy considerations pointed out by Justice Brandeis, authorize the corporation to determine its expenditures and the method in which they shall be made "without regard to the provisions of any other law governing the expenditure of public funds."

The only difference between the provisions in these other acts and the provision in 6 (h) is the addition of the words "and such determination shall be final and conclusive upon all other officers of the Government." This provision was not included with any unlawful design but merely to make clear that the responsibility for making current expenditures is placed upon the Corporation, and that Treasury disbursing officers would be under no liability in the event funds were disbursed on Corporation vouchers which, on subsequent audit, were found to be incorrect.

A similar provision, as I pointed out yesterday, is included in the crop-insurance bill, again for the purpose of placing responsibility for the correctness of vouchers on the Corporation and relieving Treasury disbursing officers from the responsibility of reviewing such vouchers.

In this connection I might also call attention to a very similar provision which is included in the bill to establish a United States Housing Authority, introduced by the Senator from New York as S. 1685. Section 6 (a) of that bill reads as follows:

"* * * The Authority shall determine and prescribe the manner in which its obligations and expenses shall be incurred, allowed, and paid, and the manner in which accounts shall be audited. Vouchers approved by the Authority for expenditures of its funds shall be final and conclusive upon all officers of the Government, except that all financial transactions of the Authority shall be examined by the General Accounting Office at such times and in such manner as the Comptroller General of the United States may by regulation prescribe. Such examination shall be for the sole purpose of making a report to the Congress and to the Authority of expenditures in violation of law, together with such recommendations thereon as the Comptroller General deems advisable."

This provision in the proposed housing bill is virtually identical to that included in the present bill, there being the same provision for audit by the General Accounting Office for the purpose of making a report to Congress.

EXPLANATION OF SECTION 6 (F)

This section, which was criticized by the Senator from Wyoming, provides that the corporation—

"(f) Shall be entitled to the free use of the United States mails in the same manner as other executive agencies of the Government."

I need only say in justification of this provision that it is universally provided for in every corporation of a similar character established by the Congress. Thus section 6 (k) of the Banking Act of 1933 provides that the Federal Deposit Insurance Corporation "shall be entitled to the free use of the United States mails in the same manner as the executive departments of the Government."

Section 4 of the Reconstruction Finance Corporation Act provides as follows:

"The Corporation shall be entitled to the free use of the United States mails in the same manner as the executive departments of the Government."

Section 19 of the Federal Home Loan Board Act authorizes that—

"The Board shall be entitled to the free use of the United States mails for its official business in the same manner as the executive departments of the Government."

Paragraph (5) of subsection 3 of section 402 of the National Housing Administration Act authorizes the Federal Savings and Loan Insurance Corporation "shall be entitled to the free use of the United States mails for its official business in the same manner as the executive departments of the Government."

There would seem to be no justification whatsoever for criticizing the inclusion of a similar provision in the present act, unless these other Government corporations are also denied the free use of the United States mails in the same manner as the executive departments of the Government.

EXPLANATION OF SECTION 8 (C), PAGES 23 AND 24

Some criticism was made by the Senator from Wyoming of the proviso appearing on lines 5 and 11 on page 24 of S. 106. This proviso is to the effect that before transmitting its report to the Congress the General Accounting Office shall give the Corporation "reasonable opportunity to examine the exceptions and criticisms of the Comptroller General or the General Accounting Office, to point out errors therein, explain or answer the same, and to file a statement which shall be submitted by the Comptroller General with his report."

It would seem that this proviso, instead of being objectionable, is highly desirable in order to give the Congress whatever explanations the Corporation may have to specific exceptions or criticisms made by the General Accounting Office. This procedure would seem to involve a saving of time to the Congress and to furnish a method by which a full report with respect to any questionable item can be received at the same time both from the General Accounting Office and the Corporation.

The provision in question is almost identical with the provision in section 9 (b) of the Tennessee Valley Authority Act of 1933. The

corresponding section of the Tennessee Valley Authority Act reads as follows:

"The Comptroller General of the United States shall audit the transactions of the Corporation at such times as he shall determine, but not less frequently than once each governmental fiscal year, with personnel of his selection. In such connection he and his representatives shall have free and open access to all papers, books, records, files, accounts, plants, warehouses, offices, and all other things, property, and places belonging to or under the control of or used or employed by the Corporation, and shall be afforded full facilities for counting all cash and verifying transactions with and balances in depositaries. He shall make report of each such audit in quadruplicate, one copy for the President of the United States, one for the chairman of the Board, one for public inspection at the principal office of the Corporation, and the other to be retained by him for the uses of the Congress: *Provided*, That such report shall not be made until the Corporation shall have had reasonable opportunity to examine the exceptions and criticisms of the Comptroller General or the General Accounting Office, to point out errors therein, explain or answer the same, and to file a statement which shall be submitted by the Comptroller General with his report * * *."

It might be added that the provisions in section 8 (c) providing for audit by the Comptroller General goes further than any of the statutes with respect to other Government Corporations. For example, the Reconstruction Finance Corporation Act contains no provision whatever for audit by the General Accounting Office.

EXPLANATION OF SECTION 6 (I)

This section which was criticized by the Senator from Colorado reads as follows:

"The Corporation * * *

"(i) shall have such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred upon the Corporation and all such incident powers as are customary in corporations generally."

This provision is very similar to provisions of the same import in other statutes. The following are a few examples:

Section 6 (j) of the Banking Act of 1933, establishing the Federal Deposit Insurance Corporation, includes in the enumeration of powers granted to the Corporation the following:

"Seventh. To exercise by its board of directors, or duly authorized officers or agents, all powers specifically granted by the provisions of this section and such incidental powers as shall be necessary to carry out the powers so granted."

Section 4 (g) of the Tennessee Valley Authority Act of 1933 provides that the Tennessee Valley Authority "shall have such powers as are necessary or appropriate for the exercise of the powers herein specifically conferred upon the Corporation."

Likewise, section 2 of the Federal Farm Mortgage Corporation Act of 1934 gives the Federal Farm Mortgage Corporation power to exercise "such other powers as may be necessary and incident to carrying out its powers and duties under this subchapter."

The provision in section 6 (i) is practically identical with the provisions in the statutes to which I have just referred. If there is any possible doubt as to the meaning of the section, the last six words reading, "as are customary in corporations generally", could be made entirely clear by using the wording in section 6 (j) of the Banking Act of 1933, which reads "as shall be necessary to carry out the powers so granted."

The PRESIDENT pro tempore. If there be no further amendment to be proposed to the amendment reported by the committee, the question is on agreeing to the committee amendment, as amended.

The amendment, as amended, was agreed to.

Mr. BANKHEAD. Mr. President, I now move that the Senate proceed to the consideration of House bill 7562. That is the House bill on the same subject as the bill we have been considering. I desire to have it substituted for the Senate bill, so that the matter may go directly to conference.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Alabama.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 7562) to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, and for other purposes, which was read twice by its title.

Mr. BANKHEAD. I move that the House bill be amended by striking out all after the enacting clause and inserting in lieu thereof the text of the Senate committee amendment to Senate bill 106, as amended.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Alabama.

The motion was agreed to.

The PRESIDENT pro tempore. If there be no further amendment to be proposed to the House bill, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Upon motion of Mr. BANKHEAD, the title was amended so as to read: "A bill to create the Farmers' Home Corporation, to promote more secure occupancy of farms and farm homes, to correct the economic instability resulting from some present forms of farm tenancy, and for other purposes."

Mr. BANKHEAD. I move that the Senate insist upon its amendments and ask for a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BANKHEAD, Mr. POPE, and Mr. FRAZIER conferees on the part of the Senate.

Mr. BANKHEAD. I now ask unanimous consent that Senate bill 106 be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF BOTTLING IN BOND ACT

Mr. HARRISON. Mr. President, I ask unanimous consent for the present consideration of House bill 6737, a bill on the calendar which will not precipitate any discussion. It is for the purpose of modernizing the methods of printing and distributing the strip stamps on bonded liquor bottles. The passage of the bill is recommended by the Treasury Department. It will bring in a little more revenue. It is my understanding that the distillers have approved it. There is no objection to the bill from any source of which I know, and I hope the Senate will pass the bill promptly.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Mississippi for the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 6737) to amend the stamp provisions of the Bottling in Bond Act, which was read, as follows:

Be it enacted, etc., That the first and fourth paragraphs of section 1 of the act entitled "An act to allow the bottling of distilled spirits in bond", approved March 3, 1897, as amended (U. S. C., 1934 ed., Supp. II, title 26, sec. 1276), are designated "(1)" and "(6)", respectively, and the second and third paragraphs of said section are amended to read as follows:

"(2) Every bottle when filled shall have affixed thereto and passing over the mouth of the same a stamp denoting the quantity of distilled spirits contained therein and evidencing the bottling in bond of such spirits under the provisions of this act, and of regulations prescribed hereunder.

"(3) The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe (a) regulations with respect to the time and manner of applying for, issuing, affixing, and destroying stamps required by this section, the form and denominations of such stamps, applications for purchase of the stamps, proof that applicants are entitled to such stamps, and the method of accounting for receipts from the sale of such stamps, and (b) such other regulations as the Commissioner shall deem necessary for the enforcement of this act.

"(4) Such stamps shall be issued by the Commissioner of Internal Revenue to each collector of internal revenue, upon his requisition in such numbers as may be necessary in his district, and, upon compliance with the provisions of this act and regulations issued hereunder shall be sold by collectors to persons entitled thereto, at a price of 1 cent for each stamp, except that in the case of stamps for containers of less than one-half pint, the price shall be one-quarter of 1 cent for each stamp.

"(5) And there shall be plainly burned, embossed, or printed on the side of each case, to be known as the Government side, such marks, brands, and stamps to denote the bottling in bond of the whisky packed therein as the Commissioner may by regulations prescribe."

Mr. BORAH. Mr. President, may I ask the Senator from Mississippi to explain the bill? Is the liquor industry asking for increased taxes?

Mr. HARRISON. The Bottling in Bond Act of 1897 provided for placing green strip stamps on bonded liquor bottles. Those stamps had to be printed in the Bureau of Engraving and Printing, and it was necessary that much identifying data be overprinted on such stamps. The procedure has proved to be most cumbersome. It was necessary to perform a separate printing job to overprint these stamps in each instance. In the Liquor Taxing Act of 1934 we provided for placing red stamps on bottles containing unbonded

liquor, and provided also that commercial interests might, under departmental regulations, handle the overprinting of identifying data. The Treasury Department has recommended that practically the same procedure be followed in the case of the green stamps as in the case of the red stamps, and they claim that we will get a little more revenue from it and that it will materially expedite the production and distribution of these stamps. The interests that are concerned do not object to the bill, but have approved it. The bill has passed the House unanimously and is unanimously reported by the Finance Committee.

Mr. BORAH. The bill will not interfere with the flow of liquor?

Mr. HARRISON. I presume not.

The PRESIDENT pro tempore. The question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

AMENDMENT OF FEDERAL CREDIT UNION ACT

Mr. BARKLEY. Mr. President, I ask unanimous consent for the present consideration of House bill 6287, Calendar No. 855.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky?

There being no objection, the Senate proceeded to consider the bill (H. R. 6287) to amend Public Act No. 467, Seventy-third Congress, entitled "Federal Credit Union Act", which was read, as follows:

Be it enacted, etc., That the Federal Credit Union Act is amended by inserting at the end thereof the following new section:

"SEC. 21. Upon application by any credit union organized under State law or by any Federal credit union organized in accordance with the terms of this act, the membership of which is composed exclusively of Federal employees and members of their families, which application shall be addressed to the officer or agency of the United States charged with the allotment of space in the Federal buildings in the community or district in which said credit union or Federal credit union does business, such officer or agency may in his or its discretion allot space to such credit union if space is available without charge for rent or services."

Mr. McNARY. Mr. President, will the Senator explain the bill?

Mr. BARKLEY. The bill permits credit unions composed exclusively of Government employees to have desk room in any public building in which space is available. Such credit unions have been occupying desk room in public buildings in many parts of the country; but recently the Comptroller General rendered a decision holding that there was no authority to allow Federal credit unions, even though they are exclusively composed of Federal employees, to have desk room in any post office or other public building. This bill simply authorizes the custodians of public buildings throughout the country, and especially post-office buildings, to allow Federal credit unions made up exclusively of Federal employees to have space, if it is available, in public buildings.

Mr. McNARY. What is the emergency in connection with its passage?

Mr. BARKLEY. The emergency is really over, for the bill should have been passed before the 1st day of July, but we did not have a chance to present it. The Post Office Department, the Farm Credit Administration, and all the Federal agencies have recommended the passage of the bill. It will not interfere in any way with the performance of the duties of other branches of the Government, but it will permit the use of desks in offices in Government buildings where members of credit unions may pay their assessments and their dues and transact their business.

Mr. McKELLAR. It is being done now, is it?

Mr. BARKLEY. It was done, and is being done; but the Comptroller General held that it was done without authority. The bill has passed the House, and is unanimously recommended by the Senate committee.

The PRESIDENT pro tempore. The question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nomination of Chester A. Brown to be postmaster at Idaho Springs, Colo., in place of E. L. Regenmitter, resigned.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nomination of Brig. Gen. Charles Blaine Smathers, Pennsylvania National Guard, to be brigadier general, National Guard of the United States.

He also, from the same committee, reported favorably the nominations of sundry officers for appointment, by transfer, in the Regular Army.

He also, from the same committee, reported favorably the nominations of sundry second lieutenants, Officers' Reserve Corps, for appointment in the Regular Army under the provisions of law.

The PRESIDENT pro tempore. The reports will be placed on the Executive Calendar.

ARMY NOMINATIONS

Mr. SHEPPARD. On behalf of the Committee on Military Affairs, I have just reported some routine nominations. I ask unanimous consent for their present consideration, and that the President be notified of their confirmation.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Texas? The Chair hears none. The nominations are confirmed, and the President will be notified.

If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

DEPARTMENT OF STATE—HUGH R. WILSON

The legislative clerk read the nomination of Hugh R. Wilson, of Illinois, to be an Assistant Secretary of State.

Mr. LEWIS. Mr. President, as to this designation, I have expressed myself adversely, and have given the reasons. Subsequently it has been brought to my attention that this gentleman has long been in service, has been a very faithful officer, is a man of splendid executive ability, and the Department recommends that he should continue his career as a necessity to the Diplomatic Service.

In view of that representation I desire to withdraw whatever reasons I might have had or expressed for opposition, in no wise to press them, and permit this gentleman to secure the reward which the State Department says he has deserved by reason of his public service.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of Miss Margaret M. Hanna, of Kansas, to be a Foreign Service officer of class 5, a consul, and a secretary.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

That completes the Executive Calendar.

ADJOURNMENT TO TUESDAY

The Senate resumed legislative session.

Mr. BARKLEY. In accordance with the unanimous-consent agreement previously entered into, I move that the Senate adjourn until 12 o'clock noon on Tuesday next.

The motion was agreed to; and (at 2 o'clock and 31 minutes p. m.) the Senate, under the order previously entered, adjourned until Tuesday, July 6, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 2 (legislative day of June 15), 1937

ASSISTANT SECRETARY OF STATE

George S. Messersmith, of Delaware, to be an Assistant Secretary of State.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Wilbur J. Carr, of New York, now an Assistant Secretary of State, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Czechoslovakia, vice J. Butler Wright.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Capt. Robert Jones Moulton, Coast Artillery Corps, with rank from June 30, 1936.

TO INFANTRY

First Lt. James Leo Dalton 2d, Cavalry, with rank from June 13, 1936, effective October 1, 1937.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 2 (legislative day of June 15), 1937

ASSISTANT SECRETARY OF STATE

Hugh R. Wilson to be an Assistant Secretary of State.

DIPLOMATIC AND FOREIGN SERVICE

Miss Margaret M. Hanna to be a Foreign Service officer of class 5, a consul, and a secretary in the Diplomatic Service of the United States of America.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

Maj. Leonard Henderson Sims to Finance Department.
First Lt. Maddrey Allen Solomon to Field Artillery.

PROMOTIONS IN THE REGULAR ARMY

MEDICAL CORPS

To be lieutenant colonels

William John Miehe
Claude Wiggins Cummings
Robert Henry Lowry, Jr.
Richard King Cole
William White Southard

To be majors

Douglas Sheldon Kellogg
Loren Donovan Moore
Arthur Brinkley Welsh
Eugene Wycoff Billick
Earle Standlee
Cecil Walker Dingman
William Kraus
Reuel Edward Hewitt
Martin Eugene Griffin
Mack Macon Green
William Edward Shambora
Charles Henderson Beasley
Clifford Albert Best
Alvin Levi Gorby
George Ellis Armstrong

To be captains

Donald Meyers Ward
Angvald Vickoren
William Earl Barry
Emmert Carl Lentz
James Leslie Snyder
Raymond Richard Johanson
Thair Cozzens Rich
Frank Hugh Lane
Byron Glen McKibben
John DeWitt Morley
Frederic Ebelhare Cressman
Robert Tuthill Gants
Edward Beebe Payne
George Foster Peer
Harold Everus Harrison
Marshall Nelson Jensen
Stephen Christopher Sitter

DENTAL CORPS

Mackey Joseph Real to be major.

VETERINARY CORPS

To be captains

William Edwin Jennings
Curtis William Betzold

CHAPLAIN

John Simeon Kelly, United States Army, to be chaplain with the rank of captain.

APPOINTMENTS IN THE REGULAR ARMY

TO BE SECOND LIEUTENANTS

Carroll Thompson Newton, Corps of Engineers.
Donald Clinton Clayman, Infantry.
Joseph Warren Sisson, Jr., Infantry.
David Greene Hammond, Corps of Engineers.
Joseph Russel Groves, Infantry.
Robert Whitsett van de Velde, Field Artillery.
Arthur George Christensen, Infantry.
Harry Gantcliffe Benion, Infantry.
Arthur Howland Baker, Jr., Field Artillery.
Arthur Charles Harris, Jr., Infantry.
Linwood Eugene Funchess, Corps of Engineers.
Laurence Clifford Brown, Infantry.
Jesse Mechem, Infantry.
Walter Ward Davis, Infantry.
William Andrew Enemark, Field Artillery.
Merten Kenneth Heimstead, Infantry.
Thaddeus Ronsaville Dulin, Infantry.
Leon John de Penna Rouge, Infantry.
Gaylord Walton Fraser, Infantry.
William Sherbourne McCrea, Infantry.
Donald Frederick Thompson, Infantry.
John Gordon Nelson, Coast Artillery Corps.
Chester Martin Beaver, Infantry.
Edward Wallace McLain, Coast Artillery Corps.
John Unsworth Allen, Corps of Engineers.
Byron William Ladd, Infantry.
Lyman Hodges Ripley, Coast Artillery Corps.
Francis Carlton Truesdale, Infantry.
William Shepherd Humphries, Infantry.
Donald Washington, Infantry.
Charles Robert Etzler, Infantry.
Philip Cochran Tinley, Infantry.
Charles Murray Henley, Infantry.
John Brockway Rippere, Corps of Engineers.
Steve Archie Chappuis, Infantry.
Elmer Bolton Kennedy, Field Artillery.
James Jackson Stewart, Jr., Infantry.
Thomas Brownbridge Simpson, Corps of Engineers.
Paul Thomas Boleyn, Infantry.
Fredrick William Nagle, Infantry.
Otho Anthony Moomaw, Coast Artillery Corps.
Jabus Willie Rawls, Jr., Coast Artillery Corps.
Andrew Buehler Zwaska, Infantry.
Jack Leslie Coan, Corps of Engineers.
Edward Francis Kent, Infantry.
George William Croker, Coast Artillery Corps.
Willard Wright Lazarus, Air Corps.
William Hart Hanson, Infantry.
John Willis Paddock, Infantry.
Joe Stallings Lawrie, Infantry.

APPOINTMENT IN THE NATIONAL GUARD

GENERAL OFFICER

Charles Blaine Smathers to be brigadier general, National Guard of the United States.

HOUSE OF REPRESENTATIVES

FRIDAY, JULY 2, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our Father, we praise Thee that we are involved in a moral order which Thou hast ordained. We thank Thee that Thy changeless goodness pours itself upon us day by day. Gracious Lord, we rejoice in the ultimate triumph of civilization in that spirit which moved our forefathers to lift the veil of this western world. Their heroic, sacrificial devotion startled mankind no less than the principles they proclaimed. We pour at Thy altar a prayer of thanksgiving for the government they gave us—so lofty in its purpose, so wise in its construction that it guarantees to every citizen life, liberty, and the pursuit of happiness. We thank Thee for the immortal document, the Declaration of Independence, broad in its denunciation of injustice and just in its declaration of the right. O Prince of Peace, on Thee we base our hopes and longings for all that makes life

dear. Increase our religious fervor and inspire us with holy patriotism that the genius of our Republic may be fulfilled. In Thy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 434. Joint resolution to amend the act entitled "An act to amend section 4471 of the Revised Statutes of the United States, as amended."

EXTENSION OF REMARKS

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a resolution adopted by the Chicago Federation of Labor having reference to a bill I have introduced.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MICHENER. Mr. Speaker, I rise to call the attention of the House to a signal honor which was recently conferred upon my colleague the gentleman from Michigan [Mr. ENGEL]. I refer to the action of the board of regents of the University of Michigan, on June 19, making Mr. ENGEL an honorary alumnus of the university.

In conferring the honor, the citation issued was as follows:

ALBERT JOSEPH ENGEL, Member of the United States Congress, from the Ninth Michigan District, has evidenced in many ways his interest in education and his loyalty to the university of the State in which he has made his home. A graduate of the law school of Northwestern University, he was admitted to the bar in 1910 and has since practiced at his home at Lake City. As a senator from his district, during four different sessions of Michigan's State Legislature, he proved himself a true and sympathetic advocate of the best interests of higher education. During the World War he served for 2 years in the American Expeditionary Force, retiring in 1919 with the rank of captain. As a Member of the House of Representatives, he has become well known in Washington for his interest in legislation affecting the training of youth. It is an honor and a pleasure to present to you, ALBERT JOSEPH ENGEL, as an honorary alumnus of the university, upon the unanimous action of the university committee on alumni relations, confirmed by the board of regents.

It is my privilege and honor to represent in this body the Second Congressional District of Michigan, in which is located the great University of Michigan. This university is very careful about bestowing honors of this kind, and I am informed that there are only nine persons now living to whom such an honor has been given.

I am sure that all Members of Congress will be pleased to join with me in congratulating Mr. ENGEL upon this distinction. [Applause.]

EXTENSION OF REMARKS

Mr. THOMAS of New Jersey. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial which appeared in certain New Jersey newspapers.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

BONNEVILLE DAM PROJECT

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, the Committee on Rivers and Harbors, on which I hold membership, has reported out favorably the bill (H. R. 7642) to authorize the completion, maintenance, and operation of the Bonneville project for navigation, and other purposes, and follows closely the language and provisions of my bill, H. R. 4948, introduced February 19, 1937. Passage of the bill H. R. 7642 is recommended with one amendment, on page 11, in lines 7 to 11, inclusive, to strike out "The Federal Power Commission in fixing rates for power on amortization costs on all major Federal power projects shall establish a rate of interest which shall be uniform throughout the United States", which is a new provision which was not contained in my bill, H. R. 4948, nor in any of the other bills which were introduced. It is the opinion of a majority of the committee that such a provision, pertaining to and affecting all Federal power projects, should properly be considered in connection with the zone legislation to provide regional administration of all such projects as recently recommended by the President in his message to the Congress and after the cost of generating electric power and the cost of financing in various parts of the country have been thoroughly studied and probed as a basis for correctly determining the question of uniformity of interest rates and other related subjects.

GENERAL PURPOSES OF THE BILL

The bill provides that the Bonneville project, now in the course of construction and nearly completed on the Columbia River at Bonneville in the State of Oregon and North Bonneville in the State of Washington, shall be completed, maintained, and operated under the direction of the Secretary of War and the supervision of the Chief of Engineers, subject to certain powers therein conferred upon the Columbia River administrator respecting the transmission and distribution of surplus electric energy generated at said project. Power will be ready for transmission late this year or early in the next and consequently the matter requires prompt consideration.

This bill also confers jurisdiction upon the Federal Power Commission to approve and revise rates to be charged for the sale of the surplus electric energy.

The bill represents the synthesis of recommendations made by various Members of the Congress from the Northwest and of the committee after extensive study of this subject. The Bonneville administration is intended to be provisional pending establishment of a permanent administration for Bonneville and other projects in the Columbia River Basin.

The bill, with the exception of section 6, deals exclusively with the maintenance and operation of the Bonneville project and provides that surplus electric energy generated at said project may be sold under contracts to States, political subdivisions thereof, or to individuals or privately owned corporations, but preference is given to States and public bodies. In order fully to preserve and protect the preferential rights established by the bill, 50 percent of the firm electric energy generated at Bonneville shall be reserved until January 1, 1941, for public bodies, and thereafter conflicting applications between any public agency on the one hand and any private agency on the other shall be resolved in favor of the public agency. Contracts for the sale of surplus energy shall be for terms not exceeding 20 years, including renewals.

Section 6 provides machinery for making certain readjustments in the Boulder Canyon Project Act occasioned by the standards set up in this act.

SECTIONAL ANALYSIS OF THE BILL

Section 1 carries the reference to the Bonneville project, which is to be completed for the purpose of improving navigation on the Columbia River and leaves the operation in the control of the Secretary of War.

Section 2 states that the administrator shall dispose of surplus energy. The administrator is to be appointed by and be responsible to the Secretary of the Interior. He shall act in consultation with an advisory board composed of a representative designated by the Secretary of War, another by the Secretary of the Interior, and a third by the Federal

Power Commission. The administrator is authorized to transmit electric energy so as to encourage the widest possible use and to prevent monopolization by limited groups or localities. He is authorized in the name of the United States to acquire by purchase, condemnation, or otherwise, real and personal property, including lands, franchises, transmission lines, substations, and patent rights. The administrator is authorized to sell or dispose of property, except that in the case of real property or transmission lines he must secure the approval of the Secretary of the Interior. He is authorized to enter into such contracts as are necessary to carry out the purposes of the act.

Section 3 defines the terms "public bodies" and "cooperatives" as used in the act and establishes a preference in the disposal of electric energy for public bodies and cooperatives. To preserve these preferential rights, not less than 50 percent of the electric energy at Bonneville shall be reserved for sale to public bodies until January 1, 1941. Public bodies and cooperatives are to be given every opportunity to perfect their legal organization and vote bonds and market them.

The policy of Congress is declared in section 3 to be the preservation of the preferential status of the public bodies and cooperatives and to give the residents of States within economic transmission distance of the Bonneville project reasonable opportunity to take any action necessary to become fully qualified purchasers and distributors of electric energy available under the act. Further, the Administrator, insofar as practicable, shall cooperate with States and public bodies and cooperatives within economic transmission distance of the Bonneville project to enable them to avail themselves of the preferential rights and priorities afforded by the act.

Section 4 authorizes the administrator to negotiate contracts for the sale at wholesale of electric energy for resale or direct consumption, provided that private persons or agencies other than privately owned public utilities are forbidden to resell electric energy to a private utility; contracts shall be for not more than 20 years, with provisions for equitable adjustment of rates not less frequently than once in 5 years, and in the case of a private utility contracts shall be cancelable upon 5 years' notice in writing if there is reasonable likelihood that any part of the electric energy sold under the contract will be needed for a public body. Contracts shall also contain stipulations concerning resale and resale rates to insure that the ultimate consumer shall pay rates which are reasonable and nondiscriminatory.

Section 5 prescribes that the administrator shall fix rates for surplus electric energy subject to the approval of the Federal Power Commission. If any rate schedule so submitted is not approved, then the Federal Power Commission may revise such schedules in conformity with standards prescribed by the act, and as so revised such schedule shall become effective. Rate schedules shall be fixed with a view to encouraging the widest possible use of electric energy, having regard, however, to the recovery of the costs of producing and transmitting electricity, including amortization of the capital investment, including interest over a reasonable period of years in order to distribute the benefits of an integrated transmission system and to encourage the equitable distribution of electric energy. The rate schedules may provide for uniform rates or rates uniform throughout prescribed transmission areas.

This is an important proviso because it contemplates and permits the establishing of certain rates within certain prescribed areas at and adjacent to the switchboard and also within prescribed transmission areas.

Section 6 authorizes the President to direct the holding of public hearings by an agency designated by him, to report to him by December 31, 1937, respecting any unreasonable discrimination against the Boulder Canyon project with respect to charges against power for construction costs, amortization, and interest. Subject to the approval of the President, the Secretary of the Interior shall make such changes as are recommended by the investigating agency notwithstanding the provisions of any other statute. Authorization is also given for lump-sum payments to the States of Nevada and Arizona in lieu of payments now provided for by the Boulder Canyon Project Act. The Government is protected as to the payments to these two States because it fixes rates, and any deficiency in revenue to meet the payments may be covered in effect by surcharges upon rates otherwise appropriate. The seven States of the Colorado River Basin are interested in a "separate fund" which comes into existence only after the Government has been repaid in full. Prior to this time residual revenues, if any, after payments to the States of Arizona and Nevada, do not, under the Boulder Canyon Project Act or under this section, go into such fund, but are applied to accelerate amortization of the investment. Any rights any States may have are very specifically protected by paragraph (c).

Section 7 provides a method for purchase of supplies and services.

Section 8 directs the Administrator to keep certain accounts; authorizes certain expenditures and directs him to make an annual report to Congress through the Secretary of the Interior.

Section 9 authorizes employment of attorneys, engineers, and other experts and imposes civil service on the general staff.

Section 10 provides that all receipts from the Bonneville project shall be covered into the Treasury and sets up a continuing fund of $500,000, subject to check by the administrator to defray emergency expenses and to insure continuous operation. It also authorizes appropriation out of moneys not otherwise allotted such sums as may be necessary to carry out the provisions of the act.

Section 11 authorizes the administrator to bring suits either at law or in equity and to be represented in all litigation by such counsel as he may select.

Section 12 is a separability clause.

Mr. Speaker, it is hoped that a rule can be secured in the very near future to bring this Bonneville legislation before the House for consideration, in order that the proper and necessary administrative facilities may be provided and ready to function as soon as the power is available for transmission the latter part of this year.

DEDICATION OF CHAPELS AND OTHER WORLD WAR MEMORIALS IN EUROPE

The SPEAKER. Pursuant to the provisions of section 1, of Public Resolution 45, Seventy-fifth Congress, the Chair appoints as members of the delegation to attend the dedication of the chapels and other World War memorials erected in Europe the following Members of the House of Representatives: Mr. HILL of Alabama, Mr. LAMBETH, and Mr. EATON.

EXTENSION OF REMARKS

Mr. GARRETT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in connection with the bill H. R. 7562, which has to do with farm tenancy.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. Under a special order of the House heretofore made, the gentleman from Texas [Mr. MAVERICK] is recognized for 30 minutes.

FILM AT LA FOLLETTE CIVIL LIBERTIES COMMITTEE SHOWS MURDERS OF PICKETS IN CHICAGO

Mr. MAVERICK. Mr. Speaker, I was a little late getting here, and the reason is because I just viewed a film over in the Senate caucus room, before the La Follette Civil Liberties Committee, showing the killing of pickets near the steel plant over in Chicago. This was one of the most uncommonly brutal things I have ever seen in my life.

It showed an attack made entirely by the police.

And not a single policeman was hurt in this attack.

Ten of these workingmen were murdered by the police at that time.

After these men were on the ground and the crowd dispersed, the picture showed a policeman walk over and coolly

beat a prone man over his head and several of them seen to have been killed after the crowd had been dispersed, and the people were lying on the ground. This was in sound, and the facts are such that no one in the United States of America can in any way doubt the cold-blooded murder of 10 men.

It will always be known as the shame of Chicago. It will always be known as the shame of America, and one of the most shameful occurrences in the history of any civilized country.

Yes, in America today there is violence and talk of violence; one Congressman is so excited he speaks of civil war, and the old cry of communism is ripping through the air again.

TWO GIGANTIC FORCES OPPOSE EACH OTHER

Unquestionably two gigantic forces are at war with each other.

One, the great industrialists and those big-business men who refuse to recognize organized labor or collective bargaining.

The other force includes the American people who want economic justice, who want collective bargaining, and who, by the way, are now successfully organizing in great labor unions.

We Democrats were elected by that latter group—the farmer, the worker, the average American, the ordinary businessman, and I propose that we keep our promises.

PRESIDENT ROOSEVELT AT MADISON SQUARE GARDEN

Can we forget the Madison Square Garden speech of the President? That is still a burning political document, and it was in his heart then, and it is in his heart now. He called the roll that night, and I hope the roll is called again, so everyone can know on which side we stand in reference to democracy and the accomplishment of our ends.

You remember he said:

> Never before in all our history have these forces been so united against one candidate as they stand today. They are unanimous in their hate for me—and I welcome their hatred.

And now today the forces of reaction and privilege are at it again. We need not forget either the Democratic platform, in which we promised a square deal to the farmer and the laborer, the tenant, the youth; also we promised the preservation of civil liberties.

CONTROVERSY OF SECRETARY OF LABOR; GOVERNOR DAVEY

Now, Mr. Speaker, on June 28 Mr. Cox, the gentleman from Georgia, made a speech denouncing the Secretary of Labor in connection with the C. I. O. It was a bitter attack, quite unfair, and I believe that it was wholly unwarranted, and without any basis whatsoever, with the possible exception of a bare statement by Governor Davey, of Ohio, that the Secretary of Labor said she wanted Tom Girdler kidnaped. The charge by Governor Davey sounds like the story of an excited and imaginative child.

But the gentleman from Georgia said as follows:

> While we did not need this statement to know that the Secretary approves of the use of violence under some circumstances, we were not prepared to expect the advocacy of duress and extortion from one standing so high in the service of the Government.

And in addition to this, the gentleman from Georgia said something about being led into the very heart of communism. He wound up his speech by saying:

> This is no time for the suspension of public laws.

I agree that this is no time for the suspension of laws. But the truth is the Secretary of Labor suggested the use of the public law of Ohio; Governor Davey refused and let the steel companies have their way.

LAW OF OHIO PROVIDES MACHINERY OF PEACEFUL SETTLEMENT

The law of Ohio provides for the calling together of the participants in a strike or industrial dispute if the Governor cares to do so. The purposes are legal, constitutional, and proper; they provide the peaceful machinery of settling strikes.

The Secretary of Labor requested this in connection with the attitude of the steel mediation board, which reported as follows:

> We cannot but believe that the bitterness and suspicion which separate the two sides would be allayed by a man-to-man discussion around the conference table, and that the only hope of settlement lies in such a meeting.

Mr. Speaker, it was the steel company, not the union, that refused a meeting; and there is no reasonable evidence whatever that the Secretary of Labor suggested anything even of an unwise nature; everything points to the fact that what she tried to do was quite sensible.

Mr. Speaker, if the gentleman believes what he said is true, he should bring impeachment charges on this floor.

NEWSPAPERS SHOW BETTER NEWS TODAY

Mr. Speaker, it looks pretty dark, but I want to call attention to the press today. I did not even know it, but Labor, the railroad magazine, which is very conservative, stated, "Rail strikers are standing firm." The C. I. O. has appeared to have the spotlight, but it seems even the railroad men are having their troubles and standing firm.

In the Philadelphia Record, which is a consistently liberal newspaper, are words of advice to labor, and labor is somewhat criticized, which shows that they are being unbiased about it, because they are friendly to labor.

The New York Times states that in the report the companies are criticized, not the strikers and not the C. I. O. That also is a conservative newspaper.

Then we see in the Washington Herald, "Thousands return to Inland under truce. Youngstown mills plan to reopen."

In the Washington Post appear these words, "Steel firms bar peace by C. I. O. stand, say arbiters."

Then, the Herald Tribune, of New York, states that Governor Townsend, of Indiana, is nearing a strike truce for Youngstown's Indiana mill.

The Sun, of Baltimore, shows that the police fired on the strikers in Chicago, and on the editorial page appears a criticism of police brutality. Then it is stated that a policeman defined a Communist as a man who "is here to undermine the Government and to assault policemen." This was the excuse for murdering those people.

CIVIL WAR, AND THE FLOWER OF SOUTHERN MANHOOD

Concerning the general situation and Mr. Cox, the gentleman from Georgia, on Wednesday, June 30, he made another speech about the C. I. O. It was hysterical; to me it seemed highly provocative and one calculated to bring bloodshed and disorder. He started talking about civil war and ended talking about civil war. On behalf of the South he spoke of havoc, bloodshed, and loss of lives—then he warned the Committee for Industrial Organization that they will be met by the flower of southern manhood and they will reap the bitter fruits of their own folly. He did not say specifically, but it means nothing else to me, that he warns this organization, should it come into the South, that their mere coming in will mean that their constitutional rights of organization and collective bargaining will be denied, and that, as he says several times, there will be bloodshed and civil war. It is not exactly an engraved invitation to revolution and civil war, but in uttering such words, in advocating things of that kind, irreparable damage is done to the South and to the Nation.

Also Negroes are brought into the argument. I will not argue on such an emotional subject; but when the bloody shirt is waved, not by a northerner but by a southerner, when to that is added a cry about carpetbagging expeditions, it sounds more hysterical than ever. Mr. Speaker, we cannot solve our problems in the South by shouting about carpetbaggers or suggesting civil war to meet labor organizers with the flower of southern manhood.

ONE HUNDRED AND FIFTY THOUSAND SOUTHERN WORKERS ALREADY ORGANIZED IN TEXTILES

And it might interest the gentleman and the country to know that 150,000, principally young women, have been organized in the textile industry in Georgia and other Southern States. The organizers were southern men, whether the flower of southern manhood or not I do not know.

To say the least, none of the flowers who are now in Congress—North, South, East, or West—will shed any blood in

any conflict. As for the South, it is a part of the United States, and its people are ready and willing to assume the burdens of any other States. What the flower of southern manhood needs is jobs, and not civil wars, or shooting scrapes indulged in as or by vigilantes. [Applause.]

WE NEED COOL HEADS, SETTLEMENT, AND MEDIATION

This, my friends, is not just an attack on Mr. Cox. It concerns our great problems today, and now I call for cool heads, I plead for peace, and I ask that there be adjustment, settlement, conciliation, mediation.

Oh, I laugh sometime at the language used by some of our conservatives. Sometimes I am called a left-winger, sometimes a liberal, sometimes worse; but who is calling for blood and violence? Why, gentlemen, they are those who prate about the preservation of the Constitution, those who carry their patriotism on their sleeves, the ones who call themselves conservatives and wrap themselves in the flag.

Has any one of these so-called conservative gentlemen cried out about the 10 men murdered on Memorial Day in Chicago by the police? No; not one. That was one of the bloodiest and most shameful pages in American history, as I said in the beginning of my speech. Ten men murdered, shot down, and of the 10, 7 shot in the back. But no leading conservative denounced it; none of those proclaiming their own patriotism had a word to say; it was similar to England when they began shooting down our American forefathers. The Boston massacre was nothing by the side of it. And that massacre caused the American Revolution.

TORIES OF ENGLAND, NOT AMERICANS, CAUSED REVOLUTION

While we are discussing this, let us be fairly mindful of history. Who caused the American Revolution? Why, the conservatives, gentlemen, the good, self-satisfied, well-fed, smug conservatives of England—men who were too stupid to see that they were forcing the Revolution on the American people. They would not even listen to pleas for conciliation. American radicals did not cause the Revolution; remember that.

What about the last Civil War—I say "last", for the gentleman seems to want to call out the flower of manhood of the South for another—who caused that one? Was it the Negro slaves? No! It was the conservative elements, the people who owned property and slaves, both North and South. And what led to the war, what made it inevitable, was that reactionaries washed their hands of any settlement, refused to go through with any settlement or adjustment, and let the Supreme Court run over the people of the United States.

Today, my friends, it is the same old thing: thoughtless people are yelling their heads off and, for exercise, praising the Supreme Court and denouncing Communists, refusing peaceful settlement, and in effect urging violence.

Yes, my friends, you can read in the paper this morning that the entire blame for the steel situation was the companies' and not the men's. The report said, among other things, that settlement could not be reached, "in view of the attitude of the companies, that it could not accomplish anything further by way of mediation."

Note it said "attitude of the companies."

This report was signed by Charles P. Taft, a Republican, and the son of a great Republican President; Lloyd K. Garrison, and Edward F. McGrady, both of whom, though friendly to labor, are known to be reasonable men. Furthermore, Mr. Lewis agreed to withdraw entirely after he had been objected to, but the companies still refused to mediate.

PEOPLE WANT ORGANIZATION, ECONOMIC JUSTICE, AND LIBERTY

Mr. Speaker, there are two sides to this question, and certainly we as Members of Congress need not be extremists.

I am not impressed by the wild shouts of some of my colleagues on the Republican side. But I am disappointed that a Democrat, a gentleman from the South, a conservative, should act in such a manner. Talk no more about the violence of the actions of the radicals.

Now, Mr. Speaker, in the first part of my speech I mentioned the fact that we have two great forces at work today. I have already mentioned them; first, the great industrialists who want Congress to go home, abandon its duties, and leave the country in anarchy with none of our promises kept; in this way they can handle strikes, blood or no blood, and as they please. So I say let us stay here and finish our job.

But the other major force, my friends, is the great mass of the American people. They want to organize themselves; they want to have collective bargaining; they want economic justice and liberty; they want purchasing power. And what have they gotten? So far not much, and they have been kicked around, abused, and murdered and killed and beaten, both by the regular police, and by company police, and by private armies, hired thugs, labor spies, ex-convicts, and plain private murderers.

But all this brutality is ignored by our pious, patriotic talkers, and instead they yell and shout about communism.

CRY OF COMMUNISM IS GETTING THIN

Oh my colleagues, the old cry of communism is getting very thin. It gets thinner and thinner; it answers no argument; it reveals no facts; it settles no problems. Now, let me talk about John L. Lewis.

In the speech of the gentleman from Georgia and in most of the talk nowadays we hear John L. Lewis! John L. Lewis! Communistic cohorts! Civil war! Communism! Communism! Communism! Red flag of Russia!

I repeat, shouting ugly words will settle nothing. Let us quit using all these meaningless but mean and nasty words and get at our problems.

I said this was a movement, this labor movement, the movement of C. I. O. It is not just John L. Lewis. If John L. Lewis were not in it, there would still be a movement. And whatever John L. Lewis does, wherever he goes, even if it is to the North Pole to stay there with the bad, bad Communists of Russia, the movement will go on.

My purpose is not to praise John L. Lewis, although it is generally recognized he is an abler man than other leaders. I am merely saying this is a movement and, as far as I can see, a valid American movement.

As for communism, I see no evidence of those tendencies in the C. I. O. All I see are strong-minded men who want their American rights. I would like to know when it got to be that a native-born American, born in the hills of Tennessee or the plains of Texas, got to be a Communist because he got up and kicked and demanded a square deal for himself and his family?

MOVEMENT HAS RIGHT TO EXIST UNDER THE CONSTITUTION

Let us see whether this movement has a right to exist. Under the Constitution, the people have a right to organize. They have organized, and, under the same Constitution and the laws of this country, these people have demanded collective bargaining. But the National Labor Relations Board of the United States Government is criticized in a scurrilous manner and accused of partisanship. They are accused of not having fair elections.

Oh, that is absolutely unfair. Before the sit-down strikes the employers refused absolutely to follow the Wagner law. They refused even to permit the workers to have an election. These big industrialists got out injunctions, some 80 or 90 of them, against the Labor Board. And now all the hate of this crowd is directed at the Board, because even the Supreme Court has validated the Wagner Act, which includes the Labor Board.

HYSTERICAL FIGHT TALK ONLY LEADS TO TROUBLE

But the gentleman from Georgia, in his speech, speaks of the "basest emotions and grossest motives" in connection with the labor movement; he says there shall be no "compromise" he says the movement should be "sternly curbed."

But all of this hysterical fight talk leads only to trouble. I call upon my colleagues, I call upon businessmen everywhere, and to the American people to use moderation, to attempt peaceful settlement, to attempt conciliation, to uphold the Wagner Labor Relations Act.

Now, those interested in business, listen to me. I served in a Colorado regiment. Before I had arrived it had done strike duty. It served in the terrible bloody affairs around

Ludlow. And I have talked to the owners, and especially one owner of the big coal mines there, and it has been found that if the mines had given every single demand of the workers the owners would have saved money. Millions were spent on the militia; more millions were spent on private armies, mine guards, and thugs. Today, 23 years later, Colorado has not paid all the money she spent on that bloodshed and murder.

TOM GIRDLER IS NOT A GOOD BUSINESSMAN

So when a contempible character like Tom Girdler comes to Washington, in effect refuses to bargain collectively, insults the Congress and wisecracks about his deathly job—he is, besides being a brute, a poor businessman.

Listen! The workingman of America is not a Communist, he is not a coward, and he is not a sheep. Treat him half right and he will work himself to death. Let us, as free men, demand peace, condemn violence, whether it be perpetrated by organized industry or organized labor. But let us not get violent ourselves. Let us demand that all parties respect the National Labor Relations Act, which we ourselves passed, and which has been held constitutional by the Supreme Court.

Mr. Speaker, I have said about all I care to say about the labor situation, at least in reference to charges and the general situation of violence. But let us Democrats talk politics a little. We are not a labor party, nor a farmers' party. We are an American party devoted to democratic government. But labor and farmers certainly were a major factor in putting us in office. These groups deserve to be recognized, not altogether because we obtained substantial support from them, but because they are entitled to justice.

LOSS OF LABOR OR FARM VOTE WILL DEFEAT DEMOCRATS

And if we as a party lose the support of labor in 1938, we will lose heavily in the elections. If the support is lost in 1940, it is likely that we will lose the majority, and surely the Presidency of the United States. On the other hand, if we should lose the support of the farmers, the result would be the same. We cannot afford to lose the support of either.

And I admit that the constantly misleading and unfair attacks on labor have caused some impatience among the farmers. What, then, should we do? The answer is that we should keep our promises to both groups, enacting minimum-wage and decent labor legislation, and at the same time fair legislation for the farmers and tenants. It is our duty to keep up the purchasing power of both and to protect their rights.

But equally important are several other pieces of legislation, such as a tax bill to close up the loopholes and provide for those to pay who can afford to do so; there is the matter of a great housing program, which we have promised over and over again, and now for nearly 5 years.

There is another thing. I am more convinced than ever that we must enact legislation providing for the reform of the judiciary. It does not alone concern the Supreme Court, but many other features of importance. If I am any judge of the American people, they favor the reform of the judiciary, and want it done before we adjourn this session.

And something more. You can say what you please, President Roosevelt is still the most popular man in the United States. [Applause.]

Surely the Madison Square Garden speech, the Democratic platform, still means something to us. More than the matters we have mentioned, there are still others equally important; these include widening the scope of the Social Security Act and old-age pensions. We must give attention to flood control, prevention of soil erosion, reforestation, and the establishment of the bill for eight T. V. A.'s provided in Senator NORRIS's bill, and as also suggested by the President. All of these things must be done this term.

NATIONAL PROGRAM—KEEP PROMISES—NO SECTIONALISM

Fellow Democrats—and now I am speaking only to Democrats—there is little chance of the Republicans coming back. They have no program. Their only program is to try to break down our program. And I believe that even if we, as a party, should suffer defeats, the Republicans would not return to office. What would happen might be that no party would obtain a majority and we would have three or four political parties, with the election of the President thrown into the House of Representatives.

The only answer is that the Democratic Party should stick together, permit no sectionalism to enter its counsels, and not break apart; and, to repeat, stand by our national program and keep our promises.

I call upon you, upon businessmen, upon laborers and farmers, and upon all Americans for calm heads and reasonable action, for patience, peace, and kind thoughts. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. COX. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. The Chair will state to the gentleman from Georgia that, under previous order of the House, other Members are entitled to the time. If they will yield to the gentleman for that purpose, the Chair has no objection.

Mr. COX. I would like to inquire of the other gentlemen if they will yield for that purpose?

Mr. HILL of Washington. Mr. Speaker, I shall have to object, because the gentleman had his time the other day, and he can get time after we are through.

The SPEAKER. Objection is heard.

Mr. LEWIS of Maryland. Mr. Speaker, I ask unanimous consent that after the business is completed and any special orders on Tuesday next, I may have permission to address the House for 1 hour on the subject of the revenues of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. RICH. Mr. Speaker, I ask unanimous consent that after the other special orders of the day today I may proceed for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The gentleman from Washington [Mr. HILL] is recognized for 30 minutes.

Mr. HILL of Washington. Mr. Speaker, I had not planned to talk at all on the subject mentioned in the speech of the gentleman from Texas [Mr. MAVERICK], but I cannot refrain from expressing just a few thoughts on it. A few days ago our splendid Speaker recited a part of that wonderful poem by Edward Markham, The Man With the Hoe:

> Bowed by the weight of centuries he leans
> Upon his hoe and gazes on the ground,
> The emptiness of ages in his face,
> And on his back the burden of the world.
> Who made him dead to rapture and despair,
> A thing that grieves not and that never hopes,
> Stolid and stunned a brother to the ox?
> Who loosed and let down this brutal jaw?
> Whose was the hand that slanted back this brow?
> Whose breath blew out the light within this brain?

Later on in the poem Edward Markham charges the leaders and the rulers of that day and of the days of the past with bringing the man with the hoe to the condition in which we find him. This applied, of course, more in Europe than America, and it was in line with the picture of Millet, of France, that the Man With the Hoe was written; but to a certain extent it is becoming true in our own country, because we are tending toward tenancy on our farms, and this is a very dangerous tendency. It also applies in industry and has applied for decades. All that I want to say is that the employers in the past decades by sowing the wind are now reaping the whirlwind, and you and I have to take the consequences with them.

What I shall say today with reference to our Federal Government and the courts is something that I have thought about for years, and these opinions I have held for the last 15 or 20 years. It is not something new, but it is the basis on which I campaigned for Congress in 1920 and 1924 and was defeated. In 1932 I won, as I did in 1934 and 1936. So I

say to you, my friends, that this is not something new with me but it is a stand that I have taken for the last 15 years.

OUR FEDERAL GOVERNMENT

I do not come to you today to attack the courts. I merely want to limit them to their constitutional functions. I do not come to defend the President. He needs no defense; he can well take care of himself. I do not come to criticize Members of the House and Senate. I want to urge them to shake off the "inferiority complex" which too often grips them, assert their prerogatives, and perform their duties as the elected representatives of the people of the United States. We are members of an independent and coordinate branch of the Government. Let us assert our independence of both the other branches and at the same time show our willingness to cooperate with both for the greatest good to the greatest number. Thus shall we regain our own self-respect and deserve the respect of others.

I want to discuss with you this afternoon the three coordinate branches of our Federal Government and their functions. Not since the Dred Scott decision and the resulting Civil War which laid its devastating hand upon our country has so momentous an issue confronted the people of the United States as the one now agitating the minds of all Americans.

What is the real issue before us today? Stripped of its camouflage it is simply this: Shall we as citizens of a democracy insist that the three coordinate and separate branches of the Federal Government be limited to the functions expressly provided for in our Constitution? That great document is one of express powers as far as the Federal Government is concerned. The Supreme Court itself has so declared time and again. That applies to the judicial as well as the legislative and executive branches.

Now, what are the express powers of the three branches of the Federal Government? Congress is to legislate, to make the laws. This is expressly stated. Nowhere in our Constitution is there any authority for the judicial legislation to which we have been subjected for the past century. The President is vested with the power of executing the law, of administering the law, of carrying out the policies established by Congress. The judges are authorized to interpret the law, to try cases under the laws and the policies established by Congress. Not a word or sentence authorizes them to declare laws unconstitutional, to tear the laws up and throw them into the waste-paper basket. Indeed, the framers of the Constitution four times definitely refused them this power. It is an assumed, a usurped power, initiated by that great Chief Justice, John Marshall. Their duties are to interpret and apply the laws to specific cases, just as it is the duty of nurses to apply prescriptions to patients, not to tear them up.

If judges would confine themselves to these constitutional functions, they would find enough to occupy their time and efforts. They have tried more than 25,000 cases under the law during 150 years of our national existence. They have declared unconstitutional about 75 laws during that time. It is ridiculous to charge that we are attempting to destroy the courts when we merely want to confine them to their constitutional duties and to where their sphere of activities really lies.

The cry is often being raised that we are trying to destroy the Constitution. I deny this. We are insisting on going back to the original intention of the framers of the Constitution. Gladstone, of England, once said:

> It is the greatest instrument struck off by the mind of man at one time.

It is a splendid foundation for our democratic form of government. Upon it has been erected a structure which is not only a source of admiration to the entire world, but also the everlasting refuge of a free people if it is interpreted in the light of modern conditions and amended when necessary. It is not sacred. Nothing is sacred except human rights and lives. The great Master once rebuked His persecutors when they chided Him because His disciples plucked grain on the Sabbath with these words:

> The Sabbath was made for man, not man for the Sabbath.

I would paraphrase this by saying that "the Constitution was made for Americans, not Americans for the Constitution." Its very purpose is to protect all the citizens of the United States, especially the weak and helpless. Verily, I believe it is broad enough and comprehensive enough to provide for the modern needs of the people of the United States if interpreted by minds attuned to modern needs and necessities and equities.

To my mind the preamble is the alpha and the Bill of Rights—the 10 first amendments—the omega of the Constitution. Listen:

> We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

The preamble does not say "we, the Colonies", nor "we, the States." The sovereigns and final arbiters in this country are the people themselves. Who can better shape the policies most likely to assure them of these six provisions in the preamble, especially to "promote the general welfare", than their duly elected representatives in the House and Senate and in the White House—all responsible to those whose servants we are?

They call our splendid President a dictator. He is nothing of the kind. Nor has he at any time desired such a role. He has been chosen by the voters of this country twice by outstanding majorities to lead us not only onward to recovery but forward to permanent reform. We have delegated certain powers to this matchless leader, but we can at any time cancel those powers. And may I again reemphasize the fact that both of these branches of the Federal Government—the legislative and the executive—are responsible to their sovereign—the people of the United States. On the other hand, the Congress has for a century supinely submitted to usurpation by the Federal Courts of its constitutional prerogative and function of legislating without even a protest from these Members who now question not only the duty of the President to cooperate with the Congress for the common welfare but also the motives which actuate him in these worth-while endeavors.

Let us look at another phase of this question. Let us be practical. Are there not as able, efficient, and conscientious constitutional lawyers in the Congress as on the bench? Is not the Attorney General of the United States, the special adviser to the President as to the constitutionality of a law, as capable as our judges? Has the mere elevation by partisan Presidents to these positions made men, even such as you and I, infallible? When was Justice Shiras infallible—when he held the income tax constitutional or when, a few days later, he held it unconstitutional? When was Justice Sutherland infallible—when as Senator he supported a pension bill or as a judge he held it unconstitutional? When was William Howard Taft infallible—when as President he vetoed a bill as unconstitutional or later as Chief Justice he held the same law constitutional? When was Justice Roberts infallible—when he held a minimum-wage law unconstitutional or a year later when he held an identical law constitutional? The fact that one Federal judge in one district holds a law unconstitutional and a Federal judge in another district holds the same law constitutional also refutes the theory that judges are infallible. So also does the fact that we have 5-to-4 and 6-to-3 decisions. That merely goes to show that they have the same frailties, the same prejudices, the same reactions from early training and experiences as all the rest of us. Their decisions are made accordingly. But remember that we live in a democracy, and the Members of Congress and the President are responsible to the voters at stated periods, while the judges are not responsible to any voters at any time. The Federal courts are an irresponsible, permanent oligarchy composed too often of mediocre men. Such a state of affairs is not permitted even in conservative England.

Again let me call your attention to another anomalous situation. The Congress has the power—and has exercised

it—to create—to create, mind you—all the inferior Federal courts and establish, regulate, and limit their powers. Then we permit an insignificant Federal judge in some remote district to declare our own laws unconstitutional. The creation is master of the creator, is greater than the creator. This once happened in heaven, or was tried in heaven, and Lucifer was swept into the depths of utter darkness by his Creator for his impudence and audacity.

Congress has the constitutional authority to even abolish the inferior Federal courts. We do not propose to do this; they are both necessary and useful. But we do intend to limit them to the functions authorized by the Constitution, under which we both exist; that is, to try cases under the laws which we enact. They are to ascertain and preserve the rights of litigants who come before the courts for redress, but this must be in accord with the laws as enacted by Congress and signed by the President or passed over his veto.

I do not for one moment concede that the judicial branch of this Government is more capable, more desirous, more anxious to jealously guard and protect the rights of our citizens under the preamble and the Bill of Rights than are the Members of Congress and the President. As a matter of history, they have too often destroyed or interfered with human rights. I need only mention the results of the Dred Scott decision and the frightful holocaust it brought on this country. The child-labor decision doomed hundreds of thousands of helpless children to lives of drudgery, denied them their birthright to sunlight, fresh air, and education, and at the same time thereby denying willing laborers those jobs held by the children. The income-tax decision removed from the shoulders of those best able to pay the burden of taxation and placed it upon those whose burdens were already too heavy. And when, after 15 years, this was remedied by a constitutional amendment, the Supreme Court exempted salaries of Federal judges from the income tax on the pretext that under the Constitution the salaries of judges cannot be reduced during incumbency. In other words, the people themselves cannot by a later amendment change their own Constitution because the Supreme Court, forsooth, in a democracy considers itself even above the people themselves. The courts have also used and are using the un-American, unreasonable, undemocratic method of denial of rights by injunction. This prevents labor to bargain collectively and assemble peaceably.

Let me repeat that the Congress has exercised its constitutional prerogative to create all inferior Federal courts and define their duties and powers. It has also constitutionally both increased and decreased the membership of the Supreme Court. No one versed in our country's history can successfully deny this. No one can deny that the Congress has the constitutional authority to curb the powers of the inferior Federal courts and prohibit these courts from passing on the constitutionality of laws enacted by Congress. Then why this hue and cry about abolishing the courts, tearing up the Constitution, and destroying our democratic form of government? It is merely the echo of the superpatriotic barrage used against the administration in the last campaign. It will have the same outcome—a victory for the administration and for the American people.

I am for the President's program of court reorganization for three reasons: The Supreme Court has been rearranged by several former Presidents, including Lincoln and Grant; it is entirely constitutional, democratic, and American; it will permit the immediate carrying out of the mandate of the voters of the United States.

Did the people demand this? Let us see. During the first half of the Roosevelt administration the President proposed and the Congress enacted such legislation as the A. A. A., C. C. C., and T. V. A. The people as a whole favored this type of legislation. The New Deal was the issue in the 1934 campaign. Those of us who were in it know that full well. It won by a larger majority than in 1932, even though it was an off-year and the opposition was gathering strength enough to raise the cry of "Americanism." Following this election the Supreme Court declared most of these approved laws unconstitutional. The people knew where the President stood on the New Deal and where the Congress stood—at least the Democratic candidates certainly did not say things about the New Deal that some of them are now proclaiming because they think it is safe and expedient. During the 1936 campaign the New Deal more than ever was the issue. If anyone is in doubt, consult the campaign material of those who so bitterly opposed the President. Instead of meeting the issue with arguments the New Deal was called communistic and subversive to our form of government. Most of our candidates were denounced as dangerous to democracy and pictured as tearing up the Constitution and destroying the last bulwark of civilization—the Federal courts. Does anyone seriously contend that the New Deal and its author was not the issue? What was the verdict of the American electorate? It resented the insinuations, it tossed the lying propaganda into the wastepaper basket and endorsed the New Deal and President Franklin D. Roosevelt with the greatest majority in the history of our country.

Now, how can the reforms and policies of the New Deal be carried out if the Federal courts are permitted to continue to declare these laws, enacted in accordance with the New Deal, unconstitutional? Oh, yes; now the opponents of the New Deal are for a constitutional amendment, which they just as bitterly opposed as long as it was expedient to do so. A constitutional amendment would require years to accomplish. This has been the case with the child-labor amendment. In the first place, it requires two-thirds of both the House and the Senate to submit an amendment. It requires three-fourths of the legislatures of the 48 States to approve an amendment. The big interests of the country, who bitterly oppose reform and permanent recovery, would use their influence and money on one of the branches of the legislatures of 13 small States and defeat any amendment. This would not be the democratic way of majority rule. One-twentieth of the population, if centered in those small States, could defeat the desires of the majority as expressed at the polls last fall. If there was no constitutional way of upholding the New Deal other than the amendment way, then it would be not only logical but also mandatory. But the voters expressed themselves at the last election. There are two ways in which their elected representatives may constitutionally carry out that mandate—that is, by increasing the membership of the Supreme Court or by denying the right of inferior Federal courts to pass on the constitutionality of acts of Congress. This is clearly within the Constitution, and hence is both proper and right. The people, by an overwhelming majority, approved the policies and the program of Franklin D. Roosevelt, and it is the duty of their servants in the House and the Senate to translate that mandate into realization by using the constitutional means to prevent the New Deal legislation from being emasculated by the Federal courts.

It is further charged that the present Executive will pack the Court. The present membership of the Senate will prevent the confirmation of any appointee who would be likely to place in jeopardy the lives or rights of any American citizen. I call your attention to the fact that, whereas it requires only a majority of the Senate to enact this proposed legislation, it will require two-thirds to confirm an appointment to any Federal court—an effective check, if one were needed.

It has become quite popular to speak derogatively of the President. For those who honestly differ with the New Deal, I have no criticism. But there are certain Senators and Members of the House who are now asserting their independence. They are no longer "rubber stamps." It is too sadly true that for several sessions they were nothing but "rubber stamps" because of the popularity of the President. They have confessed to it here on the floor of the House. Then they campaigned in 1934 and 1936 on one issue: Roosevelt and the New Deal—and won the election. But all the while in the cloak rooms they were sniping at the President and the New Deal because at heart they are reactionary. Now they are coming out more openly. Words are inadequate for the contempt I have for such men. They are not only disloyal to the President, but to the democracy of

Jefferson and to the United States. Frank and honest opposition is at all times a service, but "rubber stamp" support and hypocrisy are always a disservice and despicable.

We are still in the midst of the stress and turmoil of recovery from the depression and the reforms of the New Deal. We are a part of it and have a deficient perspective, so we can pass adequate judgment on neither the legislation nor the participants. A very substantial majority of the American voters have said in no uncertain terms that they want these reforms enacted into law and carried out. They have also chosen Franklin Delano Roosevelt as the leader for another 4 years. Majorities are not always right, but in a democracy their will must be respected and their desires carried out. They will be, notwithstanding conservative courts and reactionary Representatives and standpat Senators. If the New Deal fails of accomplishment within the next 3 years because of the obstructive activities of these three groups, the sovereign people will, I believe, draft this fearless leader for another 4 years, because he not only has broad sympathy for the common people but has the courage to fight for their rights.

I do not want to draft the President; it may not be necessary. It is unfortunate that this question has been raised at this time. But notice what I say: If by the obstructive activities of these groups the New Deal which the American people have demanded is not enacted into law, it may be necessary to have this fearless leader to continue to lead us to victory in the 4 years just beyond the present term.

Paul the Apostle, in his splendid chapter on charity (II Corinthians:13), when he had pictured charity as the greatest thing in the world, uses these words in the thirteenth verse:

> And now abideth Faith, Hope, Charity—these three, but the greatest of these is Charity.

So some future historian of America will name three great Americans and write their names in letters of living light on the scroll of time—Thomas Jefferson, because he gave us political liberty; Abraham Lincoln, because he gave us human liberty; Franklin Delano Roosevelt, because he gave us economic liberty, without which political and human liberty are worthless—these three, but the greatest of these is Franklin Delano Roosevelt.

I believe that some future historian will do this very thing; and I am here to say that although I have not supported the President in everything he has stood for—I have seen fit many times to oppose some of the things he has proposed—yet because of the fact that he believes in the common people and because he has sympathy for the common people and stands for the New Deal, which will give something to those who in past decades have received practically nothing, I am with him on the New Deal and all its principles to help those who have not received their rights in this country.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield for a question?

Mr. HILL of Washington. I yield.

Mr. CASE of South Dakota. Mr. Speaker, I am interested in the gentleman's argument that the Court should not review legislation passed by the Congress and his argument also relating to the power of the courts to declare acts of Congress unconstitutional. I am wondering with regard to the protection of the rights of the people under the Constitution if a State were to pass a law saying that within that State the amendment providing for the direct election of United States Senators should be ignored and that in that State they would go back to the practice of electing Senators by vote of the joint houses of the legislature if we did not have a Supreme Court to say that such an act was unconstitutional, who would protect the rights of the people of the States to have a direct voice in the election of their Senators?

Mr. HILL of Washington. It is not necessary to answer the question, because I call attention to the fact that what I said had reference to acts of Congress. I did not mention at all the acts of State legislatures. I am talking about acts of Congress.

Mr. CASE of South Dakota. All right. Then suppose Congress should pass a law and say that the Senators should be elected from among the States on the basis of population instead of protecting the rights of the Western and the small States, each to have two Senators. That was the compromise which made the Union possible originally. Suppose the Congress should pass an act and say that hereafter Congressmen are to be apportioned on the basis of population. Who would say that Congress did not have that right? Who would protect the rights of the States?

Mr. HILL of Washington. In the first place, I think the gentleman's assumption is far-fetched. I do not believe the Congress would do so, and the gentleman cannot cite a case where it has done so. In the second place, the gentleman and I are responsible to the people, and every 2 years we have to go back and be reelected. One-third of the Senators have to be elected every 2 years. The President has to be elected every 4 years. The people can remove us and put others in who will change the law. But the members of the Supreme Court and the Federal courts are put in there for life on good behavior, and the people cannot touch them. [Applause.]

My contention is that in a democracy the people should rule. They through their regularly elected representatives should decide on public policies. If we violate the confidence placed in us by the voters, they can remove us and change those policies by electing men and women who will repeal the objectionable laws. But when the Supreme Court, under our present unconstitutional system, declares that the income-tax amendment approved by the voters of this country does not apply to Federal judges, the people have no recourse. This is not democracy—it is government by an irresponsible oligarchy. I do not attack the courts. I hold no brief for the President. I do insist on the defense of democracy. [Applause.]

The SPEAKER. Under a special order heretofore made the gentleman from Michigan [Mr. HOFFMAN] is recognized for 15 minutes.

Mr. COX. Mr. Speaker, I wonder if my friend from Michigan would be adverse to my asking unanimous consent that his time be extended 5 minutes, then yield me the 5 minutes?

The SPEAKER. The Chair thinks it proper to state that the gentleman from Pennsylvania [Mr. RICH] has obtained permission to speak for 15 minutes immediately following the address of the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Speaker, I would like very much to do that, but if the gentleman from Georgia would just as soon wait until I get through, I would appreciate it.

The SPEAKER. It is entirely proper for the gentleman from Georgia to submit his request, with the permission of the gentleman from Michigan and the gentleman from Pennsylvania.

Mr. COX. I will not press the request further. May I inquire of the gentleman from Pennsylvania at this time if he will yield to me to follow the gentleman from Michigan?

Mr. RICH. Mr. Speaker, I shall be glad to do so.

The SPEAKER. The gentleman from Michigan [Mr. HOFFMAN] is recognized for 15 minutes.

Mr. HOFFMAN. Mr. Speaker, it will be my endeavor in the few moments I have at my disposal to follow the advice of the gentleman from Texas [Mr. MAVERICK], who said we should avoid the use of hard names, which advice I note he failed to follow during his talk.

Mr. MAVERICK. Mr. Speaker, I make the point of order that the gentleman has started out talking about personalities and states that I did not refrain from using hard names. I make that point of order at the beginning, because I do not think the gentleman's statement is correct.

Mr. HOFFMAN. Mr. Speaker, I leave it to the judgment of the Members of the House. The RECORD, if not deleted, will show the gentleman did, in substance, give that advice.

The SPEAKER. Under the rules of the House, if the gentleman from Texas [Mr. MAVERICK] wishes to complain of words spoken in debate, his remedy is to demand that the words complained of be taken down. The gentleman from Michigan will proceed in order.

Mr. HOFFMAN. Mr. Speaker, I most humbly apologize to the gentleman from Texas if I made an erroneous statement and if I am mistaken in the assumption that the name he called Tom Girdler was a hard one or if the term "murderer" is not a hard name. What is the reason for a strike?

WHY A STRIKE?

Common sense, clear thinking, consideration of the facts, should give a correct answer.

Is there any legitimate reason for a strike, other than that the workers whom it affects are dissatisfied with either the conditions under which they work, the hours of employment, or the wage received?

If the workers employed in a factory are satisfied, should an outsider complain? If an outsider is permitted to complain, cause a strike, close the factory, deprive the worker of employment, he should be willing and able to offer an alternative which would save the worker from loss. Usually, the outsider causing a strike, closing a factory, depriving the worker of his job, accomplishes little, if anything.

Under any system of free government, there is—there can be—no doubt about the proposition that workers have a right to strike. The exercise of this right may be fair or unfair; it may or it may not work hardship to coworkers. Nevertheless, the right to strike is the right of the worker, of which no one under a system of free government should dispossess him.

It must be equally true that the man who desires to work should have that right and of that right he cannot, if liberty is to exist, be deprived.

Do you question either one of these propositions? No one consistently can question either, for the striker of today may be the worker of tomorrow, and the man who desires to work today may wish to strike tomorrow.

If a strike is called, what is the procedure? There is no doubt about the fact that men in a factory may strike. Is it not equally true that a man adjoining him may desire to work? Is the right to strike to be placed above the right to work? Are they not equal, both before the law and as a matter of moral honesty?

What are the facts? The gentleman's argument might have carried weight had it been based upon fact, but unfortunately his argument was not based on facts. The gentleman cited the refusal of the owners of the plants to abide by the Wagner law and called attention to the fact that injunctions had been requested. That is quite true, and they were within their rights. I am sure that those gentlemen in this House who find so much fault with our Constitution and our courts would not close the doors of those same courts and deny the protection of the Constitution to the people who desired to have justice done. I step over the thought that the C. I. O. and these labor organizations have never to this day followed the law and asked for an election in the case of General Motors.

Never to this day have they invoked the law made for their benefit, devised for the advancement of labor and to assist it in organizing.

Let me state a hypothetical question. The gentleman from Texas [Mr. MAVERICK] and I work at the same place. We are satisfied with working conditions, with hours, with wages. The other fellow, who is not employed at the plant, desires to organize us, charge us an initiation fee, a monthly fee. He convinces me that I should be organized; the gentleman from Texas is not convinced.

The other fellow and I insist that he join; he declines. We call a strike. I sit down on my job and on his job. I say he cannot work. I drive him from the factory, or, if it be a peaceful strike and not of the sit-down type, I picket the factory and when he leaves I will not permit him to return.

The gentleman from Texas [Mr. MAVERICK] has more fighting ability than have I. The other fellow sends in his flying squadron to join me on the picket line, and together we keep him, the gentleman [Mr. MAVERICK], from his job.

If the gentleman persists in his effort to go in, we either form a solid mass of humanity before the gate or we threaten. If threats are unavailing, we beat him.

The Government, State and National, gives the gentleman from Texas no aid. He is out of a job until he signs or the other fellow and I grow weary of our procedure, and, in the meantime, he is without work. He can live on his savings, if he has any. He can seek other employment, if he can find it, or he can go on the relief roll or depend upon the charity of the community.

I have stated the situation in the simplest of terms. Let the gentlemen who are speaking, who are organizers for the Committee for Industrial Organization, make answer in terms as simple.

Whether the majority of the workers in any particular plant, when free of intimidation, desire to strike, can easily be demonstrated by the methods employed in that particular strike.

If the majority of the workers are dissatisfied and wish to enforce their demands by a strike, and their demands are reasonable, the proposition is a very, very simple one. All they need to do is to call a strike, quit work, and advise the community and prospective workers of their grievances.

If their demands are reasonable, if their grievances are real, their places cannot and will not be taken by any self-respecting worker, and no longer can industry import strike-breakers.

If their demands are unreasonable, or if the majority prefer to work under the conditions and at the wages and hours which prevail, you will find the pickets reinforced by outsiders, using violence and intimidation to prevent the majority from working.

Let me repeat: The question of whether the majority in any particular plant desires to strike is answered by the character and methods of the pickets.

If outsiders are brought in and violence and intimidation used, then you may be sure that it requires intimidation and force to keep the majority from their jobs. Otherwise, they would stay away voluntarily.

The majority never need employ violence, intimidation, coercion. They can close the plant and keep it closed by remaining away from work. It is the minority which would violate the law, deprive its fellow men of the opportunity which it claims for itself, which ordinarily employs violence.

Labor should be organized, but only under responsible leaders, selected by the workers themselves. It should have the right to bargain collectively, and, when it assumes responsibility equal to the demands which it makes, public opinion, which is inclined to favor it, will compel compliance with all reasonable demands.

That there is intimidation, and plenty of it, is beyond question. Let me read excerpts from just a few letters. Here is one from Flint:

> The citizens of this city are getting awfully sick of the C. I. O. rule and the union members themselves, in many instances, are beginning to rebel. To illustrate, a strike has been in progress at the Mary Lee Candy Shop on our main street for several days. Picket lines have been established around the front of the store and during the first few days the store did a bigger business than ever before. Finally the union officials became convinced apparently that there was a bad public reaction so they began calling customers who entered the store scabs and shouting that they would be awfully sick before night, indicating that the food had been poisoned. These lines were established at both the front and back doors of the store. Finally on Saturday the pickets began attacking customers who went into the store. Not satisfied with that they gathered a group of 50 or 60 hoodlums on the sidewalk, and when someone came along whom they knew as antagonistic, one of the hoodlums would push this person into one of the pickets who, then, would assault and beat up the passer-by. Then they would claim that the passer-by had assaulted the picket. One of the persons assaulted is a union man who is employed at the Chevrolet. Upon being assaulted he promptly knocked down the picket who had hit him. Thereupon 14 or 15 hoodlums began

beating this fellow up while the police stood by. Finally the police very gently told the hoodlums they should not disturb the peace.

Protest was made against this violence to the city manager of Flint, and, according to the Flint Journal of June 27, I quote:

City Manager Findlater having informed a group of downtown businessmen that the blame for the trouble rested upon the citizens of Flint, who, he said, had no business going into the Mary Lee Restaurant, or saying anything to the pickets who blocked the sidewalk in front of the place during the rush of downtown Saturday afternoon shopping.

The same paper gives instances of violence which occurred that afternoon and evening and which I will insert:

Men and women patrons of the restaurant were subjected to a running fire of verbal attacks and some fared even worse as they left the establishment.

Previously Betty Simpson, union organizer in charge of strike activities at the Mary Lee, was heard to inform the pickets and the crowd in front of the store that "the city manager said it was all right for us to go ahead and do what we wanted to do."

Most seriously beaten during the day was Mr. Miller, whose face was a mass of blood and bruises. He said he had just stepped out of the restaurant when he was set upon by five or six men who began to beat him.

Another who was attacked was Dr. J. W. Orr, who was kicked in the shins and struck in the face by a woman picket.

One uniformed policeman was on duty at the scene of the fighting when the Saturday afternoon disorders broke out and he was helpless to handle the situation.

An Associated Press dispatch from Massillon, Ohio, dated today, quoted Leo W. Cox, picket captain at Republic Central Steel division, as saying last night when he protested against the use of troops against the plant reopening:

If they try to open this plant they will have a damn bloody fight. We have more than enough men here to whip this army and the scabs, too.

That is a statement of a picket captain of the organization under whose auspices the gentleman from Texas [Mr. MAVERICK] spoke at Detroit when he advocated organizing in the South as well as in the North, East, and West.

Let the gentleman state on the floor of the House whether he stands back of massed picketing, whether he stands back of and approves keeping men by force from their jobs.

Here is a letter from the wife of a worker in the Chevrolet factory at Flint. It is dated June 28. Among other things, she wrote:

Our fair city has become a lawless place, indeed. Businessmen that have done much to make Flint what it is are being forced to sign up with the C. I. O. racketeers, but it is done only as a last step to save their business.

Don't think for a moment all those that belong to the C. I. O. do so by choice. The majority were driven to it.

I know men who have been beaten and called all manner of names because they find themselves the possessors of too much manhood to sign up with the hell-bent racketeers.

Our men are threatened with being dumped into compound tanks, etc., but, thank God, some have stood their ground. My husband had connecting rods brandished at him and was told to get to h—— out of the Chevrolet or join the C. I. O.

The woman is frightened. She fears for her personal safety. Note this. She writes:

Today I stopped at police headquarters to make application to carry an automatic.

Think of it. Here is a housewife, a law-abiding, God-fearing, Christian woman whose husband is working for Chevrolet. Because of the acts of members of the organization for which the gentleman from Texas [Mr. MAVERICK] goes to Detroit and speaks and of whose methods he has, so far as I know, on this floor uttered not one word of criticism, this woman appeals to the police department of her city, which has failed, even during the daylight hours, to protect citizens of that town from violence on the public streets, for permission to arm herself so that she may walk in safety.

She writes further:

I just felt I had to write to say we want law and order, freedom of speech, press, and worship. What are our chances for having these?

John L. Lewis and his gang practice all manner of coercion to force his ideas on us. Will our Government rob us of the right to choose our own leaders?

Here is another received this morning from New York, which needs no explanation:

I am a C. I. O. who would like to leave the organization, and I know a few others who would like to do it, too; but we are afraid, for we know some of the others would smash us or do something dreadful to us. We work on fur in New York, and if we left the union we know we could get no protection from the Government, for, as that good old CARTER GLASS said, "We have no Government", now in some of the States since Roosevelt has been in, and so many Congressmen are afraid of him and Farley. I know that most of the C. I. O. men want to stick to John Lewis, but I am an American and so are some of my friends who want to leave the C. I. O., and we see things a little different from the others. We can see that most of the employers are decent men and fair and square. We can see, too, that we are not smart enough to invent anything and make a lot of money, and it is lucky for us that there are some smart men who can invent things and make money to pay us wages. And I and my friends don't believe in communism like most of the C. I. O. men do, for we can see that most rich men do better with their money than the politicians would do with it, for they would buy votes with it. I wish you would let all the Congressmen read this letter and put it in the papers, too.

During the last few months I have received hundreds of similar letters from widely separated sections in the United States.

The gentleman from Texas [Mr. MAVERICK] preaches peace, but the organization for which he speaks practices aggressive, lawless violence.

Is there any question about it? Do I wrong the gentleman? What are the facts? There is no mystery; there is no concealment. The record is open; all may read.

This series of strikes began in Michigan at Flint. Armed men invaded our State. By force they drove our workers from their jobs. They took and held possession of the factories. Does the gentleman approve of armed invasion? Does the gentleman advocate the driving of workingmen from their employment, either by C. I. O. organizers and C. I. O. "flying quadrons", or by the armed forces of a State, merely because those who make the attempt threaten violence and bloodshed if their desire is opposed?

In those picket lines men walk elbow to elbow, hand on shoulder, and, by a wall of moving humanity, bar workers from entering. If that does not suffice, they arm and, by force, drive those who would work away from the factory gate. Does the gentleman approve of that? Is it right? Is it just? Am I overstating the situation? Have I described a condition which does not exist, which has not for months existed in many places throughout this land?

Yet the gentleman from Texas [Mr. MAVERICK] speaks for an organization which does these things, and on the floor of this House he praises the leader of that movement.

Let us say nothing about the law, about legal rights. As one man to another, I ask him to make answer on the floor of this House, when the time is convenient to him, whether there is either fairness or common decency about it, if, by force, I drive my fellow worker from his job and keep him from it?

The gentleman talks about brutality which occurred at Chicago, but he does not tell the whole story. Do not mistake me. I do not condone brutality under any circumstances. Nevertheless, it should be remembered that that Sunday's attempt, in which these men were killed and injured, was the fourth assault on that particular plant, and that all could have been avoided had peaceful, lawful picketing been the order of the day.

Those marchers when they started toward the plant knew that it was defended by Chicago police. Many of those marchers knew just the kind of a police force they would meet. They knew that bloodshed and violence would follow if they persisted. Yet they went on.

Pictures were taken. They may be accurate; they may not be accurate. It is said that one series of pictures was taken by a minister, who also was reported to have been present taking pictures at two other scenes of violence where strikes were in progress.

After one has seen some of the pictures shown in some of the movie houses he does not always accept the evidence of his own eyes. It is said that Joe Brown, in his new

picture, Walking on Air, I think it is, has airplanes climbing either trees or telegraph poles; in any event, doing the impossible.

One thing is certain—the investigation now being conducted by the Senate Civil Liberties Committee at the other end of the Capitol has not yet brought out, so far as I know, acts of violence perpetrated by strikers or "flying squadrons"; but, perhaps, I am impatient, and it may sometime get to it.

This fact I have noted, that whenever public sentiment is crystallizing against these unlawful activities, that particular committee creates a diversion. I cite as an example that when the citizens of Flint were about to drive the sit-down strikers out, according to the official publication of the C. I. O., the Senate committee came to its rescue by putting the "heat" on General Motors officials.

Do not go out now and say that I advocate or approve of violence by anyone.

I hold no brief for any man who wants to engage in violence. You cannot put me with that group which wants violence, which wants trouble, but you can put me with that group which is willing to defend its homes and its property and the people of its city.

Mr. O'CONNELL of Montana. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. Just for a question.

Mr. O'CONNELL of Montana. Was not the gentleman going to lead an army into one of these towns?

Mr. HOFFMAN. I have been waiting for that question, and I will answer the gentleman. The gentleman has asked his question; if I may have the floor again, I will make answer.

I would not lead an army anywhere if I could get out of it, and I never made any expression which indicated that I had the slightest desire to lead an army or to provoke a fight. I did make certain statements with reference to a condition which existed at Monroe, Mich. When I came through Monroe, after I had learned by a visit there what happened at Newberry, in the northern Peninsula of Michigan—and I thank the good Lord we have a Member from Michigan [Mr. HOOK] who is standing and talking against this lawlessness—I was frightened; and I still am frightened. I saw businessmen, just as respectable as any in this House, who had been out on the highway for 3 nights and 3 days, with no more than 11 hours' sleep, protecting the factory, the workers; and I saw farmer boys and workers, young and old, and I was advised that they had the C. I. O. membership list, and that out of 1,358 workers only 99 wanted to strike—I saw these men out there, two veterans of the World War armed with "tommy" guns, others with shotguns, and others with rifles, baseball bats, and knives.

These men's faces were drawn because of fatigue, of hardship. They, too, were frightened because of what might come to their town; because of what had been said; because of what had been done; because of the threats which had been made against their city.

When on Sunday Bittner stood before an audience of 8,000 C. I. O. sympathizers and said to them, "We are coming back to Monroe", and "By God, they will pay for what they did at Monroe, and pay well", I did say, and I stand here now and repeat it, that I was willing to go to Monroe. I was willing to go armed, and to have my friends and relatives go armed, to assist the citizens of Monroe in defending themselves against armed invasion from other States and other cities under the leadership of the organization for which the gentleman speaks.

In spite of the uncomplimentary intimations of the gentleman from Texas [Mr. MAVERICK], and of the gentleman from Montana [Mr. O'CONNELL], and of my own timidity, when armed workers and men come in from outside, from Chicago and from Toledo, and threaten violence; when they march upon the defenseless towns and cities of my home State, I am willing to do something besides talk.

I believe that nine-tenths of the Members of this House are willing to go back into their own States, to fight if necessary, when their communities are threatened with that kind of an invasion.

The gentleman stated no blood would be shed by any of these men who were doing the talking here. Now, you talk about John L. Lewis. You speak for his organization, as you did at Detroit. Bring John L. Lewis, or whomever you want to bring; bring him over into our community with those fellows, and, brother from Texas, I will be there to meet you and your friend John. Do not forget it. This is not a threat; it is just a promise I am giving you.

Mr. O'CONNELL of Montana. Will the big brave man from Michigan have a gun?

Mr. HOFFMAN. I am not a big brave man. I am the biggest coward in this House. I will run faster and farther and crawl into a smaller hole than any Member of this House to get out of trouble; but do not come to my house and tell me you are going to put me out. [Applause.]

Mr. O'CONNELL of Montana. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I have yielded all the time I care to yield to the gentleman, Mr. Speaker.

Do not think I am the only one who sees trouble ahead. It is always the troublemakers who cannot see it. It is the fearful man, the cowardly man, the man who is afraid, as I am afraid, who fears what is coming. For myself I do not care. I am old enough to call it a day. I have had my share of work and I have had my share of pleasure; but I have children and I have grandchildren. Now, come on, if you insist. That is all I can say—come on—and if you expect that because Lewis, whose telegram preceded the beating, shooting, and hanging of 25 defenseless men at Herrin in 1922, can get away with those methods, make no mistake. You will find factory workers, businessmen, farmers, men old and young—yes; and women—of the rural communities of Michigan ready to do battle; ready to do battle not because they wish it but because it is forced upon them and they cannot evade it. They will fight for home and fireside because they must, not because they wish.

And let the C. I. O. organizers remember that no magic mantle surrounds them; that they are not immune from those things which affect others.

Peaceful we are, and peaceful I am, and I will go to the end of the road to avoid trouble; but when driven to the end of the road and nothing is left—and C. I. O. would leave us nothing—we can do naught but defend ourselves, and that we will do.

Mr. O'CONNELL of Montana. What do you mean by "come on"?

Mr. HOFFMAN. Oh, I mean this: Get those gangs of whatever they are——

Mr. O'CONNELL of Montana. You are not inviting me outside or anything?

Mr. HOFFMAN. Oh, no; that is the last thing I would think of. If I were inviting anyone to a physical combat, I would try to get the gentleman from Minnesota [Mr. JOHNSON] or the gentleman from North Dakota [Mr. BURDICK], or some big man like that, or, perhaps, if I had the money, I would get Joe Louis to do my fighting. That is the way I would try to handle that kind of situation. [Laughter and applause.] But invade our homes, and we will do our own fighting. If and when you come to my home, you will find me there. Do you think I am crazy, do you think I am alarmed? I know I am frightened.

What about the kindly, patriotic, courageous gentleman over on the other side, the Senator from Virginia [Mr. GLASS], who said the other day, June 24 (CONGRESSIONAL RECORD, p. 6284):

> We have no Government.

What about the statement of the Democratic whip in the Senate, Senator LEWIS, who said, on June 23 (CONGRESSIONAL RECORD, p. 6213):

> This Nation is in a great peril, as I see it. I behold America as it now stands upon the eve of a turbulence which can result in a conflict inwardly very similar to that which preceded the Civil War between the States.

* * * * * * *

There is not a State in our Union which just now is not threatened with what may be called a form of riotuous confusion.

* * * * * * *

Shall we overlook at this time and forget that it was in like manner that Italy yielded, bringing on a condition which has finally resulted in a tyranny and a form of despotism we shrink to mention? Shall we refuse to reflect that our affairs of state and industry may likewise become victims as was the case in Italy, Russia, and now in Spain?

* * * * * * *

Here within ourselves we are nearer to insurrection and apparently, sir, confronting an army of revolt in the largest numbers * * *.

Oh, yes, I may be crazy; but those two patriotic Senators who have lived long enough to judge coming events, they are not crazy. They know what is going to happen if this continues.

When peaceful, law-abiding, God-fearing and God-worshiping housewives in Michigan are so frightened that they find it necessary to arm themselves, in order that they may have protection in daylight on the streets of a city in Michigan, then it is time that we take action to dispel their fears, to bring them security, for fear leads to violence, and violence, when widespread, to insurrection and civil war.

That seems to have been the thought in the minds of the two Democratic Senators to whom all look for sound advice and courageous action.

[Here the gavel fell.]

The SPEAKER. Under the special order heretofore made, the gentleman from Pennsylvania is entitled to recognition.

Mr. LORD. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan may have 15 minutes of additional time.

The SPEAKER. The Chair is loathe to submit that request, because the House has granted permission to the gentleman from Pennsylvania to address the House, but the gentleman from Pennsylvania may yield for the unanimous-consent request.

Mr. RICH. Mr. Speaker, I yield for the unanimous-consent request.

Mr. BEITER. I object, Mr. Speaker.

(Mr. HOFFMAN and Mr. MAVERICK asked and were given permission to revise and extend their own remarks in the RECORD.)

Mr. RICH. Mr. Speaker, I understood that the gentleman from New York [Mr. LORD] asked unanimous consent that the gentleman from Michigan be given 15 minutes of additional time. So far as I am concerned, I am willing to postpone my time to see whether the House is willing to give the gentleman from Michigan the additional 15 minutes.

The SPEAKER. The Chair understood that the gentleman from New York [Mr. BEITER] objected to the request, in any event.

Mr. BEITER. Mr. Speaker, when the gentleman from New York [Mr. LORD] submitted the request, it was my understanding he wanted 15 minutes. I would not object if the gentleman wanted 5 minutes. The gentleman from Georgia [Mr. COX] has been trying to get the floor for some time, and I would like to hear the gentleman's statement. I have no objection if the gentleman from Michigan wants that additional time.

The SPEAKER. If the gentleman from Pennsylvania [Mr. RICH] is willing to waive the time heretofore accorded him, the Chair would entertain a request that the gentleman from Michigan be allowed to proceed.

Mr. RICH. Mr. Speaker, do I understand that I would give up my time?

The SPEAKER. Yes.

Mr. COX. Mr. Speaker, I ask unanimous consent that the gentleman's time be deferred.

Mr. RICH. Yes, Mr. Speaker; I am asking that my time be deferred.

The SPEAKER. The Chair will submit the request of the gentleman from Pennsylvania [Mr. RICH].

The gentleman from Pennsylvania asks unanimous consent that the time heretofore granted him may be deferred pending the request of the gentleman from New York [Mr. LORD] that the time of the gentleman from Michigan may be extended 15 minutes.

Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and the gentleman from Michigan is recognized for 15 additional minutes.

Mr. HOFFMAN. Mr. Speaker, I yield the remainder of my time to the gentleman from Georgia [Mr. COX].

Mr. COX. Mr. Speaker, I take no particular exception to what the gentleman from Texas [Mr. MAVERICK] had to say about me. I want to think better than well of the gentleman. However, it would be difficult for me to esteem him as highly as he might wish. I do want to believe, Mr. Speaker, that the gentleman loves his Government and would not willingly lend himself as an instrument to its overthrow. I want to believe that the gentleman feels as Andrew Jackson felt when he said, "Our Federal Union, it must be preserved", and as Daniel Webster when he said in his Bunker Hill address, "Our country, our whole country, and nothing but our country." Then I want him to join with me in asking the question, "Where is the coward or the scoundrel who would not fight for such a beautiful land?" [Applause.]

Therefore, Mr. Speaker, I must believe that the gentleman is never serious; that he is more interested in provoking amusement by his extravagance and buffoonery than in the molding of sound public opinion.

Mr. MAVERICK. Mr. Speaker, I ask that the gentleman's words be taken down.

The SPEAKER. The gentleman from Texas demands that the words of the gentleman from Georgia be taken down. The gentleman from Georgia will take his seat.

Which words does the gentleman ask be taken down?

Mr. MAVERICK. Where the gentleman used the word "buffoonery." This is not very serious to say it; we have said worse.

The SPEAKER. The reporter will take down and the Clerk will report as soon as convenient the last paragraph of the remarks of the gentleman from Georgia.

The Clerk read as follows:

I must believe that the gentleman is never serious; that he is more interested in provoking amusement by his extravagance and buffoonery than in the molding of sound public opinion.

The SPEAKER. What action does the gentleman from Texas desire taken on the words of the gentleman from Georgia?

Mr. MAVERICK. Mr. Speaker, I believe——

The SPEAKER. The gentleman must make some affirmative motion.

Mr. MAVERICK. Mr. Speaker, I move that the words be stricken from the RECORD.

The SPEAKER. The Chair is of the opinion that the words uttered by the gentleman from Georgia are such that it constitutes a matter which the House should determine as to whether or not they should be stricken from the RECORD.

The gentleman from Texas moves that the words uttered by the gentleman from Georgia be stricken from the RECORD.

The question is on the motion of the gentleman from Texas.

The question was taken, and the motion was rejected.

Mr. MAVERICK. Mr. Speaker, I make a point of order that a quorum is not present. They can put this on record if they want to.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present.

Mr. BOILEAU. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BOILEAU. I understand that the gentleman simply made a point of order that there was no quorum present; that is, he did not object to the vote on that ground. I wanted to know whether it was just an ordinary point of no quorum or whether the gentleman objected.

Mr. MAVERICK. Mr. Speaker, I object to the vote and make the point of order that there is no quorum present.

The SPEAKER. The Chair will count.

Mr. MAVERICK. Mr. Speaker, I thought it was presumed that that kind of language was in violation of the rules of the House. If it is not, let it go.

The SPEAKER. It is not within the province of the Chair to strike language from the RECORD. That is a matter that must be submitted to the House.

Mr. MAVERICK. I ask unanimous consent that the Speaker say that was in violation of the rules of the House to use that kind of language.

The SPEAKER. The Chair has ruled that the language of the gentleman from Georgia was of such nature that it should be submitted to the House whether or not it should be expunged. The gentleman has other remedies. The gentleman could have moved that the gentleman from Georgia should be directed to proceed in order, but the gentleman has moved that the words be stricken from the RECORD, and that issue must be submitted to the House.

Mr. MAVERICK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MAVERICK. I would like to know what is to be done when personal remarks of that kind are made?

The SPEAKER. The gentleman has availed himself of his parliamentary remedy. He has asked that the words be taken down and has moved that they be stricken from the RECORD.

Mr. McCORMACK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCORMACK. Whether or not business has been transacted since the gentleman from Texas raised the point of no quorum.

Mr. MAVERICK. Mr. Speaker, it is not an important matter, so I will withdraw the point of no quorum.

The SPEAKER. The gentleman withdraws the point of order that there is not a quorum present.

So the motion was rejected.

The SPEAKER. The gentleman from Georgia will proceed in order.

Mr. COX. I want to think that the gentleman believes in some form of government, that he has not become wholly Russianized, and that John L. Lewis is not in fact his candidate for the Presidency in 1940.

Mr. MAVERICK. Mr. Speaker, I make a point of order against the word "Russianized", and I again ask that the gentleman's words be taken down.

The SPEAKER. Does the gentleman request that the words be taken down?

Mr. MAVERICK. Mr. Speaker, I ask that the word "Russianized" be taken down.

Mr. COX. Mr. Speaker, I withdraw the word "Russianized."

Mr. MAVERICK. It is nice of the gentleman to withdraw his words; such words are only meant to be insulting; they mean nothing and prove nothing. And as for the gentleman's remarks that John L. Lewis is my candidate for President in 1940, I have not decided. But I will not do like the gentleman—say I am for Roosevelt and the Democratic Party, and then be against both. I was for Roosevelt and the Democratic Party in 1936, and I am now.

The SPEAKER. The gentleman withdraws the word objected to.

The Chair thinks it proper to restate the rule of decorum in debate:

> That no word should be spoken that reflects upon the character or reputation and standing of any Member.

The gentleman from Georgia will proceed in order.

Mr. COX. Mr. Speaker, I am willing that the gentleman shall be known to his brethren as he desires to be known; and, therefore, I propound to him now a few questions which he can answer later on:

Is the gentleman collaborating with Mr. Lewis in the shaping of his official conduct here in this House?

Is he in sympathy with the C. I. O. and its effort to terrorize industry?

Does he favor the sit-down strike?

Does he approve of armed picketing?

Does he favor the closed shop and the check-off system?

Does he favor the forcible closing of industrial plants, the denial of ingress to owners, the denial of food and raiment to thousands of people who want to work?

Does he favor the stoppage of the United States mails, the shooting into planes attempting to carry food to people who insist upon their constitutional right to earn their bread by the sweat of their brow?

Does he favor the denial of the authority of the courts, the resistance to peace officers, the use of dynamite in blowing up water mains, the forcing of thousands of people into the bread lines, and the shooting down of people who resist the appeal of the Communist?

Mr. Speaker, let the gentleman make serious answer to these questions, and his brethren and the country will know him as he is. [Applause.]

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent that the time of the gentleman from Pennsylvania be deferred 5 minutes in order that I may reply to the gentleman from Georgia.

The SPEAKER. The gentleman from Pennsylvania is entitled to be recognized at this time for 15 minutes.

Mr. MAVERICK. Will not the gentleman defer for 5 minutes?

Mr. RICH. Mr. Speaker, I have tried to secure time on various occasions. It is very difficult. I am perfectly willing, however, that the gentleman from Texas may answer the questions of the gentleman from Georgia. If my time may be deferred, I shall be perfectly willing to have him answer. [Applause.]

The SPEAKER. Just a moment. The Chair wants a definite understanding about the parliamentary situation. Does the gentleman from Pennsylvania yield the time the House has granted him?

Mr. RICH. No; I do not, Mr. Speaker. I ask that my time be deferred 5 minutes in order that the gentleman from Texas may answer the questions of the gentleman from Georgia.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Texas may now be recognized for 5 minutes. Is there objection?

There was no objection.

Mr. MAVERICK. Mr. Speaker, it is the instrumentality of persons who wish to be insulting and embarrass others to ask insulting questions. It is like asking someone, "Have you quit beating your wife or robbed a bank lately?" "Have you cut a throat or scuttled a ship in the last 10 days?", or "Do you believe in cannibalism?"

I do not think that it is necessary for a soldier of the World War—and I am not going to brag about that—I do not think it is necessary to answer those questions; but I answer these insults, generally, by saying "No." That is the answer. I will not attempt a detailed answer, at least not now. For, after all, the gentleman from Georgia merely wanted the peculiar satisfaction of asking me those questions. The answers do not concern him greatly.

Mr. Speaker, I oppose violence of any kind, whether committed by industry or labor, and said so in my main speech. I am for the peaceful settlement of labor disputes and want to encourage the Secretary of Labor and the National Labor Relations Board; the gentleman has denounced both.

It seems to me as though the discussion of this whole C. I. O. and labor question is on a basis of the frightful suggestions in the nature of the conversation of the gentleman from Georgia. The very thing that he is doing here is the kind of psychology and the kind of excitement that brought on the Civil War in the United States. Such talk may cause trouble again. And it is easy to be brave here in Congress.

It is easy enough to propound insulting questions, but the problems which confront the American people are serious. I will not rise and protest my virtue, that I am as virtuous,

or as brave, or as courageous as the gentleman from Georgia. Portia protested her virtue too much, and Falstaff talked bravely and ran.

I cannot get up here and say that "the flower of Texas manhood", since the gentleman has spoken of "the flower of southern manhood", are going to do battle and shed some blood because of the C. I. O., especially since thousands of young ladies in the South have lately joined the textile union, and no one has risen up to stop it. The questions asked were intended merely for insult and display.

Some people become overpious, and they wrap themselves in the Constitution and the flag. They parade themselves.

But who is it that is fighting the plans of the Democratic Party and of the President of the United States?

Why, it is men like the gentleman from Georgia [Mr. Cox]. He is one of the men who does that very thing. I merely submit to the membership of this House that there are lots of men in the C. I. O. and other labor organizations who are just as patriotic, just as honorable, and just as courageous as the gentleman from Georgia.

But I submit, Mr. Speaker, that just such occurrences as of today bring violence. We have heard enough of bitter personalities for the time being. The people of this country would rather see us do our duty and carry out the promises of the Democratic Party. [Applause.]

The SPEAKER. Does the gentleman from Pennsylvania [Mr. RICH] desire to avail himself of the time previously given him?

Mr. RICH. Mr. Speaker, I do. I asked for it for the purpose of utilizing the time.

The SPEAKER. The gentleman from Pennsylvania [Mr. RICH] is recognized for 15 minutes.

Mr. McCORMACK. Will the gentleman yield?

Mr. RICH. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Mr. Speaker, may I state that I shall object to any further unanimous-consent requests at the termination of the gentleman's speech.

Mr. VOORHIS and Mr. SUMNERS of Texas rose.

The SPEAKER. The gentleman from Pennsylvania [Mr. RICH] has the floor. Does he yield?

Mr. RICH. If it does not come out of my time. I want to be as courteous as I can to the Members of the House.

The SPEAKER. It will be taken out of the gentleman's time.

Mr. RICH. Mr. Speaker, then I cannot yield. I am awfully sorry. I have tried to be as courteous to the Members of the House as I possibly could in yielding my time heretofore.

Mr. COX. I want to thank the gentleman for his exceeding kindness to me.

Mr. RICH. The gentleman is quite welcome.

Mr. Speaker, this seems to be the day during which we are having discussions among the membership of the House about each other and things that have been said on the floor regarding personalities. While on that subject I want to call attention to a statement made by my colleague the gentleman from Pennsylvania [Mr. GILDEA] on June 21.

First, may I say I hold no ill will or animosity toward any Member of the House or toward any one in fact that I know of in Congress, in my district, in the State of Pennsylvania, or the world. We all have a right to our individual opinion and a right to believe in certain things as we please and to worship as we choose. Thanks for that. The gentleman from Pennsylvania mentioned something about the Woolrich Woolen Mills and the fact I was general manager of that concern; therefore he spoke of me personally.

May I say that I am a manufacturer and in business, and have been all my life since I left college. I consider it a distinct honor and a great privilege for any man to be engaged in some honest business in order that he may, during his life, do something not only for himself but for hundreds and hundreds of other people. It so happens I am associated with business that employs about 700 people. We try our best, so far as we possibly can, to look after those individuals and do the things that we think ought to be done for those employees. We work with them, we associate with them, and we understand them, and they, I think, understand us. We have never had any labor trouble to speak of that was not satisfactorily adjusted to employer and employee. I question whether we have an annual labor turnover of the employees of our plant of 1 percent. Certainly not over that.

We believe in the Golden Rule. We may try to do everything we know how, but there arise in any plant differences between the employee and the assistant foreman, the foreman, or the superintendent, or the management; that is only natural. Naturally 700 or 800 people cannot always get along together 100 percent. The fact is you have to do the thing that may be best for the greatest number. If you have some people who will not work with you, there is only one thing for them to do, and that is to work for somebody else. If they cannot get along with a foreman or assistant foreman, they have to get out. You necessarily have to have your rules and regulations to apply to all. Business must be run on a sound basis. They must have rules and regulations just the same as the House of Representatives or any other body.

When it comes to minimum wages and the abolition of child labor and things of that kind, I am for those things 100 percent. Ever since I have been a Member of Congress I have advocated those things. I have even gone down to the labor temple to get them to advocate such laws since 1930. The principal ones I found against those things are the men in the labor organization. With the exception of one man who has charge of the Federal Government employees, Luther C. Stuart, they were not for those things; at least, those I contacted in labor circles were not.

The gentleman stated that my company was called before the Wagner Labor Relations Board. Name some business that has not been called before them or who will not be. The right to labor is just as sacred as the right to strike for all Americans under our form of government. May that always be the case.

Since that Board has been established, under a law the intent and purpose of which was that the Board should settle strikes, we have had more strikes than we have ever had in the history of the Nation in the same space of time—over 2,400 in 7 months. I do not know where you would find a concern which has not been called up before that Board, because today, if one employee raises an objection for any reason at all to management, the C. I. O. is after him trying to get him to come to the Labor Board and make some objection about your organization, and they cooperate with C. I. O. 100 percent. The C. I. O., so I am informed, paid the expenses of three of our employees who were relieved from duty in our company in order that they might come here to Washington to make complaint. Nothing strange about that. Just facts. When the difficulties concerning those three employees arose, not one word was said about organization or about labor unions. Labor unions were not discussed, not even mentioned. I may say, too, that I am in sympathy with organized labor, and I am in sympathy with the right of labor to deal with its own employers.

For years the employees in the various departments of our company have elected their own representatives, every one of whom sits in on the monthly meeting of the foreman, assistant foreman, and the board of directors, taking care of the things which are interesting and vital to the welfare of such employees. These employees can make complaint at any monthly meeting about anything which goes wrong or anything which might happen concerning the employee and his welfare. This custom has been in effect for years. We have also had an old-age pension system effective for years. We have no child labor. It is outlawed in Pennsylvania, and has been for years.

I may say to the gentleman from Pennsylvania [Mr. GILDEA] that I now give him an invitation to come up to our plant and visit me, and go around and see the plant, and see the people, and how they live. He can talk to them at their work and at their homes, and see whether the people up there

are fairly well satisfied with their work. See if they are treated right, see if the great majority of them live right and happy and see what nice conditions they really do have and enjoy. I will venture the assertion you do not have a textile plant in Pennsylvania or the country that have all around working conditions as good or better than at Woolrich, where the people are happier and more contented, where they live in nicer homes, or where the surroundings are as good.

Mr. GILDEA. Mr. Speaker, will the gentleman yield?

Mr. RICH. For just a question.

Mr. GILDEA. I simply want to make a statement regarding that invitation. I have been invited by the workers at the gentleman's mill to attend a meeting in Williamsport on next Wednesday evening. I intend to accept the invitation, and I shall report back to the House exactly what I find.

Mr. RICH. I suggest to the gentleman that instead of going to Williamsport he go to Woolrich, the place to see for yourself. However, when he does go to Williamsport at the request of Mr. Derr, the organizer for the C. I. O., who evidently is the man who invited the gentleman up there, to get his information, you will only get the C. I. O. side. Go to Woolrich and get the facts from the 95 percent of satisfied workers, all American born and all good American citizens. We have nothing to be ashamed of, but we have much to be proud of.

Mr. Speaker, I shall not yield any further. I have given the gentleman the invitation.

Mr. GILDEA. I just wanted to make that statement.

Mr. RICH. In reference to employees, I may say that some employees are not altogether physically well qualified or mentally well qualified to be employed in any plant. In a plant which employs many people there are those who must be looked after; they cannot take care of themselves. We have some employees in that category whom we have tried our best to keep from going on relief, and we have done everything we possibly could for them. None of our employees are compelled to buy merchandise, as was stated, from the store company. That is not a true statement; and we have a cash pay twice a month for employees who do not give orders for more than they make to be deducted.

In the turmoil which is going on in industry today it is not unusual to have someone try to raise trouble. This seems to be in line with almost all organizations and business people now. Just this morning I received a letter from the Eskimo Knitting Mills, a letter which no doubt all Members of Congress have received, together with an attached letter to the mayor of Philadelphia, and I ask unanimous consent, Mr. Speaker, that I may insert these two letters in the RECORD at this point. Read these letters for your own enlightement of what is going on in industry by the C. I. O.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The letters referred to follow:

ESKIMO KNITTING MILLS, INC.,
Philadelphia, Pa., June 25, 1937.

His Honor the Mayor, S. DAVIS WILSON,
City of Philadelphia, Pa.

DEAR MAYOR: Being acquainted with your reputation for fair play, I am writing this letter to acquaint you with a situation which has been giving us and our employees considerable worry, and which condition, I am quite sure, you will want to use your good office to remedy.

This company has been in business approximately 30 years; during past 3 years the owners have been able to draw only $30 to $40 per week, while the wages paid to skilled labor, mostly women, average from $30 to $50 per week, and unskilled labor $14 to $21 per week.

The above can easily be substantiated and you can appreciate that in our anxiety to treat our labor as well as possible we have always been satisfied with less for ourselves. We have employees here who have been with us for past 8 to 18 years, and the relations between them and the owners have always been very pleasant.

About 4 weeks ago, and since then, almost three times daily, the Committee for Industrial Organization organizers come to our plant, causing considerable annoyance to ourselves and our employees, gathering large crowds and through the use of large amplifiers they started to threaten our employees. We have asked both members of the Committee for Industrial Organization and also National Labor Board, in order to establish the desire of our employees as to an outside organization, to allow our employees to vote and decide for themselves just what they want to do, but we have been advised by the National Labor Board, due to no trouble at our factory, there is no necesaity for a vote, and members of the Committee for Industrial Organization frankly advise that they must work on our employees for a while in an endeavor to get them to join their organization before they ask for a vote.

Meanwhile our employees in their desire to find out their own wishes have taken a vote between themselves, without our cooperation or assistance, and have advised us that approximately 90 percent are against an outside organization; and meanwhile they have formed an organization of their own. Some of the few people, 8 or 10 out of a total of 92, that the C. I. O. organization have been able to get have admitted that they have been scared into signing with the C. I. O.

Since the constant effort of the C. I. O. organizers during the past 4 or 5 weeks in an endeavor to get workers from our organization has not at all changed the decision of the large majority of our employees, who definitely refuse to have anything to do with the C. I. O. organization, we certainly feel that they and ourselves should be left alone to do our work in peace and without having to worry that someone will constantly annoy us on way home or on way to work and in the shops.

I believe that you feel like I do. If there was any dissatisfaction here, the majority of our employees, after constant gruelling by the C. I. O., would have certainly joined with them by now; and, if they have not, should establish definitely that they do not want to.

In view of these facts, or any investigation that you may desire to make, is it not fair to request your assistance in keeping members of the C. I. O. organization away from our shops and employees?

Thanking you for an early reply, I am,

Yours very truly,

ESKIMO KNITTING MILLS,
J. ROSENFELD, *Vice President.*

ESKIMO KNITTING MILLS, INC.,
Philadelphia, Pa., June 28, 1937.

HON. ROBERT F. RICH,
Congressman from Pennsylvania, Washington, D. C.

DEAR SIR: I am attaching hereto copy of letter which we have written to the mayor of Philadelphia and which will give you a rather clear picture of the position which hundreds of employers of labor have been placed in with the passing of the Wagner Labor Act. Not that the Wagner Labor Act is giving outside organizations, such as the C. I. O., the right to resort to such high-binding methods, and acts bordering on anarchism, but the fact that it is designed to give the employer no protection at all has opened up a wonderful opportunity for unscrupulous attorneys and organizers who are taking advantage of it for their own personal benefit and not for labor.

It may surprise you to know that an investigator for the National Labor Board has given us to understand that it makes no difference how our employees feel about it, the policy of the Board is to foster the C. I. O. organization, and we have been advised by the investigator of the National Labor Board that the best way to save ourselves any trouble is to agree to negotiate with the C. I. O. organization.

Please bear in mind, here is a company whose employees are and always have been perfectly satisfied; 5 weeks of the most unusual threats and coercion by C. I. O. organizers on our employees, and by that I mean coercion of the most unscrupulous type, threatening the employees and their families in their homes, etc., has not changed the minds of our employees, and up to the present day they are still rejecting any advances made by members of this organization that unless we agree to deal with them and allow them to organize our shops they threaten to bring here a crowd of pickets, people not employed by us, and call a strike in order to force the employees to join the organization.

In other words, we are placed in a position where we must sell out our employees to the C. I. O. organization; we must tell 90 percent of our employees, unless they join the C. I. O. organization, they will be out of jobs. You can just imagine how little respect we will command from our employees who, after 5 weeks of threats and coercion by members of the C. I. O. organization, are still refusing to have anything to do with this organization; were we to advise them now they must join this organization, if we are to keep open and allow them to work, and please bear in mind the instructions I have from a governmental agency, such as National Labor Board, are that we do just that, that we sell our employees to the C. I. O. organization. I really believe that if those who are responsible for legislation made a study of this particular situation in our plant, then an unbiased committee would learn a great deal about the great danger done to both industry and labor by the Wagner Labor Act as presently constituted as well as the interpretation and administration of this act by the National Labor Board.

If you were to sit here with me in my office and meet some of these organizers, none of whom I have met so far could speak plain English, and probably most of them are not even American citizens, I say, if you were to sit with me and listen to these men order us in our own office that unless we turn our employees over to them they will close us up and put around our plant hundreds of pickets, not of our employ but paid pickets, probably people out of employment at this time, you would realize that the best

part of our time today cannot be given to proper management of our business or to obtaining sufficient business to keep our employees occupied, but it is given to defending ourselves against a host of anarchists who have been left to do as they please and who apparently will probably keep on doing it, for it is a profitable business for these organizers, until they are stopped by proper legislation and proper administration of such legislation.

I might say that we are heading for a new depression, a depression not caused by economic conditions but by uncertainty due to strikes encouraged by this new Wagner Labor Act and its administration. Large shipments of merchandise made by this company to wholesalers and retailers all over the country are being returned; it cannot be sold due to strike conditions, which means just this: that employees who have been working here steady for 3 years will soon have to be laid off for lack of work.

Quick action is needed; a revision of the Wagner Labor Act with teeth in it, a revision such as will give the employer some rights, and which will make it criminal for any organizer to exploit labor for his own personal and selfish benefit, is needed urgently in order to give business a feeling of security, if we are going to thwart this new depression which is in the making.

Please bear in mind that the Wagner Labor Act and its administration has encouraged hundreds of so-called attorneys previously specializing in the profession of ambulance chasing, also anarchists and Socialists who don't believe in work, to take up this new and very profitable field of C. I. O. organizing, and I believe that if an unbiased committee of Congress were to study this perplexed labor question, take a little time to investigate the prosperous condition of some of these organizers, you will discover the root of the trouble. I happen to know one of these organizers, an attorney of little past reputation, who now lives in the swellest apartment of the city, drives the finest cars, and whose champagne bills run into hundreds of dollars. I happened to see some of the champagne being delivered, and let me tell you it did not make me feel any too good knowing the conditions prevailing here at our plant, whence the money came for the purchase of these luxuries.

If a clause was incorporated in a revised labor act making it criminal for any organizer to collect for his services any more than the average pay per week received by the trade he is organizing, you will find out how soon this organizing business by selfish people will "go to the dogs"—you will have honest organization by labor itself.

Labor unions under strict Government supervision, regulating compensation of organizers, and assurance that funds collected by the union be kept strictly for the benefit of the employees who pay their dues—a union whose officers are made up of employees, and not professional organizers, and a union whose finances will be audited under Government supervision—will soon eliminate all the troubles we have been through during the past few months, because, remember, practically the entire labor trouble today starts, not with labor itself but with those who take advantage of labor for their own selfish benefit.

I am writing this for I know you are deeply interested in the welfare of this country and its people; I am sure if you knew the condition from both manufacturers' and labor's point of view you will appreciate the necessity of some quick action. The problem in our own plant, which is small, comparatively, will make an interesting study for you who I know are looking for a solution to this labor trouble. An unbiased committee studying this problem can obtain very interesting information from our records, from us, and from independent talks to our employees, and, based on such information, you will be in position to put into effect changes to the present law which will eliminate future labor troubles. The problem is too large and important. Future relations between employer and labor can be established on an honest and safe basis by studies in such plants as ours.

Yours very truly,

ESKIMO KNITTING MILLS,
J. ROSENFELD, *Vice President.*

Mr. RICH. I do not know anything about the Eskimo Knitting Mills and I am not campaigning for them, but I am only trying to convey to the Members just what is happening in industry today. They present their complaints to Congress. If the Wagner Labor Relations Board is going to try to get industry and labor together, it should do everything it can to help both labor and industry, not to crush industry and do everything that radical labor would have you do, and break down all industry. What can you gain by such action? Such cooperation is vitally necessary to the welfare of our country today in order to give people employment. This controversy is not all one-sided. When we think that people who want to work are prohibited from working, as they have been in some plants in Pennsylvania during the last month, then we as Members of Congress are not looking after the welfare of the people who are interested in jobs when we make it possible for such things to happen. Crush industry by tyrannical laws and you throw men out of jobs. Make proper changes in the Wagner Act at once before it is too late.

The right to work is as sacred to our tradition as the right to strike. I may say to the Members of Congress that people who operate industry have hearts just as big as have those who work in industry.

In almost every plant not more than 10 percent of the people who work are able or capable to operate or manage the plant. The 90 percent are dependent on the other 10 percent to give them employment. However, in the last year or two we have put such burdens and hardships on industry that many people in this country are willing to quit business. In fact, they are quitting; their opportunities are gone and there is no incentive to operate or expand business. They have come to the conclusion that the easiest thing to do is to give up and quit. That is fast becoming the situation. Is that what we in this Congress want to do, or do we want to help industry go along in order that it may give employment to the people of the country? Will we create jobs or will we destroy them by bad laws?

This is a serious question. This is no time to come in here and quibble and take one side of the situation against another. This is no time for us to be playing politics for our own personal advantage because we think more people will vote to reelect us to Congress if we side in with one side or the other. Now is the time we want to give to the problem the very best thought and consideration we possibly can for the sake of everybody in this country, in order that our country may be a better and a happier place in which to live. You must change the Wagner Act and get a competent Secretary of Labor at once, before it is too late.

I went up to the Boy Scout encampment last night and saw these young fellows, and thought what a fine thing it is for them to have the privilege of coming here to visit in Washington for the next week or 10 days. It is a trip and an experience they will never forget as long as they live. These are the boys who must carry on in the years to come. They are now being taught things that are manly, things that are upright, things that are going to make better citizens of them. If you Members of Congress have not already gone up to the encampment, go up some night during this coming week. It will be one of the finest experiences you have ever enjoyed, to have seen the beauty and the grandeur of the things they are trying to do to help these boys, and the boys to help themselves.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. RICH. Yes; I yield to the gentleman from Massachusetts.

Mr. McCORMACK. It is a fine American organization.

Mr. RICH. One of the finest in the world. [Applause.]

Mr. Speaker and Members of the House, when we turn the Government over to these Boy Scouts in 20 years from now, will they find the freedom here in this country we have enjoyed during our lifetime? Will they find the Constitution governing our form of government? Will they find a House of Representatives, a Senate, composing the legislative branch of the Government? Will they find a President? Will they find a Supreme Court? My hope and prayer is that we can give to them a government such as our founders in 1776 intended that they should have. [Applause.]

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I had desired to submit a unanimous-consent request, but I understand a number of other gentlemen also have unanimous-consent requests to propound, and that objection will be made. I have a very brief statement I would like to put in the RECORD for the information of the HOUSE, but if there are going to be any other requests I cannot submit mine.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly

enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 3259. An act for the relief of Laura E. Alexander;

H. R. 4795. An act to provide for a term of court at Livingston, Mont.;

H. R. 5394. An act to provide for the acquisition of certain lands for and the addition thereof to the Yosemite National Park, in the State of California, and for other purposes; and

H. J. Res. 434. Joint resolution to amend the act entitled "An act to amend section 4471 of the Revised Statutes of the United States, as amended."

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2254. An act to amend section 460, chapter 44, title II, of the act entitled "An act to define and punish crimes in the District of Alaska, and to provide a code of criminal procedure for said District", approved March 3, 1899, as amended.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 3259. An act for the relief of Laura E. Alexander;

H. R. 4795. An act to provide for a term of court at Livingston, Mont.;

H. R. 5394. An act to provide for the acquisition of certain lands for, and the addition thereof to, the Yosemite National Park, in the State of California, and for other purposes;

H. R. 6635. An act to dispense with the necessity for insurance by the Government against loss or damage to valuables in shipment, and for other purposes; and

H. J. Res. 434. Joint resolution to amend the act entitled "An act to amend section 4471 of the Revised Statutes of the United States, as amended."

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 6 minutes p. m.), under its previous order, the House adjourned until Tuesday, July 6, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, July 7, 1937, at 10 a. m., on H. R. 7158, to except yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE—POSTPONED

The meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Wednesday, July 7, 1937, on H. R. 5182 and H. R. 6917—textile bills—is postponed until 10 a. m. Thursday, July 8, 1937.

EXECUTIVE COMMUNICATIONS, ETC.

698. Under clause 2 of rule XXIV, a letter from the Attorney General, transmitting a draft of a bill to grant to defendants in criminal cases the right to appeal against the sentence if it is deemed that the sentence imposed is excessive, was taken from the Speaker's table and referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. JONES: Committee on Agriculture. H. R. 7667. A bill to regulate commerce among the several States, with the Territories and possessions of the United States, and with foreign countries; to protect the welfare of consumers of sugars and of those engaged in the domestic sugar-producing industry; to promote the export trade of the United States; to raise revenue; and for other purposes; with amendment (Rept. No. 1179). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FORD of California: A bill (H. R. 7756) to provide for the establishment of one Infantry battalion of Negro troops as a part of the National Guard of the State of California; to the Committee on Military Affairs.

By Mr. WEARIN: A bill (H. R. 7757) to amend the Packers and Stockyards Act of 1921; to the Committee on Agriculture.

By Mr. CASE of South Dakota: Joint resolution (H. J. Res. 438) restoring the right of appeal to the Supreme Court in certain cases involving claims of the Sioux Indians; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LAMNECK: A bill (H. R. 7758) for the relief of May Elizabeth Cook; to the Committee on Claims.

By Mr. SPARKMAN: A bill (H. R. 7759) for the relief of Susan Lawrence Davis; to the Committee on Claims.

By Mr. WEAVER: A bill (H. R. 7760) for the relief of W. N. Penland; to the Committee on Claims.

Also, a bill (H. R. 7761) for the relief of Sibbold Smith; to the Committee on Claims.

Also, a bill (H. R. 7762) for the relief of Kenneth G. Roberts; to the Committee on Claims.

By Mr. DIXON: A bill (H. R. 7763) for the relief of the Bruckmann Co.; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2831. By Mr. CITRON: Petition of Labor's Non-Partisan League of Connecticut, endorsing the Black-Connery bill and another endorsing the President's Court proposals; to the Committee on Labor.

2832. By Mr. CURLEY: Petition of the New York County Lawyers' Association, recommending disapproval of House bill 11568, introduced by Congressman MURDOCK; to the Committee on Ways and Means.

2833. Also, petition of the New York County Lawyers' Association committee on Federal legislation, disapproving House bill 11563, introduced by Mr. BUCK; to the Committee on Ways and Means.

2834. Also, petition of the New York County Lawyers' Association, New York City, N. Y., recommending approval of Senate bill 1273, introduced by Senator COPELAND; to the Committee on Interstate and Foreign Commerce.

2835. Also, petition of the New York County Lawyers' Association, New York City, urging disapproval of House bill 5421, introduced by Congressman FERNANDEZ; to the Committee on Interstate and Foreign Commerce.

2836. By Mr. LUTHER A. JOHNSON: Petition of T. Jones, Red Oak, Tex., favoring the so-called agricultural adjustment bill now being considered by the Committee on Agriculture; to the Committee on Agriculture.

2837. Also, petition of R. W. Siegert, president of the Smetana Agricultural Association, Bryan, Tex., and Bomar Tapp, Waxahachie, Tex., favoring the so-called agricultural adjustment bill now being considered by the Committee on Agriculture; to the Committee on Agriculture.

SENATE

TUESDAY, JULY 6, 1937

Rev. Richard A. Cartmell, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty God, the protector of all that trust in Thee, open our eyes, we beseech Thee, that we may behold that great cloud of witnesses which Thou hast compassed about us, of those whose faith in the right could brook no compromise with wrong, who saw beyond the present success to the inevitable victory of truth. Grant to us, O God, such a measure of that faith that we may run with patience the race that is set before us, looking unto Jesus, the author and finisher of our faith, who for the joy that was set before him endured the cross, despising the shame, and is set down at the right hand of the throne of God. Send down upon us assembled here in Thy presence, O Lord, the Light of Thy Being, that all our works begun, continued, and ended in Thee may have that fruition which it is Thine alone to give. Through the same Jesus Christ, our Lord. Amen.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, July 2, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Johnson, Colo.	Pittman
Andrews	Davis	King	Pope
Ashurst	Dieterich	La Follette	Radcliffe
Austin	Duffy	Lee	Reynolds
Bankhead	Ellender	Lewis	Robinson
Barkley	Frazier	Lodge	Schwartz
Berry	George	Logan	Schwellenbach
Bilbo	Gerry	Lonergan	Sheppard
Black	Gillette	Lundeen	Shipstead
Bone	Glass	McAdoo	Steiwer
Borah	Green	McCarran	Thomas, Okla.
Brown, N. H.	Guffey	McGill	Thomas, Utah
Bulkley	Hale	McKellar	Townsend
Bulow	Harrison	McNary	Truman
Burke	Hatch	Minton	Tydings
Byrd	Hayden	Moore	Vandenberg
Capper	Herring	Murray	Van Nuys
Caraway	Hitchcock	Neely	Wagner
Chavez	Holt	O'Mahoney	Walsh
Clark	Hughes	Overton	Wheeler
Connally	Johnson, Calif.	Pepper	White

Mr. LEWIS. I announce that the Senator from Connecticut [Mr. MALONEY] is detained from the Senate because of illness.

The Senator from North Carolina [Mr. BAILEY], the Senator from Michigan [Mr. BROWN], the junior Senator from South Carolina [Mr. BYRNES], the Senator from Ohio [Mr. DONAHEY], the Senator from Georgia [Mr. RUSSELL], the Senator from New Jersey [Mr. SMATHERS], and the senior Senator from South Carolina [Mr. SMITH] are detained on important public business.

Mr. SCHWELLENBACH. I announce that the senior Senator from Nebraska [Mr. NORRIS] is absent because of illness.

Mr. AUSTIN. I announce that my colleague the junior Senator from Vermont [Mr. GIBSON] is necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] is absent on official business.

The PRESIDENT pro tempore. Eighty-four Senators having answered to their names, there is a quorum present.

FEES IN PROBATE CASES, AMERICAN CONSULAR COURTS IN EGYPT

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, as follows:

To the Congress of the United States:

I transmit herewith a copy of an order issued on March 1, 1937, by the Minister of the United States to Egypt, with the assent of the several American consular officers in Egypt, prescribing the fees to be paid in probate cases in the American consular courts in Egypt.

This order has been issued by virtue of authority contained in section 5 of the act of Congress of June 22, 1860 (R. S. 4117, 4118; U. S. C., title 22, secs. 147, 148), and is transmitted to the Congress in compliance with the provisions of section 6 of the said act (R. S. 4119; U. S. C., title 22, sec. 148).

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *July 6, 1937.*

[Enclosure: Order.]

TRANSFER OF PROPERTY AT WEST POINT MILITARY RESERVATION, N. Y.

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to authorize the transfer to the jurisdiction of the Secretary of the Treasury of portions of the property within the West Point Military Reservation, N. Y., for the construction thereon of certain public buildings, and for other purposes, which, with the accompanying papers, was referred to the Committee on Military Affairs.

RELINQUISHMENT OF LAND IN FAVOR OF BLACKFEET TRIBE, MONTANA

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to relinquish in favor of the Blackfeet Tribe, of the Blackfeet Indian Reservation, Mont., the interest in certain land acquired by the United States under the Federal reclamation laws, which, with the accompanying paper, was referred to the Committee on Indian Affairs.

MIGRATION OF WORKERS

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of Labor, transmitting, in response to Senate Resolution 298 (74th Cong; submitted by Mr. POPE), a preliminary report on the subject of migration of workers across State lines, and stating, in part, "The absence of any special appropriation for investigating this subject has made it impossible to survey and analyze the complex problems involved to the extent that is necessary for a final report with recommendations for legislation", which, with the accompanying report, was referred to the Committee on Education and Labor.

IRVIN H. JOHNSON

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Comptroller General of the United States, transmitting his report and recommendation concerning the claim of Irvin H. Johnson against the United States, which, with the accompanying paper, was referred to the Committee on Claims.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following resolution of the House of Representatives of the State of Minnesota, which was referred to the Committee on Agriculture and Forestry:

Resolution memorializing the Congress of the United States to refrain from increasing the interest rate on loans made by the Farm Credit Administration

Whereas the Farm Credit Administration, an agency of the United States Government, has made innumerable loans to the farmers in this State over a period of the last few years; and

Whereas such loans have been made at low and reasonable interest rates, which have resulted in great and extensive benefits to those persons affected thereby; and

Whereas it has been proposed that the Congress of the United States increase the interest rate on loans made by the Farm Credit Administration; and

Whereas if such increase is made a great injustice will be done to many farmers who need financial assistance of the type offered by the Farm Credit Administration; and

Whereas such increase should not be made for a period of at least 5 years, during which period the farmers will have had an opportunity to readjust themselves financially: Now, therefore, be it

Resolved by the house of representatives, That this body memorialize the Congress of the United States of America to refrain from increasing the interest rate on loans made by the Farm Credit Administration; be it further

Resolved, That the chief clerk of the house of representatives be instructed to send copies of this resolution to both Houses of Congress and to each Member in Congress from the State of Minnesota.

The PRESIDENT pro tempore also laid before the Senate the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Banking and Currency:

Joint resolution memorializing Congress to pass bill H. R. 6092, providing for reduction of interest rates of H. O. L. C. mortgages and extending the amortization periods thereon to 25 years

Whereas the number of foreclosures on Home Owners' Loan Corporation mortgages are steadily increasing; and

Whereas in most cases the immediate cause of foreclosure is the inability of the mortgagor to meet the periodic installment payments as they become due under the terms of the mortgage indenture; and

Whereas there is now pending before the Congress of the United States bill H. R. 6092, which seeks to enable the majority of Home Owners' Loan Corporation mortgagors to meet current obligations on their mortgages and retain their homes by reducing interest rates from 5 to 3½ percent and by extending the time for amortization from the present 10 and 15 years to 25 years on such mortgages; and

Whereas if bill H. R. 6092 becomes law it is apparent that many a small home owner will be saved from the clutches of foreclosure: Now, therefore, be it

Resolved by the assembly (the senate concurring), That the Legislature of the State of Wisconsin respectfully memorializes the Congress of the United States to pass bill H. R. 6092; and be it further

Resolved, That properly attested copies of this resolution be sent to both Houses of Congress and to each Wisconsin Member thereof.

The PRESIDENT pro tempore also laid before the Senate a resolution adopted by the Common Council of the City of Detroit, Mich., favoring the prompt enactment of the pending low-cost housing bill, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by the national convention of the United States Junior Chamber of Commerce, assembled at Denver, Colo., favoring the creation in each House of Congress of a permanent committee on civil aeronautics, which was referred to the Committee on Rules.

He also laid before the Senate a resolution adopted by the Board of Aldermen of the City of New York, favoring the appropriation of sufficient funds to maintain the W. P. A. with its present employment level, except for persons who may be privately reemployed, which was ordered to lie on the table.

He also laid before the Senate a resolution adopted by San Francisco (Calif.) Bay Area District Council, No. 2, of the Maritime Federation of the Pacific Coast, favoring the carrying out of the present W. P. A. program without personnel cuts and the making of further appropriations therefor when current appropriations become exhausted, which was ordered to lie on the table.

Mr. WALSH presented a petition of sundry citizens of Dorchester and vicinity, in the State of Massachusetts, praying for the enactment of legislation abolishing the Federal Reserve System as at present constituted, and also praying that Congress exercise its constitutional right to coin money and regulate the value thereof, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by the board of directors of the Peabody (Mass.) Chamber of Commerce, favoring the placing of an increased tariff duty of 30 percent on cement-soled shoes based on American valuation of shoes delivered in the United States; also favoring a Tariff Commission investigation of the relative costs of manufacturing shoes in the United States and abroad, and protesting against the inclusion of shoes on the conference agenda for discussing a proposed trade treaty with Czechoslovakia, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. COPELAND, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 2579. A bill to provide more effectively for the marking of wrecked and sunken craft for the protection of navigation, to improve the efficiency of the Lighthouse Service, and for other purposes (Rept. No. 864);

H. R. 1961. A bill to authorize the conveyance by the United States to the State of Wisconsin of a portion of the Twin River Point Lighthouse Reservation, and for other purposes (Rept. No. 865); and

H. R. 5860. A bill making further provision for the fisheries of Alaska (Rept. No. 866).

Mr. BULOW, from the Committee on Indian Affairs, to which was referred the bill (S. 2444) for the relief of William C. Willahan, reported it with amendments and submitted a report (No. 867) thereon.

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 2060) to amend the Wisconsin Chippewa Jurisdictional Act of August 30, 1935 (49 Stat. L. 1049), reported it with an amendment and submitted a report (No. 873) thereon.

Mr. PITTMAN, from the Special Committee on Conservation of Wildlife Resources, to which was referred the bill (S. 2670) to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes, reported it with amendments and submitted a report (No. 868) thereon.

Mr. SCHWELLENBACH, from the Committee on Claims, to which was referred the bill (S. 2417) for the relief of Samuel L. Dwyer, reported it with an amendment and submitted a report (No. 869) thereon.

Mr. WHITE, from the Committee on Claims, to which was referred the bill (S. 2261) for the relief of Scott Hart, reported it with amendments and submitted a report (No. 870) thereon.

He also, from the same committee, to which was referred the bill (S. 667) for the relief of William E. Jones, Walter M. Marston, William Ellery, Richard P. Hallowell, 2d, and Malcolm Donald as executors under the will of Frank W. Hallowell; and Malcolm Donald as executor under the will of Gordon Donald, reported it without amendment and submitted a report (No. 871) thereon.

Mr. LOGAN, from the Committee on Claims, to which was referred the bill (S. 1514) for the relief of the Corbitt Co., reported it with amendments and submitted a report (No. 872) thereon.

NEW YORK WORLD'S FAIR

Mr. COPELAND. From the Committee on Commerce I report back favorably without amendment the joint resolution (H. J. Res. 379) authorizing Federal participation in the New York World's Fair 1939, and I submit a report (No. 863) thereon.

Mr. President, as will be observed, this is the joint resolution which has to do with the New York World's Fair in 1939. It will be recalled that on a previous occasion the Senate passed a joint resolution for a similar purpose, which received a veto from the President. The President objected to the sum of money included in the measure and also to certain features of it which he thought made it unconstitutional. These defects have been remedied in the House. The amount of money appropriated has been cut down from $5,000,000 to $3,000,000 and the commissioner general is to be appointed by the President.

It is important that the bill be passed in order that the activities of the fair may go forward. The city of New York and others have contributed very large amounts to the fair, and, in order to have the aid of foreign governments, the good will of our Government is essential. So I ask unanimous consent that immediate consideration may be given to House Joint Resolution 379.

The PRESIDENT pro tempore. Is there objection?

Mr. McNARY. Mr. President, I favor this measure, having supported it in the committee. It is different from the measure that passed the Senate and the House 3 weeks ago. However, I am curious to know what the order of business will be today. Being Tuesday, the calendar does not automatically come before the Senate. We, of course, will have the routine morning business before any motion may be made by a Senator to proceed to the consideration of any measure on the calendar.

I have no objection, as I have said, to the consideration of the joint resolution if it be the policy during routine morning business of considering bills on the calendar. I shall be very happy to see this bill passed, but there should be some understanding as to what the Senate is going to do today.

Mr. ROBINSON. Mr. President, I have no intention of asking for an agreement for the consideration of the calendar today. I have no objection to the consideration of the joint resolution reported by the Senator from New York. The time is approaching when legislation on the subject matter of the joint resolution should be acted upon in the Senate. I, therefore, make no objection to its consideration.

Mr. COPELAND. I hope the Senator from Oregon, under the circumstances, will permit action to be taken.

Mr. McNARY. Yes; I stated a moment ago that I would be very glad to have action taken in this case, but I wanted to know what would be the procedure in case other motions or requests were made of a similar nature.

Mr. COPELAND. I thank the Senator.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution (H. J. Res. 379) authorizing Federal participation in the New York World's Fair 1939, which is as follows:

Whereas there is to be held in the city of New York during the year 1939 a world's fair and celebration commemorating the one hundred and fiftieth anniversary of the inauguration of the first President of the United States of America and of the establishment of the Federal Government in the city of New York; and

Whereas the State and city of New York have provided a site and permanent public improvements adjacent to the site at an estimated cost of $18,000,000 and New York World's Fair, 1939, Inc., proposes to make available for such world's fair through the sale of its debentures to the public or otherwise a sum not less than $25,000,000; and

Whereas such world's fair and celebration are worthy and deserving of the support and encouragement of the United States; and the United States has aided and encouraged such world's fairs and celebrations in the past: Therefore be it

Resolved, etc., That there is hereby established a Commission, to be known as the United States New York World's Fair Commission and to be composed of the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, three Members of the House to be appointed by the Speaker of the House of Representatives, and three Members of the Senate to be appointed by the President of the Senate; which Commission shall serve without additional compensation and shall represent the United States in connection with the holding of a world's fair and celebration in the city of New York during the observance in the year 1939 of the one hundred and fiftieth anniversary of the inauguration of the first President of the United States of America and of the establishment of the Federal Government in the city of New York.

SEC. 2. There shall be a United States Commissioner for the New York World's Fair, who shall be appointed by the President and who shall receive compensation at the rate of $10,000 per annum, and two Assistant Commissioners, not of the same political party, for said New York World's Fair, who shall be appointed by the Commissioner with the advice and approval of the Commission herein designated and shall receive compensation not to exceed $7,500 per annum. The salary and expenses of the Commissioner, the Assistant Commissioners, and such staff as the Commission may require, shall be paid out of the funds authorized to be appropriated by this joint resolution, for such period prior to the opening of the world's fair as the Commission may determine, for the duration of the world's fair, and for not more than 6 months after the official closing thereof.

SEC. 3. The Commission shall prescribe the duties of the United States Commissioner and shall delegate such powers and functions to him as it shall deem advisable in order that there may be exhibited at the New York World's Fair by the Government of the United States, its executive departments, independent offices, and establishments, such articles and materials and documents and papers as may relate to this period of our history and such as illustrate the function and administrative faculty of the Government in the advancement of industry, science, invention, agriculture, the arts, and peace, and demonstrating the nature of our institutions, particularly as regards their adaptation to the needs of the people.

SEC. 4. The Commission is authorized to appoint, without regard to the civil-service laws and regulations and the Classification Act of 1923, as amended, such clerks, stenographers, and other assistants as may be necessary; purchase such materials, contract for such labor and other services as are necessary, including the preparation of exhibits plans: *Provided*, That the Commission may delegate such powers in its discretion. The Commissioner may exercise such powers as are delegated to him by the Commission as hereinbefore provided, and in order to facilitate the functioning of his office may subdelegate such powers (authorized or delegated), as may be deemed advisable by the Commission, to the Assistant Commissioners or others in the employ of or detailed to the Commission.

SEC. 5. The heads of the various executive departments and independent offices and establishments of the Government are authorized to cooperate with said Commissioner in the procurement, installation, and display of exhibits, and to lend to the New York World's Fair, with the knowledge and consent of said Commissioner, such articles, specimens, and exhibits as said Commissioner shall deem to be in the interest of the United States and in keeping with the purposes of such world's fair and celebration, to be placed with the science or other exhibits to be shown under the auspices of such New York World's Fair; to appoint without regard to civil-service laws and regulations and the Classification Act of 1923, as amended, such draftsmen and other assistants as may be necessary; to contract for such labor or other services as shall be deemed necessary; and to designate officials or employees of their departments or branches to assist said Commissioner. At the close of the world's fair, or when the connection of the Government of the United States therewith ceases, said Commissioner shall cause all such property to be returned to the respective departments and branches concerned, and any expenses incident to the restoration, modification, and revision of such property to a condition which will permit its use at subsequent expositions and fairs, and for the continued employment of personnel necessary to close out the fiscal and other records and prepare the required reports of the participating organizations, may be paid from the appropriation authorized therein; and if the return of such property is not feasible, he may, with the consent of the Commission and the department or branch concerned, make such disposition thereof as he may deem advisable and account therefor.

SEC. 6. The sum of $3,000,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of this joint resolution, and shall remain available until expended; except that, upon the termination of the Commission, any unexpended or unobligated balance shall be covered back into the Treasury of the United States. And, subject to the provisions of this joint resolution, the Commission is authorized to erect such building or buildings, or other structures, for its own use, and such other buildings and structures as will further the trade and good will between the United States and the other nations of the world, and to provide for the landscaping of the site or sites thereof; to rent such space without regard to the provisions of section 322 of the act of June 30, 1932 (47 Stat. 412), as the Commission may deem adequate to carry out effectively the provisions of this joint resolution; to provide for the decoration of such buildings or structures, and for the proper maintenance of such buildings or structures, site, and grounds during the period deemed necessary by the Commission. The appropriation authorized by this joint resolution shall be available for the operation of the building or buildings, structure or structures, improvement or improvements, including light, heat, water, gas, janitor, and other required services; for the rental of space in the District of Columbia or elsewhere; for the selection, purchase, preparation, assembling, transportation, installation, arranging, safekeeping, exhibiting, demonstration, and return of such articles and materials as the Commission may decide shall be included in such Government exhibit and in the exhibits of the New York World's Fair; for the purchase of uniforms, for the compensation of said Commissioner, Assistant Commissioners, and other officers and employees of the Commission in the District of Columbia and elsewhere, for the payment of salaries of officers and employees of the Government employed by or detailed for duty with the Commission, for actual traveling expenses, including travel by air, and for per diem in lieu of actual subsistence at not to exceed $5 per day: *Provided*, That no Government official or employee detailed for duty with the Commission shall receive a salary in excess of the rate which he has been receiving in the department or branch where regularly employed; for telephone service, purchase or rental of furniture and equipment, stationery and supplies, typewriting,

adding, duplicating, and computing machines, their accessories and repairs, books of reference and periodicals, maps, reports, documents, plans, specifications, manuscripts, newspapers, and all other appropriate publications, and ice and drinking water for office purposes: *Provided further,* That payment for telephone service, rents, subscriptions to newspapers and periodicals, and other similar purposes, may be made in advance; for the purchase and hire of passenger-carrying automobiles, their maintenance, repair, and operation, for the official use of said Commissioner and Assistant Commissioners in the District of Columbia or elsewhere as required; for printing and binding; for entertainment of distinguished guests; and for all other expenses as may be deemed necessary by the Commission to fulfill properly the purposes of this joint resolution. All purchases, expenditures, and disbursements of any moneys made available by authority of this joint resolution shall be made under the direction of the Commission: *Provided further,* That the Commission, without release of responsibility, as hereinbefore stipulated, may delegate these powers and functions: *Provided further,* That the Commission or its delegated representatives may allot funds appropriated herein to any executive department, independent office, or establishment of the Government with the consent of the heads thereof, for direct expenditure by such executive department, independent office, or establishment under such regulations as the Commission may promulgate, for the purpose of defraying any proper expenditure which may be incurred by such executive department, independent office, or establishment in executing the duties and functions delegated by the Commission. All accounts and vouchers covering expenditures shall be approved by said Commissioner or by such assistants as the Commission may designate except for such allotments as may be made to the various executive departments, independent offices, and establishments for direct expenditure; but these provisions shall not be construed to waive the submission of accounts and vouchers to the General Accounting Office for audit, and permit any obligations to be incurred in excess of the amount authorized to be appropriated herein: *And provided further,* That in the construction of buildings and exhibits requiring skilled and unskilled labor, the prevailing rate of wages, as provided in the act of March 3, 1931, shall be paid. Subject to the provisions of this joint resolution, the Commission is authorized to make any expenditures or allotments deemed necessary by it to fulfill properly the purposes of this joint resolution.

SEC. 7. The Commissioner, with the approval of the Commission, may receive contributions from any source to aid in carrying out the purposes of this joint resolution, but such contributions shall be expended and accounted for in the same manner as the funds authorized to be appropriated by this joint resolution. The Commissioner is also authorized to receive contributions of material, or to borrow material or exhibits, and to accept the services of any skilled and unskilled labor that may be available through State or Federal relief organizations, to aid in carrying out the general purposes of this joint resolution. At the close of the world's fair and celebration or when the connection of the Government of the United States therewith ceases the Commissioner shall dispose of any such portion of the material contributed as may be unused, and return such borrowed property; and, under the direction of the Commission, dispose of any buildings or structures which may have been constructed and account therefor: *Provided,* That all disposition of materials, property, buildings, and so forth, shall be at public sale to the highest bidder, and the proceeds thereof shall be covered into the Treasury of the United States: *Provided further,* That the Commission may, if it deems it desirable and in the public interest, transfer without consideration and title to the Federal Exhibits Building erected or constructed to the city of New York.

SEC. 8. It shall be the duty of the Commission to transmit to Congress, within 6 months after the close of the world's fair, a detailed statement of all expenditures, and such other reports as may be deemed proper, which reports shall be prepared and arranged with a view to concise statement and convenient reference. Upon the transmission of such report to Congress the Commission established by and all appointments made under the authority of this joint resolution shall terminate.

Mr. JOHNSON of California. Mr. President, may I inquire of the Senator from New York if the authorized amount of the appropriation made in the joint resolution is $3,000,000?

Mr. COPELAND. Yes.

Mr. JOHNSON of California. In the previous measure it was $5,000,000?

Mr. COPELAND. It was.

Mr. JOHNSON of California. I have not seen the joint resolution at all, but the objection to the measure heretofore passed was that it was unconstitutional because of the delegation of authority in connection with the United States Commissioner's appointment.

Mr. COPELAND. That is correct.

Mr. JOHNSON of California. Is the commissioner now authorized to be appointed by the President?

Mr. COPELAND. The Commissioner General is to be appointed by the President. The Senator will recall that the other measure delegated to the Commission itself the power to appoint the Commissioner General. The President objected, and I think very properly.

Mr. JOHNSON of California. Does that obviate the objection which was made against the prior measure?

Mr. COPELAND. That was the objection to the previous joint resolution, and it has been removed in this measure.

Mr. CONNALLY. Mr. President, I am in hearty agreement with the joint resolution submitted by the Senator from New York. Congress last year was pretty generous in an appropriation to my State for a similar purpose. I think it accomplished a great deal of good in the way of education and as a matter of historic value. I am sure this appropriation will serve similar purposes for New York.

I think the Senator from California [Mr. JOHNSON] was correct that one of the objections to the previous measure was that it was a legislative invasion of the executive function. I think that was a valid objection. It seems to me highly important that we should respect the executive function, and that the Executive should respect the legislative function, and that both should respect the judicial function.

Mr. CLARK. Mr. President, does not the Senator think it is time for the Department of Justice to direct its energies and efforts to a consideration of the question of separating the powers under the Constitution of the Government of the United States?

Mr. COPELAND. Mr. President, I thank the Senator from Texas. I was glad to support the appropriation for the Texas exposition. The questions involved were all canvassed in the House, and I am assured by those in authority at the other end of the Capitol that the joint resolution is now in conformity with the wishes of the administration. I trust that it is.

The PRESIDENT pro tempore. If there are no amendments to be proposed, the question is on the third reading of the joint resolution.

The joint resolution was ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBINSON:

A bill (S. 2746) to provide for tuberculosis hospitals and their operation; to the Committee on Education and Labor.

By Mr. McGILL:

A bill (S. 2747) to provide funds for the initiation of a mapping program in the State of Kansas; to the Committee on Appropriations.

By Mr. BORAH:

A bill (S. 2748) granting a pension to Leroy S. Vader (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 2749) granting an increase of pension to Mrs. Francis Holliday Carson; to the Committee on Pensions.

By Mr. GILLETTE and Mr. CAPPER:

A bill (S. 2750) to amend the Packers and Stockyards Act, 1921; to the Committee on Agriculture and Forestry.

EXERCISE OF TRUST POWERS BY BANKS—AMENDMENTS

Mr. HERRING (for himself and Mr. TOWNSEND) submitted amendments intended to be proposed by them to the bill (S. 2344) to provide for the regulation of the sale of certain securities in interstate and foreign commerce, and the trust indentures under which the same are issued, and for other purposes, which were referred to the Committee on Banking and Currency and ordered to be printed.

INVESTIGATION OF RADIO BROADCASTING

Mr. WHITE. I submit a resolution authorizing an investigation and study of the broadcasting industry, of broadcasting in the United States, and of interstate and foreign

communications by radio, and ask its reference to the Interstate Commerce Committee.

The PRESIDENT pro tempore. The resolution will be received and referred as requested by the Senator from Maine.

The resolution (S. Res. 149) was referred to the Committee on Interstate Commerce, as follows:

Whereas the Communications Act of 1934 declared it to be the purpose of Congress—

(a) To maintain the control of the United States over all the channels of interstate and foreign radio transmission; to provide for the use of such channels, but not the ownership thereof, by persons for limited periods of time under licenses granted by Federal authority, and that no such licenses should be construed to create any right beyond the terms, conditions, and periods thereof;

(b) That no station license should be granted until the applicant therefor had signed a waiver of any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of such frequency;

(c) That there should be no transfer or assignment of a station license or the frequency authorized to be used without the consent in writing of the licensing authority, to the end that technical considerations, citizenship, character, the financial, and other qualifications of a transferee or assignee should be taken into account in determining whether a transferee or assignee possessed the statutory qualifications of a license holder and that his use of a frequency would be in the public interest;

(d) That the people of the different States and the communities thereof should have efficient and equitable radio service;

(e) That broadcasting licenses should not be for a longer term than 3 years, but with the right of the Commission to grant a renewal from time to time upon the same considerations which justified the original license;

(f) That the Commission should include in the license granted to a licensee engaged in foreign communication such of the terms, conditions, or restrictions which the President might impose with respect to cable licenses under the act relating to the landing and operation of submarine cables in the United States, approved May 27, 1921, as would make certain just and reasonable rates and service and that a licensee should not enjoy exclusive rights of operation;

(g) That all laws of the United States relating to unlawful restraints and monopolies and to combinations, contracts, and agreements in restraint of trade should be applicable to the manufacture and sale of and trade in radio apparatus and devices entering into or affecting interstate or foreign radio communication, and that should any licensee be guilty of any violation of such laws his license should be revoked;

(h) That a station license should be refused any person unlawfully monopolizing or attempting unlawfully to monopolize radio communication through control of the manufacture or sale of radio apparatus, through exclusive traffic arrangements, or by any other means, or to any person having used unfair methods of competition;

(i) That there should be no combination between wire companies and radio companies if the purpose or effect thereof was to lessen competition in interstate or foreign communication; and

Whereas it has been charged among other things and is believed by many persons that rights in frequencies beyond the terms of licenses are being asserted by the holders thereof and recognized by the Federal Communications Commission; that licenses, though in form limited in time as provided by law, and the frequencies therein granted, are being treated by the holders and the users thereof and by the Commission as though granted for much longer terms than designated in the licenses; that the licensing authority has in effect recognized vested property rights of great value in licenses and in frequencies contrary to the letter and spirit of the law; that by various devices and means control of licenses and of frequencies have passed to others than the original licensee without the written approval of the Commission or with Commission approval given in disregard of congressional purpose; that persons and companies have been engaged in the acquisition and sale of broadcasting stations, licenses, and frequencies; that the licensing authority has permitted concentration of stations in some parts of the country and has failed to give equitable radio service to the people of the several States and the communities thereof; that with the approval of the Commission there has come about a monopolistic concentration of ownership or control of stations in the chain companies of the United States that through exclusive traffic arrangements and otherwise monopolistic control of the facilities of foreign communication by radio is being accomplished, and that the acts and attitude of the Commission are aiding and encouraging such monopoly; that the Commission in its decision of causes disregards its own rules and standards; that in the determination of matters before it the Commission has been affected and controlled by political and other influences not contemplated by statute and not entitled to consideration by a regulatory and quasi-judicial body; and that it has failed to observe and effectuate the purposes of the Congress and the laws enacted by it in the foregoing and other respects: Therefore be it

Resolved, That the Committee on Interstate Commerce is authorized and directed to make a thorough and complete investigation of the broadcasting industry in the United States and of broadcasting, and of the acts, rules, regulations, and policies of the Federal Communications Commission with respect to broadcasting and to report to the Senate the results thereof.

In particular, but not to the exclusion of other matters, the said committee is authorized and directed to make and to report to the Senate the results of an investigation and study of—

(1) The cases, if any, in which the Commission has departed from or has modified the application of its regulations and the engineering and other standards generally observed by it, together with the reasons for each such departure or modification;

(2) All acts by the Commission which recognize or seem to recognize the right of a licensee to a license or a frequency other than as specified in the terms, conditions, and time of the license;

(3) Whether the acts and decisions of the Commission in broadcasting cases have been influenced by matters not apparent in the public records;

(4) The geographical distribution of broadcasting facilities and whether there is an equitable distribution of broadcast service to all parts of the country; and if not, what steps should be taken to provide fair and equitable service throughout the United States;

(5) The extent to which broadcast stations have been concentrated in the larger communities of the country by transfer of stations from smaller communities to such centers or otherwise;

(6) The extent to which and the circumstances under which the ownership, control, management, or interest in more than a single broadcast station has passed into the hands of any person or group of persons;

(7) The circumstances surrounding and the considerations for the voluntary transfer of station licenses or construction permits;

(8) Instances of the transfer of minority interests in broadcasting-station licensees, and all transactions directly or indirectly affecting the control of such licensees, and whether said transfers have or have not been submitted to the Commission for approval and have received Commission approval or acquiescence;

(9) The sale price of any broadcasting station in any manner sold and transferred, together with a statement of the fair value of the physical assets and of other property, rights, contracts, and licenses involved in said sales, and in particular the value placed by the parties to the transaction upon the frequency licensed to be used;

(10) The sale of stock or other securities of any broadcasting stations, of any licensees, or of any person or persons directly or indirectly controlling such licensees, and the valuation put by the person transferring the same upon the station license or the frequency, the power or the hours of operation fixed in the station license, and the circumstances surrounding and the consideration for such sales and transfers and as to the participation in the negotiations for such sales and transfers by any person other than the seller and purchaser, the transferor and the transferee;

(11) The licensing of broadcast stations to persons other than the owners of the physical equipment, and in particular all cases involving the leasing of transmitting equipment;

(12) The surrender of control of facilities by licensees including all agreements to accept proffered programs with or without supervision by the licensee;

(13) All acts or assertions by broadcast station licensees which involve the claim to any right or interest beyond the terms, conditions, and periods of the license;

(14) Whether considerations have been paid or promised to any licensee or permittee for not interposing objection to an application for all or a part of his facilities or for other facilities which could not be granted without disregard for the Commission's rules or its standards except with the consent of such licensee or permittee;

(15) All cases in which persons whose applications for the renewal of a broadcasting license have been refused by the Commission, have received from persons licensed to use the facilities for which renewal of license has been refused, money or other consideration in excess of the value of the physical equipment taken off the air and sold to the new licensee;

(16) Cases in which the real parties in interest in any application for broadcast facilities have not been disclosed to the Commission;

(17) The extent to which holding or other intermediate companies or persons have been employed in the ownership or control of broadcast stations and the effect of such intermediate ownership or control upon the effective regulation of broadcasting;

(18) The investments by licensees in the stations authorized to be operated by them, including the investment in equipment and in other items of cost;

(19) The charges for the use of station facilities and the profit or loss resulting therefrom;

(20) The extent to which broadcast stations are used to build up other businesses or enterprises in which the station licensees or persons financially interested in the licensees are engaged; the extent to which the facilities of broadcast stations are refused or are granted conditionally to competitors of such other businesses or enterprises, and the effect of the ownership and use of such radio facilities upon the businesses of those in competition with the businesses of those having the radio facilities;

(21) The extent to which broadcast stations are owned or controlled by or are affiliated with newspapers or other media of information or entertainment, and the effect of such ownership, control, or affiliation upon competing newspapers not possessing such facilities and upon the public interest;

(22) The development and present facts concerning broadcasting networks or chains, including the effects of chain association upon the licensee's control over his station;

(23) The effect of chain operations upon the financial results and status of chain-affiliated stations and independent stations, the ability of the chain-owned or affiliated station to render a local service, both sustaining and commercial and the duplication of broadcast programs; and the desirability of special regulations governing chains and stations engaged in chain broadcasting;

(24) The extent to which licensees of broadcast stations censor or refuse programs offered to them for transmission and the reasons for and the effects of such censorship or refusal;

(25) The extent to which, the basis upon which, and the times at which broadcast stations carry programs relating to public affairs, education, religion, labor, agriculture, charity, and public service generally;

(26) The extent to which and basis upon which broadcast stations carry programs offered by or on behalf of candidates for public office or programs relating to controversial subjects in the field of National, State, or local politics; and

(27) The extent to which, the basis upon which, the manner in which, and the times at which broadcast stations are used for commercial programs, including programs advertising products claimed to have medicinal or therapeutic value and programs relating to products or services, the sale or use of which may be illegal in any State in which the programs of the station carrying such programs may be received, the time given by the several classes of stations to commercial advertising or sales talk in the programs broadcast, and whether there should be control or regulation of advertising by radio and the character and extent thereof;

Said committee is further authorized and directed to make and report to the Senate the facts with respect to:

(1) Competition between wire companies in communication between the United States and foreign countries, between radio companies in such foreign communication, and between wire and radio companies in this field of foreign communication.

(2) Instances in which the Commission has granted licenses for transmission in foreign communication or has refused or withheld action upon applications for licenses and frequencies in this field of communication, and whether such action by the Commission or its nonaction, has been with the purpose or has had the effect of aiding one company in this branch of communications or of destroying or lessening competition between American companies in foreign communication.

(3) The extent to which companies engaged in radio communication between the United States and any foreign country have entered into exclusive traffic arrangements or other agreements with the purpose or effect of securing a monopoly in such communication or of lessening competition therein and the effect of such arrangements or agreements upon competing American companies.

Said committee is further authorized and directed to make a study of the policies and principles which should be declared and made effective in legislation providing for the regulation and control of the radio industry, of broadcasting, and of interstate and foreign communication by radio.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places, either in the District of Columbia or elsewhere, during the sessions, recesses, and adjourned periods of the Senate in the Seventy-fifth Congress, to employ such experts, and clerical, stenographic, and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production and impounding of such books, papers, and documents, to administer such oaths and to take such testimony and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per 100 words. The expenses of the committee, which shall not exceed , shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

DEMOCRACY WILL KEEP THE FAITH—ADDRESS BY SENATOR DUFFY

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address delivered by Senator DUFFY on the White House Ellipse at the Fourth of July celebration in Washington, D. C., which appears in the Appendix.]

INDUSTRY AND LABOR—ADDRESS BY SECRETARY ROPER

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD an address delivered over the radio on July 5, 1937, by Hon. Daniel C. Roper on the subject Industry and Labor—Their Mutual Problems, which appears in the Appendix.]

SAN JACINTO MEMORIAL MONUMENT—ADDRESS BY JESSE H. JONES

[Mr. SHEPPARD asked and obtained leave to have printed in the RECORD an address delivered by Hon. Jesse H. Jones at the laying of the cornerstone of the San Jacinto Memorial Monument on Apr. 21, 1937, the one hundred and first anniversary of Texas independence, which appears in the Appendix.]

AMERICA'S ROLE IN INTERNATIONAL AFFAIRS, AND THE DOMESTIC LABOR CRISIS

[Mr. DAVIS asked and obtained leave to have printed in the RECORD an editorial appearing in the Philadelphia Inquirer of July 6, 1937, entitled "America Has Learned Her Lesson", and an editorial appearing in the same paper on July 2, 1937, entitled "What Are They Waiting For?" which appear in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY

The PRESIDENT pro tempore. Morning business is closed.

Mr. ROBINSON. Mr. President, I move that the Senate proceed——

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CLARK. Is the calendar to be called?

The PRESIDENT pro tempore. The calendar is not subject to call today. Today not being Monday, a motion to take up any bill is in order.

Mr. ROBINSON. Mr. President, I move that the Senate proceed to the consideration of the bill (S. 1392) to reorganize the judicial branch of the Government.

Mr. MCNARY. Mr. President, the question is debatable.

Mr. ROBINSON. I make the point of order that during the morning hour the question is not debatable.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. MCNARY. That is correct. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. MCNARY. If the motion made by the able Senator from Arkansas is agreed to, the President's bill then would be before the Senate for consideration. If a substitute should be offered by the Senator from Kentucky [Mr. LOGAN], it also would be before the Senate, and both the original bill and the substitute of the Senator from Kentucky would be open to amendment. Is that correct?

The PRESIDENT pro tempore. If a substitute should be offered to the bill, both the substitute and the original text would be open to amendment.

Mr. MCNARY. That is my understanding. If the substitute should be adopted, it would then be too late to offer any amendments to the substitute?

The PRESIDENT pro tempore. That is correct.

Mr. MCNARY. All amendments to the bill and substitute, therefore, must be offered before action is taken on the substitute to be proposed by the Senator from Kentucky?

The PRESIDENT pro tempore. That is the rule.

Mr. MCNARY. Is it the purpose of the Senator from Arkansas to proceed without reference to any other legislation until the final disposition of the bill which he now moves to make the unfinished business?

Mr. ROBINSON. Mr. President, it is my intention to have the bill known as the Court reorganization bill made the unfinished business. I cannot at this juncture say that it will be proceeded with without reference to other legislation. The fact is the question is rather an unusual one. I shall reserve, of course, the right to object to the consideration of other legislation while the Court bill is the unfinished business. I do not announce in advance that I shall object to the consideration of other proposed legislation.

Mr. MCNARY. Specifically I had in mind some proposed legislation that may be pressing and of an emergent character. Would the Senator be willing to lay aside temporarily the unfinished business and take up such bills for consideration?

Mr. ROBINSON. If emergency measures are presented, I shall not object to laying aside the unfinished business for their consideration. However, I shall reserve full freedom

to determine what, in my judgment, is an emergency measure.

Mr. McNARY. Would the Senator from Arkansas be willing to adjourn from day to day in order that the Senate might enjoy the privilege of having routine morning business and a call of the calendar?

Mr. ROBINSON. I cannot answer that inquiry at this juncture. If a filibuster develops, as has been threatened, I shall then take the course, so far as I am concerned, which judgment prompts. I shall not commit myself now to any policy that would be in aid of a threatened filibuster.

Mr. McNARY. Is it the purpose of the Senator from Arkansas to proceed with the consideration of the Court bill today, or the amendment to be offered in the nature of a substitute, and is it his desire and purpose to hold a session of the Senate tomorrow?

Mr. ROBINSON. It is my intention to ask the Senate to be in session tomorrow. I feel that there is no justification whatever for suspending the public business, under the conditions which now prevail, in order that Members may have an opportunity of attending a baseball game. I know there are a great many Senators who would like to attend the ball game, and they are at liberty to do so, with the understanding that they may be sent for if a quorum should not develop.

We have been at leisure quite a long while. My difficulty has been in keeping measures of importance before the Senate for the consideration of this body because of the delay on the part of standing committees of the Senate in submitting reports.

Of that no complaint is to be made at this time. The committees for the most part have been hard at work and have reported in most instances as promptly as was practicable.

However, considering the advanced stage of the session and the fact that it has been heralded throughout the Nation that those who are opposed to the Court reorganization bill in any form have the intention of obstructing business, of preventing the Senate from registering its opinion, I now announce that it is my intention, so far as I am able to do so and so far as I have support in that purpose, to keep the bill before the Senate, when it is taken up, until it is disposed of, making reasonable allowance for such emergency measures as may be brought to the attention of the Senate.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Arkansas.

Mr. CLARK. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Johnson, Colo.	Pittman
Andrews	Davis	King	Pope
Ashurst	Dieterich	La Follette	Radcliffe
Austin	Duffy	Lee	Reynolds
Bankhead	Ellender	Lewis	Robinson
Barkley	Frazier	Lodge	Schwartz
Berry	George	Logan	Schwellenbach
Bilbo	Gerry	Lonergan	Sheppard
Black	Gillette	Lundeen	Shipstead
Bone	Glass	McAdoo	Steiwer
Borah	Green	McCarran	Thomas, Okla.
Brown, N. H.	Guffey	McGill	Thomas, Utah
Bulkley	Hale	McKellar	Townsend
Bulow	Harrison	McNary	Truman
Burke	Hatch	Minton	Tydings
Byrd	Hayden	Moore	Vandenberg
Capper	Herring	Murray	Van Nuys
Caraway	Hitchcock	Neely	Wagner
Chavez	Holt	O'Mahoney	Walsh
Clark	Hughes	Overton	Wheeler
Connally	Johnson, Calif.	Pepper	White

The PRESIDENT pro tempore. Eighty-four Senators having answered to their names, a quorum is present. The question is on the motion of the Senator from Arkansas that the Senate proceed to the consideration of Senate bill 1392.

The motion was agreed to; and the Senate proceeded to the consideration of the bill (S. 1392) to reorganize the judicial branch of the Government, which had been reported adversely from the Committee on the Judiciary, with amendments.

Mr. ROBINSON. Mr. President, with the approval of the Senator from Kentucky [Mr. LOGAN], the Senator from New Mexico [Mr. HATCH], and the Senator from Arizona [Mr. ASHURST], I offer an amendment in the nature of a substitute for the pending bill, and ask that it be read.

The PRESIDENT pro tempore. The amendment, in the nature of a substitute, will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause, and to insert in lieu thereof the following amendment in the nature of a substitute:

TITLE I

SECTION 1. Section 215 of the Judicial Code of the United States is hereby repealed and reenacted to read as follows:

"SEC. 215. The Supreme Court of the United States shall consist of a Chief Justice and eight Associate Justices, any six of whom shall constitute a quorum: *Provided, however,* The number of Justices may be increased by the appointment of an additional Justice in the manner now provided for the appointment of Justices, for each Justice, including the Chief Justice, who at the time of the nomination has reached the age of 75 years, but not more than one appointment of an additional Justice as herein authorized shall be made in any calendar year: *Provided,* That the authority to appoint for any calendar year shall not lapse by reason of the rejection of the nomination, delay in confirmation, inability to nominate during an adjournment of the Senate or withdrawal of the nomination in a succeeding calendar year; and when such additional Justice, or Justices, shall have been so appointed no vacancy caused by the death, resignation, or retirement of a Justice (except the Chief Justice) who has reached the age of 75 years, shall be filled, unless the filling of such vacancy is necessary to maintain at not less than nine the number of Justices who have not reached the age of 75. The number of appointments so made shall not, at any time, increase the total number of Justices by more than two-thirds of the permanent membership of the Court. If the number of members of the Supreme Court is in excess of nine not less than two-thirds of the membership shall constitute a quorum. As used in this section, the term 'Justice' shall not include a Justice who has retired from regular, active service."

SEC. 2. (a) An additional judge of any court of the United States other than the Supreme Court may be appointed, in the manner now provided by law, and to the same court, for each judge, appointed to hold his office during good behavior, who at the time of nomination of the additional judge has reached the age of 70 years.

(b) The number of judges of any such court shall be increased by the number appointed thereto under the provisions of subsection (a) of this section, but no vacancy shall be created by the death, resignation, or retirement of a judge of such court (other than a Chief Justice) whose continuance in office has occasioned the appointment of an additional judge. No appointment shall be made under subsection (a) which at any one time would result in (1) more than 20 judges in regular active service, in addition to those otherwise authorized by law, or (2) an addition of more than 2 judges to the number otherwise authorized by law to be appointed to any circuit court of appeals, the Court of Claims, the United States Court of Customs and Patent Appeals, or the United States Customs Court, or (3) more than twice the number of judges otherwise authorized by law to be appointed for any district or, in the case of judges appointed for more than one district, for any such group of districts.

(c) Three-fifths of the judges of each of the following courts shall constitute a quorum thereof: The United States Court of Appeals for the District of Columbia, the Court of Claims, and the United States Court of Customs and Patent Appeals.

(d) An additional judge shall not be appointed under the provisions of this section when the judge who has reached the age of 70 years is commissioned to an office as to which Congress has provided that a vacancy shall not be filled.

SEC. 3. (a) Any circuit judge may be designated and assigned from time to time by the Chief Justice of the United States for general service in the circuit court of appeals for any circuit. Any district judge may be designated and assigned from time to time by the Chief Justice of the United States for general service in any district court, or, subject to the authority of the Chief Justice, by the senior circuit judge of his circuit for service in any district court within the circuit. A district judge designated and assigned to another district hereunder may hold court separately and at the same time as the district judge in such district. All designations and assignments made hereunder shall be filed in the office of the clerk and entered on the minutes of both the court from and to which a judge is designated and assigned, and thereafter the judge so designated and assigned shall be authorized to discharge all the judicial duties (except the power of appointment to a statutory position or of permanent designation of a newspaper or depository of funds) of a judge of the court to which he is designated and assigned. The designation and assignment of a judge shall not impair his authority to per-

form such judicial duties of the court to which he was commissioned as may be necessary or appropriate. The designation and assignment of any judge may be terminated at any time by order of the Chief Justice or the senior circuit judge, as the case may be.

(b) After the designation and assignment of a judge by the Chief Justice, the senior circuit judge of the circuit in which such judge is commissioned may certify to the Chief Justice any consideration which such senior circuit judge believes to make advisable that the designated judge remain in or return for service in the court to which he was commissioned. If the Chief Justice deems the reasons sufficient he shall revoke, or designate the time of termination of, such designation and assignment.

(c) In case a trial or hearing has been entered upon but has not been concluded before the expiration of the period of service of a district judge designated and assigned hereunder, the period of service shall, unless terminated under the provisions of subsection (a) of this section, be deemed to be extended until the trial or hearing has been concluded. Any designated and assigned district judge who has held court in another district than his own shall have power, notwithstanding his absence from such district and the expiration of any time limit in his designation, to decide all matters which have been submitted to him within such district, to decide motions for new trials, settle bills of exceptions, certify or authenticate narratives of testimony, or perform any other act required by law or the rules to be performed in order to prepare any case so tried by him for review in an appellate court; and his action thereon in writing filed with the clerk of the court where the trial or hearing was had shall be as valid as if such action had been taken by him within that district and within the period of his designation. Any designated and assigned circuit judge who has sat on another court than his own shall have power, notwithstanding the expiration of any time limit in his designation, to participate in the decision of all matters submitted to the court while he was sitting and to perform or participate in any act appropriate to the disposition or review of matters submitted while he was sitting on such court, and his action thereon shall be as valid as if it had been taken while sitting on such court and within the period of his designation.

(d) When any judge is assigned to duty outside of his district or circuit his subsistence allowance shall be $10 per diem.

SEC. 4 (a) The Supreme Court shall have power to appoint a Proctor. It shall be his duty (1) to obtain and, if deemed by the Court to be desirable, to publish information as to the volume, character, and status of litigation in the district courts and circuit courts of appeals, and such other information as the Supreme Court may from time to time require by order, and it shall be the duty of any judge, clerk, or marshal of any court of the United States promptly to furnish such information as may be required by the Proctor; (2) to investigate the need of assigning district and circuit judges to other courts and to make recommendations thereon to the Chief Justice; (3) to recommend, with the approval of the Chief Justice, to any court of the United States methods for expediting cases pending on its dockets; and (4) to perform such other duties consistent with his office as the court shall direct.

(b) The Proctor shall, by requisition upon the Public Printer, have any necessary printing and binding done at the Government Printing Office, and authority is conferred upon the Public Printer to do such printing and binding.

(c) The salary of the Proctor shall be $10,000 per annum, payable out of the Treasury in monthly installments, which shall be in full compensation for the services required by law. He shall also be allowed, in the discretion of the Chief Justice, stationery, supplies, travel expenses, equipment, necessary professional and clerical assistance, and miscellaneous expenses appropriate for performing the duties imposed by this section. The expenses in connection with the maintenance of his office shall be paid from the appropriation of the Supreme Court of the United States.

SEC. 5. There is hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this act.

SEC. 6. When used in this act—

(a) The term "circuit court of appeals" includes the United States Court of Appeals for the District of Columbia; the term "senior circuit judge" includes the chief justice of the United States Court of Appeals for the District of Columbia; and the term "circuit" includes the District of Columbia.

(b) The term "district court" includes the District Court of the District of Columbia but does not include the district court in any Territory or insular possession.

(c) The term "judge" includes justice and the term "chief justice" shall include the presiding judge of the United States Court of Customs and Patent Appeals.

TITLE II

SECTION 101. Whenever in any court of the United States in any suit or proceeding to which the United States or any agency thereof or any officer or employee thereof, as such officer or employee, is not a party, the constitutionality of any statute of the United States is drawn in question, the court having jurisdiction of the suit or proceeding shall certify such fact to the Attorney General if the court is of opinion that a substantial ground exists for questioning the constitutionality of the statute. The court shall afford the United States an opportunity for presentation of evidence (if evidence is otherwise receivable in such suit or proceeding) and argument. In the suit or proceeding the United States shall, subject to the applicable provisions of law, have the same rights as a party to the extent necessary for a proper presentation of the facts and law relating to the constitutionality of the statute and shall have the right to become a party to such proceeding, case, or controversy.

SEC. 102. Whenever any judgment, decree, or order in any suit or proceeding referred to in section 101 is based in whole or in part upon a decision that any statute of the United States is unconstitutional as therein applied, the United States, irrespective of whether or not it had previously presented evidence or argument under the provisions of section 101 shall have the same right to appeal therefrom as any party to the suit or proceeding. Within 60 days after the entry of any such judgment, decree, or order, whether final or interlocutory, the United States may also appeal therefrom directly to the Supreme Court, in which event any appeal or cross-appeal therefrom by any party to the suit or proceeding taken previously or taken within 60 days after notice of the appeal by the United States shall also be treated as taken directly to the Supreme Court. Such appeals to the Supreme Court shall, on motion of the United States, be advanced to a speedy hearing. This section shall not confer upon the United States any right of review by the Supreme Court unless a party to the suit or proceeding also takes an appeal.

SEC. 103. Within 60 days after the entry of any judgment, decree, or order referred to in section 102, the United States, irrespective of whether or not it had previously presented evidence or argument under the provisions of section 101, may appeal therefrom directly to the Supreme Court. Such appeals will lie if no appeal is taken by any party to the suit or proceeding and such appeals shall, on motion of the United States, be advanced to a speedy hearing. If the United States appeals to the Supreme Court under the provisions of section 102, but no appeal is taken by any party to the suit or proceeding, the appeal of the United States shall be regarded as an appeal under this section. If this section, or any provision thereof, is held invalid, the remainder of this act and the other provisions of this section shall not be affected thereby.

SEC. 104. In any suit or proceeding in any court of the United States to which the United States or any agency thereof or any officer or employee thereof, as such officer or employee, is a party, in which the decision is against the constitutionality of any statute of the United States, the United States, within 60 days after the entry of a final or interlocutory judgment, decree, or order, may, in its discretion, in its own name or in the name of such agency, officer, or employee, as the case may be, appeal therefrom directly to the Supreme Court, in which event any appeal or cross appeal by any party to the suit or proceeding taken previously or taken within 60 days after notice of the appeal by the United States shall also be or be treated as taken directly to the Supreme Court. Such appeals shall, on motion of the United States, be advanced to a speedy hearing. This section shall not apply to any judgment, decree, or order of a district court of the United States which may, under existing provisions of law, be appealed directly to the Supreme Court.

SEC. 105. The Attorney General is authorized by himself or by counsel designated by him, to appear and argue in cases described in section 101, and to invoke appellate jurisdiction in cases described in sections 102, 103, and 104.

SEC. 106. As used in this title, the term "court of the United States" means the courts of record of Alaska, Hawaii, and Puerto Rico, the Customs Court, the Court of Customs and Patent Appeals, the Court of Claims, the District Court of the United States for the District of Columbia, any district court of the United States, the United States Court of Appeals for the District of Columbia, any circuit court of appeals, and the Supreme Court.

SEC. 107. If any provision of this title, or the application thereof to any person or circumstances, is held invalid, the remainder of the act and the application of such provisions to other persons or circumstances shall not be affected thereby.

Mr. ROBINSON. Mr. President, those who have collaborated in the preparation of the substitute amendment, particularly including the Senator from Kentucky [Mr. LOGAN], the Senator from New Mexico [Mr. HATCH], and myself, have had in mind the criticisms which have been directed in public addresses, and in news and magazine articles, against the original bill, presented by the Senator from Arizona [Mr. ASHURST], the chairman of the Committee on the Judiciary, very shortly after the President sent to the Congress his message on this important subject.

As everyone who hears me realizes, there has been great diversity of opinion not only among those who are opposed to any legislation providing for the reorganization of the Federal courts, but also among those who feel that conditions justify, if they do not require, a change in our statutes relating to the questions at issue.

THE SUBSTITUTE

The substitute amendment provides for the appointment of one Justice in each calendar year in relation to such

Justices of the Supreme Court as may be serving after they have reached the age of 75 years. There seems to be widespread if not general or universal sentiment in favor of the retirement of Justices who have attained that age. It is not that all men who reach 75 lose their powers of reasoning or of judgment, but it is that by common acceptance those who have passed beyond 75 usually are in a state of mental and physical decline. Our statutes have recognized the wisdom and the necessity for judges who have the physical vigor to perform the tasks that are assigned to them. Heretofore provision has been made for voluntary retirement at the age of 70 years, and that policy has not only been approved in general public opinion but it has been advocated by some Justices of the Supreme Court who now have passed far beyond 70 years, and who quite naturally are unable to apply to themselves the theory and the doctrine they have sought to apply to other judges.

The statute, as proposed in the pending amendment in the nature of a substitute, permits the appointment by the President of one additional Justice of the Supreme Court in each calendar year where a Justice or Justices are serving beyond the age of 75. I know it has been said by some, and I expect that it will be repeated in the memorable debate that is to follow my statement, that the principle incorporated in this legislation in the particular to which I am now referring is erroneous, that it is disregardful of the spirit of the Federal Constitution, that it tends to give to the President dictatorial powers. Later, during the course of the debate, it may be my privilege to elaborate the arguments which appear to me consistently to refute that contention. It suffices for my purpose on this occasion to say that during the course of this prolonged controversy Senators who lead the opposition to any legislation have introduced constitutional amendments substantially conforming to the provisions of this bill.

No moral or legal reason can be assigned in justification to resorting to the complicated and difficult process of constitutional amendment in preference to the legislative process if it appears that the legislative proposal is itself within the Constitution. I make the declaration now, in order that it may be considered by those who oppose the position I take, that no serious question has been raised by any lawyer, either in this body or in the country at large, that it is within the power of the Congress to enact the legislation contemplated in the proposed substitute; and, if that be true, then the only question left in that particular is one of policy. Manifestly it is neither necessary nor desirable to resort to the slow and difficult process of amending the Constitution if substantially the same ends may be brought about by the enactment of legislation.

Mr. BURKE. Mr. President, does the Senator care to yield at this time just on that point?

Mr. ROBINSON. I shall be glad to yield to the Senator from Nebraska, with the understanding that the Senator wishes to ask a question, and is not engaging in a filibuster. I yield.

Mr. BURKE. I shall have to leave that to the Senator's own judgment.

On the question of power, does the Senator realize any distinction between the power of Congress to increase the size of the Court, say, from 9 to 11, or any other number, and the power to place it within the discretion of an outside party—a member of the Court—as to whether the Court shall or shall not be increased? In other words, is it not true that under this substitute, as under the original bill, it is not Congress that increases the size of the Court at all, but members of the Court, who, by electing to stay on the Court, or retire, or resign, themselves determine whether the membership of the Court shall be increased?

Mr. ROBINSON. Mr. President, in direct answer to the very proper question asked me by the Senator from Nebraska [Mr. BURKE], I say that his question involves not the slightest issue pertaining to the Constitution. No one has ever expressed the thought that by giving judges or Justices the privileges of retirement we were entrusting to them a function that devolves upon the legislative or the executive department.

Mr. LOGAN. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield to the Senator from Kentucky.

Mr. LOGAN. If a Justice should remain on the bench after he has become 75, and if that determines the appointive power, what about the Justice resigning under the present law?

Mr. ROBINSON. That is exactly the point I am discussing. We recognize that throughout the history of American jurisprudence. While under the Constitution judges are appointed for life, we permit them to retire before the end of their lives; and that privilege has been exercised time and time again.

Mr. BURKE. Mr. President——

Mr. ROBINSON. In my judgment, it is an illustration of the desperation of the cause of those who oppose this legislation that they suggest now, for the first time in all this debate, that to give the Justices the privilege of retirement is to violate the Constitution.

I now yield to the Senator from Nebraska.

Mr. BURKE. Mr. President, does not the Senator realize the very clear distinction between filling a vacancy on the Court occurring in the normal way, which certainly is not an exercise of power in Congress to increase the size of the Court, and the other kind of a power, which we are now discussing, to enlarge the Court by adding members to it? Is there not a very open and clear distinction between those two issues?

Mr. ROBINSON. Of course, there is a distinction; but, Mr. President, it is not a legal distinction. It is not a constitutional distinction. It is a distinction in relation to policy.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield to the Senator from Washington.

Mr. SCHWELLENBACH. I asked the Senator from Arkansas if he would yield in order that I might submit a question to the Senator from Nebraska.

I should like to ask the Senator from Nebraska if we are to understand now that it is the position of the opposition to this measure that their objection is that it gives too much power to the Supreme Court?

Mr. ROBINSON. I shall be very glad to have the Senator from Nebraska answer the question of the Senator from Washington.

Mr. BURKE. I think my question speaks for itself. On a measure of this kind I believe we ought to have some little explanation, and the Senator from Arkansas is doing that very satisfactorily, but he raised the point that no one has questioned in any way the power of Congress to do this thing, and I say there is a serious question about it. It is not a vital point in the case, as will be demonstrated, but it is worthy of consideration.

Mr. ROBINSON. I understand from the last statement of the Senator from Nebraska that he himself has little or no confidence in the position he has taken on this feature of the subject. I do not regard it as even necessary or desirable to prolong the debate on this phase of the issue, but I will say that the Congress having admittedly the broader power to increase to any number that it pleases the total number of Justices composing the Supreme Court, it has by every rule of reason and of law the lesser power to make that increase on condition. Those Members of the Senate who are lawyers may take time in the filibuster that is threatened to answer that argument; but I make the statement that any answer to it will not rise to a dignity which will command approval by a Justice of the Supreme Court.

Mr. BARKLEY. Mr. President——

Mr. ROBINSON. I yield to the Senator from Kentucky.

Mr. BARKLEY. Congress has the same power in this regard over the Supreme Court that it has over the inferior courts. Nearly 20 years ago Congress enacted a law per-

taining to the contingent increase in the number of district and circuit judges, about which no constitutional question was raised at the time, nor has such a question been raised since.

Mr. AUSTIN. Mr. President——

Mr. ROBINSON. I yield to the Senator from Vermont.

Mr. AUSTIN. I should like to ask the Senator in respect to the freedom which each Justice of the Supreme Court has and which the Senator has so clearly recognized and spoken of—Does not the Senator expect, as the actual consequence of the passage of such a bill as this, that any and every Justice who comes within the description of having attained the age of 75 years will exercise that freedom and withdraw from the bench upon the passage of this bill?

Mr. ROBINSON. Has the Senator concluded?

Mr. AUSTIN. Yes; that is the end of the question.

Mr. ROBINSON. Mr. President, my imagination has been described at times by others as vivid, but I respectfully decline to prophesy what a Justice of the Supreme Court may do in connection with retirement under this bill, particularly when he has had the privilege of retirement for 5 or 10 years and has failed to avail himself of it.

Mr. AUSTIN. Mr. President, will the Senator yield for a further question?

Mr. ROBINSON. I should think that we might regard it as an expression of the public opinion of the Nation that one who has reached the age of 75 years had best avail himself of the privilege of retirement. But the Senator from Vermont, whose imagination is quite unbounded, and whose genius for the conception of possibilities is greater than my own, is as entirely able now, as he was before he asked the question, to form his own conclusion.

Mr. AUSTIN. I think these words in the bill are not entirely imaginatory. I refer to the following language on page 3, line 11, contained in the proposed substitute itself:

> Whose continuance in office has occasioned the appointment of an additional judge.

I submit those words to the learned Senator upon the question whether Justices who are over the age of 75 and who remain on the bench when confronted by this bill will not be necessarily excited to withdraw from the bench to save their dignity.

Mr. ROBINSON. I should hope they would.

Mr. AUSTIN. Is not that one purpose of the bill?

Mr. ROBINSON. I should not regard it as a national calamity if any Justice availed himself of the privilege of retirement any more than I have regarded it as a calamity when other Justices have retired at the age of 70.

Mr. AUSTIN. Mr. President, will the Senator yield further?

Mr. LOGAN. Mr. President——

Mr. ROBINSON. I yield to any Senator, but I yield first to the Senator from Kentucky, and then I will yield to the Senator from Vermont.

Mr. LOGAN. The language which the Senator from Vermont has just read has no application at all to the Justices of the Supreme Court. It has to do with judges of the inferior courts. If the Senator from Arkansas will yield further——

Mr. ROBINSON. Yes.

Mr. LOGAN. I will call his attention to the fact, for the information of the distinguished Senator from Nebraska, that we now have a Court of six members. The number of members shall not exceed nine, but six may function. One of the Justices has now resigned. So we have eight members of the Court. According to the opinion of the distinguished Senator from Nebraska, however, the Court is now illegal because the Court itself has fixed the number of Justices.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield to the Senator from Vermont.

Mr. AUSTIN. My question is this: Does not the Senator from Arkansas consider it just as bad, from a legal point of view and from a moral point of view, if the bill by natural effect and consequence terminates the tenure of office at a point less than for life, as it would if it contained a complete and express statement of a tenure that was less than life, fixed by an act of Congress and not by an amendment to the Constitution?

Mr. ROBINSON. The Senator's question answers itself. No lawyer would say that Congress has the power to limit the tenure of a Justice of the Supreme Court to less than life and good behavior, and, therefore, no proposal of that nature is presented. But there is, and there has been for more than 50 years, a feeling in the country among those who constitute its citizenship that men are not always conscious of the time when they have passed the climax of their usefulness. It is well illustrated in politics. One who has served long and well is seldom, if ever, conscious of his failing powers, and he keeps on running for office, running and running and running, until everyone gets tired of him and until some man whom he considers his inferior defeats him for office. [Laughter.]

Mr. BURKE and Mr. MINTON addressed the Chair.

Mr. ROBINSON. I have often thought that politics is not an occupation; it is a disease [laughter]; and, by the Eternal, when it gets in the blood and brain, there is no cure for it. [Laughter.]

Mr. LEWIS. Mr. President——

Mr. ROBINSON. Just a moment. I have seen dozens of men, discredited and rejected by their constituents, sit on the fence and in the exercise of their "imaginatory" powers—I quote now the Senator from Vermont—see strange hands beckoning them out of the darkness and hear mysterious voices calling them back to run for office again.

I now yield to the Senator from Illinois.

Mr. LEWIS. At this point I make the point of order, as it is very necessary to hear the distinguished Senators, that the Chair be so kind as to remind the occupants of the galleries that a different rule prevails in the Senate than in the other House.

Mr. ROBINSON. The occupants of the galleries are not disturbing me in the least; and if the Senator will excuse me, I will withdraw his point of order. [Laughter.]

Mr. LEWIS. As the Senator from Arkansas is not disturbed either by the occupants of the galleries or by the Senator from Indiana or by the Senator from Nebraska, I will sit down, quite content.

Mr. ROBINSON. That is right; that is the way to do it.

Mr. MINTON and Mr. BURKE addressed the Chair.

Mr. ROBINSON. I yield now, first, to the Senator from Indiana.

Mr. MINTON. In connection with the proposition the Senator is so ably discussing, I suppose he would accept a statement from very high authority on that point, namely, the present Chief Justice of the United States. In 1928 Chief Justice Hughes said:

> Some judges have stayed too long on the bench. It is extraordinary how reluctant aged judges are to retire and to give up their accustomed work. I agree that the importance in the Supreme Court of avoiding the risk of having judges who are unable properly to do their work and yet insist on remaining on the bench is too great to permit chances to be taken, and any age selected must be somewhat arbitrary, as the time of the failing in mental power differs widely.

Mr. ROBINSON. My favorite authority on that subject is not Mr. Chief Justice Hughes; it is Mr. Justice McReynolds.

Mr. MINTON. If the Senator will permit me, I will also quote what Mr. Justice McReynolds said.

Mr. ROBINSON. I myself am going to read that. The Senator could probably make this speech much more effectively than I can make it, but I still maintain that, as a Senator, I have some right to talk a little within my own time.

In October 1914, when the Associate Justice, Mr. McReynolds, was Attorney General, he submitted a report which no doubt is in the mind and memory of my good friend the Senator from Indiana [Mr. MINTON]. In the

performance of his duties he sent an urgent recommendation to Congress, and I shall now read it:

> Judges of the United States courts at the age of 70, after having served 10 years, may retire upon full pay. In the past many judges have availed themselves of this privilege. Some, however, have remained upon the bench long beyond the time they are adequately able to discharge their duties, and in consequence the administration of justice has suffered. I suggest an act—

Not a constitutional amendment, I remind the Senator from Nebraska [Mr. BURKE]; just an act—

> I suggest an act providing that when any judge of a Federal court below the Supreme Court fails to avail himself of the privilege of retiring now granted by law, that the President be required, with the advice and consent of the Senate, to appoint another judge who would preside over the affairs of the court and have precedence over the older one. This will insure at all times the presence of a judge sufficiently active to discharge promptly and adequately the duties of the court.

It is true that Mr. Justice McReynolds, then Attorney General, limited his recommendation to the inferior courts, the circuit and district courts of the United States, but there is no difference in principle if the doctrine be applied to the Supreme Court as well as to the inferior courts.

Mr. MINTON. Mr. President, will the Senator yield further?

Mr. ROBINSON. I yield to the Senator from Indiana.

Mr. MINTON. I may fortify the Senator's splendid argument with another high authority, another Chief Justice of the United States Supreme Court. He did not limit it to the lower courts and he did not put the age at 75. I refer to the late Honorable Chief Justice Taft, who said:

> There is no doubt that there are judges at 70 who have ripe judgments, active minds, and much physical vigor, and that they are able to perform their duties in a very satisfactory way. Yet in a majority of cases when men come to be 70 they have lost vigor, their minds are not as active, their senses not as acute, and their willingness to undertake great labor is not so great as in younger men, and as we ought to have in judges who are to perform the enormous task which falls to the lot of Supreme Court Justices.

Mr. BURKE. Mr. President——

Mr. ROBINSON. I yield to the Senator from Nebraska.

Mr. BURKE. Let me submit one further question before we get too far away from the power of Congress to fix the size of the Supreme Court. Does the Senator share the view expressed by the First Assistant Attorney General, that the framers of the Constitution purposefully left to Congress the right to fix the number of Justices on the Supreme Court in order that Congress might have that means of checking the Court and bringing its decisions into line with the congressional will?

Mr. ROBINSON. Mr. President, that is a peculiar question. Did anyone hear anything like it from a lawyer?

Mr. BURKE. Does not the Senator understand the question?

Mr. ROBINSON. I intend to answer the question. I am not sufficiently familiar with the debates, if there were any on that subject, to know just what was in the minds of the framers of the Constitution to understand or to state here what thought prompted them to vest in the Congress the unlimited and unrestricted power to provide the number of Justices composing the Supreme Court. The significant fact to me is that nothing was brought to their attention that prompted them to fix the number of Justices of the Supreme Court, or to deny to the Congress the power, the unlimited power, to say how many shall compose the Supreme Court.

I regret not to be able to say just exactly what it was that prompted the framers of the Constitution to leave that power with the Congress. It is sufficient for my purpose and for all who hear me to say there was nothing that prompted them to limit the power, but that they left the authority in the Congress, and we are now exercising it as the Congress has exercised it in years gone by.

Mr. BURKE. Mr. President, will the Senator yield again?

Mr. ROBINSON. Very well.

Mr. BURKE. Although the Senator has not directly answered my question with reference to the statement of the First Assistant Attorney General——

Mr. ROBINSON. I do not even know what the Senator from Nebraska has in mind.

Mr. BURKE. Surely the Senator has read the hearings before the Senate Judiciary Committee?

Mr. ROBINSON. I read some of them.

Mr. BURKE. He was one of the chief proponents of the bill.

Mr. ROBINSON. I did not feel it profitable to read some of the hearings. Much of them were mere repetitions of statements I had already read. But I do not know why the Senator persists in pressing me to say whether I think the theory of the Assistant Attorney General as to the motive which prompted the leaving of this power in the Congress be correct. To me it is a matter of indifference. The Senator may reach any conclusion about it that concerns him. It does not concern me at all. We have the power. We have exercised it. We are seeking to exercise it again. The question is whether it is sound public policy to employ that power now.

Mr. BURKE. Mr. President, will the Senator yield further?

Mr. ROBINSON. Certainly.

Mr. BURKE. The Senator has stated his view of the matter, that this is an unlimited power possessed by Congress to make the Court 10 or 15 or 100, if they wish, and for any purpose or motive that may appeal to the Congress. Do I correctly state the Senator's position?

Mr. ROBINSON. Yes. I think there is no limitation in the Constitution on the power of the Congress to prescribe the number of Justices that shall compose the Supreme Court. I would not say it is sound policy to exercise that power for a bad motive, but the power exists, and that is sufficient for this argument.

Mr. BURKE. The Senator feels that there is no merit whatever in the position of those who take the view that the reason why the framers of the Constitution did not say, "We shall have a Supreme Court of a certain number", was that Congress might be free to give us at any time a Court of a size that could promptly and efficiently do the work of the Court, and that Congress has no power within the spirit of the Constitution to add any members to the Court for any other purpose.

Mr. ASHURST. Mr. President——

Mr. ROBINSON. No, Mr. President; I do not make that statement. The Senator knows I declined to pass judgment on the motives which prompted the framers of the Constitution to leave this power in the Congress. It is a very strong argument that the Senator from Nebraska does not question the existence of the power.

I am glad to yield now to the Senator from Arizona.

Mr. ASHURST. Mr. President, when the framers of the Constitution came to create the Supreme Court, they did not by mere accident or inadvertence grant to Congress the power to exercise checks against the overreaching of the liberties of the people by the Court. Many, if not most, of the members of the Convention were scholars; some of them had studied law in the Middle Temple in London, and most, if not all, of the members were familiar with the judicial tyranny which had taken place in England during the troubled period of the Stuarts and other reigns preceding the drafting of the Constitution.

The framers took meticulous care and much pains, scholars and historians as they were, to see to it that the judicial power they granted to the courts should never run so riot as to thwart the will of the American people. Hence, they not only deliberately made Congress the body that should fix the number of the members of the Court, but they even went so far as to deny to the Court the right to fix its own jurisdiction, and the question of jurisdiction of that Court is, within certain limitations, subject to the right and power of Congress to change and modify as and when Congress sees fit.

The framers did not permit the Supreme Court to be the judge of the qualifications of its own members. The

framers required the Court to depend upon the Congress for appropriations for its expenses; yea, even its own bailiff.

Nothing in all the history of the Constitution making is more clear than that the makers deliberately saw to it that no judicial branch should be set up that would overreach the legislative branch or the executive branch.

The makers were wise enough also to repose in Congress the legislative power and to grant the Court the judicial power.

I had not intended to interrupt the able speech of the Senator from Arkansas, but whatever may have been said about this proposed legislation, no lawyer in America has ever said that this bill, if it should become the law, would take any judicial power from the Supreme Court of the United States.

If this bill passes, the courts will possess and exercise the same judicial power they had before, and I venture the assertion that if this bill took any judicial power from the Supreme Court of the United States, there would not be 5 votes for it.

I thank the Senator from Arkansas for yielding to me.

Mr. BURKE. Mr. President, will the Senator from Arkansas yield so that I may ask the Senator from Arizona a question?

Mr. ROBINSON. I think I had better proceed.

Mr. BURKE. I merely wish to ask the chairman of the Judiciary Committee a question.

Mr. ROBINSON. Yes; I will yield. I wish to be a good fellow and yield.

Mr. BURKE. I should like to ask the learned chairman of the Judiciary Committee if it is his opinion, then, that the framers of the Constitution with purpose left fixing the size of the Supreme Court to Congress so that Congress at any time could use that power to check and curb the Court?

Mr. ASHURST. I will say that I believe the framers of the Constitution had in mind that when a judge began to slide into a graceful senility, and refused to resign or retire, Congress at least could give the Court some relief. [Laughter.]

Mr. ROBINSON. Mr. President, I have been entertained and instructed by these interruptions.

Mr. ASHURST. I apologize to the Senator for interrupting him.

Mr. ROBINSON. No; the Senator must not apologize. He has contributed very effectively to my remarks; but I am prompted by the question of the Senator from Nebraska, and by the answer that has been made to that question by the Senator from Arizona, to say that my judgment is that the justification for this legislation lies in large part in the fact that the Supreme Court, according to members of that body and according to great Members of the Senate, have gone outside the sphere of their jurisdiction, which is to interpret and apply the laws, and have entered the realm exclusively ascribed to the Congress by the Constitution—the realm of defining public policies.

I see before me today great Senators, whose names will go down in history among the immortals, who have made that statement on the floor of the Senate of the United States, and who now apparently have forgotten the position they took in days gone by. In another address, on a different occasion, it is my intention to show some of the instances in which the Court went outside the sphere of judicial interpretation, and literally wrote into the statutes words that Congress did not incorporate in them, and changed and gave unnatural meanings to words which had better have been naturally interpreted.

In doing that I do not say that the Supreme Court acted corruptly, or that its members were conscious of trespassing upon the jurisdiction of the legislative department. I do affirm, and believe myself able to prove to a jury of lawyers, that the Court is responsible for many of the troubles against which we are now legislating, because it gave unnatural and illogical definitions to terms employed by the Congress in enacting legislation.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield to the Senator from Nebraska.

Mr. BURKE. Even at the risk of making somewhat of a nuisance of myself——

Mr. ROBINSON. Oh, the Senator cannot do that.

Mr. BURKE. I am afraid he has already done it.

Mr. ROBINSON. The Senator never makes a nuisance of himself. Whenever he is a nuisance, Nature does it for him. [Laughter.]

Mr. BURKE. Very well; but, passing that over, I think it is important that at the start we find out as definitely as we can something of the purpose of this bill. As I understand, the Senator now takes the position that because the Supreme Court, in the opinion of some persons and in his own opinion, has at times gone outside its own function, therefore, it is now proper and legitimate for Congress to make over the Court to some extent in order to see that that does not happen again. Is that the point?

Mr. ROBINSON. That is not a very bad statement of my position. It is not entirely accurate; but the thought does appeal to me that if the judiciary trespasses on the jurisdiction of the legislative department, and undertakes, in interpreting statutes, to say what is sound or unsound public policy, Congress has the right—yea, it may be the duty of the legislative branch of the Government—to exercise such powers as it possesses to prevent that usurpation of authority; and the Senator from Nebraska and any other Senator may make the most of that admission.

Mr. BURKE. Mr. President, if I may ask just one other question——

Mr. ROBINSON. Yes.

Mr. BURKE. Will the Senator, in the course of his remarks—I do not ask him to do it now, but in his own good time—explain to us how he can reconcile the statement he has just made with the principle that we have in this country, and desire to maintain, an independent judiciary?

Mr. ROBINSON. Why, certainly—certainly. Independence of the judiciary does not involve or imply usurpation by the judiciary. If the Senator cannot see that without an elaboration of the argument, I think I had better appeal to other minds. My theory is that the demand for this legislation arises principally—not entirely, but principally—out of the fact that the judiciary, not only in the Supreme Court but even in the lower courts, have from time to time confused the question of power with the issue of policy. Do you get it? They have decided that the exercise of a power by the Congress is unconstitutional in some instances when they disapproved the public policy involved in the legislation. That is wrong; and the efforts to prevent it have no sensible relation to the independence of the judiciary. The judiciary must be independent in the sphere ascribed to it by the Constitution. It must not be an outlaw in any other sphere. The mere fact that there is no appeal from the Supreme Court of the United States gives that Court no right to violate constitutional limitations imposed by law and by reason on its own authority.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield.

Mr. MINTON. If the Supreme Court is doing what the Senator says it is doing—and it is, and has done it times out of number—then it is exercising a legislative function.

Mr. ROBINSON. Certainly.

Mr. MINTON. And if it is exercising a legislative function, there is no place to which to turn for the redress of a legislative function except the legislature.

Mr. ROBINSON. The proposition is self-evident. The Senator has stated it better and more accurately than I could state it.

Mr. BORAH. Mr. President——

Mr. ROBINSON. I yield to the Senator from Idaho.

Mr. BORAH. If the Supreme Court up to the present time has been exercising legislative power, in what respect does this bill prevent it from exercising legislative power in the future?

Mr. ROBINSON. There is not any way by which the Congress can prevent a judge from doing the wrong thing; but the theory of the bill is that it will gradually place on

the bench those who will respect, as a primary consideration, the limitations on their own authority. I do not ask you to take my word. I will ask you to take the word of the Senator from Idaho himself.

In 1930, I think, the Senator from Idaho arose on this floor and made an eloquent appeal against the confirmation of a great Chief Justice, solely on the theory that that Chief Justice was disposed to decide questions of public policy rather than questions of limitation on the power of the law-making body. The Senator from Idaho may take from now until the end of the threatened filibuster to explain his attitude on that occasion; and he was not alone in that attitude. At the same time a dozen other Senators, among them the brightest and the bravest who are opposing this bill, sought to prevent the confirmation of Mr. Chief Justice Hughes on the theory that Mr. Hughes would lead the Court out of the proper sphere of judicial determination into the realm of legislation. They could not say anything against his character other than that. They could not question his personal integrity, but they fought him to the bitter death; and I cabled back from London, where I had gone on a mission for the Government, my vote in support of Mr. Hughes, because I believed him to be an honest and an able man. The issue was acute; it was tense; it was hard fought, and there was a large vote in the Senate. At one time it was thought doubtful whether he would be confirmed. The opposition rested their argument solely on the ground that he would legislate as a judge. That is the issue raised in the Baltimore railway case, spoken of with such eloquence and force by the able Senator from Virginia [Mr. GLASS]. He said in 1930 that he wanted this body to be informed as to his ground of opposition to the confirmation of Mr. Hughes, and it was that in the Baltimore railway case the court, led by Mr. Hughes, had gone outside the sphere of proper judicial consideration and action, and entered the legislative sphere. But of that, another time. I proceed now to a consideration of other features of the bill.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield.

Mr. BARKLEY. Is it not true that in the able address made on that occasion by the Senator from Idaho, when asked by another Member of the Senate whether he would remedy the situation by amending the Constitution, he replied no, he would amend the Court?

Mr. ROBINSON. Oh, yes. The Senator from Idaho did not then have any sympathy with amending the Constitution, because he said the same old judges would read an erroneous interpretation into any amendment which might be made, so he favored amending the Court. He may take the pending bill as in a sense an "amendment of the Court", if he wishes to do so, but when he makes an argument against it on that ground, I reply to him in his own language—well-considered, forceful, and influential.

Mr. STEIWER. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield.

Mr. STEIWER. If the members of the Court are disposed to indulge in legislation, that is to say, to assert their views upon policies rather than their views upon law——

Mr. ROBINSON. Not always; sometimes.

Mr. STEIWER. I say, if that is the case——

Mr. ROBINSON. Has the Senator any doubt that that has been the case?

Mr. STEIWER. I have no doubt about it in my own mind.

Mr. ROBINSON. I am only searching the Senator's mind.

Mr. STEIWER. If that is the case, is not the logical and proper means of reaching that to object to the confirmation of the nomination of the judge and not merely to change the composition of the Court?

Mr. ROBINSON. I think that its caviling. After a judge is confirmed he is on the bench for life, and there is no opportunity of knowing what he is going to decide except to use the method employed by the Senator from Idaho and the Senator from Virginia, and say, "From what he has done heretofore, from the clients he has represented, from the methods used in other matters, I think he will be unfair to the public, unconsciously unfair to the public."

Of course, if one knows about those things at the time confirmation occurs, and has not confidence in the judge, he would do just what these Senators did in opposing Mr. Justice Hughes. I cannot say that their judgment of Mr. Hughes is confirmed by the history of his actions as the Chief Justice. I have great respect for that able lawyer. I regard him as a learned and conscientious man, and do not wish to be construed as giving endorsement to the arguments which were employed against his confirmation. I voted for his confirmation.

I pass now from the main feature in dispute of the bill—namely, the appointment of additional Justices of the Supreme Court in cases where members are serving beyond the age of 75 years—to certain other provisions in the bill, and refer at once to the subject of the necessity for a proctor.

The Supreme Court, in the pending amendment, as in the original bill, is given power to appoint a proctor, whose duty it shall be to obtain information as to the volume, character, and status of litigation in the district courts and circuit courts of appeals, and such other information as the Supreme Court may require. He is also authorized to investigate the need of assigning district and circuit judges to other courts than their own, and to make recommendations thereon to the Chief Justice; to recommend, with the approval of the Chief Justice, to any court of the United States methods for expediting cases pending on its dockets; and to perform such other duties consistent with his office as the court shall direct.

Under the system now existing there is no one officer charged with the function of keeping in constant touch with the district courts and circuit courts of appeals in order to be posted as to the progress of the judicial business in each court, the state of the docket, the existence of arrears, if any, and the need for temporary or permanent assistance, if it exists. True, the conference of senior circuit judges, which is presided over by the Chief Justice, receives and considers reports as to the state of the judicial business in all of the Federal courts. However, the conference meets only once a year and sits for only 2 or 3 days, and has no executive officer to carry out its recommendations, or even to prepare the material for its use.

The Attorney General submits to the conference information relative to the state of the dockets and the condition of the business of the courts, insofar as he is able to obtain it. Again, it is important to bear in mind that the information is submitted by the Attorney General only once a year.

There is urgent need for an official who will devote his entire time to keeping currently posted as to the state of the judicial business and the needs of each Federal court from day to day. Such an official could recommend the temporary assignment of judges to districts that need such assistance when occasion arises. He would be in a position to suggest improvements in the handling of the dockets and the installation of efficient methods in the transaction of business.

While it is true that the Department of Justice, to some extent, is in touch with the needs of the courts and from time to time suggests the temporary assignment of judges to congested districts, this generally occurs in connection with the handling of Government business. The courts themselves are expected to scrutinize and meet the needs of private litigants. They have no official charged with such a duty, however, each district court and each circuit court of appeals being very largely a law unto itself. It is a strange thing that the Federal judicial system, unlike most public and private activities, has no official charged with the duty of administration. The introduction of systematic methods in the transaction of judicial business can do much toward the elimination of unnecessary delays and waste of time on the part of counsel and litigants.

One can well envisage the proctor maintaining continuous contacts by correspondence with the senior circuit judges, the district judges, and the clerks of the various courts, so as to keep his hand on the pulse of Federal judicial business and to be familiar with the needs of the various circuits and districts. He would be in a position to know what dis-

tricts need help and what judges are available for temporary assignment to districts or circuits away from their residence, and to aid the overcrowded districts in getting the assistance they should have. From time to time he could visit the various courts and make suggestions as to improvements that could be introduced in the arrangement, the calling and the disposition of the dockets. He could go into a district in which congestion was reported and endeavor to work out some means to alleviate the condition. In other words, he could do the innumerable things in the improvement of efficiency that one expects of an officer who is in a position to devote his entire time and energy to administration, and who is not burdened with any other duties.

The system has been tried out on a small scale in the city of Cleveland, Ohio, where it has met with great success. In that city, the official corresponding to the proposed proctor is known as the assignment commissioner, who has charge of the docket and the assignment of cases for trial. The systematization of business which has resulted from his work has led to a substantial reduction in law's delays.

Court congestion and law's delays are problems which are encountered not only in this country but also are found abroad. In Great Britain a commission was appointed several years ago "on the dispatch of business at common law." In a report which it submitted in January 1936, suggesting a number of improvements for the purpose of achieving efficiency in the transaction of judicial business, it proposed, among other things, the creation of a well-paid, whole-time officer for the purpose of managing the dockets, such officer to be known as the manager of the lists. The commission stated that the business of the courts should be in the hands of a whole-time administrative expert, responsible, under the direction of the Chief Justice, for its organization (pp. 53–54). The functions and duties of the proposed officer are described, as follows, in the report (p. 56):

1. He should be responsible to the Lord Chief Justice for the organization of the business and the making up of the lists, and for insuring the even and continuous flow of the work.
2. He should be the center of such an organized system of information from all concerned in the conduct of litigation, both in London and on circuit, as will enable him to forecast the future course of business.
3. He should constantly review the organization of the courts, and tender advice upon it from time to time, as may be necessary, to the Lord Chancellor and the Lord Chief Justice. He should also report annually to the Lord Chancellor and the Lord Chief Justice on the working of the organization and the administrative requirements.

There is no doubt that the creation of the office of proctor will be a big step forward in the direction of efficiency in the transaction of judicial business in the Federal courts.

I wish to speak now just a moment on the subject of appointment of judges to serve outside their districts and circuits.

ASSIGNMENT OF JUDGES TO SERVE AWAY FROM THEIR CIRCUITS AND DISTRICTS

The purpose of this provision is obvious. It is to make possible temporary assignments of judges to congested areas in order to relieve crowded conditions.

It has been argued by the opponents of the bill that under the formula governing the appointment of additional judges the new appointments will not necessarily be made in congested areas, but in fact they will frequently be made in circuits or districts which require no additional assistance. This argument completely overlooks the purpose of the provision which has just been summarized. Its objective is to create an element of flexibility in the Federal judicial system so as to make it possible to assign a judge temporarily to serve in a district or circuit other than his own for the purpose of alleviating congestion and aiding in the disposition of a crowded docket.

Congestion is not always a permanent condition. It is frequently a variable and temporary state of affairs. A district that needs help this year will not necessarily need it a year later. On the other hand, a district that may not be in arrears today may find itself confronted at some future date with a rush of a particular class of litigation for which assistance is indispensable if the docket is not to get hopelessly in arrears.

Therefore the fact that under the pending measure some additional judges may be appointed in areas not now in need of assistance is not significant. In fact, it may be desirable. Such judges can be assigned and shifted from one district or circuit to another, where their services will do the most good, so long as they are not required in their home locality. To enumerate in the bill specific circuits and districts in which additional judicial positions should be created is neither practicable nor desirable; first, because congestion is a varying phenomenon; and, second, because an attempt to accomplish the desired result in this manner would lead to interminable disputes and controversies, and very likely to logrolling. Similarly, to endeavor to create a group of judges at large, not appointed for any circuit or district, would be beset with obstacles, such as difficulties of selection, that might prove almost insuperable. The only practicable solution is to establish a formula that would operate automatically—one which would require the appointment of additional judges on the occurrence of certain contingencies. This will be accomplished by the pending measure. Its result will be to create a group of judges available for service anywhere in the United States, as necessities require, on the call of the Chief Justice. Let it be remembered in this connection that the assignment of judges away from their own circuits and districts will be lodged solely in the Chief Justice of the United States. The executive branch of the Government will have no connection with the matter.

The question has been asked why the shifting of circuit judges should be permitted. This element of flexibility is necessary because it not infrequently happens that a particular circuit court of appeals is in arrears, or has a congested docket the disposition of which could be much assisted by the temporary assignment of a judge from another circuit.

It has been said that the flexible provision is unnecessary, since under existing law there is authority to assign judges to serve away from their home districts. This contention is based upon a misconception of the provisions of existing law. The present law (Judicial Code, sec. 13; U. S. C., title 28, sec. 17) provides:

Whenever any district judge by reason of any disability or necessary absence from his district or the accumulation or urgency of business is unable to perform speedily the work of his district, the senior circuit judge of that circuit, or, in his absence, the circuit justice thereof, may, if in his judgment the public interest requires, designate and assign any district judge of any district court within the same judicial circuit to act as district judge in such district and to discharge all the judicial duties of a judge thereof for such time as the business of the said district court may require. Whenever it is found impracticable to designate and assign another district judge within the same judicial circuit as above provided and a certificate of the needs of any such district is presented by said senior circuit judge or said circuit justice to the Chief Justice of the United States, he, or in his absence the senior Associate Justice, may, if in his judgment the public interest so requires, designate and assign a district judge of an adjoining judicial circuit if practicable, or if not practicable, then of any judicial circuit, to perform the duties of district judge and hold a district court in any such district as above provided: *Provided, however,* That before any such designation or assignment is made the senior circuit judge of the circuit from which the designated or assigned judge is to be taken shall consent thereto.

It will be observed that the scope of the present law in this respect is extremely limited. First, there is no provision for assigning circuit judges for service away from their home circuits. Second, before the Chief Justice can make an assignment of a district judge to another district, outside of the circuit in which said judge is located, it is necessary that a request for such an assignment be made by the senior circuit judge of the circuit to which the district judge is to be assigned, and that it be consented to by the senior circuit judge of the circuit from which the district judge is taken. Third, a practice has grown up not to assign judges away from their home districts except with their own consent, although the statute is silent on this

point. It is proposed now to wipe out these hampering limitations and restrictions. The flexibility provision will apply both to circuit and to district judges. The result will be the establishment of a mobile judicial force, the members of which will be subject to call, at the direction of the Chief Justice, to any place where they can be of assistance in preventing the accumulation of arrears and in keeping the business of the court in a current condition.

It does not seem desirable, in view of the long time I have held the floor, to discuss at length the provisions of the bill which relate to the prompt appeal and the decision of cases involving the constitutionality of statutes. We all remember that in numerous instances during recent years injunctions have been issued on the ground that a statute is claimed to be unconstitutional, and proceedings under the statute have been abated, sometimes for as long as 3 to 5 years. There are provisions in the substitute which would enable the Government to participate in proceedings involving the constitutionality of Federal statutes, to take prompt appeals from adverse decisions after submitting evidence and argument, or without submitting evidence and argument, so that hereafter, if this substitute becomes the law, the question of the constitutionality of a Federal statute may be promptly, or reasonably promptly, determined.

THREATENED FILIBUSTER

In the conclusion of my remarks today I am prompted to make reference to the subject of a threatened filibuster. It would not seem to me appropriate to do so at this time if it were not for the fact that some of my dear friends who are in the opposition have been quoted in the press as saying that they are determined that the Senate shall never be permitted to register its conclusion on this legislation.

Let me say that the right of full debate is recognized by myself and my associates. There is not the slightest disposition to prevent any Senator from saying what is in his mind and heart on this subject. But I have no patience with and no disposition to submit, further than I have to do so, to an effort to deny any Senators representing their constituencies in this body the opportunity to register their views; and I do not believe that a filibuster will find justification in the conscience and judgment of those who believe in democratic institutions.

As one who is charged with some responsibility in this service, I hope that the questions at issue will be fairly and fully discussed, as I know they will be; and, when that has been done, that those who are opposed to the legislation will yield without putting the Senate to the embarrassment and inconvenience of staying here long days and long nights in a test of physical endurance. Much as it might surprise the Members of the Senate, I would probably come out of that kind of a test better than those who are in the opposition, at least some of them. I think I could endure it longer than could the Senator from Montana [Mr. WHEELER]. [Laughter.]

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. ROBINSON. Yes; with pleasure.

Mr. WHEELER. I am in very good physical condition. I have been training for it.

Mr. ROBINSON. Oh, yes; the Senator warns me now——

Mr. WHEELER. No; I do not warn the Senator.

Mr. ROBINSON. That he is in training for a filibuster. Very well. Before he gets through, he will not feel so confident as he feels today.

Mr. WHEELER. Let me say, then——

Mr. ROBINSON. I yield.

Mr. WHEELER. I do not feel "cocky" about it; I never have felt "cocky" about it; and I am not threatening the Senator with a filibuster. I say, however, that the amendment in the nature of a substitute which the Senator is proposing has never been heard or considered by any committee of the Senate of the United States, and, in the natural course of events, it will take considerable time to discuss it.

Mr. ROBINSON. Oh, yes; and do not imagine, my dear friend, that I am going to interfere with that freedom which you so much enjoy of discussing it liberally and fully; but I think I will know when you turn from a debater into a filibusterer, and then, as the old saying goes, it will be "dog eat dog." [Laughter.] We will just have to do the best we can. I hope that these remarks about a filibuster will prove to have been unnecessary. What I am saying now is that those of us who think the American people have the right to have their representatives express their view on this proposed legislation can stay here just as long as can those who are opposed to it.

Mr. BURKE. Mr. President, did the American people have any right to express their will on this proposition at the last election?

Mr. ROBINSON. No; they have never voted on it. A great thought is in the profound mind of my good friend from Nebraska prompting that question. Of course, we have never had a referendum on it, and of course, there has been no vote on the question. I might remind the Senator that there is no provision in the Constitution for a referendum on a Federal statute. Did he not know that? Then why in thunder did he ask me that question? Of course he knows that the Federal Constitution does not authorize a referendum of statutes to popular vote.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. ROBINSON. Yes.

Mr. BURKE. It is not at all necessary for the Senator to shy away from the question that I presented.

Mr. ROBINSON. Oh, no; bless your heart, I am not shying away from anything. [Laughter.]

Mr. BURKE. I made no suggestion about a referendum to the people on this question at all. The Senator from Arkansas stated——

Mr. ROBINSON. I misunderstood the Senator.

Mr. BURKE. That is what I was trying to explain.

Mr. ROBINSON. I am in perfect good faith about it. I thought the Senator asked me if the American people ever voted on this proposed legislation. If I am wrong about it, I will leave it to those who hear me to judge, and if I am wrong I will withdraw my answer.

Mr. BURKE. If the Senator will yield, I will try to set him straight on the matter.

Mr. ROBINSON. Very well; the Senator may take all the time he wants; I have about finished.

Mr. BURKE. I merely desire to ask a question.

Mr. ROBINSON. Very well; what is the question?

Mr. BURKE. Did not the Senator say, in his colloquy with the Senator from Montana, or following it up, that the people of this country have a right to have their will carried out, or something to that effect?

Mr. ROBINSON. Yes.

Mr. BURKE. Then, I asked the Senator the question——

Mr. ROBINSON. No; what I said—the Senator ought not to misquote me either intentionally or carelessly—what I said was that the American people have a right to have their representatives here register or express their opinion on this proposed legislation. I am content when we have had a vote on it to accept the result; but I am not content that my good friends, such as the Senator from Nebraska and others, shall prevent Senators, chosen by the people, expressing their views on this legislation.

Mr. BURKE. The Senator from Arkansas seems to be the only one worrying very much about that at the moment. [Laughter.]

Mr. ROBINSON. Oh, yes; but I know——

Mr. BURKE. The Senator has been reading the newspapers.

Mr. ROBINSON. Yes; I have been reading the newspapers; I have been reading the interviews—the ill-considered, unwise interviews—by my good friend the Senator from Nebraska. If he would talk less and do more, my judgment is we would have a shortening of the debate.

Mr. BURKE. I should like to go back to the question. The Senator has restated what he said, and correctly. The question I asked the Senator was whether the voters of this country at the last election had an opportunity not to vote on the measure itself but in their choice of Senators or

Members of the other House to express their views on this type of legislation?

Mr. ROBINSON. I have answered the Senator.

Mr. BURKE. Was there anything in the Democratic platform about it?

Mr. ROBINSON. There was no issue, so far as I know——

Mr. BURKE. No.

Mr. ROBINSON. In the last election on the subject except such as may be implied from the general principles of the platform. The Senator is entirely welcome to that. But the point I am making is that this is supposed to be a representative government, in which, after maturing opinions, the Members of the legislative body shall be given the opportunity to pass upon legislation presented for their consideration.

I will conclude with the declaration that to me it is an indisputable evidence of certain failure anticipated by the opponents of this bill when they start out by saying they will not permit a vote on the subject.

Mr. BURKE. Mr. President, will the Senator permit one more question?

Mr. ROBINSON. No. I am talking now; give me a little of my own time. If the opponents of the bill had the votes to defeat us, they would take the vote tomorrow. Do you not all know you would?

Mr. WHEELER. Mr. President——

Mr. ROBINSON. Oh, yes; do not answer or you will discredit yourselves; you know you have not the votes, and, therefore, you are starting out with a threatened filibuster.

Mr. BURKE. Would the Senator like to vote on the original bill tomorrow?

Mr. ROBINSON. No; I am not going to take a vote on the original bill at all.

Mr. WHEELER. Of course not; and the reason why you are not going to take a vote on the original bill is that——

Mr. ROBINSON. We do not have the votes to pass it. [Laughter.]

Mr. WHEELER. You do not have the votes to pass it.

Mr. ROBINSON. But we have the votes to pass the amendment in the nature of a substitute; and now you are standing around here talking about a filibuster, which is admission of the fact that you are "licked" to start with.

Mr. WHEELER. No.

Mr. ROBINSON. All right. These things have to come to an end.

Mr. BURKE. Mr. President, will the Senator yield to another question?

Mr. ROBINSON. I yield.

Mr. BURKE. Was it not the Senator from Arkansas who at the opening of the present session declared that the program of the session would be to work out a constitutional amendment on the question of the power of the Congress in connection with this matter and submit it to the people?

Mr. ROBINSON. I did; yes.

Mr. ASHURST. I think the Senator is thinking of the Senator from Arizona.

Mr. ROBINSON. No. I did say that. I thought the Constitution could be amended so as to make certain and definite the power in the Congress to deal with some of the subjects involved in legislation that was being held unconstitutional. I was certain then that some of the decisions were wrong, but I did not know that the Supreme Court itself was going to about face and correct by interpretations what some of us were insisting should be corrected by constitutional amendment. The recent decisions of the Supreme Court, say what you please, have justified the contention that, for the most part questions of interpretation were involved rather than questions of constitutionality, for the Court itself has corrected its errors and has admitted that for 17 years by decisions acts of the Congress were nullified that ought never to have been nullified but ought to have been sustained from the beginning. The Senator from Nebraska is welcome to any consolation or enjoyment he may get out of that condition.

Mr. BARKLEY and Mr. BURKE addressed the Chair.

Mr. ROBINSON. I yield to the Senator from Kentucky.

Mr. BARKLEY. My recollection is——

Mr. BURKE. Will the Senator from Kentucky yield for a moment so that I may finish my question?

Mr. BARKLEY. Yes; I did not know the Senator had not concluded.

Mr. BURKE. I appreciate the Senator's yielding to me. Does the Senator from Arkansas still believe, as he did at the opening of the session, that a constitutional amendment is necessary, or has the change in the attitude of the Court altered his opinion?

Mr. ROBINSON. No. I believe that every provision of the proposed substitute which I assisted in preparing, and to which I have committed myself as forcibly as I am able to do anything, is constitutional, and that for the purposes sought to be accomplished under this bill no constitutional amendment is necessary. I will say, however, that if an opportunity presents itself for an amendment providing for compulsory retirement at the age of 75 I would not be averse to it.

Mr. President, I am very grateful for the very close attention which has been given me by my colleagues and by those who are present on this occasion.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield.

Mr. BARKLEY. I merely wanted to suggest that it is my recollection that what the Senator from Arkansas said at the beginning of the session about a constitutional amendment had to do with an amendment to clarify and strengthen the power of Congress in matters of legislation, and did not deal with any legislation pertaining itself to the Court.

Mr. ROBINSON. That is true.

Mr. BURKE. Mr. President, just one more question. Does the Senator from Arkansas, then, consider that the proposed substitute, in the preparation of which he collaborated, is a substitute for a constitutional amendment?

Mr. ROBINSON. No; the Senator from Nebraska knows better than to ask me, as one lawyer to another, a question like that. A constitutional amendment would change the Constitution; it would prevent service on the part of a Justice beyond the period fixed by the amendment. The proposed legislation would not do that; it does not seek to do it. It merely authorizes the appointment of additional Justices in cases where Justices are serving beyond the age of 75.

Mr. BURKE. I am not referring to that kind of a constitutional amendment, and that was not the kind the Senator from Arkansas referred to at the opening of the session.

Mr. ROBINSON. How many constitutional amendments has the Senator from Nebraska proposed since this debate began?

Mr. BURKE. Two or three.

Mr. ROBINSON. Does not the Senator know how many?

Mr. BURKE. I do not know.

Mr. ROBINSON. My God, does not the Senator know how many constitutional amendments he has proposed? Is he so indifferent on the subject that he actually cannot count and tell the Senate how many proposals he has made for amending the Constitution? Apparently his mind is in a state of flux on the subject and he did not know and does not know now what to do.

Mr. BURKE. I neither know nor care as to the number, but I should like to ask a question about the constitutional amendment which the Senator from Arkansas had in mind at the beginning of the session. Has he never gotten to the point of introducing it?

Mr. ROBINSON. I have never offered one. There are 50 pending, and I have never been able to find two Senators in favor of any one of them. Each Senator is in favor of his own constitutional amendment. [Laughter.]

Mr. President, I had concluded what I have to say on this occasion. I have not the slightest doubt my good friend from Nebraska will have opportunity and take occasion to express his views on this very important question.

Mr. BURKE. Mr. President, I should like to ask the Senator another question.

Mr. ROBINSON. No; I am through.

Mr. BURKE. No more questions?

Mr. ROBINSON. No more questions today. The Senator may reserve them until next week. Good-bye. [Laughter.]

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H. R. 2901. An act to extend the benefits of the Civil Service Retirement Act of May 29, 1930, as amended, to certain employees in the legislative and judicial branches of the Government;

H. R. 6287. An act to amend Public Act No. 467, Seventy-third Congress, entitled "Federal Credit Union Act"; and

H. R. 6737. An act to amend the stamp provisions of the Bottling in Bond Act.

REORGANIZATION OF FEDERAL JUDICIARY

The Senate resumed the consideration of the bill (S. 1392) to reorganize the judicial branch of the Government.

Mr. HATCH. Mr. President, before we proceed to a consideration of the amendment in the nature of a substitute, I wish to submit a word or two about the original bill and my own views in connection with that measure which was sent to the Senate last February. I think members of the committee know full well what are my views as to that bill.

I am not in accord with some of the views which have been expressed here this morning. It has been my thought that the powers of the Congress relating to the Supreme Court are only implied powers. Nowhere in the Constitution will be found any express grant of authority to the Congress to prescribe the size of the Supreme Court or the number of justices who shall compose it; but when the Constitution authorized the creation of the Supreme Court it was necessarily implied that Congress should have all the power required to set up the Court in such manner and to such extent as that it might exercise the judicial power conferred upon the Court by the Constitution. I agree that is the limit of the power that Congress has; that our efforts must be confined to giving the Court such machinery as may be necessary for it to carry out the judicial powers conferred.

Mr. President, I am in agreement with much that has been said here today about the usurpation of legislative power by the judicial branch of the Government. I believe that the courts of the land throughout a long period of our history have constantly usurped legislative powers and have rendered policy-making decisions, which is something the courts have no right to do. I concede that to be true, and I concede that the Supreme Court has gone further than that. Not only has the Court, in my opinion, invaded the legislative power but in instances it has amended the Constitution of the United States. The Supreme Court of the Nation has usurped the powers reserved to the people of America. I believe that to be the fact.

However, notwithstanding these things, I have believed that Congress was limited in its authority and that judicial usurpation of congressional power was not cured by congressional usurpation of judicial power. That has been my absolute, fundamental objection to the original bill which was sent to us, because I believed that by authorizing the appointment of new Justices in such numbers as that they could be used to control and direct judicial opinion, we would encroach upon judicial power and exercise a power not conferred upon us by the Constitution.

Therefore, Mr. President, I joined the majority of the Judiciary Committee in recommending that the bill should not pass as it was originally drawn, and I believe today just as I voted in the committee on that question.

As to the committee report which was filed in the Senate and in which I concurred and made my own special recommendations, much has been said throughout the country which I do not believe is justified by the report made nor by the intention of the majority of the committee. That of which I speak now is best illustrated by letters which have come to me from over the country generally, complimenting me for signing the majority report. Several of them have contained these exact words: "Now is the time to humiliate the President." "Now is the time to beat Franklin D. Roosevelt."

I want to say here in the opening of this debate that it has never been my intention to humiliate the President of the United States and it has never been my desire to "beat Franklin D. Roosevelt." I am sure when I speak these sentiments I express the sentiments of the majority of the Judiciary Committee which submitted the report.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Wyoming?

Mr. HATCH. Certainly.

Mr. O'MAHONEY. The Senator from New Mexico was present at every meeting of the so-called majority of the Committee on the Judiciary which submitted the adverse report now before the Senate. The Senator from New Mexico participated in every conference. I am sure the statement he has now made is absolutely accurate. There was no intention upon the part of any member of the majority, no matter what his political affiliation may have been, to cast any personal reflection upon the President of the United States, and there never was the slightest intention in any such conference of any such purpose.

The report was purely objective. There is not a derogatory adjective in the report. I am sure the Senator from New Mexico and no other Member of the body would have signed the report had it been in any degree an attack upon the President.

Does the Senator agree with that statement?

Mr. HATCH. I agree entirely with that statement.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER (Mr. MINTON in the chair). Does the Senator from New Mexico yield to the Senator from Montana?

Mr. HATCH. I yield.

Mr. WHEELER. I am glad the Senator from Wyoming made that statement. I noticed in the press the other day a statement that conservative Members of the Democratic Party wanted to destroy the Democratic Party and in effect humiliate the President. I hardly think I would be classified as one of the conservative Members of the Senate. Until the time of the introduction of the Court bill I had always been looked upon as the radical Member of the Senate, or at least one of its radical Members.

I have sat in every conference that has been held by the opposition in the Senate to the pending Court bill. Never once have I heard expressed the slightest intimation that anyone who is opposed to the bill wanted to do anything in the way of humiliating the President of the United States.

I can say to the Senator from New Mexico that I think that up until the time the bill came on the floor of the Senate I was nearly as close to the President as was any other Member of the Senate, and as was the Senator from Wyoming [Mr. O'MAHONEY]. I would be one of the last men in the Senate, as I know the Senator from Wyoming [Mr. O'MAHONEY] would be, as I know the Senator from New Mexico [Mr. HATCH] would be, as I know the Senator from Nevada [Mr. MCCARRAN] would be, as well as every other Member of the Senate on the Democratic side of the Chamber—and probably on the Republican side of the Chamber—to do anything to seek to humiliate the President of the United States, whether he was Franklin D. Roosevelt or whether he was somebody else. Particularly I would not want to do anything to humiliate the President. No one on this side of the Chamber, so far as I know, wants to do anything to split the Democratic Party. All of this talk about it is sheer nonsense, in my judgment.

Mr. O'MAHONEY and Mr. LOGAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Mexico yield; and if so, to whom?

Mr. HATCH. I will yield first to the Senator from Wyoming, and then I shall be glad to yield to the Senator from Kentucky.

Mr. O'MAHONEY. Mr. President, I may add to what I have already said, that it is perfectly obvious to me that since there was no response of any kind or character to the report of the committee from any Member of the Senate, whether in the Judiciary Committee or out of the Judiciary Committee, or from any other person, the effort is now being made to make it appear to the country that that report was a personal attack. It is an old device. When you are unable to answer a question or to meet an issue, change the subject.

Every single suggestion that this report constituted an attack upon the President of the United States comes from those who were unwilling to meet the arguments in the report on the material phases of the bill; and the fact that the proponents of the bill come here absolutely deserting the measure as originally proposed is a sufficient declaration that the report was a purely objective report, and not a personal one. If it had been otherwise there would have been a minority report.

Mr. LOGAN. Mr. President——

Mr. HATCH. I yield to the Senator from Kentucky.

Mr. LOGAN. While I do not wish to interrupt the Senator at this time, I hope tomorrow to express my views about the bill. So far as I know, no other Member of the Senate or any one else has said that the majority report of the committee was an attack upon the present administration. I myself said it, and I stick to it, and shall defend that position before the Senate and the country; but I do desire to ask the Senator from New Mexico a question. Whether it was so intended or not, is not that the way the report is accepted throughout the country—as an attack upon the President of the United States?

Mr. HATCH. I will say in reply to the Senator from Kentucky that that is what gave rise to my remarks just now. I have received such letters, charging that we did seek to humiliate the President, and did seek to beat him down; and, more than that, I have letters in my files saying, "Follow that report by impeachment of the President of the United States."

Mr. LOGAN. I may say to the Senator that I had a dozen letters of that kind today, saying that the majority report ought to be used as the basis of an impeachment of the President of the United States. I did not make that report. I shall discuss that report, and I shall answer its arguments, as suggested by the Senator from Wyoming, because it is made up of hypocritical paragraphs of pointless piffle and nothing else; and those who wrote it knew that its arguments were wholly fallacious, and that its conclusions were absolutely false.

Mr. O'MAHONEY. Mr. President, I suggest that the Senator from Kentucky file a formal argument in support of that conclusion.

Mr. LOGAN. I shall do that in a speech which I hope to make tomorrow.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. HATCH. I yield to the Senator from Montana.

Mr. WHEELER. Of course, there are persons in this country who are opposed to the President of the United States; but let me call attention to the fact that when the utility bill was before the Senate a year or two years ago various persons wrote to me and wrote to other Senators who were supporting the bill, suggesting that the Senators ought to be impeached because they were supporting the bill. I never in my life received such vicious letters from anybody as I received during that debate; but anyone who takes seriously such fanatical, crazy letters, whether they come from the power interests or whether they come from anybody else, it seems to me has not much place in a legislative body. In connection with every piece of legislation that comes before us where people are stirred up, either from their economic viewpoint or from their political standpoint or from their moral or religious standpoint. we are bound to get letters of that kind from such persons; but we ought to ignore them.

I agree with the Senator from Wyoming, however, that those who are saying that in the Senate, and whispering it around, are seeking to draw a red herring across the trail. I agree entirely with the statement of the Senator from Wyoming that it was the most unusual thing that has happened in the Senate since I have been here for the proponents of a bill to refuse and neglect to sign their names to a report supporting the bill which they introduced and advocated.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. HATCH. I yield to the Senator from Nebraska.

Mr. BURKE. Since the Senator from New Mexico joined the majority of the Senate Committee on the Judiciary in recommending that this bill do not pass, has he not received letters suggesting—even demanding—that he resign his seat in the United States Senate?

Mr. HATCH. Yes; along with the Senator from Nebraska, I had a letter from his State in which it was requested, first, that the Senator from Nebraska resign, and then that I follow suit by resigning with him.

Mr. BURKE. I have had many of them.

Mr. HATCH. I have had several letters to that effect. The thing I wanted to bring out and to make clear to the Senate of the United States, however, was that the majority of the Senate Judiciary Committee was making no personal attack on the President of the United States; and, so far as I myself am concerned, I desire to make it clear that never at any time have I doubted the purposes or the high patriotic motives of President Franklin D. Roosevelt.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. O'MAHONEY. May I ask the Senator to add to that the statement that he has never for a moment doubted the purposes and the motives of the members of the Judiciary Committee who joined with him in submitting this report?

Mr. HATCH. I am delighted to make that addition, because I think it is fully true of all the members of the committee; and I do not wish to see this debate, today or in the weeks to follow, pitched on any personal grounds against any person. I had my objections to the original bill and I voiced those objections by my vote in the committee after the amendments which I had previously suggested had been defeated. I now approve the pending amendment, and I trust that I may have the opportunity to voice my approval of the amendment by my vote in the Senate, and that I shall not be deprived of that opportunity by those who now oppose the amended bill.

Mr. President, at the very beginning of this controversy, almost when the bill——

Mr. MINTON. Mr. President, before the Senator enters upon a discussion of the amendment, may I interrupt him?

The PRESIDING OFFICER (Mr. POPE in the chair). Does the Senator from New Mexico yield to the Senator from Indiana?

Mr. HATCH. I yield.

Mr. MINTON. The Senator from Montana [Mr. WHEELER] pointed out that it was an unusual situation that the minority of the committee had not filed any report. I do not know whether or not what I read in the papers is true, but it certainly could not be any more unusual than that the majority of the committee should go outside the committee to find someone to lead the fight on the floor of the Senate for the majority report.

Mr. HATCH. Mr. President, as I was saying, when the bill originally came before us, I had faith in the President of the United States; and when in his message he stated certain facts and circumstances, I did not look at his statements with suspicion and distrust. I chose to accept what the President of the United States said, and when he pointed out the necessity for adopting some systematic and orderly plan for adding younger men to the courts of the country in order that the courts might better exercise their judicial powers and functions, I chose to accept at face value what the President of the United States said, though I did not

agree with the plan he suggested, because, first of all, it did not carry out the ideas contained in the message.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. HATCH. Yes.

Mr. WHEELER. The distinguished Senator from Indiana [Mr. MINTON] just made some reference to me that I did not catch—my attention was distracted for the moment—about the Judiciary Committee selecting somebody who was not a member of the committee to lead the fight on the floor of the Senate. I desire to call the Senator's attention, however, to the fact that during the debate a few minutes ago the distinguished leader of the Democratic Party refused to let the Senator from Indiana take the floor away from him and make his speech. The Senator from Arkansas decided that he would make his own speech. Of course, I do not blame him in the slightest degree for doing so.

Mr. MINTON. Mr. President, I may be a little bit dense, but I do not know who took the ball away from whom. [Laughter.]

Mr. WHEELER. The Senator from Indiana tried to take the ball away from the Senator from Arkansas, but the Senator from Arkansas refused to let him do so.

Mr. MINTON. Oh, no; far be it from me to try to take the ball from the Senator from Arkansas or the Senator from Montana, least of all the Senator from Montana.

Mr. HATCH. Mr. President, I thought I was discussing something about the addition of younger blood to the Court. I did not know I had gotten into a football game.

I desire to read the part of the message of the President to which I have referred. The President's message of February 5 contained this language:

> Life tenure of judges, assured by the Constitution, was designed to place the courts beyond temptations or influences which might impair their judgments; it was not intended to create a static judiciary. A constant and systematic addition of younger blood will vitalize the courts and better equip them to recognize and apply the essential concepts of justice in the light of the needs and the facts of an ever-changing world.

Mr. President, those words did not seem to me to be extreme. That seemed to me to be a reasonable statement of a problem and condition which has long afflicted the courts of the United States under the life-tenure clause, a condition which was recognized, not only in the year 1937, but many years ago, and the remedy proposed by the President in his message was exactly the same remedy which was proposed more than a quarter of a century ago.

The Senator from Arkansas this morning read into the RECORD the report of the Attorney General of the United States in the year 1913, the Attorney General then being Mr. McReynolds, now Associate Justice McReynolds, who in 1913 first conceived the plan of appointing an additional judge when the incumbent on the bench had reached the retirment age and had not retired. If there is anything unconstitutional in that plan, if there is any radicalism in it, let Mr. Justice McReynolds bear the brunt of it, for it is his plan and his thought which is now embodied in the pending bill. There has been some talk in the newspapers as to whether or not the present plan was the Hatch plan, or the Logan plan, or the Robinson plan. I say to Senators that if they desire to correctly designate the plan which we are now considering, they may call it the "McReynolds plan."

Mr. WHEELER. Mr. President, I thought it was the Ashurst plan.

Mr. HATCH. That was the original bill, and the Senator from Arizona also joins in supporting the pending amendment. I am quite sure that the Senator from Arizona is following a consistent and steady course of conduct, as I shall prove before I finish. He has been consistent for more than 20 years in supporting the plan for which he stands today.

Let me read again and emphasize the language of Mr. Justice McReynolds. Referring to the judges, he said:

> Some have remained upon the bench long beyond the time when they were capable of adequately discharging their duties, and in consequence the administration of justice has suffered.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. WHEELER. I am surprised and amazed to find the Senator from New Mexico following the lead of Justice McReynolds. I never thought I would live to see the day when the Senator from New Mexico and the liberal leader from Kentucky, who stepped out a moment ago, would be following Mr. Justice McReynolds.

Mr. HATCH. If the Senator from Montana is surprised at the so-called liberal leader from Kentucky and the present speaker following in the footsteps of Mr. Justice McReynolds, how does the Senator from Montana think we feel when we see some of the company and associates with whom he is now consorting?

Mr. WHEELER. I do not know of any more conservative gentleman than the Justice about whom the Senator is speaking and whom he is quoting at the present time. I might say that I refused to follow Mr. Justice McReynolds when he was Attorney General of the United States, and I have refused to follow his views ever since, even upon this Supreme Court issue.

Mr. O'MAHONEY. Mr. President, may I ask a question?

Mr. HATCH. I yield.

Mr. O'MAHONEY. Am I to infer from the statement of the very able Senator from New Mexico that some of those who are alined with the Senator from Montana should now be driven from the Democratic Party? Is that the inference we are to draw?

Mr. HATCH. The Senator from New Mexico has made no such statement; but I will say that some of the associates of those who oppose this plan will not have to be driven from the Democratic Party, because they have never been in the Democratic Party, and have opposed every Democratic measure that has been offered.

Mr. O'MAHONEY. May I interrupt again?

Mr. HATCH. I yield.

Mr. O'MAHONEY. May I point out to the Senator that even if there had not been a Republican vote cast in the Committee on the Judiciary there would not have been a favorable report upon the bill which has now been abandoned? Without the assistance of a single person who never claimed association with the Democratic Party the bill which has now been deserted was repudiated.

Mr. HATCH. I have not sought to bring the political issue into this controversy. In fact, I have sought to avoid it from the very beginning. But if the Senator is interested in the political issue, I have on my desk here references and citations which will show that when other bills of similar nature were presented under Democratic leadership to a Democratic Congress and a Democratic Senate, the opposition to those bills was led by Senators on the opposite side of the Chamber, and the Democrats in those days rallied to the support of the Democratic leadership.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. MINTON. Now, as we see Senators from the other side come over and hover around Senators on this side, are we not reminded of that passage in Scripture to this effect: "And Joab took Amasa by the beard with the right hand to kiss him. But Amasa took no heed to the sword that was in Joab's hand." [Laughter.]

Mr. WHEELER. Mr. President, will the Senator from New Mexico yield?

Mr. HATCH. I yield.

Mr. WHEELER. The Senator from Indiana has not been in the Senate very long, but if he had been a member of this body during the Hoover administration he would have found that some of his colleagues who are with him now were leading the battles for Mr. Hoover, a Republican President, at that time. Not only that, but when we are talking about Republicans I am reminded of the fact that some of the Republicans who are opposed to the pending bill left the Republican Party and came over and supported the present President of the United States. If we are to spurn everyone who is a Republican, let us say so now. The Senator would find that in a great many States there would not be many votes for a Democratic administration if we did not get some Republican votes.

Mr. HATCH. Mr. President, I think the question was directed to the Senator from Indiana. I was trying to collect my thoughts at the moment. If the Senator from Indiana does not desire to reply, I shall continue my observations on the proposed amendment to the bill. Recurring to the recommendations made by Mr. Justice McReynolds, I am in earnest when I say that the present plan was sponsored and originated by the then Attorney General of the United States, the present Associate Justice McReynolds, and in his report on the plan which he sponsored as a cure and as a corrective of the evils attending our judicial system because of the life-tenure clause he recommended that the President of the United States be required—note the word "required"—to appoint for all the courts of the United States inferior to the Supreme Court an additional judge in cases where the incumbent on the bench had reached the age of retirement and had not availed himself of the retirement privilege.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. BURKE. When Attorney General McReynolds made the suggestion which the Senator has quoted, did that follow months of criticism of the Supreme Court because of decisions which they had rendered, so that it could be properly said at that time that the purpose of the suggestion was to add members to the Court in order to secure a different line of decisions?

Mr. HATCH. I do not believe that exact charge was made, but the charge of packing the Court was made in those days, just as it is made today, as I shall presently show. It was said of the measures which were afterward introduced in the Senate and in the House that they were Democratic measures designed—they did not use the word "pack" then—to pad the judiciary.

Mr. BURKE. Mr. President, will the Senator yield again?

Mr. HATCH. I yield.

Mr. BURKE. Is not the Senator willing to say that the two situations were altogether different, that in the one case there was a long-range program, without the Federal judiciary being at the time under particular attack, and a proposal was made to bring some new blood into the Court from time to time, as contrasted with the situation where a bill is now presented following many months of the most acute criticism of decisions of the Supreme Court? So that it must be clear to any man who reads that the purpose even of the substitute is to enlarge the Supreme Court so as to have some effect upon the decisions of the Court?

Mr. HATCH. First, I want to say to the Senator from Nebraska [Mr. BURKE] that he has just asked a question in the same manner that he did in the committee, by starting with a question and answering it himself. I do not resent that, but I should prefer that when the Senator wants to ask himself a question and wants to answer it, he do so in his own time. However, I do want to say to the Senator in frankness and in honesty that I apprehend the very difficulties which the Senator points out in the present proposal, and I say that the only legitimate argument against the pending amendment is the fact that possibly due to its state of mind the public will not be able to recognize the bill for what it really is.

Mr. BURKE. Does not the Senator really think that is a very serious objection to the pending amendment?

Mr. HATCH. It is an objection which shall not deter me from my course, and I will say in that regard to the Senator from Nebraska that he knows, as I know, that the suggestion we now debate and argue I made months and months ago, in the very early part of this year, after the bill came to the Senate. I then pointed out that if the power contained in the so-called President's bill could be limited and restricted in the manner now proposed, so that not more than one Justice could be appointed in 1 year, I believed it would accomplish a permanent and worth-while reform. I was about to divulge a statement made by the Senator from Nebraska in the committee room, which I will not do. Does the Senator object to my saying that even he——

Mr. BURKE. I have not the slightest objection.

Mr. HATCH. Even the Senator from Nebraska saw the merit in the proposal at that time.

Mr. BURKE. Yes; and if I may refer further to what the Senator from New Mexico said, very early after the submission of this proposal on the 5th of February the Senator from New Mexico did point out the very things he has pointed out today, and made it clear in the committee that his support of his amendment extended only to the point where he remained convinced that he would not be a party to a proposal to add members to the Court for the sake of influencing the decisions of the Court, and I went along with the Senator quite a way. I agree fully with the statement that there is merit in the Senator's proposal as a long-range measure. However, I am using the Senator's time again.

Mr. HATCH. That is all right. I was just joking.

Mr. BURKE. I know no reason why we should be very touchy about the matter, as time, all eternity, stretches out in front of us.

As I said, I went along with the Senator up to the point where I became convinced that under the conditions as they now exist, and with what has gone before, we could not give consideration to this long-range measure of the Senator's in safety at this time, although under other circumstances it might be brought up and thoroughly considered.

Mr. HATCH. I appreciate the attitude of the Senator from Nebraska; and I feel quite confident that if he and I could get away from the clamor and the din and the noise and the confusion and the criticism and the distrust and the suspicion and all those things, we could work out a statute along the lines we are now trying to work out which would provide a permanent reform.

Where the Senator from Nebraska and I differ is that he is willing to let the noise and the confusion, the suspicion and the distrust, the question of motives and purposes, deter him from enacting what may be just, right, sound, and good legislation. I know that all our motives will be misconstrued, and when we say one thing people will say we mean something else. I realize that all that is true. I said early last spring, however, that this plan was a good plan. I said it then in opposition to the President of the United States, and to limit his power and authority. If it was a good plan then, when I thought and everyone else thought there was a substantial majority for the President's plan, it is good now, when the situation has changed, and there is a majority against the plan.

So I stand today where I stood in the early part of the year and in the committee. I shall not let the noise and the confusion and the criticism and the distrust and the suspicion deter me from doing what I believe to be right and sound and good.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. WHEELER. Eliminating President Roosevelt from the consideration of this particular question, does the Senator think any President should be given the discretion—because that is what this bill gives him—to say, with respect to two men upon the Supreme Court, 75 years of age, or five men of that age, "I do not like the way your decisions are going; consequently"——

Mr. HATCH. The Senator from Montana knows I do not agree to that.

Mr. WHEELER. Let me finish my question.

Mr. HATCH. All right.

Mr. WHEELER. Does the Senator think the President should be given the right to say, "I do not like the way you are acting on the Supreme Court. I can appoint a man in your place; consequently, I will appoint a man in your place"? Or let us suppose he likes the decisions of another Justice. Does the Senator believe the President should be able to say, "I like your decisions, and, therefore, I will not appoint a man in your place, even though you are 75 years of age"?

Does the Senator believe that ought to be permitted by any legislation?

Mr. HATCH. No, sir; not at all.

Mr. WHEELER. Does not the Senator's plan do just that?

Mr. HATCH. No.

Mr. WHEELER. I beg to differ with the Senator in that respect. The Senator will find that instead of the plan being mandatory, the President is granted permission to name one man to the Court today, and another man to the Court tomorrow. He does not have to do it, even though Justices on the bench may be over 75 years of age.

Mr. HATCH. If that is true, Mr. President, it is an error in draftsmanship; and if the Senator from Montana will propose an amendment to make it mandatory and compulsory, I will vote for it. I will not vote to give the President of the United States discretionary power such as is now contained in the statutes of the United States.

Mr. WHEELER. Let me call the Senator's attention to the language of the proposed legislation. It is illustrative of the difficulties of writing legislation on the floor of the Senate:

> The Supreme Court of the United States shall consist of a Chief Justice and eight Associate Justices, any six of whom shall constitute a quorum: *Provided, however,* The number of Justices may be increased by the appointment of an additional Justice in the manner now provided for the appointment of Justices, for each Justice, including the Chief Justice, who at the time of the nomination has reached the age of 75 years.

Mr. HATCH. That is a matter of judicial interpretation and construction.

Mr. WHEELER. Oh, no!

Mr. HATCH. Right now I wish to give my interpretation and construction of the word "may" as used in the provision that has been read. The word "may" should be construed as mandatory, as the Supreme Court of the United States and every other court in the United States has frequently construed the word "may." I mean it to be mandatory, and I want that statement in the RECORD. It is my purpose that it shall be mandatory. If the Senator prefers the word "shall", so far as I am concerned, we will make it "shall."

Mr. WHEELER. Of course when we write the word "may" into a statute, it is ordinarily construed as being permissive, as giving discretionary power. I say, therefore, that under the proposed legislation the President is granted the power to say to one Justice who is over 75 years of age, "I will appoint a man in your place", and to say in the case of another Justice over 75 years of age, "I will not appoint a man in your place."

Mr. HATCH. Let us put the matter in this way, Mr. President: Let us go back to the father of the legislation. Let us take the language of Mr. Justice McReynolds and say, "shall be required."

Mr. WHEELER. I do not want to go back to the father of any legislation who has made such a suggestion as that.

Mr. HATCH. Is there a doubt in the Senator's mind?

Mr. WHEELER. There must be a doubt in the mind of the Senator from New Mexico. He is a good lawyer, and he knows that when the word "may" is used in a statute it is usually regarded as being permissive; but when the rest of the language used in the statute is such that it is clear that the Congress meant "shall", the Court has construed it to mean "shall." I submit, however, that there is nothing in this bill which makes it mandatory in the slightest degree.

Mr. HATCH. Let me say to the Senator from Montana, before we get off the subject, that as concerns the draftsmanship the Senator from New Mexico must confess that his part in drafting this measure was concerned with limiting the appointment of Justices to not more than one in any one calendar year. Those were the words on which I insisted; and it was my intention and my understanding that the bill required the appointment to be made. If it does not require it, then, as the Senator from Nebraska pointed out, with eternity as the limit, we shall have ample opportunity to write in just as strong language as the Senator from Montana may desire or I may desire.

Mr. WHEELER. But in the first Court bill which came to the Senate, and which the Senator from New Mexico rejected, language was contained which was just as offensive. In this amendment, as a matter of fact, is contained the permissive feature, so that the President can say to one Justice who is over 75, "I shall appoint an additional Justice because you are over 75", and to another Justice on the bench he may say, "I shall not appoint an additional Justice even though you are over 75 years." Such a provision in the bill is not only offensive but, in my judgment, it likewise makes the legislation unconstitutional.

Mr. HATCH. I have some very good authority on its constitutionality.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. BURKE. The original bill read as follows on this particular point:

> attained the age of 70 years * * * and within 6 months thereafter has neither resigned nor retired, the President, for each such judge who has not so resigned or retired, shall nominate—

And then along comes an amendment to the bill which says:

> may nominate.

In view of that fact, is there any doubt in the Senator's mind that a court, if the matter ever reached the court, would say that the word "may" in this case is clearly permissive?

Mr. HATCH. It is a doubt about which I am not at all worried, because, as I have said, if there is any question about it, let us settle it by the necessary correction. So far as I am concerned, it should be mandatory; I think everyone agrees it should be mandatory; everyone connected with the administration, so far as I know, agrees it should be mandatory; and there is no difference or dispute between us on that point.

Mr. WHEELER. We suggest that the Senator perfect it.

Mr. HATCH. I will be glad to do so.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Kentucky?

Mr. HATCH. I will yield in a moment.

I should like to say that I am sort of a free lance here and I speak for no one but myself. I now yield to the Senator from Kentucky.

Mr. BARKLEY. Aside from the question of the use of the word "may" or the word "shall", as I understand the bill, it does not require the President to designate any particular judge over 75 for whom he may appoint a substitute.

Mr. HATCH. That is correct.

Mr. BARKLEY. If there is one such Justice, he may appoint an additional Justice in any year; if there are two, three, four, or five such Justices, he may appoint only one.

Mr. HATCH. Yes; in any particular year, and he is not required to say on whose account the appointment of the additional Justice is made.

Mr. BARKLEY. That is a very important point.

Mr. O'MAHONEY. Mr. President, may I interrupt at that point?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Wyoming?

Mr. HATCH. I yield.

Mr. O'MAHONEY. I apologize to the Senator from New Mexico, but the suggestion made by the Senator from Kentucky amazes me. If it is essential there should be one Justice appointed for any Justice who is 75 years of age, and there happened to be four or five who had reached 75 years of age, why should there not be one appointed for each of them? Why have one and only one when there are four or five over the age limit?

Mr. BARKLEY. That was the very provision in the bill originally introduced to which the Senator from Wyoming objected.

Mr. O'MAHONEY. And that is the provision that the proponents of the bill have abandoned. They have abandoned that, and now come in with a puny provision for the appointment of but one additional Justice.

Mr. BARKLEY. The statement was made here awhile ago by the Senator from Montana that the President, under

the discretion given him, had to choose for which Justice the new appointee was a substitute. My suggestion is that, regardless of the number of the Justices who are 75 years of age, and who are eligible for retirement, the President may appoint only one in any year, and he is not required to designate any one of the Justices for whom he is making the appointment. He makes the appointment and the appointee takes his place on the Supreme Court like any of the other Justices.

Mr. WHEELER. Of course that is true.

Mr. SCHWELLENBACH. Mr. President——

The PRESIDING OFFICER. Will the Senator from Montana please obtain permission before interrupting the Senator having the floor. Does the Senator from New Mexico yield; and if so, to whom?

Mr. HATCH. I yield first to the Senator from Montana, after which I will yield to the Senator from Washington.

Mr. WHEELER. This is not merely temporary legislation; it is permanent legislation. Assuming that only one Justice of the Court this year is 75 years of age, and the President of the United States, under this bill, says, "I do not have to appoint a Justice to your place", and next year there is another Justice who reaches the age of 75, and the President says, "I am going to appoint a new Justice this year", what is the implication? When the second Justice becomes 75 the President is going to appoint a Justice to take his place, but he does not appoint a Justice to take the first Justice's place. Under those circumstances, one cannot come to any other conclusion than that it would be humiliating in the greatest degree, and I assume that the Senator from New Mexico does not want to humiliate any Justice who sits upon the Supreme Bench of the United States.

Mr. HATCH. I will endeavor to make myself clear on that point, if I may be allowed to occupy the floor.

Mr. WHEELER. Take Mr. Justice Brandeis, who has served this country and the liberal cause for 50 years, who is one of the greatest liberals in this country, a liberal a long time before some of the officeholding pseudo-liberals who are now hanging onto the coattails of the President of the United States were; does the Senator from New Mexico want to humiliate him by saying to him, "Because you are 80 years of age there is going to be appointed a wet nurse for you?"

Mr. HATCH. The Senator from New Mexico has no idea of appointing a "wet nurse" for Mr. Justice Brandeis or any other Justice of the Supreme Court and he has no idea of humiliating any member of any court.

I wish to say to the Senator from Montana that the argument he has just made as to humiliating judges is not new at all. It was raised in 1915, in 1916, and in 1918 in the House of Representatives and the Senate in connection with measures which were then being considered and which were afterward enacted into law. The old cry of humiliation was raised then just as it is being raised now; and if I can get the opportunity, I will read to the Senate some of the things that were then said.

The reason, however, I like this plan better than the other plan is that it recognizes a fact that is as old as the human race, that with passing years the average man does decline and decay physically and mentally. That is the general rule. But the plan also recognizes that there are exceptions to the rule; that there are men such as the late Justice Holmes and Justice Brandeis and other noted examples in the judicial branch of the Government and in our own body today, who have retained their vigor, who have retained their strength of intellect. This plan takes care of such situations. If an old Justice, following the natural law, has declined and decayed mentally and physically, surely the Senator from Montana and no other Member of this body would say that such a Justice should have power over the vast litigation that comes before the Supreme Court, and that the Government of the United States should suffer by reason of such a condition, as the history of the country shows it has suffered by reason of such men being on the bench.

The amendment now proposed, however, also recognizes the other Justices whom the Senator from Montana has mentioned, and it says to them, "We appreciate your services; we appreciate your intellect; and just so long as you are willing to remain on the Supreme Court of the United States and to give to the country the benefit of your wisdom and your experience, under this plan you may remain." I say to the Senator from Montana that, to my mind, is the finest thing about the plan.

Mr. BORAH and Mr. MINTON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Mexico yield; and if so, to whom?

Mr. HATCH. I promised to yield to the Senator from Washington, but I yield now to the Senator from Indiana.

Mr. MINTON. I think the Senator from Idaho rose before I did.

The PRESIDING OFFICER. To whom does the Senator from New Mexico yield?

Mr. HATCH. I yield to the Senator from Idaho.

Mr. BORAH. I have been associated with the Senator from New Mexico on the Judiciary Committee in working out these measures. While there is a difference of opinion as between the Senator from New Mexico and myself on some of these matters, I have to say that no one has worked more earnestly and sincerely to perfect a plan than has the Senator from New Mexico. I think he has been entirely free from any other purpose than to bring about a practicable plan.

I wish to ask the Senator, in view of the statement which he has just made, whether or not this bill takes care of this situation which he has just described? Suppose there is upon the Supreme Court Bench a Justice who, confessedly, has reached the point where he is not able to discharge his duty, a Justice who is 75 or 76 years of age, and suppose there is another Justice on the Supreme Court Bench who is 76 or 77, and who is a very capable man. By what process, under the terms of this bill, would it be possible to get the incapable Justice off the bench and enable the capable man to remain on the bench?

Mr. HATCH. Of course, the Senator from Idaho knows that we cannot do that under the Constitution. There is no method by legislative action by which the retirement of a Justice can be compelled. Compulsory retirement, perhaps, would answer the Senator's question. The proposed substitute, of itself, does not provide a complete remedy. That is a defect. We can only safeguard our institutions, of course, as best we can, and in the proposed substitute we are safeguarding them by providing for the appointment of an additional judge when an aged Justice has reached the prescribed age. It is not a complete answer to the situation presented by the Senator from Idaho, but it is the best we can do.

Mr. BORAH. For practical purposes it might leave on the bench a Justice who was subject to all the objections which may now exist; it might leave on the bench men whom we think have reached a point when they should retire.

Mr. HATCH. This plan would have the advantage, when it eventually works out, of insuring that the entire Court shall finally reach a membership composed of nine Justices under the age of 75. That is the best we can do, in view of the Constitution.

The situation which the question of the Senator from Idaho suggests has arisen before in the history of the country, and we have found ourselves absolutely powerless to act or correct it. Had there been in the law such a provision as the substitute amendment proposes—and I am sure we are thinking of the same incident—it could have been corrected. We have had two different occasions in the history of the country when if some such law as is now proposed had been on the statute books the cruel humiliation of two Justices of the Supreme Court would have been avoided, and they would have been spared the shame which came to them.

Mr. STEIWER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Oregon?

Mr. HATCH. I yield.

Mr. STEIWER. Did I correctly understand the Senator from New Mexico to say that under the terms of the substitute the time would finally be reached when there would be but nine members upon the Supreme Court?

Mr. HATCH. That is the direction toward which the substitute is intended to go, and I think eventually it would reach that point. That is its purpose, to keep always a court of nine members under 75 years of age. There could be other members in excess of that age.

Mr. STEIWER. I understood the Senator to say the time would be reached when there would be but nine members upon the Court. I now understand him to say he hopes that time will be reached.

Mr. HATCH. The Senator knows full well why I say that. We do not know what Justice will die nor what the age of the Justice would be who would be appointed, nor with what mathematical certainty it could be worked out. The proposal, however, tends to bring about the result I have indicated, and I believe eventually it will do so.

Mr. STEIWER. Is it not a possibility, if not a probability, that the four members of the Court who are now more than 75 years of age would refrain from retiring, resulting in the appointment of four younger men under the proposed substitute?

Mr. HATCH. Yes.

Mr. STEIWER. Suppose by the time all the older Justices die or retire or resign the other members of the Court, as the Court is now constituted, should have reached the age of 75. In that event, other additional Justices would have been appointed.

Mr. HATCH. Provided they had lived and had not resigned or retired.

Mr. STEIWER. How long would that process continue until we would finally reach a membership of nine Justices on the Court?

Mr. HATCH. In order to answer the question of the Senator with mathematical certainty, I should have to inquire of some of the experts in the departments who have made some remarkable calculations, because we have to take into consideration factors which none of us can foresee.

Mr. STEIWER. I quite agree with that.

Mr. HATCH. We do not know what Justice will live or what Justice will probably retire. We do not know who will be appointed, nor the age of the man to be appointed. The only thing we can do is to legislate in the best possible manner we can to reach and attain the desired results.

Mr. STEIWER. I know the Senator will be ready to concede that under some circumstances many years might elapse before the Court would reach a membership of nine.

Mr. HATCH. That could be so.

Mr. STEIWER. May I ask the Senator another question on the same point? I ask it because he is one of the authors of the proposal.

Mr. HATCH. Just one part of it, one line.

Mr. STEIWER. I notice in the substitute it is provided that the number of appointments to the Court shall not increase the total number of Justices "by more than two-thirds of the permanent membership of the Court." Can the Senator enlighten me as to what is meant by the phrase "permanent membership of the Court"?

Mr. HATCH. That means the whole Court, the nine Justices, and any additional Justices who may have been appointed. Two-thirds of the present Court would be 6, which would make a maximum of 15.

Mr. STEIWER. If "permanent membership of the Court" means nine——

Mr. HATCH. The permanent membership of the Court is nine members.

Mr. STEIWER. What makes it so in the proposed substitute?

Mr. HATCH. The language of the substitute itself. The language is "the Supreme Court of the United States shall consist of one Chief Justice and eight Associate Justices." That is the permanent Court.

Mr. BURKE. The other appointments are temporary?

Mr. HATCH. Yes. I struck out the word "temporary." Originally it was included, but I did not like the word "temporary" as applied to a Justice of the Supreme Court. He is in no sense temporary. He is just as much a Justice of the Supreme Court as any other member of the Court. The size of the Court is temporarily increased by the appointment of additional Justices. Perhaps that would be the better way to express it.

Mr. STEIWER. I do not want to be critical of the form of the proposal, but I think more appropriate language could be used to define the permanent as distinguished from the temporary membership of the Court.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. BURKE. The new judges to be appointed would be neither temporary nor permanent.

Mr. HATCH. Oh, no; that is hardly fair. The Senator from Nebraska is placing an interpretation on my remarks, which is not borne out by what I said. I told the Senator from Nebraska that the Court would consist of nine members, one Chief Justice and eight Associate Justices, and such additional members as might be appointed under the provisions of the bill, but that each one of those Justices so appointed would be a permanent Justice of the Supreme Court of the United States and have all the power, all the honor, and all the dignity coming to any other Justice.

Mr. BURKE. If they are permanent members of the Court, I am afraid the Senator is in difficulty on the other point raised by the Senator from Oregon [Mr. STEIWER].

Mr. HATCH. I am not in difficulty at all. On this point there is but one thing in the bill. That is the final objective, the establishment of a permanent long-range program, and there is no use to quibble over "permanent" or "temporary" matters. We all understand perfectly what the amendment means.

Mr. BURKE. To what number does the "two-thirds" refer?

Mr. HATCH. Two-thirds of nine. Two-thirds of nine is six. Six plus nine is fifteen.

Mr. BURKE. But the Senator does not say "two-thirds of nine." He says "two-thirds of the permanent Court."

Mr. HATCH. If the Senator has difficulty in understanding me, it is just my lack of facility in expressing myself in ordinary language.

Mr. BURKE. I do have difficulty in understanding the Senator. May I ask the Senator another question?

Mr. HATCH. I am still glad to yield to my good friend the Senator from Nebraska who now, I think, perceives a chance to answer his own question.

Mr. BURKE. I shall answer it if the Senator from New Mexico is unable to do so. Was the junior Senator from Kentucky [Mr. LOGAN] correct when he stated a few moments ago that in making the additions, permanent or temporary or whatever they are, whatever number is authorized by the bill, it would be necessary for the appointing power to associate the nominee with any existing justiceship on the Court?

Mr. HATCH. It could happen once, just in one instance. If there was just one Justice over the age of 75, then the appointment would necessarily be for that particular Justice. That is the only situation I could think of where that would apply.

Mr. BURKE. Suppose in the second calendar year there was just that same one Justice still over the age of 75. There being a Justice over the age of 75 on the Court, would not the appointing power be able to add a second Justice also?

Mr. HATCH. Oh, no; decidedly no.

Mr. BURKE. Then, the Senator from Kentucky was not correct in saying that under no circumstances is the appointment allocated to an existing Justice?

Mr. HATCH. No; he was not making the kind of technical discussion in which the Senator from Nebraska is now indulging.

Mr. SCHWELLENBACH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Washington?

Mr. HATCH. I yield.

Mr. SCHWELLENBACH. At this time I wish to assure the Senator from New Mexico, who seems to be rather worried about the question submitted by the Senator from Nebraska——

Mr. HATCH. The Senator from New Mexico has not been worried by the question at all.

Mr. SCHWELLENBACH. The Senator from Nebraska can both read and add. He knows what "nine and six" means. He knows what "permanent" means. He knows all these things, and it is not because of the fact that he cannot read or cannot add that he is asking this and other silly questions.

Mr. HATCH. In the course of my remarks I have mentioned the fact that the plan which we are now discussing originated with a present Justice of the Supreme Court, Mr. Justice McReynolds. I find some quite interesting history following the submission of that plan and that report.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. MINTON. It seems to me the Senator from New Mexico gives too much attention to Justice McReynolds. In 1869 a bill almost identical in terms as the original plan passed the House, but did not receive the approval of the Senate.

Mr. HATCH. That is correct. Such a bill passed the House in 1869. The reason why I single out Justice McReynolds is because his name is the only one I find in connection with this type of legislation. The first name definitely connected and associated with it was that of Attorney General McReynolds, from Tennessee. I also find that in the following year Attorney General Gregory adopted almost word for word the language used by Attorney General McReynolds, and made exactly the same recommendation in the years 1914, 1915, and 1916.

So, first of all, today we find two prominent Democratic Attorneys General of the United States sponsoring the principle for which we contend today—the principle of requiring the appointment of an additional judge whenever a judge on the bench reaches retirement age and has not retired.

Following that, I find several measures introduced in the Congress of the United States carrying into effect the recommendation of the Attorney General. The first was Senate bill 7041, which was almost in the exact language of the recommendation of the Attorney General, and the Judiciary Committee of the United States Senate at that time, in the year 1915 as I recall, reported that bill favorably to the Senate, and there was no dissent, and no minority report. The bill was not passed, however.

Mr. AUSTIN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Vermont?

Mr. HATCH. I do.

Mr. AUSTIN. I should like to ask the Senator from New Mexico whether he recognizes as true the characterization which we find in the President's message sending down the bill to which this proposed amendment in the nature of a substitute relates? Does he accept, as properly indicating the purpose of those various statutes and those various recommendations of Democratic Attorneys General, the following language, found on page 26 of the printed copy of the report of the majority of the Committee on the Judiciary, to wit:

> The voluntary retirement law of 1869 provided, therefore, only a partial solution. That law, still in force, has not proved effective in inducing aged judges to retire on a pension.

That is my question.

Mr. HATCH. Mr. President, I am sure I should not take unto myself the credit of asking the distinguished Senator from Vermont to listen to my remarks; but, if he had been listening a few minutes ago, I think he would realize that I made myself perfectly clear as to what I thought about compulsory retirement of judges. I do not think we can provide for it, nor do I think we should do so under the Constitution; but, because of that, I see no objection whatever to recognizing the outstanding facts of age, time, and experience, and taking some step to protect the Government and to protect the judiciary itself against aged men remaining too long on the bench.

Mr. AUSTIN. Mr. President, will the Senator yield further?

The PRESIDING OFFICER. Does the Senator from New Mexico further yield to the Senator from Vermont?

Mr. HATCH. I yield.

Mr. AUSTIN. I do not think the Senator understood my question, for I think the language immediately following in the President's message shows that the President regarded all efforts at legislation similar to this bill as efforts to secure the objective of inducing aged judges to retire on pensions. Thus, the next paragraph reads as follows:

Mr. HATCH. May I answer the Senator's question?

Mr. AUSTIN. I have not quite completed my question.

Mr. HATCH. Very well, go ahead.

Mr. AUSTIN. The next paragraph reads as follows:

> This result had been foreseen in the debates when the measure was being considered. It was then proposed that when a judge refused to retired upon reaching the age of 70, an additional judge should be appointed to assist in the work of the Court. The proposal passed the House but was eliminated in the Senate.
>
> With the opening of the twentieth century, and the great increase of population and commerce, and the growth of a more complex type of litigation, similar proposals were introduced in the Congress. To meet the situation, in 1913, 1914, 1915, and 1916, the Attorneys General then in office recommended to the Congress that when a district or a circuit judge failed to retire at the age of 70, an additional judge be appointed in order that the affairs of the Court might be promptly and adequately discharged.

Therefore, although I agree fully with the principle declared by the Senator from New Mexico that the Congress has no power directly to coerce judges directly to retire when they have arrived at a certain age, I also believe that the Congress has no power to coerce them indirectly; and I claim that that is the fundamental defect of this particular bill and the pending amendment to it.

Mr. HATCH. I fully understand the position of the Senator from Vermont, and I repeat that I believe I have made fairly clear my own stand on that subject. I do not believe that by this bill we are asking any judge to retire. The only thing we say in this bill is that when there is on the Supreme Court of the United States a man who has reached the age of 75 years, the President of the United States shall appoint an additional Justice; and, as I said before, if the older Justice has retained all of his faculties, let it be to his glory and to his honor and distinction that he continue to serve his country so long as he will. But by the same token, I say to the Senator from Vermont that the Government of the United States and the judiciary of the United States and the people of the United States should not be threatened and endangered by the continued service of men on the Supreme Court without the addition of younger members when the older ones have reached such an age in life and are in such a condition of mental decay that it is dangerous for them to continue in service without the appointment of younger men.

Mr. WHEELER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Montana?

Mr. HATCH. I yield.

Mr. WHEELER. Does the Senator contend that there are on the Supreme Bench at the present time any men who are in that mental state?

Mr. HATCH. Let me say to the Senator from Montana——

Mr. WHEELER. That is a simple question.

Mr. HATCH. Let me answer it in my own way and in my own time by saying that I have tried to look at this situation without regard to individuals all throughout this controversy, and I am still looking at it in that way; but, because I do so, I am not blind to outstanding facts which every man alive knows.

Mr. WHEELER. I appreciate that the Senator has looked at the matter absolutely objectively, and I think everyone

else has; but does the Senator think there are upon the Supreme Bench at this time any men whose mental qualifications by reason of age are such that they ought to get off the Supreme Bench?

Mr. HATCH. Let me say to the Senator that in the committee, during the hearings, whenever the question of any individual was raised, I objected. I said, "Let us not take individuals into consideration."

Mr. WHEELER. I am not asking the Senator to give the name of any member of the Supreme Bench.

Mr. HATCH. But we know that there are on the Supreme Bench four men who are over the age of 75 years.

Mr. WHEELER. Yes; we know that there are four men in that category.

Mr. HATCH. And now that the Senator has pressed the point, although he knows what I believe, so far as I know those men are able, physically and mentally, to discharge the duties of their office.

Mr. WHEELER. Why, of course.

Mr. HATCH. I have had no contact with them. I have no intimate knowledge of them. They may be physically unable to carry on the heavy burdens of their office. I do not answer "yea" or "nay" on that proposition, and I refuse to legislate in the light of individuals. No legislation should ever be enacted on such a plane.

Mr. WHEELER. I agree with the Senator. Legislation should not be based on individuals. I am in entire accord with the Senator. I have no personal contact with the members of the Supreme Court; but I am convinced that as a matter of fact there are not upon the Supreme Bench at the present time any men who are not mentally and physically capable of carrying on their work. If the object of this proposed legislation is not to remove from the Supreme Bench men who are not physically and mentally capable of carrying on their work, then it seems to me we should not have this legislation at this particular time as applying to the present members of the Court.

Mr. HATCH. As I say, I am not going to be crowded into the position of legislating for this man or that man. What I want to do is to adopt a long-range program in the light of facts and circumstances which we all know, about which we need no testimony whatever.

Mr. WHEELER. The Senator has been extremely generous in letting us interrupt him, and I know he must be getting rather weary.

Mr. HATCH. I am getting a little tired.

Mr. WHEELER. But in view of the statement of the Attorney General of the United States when he said, "If these men do not like what is proposed by the bill, they can get off the bench"——

Mr. HATCH. That has not been my idea about this matter.

Mr. WHEELER. I am aware of that; but apparently that was the idea of the Attorney General of the United States: "If they do not like what is proposed by this bill, let them get off." In other words, the attempt was to apply force to remove men from the Supreme Bench because they were 75 years of age.

Mr. HATCH. I think the Attorney General of the United States is amply able to take care of himself, and is amply able to make any answer or any argument which he may desire to make on that or any other question. To my mind, though, in view of some of the charges that have been made against the Attorney General of the United States, it would be perfectly natural and perfectly reasonable for him to reply in any manner and in any way that he saw fit; and in those exchanges between, shall I say, Senators and the Attorney General, as warm as they have become at times, I do not censure anyone for what he may have said in the heat of argument or of strife. I prefer again to look at legislation in the light of facts and circumstances which we know, and to keep individuals and personalities out of it; for whenever we put them in we shall get into deep water and shall not be able to legislate at all.

Mr. O'MAHONEY. Mr. President, will the Senator from New Mexico yield?

Mr. HATCH. I yield.

Mr. O'MAHONEY. The Senator from New Mexico desires to have it understood that he is not filibustering, and I think we will all agree that the Senator from New Mexico is not doing that; neither are any other Senators.

Mr. President, in view of what the Senator has said and the nature of the argument he has been making, I ask his permission to insert at this point a provision of the present statutes of the United States. This is to be found in title 28 of the United States Code, section 375, the second part of which reads as follows:

> In the event of any circuit judge, or district judge, having so held a commission or commissions at least 10 years continuously, and having attained the age of 70 years as aforesaid, shall nevertheless remain in office, and not resign or retire as aforesaid, the President, if he finds any such judge unable to discharge efficiently all of the duties of his office by reason of mental or physical disability of permanent character, may, when necessary for the efficient dispatch of business, appoint, by and with the advice and consent of the Senate, an additional circuit judge of the circuit or district judge of the district to which such disabled judge belongs.

Mr. HATCH. To what particular point would the Senator from Wyoming direct my attention? I know it is not just interest in reading a statute into the RECORD that causes the interruption. Does the Senator have in mind a provision of the law which requires a finding of fact that the judge is mentally or physically disabled or incapacitated?

Mr. O'MAHONEY. The President, if he finds that a judge is unable mentally or physically to carry on the duties of his office, may appoint a judge to take his place. That is the law of the land. It may be done. The objection which is raised to the amendment which the Senator brings forward is that, regardless of whether a Justice is mentally or physically able, an additional judge may be appointed.

Mr. HATCH. The Senator from Wyoming raises a question which has been raised before, raised in the debates on the very law to which he has referred, and the language which he has read was offered as an amendment to the original bill introduced by the then Senator from Georgia, Mr. Smith, and it was offered by a Republican Member of the Senate because he did not want to give the President of the United States power, as the bill then provided, to appoint additional judges when the public good might require. It was desired then to put a limitation on a Democratic President of the United States, and a statute was enacted that gave to the President power which no President should ever have.

Talk about humiliation, talk about disgracing a judge and making a court subservient, and threatening the judiciary that it might decide cases the way the Executive wants them decided. Under the law just read the Congress of the United States gave the President power to find as a fact, without a word of testimony, without a witness before him, and without an opportunity for an aged judge to be heard in his own behalf, that he was incapable, mentally or physically, of discharging the duties of his office, and thereupon the President could appoint an additional judge. Would the Senator from Wyoming vote for such a measure?

Mr. O'MAHONEY. Mr. President, if the Senator will yield to me, I shall now read another statute which is on the books. This is section 17 of title 28 of the Judicial Code:

> Whenever any district judge by reason of any disability or necessary absence from his district or the accumulation or urgency of business is unable to perform speedily the work of his district, the senior circuit judge of that circuit, or, in his absence, the circuit justice thereof, may, if in his judgment the public interest requires, designate and assign any district judge of any district court within the same judicial circuit to act as district judge in such district and to discharge all the judicial duties of a judge thereof for such time as the business of the said district court may require.

That was approved on March 4, 1907.

Mr. HATCH. I am thoroughly familiar with the statute the Senator just read, and it does not conflict with anything

we are seeking to do today at all. But I wish to get back to the other statute the Senator read. The Senator did not answer my question, but knowing him as I do, I do not believe he ever would have voted for such a statute as that.

Mr. O'MAHONEY. Mr. President, I will say to the Senator that the power has never been used, much less ever abused.

Mr. HATCH. The Senator from Wyoming has spoken truthfully when he has stated that that section of the statute has never been abused. Let that be a grain of comfort to those who fear the Presidents of the United States, and fear they are going to use power to create subserviency in the courts. The records show—and I say it to the credit of Woodrow Wilson, Harding, Coolidge, Hoover, and Franklin D. Roosevelt—that, although each of those Presidents had the power and held over the head of every aged judge in the United States a sword which could have humiliated, disgraced, and destroyed him, no President has ever used such power for such purpose. But three times in the history of the country, possibly five times, has the power been known to be used, and naturally I do not wish to call the names of the judges. Never more than five times has it been used. Although the law referred to every judge in the United States below the Supreme Court, every circuit judge and every district judge, courts which decide 98 percent of the litigation which reaches the Federal courts and decide it finally—some of them being little supreme courts—no President has sought to make the judiciary subservient to the Executive, and I say that fact stands to the credit of each and every one of these Presidents; and Senators who fear this day to give the present President power may well look to whether or not their fears are justified, or whether they are merely fancied.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. O'MAHONEY. If it be true, as the Senator from New Mexico has implied, that he would not have voted for this statute because it was liable to abuse, then it seems to me to follow with inescapable logic that no Member of the Senate now should vote for another proposed statute that would be equally liable to abuse.

Mr. HATCH. Mr. President, the difference is simply that under the law as it is now written the President has discretion. If he wanted to make a Court subservient he could wave that sword over the head of a timid, shrinking judge, if he so desired. Under the pending bill no such discretion would be given.

Mr. O'MAHONEY. That, Mr. President, would be true if the bill were amended.

Mr. HATCH. That will be so before the bill is passed. I have made myself clear on that point, have I not?

Mr. O'MAHONEY. The Senator certainly has, and I hope the Senator from New Mexico will propose an amendment to change the word "may" to "shall", so that there may be no doubt in the mind of any other person.

Mr. HATCH. Let us eliminate that doubt between us now. That condition shall not exist.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. WHEELER. I understood the Senator to say he did not think the Court had been packed by anyone up to the present time.

Mr. HATCH. Yes; it has been; courts have been packed.

Mr. WHEELER. I mean the Supreme Court of the United States.

Mr. HATCH. I do not wish to become too personal, but I shall prove, if I ever am allowed to finish my argument, that the courts of the Nation have packed themselves against both the legislative and the executive branches of the Government.

Mr. WHEELER. That is quite a different thing.

Mr. HATCH. They have been packed.

Mr. WHEELER. Does the Senator agree with some persons that the Supreme Court has been packed deliberately by a President of the United States?

Mr. HATCH. Does the Senator mean in times past?

Mr. WHEELER. Yes.

Mr. HATCH. There is one instance that looks rather suspicious.

Mr. WHEELER. What instance is that?

Mr. HATCH. The Grant administration; but Grant denied it, though some of the historians look rather suspiciously on that transaction.

Mr. WHEELER. Of course, all of Grant's friends denied that he appointed the judges for the purpose charged.

Mr. HATCH. And circumstances in many respects bear them out.

Mr. WHEELER. His enemies all charged him with doing it for the purpose of packing the Court.

Mr. HATCH. That is true, just as today our friends see good in us, while our enemies see evil.

Mr. WHEELER. The statement has been made repeatedly, with reference to the present Supreme Court, by persons who have been uninformed, that it had been deliberately packed by some interests and some Presidents for the purpose of getting decisions, and that now we are seeking to unpack the Court. I take it from the Senator's statement that he does not subscribe to that viewpoint.

Mr. HATCH. I do not subscribe to the viewpoint of either packing or unpacking.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. MINTON. Speaking about "packing", and without referring to the word in the invidious sense, does the Senator think it is a mere coincidence that the Supreme Court since 1869 has been predominantly Republican?

Mr. HATCH. I think not; but, if I may continue——

Mr. WHEELER. Mr. President——

Mr. HATCH. I should like to continue.

Mr. WHEELER. The mere fact that the Supreme Court may be predominantly Republican or predominantly Democratic does not mean that it has been packed in the interest of some particular crowd.

Mr. HATCH. Not necessarily; but if the situation continues too long, suspicions may be aroused.

Mr. WHEELER. It should be remembered that some of the liberal members of the Court have been appointed by Republican Presidents and some of the reactionary members of the Court have been appointed by Democratic Presidents.

Mr. HATCH. That is entirely true.

Mr. President, I was referring to the bill originally introduced in the year 1915 and favorably reported by the Committee on the Judiciary. By the way, I think the report of the Judiciary Committee was unanimous. The bill proposed that the President should have power to appoint an additional Justice, subject only to the limitation that such appointment should be made only when, in his opinion, the public good required. Giving such discretion to the President was, to my mind, unwise. On that committee were some great outstanding men of America, men as devoted to the Constitution and to the Government as any man who ever occupied a seat in this Chamber. Listen to me, Senators, while I read the names of the three Senators who reported that bill. There was the Senator from Georgia, Mr. Smith. There was the Senator from Florida, Mr. Fletcher. Do Senators doubt the patriotism or the motives of those men? And listen to the name of the third member. He was not a Democrat. The third member of the Senate Judiciary Committee was the Senator from New York, Mr. Root. Do Senators doubt his patriotism? Do Senators doubt his wisdom or his judgment? Do Senators think the Senator from New York, Mr. Root, would approve a plan that was destructive of the Constitution and would make the Court subservient to Executive will? Yet the fact is that the bill then reported, which gave this vast discretionary power to the President, was approved by these three eminent Senators; and the only objection raised by the Senator from New York, Mr. Root, was that the language was not strong enough.

On the floor of the Senate on February 23, 1915, during the debate on the bill to which I have just referred, the Senator from Georgia, Mr. Smith, answered the Senator from Wyoming, Mr. Clark, and expressed the attitude of the Senator from New York, Mr. Root, as to such legislation. I am sorry one of the Senators from Wyoming has left the Chamber.

Senator Clark had charged:

> Here we are padding——
>
> "Padding", not "packing"——
>
> Here we are padding the Federal courts with additional judges to take the place of men who are well qualified by years of experience and by their physical vigor to carry on the business of their districts; and we are putting in new men. * * *
>
> Mr. President, it seems to me that it is time, no matter how many offices we may create—let us go into the departmental service and create offices, but for heaven's sake, do not let us make the office of the judge at this time the prey for political appointments.

That was the Senator from Wyoming, Mr. Clark, speaking.

In response to that charge, the Senator from Georgia, Mr. Smith, said:

> Mr. President, I do not think the criticism of the Senator from Wyoming that the purpose of the bill is to pad the judiciary, is just. This measure went to a subcommittee composed of the Senator from New York [Mr. Root], the Senator from Florida [Mr. Fletcher], and myself. The bill was perfected by the unanimous action of the subcommittee, the Senator from New York taking as active an interest in it as any other member of the committee and really favoring stronger language.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. O'MAHONEY. I understand from the quotation that the Senator from Wyoming, Mr. Clark, was against padding the Court.

Mr. HATCH. Yes.

Mr. O'MAHONEY. He set a very good example.

Mr. HATCH. He was against a Democratic measure designed to accomplish a needed reform, and his argument against it was that it padded the courts.

Mr. O'MAHONEY. Whether it was a Democratic measure or a Republican measure, if the Senator from Wyoming believed honestly, as I have no doubt he did, that it was a measure to pad the Court, he was justified in being against it. He would never have been true to his oath of office had he been otherwise.

Mr. BURKE. Mr. President, will the Senator yield just at that point?

Mr. HATCH. I yield. Mr. President, I see that I shall not be able to finish my remarks today.

Mr. BURKE. I recur to the question I asked originally. At the time the subcommittee referred to studied the matter and submitted its report, was there any prevalent criticism of decisions of the Court which motivated such action?

Mr. HATCH. I do not know.

Mr. BURKE. The Senator does not know?

Mr. HATCH. I do not know whether any such situation developed.

Mr. BURKE. Did not the Senators who took that action have in mind an altogether different situation than one involving dissatisfaction with Court decisions?

Mr. HATCH. The Senator is putting me in a position where I must say I do not know.

Mr. ASHURST. Mr. President, will the Senator yield to me to ask the date of the CONGRESSIONAL RECORD from which he read?

Mr. HATCH. I read from the RECORD of February 23, 1915.

Mr. BURKE. Mr. President, I am not trying to put the Senator in any position. I am merely trying to get the facts, if he knows them.

Mr. HATCH. If the Senator will pardon me, I should like very much to finish my remarks and surrender the floor, if I may. I think I have yielded fairly, liberally, and consistently.

Mr. BURKE. If the Senator will let me make one more statement, I should like to say that I understand the Senator does agree that the situation is very different where we have a continual course of criticism of the Court's decisions as contrasted with a situation where there has not been such a course of criticism.

Mr. HATCH. I think there is no use of repeating my position.

Mr. BURKE. The Senator agrees to that?

Mr. HATCH. That was my opposition to the original bill; yes, certainly.

Mr. BURKE. Yes.

Mr. HATCH. Again in the CONGRESSIONAL RECORD appears a statement setting forth the cordial support of the measure by the Senator from New York [Mr. ROOT].

I pass on as quickly as I may, Mr. President. I ask unanimous consent to have printed in the RECORD at this point the report of the Committee on the Judiciary of the Senate on proposed legislation at that time and to which I have been referring.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The report is as follows:

> The Committee on the Judiciary, to whom was referred the bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary", approved March 3, 1911, having considered the same, beg leave to report it back and to recommend that it be passed.
>
> The first recommendation made by Mr. Attorney General McReynolds in his report for 1913 was as follows:
>
> Judges of United States courts, at the age of 70, after having served 10 years, may retire upon full pay. In the past many judges have availed themselves of this privilege. Some, however, have remained upon the bench long beyond the time when they were capable of adequately discharging their duties. The power of Congress to correct this condition is limited by the provision of the Constitution that judges shall hold their offices during good behavior. I suggest an act providing when any judge of a Federal court below the Supreme Court fails to avail himself of the privilege of retiring now granted by law that the President be required, with the advice and consent of the Senate, to appoint another judge, who shall preside over the affairs of the Court and have precedence over the older one. This will insure at all times the presence of a judge sufficiently active to discharge promptly and adequately the duties of the Court.
>
> Mr. Attorney General Gregory, in his report for 1914, renewed the recommendation of his predecessor, adopting his exact language.
>
> We had, therefore, at the last session of Congress, the recommendation of Mr. Attorney General McReynolds, now Mr. Justice McReynolds, that judges were remaining upon the bench after they had passed the age of 70 years and long beyond the time when they were capable of adequately discharging their duties, and in consequence the administration of justice had suffered.
>
> We had, also, his recommendation that the President be required, by and with the advice and consent of the Senate, to appoint another judge, "who shall preside over the affairs of the Court and have precedence over the older one in cases where the judge reached the age of 70, after serving 10 years, and failed to resign."
>
> We had, also, the express endorsement by Mr. Attorney General Gregory of the views of Mr. Attorney General McReynolds on this subject.
>
> A bill to carry out these recommendations was reported favorably by the Judiciary Committee of the Senate at the last session. Mr. Root, the senior Senator at that time, from New York, served upon the subcommittee which reported the bill favorably, and cordially supported the measure.
>
> The report of Mr. Attorney General Gregory for 1915 recommends again this legislation in the following language:
>
> "Judges of United States courts who have attained the age of 70 and have served 10 years may retire upon full pay. In the past many judges have availed themselves of this privilege. Some, however, have remained upon the bench long beyond the time when they were capable of adequately discharging their duties, and in consequence the administration of justice has suffered. The power of Congress to correct this condition is limited by the provision of the Constitution that judges shall hold their offices during good behavior.
>
> "I again renew the suggestion made by my predecessor that Congress pass an act providing that when any judge of a Federal court below the Supreme Court fails to avail himself of the privilege of retiring now granted by law, the President be authorized, with the advice and consent of the Senate, to appoint another judge to preside over the affairs of the court and have precedence over the older one. This will insure at all times the presence of a judge sufficiently active to discharge promptly and adequately the duties of the court."
>
> We have, therefore, three recommendations from the Department of Justice and from two different Attorney Generals, one of whom is now upon the Supreme Court Bench of the United States, recommending this legislation. These recommendations,

of course, cover the opinion of the Department of Justice not only that the legislation is needed and is desirable but that it is constitutional.

The bill which the Judiciary Committee reports favorably follows the recommendations of the Department of Justice, except that, instead of requiring the President to appoint an additional judge when a judge of the circuit or district court who has served 10 years reaches 70 years of age, it authorizes the President to make such appointments "if in his opinion the public good so requires."

The bill as favorably reported permits the President to make the appointments but does not require it. There may be cases in which a judge of unusual vigor is capable of performing the work of his circuit or district without injury to his health and without injury to the service, even though he has reached "the days of our years", which, we have been told, are threescore years and ten.

There are now seven positions upon the circuit court bench where judges have served more than 10 years and have passed 70 years of age. There are also seven positions upon the district court bench where the same situation exists.

In a majority of these cases it is probable that the service would be improved and the health of the judges saved by the immediate appointment of the judges authorized by this bill.

Giving an extreme case, there is a circut court judge now more than 80 years of age who, I am informed, for more than 4 years has been entirely unable to attend sessions of the circuit court of appeals or do any business, and who has no prospect of ever being able to again perform the work of circuit court judge. For a number of years before he ceased to sit upon the circuit court of appeals he was not capable of efficiently performing the full duties of the office, yet he has failed to resign and the work of the court has suffered for the lack of a judge.

This bill will in future relieve the circuit and district court bench from the clogging of business by the lack of a judge of sufficient youth to give it proper attention. It will prevent the necessity for resignation, and thus retain the services of judges who have passed 70 to the extent they are abie to do judicial work.

Mr. HATCH. The Senate committee, needless to say, reported the measure favorably.

I should also like to have included in my remarks at this point certain excerpts from statements made in a speech by the Senator from Georgia, Mr. Smith, on March 23, 1916, concerning the wisdom of such legislation. I had desired very much to read many of these worth-while statements and remarks; but, due to the passage of time, I ask instead that they be printed in the RECORD at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

Mr. SMITH of Georgia. Mr. President, Senate bill 706 provides a remedy for a trouble which now exists in connection with our circuit and district courts. It is intended to complete a plan for the relief of the Federal, district, and circuit courts. By the terms of the Constitution, the judicial power is vested in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish, and the judges shall hold their office during good behavior. It was found years ago that some relief must be given against the presence upon the bench of Federal judges advancing in years.

* * * * * * *

Mr. SMITH of Georgia. It was found years ago necessary to protect the administration of justice in the circuit and district courts against the failure of the judges to do their full work owing to advancing years, and for this reason an act of Congress was passed permitting Federal judges to retire at the age of 70 with full pay.

Unquestionably the subject before Congress when that act was passed was the designation of a time after which, probably, the district and circuit court judges would not be in a position to do efficient work. Seventy was named as a time when they could retire with full pay, upon the theory that having reached threescore and ten—the allotted period certainly of active life, if not of life—it was not to be expected that they would be able to continue to fill the offices they held and measure up to the responsibility of those offices.

Later on it has been found that even the provision allowing judges to retire at 70 does not meet the situation.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from California?

Mr. SMITH of Georgia. Yes.

Mr. WORKS. Does not the Senator from Georgia think it would be very much better to make retirement compulsory at 70?

Mr. SMITH of Georgia. I am not sure that it could be done.

Mr. WORKS. It could not under the Constitution undoubtedly; it would be necessary to amend the Constitution; but does not the Senator think that would be much better than conditions as they exist at the present time?

Mr. SMITH of Georgia. I think it would be better than the conditions as they now exist, but I do not think that is preferable to the plan we now lay before the Senate. I believe we have worked out the very best way to handle this subject.

I was stating, Mr. President, that experience has shown that the provision allowing judges to retire at 70 did not fully meet the trouble that caused the act to be passed which allowed them to retire. A number of judges reaching 70 did not retire but retained office and failed to do the full work of their office. The desire to hold office, the desire to have something to do, in many instances, the desire, perhaps, in some cases, to retain the patronage connected with the office, prevented circuit and district judges from retiring at 70. They are now, in a number of instances, holding office to the detriment of the proper discharge of the duties of the offices which they fill, and they are thereby preventing a proper administration of justice.

Mr. President, so necessary was it that relief should be given against the Federal judges who were past 70 that the subject came before the Department of Justice for consideration, and the very first paragraph of the report of the Attorney General in 1913 calls attention to this subject and requests legislation. We all know that Mr. Justice McReynolds, now of the Supreme Court Bench, was then Attorney General, and the first paragraph of his report in 1913 urges this subject upon the attention of Congress and requests legislation.

* * * * * * *

The real necessity for such legislation is the subject to which, first, I wish to address myself. We are admonished it is necessary by the Department of Justice, not only by Mr. Attorney General McReynolds making this report in 1913, but his report was followed with the same language by his successor, Attorney General Gregory, in 1914, and followed in substantially the same language by the Attorney General in 1915.

What does that mean? It means that the Department of Justice, familiar with the work that is being done in the various district and circuit courts of the United States, with the large volume of business for the Government before those courts, feels that it is necessary to relieve the courts against inefficient work by judges past 70 years of age.

But it has been suggested that where a judge past 70 fails to retire and the business of the Court suffers from his age, relief can be given by a special statute authorizing an appointment such as this bill authorizes. Evidently the Department of Justice did not consider such a course was sufficient. Evidently the experience of the Department of Justice was that separate bills have not met the requirements, and it is easy to point out that they have not and do not.

In the fifth circuit there is a circuit court judge who has not been upon the bench in 4 years and who for 4 years before had not been upon the bench half the time the court was in session. For 4 years he has been confined at his home. He is 82 years old. For 12 years he has had the privilege of retiring, and he would not retire. Bill after bill has been introduced to provide an additional judge for the circuit, and it has never gone through Congress. Here is proof of the fact that the individual bill remedy does not meet the situation. That circuit also has another judge 78 years old upon the bench, who today cannot do the work that he did 20 years ago or 10 years ago. Why do they not retire? I believe largely and principally because they dread to have nothing to do.

This bill meets that trouble. It names a new judge to carry the burden of the work and leaves the older judge still with judicial authority and judicial power, subject to assignment for special work. There is ample work to occupy them even if the additional judges are appointed.

A judge past 70 may be unable to stand the fatigue, the labor, the mental and physical strain of the entire work of a district, but he could do work half the time and work well. He could be assigned to some district by the Chief Justice where his work was needed to relieve a crowded docket. If there is need for it, he can help in his own district. He still can be called on to serve his country and do his work to the extent of his physical capacity. This bill will enable the Government to obtain much valuable service from judges who otherwise would retire on full pay.

The recommendation of the Attorney General was brought to my attention by two United States court judges, one a district and the other a circuit judge, each past 70, who did not wish to quit entirely but were anxious that the bill recommended by the Attorney General should pass, and that they might still contribute to the service of their country while they were drawing a salary such work as their country might need from them.

This bill not only makes it certain that there will be an active judge to handle the business of the district and the circuit, thereby insuring to litigants the prompt and efficient attention they are entitled to for their business, thereby insuring to the Government the prompt and efficient trial of Government cases; but it will be a great economy. Where a district court judge is old and slow the cost to the Government in the Government business of its witnesses and the administration of the court far exceeds the mere salary of an additional judge.

The judges themselves, at least a majority of them whom I know and from whom I have heard, are desirous that this bill shall pass. I have a letter from a retired district court judge in Wyoming or Idaho expressing regret that we did not extend the bill so as to allow those who had already retired to do work to the extent of their continuing strength.

Mr. HATCH. At this point, Mr. President, I ask unanimous consent to have printed in the RECORD, and really to call as witnesses, the names of the 33 Members of the Senate of the United States who voted in favor of the passage of that bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

Senate vote on Senate bill 706, December 7, 1916:

Yeas—33: Messrs. Bankhead, Chamberlain, Fletcher, Gore, Hitchcock, Hughes, Husting, James, Johnson of South Dakota, La Follette, Lane, Lea of Tennessee, Lee of Maryland, Martin of Virginia, Martine of New Jersey, Overman, Owen, Pittman, Pomerene, Reed, Saulsbury, Shafroth, Sheppard, Shields, Simmons, Smith of Arizona, Smith of Georgia, Smith of South Carolina, Stone, Swanson, Tillman, Underwood, and Williams.

Mr. HATCH. The bill went to the House of Representatives, and there a vote was had, but the bill failed of passage in the House. Among the Members of the House who voted for the bill I observe the names of several who now occupy seats in this body. Among the names are those of the Senator from Kentucky [Mr. BARKLEY], the Senator from South Carolina [Mr. BYRNES], the Senator from Texas [Mr. CONNALLY], the Senator from Arizona [Mr. HAYDEN], the Senator from Tennessee [Mr. MCKELLAR], and the Senator from West Virginia [Mr. NEELY]; also the name of Mr. Hull, of Tennessee, now Secretary of State.

Those Members of the House of Representatives, Mr. President, voted in favor of a bill which the minority report of the House committee condemned as unconstitutional, as constituting an invasion of judicial power by the executive branch of the Government; and to those names I want to add the name of another distinguished Member of the House who voted for the bill. If I am not correct in this, I ask the Senator from Kentucky [Mr. BARKLEY] to correct me. I found among those voting "yea" at that time, in favor of the principle of adding a new judge when the incumbent had passed the retirement age—the exact principle for which we this day contend—the name of the Member from Kansas, Mr. Jouett Shouse. If I am not mistaken——

Mr. BARKLEY. Mr. President, I have not looked up the roll call on that bill recently; but, relying purely on my recollection, the Senator from New Mexico is correct.

Mr. HATCH. The name of Mr. Shouse is on the roll call. I wonder if he could happen to be the same man who has held some sort of connection with an institution or organization called the Liberty League.

Mr. BARKLEY. If there is any other Jouett Shouse, I know nothing about him.

Mr. HUGHES. Mr. President, I think I can enlighten the Senator as to that. Mr. Shouse has been residing in my State for some time, and he is the secretary of the Liberty League and the manager of it, though he does not contribute the money; but he draws a salary of $50,000 a year.

Mr. HATCH. He is the same man, then?

Mr. HUGHES. Yes; and he receives $50,000 a year.

Mr. HATCH. Mr. President, I ask to include the complete roll in the RECORD.

The PRESIDENT pro tempore. Without objection, the matter will be printed in the RECORD.

The matter referred to is as follows:

Senate bill 706 was sent to the House of Representatives, and on the 2d day of March 1917 the question of whether the Senate bill should pass was voted on in the House. The measure was defeated by a vote of 192 yeas as against 200 nays.

In the House vote it is interesting to note that certain of those House Members afterward became Members of the Senate. Some of those names appearing as voting for the passage of the bill when they were Members of the House are: Messrs. Barkley, Byrnes of South Carolina, Caraway, Connally, Harrison of Mississippi, Hayden, Hull, McKellar, Neely.

I must not forget to include with those House Members who voted for S. 706 the name of a Democratic Member from the State of Kansas. He also approved the idea of an orderly infusion of new blood. His name was Jouett Shouse. He is so recorded.

The Vice President, then a Member of the House, voted for the principle now involved in the pending measure.

The following Members voted for S. 706 in the House March 2, 1917:

Yeas—192: Abercrombie, Adair, Adamson, Aiken, Alexander, Almon, Ashbrook, Aswell, Ayres, Bailey, Barkley, Barnhart, Bell, Black, Blackmon, Booher, Borland, Buchanan of Illinois, Buchanan of Texas, Burgess, Burke, Burnett, Byrnes of South Carolina, Byrns of Tennessee, Caldwell, Chandler of Mississippi, Cantrill, Caraway, Carlin, Carter of Oklahoma, Casey, Church, Clark of Florida, Cline, Coady, Collier, Connelly, Cox, Crisp, Crosser, Cullop, Dale of New York, Davenport, Decker, Dent, Dewalt, Dickinson, Dies, Dixon, Doolittle, Doremus, Doughton, Dupre, Eagan, Eagle, Edwards, Estopinal, Evans, Ferris, Fields, Fitzgerald, Flood, Foster, Gandy, Gard, Garner, Glass, Godwin of North Carolina, Goodwin of Arkansas, Gordon, Gray of Alabama, Gray of Indiana, Gregg, Hamlin, Hardy, Harrison of Mississippi, Harrison of Virginia, Hastings, Hayden, Heflin, Helm, Helvering, Henry, Hilliard, Holland, Hood, Houston, Howard, Huddleston, Hughes, Hull of Tennessee, Humphreys of Mississippi, Igoe, Jacoway, Johnson of Kentucky, Keating, Key of Ohio, Kincheloe, Kitchin, Konop, Lazaro, Lee, Lesher, Lever, Lewis, Lieb, Linthicum, Littlepage, Lloyd, Lobeck, London, McAndrews, McClintick, McCorkle, McGillicuddy, McKellar, McLemore, Mays, Montague, Moon, Morgan of Louisiana, Morrison, Murray, Neely, Nicholls of South Carolina, Oglesby, Oldfield, Oliver, Olney, O'Shaunessy, Overmyer, Padgett, Page of North Carolina, Park, Patten, Phelan, Pou, Price, Quin, Ragsdale, Rainey, Raker, Randall, Rayburn, Reilly, Riordan, Rouse, Rubey, Rucker of Georgia, Rucker of Missouri, Russell of Missouri, Sabath, Saunders, Sears, Shackleford, Shallenberger, Sherley, Shouse, Sims, Small, Smith of New York, Smith of Texas, Steagall, Stedman, Steele of Iowa, Steele of Pennsylvania, Stephens of Mississippi, Stephens of Nebraska, Stephens of Texas, Stone, Sumners, Taggart, Talbott, Tavenner, Taylor of Arkansas, Taylor of Colorado, Thomas, Thompson, Tillman, Van Dyke, Venable, Vinson, Walker, Watson of Virginia, Webb, Whaley, Williams, W. E., Wilson of Louisiana, Wingo, Wise, Young of Texas, Watkins.

Mr. HATCH. Mr. President, I am about to approach an unpleasant task, but duty compels me to undertake it. I wish to call the attention of the Senate to the fact that on the three measures providing for the same principle as set forth in the President's bill and in the amendment which we are now discussing there was one Member of this honorable body who adopted a steady and consistent course then and now. If I may have the attention of the Senator from Arizona [Mr. ASHURST] I may say that on the roll calls on these various votes since 1915 down to this good day the Senator from Arizona has been found supporting the principle for which he now contends. The Senator from Arizona has been consistent. [Laughter.]

Mr. ASHURST. Mr. President, will the Senator permit me to interrupt him?

Mr. HATCH. I yield.

Mr. ASHURST. That may be a dubious compliment. I just finished a conversation with a friend, and told him that in my service here I never examine to see how I voted in the past. Many Senators—and I respect them for it—when a vote comes, look to see how they voted yesterday or the day before. I never do that. Each problem must be solved by the facts, contingencies, and circumstances that present themselves at the particular time.

I had forgotten the incident; it was an inconspicuous part I played; and will the Senator from New Mexico permit me to thank him—and I think the Senate feels that thanks are due—for the patience, the assiduity, and the diligence with which he has made research into this question. His speech today, whether we agree with him or not, evinces historical investigation.

The able Senator from New Mexico states a fact, and I now remember the bill, although it has been over 22 years ago since the question was raised and discussed. I am glad to have it noted, for what satisfaction it may give, that my action in supporting the pending bill is in no sense in contradiction of the action I took at that time. Much as I have changed my mind, on this question at least I have never changed my mind, and a defense of my position in this respect never occurred to me until just now when I heard it fall from the lips of the able Senator from New Mexico. I do not think I need any defense, but, if I did, he has made a superb one, founded in truth. I am not much for defensive explanations, because, Mr. President, a public man who makes an explanation today will tomorrow be explaining his own explanation. [Laughter.]

Mr. HATCH. Mr. President, in the course of my search of the records concerning these various bills, I found some other

interesting matter. At this point I am about to insert in the RECORD a letter. I regret very much that the Senator from Montana [Mr. WHEELER] is not present at the moment.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. ASHURST. The able Senator from Nebraska [Mr. BURKE], who is one of the able lawyers of this body, asked a question, if I heard him aright, as to whether or not when the question was pending in 1915, there was before the country any such excitement or discussion as to the Supreme Court as is now pervading the country.

Mr. HATCH. That is correct.

Mr. ASHURST. Did the Senator from Nebraska ask that question?

Mr. BURKE. Yes.

Mr. ASHURST. It was a natural question; the logical mind of the Senator would prompt it. I wish to say it will be recalled that about in 1910 a tremendous public discussion arose throughout the country with respect to the Federal courts. It was in 1911 that Theodore Roosevelt, speaking in Ohio, urged the recall of judges. It will be remembered that in both the Democratic and Republican national conventions in 1912 one of the most important questions, one of the questions which was at the forefront, was the one affecting judges. It was widely claimed that they had usurped the legislative functions of the Government. It is true that, by 1915, the acuteness of the question had somewhat subsided, but the genesis of the pending legislation was almost in the very spot-center of the tremendous agitation that stirred the public mind at that time regarding the alleged usurpation of legislative power by the Court.

Mr. HATCH. I am grateful to the Senator from Arizona for his contribution on that point.

Mr. BURKE. Mr. President, will the Senator from New Mexico yield in order that I may ask the Senator from Arizona a question?

Mr. HATCH. I yield.

Mr. BURKE. Did the Senator from Arizona support the legislation in 1915 because he wanted to put additional members on the Court in order to curb the activities of the Justices or because he wanted to effect and to secure a different line of decisions?

Mr. ASHURST. Mr. President, that was 22 years ago. I wish to give the able Senator from Nebraska a fair answer. The Senator from Nebraska asked me if I supported the bill then pending for the reason indicated. Call the roll of Senators and let them open the door of the sanctuary which is within the breast of every human being, that monitor that tells them when they are right or wrong, and on their honor they are sometimes unable to say just what particular factors determined them to vote this way or that way. When we look back upon a vote, sometimes within 10 minutes after a vote, it is quite difficult to say just what particular factor caused us to vote this way or that way. That is not easy to do. I may assign one reason and others may assign a different reason.

However, I am asked if my vote in 1915, and if my activity, modest as it was, in the committee at that time were prompted by a desire to secure a different line of decisions.

About that time, or possibly a year or two previously, the then able Senator from Iowa, Mr. Cummins, who is remembered here with affection and respect, submitted to this body from the Committee on the Judiciary a report couched in dignified language, to the effect that the people would never permit the Court to become the legislative power of the country; that they would never permit the Court to invade the legislative branch. It is quite likely, Mr. President, although I am asked to reply quickly, that when I cast that vote in 1915, which was in accordance with my present views, I was impressed with the idea that the Court had invaded the legislative power of the Government.

Mr. President, I was not alone in that view. The able Senator from New Mexico has referred to the late Elihu Root. I refer to Senator Root with affection. As a lawyer interesting matter. At this point I am about to insert in the Yet Mr. Root had the same view, and took the view that if the courts began to trench upon and to usurp the legislative function the method to obviate it would be to infuse or transfuse new blood into the Court. I do not know that he used that language.

Mr. BURKE. Mr. President, if the Senator will yield to a question, I should like to challenge the Senator from Arizona at this time to produce that language or any language of Senator Elihu Root that bears the remotest resemblance to the statement he has just made.

Mr. ASHURST. The Senator has challenged me. I cannot answer, because Senator Root did not use that exact language.

Mr. BURKE. Nor anything like it.

Mr. ASHURST. But the effect of his argument, the effect of his vote, the effect of the report, the effect of his activity in the committee were that he wanted additional judges to serve on the Federal bench to take the place of those who by reason of extreme debility, had manifested, if any of them had, a willful deliberate desire to take the bit in their teeth and run riot contrary to the wishes of the people of the country and to the genius of our institution. Of course Senator Root would not have stated it in the rather blunt and rough words I have used, but let me say to my friend from Nebraska that Senator Root had that idea in mind or he could not have cast the vote he did.

Mr. BURKE. Mr. President——

Mr. HATCH. Mr. President, may I regain the floor in my own right for just for a few minutes?

Mr. BURKE. Mr. President, may I speak just one sentence?

Mr. HATCH. Very well, just one sentence.

Mr. BURKE. I will say to the Senator from Arizona that in my own time I shall set forth very fully the views of Mr. Elihu Root on this subject, and I am sure the Senator from Arizona will then want to strike from the RECORD or qualify anything he may have said today in reference to Senator Root's reason for supporting that piece of legislation.

Mr. ASHURST. We will meet on this common ground, that Senator Root supported in the committee and voted for a bill which, in my judgment, did nothing more or less than this bill proposes to do.

Mr. HATCH. That was a bill applying to the lower courts, however.

Mr. ASHURST. Yes.

Mr. HATCH. The Senator from Nebraska does not contend otherwise than that, does he? He does not contend that Senator Root was not a member of that subcommittee?

Mr. BURKE. Oh, no.

Mr. HATCH. Nor does he deny the statements of former Senator Smith, of Georgia, and Members of the House made through the course of those debates after Senator Root had left the Senate, that he favored the legislation and the bill which the subcommittee was considering when he was a member of it and which contained not the limitation the Senator from Wyoming [Mr. O'MAHONEY] read, but which followed the language almost requested and desired by the then Attorney General, Mr. McReynolds.

Mr. BURKE. What I am saying in reference to Senator Root while he was in the Senate and outside is that he never favored any legislation proposing to add judges to any court for the purpose of influencing the decisions of the court.

Mr. HATCH. No; but the then Senator from New York, Mr. Root, did recognize the evils which come with aged Justices remaining too long on the bench and he sought to find a remedy by which that evil could be overcome. The remedy he suggested and for which he voted as a member of the subcommittee was the same remedy we seek to apply today to the Supreme Court. He was not alone in that.

Mr. WHEELER rose.

Mr. HATCH. Pardon me, but I decline to yield further.

The PRESIDENT pro tempore. The Senator from New Mexico declines to yield further.

Mr. HATCH. I desire to offer for the RECORD another letter, a letter written by another outstanding jurist and statesman who has been quoted time and time again throughout the debate, a man whom Senators admire and respect. It is in the RECORD, a part of the history of Congress. In a letter which he wrote the present Chief Justice of the Supreme Court of the United States approved a plan of appointing an additional judge whenever the incumbent on the bench below the Supreme Court passed the age of retirement and did not retire.

On June 27, 1918, Charles Evans Hughes wrote this letter to Hon. H. J. Steele, House of Representatives, Washington, D. C.:

MY DEAR CONGRESSMAN: I trust that House bill No. 12001 will not fail to pass.

That was the bill which finally became a law, and which contained a limitation restricting it to judges who were mentally and physically disabled, and gave the President of the United States the power to find those questions as a fact. The letter continued:

As I have already written to Congressman Caraway, I regard it as a highly important measure which should be passed in justice to the judges and in the interest of the public. I stated the grounds of this opinion in my letter to Congressman Caraway, and I need not enlarge upon them. I write now to say that I am also in favor of the provisions in House bill no. 12001, relating to the retirement of circuit and district judges. I was not in favor of the provisions embraced in House bill No. 11134, relating to the compulsory retirement of district judges, but these provisions have been eliminated and under House bill 12001 circuit and district judges have been put on the same basis with regard to retirement, and these provisions it seems to me are eminently wise.

Very sincerely yours,

CHARLES E. HUGHES.

I will say, in justice to the present Chief Justice, that he was referring to the provisions of a bill which created additional compensation for judges. The present junior Senator from Texas [Mr. CONNALLY] voted against it in the House, although he had previously voted for the first bill which did not carry the feature of compensation.

Mr. CONNALLY. Mr. President, did the Senator from New Mexico make some reference to the junior Senator from Texas?

Mr. HATCH. Yes; I referred to the junior Senator from Texas. I am sorry he was not here when I did so. In the discussion of the various bills which have been before the House and Senate throughout the years I merely read the record of the votes and showed that a bill embodying this same principle had failed of passage in the House of Representatives, although the present junior Senator from Texas [Mr. CONNALLY] voted in favor of the bill in the House.

Mr. CONNALLY. Mr. President, I challenge the Senator from New Mexico to find any vote or any sentiment ever uttered by the junior Senator from Texas favoring the idea that, because a judge did not decide as he would want him to decide, additional judges ought to be put on the bench. That is the issue here.

Mr. HATCH. I never made any such statement, nor do I recognize that as the issue. I made no such statement as that, I assure the Senator from Texas.

Mr. WHEELER. Mr. President, may I ask the Senator a question?

Mr. HATCH. I am very anxious to conclude, but I yield to the Senator from Montana.

Mr. WHEELER. Does not the Senator think there is a vast difference between increasing the number of Justices on the Supreme Court of the United States by this method and increasing the number of judges of the inferior courts by this method?

Mr. HATCH. I do.

Mr. WHEELER. The proposition as to the inferior courts is vastly different because the Supreme Court is the final arbiter.

Mr. HATCH. I say to the Senator from Montana that the distinction I make is that there is more need for such a law as applied to the Supreme Court than as applied to the inferior courts. I shall not ask the Senator from Montana to take my word for that, because I shall also prove it by the utterances of eminent statesmen and jurists and thus show the truth of the statement.

Mr. WHEELER. Adding to the number of judges when incumbents are 70 or 75 years of age may be packing, even in the case of the lower courts. There is a vast difference between doing such a thing to the lower courts and doing it to the Supreme Court of the United States.

Mr. HATCH. I should like to argue the matter further with the Senator from Montana, but I am anxious to conclude. I am going to deal with that point later and shall submit some evidence which I am sure even he will consider quite conclusive.

Mr. President, the effect of the letter of Chief Justice Hughes, to which I was referring, was disclosed in the debate which took place in the House. The question of whether the bill was constitutional was raised, and Representative Webb said:

Does the gentleman think that so eminent a man as Mr. Justice Hughes would say he regards this provision as eminently wise if he thought it was unconstitutional?

Mr. TOWNER. I think that Judge Hughes never gave the constitutional question any consideration at that time.

Mr. WEBB. Oh, yes; Judge Hughes had this under consideration for quite a while.

Mr. GRAHAM of Pennsylvania. Yes; he did, in the section letter.

Mr. WALSH. There is not a word about the constitutionality of it.

Mr. WEBB. I read from the letter of June 27, 1918, addressed to Hon. H. J. Steele:

"I was not in favor of the provisions embraced in House bill No. 11134, relating to the compulsory retirement of district judges, but these provisions have been eliminated, and under House bill No. 12001 circuit and district judges have been put on the same basis with regard to retirement, and these provisions, it seems to me, are eminently wise."

That is the letter which I just read for the RECORD a moment ago. At that time those Members of the House construed that the present Chief Justice had approved the legislation then proposed.

There is much more of the debate along that line which I will not take the time to present.

That debate took place on December 13, 1918; but, referring to the point raised by the Senator from Wyoming, I will not answer it. Let us get back and see what was said about the matter then—not what some of the proponents of the measure said, but let us see what some of its opponents said.

We find in the CONGRESSIONAL RECORD of March 29, 1916, the following exchange between the then Senator from Iowa, Mr. Cummins, and the then Senator from Utah, Mr. Sutherland. Mr. Cummins said:

The Supreme Court of the United States is constitutionally as vulnerable to the attack made upon the judiciary in the bill as is either the circuit court of appeals or the district court. If a judge, who has passed beyond the age of 70 years and refuses to resign, ought to be retired, and if his judicial power, no matter what may be his physical and mental condition, should be taken away from him, the reason is as potent in its application to the Supreme Court as it is to any other Federal court.

The then Senator from Utah, Mr. Sutherland, said:

Mr. President, may I ask the Senator from Iowa a question?

The Senator from Iowa yielded; and the Senator from Utah, Mr. Sutherland, said:

I ask the Senator from Iowa whether or not the reason in the case which he is supposing would not be stronger as applied to the Supreme Court, because there is a certain degree of flexibility in the circuit court of appeals and in the district court; that is, the judges are to a certain extent interchangeable. If a judge upon the bench of the circuit court of appeals is incapacitated, a district judge may be called to take his place and may sit upon the circuit court of appeals; if a district judge is incapacitated, another district judge may be assigned to take his place; but no such condition exists as to the Supreme Court of the United States. Nobody else can be called into that court. So, if there are degrees in a matter of that kind, I ask the Senator from Iowa whether he does not think the reason would be stronger in favor of such legislation as to the Supreme Court?

Mr. CUMMINS. Undoubtedly, Mr. President, the observation of the Senator from Utah has great weight, and I was about to touch upon that phase of the subject. The remark I had made was that, constitutionally speaking, the Supreme Court of the United States can be dealt with in precisely the same way as the circuit court or the district court can be dealt with. From

the other point of view, that of policy, there is, as the Senator from Utah has stated, a much more persuasive reason for at all times keeping the Supreme Court full of able-bodied men under 70 years of age than exists with regard to the other Federal courts.

Mr. WHEELER. Mr. President, will the Senator further yield?

Mr. HATCH. I yield.

Mr. WHEELER. I am not unmindful of the fact that a man who is on the Supreme Bench, and who reaches the age of 75 years, if he is incompetent, ought to retire; but the difference, it seems to me, is apparent. It seems to me that all this talk about the age of the Justices is beside the question. Let me call attention to the fact that the Assistant Attorney General of the United States, Mr. Keenan, in a public speech at Tulsa, Okla., made the statement that "what we want is six judges whom we can trust." Let me further call attention to the fact that Mr. Keenan is the man who was constantly in attendance on the Judiciary Committee arranging for the appearance of witnesses there, and I am told that he is one of the men who drafted the proposed legislation.

Are we to take the word of the Assistant Attorney General when he said, "What we want is six judges whom we can trust"? And is it not a subterfuge to say that this proposed legislation is based upon the ages of the Justices, simply because there happen to be on the Supreme Bench at the present time some men who are over 75 years of age?

The real issue in this case is not the age of the Justices of the Supreme Court. Nobody connected with this administration wants to get Mr. Justice Brandeis out because he is 75 or 80 years of age. What they want is to have on the Supreme Bench, as Mr. Keenan said, six men whom they can trust. I cannot conceive that all this talk about age is anything but camouflage. We know that is what it is. Why are we not frank and honest about it?

Mr. HATCH. I do not know just what the Senator from Montana means by his last statement, that "all this talk about age is camouflage."

Mr. WHEELER. I do not refer to the Senator from New Mexico. When the office of the Attorney General, who drafted the bill, says, "What we want is six men whom we can trust", then I say for them to come out and put the reason for this legislation on the ground of age is camouflage.

Mr. HATCH. I do not want to get into more of these side debates. I desire to finish the argument.

I will say to the Senator from Montana that I do not know what motives or purposes inspire any man. We are all subject to criticism; but when the President of the United States sent to this body a message in which he said that he believed in the enactment of legislation which would provide a systematic and regular way of adding younger blood to the courts I consider that it was my duty as a member of his party and as a Member of this body to believe the President and try to make the legislation what the President said he wanted. That I have done; and it does not lie in the mouth of the Senator from Montana or any other man to say to me that I have tried to do any other thing.

Mr. WHEELER. But when the President sent that message to Congress, he also sent up a bill; and the Senator from New Mexico sat as a member of the Judiciary Committee and listened for 6 weeks to the testimony given before that committee, and voted against reporting the bill favorably.

Mr. HATCH. I did.

Mr. WHEELER. The Senator not only voted against reporting the bill favorably, but he signed the report of the Judiciary Committee against the bill.

Mr. HATCH. I did.

Mr. WHEELER. Everything that may be said about the original bill providing for the appointment of six additional Justices may be said about the amendment that is proposed to the bill. When the Senator from New Mexico puts his advocacy of the amendment on the basis that he wishes to go along with his party, I remind him that the President of the United States wanted six additional judges just as much as and more than he wants the number provided for in the amendment.

Mr. HATCH. I have not put my advocacy of the amendment on the basis that I want to go along with my party on this measure. I think I demonstrated what I wanted to do when it was sought to make the question a party issue. The Senator from Montana knows how I cast my vote; but I did believe it to be my duty as a Member of this body to take that which I saw to be good in the bill and make it conform to the wishes and desires of the President of the United States as set forth in his message.

Another former distinguished Member of this body, the then Senator from Rhode Island, Mr. Colt, said:

> It may be said that the application of the principle of this bill to the Supreme Court bears a close analogy in its mode of operation and effect to its application to the nine circuit courts of appeal. These courts may be called little supreme courts, since they are courts of last resort in most cases, and they were established for the very purpose of relieving the Supreme Court. Indeed, as pointed out by the Senator from Utah [Mr. Sutherland], there is even more justification for applying this bill to the Supreme Court by reason of the flexibility of the circuit and districts courts, owing to the interchange of the judges in these courts.

Mr. President, many other statements could be read sustaining this proposition.

Mr. O'MAHONEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Wyoming?

Mr. HATCH. Yes; I yield.

Mr. O'MAHONEY. I understand that the Senator is drawing to the close of his discussion.

Mr. HATCH. I hope so.

Mr. O'MAHONEY. If the Senator will yield to me, I desire at this point to offer an amendment to the proposed substitute.

Mr. HATCH. Very well.

Mr. O'MAHONEY. On page 2, line 3, after the word "year", I propose to insert the following:

> nor within 12 months after any such appointment has been made.

Mr. HATCH. Mr. President, as I had started to say, I have much other material on my desk which I expect to use later in the progress of the debate. But I shall not detain the Senate longer today, except to say, as I said in the beginning, and as I said in the early part of the hearings on the President's bill, the bill contains a limitation that not more than one Justice shall be appointed in any one year, and also a provision that the Court shall return to its original number of nine, and those two provisions now make of the bill a sound and constructive measure which will bring about a long-needed reform in the judicial system of this country.

HOUR OF MEETING AND ORDER FOR RECESS TOMORROW

Mr. ROBINSON. Mr. President, I ask unanimous consent that when the Senate completes its labors today it take a recess until 10 o'clock tomorrow morning, and that at the hour of 1 o'clock p. m. tomorrow it take a recess until 12 o'clock noon the following day.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nomination of William J. Hughes to be postmaster at Loris, S. C., in place of W. J. Hughes.

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of sundry officers for promotion in the Navy.

The PRESIDENT pro tempore. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the nomination on the calendar will be stated.

POSTMASTER

The legislative clerk read the nomination of Chester A. Brown to be postmaster at Idaho Springs, Colo.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

That completes the Executive Calendar.

RECESS

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate take a recess, pursuant to the order heretofore entered.

The motion was agreed to; and (at 4 o'clock and 35 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until tomorrow, July 7, 1937, at 10 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate July 6, 1937

DIPLOMATIC AND FOREIGN SERVICE

Grenville T. Emmet, of New York, now Envoy Extraordinary and Minister Plenipotentiary to the Netherlands, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Austria, vice George S. Messersmith.

Ray Atherton, of Illinois, now a Foreign Service officer of class 1 and counselor of Embassy at London, England, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Bulgaria, vice Frederick A. Sterling.

APPOINTMENTS AND PROMOTIONS IN THE NAVY

MARINE CORPS

Lt. Col. Jeter R. Horton, assistant quartermaster, to be an assistant quartermaster in the Marine Corps with the rank of colonel from the 1st day of July 1937.

Lt. Col. Sydney S. Lee to be a colonel in the Marine Corps from the 1st day of July 1937.

Maj. Field Harris to be a lieutenant colonel in the Marine Corps from the 30th day of June 1937.

Maj. Roy C. Swink to be a lieutenant colonel in the Marine Corps from the 30th day of June 1937.

The following-named majors to be lieutenant colonels in the Marine Corps from the 1st day of July 1937:

Donald Curtis
Ery M. Spencer
William N. Best

The following-named majors to be majors in the Marine Corps to correct the dates from which they take rank as previously nominated and confirmed:

Edward G. Hagen, from the 1st day of September 1936.
Bailey M. Coffenberg, from the 1st day of November 1936.
Samuel W. Freeny, from the 1st day of December 1936.
Otto E. Bartoe, from the 1st day of January 1937.
John K. Martenstein, from the 3d day of January 1937.
John Kaluf, from the 1st day of February 1937.
Albert W. Paul, from the 1st day of March 1937.
Arthur D. Challacombe, from the 1st day of April 1937.
William F. Brown, from the 22d day of April 1937.

Capt. Ralph W. Culpepper to be a major in the Marine Corps from the 1st day of June 1937.

The following-named captains to be majors in the Marine Corps from the 30th day of June 1937:

Paul R. Cowley	Paul A. Lesser
George D. Hamilton	William D. Bassett
Norman E. True	James D. Waller
Carl W. Meigs	Cyril W. Martyr

Capt. Frank S. Gilman to be a major in the Marine Corps from the 1st day of July 1937.

Capt. Thomas J. Cushman to be a major in the Marine Corps from the 1st day of July 1937.

The following-named first lieutenants to be captains in the Marine Corps from the 30th day of June 1937:

Paul D. Sherman	Francis H. Williams
John Wehle	Paul W. Russell
William P. Battell	Frank M. Reinecke
Cornelius P. Van Ness	John M. Davis
Lewis R. Tyler	Walfried H. Fromhold
Archibald D. Abel	James T. Wilbur
Charles E. Shepard, Jr.	Charles H. Hayes
Peter A. McDonald	Donald M. Weller
Michael M. Mahoney	Samuel S. Yeaton
Frank G. Wagner, Jr.	Edward A. Montgomery
Paul Moret	Edgar O. Price
Harold W. Bauer	Robert E. Hill
William B. McKean	

The following-named first lieutenants to be captains in the Marine Corps from the 1st day of July 1937:

James M. Daly	Wright C. Taylor
Ronald D. Salmon	Marcellus J. Howard
Ernest W. Fry, Jr.	

The following-named citizens to be second lieutenants in the Marine Corps, revocable for 2 years, from the 1st day of July 1937:

Fletcher L. Brown, Jr., a citizen of Florida.
John F. Dunlap, a citizen of Georgia.
Glenn E. Fissel, a citizen of Ohio.
John J. Gormley, a citizen of Maryland.
James D. Hittle, a citizen of Michigan.
Hugh R. Nutter, a citizen of California.
Robert H. Ruud, a citizen of North Dakota.
Joseph L. Stewart, a citizen of Alabama.
Marvin C. Stewart, a citizen of Mississippi.
Tom M. Trotti, a citizen of South Carolina.
Jack F. Warner, a citizen of California.

CONFIRMATION

Executive nomination confirmed by the Senate July 6, 1937

POSTMASTER

COLORADO

Chester A. Brown, Idaho Springs.

HOUSE OF REPRESENTATIVES

TUESDAY, JULY 6, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal God, our Father upon earth, who has committed unto us the solemn trust of the public service, keep us deeply conscious of our responsibilities. Direct us with Thy most gracious favor and further us with Thy continued help. We pray Thee to give us that due sense of all Thy mercies, that our hearts may be unfeignedly thankful. Day by day enable us to show forth Thy praise in our behavior by walking before Thee in truth and righteousness. We entreat Thee, blessed Lord, at the beginning of these days, that we may free ourselves of irritations, impatience, and worries, and thereby extend our spiritual frontiers and enlarge the boundaries of our understanding. Thou Holy One, our

Passover, may we remember Thee with the unleavened bread of sincerity and truth; whosoever shall do Thy will the same is our brother. Merciful, gracious Lord, increase the strength and the number of our brotherhood. Through Jesus Christ our Savior. Amen.

The Journal of the proceedings of Friday, July 2, 1937, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 6287. An act to amend Public Act No. 467, Seventy-third Congress, entitled "Federal Credit Union Act"; and

H. R. 6737. An act to amend the stamp provisions of the Bottling in Bond Act.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 7562. An act to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House thereon, and appoints Mr. BANKHEAD, Mr. POPE, and Mr. FRAZIER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the House of the following titles:

H. R. 2332. An act for the relief of William Sulem; and

H. R. 2565. An act to confer jurisdiction on the Court of Claims to hear, determine, and enter judgment upon the claims of contractors for excess costs incurred while constructing navigation dams and locks on the Mississippi River and its tributaries.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On July 1, 1937:

H. R. 6692. An act making appropriations for the Military Establishment for the fiscal year ending June 30, 1938, and for other purposes;

H. R. 7726. An act making appropriations for the first half of the month of July 1937, for certain operations of the Federal Government which remain unprovided for on July 1, 1937, through the failure of enactment of the supply bills customarily providing for such operations; and

H. J. Res. 433. Joint resolution making appropriations for the fiscal year ending June 30, 1938, for the Civilian Conservation Corps, the railroad retirement account, and other activities, and for other purposes.

On July 5, 1937:

H. R. 1731. An act for the relief of Angelo and Auro Cattaneo;

H. R. 2703. An act to provide for the representation of the United States Court of Appeals for the District of Columbia on the annual conference of senior circuit judges;

H. R. 3284. An act to transfer Crawford County, Iowa, from the southern judicial district of Iowa to the northern judicial district of Iowa;

H. R. 4711. An act to extend the times for commencing and completing the construction of a bridge across Pudget Sound at or near a point commonly known as The Narrows, in the State of Washington;

H. R. 4795. An act to provide for a term of court at Livingston, Mont.;

H. R. 5848. An act to extend times for commencing and completing the construction of a bridge across the Wabash River at or near Merom, Sullivan County, Ind.;

H. R. 6049. An act to amend the Interstate Commerce Act;

H. R. 6285. An act authorizing the State Roads Commission of the State of Maryland and the State Road Commission of the State of West Virginia to construct, maintain, and operate a free highway bridge across the Potomac River in Washington County, Md., at or near a point opposite Shepherdstown, W. Va., and a point at or near Shepherdstown, Jefferson County, W. Va., to take the place of a bridge destroyed by flood;

H. R. 6286. An act authorizing the State Roads Commission of the State of Maryland and the State Road Commission of the State of West Virginia to construct, maintain, and operate a free highway bridge across the Potomac River at or near a point in the vicinity of Hancock, in Washington County, Md., and a point near the north end of Morgan County, W. Va., to take the place of a bridge destroyed by flood;

H. R. 6292. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Niobrara, Nebr.; and

H. R. 6494. An act to extend the times for commencing and completing the construction of a bridge across the Snake River between Clarkston, Wash., and Lewiston, Idaho.

FARM TENANCY BILL

Mr. JONES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7562) to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, and for other purposes, with Senate amendments, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Texas asks unanimous consent to take from the Speaker's table the bill (H. R. 7562), with Senate amendments, disagree to the Senate amendments, and agree to the conference requested by the Senate. Is there objection?

Mr. TOBEY. Mr. Speaker, I object.

Mr. CALDWELL. Reserving the right to object, Mr. Speaker——

The SPEAKER. The gentleman from New Hampshire [Mr. TOBEY] has objected.

Mr. JONES. Mr. Speaker, I hope the gentleman will not object.

Mr. TOBEY. Mr. Speaker, addressing myself to my chairman, he knows our convictions in the matter. A strong group in the Committee on Agriculture, composed of Members on both sides of the aisle, feels as I do, in view of the fact that the Senate has stricken out all after the enacting clause of the House bill and put in an amendment which is a bill which the House committee had turned down on several occasions by a majority vote. We feel we should have a fair chance to have the matter heard in the House and to present arguments pro and con, and therefore I object.

Mr. JONES. May I say to the gentleman, if he will withhold his objection a moment, that I do not think his action in the matter would add anything to the time allowed for discussion. As a matter of fact, the only recourse would be to ask for a rule, which would bring the matter up for a discussion such as we are having now, and, finally, it would be sent to conference for adjustment, anyway. Of course, the House will have full opportunity to vote any conference report we may agree upon up or down, and I think, finally, the gentlemen will have to agree or disagree to whatever the conferees of the House present.

Mr. LUCAS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from New Hampshire withhold his objection?

Mr. TOBEY. I do; yes, Mr. Speaker.

The SPEAKER. The gentleman from Illinois will state his parliamentary inquiry.

Mr. LUCAS. In the event objection is made to the request of the gentleman from Texas, am I correct in my understanding that then the bill will be referred back to the Rules Committee?

The SPEAKER. Will the gentleman from Illinois kindly restate his parliamentary inquiry?

Mr. LUCAS. If objection is made to the unanimous-consent request submitted by the distinguished gentleman from Texas, my inquiry is what will then happen to the bill as presented to the House?

The SPEAKER. In answer to the inquiry, the Chair will state that it is within the discretion of the Chair to allow the bill to lie on the Speaker's table for a reasonable length of time, or to refer the bill and Senate amendments to the Committee on Agriculture.

Mr. JONES. Mr. Speaker, may I answer the question further by a parliamentary inquiry? Would it not be in order for the chairman of the Committee on Agriculture to apply to the Rules Committee for a rule to send the bill to conference?

The SPEAKER. Undoubtedly.

Mr. JONES. And that would simply bring the question up of sending it to conference or not sending it to conference by a vote of the House?

The SPEAKER. The Chair is of that opinion.

Mr. LUCAS. Mr. Speaker, if the gentleman will yield, am I further correct in my understanding that should that happen, then the merits of the bill will not be debated on the floor of the House under time allotted to the chairman of the committee?

Mr. JONES. As I understand it, the chairman of the Rules Committee would have 1 hour within which to debate the question of whether the measure should be sent to conference.

The SPEAKER. That is a correct statement of what the parliamentary situation would be.

Mr. JONES. I, therefore, hope the gentleman will not object, because it will simply put the Rules Committee and myself to that trouble and, finally, the issue would come on sending the bill to conference, and, finally, it seems to me, if the House would send it to conference, which I think it would, the issue would come on whether the House desires to accept the work which may be reported by its own conference committee.

Mr. BOILEAU. Mr. Speaker, if the gentleman from New Hampshire will permit, this matter is of great importance and the House has spent considerable time on it, as the gentleman knows. The Committee on Agriculture has spent several months in the consideration of this particular legislation, and we finally brought in a bill that was acceptable to an overwhelming majority of the House. Does not the gentleman think we should at least have an opportunity of having a conference with the Senate to see if the differences can be ironed out? The views of the gentleman and my own views do not coincide as to the merits of the bill, but does not the gentleman feel we should have an opportunity to iron out the differences and attempts to get some agreement on the legislation during this session?

Mr. TOBEY. I will answer the gentleman's interrogation, if I may, by saying that for months we debated this bill in the Committee on Agriculture and, finally, three different votes were taken whereby a majority of the committee ruled against putting the Government into the business of buying and selling land. We stood steadfast on that and we passed last week the farm tenancy bill without any such provision. It went to the Senate and the Senate, on motion of Senator BANKHEAD, struck out all after the enacting clause and put in its own bill, which would put the Government into the land buying and selling business, and I say that if we allow the measure to go to conference without any objection, the Senate measure would be considered by Members who did not know the lights and shadows of the bill. I propose to object for the reason that I believe the distinguished gentleman from New York [Mr. O'CONNOR], and his Committee on Rules should consider the matter, to that end we will go before the committee and ask for sufficient time to elucidate the matter and give the House an opportunity to know what it is voting on, and then in addition, instruct the conferees to stick by the bill as agreed upon by the committee, and passed by the House.

Mr. JONES. May I state to the gentleman that the committee would practically be instructed to insist on what it voted the other day. It voted on its bill, and we cannot control the Senate and what the Senate may do when it has a bill of its own up. When this bill is sent to conference, both bills will be in conference, regardless of what action the House may take.

Mr. TOBEY. Then the only recourse of the House will be to vote the conference report up or down.

Mr. JONES. I think the gentleman knows that we are familiar with the position taken by the committee; we are familiar with the various steps and action taken by the House. In other words, I think the conference committee, so far as it is practical to do so, will sustain the position taken by the House, but we cannot, of course, dictate terms to the other body, and the gentleman by his objection will not further his purpose any more. As a matter of fact, we would have more time in conference to work this out if we could go immediately into conference.

Mr. TOBEY. I disagree with the gentleman. I want this House to know by careful argument the pros and cons of this situation and what we are going into when we appoint the conferees, and then I want the House to instruct the conferees to stick by their guns, according to the House bill.

Mr. JONES. May I suggest this? Unless a point of order is made, under reservation of objection, the gentleman may now state to the House what he thinks the whole history and picture of the situation is. Unless some one demands the regular order under a reservation of a point of order, the gentleman can have an opportunity to state to the House what he thinks the whole situation is.

Mr. TOBEY. I am working on principle and not from the personal standpoint. I think we can have a better opportunity, and better consider this bill in its different shades by appearing before the Rules Committee, and then take the wise action of instructing our conferees to stand by the House bill than we would under the present program. I therefore insist on my objection.

Mr. JONES. The gentleman would not have any more opportunity to instruct than he would in the regular way.

The SPEAKER. The gentleman from New Hampshire objects to the unanimous-consent request.

Mr. LUCAS. Mr. Speaker, will the gentleman withhold his objection momentarily?

Mr. TOBEY. Yes.

Mr. LUCAS. Will the gentleman from Texas yield for a question?

Mr. JONES. Yes.

Mr. LUCAS. When the conference report comes into the House for adoption or correction, am I correct in my understanding that a certain amount of time will be allotted to the Members of the House to then debate whatever the conclusions of the conferees may be?

Mr. JONES. Yes. I can allow as much time as is desired up to 1 hour, which is as much as would be given on a rule. On the adoption or rejection of the conference report a full hour will be allotted, and I would be disposed to permit everyone to talk within the range of that time.

Mr. TOBEY. But the only recourse we would have would be to vote the conference report up or down.

Mr. JONES. But I say to the gentleman that he will have the same opportunity to move to instruct the conferees at any time that he would have if we had a rule.

Mr. TOBEY. My judgment and confidence in the Rules Committee is such that if we go before that committee and put this matter before them, I believe they will share the righteous indignation that some of us feel on both sides of the aisle against the policy pursued and carried on.

Mr. JONES. But the gentleman realizes that we have not a right to even attempt to control the action of the other body.

Mr. TOBEY. We have a right to secure legislation we desire by using every expedient in our power, and I propose to do it.

Mr. KELLER. Mr. Speaker, will the gentleman yield?

Mr. TOBEY. Yes.

Mr. KELLER. What, in the gentleman's judgment, would be the result—suppose our conference committee confers with the Senate committee and fails to agree? Does the gentleman not believe that such a conference might lead to a more clear understanding? Has it not been the gentleman's observation that our committees always represent the attitude of the House insofar as possible, where it is a direct question, as the gentleman proposes it here? I agree with the gentleman entirely, but I see nothing to be gained by putting it off. It seems to me that we ought to do this as quickly as we can so as to accomplish the very thing the gentleman talks about, so that, if they cannot get together——

Mr. TOBEY. Everything is relative in this world, and the gentleman has suggested a relative argument.

Mr. KELLER. Is there anything to be gained by not going ahead and trying to do the thing first?

Mr. TOBEY. Yes; I think there is much material to be gained.

Mr. KELLER. Would not the gentleman put himself into the attitude of taking an alternative position and saying you can either come to us or we quit?

Mr. TOBEY. No.

Mr. BOILEAU. In view of the chairman's request that we disagree to the Senate amendments, does not the gentleman feel that that shows the House's position—if we disagree to the Senate amendment with the assurance that there will be full opportunity of discussion when the matter comes back?

Mr. TOBEY. No.

Mr. BOILEAU. You cannot instruct them, as I understand it, by the adoption of a rule.

Mr. TOBEY. We can when it comes on the floor under a rule. We can put with that an instruction that will be definitely forwarded.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. TOBEY. I yield.

Mr. MICHENER. I happen to be one of the few who oppose this bill in the House, and one of the reasons suggested was that the purpose was to send this bill to the Senate and do to the bill just what has been done by the Senate. At the time the matter was before the House this matter was not discussed. The gentleman from New Hampshire [Mr. TOBEY] asked the chairman of the Committee on Agriculture [Mr. JONES] some very pointed questions, and the gentleman, in a very proper way, said he could not discuss the matter then. It is of such prime importance that it seems to me it should be discussed in the House and that the House should thoroughly understand the matter and give instructions to the conferees, to make their road easy in the Senate, because we have had experience with these conference reports. What happens too often is that the House yields and the chairman of the conference committee comes back and says they did the best they could. That will be the Senate bill in this case. I do not believe a majority of the House favors it. The only way we can get this before the House is to object today, and get a rule and bring it in and give ample time for discussion.

Mr. TOBEY. I agree with the gentleman.

Mr. JONES. Mr. Speaker, will the gentleman yield?

Mr. TOBEY. I yield.

Mr. JONES. I would like to make this statement in that connection: The gentleman from Michigan [Mr. MICHENER] knows that if we were instructed not to dot an "i" or cross a "t" in the House bill we would have no conference. On the two propositions made by the gentleman from Michigan, if we were instructed not to make any changes in the House bill, we would have no conference. On the second proposition, that we usually yield, I beg leave to most humbly disagree with the gentleman from Michigan. If he will look over the measures which this committee has handled, he will find that nearly always the major features of the House bills have been retained. As a matter of fact, so much so that on one occasion one of the conferees in the other body made the complaint that we always ran away with the ball. I do not think we always do it, but he made that complaint. The conferees on the part of the House, I think, understand the temper of the House and the wishes of the House and will try to interpret them. Of course, we will try to fight for our proposition.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. TOBEY. I yield.

Mr. RANKIN. I am one of the Members who wants to stand by the House bill, but I doubt very seriously if you would accomplish anything by objecting now and forcing a rule on the proposition. I am going to make a suggestion. The way to do it is to instruct conferees by a motion. I suggest to the gentleman from New Hampshire [Mr. TOBEY] and the gentleman from Texas, chairman of the Committee on Agriculture [Mr. JONES] that there are certain features of the House bill that we want to see carried out. Instead of forcing this measure to go to the Rules Committee, I suggest that the gentleman from Texas withdraw his request for the time being and let those Members who are interested in this proposition work out their motion to instruct the conferees on the specific questions in the bill, in which they are so vitally interested. I would not accept the Senate bill, if I could possibly help it. I hear that sentiment expressed all around me.

Mr. JONES. If the gentleman will yield further——

Mr. TOBEY. I yield.

Mr. JONES. I would rather the instructions would come, if they do come, after we have tried to see what we can do in conference. I will state this, that if we have to depart very widely in order to reach any sort of agreement, in fact, if we had to abandon the essential features of our bill, insofar as what the gentleman has in mind is concerned, I would probably want to come back, and I think the other conferees would want to come back for instructions. I would not want to say that we would not make any concessions. I do not want to go to conference with another body with my hands completely tied, with instructions which say, "Now, you go over and say to the other body", which has equal dignity and power, "you take what we offer or nothing." I do not think that is the proper spirit of a conference.

Mr. RANKIN. The instructions I had in mind were not on the entire bill.

Mr. DOXEY. Mr. Speaker, will the gentleman yield to me?

Mr. TOBEY. I yield to the gentleman from Mississippi.

Mr. DOXEY. I did not want to inject myself into this discussion for the reason that I can appreciate the position of both of the gentlemen. However, the House tenant bill has several titles that the Senate bill does not have. It has a submarginal title; it has a rehabilitation title. I do not know whether I will be a conferee or not, but this is by way of adjusting our differences: My honest opinion is that we should appoint conferees now and go into conference, because there are a number of differences that may be ironed out. I know the gentleman is honest and I know his fairness, and if I make a fair proposition I believe the gentleman will accept it, but I suggest, in order to work out these differences which will come up, for instance, I know the gentleman is interested possibly in the rehabilitation feature, in the purchase of submarginal lands for better land uses, and so forth. There are a number of important House provisions that the Senate bill does not contain that I feel sure the Senate conferees will approve and accept. We can get to work as conferees and analyze each bill and see just what we can agree upon, before we ask this House for any instructions.

I am not entirely familiar with the Senate bill, but I think possibly—in fact, I know—the House bill contains many provisions not in the original Senate bill. Now, if the conferees of the House are appointed they can meet with and see the temper of the Senate conferees.

May I not also augment what the chairman of the Committee on Agriculture said about conferences between the House and Senate, and I happen to have been selected, I think, a member of most of the conference committees on bills dealing with agriculture? I know that the Senate has always been reasonable and we have usually brought back to this House in the main what the House has voted. I do not know what will happen in this instance, but knowing the gentleman from Texas as I do, and knowing my distinguished friend from New Hampshire, as I do, I believe that if he and the gentleman from Texas, our chairman, could have some understanding that we will try to iron out this thing it would help. It is possible that the Senate will yield, although I am not prophesying anything; but after we do the best we can as House conferees I think then in the matter of expediency and getting started toward an agreement, if the distinguished gentleman from Texas would say, especially with reference to title I, that the House will not yield its position entirely until the House conferees bring it back to the House for further consideration, that all this delay and perfunctory procedure might be eliminated. I do not know what the gentleman from Texas will say, for I have not conferred with him. I know the gentleman's interest in title I; I can appreciate it, but I know there is something else in the bill besides title I. That is the outstanding section of the bill, title I.

I know, too, that of the Senate conferees one will be Senator BANKHEAD. I have always found him in any conference willing and ready to give and take for what he thought was the best interests of agriculture in general, and I should hate for the whole conference to be blocked or the conference committee prevented from beginning work immediately, which is absolutely necessary, if the gentleman is assured by the chairman of our Committee on Agriculture that we will not surrender or capitulate with reference to title I until we have some understanding with the House. I do not know whether this is the most practical suggestion or not, but it appeals to me as being in the interest of expediency and just about the best way in which to attack this problem and solve it to the best interests of all concerned. Then the conferees can go to work immediately.

Mr. JONES. I thank the gentleman from Mississippi. I take pleasure in stating that before I will surrender the substantial features of title I of the House bill I will come back for further instructions or special vote. There might be some minor changes that we would agree to, but I mean the substantial features.

Mr. HOPE. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield.

Mr. HOPE. Does the gentleman from Texas mean by that that he would bring this back to the House before yielding to any changes which might amount to a change in the philosophy of the bill?

Mr. JONES. Yes; that is correct, before agreeing to a substantial change in the philosophy of the House bill.

Mr. HOPE. The fundamental difficulty here is that we have two entirely different philosophies, one embodied in the House bill and the other in the Senate bill. One House or the other will have to surrender its philosophy in conference on the bill for there is no middle ground. I think this is the thing that the Members who favor the House bill want to be assured of, that there will be no surrender of the principles of the House bill without the matter being fairly submitted to the House; and it is rather difficult to do that in the course of a conference.

Mr. JONES. I have no hesitancy in stating that, so far as I personally am concerned—I could not bind the other conferees—as far as I personally am concerned, before I would agree to an outright change of the philosophy of title I for the Government to buy this land and resell, I would want the instructions of the House on that particular subject, and, in fact, I would come back and ask for instructions.

Mr. LUCAS. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield.

Mr. LUCAS. In this situation should not the House conferees at least make a report and then the House decide as to whether they would instruct the conferees under the circumstances?

Mr. JONES. That should be the procedure, as I understand it.

Mr. DOXEY. The gentleman from New Hampshire would accomplish his purpose in a more satisfactory way, in my humble judgment, by following that procedure than the one he now seeks to pursue.

Mr. TOBEY. I may say to the gentleman from Mississippi, with all due deference, that I yield to no one in the regard I have for MARVIN JONES; I have an affection for the man; and, while I would like to go all the way with him, there is a principle involved and my proposal is one that would save MARVIN JONES from a devil of a lot of pressure. He knows it, and I know it.

I propose to do this thing and to stick by my guns, if necessary, going before the Rules Committee. Members of the House on both sides of the aisle are agreed on the policy of the House, and I think we should stand by our guns against launching the Government into a policy of the purchase and sale of land.

Mr. RAYBURN. Will the gentleman yield?

Mr. TOBEY. I yield to the gentleman from Texas.

Mr. RAYBURN. It appears to me, following the suggestion of the gentleman from Kansas especially, the gentleman from Texas, and the gentleman from Mississippi, that there is a fundamental difference in title I of the House bill and the Senate bill. As expressed by the gentleman from Kansas, there is a difference in governmental philosophy. I believe the gentleman from New Hampshire would in all probability serve his purpose better by accepting the agreement that the gentleman from Texas has just said he is willing to make. That is, before the fundamentals of title I of the House bill are abandoned in any essential particular, that the gentleman bring the matter back to the House for discussion and vote. We would get further on that proposition than we would by a debate under a rule and a flat vote on whether or not we were going to tie the conferees on the part of the House and to a slight degree at least say we were so hide-bound we were not willing to go to conference. Frankly, I have always stood by the House committees, especially since I have been in the position I now hold. I think the gentleman from New Hampshire and all of those who believe and act with him would really get further under that procedure than the one he proposes with reference to a rule.

Mr. TOBEY. I respect what the gentleman says, and I believe he is earnest and sincere in every point he has raised; but there is an old axiom that "he who is convinced against his will is of the same opinion still." I am still of the same will, and my convictions work the other way; therefore I shall stick to my objection.

The SPEAKER. Does the gentleman from New Hampshire insist upon his objection?

Mr. TOBEY. Mr. Speaker, I object.

EXTENSION OF REMARKS

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a speech made by ex-Gov. Charles Mabey, of Utah.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

AMENDMENT OF CANAL ZONE CODE

Mr. BLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4597) to

amend the Canal Zone Code, with an amendment thereto, and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 5, after line 19, insert:

"SEC. 10. That section 222 of title 2 of the Canal Zone Code is hereby amended to read as follows:

"'222. Carriage by Panama Railroad Co. of marine and fire insurance: The Panama Railroad Co. shall carry no insurance to cover marine or fire losses: *Provided*, That this section shall not prohibit the company from carrying insurance to cover shipments of its own funds and securities.'"

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. SNELL. Mr. Speaker, I think the gentleman from Virginia should tell us what the new section means.

Mr. BLAND. Mr. Speaker, section 222 of the existing law provides that the Panama Railroad Co. shall carry no insurance to cover marine or fire losses. That was to protect against the necessity of spending a lot of money. However, it has been felt that would prohibit the Panama Railroad Co. from insuring shipments of its own funds and securities; so that the only new thought contained herein is the proviso which reads:

This section shall not prohibit the company from carrying insurance to cover shipment of its own funds and securities.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Senate amendment was agreed to, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. KERR. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and include therein an able address by assistant administrator, Agricultural Adjustment Administration of North Carolina, Mr. J. B. Hutson.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I want to call attention to the Treasury statement issued by the Secretary of the Treasu *y*, Mr. Morgenthau, dated June 30, whereby the total receipts of the Government for last year were $5,293,840,236.87. The total expenditures were $8,105,158,547.47. The deficit is $2,811,318,310.60, according to the Treasury statement. This is a deplorable situation. A travesty to America's future. An unjust obligation on the future generations.

I call attention to the fact that there should be charged off, according to the President in his Budget message, $404,525,000 for interest. The Treasury did not do it; there was only charged off $103,971,200, which leaves a shortage of $300,553,800, showing that the national debt increased last year over $3,111,872,110.60. Much of this great debt is caused by willful waste and extravagance. Much by incompetence and inexperience. Stop the extravagance. Stop the waste. Stop unworthy projects of the Government.

I call attention to the enormous waste of money by many of the bureaus of this Government, and especially by the Resettlement Administration.

Mr. Speaker, with the appropriation about to be made in the emergency relief appropriation bill for 1937, more than $536,000,000 will have gone into the greatest conglomeration of mismanaged and wasteful projects that has ever been conceived by the mind of man. I refer to the Resettlement Administration. Look where you will and you can find evidence of gross waste and misuse of public funds on every side.

These Resettlement projects will undoubtedly prove to be the most costly of all of the experiments of the "brain trusters", for while the money has already been spent, practically nothing of permanence has been accomplished but at an expense which is far above the limits of economy and common sense. Even the annual report which was published at a cost of $1.07 per copy is being sold at a loss for 40 cents a copy at the Government Printing Office.

Although there are some who will attempt to justify the waste which has already taken place, no sensible person can condone a continuation of the same processes in the future. No one can challenge the recent remark of Senator BORAH that the excessive administrative expense of the Resettlement Administration "approaches a national scandal."

No one can justify the Resettlement's program of buying and retiring marginal land in some sections of the country and in the next moment turning right around and buying up land at $7.10 an acre and expecting the people of this country to believe that a family can make a living on 20 acres of this land if they are provided with about $6,000 or $8,000 worth of improvements and modern conveniences.

No one with common sense will believe that there is any element of economy in taking farm families from Minnesota and Wisconsin to resettle them at a cost of more than $20,000 per family in the Matanuska Valley in Alaska. But everyone within the range of my voice, or everyone who can read the results of the wasteful spending which has already taken place, can instantly realize that when we are hiring from twelve to thirteen thousand persons at a cost which runs from $25,000,000 to $30,000,000 a year to supervise the squandering of the taxpayers' money it is time for this Congress to wind up this resettlement business and save money.

FEW EXAMPLES OF WASTE

These projects have all been more or less wasteful in general, so the purposes of this argument can best be served by directing your attention to specific examples of waste and mismanagement.

GREENBELT

First, I will take up this Greenbelt project, right close at hand. You can drive out and see for yourselves just what a wasteful proposal this amounts to. To begin with, the site selected for the Greenbelt project is an assemblage of various properties totaling 12,393 acres. The location is approximately 5 miles from the District line, near the village of Gresham.

NOTHING TO RECOMMEND SITE

There is nothing to recommend this particular site except its nearness to both Baltimore and Washington. The terrain is very poorly adapted for residential purposes, there being many hills and deep gullies. It was never any good for farming, as the topsoil has for the most part been eroded away for generations, and the underlay is a mixture of red clay and a sandy gravel. About the only vegetation which grows on the site is scrub oak and stunted jack pine. Part of the acreage is so low that during preliminary building operations corduroy roads had to be laid down so that vehicles could get to the field headquarters.

FIRST CONSTRUCTION WORK

First construction work at Greenbelt was initiated by recruiting an army of laborers from the transient relief bureaus in Baltimore and Washington. Each morning last year this pitiable crew of down-and-outers were assembled at the transient bureau and marched to Union Station. There was a train waiting to haul them part way to the project. The balance of the way they were hauled by truck.

Rain or shine these men were taken out to the job and whether or not they did any actual work depended on the

whim of the field foremen. Now, this army of the unemployed, many of whom had been left stranded in Washington when the New Deal jobs began to peter out, had about as much interest in work as a mouse has with a first-class tomcat.

It was, indeed, an interesting sight to watch them put in time. Most of the spring the roads and field were either a sea of mud or a tangle of vines and underbrush. The work to be done was undoubtedly distasteful, but somehow roads were staked out, the brush gradually began to disappear from the right-of-way, the stacks of wheelbarrows and shovels began to show signs of use, and some work at least was being accomplished.

These men were on relief and received relief wages. Whether or not they were charged against the project I have grave doubts, but at the time I am informed this work was not charged as an item of the cost of the whole Greenbelt project.

Before the roads were fully laid out, materials began to arrived on the site for construction purposes, so a guard force was established, and enough red lanterns scattered around to take care of all the traffic in the District of Columbia. The guards were quite inquisitive as to who would visit the construction site, and many inquiring visitors were turned back, but now we are able to report at least in part what a great mistake this Greenbelt project really is.

ITEMS OF WASTE

As I mentioned before, the site had nothing special to recommend it. But to make the site more suitable for the families who will eventually occupy a small part of the area we find that $456,603.50 has been spent for landscaping the grounds, $223,884.77 has been spent for a water-supply system, and $536,262.31 for a sewage-disposal plant. In addition to these sums, $198,850.17 has been spent in land preparation and $238,276.89 building roads and streets. Now, try and imagine if you can buying this land at $4 per acre and then spending money preparing it for use in part at a rate more than twice the cost of the land itself.

COST PER UNIT EXCESSIVE

But to bring all the facts together—we find that the final cost of each of the projected unit homes in Greenbelt will be something like $16,182 or more.

No Federal employee in the low-salaried brackets will therefore be able to buy or rent one of these Greenbelt homes, and the Government will in all probability lose the greater part of the investment sooner or later.

This is just another instance of the futility of the Government trying to meddle in business. Almost invariably their efforts at establishing a precedent or a yardstick, so to speak, have been not only failures but costly enterprises to the taxpayers.

Mr. Speaker, I do not want to dig too deeply into the record of the Resettlement Administration, but it seems to me that the $112,340 of the taxpayers' money which was spent last year in maintaining a staff of 32 publicity experts is the most sordid chapter in the whole affair. To say the least, the information and the publicity put out by these experts was very highly colored if not deceptive and untruthful in many instances. This was not a publicity bureau; it was a propaganda bureau. The facts about the Resettlement Administration have only been brought to light by the insistence of Senator BYRD, of Virginia, and others, who have had a suspicion for a long time that there was something "rotten in Denmark" when Mr. Tugwell suddenly decided to go into the molasses business.

The waste I have mentioned at Greenbelt can be multiplied by the waste of the projects of a similar nature near Milwaukee, Wis., and Cincinnati, Ohio.

At Greenhills, Ohio, the waste was so flagrant that even engineers on the job who visited at Washington talked about it. Although the whole site in Ohio was underlaid with limestone rock suitable for road building and despite the fact that there were several former quarries on the properties purchased, I am informed that the management spent upward of half a million dollars buying crushed rock for road-building purposes, when all they would have had to do is to have some contractor install a small crusher and get all the materials at low cost and without a long haul at a fraction of this sum.

Mr. Speaker, these suburban resettlement projects have cost the Federal Government more than $33,000,000 and not one single family has been housed so far. What more need be said of this feature of the Resettlement Administration?

Besides the suburban resettlement activities, some one of the brain trusters conceived the idea that they ought to start a back-to-the-land movement in various sections of the country at the same time the Department of Agriculture were promoting their crop-reduction program and buying millions of acres to put into grass and grazing lands, conservation projects, and wildlife refuges.

A typical rural resettlement project is Penderlea Homesteads, near Penderlea, N. C.

PENDERLEA HOMESTEADS, N. C.—ANOTHER RESETTLEMENT FANTASY

Penderlea Homesteads consists of an original tract of 4,550 acres of land purchased at a cost of $7.10 per acre. On this land 142 houses for farm homesteaders have been erected. The average farmstead is about 20 acres in size.

The improvements consist in general of a frame four- to six-room house, a chicken house with fenced-in chicken run, a barn, a movable hog house, and a pump house. Every house is equipped with a complete built-in bath, kitchen cabinets, sewage system with septic tank, a water system with electric pump, pressure tank, and hot-water facilities. All in all these farmsteads are thoroughly modern and well above the average accommodations of the farmers of North Carolina or any of the Southern States.

The particular feature of this Resettlement activity is the fact that these expensive improvements were placed on land which was obtained at the low price of $7.10 per acre. By contrast in other sections of the country the Department of Agriculture is constantly purchasing lands in this price range as part of the land-retirement program. There seems to be something out of kilter in a program which is so poorly designed as to try on the one hand to encourage farming in North Carolina on land which anyone could obtain probably with a maximum investment of $200 per farm, and the promotion of colonies in Alaska which requires an investment of over $15,000 per farm family.

Besides the activities in rural and urban resettlement, this Resettlement Administration also had some strange, if not weird, experiences in the operation of their land-development program.

SHELBY FOREST IN TENNESSEE

For instance, there was the Shelby Forest in Tennessee. This is a tract of 9,688 acres in the State of Tennessee, which was to be acquired at a cost of $141,874. Now, let me relate just what happened here, according to Mr. Tugwell's report, made before the lure of the molasses business drew him away from the public service.

On page 138 of the annual report, I find that the Resettlement Administration have already spent $148,273 in salaries and wages on the Shelby Forest tract and have furnished employment to 444 persons, although title to not one single acre of the properties has been obtained or one cent spent for the property. What business or what government can exist and maintain the confidence of the people by such haphazard and uncalled-for practices?

Mr. Speaker, not the least of the shortcomings of the Resettlement Administration is the apparent disregard for sound business principles coupled with excessive waste which is everywhere apparent, but it is in the expressed attitude of those who would continue these wasting processes. In appearing before the subcommittee of the House of Representatives while considering the Emergency Relief Appropriation Act for 1937, Mr. Secretary Wallace said:

> It is a part of our progress, and inevitable progress, to displace, for a time at least, a large number of human beings by machinery. This goes on in the country as well as in the towns.

While I quite agree with Mr. Wallace's statement, I respectfully ask the Secretary of Agriculture if he believes that

we can solve the problems of the machine age by either attempting to domicile the city worker in a $16,000 mansion somewhere in the country or by settling the farm misfits on small tracts of low-productive land equipped with all the conveniences of the modern city? Both theories, I feel sure will prove false and deceptive and conducive to general discontent on the part of the population who must pay the bills that a select few may enjoy advantages brought to them by a patronizing government.

Mr. Speaker, there are many other items of interest in the Resettlement Administration's record which I would like to review but time will heal this scar upon the face of decency, but I do want to call attention to one more item in the waste which is still going on. That is the amount being spent for traveling expenses.

TRAVELING EXPENSES

If all of the money which has been spent for traveling expenses were actually used for that purpose, we either have a highly mobile force working for the Resettlement Administration or in fact a large number of employees must have put in their entire time traveling. We all enjoy a trip now or then, but the amount of money which has been spent for traveling expenses, namely $6,241,668 in 1936, and $4,407,219 in 1937, or a total of $10,648,887, is appaling. This is enough money to buy 1,000,000 tickets from here to Pittsburgh. It is enough money to buy 20,000 tours around the world. It is enough money to buy each one of the 12,000 Resettlement Administration employees a first class circle tour of the Orient. Now where did they find time to do all this traveling and still have time to do any work for the Government salaries they draw? If this was a mobile and traveling force, I cannot see what use the Resettlement Administration could possibly have made of all the high-priced office space they rent and occupy here in Washington and practically every other large city of the country. Are we about to uncover another national scandal or is this traveling made in the interests of the New Deal and the party in power?

Mr. Speaker, this Resettlement Administration has more to condemn it than any single enterprise ever attempted by the brain trust. The time will come, I venture to predict, when the Democratic Party will be loath to admit that they were instrumental in voting this wasteful outfit, now a part of the Department of Agriculture another $100,000,000 to carry on, and pay for that which does an irreparable injury to the credit of the United States and the morale of the American people.

Mr. Speaker, we have met the advances of the brain trusters, and played their game. The cards were against us and we have lost. Let us now heed the philosophy of the Chinaman who said, "Fool me once—shame on you. Fool me twice—shame on me." [Applause.]

EXTENSION OF REMARKS

Mr. O'CONNELL of Montana. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include a short letter from Herbert Resner, of the Tom Mooney Molders' Defense Committee, with regard to a certain situation prevailing at San Quentin Prison.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. TEIGAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include an address recently made by me at Detroit, Mich.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a speech delivered before the League of Women Voters by Mrs. Edith B. Cook.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief excerpt from a court decision dealing with the oil situation.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar Day. The Clerk will call the first bill on the Private Calendar.

LILLIAN J. GLINN

The Clerk called the first bill, S. 727, validating homestead entry, Billings 029004, of Lillian J. Glinn.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the stock-raising homestead entry, Billings 029004, made by Lillian J. Glinn on June 28, 1927, as amended, for all of section 32, township 7 south, range 54 east, Montana principal meridian, is hereby validated, and the Secretary of the Interior is hereby authorized to accept the final proof submitted by the entrywoman, now Lillian J. Castleberry, in support of said homestead entry on December 20, 1934, and to issue patent for the entry in regular course.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

ROGER H. YOUNG

The Clerk called the next bill, H. R. 3231, for the relief of Capt. Roger H. Young.

Mr. COSTELLO and Mr. BARDEN objected, and, under the rule, the bill was recommitted to the Committee on War Claims.

J. MONROE JOHNSON

The Clerk called the next bill, H. R. 7140, to authorize J. Monroe Johnson, Assistant Secretary of Commerce, to accept a decoration and diploma from the Belgian Government.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that the bill (S. 2497) may be considered in lieu of the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That John Monroe Johnson, Assistant Secretary of Commerce, is authorized to accept the decoration which has been tendered him by the Belgian Government.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 7140) was laid on the table.

MARJORIE L. BAXTER

The Clerk called the next bill, H. R. 420, for the relief of Marjorie L. Baxter.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Marjorie L. Baxter, of Port Chester, N. Y., the sum of $12,000. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained by the said Marjorie L. Baxter on account of permanent injuries received when the automobile in which she was riding was struck on the Bronx River Parkway near Crestwood, N. Y., April 24, 1934, by a motor vehicle in the service of the Civilian Conservation Corps.

With the following committee amendments:

Line 5, strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

Line 8, strike out "$12,000" and insert "$3,500."

Page 2, after line 4, insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the

contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A. F. AMORY

The Clerk called the next bill, H. R. 851, for the relief of A. F. Amory.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the claim of A. F. Amory against the United States for damages alleged to have been caused on the early morning of August 6, 1929, by a collision in the harbor of Cape May, N. J., between a submerged wreck alleged to have been then in custody of the United States Coast Guard, at Cape May, N. J., and the power boat *Mocking Bird* owned and operated by the said A. F. Amory, as a result whereof it is alleged that the said power boat *Mocking Bird* sustained substantial damage, may be sued for by the said A. F. Amory in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the said A. F. Amory upon the same principles and measures of liability as in like cases between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided for by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend said United States: *Provided further*, That said suit shall be brought and commenced within 4 months from the date of the passage of this act.

With the following committee amendments:

Page 1, line 3, strike out "that the claim of A. F. Amory" and insert "that jurisdiction is hereby conferred upon the United States District Court for the District of New Jersey to hear, determine, and render judgment upon the claim of A. F. Amory, of Hampton, Va."

Page 2, line 4, after the word "damage", insert "and the same."

Line 6, strike out "Eastern District of Virginia" and insert "District of New Jersey."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill conferring jurisdiction upon the United States District Court for the District of New Jersey to hear, determine, and render judgment upon the claim of A. F. Amory."

H. G. HARMON

The Clerk called the next bill, H. R. 1075, for the relief of H. G. Harmon.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that the bill (S. 885) may be considered in lieu of the House bill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to H. G. Harmon, of Hampton, Iowa, the sum of $400 in full satisfaction of his claim against the Government for damages arising out of personal injuries to his wife and son and the destruction of his automobile, suffered when such automobile was struck and completely demolished by a Civilian Conservation Corps truck, on September 10, 1935, near Hampton, Iowa, and for expenses and losses resulting therefrom: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 1, line 7, after the words "the sum of", strike out "$400" and insert in lieu thereof "$500."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 1075) was laid on the table.

AGNES EWING HARTER

The Clerk called the next bill, H. R. 1114, for the relief of Agnes Ewing Harter.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COSTELLO. Mr. Speaker, I object.

There being no further objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Agnes Ewing Harter, of Columbus, Ohio, the sum of $10,000. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained by the said Agnes Ewing Harter and her two minor children on account of the death of her husband, Albert Edward Irvine Harter, late first lieutenant, Air Corps Reserve, United States Army, who was fatally injured in line of duty on July 27, 1932, in an airplane accident at Circleville, Ohio, while voluntarily participating in an aerial flight in a Government-owned aircraft by proper authority as an incident to his military training.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of War is hereby authorized and directed to pay, out of the current appropriation of the War Department for pay of the Army, to Agnes Ewing Harter, of Columbus, Ohio, widow of Albert Edward Irvine Harter, late first lieutenant, Air Corps Reserves, United States Army, who was killed in line of duty July 27, 1932, in an airplane accident at Circleville, Ohio, a gratuity equal to 6 months' pay at the rate which said Albert Edward Irvine Harter would have received had he been on active duty at the time of his death: *Provided*, That Agnes Ewing Harter shall first establish to the satisfaction of the Secretary of War that she was actually dependent on the said Albert Edward Irvine Harter at the time of his death, as prescribed by the act of December 17, 1919 (41 Stat. 367)."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAT HENSLEY AND OTHERS

The Clerk called the next bill, H. R. 1122, for the relief of Mat Hensley.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 to Mat Hensley, of Wallins Creek, Ky., in full settlement of all claims against the Government of the United States for personal and permanent injuries suffered by him on September 13, 1935, when a taxicab in which he was riding in Harlan County, Ky., was, through and by the negligence of one of the employees and enrollees of the United States Civilian Conservation Corps, struck and demolished by a Civilian Conservation Corps truck operated by him; that his injuries were caused by the reckless, careless, and negligent manner in which said truck was operated by said Civilian Conservation Corps enrollee, and he would not have been injured but for the said recklessness, carelessness, and negligence of said enrollee: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That jurisdiction is hereby conferred upon the United States District Court for the Eastern District of Kentucky to hear, deter-

mine, and render judgment, as if the United States were suable in tort, upon the claims of Mat Hensley, Arnold Blanton, Lillie Price, and Clyde Thorpe, all of Wallins Creek, Harlan County, Ky., for damages resulting from personal injuries and property damage, and upon the claim of D. L. Mason, of Wallins Creek, Harlan County, Ky., for damages resulting from the death of his minor daughter, Dorothy Mason; said injuries, death, and property damage having been received when the taxicab in which they were passengers was in a collision with a Civilian Conservation Corps truck on the highway between Lake View and Harlan, Harlan County, Ky., on September 14, 1935: *Provided*, That the judgment, if any, shall not exceed, in the case of Mat Hensley, $1,500; in the case of Arnold Blanton, $1,000; in the case of Lillie Price, $3,500; in the case of Clyde Thorpe, $1,500; and in the case of D. L. Mason, $5,000.

"SEC. 2. Suit upon such claims may be instituted at any time within 1 year after the enactment of this act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claims, appeals therefrom, and payment of any judgments thereon shall be in the same manner as in the cases over which such court has jurisdiction under paragraph 20 of section 24 of the Judicial Code, as amended."

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill conferring jurisdiction upon the United States District Court for the Eastern District of Kentucky to hear, determine, and render judgment upon the claims of Mat Hensley, Arnold Blanton, Lillie Price, Clyde Thorpe, and D. L. Mason."

H. T. CAMPBELL AND E. O. O'NEAL

The Clerk called the next bill, H. R. 1207, for the relief of H. T. Campbell and E. O. O'Neal.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $10,000 to H. T. Campbell, father of Marshall Campbell, and the sum of $10,000 to E. O. O'Neal, father of Raymond O'Neal, said Marshall Campbell and Raymond O'Neal having died of injuries received as a result of a collision with a United States Civilian Conservation Corps truck on August 30, 1935.

With the following committee amendments:

Strike out all after the enacting clause and insert:

"That jurisdiction is hereby conferred upon the United States District Court for the Middle District of Georgia to hear, determine, and render judgment, as if the United States were suable in tort, upon the claims of the estate of Marshall Campbell, and the estate of Raymond O'Neal, of Greene County, Ga., for damages resulting from the deaths of said Marshall Campbell and Raymond O'Neal by reason of an automobile collision involving a Civilian Conservation Corps truck on August 30, 1935, on the highway between Greensboro and Union Point, Ga.: *Provided*, That the judgment, if any, shall not exceed, in the case of the estate of Marshall Campbell, $5,000; and in the case of the estate of Raymond O'Neal, $5,000.

"SEC. 2. Suit upon such claims may be instituted at any time within 1 year after the enactment of this act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claims, appeals therefrom, and payment of any judgment thereon shall be in the same manner as in the cases over which such court has jurisdiction under the provisions of paragraph twentieth of section 24 of the Judicial Code, as amended."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title of the bill was amended to read as follows: "A bill conferring jurisdiction upon the United States District Court for the Middle District of Georgia to hear, determine, and render judgment upon the claims of the estates of Marshall Campbell and Raymond O'Neal."

LAWRENCE E. THOMAS

The Clerk called the next bill, H. R. 1355, for the relief of Lawrence E. Thomas.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, the United States Employees' Compensation Commission is authorized and directed to consider and act upon any claim filed by Lawrence E. Thomas for disability from injuries incurred by him in March 1934 while an employee of the Civil Works Administration, and pay him compensation from the date of disability in accordance with the provisions of aforesaid act.

With the following committee amendments:

Page 1, line 9, after the word "Thomas", insert "of Whitman, Mass."; and in line 10, after the word "injuries", insert the word allegedly."

On page 2, beginning in line 1, after the word "Administration", strike out the remainder of line 1 and all of line 2 and insert "in accordance with the act entitled 'An act making an additional appropriation to carry out the purposes of the Federal Emergency Relief Act of 1933, for continuation of the Civil Works program, and for other purposes', approved February 15, 1934: *Provided*, That said claim shall be filed within 6 months after the approval of this act: *Provided further*, That no benefits shall accrue prior to the approval of this act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SAM ROMACK

The Clerk called the next bill, H. R. 1734, for the relief of Sam Romack.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $250 to Sam Romack, in full settlement of all claims against the Government of the United States for the loss of his gas boat *T–4389*, when sunk by the United States Coast Guard patrol boat *Morris*, on or about September 26, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, strike out "the sum of $250 to Sam Romack" and insert "to Sam Romack, of Seward, Alaska, the sum of $125."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BOLINROSS CHEMICAL CO.

The Clerk called the bill (H. R. 2353) for the relief of the Bolinross Chemical Co.

Mr. COSTELLO and Mr. BARDEN objected, and the bill was recommitted to the Committee on Claims.

DWAIN D. MILES

The Clerk called the bill (H. R. 2358) for the relief of Dwain D. Miles.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dwain D. Miles, of Coolidge, Tex., the sum of $7,500 for personal injuries sustained by him, resulting in the loss of his left arm, occasioned by the negligent driving and operation of a United States Department of Agriculture truck on a highway near Coolidge, Tex., on August 29, 1935.

With the following committee amendments:

Page 1, line 5, after the word "Treasury", strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

Page 1, line 8, strike out "$7,500" and insert "$3,500, in full satisfaction of his claim against the United States."

Page 1, line 10, after the word "him", strike out "resulting in the loss of his left arm, occasioned by the negligence of driving and operation of" and insert "when the automobile he was driving was struck by."

Page 2, line 2, after the word "truck", insert "operated by an enrollee of the Civilian Conservation Corps."

Page 2, line 4, strike out the period, insert a colon and the following: "*Provided*, That no part of the amount appropriated

in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to; and the bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

JOHN N. BROOKS

The Clerk called the bill (H. R. 2740) for the relief of John N. Brooks.

The SPEAKER pro tempore (Mr. O'CONNOR of New York). Is there objection?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement of all claims against the United States, the sum of $2,500 to John N. Brooks, of Cincinnati, Ohio, which sum was paid by him April 14, 1925, to the United States by reason of the forfeiture of the bail bond of Frank Overturf, the case against whom was afterward nolled: *Provided*, That no part of the amount appropriated in this act excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 10, strike out the words "afterward nolled" and insert "subsequently dismissed because of his absence for 7 years."

The amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

CLIFFORD L. BOHN

The Clerk called the bill (H. R. 3192) for the relief of Clifford L. Bohn.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clifford L. Bohn, of Traverse City, Mich., the sum of $7,500 in settlement of all claims against the United States for damages to him caused by injuries sustained when he slipped and fell on the ice-covered steps of the Traverse City, Mich., post office and thereby fractured his spine.

With the following committee amendments:

Page 1, line 5, strike out "Bohn" and insert "Bonn."

Page 1, line 6, strike out "$7,500 in" and insert "$4,000 in full."

Page 1, line 10, strike out "and thereby fractured his spine" and insert "on November 30, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in exces of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read: "A bill for the relief of Clifford L. Bonn."

W. H. LENNEVILLE

The Clerk called the bill (H. R. 3745) for the relief of W. H. Lenneville.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of W. H. Lenneville, postmaster at Dickinson, N. Dak., in the sum of $504.90 on account of the loss of postal, Treasury, savings, money-order, war-revenue, and other funds resulting from the failure of banks in Dickinson, N. Dak.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the postal-savings account of W. H. Lenneville, postmaster at Dickinson, N. Dak., in the sum of $504.90, on account of the loss of postal savings funds resulting from the failure of the Dakota National Bank of Dickinson, Dickinson, N. Dak., prior to April 1, 1924."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

H. A. MONTGOMERY

The Clerk called the bill (H. R. 4257) for the relief of H. A. Montgomery.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to H. A. Montgomery the sum of $873.45 in full settlement of all claims against the United States because of the loss of personal effects as the result of a fire in the apartment quarters 8F at Grand Canyon National Park, Ariz., September 1, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, after the word "Montgomery", insert "of Oakland, Calif.", and strike out "$873.45" and insert "$600."

Page 1, line 10, after the figures "1935", insert "which fire occurred through the defective condition of said building."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

C. J. MURRILL

The Clerk called the bill (H. R. 4260) for the relief of C. J. Murrill.

Mr. COSTELLO and Mr. BARDEN objected, and the bill was recommitted to the Committee on Claims.

WILLIAM SPERRY

The Clerk called the bill (H. R. 4378) for the relief of William Sperry.

Mr. DONDERO and Mr. HALLECK objected, and the bill was recommitted to the Committee on Claims.

LAKE SPENCE

The Clerk called the bill (H. R. 4526) for the relief of Lake Spence.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lake Spence, the sum of $15,000, the payment of such sum to be in full settlement of all claims against the United States for damages sustained by the said Lake Spence, on account of permanent personal injuries suffered by him when the automobile which he was driving was struck on October 10, 1936, at Rift, W. Va., by a truck in the service of the Civilian Conservation Corps.

With the following committee amendments:

Page 1, line 5, after the word "Treasury", strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

Page 1, line 7, after the word "Spence", insert "of Berwind, W. Va."

Page 1, line 8, strike out "$15,000, the payment of such sum to be" and insert "$5,000."

Page 2, line 3, strike out the period, insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered

to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

MRS. E. V. COCKERHAN

The Clerk called the bill (H. R. 4527) for the relief of Mrs. E. V. Cockerhan, mother and natural guardian of Luther Jennings Workman.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $10,000 to Mrs. E. V. Cockerhan, mother and natural guardian of Luther Jennings Workman, of Red Jacket, W. Va., in full settlement of all claims against the Government of the United States for personal injuries suffered by him on January 11, 1936, when he suffered burns from the explosion of gasoline in a fire left by employees of the Works Progress Administration at Red Jacket, W. Va.

With the following committee amendments:

Page 1, line 5, strike out "$10,000" and insert "$2,500."

Page 1, line 6, strike out "Mrs. E. V. Cockerhan, mother and natural guardian" and insert "the legal guardian."

Page 1, line 8, after the word "Workman", insert "a minor."

Page 1, line 11, strike out "suffered burns from" and insert "was burned by."

Page 2, line 2, strike out the period, insert a colon and the following: "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

The title was amended to read: "A bill for the relief of Luther Jennings Workman, a minor."

HENRY CLAY GIBSON

The Clerk called the next bill, H. R. 4622, for the relief of Henry Clay Gibson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Henry Clay Gibson the sum of $191.25, in payment of cost unnecessarily incurred by United States in the case and on appeal from judgment of district court of United States in favor of Henry Clay Gibson, which appeal was dismissed by United States for lack of merit, and said cost wrongfully and unlawfully charged and deducted from the judgment in favor of said Henry Clay Gibson.

With the following committee amendments:

Page 1, line 5, after the word "to", to strike out the remainder of line 5 and all down to and including line 11 on page 1; page 2, line 1, after the word "Gibson", insert the following: "of Delhi, La., the sum of $186.25, in full satisfaction of his claim against the United States for costs wrongfully assessed against him as the result of an appeal taken by the United States from a judgment of the United States District Court for the Western District of Louisiana in favor of said Henry Clay Gibson, which appeal was later withdrawn by the United States for lack of merit: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAUL H. NORBOE

The Clerk called the next bill, H. R. 4875, for the relief of Paul H. Norboe.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $2,500 being 25 percent of the amount recovered from the forfeiture of bail bonds in the case of *The United States of America* v. *Mon Kee Lee, Lim Bok Young, Liu Sang, and Liung Sui Chun* in the United States District Court for the Northern District of California, to Paul H. Norboe for original information furnished by him on November 9, 1934, to customs officers concerning a violation of the customs laws which resulted in the seizure of 2 pounds of morphine and the conviction of the above-named defendants: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out "United States."

Page 1, line 5, after the word "appropriated", insert "to Paul H. Norboe, of San Rafael, Calif."

Page 1, line 7, strike out the word "being" and insert "in full satisfaction of his claim against the United States for an award to him by the United States District Court for the Northern District of California as."

Page 2, line 3, strike out the words "to Paul H. Norboe."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMITTEE ON THE JUDICIARY

Mr. CHAMPION. Mr. Speaker, at the direction of the Committee on the Judiciary, I ask unanimous consent that that committee may be permitted to sit during the session of the House for the balance of the day.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PRIVATE CALENDAR

LUDWIG BAHNWEG

The Clerk called the next bill on the Private Calendar, H. R. 5144, for the relief of Ludwig Bahnweg.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ludwig Bahnweg the sum of $500. Such sum represents reimbursement for the loss sustained by the said Ludwig Bahnweg on account of the forfeiture to the United States of a $500 Liberty Loan bond deposited by him to secure the appearance of Elizabeth Wilhelm or Kuhn in proceedings for her deportation. The said Ludwig Bahnweg in June 1931 warned the immigration authorities that unless provision was made for her immediate deportation such alien would disappear and not be available for deportation at a future date, but the Government did not take her into custody at that time. When the said Ludwig Bahnweg was called upon to surrender such alien he could not locate her within the time allowed him, but she was subsequently apprehended and deported.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ludwig Bahnweg, of New York City, the sum of $500, in full satisfaction of his claim against the United States for the value of a Liberty bond in that amount deposited by him to secure the appearance of an alien, Elizabeth Wilhelm, on June 3, 1931, and forfeited to the United States Treasury March 3, 1932, after her failure to appear, although said alien had been apprehended with the efforts of Ludwig Bahnweg, and deported on February 26, 1932: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person

violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ETHEL B. LORD

The Clerk called the next bill, H. R. 5168, for the relief of Ethel B. Lord.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Ethel B. Lord, of Bibb County, Ga., the sum of $10,000 in full settlement of all claims against the United States for the injury of said Ethel B. Lord, who was injured by the explosion of an old hand grenade at the former site of Camp Wheeler, near Macon, Ga., on November 23, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, after the word "Lord", insert "a minor."

Page 1, line 6, strike out "$10,000", and insert "$5,000."

Page 1, line 8, after the word "for", strike out "the injury of said Ethel B. Lord, who was injured by" and insert "personal injuries sustained by her as the result of."

Page 1, line 11, after the figures, insert "part of which site is now occupied as the home of her family."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read: "A bill for the relief of Ethel B. Lord, a minor."

CARSON BRADFORD

The Clerk called the next bill, H. R. 5229, for the relief of Carson Bradford.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Carson Bradford, of Miami, Dade County, Fla., the sum of $3,500 to compensate said Carson Bradford for damage done to his house and property, located at Lake Weir, Marion County, Fla., on or about January 16, 1935, by agents of the Federal Bureau of Investigation of the Department of Justice in line of duty: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike out "$3,500, to compensate said Carson Bradford" and insert "$2,500, in full settlement of all claims against the United States"; page 1, line 10, after the word "on", strike out "or about January 16, 1935" and insert "January 15, 1935"; page 2, line 1, strike out "line of duty" and insert "apprehending certain fugitives from justice."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARIAN MALIK

The Clerk called the next bill, H. R. 5622, for the relief of Marion Malik.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Marion Malik, Minneapolis, Minn., the sum of $5,000. Such sum shall be in full settlement of all claims against the United States for damages sustained by the said Marion Malik as the result of being struck and seriously injured by a truck owned by the United States Coast and Geodetic Survey of the Department of Commerce in Minneapolis, Minn., on October 23, 1934: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $5,000.

With the following committee amendments:

Page 1, line 5, strike out the word "Marion" and insert "Marian."

Page 1, line 6, strike out "$5,000" and insert "$2,000."

Page 1, line 8, after the word "by", strike out "the said Marion Malik" and insert "her".

Page 1, line 9, strike out the word "seriously."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read: "A bill for the relief of Marian Malik."

WILLIAM SULLIVAN

The Clerk called the next bill, H. R. 6010, for the relief of William Sullivan.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Sullivan, the sum of $5,000 in full settlement of all claims against the Government of the United States for personal injuries received by him on April 23, 1936, resulting from being struck by a bullet from a revolver in the hands of a postal employee at the Babylon, Long Island, N. Y., post office, said injuries to William Sullivan resulting from the accidental discharge of said firearm while being cleaned as part of the routine of official business by said postal employee.

With the following committee amendments:

Page 1, line 5, after the word "Sullivan", insert "of West Islip, Long Island, N. Y."

Page 1, line 6, strike out "$5,000" and insert "$3,500."

Page 2, after line 3, insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

E. W. ROSS

The Clerk called the next bill, H. R. 6574, for the relief of E. W. Ross.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to E. W. Ross, in full settlement of all his claims against the Government of the United States for injuries received by him on the 12th day of January 1934 when an automobile, being driven by him in a lawful manner, was run into by a truck owned by the Government of the United States, then and there being operated by Albert A. Potts, a member of the Civilian Conservation Corps, in a negligent and reckless manner: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per-

cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out the words "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps."

Page 1, line 5, also, strike out the figures "$5,000" and insert in lieu thereof "$3,000."

Page 1, line 6, after the name "Ross", insert the words "of San Diego, Calif."

Page 1, line 10, after the word "truck", strike out all of the bill through the word "manner", on page 2, line 1, and insert the following: "operated in connection with the Civilian Conservation Corps, at the intersection of Fairmount Street and Broadway, San Diego, Calif."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE E. SHOCKLEY

The Clerk called the next bill, S. 171, for the relief of George E. Shockley.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George E. Shockley, the sum of $323, in full settlement of all claims against the Government occasioned by the cancelation of a contract entered into between the said George E. Shockley and the United States Coast Guard Service: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, after the name "Shockley", insert the words "of Rehoboth Del.,".

Page 1, line 7, after the word "Government", insert "for losses."

Page 1, line 9, strike out the word "Service" and insert the words "for repairs and additions to the lifeboat house and launchway at Lewes (Del.) Coast Guard Station."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SHEEHY DRILLING CO.

The Clerk called the next bill, S. 630, for the relief of the Sheehy Drilling Co.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Sheehy Drilling Co., of Casper, Wyo., out of any money in the Treasury not otherwise appropriated, the sum of $660, said sum to be in full settlement of any and all claims against the Government for the balance due said Sheehy Drilling Co. for completing performance of Department of the Interior (United States Geological Survey) contract no. 1-ga-2423, dated October 5, 1933, for plugging and abandonment of the Zola Oil Co. well no. 1, located on the southeast northwest section 25, township 27 north, range 93 west sixth principal meridian, Crook's Creek Area, in Fremont County, Wyo., on canceled oil and gas prospecting permit, Cheyenne 029569: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LUCILLE M'CLURE

The Clerk called the next bill, S. 707, for the relief of Lucille McClure.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lucille McClure the sum of $3,600, compensation as the widow of former Deputy Administrator of Prohibition H. S. McClure, of Spokane, Wash., whose death on January 15, 1929, was caused by injuries sustained while in the Government service: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike out all of the bill after the enacting clause and insert in lieu thereof the following:

"That the United States Employees' Compensation Commission is hereby authorized and directed to receive and consider the claim of Lucille McClure, of Spokane, Wash., widow of a former deputy administrator of prohibition, H. S. McClure, whose death occurred on January 15, 1929, allegedly as a result of injuries sustained by him while in the performance of his duties, under the provisions of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes', approved September 7, 1916, as amended, except that the limitations of time in sections 15 to 20 thereof, both inclusive, are hereby waived: *Provided*, That claim hereunder shall be filed within 6 months from the date of the approval of this act: *Provided further*, That no benefits shall accrue prior to the approval of this act."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES T. MILLER HOSPITAL, INC., ET AL.

The Clerk called the next bill, S. 767, for the relief of the Charles T. Miller Hospital, Inc., at St. Paul, Minn.; Dr. Edgar T. Herrmann; Ruth Kehoe, nurse, and Catherine Foley, nurse.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay out of the naval hospital fund to the Charles T. Miller Hospital, Inc., at St. Paul, Minn., the sum of $135.45; to Dr. Edgar T. Herrmann, the sum of $117; to Ruth Kehoe, nurse, the sum of $9; and to Catherine Foley, nurse, the sum of $4; in all, $265.45, in full settlement of all claims against the Government of the United States for services and professional treatment rendered Leonard James Graves, storekeeper, second class (F-1), United States Naval Reserve, while ill with diabetic acidosis during the period from August 17, 1935, to September 7, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM SPERRY

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to return to Calendar No. 459, H. R. 4378, for the relief of William Sperry.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk called the bill (H. R. 4378) for the relief of William Sperry.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,000 to William Sperry, Newport, Wash. Payment of such sum should be in full settlement of all claims against the United States for damages sustained by the said William Sperry on account of the loss of his son, Clifford Sperry, who was struck and killed on May 27, 1934, at Newport, Wash., by a Forest Service truck driven

by an enrollee of the Civilian Conservation Corps stationed at Silvernite, Mont.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act, in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, strike out "not otherwise appropriated, the sum of $3,000", and insert in lieu thereof "allocated by the President for the maintenance and operation of the Civilian Conservation Corps, the sum of $5,000."

Mr. DONDERO. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Page 1, line 7, strike out "$5,000" and insert in lieu thereof "$4,000."

The amendment to the committee amendment was agreed to.

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: In lines 8 and 9, strike out "Washington. Payment of such sum should be" and insert in lieu thereof "Washington,".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELLEN TAYLOR

The Clerk called the next bill, S. 828, for the relief of Ellen Taylor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ellen Taylor, the sum of $2,626 in full and final settlement of any and all claims against the United States for injuries sustained when the automobile in which she was a passenger was struck by a National Capital Parks truck at the intersection of Twentieth and Otis Streets NE., Washington, D. C., on September 15, 1934: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, after the word "Taylor", insert "of Richmond, Va."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALEXANDER E. KOVNER

The Clerk called the next bill, S. 1048, for the relief of Alexander E. Kovner.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alexander E. Kovner, of Seattle, Wash., the sum of $5,000, in full settlement of all claims against the United States for cost of hospital and medical care, pain and suffering, and permanent disability, resulting from the said Alexander E. Kovner being struck by a truck belonging to the Third Brigade of the United States Marines, in the city of Tientsin, China, on May 14, 1928, such accident being primarily due to the negligence of the driver of the said truck: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike out "Seattle, Wash.", and insert in lieu thereof "San Francisco, Calif."

Page 2, line 1, strike out "primarily."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES H. SMITH

The Clerk called the next bill, S. 1257, for the relief of James H. Smith.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James H. Smith, formerly employed as laboratorian in roentgenology by the United States Veterans' Bureau, the sum of $5,000 in full settlement of all claims against the Government for injuries received by him as a result of X-ray burns sustained by him in August 1922 and March 1923 while employed at the United States veterans' hospital at Dwight, Ill., and at the United States Veterans' Bureau regional office at Lexington, Ky.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

After line 5, insert "of Washington, D. C."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GOLDENBERG FURNITURE CO.

The Clerk called the next bill, S. 1849, for the relief of the Goldenberg Furniture Co.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Goldenberg Furniture Co., Parkersburg, W. Va., the sum of $115.25. Such sum represents the value of certain materials and equipment (plus the cost of labor on a portion thereof) furnished the district engineer, fourth district, Works Progress Administration, Parkersburg, W. Va., by the said Goldenberg Furniture Co. The claim of such company for the payment of such sum was disallowed by the Acting Comptroller General of the United States on the ground that such materials and equipment were delivered and labor thereon performed upon the verbal order of an employee of the Works Progress Administration who was not authorized to act as a purchasing or contracting officer for the United States: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

In line 7, strike out "represents" and insert "shall be in full satisfaction of its claim against the United States for."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HALLE D. M'CULLOUGH

The Clerk called the next bill, S. 1934, for the relief of Halle D. McCullough.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow

credit in the accounts of Halle D. McCullough, as superintendent and special disbursing agent of Fort Berthold Indian Agency, Elbowoods, N. Dak., for expenditures of $283.61 and $107.06 made during the month of June 1933 from the fund "Indian moneys, proceeds of labor, Fort Berthold Agency."

With the following committee amendment:

Page 1, line 10, add the following: "Which sums have been disallowed by the General Accounting Office for lack of accounting evidence to substantiate the propriety of the expenditures."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN A. ENSOR

The Clerk called the next bill, S. 2266, for the relief of John A. Ensor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John A. Ensor, of Sparks, Md., the sum of $25. The payment of such sum shall be in full settlement of all claims against the United States on account of the slaughter, prior to its registration as a purebred, of one diseased cow owned by the said John A. Ensor: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 10, after the word "Ensor", insert "and in furtherance of the Bureau of Animal Industry's project for the elimination of Bang's disease."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM K. RICHARDSON

The Clerk called Senate Joint Resolution 30, for the relief of William K. Richardson.

There being no objection, the Clerk read the resolution, as follows:

Whereas William King Richardson invented a new form for a projectile for use in present constructed guns, consisting of three salient features, to wit, a long point, a relatively reduced cylinder length, and a beveled base now known as the streamline shell; and

Whereas this invention was submitted to the United States War and Navy Departments by said Richardson in 1914 as a secret invention, and later application for Letters Patent was made, and United States Patent No. 1141415 was granted to said Richardson on June 1, 1915, and later adjudicated by the Court of Claims as a valid patent; and

Whereas the United States Army used many millions of said streamline shells in the war against Germany and Austria, and there were no streamline shells for cannon used in the aforesaid war until after the issue of the Richardson patent; and

Whereas the streamline shell greatly increased the range and preserved accuracy of our guns, and the patent disclosed a great discovery in the science of streamline of a body, and for the first time in science gave the correct velocity flow of air to an instantly created vacuum, making it possible to mathematically express as demonstrated in the patent the pressure at the point and base of a projectile due to form and velocity; and

Whereas in suit no. A-200, brought by said Richardson against the United States in the Court of Claims for use of his invention during the Great War, a judgment was rendered December 1, 1930, "that the patent is valid and not infringed"; and

Whereas noninfringement was established by imposing exact dimensions on the elements of the claim; and

Whereas the court rendered a dual opinion on special finding of fact XI of said judgment; and

Whereas the court ignored competent testimony in the case; and

Whereas motion for a new trial was made by plaintiff, and this motion was overruled on November 2, 1931, whereupon petition in the Supreme Court for writ of certiorari was made and denied March 17, 1932, without review; and

Whereas the Senate, by Senate Resolution 119, remanded the claim of W. K. Richardson to the United States Court of Claims under section 151 of the Judicial Code, with complete authority to hear and consider questions of law and fact complained of in the motion for a new trial made January 28, 1931; and

Whereas the Court of Claims of the United States, by its decision of November 4, 1935, dismissed claimant's petition filed pursuant to said Senate Resolution 119 for want of jurisdiction because, judgment having been entered by the court in Richardson's suit no. A-200, the claim referred to the court by the Senate under section 151 of the Judicial Code was res adjudicata; and, further, because the jurisdiction of the court in this case could be invoked only by an act of Congress or by a joint resolution of the Senate and the House of Representatives; and

Whereas the judgment rendered December 1, 1930, in said case shows a dual opinion on special finding of fact XI, and that dual opinion is a negation of the court's judgment "that the patent is valid"; and

Whereas special finding of fact XI holds the invention is novel, and special finding of fact VI indicates great merit of the invention and new and desired results in ordnance, and the court admits the invention "possessed advantages", and that claim 3 of the patent reads in terminology upon the structure of a 155-millimeter shell; and

Whereas the court imposed the exact dimensions of the shell (12-inch) used by Richardson merely to illustrate his invention in his patent, on the elements of the claim, contrary to the terminology of said claim, and on such unsound facts hold the claim not infringed: Therefore be it

Resolved, etc., That the case of W. K. Richardson, A-200, be remanded to the Court of Claims on matters set forth in this resolution to consider and render judgment in accordance to law and equity, on the evidence used and testimony taken and findings of facts in case A-200, and Congress waives the statute of limitation, rules of practice of the Court of Claims, previous action of the Court of Claims, or any provision of law to the contrary notwithstanding, under the stipulation and agreement that the amount for which suit was originally brought be reduced to 3 percent of that amount, and if payment is made to be a settlement in full for use of the invention by the United States Government during the life of patent 1141415, and that said case shall be advanced on the docket and promptly placed on the trial calendar.

With the following committee amendment:

Page 4, line 5, strike out the word "law" and insert "section 179 of the Judicial Code."

The committee amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EDITH JORDAN

The Clerk called the next bill, H. R. 6059, for the relief of Edith Jordan.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edith Jordan, the sum of $5,000. Such sum shall be in full satisfaction of all claims against the United States for damages resulting from serious injury of the said Edith Jordan who, on September 16, 1933, suffered serious injuries while walking across a railroad spur crossing owned or controlled by the Panama Railroad Co., in the city of Gatun, Canal Zone: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, after the word "Jordan", insert "of Gatun, Canal Zone."

Page 1, line 6, strike out "$5,000" and insert "$2,500."

Page 1, line 8, after the word "from", strike out "serious injury of the said Edith Jordan who" and insert "injuries sustained by her."

Page 1, line 10, strike out "suffered serious injuries."

Page 2, line 1, strike out "railroad company" and insert "canal."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RUSSELL J. VAUGHAN

The Clerk called the next bill, H. R. 1729, for the relief of Russell J. Vaughan.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COSTELLO. Mr. Speaker, I object.

There being no further objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Russell J. Vaughan, of Shiprock, N. Mex., the sum of $980.84. Such sum shall be in full settlement of all claims against the United States for pay withheld from said Vaughan, and shall represent reimbursement for suspension from duty and pay status for a period from October 18, 1933, to April 19, 1934, inclusive.

With the following committee amendment:

Page 1, line 11 after the word "inclusive" insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHAIM (HYMAN) KAPLAN

The Clerk called the next bill, S. 1265, for the relief of Chaim (Hyman) Kaplan.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COSTELLO and Mr. BARDEN objected, and, under the rule, the bill was recommitted to the Committee on Immigration and Naturalization.

ETTORE CORDOVADO

The Clerk called the next bill, H. R. 3746, for the relief of Ettore Cordovado.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COSTELLO and Mr. BARDEN objected, and, under the rule, the bill was recommitted to the Committee on Im-Immigration and Naturalization.

CECILE C. CAMERON

The Clerk called the next bill, H. R. 7387, for the relief of Cecile C. Cameron.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Cecile C. Cameron, widow of Alfred D. Cameron, late an American Foreign Service officer assigned as American consul at London, England, the sum of $4,400, equal to 1 year's salary of her deceased husband, who died of illness incurred while at his post of duty in the Consular Service; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOSEPH PELLON

The Clerk called the next bill, H. R. 5565, to authorize the cancelation of deportation proceedings in the case of Joseph Pellon.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COSTELLO and Mr. BARDEN objected, and, under the rule, the bill was recommitted to the Committee on Immigration and Naturalization.

AGATHA YAKAVONIS (NEE AGATHA MILAUSKAS)

The Clerk called the next bill, H. R. 1474, for the relief of Agatha Milauskas Yakavonis (nee Agatha Milauskas).

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COSTELLO and Mr. BARDEN objected, and, under the rule, the bill was recommitted to the Committee on Immigration and Naturalization.

MRS. ZEBA SHARGABIAN

The Clerk called the next bill, S. 779, for the relief of Mrs. Zeba Shargabian.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COSTELLO and Mr. BARDEN objected, and, under the rule, the bill was recommitted to the Committee on Immigration and Naturalization.

FRANCESCA INCARDONE IACONA

The Clerk called the next bill, H. R. 518, for the relief of Francesca Incardone Iacona.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Francesca Incardone Iacona the sum of $1,000, being the amount of a bond deposited with the United States Immigration Service guaranteeing the departure of Francesca and Cologero Incardone and later forfeited because of their failure to leave the United States.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, jointly to Rosolino Zamito and Maria Zamito, of Buffalo, N. Y., the sum of $1,000, in full satisfaction of their claims against the United States for the value of two bonds deposited by the National Surety Co., in January 1921, with claimants as indemnitors, to secure the deportation of Francesca and Cologero Incardone, after a decision by immigration officials that they were not entitled to entry in the United States; and forfeited on August 11, 1922, when the said Cologero and Francesca Incardone failed to depart from the United States, although, by subsequent decision of the Labor Department, the said Incardones were entitled to admission in December 1920, when they returned to the United States from a temporary absence abroad: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill for the relief of Rosolino Zamito and Maria Zamito."

JOHN VOORHEES

The Clerk called the next bill, H. R. 615, granting compensation to John Voorhees.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to John Voorhees, of Fonda, N. Y., in full settlement of all claims against the Government of the United States for injuries sustained on July 2, 1935, at Fonda, N. Y., by Margaret Voorhees, minor daughter of the said John Voorhees, as the result of the explosion of a torpedo firecracker thrown by a member of Company H, Sixty-sixth Regiment United States Infantry.

With the following committee amendments:

Page 1, line 6, strike out "John Voorhees" and insert "the legal guardian of Margaret Voorhees, a minor."

Line 10, strike out "minor daughter of the said John Voorhees."

Page 2, line 2, after the word "Infantry", insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DOROTHY KRICK

The Clerk called the next bill, H. R. 1241, for the relief of Dorothy Krick.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dorothy Krick, of Galice, Oreg., the sum of $21,500 in full satisfaction of her claim against the United States for damages for personal injuries suffered on December 9, 1933, in Josephine County, Oreg., on Merlin-Almeda Market Road, about 6.3 miles west of Grants Pass, Oreg., when the automobile in which said Dorothy Krick was riding was struck by a motor truck owned by the United States and driven by Oliver Whitmeyer, an employee of the Civilian Conservation Corps.

With the following committee amendments:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to Dorothy Krick, of Galice, Oreg., the sum of $8,399.50; to Ernest Krick, of Galice, Oreg., the sum of $1,743; and to May Elizabeth Ferren, administratrix of the estate of James Albert Ferren, deceased, late of Galice, Oreg., the sum of $5,250; in all, $15,392.50, in full settlement of their claims against the United States for damages as a result of personal injuries sustained by Dorothy and Ernest Krick, and the death of James Albert Ferren, and for property damage, when the automobile in which they were riding was struck by a truck operated in connection with the Civilian Conservation Corps, on December 9, 1933, on the Merlin-Almeda Market Road, near Grants Pass, Josephine County, Oreg.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended.

J. ROY WORKMAN

The Clerk called the next bill, H. R. 1869, for the relief of J. Roy Workman.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. Roy Workman, of Clinton, S. C., out of any money in the Treasury not otherwise appropriated, the sum of $1,000 in full payment of all claims of the said J. Roy Workman for personal injuries received near Clinton, S. C., on the 4th day of December 1935, when struck by a truck, alleged to have been operated by the Works Progress Administration and being driven by one Frank Curry, an employee of the said Works Progress Administration.

With the following committee amendments:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. Roy Workman, of Clinton, S. C., the sum of $1,000; to Adelaide W. Workman, of the same city, the sum of $1,000; and to the legal guardian of J. Roy Workman, Jr., of the same city, the sum of $1,500. Said sums to be in full settlement of all claims against the United States for expenses incurred and injuries received when the car in which they were riding was struck by a truck in the use of the Works Progress Administration on December 4, 1935, near Clinton, S. C.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended.

ROBERTA CARR

The Clerk called the next bill, H. R. 2191, for the relief of Roberta Carr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Roberta Carr, of Tazewell, Tenn., the sum of $7,180.45. Such sum shall be in full settlement of all claims against the United States for damages caused by reason of the killing of her husband by a Government truck in the service of a Civilian Conservation Corps camp.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to Roberta Carr, of Sandlick, Claiborne County, Tenn., the sum of $7,090.23 in full satisfaction of her claim against the United States for a judgment in that amount, plus one-half the costs, obtained against an enrollee of the Civilian Conservation Corps in the Circuit Court for Claiborne County, Tenn., as a result of a collision between a truck operated by said enrollee for the Civilian Conservation Corps and an automobile driven by her husband, Swan Carr, on Highway No. 25–E, between Tazewell and Cumberland Gap, Tenn., on April 27, 1935, which collision caused the death of said Swan Carr: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. COSTELLO: Page 2, line 5, after the words "the sum of", strike out "$7,090.23" and insert in lieu thereof "$5,000."

Strike out all of lines 7, 8, and 9, and in line 10 strike out the word "said" and insert the word "an."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ORBA CARESS

The Clerk called the next bill, H. R. 2339, for the relief of Orba Caress.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Orba Caress, the sum of $375 in full settlement of all claims against the United States for losses incurred in preparing, by the purchase of equipment and otherwise, to perform service under the contract awarded him for carrying the mail on star route no. 53992, Woodward to Forgan, Okla., for a period of 30 days, with a view to award a regular contract at the expiration of 30 days, the award of such contracts having been revoked before any service was performed thereunder: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, after the word "Caress", insert "of Woodward, Okla."

Line 6, strike out "$375" and insert "$196."

Line 8, after the word "preparing", insert "in November 1935."

Line 9, after the word "contract", insert "to be."

Page 2, line 1, after the word "days", strike out the remainder of line 1 and all of line 2 and insert "the award of such contract."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE O. CLAYPOOL

The Clerk called the next bill, H. R. 3503, for the relief of George O. Claypool.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and is hereby, authorized to consider and determine, in the same manner and to the same extent as if application for benefits of the Employees' Compensation Act had been made within the 1-year period required by sections 17 and 20 thereof, the claim of George O. Claypool, on account of disability due to tuberculosis alleged to have been contracted by reason of exposure to patients while on duty during his employment, in the service of the United States, at the Veterans' Administration facility, Chillicothe, Ohio, between April 1925 and March 1926: *Provided*, That no benefits shall accrue prior to the enactment of this act.

With the following committee amendments:

Page 1, strike out lines 5 to 8, inclusive, and insert the following: "notwithstanding the limitations of time in sections 15 to 20, both inclusive, of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes', approved September 7, 1916, as amended, the claim of George O. Claypool, of Chillicothe, Ohio."

After line 9, insert a colon and the words "*Provided further*, That claim hereunder shall be filed within 6 months after the enactment of this act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COL. C. J. BARTLETT

The Clerk called the next bill, H. R. 3987, for the relief of the estate of Col. C. J. Bartlett, United States Army.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. C. J. Bartlett, of San Francisco, Calif., administratrix of the estate of Col. C. J. Bartlett, Medical Corps, United States Army, the sum of $600. The payment of such sum shall be in full settlement of all claims against the United States for the loss sustained by the said Col. C. J. Bartlett on account of damage to his personal property incident to its shipment from San Francisco, Calif., to Fort Slocum, N. Y., and its reshipment to San Francisco, Calif., during the year 1934. Such shipment and reshipment were occasioned by the transfer, by order of the Department of War, of the said Col. C. J. Bartlett from the Presidio of San Francisco to Fort Slocum, N. Y., and his subsequent return, by order of the Department of War, to his home in San Francisco to await retirement.

With the following committee amendments:

Page 1, line 8, strike out "$600" and insert "$293."

Page 2, after line 10, insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE R. BROWN

The Clerk called the next bill, H. R. 4156, for the relief of George R. Brown.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George R. Brown, a former second lieutenant in the National Guard in the service of the United States, the sum of $698.90 in full settlement of all claims against the Government of the United States for pay from the date of his alleged discharge and last receipt of pay, August 9, 1917, to the alleged date of the receipt of notification of his discharge on January 7, 1918: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLOTTE SWEENEY AND HOWARD SWEENEY

The Clerk called the next bill, H. R. 4936, for the relief of the legal guardian of Charlotte Sweeney and Howard Sweeney.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,000 to the legal guardian of Charlotte Sweeney and Howard Sweeney in full settlement of all claims against the United States for personal injuries sustained by them as a result of a collision between the car in which they were riding, belonging to William Hentz, and a Coast Guard truck, said collision occurring on July 16, 1936, at Curtis Bay, Md.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, after the word "appropriated", strike out the remainder of the line and down to and including all of line 8 and insert "to the legal guardian of Charlotte Sweeney, a minor, of Baltimore, Md., the sum of $750; to the legal guardian of Howard Sweeney, a minor, of Baltimore, Md., the sum of $750; to William Hintz, of Baltimore, Md., the sum of $1,675; and to Martha Hintz, of Baltimore, Md., the sum of $1,500; in all, $4,675, in full settlement of their claims against the United States for personal injuries and property damage."

Page 2, line 6, strike out the word "Hentz" and insert the word "Hintz."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill for the relief of Charlotte Sweeney, a minor, Howard Sweeney, a minor, William Hintz, and Martha Hintz."

JOHN P. RYAN

The Clerk called the next bill, H. R. 5158, for the relief of John P. Ryan.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $10,643 to John P. Ryan as compensation for personal injuries, and medical attention therefor, received through being struck by a United States Navy automobile which was negligently driven by an enlisted man of the United States Navy.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John P. Ryan, of Worcester, Mass., the sum of $2,115, in full settlement of his claim against the United States for personal injuries sustained when he was struck by a United States Navy truck, on August 12, 1931, at the intersection of Ninth Avenue and Pike Street, Seattle, Wash.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

THOMAS H. M'LAIN

The Clerk called the next bill, H. R. 5703, for the relief of Thomas H. McLain.

There being no objection, the Clerk read the bill, as follows.

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Thomas H. McLain, who, on November 27, 1924, at Philadelphia, Pa., sustained personal injuries when struck by a motor vehicle then under the control and operation of the United States Post Office Department.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas H. McLain, of Philadelphia, Pa., the sum of $2,000, in full satisfaction of his claim against the United States for personal injuries sustained when he was struck by a United States mail truck near the intersection of Thirty-sixth and Market Streets, Philadelphia, Pa., on November 27, 1924: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The Committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MILDRED MOORE

The Clerk called the next bill, S. 114, for the relief of Mildred Moore.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mildred Moore, of Chicago, Ill., the sum of $750 in full satisfaction of her claim against the United States for compensation for bodily injuries suffered by her when the automobile in which she was riding was struck by a United States Army automobile driven by R. H. Pearson at the intersection of Fifty-seventh Street and Drexel Avenue in Chicago, Ill., on February 2, 1934: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike out "$750" and insert "$1,250."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

G. L. TARLTON

The Clerk called the next bill, S. 1143, for the relief of G. L. Tarlton.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to G. L. Tarlton, the sum of $22,007.34 in full settlement of his claim for increased cost of labor and material incurred in complying on and after August 10, 1933, with the President's Reemployment Agreement and/or the applicable approved code in the performance of his contract with the War Department dated February 15, 1933, for the construction of a lock at lock and dam no. 1, Barren River, Ky., and other work connected therewith: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, after the word "Tarlton", insert "of St. Louis, Mo."; and in line 7, after the word "claim", insert "against the United States."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRAZIER-DAVIS CONSTRUCTION CO.

The Clerk called the next bill, S. 1144, for the relief of the Frazier-Davis Construction Co.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Frazier-Davis Construction Co. the sum of $25,144.76 in full settlement of the claim of said company for increased cost of labor and material incurred in complying on and after August 10, 1933, with the President's Reemployment Agreement and/or the applicable approved code in the performance of its contract with the War Department dated January 19, 1933, for the construction of lock and dam no. 5, Green River, Ky.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, after the word "Company", insert "of St. Louis, Mo."; and in line 7, after the word "Company", insert "against the United States."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

J. E. SAMMONS

The Clerk called the bill (S. 1188) for the relief of J. E. Sammons.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. E. Sammons, of Macon, Ga., the sum of $161.98 in full satisfaction of his claim against the United States, such sum representing the additional amount due the claimant under a contract for the sale of certain lands to the United States, which contract and the sequent deed of conveyance were based on an erroneous survey of such lands by Government engineers: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 7, after the words "United States", strike out the remainder of the line and all of lines 8, 9, 10, 11, and 12, and insert "for the value of 35.99 acres of land in Putnam County, Ga., at $4.50 per acre, which he conveyed by deed to the Government, represented by the Resettlement Administration, and for which he was not paid because of an erroneous survey of the tract by the General Land Office in February 1935, describing it as 230.72 acres, whereas it in fact contained 266.72 acres by subsequent survey of June 14, 1935."

The committee amendment was agreed to; and the bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

JAMES LINCOLN HARTLEY

The Clerk called the bill, S. 557, authorizing the naturalization of James Lincoln Hartley, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the immigration laws James Lincoln Hartley, a native-born citizen of the United States who involuntarily lost his citizenship at the age of 7 years by reason of the naturalization of his father as a citizen of Canada, shall be held and considered to have been legally admitted to the United States for permanent residence.

SEC. 2. Notwithstanding any other provision of law, said James Lincoln Hartley may be naturalized as a citizen of the United States by filing a declaration of intention and taking the oath of allegiance in the manner prescribed in the naturalization laws before any court having jurisdiction of the naturalization of aliens.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

JOHN GRINWOOD TAYLOR

The Clerk called the bill (H. R. 6468) to authorize the cancelation of deportation proceedings in the case of John Grinwood Taylor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Labor is hereby authorized and directed to cancel the outstanding order and warrant of deportation issued pursuant to section 14 of the Immigration Act of 1924 (43 Stat. 153, sec. 214) in the case of John Grinwood Taylor, any provision of existing law to the contrary notwithstanding. From and after the date of the approval of this act, John Grinwood Taylor shall not again be subject to deportation by reason of the same fact upon which the outstanding proceedings rest.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

CLYDE J. NESSER

The Clerk called the bill (S. 1474) to provide for the advancement on the retired list of the Navy of Clyde J. Nesser, a lieutenant (junior grade), United States Navy, retired.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That from and after the date of enactment of this act, Clyde J. Nesser, lieutenant (junior grade), United States Navy, retired, shall have the rank of a lieutenant on the retired list of the United States Navy.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

EMORY M. M'COOL

The Clerk called the bill (H. R. 6402) for the relief of Emory M. McCool, United States Navy, retired.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 2 of the act approved May 23, 1930 (46 Stat. 375; U. S. C., title 34, sec. 790), Emory M. McCool, chief machinist's mate, United States Navy, retired, shall be held and considered to have completed 30 years' service, including naval service, time in the Fleet Naval Reserve, and Army service, including double time for service in the Philippines from November 26, 1899, to May 18, 1901, for the purpose of transfer to the retired list of the United States Navy, on May 19, 1929, and the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Emory M. McCool the sum of $636.30, which sum represents allowances at $15.75 per month, covering the period from May 19, 1929, to and including September 30, 1932, authorized by existing law (U. S. C., title 34, sec. 431) to be paid to enlisted men upon transfer to the retired list of the Navy upon completion of 30 years' service.

With the following committee amendment:

Page 2, line 4, strike out "$636.30" and insert "$636."

Mr. COSTELLO. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. COSTELLO to the committee amendment: Strike out "$636" and insert "$630."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

FRED P. HALBERT

The Clerk called the bill (H. R. 827) for the relief of Fred P. Halbert.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent conveying all the right, title, and interest of the United States to lot 5, section 16, township 23 north, range 9 west of the Willamette meridian, containing 30.90 acres, more or less, according to the Government survey thereof, in Grays Harbor (formerly Chehalis) County, Wash., to Fred P. Halbert.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

Mr. COSTELLO. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER resumed the chair.

FLORIDA O. M'LAIN

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 2229) for the relief of Florida O. McLain, widow of Calvin E. McLain, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table the bill H. R. 2229, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. KENNEDY of Maryland, Mr. COFFEE of Washington, and Mr. CASE of South Dakota.

AMERICAN CONSULAR COURTS, EGYPT

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I transmit herewith a copy of an order issued on March 1, 1937, by the Minister of the United States to Egypt, with the assent of the several American consular officers in Egypt, prescribing the fees to be paid in probate cases in the American consular courts in Egypt.

This order has been issued by virtue of authority contained in section 5 of the act of Congress of June 22, 1860 (R. S. 4117, 4118; U. S. C., title 22, secs. 147, 148), and is transmitted to the Congress in compliance with the provisions of section 6 of the said act (R. S. 4119; U. S. C., title 22, sec. 148).

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *July 6, 1937.*

[Enclosure: Order.]

UNITED STATES CONSTITUTION SESQUICENTENNIAL COMMISSION

Mr. O'CONNOR of New York. Mr. Speaker, I call up House Resolution 258.

The Clerk read as follows:

House Resolution 258

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 363, a joint resolution to authorize an additional appropriation to further the work of the United States Constitution Sesquicentennial Commission. That after general debate, which shall be confined to the joint resolution and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Library, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the joint resolution for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. O'CONNOR of New York. Mr. Speaker, I yield 30 minutes to the gentleman from New Jersey [Mr. MCLEAN].

Mr. Speaker, this is a rule for the consideration of House Joint Resolution 363, reported out of the Committee on the Library, to authorize the appropriation of more funds for the continuance of the so-called Constitutional celebration, the one hundred and fiftieth anniversary of the formation of the Constitution. On the presentation of the matter to the Rules Committee, we felt justified in bringing out this rule, because when the bill was on the Consent Calendar it was objected to.

In the last Congress the Committee on the Library reported out a bill authorizing an appropriation of $350,000 for this 2-year celebration of this event. When that bill came on the floor it was suggested that we should not make appropriations in advance, but just sufficient money should be appropriated to carry the matter through the current year. With that in mind and following that suggestion, the amount of $350,000 was reduced to $200,000, which was intended to and did take care of the matter up to the 30th of June of this year. This celebration is in the future still, and this joint resolution would authorize the appropriation of an additional $150,000, as originally intended, to carry this celebration through to its conclusion.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. SNELL. The gentleman says the celebration is really in the future. Has the gentleman any definite information so that he can state to the House that this is the concluding appropriation for this celebration?

Mr. O'CONNOR of New York. Of course, I would not want to take that responsibility. I understand that is the intention, and the Rules Committee was so advised.

Mr. SNELL. I appreciate that, but I think it should be definitely stated by somebody that we are going to close down when we appropriate this $150,000.

Mr. O'CONNOR of New York. The gentleman has had a long and distinguished career in public life.

Mr. SNELL. I thank the gentleman for that courtesy.

Mr. O'CONNOR of New York. I wonder if he ever has experienced the "finale"?

Mr. SNELL. I have experienced finale in some things as far as appropriations are concerned, and some others that I will not mention. [Laughter.] But I do feel it ought to be definitely understood, if we appropriate this other $150,000, that that is all Congress is going to appropriate for this celebration.

Mr. O'CONNOR of New York. I understand this celebration will run at least up through next June. Of course, I agree that when people interested in legislation say "this is all we want", they ought to abide by it.

Mr. SNELL. I think that statement should be made here today, and the House ought to understand it, because if we appropriate $350,000, it is a fairly liberal amount to celebrate something that is diminishing at the present time. [Laughter.]

Mr. O'CONNOR of New York. Whatever the "something" is, to which the constitutional statesman refers, I shall now "diminish" my time and opportunity for retort, by yielding to the gentleman from New Jersey [Mr. McLEAN].

Mr. McLEAN. Mr. Speaker, I yield such time as he may desire to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker, I was in the House when this bill was considered on May 4, 1936. I have been here when many of these celebrations were considered. One thing that I admire about the gentleman from New York [Mr. BLOOM] is that he is honest. He does not attempt to deceive. Of course, I do not remember this occurrence when the bill was considered a year ago, just as the gentleman from New York [Mr. O'CONNOR] remembers it. My recollection is that the bill was reported for $350,000; that unanimous consent was asked to get the bill through the House and there was objection made. Shortly afterward and on the same day, the Speaker recognized the gentleman from New York [Mr. BLOOM] to pass the bill under suspension of the rules. I have just had called to my attention a little colloquy that occurred at that time, in which the gentleman from New York [Mr. BLOOM] and I were engaged:

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. BLOOM. Yes.

Mr. MICHENER. This bill was before the House earlier in the afternoon?

Mr. BLOOM. Yes.

Mr. MICHENER. The bill had the considered attention of the committee reporting it before it was reported?

Mr. BLOOM. Yes.

Mr. MICHENER. The bill as originally introduced provided for an appropriation of $350,000?

Mr. BLOOM. Yes.

Mr. MICHENER. The gentleman tried to get the bill enacted by unanimous consent of the House for $350,000, with the understanding that that was the absolute minimum amount necessary to do what the gentleman contemplates doing. The House will not agree to that. The gentleman now has reduced the amount by $150,000, in an hour, and says he can get through with the $200,000.

Mr. BLOOM. Just correct that in regard to that "get through." I did not say that we could get through with $200,000.

Mr. MICHENER. That is what I am getting at.

Mr. BLOOM. Please do not say that I said it.

Mr. MICHENER. Then the gentleman does not contemplate that this is to be the last appropriation. Because he could not get $350,000 he is coming in now under suspension of the rules and asking for $200,000, to get the nose of the camel under the tent, and later he will be back asking Congress for the remainder, $150,000 or possibly $350,000 more. Is that correct?

Mr. BLOOM. If the gentleman wants me to publish all the material in the same way that he asked us for during the Bicentennial celebration—and I believe I convinced the gentleman on the floor at that time when he asked a similar question, that you will only get what you pay for. That is all you are going to get. If you want $200,000 worth of celebration that is what you will get. If you want a $350,000 celebration you will get that, and if you do not want to appropriate and you want no celebration, that is what you will get.

That is what happened. It is the old story. The gentleman from New York [Mr. BLOOM] is doing good work, if we can afford it now. I harken back to the President's recent message in which he asked the Democratic Congress not to make any authorization for appropriations unless the means of raising the money were provided. Here today we are appropriating $150,000 additional money to carry on a celebration at a time when we have been quarrelling about cutting relief. I ask you in all candor: Should we cut relief, or should we cut celebrations? Is it more important that we celebrate the adoption of the Constitution, that today we are disregarding in so many particulars, rather than that we give to those people who are supposed to live under the Constitution relief, bread, subsistence?

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. Oh, the gentleman is going to ask: Where are you going to get the money? I answer that I do not know.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. RICH. No; I am not going to ask: Where are you going to get the money? I have asked that many times. I am going to say that if ever there was a time in the history of the Nation when we ought to celebrate the adoption of the Constitution of the United States that day is now. We ought to celebrate, we ought to do something to keep it alive, for if things go on as they have been going for another 3 or 4 years we will not have any Constitution, any country, or anything. [Laughter.]

Mr. MICHENER. Mr. Speaker, I do not yield further. In order to make the gentleman's speech natural, I will ask: "Where are you going to get the money?"

There is going on at this good hour in another body a debate that will be of monumental importance, a debate affecting the Constitution. It seems to me that we can ill afford at this particular time to waste the time of this House in determining whether or not we are going to borrow—listen to this—whether or not the United States Government is going to issue its bonds, its notes, its obligations for $150,000 to continue or elaborate this celebration.

Mr. FORD of California. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I cannot yield; I am sorry.

We all believe in celebrating the adoption of the Constitution, but likewise we believe in doing it in a practical way. What good is this lip service? What good are these pamphlets? What good are these meetings held throughout the country telling us about the Constitution unless we pay some little respect to the Constitution?

So far as the gentleman from New York [Mr. BLOOM] is concerned, he generally gets $1.50 on every dollar he invests. I notice that the bill made in order by the rule carries a provision entirely new in the Congress: That we are setting up here a revolving fund; we have created another commission and are giving them $150,000 more as a revolving fund. The

gentleman is going to dicker, he is going to try to make a little money out of celebrating the adoption of the Constitution of the United States. So far as I am concerned, I take advantage of the pamphlets he gets out. They are good. One of these little 10-cent arrangements about the Constitution is a splendid thing. Many things are splendid, but can we afford this now? Should we listen to the President? Are we attempting to balance the Budget? Oh, it is the little drops of water and the little grains of sand that count.

You say it is only $150,000, but it is $150,000 added to the debt which we already have and on which we must pay interest. Remember, if you pass this bill you are not appropriating any money out of the Treasury; you are authorizing the administration to go out into the market and borrow $150,000 more and pay interest on it to carry on a celebration. The American people do not want that kind of celebration at this time. Thinking people everywhere would prefer to celebrate an honest effort on the part of Congress to balance the Budget.

Mr. O'CONNOR of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. RANKIN].

THE BOY SCOUT JAMBOREE

Mr. RANKIN. Mr. Speaker, I have listened with a great deal of interest to the argument of the gentleman from Michigan, and I agree with him that we do not need to celebrate the Constitution so much as we do to have its principles engraved on the hearts of the American people.

I should like to have seen some of this money spent on the celebration that is being held in Washington this week. We are honored by having a convention here that, in my opinion, is the most orderly, the most respectable, and the most inspiring I have witnessed since I have been a Member of the House, and that is the jamboree of the Boy Scouts of America. [Applause.]

They have none of that boisterousness that we see in a convention of the lords of finance; they manifest none of that ruthless destruction of property which we so often observe in the members of other organizations. They are all sober; there is none of that rowdyism that so often disgraces conventions of their elders.

They have none of that disregard for the rights of other people which we sometimes witness on the part of some of our college "round-ups." You do not have to hide the furniture to keep it from being destroyed. They are orderly little gentlemen, and are setting examples that both men and women would do well to follow. They are an inspiration to us all.

They have none of that idolatrous reverence for brass buttons that we sometimes witness in connection with certain organizations which gather here to celebrate the deeds of their ancestors or to tell Congress what to do. They show none of that selfishness which we see permeate other gatherings.

Their jamboree is about the most inspiring spectacle I have ever witnessed. It is refreshing, it is inspiring to see these boys, these young men, the hope of the Nation, the pick and flower of the coming manhood of America, gather here in Washington and give us examples in rectitude of conduct that are bound to thrill the hearts of all right-thinking men. When I look upon them I am reminded of the golden words of Ella Wheeler Wilcox when she said:

> Weep not for vanished ages,
> With their great heroic men
> Who live on history's pages or dwell
> In the poet's pen;
> For the grandest times are before us,
> And the world is yet to see
> The noblest worth of this old earth
> In the men that are to be.

[Applause.]

Mr. McLEAN. Mr. Speaker, I yield 5 minutes to the gentleman from New Hampshire [Mr. TOBEY].

Mr. TOBEY. Mr. Speaker, I shall utilize my remarks by interrogating the gentleman from New York [Mr. BLOOM]. I have the greatest interest in the work of this Commission and share with all Members of the House a keen faith in, and love and reverence for the Constitution. But we are appropriating altogether $350,000 of the taxpayers money and it would seem to me that the gentleman from New York [Mr. BLOOM] should give us a first-hand dissertation on the A, B, C's of his Commission, how they are functioning, and how they propose spending this $350,000. I think he can give this information concisely and I will yield him the balance of my time. In his reply I ask that he confirm that no private interest is making a cent out of this project, but that the net income over and above the cost goes into the Federal Treasury.

Mr. BLOOM. Mr. Speaker, I may answer the gentleman's statement by saying if the gentleman had taken the time to visit the Commission's headquarters he could have learned just exactly what the Commission was doing.

I may say this celebration is an educational one. We are trying to teach the people of this country, the young folks as well as the adults, the history of the Constitution. It is surprising the ignorance of the people who speak about the Constitution that they know nothing about the history of it. They are only speaking politically and practically from their own interest and when they do not know anything about it they ridicule. I have heard speeches on this floor and if I wanted to come right back directly to the individual person I could tell them that they were using words that are not to be found in the Constitution.

As far as making money is concerned, if the gentleman will read all or any of the literature, or if the gentleman has bought any of the literature of the Commission he would note that all checks are made payable to the Treasurer of the United States and the money goes into the Treasury of the United States. That is why, as the gentleman from Michigan stated, we must have a revolving fund. We are printing the literature and paying for it. You are asking us to print more literature, but the money goes into the Treasury for that literature which we sell, and unless we can get money to use again in order to print more literature and information about the Constitution we cannot proceed. We cannot touch the money that goes into the Treasury of the United States unless this is made a revolving fund.

Mr. DOWELL. Will the gentleman yield?

Mr. BLOOM. I yield to the gentleman from Iowa.

Mr. DOWELL. According to section 9, page 2, of the bill, the amount collected and to be expended is unlimited. Is the amount that the gentleman's Commission may spend dependent on the amount that is taken in by the sale of all literature?

Mr. BLOOM. Yes.

Mr. DOWELL. Or will it all be spent, or may it all be spent by the gentleman's Commission for further publications?

Mr. BLOOM. Yes. The idea is this: The gentleman from New York [Mr. LORD], for instance, bought a thousand books. He made his check for $100 payable to the Treasurer of the United States. That money goes into the Treasury of the United States. If we want to print more books or more literature and the Congress has not appropriated the money for that purpose, of course, we cannot print any more. The money that has been used in the past and the money we are getting, the $200,000 and the additional $150,000, will be used for reproductions of things pertaining to the history of the Constitution and the Constitution itself. I doubt if there are a thousand people in the United States who could have told me 1 year ago how many pages there were to the Constitution. I would suggest that the Members try to think for themselves.

[Here the gavel fell.]

Mr. McLEAN. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. DOWELL. What I am getting at is that under this authorization there is no limitation to the expenditures to be made by this Commission.

Mr. BLOOM. Oh, yes; there is.

Mr. DOWELL. Except what may be disposed of.

Mr. BLOOM. Let me explain it this way: Up to now we have received $200,000. If we get the additional $150,000, we can expend up to $350,000. That is all we get.

If there is $200,000 in the Treasury, we can expend that $200,000, but not exceeding $350,000. We can expend the $200,000 for more literature.

Mr. DOWELL. In other words, if this bill is passed, when you reach the amount of $350,000, the money taken in from the sale of these articles will go into the Treasury of the United States?

Mr. BLOOM. Certainly. It conforms to all the other rules and regulations. It goes through the General Accounting Office.

Mr. DOWELL. Then, the revolving fund applies only to the extent of the $200,000 or the $350,000, as it may be?

Mr. BLOOM. Right. There is no question about it. The gentleman is absolutely right.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. TOBEY. I yield.

Mr. HOFFMAN. Does the 10 cents which is paid for these books cover the cost?

Mr. BLOOM. Yes and no.

Mr. HOFFMAN. Well, yes or no?

Mr. BLOOM. The gentleman is asking me a question I cannot answer in that way. The publication of the 10-cent book itself costs us about 11 cents.

Mr. HOFFMAN. Then why do you not charge 11 cents for it?

Mr. BLOOM. The gentleman from New York thinks he is too good a businessman to charge 11 cents for something——

Mr. HOFFMAN. That costs 10?

Mr. BLOOM. You would charge either 10 or 15. What we are looking for is circulation. We are trying to get as many of these 10-cent books into the hands of the people of this country as possible, so they will understand what is the real history of the Constitution. I have received letters such as this, "Thank God, I can get a book that will tell me something about the Constitution without spending $3, $4, or $5 for it."

Mr. HOFFMAN. Sure, I think the book is a good book.

Mr. BLOOM. Are we going to be so small and picayunish as to sell a book for 11 cents because it costs us 11 cents, instead of selling it for 10 cents and letting it have a good circulation and letting the people have it and read it? I think the Government can well afford to spend the 1 cent, when it has been spending all kinds of money for other things without getting anything at all in return.

Mr. HOFFMAN. I have to agree with the gentleman; but is it true that your campaign of education has had something to do with the change of attitude and opinion of Mme. Perkins, as recently expressed?

Mr. MAAS. Mr. Speaker, will the gentleman yield?

Mr. TOBEY. I yield to the gentleman from Minnesota.

Mr. MAAS. Will the gentleman tell us about what the expected revenues from the sale of these pamphlets will be?

Mr. BLOOM. I cannot answer that.

Mr. MAAS. You have had experience in the past year. What was realized during that time?

Mr. BLOOM. The Government is not commercial. We are not trying to make any money.

Mr. MAAS. I understand that.

Mr. BLOOM. We are trying to publish these different kinds of publications, the Declaration of Independence and the Constitution of the United States. The Constitution has never been published before in the history of this country. There never was published a correct text of the Constitution before the publication by this Commission. You have never had an analytical discussion of the Constitution outside of the publication of this Commission. We are not trying to make money but are trying to publish the book at a price at which everyone can afford to buy it.

Mr. TOBEY. I may say in conclusion I still have not had an observation from the gentleman with reference to how he is spending the $350,000, except the gentleman states it is for publishing reports and data about the Constitution. The net result of my question and the gentleman's answer is that he is spending a third of a million dollars to compile in printed form information about the Constitution and dispense it throughout the country.

Mr. BLOOM. Yes.

Mr. TOBEY. The gentleman on May 4, 1936, speaking in the House in favor of House Joint Resolution 525, empowering the United States Constitution Sesquicentennial Commission and authorizing an initial appropriation of $200,000 therefor, made this statement in the RECORD:

> I want to impress upon the Members that ultimately this is not going to cost the Government of the United States one cent.

[Here the gavel fell.]

Mr. McLEAN. Mr. Speaker, I yield 1 additional minute to the gentleman from New Hampshire.

Mr. TOBEY. I continue to read:

> After all the expenditures have been made there will be a profit in the Treasury of the United States of from $1,500,000 to $2,000,000.

Does the gentleman still believe that?

Mr. BLOOM. It is absolutely true.

Mr. TOBEY. Is the gentleman willing to guarantee that?

Mr. BLOOM. Absolutely; and I will do more than that. I will pay all the expenses if you will give me half the profits.

Mr. TOBEY. I will go with the gentleman on the first part of the sentence. We will claim that promise later on.

[Here the gavel fell.]

Mr. O'CONNOR of New York. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. BARDEN].

Mr. BARDEN. Mr. Speaker, I would like to clear up a point in connection with the gentleman from New York. In one breath the gentleman says we are not going to be picayunish but are going to sell 11-cent books for 10 cents, and in the next breath he says we are going to make $1,500,000.

Mr. BLOOM. I did not say that.

Mr. TOBEY. Oh, yes; the gentleman confirmed it in his own words.

Mr. BLOOM. The gentleman is talking about $1,500,000?

Mr. TOBEY. Yes.

Mr. BLOOM. Where does $1,500,000 come in?

Mr. TOBEY. The gentleman's own words in the RECORD of May 4.

Mr. BLOOM. Let me see that. Oh, no. Evidently the gentleman has the bicentennial mixed up with the Constitution.

Mr. TOBEY. I read the gentleman his own words spoken on May 4 when this matter was under debate.

The SPEAKER. The gentleman from North Carolina has the floor.

Mr. BARDEN. I yield to the gentleman from New Hampshire.

Mr. TOBEY (reading):

> I want to impress upon the Members that ultimately this is not going to cost the Government of the United States one cent. After all the expenditures have been made there will be a profit in the Treasury of the United States of from $1,500,000 to $2,000,000.

SOL BLOOM's statement.

Mr. BLOOM. I did not say that.

[Here the gavel fell.]

Mr. O'CONNOR of New York. Mr. Speaker, I yield the gentleman from North Carolina 3 additional minutes.

Mr. BARDEN. Mr. Speaker, I want to make this statement: As for me, I certainly would not like to go on record as approving the setting up of any commission or any committee out of this Congress that would make one penny of profit in any financial transaction with the people of the United States. If this is a worthy cause, and I think the Commission is doing a fine work, then the people of the country are entitled to the very best service we can give them at cost, or less; and, for one, I do not approve of a million and a half dollars being put in the Treasury made in this way.

Mr. BLOOM. That language is not mine, and I do not know how that got in there.

Mr. TOBEY. Does the gentleman repudiate his own words?

Mr. BLOOM. Just a moment. Let me tell the gentleman that it could not be one million and a half dollars, because there was only $350,000 spoken of. The million and a half dollars got in there with respect to the bicentennial because that was the amount that was made.

Mr. TOBEY. The question under debate was the Constitution.

Mr. BLOOM. I did not read that.

Mr. TOBEY. Did the gentleman correct that speech?

Mr. BLOOM. No; I do not correct speeches of that kind, as I am too busy to try to read everything of that sort; but I will state that if the gentleman wishes to give me all the money necessary in order to give this information free, the same as we did in connection with the bicentennial, I would be very happy.

When you figure costs there are many factors to be considered, and if you figure the cost of overhead, that book cost 11 cents to print, and it is necessary to add a year or more of time to get all the information, but de do not figure that in the cost of production. If we are given a sufficient amount of money, we can do as we did in connection with the bicentennial when we gave things of this sort away.

There are Members here who are looking for a thousand or more copies of this book. They cannot afford to pay for them, but they want to give them out. If you will give me the money, I will spend all the money you give me; but if you are going to hold me down to a few dollars and then expect me to give 130,000,000 people in this country a history of the Constitution, or anything else pertaining to the history of our country, it simply cannot be done. If you will appropriate the money, I will do the work.

[Here the gavel fell.]

Mr. O'CONNOR of New York. Mr. Speaker, I yield the gentleman from North Carolina 2 additional minutes.

Mr. BARDEN. Mr. Speaker, in reply to that statement of the gentleman from New York, I would not like for the gentleman to become confused about my attitude toward the work of the Commission. So far as I am concerned, I do not feel that $350,000 is a small amount of money to carry on an undertaking of this kind, and in view of the fact that the fund is a revolving fund under the bill, I think that is all the more reason this House or any committee set up by this House should certainly be extremely careful that the people get the most possible out of as small an appropriation as may be possible. This is the thought I have had in mind, and I am not criticizing the gentleman's movement at all. However, when these expressions appeared, I could not sit here and keep quiet when there was an admission that there was any such profiteering as this going on with respect to the American public. I think the fund ample and I cannot approve increasing it. May I state further that the people of the United States are entitled to the best possible service this Congress or any subcommittee or commission can render, with full assurance that there is not one penny of profit being made for the United States Treasury or any revolving fund that might be set up. I think this is a sound and honest policy to pursue.

[Here the gavel fell.]

Mr. O'CONNOR of New York. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. DORSEY].

Mr. DORSEY. Mr. Speaker, it seems to me that since this appropriation is made for the celebration of the one hundred and fiftieth anniversary of the formation of the Constitution of the United States, the amount of $350,000 is rather meager when we consider the fact that one State alone, the State of Pennsylvania, has appropriated $100,000 for this purpose.

Mr. O'CONNOR of New York. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. LAMBERTSON].

Mr. LAMBERTSON. Mr. Speaker, I would like to ask the gentleman from New York [Mr. BLOOM] a question or two.

How much space does the gentleman's Commission occupy in the old House Office Building?

Mr. BLOOM. About 10 offices on the fifth floor.

Mr. LAMBERTSON. How many people are employed?

Mr. BLOOM. About 40 or 45.

Mr. LAMBERTSON. Who selects those people?

Mr. BLOOM. I do. I am responsible for the work. Has the gentleman any objection to any of them?

[Here the gavel fell.]

Mr. O'CONNOR of New York. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. KELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the joint resolution (H. J. Res. 363) to authorize an additional appropriation to further the work of the United States Constitution Sesquicentennial Commission.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 363, with Mr. MARTIN of Colorado in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. KELLER] for 30 minutes.

Mr. McLEAN. Mr. Chairman, the ranking minority member of the committee is temporarily absent, and he asked me to serve in his stead.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey for 30 minutes.

Mr. KELLER. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. BLOOM].

Mr. BLOOM. Mr. Chairman, I really do not like to come on the floor of this House and try to explain what we are doing. At the outset I may say that this kind of work with me is a labor of love. Ever since I was a little boy I have delved into history. I like to read it, and I like to write it; and when I started on the history of the United States and discovered the tremendous amount of errors and misrepresentations that were in the history books of the country, I realized that something should be done by the Government itself to correct those mistakes. I have been working on these different celebrations, two, at least, since 1924, when we first passed legislation to celebrate the two hundredth anniversary of the birth of George Washington, and I think that the books gotten out by the Bicentennial Commission will live forever as the correct history of this country. There is nothing political about this. No Member on either side has had occasion to say that he was being discriminated against on account of politics or anything else, and from the first day up to the present time our only purpose and object has been to give service to the Members of this House and the Senate and to the people of this country. When I started on the Constitution to write the history of it, I just could not believe that there was so much misinformation on the Constitution of the United States. It took about a year to write that 10-cent book, to get it right, and before we did put it into final print we sent 100 press copies out to different people throughout the country and asked them to examine it and find out if there were any mistakes in it. No Member of Congress from either branch has written or showed us one mistake in that book. I am giving up all of my time, my spare time, Sundays and nights and holidays and everything else to do this right.

Mr. McLEAN. Mr. Chairman, at this point I wish the gentleman would insert the names of the Commission in the RECORD.

Mr. BLOOM. They are already in the RECORD.

Mr. McLEAN. I am cooperating with the gentleman and I think the Members would like to be informed.

Mr. BLOOM. They are already in the RECORD. The President of the United States is the chairman of the Commission. Then the members are the Vice President, the Speaker of the House of Representatives, and five members

appointed by the President of the Senate and five members appointed by the Speaker of the House, together with five members appointed by the President of the United States. At the very first meeting of this Commission at the White House, at which the President presided, it was agreed by all members—Republicans and Democrats and everyone—that I was to have $350,000 to complete the celebration of the formation of the Constitution. Therefore when I was asked at the time this bill was before the House how much money I needed for that fiscal year and was requested to cut the amount from $350,000 to $200,000, because that was all that was necessary, naturally I acquiesced in that amount, expecting that I could come back and get the additional $150,000. Had I thought there was going to be so much talk about this, had I thought there was to be so much debate, I certainly would not have gone ahead with it; I would have stopped then and there.

Mr. Chairman, we are in contact with over 30,000,000 school children of the United States, we are in contact with over 275,000 schools in the country, we are in contact with over 250,000 churches in the country. There is not a patriotic organization, there is not any kind of an organization throughout the United States that we are not trying to get in contact with so as to give them the information on the history of the Constitution of the United States.

Why does it require this sum? On September 17 will occur the one hundred and fiftieth anniversary of the signing of the Constitution—not the adoption of the Constitution as is so oftentimes said, for the Constitution was never adopted, and the word "adopted" does not belong to the Constitution or any part of the history of the Constitution. The Constitution was signed on September 17, 1787, and that is the beginning of our celebration. Then we go on through the ratification by the different States, starting with Delaware on its anniversary, December 7, 1937. Then we celebrate the anniversary of all of the ratification dates up to June 21, when New Hampshire was the ninth State to ratify the Constitution, and on that date, according to article VII of the Constitution, which closes the original Constitution itself, the Constitution became a living thing; it became established. So we take in from September 17, of this year, and go through all of the ratification anniversary dates, showing you how the Congress was organized, how the Confederate Congress went out of existence, how the first President of the United States was elected, and up to the inauguration of Washington on April 30, 1789, when he was inaugurated in New York City as the first President of the United States of America.

The proclamation that was issued by the President of the United States on July 4, the day before yesterday, is as follows, and I hope I shall have sufficient time to read this:

By the President of the United States

A PROCLAMATION

Whereas the Constitution of the United States was signed on September 17, 1787, and had by June 21, 1788, been ratified by the necessary number of States; and

Whereas George Washington was inaugurated as the first President of the United States on April 30, 1789.

Now, therefore, I, Franklin D. Roosevelt, President of the United States of America, hereby designate the period from September 17, 1937, to April 30, 1939, as one of commemoration of the one hundred and fiftieth anniversary of the signing and the ratification of the Constitution and of the inauguration of the first President under that Constitution.

In commemorating this period, we shall affirm our debt to those who ordained and established the Constitution, "in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of Liberty, to ourselves and our posterity."

We shall recognize that the Constitution is an enduring instrument fit for the governing of a far-flung population of more than 130,000,000 engaged in diverse and varied pursuits, even as it was fit for the governing of a small agrarian nation of less than 4,000,000.

It is, therefore, appropriate that in the period herein set apart we shall think afresh of the founding of our Government under the Constitution, how it has served us in the past and how in the days to come its principles will guide the Nation ever forward.

In witness whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the city of Washington this 4th day of July, in the year of our Lord, 1937, and of the independence of the United States of America the one hundred and sixty-second.

FRANKLIN D. ROOSEVELT.

By the President:
[SEAL]

CORDELL HULL,
Secretary of State.

Mr. Chairman, that is all this Commission is trying to do. I do not feel so very happy over the fact that some people want me to do this and some people want me to do that. I am trying to do the best I can and so is every member of the Commission. This is a difficult task and you must remember I have 434 bosses on this side and I have 96 bosses on the other side, and I want to tell you it is a difficult task to try to please everyone. But I will say if any Member wishes to find out what the Commission is really doing, what the Commission is really accomplishing, I wish they would come over to Room No. 524 in the House Office Building and we will be glad to take you through. If you can tell me any city, town, or village in any district that we do not have a complete record of, that we are not in direct contact with and sending information to them free of charge, aside from the big things, I would like to know about it, but please come over and we will be glad to explain everything to you we possibly can.

Mr. LAMBETH. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I yield.

Mr. LAMBETH. Will the gentleman tell the committee how many copies of the book The Story of the Constitution have been sold?

Mr. BLOOM. Does the gentleman mean sold?

Mr. LAMBETH. Well, ordered or printed, or what the output of this book is?

Mr. BLOOM. I cannot say exactly how many have been sold. For example, we printed 25,000 of those books. We are giving to every Boy Scout a copy of this book free. Do not think we are out to make money on this thing. We are giving away a lot of stuff. Anybody who is entitled to anything from this Commission is going to get it. I think up to this time with our appropriation we are able to print about 250,000 copies of these books.

Mr. LAMBETH. As I understand, the chief purpose of the additional appropriation involved in this resolution is to finance a very large circulation of this book, is it not? That is the purpose of the revolving fund?

Mr. BLOOM. That and other things.

Mr. LAMBETH. But that is the principal item, is it not?

Mr. BLOOM. That is one of them; yes.

Mr. LAMBETH. If I understood correctly, the gentleman previously stated that the present contract price for printing these books is about 11 cents per copy?

Mr. BLOOM. Yes, sir.

Mr. LAMBETH. And the gentleman contemplates that the circulation of this book will run into the millions of copies, does it not?

Mr. BLOOM. I hope and pray it does. I would like to see that book in the hands of every person in the United States.

Mr. LAMBETH. And the selling price is 10 cents each?

Mr. BLOOM. Yes.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I will be pleased to yield to the gentleman.

Mr. MAPES. Following the question by the gentleman from North Carolina [Mr. LAMBETH], and especially in view of the statement of the gentleman from New York [Mr. BLOOM] a year ago that the Government would make a million and a half dollars out of this——

Mr. BLOOM. Now, I do not know how that got into the RECORD. I never said that. It is a mistake.

Mr. MAPES. The gentleman will admit that it is in the RECORD under his name, will he not?

Mr. BLOOM. It is a mistake. Did the gentleman ever hear of a mistake in the RECORD before?

Mr. MAPES. I usually look over the RECORD and try to correct any glaring mistake of that kind——

Mr. BLOOM. I am too busy. I have too much to do to look up those things.

[Here the gavel fell.]

Mr. KELLER. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. MAPES. Will the gentleman yield further?

Mr. BLOOM. Yes; I yield.

Mr. MAPES. Waiving the question of whether the gentleman actually made the statement or not, although he is credited in the RECORD as having made it, I should like to ask the gentleman in view of the further fact that the gentleman has just stated these books would be sold at 10 cents each, I am wondering what the gentleman's estimate is of the amount of this revolving fund which, if this resolution passes, the gentleman will have the use of during the next year?

Mr. BLOOM. We will use from the revolving fund whatever is necessary. After these books and other documents have been paid for, if we want to get additional books and documents, then we shall have to go to the revolving fund.

Mr. MAPES. And how much does the gentleman think the revolving fund will be?

Mr. BLOOM. I do not know.

Mr. MAPES. Has he any idea?

Mr. BLOOM. I have no idea about it whatever.

Mr. MAPES. Does the gentleman think that we ought to pass a resolution giving the gentleman's Commission an unlimited amount?

Mr. BLOOM. You could not go over $350,000 if you wanted to. The appropriation calls for $350,000. Now, if I spend that $350,000 and then want more books that will cost $50,000 or $100,000, I will go to the revolving fund and get the money.

Mr. MAPES. Or $350,000.

Mr. BLOOM. Or $350,000, yes; but I cannot give the gentleman any definite sum.

Mr. MICHENER. Mr. Chairman, will the gentleman yield at that point?

Mr. BLOOM. I yield.

Mr. MICHENER. As I understand the bill from reading it—and that is all I know about it—it sets up a revolving fund for this Commission as follows:

> Sums heretofore or hereafter received from the sale of publications and other material of such Commission are hereby authorized to be appropriated as a revolving fund for the further acquisition of such publications and material.

So there is no limit or control in the bill over the fund.

Mr. BLOOM. Oh, yes.

Mr. MICHENER. The gentleman could use the money in the revolving fund for any purpose for which the commission may legally function. That is correct, is it not?

Mr. BLOOM. No; that is not correct.

Mr. MICHENER. That is what it says:

> For the further acquisition of such publications and material.

Mr. BLOOM. Exactly. If I want some more books and have not got the money from this $350,000 directly appropriated, I can then go to the revolving fund and use whatever is necessary; but it must go through the regular channels of the Treasury and be approved. Is not that right?

Mr. MICHENER. As I take it, it seems that the gentleman will have whatever money comes in to use in the legitimate functions of his commission.

Mr. BLOOM. Yes; up to $350,000.

Mr. MICHENER. Well, whatever comes in, there is no limit, even though it were $1,500,000.

Mr. BLOOM. All right; if it will satisfy the gentleman, I shall be very glad to agree to an amendment limiting it to $350,000.

Mr. MICHENER. I am not quarrelling about the amount.

Mr. BLOOM. I am glad that is understood. I really do not see that there is any argument about that at all.

Mr. KRAMER. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I yield.

Mr. KRAMER. The gentleman from New York just stated that it was his desire to give 25,000 copies to the Boy Scouts visiting Washington.

Mr. BLOOM. Yes.

Mr. KRAMER. I have about 110 boys visiting here this morning from Los Angeles, Eagle Rock, and Huntington Park, in my district. I would like to know where I can get 110 copies of this pamphlet for these boys.

Mr. BLOOM. The gentleman cannot get them, I am sorry to say, even if you had the money.

Mr. KRAMER. How are we going to give them to these boys?

[Here the gavel fell.]

Mr. McLEAN. Mr. Chairman, we are making such excellent progress and the gentleman from New York has been so generous in yielding time that I take great pleasure in yielding him 10 additional minutes of my time.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I shall be pleased to.

Mr. DOWELL. The gentleman stated awhile ago that the $350,000 provided in this bill would print substantially 250,000 books.

Mr. BLOOM. No, I did not; oh, no. I never said anything like it. I made no statement of how many books I could print at any time for any amount of money. I said that the books cost about 11 cents to print. That is the printing cost. That does not include the cost of preparation or anything else.

Mr. DOWELL. The preparation has already been made, has it not?

Mr. BLOOM. Yes.

Mr. DOWELL. The expense of preparation has already been paid.

Mr. BLOOM. Yes.

Mr. DOWELL. All that is necessary now to put the book on the market or in the hands of those who desire it and want to pay for it is the actual printing of it.

Mr. BLOOM. Yes.

Mr. DOWELL. Then the revolving fund will not be used for materials, but will be used for something else, will it not?

Mr. BLOOM. Oh, no. The idea is this——

Mr. DOWELL. How will the gentleman use the money from materials when the preparation of the book has already been finished?

Mr. BLOOM. Let me give the gentleman an example: Suppose an order comes in from Woodward & Lothrop for 10,000 books. They send in a check for $1,000 made payable to the Treasury of the United States. That goes into the revolving fund. Suppose we sell 100,000 books, or a million books; all of that money goes into the revolving fund. If I want money to print more books and have none left in the direct appropriation, then I go to the revolving fund.

Mr. DOWELL. That is true, but the gentleman is taking it out of the revolving fund.

Mr. BLOOM. That is what I want to do.

Mr. DOWELL. The gentleman said he would be willing to have an amendment put on so that he would not be able to spend over $350,000.

Mr. BLOOM. That is perfectly all right.

Mr. DOWELL. If the amendment is agreed to, the gentleman will be limited to $350,000 worth of books. He will not be able to sell any books beyond that number.

Mr. BLOOM. I was trying to satisfy my friend from Michigan.

Mr. DOWELL. The gentleman ought to satisfy the situation instead of the gentleman from Michigan.

Mr. BLOOM. The gentleman is right.

Mr. DOWELL. The gentleman should not destroy the opportunity to sell these books to anyone who wants to buy them.

Mr. BLOOM. If it was not for the fact I have my heart and soul in this work I would not stand for some of these questions that have been asked me for 2 minutes. I say the work of this Commission is one of the greatest pieces of work this Congress has done during the present session or any other session. We are teaching patriotism today that has not been taught before, and $350,000 is not one-tenth of what ought to be spent for this work. The gentleman from Iowa is absolutely right.

Mr. DOWELL. The question I am raising is that the gentleman will spend more than $350,000 because he will be

able to spend what is taken in under the provisions of this bill.

Mr. BLOOM. But rather than have any argument, I will permit the gentleman from Michigan to put in any kind of amendment he wants to offer.

Mr. DOWELL. I do not know why the gentleman wants to cut off the possibilities.

Mr. BLOOM. Because the gentleman from Michigan started this thing.

Mr. HOFFMAN. Will the gentleman yield?

Mr. BLOOM. I yield to the gentleman from Michigan.

Mr. HOFFMAN. A while ago I asked the gentleman what these books cost and whether they cost more than 10 cents. The gentleman stated they cost about 11 cents. A moment ago he stated they cost 10 cents to print them. Now, what do they cost?

Mr. BLOOM. About 11 cents.

Mr. HOFFMAN. What does it cost to get the book out, including printing, binding, and all the rest of it?

Mr. BLOOM. About 11 cents.

Mr. HOFFMAN. That is the total cost?

Mr. BLOOM. Yes.

Mr. HOFFMAN. The whole business?

Mr. BLOOM. Yes.

Mr. LAMBERTSON. Will the gentleman yield?

Mr. BLOOM. I yield to the gentleman from Kansas.

Mr. LAMBERTSON. Referring to the index you have here, the gentleman had the same card index under the bicentennial?

Mr. BLOOM. Yes; that is the same thing right straight through.

Mr. LAMBERTSON. The gentleman has not closed up the bicentennial yet, although it is now 5 years afterward.

Mr. BLOOM. My part of it is closed.

Mr. LAMBERTSON. Is it?

Mr. BLOOM. Yes. The only thing that is left over is something I had nothing to do with. That had to do with the definitive writings of George Washington. They were supposed to be covered by 25 volumes, but when we got up to the twenty-fifth it was found 8 or 10 more volumes would be required, and as far as I was concerned I stated I would not have anything more to do with it.

Mr. LAMBERTSON. Who is responsible for that?

Mr. BLOOM. The original commission that was appointed in 1924, of which I was the director later, but I had nothing to do with the preparation of the writings of George Washington. My work is finished.

Mr. LAMBERTSON. Who was director general of that part of it after the gentleman quit?

Mr. BLOOM. I am still functioning, but I would have to come to this Congress to complete that work and ask for $75,000 more. Can the gentleman imagine my getting it?

Mr. HOFFMAN. Yes. The gentleman has got everything he has asked for so far.

Mr. LAMBERTSON. When is the gentleman going to close up the one hundred and fiftieth anniversary of the Constitution?

Mr. BLOOM. The last day would be April 30, 1939. It will be about 6 months later. You see, we had 25 different volumes. We spent $250,000 or $300,000 on the 25 volumes. If we do not spend the additional sum of money to print the additional books, the 25 volumes that we have already printed would be worthless, but I am afraid to come here with a bill asking for more money.

Mr. LAMBERTSON. There is a feeling in the minds of some people that the gentleman does not close these things up. The bicentennial ought to be closed and this one hundred and fiftieth anniversary ought to be closed short of 3 years after it is all over.

Mr. BLOOM. Oh, no; 6 months after.

Mr. LAMBERTSON. The gentleman said April 1.

Mr. BLOOM. No. April 30, 1939, is the last day. That is the one hundred fiftieth anniversary.

Mr. LAMBERTSON. That is nearly 2 years afterward.

Mr. BLOOM. No. Nineteen hundred and thirty-nine.

Mr. LAMBERTSON. This is 1937, and the one hundred fiftieth anniversary is this year.

Mr. BLOOM. No.

Mr. LAMBERTSON. The Constitution was written in 1787, was it not?

Mr. BLOOM. Yes.

Mr. LAMBERTSON. This is the one hundred and fiftieth anniversary.

Mr. BLOOM. May I explain this matter. This is the one hundred and fiftieth anniversary of the formation of the Constitution. Everything is included in that.

We start on September 17 of this year, which is the anniversary of the day the Constitution was signed. Then we go to the different States for the ratification. On each ratification day we have a different ceremony. June 21 of next year is the anniversary of the day New Hampshire, which was the ninth State to do so, ratified the Constitution and, in accordance with article VII, the Constitution became effective, so the anniversary will be next year, 1938. Then we go through the other proceedings of the formation up to the meeting of the First Congress, and this anniversary will be March 4, 1939. Then follows the anniversary of the inauguration of Washington, which is April 30. April 30, 1939, is the day this celebration closes.

Mr. LAMBERTSON. What do you call this anniversary?

Mr. BLOOM. The one hundred and fiftieth anniversary of the formation of the Constitution.

Mr. LAMBERTSON. This year is the anniversary of the beginning of the formation?

Mr. BLOOM. No; this year is the anniversary of the signing.

Mr. LAMBERTSON. The Constitution will never end, because we are changing it, you know.

Mr. BLOOM. That I do not know. The gentleman is talking politics now, and I am not interested.

Mr. TOBEY. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. Yes.

Mr. TOBEY. I hold in my hand the book, The Story of the Constitution, published by the Commission at Government expense. I notice it appears that SOL BLOOM is the author, and on the binding appears "The Story of the Constitution—BLOOM."

Mr. BLOOM. Yes.

Mr. TOBEY. This is the gentleman's work?

Mr. BLOOM. Yes.

Mr. TOBEY. Not the work of the Commission?

Mr. BLOOM. I wish the gentleman would please ask a question I can answer.

Mr. TOBEY. I shall ask it in a different form now.

Mr. BLOOM. Wait, I am going to try to answer the gentleman. I am really surprised the gentleman, who knows so much, would ask a question of this kind.

Mr. TOBEY. I am not through yet. The gentleman has not heard the worst yet. The worst is yet to come.

Mr. BLOOM. Is that so?

Mr. TOBEY. Yes.

Mr. BLOOM. I am ready for the gentleman. The gentleman will not be the first one for whom I have been ready on this floor.

I may say to the gentleman it is necessary at all times to have a name of some kind on a book. Many books are published bearing the title, "The Story of the Constitution." If the gentleman were to write to any publisher for a book entitled "The Story of the Constitution", the publisher would not know which one the gentleman wanted. The mere fact I put "SOL BLOOM" on there does not mean I was looking for the glory, although I have put the work into the book. I was not looking for the glory. I put a name on there so people would know what to ask for.

[Here the gavel fell.]

Mr. McLEAN. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. BLOOM].

Mr. BLOOM. The gentleman will notice it does not say "SOL BLOOM"; it says "Bloom", so any other Bloom in the country could get the credit for it, not I.

Mr. TOBEY. I would be the last man to take the Bloom off that book, but, may I ask, is it customary to copyright Government publications?

Mr. BLOOM. I believe this is the question the gentleman reserved when he said the worst was yet to come?

Mr. TOBEY. Possibly.

Mr. BLOOM. I may say that is not the worst.

Mr. FORD of California. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. Just a minute. This is a lovely question, and I want to be sure the gentleman gets it right. The reason the book was copyrighted by SOL BLOOM is that the Government is not permitted to copyright anything. If the gentleman will kindly read further, he will find that the introduction states:

Upon application, permission will be granted for the reprint or use of any portion of this book, provided that no change be made and that full credit be given to the Commission.

Not to SOL BLOOM, but to the Commission. Let me tell the gentleman why. I did not want any cheap life-insurance companies or toilet-soap companies to take this book and use it for advertising purposes. This was done to protect the Government of the United States. I know enough about copyrights and publications to know how to do it.

Now, what is the gentleman's next question?

Mr. TOBEY. How much of the $200,000 has been so far expended?

Mr. BLOOM. I do not know.

Mr. TOBEY. What would the gentleman think? The gentleman has some idea, has he not?

Mr. BLOOM. I am not thinking today. If the gentleman wants to find out, if he will come over——

Mr. TOBEY. Is this not a fair question to ask the chairman of the Commission?

Mr. BLOOM. No; it is not a fair question, because I do not carry all the figures in my head. I may say to the gentleman I have stayed on this floor today and answered question after question, trying to give the right kind of an answer.

Mr. TOBEY. I think that is true——

Mr. BLOOM. Excuse me; I am speaking now. I have tried to give the truth. The gentleman expects me to answer him with reference to how much of the $200,000 has been expended, and to give the amount, and then expects to spring another $1,500,000 proposition on me, but I am not fool enough to do that.

Mr. TOBEY. Will the gentleman please listen just a minute?

Mr. BLOOM. I refuse to yield further, Mr. Chairman.

Mr. FORD of California. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. Yes.

Mr. FORD of California. In order to clear the record as to the name "SOL BLOOM", you will notice it does not say "By SOL BLOOM", but merely uses his name. The name is put there for the purpose of identification and for the protection of the copyright.

Mr. BLOOM. Anyone who knows anything about publication or has ever read a book knows that is so.

Mr. HOFFMAN. I understand this book was printed to teach patriotism?

Mr. BLOOM. Yes.

Mr. HOFFMAN. The wider the circulation the better?

Mr. BLOOM. Yes.

Mr. HOFFMAN. Why have it copyrighted? Why not let anyone distribute it who wants to?

Mr. BLOOM. For this reason——

Mr. HOFFMAN. I know, you spoke about the advertisement.

Mr. BLOOM. I do not want to have anyone take the material in this book and use it without giving full credit to the Commission, and reprinting it exactly the way it is in this book. I do not want the gentleman or anyone else to take something out of the book and change it around, and then have people think we did it.

You can use anything or everything in that book, provided you print it the way it is and the reason we insist upon that is because we know if it is printed that way it will be absolutely right.

Mr. HOFFMAN. But you have it copyrighted and if I want to take that book and reprint it, I cannot do it, can I?

Mr. BLOOM. Yes.

Mr. HOFFMAN. In spite of the fact it is copyrighted?

Mr. BLOOM. Yes; read the statement there again.

Mr. HOFFMAN. Then what is the use of having it copyrighted?

Mr. BLOOM. I helped write the copyright law a few years ago and I know something about it.

The language I refer to is:

Upon application, permission will be granted for the reprint or use of any portion of this book, provided that no change be made and that full credit be given to the Commission.

The limitation is that no change be made and that full credit be given to the Commission, and if that is complied with you can reprint the entire book.

Mr. HOFFMAN. But if I understood the gentleman a moment ago, he stated that you cannot print parts of the book.

Mr. BLOOM. You can print any part of it. You can do anything you want with it, provided you do not make a change in it, and, as I have said, I do not want to have it used for advertising purposes or anything of that kind.

Mr. HOFFMAN. Then the sole purpose of the copyright is to give credit to the Commission?

Mr. BLOOM. It is for the protection of the Commission.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I yield.

Mr. BOILEAU. Is such permission given automatically, or must they apply to the Commission?

Mr. BLOOM. They must get permission in writing.

Mr. BOILEAU. In each instance?

Mr. BLOOM. Yes.

Mr. HOFFMAN. When the Commission goes out of existence, then what?

Mr. BLOOM. Then it is turned back to the Government.

Mr. HOFFMAN. Then to whom do we make application?

Mr. BLOOM. I do not know. I shall not be there any more.

[Here the gavel fell.]

Mr. KELLER. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. FORD].

Mr. FORD of California. Mr. Chairman, I am in full accord with the pending resolution because I believe it is perfectly proper for the Government of the United States to undertake this work. I believe it is a perfectly proper function of government to encourage the distribution of an unbiased record of its fundamental law.

This is particularly desirable at this time when the Constitution is being so widely discussed by the people of the country, many of whom are asserting that the President's plan for the revitalizing of the Supreme Court is unconstitutional. Most of these assertions come from lawyers, many of whom are said to be great constitutional lawyers. As a matter of fact, a better description of this type of lawyer would be a great corporation lawyer.

I also believe it is better that the Government should disseminate unbiased information about the Constitution than to have private interests undertake to do so, because I happen to know that there is an institution in this country that for a number of years has given an annual prize for the best essay or the best speech on the Constitution. The contest is confined to colleges and high schools, and I happen to know that when these young people brought in their manuscripts unless their manuscripts conformed to a certain interpretation of the Constitution, regardless of how brilliantly they may have dealt with the subject, they were not acceptable. If this is not biased information on the Constitution, then I do not know what would be considered biased information.

For this reason I think it is meet at this time, on the one hundred and fiftieth anniversary of the formation of

the Government, that the Congress should authorize a wide dissemination of an unbiased story of the formation of the Constitution. [Applause.]

Mr. KELLER. Mr. Chairman, I yield myself 1 minute.

I simply wish to call the attention of this body to the fact that we have gone into this matter, and we believe we ought not to stop halfway. We have learned more about the Constitution of the United States during the present few months, and I hope we shall learn more during the coming months, than we have ever known before in our lives. This applies to all of us—lawyers, laymen, and everyone else—and we ought to know something about it. The wider distribution we can have of the story of the Constitution and of the Constitution itself, the better it will be for the people of this country, because we have all got to be educated in the matter of the Constitution.

The CHAIRMAN. The Clerk will read the joint resolution for amendment.

The Clerk read as follows:

Resolved, etc., That section 8 of the public resolution entitled "Joint resolution to enable the United States Constitution Sesquicentennial Commission to carry out and give effect to certain approved plans, and for other purposes", approved June 1, 1936 (49 Stat. 1392), is hereby amended by striking out the sum "$200,000" and inserting in lieu thereof the sum "$350,000."

Mr. KRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KRAMER: Page 1, line 8, strike out "$350,000" and insert "$475,000."

Mr. KRAMER. Mr. Chairman, my purpose in increasing this amount is to enable the Commission to print a sufficient number of copies, as will be set out in a subsequent amendment I am going to offer, so that Members of the House and Senate may distribute this worthy and patriotic publication.

I have had repeated calls for copies from teachers who have given this publication a great deal of study and attach a great deal of importance to it. One of a few write me as follows:

After reading this booklet, one of our Los Angeles high-school teachers made the following comments:

"It's the finest thing we have. A high-school student will read a book like this from cover to cover. The big volumes are not even lifted from the shelf. I value especially the indexed analysis. I only wish we had enough for an entire class."

I am surprised that any Member of Congress would have cause to make objection to this very small appropriation that is being asked to put this patriotic publication of our Constitution in the hands of millions of people who perhaps will never have an opportunity to come to Washington to learn of the Constitution and its history in any other way than just by reading this booklet and its abbreviations.

I believe the Members of the House should give a great deal of attention to the explanation which the gentleman from New York [Mr. BLOOM] is making with respect to the work of this Commission and the publication of this booklet on the Constitution.

It is a very appropriate time to send these booklets to the child in school, and many adults would be glad to have them.

Mr. LAMBETH. Mr. Chairman, I rise in opposition to the amendment. I had hoped that the gentleman in charge of the bill, or at least the author of the resolution, would oppose the amendment to increase the appropriation. Since they have not seen fit to do so, I feel that it is my responsibility. I am opposing it for the reason that a resolution of similar purport was introduced by the gentleman from California [Mr. KRAMER] and referred to the Committee on Printing, of which I happen to be the chairman. The committee, after hearing the gentleman from California, and also the gentleman from New York [Mr. BLOOM], and other interested persons, unanimously decided not to report the resolution favorably to the House.

The purpose of this amendment, as I understand it, is to provide sufficient funds to purchase 1,250,000 copies of this book to be given to Members of Congress for free distribution. The policy of your Committee on Printing, in view of the mounting Government expenditures, has been not only to resist all efforts to expand and extend but to curtail the practice of free distribution of public documents. I do not know whether the Members realize how rapidly the volume and cost of public printing has risen during the past 10 years. If I had had a little warning that this matter was coming up today, I would have had the figures here to present to the House, but I can say that the total cost of public printing has now passed well beyond the $20,000,000 mark, and your committee has been doing all it could to stop further excursions of this kind and also to curtail extravagance in this line not only in the congressional branch of the Government, but in the various executive departments as well.

Mr. KRAMER. Mr. Chairman, will the gentleman yield?

Mr. LAMBETH. Yes.

Mr. KRAMER. Did the gentleman from North Carolina realize that just a few weeks ago an appropriation was given to North Carolina of $2,500,000,000, an appropriation far beyond the amount asked here.

Mr. LAMBETH. The gentleman refers to the parkway to cost about $2,500,000. The cost was $2,500,000 instead of $2,500,000,000, as the gentleman said.

Mr. KRAMER. At least it was far more than this insignificant amount.

Mr. LAMBETH. Mr. Chairman, I refuse to yield further. That has no more reference to this than a matter in Siam or China. The gentleman seeks to draw a red herring across the trail of his amendment.

Mr. KRAMER. But the gentleman is talking about money being spent.

Mr. LAMBETH. I am discussing the gentleman's amendment, and the cost of public printing, and particularly am I discussing the principle involved in this, which is more important than the amount of money. We had at the close of the recent fiscal year a deficit of $2,811,318,310.60, the excess of ordinary expenditures over ordinary receipts, the seventh successive annual deficit. I ask the House, How long can we trifle with this serious problem? In spite of that the House of Representatives is asked today to authorize the borrowing of more money at the expense of the taxpayers to give to Members of Congress free books to send out to their constituents. I have no objection to this book or to the distribution of it at the present nominal cost. Anyone in this country who is not interested sufficiently in the Constitution to pay 10 cents for a copy of this book, I do not believe would read the book if you gave it to him free. My experience is that when you give people things at no cost and no effort on their part, they do not appreciate it. I am here simply to say to the House that our committee had a similar proposal under consideration and rejected it, not because of the individual merits of the publication, but because it is in line with the policy which this committee has been following to try to reduce the cost of public printing and the free distribution of Government documents.

Mr. MURDOCK of Arizona. Mr. Chairman, I move to strike out the last word, in order to say just a word or two with regard to this proposition. I feel I have, on other grounds, a right to say it other than being a member of this body or of this committee. Let me indicate the nature of my interest in the matter.

When this book first appeared it attracted my attention. Not supposing for a moment that there would be any for free distribution, I purchased more than 1,000 copies. Five hundred copies I sent at once to school teachers in the State of Arizona, and I supplied several hundred copies to ministers of the gospel, to commanders of the American Legion posts and to the presidents of women's clubs and other organizations.

I did that partly because of the fact that I felt it was an educational feature. For the past 12 years I have been furnishing textbooks to the schools of Arizona and I am not sure but that some of the Boy Scouts from Arizona, of whom there are more than a hundred in town, and several in the gallery just now, have studied books that I have prepared for boys and girls in the grades. I have furnished a book like this on the Constitution of the State of Arizona which cost the State of Arizona 80 cents per copy. It is not very much larger than this and not nearly so well done as

this scholarly piece of work. I am in favor of this amendment which is made that the Members of Congress be furnished a certain number of copies for free distribution. Although I, at my own expense, have supplied a good many, I could supply more.

It is not more than 3 or 4 days since I received a letter from a former president of the Federated Women's Clubs of Arizona asking for a copy of this book.

I sent her one with a better binding than this, and I said to her, "I think I have about a dozen copies left on my shelves. Let me know anybody else who needs these, and they will be sent at once."

I know in my State these are highly desired. I have had lawyers write me for them. I have furnished a great many to school teachers, and school people are still writing for them.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. MURDOCK of Arizona. In just a moment.

Mr. Chairman, in ancient Rome the law was written on 12 tablets of bronze, put up in the Forum. The great Roman orator and senator, Cicero, tells us that learning these was the basis of his education. Well, it may be the basis of the education of any great statesman to read, memorize, and know the law of Rome. Learning thoroughly a few great laws is truly the groundwork of a legal education.

I am told that Daniel Webster at one time, as a small boy, persuaded his father to buy him a piece of cloth displayed in a store window, which cloth was a sort of a cross between a table cover and a handkerchief, on which something was printed in small type. Young Dan got that for a present and took it home. It had on it a copy of the Constitution of the United States. I am informed that Daniel Webster, as a small boy, memorized that great document.

I am not saying that that fact made him the greatest constitutional lawyer in American history, but I do know that when Daniel Webster handled a case in the highest Court of this Nation, when he appeared before John Marshall, he did not have to fumble around to get a book to refer to when he wanted to make a quotation from the Constitution. He had it.

I think I am not stretching the point when I say if you put these in the hands of the boys and girls of this country and let them know the Constitution of the United States, it will probably have some such effect on a few of them that memorizing the laws of Rome had upon Cicero and memorizing the Constitution of the Unitedl States itself had upon Daniel Webster.

I am in favor of this proposal, and I think it would be money well spent.

[Here the gavel fell.]

Mr. TOBEY. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, when I was questioning the gentleman from New York [Mr. BLOOM] I was shut off so that I did not have an opportunity to elucidate the matter as much as I wanted to. I regret that the gentleman from New York [Mr. BLOOM] took umbrage at the questions passed to him by different Members of the House, because I believe in any matter where the taxpayers' money is being spent we ought to let in all the light possible and answer any questions pertinent to the subject.

I asked the gentleman from New York [Mr. BLOOM] one question, referring to the fact that he had originally $200,000 of the taxpayers' money. I asked him how much he had spent of the $200,000. He said he could not tell. It seemed to me germane that a man who has been spending $200,000 should know how much of that sum was spent up to date, before he asked for $150,000 more.

I want to read this into the RECORD. I have here his book, "The Story of the Constitution; BLOOM, author." On the fly-page "The Story of the Constitution, by SOL BLOOM." Below that it says "United States Constitution Sesquicentennial Commission, House Office Building, Washington, D. C."; but in small print, "Copyrighted 1937, by SOL BLOOM." Therefore, the copyright runs not to the commission but to SOL BLOOM, the gentleman from New York. I ask the gentleman from New York and the House as well, suppose the gentleman who now owns this copyright should pass on, by act of God, tonight, or tomorrow, or next year, that copyright becomes an asset of his estate. I believe this bill should be amended so that when this commission ceases its activities the copyright and all rights thereunder would be vested in the Commission and not the estate of the gentleman from New York [Mr. BLOOM]. I think that matter is germane today. I submit my case on that, and I asked the gentleman if he would not be willing to have the bill amended, whereby his rights under the copyright would revert to the United States Commission.

In his answer to the question he did raise this point: He said it was copyrighted so that those who might want to use it, insurance companies, and so forth, would have to come back to the Commission and get their consent to use it. Under the very verbiage of this copyright they would not have to come to the Commission, but they would have to come to one SOL BLOOM and not to the Commission itself. I would like to see this matter more impersonal; less of BLOOM and more of the Commission.

Mr. LAMBETH. Mr. Chairman, will the gentleman yield?

Mr. TOBEY. I yield.

Mr. LAMBETH. While the amendment offered by the gentleman from California [Mr. KRAMER] calls for an increase in this appropriation of $125,000, the amount of cost to the Government in the form of the franking involved will run into a considerable sum. I do not know what that amount will be, but it will be a considerable sum in addition to the $125,000.

Mr. TOBEY. Of course.

Mr. LAMBETH. In that connection, I have just located the figures on the cost of franking for the past 4 years.

May I state that the cost of free mailing by the departments of the Government has increased from $10,701,912 in 1932 to $33,713,305 in 1936. It is fair to state also that there has been no increase in the cost of the franking privilege by Members of Congress during this same period of time.

Mr. KRAMER. Mr. Chairman, will the gentleman yield?

Mr. TOBEY. I yield.

Mr. KRAMER. I would like to answer the statement of the gentleman from North Carolina. He realizes, of course, that numerous new agencies of government have been created in the last 6 years which accounts for the increase in their use of the franking privilege. During that same time, however, the number of Members of Congress has remained stationary and their use of the franking privilege has not increased materially.

Mr. LAMBETH. There has, of course, been an increase in the activities of the Government, but I think the amount of propaganda and free literature that has been mailed out under the franking privilege is beyond justification. It has increased threefold.

Mr. KRAMER. I will admit that it has been roundly abused.

Mr. LAMBETH. I stated that there had been no increase in the cost of the franking privilege by Members of Congress.

Mr. KRAMER. I do not think it has ever been abused by any Member of Congress, and I do not think there has been or will be any abuse of it in this instance to send out these pamphlets.

Mr. MOSER of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. TOBEY. I yield.

Mr. MOSER of Pennsylvania. I may add, for the information of the gentleman from North Carolina [Mr. LAMBETH] that there is a difference between the franking privilege used by Members of Congress and the penalty envelope or the penalty privilege that is used by the agencies of the Government. This is a point that should be brought out at this particular time.

Mr. TOBEY. I yield back the balance of my time.

Mr. BLOOM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from New Hampshire asked a question, but I was not given the opportunity of answering it.

Mr. TOBEY. I beg the gentleman's pardon. I owe the gentleman an apology.

Mr. BLOOM. It is perfectly all right. Mr. Chairman, the thing that strikes me at this time is the great concern of the gentlemen opposed to this resolution and their interest in the ownership of the copyright of this book. Certainly there are no royalties being paid, there is no money being made. No one could ever think of printing this book and selling it for 10 cents unless they wanted to lose a lot of money. Now, as far as I am concerned in the pride of the ownership of a copyright, if it is the wish of this Committee or of the House that I should throw this entire copyright into the public domain I should be very pleased to do it.

Mr. McLEAN. Mr. Chairman, will the gentleman yield?

Mr. BLOOM. I yield.

Mr. McLEAN. I would like to interrogate the gentleman on another point. I am entirely satisfied as to the matter of the copyright, and I am sure everybody else is.

Mr. BLOOM. Mr. Chairman, I must refuse to yield until I finish with the matter of the copyright. The only reason that we have this copyright is for protection. It is for the protection of the Commission. Protecting the Commission is protecting the Government. Now, as far as I am concerned personally with reference to the copyright, I certainly would object for the reason that it might be considered as a slap at me, and I am not going to allow it for one minute. The copyright was taken out by me as a protection. As Director General of the Commission, I am responsible, and up to now I doubt if there is any person in the last 13 years that I have been operating these commissions who could, in good faith, in bad faith, or any faith, say that I have ever done anything but what is absolutely right.

Now, I shall be pleased to yield to the gentleman from New Jersey.

Mr. McLEAN. Mr. Chairman, I was going to ask the gentleman from New York if he would not urge the gentleman from California to withdraw his amendment at this time. This matter has been passed upon by the Committee on the Library; it has been passed upon by the Committee on Rules; it comes as the result of a conference with the President of the United States; and the Commission's program is complete. Does not the gentleman think it would provide for sufficient distribution?

Mr. BLOOM. I think the amendment is a good amendment, but I talked with the gentleman from California before he introduced it and told him that personally I would prefer not to have it come up at this time. I think we have had too much talk. I do not think it looks well to the country that we should sit here for nearly 2 hours debating whether we are going to spend $150,000 more celebrating the formulation of the Constitution of the United States. Either let us celebrate it or not celebrate it. There is no use in fighting over this thing. Either we are going to get the money to carry on or we cannot carry on in the distribution of these things that we feel is necessary to distribute to teach the children and the adults of this country the real history of the Constitution. In case anyone thinks he does not need it, let him come to me and I will ask him 10 questions.

There will not be a thousand people in the United States who can answer those 10 questions, and I include judges, lawyers, or anybody else. I know the history of the Constitution because I have studied it. May I say it is a shame and an outrage that we should dicker here for a few dollars. You would imagine it is the most terrible thing in the world to expend $150,000 to teach the people of this country that which they are ridiculing every day. The only way you can destroy the Constitution of the United States is by ridicule, not by education, and I am for education.

[Here the gavel fell.]

Mr. BLOOM. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McLEAN. Will the gentleman yield?

Mr. BLOOM. I yield to the gentleman from New Jersey.

Mr. McLEAN. It seems that the patriotic assembly here this afternoon is almost in accord on the resolution as now pending. To increase this appropriation without consideration by a committee or without ample time to think it over puts an entirely different phase on the situation. If the gentleman from California will withdraw his amendment, in view of the fact he has a bill pending before the Committee on Printing and there is ample opportunity to take up that important phase of this situation on its own merits, I think we can complete the argument in a very short time.

Mr. BLOOM. The gentleman states we are in accord. I would like to have the gentleman understand it is not very pleasant for the gentleman from New York to stand here and be criticized or questioned about his name being put on a book that he spent years to bring out and about a copyright on the book that he secured for the protection of his country. It is not pleasant, and I can assure the gentleman I do not like it.

Mr. McLEAN. Mr. Chairman, may I say I have always had the greatest respect and esteem, and I have grown to love the gentleman from New York. I think if his mental processes will return to a few moments ago, he will appreciate I was trying to relieve the situation and indicate to his mind I thought there was no need for further discussion of the matter that was being brought before us.

[Here the gavel fell.]

Mr. PATMAN. Mr. Chairman, I move to strike out the last four words.

Mr. Chairman, this is one of the best books in my opinion that has ever been published on this subject. Every Member of this House, as well as the people of the Nation, owe our friend and colleague the gentleman from New York, SOL BLOOM, a debt of gratitude for the time and effort put forth in the preparation of this great book. He is not going to profit one penny by this book. He has already rendered a great public service by preparing and causing it to be distributed. [Applause.]

I have purchased hundreds of copies of this book to send to different people in the congressional district I have the honor to represent. The lawyers like this book because they know it possibly is the first exact copy of the Constitution they have ever seen, and I repeat "the first exact copy." This book should be in the hands of not only all the lawyers and judges but of people who serve on juries. It should be in every school, every library, and placed in the hands of the Boy Scouts and with all people who want to know more about our country.

We are facing a fight in this world. Many people realize that. Will it be fascism, communism, or democracy? We want our people to remain as they are, in favor of a democracy. The best way to keep them sold on our form of government is to let them know what our form of government is, and there is no better way of doing that than to place in their hands a copy of this book. [Applause.]

We talk about the $125,000 cost and compare it with the postal deficit. What is $125,000 in comparison to the amount lost on the mails? I appreciate the gentleman from North Carolina is always watching these bills, and I commend him for his attitude. I follow him most of the time, but I cannot follow him this time. We lose $100,000,000 a year on the mails. Who gets it? Who is benefited? I can name dozens of newspapers that receive or their subscribers or readers receive a benefit of more than $125,000 a year. I can name magazines that receive a bonus or a subsidy, whatever you want to call it, equal to almost a million dollars a year. The mail order houses of this country are benefited more than any other class or group. They receive a benefit of approximately $17,000,000 a year.

How much do the Members of Congress cost the Government on the franking privilege? Less than $1,000,000 a year. To be exact, $750,000. Who benefits by that? The people the Members of Congress represent benefit by it if the privilege is properly used and if it is abused it should be stopped. You cannot help your people more, you cannot vote for a bill that will be more helpful to the people of this Nation and your congressional district especially, than to vote for this Kramer amendment providing for 2,500 copies for each Member of the House to distribute. I sent out over a thousand of them. I purchased them myself. I could send out two or three thousand more, and whether we pass this amendment or not, I expect to do that, because this book is not worth only $1, it is worth $5 in the hands of any good American citizen.

I want to commend my good, unselfish, and generous friend, the gentleman from New York, SOL BLOOM, for the efforts put forth and the time he has spent in the compilation and preparation of this book which I think is the greatest record ever published of the formation and establishment of this great country of ours. [Applause.]

I insert the following under leave to revise and extend my remarks:

CONTENTS OF BOOK

The book, The Story of the Constitution, was prepared before the present Supreme Court controversy arose. I considered the book so valuable that I purchased additional copies from the Treasurer of the United States, and furnished a copy to a number of friends in my district who I believed would appreciate it. I am purchasing more from time to time as I get requests for them, since it is my belief that it is one of the most valuable books this Government has ever caused to be published. Many of the replies I have received from those to whom this book was sent stated that they considered it worth $5 a copy. Many said it was the best book of its kind that has ever been published. In the preparation of this book, the Constitution and other important documents were read several hundred times to make sure that the book contains an exact copy. It is claimed that it is the only exact copy of the Constitution that has ever been reproduced. The book's contents include the following:

Diagram of origin of United States Government.

The story of the Constitution, including origin, formation, and operation; also development under it, with maps.

Portraits and sketches of the signers of the Constitution and Chief Justices of the Supreme Court.

Literal text of the constitutional amendments, Declaration of Independence, and Washington's Farewell Address.

Alphabetical analysis of the Constitution.

Questions and answers pertaining to the Constitution.

History of the Great Seal.

On yesterday, July 4, 1937, we celebrated the one hundred and sixty-first anniversary of the Declaration of Independence of this great country of ours—the greatest country in all the world. It will be helpful to our people to know more about their Government. Thomas Jefferson once said that if the people get the truth, the country will be safe. Today in the world we hear much about different forms of government.

PRESIDENT ROOSEVELT'S TRIP TO SOUTH AMERICA

There seems to be a great contest on to determine whether or not in the principal countries of the world we will have fascism, communism, or a democracy. I believe that the American people desire a democracy. President Roosevelt accomplished much on his South American tour during the past year, but if he did not accomplish anything more than to let the other countries of the world know that democracy is going to accept their challenge if an effort is made to force communism or fascism upon us, his trip was worth while, and should meet with the plaudits of the American people. This book The Story of the Constitution will do more toward enlightening, educating, and instructing the citizens of this country on what they should know about our Government than any book that is published. It is written in understandable language, and contains just the information that every American citizen should be encouraged to know. Every time I get an opportunity to get the truth to the people about this great Democratic Government of ours I expect to lend a hand in that direction. The cost is insignificant compared to the great good that will be accomplished.

We can save enough on documents that are printed and not used by the Government Printing Office or that are not useful in 1 year's time to pay the $125,000 necessary to send more than a million of these books into more than a million schools, libraries, and communities in this Nation.

COST OF TRANSPORTING THROUGH MAILS

The gentleman from North Carolina, my good friend Mr. LAMBETH, has mentioned about the Post Office deficit, and about how much it would cost for Members to send these books through the mails. These books are not given to the Members of Congress; they are given to the people. The Member of Congress is used as a vehicle to convey them to the people and libraries where they will be appreciated the most and used to the greatest advantage. It will cost practically nothing to deliver these books. The Post Office Department contracts with the railroad companies to use so much space, these books will be transported when the entire space is not used, and in that way it will not cost the Government a penny to transport them over the railroads. There will be no extra cost for delivery and the little trouble caused to the carriers, postmasters, clerks, and others will be rendered generously and unselfishly by these faithful employees because of their knowledge that they are making a contribution to a very worthy cause.

POSTAL DEFICIT

I do not know what the figures disclose at this time, as I have not examined them, but the figures for 1932 in the Annual Report of the Post Office Department, disclosed that the Government is losing more than $36,000,000 a year on certain newspapers and magazines; over $11,000,000 on other kinds of newspapers, and a loss of about $8,580,000 because weekly newspapers are circulated free in the county in which they are published; about $16,900,000 was lost on parcel post. These losses, although they are paid by the Government, the people get the benefit of them in many ways. For instance, by reason of the low cost of transportation through the mail, all newspapers and magazines, newspapers especially, are very cheap. That is one reason that a weekly paper can be published for such a low price because of this free in-county service given by the Government. The people get the benefit of it. Local delivery on fourth-class made a profit during the year 1932, but zones 1 and 2 used principally by mail-order houses, caused a loss of more than $25,000,000 during that year. If we want to save some money on the mails, and we should save every penny we can, would it not be better to save a little on ocean-mail or parcel-post rates or in some other way? Members of Congress are charged with only about $750,000 a year on the postal deficit. At the same time, Members of Congress cause lots of letters to be written upon which postage is paid, and these letters to Members of Congress are written not necessarily to help the Members of Congress but to help the people they have the honor to represent. I know Members of Congress who spend from $200 to $500 a month during a session for extra clerk hire to serve their constituents, and oftentimes during a session of Congress pay $200 to $300 a month to the Government Printing Office and stationery room for extra printing, stationery, documents, and supplies. Members of Congress pass benefits such as distribution of these books on to their constituents in the same way that a county newspaper passes the benefit of the free in-county service through the mails on to its subscribers.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. KRAMER].

The question was taken; and on a division (demanded by Mr. LAMBETH and Mr. MCLEAN) there were—ayes 60, noes 18.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 2. Such public resolution is hereby further amended by adding a new section thereto, as follows:

"SEC. 9. Sums heretofore or hereafter received from the sale of publications and other material of such Commission are hereby authorized to be appropriated as a revolving fund for the further acquisition of such publications and material."

Mr. KRAMER. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. KRAMER: Page 2, line 4, insert a new section, as follows:

"SEC. 10. That the United States Constitution Sesquicentennial Commission is authorized and directed to procure sufficient copies of the book entitled 'The Story of the Constitution', published by the Commission, to provide a distribution quota of 2,500 copies for each Senator, Representative, and Deleegate from a Territory. Enclosures for mailing such booklets shall also be provided by the Commission. The quantities of such booklets and enclosures required for Senators shall be delivered to the folding room of the Senate and placed subject to the order of the respective Senators and the quantities required for Representatives and Delegates shall be delivered to the folding room of the House of Representatives and placed subject to the order of the respective Representatives and Delegates."

Mr. KRAMER. Mr. Chairman, this further amendment merely provides the number of copies which would be distributed to the Members of the House and of the Senate, and the manner of their distribution, through the folding room in the same manner as other publications of this kind are distributed.

Mr. McLEAN. What is the additional amount of money that will be spent?

Mr. KRAMER. One hundred and twenty-five thousand dollars. I base this estimate on the figures which have been submitted by the gentleman from New York [Mr. BLOOM] on various occasions, to the effect that this is what it would cost to distribute that number of books and distribute them equally among the Members of the House and the Senate. It may be a few dollars, perhaps $10, more or less, I do not know, but this is the approximate amount.

Mr. MICHENER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we have had demonstrated within the last few minutes one of the things with which the country is confronted. We have got so in the habit of spending that it matters not what comes up, the Congress apparently does not have the courage to resist. It does not make any difference how laudable the purpose, it is just the question that if you are going to give some more books to Members of Congress to send out free, then are you ready to borrow the money with which to buy them? I was wonderfully surprised to see some of the leaders of the administration stand up here—when they know there is no money in the Treasury, when they know this Government is borrowing money today to feed the hungry—and yet they vote to borrow $125,000 more to send out free books to our constituents, which might possibly help us from a patronage standpoint. If these books were to be sent out by any other agency there would not be a chance of this amendment passing.

I was here when we had the free garden seeds to distribute. I know what a fight we had to get rid of the distribution of Government seeds. Our splendid Speaker was here then. We know what seeds meant. There were seed statesmen. There were statesmen who would buy extra seeds because they thought seeds made votes. There were statesmen who attributed their election to the fact they sent out so many packages of free garden seeds. The Congress appropriated $300,000 a year for this purpose down through the years, until the people began to understand, and then they saw to it that we stopped. It would appear from this amendment that instead of "seed statesmen" that we have some "document statesmen."

Mr. LAMBETH. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. I yield to the gentleman from North Carolina.

Mr. LAMBETH. The effect of these two amendments is to give each Member of Congress $275 worth of books free.

Mr. MICHENER. Yes. There it is. We are voting now to give each Member of the House $275 of the taxpayers' money in order to send free books into his district. Pressure groups are preventing us from economizing. However, today it is not a pressure group; it is our own innate desire to get something for nothing, something which we can send out to our districts and make our people believe we are doing something for them and giving them something. If I voted today—notwithstanding the condition of the country—to send the people of my district $275 worth of free publications, they would resent it, and they would have a right to resent it. I feel like saying, "Shame on you." I would not say, "A plague o' both your houses", or anything like that, but simply, "Shame on you", who have no consideration for people's pocketbooks.

Mr. KRAMER. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Yes.

Mr. KRAMER. Will the gentleman refuse his share of the books in the event this amendment is carried, or will the gentleman send the books out to his district?

Mr. MICHENER. I will send them out.

Mr. KRAMER. The gentleman would send them out. Of course, he would.

Mr. MICHENER. What a childish question.

Mr. KRAMER. We are talking about $275 worth of books to send out.

Mr. MICHENER. I will not yield further.

If I cannot prevent it, and if this money is appropriated and I have $275 worth of the taxpayers' money invested in books which are presumed to belong to my district, and I cannot stop your spending the money to buy the books, then someone has the asininity to ask me whether I am going to leave them here after they have been purchased, or whether I am going to send them out to the folks back home. I am going to send them out, and I should say to those people: "This is an example of the way the majority of the Congress functions today. I am sending you $275 worth of books, for which you must pay. We have borrowed the money to pay for the books, and are paying interest on this money." What will your constituents say about such a present?

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Yes.

Mr. HOUSTON. May I ask the gentleman if he is going to send his speech out before the books?

Mr. MICHENER. Yes; I shall see to it that my constituents know that I did not vote for this measure. It seems to me preposterous. In 1936 the Congress appropriated $200,000 in order that this Commission might celebrate the signing of the Federal Constitution. The resolution brought before us today provides an additional $150,000, or a total of $350,000 authorized for this celebration since May 4, 1936. Now, the gentleman from California [Mr. KRAMER] offers an amendment, the effect of which is to add $125,000 more in order that each Member of Congress may send out $275 worth of free books to the taxpayers, who must pay for them. Talk about pork and patronage! It seems to me this is the limit. So far as the taxpayer is concerned, this is heaping insult upon injury. Undoubtedly Mr. BLOOM's book on the Constitution is a good book, but this is neither the time nor the place to be spending the people's money in this way. It might be well for the Congress to set a good example with reference to adhering to the Constitution. Possibly our constituents would learn more by way of example than by study of the document, which is so often disregarded in these latter days.

I in no way reflect upon the gentleman from New York [Mr. BLOOM]. He is an enthusiast about this matter. At the same time he is a good businessman, and I am sure that if the United States Government were his own business today, if his credit were about exhausted, and if he were spending $2 for every dollar taken in, in order that his business might keep its head above water, he would not think of purchasing books to send to his friends, especially when many of those same friends were without the necessities of life. No; the gentleman from New York would use a little business sense, and if it were necessary for the Government to spend money for food and raiment he might continue to borrow.

I shall insist upon a roll call on this measure. I am sure that our several constituencies will be interested in knowing

the attitude of mind of their hired men in Congress when it comes to spending the people's money.

Mr. LAMBETH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have not risen at this time primarily to discuss the merits either of the pending bill or the amendment of the gentleman from California. The committee has already voted to increase the appropriation, and my purpose in taking this time is to give the House some information which has been compiled as a result of several months' work, which, although it is not yet in final or complete form, may be of interest to the House and to the country.

The large sheet which I have before me gives the cost of printing for the past 10 years by departments, and when we go back into the House it is my purpose to ask permission to extend my remarks by including these tables for your information.

I may state very briefly that the total cost of public printing in the Government Printing Office over the period of the past 10 years has increased from $12,505,000 in 1927 to $18,665,000 in 1936. The 1933 figure was $12,454,000, or an increase of 50 percent in the last 4 years. The tables which I shall insert in the RECORD will show the break-down by departments.

Many of us think the entire cost of public printing is represented in the reports of the Public Printer, but there has grown up in the departments of the Government the practice of setting up their own independent printing plants using the offset process of printing, involving such equipment as the multilith. Your committee has been laboring for several weeks to obtain information about the extent of this type of printing, which I choose to term "bootleg" printing, because I think the main purpose of it is to circumvent the appropriations by the Congress for public printing; that is to say, the departments exhaust their appropriation for printing by work done in the Government Printing Office and then through the use of these machines and their regular personnel they go far beyond the amount that Congress intended.

Mr. COLLINS. Mr. Chairman, will the gentleman yield?

Mr. LAMBETH. I am pleased to yield to the gentleman from Mississippi.

Mr. COLLINS. Do they not have to go to the gentleman's committee to get permission to set up these machines?

Mr. LAMBETH. They have not been doing that.

Mr. COLLINS. Is not that the law?

Mr. LAMBETH. The question of whether multilith and multigraph reproduction is printing within the meaning of the act of March 1, 1918, has not been definitely determined. The decisions of the Comptroller General interpreting the law have not clearly defined the authority of the Joint Committee on Printing over this class of work. I may say to the gentleman I have had that matter up with the Director of the Budget and the Comptroller General, and we are in process of doing something that will stop the practice.

Mr. COLLINS. It ought to be the law, and, as I understand, it is the law at the present time.

[Here the gavel fell.]

Mr. LAMBETH. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. LAMBETH. I do not like to trespass upon the time of the Committee, but this is a matter which I think is worthy of attention, and I wish to extend my remarks in the RECORD to give some more information on the subject because it is my definite conviction that this enormous increase in free mailing by the departments, which has doubled in the last 4 years, is due to this so-called "bootleg printing" which you get every morning by the basketful.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. LAMBETH. I yield to the gentleman from North Carolina.

Mr. BULWINKLE. Can the gentleman tell the Members the cost of the advertising of the P. W. A., W. P. A., Rural Resettlement, and the emergency agencies, including the Relief Administration?

Mr. LAMBETH. If the gentleman will get me the assistance of Solomon and Hercules, who cleansed the Augean stable, I may be able to answer the question.

Mr. BULWINKLE. Has the gentleman any idea of the cost?

Mr. LAMBETH. I cannot answer offhand. I was not fully prepared to bring this matter before the House, but I thought this was a suitable occasion to present it in part; and I may say further, in defense of the Congress, because we are constantly criticized in the press throughout the country about this matter of free mailing and public printing, that Congress is spending today, or spent in 1936, $3,400,000 for public printing, and in 1927 we spent $2,900,000, or an increase of 15 percent, and I have already given you the figures with reference to the franking privilege of Members of Congress, which shows that has not been increasing in the past 10 years. The tremendous increase in free mailing and in the printing of this Government lies at the door of the heads of the various departments of the Government and the Budget officers thereof, as well as at the office of the Director of the Bureau of the Budget. The Joint Committee on Printing, composed of Members of both Houses of the Congress, have been seeking through all this wilderness and labyrinth to get some facts and I am happy to tell you that we have assembled a great deal of information, and we are going to take such steps as the law will permit to curtail this enormous development. If existing law will not permit us, we are going to come here and ask you to give us a law that will. [Applause.]

Under leave to extend my remarks, I insert herewith a table which has been prepared from the Annual Reports of the Postmaster General.

TABLE A.—*Estimated amounts which would have been collected at regular rates of postage, including registry fees and surcharges, on matter mailed free during the fiscal years from 1927 to 1936, inclusive*

	1927	1928	1929	1930	1931	1932	1933	1934	1935	1936
Mailed under penalty privilege by departments and establishments of the Government exclusive of the Post Office Department	(1)	(1)	$8,169,170	$9,347,505	$9,886,456	$9,151,899	$14,315,414	$23,094,882	$31,281,600	$32,236,269
Mailed under franking privilege by Members of Congress	(1)	(1)	957,964	718,060	723,671	778,436	1,019,621	775,785	577,162	751,579
Mailed under franking privilege by others	(1)	(1)	154,545	128,970	6,289	3,904	215	180	246	
Publications mailed free in county	(1)	(1)	747,115	753,263	704,579	631,647	538,221	545,227	575,597	615,645
Free matter for the blind	(1)	(1)	56,991	63,779	132,161	133,641	90,522	103,552	131,700	109,566
Total	[2]14,501,208	[2]$17,634,510	9,931,240	11,037,152	11,575,837	10,701,912	15,967,772	24,519,661	32,566,239	33,713,305

[1] Totals only furnished. [2] Estimated.

NOTE.—The decrease in the amount of matter mailed under the franking privilege by others than Members of Congress beginning in the fiscal year 1932 is due to the fact that matter previously mailed under the franking privilege by directors of agricultural experiment stations is being mailed under the penalty privilege.

I insert herewith a table showing the work done in the Government Printing Office for the various departments and agencies of the Government. The table shows (1) the dollar value and (2) the total number of pieces of printed matter.

TABLE B.—*Charges for printing and binding and blank paper from fiscal year 1927–36, inclusive, with total number of copies of all kinds of printing and binding*

Government departments and agencies	1927	1928	1929	1930	1931	1932	1933	1934	1935	1936
Congress, Government Printing Office, private orders and speeches, and Superintendent of Documents:										
Total charges	$2,937,978.58	$3,161,263.45	$3,210,399.24	$3,320,054.73	$3,299,830.63	$3,792,067.26	$3,298,497.83	$3,390,078.85	$3,168,879.99	$3,404,302.03
Total copies	107,862,320	117,330,940	111,136,163	108,163,557	127,962,915	114,994,215	108,763,823	107,306,613	189,678,533	164,478,071
Library of Congress:										
Total charges	$320,996.47	$343,853.76	$334,502.33	$384,841.42	$387,912.12	$399,226.98	$372,565.11	$383,077.12	$403,409.18	$437,413.55
Total copies	23,009,647	23,812,673	27,662,908	28,496,293	32,285,285	29,811,432	30,560,157	32,114,431	29,132,379	33,767,828
Department of Agriculture:										
Total charges	$997,337.83	$884,886.23	$803,828.88	$1,014,610.10	$1,080,021.83	$1,082,768.05	$786,531.71	$715,855.72	$927,393.86	$1,227,889.95
Total copies	109,033,488	101,627,507	99,407,670	155,835,313	185,599,085	142,683,367	98,373,475	132,372,362	112,596,258	181,132,711
Department of Commerce:										
Total charges	$803,091.46	$792,465.21	$796,857.81	$1,381,368.92	$1,747,232.57	$1,169,386.55	$1,357,038.62	$571,831.48	$934,797.95	$814,064.80
Total copies	51,844,835	46,838,790	53,089,361	153,841,876	61,276,539	51,505,321	39,679,449	86,048,609	62,399,745	109,333,828
Interior Department:										
Total charges	$330,103.67	$331,188.75	$328,906.02	$395,805.57	$388,336.84	$366,484.10	$438,766.05	$334,238.59	$580,016.96	$657,573.14
Total copies	22,549,465	19,553,967	21,541,117	21,226,628	21,189,372	19,476,877	17,852,803	36,979,094	50,272,767	52,550,249
Department of Justice:										
Total charges	$268,418.17	$186,214.48	$224,329.71	$264,647.18	$341,234.17	$343,362.11	$229,468.27	$166,187.18	$318,322.88	$351,021.37
Total copies	14,999,044	14,239,276	19,366,888	19,933,854	23,295,081	21,422,315	15,804,457	11,092,549	16,338,593	20,033,314
Department of Labor:										
Total charges	$239,483.09	$206,912.50	$230,201.71	$279,013.84	$239,644.20	$285,004.63	$215,172.33	$282,411.30	$458,302.16	$499,525.77
Total copies	24,023,155	21,689,675	22,718,720	29,034,733	28,570,837	34,026,221	23,639,242	87,177,171	61,655,095	171,130,597
Navy Department:										
Total charges	$585,019.21	$614,388.04	$675,065.11	$792,405.44	$747,348.71	$683,149.56	$685,165.59	$482,276.35	$592,887.72	$712,046.90
Total copies	68,552,179	75,493,018	90,120,409	81,007,251	67,353,539	73,556,581	85,643,266	64,630,163	79,378,449	86,326,418
Post Office Department:										
Total charges	$2,431,370.52	$2,031,595.71	$2,113,061.95	$2,114,610.44	$1,895,680.02	$1,684,364.09	$1,607,460.80	$1,340,097.32	$1,838,936.67	$1,907,480.18
Total copies	2,880,843,255	2,465,173,248	2,479,776,964	2,819,114,427	2,267,014,667	2,322,594,414	2,183,919,009	2,467,861,084	2,979,992,337	2,774,159,268
Department of State:										
Total charges	$186,710.55	$164,257.28	$248,482.92	$233,045.67	$250,559.39	$202,589.28	$182,931.49	$127,037.18	$182,261.99	$169,265.67
Total copies	16,341,516	14,033,517	21,802,179	21,651,431	20,953,600	19,219,512	14,335,813	8,417,786	12,309,421	15,437,403
Treasury Department:										
Total charges	$927,861.17	$967,803.77	$929,992.81	$891,427.02	$941,489.95	$889,343.98	$983,458.00	$901,529.22	$1,224,739.49	$1,689,007.84
Total copies	216,183,619	209,251,622	228,353,509	208,422,650	210,665,629	179,375,656	160,423,523	298,603,403	324,132,222	507,186,554
War Department:										
Total charges	$645,415.52	$654,509.55	$677,336.14	$634,224.53	$684,459.76	$690,968.45	$596,405.60	$508,480.76	$647,943.35	$868,436.90
Total copies	81,782,980	88,280,881	95,587,162	93,564,018	93,718,888	111,990,372	99,381,697	134,605,809	139,357,233	225,274,810
Board of Governors, Federal Reserve System:										
Total charges	$51,716.03	$53,988.58	$54,543.63	$39,621.31	$46,637.63	$39,672.96	$40,508.02	$42,721.89	$50,755.83	$58,455.06
Total copies	1,506,664	1,147,055	1,211,992	1,273,331	1,579,762	1,304,346	1,293,556	1,890,875	1,941,676	1,022,709
Board of Tax Appeals:										
Total charges	(1)	$36,343.24	$50,133.72	$40,667.06	$42,397.47	$33,111.08	$29,223.70	$28,240.05	$24,154.81	$24,308.98
Total copies	(1)	449,861	261,381	237,258	624,388	257,117	650,444	196,863	336,058	451,582
Bureau of the Budget:										
Total changes	$25,575.84	$22,643.53	$25,751.51	$26,945.92	$34,144.48	$31,404.24	$33,061.89	$27,540.10	$30,575.97	$33,111.15
Total copies	144,044	116,894	86,091	150,024	124,496	159,664	78,012	33,040	14,993	34,012
Civil Service Commission:										
Total charges	$60,869.47	$58,417.56	$56,949.00	$62,791.70	$60,787.16	$48,924.89	$21,971.96	$47,143.48	$85,246.04	$104,708.46
Total copies	12,856,516	12,945,367	11,886,398	14,121,966	15,110,127	10,946,707	3,381,016	11,433,762	16,210,000	26,803,059
Court of Claims:										
Total charges	$32,127.53	$41,331.52	$39,072.89	$33,439.34	$38,499.58	$43,475.15	$21,498.68	$21,699.43	$24,810.92	$26,988.54
Total copies	152,278	169,575	146,427	161,548	175,469	198,277	137,114	130,659	126,610	151,178
District of Columbia Government:										
Total charges	$14,819.47	$73,008.38	$75,949.31	$106,270.65	$117,816.53	$142,645.34	$99,308.34	$106,079.86	$164,817.65	$151,213.96
Total copies	88,844	10,209,299	10,492,779	28,400,508	44,610,132	68,730,231	26,000,200	32,768,084	41,747,572	15,008,720
Federal Trade Commission:										
Total charges	$20,999.56	$20,266.79	$27,301.71	$29,729.42	$47,381.43	$35,614.36	$23,666.54	$42,723.49	$58,123.20	$43,345.69
Total copies	350,989	813,622	636,924	1,327,932	2,759,576	1,438,985	561,732	850,494	1,038,854	814,249
General Accounting Office:										
Total charges	$40,603.63	$29,968.28	$29,850.57	$76,759.48	$78,396.18	$65,617.57	$56,709.94	$55,947.45	$80,680.05	$107,139.00
Total copies	4,473,216	4,528,250	4,775,612	5,541,129	34,101,434	62,116,392	59,157,007	61,178,455	70,304,970	76,213,349
Interstate Commerce Commission:										
Total charges	$219,981.06	$207,450.36	$196,998.67	$230,571.10	$232,647.64	$196,520.97	$165,568.50	$130,370.35	$145,886.05	$182,428.54
Total copies	9,807,654	10,289,679	4,779,208	9,384,375	10,079,997	4,163,180	5,298,024	2,275,545	6,980,798	11,126,944
Pan American Union:										
Total charges	$39,630.29	$38,282.20	$35,133.45	$36,738.09	$40,906.66	$33,258.37	$26,251.16	$25,459.82	$29,592.98	$31,357.30
Total copies	283,533	246,311	222,151	207,816	195,721	161,450	135,139	134,600	156,020	162,337
Panama Canal:										
Total charges	$44,316.83	$53,684.34	$60,064.76	$51,048.59	$54,163.31	$50,839.61	$15,210.70	$11,777.24	$8,420.66	$9,167.76
Total copies	1,160,004	1,379,108	1,909,203	1,146,359	936,757	1,071,562	695,984	691,105	923,396	1,060,667
Patent Office:										
Total charges	$1,046,296.86	$977,209.41	$1,047,902.85	$1,191,228.24	$1,147,444.86	$1,396,805.95	$1,311,097.69	$928,477.70	$882,097.98	$878,558.58
Total copies	9,421,945	8,304,345	8,714,974	13,025,427	9,596,906	10,006,101	10,169,065	10,311,874	11,403,162	10,816,825
Reconstruction Finance Corporation:										
Total charges							$170,486.93	$113,236.30	$137,319.13	$131,465.25
Total copies							45,023,955	15,916,663	12,756,117	9,882,254

[Footnotes at end of table]

TABLE B.—*Charges for printing and binding and blank paper from fiscal year 1927–36, inclusive, with total number of copies of all kinds of printing and binding*—Continued

Government departments and agencies	1927	1928	1929	1930	1931	1932	1933	1934	1935	1936
Shipping Board:										
Total charges	$90,689.30	$76,653.95	$55,727.23	$47,985.33	$42,262.18	$27,936.58	$18,870.60	(1)	(1)	(1)
Total copies	8,147,581	8,814,520	5,845,796	6,749,919	5,066,407	2,517,637	1,695,772	(1)	(1)	(1)
Smithsonian Institution:										
Total charges	$76,305.67	$97,430.04	$126,072.48	$97,860.86	$93,721.81	$84,032.65	$97,673.63	$36,514.25	$10,456.67	$22,258.58
Total copies	856,891	449,733	747,706	572,839	688,278	542,583	327,322	245,060	254,193	287,374
Veterans' Administration:										
Total charges	$157,600.05	$140,045.42	$143,440.31	$173,635.93	$253,217.98	$227,670.39	$156,375.02	$114,321.67	$151,927.43	$171,527.06
Total copies	76,061,558	76,802,329	72,863,733	72,952,251	130,974,292	104,122,689	79,654,518	59,945,691	75,581,287	122,475,145
Agricultural Adjustment Administration:										
Total charges								$504,919.38	$925,986.59	$603,613.46
Total copies								179,988,613	314,594,989	187,960,766
Farm Credit Administration:										
Total charges							$6,571.98	$206,632.10	$206,918.42	$129,890.48
Total copies							1,496,174	29,120,457	67,508,269	20,275,420
Civil Works:										
Total charges								$272,470.92		
Total copies								152,158,278		
Federal Emergency Administration of Public Works:										
Total charges							(1)	$46,013.32	$127,496.31	$262,990.36
Total copies							(1)	10,369,169	35,292,877	56,428,745
Federal Emergency Relief Administration:										
Total charges							(1)	(1)	$228,593.87	$217,879.07
Total copies							(1)	(1)	84,219,779	96,406,53
Federal Housing Administration:										
Total charges									$637,197.00	$468,776.64
Total copies									94,204,116	87,582,571
Home Owners' Loan Corporation:										
Total charges							(1)	$110,373.94	$172,247.88	$67,932.76
Total copies							(1)	48,276,373	13,225,237	1,381,235
National Emergency Council:										
Total charges								(1)	$70,416.04	$85,808.55
Total copies								(1)	6,960,846	3,419,855
National Recovery Administration:										
Total charges							(1)	$472,329.46	$458,972.17	$52,679.59
Total copies							(1)	125,795,369	29,791,152	2,734,091
Resettlement Administration:										
Total charges									(1)	$808,991.72
Total copies									(1)	216,145,674
Social Security Board:										
Total charges										$15,711.10
Total copies										1,238,396
Works Progress Administration:										
Total charges										$771,341.56
Total copies										418,882,892
Miscellaneous agencies: [2]										
Total charges	$96,996.66	$104,084.30	$117,474.08	$145,192.37	$212,265.66	$287,140.20	$193,578.47	$401,658.74	$474,541.12	$556,593.64
Total copies	6,262,621	7,703,241	7,832,316	8,387,464	12,937,871	15,216,232	7,440,672	84,559,808	70,322,628	96,638,669
Grand total of all charges	$12,602,314.92	$12,370,146.63	$12,715,330.80	$14,096,520.25	$14,546,440.75	$14,333,380.35	$12,941,095.24	$12,949,752.01	$16,465,026.97	$18,756,268.94

[1] Miscellaneous.

[2] In Commerce.

[3] Those now abolished or those with minor charges and copies.

In addition to the total charges for work done in the Government Printing Office for the fiscal year 1936, amounting to $18,665,855.88, there was also printing done in field plants owned and operated by the various departments and agencies of the Government outside of the District of Columbia amounting to $1,708,273.57.

From the reports which have been received in response to a questionnaire sent out by the Joint Committee on Printing, it is apparent that the expenditures for offset printing in the mimeograph, multilith, and multigraph shops in the District of Columbia for the fiscal year 1937 are not less than $2,500,000.

Further expenditures for printing done in commercial plants by contract for the departments and agencies of the Government outside of the District of Columbia amounted in 1937 to approximately $1,250,000.

Therefore, it may be conservatively stated that the total cost of all public printing is not less than $24,000,000 per year at the present time.

Mr. PATMAN. Mr. Chairman, I rise in opposition to the amendment. We have four principal means of communication with the people. First, there are the newspapers and magazines—a few people have too much control over them; second, the radio—a few people have too much power over them; third, the news reels—the most effective of them all and controlled by a comparatively few people; fourth, public speakers—a difficult way to reach many of the people. Those are the four principal means of communicating with the people. There is another way, a partial way, of communicating with the people, and that is through the CONGRESSIONAL RECORD. It is the one publication that does not have an editor, it is the one publication that is not censored, it is the one publication where an advertising manager cannot dictate as to what goes in and what does not go in the publication, and it is the one publication in which the American people can fairly get both sides of any public question. Instead of restricting the amount that is being expended by reason of the publication of the CONGRESSIONAL RECORD, I personally would be willing to increase the amount for the reason that we must disseminate knowledge and information such as is contained in the CONGRESSIONAL RECORD, and such as is contained in this book under consideration, which is a story of the Constitution; and I venture to say that when my good friend the gentleman from Michigan [Mr. MICHENER] sends his constituents copies of this book, he will receive more words of praise than he has ever received before during his long term of service here in Congress. They will say that at last the Government of the United States has given them something they want; something which enables them to know more about our country, about the Declaration of Independence, and the formation of the Constitution. It is one book that will not go to the wastebasket. It will be preserved. The questions and answers in the book are enlightening to even Members of Congress.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. Yes.

Mr. MICHENER. Does the gentleman think that my constituents will say that and feel that way when they know that we have had to go out and borrow money, thus increasing the national debt, in order to make them this present?

Mr. PATMAN. Oh, the national debt will be paid all right. This will affect the national debt in a very small way.

Mr. MICHENER. I am very glad to have that assurance from the gentleman from Texas.

Mr. PATMAN. At one time Woodrow Wilson had a law passed that would have captured the profits of war and paid the cost of the war, but when the gentleman's party came into power they commenced to repeal the tax laws passed under the direction of President Wilson, and had it not been for the changes and the amendments thus enacted the national debt would have been paid, including the cost of the war, by June 30, 1927.

Mr. MICHENER. Mr. Chairman, will the gentleman yield further?

Mr. PATMAN. This $125,000 is nothing compared with the billions and billions and billions of dollars that were given to the war profiteers after the war, that should have gone to pay the cost of the war. One hundred and twenty-five thousand dollars for a book like this to go into a million libraries, schools, and homes is a comparatively small amount. This book is a valuable book, and will cause the people to love their country as they should and they will love their country more by knowing more about their country. I yield to the gentleman from Michigan.

Mr. MICHENER. The gentleman has referred to the Republican Party repealing the taxes. I remind the gentleman that it is true the Republican Party paid off the national debt from $26,000,000,000 down to $16,000,000,000 up to 1930 and reduced taxes five times, and the Democratic Party in the House, every time we voted on an amendment to reduce taxes, voted for a larger reduction.

Mr. PATMAN. The Republican Party did not pass a single tax law. The Congress under Woodrow Wilson passed those tax laws, and those tax laws were for the purpose of causing the profiteers of the war to pay the cost of war, and the Republican Party when they came into power caused those laws to be repealed and changed to help draft dodgers, tax evaders, and the war profiteers who benefited so much because of this country's misery and misfortune.

The CHAIRMAN. The time of the gentleman from Texas has expired. The question is on the amendment offered by the gentleman from California.

The question was taken; and on a division (demanded by Mr. MCLEAN) there were—ayes 58, noes 36.

So the amendment was agreed to.

Mr. BLOOM. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BLOOM: Page 1, line 10, strike out the article "a" and add the letter "s" to the word "section."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee will rise.

The Committee rose; and the Speaker having resumed the chair, Mr. MARTIN of Colorado, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration House Joint Resolution 363, and in accordance with House Resolution No. 258 he reported the joint resolution back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered. Is a separate vote demanded on any amendment?

Mr. MICHENER. Mr. Speaker, I demand a separate vote on the first Kramer amendment.

The SPEAKER. There are three amendments. The Clerk will report the first amendment.

The Clerk read as follows:

Page 1, line 8, strike "$350,000" and insert "$475,000."

Mr. BOILEAU. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BOILEAU. Is it possible to have a vote on the two Kramer amendments together?

The SPEAKER. It would probably conserve time; yes.

Mr. MICHENER. In view of that, Mr. Speaker, I request that the two be voted on together.

The SPEAKER. The Chair is informed that all three of the amendments relate to the same subject and they might all three be voted on en bloc.

Mr. MICHENER. Very well, Mr. Speaker, I ask that a separate vote be had on the three amendments en bloc.

The SPEAKER. The gentleman from Michigan demands a vote on the three amendments adopted in Committee of the Whole, the vote to be taken upon the amendments en bloc.

The question was taken; and on a division (demanded by Mr. MICHENER) there were ayes 70 and noes 37.

Mr. MICHENER. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER. Obviously there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 149, nays 142, not voting 140, as follows:

[Roll No. 101]

YEAS—149

Aleshire	Eckert	Kennedy, Md.	Palmisano
Allen, Del.	Evans	Kennedy, N. Y.	Parsons
Ashbrook	Farley	Kenney	Patman
Atkinson	Fitzpatrick	Keogh	Patton
Beam	Flannagan	Kerr	Peterson, Fla.
Beiter	Fleger	Kirwan	Pfeifer
Bell	Fletcher	Kniffin	Poage
Bloom	Forand	Kramer	Ramsay
Boehne	Ford, Calif.	Lea	Ramspeck
Boland, Pa.	Frey, Pa.	Leavy	Randolph
Boren	Fries, Ill.	Lewis, Md.	Reilly
Boyer	Garrett	McCormack	Rigney
Bulwinkle	Gildea	McFarlane	Robinson, Utah
Burdick	Gray, Ind.	McGranery	Robsion, Ky.
Byrne	Gray, Pa.	McGrath	Sabath
Caldwell	Green	McKeough	Sacks
Cartwright	Greever	McLaughlin	Sanders
Casey, Mass.	Griffith	Magnuson	Schaefer, Ill.
Celler	Griswold	Martin, Colo.	Secrest
Chandler	Guyer	Mason	Shanley
Citron	Harlan	Massingale	Smith, Va.
Coffee, Wash.	Harrington	Maverick	Snyder, Pa.
Collins	Hart	Meeks	Stack
Cox	Harter	Mills	Sutphin
Crosby	Hendricks	Mitchell, Ill.	Swope
Cullen	Hill, Wash.	Moser, Pa.	Thomas, Tex.
Cummings	Hook	Mosier, Ohio	Thompson, Ill.
Curley	Houston	Mouton	Tolan
Daly	Hunter	Murdock, Ariz.	Towey
Delaney	Imhoff	Nelson	Vinson, Ga.
DeMuth	Izac	Norton	Wallgren
Dingell	Jarman	O'Connell, R. I.	Walter
Dorsey	Jenckes, Ind.	O'Connor, Mont.	Welch
Drew, Pa.	Johnson, Lyndon	O'Connor, N. Y.	Whittington
Drewry, Va.	Johnson, W. Va.	O'Day	Wilcox
Driver	Jones	O'Leary	
Dunn	Kee	O'Neill, N. J.	
Eberharter	Keller	O'Toole	

NAYS—142

Allen, Ill.	Doxey	Larrabee	Seger
Amlie	Duncan	Lewis, Colo.	Short
Anderson, Mo.	Eicher	Lord	Simpson
Andresen, Minn.	Elliott	Lucas	Smith, Conn.
Andrews	Engel	Luckey, Nebr.	Smith, Maine
Barden	Englebright	Ludlow	Smith, Wash.
Bates	Fitzgerald	McLean	Snell
Biermann	Ford, Miss.	McReynolds	South
Binderup	Fuller	McSweeney	Sparkman
Bland	Gambrill	Maas	Spence
Boileau	Gearhart	Mahon, Tex.	Starnes
Brown	Gehrmann	Maloney	Stefan
Buck	Gilchrist	Mapes	Tarver
Buckler, Minn.	Gingery	May	Taylor, S. C.
Cannon, Mo.	Goldsborough	Michener	Taylor, Tenn.
Case, S. Dak.	Gregory	Millard	Terry
Chapman	Gwynne	Mott	Thomas, N. J.
Church	Haines	O'Brien, Mich.	Thomason, Tex.
Clark, N. C.	Hartley	O'Connell, Mont.	Thurston
Clason	Havenner	Pearson	Tobey
Cochran	Hill, Ala.	Peterson, Ga.	Treadway
Coffee, Nebr.	Hill, Okla.	Pettengill	Umstead
Colden	Hoffman	Phillips	Vincent, B. M.
Colmer	Holmes	Plumley	Vinson, Fred M.
Cooper	Honeyman	Polk	Voorhis
Costello	Hope	Powers	Warren
Cravens	Jenks, N. H.	Rankin	Wearin
Crosser	Johnson, Luther A.	Reece, Tenn.	Whelchel
Deen	Kinzer	Reed, Ill.	Wolcott
DeRouen	Kitchens	Reed, N. Y.	Wolfenden
Dies	Kleberg	Rees, Kans.	Wolverton
Ditter	Kocialkowski	Robertson	Woodruff
Dixon	Lambertson	Rogers, Mass.	Woodrum
Dondero	Lambeth	Sauthoff	Zimmerman
Doughton	Lamneck	Schneider, Wis.	
Dowell	Lanham	Scott	

NOT VOTING—140

Allen, La.	Burch	Crowther	Fish
Allen, Pa.	Cannon, Wis.	Culkin	Flannery
Arends	Carlson	Dempsey	Fulmer
Arnold	Carter	Dickstein	Gasque
Bacon	Champion	Dirksen	Gavagan
Barry	Clark, Idaho	Disney	Gifford
Bernard	Claypool	Dockweiler	Greenwood
Bigelow	Cluett	Douglas	Halleck
Boykin	Cole, Md.	Eaton	Hamilton
Boylan, N. Y.	Cole, N. Y.	Edmiston	Hancock, N. Y.
Bradley	Cooley	Ellenbogen	Hancock, N. C.
Brewster	Crawford	Faddis	Healey
Brooks	Creal	Ferguson	Hennings
Buckley, N. Y.	Crowe	Fernandez	Higgins
Hildebrandt	McClellan	Peyser	Steagall
Hobbs	McGehee	Pierce	Sullivan
Hull	McGroarty	Quinn	Sumners, Tex.
Jacobsen	McMillan	Rabaut	Sweeney
Jarrett	Mahon, S. C.	Rayburn	Taber
Jenkins, Ohio	Mansfield	Rich	Taylor, Colo.
Johnson, Minn.	Martin, Mass.	Richards	Teigan
Johnson, Okla.	Mead	Rogers, Okla.	Thom
Kelly, Ill.	Merritt	Romjue	Tinkham
Kelly, N. Y.	Miller	Rutherford	Transue
Kloeb	Mitchell, Tenn.	Ryan	Turner
Knutson	Murdock, Utah	Sadowski	Wadsworth
Kopplemann	Nichols	Schuetz	Weaver
Kvale	O'Brien, Ill.	Schulte	Wene
Lanzetta	O'Malley	Scrugham	West
Lemke	O'Neal, Ky.	Shafer, Mich.	White, Idaho
Lesinski	Oliver	Shannon	White, Ohio
Long	Owen	Sheppard	Wigglesworth
Luce	Pace	Sirovich	Williams
Luecke, Mich.	Patrick	Smith, W. Va.	Withrow
McAndrews	Patterson	Somers, N. Y.	Wood

So the amendments were agreed to.

The Clerk announced the following pairs:

Mr. Rayburn with Mr. Luce.
Mr. Steagall with Mr. Wadsworth.
Mr. McAndrews with Mr. Martin of Massachusetts.
Mr. Sullivan with Mr. Eaton.
Mr. Mansfield with Mr. Crowther.
Mr. Weaver with Mr. Arends.
Mr. Cooley with Mr. Bacon.
Mr. Burch with Mr. Carlson.
Mr. Mitchell of Tennessee with Mr. Knutson.
Mr. Gavagan with Mr. Taber.
Mr. Fulmer with Mr. Crawford.
Mr. Greenwood with Mr. Rich.
Mr. Cole of Maryland with Mr. Cluett.
Mr. Boykin with Mr. Gifford.
Mr. Hancock of North Carolina with Mr. Tinkham.
Mr. Kelly of Illinois with Mr. Halleck.
Mr. Hobbs with Mr. Brewster.
Mr. Sumners of Texas with Mr. Wigglesworth.
Mr. Boylan with Mr. Rutherford.
Mr. McMillan with Mr. Fish.
Mr. Turner with Mr. White of Ohio.
Mr. Miller with Mr. Carter.
Mr. Owen with Mr. Dirksen.
Mr. Gasque with Mr. Jarrett.
Mr. Disney with Mr. Hancock of New York.
Mr. Arnold with Mr. Shafer of Michigan.
Mr. Johnson of Oklahoma with Mr. Douglas.
Mr. Richards with Mr. Oliver.
Mr. Schuetz with Mr. Culkin.
Mr. Taylor of Colorado with Mr. Hull.
Mr. McClellan with Mr. Cole of New York.
Mr. Romjue with Mr. Jenkins of Ohio.
Mr. Thom with Mr. Kvale.
Mr. Chapman with Mr. Withrow.
Mr. Schulte with Mr. Johnson of Minnesota.
Mr. Creal with Mr. Lemke.
Mr. Fernandez with Mr. Bernard.
Mr. West with Mr. Kloeb.
Mr. Allen of Louisiana with Mr. Wene.
Mr. Edmiston with Mr. Ryan.
Mr. Hennings with Mr. Barry.
Mr. O'Malley with Mr. Sweeney.
Mr. Williams with Mr. Allen of Pennsylvania.
Mr. Pierce with Mr. Claypool.
Mr. Sirovich with Mr. Faddis.
Mr. Nichols with Mr. White of Idaho.
Mr. Patterson with Mr. Bigelow.
Mr. Teigan with Mr. Dockweiler.
Mr. Bradley with Mr. Quinn.
Mr. Transue with Mr. Crowe.
Mr. Wood with Mr. Hamilton.
Mr. Mead with Mr. Long.
Mr. Higgins with Mr. McGehee.
Mr. Hildebrandt with Mr. Brooks.
Mr. Scrugham with Mr. Pace.
Mr. Dempsey with Mr. Smith of West Virginia.
Mr. Luecke of Michigan with Mr. Somers of New York.
Mr. Healey with Mr. Clark of Idaho.
Mr. Jacobsen with Mr. Lanzetta.
Mr. Kelly of New York with Mr. Rabaut.
Mr. Mahon of South Carolina with Mr. O'Brien of Illinois.
Mr. Merritt with Mr. Patrick.
Mr. Murdock of Utah with Mr. O'Neal of Kentucky.
Mr. Sheppard with Mr. Ellenbogen.
Mr. Peyser with Mr. Sadowski.

Mr. IMHOFF changed his vote from "no" to "aye."

Mr. PETERSON of Georgia changed his vote from "aye" to "no."

Mr. DEROUEN changed his vote from "aye" to "no."

Mr. MAGNUSON changed his vote from "no" to "aye."

Mr. SMITH of Virginia changed his vote from "no" to "aye."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the engrossment and third reading of the House joint resolution.

The House joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The House joint resolution was passed, and a motion to reconsider was laid on the table.

FARM-TENANCY BILL

Mr. JONES. Mr. Speaker, I renew my request made earlier in the day to take from the Speaker's table the bill (H. R. 7562) to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, and for other purposes, with Senate amendments, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. TOBEY. Mr. Speaker, reserving the right to object, and I shall not object, I wish to make a statement in recapitulation of the debate this morning and my remarks therein.

The gentleman from Texas [Mr. JONES] now renews his request, and I shall not object because of the very fair way in which he has approached the matter. He has given us assurance, which is as good as any gold bond, that when in conference the issue of land purchase and sale by the Government develops, before he will concede the point to the Senate he will come back to the House and submit the matter to the House and ask for instructions and will give us an hour's time equally divided on both sides. After conferring with my colleagues on the committee on both sides of the aisle, I feel that this is a fair way of doing things toward our objective of bringing the issue involved before the House for enlightenment, and I agree with him and ask support of his request.

Mr. JONES. That understanding applies to title I.

Mr. TOBEY. That is correct.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none and appoints the following conferees: Mr. JONES, Mr. DOXEY, and Mr. HOPE.

PERMISSION TO ADDRESS THE HOUSE

Mr. O'CONNELL of Montana. Mr. Speaker, I ask unanimous consent that on Thursday next, after the reading of the Journal, disposition of business on the Speaker's desk and at the conclusion of the legislative program, I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. SNELL. Mr. Speaker, I ask unanimous consent that immediately following the remarks of the gentleman from Montana [Mr. O'CONNELL] on Thursday next, the gentleman from Pennsylvania [Mr. DITTER] may have 15 minutes in which to address the House.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent that I may be permitted to speak for 15 minutes on Thursday next following the remarks of the gentleman from Pennsylvania [Mr. DITTER].

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENSION OF REMARKS

Mr. BARDEN. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. CELLER. Mr. Speaker, I ask unanimous consent to place in the RECORD a speech made by myself and our colleague, the gentleman from Massachusetts [Mr. MCCORMACK], on the subject of Nazi activities in the United States.

The SPEAKER. Is there objection?

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LAMBETH. Mr. Speaker, I ask unanimous consent to revise the remarks I made in the Committee of the Whole and to include certain tables showing expenditures by departments for public printing and also the use of the franking and free-mail privilege by departments.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. KENNEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an article by Howard V. O'Brien.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ADJOURNMENT OVER

Mr. KLEBERG. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Thursday next.

The SPEAKER. The gentleman from Texas [Mr. KLEBERG] asks unanimous consent that when the House adjourns today it adjourn to meet on Thursday next. Is there objection?

Mr. BOILEAU. Mr. Speaker, reserving the right to object, I would like to know whether or not the gentleman from Mississippi [Mr. RANKIN] has knowledge of this request, because he has been very anxious to preserve the rights of his committee to Calendar Wednesday.

Mr. KLEBERG. I am sure I do not know.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. O'CONNOR of New York. Answering the gentleman from Wisconsin, I may say that the gentleman from Mississippi [Mr. RANKIN] asked me if I thought that Calendar Wednesday might be passed over and I told him I did not think it would be.

The SPEAKER. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none and it is so ordered.

NATIONAL EDITORIAL ASSOCIATION

Mr. GREEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no cbjection.

Mr. GREEN. Mr. Speaker, we all fully appreciate the power and usefulness of the press of our Nation. The editorial writers of our Nation are messengers of enlightenment and molders of public opinion. Through their power and influence the destiny of our Nation is largely guided.

One of the most useful organizations in the country is the National Editorial Association. Of particular interest now to the members of this association is where they will meet for their 1938 spring convention or assembly. An invitation to this association will be presented upon the behalf of Florida through Hons. Bob Sites and Charles Helfenstein, of Florida. Both are eminent writers and Florida newspapermen of achievement. The invitation will be offered in Detroit at the meeting of the association on the 21st of this month.

No more appropriate place for the meeting can be found than Florida. No other State in the Union has better facilities for transportation, both to the State and within the State. With its approximately 1,400 miles of seacoast, every coastal city in Florida can be easily reached by water transportation. Rapid air transit reaches it from all parts of the

country. The best railroad transportation facilities in our country are offered by the lines leading into Florida. We have many highways entering our State. Throughout Florida we have a network of the finest paved highways in the world. Railroad facilities are offered to practically every community in Florida.

Florida has the finest beaches in the world and its citrus fruits and vegetables are unexcelled. The finest hotels are there, rates are reasonable, the climate is matchless, and hospitality abounds. It is hoped that the National Editorial Association will accept Florida's invitation to hold its meeting there next spring.

The SPEAKER. Under a previous order of the House, the gentleman from Maryland [Mr. LEWIS] is recognized for 1 hour.

WHAT IS WRONG WITH THE REVENUE?

Mr. LEWIS of Maryland. Mr. Speaker, in presenting this rather complicated subject today, I am going to take advantage of a suggestion once made by a well-known professor. He said that if you have a public subject to discuss, its elucidation would be aided by presenting it as in answer to four questions: First, What is it? Second, Why is it? Third. What of it? Fourth. What are you going to do about it?

I. WHAT IS IT?

Well, sir, the subject concerns our lack of public revenues to meet what we conceive to be imperative expenditures. Why this lack in the most richly endowed country in the world? "Oh, it is the depression and its extraordinary expenditures." I do not consider this the right answer. Other countries, not so richly endowed, like England, have paid their way through this same depression. But the United States expended $6,605,000,000 during the years 1933, 1934, 1935 to relieve social distress. Well, Great Britain expended $10,815,000,000 during the same years, in terms of our population, for social relief. And the treasury of England is not in the "red." The British budget rides as securely above the waves of the depression as its men of war ride over the seas.

What, then, is the occasion for our continued deficits? I answer, it is the delinquent taxpayers of the United States. Here is a list:

Delinquent taxpayers' list

Repudiation income tax, 1894, 18 years	$1,500,000,000
Exemption public securities	2,000,000,000
Exemption employees, officers of counties, cities, States	1,000,000,000
Tax exemptions, community property, 8 years	200,000,000
Exemption income of companies from State-leased oil lands	3,000,000,000
Exemption income from stock dividends, 16 years	1,060,000,000
Evasion of surtaxes, 16 years	7,000,000,000
Total	15,760,000,000

Sir, the above list of delinquent tax payments represents a sum of about $16,000,000,000, or one-half the net national debt. Consider please, the implications of some of the items. Consider, first, the exemption of non-Federal public employees in the United States who number 2,500,000, who receive aggregate salaries reaching the tremendous total of $3,250,000,000 yearly, who are not now taxable on their salary income. Second, consider the forty-five billions of Federal and State bonds, the income from a large part of which is not taxed by the Federal Government, and a larger part exempt as against 28 States which have income-tax laws. The bonds exempt represent a sum more than twice enough to build the railways. And third, consider the income of stockholders, distributed to them in the form of stock, nine billions in the last 12 years, income not fully taxed under Federal or State income-tax laws. Sir, the income of public employees and public bonds which goes untaxed, represents the steadiest income throughout the years of the depression. These public bonds more than equal one-third of the outstanding bonds of the country, including public and private bonds.

Mr. Speaker, it is apparent that an immense proportion of the income resources of the United States is not now taxed and is escaping taxation.

II. WHY IS IT?

Mr. Speaker, why, indeed, this delinquent list of income resources not exempted in any other income-tax system of the world? How does it come? Is the Congress to blame? No, sir; not ours the guilt. These egregious delinquencies have their origin not here but in the courthouse.

I wish to begin with that most revolutionary decision holding the income-tax provisions of 1894 unconstitutional, the Pollock case (1). The income-tax principle represents the fairest form of taxation. This truth there is none to dispute. Unlike the sales tax, which taxes people according to their needs, the income-tax standard assesses them according to their ability to pay; that is, according as Providence and civilization shall have blessed them. We levied such a tax in our Civil War days, and it was upheld by the Supreme Court as constitutional in a series of cases (2). These Civil War acts, like the income tax of 1894, taxed all types of income—rental from real estate, products of personal property, and the very question of whether the income tax was a direct tax was then considered by the Court and was disposed of favorably to the Government. The Court then thought that the direct taxes contemplated by the framers of the Constitution were capitation taxes and taxes on lands and followed its early decision in the Hylton Carriage case (3), upholding a tax levied on carriages, without apportionment according to population. This also had been the view taken of the Hylton case by such writers and historians as Kent, Story, Cooley, Miller, Bancroft, Pomeroy, Hare, Burroughs, Ordoneaux, Black, Farrar, Flanders, Bateman, Patterson, and Von Holst.

Although, Mr. Speaker, the income tax of 1894 was identical with the Civil War acts, upheld formerly by the Court, yet the Court held the tax of 1894 invalid as a direct tax insofar as it taxed the income from real property. The Court also held that the Federal Government could not tax the salaries of county, city, or State employees, or income from public securities held by persons or corporations when issued by any city, county, or State and also announced the doctrine that the salaries of Federal judges could not be made subject to the income tax. On a rehearing of the Pollock case the Court by a 5-to-4 decision not only adhered to its former opinion but also held that the tax was invalid as a direct tax insofar as it taxed the income of personal property.

Sir, because of this nullifying decision, the United States alone among the great countries of the world was condemned to go without an income tax for 18 years. As a result the Government during this period, even under the small income tax levied by the act of 1894, lost in revenue at least $1,500,000,000. This loss of revenue cannot be laid to the door of Congress in passing the statute. Congress was legislating within its constitutional power to levy and collect taxes and following the Court in enacting the Income Tax Act of 1894. In pointing out the disastrous effect of outlawing the act, Mr. Justice White, dissenting, said:

> Thus, from the change of view by this Court, it happens that an act of Congress, passed for the purpose of raising revenue, in strict conformity with the practice of the Government from the earliest time and in accordance with the oft-repeated decisions of this Court, furnishes the occasion for creating a claim against the Government for hundreds of millions of dollars.

And in a dissenting opinion upon reargument he added:

> It is, I submit, greatly to be deplored that, after more than 100 years of our national existence, after the Government has withstood the strain of foreign wars and the dread ordeal of civil strife, and its people have become united and powerful, this Court should consider itself compelled to go back to a long-repudiated and rejected theory of the Constitution, by which the Government is deprived of an inherent attribute of its being, a necessary power of taxation.

Mr. Speaker, Members of the House, I ask you: Was this conservative judicial action? Was it liberal judicial action?

It was not judicial action at all. It was an act of bald usurpation only, through which a bare majority of the judges, repudiating the Court's former unanimous decisions, added the following prohibitions to the Constitution. To Congress they said:

(1) Thou shalt not oblige Federal judges to include their salaries as a part of their income in computing their income tax.

(2) Thou shalt not oblige the owner of any bonds issued by a county, municipality, or State to include in his income the interest he receives from any such security.

(3) Thou shalt not oblige the employee or officer of any county, municipality, or State to include in his income his salary, however great the salary.

And to the 48 States this 5-to-4 tribunal has issued the following enjoinder:

(4) Ye States shall not oblige any of your resident citizens to include his salary as an officer or employee of the Federal Government as a part of his income.

(5) Ye shall not oblige the owner of any bonds, issued by the Government to include as part of his income the interest he receives from any such bonds.

Sir, no king in history that I know of has ever had his revenues placed under such restrictions, however great the revolt against his rule.

REPUDIATION OF SIXTEENTH AMENDMENT

Yet, sir, the people bowed to this ruling; this 5-to-4 outlawry of a governmental power repudiating the Court's former decisions, and proceeded to secure the ratification of a constitutional amendment to overcome the ruling. It required 18 years. Their amendment read as follows:

The Congress shall have power to lay and collect taxes on income from whatever source derived, without apportionment among the several States.

The ratification of this, the sixteenth amendment, was a clear repudiation of the Pollock decision. It provided that Congress could tax income from whatever source derived without apportionment. It was to save the necessity of going back in any case and looking at the source from which such income was derived, thereby giving the Congress the power to tax all income, regardless of its source.

JUDGES EXEMPT THEIR SALARIES

Mr. Speaker, unfortunately, one of the first cases involving the amendment related to the taxation of the income of a Federal judge. In this case the judges themselves were financially interested, for a decision would also affect the taxability of the salaries of the Supreme Court judges. Yet they sat. They need not have done so, if they had followed precedent—I refer to the example of Justice Taney, who wrote a letter to the Secretary of the Treasury complaining about the income tax of the Civil War Acts, and stating that this was the only way in which the matter could be brought to the attention of the proper authorities, as the Court itself could not pass upon a question which directly affected the judges themselves. But subsequent members of the Court did not show the same delicacy, nor did five of them show any hesitancy in deciding the question in their own favor. This was in the Evans case (4). The Court held, in spite of the language of the sixteenth amendment giving the Congress the power to tax income "from whatever source derived", the amendment did not include Federal judges.

This was sheer nullification of the sixteenth amendment, and exempted them from paying, as citizens, their just tax on their income.

Mr. Justice Holmes, dissenting, disposed of their arguments. He stated:

I think that the clause protecting the compensation of judges has no reference to a case like this. The exemption of salaries from diminution is intended to secure the independence of the judges, on the ground, as it was put by Hamilton in the Federalist (No. 79) that "a power over a man's subsistence amounts to a power over his will." That is a very good reason for preventing attempts to deal with a judge's salary as such, but seems to me no reason for exonerating him from the ordinary duties of a citizen which he shares with all others. To require a man to pay the taxes that all other men have to pay cannot possibly be made an instrument to attack his independence as a judge. I see nothing in the purpose of this clause of the Constitution to indicate that the judges were to be a privileged class, free from bearing their share of the cost of the institutions upon which their well-being if not their life depends.

And, then, holding such a tax valid, he said:

I do not see how judges can claim an abatement of their income tax on the ground that an item in their gross income is salary, when the power is given expressly to tax incomes from whatever source derived.

Mr. Justice Brandeis concurred with Judge Holmes.

Sir, despite 18 years of sacrifice of just and necessary revenue and the labor the Nation and State have expended to amend the Constitution, the Court, in the Evans case, replied, in effect: "The sixteenth amendment to the Constitution in this Court henceforth shall read as follows: 'The Congress shall have power to lay and collect taxes on income from whatever source derived, except from the income of judges of the United States, which shall be exempt.'"

Ladies and gentlemen, we are held responsible, and justly so, for the acts of Congress; and that responsibility is determined by looking at the "aye and nay" votes. Who among the present members of the Court voted "aye" and who voted "nay" in the case of Evans against Gore.

McReynolds, "aye"; Brandeis, "nay."

EXEMPTION OF STATE OFFICERS AND EMPLOYEES

Mr. Speaker, again in spite of the express language of the sixteenth amendment, giving the Congress the power to tax incomes from whatever source derived, the Court has prevented the Congress from taxing the salaries of employees and officers of counties, cities, and States if such officers and employees are engaged in what the Court determines to be an essential governmental function. I cannot refrain at this point from again referring to the crushing logic of Justice Holmes in the Evans case:

To require a man to pay taxes that all other men have to pay cannot possibly be made an instrument to attack his independence as a judge.

By the same token, to require officers or employees of such counties, cities, or States to pay the same tax on their salaries applied to all other citizens cannot interfere with the functioning of a State.

The number of such employees is reported as 2,500,000, while the Federal list is given as 800,000, excluding soldiers and sailors. The loss of this immense revenue lies at the door of the Supreme Court in disregarding the express language of the sixteenth amendment. Conservative estimates place the loss at at least $1,000,000,000, computed from 1913, the date of the first income-tax act under the sixteenth amendment.

Actually, as Mr. Brabson says, the effect has been to create a favored class of people who in many cases contribute nothing to the support of the Government which directly or indirectly gives them their employment. He quotes from Mr. Pegler:

The Governor of New York, for example, heads a long list of high-salaried public officials who do not have to pay any tax on their public salary. The Governor gets $25,000 a year, a figure which would make a marked man of him if he were working for a private employer. The Lieutenant Governor at $10,000 a year enjoys the same immunity, and so do the judges of the court of appeals, the appellate division, the supreme court, the court of claims, the court of special sessions, and the surrogates.

These learned and public-spirited ornaments of the State government draw from $15,000 to $22,500 a year and keep it all, whereas a single-handed clerk or mechanic employed by a business firm at $150 a month is expected to shower down to both National and State Treasuries. The members of the New York Legislature receive $2,500 a year, or roughly twice as much for their part-time work as the taxpaying $100 a month, but they, too, are constitutional officers and therefore exempt.

Mr. Brabson continues:

Strangely enough, the widespread character of these exemptions and the extent of the loss in the Federal revenue is not generally appreciated. It is very doubtful if the average taxpayer in New York City, for example, has the least idea of how many of his fellow citizens with substantial incomes are exempted from contributing one cent directly to the support of the Federal Government.

Mr. Brabson presents a table—inserted in the appendixes—in which he calls attention to the serious fact that

the percentage of taxable returns has fallen from 26 to the 1,000 of population in 1917, to 14 in the year 1935.

Interpreting the table, Mr. Brabson says:

If we examine the above figures carefully, we find that the ratio of nontaxable incomes to taxable incomes in the United States is appalling. For example, we have upon authority of the Bureau of Labor Statistics that in 1933 there were approximately 41,000,000 persons gainfully employed in the country. Add to that 10,000,000, the number, by conservative estimate, who are not employed but received income from various sources. The total is 51,000,000 subject to tax. Out of that total of potential taxpayers in 1933 we find that less than 2,000,000 actually paid any Federal income tax; that is, only 1.39 percent of our citizens are paying a direct tax in support of the Federal Government.

The question of what is an essential governmental function, according to the Court, cannot be stated in terms of universal application. For this reason the Law Reports are filled with decisions resulting in confusion and enormous administrative expense to the Treasury. The decisions of the Court itself are not consistent. In the Flint case (5) the Court held that the supplying of water by a city was not a governmental function. In the Brush case (6) the Court held that the supplying of water was a governmental function.

ORIGIN OF SOVEREIGNTY FICTION

Mr. Speaker, why this courthouse exemption of public salaries, despite the specific declaration of the sixteenth amendment; well, the courts still hark back to a century-old decision to exempt such officeholders and the income from public bonds. They unjustly attribute their conclusion to the authority of Judge Marshall.

"The power to tax is the power to destroy", said Judge Marshall. But when did he say it, and what was the subject before the Court? The judge said this in 1819, nearly a century before the adoption of the sixteenth amendment. And what kind of a tax was he considering? Was it a necessary tax laid impartially on all? Certainly not. It was a discriminating tax designed to obstruct the Treasury operations of the Government, and not to secure revenue.

Mr. Speaker, we are all familiar with the bitter struggle which attended the establishment of the first United States Bank, judged necessary to the functioning of the Government. In 1816 its charter was renewed. It was authorized to issue bank notes which should be legal tender in payment of Government debts, and to establish branches. It established such a branch in Baltimore. Now, sir, the old privilege enjoyed by private banks of issuing notes which functioned as a paper currency was a highly profitable privilege. Private bankers within the States opposed these Federal bank branches with their crowning advantage of issuing such legal-tender currency. To the State legislature these disappointed bankers went and secured the passage in 1818 of the following act:

Be it enacted by the General Assembly of Maryland, That if any bank has established, or shall without authority from the State first had and obtained, establish any branch, office of discount and deposit, or office of pay and receipt, in any part of this State, it shall not be lawful for the said branch office of discount and deposit, or office of pay and receipt, to issue notes in any manner, of any other denomination than $5, $10, $20, $50, $100, $500, and $1,000, and no note shall be issued except upon stamped paper of the following denominations; that is to say, every $5 note shall be upon a stamp of 10 cents; every $10 note upon a stamp of 20 cents; every $20 note upon a stamp of 30 cents; every $50 note upon a stamp of 50 cents; every $100 note upon a stamp of $1; every $500 note upon a stamp of $10; and every $1,000 note upon a stamp of $20, which paper shall be furnished by the treasurer of the western shore, under the direction of the Governor and council, to be paid for upon delivery: *Provided always*, That any institution of the above description may relieve itself from the operation of the provisions aforesaid by paying annually, in advance, to the treasurer of the western shore, for the use of the State, the sum of $15,000.

Sir, it is obvious that the act was intended to drive the United States branch bank out of Baltimore, and that the act was not intended to raise revenue for the State.

Said Daniel Webster, in discussing the act:

The sum called for is not assessed on property nor deducted from profits or income. It is a direct imposition on the power, privilege, or franchise of the corporation.

The act was not applied to banks generally, but only to banks not chartered by the State of Maryland. Its application to the United States bank and its branches in that day was just what its application would be today to the Federal Reserve banks, a direct assault on the operation of a Government function. What else could Marshall have done? The State banks were endeavoring, in 1818, to do to the United States banks just what the Government found it necessary to do later to issues of bank-note currency by the private State banks, with its 10-percent tax, namely, tax such currency to death.

EXEMPTION OF INCOMES—PUBLIC BONDS

I shall now discuss the losses of revenue resulting from the Court's exemption of income-tax payers from the inclusion in their taxable income of income they secure from interest on county, city, or State bonds. It is estimated that the loss of revenue from this source (1913–37) amounts to at least $2,000,000,000.

How comes this exemption? Well, sir, despite the sixteenth amendment the Court has held that the Federal Government has no authority "to lay and collect taxes upon income from whatever source derived", if the source was a county, city, or State.

Mr. Speaker, may I say that the present Chief Justice, whose great ability inspires the respect of his countrymen of all classes, had himself pronounced judgment on that subject. He was Governor of the State of New York when the income-tax amendment was submitted for ratification to the States. What did he say? Speaking specifically of the income from county, municipal, and State securities, Governor Hughes in his message of January 5, 1910, declared:

It is certainly significant that the words "from whatever source derived", have been introduced into the proposed amendment as if it were the intention to make it impossible for the claim to be urged that the income from any property, even though it consist of the bonds of the State or of a municipality organized by it, will be removed from the reach of the taxing power of the Federal Government.

The Court's latest pronouncement on this question was in the Ashton case May 25, 1936, in which the Court said (7):

Notwithstanding the broad grant of power "to levy and collect taxes, our opinions here plainly show that Congress could not levy a tax on the bonds issued by respondent or upon income derived therefrom."

This decision created a class of tax-exempt citizens and securities which runs into the billions. Here again, sir, the sixteenth amendment has been "altered" to read:

Congress shall have power to lay and collect taxes on income from whatever source derived: *Provided, however*, That the salaries of employees or officers of city, county, or State shall not be included as a part of their income, nor shall the interest derived by any citizen or corporation from any bond of any county, city, or State be included in his income for the purpose of taxation.

Mr. Speaker, it is a favorite maxim of the courts that men must be held to intend the natural consequences of their acts. If this be so as to judges, as it is to us, who are the judges who pronounced this judgment vetoing in effect the higher brackets in the income-tax law as applied to the swollen incomes of the country. Let us read the yeas and nays of this Ashton case.

Yeas—McReynolds, Sutherland, Hughes, Butler, Roberts, Van Devanter.

Nays—Cardozo, Brandeis, Stone.

The facts force the statement that a majority behave as if they had entered the lists for the vendetta against the income-tax principle declared by Justice Field. Hear him in the Pollock case:

The income-tax law under consideration is marked by discriminating features which affect the whole law. It discriminates between those who receive an income of $4,000 and those who do not. * * * Where is the course of usurpation to end? The present assault upon capital is but the beginning. It will be but the stepping stone to others, larger and more sweeping, until our political contests will become a war of the poor against the rich; a war constantly growing in intensity and bitterness.

This defiance of the sixteenth amendment provides large incomes with an election to veto the higher tax rates when applicable to them. Would the public budget maker of any other country submit to such vetoes of his tax measures after approval by the legislative authority? How about the

British Premier? Can the resident of England slip his investments into colonial bonds to escape the payment of income taxes? Will any British judge assume to stay the arm of the British collector for such a purpose? What should happen to the British budget if he did? Nay, rather, you ask, What would happen to the British judge? He knows too well that he would find himself the scorn of Democrats and Tories throughout the Empire, his office vacant, too, and his judicial robes torn from his back.

OKLAHOMA STATE LEASE CASES

Sir, a most important example of the misuse of the State sovereignty fiction is shown in the Coronado Oil and Gas Company case (8). In that case lands granted by the United States to the State of Oklahoma for the support of common schools and dedicated to that purpose by the State constitution were leased by the State to a private company for extraction of oil and gas, the State reserving a part of the gross production, the proceeds of which were paid into public-school fund, and the lessee taking the remainder. The Supreme Court held that under this lease the Coronado Oil & Gas Co. was an instrumentality of the State exercising a governmental function and that the Government had no right to tax the income derived through the lease. This was true, the Court concluded, although the income received by the private corporation did not inure to the benefit of the State but inured entirely to the benefit of the private corporation. It booted not that the corporation entered into this lease for its own profit in a purely private business undertaking. Mr. Justice Brandeis pointed out that vast private incomes were being given immunity from State and Federal taxation by this decision. Many of the large corporations of the country have been leasing State lands which contain minerals and have made enormous profits. It is certainly unnecessary and unjust to exempt, Justice Brandeis points out, this vast private income from taxation. The decision resulted in discrimination against competing corporations and it has been estimated has already cost the Government almost $3,000,000,000 in revenues. (C.)

COMMUNITY PROPERTY EVASIONS

Mr. Speaker, we are all familiar with a clause in our Constitution most fundamental to the existence of the Union. It is the clause granting supremacy to the Federal statute in case of a conflict with a State act or even a State constitution. It reads as follows:

> The Constitution and the laws of the United States * * * shall be the supreme law of the land; * * * anything in the constitution or laws of any State to the contrary notwithstanding.

The Constitution also provides that all—

> Excises (income tax) shall be uniform throughout the United States.

Mr. Speaker, the Congress, in its income-tax law of 1926, provided a schedule of rates which was impartially uniform as to the incomes of its citizens. This statute came into conflict with contentions set up under State laws, and the Court in disregard of both the supremacy and uniformity requirement of the Constitution gave supremacy to the tax-evading contentions under the State law. I refer to decisions relating to "community-property" income.

A married Member of Congress with no dependents, from any one of 40 of the States, whose total net income consists of his salary, $10,000, would deduct an exemption of $2,500, and under the present law pay an income tax of $415. But in disregard of both the rule of supremacy and the rule of uniformity, the Court majority has held that if he comes from any one of eight States in the Union that have an inherited peculiar Spanish or French law applicable to married persons, he can split his return and attribute one-half of his salary to his wife, so that each will have an income of $5,000. When they both deduct their exemptions, each of them will pay $130, that is a total of $260, or $155 less than his colleague from Virginia. The eight States are as follows: Washington, New Mexico, California, Arizona, Texas, Idaho, Louisiana, and Nevada. What the Congressman may do with his salary in those eight States, may be done, because of these Court interferences, by any salaried married man in such States not merely as to his salary but to all his income, though it runs into the millions. And here, sir, are some further examples of the discrimination:

Business	Net income	Tax in the 40 States	Split tax return in the 8 States	Saving by splitting tax return
Physicians, lawyers, editors, authors	$10,500	$458	$278	$180
Railway presidents	52,500	9,664	6,028	3,616
Presidents, large corporations	102,000	33,944	19,288	14,656
Movie actors	202,500	96,944	67,888	29,056

Commenting generally on the abuse of splitting of income-tax returns by husband and wife in all the States the Secretary also stated:

> It is evident that this situation is the direct cause of numerous transfers, sales, assignments, and other arrangements between husbands and wives which have no real basis and are made because of a desire to avoid income taxes otherwise due. For example, property which has appreciated in value is transferred to the spouse who can sell it with the least tax liability. Again, property which has depreciated in value is transferred to the spouse with the larger income, in order that he may realize the greatest benefit from sale at a loss. Moreover, the present law encourages sales by one spouse directly to the other, and the courts are presented with the difficult and even impossible problem of determining whether such sales were bona fide or fraudulent. In the most notorious recent case, the jury acquitted the husband from a criminal charge in such a situation. The income taxes which the husband sought to avoid in this manner amounted to over $1,000,000.

Well, Mr. Speaker, the Government attempted in a series of cases to apply its tax uniformly as required by the Constitution and force the spouse earning the income or having the beneficial control of it to report it for tax purposes, and the matter was carried to the Supreme Court. In the Poe case and others (9) the Court ruled against the Government and gave supremacy to the State law for these tax evaders of the Federal Constitution and income-tax statute. The Court said that the Federal statute, which taxed the "net income of every person" taxed the income as determined by State law though the compensation was earned by the spouse the Government was trying to tax; though the Court admitted that under the State law he could deal with it practically as his own. In the Hopkins case the Court said in referring to the Texas laws:

> They provide, as is usual in States having the community system, that the husband shall have power of management and control such that he may deal with community property very much as if it were his own.

The income-tax law justly requires the spouse earning such income to return it as his own. In no other way could the income-tax liability of earners of income be made uniform throughout the United States. I feel that the Court's decisions violate both the statute and the Constitution. The Court rulings have already resulted in a loss of revenue of over $200,000,000.

EXEMPTION OF STOCK DIVIDENDS

Speaking of loopholes, Mr. Speaker, the loophole opened by the Eisner decision is a loophole big enough to swallow the Bank of England. It is, besides, the monstrous mother of all the great loopholes which your committees are now investigating, in an effort—and I hope not a vain effort—to save the just and essential revenues of the United States.

Ladies and gentlemen, suppose yourselves as members of the Ways and Means Committee and a case like this were presented: A lawyer has been working for a realty company for a year, which owes him, say, $2,500 for his services. At the end of the year the company's president persuades the lawyer to take payment of his fee by way of a deed for one of its lots for which it paid $2,500. Would you say that the value of the lot should not be counted as part of the attorney's income for that year?

Or suppose a case of another corporation which owed its attorney $5,000 for services and elected, with his consent, to make payment by assigning him 50 shares of its stock having the market value of $5,000. Would you not feel that the market value of this stock should be counted in the income of the attorney? There can be but one answer to this question. The Ways and Means Committee gave that answer when it provided that such payments of income by way of property transfer should be considered as part of the taxable income.

Now, let us suppose, as members of the committee, you found that sometimes in corporate financing the stockholders preferred to take their dividends in the form of paid-up stock leaving the cash itself in the company treasury for extension of the plant. What would be your disposition? You probably would not wish to deny the stockholders and the corporation this method of securing additional capital; but certainly you would not feel disposed to say that this method of paying the dividend should excuse the profiting stockholder from including this actual earned income as part of his income for taxation. You would say that the shareholder should be treated just as you had treated the lawyer in the above examples, just as the member of a partnership, as to undistributed profits; and that the value of the property received be entered as a part of his taxable income.

Well, Mr. Speaker, preposterous as it seems to common sense, the processes of courthouse ratiocination reached a different conclusion as to stock dividends. The Court held in the case of Eisner against Macomber that stock dividends representing distributable net income retained by the company should not be accounted as income as to the stockholder; that is, should not be subject to income taxes in his hands, unless and until the stocks were sold by the stockholder (10).

Following the decision (1920), as we need not be surprised, corporations in the United States in 1922 issued $3,348,050,000 in stock dividends (about the same as in cash dividends), nearly a billion of which sum represented dividend income of the Standard Oil Companies. In the years 1922–34 such stock dividends, amounting to $9,631,207,000 have been issued, on all of which the shareholders have escaped paying their surtaxes as individual members of society.

WHAT DO THE BRITISH DO IN SUCH CASES?

Mr. Speaker, in other countries like Great Britain the income or profit need not be distributed to the stockholder or be in coin of the realm. If earned for the shareholder, it is taxed as if earned by a partner in a partnership, and why not? The amendment does not provide that the income must be in cash. Congress properly—I should add wisely—provided the real income of the citizen should be considered. This income may take many and varied forms. One of the forms it has taken is the distribution of income by a corporation to its stockholders, of their profits, in the form of paid-up stock in place of the cash.

Well, sir, the Court in the Eisner case, by a 5-to-4 decision, held that dividends received in such paid-up stock were not income. This decision has cost the Government a loss of $1,060,000,000. I leave further comment to Justices Brandeis and Holmes. Mr. Justice Brandeis in his dissenting opinion said:

> If stock dividends representing profits are held exempt from taxation under the sixteenth amendment, the owners of the most successful businesses in America will, as the facts in this case illustrate, be able to escape taxation on a large part of what is actually their income. So far as their profits are represented by stock received as dividends, they will pay these taxes, not upon their income but only the income of their income. That such a result was intended by the people of the United States when adopting the sixteenth amendment is inconceivable. In terse, comprehensive language, befitting the Constitution, they empowered Congress "to lay and collect taxes on incomes, from whatever source derived." They intended to include thereby everything which by reasonable understanding can fairly be regarded as income. That stock dividends representing profits are so regarded, not only by the plain people but by investors and financiers, and by most of the courts of the country, is shown beyond peradventure by their acts and by their utterances.

And note the terse statement of Mr. Justice Holmes:

> The known purpose of this amendment was to get rid of nice questions as to what might be direct taxes, and I cannot doubt that most people not lawyers would suppose when they voted for it that they put a question like the present to rest. I am of opinion that the amendment justifies the tax.

But mark you, in order to reach its 5-to-4 conclusions the majority had to reverse a full Court judgment in the case of *Collector* v. *Hubbard* (12 Wall. 1) where the Court upheld the right of Congress, under the Civil War Income Tax Acts, to tax a stockholder's interest in the accumulated earnings of the corporation prior to the declaration of the dividend. The Court, reversing itself, now holds in the Eisner case that its decision in Collector against Hubbard must be regarded as being overruled by its decision in the Pollock case holding the income tax of 1894 unconstitutional. But the people expressly overruled the Pollock case by the adoption of the sixteenth amendment. Because of the Eisner case many of our wealthy individuals tie up their income in corporations and thus avoid the payment of the surtaxes due, or take their dividends in paid-up stock—that is, stock dividends—and thus avoid the higher brackets. By preventing us from taxing this income to the shareholder, when earned by the corporation, the Court has diminished the revenues of the Government by at least $7,000,000,000.

EVASION OF SURTAXES

Ladies and gentlemen, one of the most vicious forms of tax evasion has been the accumulation of surplus in corporations controlled by such taxpayers under the Eisner case in order to avoid the payment of their just shares of surtaxes. All this in virtue of the Eisner case. I quote from the President's message of March 3, 1936:

> The accumulation of surplus in corporations controlled by taxpayers with large incomes is encouraged by the present freedom of undistributed corporate income from surtaxes.
>
> This method of evading existing surtaxes constitutes a problem. Thus the Treasury estimates that during the calendar year 1936 over 4½ billion dollars of corporate income will be withheld from stockholders. In 1 year alone the Government will be deprived of revenues amounting to over $1,300,000,000 * * *.

Now, Mr. Speaker, if the Court would enforce our tax on these undistributed earnings of shareholders like we tax the partners on their undistributed shares of the profits of the partnership, we would not have this problem of tax avoidance. They do not have it in Great Britain, in France, and other countries. But neither do they have meddling courts to "run amuck" with the revenues. Is there anything in the Constitution that prevents the Congress from taxing undistributed dividends as it taxes undistributed profits of members of partnerships? There is not. In fact, under the same Constitution which we have today and had before the sixteenth amendment, the Supreme Court held in the Collector Case that this could be done.

Why does a man incorporate his yacht, putting his income, property, all his shares, and the like into the control of a yacht corporation? Why does he do it? Under the Eisner case such income will all be paid to the yacht corporation. The yacht corporation, of which he is president, and the rest of his family, the stockholders, will simply distribute back in salaries to the president and subofficials as much of his income to the family, during the year, as he finds desirable. Meanwhile the undistributed income escapes taxation under the higher brackets. Here is a circular, Forty-seven Ways to Save Taxes, issued by specialists in taxation, and most of those loopholes are loopholes traceable to the Court's decision in Eisner against Macomber (10).

GIFTS IN CONTEMPLATION OF DEATH AND IN AVOIDANCE OF ESTATE TAXES

You know we have such an institution as an estate tax. It is certainly a very liberal one in the lower brackets. Not until the estate reaches $50,000 is any tax whatever imposed. In order, however, to avoid the estate tax under the higher brackets, scheming individuals were engaged in the practice of making gifts to their families. Anticipating their deaths, they made gifts to their heirs and thus escaped the estate taxes.

Very well. Congress filled that loophole with an act providing that where the gift was made within 2 years of the death of the decedent there should be a presumption that it was made in contemplation of death and that the estate tax should apply. What had been the practice of other governments? Just the same as this of ours. Our administration found that with respect to those gifts made in actual contemplation of death, without the help of this 2-year presumption, the testimony as to the decedent's purpose, his condition, his prospects of life, was all locked up with his family and family doctor; and I am told that in those contests the Government never succeeds in winning more than about 5 percent of the controversies. The British lawmaker, facing the same problem that we have to face,

met that situation by passing a law creating a presumption that any such gift, made within 3 years of the actual death of the decedent, should be treated as a gift made in contemplation of death; so that the estate taxes should become applicable. Did we have the same power to pass that act and for the same purpose, that the British House of Commons enjoys? Certainly. Our acts were perfectly constitutional. It is the decisions of the courts that are unconstitutional.

England requires all gifts made within 3 years prior to death to be subject to her estate duty. But the Supreme Court said our 2-year act violated the due-process clause of the fifth amendment. The argument was that to levy a tax upon an assumption of fact which the taxpayer was forbidden to controvert was arbitrary and unreasonable. Well, a man is presumed to know the law. Suppose he does not. Is he allowed to dispute the presumption? In fact, this provision was a necessary measure to prevent tax avoidance and is a reasonable exercise of the power to lay taxes. To prevent us from taking steps to overcome avoidance of our taxes is an arbitrary interference by the Court with the power granted to levy taxes. And, since tax experts have explained to their clients that this conclusive presumption has been nullified, our "contemplation of death" provision can be avoided with ease. This decision has cost us about $8,000,000 and will probably cost us considerable more in the future. The Court has thus denied the right of both Government and States to protect their estate-tax revenues by such provisions, claiming that they violate the due-process clause of the fourteenth amendment (11). Mark the entry of old "due process" again, the courthouse Sanson of nullification, whose versatile ax is always handy when privilege demands the head of an offending statute.

INJUNCTIONS AGAINST COLLECTION OF TAXES

Mr. Speaker, on top of all this destructive attack on our legislative functioning with respect to taxation, comes a flagrant attack on the executive functioning by misuse of injunctions against its collection of the taxes, and in defiance of a necessary statute, as was well stated by Mr. Justice Miller in the famous Cheatham case (12).

If there existed in the courts, State or National, any general power of impeding or controlling the collection of taxes or relieving the hardship incident to taxation, the very existence of government might be placed in the power of a hostile judiciary.

But, sir, no such anticipatory interference by the courts is necessary; the internal revenue laws give the taxpayer the right to sue for a recovery of a tax after payment, if he believes it not justly due.

Yet the courts still insist, in many cases in defiance of statute, in also giving him a suit to prevent collection of the tax, thereby creating an unfair situation as to taxpayers generally and also thwarting the collection of the Government revenues.

This injunctive interference is in violation of an act enacted in 1867 still on the books. It reads as follows:

REVISED STATUTES, SECTION 3224

No suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court.

The reason for this statute is that, as courts are without authority to equalize taxes or to make assessments, such suits would enable those liable for taxes in some amount to delay payment or possibly to escape their lawful burden, and so to thwart the collection of revenues.

Nevertheless this is what the Court is doing and inspiring the lower courts to do. In the Pollock case the Court permitted Pollock, a common-share holder of the Farmers' Loan & Trust Co., to maintain an action to restrain the Farmers' Loan & Trust Co. from paying the income tax assessed against it. Mr. Justice White pointed out that the Court should not permit the Federal statute to be thus evaded in a subterfuge suit between a corporation and a stockholder. Yet the Court did, and is even extending the practice to permitting preferred shareholders to maintain such an action (13). The collection of our first income tax, under the act of 1913, was hampered by the Court permitting a stockholder to bring such an action to challenge its validity (14). And having decided to disregard this Federal statute by indirection, the Court then proceeded to disregard it directly by even permitting certain taxpayers themselves to maintain such a suit. I refer to the Miller and Hill cases (15) sustaining the lower courts in injunctions preventing the collection of taxes. It was Mr. Justice Stone, in his dissenting opinion in the Oleomargarine case, who said:

In my opinion, R. S. 3224, which says that "No suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court", cannot rightly be construed as permitting the present suit, whose sole purpose is to enjoin the collection of a tax. Enacted in 1867, this statute, for more than 60 years, has been consistently applied as precluding relief, whatever the equities alleged.

How much more equitable it would have been if the Court had required all the processing taxes to have been paid into the Federal Treasury. We could then have avoided the windfall tax and allowed refunds to those justly entitled. This was the procedure the Court adopted in the child-labor cases. Most of the processors would have been glad to pay this money into the Treasury because of competitive conditions, retaining the goodwill of their customers. To a large extent, the present unfortunate situation has been created because of interference by injunctions issued by the courts in defiance of the above statute.

III. WHAT OF IT?

And now you ask, my colleagues, "What of it?"

Well, ladies and gentlemen, look at the chart and its $16,000,000,000 of delinquent revenue.

Loss in Federal revenue because of Supreme Court decisions

Repudiation of the income tax	$1,500,000,000
Exemption of State securities	2,000,000,000
Exemption of State officers and employees	1,000,000,000
Community property-tax exemption	200,000,000
State lease cases	3,000,000,000
Exemption of stock dividends	1,060,000,000
Evasion of surtaxes	7,000,000,000
Statute of limitation cases	11,000,000
Foreign tax credits to foreign political subdivisions	2,000,000
Exemption of real estate from Federal estate tax	5,000,000
Invalidating conclusive presumption as to gifts in contemplation of death (estate taxes)	8,000,000
Exempting from estate tax trusts in which grantor retained interest	25,000,000
Estate-tax decisions of 1935 exempting family trusts	25,000,000
Invalidation of Agricultural Adjustment Act	1,017,000,000
Total	16,853,000,000

The tax situation created by the attitude of the Judicial Department toward the Legislative and Executive Departments cannot be fully commented on in a single address—but one comment forces utterance: "Verily, verily, the income tax is an unloved stepchild in that Court." The hate of Judge Field, father of the "due process" interpolation, the Jeffreys of Social Justice, rests like a blight upon it. The majority judges seem ready to give it a beating for any litigant. The record, I submit, justifies the statement that with regard to the public revenue the Court cannot be regarded as a conservative institution.

SUPREMACY OF A CLASS

Mr. Speaker, the most significant fact disclosed by the discussion is that a single class—the courthouse barristers, have assumed complete supremacy over the statutes of State and Nation. They alone can speak unbidden in the courthouse. Is there anybody here who would give such supremacy to a single class? Is there any class wise enough, good enough? Would you give it to the lawyers alone? Why not humanize it with some doctors, and with clergymen, who will insist on talking duties as well as rights—and the engineers, the men who construct and who will count and measure to be sure the machine will work. And would you omit men of business, farmers, and the Nation's workers? Leave it to the lawyers alone—the lawyer "often in error, but never in doubt." Daniel Webster surely was a great lawyer and this is what he thought of his profession.

Accuracy and diligence are much more necessary to a lawyer than great comprehension of mind. * * * His business is to refine, define, split hairs, look into authorities, and compare cases. If he would be a great lawyer, he must first consent to become a great drudge."

If the lawyer a century ago must have been a case drudge, what now, since the cases reported have multiplied by more than 10?

Keep in mind, ladies and gentlemen, that this supremacy in Government has been taken over by the courthouse where only a single class may speak unbidden; only lawyers at the bar or on the bench, only they, may speak unbidden in that forum.

They style themselves "constitutional lawyers", and would make a great mystery, and have made a great mess of our beloved Constitution. It is impossible for me to have confidence in the good judgment even if I do force confidence in its honest intentions. "They cannot be bought", it is said. Certainly not. I do not believe these "sea-green incorruptibles" could be bought with a mountain of gold. But as Woodrow Wilson once said of another class: "They needn't be bought—they already stand bought by their system."

LEGAL FICTIONS—REVENUE

Mr. Speaker, when you submit a subject to a courthouse, you invite a wholly different mental reaction from that required of the lawmaker's mind. Let me say there is such a thing as lawyer sense that does not make common sense. In saying that, I intend no sneer at the legal profession. I am a lawyer myself. Assistant Attorney General Jackson, the other day, gave a good illustration of this. He said he was the head of some revenue bureau that desired to know at just what time a man's marriage changed his status for taxation purposes. The question was referred to a brilliant young lawyer in the Bureau. He reported shortly. You may know, we have two legal maxims that lawyers often resort to. One is that the law does not regard a fraction of a day. So the day of the marriage would be out. The second, in giving notice, the day of service is not counted. So the young attorney reported, on that legal reasoning, that the effective marriage of John and Mary did not occur until a day and a night after the wedding. The Attorney General said that he could find no fault with the legal reasoning, but he tore up the opinion.

One hundred years ago Judge Marshall, in Maryland against McCulloch, dropped the following gem: "The power to tax is the power to destroy." That sentence has since become one of our fictions of the law. Now, there is another fiction that each State is a sovereign; the swami of the courthouse accept both fictions literally.

Let me illustrate. The State of Maryland is a sovereign State, it is argued. There you have a beautiful legal fiction built on a half-truth. We all know, however, that no State now a member of the American Union is a sovereign. None of them except Texas has ever been a sovereign, has ever exercised the first attribute of sovereign power, the making of treaties, or the conducting of wars. What is the virtue of these fictions in a courthouse? A tax litigant comes in, the owner of a lot of municipal, county, or State bonds: "You must not count in my income any income I get from these bonds, Mr. Federal Government. If you start taxing my income from these Maryland bonds, maybe you will destroy the sovereign State of Maryland." Now, there is a good example of courthouse sense that is not common sense. To yield supremacy in the Nation to a tribunal made up exclusively of lawyers fills me with a feeling of dismay.

But I would not be misunderstood about lawyers. The lawyer acting as a pilot to steer his clients through the pitfalls of a greatly complicated system of jurisprudence I warmly respect. He is a worthy servant of society, but a lawyer hired to distort and defeat the social will, to plan escapes for marauding clients, I despise.

Are there such clients? Listen to our leading financier, J. P. Morgan, who is quoted as saying: "Taxation is a legal question pure and simple, and not a moral one." Apparently the right of society is to be nothing better than a struggle between the United States and the superlawyers of the wealthy.

MIDDLE CLASS VIRTUALLY EXEMPT FROM TAXATION

Mr. Speaker, if we may regard the married couple without dependents as entering the middle class when the net income reaches $4,000 a year and as emerging into opulency when the net income reaches $25,000, then so trivial are the income-tax rates imposed that it is fair to say that the middle class is virtually exempt from these taxes.

I am not one of those who is carried away by the illusion that we can rely on skyscraping rates on the skyscraping incomes or fortunes as a sufficient source of revenue. I have no patience with these Robin Hoods in taxation. Look, if you will, at the skyline of New York. See its skyscrapers jut out like dragons' teeth, 100 stories, 75 stories, 50 stories. That is the visual image you retain of New York; but New York is not a 100-story town, it is not a 50-story town, it is not a 20, not a 10-story town, and if its budget makers had to rely on even skyscraper rates on its skyscrapers for revenue, the schools would close, its firemen would drop their hose, and the police resign. A skyscraper budget will not suffice. We cannot rely on it alone. And why should we? The very rich are not the only debtors to society, even though they are its chief debtors, judged by their often unearned or disproportionate gains from social aid and protection. The middle classes are also debtors and grossly delinquent debtors, too. I know how the $5,000, the $10,000 man feels about it. I know he says to himself, unless he is a very thoughtful man, "I earned this $5,000, this $10,000 myself, earned it all by my foresight and persistency. It is mine—all mine." The trouble with him is he forgets his big, silent partner—civilization, to whose prodigious aid he truly owes it nearly all—without whose cooperation, if indeed he had survived at all in the forest struggle, instead of a $5,000 or a $10,000 income, he would go hungry for his breakfast until he had caught an unwilling fish or trapped a fearsome rabbit. It is not easy, indeed, to fully picture our dependence on civilization in nearly every minute of our lives. Only the rare man, an Edison, a Lincoln, a Woodrow Wilson can render service to pay the debt. A husband and wife without children realizing today an income of $5,000 a year are getting more out of life than George and Martha Washington did.

I do not say it for approval, but when I measure all the debts I pay, in no instance is the quid pro quo as great as the services I receive through Government and its great gift, civilization. If all my other payments were rewarded as largely as my payment of taxes, in these benefits of civilization, the millionaire would seem insignificant in comparison. [Applause.]

Not self-pity but a little sane counsel is what we need. Perhaps we will take it from Benjamin Franklin—

> The taxes are, indeed, very heavy, and if those laid by the Government were the only ones we had to pay, we might more easily discharge them; but we have many others, and much more grievous to some of us. We are taxed twice as much by our idleness, three times as much by our pride, and four times as much by our folly; and from these taxes the commissioners cannot ease or deliver us by allowing an abatement.

To what, sir, do we owe all this, we, ourselves, the $10,000, the $5,000, the $3,000 man? I answer, to social order. And whence, to what do we owe social order? To government which supplies it and sustains civilization as the sun supplies heat and light to its planets.

What is the explanation of the trivial middle-class brackets, when we face an insolvent Treasury? There is such a thing as unconscious class discrimination, and I fear that the human material which composes our Congress has not shown itself fully proof against its subtle temptations. I, myself, belong to the middle class, and wish only to belong to it. If I understand the class, I wish to say that it will not thank its representatives in the Government for favors in taxation secured by putting the Government in peril. Rather would they not repel us with disgust. They know that this is a world of duties as well as of rights, and that their first duty is to maintain the great Government in which we are partners. They know that skyscraper taxation will not suffice. A demagogue may cry "Rights! Rights!" but they know that it is duties valiantly accepted which insure them the benefits of government with the civilization it alone can advance and sustain.

Sir, the middle class must do its part with others. We have big board bills to pay to nature for the drafts we have been making on our natural gifts—a denuded soil; a timberland destroyed; a flooded country to reclaim; ex-

hausted gas and oil domains largely due to the excessive incomes which these decisions of the Court excuse from proper and necessary taxation. How great this bill of debt is to nature which is now demanding payment under penalty of flood and perhaps famine one can hardly guess, but it is not likely to be less than the cost of our highways.

Nor do our obligations cease with such restorative work. There is the great program of social security—a program, I predict, not likely to fall below a half billion dollars annually. Can any payment be longer stayed? Our board bill to Nature has long been overdue. Our duties with reference to social security are pressing ever harder upon us because of industrial vicissitudes; nor is the Federal Government alone concerned. Some 28 States have found it necessary to enter the income-tax field, creating severe problems in double taxation. The slightest contact with this subject of double taxation discloses enormities of injustice against taxpayers in some instances, which no worthy government can permit to continue. In my own view, it has become necessary that taxpayers who do pay their taxes without evasion, should receive remedial consideration, and it is my purpose on a later occasion to bring to the attention of the House a proposal under which the income taxes of the Nation and the States and perhaps some other excise taxes shall be levied as one tax, the proceeds to be shared between the respective States and the Federal Government on some equitable principle.

Mr. Speaker, I challenge the authorities versed in public finance to say how a just and adequate budget can be formed in the United States under the destructive limitations of these decisions. Where is the private financier who would tolerate such interference with his business budget? I appeal to the private financiers of the United States, who have important budgets to form and balance, whether they should undertake their responsibilities if their work after its completion was to be made the subject of such ex post facto veto. Suppose that having formed their budgets based upon the necessary predicated prices of their various products, after the expense of production had been incurred and the products delivered to their beneficiaries, it should still lie in the hands of outside parties to determine whether such and such of their debtors should be exempted. What would become of United States Steel Corporation or the Bell Telephone Co. if at any time a junto of legalists had the power, on reasoning which wholly ignored the factors governing the making of their budgets, to thus nullify all duty of payment for large parts of the expenditures involved? Sir, what would become of institutions so irresponsible in other lands, even though they called themselves courts, which should thus destroy the sustenance indispensable to government and social order?

IV. WHAT ARE YOU GOING TO DO ABOUT IT?

I confess, sir, as one member of the Committee on Ways and Means, charged with the duty of initiating revenue measures, a feeling of complete discouragement. The Court's revenue decisions make it impossible for me to draft a revenue bill which does not grossly and unjustly discriminate in favor of large classes able to pay, at the expense of other citizens whom I must make pay taxes for both. The recent corporation income tax is an example, for it illustrates to what devices the public financier has been driven by the outlawry of our power to tax earned dividends to the shareholder.

Again, what are we going to do about it? The constitutional amendment cannot be made clearer by constitutional amendment; still it is suggested that we proceed by such a course. If we can get two-thirds here, two-thirds in the Senate, and then get three-quarters of the States, then, according to the suggested amendment, we should be authorized to reverse a decision of the Court declaring an act of Congress unconstitutional provided we could get a two-thirds vote in the House and Senate in favor of such reversal as well. Why not require that the vote be unanimous all around? Does anybody think that under party government, which seems now to be the rule for democracy, two-thirds government is possible in a legislative body? The curse of the country is not government by majorities, but by such one-third minorities—generally mere recalcitrants.

The next suggestion is one that Hamilton and Marshall both made—namely, that the Congress, like the British Parliament, might reverse a legislative pronouncement of the Court which rendered nugatory one of its statutes.

Sir, a third suggestion is one I now make. It is that the Congress establish courts of the exchequer to pass on all questions of law or fact relating to the internal revenue, with original, exclusive, and final jurisdiction under article III. This is a court well known to the common law, still functioning in England. Our legislative powers to tax are couched in general but in indeterminate phrases whose construction calls for legislative discretion. It is the American court alone that assumes to substitute its views on such general phrases for that of the Parliament. It thinks it is wiser than Congress. It is not wiser. But suppose you act under article III and the court sets your statute aside. Would it be acting with more violence than it has shown in expunging the welfare clause, adulterating the due-process clause, or in exempting themselves and others from payment of income taxes? Suppose it should set it aside; what then? You have at last been brought up exactly to the point which the President had to face—a sure constitutional solution of the problem which courts could not nullify, and that is by a revision of the number of judges. It is by that very method, history shows us, that the House of Lords has been controlled through the centuries, and parliamentary democracy saved in the United Kingdom.

Mr. Speaker, it is apparent that the life of the Government cannot be longer left subject to these destructive decisions. There is no escape from their reconsideration and reversal by the Court. It is the only reasonable course open. The Constitution cannot be made clearer by amendment than it has already been made by amendment. Then we must amend the Court statute. It will be better to amend the Court statute than to allow it to drive us to printing-press money, wreck the public credit, and perhaps wreck the Republic.

Ladies and gentlemen, we must face the issue:

If we would have public employees pay taxes on their income like others, we must reform the Court and reverse Brush Co. against Michigan.

If we would have income from public securities taxed like income from private securities, we must reform the Court and reverse National Life Insurance Co. against United States.

If we would have those exploiting our gas, oil, and mineral resources under State leases pay their taxes like others, we must reform the Court and reverse the Coronado Gas Co. case.

If we would put an end to the unjust discrimination between the income taxes payable by married couples, we must reform the Court and reverse Poe against Seaborn.

If the judges are to pay their taxes like others, we must reform the Court and reverse Evans against Gore.

If we would have the earned income of stockholders taxed like the earned income of partners and other individuals, we must reform the Court and reverse the 5-to-4 decision in Eisner against Macomber, that monstrous mother of loopholes whose depredations have already cost the Treasury more than all its expenditures to meet the depression.

Let that eminent Court reverse these 5-to-4 decisions. It need not be taken as humiliation on its part. Indeed, a spirit of humility is the surest sign of wisdom, as has been displayed often in the history of our own fortunate country. If, Mr. Speaker, they will cooperate with us, if they will reverse these death-dealing decisions on the public revenues, then a future of hope and splendor opens out for the judges, for ourselves, and our country. If they refuse, Mr. Speaker, if they deny to this Congress the powers it needs to exercise, if at a time when, like a half dozen industrialized nations, we are facing the most difficult problems the human family has ever had to face, if still they shall obstruct us in the necessary program now, as a preceding decision obstructed our fathers on the subject of slavery, then the outlook is dread indeed.

Spirit of Washington, save us from such a fate. [Applause.]

REFERENCES TO CASES CITED

(1) *Pollock* v. *Farmers Loan* (157 U. S. 429; 158 U. S. 601).
(2) *Pacific Ins. Co.* v. *Soule* (7 Wall. 433).
Springs v. *U. S.* (102 U. S. 586, 602).
(3) *Hylton Carriage case* (3 Dallas, 171).
(4) *Evans* v. *Gore* (253 U. S. 245).
(5) *Flint* v. *Stone Tracy* (220 U. S. 107).
(6) *Brush* v. *Commissioner Int. Rev.*, March 15, 1937.
(7) *Ashton* v. *Cameron Co. Water Imp.*, May 25, 1936.
(8) *Coronado Oil & Gas Co. case* (285 U. S. 393).
(9) *Poe* v. *Seaborn* (282 U. S. 122).
Goodell v. *Koch* (282 U. S. 118).
U. S. v. *Malcolm* (282 U. S. 792).
Bender v. *Pfaff* (282 U. S. 127).
Hopkins v. *Bacon* (282 U. S. 122).
(10) *Eisner* v. *Macumber* (252 U. S. 189).
(11) *Schlesinger* v. *Wis.* (270 U. S. 230).
(12) *Cheatham case* (92 U. S. 85).
(13) *Ashwonder* v. *Tenn.* (207 U. S. 288).
(14) *Brushaber* v. *Union Pac. Ry.* (240 U. S. 1).
(15) *Miller* v. *Standard Nut, etc.* (284 U. S. 509).
Hill v. *Wallace* (259 U. S. 386).

APPENDIXES

Double exemption from taxation.
Exemption of salaries, city, county, State, and Federal employees.
Public employees taxed under Civil War income acts.
Federal judges exemption.
Decline of income-tax returns since 1917.
Volume of tax-exempt securities, table.
Extent of Federal income-tax exemption.
Conflict of State laws with Federal taxation.
State leases, oil, gas, ore exempt.
Community property exemption.
Table showing rates for split income of husband.
Foreign tax credits.
Gift taxes.
Restriction on levying gift tax on donee.
Gifts as income to the recipient.
Gifts of property, grantor retaining income.
Gift taxes retroactive.
Estate taxes.
Estate taxes decisions of 1935.
State taxation—Federal court frustration of.
Losses on surtaxes caused by court's exemption of stock dividends.

APPENDIX A

DOUBLE EXEMPTIONS

So extreme and unreasonable has been the attitude of the Supreme Court in this matter, that it declared unconstitutional a provision enacted by the Congress in the Revenue Act of 1921 to prevent the income of tax-exempt securities from having a double effect in reducing income which was taxable even under the decisions of the Supreme Court. I refer to the decision of the National Life Insurance Co., decided June 4, 1928. To understand that case, it should be remembered that the system of taxing income of life-insurance companies was completely revised in 1921 by a plan based upon an agreement entered into between the Government and insurance companies and made applicable to the Revenue Act of 1921 and subsequent years. Under this plan life-insurance companies were not taxable upon all of their income, but only upon their income from interest, dividends, and rents. The principal concession made by the companies under this plan was in regard to the treatment of tax-exempt interest. To show how the plan works out I am presenting an actual case showing the computation both under the statute and under the Supreme Court decision.

Computation under Federal Income Tax Act of 1921

Income:	
Tax-exempt interest	$1,000,000
Dividends, rents, and other income	2,000,000
Total income	3,000,000
Deductions:	
Miscellaneous	100,000
Tax-exempt interest	1,000,000
Four percent of mean of reserve [1] in excess of tax-exempt interest ($2,400,000 less $1,000,000)	1,400,000
Total deductions	2,500,000
Taxable net income (income less deductions)	500,000

[1] Mean of reserve funds required by law, $60,000,000.

It will be seen that under this computation the taxpayer having secured one deduction for the tax-exempt interest is not entitled under the law as enacted by Congress to use such interest again in computing the deduction based upon 4 percent of the mean of the reserve. However, the Supreme Court has held that it is unconstitutional to deny the taxpayer this double deduction. Under the Supreme Court decision, the taxpayer would get the entire 4 percent of the mean of the reserve as a deduction, namely, $2,400,000, and, therefore, instead of having a taxable income of $500,000 would actually have a loss of $500,000. The effect of this decision is to allow the taxpayer to reduce his taxable income by the amount of this tax-exempt interest, something which the Congress strongly opposed and did its utmost to prevent. It is very difficult to follow the reasoning of the Court in this case, especially when the Court in any number of cases has pointed out that deductions from gross income are a matter of grace to be allowed entirely within the discretion of Congress.

In *Helvering* v. *Independence Life Insurance Co.* (292 U. S. 371), the Court said in regard to this matter: "Unquestionably Congress has power to condition, limit, and deny deductions from gross income in order to arrive at the net that it chooses to tax." Clearly there was nothing arbitrary in the provisions of the Revenue Act of 1921 already referred to which prevented a life-insurance company from getting a double deduction for tax-exempt interest, and which also prevented the interest from tax-exempt securities from reducing the taxable income of such companies. This decision of the Supreme Court resulted in a loss of revenue to the Government of practically $100,000,000.

APPENDIX B

EXEMPTION OF CITY, COUNTY, STATE EMPLOYEES' SALARIES

Judge Roberts continues:

"It seems to me that the reciprocal rights and immunities of the National and a State Government may be safeguarded by the observance of two limitations upon their respective powers of taxation. These are that the exactions of the one must not discriminate against the means and instrumentalities of the other and must not directly burden the operations of that other. To state these canons otherwise, an exaction by either Government which hits the means or instrumentalities of the other infringes the principle of immunity if it discriminates against them and in favor of private citizens or if the burden of the tax be palpable and direct rather than hypothetic and remote. Tested by these criteria, the imposition of the challenged tax in the instant case was lawful * * *."

"* * * In reason and logic it is difficult to differentiate the present case from that of a private citizen who furnishes goods, performs work, or renders service to a State or a municipality under a contract or an officer or employee of a corporation which does the same. Income tax on the compensation paid or the profit realized is a necessary cost incident to the performance of the contract, and as such must be taken into account in fixing the consideration demanded of the city government. In quite as real a sense, as in this case, the taxation of income of such persons and, as well, the taxation of the corporation itself lays a burden upon the funds of the State or its agency. Nevertheless, the courts have repeatedly declared that the doctrine of immunity will not serve to exempt such persons or corporations from the exaction.

"The importance of the case arises out of the fact that the claimed exemption may well extend to millions of persons (whose work nowise differs from that of their fellows in private enterprise) who are employed by municipal subdivisions and districts throughout the Nation, and that, on the other hand, the powers of the States to tax may be inhibited in the case of hundreds of thousands of similar employees of Federal agencies of one sort or another. Such exemptions from taxation ought to be strictly limited. They are essentially unfair. They are unsound because Federal or State business ought to bear its proportionate share of taxation in order that comparison may be made between the cost of conducting public and private business * * *."

Because of the Court's decisions the revenue acts have exempted interest upon State obligations.

Salaries of judges of United States courts were specifically made taxable under the Revenue Acts of 1918, 1921, 1924, and 1926. In the 1928 act the Congress omitted the provision specifically making such salaries taxable, on the ground that it was mere surplusage, because, insofar as such compensation may be taxed under the Constitution, it is already included within the general definition of income. The Revenue Act of 1932 and subsequent acts specifically subject to the income tax judges taking office after June 2, 1932.

Salaries of States' officers and employees: Beginning with the Revenue Act of 1918 and subsequent acts these salaries were made taxable. Subsequent acts also tax such salaries, but they have been exempted by Supreme Court decisions.

TAXATION OF STATE EMPLOYEES UNDER THE CIVIL WAR ACTS

In the Civil War acts Congress taxed the salaries of State officers and employees. But in a decision relating to the taxation of a State judge, decided in 1870, the Supreme Court held we could not do this. The Day case went back to the reasoning of the Dobbins case, decided in 1840, holding that a State had no right to assess the salary of a Federal officer. Under the Civil War acts there was an exemption of $600 allowed, and the statute (1864 act) provided that only one deduction of $600 shall be made from the aggregate incomes of all the members of any family composed of parents and minor children, or husband and wife, except in cases where such separate income shall be derived from the separate and individual estate, gains, or labor of the wife or child. The rates under this act were as follows:

	Percent
Income in excess of $600 and not in excess of $5,000	5
Income in excess of $5,000 and not in excess of $10,000	7½
Income in excess of $10,000	10

FEDERAL JUDGES' EXEMPTION

The decision of *Evans* v. *Gore* was the seed from which the nullification of the express language of the sixteenth amendment sprung. In fact, so insistent was the Court that the salaries of the judges should not be subject to the income tax that it even extended this exemption to judges of the Court of Claims, although the Court of Claims is not a constitutional court but a legislative court (*Miles* v. *Graham*, 268 U. S. 501). Subsequently the Supreme Court recognized its error and held that the constitutional prohibition against reducing the salaries of judges of constitutional courts had no application to judges of legislative courts (*Booth* v. *United States*, 291 U. S. 339). But we have not been able to secure the income tax on the salaries of these judges during the period prior to the time the Booth decision was rendered. From that time on the Court has continued to exempt income from State securities, salaries of State officers and employees, and salaries of Federal judges from their just burden of Federal taxation. Congress has tried to meet the situation as to Federal judges by fixing their salaries with respect to the income tax. This was done in the Revenue Act of 1932. However, it is doubtful if the Supreme Court will uphold that provision, and even if it does, it could only be made applicable to judges taking office after June 2, 1932, the date of the enactment of the Revenue Act of 1932.

FEDERAL INCOME-TAX RETURNS, DECLINE OF

Brabson, in Tax Magazine, February 1937, writes:

"In the accompanying table, which may contain information that is surprising to many taxing authorities as well as to taxpayers, an attempt has been made to show how the tax base for the collection of Federal revenues has been constantly and consistently curtailed since the enactment of the first income-tax act until it has been substantially cut in half. The significant thing is not the figures themselves but is in the trend. There has been a steady reduction in the tax base, resulting in a reduction of almost 50 percent since 1916 in the proportion of our citizens who contribute anything to the direct support of the Federal Government."

Federal income-tax returns compared with population

Year	United States population [1]	Returns filed	Taxable returns	Nontaxable returns	Percent returns to United States population	Percent taxable returns to population
1916	100,757,735	437,036	362,970	74,066	0.43	0.36
1917	102,172,845	3,472,890	2,707,234	765,656	3.39	2.65
1918	103,587,955	4,425,114	3,392,863	1,032,251	4.27	3.28
1919	106,021,431	5,532,760	4,231,181	1,101,579	5.03	3.99
1920	106,021,431	7,259,944	5,518,310	1,741,634	6.85	5.20
1921	106,021,431	6,662,176	3,589,985	3,072,191	6.28	3.39
1922	109,552,128	6,787,481	3,681,249	3,106,232	6.20	3.36
1923	110,996,153	7,698,321	4,270,121	3,428,200	6.94	3.85
1924	112,364,000	7,369,788	4,489,698	2,880,090	6.56	4.00
1925	115,725,000	4,171,051	2,501,166	1,669,885	3.60	2.16
1926	117,489,681	4,138,092	2,470,990	1,667,102	3.52	2.10
1927	118,988,000	4,101,547	2,440,941	1,660,606	3.45	2.05
1928	120,340,000	4,070,851	2,523,063	1,547,788	3.38	2.10
1929	123,202,660	4,044,327	2,458,049	1,586,278	3.28	2.00
1930	123,202,660	3,707,509	2,037,645	1,669,864	3.01	1.65
1931	123,202,660	3,225,924	1,525,546	1,700,378	2.59	1.24
1932	125,265,000	3,877,430	1,936,095	1,941,335	3.10	1.55
1933	126,130,000	3,723,558	1,747,740	1,975,818	3.00	1.39
1934	127,068,000	4,094,420	1,795,920	2,298,500	3.22	1.41
1935 [2]	127,521,000	4,300,691	1,836,165	2,464,526	3.42	1.43

[1] Population is nearest census figure of Bureau of Census estimate.
[2] All figures for 1935 tax returns preliminary.

THE VOLUME OF TAX-EXEMPT SECURITIES

In the following tabulation there is set forth in round millions the amount of tax-exempt securities outstanding as of June 30, 1935. There is also shown the estimated amount of such securities in the hands of the public to whom such securities would be subject to taxation if they were not exempt. It has been found impossible to arrive at a fair estimate of the amount of tax which would be paid upon the income from these securities if they were not exempt. That the amount of income so exempt, however, is undoubtedly a sum running into the hundreds of millions, seems obvious.

Estimated amount of tax-exempt securities in the hands of the public as of June 30, 1935

State, county, and municipal	$16,895,000,000
Federal	26,137,000,000
Territories and insular possessions	117,000,000
Federal Farm Loan System	2,544,000,000
R. F. C.	250,000,000
H. O. L. C.	2,476,000,000
Total net	48,419,000,000
Less Federal Reserve bank holdings	2,433,000,000
	45,986,000,000

THE EXTENT OF FEDERAL INCOME-TAX EXEMPTION

To ascertain the extent of the exemptions we need only turn to the records of the Commissioner of Internal Revenue on income taxation, which has been the largest source of Federal revenues. When our income-tax amendment to the Constitution became effective in 1913, ordinary citizens were under the impression that the revenue acts to be passed under that authority would be broad and inclusive and would levy a tax upon every individual and corporation that had an actual income during the year in question which could be measured in dollars and cents. But it was not so to be. When the first income-tax law finally emerged from the Halls of Congress it was found to contain various exemptions, some of which one suspects were dictated by means and motives that ranged from organized pressure groups to purely personal prejudices. There were in the law exceptions and provisions and jokers and outright immunities, the sum total of which was to reduce the tax basis to a fraction of its potential application.

BRITISH TAXES ON COLONIAL SECURITIES

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON INTERNAL REVENUE TAXATION,
Washington, May 10, 1937.

Hon. DAVID J. LEWIS,
House of Representatives, Washington, D. C.

MY DEAR MR. LEWIS: In regard to your inquiry as to whether the British income-tax law exempts income from the securities of the colonies, when the income is acquired therefrom by a citizen of the United Kingdom it appears that such interest is taxable where the securities are owned by a person who is a resident of Great Britain. Therefore a citizen of the United Kingdom owning securities of the colonies would be subject to the British income tax on the income from such securities if a resident of Great Britain.

Of course, the question as to whether or not the colonies themselves subject the income from such securities to taxation is a matter for their own determination. Canada, for instance, exempts the income from securities issued by the Dominion in case the specific act authorizing the issue of such securities provides for their exemption from the Canadian income tax.

Very respectfully,

COLIN F. STAN, *Counsel.*

APPENDIX C

CONFLICTS OF STATE LAWS WITH FEDERAL TAXATION

One of the most troublesome features of Federal income taxation is to determine when to apply and when not to apply the various State laws in arriving at the tax liability of the Federal taxpayers. The Supreme Court has not been consistent in its decisions on this point. The Court has held, for instance, that an organization which, under the law of the State, was deemed a partnership could be treated as a corporation for Federal income-tax purposes (*Burk-Waggoner Oil Association* v. *Hopkins*, 269 U. S. 110). In another case (*Burnet* v. *Harmel*, 287 U. S. 103) the Court also disregarded the State law in holding that royalties received in payment of an oil and gas lease could be taxed for Federal income-tax purposes, not as capital gains but as ordinary income. But in other cases involving community-property income and the taxability of income from oil and gas leases the Supreme Court has applied the State law, thereby causing the Federal tax burden to fall inequitably upon Federal taxpayers and also resulting in a severe loss in revenue to the Federal Government. The Constitution provides, in article VI, that:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

This provision of the Constitution makes it clear that Federal laws in pursuance thereof override all State constitutions or State laws in conflict therewith. Now, so far as Federal taxes are concerned, the Constitution requires that they shall be uniform throughout the United States. In interpreting this provision of the Constitution the Court (*Florida* v. *Mellon*, 273 U. S. 12) has stated that it means that "the rule of liability shall be alike in all parts of the United States." But how can the rule of liability be alike for Federal tax purposes in all parts of the United States if the Court requires the Federal tax to depend upon the conflicting or dissimilar laws of the various States? In recognizing the State laws in the community property tax cases and in the Oklahoma oil and gas cases, I believe that the Court has violated the constitutional mandate prescribing uniformity of taxation throughout the United States. These decisions which are next discussed have resulted in tax exemption to a favored few at the expense of the great mass of Federal taxpayers.

STATE LEASES, OIL, GAS, ORE

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON INTERNAL REVENUE TAXATION,
Washington, May 10, 1937.

Hon. DAVID J. LEWIS,
House of Representatives, Washington, D. C.

MY DEAR MR. LEWIS: In regard to your request for information relating to the decision of the Supreme Court in the Coronado Oil & Gas Co. case, the CONGRESSIONAL RECORD of March 20, 1930, shows that this question was involved in connection with refunds to the United States Steel Corporation for the years 1917, 1918, 1919, and 1920, which were made as a basis for the settlement. The total refunds involved in this case, not including interest, amounted to $36,000,000.

While the RECORD shows that the United States Steel Corporation waived its claim to exemption in the case of iron-ore leases which

it operated in Minnesota, this claim undoubtedly had some influence on the final settlement of the case. In this connection I am quoting from page 5749 of the CONGRESSIONAL RECORD of March 20, 1930, setting forth the issues upon which the United States Steel Corporation and its subsidiaries based its claims for these refunds:

"PROFITS FROM STATE LEASES—VARIOUS SUBSIDIARIES

"The issue is common to the years 1919 and 1920, as well as 1917 and 1918. In the petition to the Court of Claims for 1918, and in the brief for that year, objection was raised to the Bureau's action in including in consolidated net income a large sum described as the net income of six subsidiaries realized in 1918 from operation of iron-ore leases granted by the State of Minnesota or a political subdivision thereof. The objection, of course, is based upon the claim that the income is exempt from tax because arising not from a private business enterprise but from employment by a State of instrumentalities in the performance of strictly governmental functions, i. e., obtaining revenues for the support of the State's public schools. Reliance is had by the taxpayer upon the following decisions:

"*Collector* v. *Day* (11 Wall. 113), where the United States Supreme Court refused to sanction a tax imposed by the Federal Government upon the salary of a State executive officer.

"*Pollock* v. *Farmers Loan & Trust Co.* (157 U. S. 429), where it was said that: 'As the States cannot tax the powers, the operations, or the property of the United States, nor the means which they employ to carry their powers into execution, so it has been held that the United States have no power under the Constitution to tax either the instrumentalities or the property of a State.' On rehearing, the Court said, inter alia, that 'it follows that if the revenue derived from municipal bonds cannot be taxed (by the United States), because the source cannot be, the same rule applies to revenue from any other source not subject to the tax', etc.

"*Ambrosini* v. *United States* (187 U. S. 1), where it was held that the Federal Government lacked power to impose a stamp tax on surety bonds given a State under requirement of one of its laws.

"*Indian Territory Illuminating Oil Co.* v. *Oklahoma* (240 U. S. 522), where the State attempted to tax a lease on tax-exempt Osage Indian lands, but the Court held the property leased to be under the protection of the Federal Government, and that the leases 'have the immunity of such protection.' The tax assessment by the State was held invalid, saying, in part: 'A tax upon the leases is a tax upon the power to make them, and could be used to destroy the power to make them. If they cannot be taxed as entities they cannot be taxed vicariously * * *.'

"*Gillespie* v. *Oklahoma* (257 U. S. 501), where the Court held invalid an attempt by Oklahoma to tax the net income of a lessee of tax-exempt Indian lands, saying: 'The same considerations that invalidate a tax upon the leases invalidate a tax upon the profits of the leases, and stopping short of theoretical possibilities, a tax upon such profits is a direct hamper upon the effort of the United States to make the best terms that it can for its wards.'

"*Daugherty, Tax Collector,* v. *Thompson* (9 S. W. 99), in which the Texas Supreme Court held that school lands, when leased to raise an available school fund, are exclusively devoted to the use and benefit of the public as though covered by schoolhouses, and a tax on such leased lands diminishes the rental value thereof.

"In *Metcalf & Eddy* v. *Mitchell* (269 U. S. 514), which involved the Federal income tax for 1917, applied by the Bureau to income paid a consulting engineer by a State, the Court held that the fact of whether or not the tax constituted an interference by the Federal Government with the State governmental functions was one for determination under the facts of each case.

"*Frey* v. *Woodworth, Collector* (2 Fed. (2d) 725), where the rule was recognized and applied, to the effect that State instrumentalities used in the performance of governmental functions are exempt from taxation by the Federal Government. The case involved the Federal income tax for 1921 sought to be applied to wages of employees of a street railway owned by a municipality.

"*Panhandle Oil Co.* v. *Mississippi* (277 U. S. 218), in which the Court held unconstitutional a State sales tax on gasoline purchased by the Federal Coast Guard and veterans' hospital.

"As opposed to the above decisions exempting from Federal taxation State agencies and the income or revenue therefrom, in the case of *Coronado Oil & Gas Co.* (14 B. T. A. 1214), acquiesced in. It was there held that income of a lessee of oil- and gas-bearing school lands of the State of Oklahoma from the sale of oil and gas produced from such leased lands was not exempt from the Federal income tax, upon the ground that the facts proven did not establish the taxpayer as an instrumentality of the State in its performance of a governmental function, so that a tax upon its income would constitute an interference with the exercise by the State of a governmental or sovereign power. Numerous relevant decisions by the courts were cited by the board. See also *H. Oliver Thompson* (17 B. T. A. 987) as to land leased to a city for a school site, and *Bear Canon Coal Co.* (14 B. T. A. 1240).

"The Coronado Oil & Gas Co. has prosecuted a petition to the circuit court of appeals for review of the board's decision upon the issue of its claimed exemption from Federal income tax on income from its State school-land leases. In the case of *Bunn* v. *Willcutts* (35 Fed. (2d) 29) the circuit court of appeals affirmed the district court decision (29 Fed. (2d) 132) in holding exempt from Federal tax the gain on sale of municipal bonds. Notwithstanding the possibility of a decision by the courts in sustaining the claimed exemption, the United States Steel Corporation has waived its claim to exemption. The disposition of the item accords with the action heretofore taken in disposing of the tax for the year 1917."

It will be noted that when this settlement was agreed upon, the Coronado Oil & Gas Co. case had not been passed upon by the Supreme Court, and the company was faced with an unfavorable decision on that case by the Board of Tax Appeals (14 B. T. A. 1214). However, as subsequently developed, the Supreme Court upheld the taxpayer and reversed the Government in the Coronado Oil & Gas Co. case.

Very respectfully,

COLIN F. STAM, *Counsel.*

The Supreme Court does not apply this rule to all State leases. In the case of a lease executed in the State of Texas the Court has applied the State law and held that such a lease, although it may be identical in terms with a lease executed in the State of Oklahoma, amounts to a sale of the minerals in place (group no. 1, *Ore Corporation* v. *Bass,* 283 U. S. 279). Therefore, corporations leasing mineral lands in Texas are subject to a tax on the profits from the operation of such leases, while corporations leasing State lands in Oklahoma are exempt from profits derived from the operation of such leases. Yet in both cases the corporations get the same benefit and enjoyment out of the income.

COMMUNITY PROPERTY—SPLIT INCOMES

There is nothing in the Federal income-tax law which exempts the earner of income from paying the income tax on his entire salary. And the Court has already held that the Government in levying an income tax is not bound by the traditional classification of interests or estates. It stated in a case involving the income taxation of a revocable trust:

"Liability may rest upon the enjoyment by the taxpayer of privileges and benefits so substantial and important as to make it reasonable and just to deal with him as if he were the owner and to tax him on that basis" (*Wells case,* 289 U. S. 670).

And, as already pointed out, the Court has said that under these community property laws, the husband may deal with community property very much as if it were his own.

The statute before the Court taxed the "net income of every person" and defined income as including income from salaries, wages, and compensation, embracing income derived from any source whatever. Except in the case of the community-property States, the Court has held this language to be broad enough to require that the income was taxable to the spouse earning it, even though he might have assigned it prior to actual receipt to his wife (*Lucas v. Earl,* 281 U. S. 111; *Burnet* v. *Lenninger,* 285 U. S. 136); and in construing this language in a case involving the taxation of trust income paid by the United States to its Indian wards, the Court said:

"The intent of Congress was to levy the tax with respect to all residents of the United States and upon all sorts of income. The act does not expressly exempt the sort of income here involved, nor a person having petitioner's status respecting such income, and we are not referred to any other statute which does. * * * The intent to exclude must be definitely expressed, where, as here, the language of the act laying the tax is broad enough to include the subject matter (*Superintendent* v. *Commissioner,* 295 U. S. 418)."

Schedule showing difference in Federal income-tax liability in community property State as contrasted with noncommunity property State [1]

	Tax liability in noncommunity property State	Tax liability in community property State	Difference in tax liability in community property and noncommunity property State
Net income:			
$10,500	$458	$278	$180
$20,500	1,664	1,118	546
$52,500	9,644	6,028	3,616
$76,500	19,484	11,708	7,776
$102,500	33,944	19,288	14,656
$202,500	96,944	67,888	29,056
$302,500	163,944	129,888	34,056
$402,500	233,944	193,888	40,056
$502,500	305,944	259,888	46,056
$752,500	490,944	432,888	58,056
$1,002,500	680,944	611,883	69,056

[1] Tax computed on basis of $2,500 exemption for married persons and maximum earned income credit.

NOTE.—The differences in taxation of citizens of the several States due to the division of income under community property laws will not be affected by the source of the income, be it dividends, interest, rents, salary, payment for professional services, or profits on the sale of capital assets.

Thus the taxpayer in a community property State, paying less Federal incometax than the taxpayer with identical income in a noncommunity property State, might be an individual earning a salary behind a department-store glove counter, a locomotive throttle, or the movie cameras. He might, on the other hand, be a corporation executive, a physician, lawyer, accountant, or the owner of a small bake shop. He may be an oil and gas lease operator, an author of best-sellers, a manufacturer of tin trays, or an inventor. Thus the list of occupations and sources of income might be extended indefinitely to include all the means of livelihood and income sources in the community property and noncommunity property States.

FOREIGN TAX CREDITS

Under our Federal Income Tax Act we allow a credit against the Federal income tax for taxes paid by American citizens or American corporations to foreign countries. Since American citizens and domestic corporations are taxable on their income from all sources, this credit was allowed to prevent double taxation of the same income by two national governments. However, the Supreme Court in *Burnet* v. *Chicago Portrait Co.* (285 U. S. 1) has so distorted the law that credit is now given not only for income taxes paid to foreign governments but also to political subdivisions of such foreign governments. The Court held that the only test to be applied under the statute was whether the income tax was paid to a foreign power competent to lay it, regardless of the international status of such foreign power. Thus income taxes paid to New South Wales and the city of Hamburg are now allowed as credits against our Federal income taxes. That this construction is absurd becomes apparent when it is realized that the Federal Government does not allow any credit against the Federal income tax for taxes paid to the States. Certainly, there is nothing in the statute as written to justify the inference that foreign states which do not have an international status should be treated differently in this respect than our own domestic States. Income taxes paid to our States are only allowed as deductions from gross income in computing the Federal income tax and not as credits against the tax itself. Income taxes paid to foreign states which do not have an international status should not be treated better than our own States in this respect, and I see nothing in the statute to show that Congress ever intended such a result as the Supreme Court has outlined. This decision of the Supreme Court has cost us up to date about $2,000,000.

APPENDIX D

GIFT TAXES—RESTRICTION ON LEVYING A GIFT TAX ON DONEE

The Supreme Court upheld the constitutionality of the gift-tax provisions of the Revenue Act of 1924, levying a tax on the donor, insofar as it applied to gifts made after the date of the enactment of that act. However, the reasoning of the Court was such as to cast serious doubt upon the power of Congress to levy a gift tax upon the donee. The Court upheld the tax on the theory that it was not a direct tax, because it was levied only upon one of those powers incident to ownership, the power to give the property owned to another. It was stated that "under this statute all the other rights and powers which collectively constitute property or ownership may be fully enjoyed free of tax." But under this reasoning the Court would probably hold that a gift tax on the donee is a direct tax and unconstitutional because not apportioned according to population. This is because the Court has repeatedly taken the position in the Pollock and other cases that a tax upon the receipt of property is a tax upon the ownership of the property itself. A tax on inheritances has been sustained on an entirely different basis, as in the case of inheritances the tax is laid upon the privilege granted by the State of permitting a person to dispose of his property at death. If it were not for this privilege, which has its inception in the common law, all property would escheat to the State on the death of the owner. But it cannot be said that the State is granting a privilege when the owner of property exercises his inalienable right of disposing of it during his lifetime. Therefore there are good grounds for believing that the Supreme Court will not permit us to levy a gift tax on the donee. It was Mr. Justice Holmes who said that "a page of history is worth a volume of logic." The Court could well have applied this common-sense rule and ascertained that at the time the Constitution was adopted a tax on gifts was not recognized as a direct tax, and therefore had to fall within the class of excises. For there is no magic to the word "excise" in its historical setting.

GIFTS AS INCOME TO THE RECIPIENT

So far as gifts are concerned under our concept of income, the Commissioner of Internal Revenue interpreted income under the act of 1864 to include the receipt of gifts, and the act of 1894 specifically taxed the receipt of personal property by gift as income. This last act was declared unconstitutional by the Supreme Court in the Pollock case. Beginning with the Revenue Act of 1913, Congress has specifically exempted the receipt of gifts from the income tax. My understanding is that this was done because of doubt in the minds of framers of the Revenue Act of 1913 as to whether the Court would regard gifts as income. They were exempted to give the Court no kind of argument to invalidate the income tax again.

GIFTS OF PROPERTY WHERE GRANTOR RETAINS ENJOYMENT OF INCOME THEREFROM

The Supreme Court has held that the following types of transfers are not subject to the estate tax imposed by the Revenue Act of 1926:

"1. A places property in trust by a deed which provides that the income shall be paid to B for his life, then to A for her life, and then that the trust shall terminate upon the death of A, at which time the property shall be distributed among the children of A (*May* v. *Heiner*, decided Apr. 14, 1930, 281 U. S. 238).

"2. A places property in trust by a deed which provides that the income therefrom shall be paid to A for her life, and upon her death that the trust shall be terminated and that the property shall be distributed among her children (*Burnet* v. *Northern Trust Co.*, decided Mar. 2, 1931, 51 S. Ct. 342).

"3. A places property in trust by a deed which provides that A shall have the right to call upon the income therefrom to supplement her income from other property if it falls below a given sum; reserves the right to dispose of the remainder of the income by ordering its payment to others and which further provides that the trust shall terminate upon the death of the last of her three children, at which time if A is surviving the property will be paid over to her, and if not will then be paid to the issue of her children (*McCormick* v. *Burnet*, decided Mar. 2, 1931, 51 S. Ct. 343)." (CONGRESSIONAL RECORD of Mar. 3, 1931, p. 7198.)

The Government as well as the States thought that these types of trusts were included in the language of the statute taxing "transfers intended to take effect in possession or enjoyment at or after death." In fact, for many years both Federal and State courts had held that these types of transfer were covered by such language, and both Federal and State legislators had drafted their death-duty statutes on such a basis. Now, in 1930 and 1931 the Supreme Court held for the first time that this language did not cover this type of transfers. We amended our Federal law to take care of this situation in the future, but due to the decisions of the Supreme Court there is not much chance that we will be able to reach back and tax those trusts which were created before our amendment was enacted, which was in 1931. The Government has attempted to subject these trusts to the estate tax in the case of decedents dying after the enactment of the Revenue Act of 1932, but has been unsuccessful in sustaining this position in the courts because of these Supreme Court decisions. It has been estimated that up to the present these decisions will cost us about $25,000,000. And the decisions have also cost the States a great deal of money.

It is certainly unfair to permit all these taxpayers who set up trusts prior to 1931 to escape their fair burden of the Federal estate tax. Indeed, we even considered taxing these trusts by levying a tax upon the receipt by the beneficiaries of the trust property when the trusts were terminated and the beneficiaries came into possession and enjoyment. But the Supreme Court has now held that to impose a tax upon the coming into possession and enjoyment of property—the right to which was fully vested prior to the enactment of taxing statute is in violation of the due-process clause (*Coolidge* v. *Long*, 282 U. S. 582). And this conclusion was reached in spite of the fact that the Court had upheld such a tax under the Civil War Acts (*Clapp* v. *Mason*, 94 U. S. 589; *Wright* v. *Blakeslee*, 101 U. S. 174). This was also true in the case of *Cahn* v. *Brewster* (203 U. S. 543), involving a Louisiana inheritance tax. Sir, had we not the same Constitution then as we have today? There is nothing in the Constitution which prevents us from reaching out and subjecting these trusts to their proper share of taxation. This decision only confirms the opinion that it is not the Constitution but the Court that needs mending.

GIFT TAXES

The Supreme Court denied the power of Congress to make the gift-tax provisions of the Revenue Act of 1924 retroactive. Under the act of 1924 we taxed all gifts made during the calendar year 1924, although the act was not passed until June 2, 1924. This short retroactive period was thought necessary to forestall tax evaders who should hurry their gifts to beat the enactment date of the bill. This, sir, is usual practice by the British Parliament to prevent tax evasion. Certainly there is no prohibition of retroactive legislation in the Constitution.

In the first case involving this question the gift was made in January 1924 (*Blodgett* v. *Holden*, 275 U. S. 142). In the second case (*Untermeyer* v. *Anderson*, 276 U. S. 440) the gift was made in May 1924, when the revenue bill of 1924 had passed both Houses and was before the conferees to iron out the differences between the two Houses. By these decisions holding it was unconstitutional to tax gifts made before the passage of the act the Court played into the hands of the tax dodgers, who, in anticipation of a gift tax, made gifts before the bill of 1924 was enacted into law. As a result of these decisions, whenever the Government wants to impose an excise tax for the first time it cannot apply it to transactions made prior to the date the bill becomes law. This is directly contrary to decisions of the Supreme Court in the past, which, as pointed out by Mr. Justice Brandeis in his dissenting opinion, have frequently sustained retroactive excises. And these decisions caused the Government to lose three and one-half million dollars in revenue and will undoubtedly cause a further loss of revenue in the future.

APPENDIX E

ESTATE TAXES

In the estate-tax field the Supreme Court has carried its policy of favoring the form rather than the substance to the utmost extreme. Its unwillingness to consider the practical result of tax transactions has cost the Government millions of dollars.

(a) Exemption of real estate from Federal estate tax.

The first case I wish to discuss under the estate tax is that of *Crooks* v. *Harrelson* (282 U. S. 55), in which the Supreme Court held that unless real estate was subject to the expenses of administration of a decedent's estate it was not includible in the gross estate for Federal estate-tax purposes. This conclusion was based upon the Court's interpretation of the Revenue Act of 1918, which subjected to the Federal estate tax property of a decedent which was subject "to the payment of the charges against his estate and the expenses of its administration." The Court held that if by State law an interest in real estate is not subject to the expenses of administration (although it is subject to charges against the

estate), it forms no part of the gross estate for purposes of the Federal estate tax. This result was reached by construing the word "and" in the Federal act in the conjunctive, thereby holding that the property to be taxable must be subject both to (1) expenses of administration and (2) charges against the estate. As under the common-law rule, which is still in effect in many States, real estate cannot be sold to pay expenses of administration, this decision had the effect of setting up some exceptional common law to exempt many wealthy estates of any Federal estate tax at all on their real property. And there was no sound basis for such a technical construction of the word "and." It led to absurd results, which could not have been imputed to the Congress. Moreover, the word "and" has frequently been construed in the disjunctive by the courts when a contrary conclusion would lead to absurd results. In construing a statute prohibiting the importation and migration of foreigners and aliens under contract to perform labor in the United States the Supreme Court did not hesitate to ignore the express language of the statute and hold that it did not apply to the employment by a church of a rector or minister, because legislative history clearly showed that the statute was not intended to reach a case of this kind (*Holy Trinity Church* v. *United States*, 143 U. S. 457). We have revised our estate-tax statute to meet the hair-splitting interpretation of the Supreme Court in the Revenue Act of 1926, but this decision cost the Federal taxpayers at least $5,000,000, and would have cost a great deal more, if it had not been for the running of the statute of limitations.

APPENDIX F

ESTATE-TAX DECISIONS OF 1935

A series of cases decided on November 1, 1935, demonstrates further what an impractical mind the majority of the Court has in dealing with taxation, which is an eminently practical matter.

First, let us consider the case of *White* v. *Poor* (296 U. S. 98). We have a provision in the estate-tax law requiring the inclusion in the gross estate of a decedent, property transferred in trust, if the enjoyment of such property was subject at the date of the decedent's death to any change through the exercise of a power, either by the decedent alone (or in conjunction with any person) to alter, amend, or revoke. In the case before the Court a widow set up a trust for herself and children. The property was conveyed to three trustees, consisting of herself, her son, and a third person not connected with the family. The trust was to terminate upon the death of the last survivor. The trustees could also terminate the trust at any time by agreement, and under the trust instrument they could also fill vacancies in their ranks. After the trust was created the decedent resigned as trustee and a new trustee was appointed in her stead. A year later this new trustee resigned and the remaining trustees appointed the widow, so that at the time of the widow's death she was a trustee and therefore had the power with the other trustees to terminate the trust on the date of her death. However, the Court reasoned that the power to terminate the trust was acquired solely by the action of the other trustees and "not in any sense by virtue of any power reserved to herself as settlor in the original declaration of trust." Therefore the Court held that this trust could not be taxed as part of the widow's estate. Under this decision a grantor could escape any estate tax on trust property by giving the power to terminate to carefully selected trustees, who by rearrangement could later appoint him as trustee.

Next, let us consider the case of *Helvering* v. *St. Louis Union Trust Co.* (296 U. S. 39). This was another family trust. A father conveyed property in trust to pay the income to his daughter during life with remainder over to persons named. If the daughter died before the father, the trust property was to be transferred back to the father, to be his absolutely. The Court held that this trust was not includable in the father's gross estate at his death. In another case, *Becker* v. *St. Louis Union Trust Co.* (296 U. S. 48), the facts were essentially the same, except that the grantor appointed himself as trustee. The Court in this last case held that the effect was no different than if the trustee had been another person and therefore held this trust property also not subject to the estate tax. Both cases were 5-to-4 decisions, the Chief Justice, Mr. Justice Brandeis, Mr. Justice Stone, and Mr. Justice Cardozo all dissenting. Mr. Justice Stone explained the views of the minority in his dissent in the St. Louis Trust Co. I quote the following from Mr. Stone's opinion:

"It seems plain that the gift here was not complete until the decedent's death. He did not desire to make a complete gift. He wished to keep the property for himself in case he survived his daughter. He kept this hold upon it by reserving from his gift an interest terminable only at his death, by which full ownership would be restored to him if he survived his daughter. If he had reserved a power to revoke the trust, if he survived her, *Reinecke* v. *Northern Trust Co., supra*, would have made the gift taxable, as would *Klein* v. *United States, supra*, if he had reserved a remainder in himself with gift over, if he did not survive his daughter. Instead, by using a different form of words, he attained the same end and has escaped the tax.

"Having in mind the purpose of the statute and the breadth of its language, it would seem to be of no consequence what particular conveyancers' device—what particular string—the decedent selected to hold in suspense the ultimate disposition of his property until the moment of his death. In determining whether a taxable transfer becomes complete only at death we look to substance, not to form (*Klein* v. *United States, supra*, 284; *Chase National Bank* v. *United States*, 278 U. S. 327, 335; *Reinecke* v. *Northern Trust Co., supra*, 345; *Saltonstall* v. *Saltonstall*, 276 U. S. 260, 271). However we label the device, it is but a means by which the gift is rendered incomplete until the donor's death. The extent to which it is incomplete marks the extent of the 'interest' passing at death, which the statute taxes.

"The judgment should be reversed."

In other words, Mr. Justice Stone showed that under the majority opinion, merely by using a different form of words in the trust instrument, a person could escape the estate tax and yet have the same practical benefits. Thus, under the Court's decision, the same result could be obtained by either of two methods; but if one method was adopted, the trust was subject to the estate tax, whereas if the other method was adopted, the trust was exempt from the estate tax. Naturally all the wealthy taxpayers will choose the method which results in no estate tax. This is a striking example of the Court's effort to decide tax cases on the basis of the form of the transaction selected by the tax dodger rather than the substance.

The Court's decisions preventing us from subjecting transfers made before the enactment of the statute has greatly handicapped us in our collection of the Federal estate tax. Where these transfers are mere substitutes for testamentary dispositions, and where, because of the decedent's death after the enactment of the taxing statute, the beneficiaries acquire certain benefits and rights to possession and enjoyment not heretofore had, it seems entirely constitutional for us to make the occasion for the accession of such rights a taxable one. But in *Schwab* v. *Doyle* (258 U. S. 529), the Court held that we could not subject to the estate tax transfers in contemplation of death made before the Revenue Act of 1916. And in *Nicols* v. *Coolidge* (274 U. S. 531) we were prevented by the Court from taxing property transferred in trust in 1907 but taking effect in possession and enjoyment after the enactment of our taxing statute. This was also held to be true in the case of Helvering against Helmholz, involving a family trust created in 1918. And the Court has also held that we cannot subject to the estate tax insurance taken out before the passage of the act, where the decedent could not change the beneficiary, although his death was the event which entitled the beneficiaries to the proceeds (*Bingham* v. *U. S.*, 296 U. S. 212).

All of these cases considered together has cost the Government about $25,000,000. And they clearly show that the Court is indulging in legal fictions and niceties and not looking to the actualities in rendering its decisions. I have already considered the community-property income-tax decisions. The same result was reached by the Court in the estate-tax case (*U. S.* v. *Malcolm*, 282 U. S. 792). In spite of the fact that in the community-property States, the wife, upon the death of the husband, acquires the right to manage, control, and dispose of the portion of the community property, in which prior to death she had a mere naked legal title, the Court has refused us the right to subject this property to the estate tax, even though it was acquired through the sole efforts of the husband, and he had control of it up to the date of his death.

APPENDIX G

STATE TAXATION—FEDERAL COURT FRUSTRATION

It is impossible here to enumerate all of the instances in which the Supreme Court has arbitrarily interfered with the right of the States to levy taxes for the support of their governments. Here are a few of the cases:

Massachusetts under its general income-tax law taxed royalties received from copyrights granted by the United States. Although these royalties inured entirely to the benefit of the recipient, a private party, and not to the benefit of the United States, the Supreme Court held that Massachusetts had no right to tax such royalties on the ground that the copyright was granted by the Federal Government (*Long* v. *Rockwood*, 277 U. S. 142). However, New York under its general income-tax law taxed royalties from the use of patent rights granted by the United States. When the New York case was heard, the Court was forced to admit that its reasoning in the Massachusetts case was faulty, for while the copyright or patent was granted by the Federal Government, it was exercised by the owner not in performing a function of government, but for his own personal gain and profit. So the Court not only upheld the right of New York to tax the income from patents granted by the Federal Government but expressly overruled its decision denying the right of Massachusetts to subject to its income-tax royalties received from copyrights granted by the United States (*Fox Films Corporation* v. *Doyle*, 286 U. S. 106). Wisconsin in imposing its income tax, classified "a husband and wife" together and required them to file a joint return for income-tax purposes and levied an income tax graduated for surtax purposes upon their combined incomes shown in such return. Although the Supreme Court has held that it is a reasonable classification to treat husband and wife as a unit for the purpose of allowing them a larger exemption from the income tax than that accorded single persons (*Brushaber* v. *Union Pacific Railroad Co.*, 240 U. S. 1), it held the Wisconsin statute arbitrary and capricious in treating them as a unit for the purpose of levying surtaxes. It is hard to see why, if they can be classified for exemption purposes, they cannot also be classified for the purpose of imposing surtaxes. But the Court held otherwise (*Hoeper* v. *Wisconsin Tax Commission*, 284 U. S. 206). Vermont under the Income and Franchise Act of 1931, to encourage the making of loans within

the State, taxed loans made by Vermont citizens outside the State and exempted loans made within the State. The Supreme Court held this provision unconstitutional as a violation of the fourteenth amendment. Mr. Justice Stone in a dissenting opinion, concurred in by Mr. Justice Brandeis and Mr. Justice Cardozo, said:

"All taxes must of necessity be levied by general rules capable of practical administration. In drawing the line between the taxed and the untaxed, the equal-protection clause does not command the impossible or the impractical. Unless the line which the State draws is so wide of the mark as palpably to have no reasonable relation to the legitimate end, it is not for the judicial power to reject it and say that another must be substituted (*Citizens' Telephone Co.* v. *Fuller*, supra, 329; *Miller* v. *Wilson*, 236 U. S. 373, 384; *Clark* v. *Titusville*, 184 U. S. 329, 331; *Metropolis Theatre Co.* v. *Chicago*, 228 U. S. 61, 69, 79; see also *Salomon* v. *Tax Commission*, 278 U. S. 484; *McCray* v. *United States*, 195 U. S. 27; *Quong Wing* v. *Kirkendall, supra; Bell's Gap R. Co.* v. *Pennsylvania*, 134 U. S. 232, 237).

"As the purpose of the exemption appears to be to encourage the lending of money within Vermont by its residents at low rates of interest, and as it appears reasonably calculated to have that effect, and as we cannot say that such loans will not be of benefit to the State by tending to establish the interest rate at 5 percent or less, and by stimulating loans to borrowers for the purpose of carrying on business and industry within the State, the conclusion seems inescapable that the equal-protection clause does not forbid it."

And then concludes:

"If the exemption does not merit condemnation as a denial of the equal protection which the fourteenth amendment extends to every person, nothing can be added to the vehemence or effectiveness of the denunciation by invoking the command of the privileges and immunities clause."

Massachusetts levied an excise tax on corporations doing business within the State measured by the net income from all sources. The Supreme Court held that Massachusetts had no right under such a statute to include as a measure of the tax income from Federal securities, because a prior statute on the same subject expressly exempted them (*Macallen Co.* v. *Massachusetts*, 279 U. S. 620). New York also levied an excise tax on corporations, doing business within that State, measured by the net income from all sources. The Supreme Court, in *Educational Films Corporation of America* v. *Ward* (282 U. S. 379), held that New York, under its statute, had a right to include as a measure of its tax the income from Federal securities, claiming that the New York statute, unlike the Massachusetts statute, was not aiming directly at Federal securities. California, in its constitution, had a provision prohibiting the taxation of income from tax-exempt securities. By a constitutional amendment this provision was repealed, and California then enacted a statute taxing corporations doing business within the State, measured by the net income of the corporation from all sources.

The Supreme Court held that California had a right under this statute to include in the measure of the tax the income of the corporation from Federal securities (*Pacific Co.* v. *Johnson*, 285 U. S. 480). And yet the only practical difference between the situation in Massachusetts and California was that Massachusetts repealed a statutory provision preventing the taxation of the income from Federal securities, while California removed a similar provision from its constitution by a constitutional amendment. This is certainly a distinction without a difference. And speaking of tax-exempt securities, I wish to bring out what the Supreme Court did to a tax on net worth levied by the State of Missouri on insurance companies. In arriving at net worth the State statute as construed by its highest court required the companies' liabilities to be reduced by the proportion that the value of their tax-exempt securities bore to the total assets. In other words, the statute prorated the liabilities of the company between its taxable and nontaxable assets, and only allowed that portion of the liabilities attributable to the taxable assets to be used in computing net worth. This seemed a fair method, since there is no way of ascertaining whether the liabilities of such companies will be satisfied out of taxable or nontaxable property. But the Supreme Court, in *Missouri* v. *Gehner*, held this statute invalid (281 U. S. 313), stating that none of the liabilities could be deemed to be paid out of the Federal securities, otherwise there would be discrimination against Federal securities. Mr. Justice Stone, in an opinion concurred in by Mr. Justice Holmes and Mr. Justice Brandeis, explains the absurdity of the majority opinion, as follows:

"To state the problem now presented in its simplest concrete form, if an insurance company has policy liabilities of $100,000, $100,000 of taxable personal property, and $100,000 of Government bonds, its net assets would be $100,000. Under the statute of Missouri taxing net assets, as applied by the State court, one-half of this net worth, or $50,000, would be subject to the tax, since one-half of its entire property consists of taxable assets, and so contributes one-half of the net. Under the decision of this Court the company would go tax free on the theory that the Constitution requires that in ascertaining the taxable net worth tax-exempt bonds must be excluded from the computation as though they were not liable for the debts of the taxpayer.

"That conclusion appears to me to open a new and hitherto unsuspected field of operation for the immunity from taxation enjoyed by National and State securities as instrumentalities of government, and to accord to their owners a privilege which is not justified by anything that has been decided or said by this Court."

And in a whimsical decision by Mr. Justice Roberts, a Kentucky statute imposing a graduated gross sales tax was held unconstitutional (*Stewart Dry Goods Co.* v. *Lewis*, 294 U. S. 550). Under the statute the rate of tax was stepped up according to the amount of sales. The decision is so far reaching in its effect that it has placed in jeopardy many of the graduated gross sales or gross income taxes of the various States. It was because of this decision that the Supreme Court held unconstitutional, in a per curiam opinion of November 9, 1936, the Iowa Chain Store Act of 1935, imposing a tax on gross receipts from sales, according to an accumulated graduated scale. And it was only by a bare majority that the Supreme Court upheld a State chain-store tax graduated according to the number of stores within the State (*Commissioners* v. *Jackson*, 283 U. S. 527). In the minority opinion to the *Stewart Dry Goods Co. case*, written by Justice Cardozo and concurred in by Mr. Justice Brandeis and Mr. Justice Stone, it was pointed out that under the majority opinion a tax upon gross sales, if laid upon a graduated basis, is always and inevitably a denial of the equal protection of the laws, no matter how slight the gradient or how moderate the rate of tax, and concluded that the statute was not arbitrary, stating, "It is not the function of the Court to make itself the arbiter between competing economic theories professed by honest men on grounds not wholly frivolous." And to cap the climax, the Supreme Court, in an opinion by Mr. Justice Butler in *Great Northern Railway* v. *Weeks* (297 U. S. 137), even questioned as arbitrary an assessment by the North Dakota State Equalization Board as to the value for tax purposes of certain railway property. In a dissenting opinion by Mr. Justice Stone, concurred in by Mr. Justice Cardozo and Mr. Justice Brandeis, it was pointed out that the decision of the majority was not based upon any discrimination in the valuation of the railroad's property as compared with that of other property in the State. And it was stated that the majority decision rested on the single ground that the tax was excessive. He said:

"The feature of the decision which is especially a matter of concern is that for the first time this Court is setting aside a tax as a violation of the fourteenth amendment on the ground that the assessment on which it is computed is too high, without any showing that the assessment is discriminatory or that petitioner is in any way bearing an undue share of the tax burden imposed on all property owners in the State."

And then goes on to state:

"Even if the valuation of the board be erroneous, the errors of a State judicial officer, however gross, whether of law or of fact, are not violations of the Constitution and are not open to review in the Federal courts merely because they are errors. If overvaluation, even though gross or intentional, were, without more, held to infringe the fourteenth amendment, every taxpayer would be at liberty to ask the Federal courts to review a State tax assessment upon the bare allegation that it is grossly excessive, and without showing that it does more than subject him to taxation on the same basis as every other taxpayer.

"It has long been recognized that discrimination between taxpayers, if intentional or so persistent as to be systematic, is a denial of equal protection, whether the discrimination is in the application of different rates to property in the same class or in inequality in its valuation (*Iowa-Des Moines Bank* v. *Bennett*, 284 U. S. 239, 245; *Cumberland Coal Co.* v. *Board of Review*, 284 U. S. 23, 25ff; *Chicago G. W. Ry. Co.* v. *Kendall*, 266 U. S. 94, 98, 99; *Sioux City Bridge Co.* v. *Dakota County*, 260 U. S. 441, 445; *Raymond* v. *Chicago Traction Co.*, 207 U. S. 20, 37). But to hold that a tax is unconstitutional because based upon an assessment which is too high, as compared with the value of the same property for purposes of condemnation, overlooks the principle upon which property taxes are laid and collected. Taxation is but a method of raising revenue to defray the expenses of government and of distributing the burden among those who must bear it. The taxpayer cannot complain of the tax burden which he has to bear who shows no inequality in the application of it. And plainly, he does not show inequality merely by proving that the valuation of his property for taxation is much higher than its market or its condemnation value.

"The burden of a property tax like the present is distributed by applying a rate of tax to the assessed valuation of all taxable property. Variation of either without discrimination affects the amount of the tax but not the equality of its distribution. The activities and expenses of government, over which the State has plenary control, do not cease in time of depression. They may increase. The State may meet those expenses by raising the valuation of taxable property, or by raising tax rates, or both, without infringing any constitutional immunity. Here the State, so far as appears, is raising the needed revenue and distributing the burden as in previous years, by continuing old valuations. However high those valuations may be, if not discriminatory, they impose no unequal share of the tax burden on petitioner and cannot be said to be arbitrary or oppressive in the constitutional sense."

APPENDIX H

LOSSES ON SURTAXES CAUSED BY COURT'S DECISION EXEMPTING STOCK DIVIDENDS

The estimate of $1,300,000,000 was based upon the amount of corporate earnings withheld from the stockholders for 1936. I quote the following from the statement of Secretary Morgenthau, appearing on page 4 of the Senate Finance Committee hearings of the revenue bill of 1936:

"The Department has also estimated that under the present law more than four and one-half billion dollars of corporation income

in the calendar year 1936 will be withheld from stockholders and that, if this income were fully distributed to the individual owners of the stocks represented in those corporations, the resultant yield in additional income taxes would be about $1,300,000,000."

In arriving at such loss of revenue, which would occur either from a 100-percent distribution of dividends or by requiring stockholders to report in their individual returns their pro-rata share of the net earnings of the corporations, whether distributed or not, it was necessary for the Treasury to estimate the individual income-tax brackets into which such earnings, if distributed, would fall. It appears that the Treasury has a record for the latest available year showing the number of individuals who actually received dividends and the income brackets in which they fall. Each year when the Budget estimate is prepared the Treasury has to estimate the various sources of income to individuals—that is, wages, salaries, rents, royalties, dividends, capital gains, etc. Therefore, the only new factor involved in this estimate of $1,300,000,000 was in estimating the total amount of corporate income. The Treasury contends that from this data they can secure a pretty good picture in what brackets these earnings will fall.

Stock dividends: Congress attempted to tax stock dividends under the broad definition of income under the Revenue Act of 1913. The Supreme Court, in *Towne v. Eisner*, held that this broad definition of income did not embrace stock dividends. In the Revenue Act of 1916 Congress specifically provided that "a stock dividend shall be considered income to the amount of its cash value." The Supreme Court, in *Eisner v. Macomber*, decided March 8, 1920, held that this provision was unconstitutional, because stock dividends were not income under the Constitution. As a result of this decision Congress, in the Revenue Act of 1921 and subsequent acts, has specifically provided that stock dividends shall not be subject to tax. In our Revenue Act of 1936 we changed the law by providing that stock dividends shall be taxable as income to the extent they represent income under the Constitution.

EXTENSION OF REMARKS

Mr. KELLER. Mr. Speaker, I ask unanimous consent to add to my address delivered here on June 8 on the question of tax dodging.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. LUECKE of Michigan, for 6 legislative days, on account of important business.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 2901. An act to extend the benefits of the Civil Service Retirement Act of May 29, 1930, as amended, to certain employees in the legislative and judicial branches of the Government;

H. R. 6287. An act to amend Public Act No. 467, Seventy-third Congress, entitled "Federal Credit Union Act"; and

H. R. 6737. An act to amend the stamp provisions of the Bottling in Bond Act.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 2901. An act to extend the benefits of the Civil Service Retirement Act of May 29, 1930, as amended, to certain employees in the legislative and judicial branches of the Government;

H. R. 6287. An act to amend Public, No. 467, Seventy-third Congress, entitled "Federal Credit Union Act"; and

H. R. 6737. An act to amend the stamp provisions of the Bottling in Bond Act.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House, pursuant to its previous order, adjourned until Thursday, July 8, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, July 7, 1937, at 10 a. m., on H. R. 7158, to except yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended.

COMMITTEE ON NAVAL AFFAIRS

The following is the schedule for Naval Affairs Committee for this week:

Wednesday, July 7, 1937, at 10:30 a. m., the full committee will hold open hearings on S. 2521, to authorize the assignment of officers of the line of the Marine Corps to staff duty only as assistant quartermasters and assistant paymasters, and for other purposes.

Thursday, July 8, 1937, at 10:30 a. m., open hearings on S. 1131, to amend the part of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 4, 1920, relating to the conservation, care, custody, protection, and operation of the naval petroleum and oil-shale reserves.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE—POSTPONED

The meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Wednesday, July 7, 1937, on H. R. 5182 and H. R. 6917—textile bills—is postponed until 10 a. m., Thursday, July 8, 1937.

There will be a meeting of the Subcommittee on Cancer of the Committee on Interstate and Foreign Commerce, at 10 a. m., Thursday, July 8, 1937. Business to be considered: Joint hearing on the cancer bills. Hearing to be held in the Senate Commerce Committee room, gallery floor of the Senate.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Tuesday, July 13, 1937, at 10:30 a. m., to begin hearings on H. R. 7365, a bill to provide for the regional conservation and development of the national resources, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

699. A letter from the Acting Secretary of the Interior, transmitting a draft of a proposed bill to authorize the Secretary of the Interior to relinquish in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., the interest in certain land acquired by the United States under the Federal reclamation laws; to the Committee on Indian Affairs.

700. A letter from the Acting Secretary of the Treasury, transmitting a proposed joint resolution to authorize the acceptance on behalf of the United States of certain bequests of James Reuel Smith, late of the city of Yonkers, State of New York; to the Committee on Ways and Means.

701. A letter from the Chairman of the Federal Deposit Insurance Corporation, transmitting a copy of the Annual Report of the Federal Deposit Insurance for the year ending December 31, 1936; to the Committee on Banking and Currency.

702. A letter from the Acting Comptroller General of the United States, transmitting a report and recommendation to the Congress concerning the claim of Leo L. Harrison; to the Committee on Claims.

703. A letter from the Acting Comptroller General of the United States, transmitting a report and recommendation to the Congress concerning the claim of Irvin H. Johnson; to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. ZIMMERMAN: Committee on Irrigation and Reclamation. S. 2681. An act to authorize the construction of

the Colorado-Big Thompson project as a Federal reclamation project; without amendment (Rept. No. 1180). Referred to the Committee of the Whole House on the state of the Union.

Mr. PETERSON of Florida: Committee on Merchant Marine and Fisheries. H. R. 6048. A bill to provide for the establishment of a Coast Guard station in the vicinity of Fort Myers, Fla.; without amendment (Rept. No. 1181). Referred to the Committee of the Whole House on the state of the Union.

Mr. BOYKIN: Committee on Merchant Marine and Fisheries. H. R. 6976. A bill to provide for the establishment of a Coast Guard station on the coast of Alabama at or near Dauphin Island, Ala.; without amendment (Rept. No. 1182). Referred to the Committee of the Whole House on the state of the Union.

Mr. GASQUE: Committee on Pensions. H. R. 7531. A bill to afford protection of pension benefits to peacetime veterans placed on the pension rolls after March 19, 1933, and for other purposes; without amendment (Rept. No. 1183). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 7611. A bill to adjust the pay of certain Coast Guard officers on the retired list who were retired because of physical disability originating in line of duty in time of war; without amendment (Rept. No. 1184). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLER: Committee on the Library. Senate Concurrent Resolution 10. Concurrent resolution accepting the statue of Gen. William Henry Harrison Beadle, to be placed in Statuary Hall; without amendment (Rept. No. 1185). Referred to the Committee of the Whole House on the state of the Union.

Mr. GASQUE: Committee on Pensions. H. R. 5787. A bill granting pensions and increases of pensions to certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes; with amendment (Rept. No. 1186). Referred to the Committee on the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 7747) granting an increase of pension to Jane A. Richardson, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TAYLOR of Colorado: A bill (H. R. 7764) to authorize the sale of surplus power developed under the Uncompahgre Valley reclamation project, Colorado; to the Committee on Irrigation and Reclamation.

By Mr. FRED M. VINSON: A bill (H. R. 7765) to reorganize the judicial branch of the Government; to the Committee on the Judiciary.

By Mr. CITRON: A bill (H. R. 7766) to declare Burr Creek, from Fairfield Avenue southward to Yacht Street in the city of Bridgeport, Conn., a nonnavigable stream; to the Committee on Interstate and Foreign Commerce.

By Mr. BEVERLY M. VINCENT: A bill (H. R. 7767) creating the Owensboro Bridge Commission, defining the authority, power, and duties of said commission and authorizing said commission and its successors and assigns to construct, maintain, and operate a bridge across the Ohio River at or near Owensboro, Ky.; to the Committee on Interstate and Foreign Commerce.

By Mr. CHURCH: A bill (H. R. 7768) to provide for the establishment of a Coast Guard station on the shore of Illinois at or near Waukegan Harbor, Waukegan, Lake County; to the Committee on Merchant Marine and Fisheries.

By Mr. WEARIN: A bill (H. R. 7769) to amend the Packers and Stockyards Act, 1921; to the Committee on Agriculture.

By Mr. BEITER: Resolution (H. Res. 268) to secure certain information for the House of Representatives from Federal Emergency Administration of Public Works; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LANZETTA: A bill (H. R. 7770) for the relief of Domenick Zucaro; to the Committee on Immigration and Naturalization.

By Mr. STACK: A bill (H. R. 7771) for the relief of Alice N. Boyle; to the Committee on Claims.

Also, a bill (H. R. 7772) granting a pension to Fannie Gauntlett; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2838. By Mr. CASE of South Dakota: Resolution adopted by the League of South Dakota Municipalities at their annual meeting, urging Federal aid for good roads and streets based on a matching with municipal government; to the Committee on Roads.

2839. By Mr. CURLEY: Petition of the New York County Lawyers Association, urging disapproval of Senate bill 1890, introduced by Senator Norris, in relation to the power of the Supreme Court to render judgment declaring any act of Congress invalid because it is unconstitutional, unless concurred in by more than two-thirds of the members of the Court; to the Committee on the Judiciary.

2840. Also, petition of the New York County Lawyers Association, urging disapproval of Senate bill 1400, introduced by Senator WHEELER, to transfer to the Interstate Commerce Commission the functions now being performed by the United States Maritime Commission; to the Committee on Interstate and Foreign Commerce.

2841. Also, petition of the Travelers Aid Society of Minneapolis, Minn., urging the passage of Senate Joint Resolution No. 85 to investigate the social and economic needs of laborers migrating across State lines; to the Committee on Labor.

2842. Also, petition of the New York County Lawyers Association, endorsing Senate bill 2226, introduced by Senator WHEELER, in regard to regulating interstate commerce in the products of child labor; to the Committee on Interstate and Foreign Commerce.

2843. Also, petition of the New York County Lawyers Association, New York, N. Y., urging disapproval of House Joint Resolution 303, introduced by Congressman CASE of South Dakota to prohibit the Supreme Court from declaring an act of Congress or the acts of State legislatures unconstitutional unless the decision is concurred in by two-thirds of the members of the Court; to the Committee on the Judiciary.

2844. Also, petition of the New York County Lawyers Association, New York, N. Y., urging disapproval of House Joint Resolution 307, seeking to bring about the retirement of all Federal judges at 70 years of age, and the prohibition against the United States Supreme Court declaring an act of Congress unconstitutional unless concurred in by seven Justices of that Court; to the Committee on the Judiciary.

2845. Also, petition of the New York County Lawyers Association, urging disapproval of House Joint Resolution 404, introduced by Congressman O'MALLEY, seeking to amend the Constitution of the United States by providing that any law held unconstitutional by the Supreme Court shall be valid if reenacted by Congress; to the Committee on the Judiciary.

2846. By Mr. JARRETT: Petition of citizens of Pleasantville, Pa., protesting against the Hill-Sheppard bill (H. R. 1954; S. 25); to the Committee on Military Affairs.

2847. By Mr. LUTHER A. JOHNSON: Petition of J. S. Herring, manager of Ideal Laboratories, Inc., Waxahachie, Tex., opposing House bill 7667, to impose an excise tax on blackstrap molasses; to the Committee on Ways and Means.

2848. By Mr. PFEIFER: Petition of the American Vault Co., Brooklyn, N. Y., concerning the Black-Connery bills; to the Committee on Labor.

2849. By the SPEAKER: Petition of the San Francisco Bay Area District Council, No. 2, San Francisco, Calif., with reference to carrying out the present Works Progress Administration program without any cuts in personnel; to the Committee on Labor.

2850. Also, petition of the Wisconsin Legislature, memorializing Congress to enact House bill 6092; to the Committee on Banking and Currency.

2851. Also, petition of the Common Council of the City of Detroit, memorializing the Congress to enact Senate bill 4424 and House bill 5033; to the Committee on Banking and Currency.

2852. Also, petition of the Board of Aldermen of the City of New York, memorializing the Congress to appropriate sufficient funds to maintain the Federal Works Progress Administration at its present level except for those privately reemployed; to the Committee on Appropriations.

2853. Also, petition of the Legislature of the State of Minnesota, memorializing the Congress to refrain from increasing the interest rate on loans made by the Farm Credit Administration; to the Committee on Agriculture.

SENATE

WEDNESDAY, JULY 7, 1937

(Legislative day of Tuesday, July 6, 1937)

The Senate met at 10 o'clock a. m., on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, July 6, 1937, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum, and ask for a roll call.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Hughes	Pepper
Andrews	Clark	Johnson, Calif.	Pittman
Ashurst	Connally	Johnson, Colo.	Pope
Austin	Copeland	King	Radcliffe
Bailey	Davis	La Follette	Reynolds
Bankhead	Dieterich	Lee	Robinson
Barkley	Duffy	Lewis	Schwartz
Berry	Ellender	Logan	Schwellenbach
Bilbo	Frazier	Lonergan	Sheppard
Black	George	Lundeen	Shipstead
Bone	Gerry	McAdoo	Stelwer
Borah	Gillette	McCarran	Thomas, Okla.
Bridges	Glass	McGill	Thomas, Utah
Brown, Mich.	Green	McKellar	Townsend
Brown, N. H.	Guffey	McNary	Truman
Bulkley	Hale	Minton	Tydings
Bulow	Harrison	Moore	Van Nuys
Burke	Hatch	Murray	Wagner
Byrd	Hayden	Neely	Walsh
Byrnes	Herring	Nye	Wheeler
Capper	Hitchcock	O'Mahoney	White
Caraway	Holt	Overton	

Mr. LEWIS. I announce the absence of the Senator from Connecticut [Mr. MALONEY], caused by illness.

The Senator from Ohio [Mr. DONAHEY], the Senator from Georgia [Mr. RUSSELL], the Senator from New Jersey [Mr. SMATHERS], and the Senator from South Carolina [Mr. SMITH] are detained from the Senate on important public business. I ask that this announcement stand of record for the day.

Mr. SCHWELLENBACH. I announce that the Senator from Nebraska [Mr. NORRIS] is detained from the Senate because of illness.

Mr. AUSTIN. I announce that my colleague the junior Senator from Vermont [Mr. GIBSON] is necessarily absent, and the Senator from Massachusetts [Mr. LODGE] is detained from the Senate by illness.

The PRESIDENT pro tempore. Eighty-seven Senators having answered to their names, a quorum is present.

PETITIONS

The PRESIDENT pro tempore laid before the Senate the petition of Adam Th. Drekolias, of Los Angeles, Calif., praying for the extension until October 12, 1954, of his patent (no. 1355656) issued October 12, 1920, on the "means of preventing the sinking of ships", which was referred to the Committee on Patents.

He also laid before the Senate resolutions adopted by the Northern California Newspaper Guild and the East Bay Union of Machinists, in the State of California, favoring the carrying out of the present W. P. A. program without personnel reductions and the making of further appropriations therefor when current appropriations become exhausted, which were ordered to lie on the table.

LOW-COST HOUSING

Mr. WAGNER presented a statement of the Brooklyn (N. Y.) Committee for Better Housing, endorsing the pending low-cost housing bill, which was referred to the Committee on Education and Labor.

He also presented resolutions adopted by the Detroit Boosters' Association, Locals Nos. 329 and 415, of the United Automobile Workers of America, Branch No. 4504 of the N. C. Zamfirescu, Branch No. 3 of the Communist Party, the Dom Polski Association, and the Renters' and Consumers' League, all of Detroit, and the Lithuanian Literary Club, of Hamtramck, all in the State of Michigan, favoring the prompt enactment of the pending low-cost housing bill, which were referred to the Committee on Education and Labor.

He also presented a resolution signed by C. C. Ward, publisher of the River Rouge Herald, of River Rouge (Detroit), Mich. (with text identical with that of the resolutions just above noted), which was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

Resolution for Wagner-Steagall housing bill addressed to Senator WAGNER and Congressman STEAGALL

Whereas there is an acute housing shortage in the city of Detroit that threatens the peace and welfare of the community; and

Whereas thousands of families are living in slum areas in homes unfit for human habitation; and

Whereas other thousands of families, in order to pay rents, have been forced to cut the food and necessities budget to the point that endangers the health and well-being of their children; and

Whereas slums are a breeding place of disease and crime and a menace to the health and safety of the city; and

Whereas slums constitute an unwarranted and unfair burden on the general taxpayer who has to pay for the excessive cost of city services in these areas which have a high percentage of tax delinquency; and

Whereas property owners are faced with depreciation of property values due to the encroachment of slums; and

Whereas private building enterprise cannot realize a reasonable and fair return on its investment in providing homes for families of an income of $1,000 or under; and

Whereas President Roosevelt estimates that one-third of the people of the United States are ill-housed, and this means that approximately 10,000,000 families live under conditions that endanger their lives and safety, and menace the well-being of all communities; and

Whereas public support of slum clearance and the rehousing of low-income wageworkers is rolling like a tidal wave across the country and all forces working for public housing—Federal, State, and municipal authorities, organized labor, the churches (Catholic, Protestant, and Jewish), civic and social agencies—are united in the belief that a plan for providing Federal assistance to local housing authorities must be adopted by the Congress in the present session; and

Whereas the Wagner-Steagall housing bill will meet these respective needs in providing homes, not below an accepted minimum standard, for families in the lower-income brackets who are not now able to secure decent, safe, and sanitary dwellings at rents they can afford to pay, a measure that is second to none in social importance, economic necessity, and the urgency of the people's need: And be it therefore

Resolved, That this organization go on record urging the Senate and the House of Representatives to enact this bill into law without delay: be it further

Resolved, That a copy of this resolution be sent to Senator WAGNER and Representative STEAGALL.

RIVER ROUGE HERALD,
River Rouge, Mich., and 423 Reid Building, Detroit, Mich.
C. C. WARD, *Publisher*.

REPORTS OF COMMITTEES

Mr. BROWN of Michigan, from the Committee on Claims, to which was referred the bill (S. 744) for the relief of Lulu M. Peiper, reported it with amendments and submitted a report (No. 874) thereon.

Mr. BULOW, from the Committee on Indian Affairs, to which was referred the bill (S. 2305) for the relief of William F. Kimball, reported it with an amendment and submitted a report (No. 875) thereon.

Mr. WHEELER, from the Committee on Indian Affairs, to which was referred the bill (S. 2372) for expenditure of funds for cooperation with the public-school board at Wolf Point, Mont., for completing the construction, extension, equipment, and improvement of a public-school building to be available to Indian children of the Fort Peck Indian Reservation, Mont., reported it without amendment and submitted a report (No. 876) thereon.

Mr. STEIWER, from the Committee on Indian Affairs, to which was referred the bill (S. 608) to authorize the leasing of certain Indian lands subject to the approval of the Secretary of the Interior, reported it with amendments and submitted a report (No. 877) thereon.

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 2263) providing for per-capita payments to the Seminole Indians in Oklahoma from funds standing to their credit in the Treasury, reported it without amendment and submitted a report (No. 878) thereon.

Mr. FRAZIER, from the Committee on Indian Affairs, to which was referred the bill (S. 1774) to authorize the purchase of certain lands adjacent to the Turtle Mountain Indian Agency in the State of North Dakota, reported it with an amendment and submitted a report (No. 880) thereon.

Mr. McCARRAN, from the Committee on the District of Columbia, to which was referred the bill (H. R. 7472) to provide additional revenue for the District of Columbia, and for other purposes, reported it with amendments and submitted a report (No. 879) thereon.

ENROLLED BILL PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on July 2, 1937, that committee presented to the President of the United States the enrolled bill (S. 2254) to amend section 460, chapter 44, title II, of the act entitled "An act to define and punish crimes in the District of Alaska and to provide a code of criminal procedure for said District", approved March 3, 1899, as amended.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The PRESIDENT pro tempore, as chairman of the Committee on Foreign Relations, reported favorably from that committee the following nominations:

George S. Messersmith, of Delaware, to be an Assistant Secretary of State;

Grenville T. Emmet, of New York, now Envoy Extraordinary and Minister Plenipotentiary to the Netherlands, to be Envoy Extraordinary and Minister Plenipotentiary to Austria, vice George S. Messersmith;

Wilbur J. Carr, of New York, now an Assistant Secretary of State, to be Envoy Extraordinary and Minister Plenipotentiary to Czechoslovakia, vice J. Butler Wright;

Jefferson Caffery, of Louisiana, now Ambassador Extraordinary and Plenipotentiary to Cuba, to be Ambassador Extraordinary and Plenipotentiary to Brazil, vice Hugh S. Gibson;

J. Butler Wright, of Wyoming, now Envoy Extraordinary and Minister Plenipotentiary to Czechoslovakia, to be Ambassador Extraordinary and Plenipotentiary to Cuba, vice Jefferson Caffery;

Hugh S. Gibson, of California, now Ambassador Extraordinary and Plenipotentiary to Brazil, to be Ambassador Extraordinary and Plenipotentiary to Belgium; also Envoy Extraordinary and Minister Plenipotentiary to Luxemburg, vice Dave Hennen Morris;

Ferdinand L. Mayer, of Indiana, now a Foreign Service officer of class 1 and counselor of Embassy at Berlin, Germany, to be Envoy Extraordinary and Minister Plenipotentiary to Haiti, vice George A. Gordon;

Leland Harrison, of Illinois, now Envoy Extraordinary and Minister Plenipotentiary to Rumania, to be Envoy Extraordinary and Minister Plenipotentiary to Switzerland, vice Hugh R. Wilson;

William E. Chapman, of Oklahoma, now a Foreign Service officer of class 5 and a consul, to be also a secretary in the Diplomatic Service; and

Ray Atherton, of Illinois, now a Foreign Service officer of class 1 and counselor of Embassy at London, England, to be Envoy Extraordinary and Minister Plenipotentiary to Bulgaria, vice Frederick A. Sterling.

Mr. McKELLAR, from the Committee on Appropriations, reported favorably the nomination of Fred G. Healy, of New Mexico, to be State administrator for New Mexico, in the Works Progress Administration, vice Lea Rowland.

The PRESIDENT pro tempore. The reports will be placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 2751) to authorize the transfer to the jurisdiction of the Secretary of the Treasury of portions of the property within the West Point Military Reservation, N. Y., for the construction thereon of certain public buildings, and for other purposes; to the Committee on Military Affairs.

By Mr. NEELY:

A bill (S. 2752) for the relief of Russell C. Cross; to the Committee on Naval Affairs.

A bill (S. 2753) granting an increase of pension to Hannah Gibbs; to the Committee on Pensions.

SAN FRANCISCO BAY EXPOSITION, 1939

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 88) providing for the participation of the United States in the world's fair to be held by the San Francisco Bay Exposition, Inc., in the city of San Francisco during the year 1939, and for other purposes, which was to strike out all after the resolving clause and insert:

That there is hereby established a Commission, to be known as the United States Golden Gate International Exposition Commission and to be composed of the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, three Members of the House to be appointed by the Speaker of the House of Representatives and three Members of the Senate to be appointed by the President of the Senate; which Commission shall serve without additional compensation and shall represent the United States in connection with the holding of a world's fair and celebration in the city of San Francisco during the year 1939.

SEC. 2. There shall be a United States Commissioner for the Golden Gate International Exposition, who shall be appointed by the President, and who shall receive compensation at the rate of $10,000 per annum, and one Assistant Commissioner for said Golden Gate International Exposition, who shall be appointed by the Commissioner with the advice and approval of the Commission herein designated and shall receive compensation not to exceed $7,500 per annum. The salary and expenses of the Commissioner, the Assistant Commissioner, and such staff as the Commission may require, shall be paid out of the funds authorized to be appropriated by this joint resolution, for such period prior to the opening of the Gold Gate International Exposition as the Commission may determine, for the duration of the Golden Gate International Exposition, and for not more than 6 months after the official closing thereof.

SEC. 3. The Commission shall prescribe the duties of the United States Commissioner and shall delegate such powers and functions to him as it shall deem advisable, in order that there may be exhibited at the Golden Gate International Exposition by the Government of the United States, its executive departments,

independent offices, and establishments, such articles and materials and documents and papers as may relate to the growth and development of civilization on the American continents and such as illustrate the function and administrative faculty of the Government in the advancement of industry, science, invention, agriculture, the arts, and peace, and demonstrating the historic growth and nature of American institutions, particularly as regards their adaptation to the needs of the people.

SEC. 4. In carrying out the purposes of this joint resolution, the Commission is authorized—

(a) To appoint, without regard to the civil-service laws and regulations and the Classification Act of 1923, as amended, such clerks, stenographers, and other assistants, and to engage by contract or otherwise such other services as may be necessary in connection with the performance of the functions of the Commission, including the preparation of exhibits plans: *Provided, however,* That for similar services the pay shall not be in excess of that provided by the Classification Act of 1923, as amended.

(b) To erect, on land owned by the city and county of San Francisco, such building or buildings, or other structures, and to provide for the landscaping of the site or sites thereof: *Provided,* That in the construction of buildings and exhibits requiring skilled and unskilled labor, the prevailing rate of wages, as provided in the act of March 3, 1931 (46 Stat. 1494), shall be paid; to rent such space in the District of Columbia or elsewhere, without regard to section 322 of the act of June 30, 1932 (47 Stat. 412), as the Commission may deem necessary; and to provide for the decoration and maintenance of buildings, structures, sites, and grounds during the period deemed necessary by the Commission.

(c) To use funds appropriated under authority of the joint resolution to pay salaries of employees of other Government agencies detailed or loaned for duty with the Commission at rates not in excess of the rates received in the agency from which detailed or loaned; to purchase books of reference, newspapers, and periodicals, payment for which, and for telephone service, rents, and similar items, may be made in advance; to purchase, hire, maintain, repair, and operate passenger-carrying vehicles for use of the Commissioner and Assistant Commissioner without regard to the statutory restrictions upon the price for new cars or the amounts which may be expended for maintenance, repair, and operation; to have printing and binding done elsewhere than at the Government Printing Office in the discretion of the Commission; to entertain distinguished guests; to provide for reimbursement of expenses of travel by airplane when deemed necessary notwithstanding the cost may exceed the cost by rail; to provide for insurance on privately owned exhibits loaned to the Commission; to purchase ice and drinking water for use in buildings and offices; to purchase uniforms for guards and attendants; and to incur such other expenses as may be deemed necessary to the fulfillment of the purposes of this joint resolution.

(d) To allot funds appropriated for the purposes of this resolution to any executive department, independent office, or establishment of the Government with the consent of the head thereof, for direct expenditure in executing the duties or functions delegated by the Commission.

(e) To delegate any of its powers and authority, in its discretion, and any power or authority vested in the Commissioner by this resolution or delegated to him may be delegated or subdelegated by him to the Assistant Commissioner or to any other person or persons in the employ of the Commission or detailed to it.

SEC. 5. The heads of the various executive departments and independent offices and establishments of the Government are authorized to cooperate with said Commissioner in the procurement, installation, and display of exhibits, and to lend to the San Francisco Bay Exposition, Inc., sponsors of the Golden Gate International Exposition, with the knowledge and consent of said Commissioner, such articles, specimens, and exhibits as said Commissioner shall deem to be in the interest of the United States and in keeping with the purposes of such world's fair and celebration, to be placed with the science or other exhibits to be shown under the auspices of such Golden Gate International Exposition, to appoint without regard to civil-service laws and regulations and the Classification Act of 1923, as amended, such draftsmen and other assistants as may be necessary, to contract for labor or other services as shall be deemed necessary, and to designate officials or employees of their departments or independent offices and establishments to assist said Commissioner. At the close of the world's fair, or when the connection of the Government of the United States therewith ceases, said Commissioner shall cause all such property to be returned to the respective departments and independent offices and establishments concerned, and any expenses incident to the restoration, modification, and revision of such property to a condition which will permit its use at subsequent expositions and fairs, and for the continued employment of personnel necessary to close out the fiscal and other records and prepare the required reports of the participating organizations, may be paid from the appropriation authorized herein; and if the return of such property is not feasible, he may, with the consent of the Commission and the departments or independent offices and establishments concerned, make such disposition thereof as he may deem advisable and account therefor.

SEC. 6. The sum of $1,500,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of this joint resolution, and shall remain available until expended; except that, upon the termination of the Commission, any unexpended or unobligated balances shall be covered back into the Treasury of the United States. And, subject to the provisions of this joint resolution, the Commission is authorized to erect, on land owned by the city and county of San Francisco, such building or buildings, or other structures, for its own use, and such other buildings and structures as will further the trade and good will between the United States and the other nations of the world, and to provide for the landscaping of the site or sites thereof; to rent such space without regard to the provisions of section 322 of the act of June 30, 1932 (47 Stat. 412), as the Commission may deem adequate to carry out effectively the provisions of this joint resolution; to provide for the decorations of such buildings or structures, and for the proper maintenance of such buildings or structures, sites, and grounds during the period deemed necessary by the Commission: *Provided,* That the facilities of the Public Buildings Branch, Procurement Division, Treasury Department, may be utilized in the preparation of plans, drawings, designs, specifications, and estimates, the execution of contracts, and the supervision of construction in connection with any buildings or structures erected for Federal exhibits and for other purposes: *Provided further,* That funds designated for the foregoing construction purposes may be available for transfer to and expenditure by the Procurement Division, Treasury Department, to the extent and at such time as may be deemed necessary by the Director of Procurement to permit him to carry out such work as the Commission shall deem advisable to be contracted for in that manner. The appropriation authorized by this joint resolution shall be available for the operation of the building or buildings, structure or structures, improvement or improvements, including light, heat, water, gas, maid, janitor, and other required services; for the rental of space in the District of Columbia or elsewhere; for the selection, purchase, preparation, assembling, transportation, installation, arrangement, repair, safekeeping, exhibition, demonstration, and return of such articles and materials as the Commission may decide shall be included in such Government exhibits and in the exhibits of the Golden Gate International Exposition; for the purchase of uniforms, for the compensation of said Commissioner, Assistant Commissioner, and other officers and employees of the Commission in the District of Columbia and elsewhere, for the payment of salaries of officers and employees of the Government employed by or detailed for duty with the Commission, for actual traveling expenses, including travel by air, water, and automobile, and for per diem in lieu of actual subsistence at not to exceed $5 per day: *Provided further,* That no Government official or employee detailed for duty with the Commission shall receive a salary in excess of the rate which he has been receiving in the department or branch where regularly employed, plus such reasonable allowance to officers and enlisted men of the armed forces for additional uniforms and equipment required by participation in the Golden Gate International Exposition, including alterations, laundering, cleaning, and pressing thereof, as deemed proper by the Commissioner; for telephone service, purchase or rental of furniture and equipment, stationery, and supplies, typewriting, adding, duplicating, and computing machines, their accessories and repairs, books of reference and periodicals, uniforms, maps, reports, documents, plans, specifications, manuscripts, newspapers, and all other appropriate publications, and ice and electric refrigeration and drinking water for office purposes: *Provided further,* That payment for telephone service, rents, subscriptions to newspapers and periodicals, and other similar purposes, may be made in advance; for the purchase and hire of passenger-carrying automobiles, their maintenance, repair, and operation, for the official use of said Commissioner and Assistant Commissioner in the District of Columbia or elsewhere as required; for printing and binding; for entertainment of distinguished visitors; and for all other expenses as may be deemed necessary by the Commission to fulfill properly the purposes of this joint resolution. All purchases, expenditures, and disbursements of any moneys made available by authority of this joint resolution shall be made under the direction of the Commission: *Provided further,* That the Commission, without release of responsibility, as hereinbefore stipulated, may delegate these powers and functions: *Provided further,* That the Commission or its delegated representatives may allot funds appropriated herein to any executive department, independent office, or establishment of the Government with the consent of the heads thereof, for direct expenditure by such executive department, independent office, or establishment, for the purpose of defraying any proper expenditure which may be incurred by such executive department, independent office, or establishment in executing the duties and functions delegated by the Commission. All accounts and vouchers covering expenditures shall be approved by said Commissioner or by such assistants as the Commission may designate, except for such allotments as may be made to the various executive departments, independent offices, and establishments for direct expenditure; but these provisions shall not be construed to waive the submission of accounts and vouchers to the General Accounting Office for audit, and permit any obligations to be incurred in excess of the amount authorized to be appropriated herein: *And provided further,* That in the construction of buildings and exhibits requiring skilled and unskilled labor, the prevailing rate of wages, as provided in the act of March 3, 1931, as amended, shall be paid. Subject to the provisions of this joint resolution, the Commission is authorized to make any expenditures or allotments deemed necessary by it to fulfill properly the purposes of this joint resolution.

SEC. 7. The Commissioner, with the approval of the Commission, may receive contributions from any source to aid in carrying out the purposes of this joint resolution, but such contributions shall be expended and accounted for in the same manner as the funds authorized to be appropriated by this joint resolution. The Commissioner is also authorized to receive contributions of material, or to borrow material or exhibits, and to accept the services of any skilled and unskilled labor that may be available through State or Federal relief organizations, to aid in carrying out the general purposes of this joint resolution. At the close of the world's fair and celebration or when the connection of the Government of the United States therewith ceases, the Commissioner shall dispose of any such portion of the material contributed as may be unused, and return such borrowed property; and, under the direction of the Commission, dispose of any buildings or structures which may have been constructed and account therefor: *Provided*, That all disposition of materials, property, buildings, and so forth, shall be at public sale to the highest bidder, and the proceeds thereof shall be covered into the Treasury of the United States: *Provided further*, That the Commission may, if it deems it desirable and in the public interest, transfer, with or without consideration, the title to the Federal Exhibits Building or buildings erected or constructed to the city and county of San Francisco.

The Commissioner, with the approval of the Commission and in cooperation with the Secretary of the Interior, may make provision for participation in the exposition by the Indian citizens of the United States. For this purpose the Commission may allot funds appropriated under authority of this joint resolution as may be necessary for the erection of buildings, the employment of supervisory and other personnel without regard to the civil-service laws and regulations and to fix their salaries in accordance with the Classification Act of 1923, as amended, and for all other expenses incident thereto, as the Commission shall deem advisable to be contracted for in that manner.

SEC. 8. It shall be the duty of the Commission to transmit to Congress, within 6 months after the close of the world's fair, a detailed statement of all expenditures, and such other reports as may be deemed proper, which reports shall be prepared and arranged with a view to concise statement and convenient reference. Upon the transmission of such report to Congress the Commission established by and all appointments made under the authority of this joint resolution shall terminate.

Mr. JOHNSON of California. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

SPEECHES BY AND EDITORIAL COMMENTS CONCERNING SENATOR ASHURST

[Mr. ASHURST asked and obtained leave to have printed in the RECORD sundry speeches made by him, letters written by him, and editorial comments concerning him, which will appear hereafter in the Appendix.]

THE LATE JUSTICE HOLMES—TRIBUTE BY WALTER LIPPMANN

[Mr. MCCARRAN asked and obtained leave to have printed in the RECORD a reprint in the Reader's Digest of July 1937 from an article published in the New York Herald Tribune, written by Walter Lippmann on the occasion of the resignation from the Supreme Court of Mr. Justice Holmes, which will appear hereafter in the Appendix.]

THE GREAT FILIBUSTER—ARTICLE BY WALTER LIPPMANN

[Mr. MCCARRAN asked and obtained leave to have printed in the RECORD an article by Walter Lippmann entitled "The Great Filibuster", published in the New York Herald Tribune of July 6, 1937, which appears in the Appendix.]

THE LABOR SITUATION—PHILADELPHIA INQUIRER EDITORIAL

[Mr. STEIWER asked and obtained leave to have printed in the RECORD an editorial from the Philadelphia Inquirer of the issue of Wednesday, June 30, 1937, on the subject of present labor conditions, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY

The Senate resumed consideration of the bill (S. 1392) to reorganize the judicial branch of the Government.

The PRESIDENT pro tempore. The pending question is on the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY] to the amendment in the nature of a substitute.

Mr. GUFFEY. Mr. President, as the subject of my remarks is largely historical, and, I hope, noncontroversial, I request that my colleagues do not interrupt me until I shall have concluded.

Mr. President, this is the age of political realism in the United States. The sham battles that enlivened the atmosphere and amused the spectators in the gay days which preceded the economic depression are a thing of the past. If the actors in the political drama are still unaware of that fact, the audience is not.

The time has arrived when something more than lip service is demanded of those who enlist under the banner of progressivism and liberalism. The people of this country are aroused. They are distrustful of leaders who say, "I am for judicial reform, but I dislike the President's method of accomplishing it." "I am for a bill establishing minimum wages and maximum hours, but I disagree with details of the administration's program." "I am for adequate farm-relief legislation and a decent income for farmers, but I disagree with many features of the administration policy." "I am for conservation and social security and all those things, but I think we ought to go slowly in writing them into law."

Mr. President, when a liberal puts the word "but" after his declaration of political faith it is prima-facie evidence either that he secretly believes in the philosophy of reactionary Bourbonism or else he lacks the courage of his own convictions. The test of office holding should no longer be what a man says he believes. The test should be what he actually does and how he votes.

It is not my purpose to warn my colleagues or to criticize their actions. The Democratic Party sits here today in overwhelming power because we went before the people and solemnly pledged ourselves to outlaw economic wrongs and injustices that have been rankling and festering for generations. For the first time in many years political promises were taken to have definite meaning. The voters in last November's election entrusted into our hands the solemn duty of giving legal and concrete form to the social and economic aspirations of the vast majority of American citizens.

This task lies ahead of us today. This task is bound up completely and inextricably in the current effort of the Democratic Party to transform the United States Supreme Court from a superlegislative body that is above and beyond the law into the kind of impartial tribunal for the adjudication of judicial disputes that it was originally intended to be.

It is futile for Senators to sit here legislating on the most vital aspects of social and economic conditions, if they know in their hearts that what is being done may be arbitrarily overturned by a few aged Justices who substitute their "own political predilections" for the Constitution of the country. This game of political blind man's bluff is about over.

There are persons who proclaim their belief in the purposes of the Roosevelt administration and who believe that the Supreme Court sometime ago set itself against the program of that administration, but who at the same time proclaim that it would be morally wrong to do anything about the Court. I frankly cannot understand such a position, whether it be taken by a Senator, a Member of the House of Representatives, or any other citizen.

Today the public expects something more than a mere recital of ideals and aspirations. The outstanding lesson to be learned from the events of the past few years is the fact that liberal and progressive forces of the Nation can write their program into law, if they stand shoulder to shoulder fighting for the principles in which they profess to believe. The people of progressive turn of mind are in the overwhelming majority in the country, and there is no reason why they should be in a minority here in the Congress of the United States.

The essence of democracy is majority rule. The American people, by a plurality never before equaled in our history, indicated that they desired the enactment of a program of social legislation to meet the conditions which exist today.

They did not ask Congress to think up a lot of legal quibbles and sophistries as to why this cannot be done or that cannot be done. They experienced too much of that type of negative statesmanship in the days of the unfortunate Mr. Hoover. What they want now is not someone to

tell them why this or that program cannot be enacted but to point out how it can be enacted. The people would like a demonstration of the fact that progressivism in politics means something more than a constant policy of obstruction and frustration.

In undertaking a discussion of President Roosevelt's program for judicial reform, the first thing to strike the attention is the effort being made by those who oppose social reform to paint the Supreme Court as a hallowed institution whose august members, endowed with qualities of mind almost supernatural, have found a way to distill the pure spirit of law free from the impurities and corrupting influence of bias, passion, or prejudice.

This erroneous myth is being nourished with painful and loving care in the hope that it may become implanted for all time to come as a sacred tradition in the consciousness of the American people. As a matter of concrete fact, nothing could be further from the truth. History shows conclusively that throughout most of its existence the Supreme Court has been enmeshed in partisan party politics, that throughout most of its history it has been openly hailed as the last bulwark of reaction, that its members frequently have been appointed for political considerations, and that this spirit of partisan politics has been very rampant in the present Court.

Unquestionably, the Court was conceived originally by the founding fathers as an institution to be composed of men whose outlook and motivations took root in the rich soil of national patriotism and whose zeal was to be directed to the promotion of even-handed justice and to the impartial interpretation of the Constitution. But in actual practice the Court has fallen woefully short of that idea. The very fact of this debate here today is sufficient evidence to prove that the Court has not played the role assigned to it.

If some of my colleagues are inclined to disagree, let me remind them that the most severe criticisms of the course pursued by the supreme tribunal have come from Senators who are now actively and heatedly opposing the Chief Executive's program of reform and reorganization.

In all the welter of words and arguments over this issue, let us never lose sight of the fundamental fact that this problem confronts us today because the Supreme Court of the United States has been partisan, prejudiced, and biased in denying workingmen and farmers their fundamental legal rights. That is the real core of the issue, and we may as well state that fact bluntly and boldly. Had the Justices been half as zealous in upholding the rights of the poor and lowly as they have been in protecting the property rights of the wealthy, this problem would not be resting on the doorstep of the President and Congress.

My recollections in politics go back a great many years—in fact from the time I was first old enough to listen and understand, it was my pleasure to hear my father and his friends earnestly discussing political happenings and events.

Although he never had studied law, my father was a keen student of public affairs and thoroughly versed in the history of the Supreme Court. His political philosophy consisted of a firm and unshaken belief in the deathless principles of true democracy. He never lost that faith.

My political education began so early that often the points at issue were beyond my comprehension, but I was always impressed by the fact that my father was convinced that the Supreme Court had been a partisan, political body almost from its inception. Time and again I recall hearing him inveigh against the crafty and cunning methods used by John Marshall to thwart and frustrate the democratic principles which were becoming the bedrock of Americanism during the administrations of Jefferson, Madison, and Monroe.

The annals of history bear out his contention that the Supreme Court was a partisan body. Whatever were the attainments of the illustrious John Marshall in molding the outlines of constitutional law, the record discloses beyond the possibility of doubt or cavil that when matters came before the Court clothed in the form of judicial questions but with a shadow of politics hovering close by, he was unable to divest himself of his political beliefs in rendering his decisions.

It was this spirit of partisanship which caused him to issue a subpena for President Jefferson in the trial of Aaron Burr, a subpena which Jefferson rightfully scorned and ignored. Even the most friendly biographers of Marshall agree that his action in that instance was a blemish on his legal career, and it induced Thomas Jefferson to say:

"His twistifications of the law in the case of Marbury, in that of Burr, and the late Yazoo case, show how dexterously he can reconcile law to his own personal biases."

Throughout its early history the Justices of the Supreme Court on occasion after occasion gave tangible proof of the fact that their thinking was tinged with partisan feeling that had its roots in party politics. A great many early members of the Court had an itch for political preferment, and they made no effort to conceal that fact from the public.

John Jay, the first Chief Justice, held that office and the office of Secretary of State simultaneously, and he ran for Governor of New York while still Chief Justice. Oliver Ellsworth was for over a year both Chief Justice and Minister to France.

Justice William Cushing ran for Governor of Massachusetts while he was still a member of the Court. Bushrod Washington, a nephew of George Washington, actively supported Charles C. Pinckney for President. John Marshall continued in office as Secretary of State for more than a month after his appointment and confirmation as Chief Justice, and signed his own commission as Chief Justice.

In point of fact, the Federal judiciary of a century and a quarter ago was so saturated with politics in the inexcusable sense that Congress, backed by weight of public opinion, finally found it necessary to act. One of the worst offenders was Judge Samuel Chase, who was given to passionate harangues from the bench on matters which did not even remotely concern the judicial problems which lay before him. In one of these vituperative outbursts, Chase allowed his Federalist views to carry him to the point of denouncing Congress and the universal suffrage act, which had only recently been passed in his own State of Maryland.

Congress took up the challenge. The House of Representatives voted the articles of impeachment; and, although the vote in the Senate lacked the necessary two-thirds for conviction, Chase and his associates were so humbled and sobered by his narrow escape that the Supreme Bench was relatively freed from politics for years afterward. This purging of the judiciary was brought about by the courageous actions of President Jefferson and his supporters in Congress, and not by a realization by the members of the Court themselves that they had been offending against the ethics of the positions which they occupied.

To those of you who are inclined to believe in the theory that history repeats itself, what happened under Thomas Jefferson in regard to the Supreme Court is a fitting parallel for what is happening today. Once again, unfortunately, we have Justices on the bench who are far more concerned with the propagation of their own political views than they are with the scrupulous interpretation of the organic law of the land, and once again we have a Chief Executive who has the courage to challenge and condemn that partisanship.

In view of recent Court decisions, I think every Senator will agree that President Roosevelt has been as successful as his illustrious predecessor, Mr. Jefferson, in changing the habits of Supreme Court thought.

After the scare given the august members of the Supreme Tribunal by Mr. Jefferson and his supporters, the Federal judiciary was relatively free from partisanship for nearly half a century. The idea that the courts were to stand forth openly as the last bulwark of reactionary political thinking had been shot away by the stern action taken in the Chase case.

Even John Marshall was so deeply impressed by the determination of Congress and the people to uproot the evil

of judicial partisanship that he suggested that a better method than impeachment might be the adoption of legislative review of unsound decisions. He said:

"A reversal of those legal opinions deemed unsound by the legislature would certainly better comport with the mildness of our character than a removal of the judge who has rendered them unknowing of his fault."

The action taken by the Supreme Court in the Dred Scott case has become such an integral part of American history that the facts, and their significance in influencing what came after, are familiar to all. Time and conditions had changed, the Nation was agitated by vexing and complex issues of a profound nature, and the political alignments of the day bore little resemblance to what they did in Jefferson's time. It may be easy to concede that Chief Justice Taney and his Associate Justices were honestly motivated by a sincere desire to remove the menacing issue of slavery, once and for all, from the political scene by rendering a decision that would be accepted as final by all factions and all sections.

Whatever their motives, the Supreme Court Justices in the Dred Scott case dipped deeply into partisan politics, and the appalling catastrophe which soon followed was due in great measure to the arbitrary action taken by the Court. The facts show that the lower Federal courts first disposed of the case on grounds which were in no way related to the constitutionality of the Missouri Compromise. The Supreme Court at first decided to uphold the decision of the lower court and instructed Justice Nelson to write the opinion.

Later Chief Justice Taney decided to adopt a different attitude, to enlarge the scope of the case, and, as he expressed it, to "quiet all agitation on the question of slavery in the Territories."

The fact that President Buchanan was informed in advance of the Court's intention to pass upon the legality of the Missouri Compromise and other related questions has now been fully revealed. There is also available to students and researchers sufficient documentary evidence to show the strong undercurrents of partisan feeling that were at play beneath the surface as Justices on each side of the question maneuvered to advance their own beliefs. The legal problems involved were thus swallowed up in the larger issue of politics. So it was, as in all other instances where the supreme tribunal has confused politics with the law, nothing tangible was gained either for the Court or for the country, and the net result was, in the opinion of many, a severe loss in the dignity and prestige of the Court.

In this connection it is interesting to note that the Dred Scott case was the first in which the Supreme Court had possessed the hardihood to declare an act of Congress unconstitutional since the House of Representatives had voted the impeachment of Judge Chase over 50 years before. Apparently the lesson had been well learned.

It is interesting to note also that the Dred Scott case was omitted from the list published on the occasion of the centenary of the Court which enumerated the cases in which the Supreme Court is regarded as having declared a law of Congress unconstitutional.

The attitude of Abraham Lincoln toward the Supreme Court, especially when he thought that tribunal was stepping outside its powers to interfere with the proper conduct of the war, is so well known that there is no occasion for repetition on my part. The fact that on at least one occasion he defied a ruling of the Court is generally known; but I wish to pause long enough to give one quotation from Mr. Lincoln which should be of particular interest in view of the present controversy over Mr. Roosevelt's proposal to enlarge the membership of the Court.

George S. Boutwell, of Massachusetts, attributes Lincoln as stating at the time Salmon P. Chase, then Secretary of the Treasury, was being mentioned for appointment to the Chief Justiceship:

There are three reasons in favor of his appointment and one very strong reason against it. First, he occupies the largest place in the public mind in connection with the office. Then we wish for a Chief Justice who will sustain what has been done in regard to emancipation and the legal tenders.

We cannot ask a man what he will do, and if we should and he should answer us, we should despise him for it. Therefore, we must take a man whose opinions are known. But there is one very strong reason against his appointment. He is a candidate for President, and if he does not give up that idea it will be very bad for him and very bad for me.

I hope my colleagues noted that Mr. Lincoln, a profound believer in the American system and a patriot of the deepest convictions, considered it both honorable and necessary to appoint Supreme Court Justices whose views on vital questions before the Court were known to be favorable to the acts of his administration. In view of the abuse that has been hurled at Mr. Roosevelt on the ground that he might presumably name judges who looked with sympathy on the aims of his administration, I wonder what these eminent critics think of Mr. Lincoln, who went further in that respect than Mr. Roosevelt ever thought of going? Whatever the answer, the record is unmistakable that both Jefferson and Lincoln had no hesitancy in challenging the authority of the Court when they knew they were right.

The same is also true of President Theodore Roosevelt, as evidenced from the following quotations from his books Roosevelt's Progressive Principles and Roosevelt's Messages and Papers.

President Theodore Roosevelt, in speaking of a decision by the Court of Appeals of New York in the Employers' Liability case, said:

What is the result of this system of judicial nullification? * * * to any man with vision, to any man with broad and real social sympathies, to any man who believes with all his heart in this great democratic Republic of ours such a condition is intolerable. This is not government by the people, but mere sham government in which the will of the people is constantly defeated.

It is out of this experience that my remedy has come and let it be tried in this field. When, as the result of years of education and debate, a majority of the people have decided upon a remedy for an evil from which they suffer and have chosen a Legislature and Executive pledged to embody that remedy in law, and the law has been finally passed and approved, I regard it as monstrous that a bench of judges shall then say to the people, "You must begin all over again."

There are, however, some members of the judicial body who have lagged behind in their understanding of these great and vital changes in the body politic, whose minds have never been opened to the new applications of the old principles made necessary by the new conditions. Judges of this stamp do lasting harm by their decisions, because they convince poor men in need of protection that the courts of the land are profoundly ignorant of and out of sympathy with their needs, and profoundly indifferent or hostile to any proposed remedy.

Too often the facts indicate that men on the Supreme Bench have continued to nourish overweening political ambitions even while they were wearing the robes of office. That was true of at least one Chief Justice and one Associate Justice in the period after the Civil War, and it has likewise been true in the case of men occupying those exalted positions in our own time.

In fact, it is accurate and fair to state that the present period of the Supreme Court will go down in history as a time in which partisan politics played a role of great magnitude both in the Court's deliberations and in its decisions.

At this point I think it wise to point out that the foundations for a political court were deliberately laid by the Republican Party elders who ruled this country in the decade following the World War. For proof of that statement, it is necessary only to refer again to the letter written in 1920 by the late President William Howard Taft, and which was first made public in a radio address by our majority leader, the Senator from Arkansas [Mr. ROBINSON], a few weeks ago. Said Mr. Taft, in explaining why he was supporting the Republican candidate for President:

Take, for instance, the four places likely to be filled by Wilson's successor on the Supreme Court. Think of the danger of another Brandeis and Clark. The power and the usefulness of that Court would be broken down under such appointments if the majority of the Court were to be made up of them.

Mr. Taft stated the case as baldly as it could be stated. Unless the Court was packed with reactionaries who were in effect pledged to oppose every enlightened economic and social step taken by Congress, then the Court, to use his

words, would lose its power and influence. It will be noted that Mr. Taft was not concerned for a moment with the legal and constitutional aspects of such a question.

What happened? The Republican candidate, Mr. Harding, was elected and the Court was soundly and solidly packed by him to such an extent that legislation to protect the farmer and the workingman was doomed almost before it was passed.

That was the situation when Mr. Roosevelt came into office, carrying with him a mandate from the mass of American people to reestablish the principle of equal justice under majority rule. That is the condition which has existed almost to this hour. Until the last couple of months, the supreme political power in this country has been the Supreme Court of the United States, and its grip has been broken only by the courage and the single-minded purpose of President Franklin D. Roosevelt.

It is all very well for my colleagues to work themselves into a fury of indignation over Mr. Roosevelt's proposal to enlarge the Supreme Court. It is their privilege to view with alarm and to thunder from the mountain top that the stricken Republic will totter to its doom if any reorganization plan is enacted into law. It is their privilege to picture this issue as a struggle on their part to preserve unsullied and unharmed the springs and sources of judicial power. But I venture to predict that their naive view will find little support when the story of this era is written into history.

The men and women who look at this controversy with the proper degree of detachment will see this struggle for what it is—a contest for political power between two opposing groups whose political philosophies are diametrically opposed. Any man who contends that the Supreme Court itself has not indulged in politics in the last few months is either totally ignorant of what has happened or he has a childlike faith in human nature that is wholly out of place in the realistic sphere of public affairs.

The record now shows positively that until a few months ago a majority of the members of the Supreme Court of the United States were engaged in the dubious business of blocking the social-reform program of the Roosevelt administration.

We have already seen how the appointment of reactionary judges was a cardinal doctrine in the program of Republican leaders. We can trace the subsequent decisions of these judges on the bench, and we find that in almost every case their so-called judicial opinions were identical with their views on current political questions. In fact, the similarity is too glaring to pass for coincidence.

When opposing forces meet in human affairs, we naturally seek to appraise the leaders on either side. In the present instance, the leadership of President Roosevelt is so well understood by the American people, his purposes and his plans are put forth with such candor and frankness that there is no occasion for lengthy consideration of what his program means in terms of the common welfare. But there is ample reason for giving deep thought and consideration to the man who today leads the opposition party to the Roosevelt New Deal.

In appraising the judicial record of the present Chief Justice of the United States, it is appropriate to reexamine the acts of his public career and to determine whether his conduct on the bench has been in keeping with what might reasonably be expected of a man of his experience and background.

The first and most impressive thing to be noted in connection with Mr. Hughes is the fact that his background has been political throughout the major portion of his adult life. In fact, he was elevated to his present position of eminence on the Supreme Bench not only because of his judicial attainments but because of his achievements as a Republican Party leader. In other words, the post was awarded on the basis of a juicy political plum.

Mr. Hughes first came into national prominence when he was elected Governor of New York State in 1906 as a candidate on the Republican ticket. He was reelected for a second 2-year term, and he left that office to become an Associate Justice of the Supreme Court of the United States, to which he was appointed by President Taft.

When a man takes his place on the supreme judicial tribunal of the land, it is customary to assume that he has voluntarily removed himself from the arena of public affairs in order to avoid the passions, disagreements, and disputes which arise from clashing opinions and intense partisan feeling. However, in the case of Mr. Hughes that was not true. Less than 6 years after he had gathered the robes of office about him, he summarily resigned in order to reenter the political lists as the standard bearer of his party in the contest for the Presidency of the United States. It was a year of intense political partisanship, and it can be said without fear of contradiction that Mr. Hughes' services on the bench had in no way unfitted him for his new role. His partisanship was never questioned.

When the American people decided that they preferred to have Mr. Wilson in the White House, Mr. Hughes returned to the private practice of law. He reentered public life in 1921 to become Secretary of State in the Cabinet of President Harding, continuing in that office for a time under Mr. Coolidge. He resigned as Secretary of State in 1925, again to enter the private practice of law. His renown in the field of public affairs brought him an extensive practice, during the course of which he appeared as counsel before the Supreme Bench to plead for his clients before his former colleagues.

Mr. Hughes was named by President Hoover in 1930, as a reward for his active support of Herbert Hoover in 1928, to the exalted post of Chief Justice of the United States, and a couple of weeks later he was confirmed by the Senate.

The fact that his confirmation was strenuously opposed by some of the distinguished Senators who are still Members of this body is generally known. Although in the end the nomination prevailed, it is accurate to state that the reasons advanced in opposition made a profound impression upon the whole country.

I think some of the Senators who spoke in opposition were almost prophetic when they objected to his confirmation on the ground that politics had always been the dominating motive in his career. Let me read to the Senate what the distinguished Senator from Virginia [Mr. GLASS] had to say in the course of that debate on February 11, 1930:

> My futile objection to the confirmation of this nominee is based, first, on his insensibility. In theory and expectation, a person appointed and confirmed to the highest court in this land should serve for his lifetime, or until he is himself convinced that he has reached that point of service and that age in life when he finds himself disqualified for the position.
>
> That is why Supreme Court judges have life tenure; and it has always seemed to me an exhibition of the severest indifference to that theory and that consideration for any Justice of the Supreme Court of the United States to contemplate for a moment discarding the ermine and coming down from his exalted station to participate selfishly in the turmoils and disputes of partisan politics. I believe this whole country felt a shock, as it was grievously distressed, when Mr. Hughes resigned his place on the Supreme Court Bench to be a candidate for President of the United States.
>
> I think the offense, if such it be—and such, in my conception, it was—is frightfully accentuated when he is nominated for a position upon that same bench and indicates a willingness to accept such nomination. For that reason alone I could not in conscience or judgment vote for his confirmation, because, as I have said perhaps rather severely, such action indicates an insensibility that does not become a man who is to pass, in the last stage and final analysis, upon the great concerns of this Nation."

The Senator from Virginia stated the grounds of his objections so well that there was little else to be said. During the course of the same debate a few days later the Senator from North Dakota [Mr. NYE] told why he was against the confirmation of Mr. Hughes. I quote from the remarks of the Senator from North Dakota:

> "We find him retiring from the Court to become a candidate for President. His candidacy failed, and Mr. Hughes becomes again a private citizen. He gave up his place on the Court, I suppose, because he preferred the Presidency to it. To his retirement from the Court to seek the Presidency I think there can be no valid objection, and of that action there can be no real criti-

cism; but I believe, Mr. President, that there is grave and general ground for objection to his return to that Court as a member after he has once shown politics to be a really dominating factor in the charting of his own course.

I think what the Senator from North Dakota said about politics being the dominating factor in the career of our present Chief Justice might be used as the text in preparing a description of the Court itself. After what has happened in the past few months, what Senator here would care to stand up and contend that politics has not had its place in the deliberations of the Court?

Let us look at the facts honestly and candidly. A majority of the aged Justices who compose the Court were intent upon thwarting the major purposes of the Roosevelt administration. By their votes the Court invalidated the National Recovery Act and the Agricultural Adjustment Act. The Guffey Coal Act, designed to bring order out of chaos in the bituminous industry, was likewise overturned. A host of State statutes seeking to regulate the hours and pay of women in industry were stricken from the books. There is no question that the outlook of the Court was dead set against the social and economic philosophy of the national administration. As a result the people, the President, and the Congress were powerless to act.

Then it was that President Roosevelt adopted the same kind of straightforward, courageous tactics which had been employed by his illustrious predecessors in office, Jefferson, Jackson, and Lincoln. He challenged the moral and legal right of five aged Justices to hobble the political life of the Nation simply because they disliked the policies and the program of the party in power. The issue was joined.

What has happened? Since then the United States Supreme Court itself has proceeded to demonstrate that President Roosevelt was completely and absolutely right. Facing an aroused Nation, sensitive to the fact that the people were intolerant of what had been going on, the Court decided to yield as the safest way out.

First, the decision of the Court forbidding the enactment of State minimum-wage laws for women was overthrown. There was no change in the law and no change in the Constitution since the previous contrary decision had been rendered less than a year before. The change was in the attitude of the judges.

Then came the Wagner Labor Disputes Act. It was upheld by a majority decision of the Court, and by a process of reasoning which bore every evidence of being a complete reversal of what the majority said in striking down the Guffey Coal Act. Once again the Court had yielded.

Next came a momentous decision which will live for scores of years to come as a landmark in the struggle of civilized people to protect men and women from the hazards and shocks of industrial life. By another 5-to-4 decision the Court decided that the Social Security Act came within the scope of the Constitution.

There is the record. Who changed, the Constitution or the judges, and why? We know that this reversal of attitude was made a fact because the eminent jurist from Pennsylvania, Mr. Justice Roberts, decided to do an about face and to change his mind regarding the true meaning of the Federal Constitution. Yet I am inclined to agree with those news writers who assert that the palm for the masterly political strategy employed by the Court members during the past couple of months must be awarded to the supremely clever politician and scholarly Mr. Chief Justice Hughes. He it was who has been the real master of tactics behind the scenes, and hardly anyone can question the adroitness of the moves that have been made.

The letter of the Chief Justice to my eminent colleague the Senator from Montana [Mr. WHEELER], in which he rendered an advisory opinion to the effect that all cases should be considered by the full Court and not by one or more members, was extremely effective.

The resignation of Mr. Justice Van Devanter, coming as it did on the morning when the Senate Judiciary Committee was voting on the reorganization bill, was especially well timed. The country, in fact, has enjoyed the spectacle of the political battling between the respective leaders.

But the people of the United States have a different way of looking at these things. They know an about face when they observe one, and they are sensible enough to know why such things happen. Facts are more impressive to the public than oratory.

It was a glorious day of triumph for the working people of this country when that odious decision of the Supreme Court forbidding the enactment of State minimum-wage laws for women was swept aside; and let me say that the man responsible for that great humane victory, singly and alone, is President Franklin D. Roosevelt.

The Court's reversal of an unjust decision was brought about not by the political wiles of Chief Justice Hughes and his associates but by the statesmanship of Mr. Roosevelt. He forced the Court to act in behalf of the people. What saddens me is that this victory was accomplished by the leader of our party over the opposition of Democratic Members of this Senate who have, because of what I believe to be a mistaken viewpoint, allied themselves with reactionary leadership.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. GUFFY. I decline to yield.

The substance of justice is what is important—not the form.

It was far more imperative to wipe away the injustice of the minimum-wage decision than it was to preserve the Court membership at any given number. The same fact is true regarding the other outstanding human issues which we confront at this time.

The Social Security Act, with its pledge of assistance to aging men and women who need financial aid, is today the law of the land because of the brave and untring fight waged by President Roosevelt. Had he faltered in the fight, had he listened to the counsel of those who feared to face this Court issue openly, the Social Security Act would today be on the junk pile along with the A. A. A. and other acts intended to help the economic position of those in distress. The same may be said of the Labor Relations Act.

I am amused at times by some of my colleagues who recoil with horror from the Chief Executive's Supreme Court reorganization bill because they say it smacks of politics in the Court. In view of what has happened, I wonder what these Democrats think of the politics being played by Mr. Hughes and his Associate Justices.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. GUFFEY. I decline to yield.

Mr. CLARK. The Senator from Pennsylvania asked a question. He ought to be willing to yield to permit an answer to be made to it.

Mr. GUFFEY. I decline to yield.

The Supreme Court is playing politics, and everyone knows it; and when the Chief Justice of the United States persists in campaigning politically against the administration's reorganization program, as, for instance, he was doing in his recent utterances at the Amherst College and Brown University commencements, I intend to place that fact upon the record.

If my colleagues feel so strongly on the subject, why have they remained silent while the Court itself has been going through this amazing spectacle of political backing and filling?

I wonder if some of them felt that the Court had let them down when it yielded to the popular will and changed its position on minimum wages and other related issues?

Mr. CLARK. Will the Senator yield?

Mr. GUFFEY. I do not yield. I announced at the beginning of my remarks that I would not yield.

To me it always seems a bit hypocritical for Tory, reactionary leaders to complain that the Chief Executive's bill would inject politics into the Court, when all their lives these reactionaries have been treating the Court as a partisan political body.

Once again let me assure the Senators on this side of the Chamber that if they are unaware of the fact that this is a political struggle between the two parties, the leaders on the other side are fully conscious of that fact. I must commend the astute and able leadership of my friend the senior Senator from Oregon, who has managed to get the maximum of political advantage for his own party by the somewhat novel process of maintaining silence as deep as the grave on this issue. It has been the part of wisdom on his part to hold his lines while Senators on this side of the aisle have been firing the heavy guns for the opposition.

But I ask my colleagues on this side of the aisle if the time has not come to end this artificial political alignment?

The history of the past few months tells its own story. We were elected by the American people in the belief that we would strive faithfully and earnestly to write the humane program of President Roosevelt into law.

Today victory is flowing his way because he has had the courage to drive head on against the hidden vice of political prejudice on the Supreme Court. He is winning because he is right and for no other reason. Why put obstacles in the path?

A decisive decision on this question will have its beneficial effects for decades to come. When Jefferson made his frontal assault against partisanship on the bench, the healthy effects of that action were felt for half a century. Similar good effects will result from favorable decisive action now.

I believe it accurate to say that there is hardly a Senator in this Chamber who will not agree that a reasonable retirement age should be observed by jurists who have a life position on the Federal bench. The necessity for such a practice has been made evident almost since the very beginning of the Court. Time and again Justices have remained so long that it was painfully apparent to the Nation that they were no longer fit to carry on the duties of their exalted position.

More than a century ago a Chief Justice remained upon the bench until he had reached a very advanced age. The opinion was general that the time had come for him to step down. A distinguished statesman, Senator Thomas H. Benton, of Missouri, was mentioned as a possible successor. He declined to be considered for that honor, but in writing to a friend he used the following words:

> The Chief Justice ought to resign. The elevation of the station requires that a man should descend from it with grace and dignity instead of hanging on until he tumbles off.

I commend Senator Benton's words to the country and to the Court.

The Supreme Court is in retreat from its unyielding attitude of resistance to needed social reforms, a retreat which constitutes in itself a full confession of the fact that President Roosevelt is right in this controversy.

When the highest tribunal in the land sees fit to overthrow its own decisions the evidence is convincing that those decisions were indefensible both in law and in common sense. That is particularly true of the decision affecting minimum wages for women.

We Democrats have been proud of the fact that throughout its long history our party has been looked upon as a special friend and protector of humble men and women. In the spirit of this grand tradition a Democratic President is now winning notable victories for the underprivileged working men and women who, too often in the past, have been left to the mercy of greedy exploiters.

To these folks the Constitution is again becoming what it should always be—a noble charter of human rights.

In conclusion I want to say that, as a partisan and as one who believes in the two-party system of government, I not only prefer but will support the leadership of Franklin D. Roosevelt and Senator JOSEPH T. ROBINSON rather than the leadership of Chief Justice Hughes and Senator CHARLES D. MCNARY.

Mr. BURKE. Mr. President, will the Senator yield for a question at this time?

Mr. GUFFEY. I yield to the Senator from Nebraska.

Mr. BURKE. I understood the Senator to say that he considered it futile for Senators to sit here and legislate in the effort to remove economic wrongs without there being any certainty that the legislation would be upheld by the Supreme Court. Do I quote the Senator substantially correct?

Mr. GUFFEY. No; I said that we were foolish to sit here and legislate when we know that the legislation would be turned down.

Mr. BURKE. Then the Senator did not use the term that was used by the President in reference to what he wanted concerning legislation?

Mr. GUFFEY. I do not think I used the same words.

Mr. BURKE. Then it is not the Senator's idea that in passing legislation we need certainty that it will be upheld by the Supreme Court?

Mr. GUFFEY. I agree with Mr. Lincoln on that point and I quoted his language.

Mr. BURKE. Then the Senator agrees that the attitude of judges should be ascertained in advance?

Mr. GUFFEY. I want men whose attitude of mind we know. Mr. Lincoln knew the attitude of the man he wanted to put on the bench.

Mr. BURKE. If there be enough appointments of that kind, there will be the certainty of which the Senator has been talking?

Mr. GUFFEY. That is what we hope to accomplish in this work for human welfare and human advancement.

Mr. BURKE. Let me ask a question about the Dred Scott case, which the Senator elaborated upon to some extent. That was the first case since the House voted the impeachment of a Supreme Court judge where the Court had the hardihood to override an act of Congress, the Senator said, and he followed that up by the statement that "evidently the Court had learned its lesson."

Mr. GUFFEY. That is what I stated.

Mr. BURKE. Does the Senator believe at all in the doctrine of judicial review, and that we ought to have a court to pass on the constitutionality of measures?

Mr. GUFFEY. Oh, yes, I do.

Mr. BURKE. The Senator still believes in that?

Mr. GUFFEY. Yes.

Mr. BURKE. But along with that view the Senator believes that it is proper for Congress or a President or both to make their influence on the Court so strong that they will, as the Senator says, "learn their lesson" and not dare to override acts of Congress?

Mr. GUFFEY. I did not put it exactly as the Senator has stated it; but I hope the Court will learn from the history of the past that they will understand what this movement is about, and will act accordingly.

Mr. BURKE. Further, is it not entirely possible that in the period of years immediately preceding the Dred Scott decision the reason there had been no overturning of acts of Congress by the Supreme Court was that Congress in that period may have been more careful to legislate within the terms of the Constitution and not outside it? Does the Senator have any information on that point?

Mr. GUFFEY. I have no information, but I think the Congresses of that period took the same chance as the Congresses of our time in passing legislation. It was a constructive, growing period of the country. I have not studied the acts which were passed during that period, but I think the Congress then ran the same risk in enacting legislation as does the Congress now.

Mr. LEWIS. Mr. President, I do not wish to interfere, but may I take the liberty of calling the attention of my able friend to the income-tax law which was declared unconstitutional by the Supreme Court, by a member of the Court from Pennsylvania, Justice Shiras, changing his opinion, after the manner of Mr. Justice Roberts, of Pennsylvania, in more recent days?

Mr. GUFFEY. For the information of the Senator from Illinois, I am sorry to say that three out of the four reversals of single opinions on the Supreme Court were by Justices

coming from Pennsylvania. I am sorry for that record of Justices coming from my State.

Mr. BARKLEY. Mr. President, in the case of Justice Shiras he changed rather more suddenly than did Justice Roberts.

Mr. GUFFEY. Yes.

Mr. BURKE. Mr. President, just one other question.

Mr. GUFFEY. I yield.

Mr. BURKE. Does the Senator object very seriously to the present Chief Justice and challenge his competency to serve on the Court because the dominating factor in his life has been politics?

Mr. GUFFEY. No. I merely called the attention of the country to that fact.

Mr. BURKE. Did not the Senator really set forth, as a reason for disqualifying him from serving on the Court, that he was given over to politics?

Mr. GUFFEY. That is what some of our colleagues said when the question of his confirmation came up; that is the ground on which they objected to him.

Mr. BURKE. What is the Senator's view on that subject?

Mr. GUFFEY. I think he is disqualified if he goes out and makes political speeches. I think that is true of any Chief Justice or Associate Justice of the Supreme Court of the United States.

Mr. BURKE. So the fact of his deep interest in politics disqualifies him? That leads me to this question: There is now a vacancy on the Supreme Court, and one of those whose names we hear mentioned most often for the nomination has devoted every conscious moment of his life to politics, and in a very high and noble way. Does the Senator, therefore, consider him disqualified to serve on the Court?

Mr. GUFFEY. Under no circumstances do I think he is disqualified [laughter], for the simple reason he will respect the duties of the high office.

Mr. BURKE. It depends on what kind of politics it is.

Mr. GUFFEY. He will not leave the bench to make political speeches, although he has been in politics all his life.

Mr. BURKE. But he was not a judge when he was discussing and taking part in politics.

Mr. BARKLEY. He never resigned a judicial position in order to run for political office.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. GUFFEY. I yield.

Mr. CONNALLY. Having listened with a great deal of interest to the admirable, from his viewpoint, speech of the Senator from Pennsylvania, I should like to ask him if he is supporting this bill in order to get judges who, as he says, will decide what he knows they are going to decide, rather than because of the age of the Justices?

Mr. GUFFEY. I have answered that question all the way through my remarks.

I want judges whose line of thought we know. I have no objection to any judge having a line of political thought, but I do not want it expressed on the bench.

Mr. CONNALLY. If a judge is a good judge and decides right, the Senator would not take him off the bench because he is old, would he?

Mr. GUFFEY. No; but if he is old enough to fall off, I think we should take him off.

Mr. CONNALLY. If they fall off, they do not have to be pushed off by the Senate or by anybody else. [Laughter.]

Let me ask the Senator another question. I want to get his viewpoint in objecting. Is the objection of the Senator from Pennsylvania to the character of the decisions and not the ages of the judges?

Mr. GUFFEY. Both.

Mr. CONNALLY. Does the Senator want to put Mr. Justice Brandeis off the Court? He is the oldest man on the Supreme Bench today.

Mr. GUFFEY. No; but I think when a man reaches 75 years of age, 5 years beyond the allotted score, he should retire.

Mr. CONNALLY. If the Senator does not want to put Mr. Justice Brandeis off the Court, he being the oldest man in years on the Court, then the purpose of the Senator is not to get men off the Court because of age.

Mr. GUFFEY. I see no reason why we should adopt a different policy in reference to the Supreme Court than is adopted by the most successful corporations. The Pennsylvania Railroad, for instance, has adopted a retirement age of 70. Less than one-third of men are able to carry on after reaching that age. The Standard Oil Co. has adopted the retirement age of 65, and if they see any one of their officials slowing up they retire him at the earlier age of 63. Those corporations are in active business, two of the most successful business corporations in the world. If they find it necessary to adopt such a policy with reference to their business, I can see no reason why we should not adopt a similar policy with reference to the Supreme Court. The Steel Corporation, too, has adopted the age of 70 years as the proper retirement age.

Mr. CONNALLY. I can understand the Senator's viewpoint as to those great corporations, but we are talking about the Court.

Mr. GUFFEY. I think such a rule should apply to the Court as well as to business corporations.

Mr. CONNALLY. The Senator has stated his objections. His reason for supporting the bill is not because of the age of the Justices, but because of the kind of decisions they have rendered.

Mr. GUFFEY. I said both.

Mr. CONNALLY. Does the Senator mean to withdraw his statement?

Mr. GUFFEY. No. I said both.

Mr. CONNALLY. Let me ask the Senator another question.

Mr. GUFFEY. I yield the floor.

Mr. CONNALLY. Mr. President, the Senator assured us that when he got through with his speech he would yield for questions. I beg his pardon for asking him to yield if he does not now want to do so.

Mr. GUFFEY. I yield the floor.

During the delivery of Mr. GUFFEY's speech,

Mr. WHEELER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Montana?

Mr. GUFFEY. I decline to yield.

Mr. WHEELER. I am not asking the Senator to yield. What I am seeking to do is to ask for order in the Chamber so that we may hear what the distinguished Senator is saying. I cannot hear him, either because he is speaking too low or because there is too much noise in the Chamber. I should like to ask the Chair to maintain order.

The PRESIDENT pro tempore. The Senator cannot even make that point of order unless the Senator from Pennsylvania yields for that purpose.

Mr. CONNALLY. Mr. President, I make the point of order that it is the business of the Chair to preserve order without a point of order being made.

The PRESIDENT pro tempore. The Chair cannot preserve order in the galleries or on the floor apparently. It is very difficult for the Chair to maintain order on the floor if Senators will not obey the rules. Let there be order in the galleries.

After the conclusion of Mr. GUFFEY's speech,

Mr. LOGAN obtained the floor.

Mr. HATCH. Mr. President, will the Senator from Kentucky yield to me for a moment?

Mr. LOGAN. I am glad to yield.

Mr. HATCH. Yesterday in some brief remarks concerning the pending bill I paid what I thought was a very high compliment to the distinguished junior Senator from Texas [Mr. CONNALLY]. In referring to a roll call on one of the bills which had come before the House of Representatives I observed the name "Connally" and naturally presumed it was our distinguished colleague from Texas. I thought I

paid him a high compliment when I said he voted for the passage of that bill.

However, I am informed this morning by the Senator from Texas that he was not a Member of the House at that time, and that the Connally listed in the roll call was a Mr. Connelly from Kansas. In order to correct the RECORD, I transfer the compliment which I paid the Senator from Texas yesterday to the Representative from Kansas, Mr. Connelly. As the Senator so desires, I apologize for the error.

Mr. CONNALLY. Mr. President, will the Senator from Kentucky yield to me?

Mr. LOGAN. I yield.

Mr. CONNALLY. I thank the Senator from New Mexico for this transfer of the compliment which he intended to pay me. Of course, the purpose of the Senator was not to pay the Senator from Texas a compliment, but the purpose was to undertake to make it appear that the Senator from Texas had voted one way in 1917 and would vote another way on the pending bill.

Mr. WHEELER. Would that be wrong?

Mr. CONNALLY. No; that would not be wrong. If the Senator from Texas does not learn anything in 20 years of service in the Congress, it would indicate that he had been wholly incapable of learning anything in his service among distinguished Representatives in the House and distinguished Senators in this Chamber.

However, that is not the point. The Senator from Texas was not a Member of the House when the vote was had on the bill to which the Senator from New Mexico referred. Therefore he may not claim credit for approving 20 years ago what the Senator from New Mexico approves now in the way of the substitute now pending. I think it is due the Senator from Texas to say that he did not vote for a bill similar to this one. In the committee I voted against the amendment or substitute of the Senator from New Mexico.

Mr. HATCH. I wanted to make it clear that the Senator from Texas did not so vote when he was a Member of the House, and I now say to the Senator from Texas that I would be delighted always to pay him a compliment.

Mr. CONNALLY. I thank the Senator; but, Mr. President, my purpose in rising is to remind the Senator from New Mexico that the diligence with which he has combed the RECORD to find how the Senator from Texas voted 20 years ago will probably be duplicated by other searchers who 20 years from now will resort to a combing of the RECORD with respect to the Senator from New Mexico. I regret that that searcher will find that the record of the Senator from New Mexico now being made is quite contrary to what the Senator from Texas conceives to be a record of sound statesmanship and wisdom.

Mr. HATCH. May I say to the Senator from Texas that the Senator from New Mexico is willing to stand on the record he makes here in this body, today, tomorrow, or 20 years from now.

Mr. CONNALLY. I hope the Senator will be able to stand, but I fear he will fall on such a record. [Laughter.]

Mr. MINTON. Mr. President, will the Senator from Kentucky yield to me before he proceeds?

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Indiana?

Mr. LOGAN. I yield.

Mr. MINTON. I listened with great interest to the speech of the able Senator from Pennsylvania [Mr. GUFFEY] concerning politics on the Supreme Court. Believing that a leopard never changes his spots, and that there have been some lightning changes by the Court recently, we might interpret the present conduct of the Court by remembering the past conduct of the Supreme Court.

One of the most interesting political incidents in the history of the Supreme Court was touched upon briefly by the Senator from Pennsylvania in his speech. That grew out of the legal-tender decision. At the time the *Legal Tender cases* came before the Supreme Court there were eight judges on the bench, one a very aged and infirm judge. It was understood that the act was upheld and held to be constitutional by a vote of 4 to 4, which would affirm the decision of the lower court; but when the Court passed on to another case which involved consideration of the legal-tender question, by pressure brought to bear upon this aged and infirm judge, it was discovered that he was brought over to join the four and make the decision 5 to 3 against the act.

This led to a most terrific political fight on the Court. So bitter did it become that the Justices, for the sake of history, sought to put in the archives of the Court a report of what happened. Chief Justice Chase wrote his report, and Justice Miller wrote one, and they were put in the archives. They were both later withdrawn, but the Miller report is still in existence, and I wish to call attention to it at this time. From the Miller report I read as follows:

> An attempt was then made to convince an aged and infirm member of the Court (Justice Grier) that he had not understood the question on which he voted. He said that he understood the Court of Appeals of Kentucky had declared the legal-tender law unconstitutional, and he voted to reverse that judgment. As this was true, the case of Hepburn against Griswold was declared to be affirmed by a Court equally divided, and we passed to the next case.
>
> This was the case of McGlynn, Executor, against Magraw, and involves another aspect of the legal-tender question. In this case the venerable judge referred to, for whose public services and character we entertain the highest respect, made some remarks. He was reminded that he had agreed with a certain member of the Court in conversation on propositions differing from all the other judges, and finally his vote was obtained for affirming Hepburn against Griswold, and so the majority, whose judgment it is now said to be so sacred, was obtained.
>
> To all this we submitted. We could do nothing else. In a week from that day every judge on the bench authorized a committee of their number to say to the judge who had reconsidered his vote that it was their unanimous opinion that he ought to resign.
>
> These are the facts. We make no comment. We do not say that he (Justice Grier) did not agree to the opinion. We only ask, of what value was his concurrence and of what value is the judgment under such circumstances.

As further evidence of this terrific political fight, I quote from a letter written by Mr. Justice Miller concerning the fight, dated April 21, 1870, recently referred to by Professor Fairman, of Williams College. Justice Miller wrote:

> We have had a desperate struggle in the secret conference of the Court for 3 weeks over two cases involving the legal-tender question. The Chief Justice has resorted to all the stratagems of the lowest political trickery to prevent their being heard, and the fight has been bitter in the conference room * * * The excitement has nearly used me up. It has been fearful; and my own position as leader in marshaling my forces and keeping up their courage against the domineering chief, and a party in Court who have been accustomed to carry everything their own way, has been such a strain on my brain and nervous system as I never wish to encounter again.

Mr. LOGAN. Mr. President, let me say at the outset that I have no objection to interruptions by Senators. I ask only that they be orderly about the matter, and give me a chance to answer any question they may ask or any surmise they may make.

At the present time I desire to discuss rather briefly some of the reasons which impel me to support the pending legislation.

I desire to state that at no time shall I intentionally say anything to offend any Senator. I do not expect to lose my temper during this debate. I believe that the question is one which would be discussed calmly and intelligently. I also wish to say that, in my humble judgment, I was as free from outside influences when I came to the Senate this time as any Member of the Senate; and because I was under no obligation to any administration anywhere, or to any group of persons, I have been in position to give careful, earnest, and honest consideration to this proposed legislation.

I was a candidate for renomination last August. In that race there ran against me a man perhaps better qualified than myself, a most outstanding gentleman, and one of the best-loved Democrats in Kentucky. He was supported by the brilliant young Governor, with all the power and force of the State administration, as well as by the great political organization in the city of Louisville, and the metropolitan newspapers. Although I have been running for office for

many years, I have never had a political organization and I never had any money; so the only thing I could say in that campaign was that I had been a supporter of the policies of President Roosevelt since I had been in the Senate. My opponent and those who supported him claimed not only that he had the support of the State administration but that the national administration looked with favor upon him.

Not only were all those things against me but the American Federation of Labor and the United Mine Workers of America endorsed resolutions against me; I do not know why, because I do not know much about politics, but I insisted on one point alone in that race and that was that we were in a great economic war, that great questions confronted the country, that we had made progress, and that I ought to be renominated and reelected so that I might aid the President in carrying out the program which he had placed before the country.

Of course, my opponent took the same position, but I received the nomination. I came here, then, with the definite idea that I was to help carry out the program.

I have always had great respect and great admiration for the courts. I still have; but I realize that judges are only human, that they are subject to the same outside influences as are Members of the Senate, and that their own thoughts about economic questions and political questions are not forgotten when they become members of a court. So when it was suggested in the message of the President that something should be done about the Supreme Court I hesitated about it somewhat, but I began to look into matters. I knew what some of our distinguished Senators had said about the Supreme Court in the past. I familiarized myself with the position of the great Senator from Montana [Mr. WHEELER], whom I have always admired, and the great Senator from Nebraska [Mr. BURKE]; and I found even then that everyone who had ever given any thought to the question said there was something wrong with the Supreme Court of the United States. Then later, when we heard the many, many witnesses of outstanding ability testify before the Judiciary Committee, I found that every one of them almost without exception said, "the Supreme Court is wrong; there is something the matter with the Supreme Court." Then, if there was something wrong with the Supreme Court, at least, I reasoned that something should be done to correct whatever was wrong.

Mr. BURKE. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Nebraska?

Mr. LOGAN. I am glad to yield.

Mr. BURKE. Is it a fact that the distinguished witnesses who appeared before the Judiciary Committee in opposition to this plan said, as I understood the Senator to say, that there was something wrong with the Supreme Court; or did they say, on the contrary, that they individually disagreed with some decisions of the Supreme Court? I call the Senator's attention particularly to the testimony of Mr. Raymond Moley and other liberals who appeared before the committee. Is not that a correct statement of their position?

Mr. LOGAN. I may say to the Senator that I think his statement is correct, and that is what I mean. I may use some figure of rhetoric and refer to the Supreme Court when in fact I am referring to the decisions of the Supreme Court. That is what I mean, of course. I do not mean now, and I never have thought, that there was anything wrong with the individual members, except that they were a little lacking in knowledge of the proper interpretation of the Constitution.

As I say, I believed then, and I submit this statement to the Members of the Senate, that if something should be done about the Supreme Court, this is the people's Government. Whose plan would the people prefer to follow—the recommendation of the President of the United States, who brought back to life the Democratic Party, who has rendered to the Nation the greatest service that any man, perhaps, has rendered in the last 100 years; or would they prefer to follow the plans of those who in the newspapers even today are suggesting making up a $10,000,000 campaign fund so that they may organize a new party which will cooperate and amalgamate with the Republican Party? I say, would the people prefer to follow the suggestions of those who think the Democratic Party ought to be divided or destroyed, or would they prefer to follow the suggestions of the President of the United States?

Mr. WHEELER. Mr. President——

Mr. LOGAN. I yield to the Senator from Montana.

Mr. WHEELER. The Senator referred to me, and stated that I had said there was something wrong with the Supreme Court.

It is true that on many occasions I have criticized some of the decisions of the Supreme Court of the United States. I have, as every lawyer has, criticized some of the decisions of the supreme court of my State. Then I have, as every lawyer has who has tried any cases, criticized some of the decisions of the lower courts when they have decided cases in a way that I thought was contrary to the law. But never in my life had it occurred to me that because some judge decided contrary to what I as an individual believed to be the law, the judge should be removed, and somebody should be placed upon the court who would at all times decide as I wanted him to decide.

I say to the Senator from Kentucky that I am in a little different position than he was, since apparently he was elected solely because of the fact that he promised to go along 100 percent with the President. I am in a little different position from that, because I said to the people of my State from every platform where I spoke that I had not always agreed with the President of the United States, and that I did not expect always to agree with him in the future. So I am not in the same position as men who said, "I am 100 percent for the policies of the present administration", and were elected upon the coattails of the present President of the United States.

I cannot conceive of a man who has practiced law in the United States and who has had the experience the Senator from Kentucky has had who would say, because he does not like some of the decisions of the Court and because he does not like some of the Justices on the Court, that he wishes to have other men appointed on the Court and to humiliate before the American public and drive from the Court the men whose decisions or personalities he does not like.

Mr. LOGAN. It is the imagination of the Senator from Montana which leads him to suppose that anybody has any such view. The Senator from Montana is seeing spooks. I read some time ago a little verse written by someone—I have forgotten whom—which very well describes the condition and the position and the attitude of the Senator from Montana. It went something like this:

> Yesterday upon the stair
> I saw a man who wasn't there.
> He wasn't there again today;
> I hope to God he'll go away.

[Laughter.]

The Senator is seeing spooks. Nobody has ever taken the position that anyone should be removed from the Court because through an error of judgment or a misinterpretation of the law he had decided against one. I have never taken the position that anyone should be removed from the Court, and, so far as I know, that is a manufactured issue. The bill we have before us is for the express purpose of allowing those who may be aged, and perhaps infirm, to remain on the Court. The idea of humiliating a man because someone else is appointed or elected to serve with him! The Senator from Montana has a word he uses quite frequently, a word I never use, since I do not like it, but he sometimes refers to a man who does not agree with him as "asinine." If the word describes anything thoroughly it is the position of the man who says that anyone in the Senate is advocating the removal of any Justice from the Supreme Court.

Mr. WHEELER. Mr. President, let me say to the Senator that I am not seeing things, and it is not a matter of spooks

with me. I am saying to the Senator now that those connected with the administration have said that they wanted six men upon the Supreme Court whom they could trust, that they wanted men on the Court who would decide cases as they wanted them to be decided. That is the issue. It can be camouflaged as much as one wants to attempt to camouflage it, but the truth is that it is impossible to get away from the fact that this is a proposal to make the Supreme Court of the United States subservient to the executive branch of the Government.

The Senator need not take simply my word; he has the word of the Attorney General of the United States, when he said that if the present Justices do not like this proposed law they can resign. He has the word of the Assistant Attorney General, who said, "We want six men we can trust."

He has the word of those of the administration, who said, "We want a Court which will meet the needs of the time."

What are the needs of the time?

Mr. LOGAN. Of course, I insist that until the Senator can give more definite information than that, he is still seeing spooks.

Mr. WHEELER. Before the debate is concluded I will give the Senator more definite information than that.

Mr. LOGAN. Very good. I noticed the other day an interview given out by the Senator in which he made a statement like that. The intimation was that he was going to throw some dead cats. I have never thrown a dead cat yet; therefore, I have been saving them up for a lifetime, and I have a house full of them, and while I dislike to go into matters of that kind, if anyone wants to throw dead cats, I can throw a few. [Laughter.]

Mr. BURKE. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. BURKE. If the doctrine expounded so ably by the junior Senator from Pennsylvania [Mr. GUFFEY] this morning—that it is fitting and proper to coerce, intimidate, and influence the Court so that it will change its opinion—is accepted, is there after all very much difference between that and forcing a man physically off the Court?

Mr. LOGAN. I did not understand that to be the attitude of the Senator from Pennsylvania. As I stated awhile ago, if the splendid Senators whom I admire so much would just quit for a few minutes seeing ghosts and get down to the plain facts they would not make statements reflecting on a brother Senator, such as an intimation that he said that someone should coerce the Court to make the Court do so-and-so.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. WHEELER. The question is whether or not the Senator said it. Did the Senator from Pennsylvania make that statement? I was not in the Chamber.

Mr. GUFFEY. If the Senator will yield, I made no such statement, and I will ask that Senators refer to the RECORD.

Mr. BURKE. Did not the Senator from Pennsylvania say that there was a period of 50 years after the impeachment of one judge before the Supreme Court ever dared again to override an act of Congress; that they had learned their lesson? And did he not come down to more recent times and place the credit in certain hands for having forced the Supreme Court to change its opinion in the Minimum Wage case, and to change its opinion and uphold the Social Security Act, and, I believe, the Wagner Labor Relations Act?

Mr. GUFFEY. Mr. President, I was merely stating historical facts.

Mr. LOGAN. Mr. President, I wish to proceed further now, if I may, with my remarks.

When the original bill was referred to the Committee on the Judiciary that committee undertook its work very seriously, and I can say that I have never seen any body of men who were more inclined to be fair and courteous to one another than were they. We did not have any disagreements; there was no loud talk, no violent argument, no virulent or heated controversy. We considered the matter as men should. Therefore, I was all the more surprised when I read the report of the committee. There was not anything in the conduct of the proceedings before the Committee on the Judiciary which would lead me to believe that we were going to have come forth from it a virulent and violent report, not only attacking the President of the United States but, if the statements in the majority report are true, if those making it can establish the truth of the statements which they have made, the President of the United States ought to be impeached and removed from office. Yet I am told quietly and gently that there is no charge against the President of the United States. I expect sometime—I will not have time today—to show the Senate of the United States what the charges are, and I may state the way I feel about them.

I am of the opinion that those who made the report were not familiar with everything back of it. There is a movement on foot to bring out into the field an opposition party. They are looking around for a candidate now. Of course the worshipers of the golden calf are really behind it all. They do not like Mr. Roosevelt; they have never liked him. They are starting out now to destroy him. I would not say, in the face of what the members of the committee who wrote this report have said to me, that they intended in the beginning to destroy the President of the United States, but there is not one of them with reasonable intelligence—and they all have intelligence—who can say that it has not been seized upon by the enemies of the President, by the enemies of the policies of the President and the present administration, and that it is not now being used as a campaign document, as the basis for the organization of a new party which is to take over the Republican Party. They need a candidate for President.

Oh, there are able men in the Senate, some of them very liberal, and because they are candidates they must not be thought to come from Wall Street; the fact must be concealed. But the forces referred to must have a liberal and able man, one who does not hesitate, when occasion arises, to leave his party. If they put him up, they may not love him; but they love Roosevelt even less. They would rather have a radical, a liberal of the extreme type, if he would take the Republican Party in with him, than to have someone favorable to the policies of the President of the United States. So we have been noticing in the newspapers for some time articles from the pens of the writers for Hoover and special correspondents stating that in certain States where elections are coming up this year the Republican Party is going to abandon any effort to nominate a candidate and go into the party primaries and vote for a Democrat if the Democrat will vote against the President's Court plan.

Not only have we seen that in many of the newspaper columns, but we read in newspaper items from day to day suggestions that the Republican Party ought to disband, and ought to take over this party which is going to save the Constitution, as the Liberty League saved the Constitution.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. WHEELER. The Senator thinks the Republican Party ought to have disbanded a long time ago, does he not?

Mr. LOGAN. I think so. I think it ought never to have lived.

Mr. WHEELER. I have thought it ought to have disbanded a long time ago, and that the present talk about doing so comes rather late. But I wish to say that I think the Senator is seeing bogey men now; he is the man who is seeing spooks; he is the one who is seeing the man on the stair when there is no man there; and a lot of other people are seeing the same spooks.

Let me call attention to the fact that when the utilities fight was on in the Senate the enemies of the President grabbed at it, writing to certain Democratic Senators who were fighting the bill then before us and saying what great men they were. Many Democratic Members of the Senate

who are now fighting with the President on the Court plan were then fighting, either under cover or aboveboard, against the utilities bill. I did not accuse those men of trying to wreck the Democratic Party because they disagreed with me. I gave them credit for having honest convictions. I did not take the position that they wanted to destroy the President of the United States. Has it come to pass at this time that when a man disagrees with the President of the United States upon a fundamental issue he is to be accused of trying to destroy the President of the United States, and are his motives to be questioned because he disagrees with the President and because he writes a report?

I did not sign the report of the Judiciary Committee. The Senator from New Mexico [Mr. HATCH] signed the report. The President of the United States has no better friend than the Senator from New Mexico. The Senator from Wyoming [Mr. O'MAHONEY] signed the report. He was a friend of the President of the United States before the Senator from Kentucky ever knew the President. The Senator from Wyoming is and has been a close personal friend of the President, and a man upon whom the President of the United States at times has depended for advice and counsel. The Senator from Nevada [Mr. MCCARRAN], and the Senator from Missouri [Mr. CLARK] signed the report. Other Senators who have been close personal friends of the President, and close personal advisers of the President, signed the report. Now, however, because they will not follow him in something which they believe to be fundamentally wrong as well as morally wrong, they are being accused of trying to destroy the President.

I say that such a statement simply seeks to draw a red herring across the trail; and, in my judgment, it is beneath the dignity of the Senator from Kentucky to charge that these men—these Democrats, liberals, progressives, and conservatives—who disagree with the President upon one issue are seeking to destroy the man who has been their friend for years.

Mr. LOGAN. Mr. President, I charge nothing. I hold in my hand the majority report, and I thought members of the Committee on the Judiciary made the report. I did not know the Senator from Montana [Mr. WHEELER] took charge of the matter while members of the committee were considering writing the report to be made to the Senate. But yesterday, as I understood, the Senator from Montana very frankly avowed that he was present at every conference——

Mr. WHEELER. Oh, no!

Mr. LOGAN. And that he knew there was no intention to slight the President.

Mr. WHEELER. The Senator again is seeing the man on the stair who was not there. Again he has made a statement simply because he misunderstood me. I never was present at any conference of the committee members and never saw the report until it was written. During the time it was being prepared I was out of Washington, and I never saw it and never read it until a few days ago.

Mr. HATCH and Mr. O'MAHONEY rose.

The PRESIDENT pro tempore. Does the Senator from Kentucky yield; and if so, to whom?

Mr. LOGAN. I yield to the Senator from New Mexico.

Mr. HATCH. Mr. President, I am going to make the same statement which the Senator from Wyoming [Mr. O'MAHONEY] will also make. I am sure the Senator from Kentucky is confused in the statement he has just made. The Senator from Wyoming [Mr. O'MAHONEY] remarked while I was speaking yesterday that I was present at each meeting, and at that time we both disclaimed any desire to destroy the President.

Mr. LOGAN. Of that I am quite sure. At the same time I think the RECORD will show that the Senator from Montana [Mr. WHEELER] said he knew that there never had been any suggestion of antagonism to the President in any of the conferences which had been held.

Mr. WHEELER. I said in a conference; not with reference to writing the report, however, because I was not privileged to be present at any of the conferences held with reference to the report.

Mr. LOGAN. Very well.

Mr. O'MAHONEY. Mr. President, will the Senator yield to me for just a moment?

Mr. LOGAN. I yield.

Mr. O'MAHONEY. In order that the statement may appear in the RECORD at this point, I wish to assert again that the report was written by the members of the Committee on the Judiciary whose names are signed to it; that every conference which was held with respect to the report was a conference of the members of the majority of the Committee on the Judiciary; that no Senator outside of the committee, and no other person in or out of the Senate or in or out of the Congress, took part in any of those conferences.

I am sure the Senator from New Mexico will assent to that statement.

Mr. LOGAN. That makes the matter a little worse than I thought it was.

Mr. WHEELER. It makes it worse?

Mr. LOGAN. Yes.

Mr. WHEELER. Does the Senator mean it makes it worse with reference to me?

Mr. LOGAN. No; not with reference to the Senator from Montana.

Mr. WHEELER. Let me say to the Senator that not only did I not attend any of the conferences, but I never even made a suggestion with reference to the report. I repeat that I never suggested a line or a sentence of the report. I have not read the report as carefully as I should like to read it, but I should not hesitate to sign it; and if I signed it, I should not feel that in doing so I was reflecting upon the President of the United States.

Mr. LOGAN. We have different views. I accept the statement of the Senator from Montana.

However, let us see what the matter does look like to one who has given it serious consideration. Here we have a number of very important Senators. Few of them, perhaps, would be here today at all but for the friendship of the President of the United States. But for his magnificent leadership, but for his efforts in behalf of the American people to see that justice was done to them, they would not be here. I have no intention to say that a man does not have a right to be of any opinion he pleases, but I do say that when my friend goes out of the way to make a vicious attack upon the man who is responsible for my position in public life, his action is indefensible. For that reason I regret it all the more.

May I call attention to something else? The Senator says the report of the majority is not an attack upon the President of the United States. I said awhile ago, and I say again, that if the statements in the report are true and the inferences therein drawn are true, the President of the United States ought to be impeached.

Mr. WHEELER. Mr. President, did I correctly understand the Senator from Kentucky to say that all of the Senators would not have been here except for the President of the United States?

Mr. LOGAN. I said many of them.

Mr. WHEELER. Many of them?

Mr. LOGAN. If I said all, I made a mistake. I meant many of them.

Mr. WHEELER. I wish to say that a great many of the Senators now in the Senate were in the Senate a long time before the present administration came in; and many of us were fighting for the liberal cause before ever the present Postmaster General was known as a great liberal, before the present Attorney General and many other persons were known as great liberals. Many of us, instead of coming in on the coattails of the President, helped to nominate Mr. Roosevelt in the convention of 1932. Many of us went out and campaigned for him in the pre-primary campaign, when some who are now hanging to his coattails were out opposing him for the nomination.

Mr. LOGAN. I never have had occasion to hang to anyone's coattails. I have managed to hoe my own row fairly well. I will say to the Senator that two of the seven Democrats who signed the report were in the Senate prior to the beginning of the Roosevelt administration, but only two. Of the other five, most of them, I see, come from what are ordinarily Republican States; so it seems to me that when Democratic Senators were elected from those States they were elected because of the policies espoused by the President of the United States. They had a right to disagree with him; I grant that; and if they did disagree with him no one can complain. But when Caesar discovered that Brutus, his own friend, had turned against him his great heart broke. He fell bleeding at the foot of the statue of Pompey.

Here is the President of the United States. Put yourself in his place. Here are his friends, from whom he has a right to expect at least courteous treatment, those who should at least say with dignity, "We disagree with you; we cannot go along with you." But they did not do that. Senators may look in vain in this report for a single word of explanation indicating the belief of its writers that the President of the United States is sincere.

Mr. President, this was legislation proposed by the President of the United States himself, and he sent a message accompanying it. When the bill is discussed without any excuse being offered for the statements made in the report, Senators can reach but one conclusion. Not only did those who wrote the report say, "We disagree with the President because we think he is not right", but they indicate later that he apparently wishes to be a dictator, that he is trying to control the Court, that his acts are immoral, that his acts are illegal, that his acts are unconstitutional; and they charge those things against the President of the United States because the suggestion for Court reorganization was his suggestion, not my suggestion or the suggestion of the Senator from Arizona [Mr. ASHURST]. So every charge in the report of the committee is a charge against the President. No one can deny that statement.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. WHEELER. In the first place, let me say to the Senator that I appreciate the fact that he is not very familiar with the political situation existing in many of the Northern and particularly the Northwestern States. It has been whispered around that one of the Senators from that section who signed the report would not have been here if it were not for the fact that he, among others, was picked by those now in power to run for the Senate. I happen to know something of that man's State and I happen to know something of his standing in that State. Instead of the administration being responsible for his election, he was responsible for the administration carrying his State in the 1932 election. Not only that, but he was responsible for the delegation to the Chicago convention being instructed for the President of the United States. He was responsible not only for his State going for the President but for some of the other States in the Northwest going for the President of the United States.

Mr. President, let us be fair. We are talking about ingratitude. I know men who left their party in order to support the present President of the United States. Then I saw the present administration send speakers to New Mexico to fight the late Senator Cutting, notwithstanding the fact that he had left his party to campaign for Mr. Roosevelt. Why did they do it? Because Senator Cutting disagreed with the administration on one issue, and that was in the matter of overriding the veto of the President on the soldiers' bonus bill.

When we talk about ingratitude, when we talk about breaking hearts, I know another man who was largely responsible for the nomination of the President, and but for whose support the President could not have been nominated at the Chicago convention; yet I saw this administration go into his State and carry on a persecution against that man never equaled except in the days of Daugherty, and Gaston Means, and President Harding.

Mr. President, let us not talk about ingratitude in the political field. I expect no gratitude in politics, for there is none. The only thing one gets in politics is the comfort derived from the knowledge that he is doing what his conscience tells him to do. The idea of gratitude from men one helps to elect to public office should never be entertained, and is not entertained by those who have had any experience in the political game.

But I know the Northwest; I know that most of the men in that section who were elected to office and also most of those in the Northern States did not ride in, although some of them did, I will admit. Most of them were men of standing in their communities, men who had been fighting the political issues in their States for years before the present administration had ever been heard of; and they had been fighting the liberal cause, while some others were lined up with the economic royalists here in the East.

Mr. CHAVEZ. Mr. President, will the Senator from Kentucky yield to me?

Mr. LOGAN. I yield to the Senator from New Mexico.

Mr. CHAVEZ. The Senator from Montana may know the politics of the Northwest, but he knows very little about the politics of New Mexico and the Southwest. I happened, at the Chicago convention, and even before that time, to have been fighting for the nomination of President Roosevelt. I helped to nominate him. I was a delegate to that convention and was partly instrumental in getting the delegation from the State of New Mexico instructed for President Roosevelt in 1932. Without minimizing in the least the virtues of my predecessor, he did not help to nominate President Roosevelt. As a matter of fact, his representatives were at the other convention helping to nominate Mr. Hoover. So I know that the President of the United States should not be accused of ingratitude because he dares, in his own way, to try to help those who helped nominate him at the Chicago convention.

Mr. LOGAN. Mr. President, I want to make myself clear, if I can, particularly to the Senator from Montana. I do not mean to intimate that a man who was elected by reason of the popularity of the President owes anything to him in a personal way; I do not mean to say that. I do not think that men count anything in life; it is the things that they stand for that count. But, after many long years fighting the battles of Democracy, as the Senator from Montana has been doing, we come to a time when Democracy prevails throughout the Nation more abundantly than it has ever prevailed even in the days of Jefferson and Jackson; and now members of that party, without any excuse or justification, are making an attack so vicious upon the President of the United States that it can be construed only as an effort to destroy him. Enemies of the President and—while I do not like the expression—"economic royalists" refer to it and seize upon it, and letters and telegrams come in filled with the vilest charges against the President, and they all come because of the report that our friends submitted in an effort which they say was not to destroy the Democratic Party or the President. Then, what was it for? If the Senator from Montana had been ready to support him, perhaps he would in dignified language have expressed his views, but he would not have charged the President of the United States with schemes, with devious ways, with vicious practices. It was absolutely unnecessary to do that, and for it there was no ground in the world.

Mr. BURKE. Mr. President, will the Senator yield there?

Mr. LOGAN. Yes; I yield.

Mr. BURKE. The report from which the Senator is about to read is a report recommending that the original bill introduced, as the Senator stated a few moments ago, at the suggestion of the President, should not pass. I now ask the Senator two questions: In the first place, if the statements made in the report to which he is objecting are not correct,

why did not the minority of the committee express their views and show the fallacy of the statements made? The second question is, If the bill, as originally introduced, was so good, and if the statements made in the report are so filled with error, why has the Senator sponsored chiefly a very different measure, offered it as a substitute, and participated in the arrangement under which it is not possible to have a vote on the very bill criticized by the report?

Mr. LOGAN. Mr. President, I never knew that there was any necessity for filing a dissenting or minority opinion or report in cases of this kind. I never believed much in writing dissenting opinions. I do not believe I ever wrote a half dozen of them in my life. I did express my opinion to a very good friend in Kentucky about this matter, and, briefly, I am going to read the letter I wrote him, although portions of it are pretty "hot." The letter is addressed to a lawyer friend of mine, C. W. Milner, at Louisville, Ky. He wrote me a letter of this tenor, "The report of the Judiciary Committee was a great state document, one of the great American state papers", and he expressed his very great chagrin and regret that my name was not on it. I wish to say now that I have much to thank God for, and one thing I have to be grateful for is that my children and my posterity will never be able to point to that report and say my name was on it. Here is what I said in my reply to Mr. Milner:

JUNE 25, 1937.

Mr. C. W. MILNER,
Kentucky Home Life Building, Louisville, Ky.

DEAR MR. MILNER: I really appreciate your letter of the 22d, and you make your position very clear. I do not fall out with my friends because they are wrong. I am often wrong myself, but this is one time when I am right and you are wrong. You have been a busy lawyer and I doubt whether you have ever gone into the question of reforming the judiciary in a connected, diligent, painstaking way.

You refer to the report of the majority of the Committee on the Judiciary as a paper that will go down in history as a great state paper. After this great encomium from you, for whose legal ability I have such a high regard, last night I took time to wade through that dull, uninteresting report and, to show how friends may differ, I reached the conclusion that it is a strange document. The committee, in the consideration of the bill, had proposals to amend it so as to remove every objection pointed out in the report of the majority, but the members making the report voted against every such proposal.

The report is made up of paragraphs of pointless piffle. The nine Olympians, the nine great intellects, the nine mountain-peak statesmen—I say nine because one, like the lame boy of Hamelin-Town, could not keep up with the others—labored for days and nights, weeks and weeks, and brought forth what? "A wee cowering beastie"—a pale, wobbly, anaemic mouse.

Their premise is unsound, their reasoning fallacious, and their conclusions false.

What then does it mean? The report bears no relation to the Court issue. It is an attack on the national administration as a whole. It is the beginning of the fight to return to the days of Hoover and hard times and the reign of the unmerciful. It is the first shot in the battle by those who worship the golden calf to discredit the President and make the Democratic Party the party of reaction. Those who in principle favor the President's proposal to reorganize the judicial branch of the Government did not bring politics into it. Those who wrote the report made the issue political. If the matter is to be a political issue, it is well that the fight should begin now. We should find out now whether a liberal democracy, led by President Roosevelt, must be converted into a reactionary party, led by those who grew fat in the days of Harding, Coolidge, and Hoover. I believe that the friends of good government should accept the challenge and carry on the fight until democracy is triumphant and would-be dictators are made afraid.

You will thus see that we disagree and are still friends. That is as it should be. I expect to have something to say about the report of the majority from time to time.

With very sincere regards, I remain,

Your friend,

M. M. LOGAN.

Mr. BURKE. Mr. President, will the Senator now read to us the answer he must have received from his constituent to that letter?

Mr. LOGAN. I may say to the Senator from Nebraska that my friend in Louisville has remained very quiet; he has never written me even to acknowledge the receipt of the letter. I have called attention to it because that was the view I placed on the report at the time. Since then, from one end of the Nation to the other, enemies of the President and our Liberty League friends have seized upon the document and are sending it out over the country as an attack upon the administration. If a man is shot accidentally it hurts just as badly as if he were shot of a purpose.

So, whatever the object of the committee may have been—and I am willing to accept their word, because they are gentlemen whose words should be accepted if they say they did not so intend it—the effect of what they have done is to raise an issue to be used by the enemies of the present administration which will lead eventually, perhaps, to a destruction of this great party of ours, which will lead, perhaps, to the destruction of the Nation itself, for the Nation is not so safe as it might be. We hang on to things until it is too late. All the nations of the earth that have been destroyed have met that fate because they could not make readjustments. Here we are harking back to what are called the days of the Constitution, insisting that we should return to the Constitution. Is there anyone who does not know where that cry came from? That was the slogan of the Liberty Leaguers; that was the slogan of the men who undertook to defeat the President of the United States and the Democratic Party. Return to the Constitution! What has this issue got to do with the Constitution? There is no constitutional question involved, and when anyone undertakes to say that any constitutional question is involved in this proposed legislation he makes himself what the Senator from Montana would call him if he were expressing views contrary to his opinion.

When the Constitution was made back yonder in 1787, when the three departments of government were established, what did the framers of the Constitution do? They established an executive branch of the Government and, after long consideration, decided that the head of it should be one man, and he should be the President of the United States. They said that he should be a native-born citizen of the United States, that he should have attained a certain age, and, moreover, that he should have a fixed term of office. There was a check placed upon him. He had to go back to the people every 4 years. So, with great detail, his duties were prescribed. He was hedged about by those who made the Constitution in the interest of the protection of the liberty and the freedom of the people of the Nation.

Then when they came to the legislative branch of the Government we find again that Members of the Congress are circumscribed as to residence, age, and, as to Members of the House, their number is fixed by determining the population of the respective States. Then it was provided that Members of the Senate must go back to the people every 6 years and that Members of the House must go back to the people every 2 years. It was said, in effect, "That is the check we place upon you."

Now we come to the Supreme Court.

Mr. WHEELER. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Montana?

Mr. LOGAN. I yield.

Mr. WHEELER. I do not want to interrupt the great argument the Senator is making with reference to the three independent branches of the Government, but I should like to go back for a moment to a statement he made at the outset wherein he appealed to the members of the party to stand behind the President. I may have misunderstood him, but I understood him to say that the heart of the President had been broken because of the fact that his friends did not go along with him on this great issue.

Mr. LOGAN. The Senator may reason that out by process of analogy. I said that when Caesar saw Brutus was among the conspirators it broke Caesar's heart; and reasoning by process of analogy I might say I expect the President has been very deeply grieved to know that those upon whom he depended and those upon whom he now depends in the Senate are attempting to destroy that which he considers necessary in order to save the Nation from destruction.

Mr. WHEELER. That is what I wanted to get from the Senator. One of the very prominent issues in the campaign of 1932 was the proposed repeal of the prohibition amendment. That was the one issue which did as much to help elect Mr. Roosevelt as any other issue in the campaign. It was talked of from one end of the country to the other. Mr. Roosevelt submitted the proposal to repeal the prohibition amendment and to adopt another amendment in its place. If I am not mistaken, the distinguished Senator from Kentucky must have broken the President's heart when he voted his own conscience and voted against that proposal. [Laughter.]

Mr. LOGAN. Yes; I voted against it, and always shall vote against it. Perhaps I was wrong. However, I have not supported all the things the President has asked, and do not expect to do so. But where there is no issue, or where the sole issue is a manufactured issue, a bogey man erected to scare the people, coming from sources in opposition to the President, let me say that to see a man of the importance and intelligence and liberality of the Senator from Montana line up against those things which are so necessary to the President's program, I imagine does grieve the President of the United States very greatly, as it grieves me.

Mr. WHEELER. I can say to the Senator from Kentucky that while I may have grieved the President of the United States by taking a position against him, some of the things that have gone on in this administration have grieved me and have grieved many other liberals and progressives throughout the Nation. However, let us leave those matters aside for the moment.

The Senator said that "of course there is no issue", but he must know that many intelligent people throughout the country have a very deep and profound conviction with reference to the issue that does exist. They believe, and, in my judgment, they have reason to believe that this is an attempt to control the Supreme Court. I want to say, as to the President of the United States, that I cannot conceive that he ever gave this matter very careful consideration.

I say to the Senator now what I said once before on the floor of the Senate. A year ago last January a bill was brought to me by two men close to the President of the United States proposing to increase the membership of the Supreme Court by six. At that time I said to those men, "You are wrong. It is the wrong way to go about this thing." They came back to me about May and again I said to them, "You are wrong. I agree that the Supreme Court or a majority of the Supreme Court in some of their decisions, in my judgment—not in the judgment of a great many people, but in my judgment—have been wrong, but because they have been wrong in some of their decisions is no reason why it is right to attempt to increase the membership of the Supreme Court with the idea of putting six new men on that bench."

Their idea was to put six men on the Supreme Bench to make that Court subservient so they could get decisions which the administration wanted. I said to them then that they were wrong and I say now that they are wrong, and if they reported what I said then to the President and if they reported what I said to them in May, there could not be any question about the President being broken-hearted when I disagreed with him at the time he sent this bill to the Senate of the United States.

In addition to that, again those two men came to me and asked me to support the pending bill, and again I said I could not do it because, in my judgment, it is wrong. There cannot be any question as to what my position was, and if they reported correctly to their superior what I said to them, there could not be any question in his mind as to where he would find me and some of the other liberals in the Senate of the United States.

Not only that, but I advised, "Do not take this issue into the campaign, because if you do, in my judgment, it will wreck the President of the United States, and I do not want to see that done." I do not want to see that done now, either. I said, "It will wreck him if you take it into the campaign," and it was not taken into the campaign.

The Democratic Party did not dare to submit this issue to the people of the United States in the campaign. As a matter of fact, whenever the question was raised it was denied. A Representative who spoke on the same platform with me in the city of Billings, Mont., said that immediately after the election four new judges would be added to the Supreme Court. The Associated Press carried the statement that I had said four new Justices would be added. The Republicans immediately took up that statement and, because I had just left the President's train, tried to give it prominence, intimating that I had been associated with him and had just left his train and was expressing the President's views. Immediately I denied that Associated Press dispatch and said it was not true; that, as a matter of fact, I had never made the statement, and no intimation was ever made to that effect. Every Democratic speaker from one end of the country to the other, when such a statement was made, denied that it was the intention of the President. The platform said and the chairman of the National Committee said and the leader of the majority in the Senate said that we ought to have a constitutional amendment. Everybody else agreed to that proposal.

Now, for the Senator or for anyone else to come here and say that those of us who have taken this position repeatedly for years are breaking the President's heart is hardly fair.

Mr. LOGAN. I cannot understand what the statement of the Senator has to do with whether this is right or wrong.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. LOGAN. Very well.

Mr. HUGHES. I ran for the office of Senator in my State. I met frequently, through the newspapers and on the platform, the accusation made by Republicans that the purpose of the President was to reorganize the courts and put a number of new Justices on the Supreme Bench. It was said so often that eventually I did say—and I said several times during the campaign—that I did not know what purpose was in the mind of anyone else, but as for me, I did not like the decisions of the Supreme Court, that I was perfectly willing to see the Supreme Court reorganized, and if it was necessary to put new judges on the bench to accomplish that purpose, I was in favor of it. So when the Senator from Montana [Mr. WHEELER] said such a statement was not made anywhere in the country he was mistaken, because it was said in our State and discussed openly in our State. I subscribed to the doctrine that if it was necessary to reorganize the Supreme Court, not by amendment but by putting additional judges on the bench, I was in favor of it, and I was elected on that issue as much as any other issue involved in the campaign.

Mr. LOGAN. And the Senator was the first Democratic Senator elected from Delaware in how many years?

Mr. HUGHES. In 36 years.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. BARKLEY. In the absence of the Senator from Arkansas [Mr. ROBINSON], who has been quoted by the Senator from Montana as favoring an amendment to the Constitution, I think it ought to be said that the amendment to the Constitution suggested by the Senator from Arkansas had nothing whatever to do with the Supreme Court, its reorganization or its change, or any other act that might be passed with reference to the judiciary. The Senator from Arkansas did suggest, early in the session, that it might ultimately be desirable to amend the Constitution with respect to the power of Congress over interstate commerce, or to clarify the interpretation of the commerce clause with respect to interstate commerce, the general welfare, and other things about which the members of the Supreme Court had from time to time disagreed, and about which they had from time to time reversed themselves; but at no time did the Senator from Arkansas intimate that he thought it was necessary to amend the Constitution in order to reorganize the courts of the country.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. WHEELER. Of course, the Senator from Arkansas did not say that, but he did say we should have clarifying

amendments to the Constitution. I do not know that he used that exact language; but what was the purpose of such amendments? If we are to judge from the Victory dinner speech of the President of the United States, what the Senator from Arkansas wanted to accomplish by clarifying amendments to the Constitution it is now sought to accomplish by putting more Justices upon the Supreme Court.

The Senator from Kentucky and I may differ. Perhaps he is one of those who think we ought now to discard the Constitution. Perhaps he thinks we ought to put six more men on the Supreme Court, or three men, or four men, to interpret the Constitution "to meet the needs of the time", as has been expressly said. I cannot subscribe to that doctrine, however, notwithstanding the fact that the Supreme Court has interpreted the Constitution in certain ways.

I heard my distinguished friend from Pennsylvania [Mr. GUFFEY] refer to John Marshall this morning. What the President of the United States and the administration are now seeking to do is to get the Supreme Court to adopt the views of John Marshall with reference to the Constitution, and to abandon the views held by Thomas Jefferson. I agree with the President of the United States that he is right in wanting to see a broader base; but I say that the way to bring that about is the way prescribed by the forefathers who drafted the Constitution, and not by packing the Court, or having it done by interpretation.

Mr. BARKLEY. Mr. President, will my colleague yield?

Mr. LOGAN. I yield to my colleague.

Mr. BARKLEY. The view of John Marshall about the Constitution was a view that he enforced and emphasized by his interpretation of the Constitution.

Mr. LOGAN. That is very true.

Mr. WHEELER. Mr. President, if the Senator from Kentucky will let me answer that statement——

Mr. LOGAN. I yield.

Mr. WHEELER. Of course John Marshall did; and of course his view was what Thomas Jefferson and Andrew Jackson and all the Democratic Presidents down to this time have rejected as being the Republican doctrine, the Hamiltonian doctrine, and not the Democratic doctrine.

Mr. LOGAN. I do not know whether or not the Senator recalls it; but sometime ago, in making a speech, I pointed out the very remarkable situation that we have in this country today. On the one hand we have a Democratic administration fighting for the constitutional interpretation advocated and sustained by Marshall and Hamilton, and on the other hand we have a Republican Party which has gone right over to the Jeffersonian side of the question, and is standing up and fighting for the views of Thomas Jefferson.

Mr. WHEELER. Of course, the Republicans at the present time have taken the position of Thomas Jefferson; and why?

In the days of John Marshall the financial interests of the country wanted to have the Federal Government do everything, whereas the Democratic Party wanted to have governmental power reposed solely in the States. The South and all the Democrats in the South said government should be a matter of State rights. Now, because of the fact that the financial group, or whatever we may call them, feel that it is more difficult to control the Government of the United States in Washington than it is to control the State legislatures, they want to have governmental power exercised by the States. If they felt that it was easier to control the States than to control the Federal Government, of course, they would be saying that they wanted the views of John Marshall to prevail. So the Senator from Kentucky is entirely correct with reference to that viewpoint.

Notwithstanding that fact, however, we should not take action based upon intolerance, for that is what we find today in this country. We find religious intolerance; we find economic intolerance; we find racial intolerance; we find intolerance today on the part of one group against another; and nothing has stirred up intolerance in this country any more than some of the speeches that have been made against the Supreme Court of the United States. Intolerance, with reference to the Court, has been expressed time and time again upon this floor, and I say it is a dangerous thing. When we find the uninformed masses of the people of the country suffering because they have been underfed and undernourished, to say to them that the Supreme Court of the United States is responsible for all the economic ills of the country is one of the most dangerous speeches that could be made at a time like this.

Mr. BURKE. Mr. President, will the Senator from Kentucky yield for one question?

Mr. LOGAN. I yield to the Senator from Nebraska.

Mr. BURKE. I should like to submit an inquiry to the junior Senator from Delaware [Mr. HUGHES]. I was interested in the statement he made that in the campaign in Delaware it was suggested that there might be the possibility of adding members to the Supreme Court as the proper method of reorganizing the Court. If the junior Senator from Delaware can inform me as to any speaker sent out by the Democratic National Committee, any literature furnished by the Democratic National Committee, or any authorized spokesman of the Democratic Party who made any such suggestion, I should like to know about them, for the reason that I have repeatedly stated that the only candidate for President who made any such issue during the campaign was Earl Browder, candidate of the Communist Party, who at Baltimore late in the campaign did say publicly over the radio, I believe, that he favored adding 11 members to the Supreme Court to make it a Court of 20. At least in the section of the country from which I come, however, all Democrats relied upon such statements as that made earlier by the distinguished chairman of the Senate Judiciary Committee, that for anyone even to suggest that the President or the Democratic Party would propose to add members to the Supreme Court was to suggest an absurd and a fantastic thing. So I should like a little more information on that subject at the Senator's convenience.

Mr. HUGHES. Mr. President, if the Senator from Kentucky will permit me, I will try to give the Senator from Nebraska what information I have.

Mr. LOGAN. I yield to the Senator from Delaware.

Mr. HUGHES. In Delaware during the last campaign the Democratic Party and the candidates on the Democratic ticket had no assistance from any daily newspapers. All the daily newspapers in our State are owned by the Du Pont family.

Mr. WHEELER. What family?

Mr. HUGHES. The Du Pont family. Time and again, over and over, those newspapers stated, and repeated the statement, that the candidate of the Democratic Party had in mind "packing" the Court, as they called it, just as it has been said since we have been here.

Mr. CONNALLY. Mr. President, how did they get that advance information?

Mr. HUGHES. That was not a new charge at that time. It was not new 20 years ago or 40 years ago. It was made away back in the times when changes were made in the membership of the Supreme Court; and it is not a new expression. I think the Senator from Indiana [Mr. MINTON] said that some other expression had been used at some time in the past. I forget what it was.

Mr. MINTON. "Padding."

Mr. HUGHES. Yes; "padding" the Court. It has been repeatedly said, however, that the purpose was to "pack" the Court.

As to the national campaign carried on in Delaware, of course we had the aid of the able and resourceful chairman of the Democratic Senatorial Campaign Committee, the Senator from Pennsylvania [Mr. GUFFEY], who aided us very much and who spoke in our State. Beyond that we had very little help, except a speech made by the President near the close of the campaign in Wilmington. I may say that my good friend the Senator from South Carolina [Mr. BYRNES] came at my solicitation at one time and spoke in the capital of the State.

Mr. BURKE. Did he say anything about adding members to the Supreme Court?

Mr. HUGHES. He did not speak at all on that subject. He spoke entirely on national subjects. He did not touch anything that had been said in the State, because he did not know anything about the State campaign.

Mr. BURKE. Mr. President, if the Senator will yield, did the chairman of the Democratic Senatorial Campaign Committee, the junior Senator from Pennsylvania, in his appearances in the State or elsewhere, say that he favored making the matter of adding members to the Supreme Court a party issue?

Mr. HUGHES. I do not recall; very likely he did. If the matter came up, I am sure he would. I certainly knew his attitude, as everyone else does. I think we can all rely on him.

The campaign was carried on in Delaware, as a matter of fact, by the six candidates on the State ticket. All of us happened to be born in the month of January, as was the President, and we campaigned together, and carried on a house-to-house campaign, because we had no newspapers. We discussed all these issues, and constantly there was being thrown at me by the Wilmington Du Pont-owned newspaper, among other things, that very statement, and I never hesitated to face it, as I said before, and I discussed it from every angle. I took my position on it, and I have not changed since that time.

Mr. BURKE. As I understand, then, there was no statement in the press by anyone representing the Democratic organization, because the press was all on the other side, and they merely charged that if the Democrats were elected they might try to add some members to the Court. Is that the fact?

Mr. HUGHES. That is largely true, because we had no Democratic newspapers, except two weekly newspapers of very limited circulation.

Mr. BURKE. Do I understand that the present junior Senator from Delaware came out openly and admitted the charge which he said was made in the Republican press, that if he were elected to the Senate and a proposal were submitted to add members to the Supreme Court for the purpose of influencing its decisions, he would support such a measure?

Mr. HUGHES. I did not say that.

Mr. BURKE. Very well.

Mr. HUGHES. I did not say that, and I did not say so when I spoke a few minutes ago. What I did say in reply to that charge was that I had never liked many of the decisions of the Supreme Court; that I felt the Supreme Court was wrong; that I thought a change should be made; that I was not relying on doing it by constitutional amendment, and if it was necessary to change it in some other way, and a quick way, I was perfectly willing to do it; that, notwithstanding what my opponents might say, if I should be elected to the Senate my statement could be relied upon; that I would attempt to aid in making that change.

Mr. LOGAN. Mr. President, a while ago I referred to the provisions in the Constitution relating to the executive branch of the Government and to the provisions relating to the legislative branch of the Government. I had started to refer to the provisions relating to the judicial branch of the Government when I was interrupted.

In both the executive and the legislative branches of the Government the people had a check, there is no doubt, and there were other checks; but when it came to the Supreme Court, if the contention of the Senator from Nebraska, and perhaps the Senator from Texas, the Senator from North Carolina, and the Senator from Montana be true, those men who had been fighting for liberty, the men who had fought a long war, the men who had railed against the practices of autocratic power, undertook to create a body with absolute power, the same power possessed by the old czars of all the Russias. If the construction placed upon the Constitution by many of our distinguished friends, that the Supreme Court can be changed only by constitutional amendment, is sound, then we did have lovers of liberty in the days of old establishing a body which could by its own whim and the exercise of its own will absolutely control the destinies of America. That power was never vested anywhere.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. CONNALLY. I would not interrupt the Senator, except that the Senator made reference to some supposed attitude of the Senator from Texas. Does the Senator contend that the Senators mentioned insist that we have no power at all over the Supreme Court?

Mr. LOGAN. I understood they insisted that it was necessary to have a constitutional amendment. If the Senator from Texas does not hold that view, of course, I am very glad to withdraw the statement as to him.

Mr. CONNALLY. Let me suggest to the Senator that the Senator from Texas concedes that the Senate has the brutal physical power to do what is proposed, of course. He concedes that, so far as the actual mechanics are concerned, the Senate can do it. The Senator from Texas also points the Senator to a much more easily applied plan. If it is the purpose, as it seems to be the purpose, of Senators who are advocating this bill to get rid of members of the Supreme Court who are 75 years of age, the much simpler way would be for the Senate simply to refuse to appropriate to pay their salaries after they become 75 years of age, but to appropriate full pay if they retire, which is the law now.

We have the physical power not to appropriate. We also have the physical power not to appropriate for the President's salary. If the Congress wanted to, under the Constitution, we could say, "Mr. President, you are not doing as we want you to do, and therefore we will not appropriate for your salary." And no court and no President could make us appropriate, because we are independent. I concede that we have that kind of power, but I do not concede that we ought to use it for that purpose. I do not think we ought to try to control the Court by saying, "We will not pay you." I do not think we ought to try to control the President by saying, "Mr. President, we will not appropriate for your salary; we will not appropriate for your Secretary; we will not appropriate for your appointees." That would be constitutional; we have the power; but we have not the right. We have the power in this case to say to the Court, "No, Mr. Court; you do not decide as we want you to decide, and we will not appropriate for you, and we will make it uncomfortable for you if you do not retire; we will humiliate you; we will denounce you; we will offer inducements to get you off the Supreme Bench; we will put the pressure on you." We have the physical, brutal power to do it, but we have not the moral right to do it.

Mr. LOGAN. More spooks! More spooks! There is no one in the Senate who has ever advocated or said that he wanted to get rid of any Justice on the Court, and the Senator from Texas knows that his statement is unfair when he places such words in the mouths of the men who support the pending measure.

Mr. CONNALLY. Mr. President, I want to be fair to the Senator. The Attorney General, the sponsor of the bill, appeared before the committee and said that if the Judges on the Court do not like this kind of a bill, let them resign.

Mr. LOGAN. That is an entirely different thing, and I say to the Senator that if there is any moral crime in a man trying to obstruct the will of someone else who has the power to act, it is just as much a crime for members of the Supreme Court who can retire to stay on the bench in order to prevent the President making an appointment as it is for the President to attempt to get them off.

Mr. CONNALLY. Mr. President, I do not wish to annoy the Senator——

Mr. LOGAN. The Senator does not annoy me.

Mr. CONNALLY. I have a high regard for the Senator's legal ability and for his services as a Senator, and I am trying to be helpful, not to the Senator, because he needs no help, but to other Senators who are not members of the committee and are not familiar with what went on in the committee.

The Senator from Kentucky just made a statement about Judges who remain on the Court when they ought to get off. He says Judges are on the Court and stay on the Court when they ought to get off; in other words, not when they think they ought to get off, not when the Constitution says they must get off, but when the Congress thinks they ought to get off. I say to the Senator, how do the members of the Supreme Court hold their title? They hold it under the Constitution.

How long shall they hold it? The Constitution says they shall hold it during good behavior. Congress has no right, by statute, to curtail that period by one moment, by 1 hour. The people have a right to curtail it by constitutional amendment. Yet, though the Constitution says the judges shall hold their offices during good behavior, until they are 150 years old if they grow that old, the Senator frankly says we have the right, when we think they ought to get off and they do not get off, to put pressure on them and make them get off.

Mr. LOGAN. Let me say to the Senator from Texas that I made no such statement. To use the language of the Senator from Montana, that is drawing a red herring across the trail; that is not fair, when no one has ever suggested that they should be forced off or that they should get off at all. If we are to present this matter to the Senate and to the people, let us be fair about it, and present the issue.

I was trying to state, when I was interrupted, the reason why Congress must exercise such power, the reason which impelled me to believe it should. The Supreme Court, when it was set up by the Constitution, had no restrictions, no rules, no regulations. The President of the United States could, if the Senate would confirm him, appoint a Hottentot to the Supreme Court; he could appoint a boy 16 years old; he could appoint a man who could not read or write. Of course, it was intended by the makers of the Constitution that the Congress should exercise some restriction upon the body, and the number was not mentioned, because the Congress had control over the number.

If there is reference to precedent, the Constitution itself sets a precedent. It left it to Congress, and the statement—though I hope I may never be placed in the attitude of saying such a thing—that it is necessary to amend the Constitution so as to give the Congress power to do that which was vested in it in the original instrument, is the most ridiculous statement I ever heard.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. CONNALLY. I will promise not to bother the Senator any more. I only rise now because I do not want to do the Senator an injustice. The Senator has said the Senator from Texas was not fair in his statement about the attitude of the proponents of the bill. I want to be corrected.

Mr. LOGAN. The Senator took the position that we were trying to coerce the members of the Court; that the Congress was trying to shorten their terms of office. There is no Senator for whom I have greater respect, nor is there one who has rendered more valuable service, than the Senator from Texas [Mr. CONNALLY], but the Senator knows that that statement cannot be true. No one is trying to shorten the term of members of the Court. No one is seeking to interfere with their period of service. The rest is a surmise, or it is spooks operating in the mind of the Senator from Texas, because there is no such issue here.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. CONNALLY. Let me suggest to the Senator that I did not want to be unjust or unfair. I did not accuse the Senator of this. He says no one wants to shorten the period of service of the Justices. Then why is it written in the bill that if they will retire no new Justices will be appointed? The new Justices are to be appointed only in the event that a Justice who is 75 years of age will not or does not retire from the bench.

Mr. LOGAN. Because in the judgment of all men, from the Psalmist on down, taking the average man—and laws should be made for the average man, and not for the exception—when a man reaches the age of 75 years, his usefulness is finished. Under this plan, and under this plan alone, can the United States Government retain the services of a man who is over 75 years of age. There are outstanding exceptions—the late Justice Holmes, Justice Brandeis, and perhaps others. But is there a Member of the Senate who knows a hundred men over 75 years of age who must not confess, if he is fair to himself, that more than 50 percent of them, yes, more than three-quarters of them, are incapacitated because of age and physical disability? So 75 years is written in the bill to take care of cases like that of Justice Cushing, Justice Grier, Justices Field and Baldwin. When Justices reach the time when they probably cannot function any more the membership of the Court may be increased to care for the situation thereby created. Is not that reasonable? Is not that sane and sensible, not merely for the immediate present but throughout the ages? It is the only way to deal with the situation. That is why the makers of the Constitution left a check upon the Supreme Court. The power is in the Congress. Congress must exercise it, or else we must run the risk of having this Nation destroyed because it is too cowardly, too afraid of threats and pressure to go ahead and do that which the makers of the Constitution conceded should have been done in the first place.

Mr. CONNALLY. Mr. President, will the Senator again yield?

Mr. LOGAN. I yield.

Mr. CONNALLY. I am interrupting the Senator now to exculpate ourselves of the charge of having misrepresented the facts. The Senator said that nobody is trying to get these judges off the bench. I quote the language of the bill accompanying the message from the President:

Provided, That no additional judge shall be appointed hereunder if the judge who is of retirement age dies, resigns, or retires prior to the nomination of such additional judge.

I quote from the message of the President of the United States:

If, on the other hand, any judge eligible for retirement should feel that his court would suffer because of an increase in its membership, he may retire or resign under already existing provisions of law if he wishes so to do.

And I quote the Attorney General—who, I suppose, had something to do with writing the bill:

If the Supreme Court feels that the addition of six judges would be harmful to that Court, it can avoid that result by resigning.

One other word and I am done.

The Senator from Kentucky says this bill is drawn to take care of cases like that of Cushing and Grier. Are there now any such cases?

Mr. LOGAN. I think so.

Mr. CONNALLY. Then the Senator is not concerned about Cushing and Grier. They have been dead for 50 or 75 years. The Senator from Kentucky then admits that the purpose of this bill is to get rid of some of the sitting Justices.

Mr. LOGAN. I do not. I say that I have a right to look backward as well as to look forward; and that which has happened in the past will, if we but wait long enough, happen in the future. We learn from "the preacher" in the Bible that there is nothing new under the sun. Things move in cycles. That which has occurred will occur again. So, if we are intelligent, we shall act as lawmakers should, instead of waiting until the time comes when we have one Justice who does not know how he will vote, with an evenly divided Court, in which event our Government may actually be destroyed because we shall have no way of getting rid of that Justice.

This is the way in which the Constitution allows it to be done. It vests the authority in the Congress. It is the only way in which any control may be had over the Supreme Court. The Supreme Court may go wrong. It may go wrong willfully. It may be an absolute monarch. It may

set itself up and say, "We construe the constitutional provisions as being this way or that." Senators tell me that no one has the power to do anything about it, that the Court may destroy our Government, and no one has the power to do anything about it. I say that the wise men who wrote the Constitution of the United States deliberately, after they had given the subject full consideration, left in the Congress of the United States the power to prevent the Supreme Court itself from violating the Constitution of the United States.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. CONNALLY. The Senator from Kentucky thinks the makers of the Constitution did that deliberately?

Mr. LOGAN. Yes.

Mr. CONNALLY. Why did they not say that the Justices would have to retire after they had reached the age of 75?

Mr. LOGAN. Simply because they knew Congress could deal with the question in the future better than the members of the Constitutional Convention could.

Mr. President, it is almost time for the Senate to take a recess. I cannot conclude today what I mean to say. I meant to go through the report of the committee in order to sustain the charges I have made against the report. I will defer that to some other day.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. BURKE. As further bearing on the question whether the purpose of this bill is to coerce or force the present members from the bench, do I understand that the Senator from Kentucky denies——

Mr. LOGAN. I deny that that is the purpose of the bill.

Mr. BURKE. I appeal to a higher authority, the majority leader in his statement yesterday. He was asked this question by the Senator from Vermont [Mr. AUSTIN]:

> Does not the Senator expect, as the actual consequence of the passage of such a bill as this, that any and every Justice who comes within the description of having attained the age of 75 years will exercise that freedom and withdraw from the bench upon the passage of this bill?

And the Senator from Arkansas [Mr. ROBINSON] answered:

> Mr. President, my imagination has been described at times by others as vivid, but I respectfully decline to prophesy what a Justice of the Supreme Court may do in connection with retirement under this bill.

Then the Senator from Arkansas went on to say:

> I should think that we might regard it as an expression of the public opinion of the Nation that one who has reached the age of 75 years had best avail himself of the privilege of retirement.

That is the whole purpose of the bill.

Mr. LOGAN. Let me say to the Senator from Nebraska that that is entirely beside the question.

As I was saying when I was interrupted, I suppose that from the day of the Hammurabi, as far back as we can go in history, we shall find that it has been the universal rule—it has been written in the laws of the Athenians, it has been written in the laws of the Romans, it has come down through English history—that when a man reaches threescore and ten, he has run the limit of his usefulness. There are exceptions.

Mr. BURKE. Will the Senator yield again?

Mr. LOGAN. I yield.

Mr. BURKE. Did that sentiment prevail in the Constitutional Convention 150 years ago?

Mr. LOGAN. Most assuredly it did. No one ever questioned that rule until the Senator from Nebraska and some of his associates became very solicitous of old men, now that they are making this attack on the policies of the administration.

Mr. BURKE. Mr. President, where does the Senator find in the provisions of the Constitution any suggestion that at threescore years and ten a member of the Federal judiciary should voluntarily retire, or be intimidated or coerced or vilified so that he would get off the Court?

Mr. LOGAN. The Senator is now using violent language about things. I do not want to be forced to take a position of that kind. It is not written in the Constitution any more than a thousand other natural rights are not written there.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. BARKLEY. I assume that the Senator from Kentucky cannot finish his remarks today?

Mr. LOGAN. I have a speech which will take about 4 hours more to finish, and I have only 3 minutes left before adjournment time today.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. LEE in the chair). The Senator will state it.

Mr. BARKLEY. When the Senate resumes its session tomorrow, the Senator from Kentucky [Mr. LOGAN] will still have the floor?

The PRESIDING OFFICER. The Senator from Kentucky will be entitled to the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 557. An act authorizing the naturalization of James Lincoln Hartley, and for other purposes;

S. 630. An act for the relief of the Sheehy Drilling Co.;

S. 727. An act validating homestead entry Billings 029004 of Lillian J. Glinn;

S. 767. An act for the relief of the Charles T. Miller Hospital, Inc., at St. Paul, Minn.; Dr. Edgar T. Herrmann; Ruth Kehoe, nurse; and Catherine Foley, nurse;

S. 1474. An act to provide for the advancement on the retired list of the Navy of Clyde J. Nesser, a lieutenant (junior grade), United States Navy, retired; and

S. 2497. An act authorizing John Monroe Johnson, Assistant Secretary of Commerce, to accept the decoration tendered him by the Belgian Government.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 4597) to amend the Canal Zone Code.

The message further announced that the House has disagreed to the amendments of the Senate to the bill (H. R. 2229) for the relief of Florida O. McLain, widow of Calvin E. McLain, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KENNEDY of Maryland, Mr. COFFEE of Washington, and Mr. CASE of South Dakota were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7562) to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JONES, Mr. DOXEY, and Mr. HOPE were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills and joint resolution of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 114. An act for the relief of Mildred Moore;

S. 707. An act for the relief of Lucille McClure;

S. 828. An act for the relief of Ellen Taylor;

S. 885. An act for the relief of H. G. Harmon;

S. 1188. An act for the relief of J. E. Sammons;

S. 1257. An act for the relief of James H. Smith;

S. 1849. An act for the relief of the Goldenberg Furniture Co.;

S. 1934. An act for the relief of Halle D. McCullough;

S. 2266. An act for the relief of John A. Ensor; and

S. J. Res. 30. Joint resolution for the relief of William K. Richardson.

The message also announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 171. An act for the relief of George E. Shockley;

S. 1048. An act for the relief of Alexander E. Kovner;

S. 1143. An act for the relief of G. L. Tarlton; and

S. 1144. An act for the relief of the Frazier-Davis Construction Co.

The message announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 420. An act for the relief of Marjorie L. Baxter;

H. R. 518. An act for the relief of Rosolino Zamito and Maria Zamito;

H. R. 615. An act for the relief of Margaret Voorhees, a minor;

H. R. 827. An act for the relief of Fred P. Halbert;

H. R. 851. An act conferring jurisdiction upon the United States District Court for the District of New Jersey to hear, determine, and render judgment upon the claim of A. F. Amory;

H. R. 1114. An act for the relief of Agnes Ewing Harter;

H. R. 1122. An act conferring jurisdiction upon the United States District Court for the Eastern District of Kentucky to hear, determine, and render judgment upon the claims of Mat Hensley, Arnold Blanton, Lillie Price, Clyde Thorpe, and D. L. Mason;

H. R. 1207. An act conferring jurisdiction upon the United States District Court for the Middle District of Georgia to hear, determine, and render judgment upon the claims of the estates of Marshall Campbell and Raymond O'Neal;

H. R. 1241. An act for the relief of Dorothy Krick, Ernest Krick, and the estate of James Albert Ferren, deceased;

H. R. 1355. An act for the relief of Lawrence E. Thomas;

H. R. 1729. An act for the relief of Russell J. Vaughan;

H. R. 1734. An act for the relief of Sam Romack;

H. R. 1869. An act for the relief of J. Roy Workman, Adelaide W. Workman, and J. Roy Workman, Jr., a minor;

H. R. 2191. An act for the relief of Roberta Carr;

H. R. 2339. An act for the relief of Orba Caress;

H. R. 2358. An act for the relief of Dwain D. Miles;

H. R. 2740. An act for the relief of John N. Brooks;

H. R. 3192. An act for the relief of Clifford L. Bonn;

H. R. 3503. An act for the relief of George O. Claypool;

H. R. 3745. An act for the relief of W. H. Lenneville;

H. R. 3987. An act for the relief of the estate of Col. C. J. Bartlett, United States Army;

H. R. 4156. An act for the relief of George R. Brown;

H. R. 4257. An act for the relief of H. A. Montgomery;

H. R. 4378. An act for the relief of William Sperry;

H. R. 4526. An act for the relief of Lake Spence;

H. R. 4527. An act for the relief of Luther Jennings Workman, a minor;

H. R. 4622. An act for the relief of Henry Clay Gibson;

H. R. 4875. An act for the relief of Paul H. Norboe;

H. R. 4936. An act for the relief of Charlotte Sweeney, a minor; Howard Sweeney, a minor; William Hintz; and Martha Hintz;

H. R. 5144. An act for the relief of Ludwig Bahnweg;

H. R. 5158. An act for the relief of John P. Ryan;

H. R. 5168. An act for the relief of Ethel B. Lord, a minor;

H. R. 5229. An act for the relief of Carson Bradford;

H. R. 5622. An act for the relief of Marian Malik;

H. R. 5703. An act for the relief of Thomas H. McLain;

H. R. 6010. An act for the relief of William Sullivan;

H. R. 6059. An act for the relief of Edith Jordan;

H. R. 6402. An act for the relief of Emory M. McCool, United States Navy, retired;

H. R. 6468. An act to authorize the cancelation of deportation proceedings in the case of John Grinwood Taylor;

H. R. 6574. An act for the relief of E. W. Ross;

H. R. 7387. An act for the relief of Cecile C. Cameron; and

H. J. Res. 363. Joint resolution to authorize an additional appropriation to further the work of the United States Constitution Sesquicentennial Commission.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 827. An act for the relief of Fred P. Halbert; to the Committee on Public Lands and Surveys.

H. R. 6402. An act for the relief of Emory M. McCool, United States Navy, retired; to the Committee on Naval Affairs.

H. R. 6468. An act to authorize the cancelation of deportation proceedings in the case of John Grinwood Taylor; to the Committee on Immigration.

H. R. 7387. An act for the relief of Cecile C. Cameron; to the Committee on Foreign Relations.

H. R. 420. An act for the relief of Marjorie L. Baxter;

H. R. 518. An act for the relief of Rosolino Zamito and Maria Zamito;

H. R. 615. An act for the relief of Margaret Voorhees, a minor;

H. R. 851. An act conferring jurisdiction upon the United States District Court for the District of New Jersey to hear, determine, and render judgment upon the claim of A. F. Amory;

H. R. 1114. An act for the relief of Agnes Ewing Harter;

H. R. 1122. An act conferring jurisdiction upon the United States District Court for the Eastern District of Kentucky to hear, determine, and render judgment upon the claims of Mat Hensley, Arnold Blanton, Lillie Price, Clyde Thorpe, and D. L. Mason;

H. R. 1207. An act conferring jurisdiction upon the United States District Court for the Middle District of Georgia to hear, determine, and render judgment upon the claims of the estates of Marshall Campbell and Raymond O'Neal;

H. R. 1241. An act for the relief of Dorothy Krick, Ernest Krick, and the estate of James Albert Ferren, deceased;

H. R. 1355. An act for the relief of Lawrence E. Thomas;

H. R. 1729. An act for the relief of Russell J. Vaughan;

H. R. 1734. An act for the relief of Sam Romack;

H. R. 1869. An act for the relief of J. Roy Workman, Adelaide W. Workman, and J. Roy Workman, Jr., a minor;

H. R. 2191. An act for the relief of Roberta Carr;

H. R. 2339. An act for the relief of Orba Caress;

H. R. 2358. An act for the relief of Dwain D. Miles;

H. R. 2740. An act for the relief of John N. Brooks;

H. R. 3192. An act for the relief of Clifford L. Bonn;

H. R. 3503. An act for the relief of George O. Claypool;

H. R. 3745. An act for the relief of W. H. Lenneville;

H. R. 3987. An act for the relief of the estate of Col. C. J. Bartlett, United States Army;

H. R. 4156. An act for the relief of George R. Brown;

H. R. 4257. An act for the relief of H. A. Montgomery;

H. R. 4378. An act for the relief of William Sperry;

H. R. 4526. An act for the relief of Lake Spence;

H. R. 4527. An act for the relief of Luther Jennings Workman, a minor;

H. R. 4622. An act for the relief of Henry Clay Gibson;

H. R. 4875. An act for the relief of Paul H. Norboe;

H. R. 4936. An act for the relief of Charlotte Sweeney, a minor; Howard Sweeney, a minor; William Hintz; and Martha Hintz;

H. R. 5144. An act for the relief of Ludwig Bahnweg;

H. R. 5158. An act for the relief of John P. Ryan;

H. R. 5168. An act for the relief of Ethel B. Lord, a minor;

H. R. 5229. An act for the relief of Carson Bradford;

H. R. 5622. An act for the relief of Marian Malik;

H. R. 5703. An act for the relief of Thomas H. McLain;

H. R. 6010. An act for the relief of William Sullivan;

H. R. 6059. An act for the relief of Edith Jordan; and

H. R. 6574. An act for the relief of E. W. Ross; to the Committee on Claims.

RECESS

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Chair, under the unanimous-consent order of yesterday, declares the Senate in recess until 12 o'clock noon tomorrow.

Thereupon, at 1 o'clock p. m., the Senate, under the unanimous-consent order previously entered, took a recess until tomorrow, Thursday, July 8, 1937, at 12 o'clock meridian.

SENATE

THURSDAY, JULY 8, 1937

(Legislative day of Tuesday, July 6, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, July 7, 1937, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. I note the absence of a quorum, and ask for a roll call in order to secure one.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Johnson, Colo.	Pittman
Andrews	Connally	King	Pope
Ashurst	Copeland	La Follette	Reynolds
Austin	Davis	Lee	Robinson
Bailey	Dieterich	Lewis	Schwartz
Bankhead	Duffy	Lodge	Schwellenbach
Barkley	Ellender	Logan	Sheppard
Berry	Frazier	Lonergan	Shipstead
Bilbo	George	Lundeen	Smathers
Black	Gerry	McAdoo	Stelwer
Bone	Gibson	McCarran	Thomas, Okla.
Borah	Gillette	McGill	Thomas, Utah
Bridges	Green	McKellar	Townsend
Brown, Mich.	Guffey	McNary	Truman
Brown, N. H.	Hale	Maloney	Tydings
Bulkley	Harrison	Minton	Vandenberg
Bulow	Hatch	Moore	Van Nuys
Burke	Hayden	Murray	Wagner
Byrd	Herring	Neely	Walsh
Byrnes	Hitchcock	Nye	Wheeler
Capper	Holt	O'Mahoney	White
Caraway	Hughes	Overton	
Chavez	Johnson, Calif.	Pepper	

Mr. LEWIS. Let me announce for the RECORD that the Senator from Ohio [Mr. DONAHEY], the Senator from Virginia [Mr. GLASS], and the Senator from South Carolina [Mr. SMITH] are necessarily detained from the Senate.

The Senator from Maryland [Mr. RADCLIFFE] and the Senator from Georgia [Mr. RUSSELL] are absent on important public business.

Mr. SCHWELLENBACH. I announce that the Senator from Nebraska [Mr. NORRIS] is detained from the Senate because of illness.

The PRESIDENT pro tempore. Ninety Senators having answered to their names, a quorum is present.

VALUATION OF WILSON DAM AND CERTAIN STEAM PLANTS—TENNESSEE VALLEY AUTHORITY

The PRESIDENT pro tempore laid before the Senate a letter from the vice chairman of the Board of Directors of the Tennessee Valley Authority, reporting that on May 6, 1937, the President approved the findings of the board with respect to the valuation of Wilson Dam and the steam plants at Nitrate Plants Nos. 1 and 2, which was referred to the Committee on Agriculture and Forestry.

EXCHANGE OF LAND IN PUERTO RICO

The PRESIDENT pro tempore laid before the Senate a letter from the Assistant Secretary of Commerce, transmitting a draft of proposed legislation to authorize the Secretary of Commerce to exchange with the people of Puerto Rico the Guanica Lighthouse Reservation for two adjacent plots of insular forest land under the jurisdiction of the Commissioner, Departments of Agriculture and Commerce, and for other purposes, which, with the accompanying papers, was referred to the Committee on Commerce.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate a resolution adopted by the Young People's Conference, Disciples of Christ, of Bethany Beach, Del., favoring the enactment of stringent legislation to prevent lynching, and also favoring long-term imprisonment of persons convicted of participating in the crime of lynching, which was ordered to lie on the table.

Mr. LONERGAN presented a resolution adopted by the Twenty-sixth Annual Grand Chapter of the Kappa Alpha Psi Fraternity at Washington, D. C., favoring the enactment of legislation for the protection of persons from mob violence and lynching, which was ordered to lie on the table.

Mr. LODGE presented petitions, numerously signed, of sundry citizens of the State of Massachusetts, praying for the abolition of the Federal Reserve Board as at present constituted, and also praying that Congress exercise its constitutional right to coin money and regulate the value thereof, which were referred to the Committee on Banking and Currency.

Mr. COPELAND presented a resolution adopted by the Westchester Newspaper Guild, Yonkers, N. Y., protesting against inclusion in the recently enacted relief joint resolution of a stipulation that current relief appropriations be spent in 12 equal installments, and favoring the elimination of such provision from existing law, which was referred to the Committee on Appropriations.

He also presented a memorial of several citizens of Albany and Coxsackie, N. Y., remonstrating against the enactment of the bill (S. 1270) to regulate barbers in the District of Columbia, and for other purposes, which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES

Mr. LEE, from the Committee on Military Affairs, to which was referred the bill (S. 2317) for the relief of Robert L. Summers, reported it without amendment and submitted a report (No. 881) thereon.

Mr. HUGHES, from the Committee on the Judiciary, to which was referred the bill (S. 2383) to amend the act authorizing the Attorney General to compromise suits on certain contracts of insurance, reported it without amendment and submitted a report (No. 882) thereon.

He also, from the same committee, to which was referred the bill (S. 2388) to increase the punishment of second, third, and subsequent offenders against the narcotic laws, reported it with amendments and submitted a report (No. 883) thereon.

DISTRICT OF COLUMBIA TAXES—MINORITY VIEWS

Mr. KING, as a member of the Committee on the District of Columbia, submitted minority views on the bill (H. R. 7472) to provide additional revenue for the District of Columbia, and for other purposes, which were ordered to be printed as part 2 of Senate Report No. 879.

INTERFERENCE WITH UNITED STATES MAILS—REPORT OF COMMITTEE ON POST OFFICES AND POST ROADS

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, to which was referred the resolution (S. Res. 140) authorizing an investigation of the delivery or nondelivery of mail to establishments where industrial strife is in progress (submitted by Mr. BRIDGES on June 7, 1937), reported it adversely, and submitted a report (No. 885) thereon.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that today, July 8, 1937, that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 557. An act authorizing the naturalization of James Lincoln Hartley, and for other purposes;

S. 630. An act for the relief of the Sheehy Drilling Co.;

S. 727. An act validating homestead entry Billings 029004 of Lillian J. Glinn;

S. 767. An act for the relief of the Charles T. Miller Hospital, Inc., at St. Paul, Minn.; Dr. Edgar T. Herrmann; Ruth Kehoe, nurse; and Catherine Foley, nurse;

S. 1474. An act to provide for the advancement on the retired list of the Navy of Clyde J. Nesser, a lieutenant (junior grade), United States Navy, retired;

S. 2497. An act authorizing John Monroe Johnson, Assistant Secretary of Commerce, to accept the decoration tendered him by the Belgian Government; and

S. J. Res. 88. Joint resolution providing for the participation of the United States in the world's fair to be held by the San Francisco Bay Exposition, Inc., in the city of San Francisco during the year 1939, and for other purposes.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ASHURST (by request):

A bill (S. 2754) to amend the Judicial Code by conferring on circuit courts of appeals jurisdiction to revise sentences in criminal cases; to the Committee on the Judiciary.

By Mr. SCHWELLENBACH:

A bill (S. 2755) to amend section 315 of the Communications Act of 1934;

A bill (S. 2756) to add section 315 (a) of the Communications Act of 1934; and

A bill (S. 2757) to amend section 326 of the Communications Act of 1934; to the Committee on Interstate Commerce.

By Mr. WHEELER:

A bill (S. 2758) to prohibit the transmission of certain gambling information in interstate commerce by communications facilities; to the Committee on Interstate Commerce.

By Mr. HATCH:

A bill (S. 2759) authorizing the sale of certain lands to the regents of the Agricultural College of New Mexico; to the Committee on Public Lands and Surveys.

By Mr. TYDINGS:

A bill (S. 2760) authorizing the George Washington Memorial Bridge Public Corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near Dahlgren, Va.; to the Committee on Commerce.

By Mr. TYDINGS and Mr. RADCLIFFE:

A bill (S. 2761) authorizing the State of Maryland by and through its State roads commission, or the successors of said commission, to construct, maintain, and operate certain bridges across streams, rivers, and navigable waters which are wholly or partly within the State; to the Committee on Commerce.

By Mr. COPELAND:

A bill (S. 2762) for the relief of the estate of George B. Spearin, deceased; to the Committee on Claims.

By Mr. PITTMAN:

A joint resolution (S. J. Res. 175) to amend section 4 of the joint resolution approved May 1, 1937, amending the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended; to the Committee on Foreign Relations.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 363) to authorize an additional appropriation to further the work of the United States Constitution Sesquicentennial Commission was read twice by its title and referred to the Committee on the Judiciary.

REORGANIZATION OF FEDERAL JUDICIARY—AMENDMENTS

Mr. McCARRAN submitted three amendments intended to be proposed by him to the bill (S. 1392) to reorganize the judicial branch of the Government, which were ordered to lie on the table and to be printed.

DISTRICT OF COLUMBIA TAXES—AMENDMENTS

Mr. TYDINGS and Mr. McCARRAN each submitted an amendment intended to be proposed by them, respectively, to the bill (H. R. 7472) to provide additional revenue for the District of Columbia, and for other purposes, which were ordered to lie on the table and to be printed.

MILDRED MOORE

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 114) for the relief of Mildred Moore, which was, on page 1, line 6, to strike out "$750" and insert "$1,250."

Mr. LEWIS. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

ELLEN TAYLOR

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 828) for the relief of Ellen Taylor, which was, on page 1, line 5, after "Taylor", to insert a comma and "of Richmond, Va."

Mr. BYRD. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

H. G. HARMON

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 885) for the relief of H. G. Harmon, which was, on page 1, line 7, to strike out "$400" and insert "$500."

Mr. GILLETTE. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

HALLE D. M'CULLOUGH

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1934) for the relief of Halle D. McCullough, which was, on page 1, line 10, after "agency", to insert a comma and "which sums have been disallowed by the General Accounting Office for lack of accounting evidence to substantiate the propriety of the expenditures."

Mr. BAILEY. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

FLORIDA O. M'LAIN

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 2229) for the relief of Florida O. McLain, widow of Calvin E. McLain, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAILEY. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BAILEY, Mr. HUGHES, and Mr. CAPPER conferees on the part of the Senate.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the President pro tempore:

S. 557. An act authorizing the naturalization of James Lincoln Hartley, and for other purposes;

S. 630. An act for the relief of the Sheehy Drilling Co.;

S. 727. An act validating homestead entry Billings 029004 of Lillian J. Glinn;

S. 767. An act for the relief of the Charles T. Miller Hospital, Inc., at St. Paul, Minn.; Dr. Edgar T. Herrmann; Ruth Kehoe, nurse; and Catherine Foley, nurse;

S. 1474. An act to provide for the advancement on the retired list of the Navy of Clyde J. Nesser, a lieutenant (junior grade), United States Navy, retired;

S. 2497. An act authorizing John Monroe Johnson, Assistant Secretary of Commerce, to accept the decoration tendered him by the Belgian Government;

H. R. 4597. An act to amend the Canal Zone Code;

S. J. Res. 88. Joint resolution providing for the participation of the United States in the world's fair to be held by the San Francisco Bay Exposition, Inc., in the city of San Francisco during the year 1939, and for other purposes; and

H. J. Res. 379. Joint resolution authorizing Federal participation in the New York World's Fair, 1939.

REORGANIZATION OF FEDERAL JUDICIARY

The Senate resumed consideration of the bill (S. 1392) to reorganize the judicial branch of the Government.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Wyoming [Mr. O'MAHONEY] to the amendment in the nature of a substitute.

The Senator from Kentucky [Mr. LOGAN] is entitled to the floor.

FAIR LABOR STANDARDS OF EMPLOYMENT

Mr. BLACK. Mr. President, will the Senator from Kentucky yield to me to submit a report?

Mr. LOGAN. I yield.

Mr. BLACK. From the Committee on Education and Labor I report back favorably with an amendment the bill (S. 2475) to provide for the establishment of fair labor standards in employments in and affecting interstate commerce, and for other purposes, and I submit a report (No. 884) thereon.

It is my intention, at a later date, to file a more complete report on the measure. At this time, with the consent of the Senator from Kentucky [Mr. LOGAN], I wish to call the attention of the Senate——

Mr. McNARY. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. McNARY. The Senator states that the report is favorable. Is it a unanimous report from the Committee on Education and Labor?

Mr. BLACK. All members of the committee who were present voted to report the bill favorably.

Mr. McNARY. How many were present?

Mr. BLACK. As I recall, about nine. I did not attempt to count them. I will be glad to find out who they were. One member who was not present asked that he be not recorded either way until he could go over the matter more fully.

Mr. McNARY. What is the number of the membership of the Senator's committee?

Mr. BLACK. Thirteen as I recall; I have not counted them recently. There was a majority present. If there is any question about it I shall be glad to tell the Senator what members were present.

Mr. McNARY. There is no question at all. I was merely curious to know how many voted to report the bill favorably.

Mr. BLACK. I shall be very glad to count them in a moment. The Senator from Louisiana [Mr. ELLENDER] was there, and if he will count them up while I am making the brief statement I desire to make I will be glad to have him do so. The Senator from Pennsylvania [Mr. DAVIS] was also there. He can perhaps recall the Senators who were present.

I desire to read at this time a paragraph from the President's message asking for the enactment of legislation on this subject, which is as follows:

> Today, you and I are pledged to take further steps to reduce the lag in the purchasing power of industrial workers and to strengthen and stabilize the markets for the farmers' products. The two go hand in hand. Each depends for its effectiveness upon the other. Both working simultaneously will open new outlets for productive capital. Our Nation, so richly endowed with natural resources and with a capable and industrial population, should be able to devise ways and means of insuring to all our able-bodied working men and women a fair day's pay for a fair day's work.

I call attention of the Senate to that part of the message for the reason that it is my hope—and I shall urge—that before the Senate shall finally adjourn it shall act upon legislation with reference to minimum wages, maximum hours, and child labor, and that it also act with reference to farm legislation. It is my belief——

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. BLACK. I am going to make now a statement concerning the matter which I think the Senator from New York desires to ask me. Tomorrow the Committee on Education and Labor will meet with reference to the housing bill, at which time the Senator from New York is invited to be present.

It is my belief that all three of the legislative proposals referred to come within the direct scope of the Democratic platform of 1936, and that the people were promised legislation for the benefit of the American farmer and the American worker, and likewise legislation to carry out the housing program. I shall certainly urge that before final adjournment the Senate shall take up for consideration legislation for the benefit of the farm worker and legislation relating to the housing program. I believe our committees now should be working on an investigation preparatory to enacting farm legislation. I sincerely hope they will begin an investigation in order to determine whether they can and will report measures relating to the farm situation in keeping with what we promised the people of the United States.

Mr. POPE and Mr. BURKE addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Kentucky yield; and if so, to whom?

Mr. LOGAN. I shall be glad to yield, but do not desire to yield to have started a discussion of the matter suggested by the Senator from Alabama. I yield first to the Senator from Idaho.

Mr. POPE. Has the Senator from Alabama in mind the so-called new farm bill which has been discussed on the floor and concerning which some informal hearings have been held?

Mr. BLACK. With the consent of the Senator from Kentucky, I will state that it is my understanding that a bill has been suggested and informal discussions have taken place. I believe that bill or any other bill could be used as a basis for study by the committee in connection with farm legislation. I would say that the bill could be considered as a basis for such study because it evidently represents the viewpoint of a large number of farmers.

In this connection I may state that present at the meetings of the Committee on Education and Labor were the Senator from Alabama [Mr. BLACK], the Senator from Massachusetts [Mr. WALSH], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Pennsylvania [Mr. DAVIS], the Senator from Oklahoma [Mr. LEE], the Senator from Florida [Mr. PEPPER], the Senator from Montana [Mr. MURRAY], the Senator from Utah [Mr. THOMAS], and the Senator from Louisiana [Mr. ELLENDER].

Mr. POPE. With reference to the new farm bill I expect either today or tomorrow, at the first opportunity—and I hope in conjunction with the Senator from Kansas [Mr. MCGILL], with whom I have been talking—to introduce a new farm bill with only one additional provision with reference to a referendum concerning the marketing-quota features of the bill. That is the only mandatory feature contained in the new bill, and the referendum will relate to it. I have the bill ready and hope to introduce it today or tomorrow to form the basis, as suggested by the Senator from Alabama, for consideration of further farm legislation.

Mr. McNARY. Mr. President, if the Senator from Kentucky will yield, I desire to ask the Senator from Idaho a question.

Mr. LOGAN. I yield for that purpose.

Mr. McNARY. Has the Senator from Idaho in mind and is he now speaking about the so-called ever-normal trading bill?

Mr. POPE. I am speaking of the so-called new agricultural adjustment bill of 1937, to which the Senator referred sometime ago, the bill which has now been introduced in the House and concerning which some informal hearings have been had before the Committee on Agriculture and Forestry of the Senate. The bill has not been actually introduced in the Senate, but I expect to introduce it today or tomorrow; and I hope the Senator from Kansas [Mr. McGILL] may join with me, as we have discussed the matter together.

Mr. LOGAN. I yield now to the Senator from Nebraska.

Mr. BURKE. Mr. President, with the permission of the Senator from Kentucky, I desire to ask the Senator from Alabama [Mr. BLACK] a question with reference to his statement.

The PRESIDENT pro tempore. Does the Senator from Kentucky yield for that purpose?

Mr. LOGAN. I do.

Mr. BURKE. I understood the Senator from Alabama to say there are three matters which he thinks ought to receive the attention of the Senate before we conclude our labors, namely, the wages and hours bill, farm legislation, and housing legislation. The reason he gave for considering them is that they all come within pledges made in the national Democratic platform. The question I should like to ask the Senator is whether he does not believe it would be very wise for the Senate to consider no further and give no further attention to any measures not included within the provisions of the last Democratic national platform?

Mr. BLACK. Mr. President, will the Senator from Kentucky yield to enable me to answer the Senator from Nebraska?

Mr. LOGAN. I yield for that purpose.

Mr. BLACK. It had not been my intention at this time to enter into a discussion with any one of the members of the flying squadron who are opposed to the President's Court plan. Not having the floor in my own right, it is impossible for me to enter into that discussion with the Senator from Nebraska, who, as I understand, is, if not the general, at least the lieutenant general, or the major general, or the brigadier general of that squadron.

I did not mean by the statement I made that the present Congress should limit itself to consideration of the three measures to which I referred. The Senate is now considering and discussing the Court bill. As a member of the platform committee, one of the 10 members of the subcommittee which drew the platform, it is my belief that the Senate is now proceeding in accordance with another plank in the Democratic platform by which it pledged the people it would consider, in connection with legislation coming before the Congress, the bill it is now discussing. For that reason I favor proceeding with the Court bill, filibuster or no filibuster, until we complete its consideration.

Mr. BURKE. Will the Senator from Alabama kindly state what language he finds in the result of the labors of the platform committee at the last Democratic National Convention that gives any substance to the statement he just made?

Mr. LOGAN. I will answer that without yielding to the Senator from Alabama to do so, because the statement has been made several times. It was made by the Senator from North Carolina [Mr. BAILEY], who read the platform into the RECORD and said there was nothing in the platform that would even give an intimation that there would be any legislation of this kind. I state now that it is asserted in the Democratic platform positively that if no legal remedy can be found to do something about the questions we are considering, a constitutional amendment perhaps would be submitted, but a legal remedy was found and therefore we are seeking to carry out that provision of the Democratic platform.

(At this point Mr. LOGAN yielded for the transaction of several matters of routine business, which appear elsewhere in today's RECORD.)

REORGANIZATION OF FEDERAL JUDICIARY

The Senate resumed consideration of the bill (S. 1392) to reorganize the judicial branch of the Government.

Mr. LOGAN. Mr. President, I express the hope that I may be permitted to discuss, for at least a while, in an orderly fashion the proposed substitute for Senate bill 1392, known as the bill to reform the judiciary; but before I begin that discussion, and so that the question may be forever settled, I desire to read the Democratic platform touching the matter inquired about by the Senator from Nebraska [Mr. BURKE]. Apparently the Senator from Nebraska has never read it, and some of the other Senators apparently have not done so.

It has been charged by many Senators that the President, in submitting this proposal to the Congress, was violating a platform pledge. He was doing no such thing. That is another red herring drawn across the trail.

Mr. WHEELER. Mr. President, let me ask the Senator a question.

Mr. LOGAN. Very well.

Mr. WHEELER. My attention was diverted when the Senator's statement was being made. Am I to understand that the Senator contends that the Democratic platform has in it anything with reference to increasing the membership of the Supreme Court of the United States, or putting additional Justices on the Supreme Court because members of it are over 75 years of age?

Mr. LOGAN. I did not say the Democratic platform said anything about it; but when the Constitution provides the sole means of gaining relief from the aggressions of the Supreme Court, any lawyer and any citizen may know that an effort to obtain relief within the Constitution relates to the only method left open by the Constitution.

Mr. WHEELER. Do not misunderstand me. I am trying to get at what the Senator has in mind with reference to this bill. Is it the intention of this bill to put men on the Supreme Court so as to overturn its decisions or to interfere with the aggressions of the present members of the Supreme Court?

Mr. LOGAN. Certainly it is not; and no one has ever thought so except those who have a vitriolic hatred of the President and the present administration.

The Senator from Montana has been a lawyer. He has been a practicing lawyer. I desire to ask him whether he considered that he was packing a jury when he saw men on the jury who, he thought, held views that would not be for the best interests of his client, and he challenged them, and asked the officer to produce other jurors. Was the Senator trying to pack the jury then?

Mr. WHEELER. Of course that is not packing a jury; but the judicial system provides for the selection of a jury, and it provides that each party shall have certain challenges with reference to the jury. That, as the Senator knows, is quite a different thing from throwing judges off the bench because they disagree with one's political views.

Mr. LOGAN. Nobody has ever talked about throwing judges off the bench. That is a manufactured issue coming from those who oppose the proposal.

Let me say to the Senator from Montana that I have great respect for his ability. He has been an outstanding Member of this body for a long time; and there is no one more sorry than myself to see the company he is with at this time, when apparently he has turned his back on everything he has ever stood for since he has been in the Senate, and is lending aid and comfort to those who, he knows, would destroy the Government if they were not restrained.

Mr. WHEELER. I thank the Senator for his very kind remarks with reference to me. I have a high regard for the Senator from Kentucky and for his ability. I desire to say, however, that I do not need his words of sympathy; and when the Senator says I am turning my back on everything I have ever stood for, he is stating something that is not in accord with the truth or the fact.

Mr. ROBINSON. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Arkansas will state it.

Mr. ROBINSON. A Senator having the floor may yield for a question. He may not yield to other Senators for speeches within his time.

Mr. LOGAN. I started a moment ago——

The PRESIDENT pro tempore. May the Chair rule on the point of order?

Mr. JOHNSON of California. Yes, Mr. President; I hope he may, so that the point of order will be recognized by every speaker from now on. I do not want that point of order to be raised in regard to this episode, however, when we see it violated every day, on numerous occasions, by other Senators.

Mr. LOGAN. I have not the slightest objection——

The PRESIDENT pro tempore. The point of order is not debatable unless it is submitted to the Senate.

Mr. TYDINGS. Mr. President, may I ask the Chair a question?

The PRESIDENT pro tempore. The Senator may.

Mr. TYDINGS. I submit to the Chair that when the personal standing and record of a Senator is attacked by another Senator, I feel that it is only fair, in passing on the point of order, to give the Senator who is attacked all the latitude in the world, in order that his position may not be misstated.

The PRESIDENT pro tempore. The Senator from Arkansas makes the point of order that a Senator may not yield except for a question.

Mr. WHEELER. Mr. President——

The PRESIDENT pro tempore. The Chair is ruling on the question. If the Senator from Montana wishes to say something, the Chair will be glad to hear him.

Mr. WHEELER. Mr. President, I simply wish to say that I have not any desire to make speeches in the time of any other Senator; but I do wish to call attention to the fact that I asked the Senator from Kentucky a question, and in response to that question he made a statement with reference to me. In all fairness and all decency I have a right to correct the statement which was made by the Senator against me.

Mr. ROBINSON. Mr. President, in reply to that let me say that the Senator from Montana has a perfect right to take the floor in his own behalf. He has not the right to make an argument within the time of the Senator from Kentucky.

Mr. WHEELER. I do not know anybody on this floor who violates that rule more than does the Senator from Arkansas.

Mr. ROBINSON. Mr. President, I never violate any rule when I am required to conform to it; and I am now seeking to require my good friend the Senator from Montana to conform to the rule.

Mr. WHEELER. From now on we shall require the Senator from Arkansas, as well as every other Senator, to conform to that rule.

Mr. ROBINSON. I shall be very glad to do so, Mr. President. On the occasion when I addressed the Senate a few days ago it was not at my invitation that I was asked all manner of questions, some of which were irrelevant. I did yield, and permitted my colleagues to make many speeches in my time, on the theory that they might make better speeches than I could make. The rule of the Senate is well defined, however, and it is my intention to invoke it.

Mr. JOHNSON of California. Mr. President, that is all right, provided the rule be invoked impartially.

Mr. ROBINSON. Mr. President, I rise to a point of order. It is not in order for the Senator from California to address the Senate during the time of the Senator from Kentucky.

Mr. JOHNSON of California. The Senator from Arkansas has just delivered himself of an address which he was privileged, of course, to deliver here.

Mr. ROBINSON. I make the point of order, Mr. President.

Mr. JOHNSON of California. If the Senator from Arkansas may deliver a speech in the time of the Senator from Kentucky, the rest of us can do the same thing; and that may be understood right now.

Mr. ROBINSON. I make the point of order.

Mr. LOGAN. Mr. President, I desire to assure the Senate that I intended no disrespect to the Senator from Montana. I have long been an admirer of his. Sometimes, in the heat of debate, we do not express ourselves as we should. I do not question at all the good faith and the honest motives behind the conduct of the Senator from Montana; but he has, I think, taken a position which would lead those who do not know him, perhaps, as well as some of us do to think he was in bad company.

Now I desire to call attention to the Democratic platform.

The PRESIDENT pro tempore. The Senator from Kentucky will please suspend. A point of order has been made by the Senator from Arkansas. The point of order is not debatable until it is submitted to the Senate or is appealed. The Chair has no right to raise a point of order except in particular cases where there is disorder. Whenever a Senator makes a point of order—and any Senator has a right to do so—it is the duty of the Chair to rule upon the point of order or submit it to the Senate.

A point of order has been made to the effect that the Senator from Kentucky may not yield to other Senators for anything but a question; that he may not yield for a speech. The Chair thinks it well at this time for the Chair to read the rules that are applicable to these matters, as questions regarding them will undoubtedly arise quite frequently in the near future.

Rule XIX provides:

> No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer.

Let the Chair call attention to the fact that a part of that rule requires that the Chair shall be first addressed, and that the Chair shall submit the request to the Senator who is speaking. When it is not important, Senators yield to various other Senators without conforming to that portion of the rule. The other portion of the rule is really the foundation for what is termed "unlimited debate" in the United States Senate, because there is no other provision with regard to unlimited debate in the United States Senate. It is called "unlimited debate" because as long as a Senator who has the floor is physically able to speak, he cannot be interrupted unless he is willing to be interrupted, and then he can be interrupted only for a question. The right to yield for a question is based only on precedents; but when it is apparent that a Senator is attempting to farm out his right to the floor by yielding to other Senators for speeches, he is yielding the floor, and therefore after each such yielding he is making another and separate speech.

The matter becomes particularly material at the present time because we are now in a legislative day extending over several calendar days.

Another part of rule XIX provides:

> No Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

In order to be consistent with that rule it is evident that a Senator cannot farm out the time to other Senators, because it would be a violation of the rule that no Senator shall speak more than twice on the same subject on the same day.

The Chair will hold, when the question is raised, that "day" means legislative day. In view of that fact, the Chair is forced to sustain the point made by the Senator from Arkansas that the Senator has been yielding not alone for questions but for statements, and if the Senator sees fit to yield for a speech, he may do so, but he yields the floor at that time. If he does that twice, he cannot speak again on the legislative day on the same subject, because he will have voluntarily made two speeches on the same day upon the same question.

Mr. BURKE. Mr. President, may I submit a parliamentary inquiry?

The PRESIDENT pro tempore. The Senator will state it.

Mr. BURKE. I understand that the Chair is not at this time ruling on the provision of rule XIX as to the definition of "day", but states that when the point is raised he is prepared to rule that "day" as so used means "legislative day."

The PRESIDENT pro tempore. The Senator from Nebraska is correct. The Chair was merely advising the Senate as to the attitude of the Chair.

Mr. TYDINGS. A point of order, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. TYDINGS. I should like to call the attention of the Chair to the rule which provides that no Senator either directly or indirectly may impugn the motives of another Senator. I think that rule should be enforced also.

The PRESIDENT pro tempore. The answer to the Senator is that any Senator may invoke rule XIX, and under that rule a Senator may call to order the speaker who is transgressing the rules of the Senate and the speaker who is called to order must take his seat and remain in his seat until the Senate shall indicate by vote that he may proceed in order. Rule XIX also provides that—

> No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

This rule can be invoked and enforced without the consent of the Senator who is speaking.

Mr. LOGAN. Then when I yield in the future, Mr. President, it will be understood that I am yielding only for a question; but I have no power myself to determine whether a question is asked or whether the interrupting Senator is making a speech. I hope that burden may not be thrown upon me. Neither will I farm out time for speeches to Senators who have been interrogating me, because if I desired to farm out some time I would farm it out to those on my own side.

The PRESIDENT pro tempore. The Chair may state to the Senator from Kentucky that he has a right to stop any Senator who has interrupted him at any time, although he has yielded, and therefore the Senator is responsible for the determination of the fact whether a question is being asked or a speech is being made.

Mr. LOGAN. A parliamentary inquiry, Mr. President. As I understand the rule, if the Senator who is making a speech yields for any purpose except for a question, he loses the floor. Suppose one yields for a question, and the Senator who has interrupted him makes a statement. Is the burden on the Senator who has the floor to stop the interrupting Senator or should a point of order be made against him?

The PRESIDENT pro tempore. The Chair holds that the Senator himself is responsible for the conduct of his speech, having a right to refuse to yield further at any time. He will therefore be liable for his own conduct and the effect upon his right to continue his own speech.

Mr. LOGAN. Mr. President, as I said in the beginning, I am always glad to yield. I am also obedient to all rules of the Senate and other rules for the government of my conduct. Consequently, I do not want Senators to take it as a discourtesy if I decline to allow one to make a statement or a speech.

Mr. WHEELER. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WHEELER. Will the Chair be kind enough to state what business, other than the business under consideration, can be transacted under the rule the Chair has just announced with reference to a legislative day?

The PRESIDENT pro tempore. No other business may be transacted except to lay down messages from the President, the House of Representatives, and conference reports, which may be considered upon motion. Such motion is not debatable. Any business, of course, may be transacted by unanimous consent.

Mr. WHEELER. I wish to state now that, in view of the rule which has been laid down, from now on no business will be transacted, if I am on the floor, except by unanimous consent, unless it is a privileged motion.

The PRESIDENT pro tempore. The Chair may state, however, that there is an exception with regard to action on conference reports and on matters coming from the other branch of the Congress, and from the White House.

Mr. McNARY. Mr. President, there is another exception. If the able Senator from Arkansas should move an adjournment, certainly we would have a morning hour for the transaction of business, and there would be routine business. That is what I would call transacting business not by unanimous consent.

The PRESIDENT pro tempore. Undoubtedly that is in accordance with the rule.

Mr. LOGAN. Mr. President, the Democratic platform in 1936 contained this provision:

> The Republican platform proposes to meet many pressing national problems solely by action of the separate States. We know that drought, dust storms, floods, minimum wages, maximum hours, child labor, and working conditions in industry, monopolistic and unfair business practices cannot be adequately handled exclusively by 48 separate State legislatures, 48 separate State administrations, and 48 separate State courts. Transactions and activities which inevitably overflow State boundaries call for both State and Federal treatment.
>
> We have sought and will continue to seek to meet these problems through legislation within the Constitution.
>
> If those problems cannot be effectively solved by legislation within the Constitution, we shall seek such clarifying amendment as will assure to the legislatures of the several States and to the Congress of the United States, each within its proper jurisdiction, the power to enact those laws which the State and Federal legislatures, within their respective spheres, shall find necessary in order adequately to regulate commerce, protect public health and safety, and safeguard economic security.

Mr. O'MAHONEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Wyoming?

Mr. LOGAN. I yield for a question.

Mr. O'MAHONEY. Will the Senator be good enough to state the problems to which the platform referred?

Mr. LOGAN. I have just read them. They are stated in the platform.

Mr. O'MAHONEY. The Senator from Wyoming is, perhaps, a little dense. Will the Senator from Kentucky be good enough to repeat the problems to which the platform refers?

Mr. LOGAN. I shall be delighted.

> Thus we propose to maintain the letter and spirit of the Constitution.

This was the situation——

Mr. BURKE. Mr. President, will the Senator yield for a question right there?

Mr. LOGAN. Wait until I answer the other question. I shall be very glad, just as soon as I can answer the other question. I cannot answer two at once.

The platform specifically enumerates flood control, labor, minimum wages, maximum hours, social security, the regulation of commerce, protection of public health and safety, and safeguarding economic security. I believe that covers all of them except child labor and working conditions in industry, monopolistic and unfair business practices.

Mr. O'MAHONEY. Will the Senator yield for a question?

Mr. LOGAN. I yield.

Mr. O'MAHONEY. Will the Senator be good enough to indicate to this body which one of those problems is now in danger of not being carried out by law?

Mr. LOGAN. I will do so as soon as I yield to the Senator from Nebraska, who started to ask a question.

Mr. O'MAHONEY. But, Mr. President, why slip from one question to another?

Mr. BURKE. I withdraw my question.

Mr. O'MAHONEY. Why not answer a question when it is propounded?

The PRESIDENT pro tempore. Does the Senator from Kentucky yield further to the Senator from Wyoming?

Mr. LOGAN. I yield to the Senator from Nebraska.

Mr. BURKE. The question I desire to submit to the Senator from Kentucky is this: Why did the framers of the platform in the last sentence read by the distinguished Senator refer to legislation within the letter and the spirit of the Constitution?

Mr. LOGAN. Because that is the way all legislation should be.

Mr. LEWIS rose.

Mr. LOGAN. I yield to the Senator from Illinois.

Mr. LEWIS. I merely wish to protest against this concerted action on the part of the able Senators constantly to interrupt the speech of the Senator from Kentucky so as to prevent him from continuing on the point to which he wishes to address himself.

Mr. BURKE. I rise to a question of personal privilege.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BURKE. The Senator from Kentucky stated that he wanted to read the platform because he believed that I had never read it. I believe that under those circumstances I have a right to demonstrate that I have read it, understand it, and know what is in it, and recognize the vital distinctions drawn by the framers of the platform when they refer both to the bare letter of the Constitution and to the spirit of the Consitution.

Mr. ROBINSON. Mr. President, I rise to a point of order. The Senator from Nebraska is not stating any question of personal privilege.

Mr. O'MAHONEY. Mr. President, may I rise to a question of personal privilege?

The PRESIDENT pro tempore. The point of order is not debatable. The point of order is made that the Senator from Nebraska is not raising any question of personal privilege. The Senator from Nebraska has stated that he feels that he has been imposed upon by a statement that he has not read the Constitution.

Mr. BURKE. No; the Democratic platform.

The PRESIDENT pro tempore. The Chair does not know whether that is an insult or not. [Laughter.]

Mr. BURKE. I withdraw the point of personal privilege.

The PRESIDENT pro tempore. The point of order is sustained upon the ground that a question of personal privilege cannot be raised while another Senator has the floor without his consent.

Mr. LOGAN. I desire, then, to withdraw the statement, because I believe the Senator has read the platform.

Mr. O'MAHONEY. Mr. President, I rise to a question of personal privilege.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LOGAN. I yield to the Senator for a question.

Mr. O'MAHONEY. I have risen to a point of personal privilege.

Mr. LOGAN. I have nothing to do with that.

Mr. O'MAHONEY. Not because of anything——

The PRESIDENT pro tempore. The point of personal privilege must be stated.

Mr. O'MAHONEY. I shall state the point of personal privilege if the Chair will but bear with me and give me an opportunity.

The PRESIDENT pro tempore. The Senator must not make a speech without the consent of the Senator having the floor, and such Senator cannot give such consent without suffering the penalty that may attach to yielding the floor.

Mr. O'MAHONEY. Mr. President, the Senator from Illinois [Mr. LEWIS] raised the point that the Senator from Nebraska [Mr. BURKE] and I were asking questions of the Senator from Kentucky [Mr. LOGAN] for the purpose of interrupting his argument. I deny the imputation. The question which I propounded to the Senator from Kentucky was not asked for the purpose of interrupting his discourse but to illuminate his discourse, to determine whether or not——

Mr. ROBINSON. Mr. President, I again rise to a point of order. The Senator from Wyoming is not stating any question of personal privilege.

Mr. O'MAHONEY. Mr. President, if the Senator from Illinois [Mr. LEWIS] reflects upon the motives of a Senator in asking a question, is he not then out of order?

The PRESIDENT pro tempore. The Chair must repeat that it is obvious that parliamentary procedure could not go on if the Senate had imposed upon it methods of procedure under which questions of personal privilege such as have just been raised were indulged in. Senators cannot rise for a question of personal privilege when a Senator is speaking without his personal consent. The Senator has violated that rule.

Mr. O'MAHONEY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. O'MAHONEY. Do I understand it to be the ruling of the Chair that a Member of this body may not rise to a point of personal privilege if the Senator who is occupying the floor declines to yield?

The PRESIDENT pro tempore. That is the rule.

Mr. O'MAHONEY. Mr. President, another parliamentary inquiry then.

The PRESIDENT pro tempore. The Senator will state it.

Mr. O'MAHONEY. In other words, if the Senator who occupies the floor undertakes to cast imputations upon the motives of another Senator, is that other Senator denied the right to rise to a question of personal privilege unless the Senator who is making the charges yields the floor?

The PRESIDENT pro tempore. No; he is not, because rule XIX expressly provides that in such a case a Senator may rise and call the other Senator to order for improper language, in which case that Senator must take his seat without further action and must remain in his seat until a majority of the Senators vote that he may proceed. That is the remedy of the Senator from Wyoming.

Mr. O'MAHONEY. Another parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. O'MAHONEY. May a Senator ask a question of another Senator without obtaining the permission of that Senator?

The PRESIDENT pro tempore. He may not.

Mr. O'MAHONEY. So that a Senator who occupies the floor may shut off all debate while he is talking?

The PRESIDENT pro tempore. That is the rule.

Mr. O'MAHONEY. And he may retire within his own shell and keep the argument all to himself until he has finished?

The PRESIDENT pro tempore. If that were not true there could not be a filibuster.

Mr. LOGAN. Mr. President, I shall attempt to proceed, although it is a little difficult to follow connected ideas or thoughts when there are so many questions of personal privilege. I now desire further to refer to the platform of 1932, on which President Roosevelt and many Senators were elected, and I find this language in that platform, a promise on the part of the Democratic Party:

> Simplification of legal procedure and reorganization of the judicial system to make the attainment of justice speedy, certain, and at less cost.

Mr. President, after the Roosevelt administration began to operate much legislation was passed which all of us thought was for the best interests of the American people, and the American people thought so. It is true there was a great protest against the legislation which constitutes the bulk of laws known as the New Deal. There existed in the country a great organization of distinguished men known as the Liberty League. Those who are opposing the Court plan now were not the first to proclaim the destruction of liberty by the Roosevelt administration.

The distinguished men known as the Liberty League raised a good deal of wind about what was being done.

After that certain legislation reached the Supreme Court of the United States. Far be it from me to criticize the Supreme Court. In the event Senators desire to find criticism of the Supreme Court, let them read some of the dissenting opinions which have been written by members of

the Court, or perhaps Senators will find more severe criticism than I would ever make in expressions of some of the Senators who are now opposing this legislation. But the fact remains that we had drifted down to the good year 1936, and the Supreme Court had reached a state where some legislation might be upheld or it might be declared invalid, and no living human being could tell what would happen to it.

For instance, in that good year of 1936 there were 57 lawyers, outstanding lawyers of the Nation—I have forgotten whether they were Liberty League lawyers or whether they were American Bar Association lawyers—a Senator says they were Liberty League lawyers—and they wrote an opinion about the constitutionality of the Wagner Labor Relations Act. In that opinion there was not a single dissent. These 57 names were signed to the opinion, and it was printed and scattered broadcast over the entire Nation. The conclusion which was reached by those distinguished lawyers, without a dissent, was that the Wagner Labor Relations Act was unconstitutional.

Mr. WHEELER. Mr. President, will the Senator yield so I may have permission to ask him a question?

Mr. LOGAN. Yes; I yield.

Mr. WHEELER. I also ask the same permission from the Democratic leader.

May I ask the Senator if it was not also the opinion of the Attorney General who argued the case before the Supreme Court that the law was unconstitutional?

Mr. LOGAN. I rather imagine that it was. It was my opinion, I might say, that there was some doubt, but I thought the Court as then constituted would hold the act invalid. I did not think it was unconstitutional, but if the Constitution is what the judges say it is, and that seems to be the general opinion now, I thought the judges would say that it was unconstitutional. But they did not. They upheld it, much to the confusion of the Liberty League lawyers.

Mr. WHEELER. Let me ask another question.

Mr. LOGAN. I yield.

Mr. WHEELER. The Supreme Court also held it constitutional to the confusion of the Attorney General of the United States, did it not? For does not the Senator know that the Attorney General of the United States had said that it would be held unconstitutional, and does he not know that some of the Senators on the floor of the Senate had said that it would be held constitutional notwithstanding the opinions of the Attorney General of the United States?

Mr. LOGAN. I do not know that, but I have no reason to dispute the correctness of the statement.

Mr. BARKLEY. Mr. President, will my colleague yield to me for a question?

Mr. LOGAN. I yield to my colleague from Kentucky.

Mr. BARKLEY. Is it not also true that former President Taft vetoed an act of Congress on the ground that it was unconstitutional, and that the Supreme Court, of which he was later Chief Justice, held it constitutional?

Mr. LOGAN. That is very true. That was the Webb-Kenyon Act.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. LOGAN. I yield to the Senator from New York.

Mr. WAGNER. Does the Senator from Kentucky know of the existence of any official document anywhere which sets forth that the Attorney General of the United States has held or declared that the so-called Labor Relations Act was unconstitutional?

Mr. LOGAN. I do not.

Mr. WAGNER. He certainly argued with great ability and great favor before the United States Supreme Court to uphold its constitutionality, and he succeeded.

Mr. LOGAN. And he won his case.

Mr. WAGNER. Yes.

Mr. LOGAN. I was pointing out the conditions as they existed at that time, and the point I seek to make is that there was no one in the Senate or outside of it who in 1936 could tell whether an act of Congress was constitutional or unconstitutional. All fair-minded men must agree that that is true. It seems that some of the Justices had become so fixed in their opinions that one knew what they were going to do before a case ever reached them. I believe there are some members of the Court today, as there are some Members of the Senate, who believe that everything which comes from President Roosevelt, which is tinged with coloring of the New Deal, comes from the devil; and since the Constitution has become an instrument which is interpreted according to the personal whim of the judges, then anything in the way of legislation which tended to support what is known as the New Deal we knew would be held unconstitutional by certain members of the Court.

When the Democratic committee met to adopt the platform it had all these things in mind. The Agricultural Adjustment Act had been declared unconstitutional. The Supreme Court had said that agriculture was merely a question of local welfare. There is no one in the Senate who agrees with that construction, and there are just as good lawyers in the Senate as will be found on the Supreme Court Bench. The Supreme Court had held that certain things which might be done under the N. R. A. relating to interstate commerce were not constitutional. Some thought they were constitutional and some thought they were not.

Then there were other important decisions relating to the Railroad Retirement Act and other acts, not necessary to name, which had been declared unconstitutional.

Then, when the Democratic convention met, knowing all of these things, and knowing that it was necessary to carry out the program of the President, we said, "We shall carry out the program within the Constitution if it can be done. If no legal way can be found to carry out these things within the Constitution, then we will submit a constitutional amendment."

Then the lawyers—and there are a good many lawyers in the Senate—began to go back into history to find out what could be done, and we found this provision in the Constitution, which we had always known was there.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. BURKE. Does the Senator concede that there might be an act of Congress which would be within the letter of the Constitution but not within the spirit of the Constitution?

Mr. LOGAN. I will say to the Senator that there is no such thing. There can be no distinction between the letter of the Constitution and the spirit of the Constitution, as the spirit of the Constitution is that body of principles that may be drawn from within the Constitution itself. The implied powers that are not found in the Constitution might be called the spirit of the Constitution, but there can be no separation between the spirit and the substance of the Constitution. I am glad to answer the question.

Mr. BURKE. Mr. President, will the Senator yield for a further question on the same point?

Mr. LOGAN. I yield.

Mr. BURKE. If the two things mean one and the same, why, then, did those who met at Philadelphia and drew this plank to be inserted in the Democratic platform say that the things that this Congress would do, if the Democrats were returned to power, would be within the letter of the Constitution and within the spirit of the Constitution?

Mr. LOGAN. Lawyers have a habit of using lots of words to express very simple things. [Laughter.] We all know that to be true. There was no reason in the world to make such a statement. I do not know who wrote it; perhaps it was the Senator from Alabama, but I do know that if a thing is within the Constitution it is within the substance and within the spirit of the Constitution.

Mr. BURKE. Will the Senator yield to one further question?

Mr. LOGAN. I yield.

Mr. BURKE. The Senator, of course, is familiar with the writings of Woodrow Wilson. I call his attention, as preliminary to the question I am about to ask, to a statement

made by Woodrow Wilson before he became President of the United States, that the failure of the Constitution to specify the number of Justices who should constitute the Supreme Court left a loophole that might be taken advantage of to overwhelm the Court by adding members to secure a different decision; that such action, in his judgment, would be within the letter of the Constitution, but, to use his own language, would clearly violate the spirit of the Constitution and would be a plain offense against morality. Was Woodrow Wilson just using language when he drew that distinction between the letter and spirit of the Constitution?

Mr. LOGAN. I regard former President Wilson as perhaps the most learned and one of the greatest men that America has ever produced. Many will disagree with that statement, but that is my estimate of him. However, he overspoke himself quite frequently, and he overwrote himself occasionally. That statement coming from that distinguished citizen of the United States, whom I admire so much, shows how great men can nod; even Homer nodded at times, so we were told. Now let us get down to facts so that I may discuss the matter connectedly.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. LOGAN. I yield to the Senator.

Mr. SCHWELLENBACH. I ask the Senator whether or not he believes that either the writers of the Constitution or former President Woodrow Wilson believed that there was anything contemplated in either the letter or the spirit of the Constitution that would permit a situation to exist in our Supreme Court whereby four members of that Court would so firmly make up their minds to declare unconstitutional any legislation presented by this administration as to make it necessary every time the administration attempted to secure approval of legislation before the Supreme Court to get the unanimous vote of all five of the open-mind judges? Is that within the spirit or the letter of the Constitution?

Mr. LOGAN. It is not, and, of course, President Wilson had no such situation in view at the time. There was always the danger that Congress could absolutely destroy the Supreme Court by its failure to make appropriations to support it; and the same statement applies to the executive branch.

Mr. O'MAHONEY. Now, Mr. President, may I ask a question at that point?

Mr. LOGAN. I yield to the Senator from Wyoming.

Mr. O'MAHONEY. Did I understand the Senator correctly when I thought I heard him say that any act of Congress which would be within the letter of the Constitution would be within its spirit?

Mr. LOGAN. I said it, because I said there was no difference between the letter and the spirit of the Constitution.

Mr. O'MAHONEY. Then, if the Congress should refuse to appropriate for the Supreme Court, would that be within the spirit of the Constitution?

Mr. LOGAN. It would be within the letter and the spirit of the Constitution, plainly expressed.

Mr. O'MAHONEY. And if the Congress should refuse to appropriate for the executive arm of the Government would that be within the spirit of the Constitution?

Mr. LOGAN. Absolutely within both the letter and spirit of the Constitution.

Mr. O'MAHONEY. Then, is it the opinion of the able Senator from Kentucky that the Congress of the United States, by withholding appropriations from the judicial arm and from the executive arm of the Government, would be within the spirit of the Constitution by striking down the other two coordinate branches?

Mr. LOGAN. That which is specifically allowed by the Constitution itself the Congress may do, and it is within the spirit of the Constitution. No one can dispute that. But now let me get on just a little further. Here is the question of what could we do about the situation which had developed.

Mr. BAILEY. Mr. President, will the Senator permit me to ask him a question?

Mr. LOGAN. I will.

Mr. BAILEY. How can the Senator reconcile his views that the letter and the spirit are the same, in view of the teaching of a very great teacher concerning the ancient law, "The letter killeth, but the spirit maketh alive"? I know that the Senator from Kentucky is a great Bible scholar, and I should like him to make the reconciliation.

Mr. LOGAN. I am very familiar with St. Paul, and some of these days, if the Senator will come out to my Sunday-school class, I will try to instruct him about that, but he ought not to talk about those things in the Senate of the United States. [Laughter.]

Mr. TYDINGS. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Maryland?

Mr. LOGAN. I yield to the Senator from Maryland.

Mr. TYDINGS. Does the Senator feel, if the Congress of the United States should fail to pass an appropriation providing for the salaries of Members of the Congress of the United States, that that would be within the spirit and the letter of the Constitution?

Mr. LOGAN. Absolutely, I do.

Now, what can be done with the Supreme Court when it sets itself up as an autocracy, a body with absolute power, without any check upon it, without anyone to say, if it says black is white or white is black, that that is incorrect, and the American people must live under its decisions?

Mr. O'MAHONEY. Mr. President, will the Senator yield for an answer to his question?

Mr. LOGAN. I yield for a question only.

Mr. ROBINSON. Mr. President, I rise to a point of order.

Mr. O'MAHONEY. Then, Mr. President, if that be so, submit a constitutional amendment and you will get your answer.

Mr. ROBINSON. I make the point of order that the Senator from Wyoming is not in order.

Mr. LOGAN. Mr. President——

The PRESIDENT pro tempore. The Chair will hold that the Senator from Wyoming is out of order. He knows the rules of this body. He knows that he has no right to interrupt a Senator without addressing the Chair; he knows that the Senator refused to be interrupted, except for a question, and he continued to make a statement.

Mr. O'MAHONEY. The Senator from Kentucky did not refuse to be interrupted.

The PRESIDENT pro tempore. The Senator from Kentucky refused to let the Senator answer the question, and the Senator continued to violate the rules of the Senate. He knows the rules.

Mr. O'MAHONEY. Mr. President, may I, rising to a question of personal privilege and to draw the attention of the Chair——

The PRESIDENT pro tempore. The Chair will hold that the Senator has no right to rise to a question of personal privilege without the consent of the Senator from Kentucky.

Mr. O'MAHONEY. Mr. President, will the Senator from Kentucky be good enough to permit me to rise to a question of personal privilege?

Mr. LOGAN. I yield.

Mr. O'MAHONEY. I was sure the Senator would do that. I am addressing myself now to the remarks of the Presiding Officer of this body. The Presiding Officer of the body said that the Senator from Kentucky refused to permit me to answer. The fact of the matter is, as the RECORD will show, it was not the Senator who has the floor but the Democratic leader here who was the first person to raise the question of the propriety of my interruption.

Mr. ROBINSON. I rise to a point of order. The Senator from Wyoming is again not stating a question of personal privilege.

The PRESIDENT pro tempore. The Chair sustains the point of order and holds that the Senator from Wyoming is violating the rules.

Mr. O'MAHONEY. Now may I ask a parliamentary question?

The PRESIDENT pro tempore. The Senator will state it.

Mr. O'MAHONEY. I desire to be informed to what extent a question of personal privilege goes. If the Presiding Officer of this body imputes to a Senator improper motives, is the Senator not permitted to reply to the Chair?

The PRESIDENT pro tempore. The Senator from Arkansas made a point of order that the Senator from Wyoming was out of order, and the Chair ruled that the Senator was out of order. The Senator should know he was violating the rules which the Chair read a while ago.

Mr. O'MAHONEY. The Chair is now accurate, but what the Chair ruled was that the Senator who had the floor had refused to permit me to answer when that Senator had granted me permission to answer.

The PRESIDENT pro tempore. The Chair understood that the Senator from Kentucky yielded for a question only.

Mr. O'MAHONEY. I will submit the matter to the Senator from Kentucky.

The PRESIDENT pro tempore. The Chair has ruled the Senator from Arkansas made the point of order; the point of order was well taken and the Chair sustained the point of order.

Mr. WHEELER. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WHEELER. I want to know how far a Member of the Senate is going to have to be lectured here——

Mr. ROBINSON. I rise to a point of order.

Mr. WHEELER. I am asking a parliamentary question.

Mr. ROBINSON. The Senator is not stating a parliamentary question.

Mr. WHEELER. I am making a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WHEELER. I want to know whether or not, during this debate, those who are opposed to this bill are going to be lectured by the Chair or are going to be lectured by the Democratic leader and not be permitted to answer?

Mr. ROBINSON. Now, I make the point of order that that is not a parliamentary inquiry.

Mr. WHEELER. Let the Chair answer the inquiry.

The PRESIDENT pro tempore. The Chair will attempt to rule on all points of order, and the decisions of the Chair, of course, are subject to appeal. The Chair hopes that the language of his rulings will not be offensive to any Senator, for such is not his intention. If it should be so considered, the Chair would be very sorry for it.

Mr. LOGAN. Mr. President, until I have completed the statement of what I have in mind I will decline to be interrupted. After I shall have finished, I shall not object to interruptions; I never object to interruptions; but I find that if I am to make any kind of connected statement it is necessary for me to decline to yield for the present.

I referred to the fact yesterday that the makers of the Constitution never had in mind any idea that it would set up autocratic powers, absolute powers, in either branch of the Government. That was furthest from the thought of the delegates to the Constitutional Convention. That is what they were against. There was never any thought that the Supreme Court should have absolute power to determine all questions that might come before it without any check or without any regulation at all. So, after the convention had proposed regulations as to the executive branch, and as to the legislative branch, it proceeded to leave entirely open the question of the number of members of the Supreme Court.

I proclaim now that the determination of the number of members of the Supreme Court has always been a congressional matter. There has never been a time in the history of the Government when it was not within the will of Congress to determine how many members there should be on the Supreme Court.

In 1789, when Congress passed the first bill referring to the Court, which was a congressional triumph, the number of members of the Court was fixed. In 1801 and at various other times it has been Congress that has had the exclusive and absolute power to determine the number of members that shall constitute the Supreme Court. Does anyone dispute that? Then, if the power has been vested in the Congress, and exclusively so, does it lie in the mouth of any man to say it is against the spirit of the Constitution or against the letter of the Constitution for the Congress to do that which the Constitution specifically allows it to do, and which power and right it has exercised for more than 150 years?

Mr. STEIWER. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Oregon?

Mr. LOGAN. I yield.

Mr. STEIWER. Do I correctly understand the Senator to say that the power of fixing the number of members of the Supreme Court is one which the Constitution specifically conferred on the Congress?

Mr. LOGAN. I certainly state that. The Senator may have a different idea of what "specifically" means. The Constitution simply provides that there shall be one Supreme Court. There was no place from which a Supreme Court could come or from which the membership could come except through the legislation of the Congress. Therefore it was specifically provided that the number of Justices was within the discretion of the Congress of the United States.

A lawyer may be an old field lawyer or an ordinary cornfield lawyer; he may never have had a case in court, but any lawyer who can even claim to be a lawyer knows that the number of Justices on the Supreme Court depends absolutely upon the will of the Congress, and it has always depended upon the will of the Congress. When some distinguished Senator says it is against the spirit of the Constitution for the Congress to do that thing which the Constitution says it should do, I should like to have him answer me.

Mr. BURKE. Mr. President, will the Senator yield to enable me to answer his question?

Mr. LOGAN. I cannot yield for an answer. The Chair has ruled that I can only yield for a question.

Mr. BURKE. I thought the Senator asked for an answer.

Mr. LOGAN. I am glad to yield, but the rule of the Senate forbids me yielding except for a question.

Mr. BURKE. I thought the Senator stated he would like to have the question answered.

Mr. LOGAN. I said that; but under the rule of the Senate whoever answers will have to answer in his own time. That seems to be the rule.

Mr. BURKE. Very well.

Mr. LOGAN. Let us pursue the matter a little further. Why was it the number of the Supreme Court Justices was left to the Congress to determine? Some say the country was growing and the members of the Convention did not know how many might be needed in the future. That is true as to Members of Congress also. The members of the Convention did not know how many Members might be needed in Congress, and yet the Constitution prescribes a rule by which the number of the Members of Congress shall be determined. Could not the Convention have done the same thing with reference to the members of the Supreme Court? If that was the only reason, it left the question open. Certainly, then, there must have been another reason.

There was another reason, and it ought to be made to ring down the corridors of time so that every American citizen may know what the Constitution meant in setting up the Supreme Court. It meant there should be no such thing as arbitrary power anywhere. It is well known that if there should be placed upon the Constitution the construction which is contended for by many Senators, the Supreme Court would have more power than any absolute monarch in all the world. Upon its whims, if such a thing should happen, would depend the rights, the liberties, and the happiness of the people of the United States. I do not

say such a time would ever come, but the men who wrote the Constitution were afraid of things like that. Thomas Jefferson himself wrote in one of his letters that the danger was in the Supreme Court.

No check was there, but they left a check, and what was it? They left it open for the Congress to determine the number of Justices of the Supreme Court, so that if a condition should ever arise, such as we have prevailing today, where the Court should stand as a bulwark against the rights and liberties of the people, then the Congress, the representatives of the people, could bring relief.

There is no other way except to provide as is provided in the pending substitute. When the Court becomes atrophied, when the minds of the members, either because of age or for any other reason, become hardened, when no new ideas can find lodgment in their brains, there is only one way to provide a remedy for a situation of that kind.

Senators talk about the proponents of the bill not being sincere; they talk about them not being in good faith. It is stated that we are simply planning an attack on the Court. I say away with such argument, because it is not true. Such statements come from the imagination of those whose imagination is distorted or else they are a little careless in what they say. I am supporting this measure because the liberties of the people, the life of the Nation, the very existence and continuance of the happiness of our citizens depends upon our acting as intelligent statesmen rather than cavilling children.

"Dragging a red herring across the trail." It is said that the bill is being pressed in order to change the opinions of the Court. I deny the statement. I deny that the Attorney General of the United States ever made such a statement any place. When he was asked the direct question if he had any assurance that the opinions of the Court would be changed, he said:

> Let me say that my position is that you are not packing the Court. It could not be packed. You cannot get men on the Court if it should be known how they would vote upon particular questions.

It is folly to talk about such a thing. I had hoped to get men on the Supreme Court Bench who had political and economic views in accord with the needs of the times, and who at least might have an opportunity to consider the great questions so vital to the life of the Nation. I had hoped that different opinions on certain questions would come from them. That is all. It is the same as I said a while ago about trying a case before a jury.

Suppose a lawyer is trying a case before a jury. Here is the court. If the court for good cause shown may allow an increase in the number of jurors, what would a good lawyer do? In this case we are the court. If a Senator as a lawyer should go into that court, he would be familiar with the law and the practice and know he could get additional jurors if he wanted them. The lawyer would see before him on the jury five or six men who he knew would be against his client because of their local prejudices or because of their predilections or other views on economic matters. If the lawyer knew they were apt to be against his client, what would he do as a good lawyer? Would he not say, "Here are the jury. I cannot get rid of them. My challenges have been exhausted." A good lawyer would ask the court to allow additional jurors. Why? So the lawyer might pack the jury? Away with such folly! A good lawyer would ask for additional jurors because he would want men who were unbiased and unprejudiced and who would try to deal justly between the two sides.

Having that view of it, I have very little patience with those who take the low ground of those who love darkness better than light. I should like to see these discussions placed on a high plane. I should like to know why it was that when Congress first established the Supreme Court it did not set up just one judge. Why was it we did not have a court of one judge? It was because Congress was afraid of the absolute power vested in the Court. It has been recognized, and is recognized today, that men of varying political views should be members of the Court; and because of that fact I believe the time has come when, in a perfectly legal, perfectly legitimate way, such a change should be made, though not for the immediate present. Nobody would want to pack the Court and get different decisions from those which have been handed down in the past few months; but for the future, for the life and liberty of the American people, we must build up protection against the absolute power of one branch of this Government which, if the construction is accepted which the opponents of this measure place upon it, has control over the other two branches of the Government, and over all the people of America.

When I was elected to the Senate I took an oath of office. That oath was that I would defend and protect the Constitution of the United States. I am standing on that oath, and I could not vote against this bill without believing that I was violating that oath. Why do I say that? Because not only did I take an oath that I would oppose acts which were unconstitutional on the part of Members of this body—that was one thing—but my oath meant that I would oppose unconstitutional action of the President of the United States, of the Congress, of the different departments; and it meant more than that—that I would oppose the unconstitutional acts of the Supreme Court itself, if it should act in an unconstitutional way. So if the Supreme Court has done as some of the witnesses appearing before us say that it has done, and if its acts have been unconstitutional, what other remedy have we?

Some persons say, "Submit a constitutional amendment." Nobody believes that. That is just talk. A constitutional amendment cannot be submitted. If that were done, the Court might change its opinion tomorrow or next day, and then it would be necessary to submit another constitutional amendment. In other words, if the Court misconstrues the Constitution, an amendment must be submitted to correct the error of the Court in the first place; and so it will be like following a cow wandering around through the forest, just wandering in and out. All of us know that there is no way to reach this question by a constitutional amendment, and it is not necessary.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. LOGAN. I yield to the Senator from Indiana.

Mr. MINTON. Does not the Senator recall that in the last campaign we had just the situation to which the Senator has alluded? The Republican platform referred to an amendment to the Constitution.

Mr. BURKE. Mr. President, I rise to a parliamentary inquiry. I understood that the Senator from Kentucky had declined to yield. When I asked a question a moment ago, he said he did not care to yield any further until he concluded his remarks. I am wondering if that is to be applied only to certain Senators.

Mr. LOGAN. Mr. President, I think I am entitled to answer that inquiry. I will say to the Senator from Nebraska that that was not the situation. I asked a question. The Senator from Nebraska wanted to answer the question. That, I said, could not be done under the rules of the Senate, but I said that the Senator could ask a question.

Mr. BURKE. The Senator from Kentucky is perfectly willing to submit to further questions from Senators?

Mr. LOGAN. Oh, yes!

Mr. BURKE. I thought the Senator declined to yield.

Mr. LOGAN. Oh, no. I am willing to yield for questions.

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). Does the Senator from Kentucky yield to the Senator from Indiana?

Mr. LOGAN. I yield.

Mr. MINTON. As I was saying before I was interrupted, the Senator recalls, does he not, that in the last campaign the Republican Party, I believe in its platform—at least as amended by its candidate, Mr. Landon—came out for an amendment to the Constitution in order that we might have minimum-wage legislation?

Mr. LOGAN. Yes.

Mr. MINTON. Then, shortly after the election, a few months thereafter, the Supreme Court changed its mind, and, without any amendment to the Constitution, we found that we could have minimum-wage legislation. So we might have been in the ridiculous situation, might we not, of proposing an amendment to the Constitution which was not necessary?

Mr. LOGAN. That is very true. I have always thought that if we could get Members of the Congress to go into this question earnestly and sincerely, with the consequences of any determination thoroughly considered, there could be no opposition to this proposal. I myself have no interest in the matter one way or the other. I do think, however, that something must be done.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. LOGAN. I yield to the Senator from Louisiana.

Mr. OVERTON. Does this measure proceed upon the theory that judges who have attained certain ages are incapacitated, either in whole or in part, from properly discharging the duties of their office?

Mr. LOGAN. I should say that it does; and let me say to the Senator that it has been suggested that we should have a constitutional amendment providing for compulsory retirement at 75. That, I believe, most Senators favor.

Mr. OVERTON. That is the question I was about to ask the Senator.

Mr. LOGAN. Let me call attention, however, to the fact that the measure we are now considering is the only plan whereby the services of judges who are doing great work can be retained. I think Chief Justice Hughes is a great Judge. He has written just recently some things that will live as long as those written by Marshall. He did that in the Minnesota moratorium case. Somebody—I believe it was Mr. Justice Roberts, however—did the same thing in the Nebbia case, the New York Milk case. The Court has gone back to the principles announced by Marshall, and I think it is great. Under this measure, a member of the Court does not have to retire. He may still go on and render very valuable service; but if there is a member of the Court who has become—I cannot remember the name by which Mr. Justice McReynolds called such men—if he has reached the point where he can do nothing, this measure provides for the appointment of a live, young, vigorous judge, or at least he may not be so young but one who can carry his part of the load.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LOGAN. As soon as I finish yielding to the Senator from Louisiana.

Mr. WHEELER. Pardon me.

Mr. OVERTON. What the Senator says is very true; but may I ask one or two more questions? I am asking for information.

Mr. LOGAN. Yes.

Mr. OVERTON. I know the Senator has given a great deal of thought to this measure, and has taken part in its preparation. If, however, a judge who attains a certain age is incapacitated on account of his age from thinking clearly and deciding wisely, and that judge remains upon the bench, and an additional judge is appointed in his place, the incapacitated judge has just as much of a vote on a decision as has the younger and the more vigorous and the more capable and more clear-thinking judge. Is not that true?

Mr. LOGAN. That is true.

Mr. OVERTON. Therefore, as I understand, if this measure proceeds, as it does, upon the theory that when men attain certain ages they are incapacitated from properly discharging the duties of their office, either in whole or in part, the question could be submitted to the people by a constitutional amendment; could it not?

Mr. LOGAN. It could.

Mr. OVERTON. I understood the Senator, however, to say that this question could not be solved by a constitutional amendment. What I desire to know is whether or not a constitutional amendment could be submitted which would modify the existing rule in the Constitution that judges shall hold office during good behavior, and would prescribe that they shall hold office during good behavior and until they arrive at a certain age.

Mr. LOGAN. I will say to the Senator from Louisiana that I have thought a good deal about that matter. I believe legislation should be for the average and not for the exception. If we had done that—and I believe everyone will agree that some law like that would be a splendid thing—we should have lost the assistance and the help and the wisdom of some very great Judges who have sat upon the Supreme Bench.

Ordinarily, I should say that when a man reaches the age of 75 years he is incapacitated. I should say that three-fourths of them are. All of us know that that is true. If we will look around among our acquaintances and find men past 75 years of age, we shall find that that is true. A constitutional amendment to that effect, however, would get rid of some whom, perhaps, we ought not to get rid of. This plan will retain those men. We do have on the bench some men that, perhaps, we would not get rid of. The only way the Constitution has left for us to handle the matter is to neutralize the effect of their votes by putting on some men who do know "what it is all about."

Mr. OVERTON. The question I wanted to propound to the Senator was this: As I understood his statement, he thought the problem could not be solved by a constitutional amendment?

Mr. LOGAN. I was talking about a different thing.

Mr. OVERTON. I desired to get the Senator's view as to whether it could not, perhaps, be better settled by a constitutional amendment, because by amending the Constitution the people could say that a judge incapacitated on account of age should be compelled to retire from the bench; but under this measure as drawn, the incapacitated judge—assuming that he is incapacitated on account of age—remains upon the bench, and we do not get rid of him.

Mr. LOGAN. I see what the Senator is driving at. When I was referring to our inability to reach this question by a constitutional amendment, I was referring to the broader aspect of the matter—that we could not adopt constitutional amendments to meet the peculiar decisions of the Supreme Court every time it changed its mind. I agree very readily with the Senator's statement; and we can see into what narrow compass this measure is compressed, and how moderate this whole thing is, if we consider that suggestion for just a moment.

Suppose we pass this bill. I have heard it stated by distinguished Senators that a proposal by constitutional amendment to bring about compulsory retirement at 75 would be promptly ratified by State legislatures or by conventions if it should be submitted. Suppose we pass this bill and submit a constitutional amendment to that effect. Suppose that should be done, and the constitutional amendment should be ratified next year. Then we should have this bill in operation for only 1 year. If, however, the constitutional amendment were not ratified, then we should have something permanent in the way of relief to the Court.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LOGAN. Yes; I yield.

Mr. WHEELER. I desire to say to the Senator that no question I have asked of him thus far has been for the purpose of filibustering, or anything of that kind.

Mr. LOGAN. I think that is true.

Mr. WHEELER. If I may be permitted to make the statement, I have felt in the discussion with the Senator that a great many of these questions could be worked out on the floor of the Senate, and I thought it would be beneficial to both sides if it could be done without trying to take advantage of anyone. But I desire to ask the Senator if he agrees with me that we could submit a constitutional amendment, and that we could not only have it ratified by conventions, but that under the Constitution we could specify the time within which ratification should be made?

Mr. LOGAN. My opinion is that we could. Many able lawyers disagree as to that; but my opinion is that the Congress of the United States could determine the time limit within which the conventions should meet.

Mr. WHEELER. Is the Senator familiar with the language that was used—I have forgotten the case now—by Mr. Justice Van Devanter, in which he held, as I recall, not only that Congress could specify that ratification should be made by conventions, but that Congress could specify the time within which ratification should occur, and that Congress could, as a matter of fact, set up the electoral machinery?

Mr. LOGAN. I am not familiar with that.

Mr. WHEELER. Is the Senator familiar with the opinion of Attorney General Palmer, a Democratic Attorney General, who laid down that very doctrine?

Mr. LOGAN. I am familiar with that.

Mr. WHEELER. So, as a matter of fact, we could specify in the constitutional amendment that it should be ratified by conventions, and we could specify that such conventions would have to be held within 6 months or 1 year, if we desired to do that?

Mr. LOGAN. I think that is true.

Mr. WHEELER. I desire to ask one more question while I am on my feet. As I understood the Senator, he stated the purpose was to put men on the bench to take the places of those over 75 because he felt that 75 percent of the men over 75 years of age were incapacitated.

Mr. LOGAN. To a certain extent.

Mr. WHEELER. If this should be done as to members on the bench of the Supreme Court, why should we not provide by law or have a constitutional amendment providing that the same rule should apply to Members of the Senate or to Members of the House of Representatives?

Mr. LOGAN. The difference is that the members of the Supreme Court are appointed for life while the Members of Congress are elected by the people, and when the people desire to retire a Member of Congress, as they often do—and there are very few here after they are 75 years of age—the people can retire them whenever they so desire. They cannot do that with the Supreme Court. That is the difference.

Mr. WHEELER. Will the Senator permit me to ask another question?

Mr. LOGAN. I yield.

Mr. WHEELER. If the Senator thinks that 75 is the proper age, why does he draw the line at 75? Why not draw it at 65?

Mr. LOGAN. Because my observation and what little knowledge I have on this subject indicate that men rarely begin to fail, or not many of them, at least, before they are 70. After they are 70 they begin to fail very rapidly both physically and mentally. There are many outstanding exceptions; but there are very few Gladstones; there are very few men who have been active and virile after reaching 80 years of age. There are few like Justice Holmes; but there are some. Throughout the world, I believe, in business, and in government where government is administered by the merit system, it is recognized everywhere that there should be an age limit. As to whether it should be 75, or 70, or 80, I do not know, but my deliberate judgment is that 70 is the best time.

Mr. WHEELER. If 70 is the best time, and men deteriorate after they are 70, would the Senator feel that a man should be appointed to the Supreme Bench when he is 74, as the President could appoint one when he was 74 under the bill? He has appointed a man who is 69 years of age to the circuit court of appeals, I understand.

Mr. LOGAN. I can answer that. There are cases where there are men of outstanding ability, although old, who have already stood the test. When a young man is appointed we take a chance on what he is going to be when he is 75, but when a man has already reached the age of 70 and is going well—when, like Moses, his eyesight is not impaired, and stands up straight, and could go on a long time by reason of great ability—the President might be justified in appointing such a man, even if he were 75 or 80 years of age.

Mr. WHEELER. He might be justified in appointing a man 74 years of age notwithstanding the fact that he would have to retire, under the Senator's bill, when he was 75, and he could get full pay afterward?

Mr. LOGAN. May I ask the Senator why he says he would have to retire under my bill at 75?

Mr. WHEELER. I stand corrected on that; he would not have to retire; but I am presuming that if someone were appointed when a sitting judge was 75, the sitting judge would retire. I would think that would be the natural course of events. The Senator disagrees with me with reference to the purposes of the bill. I want to say to the Senator in all sincerity that I am not seeing bogey men when I say that the purpose is to force men off the bench; I am simply giving the Senator the opinions of people close to the administration who have talked with me and who have stated such to be the case.

Mr. LOGAN. I did not know about that. But let me answer just briefly; then I want to discuss the report which was submitted by the committee; I have some remarks to make about that. When the bill was sent to the Congress by the President, I had never heard of it; I did not know that any such thing was in contemplation. Immediately thereafter, and before there was any discussion about it, I dictated the draft of a substitute, to see if I could do better than the original bill, because I did not like the original bill, which did not reach the point I thought should be reached.

Through the long discussion I found opinions of a number of men who had been giving much thought to the question. The Senator from New Mexico [Mr. HATCH] had done much work on it, and his idea was to appoint additional judges gradually, after the incumbents reached the age of 70. The Senator from Kansas [Mr. MCGILL] thought the age ought to be 75, and that the Court should go back to nine in number upon the happening of certain events. Then the junior Senator from Nevada [Mr. MCCARRAN] had a flat proposal at first to fix the number of members of the Court at 11 and to throw everything else overboard. I rather favored that. I think I would like that better than the measure before us today. But from the suggestions of all these Senators we worked out the pending bill, and it is the best bill that can be worked out under all the circumstances. It certainly can do no harm to anyone. It merely maintains the integrity of the Court, as was said in the President's message, by the infusion of new blood. The old bill, the first bill, did not provide for the continuous infusion of new blood down through the ages.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. OVERTON. Why the distinction between the Supreme Court judges and judges of inferior courts?

Mr. LOGAN. A distinction was made upon the suggestion that the judges of the inferior courts had a heavier burden to carry, and that they grow to feel the weight of the years upon them sooner than do the Justices of the Supreme Court. I myself have no particular reason to offer why the age limit should be 70 in the one case and 75 in the other, but that was the suggestion which led to its being placed at 70 instead of 75.

Mr. OVERTON. Is it based entirely on a conception of incapacity in both cases, or has it some other purpose?

Mr. LOGAN. In the broad way I would define "incapacity", I should say that it was based in both cases on incapacity, in my judgment. I do not know what the other Senators think.

Mr. BARKLEY. Mr. President, will my colleague yield?

Mr. LOGAN. I yield.

Mr. BARKLEY. While the law itself fixes no age limit, is it not true that for many years there has been recognized by the Department of Justice and by the President an age limit in the appointment of judges of the inferior courts which is lower, on the average, than the age limit which has applied to

the Justices of the Supreme Court, and that in all likelihood the judges of the inferior courts will have served longer at the average age of 70 than the judges on the Supreme Court will have served at the average age of 75?

Mr. LOGAN. That is very true. I have been told by the Department of Justice a number of times, when I wanted someone appointed over 60 years of age, that the age limit was 60; but that has never been adhered to in the appointment of circuit judges or Justices of the Supreme Court.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. BURKE. Before asking the question I desire to propound, in reference to the point made by the Senator's colleague, the senior Senator from Kentucky [Mr. BARKLEY] does the Senator happen to know the average age of all judicial appointments made since the 4th of March 1933, which, of course, would not include any Members of the Supreme Court, but only judges on the inferior courts?

Mr. LOGAN. I do not believe I do. I think perhaps the ages of all of them have been stated in the report made by the committee.

Mr. BURKE. Would the Senator be interested in knowing that the average age of all appointments to the inferior Federal courts since the 4th of March 1933 has been well in excess of the average age in any other like period in the history of this country, and that there was no relation to the age of 60, which was mentioned a moment ago?

Mr. LOGAN. I did not know it had no relation to the age of 60, but I can see perhaps why the age would be higher. The Democrats had been ranging around in the old fields so long that they had grown old before they had a chance to get appointments. I think that may be the reason why they were older when appointments were made than in previous periods.

Mr. BURKE. If the Senator would yield, I should like to propound the question I had in mind.

Mr. LOGAN. I yield.

Mr. BURKE. The Senator is going to discuss the report. There are some questions in connection with the compromise amendment, of which the Senator, I understand, is one of the chief authors, which we would like at some time to have cleared up. I am perfectly willing to have that done later. Is the Senator going to discuss some features of the measure later on?

Mr. LOGAN. I think I will do that at a later date. As I understand from the ruling of the Chair, I may make two speeches on this subject, and the one I am now delivering will be just one. I think I will make another later explaining the bill. I want to go through the report and call attention to some of the ludicrous things, some of the amusing things, and some of the tragic things to be found in it.

Mr. BURKE. If the Senator will yield, let me ask if he does not find all his time and strength today taken up in discussing the report, will he possibly still later in this speech permit the propounding of some questions with reference to details of the compromise bill?

Mr. LOGAN. Yes; I will be very glad to do so.

Mr. BURKE. Very well.

Mr. LOGAN. Mr. President, this report made by a majority of the Judiciary Committee is, as I have said before, a strange document, indeed. The members making the report disclaim any attempt to discredit the President or his administration; and yet we have here a report made by seven Democrats and, I believe, three Republicans, who had considered a proposal made by the President of the United States himself. Instead of disagreeing with him, instead of conceding that he was honest and desired to do what was for the best interests of the country, as even Republicans are willing to concede, the writers of the report proceeded at once to say things about the President's proposal—and it was not my proposal; it was the President's proposal—which would justify impeachment if the things which were said were true. It was so violent that it was accepted by the country and seized upon by the enemies of the administration and of the President to be used as a campaign document. It was seized upon by the newspapers and magazines as showing how bad the President is; and I believe few of us have any idea how the President is hated by certain people in this country.

When the authors of the report were doing those things to their own President in a report written more bitterly than the opposite party ever wrote about any President when they were making a report, they could find no word to say in his behalf, but they could go out of their way to make a great defense of Ulysses S. Grant, who was President during the most corrupt administration that has ever been had in this great Nation of ours. They found time to charge President Roosevelt with packing the Supreme Court at a time when people were charging him with attempting to destroy liberty, religious liberty, civil liberty, to destroy the Government, to set up a dictatorship; but they defended President Grant and said, "No; he did not pack the Court." They said that he actually sent two names to the Senate for confirmation before the decision in the Legal Tender cases was handed down, one of which was rejected, and the other nominee died 4 days afterward, and that President Grant really did not make the appointments until the very day the decision was handed down.

President Grant did everything he could to get them upon the bench, but the Senate prevented it in one instance and death prevented it in the other instance. But President Grant, seeing——

Mr. CONNALLY. Mr. President——

Mr. LOGAN. Just a minute. President Grant, however, seeing that the very life of the Nation was at stake, did appoint two men to the bench who he had every reason to believe would reverse an opinion that had been rendered by the Court a short while before.

I now yield to the Senator from Texas.

Mr. CONNALLY. Mr. President, does the Senator from Kentucky regard the Grant incident—the Legal Tender cases and the appointment of judges at that time—as a precedent for what is proposed in this bill?

Mr. LOGAN. Everything is a precedent for what is proposed in this bill which relates to fixing the number of Justices of the Supreme Court. We can go a step further. If I had the opinion of the President of the United States which some of my colleagues have—that he is urging the passage of this legislation for the purpose, and the whole purpose, of having a subservient Court which would yield to his orders and his dictates and his wishes—I should say that there never has been a precedent for it. But that is mere imagination in the minds of those who have made this issue, because there is nothing in the pending bill which would justify placing such a construction upon it.

Mr. CONNALLY. Mr. President, will the Senator yield for a question—not a speech? I am not trying to harass him.

Mr. LOGAN. No one can harass me. I passed that stage a long time ago.

Mr. CONNALLY. The Senator brought up the Grant incident. What the Senator from Texas is trying to ascertain is, Does the Senator from Kentucky regard what happened with regard to Grant's appointment of those two Justices as a precedent for what is proposed in this bill?

Mr. LOGAN. I have never sought for a precedent. All I have to look for is the Constitution itself, and the method it provides for doing this very thing when it is necessary for Congress to fix the number of Justices on the Supreme Court.

Mr. CONNALLY. But the Senator, if I understood him correctly, was criticizing the majority of the Judiciary Committee for saying that the Grant episode was not a precedent. So, if it was not, what purpose has the Senator in citing it?

Mr. LOGAN. The Senator from Texas happens to be one of the members of the Judiciary Committee who signed the report. I have been hoping and believing right along that the Senator had given the report very careless consideration or casual consideration, or else he never would

have signed it. I am grieved to see the name of so noble and splendid a statesman as the Senator from Texas on a paper like that. I can say the same thing about the others who signed it, though. They must have been dreaming. They must have had nightmares. There must have been something wrong with their livers, or else they never would have signed their names to such a document as that.

Mr. CONNALLY. There may have been something wrong with our livers, but there was nothing wrong with our heads.

Mr. LOGAN. There is nothing wrong now, but there was something wrong then.

Mr. GILLETTE. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. GILLETTE. I am sincerely seeking information. I listened to the Senator's speech yesterday, and to his rather critical reference to those who were opposing the President's plan. He mentioned the fact that it was the President's proposal, not that of the Senator from Kentucky [Mr. LOGAN], or the Senator from Arizona [Mr. ASHURST]; and he further used this language:

> If something must be done about the Supreme Court, what plan do we prefer to follow, that of the President or some other and different plan?

Does the Senator still adhere to that statement today?

Mr. LOGAN. Yes; in a measure. I adhere to that statement—that I would prefer to accept the judgment of Franklin D. Roosevelt, the friend of the people, rather than the judgment of more distinguished lawyers, perhaps, who are not the friends of the people.

Mr. GILLETTE. Mr. President, will the Senator yield further for a question?

Mr. LOGAN. I yield.

Mr. GILLETTE. Is not the Senator now speaking, and did he not speak yesterday, very cogently and powerfully to a substitute, of which he is a coauthor, for the original proposal?

Mr. LOGAN. That is true.

Mr. GILLETTE. Then it is not the President's plan for which the Senator stands, but a substitute of which he is coauthor.

Mr. LOGAN. Let me make myself clear. I am not for the President's plan. I am standing for the proposed substitute which I introduced, after it had been prepared by some other Senators and myself; but the report which I am going to discuss is on the original bill. It is not on the substitute at all.

Let me say that I believe the opponents of the original bill everywhere said that its purpose was to pack the Court so that the administration could get decisions in conformity with the President's policies. I know I have heard the Senator from Nebraska [Mr. BURKE], and perhaps the Senator from Texas [Mr. CONNALLY], and some other Senators, make that statement. That is their conception of the purposes of the bill. What do they say in the report? They enumerate their points:

> I. The bill does not accomplish any one of the objectives for which it was originally offered.

So they say that it does not do what they thought it was going to do; that it will not pack the Court; that it will not achieve the objectives which had been expressed as its purposes.

Mr. BURKE. Mr. President, will the Senator yield at that point?

Mr. LOGAN. I yield.

Mr. BURKE. Of course, the Senator must realize that when the report states that the bill would not accomplish any of its objectives the report is referring to the objectives put forward by the proponents of the bill; and packing the Court was not mentioned by the proponents as one of the objectives toward which they were driving.

Mr. LOGAN. The Senator ought not to place himself in a position where he has to make an explanation. What is written is written.

> The moving finger writes; and having writ,
> Moves on; nor all your piety nor wit
> Shall lure it back to cancel half a line.

So the report is written, and it is here. I am going to call attention to some of the things that are in it. I am now just mentioning the main points:

> II. It applies force to the judiciary, and in its initial and ultimate effect would undermine the independence of the courts.

I say that when the authors of the report made the charge against the President of the United States that he sought to apply force to the judiciary, they made it without its being based on any statements by the President or anyone else. It simply was grabbed out of the thin air that an effort was being made to make the Court subservient; that an effort was being made to disturb the independence of the Court. I cannot conceive that anyone believes anything like that.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. WHEELER. Does not the Senator think he is putting a forced construction upon the statement in the report when he says it means that the President of the United States wanted to use force, or that he wanted to do the things the Senator mentioned? Does he not think that paragraph is a discussion of the bill and not of the President of the United States?

Mr. LOGAN. I might have thought so had it not been that it was the President's bill and the President's suggestion. The majority of the committee made derogatory references to the President, but never gave a single expression that they believed in his integrity or in his honesty; never an expression that they had any faith or confidence in him. They started out with an attack on him, and that attack was maintained until the last line of the report had been written; and the statements in the report are charges, not against the measure, but against the President of the United States. If they are not charges against the President, the members of the committee should have said so.

Mr. WHEELER. Mr. President, will the Senator yield again?

Mr. LOGAN. I yield.

Mr. WHEELER. When the public utilities bill was before the Senate for consideration, it was a bill which was drafted by the administration. That was the President's bill, was it not?

Mr. LOGAN. I think so.

Mr. WHEELER. Some Senators who are supporting the present Court measure made statements in discussing that bill on the floor. They denounced the utilities bill in language which certainly they would not have used against the President of the United States. I did not think their denunciation was a reflection upon the President. Did the Senator from Kentucky think it was?

Mr. LOGAN. I do not think any parallel is to be found between the two cases. That was not a case where the President had control of the operation under the act, nor did it involve the President, except in the matter of the appointment of a board.

I make the statement now, so that we all may have it clearly before us, that the whole issue that is brought forward revolves around the integrity of the President of the United States. There can be no one who can oppose the suggestion on any other ground because there can be no packing of the Court, there can be no subservience of the Court, there can be no control of the Court by force or otherwise, unless it be applied by the President of the United States, and those who take the position expressed in the report say that the President of the United States will do those things; that he has asked for the power, and he wants to do them. I cannot read anything else into it.

Mr. WHEELER and Mr. O'MAHONEY addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Kentucky yield; and if so, to whom?

Mr. LOGAN. I yield first to the Senator from Montana.

Mr. WHEELER. Does not the Senator know that pieces of legislation of this kind are drafted by some department of the Government, that the President of the United States cannot possibly know all of the things contained in them, and that he cannot possibly be responsible for all the things in the proposed legislation?

Mr. LOGAN. I think that may be true; I do not know it to be so; but I believe in a matter so important as this, which has been denominated as being more important than anything that has happened in many years—for myself I regard it now as of no great consequence—that no department or anyone else would write a bill proposing an increase of the Supreme Court from 9 members to 15, if it were at the suggestion of the President, without knowing what the President wanted him to do.

Mr. WHEELER. The Senator spoke yesterday about Members who were opposed to the bill as seeking to destroy the President, and how this bill was being used by his opponents throughout the country. By standing here on the floor of the Senate and saying that men such as the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Nevada [Mr. MCCARRAN], the Senator from Texas [Mr. CONNALLY] and men of that type subscribe to the report for the purpose of injuring the President, does he not think that he himself is putting words into the mouths of these Senators that they did not intend to use, but which the opponents of the President will use in the campaign and say, "This is what the Senator from Kentucky said that these men meant?"

Mr. LOGAN. Oh, no; it will not get to that point. Here is a report they wrote and signed, and I am only trying to quote from that report itself. I am putting no words in the mouth of anyone. I am perfectly willing when they say it was not their purpose to assail the President or the administration to accept their word for it, but sometimes men do things without fully understanding the consequences. That may be happening in this instance.

Mr. O'MAHONEY. Mr. President, will the Senator yield to me?

Mr. LOGAN. I yield to the Senator.

Mr. O'MAHONEY. Then, may I ask the Senator from Kentucky if there was any limitation in the bill, which has now been abandoned by the Senator from Kentucky and his associates, which would have confined its operation to the administration of the present President of the United States?

Mr. LOGAN. The Senator refers to the original bill?

Mr. O'MAHONEY. I refer to the original bill, the abandoned bill.

Mr. LOGAN. As I recall, it proposed an increase to 15 members at that time, and the fact was developed at that time that the Court should be permanent.

Mr. O'MAHONEY. But the bill, if enacted, was to be operative throughout all time until repealed, so long as the condition named in the bill remained in existence?

Mr. LOGAN. I think so.

Mr. O'MAHONEY. The Senator was one of the sponsors of the bill. Does he not know so?

Mr. LOGAN. Do not accuse me of anything you cannot back up. I was not one of the sponsors of the bill.

Mr. O'MAHONEY. Well, does the Senator agree, then, that it was not limited to the present administration?

Mr. LOGAN. I do not know without reading it again. I have been working on another bill, and I have not tried to keep up with the other one. [Laughter.]

Mr. O'MAHONEY. Then, Mr. President, will the Senator be good enough to explain the second bill to the Senate?

Mr. LOGAN. I may at some time, but I believe the Senator can read, at least, fairly well. The bill has been printed; it has been placed on the desk of every Senator. As I had a good part in preparing the language, perhaps more of the language is mine than any of the thought. I believe it is in simple language. I do not have any desire to start a school of instruction, but if any Senator thinks he does not understand it, while I will not take the time to explain it to the whole Senate, if he will come to my office, or I will go down to his, I will go over it with him and tell him exactly what it means.

Mr. O'MAHONEY. Would the Senator be good enough to explain it to the country? Senators may understand it, but perhaps the country does not. The country does not have an opportunity, as we have, to read the bill or to listen to the Senator.

Mr. LOGAN. In answer to the Senator from Wyoming, let me say that I would not want to undertake that task, and I will tell the Senate why: In attempting to explain the measure to the country you go up against something that is insurmountable. If you listen to the wails of ignorance, of malice, and of hate that come to your office daily by reason of misinformation that has been sent out about this bill, and will be sent out about the substitute, you know how impossible it is to reach the people. You cannot see them all; you cannot talk to them all; every single vehicle that carries news to the public is poisoned against this bill, and the effort is made to poison the mind of the public against every man who sponsors it. It is an effort to control the Congress of the United States by fear. It is an effort on the part of those who have done as they pleased with the Government for many, many years to poison the minds of the people. So when you send it out it will never get to the people. You can explain it, but the explanation will never get to the people.

Mr. O'MAHONEY. Mr. President, will the Senator yield for a question?

Mr. LOGAN. I yield.

Mr. O'MAHONEY. May I direct the attention of the Senator to line 8, on page 1, of the substitute which he presented to the Senate for the abandoned bill, and ask him whether or not he is willing, as the Senator from New Mexico [Mr. HATCH] is willing, to substitute the word "shall" for the word "may"?

Mr. LOGAN. Mr. President, I shall not yield for that purpose. For 2 days I have been trying to read some extracts from the report submitted to the Senate, and every time I get hold of that report and look at it some member of the committee who participated in the report wants me to talk about something else. I do not blame him. [Laughter.] I am now going to try——

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. LOGAN. I yield for a question.

Mr. O'MAHONEY. I ask the Senator if he will join with me now in asking unanimous consent that the report which he is attacking may be printed at large in the RECORD, so that the country may have the report along with his speech?

Mr. LOGAN. No; I am not agreeing at this time to put anything in the RECORD. The Senator can do that any time he wants to. There is not much occasion for one to lose his head about things. I imagine it has already been placed in the RECORD. If not, if you will go—if you can find him now; he is in retirement—to the secretary or the president—I do not know which—of the Liberty League, you can send out a million copies of it to the public and you can get them there, because your report is very popular in some sections of the country.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. WHEELER. The Senator made a statement a moment ago to the effect that all sources of information to the public were poisoned against this bill.

Mr. LOGAN. I think that is true.

Mr. WHEELER. Does the Senator think that the boys in the press gallery are all poisoned against this bill?

Mr. LOGAN. Oh, no; I do not think that at all.

Mr. WHEELER. Or are sending out "hate" stories with reference to it?

Mr. LOGAN. I do not say that. I think most of them are for it, but they do not own the newspapers; they are working for them.

Mr. BURKE. Mr. President, will the Senator yield to a question in reference to the report?

Mr. LOGAN. I yield.

Mr. BURKE. I sympathize with the Senator's desire to proceed to the consideration of the report; and, as I understand, the first criticism upon which the Senator elaborated was that the report contains a defense of President Ulysses S. Grant, while he finds in it no defense of the present occupant of the White House. My question is, If the members of the committee who signed the report felt that the charge of adding two members to the Supreme Court in Grant's time for the alleged purpose of influencing decisions of the Court would constitute so serious a blot upon the record of that President that we ought to go to the full extent we could to defend him from that charge, is not the Senator willing to give to the members who signed the report credit, rather than blame, for trying to point out the hideousness of the present bill, so that it may never be enacted into law, and so that no future committee of Congress may ever be called upon to make the defense which committee make of President Grant?

Mr. LOGAN. That is rather a long question, Mr. President, but I am going to answer it. The committee has attempted to take from President Grant about the only thing he ever did that was of real service to the country. He did pack the Supreme Court, and he got a good decision by reason of packing it. I think perhaps he saved the Nation. Now they are trying to deny that he did that.

The next point I would call attention to—and these are the reasons why the committee think the bill ought to be reported adversely—is:

III. It violates all precedents in the history of our Government and would in itself be a dangerous precedent for the future.

Is not that fine? Here is something authorized by the Constitution itself, which at the very beginning of our Government was pointed out by the makers of the Constitution, conferring upon Congress the power always to determine the number of Justices who should constitute the Supreme Court. That comes from the Constitution and has been exercised since the first bill in which the Court was referred to in 1789. Such power has always belonged to Congress. Yet now it is said that this would be a precedent and a dangerous precedent. In other words, Senators, the committee says it is a dangerous thing to trust the Congress with the power clearly vested in it by the Constitution itself, and if it exercises any such power it would be a dangerous precedent for the future. In the report that is one of the reasons given in opposition to the bill.

The next one is—

IV. The theory of the bill—

Why talk about the theory of the bill? It is the bill we are considering. It is not a theory. It is an actuality.

The theory of the bill is in direct violation of the spirit of the American Constitution.

I said yesterday there are spooks all around those Senators who object to the bill. It is not the actuality of the Constitution, but it is the ghost of the Constitution they are talking about. There is no such thing as the spirit of the Constitution except it impliedly comes from the written words of the Constitution. That is what might be denominated by those not members of the Senate as "pure flapdoodle."

The fourth reason continues:

Its employment would permit alteration of the Constitution without the people's consent or approval.

Why should anyone make a statement like that? Why should anyone say to the American people that the enactment of the bill into law would bring about an alteration of the Constitution, when those who can read and who are willing to read will find that the power to fix the number of Justices of the Supreme Court has always resided in the Congress? It has never been anywhere else, and I hope it never may be anywhere else.

Mr. BURKE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Nebraska?

Mr. LOGAN. I yield for a question.

Mr. BURKE. Of course, the Senator must understand that in making that statement it has no reference to amending the Constitution.

Mr. MINTON. Mr. President, I make the point of order that the Senator from Nebraska is not asking a question.

The PRESIDING OFFICER. The Senator from Kentucky may yield only for a question.

Mr. BURKE. I am attempting to propound a question in my own way.

Mr. MINTON. It is a devious way.

Mr. LOGAN. I yield to the Senator from Nebraska.

Mr. BURKE. Does not the Senator realize that what those who drafted the report had in mind in the statement made was that it is a method adopted of giving a different construction to the provisions of the Constitution by adding members to the Supreme Court, and not that in that paragraph those who drafted the report were saying it is necessary to amend the Constitution in order to increase the size of the Court if more members are needed to do the work of the Court?

Mr. LOGAN. Perhaps that is what the committee had in mind. I cannot follow the minds of the committee, but I do know the bill provided only one thing, and the thing it provides is authorized in the Constitution. The committee says it would be amending the Constitution without submitting the question to the people if the bill should be enacted into law. I do not know that the committee had in mind that the Court some time in the future might change its ruling on some constitutional question and thereby, as they apparently believe the Constitution is what the Court says it is, the Constitution would be changed.

Mr. WHEELER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Montana?

Mr. LOGAN. I yield.

Mr. WHEELER. Is not that what the Senator has contended was the purpose of increasing the Supreme Court—to get a change of opinion?

Mr. LOGAN. Oh, no. I say that the hope is there.

Mr. WHEELER. Oh, the hope?

Mr. LOGAN. The hope only, because no one can know what a man will do when appointed a Justice of the Supreme Court. No one has ever been able to foretell what would happen. I hope, and I am expressing only my personal opinion, that if men are appointed with a broad understanding of the questions confronting the country today, with a broad understanding of the needs of the country, we will get—well, opinions different from some we have had. There is an interim of a few months when I do not believe anybody would like to change those opinions. The Court itself changed them.

Mr. WHEELER. It changed one of them.

Mr. LOGAN. It changed the Constitution.

Mr. WHEELER. It changed its ruling in one case.

Mr. LOGAN. I thought it changed its rulings in several cases. It just changed the Constitution.

Mr. WHEELER. I do not agree with the Senator that it changed the Constitution. It did reverse itself in one case. The Senator will admit and agree with me, will he not, that the purpose of putting additional men on the Supreme Court is to have decisions rendered which he thinks will meet the needs of the time?

Mr. LOGAN. No. The purpose is to get a court that will give prior consideration to the questions confronting the country as they relate to the Constitution, because I do not believe they can have a prior consideration before the Court as it has heretofore been constituted.

Mr. WHEELER. Does not the Senator think the Supreme Court gave fair consideration to the question of the N. R. A., and to that case, and that they properly held in the Schechter case that the act was unconstitutional?

Mr. LOGAN. So far as it held it was an improper delegation of authority, I think so.

Mr. WHEELER. Does the Senator agree with the Supreme Court ruling in the Schechter case?

Mr. LOGAN. Yes; in the main.

Mr. WHEELER. The Senator is not complaining about that ruling, is he?

Mr. LOGAN. Oh, no.

Mr. WHEELER. With reference to other decisions, however, the Senator feels that the Court has interpreted the Constitution differently from the way it did in the——

Mr. LOGAN. In the A. A. A. case, for instance.

Mr. WHEELER. Yes; and consequently the Senator wants to put someone on the Court who will overrule the previous A. A. A. ruling?

Mr. LOGAN. No. I want someone put on there who can weigh the question with a fair and unbiased mind, and then I will know and the people will know that we have had prior consideration and there will be a decision that can be respected. But how can we respect a decision rendered by the vote of a judge who believes that all legislation designed to help farmers, to help labor, to help the people who need help, those who have no helper, comes from the devil himself? I cannot respect a decision in a case where such a Justice votes in deciding the case adversely to the rights of the people.

Mr. WHEELER. That is the real purpose of the bill as the Senator sees it, is it not?

Mr. LOGAN. Yes.

Mr. WHEELER. As a matter of fact, the age question which is inserted in the bill has not anything to do with the real question involved except that the Senator finds some members of the Court who have decided against his viewpoint are over 75 years of age?

Mr. LOGAN. No; that is not the reason. I will say that I think there are men under 60 and really some under 50 who have no business on the bench, and there should be some way of getting them off the bench. I think age has something to do with it. It does not always have something to do with it. If I were President of the United States and had the appointment of some one to the bench, I should not hesitate to appoint the distinguished senior Senator from Idaho [Mr. BORAH], although it is said he is past 70 years of age. I do not know whether he is or not. In his case I would regard 1 year of service or 2 years of service—and he seems to be good for that length of service—as worth all it might cost the Government.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Idaho?

Mr. LOGAN. Certainly.

Mr. BORAH. Other Senators may quarrel with the Senator from Kentucky, but not I! [Laughter.]

Mr. LOGAN. On the other hand, there are others not past 60 who are senile in body and senile in mind. So, we do have to have a limit somewhere, and we put it at 75 years of age simply because we hoped—yes, we sincerely hoped—we might be able to get the support of some of those Senators who feel that we are trying to pack the Court. We wanted to show them we were not trying to pack the Court; so not only did we raise the age limit to 75, but we provided that not more than one additional Justice might be appointed in any calendar year.

Mr. President, I desire to call attention now to the next thing in the report. I want to abide by the rule and I want members of the committee to know that it is the rule of the Senate and not myself that objects to their making an explanation as I proceed. I did not write the rule.

The next "argument" in the report is as follows:

V. It tends to centralize the Federal district judiciary by the power of assigning judges from one district to another at will.

How could we centralize Federal justices by allowing the Chief Justice of the Supreme Court to send a man from Florida to California or to New York? It seems to me it would be a diffusion instead of a centralization.

The point has nothing in it, however, in a great document such as this; and, besides that, upon an investigation of the provision relating to the transfer of judges, I reached the conclusion that the present law, the one that we now have, is as good as anything that could be proposed. So the bill continues that which now is the law, and has been the law for years, and under which the Supreme Court is operating. That shows that the authors of the report were a little reckless, I think.

Mr. WHEELER. Mr. President——

Mr. LOGAN. I yield to the Senator from Montana.

Mr. WHEELER. This measure goes further than the present law, does it not?

Mr. LOGAN. I think it goes somewhat further.

Mr. WHEELER. Yes. It provides for a proctor, and it provides that a judge may be sent from New York City to Alabama to try lawsuits there in which the Government may happen to be interested, if it desires to have that done; or, if it wishes to have a prosecution conducted before a particular judge, it may send him there. Does not the Senator think, as a matter of fact, that that is a rather dangerous power to place in the hands of some Attorneys General?

Mr. LOGAN. I will answer the question. That is another strange thing. There was something in that provision which I thought was improper, unintentionally put in, perhaps. One of the Senators stated to me that he believed it was unintentionally put in. It provided that only judges hereafter appointed should be subject to assignment. The committee struck out the word "hereafter" and left all of the judges subject to assignment; but when these distinguished Senators wrote the report for the Judiciary Committee, they simply forgot to say that that word had been stricken out by a vote of the committee, and they have a paragraph in the report showing how dangerous that would be, when as a matter of fact the word was stricken out by unanimous vote.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. LOGAN. I am glad to yield.

Mr. O'MAHONEY. Will the Senator be good enough to turn to the first page of the report, and there to read the express statement of the report that that amendment was adopted, and that the word "hereafter" was stricken out?

Mr. LOGAN. I really have not time to deal with frivolous matters.

Mr. O'MAHONEY. But did not the Senator himself raise the question?

Mr. LOGAN. I am going to read, after a little while, what the report said about it.

Mr. O'MAHONEY. Did not the Senator just say that the committee report failed to pay any attention to the fact that that amendment had been made?

Mr. LOGAN. Yes. The committee used that as one basis of its attack upon the bill.

Mr. O'MAHONEY. Does the Senator still contend——

Mr. LOGAN. I cannot yield further at this time. I must get along. I am getting tired.

The report says of the bill:

It tends to expand political control over the judicial department by adding to the powers of the legislative and executive departments respecting the judiciary.

If there is any member of the committee or any Member of the Senate or any person anywhere who can show where the bill does what is stated in the report—"expands political control over the judicial department by adding to the powers of the legislative and executive departments"—I should like to have him point out where it is done. I believe anyone is bound to concede that there is nothing in the bill which adds to the powers of the legislative department or the executive department. It is not there. I said yesterday that this was a manufactured opposition. Where, I ask, does the bill add anything to the powers of Congress? Congress always has had the power, and now has the power, to fix the number of Justices of the Supreme Court. The pending bill allows us only to fix the number of Justices of the Supreme Court.

Mr. BORAH. Mr. President, in view of the Senator's statement, I desire to ask him a question which seems to me to go to the heart of the matter, so far as I am concerned. Was it not the design and the primary purpose of

this proposed legislation to effectuate, through the appointment of new Justices, a change in the construction of the Constitution which would admit the validity of the types of legislation which had been declared void?

Mr. LOGAN. I should say, as I said before, that the question is a perfectly legitimate one. Of course, it was not the purpose to find men who would say, "We will decide cases in accordance with the theories", say, "of the minority of the Court." That was never expected, in my judgment. I should say that it was not the purpose or that there was no intention to force from the Court opinions that would be in accordance with the views of the New Deal legislation. The purpose was to get good men, men learned in the law, of outstanding character, who could command the approval of the Senate, who would carefully reconsider all of those important questions, with the hope that perhaps they would reach the conclusion that Mr. Justice Stone and Mr. Justice Cardozo and Mr. Justice Brandeis and the others who had disagreed with the majority were right—that and the other matter. It was an opportunity to get a fair rehearing, where it cannot be had now by reason of the ossified views of some of the members of the Court.

Mr. BORAH. Mr. President, perhaps the Senator and I are not far apart. As I understand the Senator, it was the hope that through these appointments there would be effectuated such a change of view upon the part of the Court as a whole that it would bring about a construction of the Constitution which would admit the validity of legislative enactments which had been declared void.

Mr. LOGAN. That is as well stated as I myself could state the matter.

I have read to the Senate the six points upon which the report is based. I shall not have time to go over them individually, but I shall take time to say that there is not a valid point there, knowing that few people will read them, and knowing that the report will receive very favorable consideration from some of the great journals and magazines throughout the country. It has been called a great document—the greatest state paper that has been handed into the Senate in generations, as some of the periodicals express it. If it is a great state paper, I believe some of the Senators have 6- or 8-year-old children who can write a great state paper. [Laughter.]

Now, let us notice this point. Here is one which I think is the most amusing point that there is in the report.

The Attorney General submitted a statement of facts showing the pages of records, even the lines and the words, in an effort to show that it perhaps would be a physical impossibility for the Supreme Court, as now constituted, to give consideration to the petitions for certiorari and pass intelligently upon them. Here is what the majority of the Judiciary Committee said on that subject. They said: "The Court does not have to do that. Both sides have lawyers"—this is the effect of it—"and the lawyers tell the Court what is in the record, and the Court does not have to go into it."

How would you like to try a case and let the lawyer against you tell the court what was in the record? How would you like to have a court try your case when the great Judiciary Committee admits that it is not necessary for the court to read the record on a petition for certiorari?

Mr. BURKE. Mr. President, will the Senator yield at that point?

Mr. LOGAN. Yes; I yield.

Mr. BURKE. I do not know whether or not the Senator from Kentucky was in the Senate at the time the Judiciary Act of 1925 was passed; but, whether or not that is the case, he undoubtedly is familiar with the provisions of that act, which, of course, cover the manner in which cases may reach the Supreme Court by writs of certiorari. Does not the Senator know that that act of Congress requires the parties seeking a hearing before the Supreme Court to make a brief statement of the issue involved in the case, and the grounds for thinking that it ought to be passed on a second time on appeal by the Supreme Court?

Mr. LOGAN. Oh, yes, I know that. I have tried to get such writs and never could.

Here is another statement——

Mr. BURKE. Mr. President, will the Senator yield further?

Mr. LOGAN. Yes.

Mr. BURKE. As a great lawyer and a distinguished judge, does the Senator mean to say that he thinks it is necessary for the members of the Supreme Court, in passing upon an application for a writ of certiorari, to read all the pleadings in the courts below, all the evidence introduced, and all the rulings made, in order to determine whether the Court should grant a review on second appeal?

Mr. LOGAN. If all the record were brought up, perhaps it would not be necessary; but in the Supreme Court, as I understand the practice, the evidence must be stated in narrative form, and the attorneys preparing the record put in only the things that are essential or that they think are necessary. In that case, it seems to me, it would be necessary for some of the judges to read all of the record. I think that is the practice; but let us look at this report:

It [the bill] thus creates a flying squadron of itinerant judges appointed for districts and circuits where they are not needed to be transferred to other parts of the country for judicial service.

The writers of the report are growing very eloquent there.

This is the conclusion to which I wish to call attention. This is what they say about the President and his department.

Though this plan for the assignment of new judges to the trial of cases in any part of the country at the will of the Chief Justice was in all probability intended for no other purpose than to make it possible to send the new judges into districts where actual congestion exists—

That is all right—

it should not be overlooked—

Here is the virus—

it should not be overlooked that most of the plan involves a possibility of real danger.

And they pursue that a little further. Here is the charge:

To a greater and a greater degree, under modern conditions, the Government is involved in civil litigation with its citizens. Are we, then, through the system devised in this bill, to make possible the selection of particular judges to try particular cases?

The President of the United States, so it is said in the report, is desirous of creating a flying squadron of judges, so that if he has a desire to have a particular case decided one way in New Orleans he may send a judge there, and if he wishes to have a case on the Pacific coast decided the other way he may send a judge there. I cannot believe that the members of the Judiciary Committee believed that the President had that in mind, or that his Attorney General had that in mind; and yet that is what is charged in the report.

Now I desire just briefly to notice another thing or two, because shortly I am going to quit.

The report says of the bill:

It applies force to the judiciary.

I have already said that that is not true.

It is an attempt to impose upon the courts a course of action, a line of decision which, without that force, without that imposition, the judiciary might not adopt.

Can there be any doubt—

So the writers of the report say—

that this is the purpose of the bill? Increasing the personnel is not the object of this measure; infusing young blood is not the object; for if either one of these purposes had been in the minds of the proponents, the drafters would not have written the following clause to be found on page 2, lines 1 to 4, inclusive.

Every line of the report is a veiled attack upon the integrity of the President and the Congress, too. Of course, I have been attacked so many times that that does not make any difference. But Senators and Members of the other House, who sincerely believe that relief should be granted along this line, are attacked by this report just like the rest.

Those who signed the report talk about courts being absolutely independent. That ought not to be true. The judge should be absolutely independent to exercise his own freedom of thought in reaching conclusions, but does the committee mean that the Supreme Court should be independent entirely of the other branches of the Government, and that anything they might do should be the end of the matter? If so, if that is to be the proper interpretation of the constitutional powers of the Supreme Court, then we do not have a republic; we do not have a democracy; we have a country that is governed by one or more members of the Supreme Court of the United States. They could deny religious liberty and deny civil liberty, and nothing could be done about it under the Constitution, according to the interpretation of those who oppose this legislation.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. BURKE. Does the Senator then disagree with the great pronouncement of Montesquieu which was quoted by most of the members of the Constitutional Convention, that the only safeguard of liberty is a judiciary incorruptible, and altogether independent of either of the other branches of the Government?

Mr. LOGAN. He was extravagant in his language, and he did not know what he was talking about, but in a measure that statement is true. The judiciary must be independent. Nobody believes that more than do I. But the proposal before us does not interfere in any way with the independence of the judiciary.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. MINTON. Does not the Senator think that the philosophy of Thomas Jefferson is more in accord with what we expect in America, to this effect, that "A judiciary independent of a king or executive alone is a good thing; but independence of the will of the Nation is a solecism at least in a republican government. In truth man is not made to be trusted for life, if secured against all liability to account."

Mr. LOGAN. Jefferson was the greatest political philosopher America has ever produced, and that is his idea about absolute power in the courts.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. LOGAN. I yield.

Mr. CONNALLY. Adverting to Mr. Jefferson, as the Senator from Indiana and the Senator from Kentucky have referred to him, although Thomas Jefferson despised John Marshall, is there anywhere any indication that he ever proposed a bill to put new judges on the Court in order to overthrow the opinions of Marshall?

Mr. LOGAN. No, Mr. President; but he took a number of the old ones off by new legislation. The Senator has not forgotten that, has he?

Mr. CONNALLY. He did not take one off the Supreme Court.

Mr. LOGAN. I do not think he did, but at the same time the Federalists, just before they went out, in order to bring the judiciary into politics and to regain control of the country, although the people had spoken to the contrary, created a number of new offices, and Congress repealed the law and took the offices away from them.

Mr. CONNALLY. I renew my question. I am not talking about the circuit courts; I am talking about the Supreme Court. John Marshall was not on the circuit court; he was on the Supreme Court. Is there any record anywhere that Thomas Jefferson ever, by a message or in any other form, advocated or asked the Congress to pass a law to create new places on the Supreme Court in order that he might fill them and thereby overturn the decisions of Mr. Marshall?

Mr. LOGAN. I may say to the Senator that no other President has ever made a request of that kind.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. MINTON. Does not the Senator recall that Thomas Jefferson did have something to say about old judges, to this effect?—

> Knowing that religion does not furnish grosser bigots than law, I expect little from old judges.

Mr. LOGAN. Of course; and when there was a vacancy on the Supreme Court during the administration of his successor, he wrote expressing great jubilation over the fact that after 10 years' service Cushing had died and that a Democrat could be appointed to the Court.

Mr. CONNALLY. Mr. President, a Justice had died, and that created a normal vacancy, and he had a right to appoint another; but if he had wanted Cushing off the bench, and had entertained the views the Senator from Kentucky entertains, he would not have waited for Judge Cushing to die, he would have put on a partner, a riding companion for him, through the appointment of another judge.

Mr. LOGAN. I know there is no way to convince any man, much less a Senator, when he once takes a position. I wish it were possible, sometimes.

At the start the Supreme Court did not amount to anything. It was not then possible to get a man who would act as Chief Justice. The Court was hardly any part of the Government. Marshall was appointed in 1803, as I recall, or somewhere about that time, and he began to reach out and gather in some power of the Federal Government. Very little of this took place under the administration of Thomas Jefferson. While Thomas Jefferson was President, the Supreme Court had not done anything and could not do anything. It was really recognized as being entirely subordinate to the other two branches of the Government. It never legislated for itself until Marshall began to gather in some power, and others have added to it and added to it, until as Jefferson, I believe, said, like a thief in the night the judiciary had stolen power from the people until it had become a danger and a menace to the very life of the Government itself. We can very well see that that has been going on.

Here is another rather amusing thing in the report. Those who signed it quote from the President's address to the Nation of March 9, in which he said:

> We must find a way to take an appeal from the Supreme Court to the Constitution itself. We want a Supreme Court which will do justice under the Constitution—not over it. In our courts we want a government of laws and not of men.

He had said that the Court had decided certain questions wrong. The majority of the Judiciary Committee says that his words constitute a charge that the Supreme Court has exceeded the boundaries of its jurisdiction, and has invaded fields reserved by the Constitution to the legislative branch of the Government. That is what the committee says in its report. But I will call the attention of the distinguished members of the committee to the fact that after the President made that charge the Supreme Court came along and pleaded guilty, saying, in effect, "Yes, we are guilty; we have done that; we are going to correct it"; and they did a right-about face and corrected it.

Mr. BURKE. Mr. President, will the Senator yield on that point?

Mr. LOGAN. I yield.

Mr. BURKE. A little earlier the Senator complained that the report did not in any place praise the President. I think he has just called attention to one case where the report does give high praise to the President. At the top of page 17, just following the portion which the Senator has read, the report states that the President exercised very proper solicitude to maintain the prerogatives of the executive when challenged by the legislative department. We give him real credit for that.

Mr. LOGAN. The committee gives him credit by saying that he has repelled the invasion of the legislative department when it attempted to trespass upon the rights of the executive department.

In addition to some of the things I have mentioned—and I am not going to include all of them, for I am going to close—they have a summary in the back of the report which is worth reading. As I pass along, however, I note under the headline, "Extent of the judicial power", a discussion of that subject. No one cares anything about that;

at least, I do not. Then "Guaranties of individual liberty threatened." Who is threatening the guaranties of individual liberty, that the majority of the committee should put it in capitals? The President of the United States says the committee. And again we find, the "Court has protected human rights." Who is trying to destroy human rights? According to the Members signing this report, it is the President of the United States. That is what they are leading the people to believe, putting those statements in the report, and the people are aroused, and reach the conclusion at once that Members of the Senate are stating that "the President of the United States is attempting to destroy our religious rights and our civil rights and our political rights."

In the final summary they recommend that the bill be rejected for certain reasons; and here is another charge of dishonesty and double dealing on the part of the President.

It was presented to the Congress in a most intricate form and for reasons that obscured its real purpose.

The President of the United States tried to deceive the poor, innocent Senators who prepared this report; he tried to mislead them, to cover something up—a double-dealer. That is what they think about it, according to this report.

Mr. TYDINGS. Mr. President, will the Senator yield for a question?

Mr. LOGAN. I yield.

Mr. TYDINGS. I know the Senator has covered the ground, but would he mind in just a sentence, if he could, stating what he thinks the real reason for the proposal is?

Mr. LOGAN. The real reason for the proposal is to correct a situation which has grown up within the Supreme Court, internal dissensions among the members, with such a hardening of mind that the country cannot get an unbiased consideration of the great questions which need to be solved. This modified bill would allow a little help in that it would allow one new judge each year to be appointed for those who are over 75 years of age, because it is hoped to have judges who would agree with the minority, that is, the old minority, rather than the majority, in order to secure fair and impartial consideration by unbiased judges.

Mr. TYDINGS. Will the Senator yield for another question?

Mr. LOGAN. Certainly.

Mr. TYDINGS. I think the Senator has made a very frank statement in answer to my first question, and I hope he will be equally frank in answering my second, as I know he will. Am I correct in assuming that the purpose of the bill is to change the philosophy of the Court?

Mr. LOGAN. No; that is not the purpose.

Mr. TYDINGS. That is what I thought the Senator said.

Mr. LOGAN. The purpose is to give those who have a different philosophy from that of the Court a fair trial before an impartial judiciary to determine what is right.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. LOGAN. I yield to the Senator from Connecticut.

Mr. MALONEY. Is the Senator of the opinion that every administration is entitled to a sympathetic Supreme Court?

Mr. LOGAN. I do not know. I know the Supreme Court ought never to be sympathetic with any administration; it should be neither for it nor against it. It should never be sympathetic with any particular idea; it should never be either for it or against it. If it were possible for the Supreme Court to forget all things except that it must approach the solution of questions with unbiased mind and free and pure heart, it would be the proper kind of a court; but throughout the history of our Nation the political views and the economic views of the judges have entered into their appointments.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. TYDINGS. Does the Senator feel, then, that if the pending substitute is adopted it will not change the philosophy of the Supreme Court as we have known it?

Mr. LOGAN. It is already changed. It has changed its own philosophy.

Mr. TYDINGS. Mr. President, may I ask the Senator another question?

Mr. LOGAN. Yes.

Mr. TYDINGS. As I understood the Senator—and I ask him to correct me if I am in error—did not the Senator at first say that it was desired by this legislation to break down the solidified or stable minds of the Court, which were in one particular groove, and to substitute for those minds a new train of thought on national questions?

Mr. LOGAN. No; not to break down anybody or to take anybody off the bench; but it is the hope that with infusion of new minds on the Court the country may find out what the Constitution means, with the hope that when it does find the proper interpretation of the Constitution it will be along the lines of Stone and Brandeis and others.

Mr. TYDINGS. Then I shall put my question in slightly different form. Is it not a fact that the underlying purpose of this substitute is to secure a new philosophy of judicial interpretation from the Supreme Court of the United States?

Mr. LOGAN. It is the hope that it may be done.

Mr. TYDINGS. The hope?

Mr. LOGAN. Yes.

Mr. TYDINGS. That is the aim, is it not?

Mr. LOGAN. That is the hope, that it may be done, not through "packing" the Court, but through the reconsideration of important questions as to which apparently some of the members of the Court have reached the stage where they cannot consider them fairly and impartially.

Mr. TYDINGS. The Senator from Kentucky is very generous. Will he be generous enought to answer another question?

Mr. LOGAN. I yield.

Mr. TYDINGS. Let us suppose that the substitute is adopted. Let us suppose that in 5 or 6 years an entirely new Court replaces the old Court and, for want of a better term, that it is composed of either radical or liberal justices; I ask the Senator to assume that following that event a new administration comes into power by large majority, either Republican or Democratic or what not, which is at loggerheads or at odds with the then existing philosophy of the Court. Would the Senator then be in favor of a new judicial reform act which would by some artifice change that philosophy all over again?

Mr. LOGAN. Oh, no; I should not be in favor of such an act, and I should not favor this measure if I thought that was its purpose.

Mr. TYDINGS. I thought the Senator had said—and I ask the Senator to correct me if I am wrong—that the real purpose of the substitute was to change the philosophy of the Court.

Mr. LOGAN. The philosophy of opinions, it might be said. Throughout the years, in the interpretation of the commerce clause or the due-process clause, there have been some rather remarkable opinions of the Court. Go back to the case of Munn against Illinois, an old case with which I am sure the Senator is familiar. In that case the Court held that it was within the power of the legislature to determine the state of facts on which regulations should be made. Then when the Minnesota rate case came along, the Supreme Court said, "No; that it was for the Court to determine." Now, that is either right or it is wrong. I do not know whether I can make the Senator from Maryland understand my position, but it is a difficult thing to make the man on the street understand it.

Take the case of Munn against Illinois, where the Court specifically wrote that it was within the power of the legislature to determine the facts. Later, in the Minnesota rate case, I believe, the Supreme Court said, "No; that it was for the Court."

What is the question of general welfare? What is the question of interstate commerce? What is a burden upon

interstate commerce? The Supreme Court for years has assumed the power to determine the facts without hearing witnesses.

Mr. TYDINGS. Will the Senator yield right there?

Mr. LOGAN. I will yield in a moment. Others say that the Congress has that power. The Senator from Maryland does not know; neither do I know who has it.

I now yield to the Senator from Maryland.

Mr. TYDINGS. I ask the Senator if it is his understanding that the President, in sending down his message, used the expression that he wanted a court more in keeping with the needs of the times?

Mr. LOGAN. Yes.

Mr. TYDINGS. I think "the needs of the times" were the words he used.

Mr. LOGAN. I think that is correct.

Mr. TYDINGS. I desire to ask the Senator another question. Assume that the substitute bill goes through, and that in 5 or 6 years we have a completely new Supreme Court by reason of deaths, resignation, or the process of this bill. I ask the Senator to assume that all the new judges are radical or liberal, and insist on interpretations of radical or liberal nature, when considered in the light of the attitude of the present Court. If, then, a new national administration comes in, no matter what the party may be, which does not like that radical or liberal interpretation on the part of the Court, would not the new administration, reflecting the will of the people, be justified in again packing the Court just as we now propose to pack it, in order to change the philosophy with which the then existing Court would not be in sympathy?

Mr. LOGAN. Of course, if the same conditions existed, it would be justified. I have not time to go into the conditions which exist; but that is true.

Mr. TYDINGS. I ask the Senator from Kentucky if that would not mean that the Supreme Court would continue to be the continual football of the philosophy which for the moment was predominant in the Congress?

Mr. LOGAN. No; it would not, because the same idea has been in existence ever since the Government began. If the Senator will go back and read the debates in the twenties and the thirties over the proposal to increase the membership of the Supreme Court, in which such men as Webster and Clay and other great men took part, and which occurred at about the time Mr. Justice Taney, from Maryland, came on the bench, he will find that this is not a new question.

Mr. OVERTON. Mr. President, will the Senator yield so that I may propound a question to him solely for the purpose of obtaining information as to his viewpoint?

Mr. LOGAN. I yield.

Mr. OVERTON. Did I correctly understand the Senator's position to be, in answering a question which I propounded to him a while ago today, that this bill is based solely upon the theory that judges of inferior courts who have attained the age of 70 years, and Justices of the Supreme Court who have attained the age of 75 years, are incapacitated, wholly or in part, from properly discharging the functions of their office?

Mr. LOGAN. That is true.

Mr. OVERTON. Am I to understand, from the answers the Senator has given to the questions propounded by the Senator from Maryland, that it is based upon another theory also, and that is that there is necessity for a change in the current of jurisprudence by a change in the personnel of the Court?

Mr. LOGAN. The two questions are the same. I think the theory is—or, at least, that is my theory—that age in some instances affects a man so that he cannot properly consider questions which come before him; that his philosophy has gone wrong because of his age; that his philosophy of the law is wrong because he has been withdrawn from the public until perhaps his ideas are not very clear.

Perhaps his mental faculties are not as strong as they were. So the philosophy that the Court now has may be a false philosophy by reason of the age of the judges. I do not know. That is just my own idea.

The Senator from Indiana [Mr. MINTON] yesterday read an old letter in which the writer said that Mr. Justice Grier voted on questions when he did not know what he was voting on, and the writer referred to the effort that was made to get Justice Grier off the bench, and how much trouble the Court had with him. Such things happen. I do not say that they are now happening. Whenever they happen there is only one remedy left.

I am very glad to stop at this time without analyzing the report further. I will do that at some later time.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. TYDINGS. I am not trying to be facetious. I hope the Senator realizes that I am trying to get at the merits of this proposal. The Senator has been fair enough to concede that the Court has now changed its philosophy.

Mr. LOGAN. Yes.

Mr. TYDINGS. In other words, its philosophy now, as I understand, is different from its previous philosophy. It is more liberal; it is more in keeping with what we think the people of the country want. Therefore, if an amendment were offered, including the Senator's bill exactly as it is written, but providing that this measure shall not apply to any present sitting member of the Court, the Senator already having the philosophy that he wants, he would have the advantages of his bill without the implication that we have tried to force the philosophy on the Court or to stack the Court in any way, and no harm at all would be done. In other words, if the sitting judges who are over 75 years of age are now in sympathy with the kind of philosophy that is desired, why not exclude them from the operations of the law, and make only subsequent judges who reach the age of 75 years subject to retirement?

Mr. LOGAN. I am afraid that would not work; but I will answer the question, and then I shall yield the floor.

The President spoke of the Government in his fireside chat and compared it to a three-horse team, all three horses of which were supposed to work together; and, of course, no one can find any fault with that philosophy. But one of the horses had lain down in the furrow and would not pull, and there ought to be something done about it. He was criticized for that statement. Since that time, it might possibly be argued, at least by an able Senator such as the Senator from Maryland, that the horse which had lain down in the furrow had gotten up and was going to pull. It looks as if that is true; but I want to remind the Senator of something perhaps he does not know about. He never plowed a mule or new ground on a poor farm. In the springtime, when you get an old mule at the plow, he goes along and then halts and lies down in the furrow, and you cannot get him up at all. After a while you put a burr under his tail and resort to other expedients and get him up, and he will go along very well for a while, but after a time, when he thinks you have forgotten how you got him up, he lies down in the furrow again. It may be that this third team that was lying down in the furrow has gotten up and is going to pull; but who knows when it is going to lie down in the furrow again?

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. TYDINGS. I like the illustration the Senator from Kentucky has offered. It seems to me, however, that he has hooked up the team a little awkwardly. It is true we have these three horses—the executive team, the legislative team, and the judicial team—but what the Senator presupposes is that the driver of the executive horse is also the driver of the other two.

Mr. LOGAN. Oh, no; I do not think so.

Mr. TYDINGS. What I want is to have the American people drive all three teams and not have the executive and legislative horses combine in forcing the other horse, against the will of the driver, into a direction that the driver may not want him to go.

Mr. LOGAN. I do not think the Senator believes that, and I am going to make him admit it in a minute; because if he

did believe it, he would perhaps be a Socialist or a Communist. He does not believe that the American people should control the judicial branch of the Government. When the Senator said that he believed the people ought to control the legislative, executive, and judicial branch——

Mr. TYDINGS. That is correct.

Mr. LOGAN. He went a little too far. I think the American people cannot control the judicial branch of the Government, the Supreme Court. That is where the fault lies.

Mr. TYDINGS. Who does control it?

Mr. LOGAN. Nobody controls it. That is what I am complaining about. The makers of the Constitution expected when that document was adopted that Congress would keep an eye on the Court, and if the Court went wrong the makers of the Constitution expected Congress to do something about it. But it has been made a sacred something which must not be spoken about; nothing must be said about it. It can do no wrong; it can think no wrong; it cannot do anything but protect the poor, downtrodden people.

Mr. TYDINGS. Mr. President, will the Senator yield further?

Mr. LOGAN. I yield.

Mr. TYDINGS. I do believe in the American people controlling the executive, the legislative, and the judicial branches of the Government in line with the Constitution. The Senator from Kentucky believes that the legislative and executive branches should control the judicial branch of the Government notwithstanding that the American people, whose trustee he is, may not want the judicial branch to be controlled by the other two branches.

Mr. LOGAN. I do not want it to be controlled by any branch. The only thing I am asking is that it perform fairly and justly its proper functions under the Constitution——

Mr. TYDINGS. The executive and legislative branches to be the umpire?

Mr LOGAN. That it not usurp legislative or executive power and set itself up as a king or monarch. All I am asking is that it get back on the Constitution, and under the Constitution, and then I will stand always ready to defend it if anybody attacks it.

Mr. TYDINGS. Mr. President, will the Senator yield further?

Mr. LOGAN. I yield.

Mr. TYDINGS. I do not like some of the decisions of the Supreme Court; I am perfectly willing to accede to what the Senator says; and all I am asking him is to pass the proposal on to the American people for ratification or rejection through a constitutional amendment. They are the residuaries of all power. We have no right to pack the Supreme Court of the United States in order to change its philosophy. I accept the Senator's premise.

Mr. LOGAN. The Senator places himself in this attitude: He says that we ought to submit a constitutional amendment to the people so that they can give us, the Congress, the power to do that which is already plainly written in the Constitution. It is not a consitutional amendment the Senator wants; it is a referendum. He wants a plebiscite on matters of pure legislation.

Mr. TYDINGS. Mr. President, the Senator is entirely wrong. The matter of the Supreme Court can be handled by an amendment, as the Senator knows, not in the nature of a referendum at all, by the proper play of constitutional processes. With all due respect to him, what the Senator from Kentucky, as I see it, is attempting to do is to usurp a constitutional prerogative by a legislative act. He is trying to change the Supreme Court of the United States, not because of the age of the Justices, not because of its background, but because he wants decisions rendered by that Court as he wants them to be rather than as the Court sees fit to render them.

Mr. LOGAN. Mr. President, the Senator does me a very great injustice. That is not my opinion. I have tried to make it clear, but there are none so difficult to deal with as those who positively refuse to understand.

Mr. TYDINGS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield further to the Senator from Maryland?

Mr. LOGAN. I yield.

Mr. TYDINGS. I want to echo the remarks of the Senator from Kentucky. I would rather deal with any man other than the man who refuses to understand even when, by his own admission, he sees the light.

Mr. MINTON. Mr. President, I have listened for the past 2 days with rapt attention to the able address of the Senator from Kentucky [Mr. LOGAN]. He has been speaking upon a subject that I intended to say something about in the course of this debate, but he has made a much better speech than I could ever hope to make, and I wish only to detain the Senate for a brief period in order that I may touch upon one or two matters in the alleged historic report which the Senator from Kentucky found he did not have time to touch upon or was diverted in his address and was unable to do so.

Mr. President, some of the most illustrious names that are known to the history of this great body are signed to the majority report to which reference has been made, names that will live in the history of this country long after I am forgotten, but they will not live on the record they made in signing that report. I respect these distinguished Senators for their ability as statesmen and as lawyers; I have no quarrel to pick with them personally, and I shall say no unkind word about them, but I shall direct myself briefly to another point or two involved in this alleged historic report.

I was pleased to note that Senators rose here on the floor of the Senate in the course of this debate and disavowed any purpose on their part to malign, to rebuke, or reprove the President of the United States when they submitted this report. I am glad the Senators have taken that position. I am sure in that position they disillusioned the bright young men who sit above the desk of the Presiding Officer in the press gallery, for I am certain that they derived the impression when they read that report that it was a rebuke to the President of the United States; that it was an indictment of his purpose, his aims, and his patriotism, because it was so stated in all the press of the country that is opposed to this program, as most of the newspapers are.

On June 15, 1937, the Washington Post said:

> It is difficult to find any previous occasion on which an administration measure has been so thoroughly discredited by a congressional report.
>
> There is not an iota of partisanship in the report.

Of course, the Washington Post is an admirable organ to pass on partisanship—

> * * * Yet it constitutes a blistering indictment of the plan which is said to be foremost in the President's mind. * * * Actually the rebuke contained in this report extends beyond the court bill.

Again, in the Baltimore Sun of June 15, 1937, in an editorial entitled "Sharp Rebuke", we find these words:

> Never has a President, so recently the unquestioned master of his party, sustained so severe a rebuke.

In that apostle of sweetness and light, the Chicago Tribune [laughter], on June 16, 1937, we find these words:

> Some Presidents in the past have been rebuked by the National Legislature, and one or two have been denounced by members of their own party. In one or two instances the justice of the rebuke was questionable. In the present instance there can be no question.

So I say to you, Mr. President, in view of the false impression that has gone out through the columns of the press of the country, I am glad to find the avowal from the mouths of my colleagues upon the floor of the Senate that they sought not to rebuke the President of the United States, that they sought not to indict him or to impugn his motives at all; because, after all, there is in this great subject room for reasonable, conscientious difference of opinion. I concede to my colleagues who disagree with me the reason-

ableness of their position and their honesty of purpose, and I expect nothing from them except that they concede to me the honesty of purpose which I concede to them.

But, Mr. President, as we approach the consideration of this vital problem, I look upon it in this manner: We are not engaged in playing a game; this is serious business that confronts the Congress of the United States; we are endeavoring now to make a form of government function as a democratic form of government, although it was set up by men who feared democracy.

We are now trying to make this Government a Democratic form of Government and to make it work in the interest of the great masses of the people of the country.

As we view our experience of the last few years, we have discovered that one of the three coordinate branches of our great Government has not been in step with the spirit of the times. Furthermore, as the distinguished Senator from Kentucky [Mr. LOGAN] has well said, the members of that branch have in their minds a fixation on certain fundamental problems, and nothing seems to be able to change it. So I conceive it to be my duty as a Member of the Senate to use such power as I have at my command under the Constitution of the United States to reach the problem which confronts us, where the Supreme Court of the United States is setting itself up as a superlegislature, because, after all, there is no place where the people of the country can turn for the redress of judicial abuse of this power unless they turn to the Congress of the United States.

I invite attention to the fact that on page 9 of the report reference is made in a rather critical vein to the President's speech wherein he pointed out the fact that the Supreme Court was exercising a legislative function. The committee report wound up its observations with this smug and self-satisfied observation:

> It is not the conclusion of judicial process.

I shall give some conclusions of judicial process on the question as to whether or not the Supreme Court has been legislating and exercising legislative functions. I shall quote from members of the Supreme Court themselves wherein they have charged that the Supreme Court has been exercising legislative functions.

First, I quote from one of the greatest scholars and writers with reference to the opinions of the Supreme Court that this country has ever produced, the late James M. Beck. In his book he said:

> The Supreme Court is a continuous constitutional convention.

Mr. Justice Brandeis, in *Burns Baking Co.* v. *Bryan* (264 U. S. 504, p. 534), said:

> To decide, as a fact, that the prohibition of excess weights "is not necessary for the protection of the purchasers against imposition and fraud by short weights", that it "is not calculated to effectuate that purpose", and that it "subjects bakers and sellers of bread" to heavy burdens is, in my opinion, an exercise of the powers of a superlegislature—not the performance of the constitutional function of judicial review.

That great Justice of the Supreme Court, Mr. Justice Harlan, in the case of *United States* v. *American Tobacco Co.* (221 U. S. 106, p. 192), said:

> Now the Court, in accordance with what it denominates the "rule of reason", in effect inserts in the act the word "undue", which means the same as "unreasonable", and thereby makes Congress say what it did not say; what, as I think, it plainly did not intend to say and what, since the passage of the act, it has explicitly refused to say. It has steadily refused to amend the act so as to tolerate a restraint of interstate commerce even where such restraint could be said to be reasonable or due. In short, the Court now, by judicial legislation, in effect amends an act of Congress.

In short, the Court——

Mr. BURKE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Nebraska?

Mr. MINTON. I yield for a question.

Mr. BURKE. Is it the understanding of the Senator from Indiana that the purpose of the bill is to take away from the Court the ability to act as a superlegislature?

Mr. MINTON. No; it is only to get a better legislature.

Mr. BURKE. The bill, then, would not have any effect in preventing the Court from continuing to act, if it saw fit, as a superlegislature?

Mr. MINTON. No. The bill does not affect its power, unfortunately.

Mr. BURKE. What, then, is the purpose of the bill?

Mr. MINTON. I shall get to that later.

Mr. MALONEY. Mr. President, may I interrupt the Senator at that point?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Connecticut?

Mr. MINTON. I yield.

Mr. MALONEY. I do not care whether the Senator answers my question now or later, but I should like to ask the same question that I propounded to the Senator from Kentucky [Mr. LOGAN]. I asked whether or not each administration is entitled to a sympathetic Supreme Court, and the answer of the Senator from Kentucky was, "I do not know." I submit the same inquiry to the Senator from Indiana.

Mr. MINTON. I have a definite opinion about it. I think every administration is entitled to an open-minded Supreme Court.

Mr. O'MAHONEY. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Wyoming?

Mr. MINTON. I yield for a question.

Mr. O'MAHONEY. Did I correctly understand the Senator to say, in response to the inquiry of the Senator from Nebraska [Mr. BURKE], that the purpose of the bill is to secure in the Supreme Court a better superlegislature?

Mr. MINTON. That is the hope.

Mr. O'MAHONEY. Then, am I to understand that the purpose of the bill is not to correct the defects which the Senator has been criticizing, is not to prevent the Supreme Court from usurping legislative powers, but is merely to create a Supreme Court which will act in the legislative manner in which the Senator desires it to act?

Mr. MINTON. I am only answering the historic report which the Senator from Wyoming signed.

Mr. O'MAHONEY. Of course that was not my question.

Mr. MINTON. In this historic report it was pointed out that the exercise of legislative power, as asserted by the President, was not a conclusion of judicial process, and I am giving some judicial processes.

Mr. O'MAHONEY. Mr. President, may I ask the Senator another question?

The PRESIDING OFFICER. Does the Senator from Indiana yield further to the Senator from Wyoming?

Mr. MINTON. I yield.

Mr. O'MAHONEY. Does the Senator concede that the report of the committee is before the Senate, or is it another bill?

Mr. MINTON. I think the report of the committee is before the Senate.

Mr. O'MAHONEY. Is it not a fact, may I ask the Senator from Indiana, that the original proponents in the Senate of the original bill have abandoned it and have presented a new bill?

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Washington?

Mr. MINTON. I yield.

Mr. SCHWELLENBACH. May I ask the Senator from Indiana to ask the Senator from Wyoming [Mr. O'MAHONEY], he being one of the signers of the report, whether or not he now wants us to believe he is abandoning the report?

Mr. O'MAHONEY. Oh, no; not at all.

Mr. MINTON. I do not think the Senator from Wyoming wants to abandon the report. As I proceed I intend to come back to the proposition referred to by the Senator from Wyoming about the attitude of the committee toward this particular bill and what they did about it.

I wish to quote once more from judicial processes. Mr. Justice Holmes, in the case of *Hammer* v. *Dagenhart* (247 U. S. 215), at page 280, said:

> But I had thought that the propriety of the exercise of a power admitted to exist in some cases was for the consideration of Congress alone, and that this Court always had disavowed the right to intrude its judgment upon questions of policy or morals. It is not for this Court to pronounce when prohibition is necessary to regulation, if it ever may be necessary—to say that it is permissible as against strong drink, but not as against the product of ruined lives.

In *Pollock* v. *Farmers Loan & Trust Co.* (158 U. S. 601, 674), Mr. Justice Harlan said, at page 679:

> Is it to be understood that the courts may annul an act of Congress imposing a tax on incomes whenever, in their judgment, such legislation is not demanded by any public emergency or pressing necessity? Is a tax on income permissible in time of war but unconstitutional in a time of peace? Is the judiciary to supervise the action of the legislative branch of the Government upon questions of public policy? * * * The decree now passed dislocates—principally for reasons of an economic nature—a sovereign power expressly granted to the general government and long recognized and fully established by judicial decisions and legislative action. It so interprets constitutional provisions, originally designed to protect slave property against oppressive taxation, as to give privileges and immunities never contemplated by the founders of the Government.

In *Baldwin* v. *Missouri* (281 U. S. 586, 595), Mr. Justice Holmes said:

> As the decisions now stand, I see hardly any limit but the sky to the invalidating of those rights if they happen to strike a majority of this Court as for any reason undesirable. I cannot believe that the amendment was intended to give us carte blanche to embody our economic or moral beliefs in its prohibitions.

In *Standard Oil Co.* v. *United States* (221 U. S. 1, 89, 90, 103), Mr. Justice Harlan said, at page 105:

> It remains for me to refer, more fully than I have heretofore done, to another and, in my judgment—if we look to the future—the most important aspect of this case. That aspect concerns the usurpation by the judicial branch of the Government of the functions of the legislative department. To overreach the action of Congress merely by judicial construction—that is, by indirection—is a blow at the integrity of our governmental system and in the end will prove most dangerous to all.

In *United States* v. *Butler* (297 U. S.), Mr. Justice Stone said, at page 87:

> A tortured construction of the Constitution is not to be justified by recourse to extreme examples of reckless congressional spending which might occur if courts could not prevent—expenditures which, even if they could be thought to effect any national purpose, would be possible only by action of a legislature lost to all sense of public responsibility. Such suppositions are addressed to the mind accustomed to believe that it is the business of courts to sit in judgment on the wisdom of legislative action.

I might stand here all afternoon and quote for the record instance after instance of opinions of Justices of the Supreme Court in which they have charged that the Supreme Court itself was exercising the functions of a super legislature. I do not believe anyone questions that. I simply cite these facts to show that if the signers of the report want judicial process, I refer them to the opinions of Justices of the Supreme Court.

I come back to the beginning of the consideration of the bill and the writing of this historic report. For weeks the Committee on the Judiciary sat and held hearings in the Capital of the Nation. Everybody testified who had an opinion about the bill and could pay his way to Washington or get it paid. Then, after weeks of that kind of hearings, the committee took a month to vote upon a bill when they all knew in the beginning how they were going to vote upon it.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. MINTON. Then they took another month to write the historic document to which I am now referring.

Mr. O'MAHONEY. Will the Senator yield at that point?

Mr. MINTON. Yes; I yield.

Mr. O'MAHONEY. Does the Senator know that the date upon which the vote was taken was selected by the eminent Senator from Kentucky [Mr. LOGAN] who has just taken his seat?

Mr. MINTON. I guess that was the best date he could get.

Mr. O'MAHONEY. Does the Senator know that there was no objection, certainly upon the part of most of the Senators who signed the report, to an earlier date?

Mr. MINTON. No; I do not know it. I know, however, that a fundamental proposition, a very serious proposition, was submitted by the President to the consideration of the Congress of the United States. I know that after the weeks and months during which the committee had under consideration this great fundamental problem, which the President of the United States had submitted to the Congress, the Judiciary Committee came in with a report that wholly ducks the issue, because they had under consideration a proposition that brought with it a bill that was proposed by the President of the United States. The committee thought it had fully discharged its functions, however, when it had disposed of that bill, without directing its attention to the fundamental problem that was presented by the President of the United States and is incorporated in this amendment in the nature of a substitute, now offered by other members of the committee.

Mr. BURKE. Mr. President, will the Senator yield at that point for a question?

Mr. MINTON. Yes; I yield.

Mr. BURKE. If the bill submitted on the 5th of February was so thoroughly discredited by the committee report that it has been completely abandoned, what more could be accomplished by any committee or any report?

Mr. MINTON. I do not suppose anything, in reality and practicality, could be accomplished in that regard; but I think the committee could have accomplished a great deal more by considering the fundamental proposition submitted by the President of the United States, and trying to bring in some legislation to meet that problem; and it finally devolved upon some members of the committee who were in the minority to work out an amendment in the nature of a substitute and bring it to the Senate of the United States for its consideration.

Mr. O'MAHONEY. Mr. President, will the Senator yield for a question?

Mr. MINTON. Yes; I yield.

Mr. O'MAHONEY. I wonder who, in the mind of the Senator from Indiana, is "ducking the issue"—those who signed the report condemning a particular bill, or those who abandoned the bill, and who now come upon the floor of the Senate talking about everything and anything except the bill they are proposing?

Mr. MINTON. That may be the view of the Senator from Wyoming; but I think the proponents of the amendment in the nature of a substitute have submitted to the Senate a very statesmanlike and concrete proposal to meet the proposition submitted by the President of the United States.

Mr. CONNALLY. Mr. President, will the Senator yield for a question—a friendly question?

Mr. MINTON. Of course. I should expect nothing else from the Senator from Texas.

Mr. CONNALLY. In all fairness, is it not true that in the mind of the Senator from Indiana the substitute will accomplish the real purposes of the original bill? There will be a little delay, but it will finally accomplish the same result?

Mr. MINTON. By slow motion.

Mr. CONNALLY. That is true. I wanted to get the view of the Senator. The Senator's view, I think, is the correct view, that the substitute is just the same old house with a new front on it.

Mr. MINTON. Mr. President, in this report it is stated, I believe, that this bill is without precedent. Of course, the Senator from Kentucky [Mr. LOGAN] has well pointed out that seven times before in the history of the Nation this very precedent has been used. In other words, the size of the Court has been changed seven times by the Congress of the United States. The first time, it will be recalled, was when the Federalists went out of power in 1801. John Adams, believing as everyone believed at that time that the aged and infirm Justice Cushing was going to retire from the bench,

had the size of the Supreme Court reduced from six to five in order that the incoming Jefferson might not appoint the successor to Mr. Justice Cushing, who, it was understood, was to get off the bench. But Mr. Jefferson, of course, was equal to the occasion, and he increased the size of the Court back to six; and what did Cushing do?

Like some of the judges upon the present Supreme Court, he held on for dear life, because he did not want Jefferson to appoint his successor; and it was years afterward before Cushing finally did die, I believe, in office.

So, Mr. President, that was the first change that was brought about; and it was brought about to serve the political purpose of the Federalists, and maintain the Federalist control of the judiciary of the country. The other changes that came along from then until the administration of Abraham Lincoln were not of great importance, and probably can be classified as changes to meet administrative phases of the Government at that time.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. MINTON. But when we come to the question of whether or not the administration of Abraham Lincoln changed the size of the Supreme Court in order to be sure the Supreme Court would give the kind of opinions that Lincoln wanted, I desire to read into the RECORD some of the history of that occasion which controverts the historic report submitted by the Judiciary Committee.

Mr. BURKE. Mr. President, will the Senator yield before he goes on to that point?

Mr. MINTON. Yes; I yield.

Mr. BURKE. Passing over the first instances, I merely wish to call attention to a fact in reference to the first alleged precedent to find out whether the Senator really considers that what took place in the closing days of John Adams' administration and the first days of Thomas Jefferson's administration constitutes a precedent; and in that connection it is necessary for me to ask two questions.

The Senator realizes, of course, that up to the time that the Congress, in the administration of John Adams, passed the legislation providing that the first vacancy which occurred on the Court should not be filled, all Justices of the Supreme Court rode the circuits, and held courts in the circuits. He recognizes that fact; does he not?

Mr. MINTON. Yes.

Mr. BURKE. And the Senator recognizes the fact that at the same time that the Congress passed the act providing that the first vacancy should not be filled, it also repealed the act which required circuit-court duty of Supreme Court Justices.

Mr. MINTON. Yes; that is true.

Mr. BURKE. The third point is that nothing was ever done under that provision, because, as the Senator has stated, no Justice died. The Court was not changed at all. Its membership remained at six; and the first act of the Jefferson administration was to do away with the other law and also to return circuit-court duty. So is that really a precedent for anything that is now proposed?

Mr. MINTON. Yes; it is a precedent for two things. It is the first precedent for changing the size of the Court, and it is the first precedent for the Court packing itself.

Mr. President, it has been widely stated that Abraham Lincoln, when he changed the membership of the Court from 9 to 10, did so only for administrative purposes; but everybody knows that Abraham Lincoln came into fame and eventually marched to immortality as the founder of a great party, which has almost passed out of existence; that Abraham Lincoln and the Republican Party came into power and into existence fighting the Supreme Court and its decisions, and Abraham Lincoln had no delusions about the Supreme Court. No; he had plans to reverse the Dred Scott decision, and said so.

In the biography of Salmon P. Chase by Albert Bushnell Hart, I read from page 325:

> Though Catron died in May 1865 and Wayne in 1867, no successors to them were appointed, and no further change occurred till after the first Legal Tender decision in 1870. From 1865 to 1870 the Court remained made up of Lincoln's five appointees, together with Nelson, Grier, Clifford, and (till 1867) Wayne.
>
> It had thus unexpectedly been put into the power of Lincoln to carry out a plan which he himself suggested in 1858, the plan of reorganizing the Supreme Court till it should reverse the Dred Scott decision.

I think Senators recognize that Albert Bushnell Hart is one of the great scholars and one of the great historians of this country.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. MINTON. Yes; I yield to the Senator from Texas.

Mr. CONNALLY. The Senator has made some reference to the fact that Mr. Lincoln did not fill these vacancies.

Mr. MINTON. No; I did not. The Senator misunderstood me. I made no such reference.

Mr. CONNALLY. I thought the Senator read, though, that there were some places which Mr. Lincoln did not fill.

Mr. MINTON. No.

Mr. CONNALLY. I will ask this question, then: Is it not a fact that Mr. Lincoln did not fill several vacancies because of the condition of the South, from which I come, and that he did not care to fill all the vacancies because he was expecting the South to get back into the Union, according to his theory, and that the appointments would be allocated to that section? Does not that contradict the theory of the Senator that Mr. Lincoln had any intention of filling up the Court with his own partisans? If that had been the case, he would have filled it up with men in the North holding the views that he held.

Mr. MINTON. Lincoln eventually did fill up the Court with men of that stripe, and he filled every place on the Court with a good, rock-ribbed, dyed-in-the-wool Republican or Union man; and before he appointed the Chief Justice of the United States he gave the country to understand, by a statement which is widely quoted now, that he wanted a Chief Justice who would uphold what he was doing with reference to emancipation and the legal tenders.

So, Mr. President, this report—this historic document—says that the change in the size of the Court from 9 to 10 under Lincoln was done just because there was another circuit out on the West coast that had to be taken care of. I point out the fact that that circuit still existed in 1866, when the Republican Party reduced the Court from 10 to 7; and I point out the fact that it still existed in 1869, when the Republican Party again increased the size of the Court back to 9. But I submit to the Senate the best evidence I know of as to whether or not Lincoln was creating a place upon the Court in order to be sure of the nature of the Court's opinions. I shall read to the Senate in a minute from the biography of Stephen J. Field, the Justice who was appointed to fill the tenth place upon the Court. But, Mr. President, Senators will recall that in the days of the Civil War the legality of the Civil War itself was attacked in the chamber of the Supreme Court itself; and all of the country, including Abraham Lincoln, his Cabinet, and all the men and women of this Nation who were supporting the cause of the North at that time, felt great concern about what the Supreme Court might do.

There came before the Supreme Court what were known as the Prize Cases, I think about 1863, and those cases were argued before the Supreme Court by Mr. Charles Richard Dana, one of the great lawyers of the country. Finally the Supreme Court of the United States, by a divided opinion of 5 to 4, I believe, upheld the seizure by the North of the vessels concerned, and therefore upheld the blockade of the South and the legality of the war.

At that time the great Lincoln and all who surrounded him and fought that great war were much concerned. They were much alarmed about the situation in the Supreme Court, and well they might be, when they got by with a vote of 5 to 4.

So Abraham Lincoln was frightened, and everyone else was frightened, and he was not satisfied with just 5-to-4 decisions, even when he could count on them, and he was not sure he could count on them. So he had the size of

the Supreme Court increased by one in order that he could put another friend on the Court.

Now I read from the life of Stephen J. Field—Craftsman of the Law, by Carl Brent Swisher:

> The issue was raised in the Supreme Court when former owners of ships captured under the laws of war challenged the legality of the capture, declaring that no war existed, and that the laws of war, which provided for the taking of prize, could not apply. The test case, brought before the Court in February 1863, was argued for 12 days. "Contemplate, my dear sir", wrote Charles Henry Dana, one of the counsel for the United States, to Charles Francis Adams, "the possibility of a Supreme Court deciding that this blockade is illegal! What a position it would put us in before the world whose commerce we have been illegally prohibiting, whom we have unlawfully subjected to a cotton famine and domestic dangers and distress for 2 years. It would end the war, and where it would leave us with neutral powers it is fearful to contemplate. Yet such an event is legally possible—I do not think it probable, hardly possible, in fact. But last year I think there was danger of such a result, when the blockade was new, and before the three new judges were appointed. The bare contemplation of such a possibility makes us pause in our boastful assertion that our written Constitution is clearly the best adapted to all exigencies, the last, best gift to man."

Professor Swisher continues:

> The 5-to-4 decision of the Court, which was handed down March 10, 1863, came as a great relief to the friends of the Union. Justice Grier, reading the majority opinion, held that the conflict was, indeed, a war, and that the blockade was legal. At the same time, however, he endeavored to establish the fact that the Confederacy was not a separate and independent power, entitled to be recognized as such by foreign governments. Chief Justice Taney and Justices Catron and Clifford concurred with Justice Nelson in his dissenting opinion, arguing that the status of war had never been conferred upon the struggle.

Mark this, Senators:

> The closeness of the vote in the Supreme Court showed the danger to be very real that the conduct of the war might be at least inadvertently sabotaged by judges who were more deeply devoted either to the South or to their conceptions of the law than to the immediate needs of the Government. This type of situation, together with the apprehension that others similar to it might arise, made all the more insistent the demand that the personnel of the Court be so changed that the country would be in no further danger from that quarter.

Who would be better authority to speak upon the question of whether or not Stephen J. Field went upon the Supreme Court of the United States in order that Lincoln might be sure about the war opinions than the biographer of Stephen J. Field? He said that was the prime consideration, and we know that because of the hysteria that was abroad in the country at that time. The friends of the Union changed the personnel of the Court in order that they could get Unionist opinions from the Supreme Court.

Mr. BURKE. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Nebraska?

Mr. MINTON. I yield.

Mr. BURKE. If the very life of the Nation was at stake at that time and depended upon one vote upon the Court, how does the distinguished Senator from Indiana account for the President in adding only one member, if that was his purpose, an example of moderation as compared with the proposal, which the Senator has eulogized, to add six members to the Court?

Mr. MINTON. Lincoln evidently was quite sure of his men. I do not think we can say the same about the present majority on the Supreme Court. Any court that can hand down the opinions it handed down a year ago, and then in 10 months or a year hand down the opinions it has handed down this year, is certainly not a thing to be trusted, let alone worshiped.

Mr. President, in the light of the historic facts as revealed by the documents which are in existence, which the writers of this historic document now before us knew nothing about, the assertion in the historic document that the Court had never been changed in order that there might be opinions which the administration wanted from the Supreme Court is in head-on collision with the facts I have read into the RECORD.

Mr. BURKE. Mr. President, will the Senator yield at that point for just one question?

Mr. MINTON. I yield.

Mr. BURKE. Does the Senator at this point admit that the reason why he is supporting the bill, and the purpose of it, is that he desires to have a Court which will render the kind of decisions he wants? I understood that to be his statement.

Mr. MINTON. Not at all; I am only talking about the historic document the Senator signed. In that historic document, in half apologetic manner, but first in a very apologetic manner, the writers admit that there is one precedent in history when the Supreme Court was changed for political reasons. The Congress of the United States in 1863 had increased the Court from 9 to 10, but in 1866, after the war was over, they reduced the size of the Court from 10 to 7. That was done to thwart Andrew Johnson, and the historic document condemns that.

They do not say anything about the change in 1869, when the size of the Supreme Court was changed again, after 2 or 3 years, from 7 back to 9, as it has remained to this day. It was done in order that Grant might have an appointment upon that Court, because the thing that was burning the country at that time was the question of the legality of the Legal Tender Act, then pending before the Supreme Court of the United States.

I think it has been asserted perhaps by some that Grant did not know what the Supreme Court was going to decide in that opinion, and that he did not know as to whether or not the men whom he was putting on the court would give him the kind of opinion he wanted.

I read from the recently published diary of Hamilton Fish, under the entry of October 28, 1876:

> Grant said that on on that subject it would be difficult for him to make a statement; that although he required no declaration from Judges Strong and Bradley on the constitutionality of the Legal Tender Act, he knew Judge Strong had on the bench in Pennsylvania given a decision sustaining its constitutionality, and he had reason to believe Judge Bradley's opinion tended in the same direction; that at the time he felt it important that the constitutionality of the law should be sustained, and while he would do nothing to exact anything like a pledge or expression of opinion from the parties he might appoint to the bench, he had desired that the constitutionality should be sustained by the Supreme Court; that he believed such had been the opinion of all his Cabinet at the time.

Now, with the knowledge that Grant knew what the opinion was going to be, I quote the reminiscences of Mr. George S. Boutwell, who was at that time the Secretary of the Treasury. It will be recalled that Chief Justice Chase was at one time Secretary of the Treasury. He fully appreciated the great problems that would be upon the shoulders of the Secretary of the Treasury if the Legal Tender Act were declared unconstitutional. So he tipped off Mr. Boutwell as to what the Supreme Court would decide, because Mr. Boutwell says in his reminiscences that he was informed of the first legal tender decision by Chief Justice Chase himself about 2 weeks before its public delivery on February 7, 1870. Chase justified the unusual procedure by stating that he feared the Court's decision would cause the creditor class to rush for gold and thereby create serious financial difficulties for the Treasury.

So what was the situation when the Legal Tender case was pending? Grant wanted the act sustained, as Fish has said. Grant had had two others nominated to the Court, one turned down, and one accepted, but the latter died. Grant knew that Justice Strong when he was on the bench in Pennsylvania had handed down an opinion upholding the constitutional validity of the Legal Tender Act. He knew that Mr. Justice Bradley had rendered a private opinion to the railroads which he represented that Legal Tender Acts were constitutional. So Grant knew that he wanted the act to be held constitutional, he knew that Strong and Bradley knew that he wanted it to be held constitutional, and they had a record of constitutionality on it. Grant knew what he wanted, he knew that Bradley and Strong knew what he wanted, and they knew that Grant knew

that they knew what he wanted, and after they were appointed on the Supreme Court they gave him what he wanted. I do not know whether that would be called "packing" or not.

Mr. BURKE. Mr. President, will the Senator yield for a question?

Mr. MINTON. I yield.

Mr. BURKE. When did the Congress of the United States restore the membership of the Court to nine, thereby creating one vacancy that the President could fill? When did they do that with reference to the decision in the Legal Tender cases?

Mr. MINTON. Afterward, but just as soon after the 4th of March as they could get it; on April 10.

Mr. BURKE. Afterward?

Mr. MINTON. Yes.

Mr. BURKE. It was almost a year before.

Mr. MINTON. Oh, no.

Mr. BURKE. Let me ask the Senator——

Mr. MINTON. A year before what?

Mr. BURKE. A year before the Legal Tender decision.

Mr. MINTON. I am talking about when Congress passed the act. It was passed before the Legal Tender decision came down, of course.

Mr. BURKE. Let me ask the question in this way, then: We have just had the facts recited by the able Senator with reference to the appointment of these two judges to the Court, one to fill a vacancy that occurred in the normal way and one to fill a vacancy created by increase in the membership of the Court to its old figure of nine. Is it not a fact that it was almost exactly a year prior to the time President Grant sent these two names to the Senate that this vacancy had been created on the Court by increasing its membership to nine?

Mr. MINTON. That is true. The act was passed in April 1869, but did not go into effect until December 1869.

Mr. BURKE. Let me now ask the Senator a further question. Is it not a fact that the Senator's precedent falls completely to the ground when it appears that the vacancies, one created in the normal way and one created by act of Congress, came into being long before the President came to examine, as the Senator says, the social and economic and financial views of the men whose names he was going to send to the Senate?

Mr. MINTON. The precedent does not fall down and fail to support my contention. It might fail to support the straw man which the Senator from Nebraska had in mind, but the precedent stands in support of my contention; namely, that the Congress of the United States has the power to change the size of the Supreme Court, and that President Grant had the size of the Supreme Court changed, or at least Congress changed it in order that he might get the opinion he wanted, and he got it, because the very day those names went to the Senate of the United States to be confirmed the Supreme Court handed down the Legal Tender decision. But they had a reargument after they got Strong and Bradley upon the Supreme Court; they phenagled around on the Supreme Court by the devious way of politics that the Senator from Pennsylvania [Mr. GUFFEY] pointed out yesterday, and they got a reargument of the Legal Tender cases in the Supreme Court; and in less than a year's time after they got Strong and Bradley on the Court they turned a 5-to-4 opinion against the constitutionality in the Legal Tender cases to a 5-to-4 decision in favor of the constitutionality of that act; and Mr. Justice Strong, one of the appointees of President Grant, wrote the opinion.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. O'MAHONEY. Am I to understand the contention of the Senator from Indiana to be that increasing the membership of the Supreme Court for the purpose of influencing its opinion is a justifiable proceeding?

Mr. MINTON. I have not got to the point of saying so. I am referring to the historic document which the Senator from Wyoming signed.

Mr. O'MAHONEY. Does the Senator——

Mr. MINTON. I decline to answer questions along that line, because I am not arguing along that line. I am pointing out the historic document which the Senator from Wyoming signed, in which he said there was not any precedent for what this bill proposes to do.

Mr. BURKE. Mr. President, will the Senator yield for a question on that viewpoint?

Mr. MINTON. Not at this time.

Mr. BURKE. The Senator declines to yield?

Mr. MINTON. I will yield later on.

Mr. BURKE. Very well.

Mr. MINTON. The Senator's questions are quite involved, and it takes a great deal of my time to get them straightened out.

Mr. BURKE. This would be a very simple question—one that the Senator could understand.

Mr. MINTON. If the Senator should propound it, I doubt if anyone could understand it.

Mr. President, a great deal has been said about packing the Supreme Court. I do not know what is meant by packing the Supreme Court, if the Supreme Court does not pack itself. We have had an exhibition of packing on behalf of the Court for which there was precedent in the days of Cushing, and that was practiced by the present Supreme Court. What do Senators think Mr. Justice Van Devanter was doing on the Supreme Court the last 3 years he was on the bench, when he wrote only about two opinions a year? He was not working. He was sitting there packing the Court so that President Roosevelt could not appoint his successor.

What do Senators think Mr. Justice McReynolds has been doing on the Supreme Court for the past 3 years, when he has averaged only a little more than five opinions a year? He is not working. He is sitting there packing the Court so that President Roosevelt cannot appoint his successor.

Pack the Court? Why, Senators, the thing the President of the United States proposes in this bill has been done by the most illustrious men in the history of this Nation. The President of the United States asks simply for appointments to the Supreme Court; and I prefer to believe that my President today in the White House looks to the shrine of Mount Vernon, and looks at the shrine erected to the great Abraham Lincoln in the lower end of the city along the Potomac River, and casts his eyes occasionally on the high peak in Washington on which stands the National Cathedral, where rest the bones of the immortal Woodrow Wilson. I like to think that my President in the White House is a statesman, is patriotic, is as honest and honorable as any Member of the United States Senate or any man who ever sat in the White House. Believing that, as I do sincerely and from the bottom of my heart, I think that if this bill were enacted into law Franklin D. Roosevelt would approach the performance of his sacred duty in naming Justices to the Supreme Court Bench just as George Washington did in the beginning days of the history of this Republic.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. MINTON. Not at this time.

George Washington appointed to the bench 13 men, and every last one of them was a Federalist. Why? He wanted Federalist opinions.

Mr. AUSTIN. Mr. President——

Mr. MINTON. I like to think of what that great commoner, Abraham Lincoln, said when he came to fill a vacancy upon the Supreme Court, and that the man in the White House remembers it now.

Mr. AUSTIN. Mr. President——

Mr. MINTON. Abraham Lincoln said, when he had up for consideration the question of appointing men to the Supreme Court—and he was engaged at that time in a great war to save the Union—that he wanted a Chief Justice who would uphold what he was doing concerning legal tender to finance that war, and what he was doing concerning emancipation, in order to increase his economic power and force.

I like to think that my President of the United States today, when he approaches the question of filling a place

upon the Supreme Court, would approach it just as Theodore Roosevelt did in his day when he had a vacancy upon the Supreme Court to fill and the name of the immortal Oliver Wendell Holmes was suggested. He did not at first accept Holmes, although he knew him, as everybody knew him, to be a man of splendid family and background, a great soldier of the Civil War, and that he was a great jurist in his own State. Yes; all of those things were widely known, and known by President Theodore Roosevelt at that time.

Mr. AUSTIN. Mr. President, will the Senator yield at this point?

Mr. MINTON. But Theodore Roosevelt said to the late Senator from Massachusetts, Mr. Lodge, who sponsored the appointment of Mr. Holmes, that while he knew all of Mr. Holmes' background, and thought it was fine, he was not satisfied to appoint him to the Supreme Court until he had had him down at the White House to spend a week end. For what purpose? In order that Theodore Roosevelt might determine whether or not Holmes felt about "these questions" as did Theodore Roosevelt and Senator Lodge felt about them.

So I like to think that this second Roosevelt in the White House would do just exactly what the first Roosevelt did—consider everything in the case, but, most of all, whether or not a man, if he went upon the Bench, would go with an open mind and would not be committed to a certain line of thought.

I should like to think that the President of the United States today, who is the next Democrat in line of succession to the great Woodrow Wilson, when he came to appoint a man to the Supreme Court of the United States would have in mind what Woodrow Wilson said on a similar occasion when he was considering an appointment to the bench of the Federal Court, and he asked the sponsors, "Does your candidate believe that the law is finished, or that it grows?"

So I have faith to believe that the man in the White House, if given the constitutional power under this bill—and that is all that is asked—to fill vacancies on the Supreme Court of the United States, will not suffer when his attitude is compared with that of the great Father of his Country, the savior of our country, one of the greatest progressives of all times, and the immortal Wilson.

Mr. AUSTIN. Mr. President, will the Senator yield at that point?

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Vermont?

Mr. MINTON. I yield.

Mr. AUSTIN. When the Senator from Indiana makes a comparison between the author of the original bill before us and George Washington, the Father of his Country, I ask the Senator whether he considers this part of the immortal Farewell Address of George Washington, namely?—

> It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism.

Mr. MINTON. Yes, Mr. President; I have in mind that admirable address of the Father of his Country, and I know of nobody it could be read to better than to the Supreme Court of the United States. If anybody has set up a despotism in this country it is the 5-to-4 decisions that prevail in the Supreme Court of the United States. What is the liberty of this country? What are the rights of American citizens? Who knows until Roberts makes up his mind? [Laughter.]

Mr. AUSTIN. Mr. President, will the Senator yield further?

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Vermont?

Mr. MINTON. I yield.

Mr. AUSTIN. In connection with his reference to Theodore Roosevelt, one-time President, and a distinguished President, of the United States, I ask the Senator when he compares the author of this bill to that former Roosevelt, whether he remembers the attitude of that Roosevelt toward the independence of the judiciary?

Mr. MINTON. I remember it very well, indeed.

Mr. AUSTIN. Just a moment; I have not finished my question. It was expressed by Theodore Roosevelt as follows, as taken from the Review of Reviews for September 1896:

> Furthermore, the Chicago convention attacked the Supreme Court. Again this represents a species of atavism; that is, of recurrence to the ways of remote barbarian ancestors. Savages do not like an independent and upright judiciary. They want the judge to decide their way; and if he does not, they want to behead him.

Does the Senator consider that statement in making the comparisons which he makes today?

Mr. MINTON. In what year was that statement made?

Mr. AUSTIN. In 1896.

Mr. MINTON. That is like oxtail soup; it is going a long way back for something good. [Laughter.] I will give the Senator something a little closer to the present time, something said by Theodore Roosevelt in 1912, when he was a candidate of the Progressive Party for President of the United States, upon a platform that declared for the recall of judicial decisions. Even to mention that proposal makes the hair curl on the top of the head of the Senator from Vermont. [Laughter.]

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MINTON. I yield to the Senator from Kentucky.

Mr. BARKLEY. I ask the Senator from Indiana whether he recalls the fact that the same Theodore Roosevelt before the Legislature of Colorado in 1910 denounced the Supreme Court for a decision which it had then recently rendered, and in that speech stated that if the Supreme Court were to be permitted, uncurbed, to render such decisions the liberties of the American people and the rights and powers of Congress would be nullified?

Mr. MINTON. The Senator is correct; I am glad to have that contribution.

Mr. JOHNSON of California. Mr. President——

Mr. MINTON. I am delighted to yield at this point to the Senator from California.

Mr. JOHNSON of California. I want to set the record of Theodore Roosevelt straight. There was a time when, like all the rest of us, he abused the Supreme Court and denounced opinions which were rendered, but there never was a time when he stated it otherwise than that the question of the reformation of the Court should go to the people.

Mr. MINTON. I did not yield except for a question; but that is all right. The Senator has completed his statement, but I cannot yield for other than questions.

Mr. STEIWER. Mr. President, will the Senator yield to me?

Mr. MINTON. I yield to the Senator from Oregon.

Mr. STEIWER. In reference to injecting the name of President Wilson into this discussion, I want to ask the Senator from Indiana if he recalls that Woodrow Wilson once characterized the proposal to increase the membership of the Supreme Court for the purpose of changing its opinions as an outrage on constitutional morality?

Mr. MINTON. Yes; I remember that. It was a statement made in his callow youth, before he had had any experience as President of the United States. The statement, as I recall, was in a thesis which he prepared for a doctor's degree at Johns Hopkins University.

Mr. BURKE. Mr. President, will the Senator yield at that point for a question?

Mr. MINTON. Yes; I yield.

Mr. BURKE. Is the Senator able to cite any address or utterance of Woodrow Wilson to show that he ever changed his view as expressed in that statement which appears in his great work on constitutional government in this country?

Mr. MINTON. No. I think that answers are given to problems as they present themselves, and I do not think Woodrow Wilson ever had to meet the problem that the

present administration has had to meet because of the Supreme Court.

Mr. BURKE. Will the Senator yield to one further question?

Mr. MINTON. No; I wish to get through.

Mr. BURKE. Will not the Senator yield for just one question?

Mr. MINTON. No.

The PRESIDENT pro tempore. The Senator from Indiana declines to yield.

Mr. MINTON. I should like to get along; I am going to conclude in a few moments, and then the Senator from Nebraska may have the floor in his own time.

Mr. O'MAHONEY. Mr. President, may I ask if that declination includes me also?

Mr. MINTON. Yes; I do not want to be partial. I always want to include the Senator from Wyoming in anything that I have to give.

Mr. O'MAHONEY. I knew that the Senator would be that generous.

Mr. MINTON. If there is anybody I want to be generous to it is the Senator from Wyoming.

Mr. President, this "historic" document accuses the President of the United States of trickery. It accuses the President of the United States of underhanded methods, of trying to undermine the Constitution and to mislead somebody. Of course, I know the Senators who signed the report did not mean it in that way. There is not an eminent Senator who signed that report who would make that plain, bald-faced statement. No; there is not any Senator who believes that to be so. The Senators who signed the report do not believe it. They would not practice trickery themselves; oh, no. If they did, it would be by inadvertence and I think it is by inadvertence that the statement is in this report. But it is practiced and I propose to point out in this "historic" document where the authors of this "historic" document wrote in it some citations that do not support them, some citations that do not bear out the thesis of this "historic" document at all.

Under the heading of "Court Has Protected Human Rights", cases are cited to that effect. One case is entitled "The American Foundries Against Tri-City Council", and the report quotes from the opinion of the Supreme Court, which throws bouquets at labor and sets forth what labor can do and what it cannot do. However, Mr. President, everyone who knows anything at all about the opinions of the Supreme Court knows that that was one of the worst opinions for labor that the Supreme Court ever handed down, and that bouquet was thrown to labor preparatory to cutting out its heart. In that case the Supreme Court proceeded in the attitude of a judge who has before him a poor unfortunate condemned to the gallows, to whom he says in a very gallant way, "Before I pronounce judgement upon you, have you anything to say why judgment should not be pronounced?" In that spirit the Supreme Court said what the committee set forth in the report that it did say. In that case the Court threw that bouquet at labor, and then proceeded to cut the heart out of labor. That opinion recited in this "historic" document as one of the charters of labor's freedom was one of the worst opinions that labor has ever encountered at the hands of any court. The Court held, for instance, that, while labor had the right of picketing, there could only be one picket at each gate. That opinion led to the enactment of the LaGuardia-Norris anti-injunction law. That is the splendid record of the Supreme Court in upholding the rights of labor that is cited in this "historic" document.

Of course, I know the Senators did not cite that case in order to mislead anybody. They could not do so, because everyone who knows anything at all about the Supreme Court decisions knows that that was one of the worst opinions ever handed down by the Court. My old partners in the practice of the law always taught me to read the opinions before I cited them.

Under the same heading is another great opinion, where it is stated the Supreme Court had set out to strike down a law of Congress in the interest of civil liberties. The committee cited the Milligan case that came up from my State of Indiana during the Civil War.

I want to read the brief paragraph they wrote about the Milligan case where the Supreme Court allegedly stood as a bulwark against the Congress of the United States and struck down one of its laws.

According to this "historic" document:

> In the Milligan case, in the midst of the frenzied wake of the Civil War, it was the Supreme Court which sustained a citizen against an act of Congress, suspending the right of trial by jury.

That is an erroneous statement. In re Milligan never involved an act of Congress, not even an act of a legislature. Milligan had been convicted by a drumhead court set up by the military governor of the State of Indiana. He was tried before that military court in the State of Indiana, where the courts had always been open and functioning. It was a drumhead court such as might be set up by the vigilantes or the C. I. O. today. It was not an act of Congress that was involved, it was not an act of a legislature that was involved, and the Supreme Court did not go to the rescue of a citizen against the Congress of the United States.

In the opinion in the case of In re Milligan, at page 121, the Supreme Court said:

> It is not pretended that the commission was a court ordained and established by Congress. One of the plainest constitutional provisions was, therefore, infringed when Milligan was tried by a court not ordained and established by Congress and not composed of judges appointed during good behavior.

So this "historic" document carries in it that error as well as the one to which I referred a while ago.

Mr. President, I will state, for the benefit of my colleagues who have manifested some interest in my views, that I think the present bill before the Senate of the United States would do. In a constitutional manner, if enacted into law, it would create places on the Supreme Court that Franklin D. Roosevelt would have the right to fill. As I tried to point out a while ago, I do not conceive that he would make those appointments in any other spirit than did his great predecessors. I do not conceive that appointments to the Court are to be made for the purpose of changing the opinions of the Court. I hope they would be changed. What I think the President of the United States should do, and what I think he would do, would be to try to place on the Court open-minded men like Justice Brandeis, Justice Cardozo, and Justice Stone, so that when a question came before the Supreme Court of the United States the members of the Court would enter upon a consideration of it with open judicial minds. I have no doubt that Justice Cardozo and Justice Brandeis and Justice Stone do not agree with many things the New Deal has been doing; but when they approach the consideration of a question before the Supreme Court, they do so with open judicial minds, looking solely to the power of Congress and not trying to dictate the policy of Congress.

Mr. MALONEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Connecticut?

Mr. MINTON. I yield.

Mr. MALONEY. The Senator's reference to Justice Brandeis, Justice Stone, and Justice Cardozo reminds me of a statement made during the hearings on the bill by some of the witnesses who favored the original bill. Each of them, if I remember correctly the names used by them, said he would be willing to abide at all times by the opinions of Justices Brandeis, Stone, and Cardozo. I wonder if the Senator from Indiana feels that way.

Mr. MINTON. Let me answer the Senator in this way: I yield to no one in my very high regard for any member of the Supreme Court. I respect them and the high positions they hold; but I revere sincerely and deeply Justices Brandeis, Stone, and Cardozo. Much has been said on the floor of the Senate about that grand old liberal, Justice Brandeis, and nothing too good can be said about him by anybody,

anywhere, at any time. But I remind Senators that during the long years of service of that grand old liberal upon the Supreme Court of the United States, three-fourths of the time, he has been dissenting against the opinions of the majority of the Court. I want to bring relief to Justice Brandeis and men like him, whether they want it or not. [Laughter.] I entertain hope for the Brandeis brand of the law.

Mr. MALONEY. Mr. President, will the Senator yield further?

Mr. MINTON. I yield.

Mr. MALONEY. I do not think the Senator answered my question, and I am disappointed that I could not get an answer to my earlier question as to whether or not each administration is entitled to a sympathetic Supreme Court.

Mr. MINTON. I said each administration is entitled to an open-minded Court. I do not intend to answer "yes" or "no" to the Senator's question.

Mr. MALONEY. I think it is a very fair question, and I think upon the answer to it hinges the importance of this debate. If each administration is entitled to a sympathetic Supreme Court, it seems to me the issue is pretty definitely decided.

Mr. MINTON. Is the Senator propounding to me a question as to whether or not each administration ought to have a sympathetic Supreme Court?

Mr. MALONEY. Yes; I am asking that question.

Mr. MINTON. The answer is "No"; and I qualify it by saying that each and every administration is entitled to have an open-minded Court.

Mr. MALONEY. I ask the Senator from Indiana whether or not he is sympathetic toward the oft-repeated statement made in the hearings concerning Justices Brandeis, Stone, and Cardozo. I wonder if the Senator will answer that question. Several witnesses before the committee said that they would at all times, if I remember correctly, accept the opinion of those three Justices. I wonder if the Senator from Indiana subscribes to that statement.

Mr. MINTON. If Justices Cardozo, Stone, and Brandeis should continue along the same line of conduct, I think I should, even though I might not agree with what they said.

Mr. MALONEY. How would the Senator feel if those three Justices were opposed to the bill now before the Senate?

Mr. MINTON. I would feel that old age was approaching them. [Laughter.]

Mr. President, I have concluded what I have to say about this "historic" document; and I express the hope that what I have said will be considered as directed to the document, and not as personal.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. O'MAHONEY. Are we to understand that the Senator is going to conclude without talking about the bill?

Mr. MINTON. I have talked about it. The Senator was out in the cloak room telling a joke. I heard it. [Laughter.]

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY] to the amendment in the nature of a substitute.

EXECUTIVE SESSION

Mr. WHEELER. Mr. President, I had spoken to the Senator from Kentucky [Mr. BARKLEY] about the fact that I expect to address the Senate upon this question. I thought we had an understanding that I should not be compelled to speak until tomorrow. I think that is a common courtesy which ought to be extended to me, as it is now 20 minutes past 4.

Mr. ROBINSON. Very well, Mr. President; I think that is a reasonable suggestion. We have had an extremely illuminating debate today; and if there is no other business to come before the Senate at this juncture, I shall move an executive session.

I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. Reports of committees are in order.

If there be no reports of committees, the clerk will state the nominations on the calendar.

POSTMASTER

The Chief Clerk read the nomination of William J. Hughes to be postmaster at Loris, S. C.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

IN THE NAVY

The Chief Clerk proceeded to read sundry nominations in the Navy.

Mr. ROBINSON. I ask unanimous consent that the various nominations in the Navy be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, it is so ordered, and the nominations are confirmed.

DEPARTMENT OF STATE

The Chief Clerk read the nomination of George S. Messersmith, of Delaware, to be an Assistant Secretary of State.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. ROBINSON. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nomination of Mr. Messersmith.

The PRESIDENT pro tempore. Without objection, it is so ordered, and the President will be notified.

DIPLOMATIC AND FOREIGN SERVICE

The Chief Clerk read the nomination of Jefferson Caffery, of Louisiana, to be Ambassador Extraordinary and Plenipotentiary to Brazil.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of J. Butler Wright, of Wyoming, to be Ambassador Extraordinary and Plenipotentiary to Cuba.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Hugh S. Gibson, of California, to be Ambassador Extraordinary and Plenipotentiary to Belgium; also Envoy Extraordinary and Minister Plenipotentiary to Luxemburg.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. LEWIS. Mr. President, I have been requested to bring to the attention of the Senate the very great service rendered by the former Ambassador to Cuba, now made Ambassador to Brazil, and by the two gentlemen from the State of Illinois, Mr. Atherton and Mr. Harrison, who have been nominated, respectively, to represent our country in Bulgaria and in Switzerland. As to their service I shall not enter into detail, but I desire to assure the Senate that their nominations are very much appreciated in their homes, and their confirmation very much desired.

The Chief Clerk read the nomination of Grenville T. Emmet, of New York, to be Envoy Extraordinary and Minister Plenipotentiary to Austria.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Ray Atherton, of Illinois to be Envoy Extraordinary and Minister Plenipotentiary to Bulgaria.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Wilbur J. Carr, of New York, to be Envoy Extraordinary and Minister Plenipotentiary to Czechoslovakia.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Ferdinand L. Mayer, of Indiana, to be Envoy Extraordinary and Minister Plenipotentiary to Haiti.

The PRESIDENT pro tempore. Without objection the nomination is confirmed.

The Chief Clerk read the nomination of Leland Harrison, of Illinois, to be envoy extraordinary and minister plenipotentiary to Switzerland.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of William E. Chapman, of Oklahoma, to be secretary in the diplomatic service.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

WORKS PROGRESS ADMINISTRATION

The Chief Clerk read the nomination of Fred G. Healy to be State administrator for New Mexico.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

RECESS

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 22 minutes p. m.) the Senate took a recess until tomorrow, Friday, July 9, 1937, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 8 (legislative day of July 6), 1937

ASSISTANT SECRETARY OF STATE

George S. Messersmith to be an Assistant Secretary of State.

DIPLOMATIC AND FOREIGN SERVICE

Jefferson Caffery to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brazil.

J. Butler Wright to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Cuba.

Hugh S. Gibson to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium; also Envoy Extraordinary and Minister Plenipotentiary to Luxemburg.

Grenville T. Emmet to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Austria.

Ray Atherton to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Bulgaria.

Wilbur J. Carr to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Czechoslovakia.

Ferdinand L. Mayer to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Haiti.

Leland Harrison to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Switzerland.

William E. Chapman to be a secretary in the Diplomatic Service of the United States of America.

WORKS PROGRESS ADMINISTRATOR

Fred G. Healy to be State administrator in the Works Progress Administration for New Mexico.

PROMOTIONS IN THE NAVY

TO BE CAPTAINS

Olaf M. Hustvedt
Harold C. Train

TO BE COMMANDERS

Laurance F. Safford	Alexander D. Douglas
Paul R. Glutting	Theodore M. Waldschmidt

TO BE LIEUTENANT COMMANDERS

Joseph A. Connolly	Joel Newsom
Alfred M. Granum	Harold A. Carlisle

TO BE LIEUTENANTS

Lloyd J. S. Aitkens	Harry M. Denty
Ernest R. Perry	John E. Burke
Stephen N. Tackney	Gerald L. Huff
George K. Huff	William L. Kabler
William D. Thomas	Clayton C. Marcy
Frank M. Adamson	Roy S. Benson
Samuel C. Anderson	

TO BE LIEUTENANTS (JUNIOR GRADE)

Julian S. Hatcher, Jr.	Allyn Cole, Jr.
Carl R. Tellefsen	Lowell S. Price
Albert G. Pelling	George M. Clifford
Harold J. Von Weller	Edgar J. Hailey
Jesse B. Burks	Richard H. O'Kane
Theodore H. Brittan	Curtis H. Hutchings
Eugene B. Hayden	Wilbur H. Cheney, Jr.
Christopher S. Barker, Jr.	Robert E. Wheeler
Paul D. Duke	William N. Deragon
Robert A. Dawes, Jr.	Robert A. Chandler
Harry S. Atherton	Robert B. Crowell
Harley K. Nauman	Raymond Payne
Brown Taylor	Edward J. Mulquin
Cedric W. Stirling	Francis E. Fleck, Jr.
Albert L. Becker	Thomas W. South, 2d
Eugene C. Rider	James E. Vose, Jr.
Ernest E. Christensen	John L. Foster
George E. T. Parsons	Russell B. Allen
Harry L. Thompson, Jr.	

TO BE MEDICAL INSPECTORS

William D. Davis	Paul P. Maher
Hardy V. Hughens	Frederick W. Muller
Henry Charles Weber	Maurice S. Mathis
Roger D. Mackey	William W. Hall

TO BE PASSED ASSISTANT SURGEON

Clark G. Grazier
Adrian J. Delaney
James A. Price

POSTMASTER

SOUTH CAROLINA

William J. Hughes, Loris.

HOUSE OF REPRESENTATIVES

THURSDAY, JULY 8, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, our God and our Father, from whom nothing is hid, cleanse our thoughts by the inspiration of Thy holy spirit. Help us to be free from all guile, and with firm and steadfast steps may we walk worthy of our vocation. Let Thy word be a lamp unto our feet. Love thinketh no evil. A soft answer turneth away wrath. Behold how good and how pleasant it is for brethren to dwell together in unity. A good deed touches the hearts of men. God is love. We pray Thee, Heavenly Father, that we may treasure Thy teaching in our hearts. Bid us go forward to the things that make for contentment, peace, happiness, and good will. May they be accentuated in the home, State, and Nation, to the honor and glory of Thy holy name. Under all the conflicting circumstances of public and private life we pray Thee to help us quit ourselves like men. In the name of Jesus. Amen.

The Journal of the proceedings of Tuesday, July 6, 1937, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 379. Joint resolution authorizing Federal participation in the New York World's Fair, 1939.

The message also announced that the Senate agrees to the amendment of the House to the joint resolution (S. J. Res. 88) entitled "Joint resolution providing for the participation of the United States in the world's fair to be held by the

San Francisco Bay Exposition, Inc., in the city of San Francisco during the year 1939, and for other purposes."

The message also announced that the Senate insists upon its amendments to the bill (H. R. 2229) entitled "An act for the relief of Florida O. McLain, widow of Calvin E. McLain", disagreed to by the House, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BAILEY, Mr. HUGHES, and Mr. CAPPER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 114. An act for the relief of Mildred Moore;

S. 828. An act for the relief of Ellen Taylor; and

S. 1934. An act for the relief of Halle D. McCullough.

NONMILITARY ACTIVITIES, WAR DEPARTMENT, APPROPRIATION BILL—1938

Mr. SNYDER of Pennsylvania submitted conference report (No. 1187) and statement on the bill H. R. 7493, making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes.

EXTENSION OF REMARKS

Mr. LAMNECK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a speech delivered over the radio by Gen. Hugh Johnson on June 15, 1937.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KRAMER and Mr. DICKSTEIN asked and were given permission to extend their own remarks in the RECORD.

PERMISSION TO ADDRESS THE HOUSE

Mr. WARREN. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

THREE HUNDRED AND FIFTIETH ANNIVERSARY OF THE BIRTH OF VIRGINIA DARE

Mr. WARREN. Mr. Speaker, I wish to extend a very genuine and sincere invitation to all Members of the House and their families to visit a celebration that is now taking place at Fort Raleigh, Roanoke Island, N. C. This commemorates the oldest event in our history, as it is the three hundred and fiftieth anniversary of the birth of Virginia Dare, the first child of English parentage to be born on this continent, and the same anniversary of the disappearance of Sir Walter Raleigh's last colony, known in history as the Lost Colony.

Mr. Speaker, had this occurred in any other section of the Nation, I am sure that the Congress would have been asked to appropriate at least a million dollars to commemorate the event. We, however, decided upon another course and asked for nothing. A coin bill was passed, the President has authorized the issuance of a special commemorative stamp, and the Congress will be represented by a special committee. We desired nothing more.

There is a pageant entitled "The Lost Colony" being shown on each Friday, Saturday, and Sunday night for the next 5 weeks, as well as on certain special nights. It was written by Paul Green, the noted playwright and Pulitzer prize winner, and is under his personal supervision. I can only describe this pageant as something beautiful and grand, and every American ought to see it. The natural amphitheater seating 4,000 people goes down to the edge of the water where Sir Walter Raleigh's ships first landed, and the entire setting with the lighting effect is really magnificent. It will not be commercialized and there will be no news reels or motion pictures made, nor will the play be shown at any other place but Fort Raleigh. The celebration will reach its climax on August 18 when President Franklin D. Roosevelt will deliver the address.

Roanoke Island, N. C., is 300 miles from Washington, D. C., by an all-paved road. Visitors from here should go to Petersburg, Va., and then on to Suffolk and Norfolk, Va., and on to Roanoke Island. There are no toll bridges in North Carolina. Accommodations may be secured at several hotels on the beach at Nags Head, N. C., a very popular summer resort about 6 miles from Fort Raleigh.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and also include a short speech I made at Fort Raleigh on the night of July 4.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The address referred to follows:

We initiate tonight the beginning of a commemoration that signified the first civilization on the American Continent for July 4, 1584, the date of the first landing of the English on this soil, is in truth the birthday of the American people.

Three hundred and fifty years have passed since the first of the English set their feet, built their dwellings, sowed their crops, and performed their religious devotions in the western world. Three and a half centuries have fled since upon this small island the first English women crossed the ocean to find homes upon a newly discovered land, and one of whom gave birth on this spot to the first English child who saw the light of day in the New World.

On past occasions the hardihood and courage of those who made up the three expeditions of Sir Walter Raleigh have been extolled. That they crossed trackless and uncharted seas, that they suffered untold hardships and privations; that they set themselves down in the wilderness among another and unfriendly race; that they founded here a government and lived under its laws; and that they finally disappeared in an unsolved fate, has all been recounted by the historians through the ages.

Officially we look upon the celebration as the anniversary of the disappearance of the third and last colony that came here, known as the Lost Colony. We observe the same anniversary of the birth of a baby girl, who was the first of her race in this land.

To me these annual occasions have always had a far greater significance. I would never minimize that this was Virginia Dare's birthday. There is a romanticism that will always attach to her memory. But all we know is that here she was born, here she was christened by the Church of England, and here she was a suckling babe. After that all is mystery.

We should never give significance to the fact that the colonists failed to establish here a permanent settlement. That the light of civilization kindled here failed, and that the repeated effort to plant the colony ended in disaster, counts for nothing. The history of the Anglo-Saxon is full of failure, but each failure has marked a surer and firmer advance. It merely illustrates the fiber and splendid tenacity of the race. What we should never lose sight of is that here was the first feeble effort by the English to possess and to colonize, which in the fullness of time was to bring forth the great galaxy of States forming the American Union, and was to make the British Empire a place upon which the sun never sets.

Had there been no Roanoke Island and Fort Raleigh, it is doubtful if there would have been a Jamestown or a Plymouth Rock, for in the intervening time the boundaries of nations were changing, but the right of settlement had been established here and no one dared to dispute the grant of England's virgin queen.

How fortunate it was for America and for humanity that this first lodgment on our coast was by a race ardently attached to freedom and personal liberty and trained to the usages and customs of the realm of England. What a rich heritage has come to us from across the seas. Ties of language, friendship, and blood have linked us together until today we stand as the only two great democracies on earth. May God preserve this common friendship and may it always exist between the two great English speaking races. So long as that continues, so long as the liberties of their people are cherished and protected, then so long will civilization exist. World peace, contentment, and happiness will not depend upon leagues of nations and world courts, as it will depend upon the sustained friendship and mutual understanding of our two great countries.

So, when we embark tonight upon an occasion that will bring thousands to this hallowed spot, let us not forget that the 91 men, 17 women, and 11 children who disappeared from the face of the earth, were but the vanguard of the greatest colonization that the world has ever known, and it was by a people from whose loins we sprang. Let us not forget that Virginia Dare was the forerunner of the countless millions that came after to constitute a mighty people. Let us never forget that it was the Anglo-Saxon pioneer, the Anglo-Saxon character, the Anglo-Saxon determination, and the Anglo-Saxon vision that gave us a land where justice and liberty will always be preserved.

EXTENSION OF REMARKS

Mr. LEWIS of Colorado. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein certain extracts from reports by governmental agencies.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

MARRIED PERSONS IN THE GOVERNMENT SERVICE

Mr. SMITH of Virginia. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 260 and ask for its immediate consideration.

The Clerk read the resolution as follows:

House Resolution 260

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 3408, a bill to amend the Civil Service Act approved January 16, 1883 (22 Stat. 403), and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Civil Service, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. SMITH of Virginia. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee [Mr. TAYLOR] and yield myself 5 minutes.

Mr. Speaker, this is a rule for the consideration of the bill coming from the Committee on the Civil Service, for the repeal of what is known as section 213 of the Economy Act. As you all know, section 213 is that section of the act which discriminated against and prevented the employment of married women or married men when their husbands or wives were in the Government service. This has been the cause of a good deal of confusion, much injustice, and a good deal of complaint.

The bill which has been reported by the Committee on the Civil Service is in the nature of a compromise. The net effect of this bill will be to permit the employment of husbands and wives only in those cases where the joint salaries of both husband and wife do not exceed the sum of $4,000. I think the only reason this bill was ever enacted was that there were certain cases where a husband was drawing a large salary and his wife was probably drawing a large salary, which created a condition that was not right. I do not think the Congress ever had the intention of requiring departments to discharge a wife whose husband was working for the Government where both were getting insignificant salaries. The bill was aimed originally at those cases where the two members of the families were getting large salaries. The effect of that bill in many cases has been to prevent young people who worked in Government departments on small salaries from getting married, because they knew that immediately they were married one or the other of them would have to resign from the Government service.

It seems to me it is eminently fair that this bill should be passed, as it only extends the rule in cases where both the husband and wife are drawing very small salaries which do not in the aggregate exceed the sum of $4,000.

While I understand there will be some little opposition, perhaps, to the bill, my information is that there is no opposition to this rule. After yielding to the gentlewoman from New York [Mrs. O'DAY] and to the chairman of the Committee on the Civil Service, if it is agreeable to the gentleman from Tennessee [Mr. TAYLOR], after he has yielded such time as he needs, I am going to move the previous question on the rule as soon as possible.

EXTENSION OF REMARKS

Mr. STEAGALL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by printing an address delivered by the gentleman from North Carolina [Mr. HANCOCK] on June 25, 1937, at Blowing Rock, N. C., to the North Carolina Building and Loan League, in which he discussed a national housing policy.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

MARRIED PERSONS IN THE GOVERNMENT SERVICE

Mr. TAYLOR of Tennessee. Mr. Speaker, I regret very much to find myself in opposition to this rule. I think section 213 of the so-called Economy Act has been generally misunderstood. The understanding has been that it is a discrimination against women. As a matter of fact, it is not a discrimination against women. The question of gender does not enter into the proposition at all. The section was written into the Economy Act with a view of helping to solve the unemployment situation, where two or more members of the same family were employed in the Government service. The section does not apply to women alone, but applies to men and women alike. The section is as follows:

SEC. 213. In any reduction of personnel in any branch or service of the United States Government or the District of Columbia, married persons (living with husband or wife) employed in the class to be reduced, shall be dismissed before any other persons employed in such class are dismissed, if such husband or wife is also in the service of the United States or the District of Columbia. In the appointment of persons to the classified civil service, preference shall be given to persons other than married persons living with husband or wife, such husband or wife being in the service of the United States or the District of Columbia.

The purpose of this provision in the so-called Economy Act was to help improve the unemployment situation. It does not mean that simply because persons happen to be husbands or wives of Government employees they must be eliminated from the service, but it means that in case of a reduction of force, then the husband or wife shall be given first consideration in the matter of retirement from the service.

This is just another method of approaching the problem of nepotism in the Government. We are all interested in spreading employment. The effect of this law is that where a person has a husband or a wife in the service and there happens to be a reduction in force, then such person shall be first considered for elimination from the service, which I think is entirely commendable.

Mr. Speaker, I am in favor of continuing this section in the so-called Economy Act, for the reason that I am opposed to nepotism in government. I can see no reason why a man and his wife or his children should be continued in the service when there are thousands of people who are unemployed who can perform the service just as well.

Mr. TERRY. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Tennessee. Yes; I yield.

Mr. TERRY. Is there anything in the law which is sought to be repealed which has reference to the maximum amount of the joint salaries of the husband and wife?

Mr. TAYLOR of Tennessee. Not in the original act, no; but there is in this amendment, that where the salaries aggregate as much as $4,000 or more, then this act shall apply.

Mr. TERRY. I had understood that the original law was being or had been enforced as to the smaller salary brackets, but was disregarded as to the higher brackets. Does the gentleman know anything about that?

Mr. TAYLOR of Tennessee. I do not know what the practice has been, but, of course, this amendment is an improvement on the original act because the original act had no reference whatever to salaries.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Tennessee. Yes.

Mrs. ROGERS of Massachusetts. I happen to know that those in the higher brackets were not affected. If the gentleman will go over the records of the different departments he will find that the married couples in the higher brackets

were kept, when the husband was drawing a large salary and the wife was drawing a large salary, while those in the lower brackets were affected. I think the gentleman will find every department will give him such an answer.

Mr. TERRY. One or the other was dismissed in the lower brackets?

Mrs. ROGERS of Massachusetts. Yes; in the lower brackets, but those in the higher brackets are still employed; they never were dismissed.

Mr. TAYLOR of Tennessee. I cannot understand why the principle should not be applied to both brackets, the lower and the higher.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Tennessee. Yes.

Mr. DONDERO. I wonder if the gentleman would approve of this proposed legislation if the amount were reduced from $4,000 to $3,000?

Mr. TAYLOR of Tennessee. I think such an amendment would improve the situation very much. There is no question about it, but both the amendment and the resolution should be defeated.

Mr. DONDERO. Would it bring it more within the line of reason if the amount were reduced from $4,000 to $3,000?

Mr. TAYLOR of Tennessee. I would support an amendment of that kind. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Virginia. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York [Mrs. O'DAY].

Mrs. O'DAY. Mr. Speaker, the work of the world has always been done by men and women together. We get a fine record of this from the Good Book, which tells us that it was Eve who was out rustling for food. She found it; Adam shared it with her; he turned state's evidence and thus escaped the biological penalty that was visited on Eve when they were both driven out of the Garden of Eden. [Laughter.]

Well, as civilization advanced the character of the share of women's work changed, went through successive changes, and at the early time in our country's history it was the women who did the spinning and the weaving and the fashioning of garments and the baking and the brewing and the preserving. Then men came into the homes and took these industries out of the homes, put them into factories, and there the women had to follow them because of economic necessity.

During the war the great expanse of Government work drew to Washington large numbers of our finest young men and women, drew them into Government service, but at very low wages. It was marriage time for these young people, and, quite naturally, they fell in love, wanted to marry; they wanted to establish homes and raise families. They could not do this on the low salaries that ranged from $1,400 to $1,700, but they could combine their salaries and set up their household, and this they did. Then there came the depression and the Economy Act and section 213. This was a gesture toward spreading employment, but it only affected 1,835 jobs; and in June of 1935 a questionnaire was sent out to over 1,000 men and women all over the country who had been dismissed under section 213. There were 697 replies, and most of those who answered were under 40 years of age but had been in the service from 10 to 15 years, and some even longer. Of this number only 56 owned their homes completely. Four hundred and seven had lost their homes because they were in process of buying them and could not pay the mortgage interest. They had to sell their homes in some cases, rent them in others, and move to less desirable localities where the living was cheaper.

This was misguided economy, because it struck at one of our fundamental democratic principles—the merit system.

When the farm-tenancy bill was argued the other day I think every speaker from the well spoke of the sanctity of the home, stating that the small home is the foundation of our American way of living, and yet because of section 213, 407 of these little foundation units were lost in the maelstrom of the depression. I am told that this section is about the last of the emergency sections.

[Here the gavel fell.]

Mr. SMITH of Virginia. Mr. Speaker, I yield the gentlewoman from New York 1 additional minute.

Mrs. O'DAY. The Republican platform of 1936—and we are grateful for it—has a plank calling for the repeal of this section, and the repeal of this section is the only measure on record that has the unanimous endorsement of all the women's organizations in the country. Now, if 6,000,000 federated women oppose section 213 and ask for its repeal, they must be right, and they ask for its repeal in order that our civil-service system may not be impaired longer by having to select its personnel on the basis of marital status and not on the basis of merit. [Applause.]

Mr. SMITH of Virginia. Mr. Speaker, I yield such time as he may desire to the gentleman from Kansas [Mr. LAMBERTSON].

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

THE SECOND JEFFERSON MEMORIAL IN ST. LOUIS

Mr. LAMBERTSON. Mr. Speaker and colleagues, the following information from Mr. Tolson, Assistant Director, National Park Service, was given by him over the telephone this week and taken in shorthand:

The Thomas Jefferson Memorial in St. Louis was set up as a project by Executive order of the President. The city of St. Louis has matched one for every three dollars that the Federal Government has put in. The city has turned over to the Government $2,250,000 and the Government has put up $6,750,000 for the acquisition of land, making available $9,000,000 for the purchase of land included in 37 blocks along the waterfront, which is to be the site of a memorial project for commemoration of the westward expansion, the Louisiana Purchase, and of Thomas Jefferson himself. Some people out there have filed injunctions to prevent the purchase of this land. The matter got as far as the Supreme Court but was thrown out. Another suit is now pending, and the result of these suits has been to prevent the purchase of any land. The only money expended up to May 31, 1937, the latest date available, amounted to $92,921.08. This sum was for administrative expenses.

Mr. Speaker and Members, you will note that less than one-tenth of $1,000,000 has been spent on this project and all for administrative purposes. We could yet save the $29,907,000 if we can stop this thing now. Note, too, that the Assistant Director says that the available $9,000,000 is for the purchase of the land in the 37 blocks, which means, of course, for the land and buildings. That is all the money that is available and three-fourths of it has been taken from relief money which was intended to feed the hungry and one-fourth from the city of St. Louis, stolen from the taxpayers by a corrupt bond election.

Note, also, that this great scheme was set up by Executive order, contrary to expressed statutes. Shame again on our National Park Service for ever dirtying their hands with it. It will blacken their face eventually. Congress never authorized this project and it will never complete it. Congress refused to touch it first of all and they will be more against it than ever when they are asked for the remaining $15,000,000 of their part which has been planned for them to appropriate. Not a Member from the great State of Missouri dares to raise his voice to defend this real-estate scheme. Cannot more of you help us get this thing stopped?

A NATIONAL SCANDAL BREWING

Mr. Speaker, today in St. Louis a Federal judge will hear arguments and listen to citations as to whether or not the National Park Service and the Federal Government should be enjoined from proceeding with the condemnation of property and the building of the proposed $30,000,000 second memorial to Thomas Jefferson in that city.

This Federal judge lives in St. Louis. Undoubtedly he is entirely familiar with all the facts in the matter and by

reading the local newspapers is thoroughly informed of the charges of fraud which I have previously brought to the attention of the Congress. Attorneys for the Government can be depended upon to resort to every possible legal technicality which will enable the National Park Service to continue with the project.

This injunction suit by the citizens of St. Louis presents a situation where technicalities ought not to be allowed to overwhelm the dictates of reason and justice, which is the intent of all law.

Fraud has been disclosed. This cannot be denied. This is a Federal project now, and the fraud now becomes a fraud against the Federal Government. The least that should follow is an investigation by a Federal grand jury.

Attorneys for the Government will possibly argue the Federal court has no jurisdiction. They may claim the State courts are the place for the taxpayers to get relief. This claim is a shallow one, for the courts of St. Louis have been overwhelmed by some mysterious influence, which causes them to follow the letter of the law instead of the law's intent.

On previous occasions I have laid the background which I hope will spur the Members of this body to institute an independent investigation of the great fraud which is about to be committed unless this Federal judge in St. Louis shall, in the wisdom of his decision, decide that elections which are permeated with fraud, and through corrupt practices for a proposal in which the Federal Government has a major interest, is a matter of national concern and over which there extends Federal jurisdiction.

IMPORTANT ISSUES AT STAKE

Mr. Speaker, there are several important public issues at stake in this suit of the St. Louis citizens against the National Park Service.

The principle issue is whether or not the Executive has the right to assume the functions of the Congress, and also whether or not money appropriated by Congress for relief and work relief can properly be diverted for the purchase of 37 blocks of property in St. Louis for the building of this memorial.

FURTHER POSSIBILITIES OF FRAUD

Aside from the facts I have heretofore presented, there are many other combinations of happenings prior to and immediately after this bond-issue election in St. Louis, to which I have previously referred, which need to be publicly mentioned. Among the combination of conditions which possibly operated to thwart the public desires in the matter of this memorial was the padding of the city's registration books.

Mr. Speaker, at the time of this bond-issue election there were hundreds of places in St. Louis from which persons, who later could not be found, were registered. Among these places were vacant lots, vacant buildings, and even places known as disorderly houses. While this padding of the registration books in the city had been more or less a matter of speculation as to the extent, the full extent to which the practice had been carried out was not actually established until nearly a year after the bond-issue election, when the St. Louis Post-Dispatch commenced the publication of a series of copyrighted articles charging wholesale fraud in the registration for the August primary election.

The facts upon which the Post-Dispatch based their articles were obtained through the efforts of the Citizens' Nonpartisan Committee and their own investigators. Subsequently fraud was uncovered in the memorial bond-issue election through the same channels.

In a recheck forced upon the board of election commissioners after publication of the charges of fraud in the registration, which were amply illustrated, 46,252 of the alleged registrants were reported as "not found" by the official canvassers.

At the primary election on August 4 more than 40,000 of these "ghost voters" stayed away from the polls, which fact allows me to draw the conclusion that a large part of this "ghost vote" was unlawfully drawn upon in perfecting and certifying a false return in the bond-issue election of September 10, 1935. A significant fact to be kept in mind is that the forms showing the time and condition of the voting on the day of the election have mysteriously disappeared from the records of the election commissioners' office.

The ballot boxes and their contents are presumably still intact, but all efforts so far to get a recount of their actual ballots has been unavailing by the ordinary court processes.

A CHANGE OF LESS THAN 8,000 VOTES WOULD HAVE CHANGED THE RESULTS OF THE ELECTION

Keeping in mind the proposal was for the city to issue $7,500,000 of their bonds as a contribution toward a total fund of $30,000,000, and that the voters were specifically and unequivocally told the Federal Government was going to provide without question $22,500,000 for the project, which later was established to be a deceptive statement on the part of the promoters, it is pertinent to know that fewer than 8,000 votes decided the issue.

It a later recheck of the "ghost registrations" it was determined that 25,150 of those reported as not found were in the Eleventh Congressional District, which is the district in which many of the weird returns were made which I mentioned last week. Now it is not beyond the realm of possibility that more than enough of this "ghost vote" was actually cast so that a result satisfactory to those who promoted the project was obtained.

RESULT OF FRAUD SATISFACTORY

Now, if this was one of the methods used in committing the frauds, it has been eminently satisfactory to the promoters, to those who furnished the money, and to those who later furnished legal assistance and bail for those who have been indicted for similar irregularities in the 1936 primary registrations. The results must have been satisfactory, for none of these have joined in the demand which citizens have made for a complete investigation. Yet by the work of these promoters the National Park Service proposes to proceed with the project, ignoring the fraud, ignoring the corruption, and ignoring the basic principles of common honesty which should permeate every Federal enterprise.

While no individual could possibly be singly responsible for this situation, the promoters collectively stand indicted at the bar of public opinion by their willingness to acquiesce in the project at this time.

FURTHER FACTS

But to return to the election and where else the "ghost vote" might have been utilized in arriving at a satisfactory result. In 57 of the city's 669 precincts the returns for the bond issue were 22,948 to 758.

In the identical wards from which these precincts were selected, a total of 26,281 of the registrants could not be found on the recheck by the canvassers in July.

Here is a possibility where the 7,329 majority necessary to carry the issue might have been "machine made."

The hundreds of affidavits which are held by the Citizens' Nonpartisan Committee indicate that either the "ghost vote" was resorted to or there was just some plain and fancy ballot-box stuffing in certain wards on September 10, 1935.

COURT WILL HAVE FRAUDS CHARGE BEFORE IT

Mr. Speaker, the Federal court in St. Louis will have before it the definite allegation that fraud was committed in the election. By that fraud it is charged the taxpayers of St. Louis have been wrongfully obligated to the extent of $2,250,000.

Unless an injunction is granted, or this project halted by an investigation of this Congress, the people of St. Louis will be obligated for $5,250,000 more if the bonds are ever sold.

Without bringing into the forefront the matter of these questionable historic sites which the National Park Service seeks so assiduously to preserve, I do want to express my opinion of those who would take advantage of the small home owners and other taxpayers of St. Louis by allowing this fraudulent project to proceed.

Mr. Speaker, there is an old saying that there is honor among thieves. These memorial promoters of St. Louis by their very silence remind me of a bunch of pickpockets. No one ever heard of pickpockets knowingly preying on each other, but these memorial promoters are perfectly willing and still stand by, ready to pick the pockets of the taxpayers of St. Louis under the guise of civic leadership and national pride.

Where have they exhibited any of either in this promotion?

Mr. Speaker, I again beseech the Members of this Congress to give this matter some study, and be prepared to vote for an investigation of the whole distasteful business.

MARRIED PERSONS IN THE GOVERNMENT SERVICE

Mr. TAYLOR of Tennessee. Mr. Speaker, as I stated at the outset, this is not a discrimination against women at all. It affects both men and women and the purpose of the original act was to reduce or destroy nepotism in the Government service. It should have applied not only to the administrative branch of the Government but to the legislative and judicial branch as well.

We have from my delegation in Tennessee a gentleman who has given a great deal of thought and a great deal of time to this subject of nepotism and for this reason I yield 5 minutes to the gentleman from Tennessee [Mr. MITCHELL].

Mr. MITCHELL of Tennessee. Mr. Speaker, I have just gotten in the hall and I am not entirely familiar with the bill that is pending, except in a general way. To my mind, under conditions that obtain in this country, with so many applications for employment, the further we can get removed from the family circle, the more wholesome will be the legislation. I do not mean to personally criticize others who feel that they are warranted in appointing their next of kin, and that is really what this measure amounts to. They may feel justified in so doing, but the practice is very greatly abused and I oppose it. Especially is it abused in the departments here in the city of Washington. From a report that I received recently more than 10,000 Government employees in the city of Washington are related to those who make the appointments. I think the tendency is to destroy the morale in the different departments. Especially is that true when so many of the next of kin, so many of the same name, make up the appointments. In the District of Columbia more than 10,000 are related to those making the appointments and the taxpayers of America do not look upon this with favor. I hope this rule will not pass. I do not believe it should pass. I do not think it is the proper kind of legislation. Conditions have been unusual throughout the United States. No Member of this House but receives many, many applications from constituents for positions and places to be filled daily in the Government service. I know how much grief and worry the Members of the House have because of that situation.

Mr. RAMSPECK. Mr. Speaker, will the gentleman yield?

Mr. MITCHELL of Tennessee. Just a moment. I know this legislation provides that members of the same family are eligible for appointment, provided the combined salary is under $4,000, under provisions of the civil-service regulations. There has been more or less criticism about the civil-service regulations and the Civil Service Commission. That would obtain perhaps even if this law were not in effect, but it opens the door to criticism; it opens the door for unfavorable comment upon the Congress, in my judgment. It smacks more or less of the royal blood; and, if indeed and in fact we believe in equality of opportunity, we should help the other fellow and not be selfish about it. A condition obtaining with many members of the same family on the pay roll does not make for efficiency in government. If the head of a board or bureau has his relatives and next of kin working under him, the tendency is to destroy the morale in that department or bureau, in the official family, and among the employees.

Mr. TERRY. Mr. Speaker, will the gentleman yield?

Mr. MITCHELL of Tennessee. Yes.

Mr. TERRY. I agree with the gentleman generally in what he has to say with reference to nepotism. I do not believe in a man in office employing his next of kin or his kinsfolk, but this bill has nothing to do with that. This is not a question of a man employing his relatives. This is a matter of husband and wife being on the pay roll at the same time. It is not a question of who appoints them.

Mr. MITCHELL of Tennessee. I appreciate what my colleague from Arkansas has to say with reference to that, but the point I desire to make is that it does open the door to criticism and complaint and is closely related.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. TAYLOR of Tennessee. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. BOILEAU].

Mr. BOILEAU. Mr. Speaker, I believe we made a mistake when we first enacted section 213. It is rank discrimination, and the way to correct that mistake is to repeal section 213. I do not believe that we should carry the provisions of the committee amendment into effect, because that continues discrimination, and, as a matter of fact, the committee amendment to the bill now before us embodies even greater discrimination than was contained in the original section 213.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. Yes.

Mr. CELLER. I am in accord with the gentleman, and when I offered my bill originally it provided for outright repeal, but this is a compromise, and half a loaf is better than no loaf at all.

Mr. BOILEAU. I appreciate what the gentleman says, but I submit that the compromise agreed upon is perhaps not as good as half a loaf. It does not amount to very much. I should vote for the bill even with this committee amendment, but would do so with many misgivings, realizing that we are creating additional discrimination against a group of people who were not discriminated against in the original section 213. This committee amendment provides that no original appointment to one of said grades may hereafter be approved in any case where the combined salaries of the members of a family after such appointment would equal or exceed $4,000. It does not confine it to husband and wife, but it embraces all the members of a family. The original act passed in 1883 contained the same expression, "members of a family", and I am informed that has been interpreted by various Government agencies, including the Civil Service Commission, to mean all members who live under the same roof. In other words, a man and wife and such children, regardless of their age, who may live with their father and mother. So that if there is a man in the District of Columbia or in any other part of the country who is employed under the Civil Service Act who receives a salary of $4,000 a year, this amendment would not only preclude his wife but his son or his daughter, the members of his family, from ever working for the Government of the United States.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. I will yield if the gentleman wishes to correct me.

Mr. CELLER. I think the gentleman has been in error. That has always been the statute.

Mr. BOILEAU. No; the statute in the old days provided they could not employ more than two people, or, rather, it provided that if two or more people were then employed they could not thereafter employ another. This bill does not restrict itself to the number of people, but to the amount of money which the combined members of the family receive. Therefore if the father receives a salary of $4,000, then his family in the District of Columbia, these boys and girls who are reared here, brought up in this community, where the only place for employment is with the Government—at least that is the only industry of any importance that gives jobs—because of the fact that the father receives a salary of $4,000, hereafter his son cannot get a job if his son lives in his father's home, even though he be 25 or 30 years of age.

Neither can that daughter who was born and reared in this community receive a job from the Government. So what will be the result? Families will have to be divided. Young men and young women reared here with their fathers and mothers, who still live at home, cannot find a job, cannot live here, and the only result will be to divide that family and say to that son or that daughter, "You cannot make a living in the home town of your father and mother. You must go some place else to get a job." The result will be he will go out into my State or out into your State or some place else and compete with somebody else in getting a job.

The sum total of the number of people employed in this country will not be changed one bit. But we are creating discrimination against these people. The only way to correct the mistake we made some time ago is to provide for the outright repeal of this section. There is no member of this committee who can defend the provisions of this amendment unless they want to say that a young man or a young woman should be deprived of the right to work for their Government. Regardless of their abilities, regardless of their education and their qualification, they should be barred just because their father happens to hold a civil-service job and is competent enough and able enough to hold a job that pays $4,000 a year. It is rank discrimination. I appeal to the Members of this House to vote down the committee amendment. I serve notice now that if the House adopts the committee amendment, I, for one, shall ask for a separate vote in the House to strike out the committee amendment, so that the original bill providing for outright repeal will be before the House. I appeal to the Members of this House who do not want to provide for further discrimination to support me in my effort in the House, unless some member of the committee desires to ask for that action, to strike out the committee amendment and approve the original bill.

Mr. FORD of California. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. FORD of California. Does the gentleman believe this is constitutional?

Mr. BOILEAU. I do not believe it is; but I am not going to argue the constitutional phase of it, because I have not had an opportunity to go into that at length.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. I yield.

Mrs. ROGERS of Massachusetts. I think the section to which the gentleman refers was in the original act of 1883.

Mr. BOILEAU. No. The gentlewoman is mistaken, I am sure. The original act of 1883 provided that when two or more people worked for the Government under civil service, no additional member of the family could be put on the pay roll. The original act at least provided for two members of the family. This amendment would provide that "no original appointment to one of said grades may hereafter be approved in any case where the combined salaries of the members of a family after such appointment would equal or exceed $4,000." So that if there is one member of the family receiving $4,000 at the present time, no additional member of that family—wife, son, or daughter—who lives in the same family, could get a job. So this bill is a departure. At least under the old law two people could work for the Government, and now they are restricted to one, if that one receives $4,000.

Mrs. ROGERS of Massachusetts. But the gentleman knows that that was never enforced.

Mr. BOILEAU. Whether it was enforced or not, now is the time for us to use a little common sense. After all, if you take the position that we are giving these people something because we give them a job with the Government, you take a different position than I do. If you take the position that people should be given a position in the Government service because of ability, and retain their position because they are capable of doing their tasks, then you are not giving them anything. It seems to me like nonsense to provide that because one person receives $4,000 a year, his children should not be qualified to serve their Government. Has it come to the point when American citizens are to be deprived of doing their duty, working for their Government, if they have the proper qualification? Does that make sense?

Mr. FORD of California. Could not four people get $1,000 a year, all in one family?

Mr. BOILEAU. They could under this amendment, except the law of 1883 prevents that. That law provides that not more than two people, regardless of salary, shall be employed.

Mr. MARTIN of Colorado. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. MARTIN of Colorado. I would like to know who this legislation will benefit outside of the District of Columbia. I do not believe there is a husband and wife in my congressional district that have jobs in the employ of the Government.

Mr. BOILEAU. It does not affect only husband and wife. If you happened to have a man in your district working for the civil service as a mail carrier, and his daughter or some other member of his family wanted to obtain a Government position, they would be debarred from taking such a job if their salary combined with that of the father exceeded $4,000.

Mr. MARTIN of Colorado. If the gentleman will permit, what worries me is the millions of husbands and wives in this country who have no jobs.

Mr. BOILEAU. This is not going to distribute the jobs. If you take a job away from a man here and he goes and takes the job away from another man somewhere else, how has there been any decrease in unemployment? The way to decrease unemployment is to create more jobs and not pass such hit-and-miss and ridiculous things as this proposal.

Mr. PATRICK. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. PATRICK. Does not this merely mean, in view of the provisions of the civil-service law, that the wife cannot get employment if one member of the family is already employed?

Mr. BOILEAU. It might be son, daughter, or somebody drawing $25,000 a year back home in some industry.

Mr. PATRICK. I had reference to employment in the Government service.

Mr. BOILEAU. This will not create any more jobs; we are not adding to the number of jobs by passing legislation of this type. How are we distributing work if we take a man out of a job in Washington and send him back home, where he takes a job away from somebody else? I submit that this amendment is ridiculous and should be voted down.

[Here the gavel fell.]

Mr. SMITH of Virginia. Mr. Speaker, I yield to the gentleman from Indiana [Mr. PETTENGILL] such time as he desires.

Mr. PETTENGILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SMITH of Virginia. Mr. Speaker, I yield to the gentlewoman from Oregon [Mrs. HONEYMAN] 3 minutes.

Mrs. HONEYMAN. Mr. Speaker, I am in favor of the bill, H. R. 3408, because it is a step toward repeal of section 213 of the Economy Act, which is generally known as the married woman's clause—incidentally "clause" is not spelled with a "w." I am in favor of this bill because I think that section 213 of the Economy Act has no place in a merit system or in any normal social system. We cannot consider the civil service a merit system when it excludes from Government employment a large group of citizens regardless of their training and fitness to hold these positions.

The advantages of civil service are too well known to be repeated here, but higher efficiency and greater economy cannot be effected as long as the civil-service law is exclusive rather than inclusive.

Section 213 undoubtedly worked a hardship on a great many families. This, however, is not my chief concern at present. In time economic adjustments can be made in like cases, but economic adjustments cannot be made in the civil-service law, nor can we re-adhere to real fundamental civil-service principles until we repeal section 213. [Applause.]

EXTENSION OF REMARKS

Mr. IGLESIAS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein some opinions of the Secretary of Agriculture and the Secretary of the Interior on sugar and on agriculture generally.

The SPEAKER. Is there objection to the request of the Delegate from Puerto Rico?

There was no objection.

MARRIED PERSONS IN THE GOVERNMENT SERVICE

Mr. SMITH of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. RAMSPECK].

Mr. RAMSPECK. Mr. Speaker, in the few minutes at my disposal I wish to call attention to some things about this matter which I think are misunderstood.

In the first place, section 213 of the Economy Act does not eliminate from the Government service all married couples. It has in practice eliminated from the Government service only those with the lower incomes. There are still hundreds of married couples in the Government service with joint salaries running from $6,000 to $10,000 a year who have not been and never will be eliminated by section 213, because its application is limited to reductions within certain grades; and unless there is a reduction of force within the grade where a person is employed, he or she is not affected by section 213. If, therefore, you are disposed to support the retention of section 213 on the theory that you are getting rid of married women in the Government service, you certainly are not going to accomplish that purpose. In addition, it does not affect a single married woman or married man where the married woman's husband is employed in private industry or where the wife is employed in private industry. He or she may have a splendid job outside of the Government service, but the other spouse cannot be affected.

Section 213 of the Economy Act has affected, so far as we know, about 1,800 people. It has not, therefore, done much to spread employment. In practically every one of these cases the people dismissed were making less than $2,000 a year, and the greatest majority of them less than $1,500 a year.

If I had the time, I could tell you of hundreds of cases that are distressing in the extreme. I mention only one, which is the most distressing I have heard of and involves a woman with one child whose husband is in the Marine Corps getting $16 a month. She was earning $1,260 a year with the Government and was dismissed under this section. I think you will all agree with me that was a foolish procedure.

Mr. CELLER. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from New York.

Mr. CELLER. We have had a great many men in the Army, Navy, and Marine Corps earning $55 a month, and if any of these men had a wife in the Government service, the wife had to go?

Mr. RAMSPECK. That is true.

Mr. TARVER. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Georgia.

Mr. TARVER. Could not the committee reach that situation by providing a limitation of $3,000 a year as to the combined salaries of the man and wife and providing that in such cases section 213 should not apply?

Mr. RAMSPECK. That is what we are doing in here, except the limitation is $4,000.

Mr. TARVER. But the $4,000 limitation in this bill does not have any relation to those already in the service?

Mr. RAMSPECK. The gentleman is correct.

Mr. TARVER. It applies only to those who may hereafter be appointed.

Mr. RAMSPECK. I do not believe the Government has any right to change the rules of employment after they have employed people. I think they ought to fix the rules of employment before they take people into the Government service, and if those people want to get married afterward, that is their business. [Applause.]

Mr. McFARLANE. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Texas.

Mr. McFARLANE. Under what line of reasoning can the gentleman substantiate that kind of statement when an employee of the Government knows at the time of his employment he has not the right to expect any definite, fixed term of employment for the future?

Mr. RAMSPECK. On the ground of public policy. I do not mean to say we have not the legal right to do it, but on the ground of policy. I do not believe the gentleman wants to defend a practice which keeps young people from the opportunity of getting married simply because they may be in the Government service.

Mr. McFARLANE. I do not think that a limitation, such as the gentleman from Georgia mentions, would spread employment throughout the country. I do not think such an amendment limiting the salary of any family to $3,000 a year will keep a couple from getting married. I think that is all "baloney."

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. As a matter of economy, it has not resulted in economy at all, has it?

Mr. RAMSPECK. No.

Mrs. ROGERS of Massachusetts. These places have been filled by married women who have had husbands employed in civil pursuits in many instances.

Mr. RAMSPECK. There is no economy in this section, and nobody has made that claim for it that I know of.

Mrs. ROGERS of Massachusetts. I may say when people enter the civil service, they feel they are entering on a life service, just as when they enter the Army and Navy and many of the civil-service employees do render a marvelous service to the country?

Mr. RAMSPECK. Yes.

Mr. AMLIE. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Wisconsin.

Mr. AMLIE. If 1,800 people have been affected and if these married people were to get their jobs back, it would merely mean that 1,800 people who are now employed would lose the jobs they now have?

Mr. RAMSPECK. Of course, under this provision they cannot get their jobs back, but they would be eligible for reinstatement if the joint salaries did not equal or exceed the $4,000. This could not displace anybody.

[Here the gavel fell.]

Mr. SMITH of Virginia. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. SHORT. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Missouri.

Mr. SHORT. Does not the gentleman feel that efficiency rather than the status of the individual should be the correct standard for Government employees?

Mr. RAMSPECK. Yes; I would say so.

Mr. SHORT. If the basis for Government employees is to be based upon need, why should the Government discharge a married person who has children or parents to support, and at the same time keep on in the employment of the Government single persons who have no dependents?

Mr. MAY. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Kentucky.

Mr. MAY. I am a little puzzled at the gentleman's statement that nobody claimed that section 213, now under consideration, was an economy measure. As a matter of fact, the gentleman will remember the first bill that came into the Seventy-first Congress was a bill which authorized the President to close the banks, and bill no. 2 was a bill to maintain

the credit of the United States Government, which bill contained section 213.

Mr. RAMSPECK. The gentleman is entirely mistaken. Section 213 was passed during tne administration of President Hoover as a part of the economy act. It was passed by the Seventy-first or Seventy-second Congress. It was not passed during this administration. It was passed in June 1932.

I want to answer the gentleman from Tennessee, who spoke on the question of nepotism. The gentleman is not familiar with what we are trying to do here. The present provision applies only to husband and wife. The amendment which we are proposing puts a limitation on the salaries of all members of a family of not to exceed $4,000 a year; therefore there might be four members of a family who would be affected by what we are proposing to do, but the thing we are trying to repeal cannot affect anybody but husband and wife.

Mr. MURDOCK of Arizona. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. Is it not the gentleman's observation that public employees in this city, where the husband only is on a salary, are in a precarious position and unable to live according to the accepted standards that we have?

Mr. RAMSPECK. On account of the high cost of living in Washington, it is very difficult for the average family to live on many of the salaries received, especially in the lower paid groups, and those are the people, I may say to the gentleman, who lost their jobs under section 213. The people who are getting plenty of money were not affected and never will be affected by this section.

Mr. BRADLEY. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. BRADLEY. Does the gentleman think it just, in view of the millions of young men and young women who are unemployed and the millions of married women whose husbands are unemployed, for the Government of the United States to adopt a policy of providing employment for a husband and wife when there are so many married men in the United States without any income?

Mr. RAMSPECK. Yes.

Mr. BRADLEY. Does not the gentleman think the women of this country would be equally protected if opportunity were given men who are fathers of families to get these jobs in place of men and women whose husbands or wives are employed by the Government?

Mr. RAMSPECK. If the gentleman will look in the Appendix of the RECORD he will find that on page 1689 there was inserted a speech, by a lady from Connecticut, giving the statistics about married women who work, and the gentleman will find there are only 360,000 married women doing clerical work in the whole United States; so if you took them all out, you would not solve the problem of unemployment.

Mr. BRADLEY. It is the principle involved.

Mr. RAMSPECK. After all, does not the gentleman think the basis of the economic independence of this country is the family income, rather than the question of whether or not the husband or the wife is employed? It may be that where there is one job in a family its members are much better off economically than where there are three jobs in a family. The gentleman, of course, is familiar with such situations.

Mr. BRADLEY. As long as the husband and wife both work and by their combined wages secure an income sufficient to support themselves, just so long will they be contented with that situation, and they are a deterrent factor on those who are trying to elevate the wage scale of the United States to the place where a married man can secure sufficient income from his own efforts to support his family.

Mr. RAMSPECK. I think the gentleman is mistaken about that.

In conclusion, Mr. Speaker, I may say that there is no opposition to the rule. The only people I know who are opposed to the bill want to fight it out on its merits. Therefore, let us adopt the rule and go into this matter, and in the debate on the bill I shall be pleased to answer insofar as I can all the questions asked. [Applause.]

[Here the gavel fell.]

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and on a division (demanded by Mr. MCFARLANE) there were—ayes 95, noes 6.

So the resolution was agreed to.

FLOOD-CONTROL PROJECTS

Mr. O'CONNOR of New York, from the Committee on Rules, submitted the following resolution, House Resolution 269, for the consideration of the bill (H. R. 7646) to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936 (Rept. No. 1189), which was referred to the House Calendar and ordered printed:

House Resolution 269

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 7646, a bill to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936. That after general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Flood Control, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

NATIONAL PLAN FOR FLOOD CONTROL

Mr. O'CONNOR of New York, from the Committee on Rules, submitted the following resolution (H. Res. 270) for the consideration of the joint resolution (H. J. Res. 175) to authorize the submission to Congress of a comprehensive national plan for the prevention and control of floods of all the major rivers of the United States, and for other purposes (Rept. No. 1190), which was referred to the House Calendar and ordered printed:

House Resolution 270

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House Joint Resolution 175, a joint resolution to authorize the submission to Congress of a comprehensive national plan for the prevention and control of floods of all the major rivers of the United States, and for other purposes. That after general debate, which shall be confined to the joint resolution and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking member of the Committee on Flood Control, the joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the joint resolution for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that on Monday next, after the disposition of matters on the Speaker's table and the legislative business of the day, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CALL OF THE HOUSE

Mr. COCHRAN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] One hundred and twenty-three Members are present, not a quorum.

Mr. RAMSPECK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 102]

Allen, Del.	Ellenbogen	Kloeb	Sadowski
Andrews	Ferguson	Knutson	Schneider, Wis.
Arnold	Fernandez	Kopplemann	Schuetz
Bernard	Frey, Pa.	Kvale	Scrugham
Brewster	Fulmer	Lemke	Sheppard
Brooks	Gifford	Lewis, Md.	Sirovich
Buckley, N. Y.	Gilchrist	Luecke, Mich.	Smith, Maine
Cannon, Wis.	Gingery	McAndrews	Smith, W. Va.
Carlson	Goldsborough	McGehee	Sweeney
Carter	Green	Magnuson	Taylor, Colo.
Clark, N. C.	Griswold	Martin, Mass.	Teigan
Collins	Hamilton	Maverick	Transue
Cravens	Hancock, N. Y.	Miller	Wearin
Crowe	Harrington	Mouton	White, Idaho
Culkin	Hartley	Murdock, Utah	White, Ohio
Daly	Isac	O'Brien, Ill.	Wigglesworth
Disney	Jarrett	Oliver	Williams
Douglas	Jenkins, Ohio	Peyser	Wolcott
Eaton	Johnson, Minn.	Rabaut	Wood
Eckert	Keller	Rich	Woodruff
Edmiston	Kelly, N. Y.	Romjue	

The SPEAKER. Three hundred and fifty Members have answered to their names, a quorum.

On motion of Mr. RAMSPECK, further proceedings under the call were dispensed with.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent that the subcommittee of the Committee on Interstate and Foreign Commerce which is considering the cancer bill may have permission to sit during the sessions of the House today.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

MARRIED PERSONS IN THE GOVERNMENT SERVICE

Mr. RAMSPECK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 3408) to amend the Civil Service Act approved January 16, 1883 (22 Stat. 403), and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole Houes on the state of the Union for the consideration of the bill H. R. 3408, with Mr. JONES in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. RAMSPECK. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Chairman, I happen to be the villain in this drama. I am the one who conceived the thought which resulted in the adoption of section 213 of the Economy Act. Do not blame former President Hoover, blame me. I was willing to take the blame then and I am willing to take it now.

There has been more misrepresentation in regard to this law than in regard to any law that has ever been on the statute books. You all know the unemployment condition of the country at the time this law was passed, and every fair-minded man and woman knows that the unemployment condition of the country has not changed up to the present time. Dismiss from your minds the charge that this law discriminates against women. There is absolutely no discrimination against women in this law, because the act is in the event of a reduction in force, either the husband or wife must be furloughed before a man is furloughed whose wife is not working for the Government or before a woman is furloughed whose husband is not working for the Government. Where is there any discrimination against women there?

You hear a lot of talk about how this has affected the persons in the low-salaried jobs. The law has also affected those in the higher brackets. It was offered for that purpose and it cannot be ignored provided there is a reduction in force.

Let me call your attention to the fact that we have more people working for the Government of the United States today than at any time in the history of the country during peacetimes, and the number almost equals the number who were employed by the Government during the period of the war.

The President of the United States within the last 48 hours has said to every Government agency, "You must reduce your expenses during the coming year 10 percent." What does this mean? This means a reduction in personnel, and when this reduction in personnel comes, then section 213 applies, because the law provides that in furloughing employees either the husband or the wife must go before a single person is furloughed or before a married person is separated from the service where both the husband and wife are not employed by the Government.

We do not control industry. If we did, I would offer an amendment to make this law apply to industry, but you know it would not be constitutional.

Let me tell you something about what is occurring around the country. Just forget Washington. We all have some respect for the polls of the Institute of Public Opinion. They have taken many polls throughout the country on subjects of outstanding interest, but in no poll that they have ever taken has there been such a tremendous majority vote as was registered in opposition to husband and wife working for the Federal Government. The result shows:

The Nation votes overwhelmingly against both husband and wife holding Government jobs—89 percent to 11 percent.

Your constituents and my constituents are recorded in this poll. How can you go back home and say to your constituents that you voted for a law to keep husband and wife on the pay roll of the Federal Government and let a man be discharged who had a wife and five children at home? This is exactly what you are doing if you vote to repeal this law today. This is just as plain as the nose on your face.

I think I know a little bit about politics, and I will tell you that you will find there is political dynamite in this matter when you go back and face your people after voting to let both husband and wife work for the Government and discharge a man who has a wife and children at home.

Out in my section of the country I can get you all the stenographers and clerks you want who will work for $65 or $75 a month. They are fine, honorable people, and if you will get them such a job they will never forget you.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. The gentleman knows this does not affect Government employees in the higher salary brackets, and that is one reason the repeal of this section would be just and fair to the little fellow, because the higher-salaried person has not been hurt at all.

Mr. COCHRAN. I will say to the gentlewoman from Massachusetts that this section does affect those in the higher brackets whenever a reduction comes, and I sincerely hope that when the time comes, under the President's demand to reduce expenditures 10 percent, it will affect the higher-salaried people. It has hit some of them already and it will hit others when a further reduction comes.

Mrs. ROGERS of Massachusetts. Can the gentleman name a single high-salaried person who has been dropped because of this section.

Mr. COCHRAN. I may say to the gentlewoman from Massachusetts that I have in my office any amount of literature on this subject which I could present if I had the time. My telephone has been ringing almost constantly since this rule came out of the Rules Committee, with wives who are not employed by the Government pleading with me at my office and at my home not to give up the fight, saying, "Do not let our husbands be discharged while husband and wife hold positions."

You talk about industry. In my own home city, the Union Electric Light & Power Co., the largest utility in that section of the country, issued an order similar to this, but it went further. They do not wait for any reduction in force. They

gave orders that within 30 days every woman working for them whose husband was also employed must leave their service. The same thing occurred up in Boston, according to a letter I received this morning.

The gentleman talked about a letter he had received which he had placed in the RECORD. I wish the House would permit me for once to violate the rules, which I have never done, by placing a similar letter in the RECORD from an individual representing some clubs.

Mr. RAMSPECK. If the gentleman will permit, I never violated any rule.

Mr. COCHRAN. I did not mean to imply that. I should not have used the words so they might be misconstrued.

Mr. RAMSPECK. I had unanimous consent to put in the RECORD a speech delivered before the League of Women's Voters.

Mr. COCHRAN. The gentleman got unanimous consent and I do not charge him with violating any rules, but I would like to put in the RECORD a letter I got this morning from Boston. It would offset the statement the gentleman put in the RECORD. The letter I referred to and which I received permission to place in the RECORD follows:

MASSACHUSETTS WOMEN'S POLITICAL CLUB, INC.,
Boston, July 8, 1937.

Hon. JOHN J. COCHRAN,
Member of Congress, House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN COCHRAN: This organization, the Massachusetts Women's Political Club, Inc., stands firmly behind you in your endeavors to bar married women from jobs if their husbands are employed.

Civilization does not advance unless the mother can stay home in comfort and perform the functions allotted her by divine providence.

The Government must set the example to large corporations who want to employ married women. These respond to calls for part-time work for wages that a single woman with responsibilities or married men could not accept. Women in high-salaried political jobs, who also had husbands working, lobbied terrifically against a bill which we had in the Massachusetts Legislature to bar married women from civil service. This passed the house, but was not given fair treatment in the senate.

If financially independent married women were removed from jobs, thousands of positions would automatically be opened for those without work and needing work to live. With so many professional, technical, and industrial workers jobless, 100 perfectly competent applicants can be found for every civil-service position, or any position vacated by a married woman, who has a husband employed, no matter how capable she may be.

It is the absolute duty of the State and Nation to provide work for the jobless without increasing taxes to the point that they become confiscatory, as is now the case, due to relief loads and to expensive relief projects, which, ironically enough, furnish careers for many financially independent married women, who, before the depression made this work relief possible, were housewives. How does this relieve the unemployment situation? Jobless citizens, by hidden taxes that raise the cost of living, are forced to support them, as well as politicians' henchmen.

The public demands any sane plan to distribute jobs. The soaring cost of living requires that job distribution be placed on a businesslike basis.

Recently John J. Foster, treasurer of the Florence Stove Co., stated that his organization planned to distribute jobs more evenly by ruling that girls who marry must quit.

Businessmen realize that a double income in favored families, while others have no income, is poor policy. We can never have prosperity unless we increase purchasing power, and an army of welfare recipients prevent this.

Gov. Robert E. Quinn, of Rhode Island, did not wait for legislation but announced that all married women in State jobs whose husbands are gainfully employed should leave by the first of the fiscal year on July 1.

Senator DAVID I. WALSH, for many years chairman of the Senate Committee on Labor, sees eye to eye with our organization on this subject and went on record supporting our bill. In this connection it must be remembered that Senator WALSH, as Governor of Massachusetts, placed the mothers' aid law on the statute books of this State. He wants only to help the women least able to help themselves, as we do.

Labor organizations and many clubs sent in their support, like the Hoisting and Portable, Power Shovel, and Dredge Engineers, Locals 4 and 4B, I. U. of O. E., affiliated with the American Federation of Labor. The recording secretary wrote:

"This is to inform you that Local Union No. 4 of the Hoisting and Portable Engineers' Union voted to favor your proposed bill, and we are so notifying the Massachusetts State branch of the American Federation of Labor."

The Boston City Council unanimously supported a resolution presented by Councilor Henry Selvitella: "That the City Council of Boston hereby favors legislation which will in substance prohibit the employment in the public service of married women, not legally separated from their husbands, except in cases where the husband is incapacitated or his wages are too meager to support the family."

Prof. Guillermo Hall, head of the department of social sciences, Boston University, College of Business Administration, Boston, wrote:

"It should be quite clear to any clear-minded person that married women, especially those with children, who on account of death or disability of the husband, have to assume the economic responsibility of their households, should by all means be retained in any positions they may hold.

"I believe, however, in the forced retirement of married women who have husbands gainfully occupied."

Our American system of government is based on the family unit. Abandon that and we lay the groundwork for communism with children as wards of the state, or communism.

Mrs. Vincent L. Greene, chairman of Diocesan Congress of Catholic Women, when opening the drive against communism, stated:

"Communism's main attack is directed against the family as a unit of society. The salvation of the United States depends on the preservation of this unit."

Married women in jobs disrupt the family, neglect their children—if they have any—and further burden taxpayers by filling our institutions with juvenile delinquents and our hospitals with uncared for little ones.

Retaining married women in jobs is an act of injustice to citizens on the part of our elected public officials who appoint them and who tolerate them. Needy citizens with financial responsibilities should have their places.

An article in the June 5 issue of the Saturday Evening Post, by Gretta Palmer, brings out the point that national women's magazines have discovered that their housewife readers are bored by articles on career women, for their own husbands are out of work and they resent double incomes in families with none in their own.

The Massachusetts Women's Political Club, which claims the distinction of being the only women's organization in this State to fight for women to obtain jobs, views the problem of married women working from many angles, but the argument that we feel settles all others is that men and women have different functions in life. Married women are meant by Divine Providence to be homemakers. Married men, by Divine and man-made laws, are supporters of the home.

Legislation barring married women from civil-service jobs will not retard but advance women. There is no advancement for our sex while thousands of single women and widows in this Commonwealth, and in the United States, are driven to desperation through lack of work.

Records of hearings on this legislation will prove that the great support of it was not confined to single women, most of whom are graduates several years out of school and still jobless. Mothers concerned about the plight of their jobless grown children, civic-minded Americans, oppressed taxpayers, and unemployed men with families to keep appeared to give hearty, eager endorsement.

Sincerely yours for good government,
FLORENCE BIRMINGHAM, *President.*

I may say to the gentleman, with respect to the League of Women Voters, that all of their members in my home city are not in favor of repealing this law. I have talked with many about it. The League of Professional Women sent letters to all their members in St. Louis, and within 24 hours after they were received I had several of them, people came to see me and said, "You are right; do not give up the fight." I have defied the women's organizations to bring up this issue in my campaigns since the law has been enacted. I have pleaded with them but they have refused to do so, and when they refused to bring it up, I brought up the matter myself.

There was no statement I could make to the people in my district that brought me more applause than when I told them that if they wanted a man in Congress to repeal section 213 they should not vote for me; and I came back here with an increased majority in every one of the six times I have faced the people of my district. If there is any one question that will send me back to Congress a year from now it will be for the women's organizations of the country to go out in my district and fight me on the repeal of section 213.

Mrs. ROGERS of Massachusetts. But does it not seem to be a matter of justice, and not a matter of whether we come back to Congress or not? Let us leave the women voters out of it. It is a matter of justice to these workers who have been put out of a job, married people, when married people have taken their places, whose husband or wife has a job on the cutside.

Mr. COCHRAN. I say to the gentlewoman from Massachusetts, for whom I have the greatest respect——

Mrs. ROGERS of Massachusetts. And I have the greatest respect for the gentleman from Missouri.

Mr. COCHRAN. We generally agree on every subject, but this is one time when we do not. I have fought here for the merit system. Just the other day when there was a rising vote here, there were three Members on my side of the aisle who opposed taking the merit system away from certain Social Security employees, and I was one of the three.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mrs. ROGERS of Massachusetts. I yield the gentleman 5 minutes more. Will the gentleman not change and fight for the merit system in this instance?

Mr. COCHRAN. I am fighting for the merit system all the time, and I will vote for it, and I shall go on record now to put every position in the Government service under civil service, without exception.

Mrs. ROGERS of Massachusetts. Then I say keep them in it.

Mr. COCHRAN. I have always done that, and my record will show it. I think the chairman of the committee will bear me out in that statement. I have stood with him on this floor and have spoken in behalf of the merit system every time there was opportunity. I was the first one to speak against the section in the independent offices appropriation bill the other day when the amendment was under consideration in reference to Social Security Board, and I went to the conferees that handled the relief appropriation and begged them not to agree to the Senate amendment, which would have done the same thing to W. P. A.

Mrs. ROGERS of Massachusetts. That is why I think the gentleman is so mistaken in this matter.

Mr. LUCAS. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. Yes.

Mr. LUCAS. Has the gentleman any record of the number of employees that have been discharged under the present law?

Mr. COCHRAN. They run up to several thousand, but the more you reduce the force—and it is coming within the next year—the more are going to be furloughed, where husband and wife work for the Government.

Mrs. O'DAY. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. Yes.

Mrs. O'DAY. The record given me says that 1,835 jobs have been affected by section 213.

Mr. COCHRAN. I receive a report once a year on this law. The bill to repeal the law came from my committee, and in order to get it before another committee the author reworded the bill. Why? Because it leaked out that in the committee of which I am chairman, 19 out of 21 men were present, and that 19 of them wanted to put teeth into the law and not repeal it. They demanded that a subcommittee be appointed to investigate its operations. The subcommittee was appointed, but in order to be fair I did not even name the subcommittee; I let the subcommittee name themselves.

Mr. MILLARD. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. Yes. I yield to the gentleman from New York who introduced the bill to repeal the law.

Mr. MILLARD. Yes. The gentleman must know that this is one bill that every woman's organization in the United States is in favor of.

Mr. COCHRAN. And I say to the gentleman that when he talks about every woman's organization being in favor of it, he simply means the head of the organization, the executive committees. Take the Federal employees' organization. Ninety percent of the men and women working for the Government, where the man and the wife are not employed, are in favor of section 213 and in favoring of putting teeth in it. A former Member of this House, now head of an employees' organization, has been around here lobbying, and he is here now in the lobby, and he was here Tuesday in the cloak room. I have not tried to get a single vote against the gentleman's bill. All I want is to have the Members of this House know what they are voting on, and then I am satisfied. I have received letters and telephone messages since this law was enacted. I have been abused and villified in anonymous communications and telephone calls, but I say to you now there is only one regret so far as I am concerned, and that is that this law was drawn too hurriedly. It does not take in the District of Columbia employees and the emergency organizations, and if Members will support me today when the time comes, I will offer an amendment to include the emergency organizations and to include the District of Columbia. [Applause.]

Mr. McFARLANE. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. Yes.

Mr. McFARLANE. The gentleman referred a while ago to some poll, but he did not make it clear to the House what poll it is and just what it says. I wish the gentleman would enlighten the membership of the House and also give the date of it.

Mr. COCHRAN. It is dated November 15, 1936. That is the poll of the Institute of Public Opinion, which appears almost weekly in the large newspapers of the country. The question asked was whether the people were in favor of a husband and wife working for the Government, and the answer was to this effect: Eighty-nine percent said "no" and 11 percent said "yes." [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. SHORT].

Mr. SHORT. Mr. Chairman, I want to congratulate my colleague from Missouri [Mr. COCHRAN] in being honest and admitting that he is chiefly responsible for the enactment of section 213 into law. The able and eminent chairman of the Committee on the Civil Service [Mr. RAMSPECK] stated in the consideration of the rule that this section was enacted during President Hoover's administration, but of course I am sure he realizes that at that time his own Democratic Party had a majority in the House of Representatives.

Mr. Chairman, this is not and should not be a partisan matter. It should be considered solely upon the basis of merit. I am glad there are so many of us on the Republican side who are strongly in favor of the repeal of this unjust provision, as are many Members on the Democratic side.

The gentleman from Missouri [Mr. COCHRAN] has appealed to the Members of the House to vote against this bill because it will benefit them in a political way back home. The gentleman attributes his increased majority to the fact that he supported section 213, and does not discuss the merits of the measure itself. Surely my friend from St. Louis would not want to see one or the other of a married couple employed by the Government discharged while many unmarried employees of the Government, some from wealthy homes and many with no dependents whatever, are held on in the Government service. Now, that is the gist of the whole matter.

I have had many cases brought to my attention. There is one where a couple were contemplating divorce, and the man was asked if they were going to be divorced. He said, "No; but we would never have married and attempted to live on one salary." There is another where a wife lost her job under section 213, and after 2 years of desperate effort to survive economically, she ended in the divorce court.

The following example shows the serious situation created as the result of dismissals under the act: One husband answered that after many years of Government service he was discharged, and though he and his wife had children of their own, and parents as well as other in-laws to support, after being forced to give up his job under this provision, naturally many of his relatives were thrown upon the relief rolls.

I think the Members of the House should consider this proposition purely from the standpoint of merit. If we repeal section 213, that does not necessarily mean that the

unmarried employees in Government service will be discharged. It simply means that the discrimination now existing will be removed, and married people will be put on an equal footing with the unmarried employees, and all be given the same consideration. It appears to me it is more a matter of administration than of legislation, and that if we repealed section 213 we would allow many married couples in the lower brackets of the Government service who find it difficult because of the high cost of living in the District of Columbia to continue upon a decent plane of living; whereas if we fail to repeal this section, we will force many of them or their dependents upon the relief rolls or into the divorce courts.

Mr. MILLARD. Mr. Chairman, will the gentleman yield?

Mr. SHORT. I yield.

Mr. MILLARD. The gentleman from St. Louis [Mr. COCHRAN] spoke about a poll. He was speaking about a poll on the complete repeal of the Economy Act. The bill before the House today is to repeal everything under $4,000. It does not affect any joint salary above $4,000. So that the poll he was talking about does not apply.

Mr. SHORT. The gentleman from New York [Mr. MILLARD] is correct; but I do not care what the results of any particular poll show. The results of that poll do not necessarily make it just and right. Often the majority are wrong.

Mr. LAMBERTSON. Mr. Chairman, will the gentleman yield?

Mr. SHORT. I yield.

Mr. LAMBERTSON. The gentleman spoke about discrimination between married and single women. Does not the gentleman recognize that in industry they have been discriminated against for half a hundred years?

Mr. SHORT. Yes; and I want to point out the further fact that a married woman in middle life who is discharged from Government service finds it exceedingly difficult to find employment in industry because of the pension regulations and requirements in industry.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. SHORT] has expired.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield the gentleman from Missouri 3 additional minutes in order to ask a question.

I believe this should be called the married couple's clause rather than the married women's clause, because in many instances it has been the husband who has been robbed. Because he was earning the lower salary he has been thrown out of work. It is natural for a family to want as large a salary as possible, as it is natural for the one with the lower pay to take the dismissal. He has had to stay at home and take care of the children, and in many instances it has not come out very well, because his wife feels resentment because she is working, and the husband feels humiliated because he is not working. It should be called the married couple's clause instead of the married women's clause. Do not put it all on the women.

Mr. SHORT. The gentlewoman from Massachusetts is absolutely correct.

Here is another case. A wife who had been working for 10 years, 40 years old, with a salary of $1,900, was compelled to resign. With her dismissal her father went on relief and a family that had been given clothing for three children is now entirely on relief. In another instance a wife helped clothe five children of a brother who was ill and out of work in a southern city. She got $1,740 and was 45 years old. Her husband, who had been with the Government 29 years and 9 months, was 63 years old, and received $2,800, and was dismissed under section 213. The family which the wife was helping had to go on relief, and no funds are available to send the children to school.

For 2 years one couple had kept seven children in their home. When the woman lost her job, however, merely because her husband also was employed by the Government, three of these people went on relief. The wife had worked 15 years and was earning a salary of $2,100, at the time of her dismissal.

If I had time, Mr. Chairman, I could go on citing innumerable instances of hardship that have been worked on married couples under the provisions of this particular act.

Mr. DEMUTH. Mr. Chairman, will the gentleman yield?

Mr. SHORT. I yield.

Mr. DEMUTH. Will the gentleman tell us what the husband of this woman was doing?

Mr. SHORT. The husbands of these women after their dismissal, merely because they were married, could not find employment even after 5 years of the New Deal in which you have practically doubled our national debt and have ended each year with a huge deficit ranging all the way from $2,000,000,000 to $4,500,000,000. [Applause.] They cannot yet find employment.

Mr. DEMUTH. Put the women back in the homes and give the husbands the jobs they should have and they will be able to support their families as every red-blooded American should do.

Mr. SHORT. I have some sympathy with that statement and these men would like to do it if they had the opportunity. Under section 213 they do not have the opportunity and that is why the section should be repealed.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. SHORT. I yield.

Mr. NICHOLS. The gentleman comes from a great section of the United States. Is it not and has it not for a great many years in that section of the country been the custom that the head of the family should earn the living for the family?

Mr. SHORT. Why, certainly, as it should be, and as it still is.

Mr. NICHOLS. If the head of the family is employed in the Government the gentleman does not think other members of the family should be put on the pay roll of the Government does he?

Mr. SHORT. If the other member of the family is capable and rendering efficient service I see no reason under God's sun why he or she should be discharged from the pay roll of the Government whether he or she be married or single, in favor of some inefficient person. Qualification and performance rather than marital status of the individual should be the criterion in selecting Government employees.

Mr. Chairman, I yield back the balance of my time.

Mr. RAMSPECK. Mr. Chairman, I yield 4 minutes to the gentlewoman from Indiana [Mrs. JENCKES].

Mrs. JENCKES of Indiana. Mr. Chairman, I appeal to my colleagues to repeal this unfair act known as section 213, which discriminates against women. I believe in absolute equality between men and women. Women have demonstrated their ability to assume, in addition to the duties of homemaker, the additional duties of public service.

Section 213 was enacted as an economy act. It was presumed that by depriving a married woman of the privilege of helping her husband by accepting employment with the Government that a position would be made for someone else.

As it is well known that Government employees are underpaid for the type of service they render and are subject to the strictest of regulations and rules, it is the extra money a wife might make serving the Government, while of importance to the family, is not a factor in Government economy.

I have voted against this notorious section on every occasion. When I voted against the original Economy Act in the Seventy-third Congress I did so in order that I might protect those very fine women who, in addition to the duties of making a home, were willing to assume additional duties in order that the family income might be increased. I think this is a most commendable attitude on the part of women who desire to help their husbands, and I protest against the Federal Government interfering with the efforts of man and wife in their struggle for economic security.

Women are casting 50 percent of every vote in every election, municipal, State, and Federal, and women are entitled to an equal standing with men at all times. Women are going to demand that all discrimination against women by our Federal Government be eliminated immediately. The

Democratic Party has always stood for equality for women. It was the Democratic Party that gave women the right to vote, and it was our present Democratic administration under our great President, Franklin Delano Roosevelt, who first recognized the ability of women by placing them in high positions of public service and public trust. So, let us not disgrace that glorious record by retaining an unfair law, passed in the name of economy, which cruelly discriminates against women who are standing shoulder to shoulder with their husbands in the fight for economic security.

There are many other ways in which direct and genuine economy can be effected in public service. The taxpayers are groaning under the heavy taxes which they are paying in order to overcome the evil forces of the depression. But now that we have again been faced toward prosperity by our Democratic administration, let us not discriminate against those fine American women who are setting such a glorious example by their willingness to work in order that the family income might be increased and in order that this increased income might provide funds for those useful purposes which such loyal wives desire to possess for the benefit of their families.

I appeal to every Member of Congress to keep faith with your feminine constituents by voting to eliminate this un-American act which has been made law during a period of national distress. I call upon every American woman to become politically militant and demand that discrimination against women in America shall not find a place in the laws of our Nation.

I thank you. [Applause.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. MILLARD].

Mr. MILLARD. Mr. Chairman, on the first day of the session I introduced a bill to repeal section 213 of the Economy Act, but it seemed impossible for the opposition to put the complete bill through. Probably, the best and fairest bill may be the one that is presented for our consideration this morning for I am inclined to think I went too far in my original bill.

The bill under consideration affects those in the lower brackets, where the joint salaries of husband and wife amount to less than $4,000. Where they amount to more than $4,000 they are still subject to the Economy Act passed several years ago.

It seems to me awfully unfair to make the women choose between a job and a husband. Women love and women marry for exactly the same reason they have always loved and married, but the economic condition has gotten tremendously acute and it would wreck the world to take all women out of industry and put all the earning power today on the backs of men.

I asked your committee to repeal section 213 of the Economy Act, to correct what I deem to be rank discrimination and a very grave injustice. This bill is more fair. It has given rise to partiality. It was put into the Legislative Appropriation Act of 1932, I believe, as an expediency, so as to spread jobs; but apparently is being held in the body politic as a permanent proposition and, certainly, it has not had the original effect or intent of spreading jobs. On the contrary, it has given rise to a great deal of discrimination; and, a great deal of rank injustice in penalizing woman, for example, because she is married, irrespective of her qualifications and fitness for the job. This practice is not only unscientific but a discrimination, and is highly violative of what we are very proud to proclaim as equal rights. [Applause.]

In going through some of the departments and some of the bureaus, we find that in some they enforce the act but in a great many others, I am credibly informed, they do not.

There are approximately 36,000 married women in the Government service; of there married women there are about 1,600 whose husbands are on Federal pay rolls. I have been informed that there were about 16,000 spouses affected by that act so that when we thought in the beginning we were to spread jobs, all we did was to affect 1,600 jobs, as it were, which is utterly ridiculous. Some bureaus apply the standard and other bureaus do not apply the standard, and very strange to relate when it comes to those women, those married women whose husbands are in the service who get larger salaries, are not affected because of varying reasons which I am unable to disclose at this time.

If it is to apply to all jobs, let it also apply to the legislative branch of the service also. You members of the committee know that there are many men in Congress and men in very high positions in the Government who have their wives and members of their families on the roster of Government employees. So if you are going to insist that spouses of employees of the Government no longer obtain their salaries, then I say apply it to all manner and kinds of service, the legislative branch as well.

The following organizations will support this bill and many have representatives present to testify today.

When a married woman who has been in the service for a great many years is dismissed because of marriage she loses not only her civil-service status but all of her pension rights. Certainly this should be taken into consideration by your honorable committee. The following organizations approve the repeal of section 213: The American Federation of Government Employees, the National Women's Trade Union League, the National League of Women Voters, the National Federation of Business and Professional Women's Clubs, the National Educational Association, the National Association of Women Lawyers, the American Federation of Teachers, the Women's Homeopathic Medical Fraternity, the Women's Bar Association, the American Association of University Women, the Medical Women's National Association, the National Women's Party, the Government Workers' Council, the Washington Chapter of American Association of Social Workers.

Mr. RAMSPECK. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, there is no perfect answer to this problem. I offered the original bill which had for its purpose the outright repeal of section 213 of the Economy Act which to my mind was and still is a rank discrimination against marriage, and, as a result, necessarily against married women, because the stigma or the burden falls primarily on the married women. The female suffers primarily, not the male spouse. This bill is a compromise, and I hope in the spirit of compromise that the members of the committee will accept this bill.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. SHORT. At a time when every other nation in the world is encouraging marriage we are discouraging it in this country.

Mr. CELLER. I quite agree with the gentleman.

Mr. SHORT. The effect of section 213 has been to result in many secret marriages and in a great deal of mental and moral struggle, especially where children were born.

Mr. CELLER. I urge the Members to read the hearings, particularly page 51, to learn how illicit relationships have been encouraged. This indicates succinctly how serious this situation is. Hundreds of couples are living in sin in this city and the rest of the country because of the stubbornness of some of the Members of Congress who fail to see the light on this subject.

Mr. E. Claude Babcock, president, American Federation of Government Employees, testified as follows:

Girls come in here from the States under the apportionment provisions of the civil-service law, and they go to work in the Federal establishments. They have no social connections in Washington. Boys come in from the States, and they have no social connections in Washington. The very first and the most natural thing which occurs is for the boys and girls to go to movies together, or to walk down the streets together, or for a boy to accompany a girl home.

Section 213 did not change the law of nature. The result is that these people are both building up in themselves a resentment against the Federal Government for preventing them from having the normal marital relationship on the one hand, and if they re-

frain from any breach of the present code of ethics or code of morals they resent the Federal Government's efforts to make them refrain from a perfectly normal marriage.

But, unfortunately, many of them—and I am speaking now from actual cases—many of them do not refrain. The law is not severe enough. Absence from their homes and the normal restraints about the home make it an actual fact that many of them are living together actually. These facts are known definitely, not only to myself but many people here in Washington. My office happens to be a sort of clearing house where the cases come up.

I had very recently the unfortunate task of removing a girl from an office who was in hysterics, put her on a train so that she could have her baby without too much trouble, too much notoriety. That is just one case, but there are others—I would say scores of others. And there are scores of cases in which there have not been babies, but in which perfectly good, normal American boys and girls are living together outside of matrimony, not because they happen to be Government employees, not because they are less moral than anybody else, but because they regard this law as an attack on a basic human right, a basic human right higher, if you please, than the Constitution of the United States, the right of men and women to love each other and to live together.

A lot of them are just overlooking marriage. A lot of them are going through secret marriages or concealed marriages, and all of these things are nothing other than the very reasons for which our law, our American law, provides and prohibits any restriction on marriage.

It seems to me that this is the crux, the immediate crux of this whole situation: That Congress in its wisdom might desire to prevent appointments. In that case it would not be as much from the moral standpoint, because I doubt very much whether any person, or many persons at least, would decline to marry because it would make him lose the opportunity to get a job, but because the loss of a job is an entirely different matter, and the economic unstability resulting from the loss of a job is often just enough of a factor to bring about nonmarriage, and that is a point that I want to particularly make, Mr. Chairman. I feel this very deeply. I have been concerned with the attacks on Congress and that which is a derogation of the rights of women. I think in practice it has had that effect, but I do not feel that the Government or Congress intended that effect. I am highly concerned, as a citizen of the country, that the Congress shall not, that the State shall not, in following the example of Congress, put a positive, definite penalty on marriage.

This section 213 was originally a part of the Economy Act. We were supposed to save jobs and conserve salaries, but no economy was involved. Just as soon as one married woman was put out of the service, somebody took her place. The original bill, section 213, was to apply only in case of "reduction in force." But it applied even when there was no reduction. Furthermore, only those in lower grades were affected. Those in higher grades were always left unmolested—I mean the high-salaried jobs. Those holding such jobs were deemed indispensable. They remained always unscathed, unmolested. But the little fellows—spouses with small salaries; they had no influence, no friend at court—they were always the first to go. Charwomen, typists, stenographers, women in lower grades, they were never saved. Wives of enlisted men—soldiers and sailors—with $55 per month, they were always compelled to leave the service. They had no choice. Their enlisted husbands could not leave the service and thus save the jobs of their spouses.

When we speak of economy, it is woefully ridiculous. There was no spread of employment. There were no new jobs created. One job vacated by one was filled by another. In fact, section 213 is the only section left of the Hoover Economy Act. Pass my bill and get rid of it.

When we hear statements that there is no discrimination, I say that argument is ridiculous, and I make the statement with all due respect to the gentleman from Missouri, my distinguished friend. There are 36,000 married women in the entire civil service out of some 700,000 employees, and 80 percent of the married couples affected involved women being compelled to leave the Government service.

When it comes to couples involved, and 80 percent of the burden falls upon the women, and you tell me there is no discrimination, I say you are woefully lacking in ordinary understanding. You say no discrimination? What about the legislative branch of the Government? The Members of the House and Members of the Senate have many wives on their pay roll. The distinguished head of the other body has his wife on the pay roll. Is not that discrimination? Is that not discrimination against the poor charwoman that was dismissed because of the salary her enlisted husband receives, namely, $55 per month?

What about the alphabetical bureaus? I will name you some departments where one of the married spouses may be in the alphabetical bureau and another spouse may be under the civil service, and together they can earn $15,000 a year and still remain in Government employment. Do you call that discrimination? I do. Section 213 did not apply to the N. R. A. It did not apply to the A. A. A. It does not apply to the R. F. C. It does not apply to the S. E. C. It does not apply to the Rural Electrification Administration, the Federal Home Loan Bank, the Electric Home and Farm Authority, the National Youth Administration, the Commodities Credit Corporation, the citizens' civilian camps, or the T. V. A. Where in the world do you get the argument that there is no discrimination?

Apply it to all those bureaus, apply it to the legislative branch of the Government, apply it to the executive branch of the Government, and when you so apply it then I will admit there is no discrimination; but until then we have the vilest kind of discrimination. That is what I am trying to weed out. I cannot weed it out in its entirety because, as I said in the inception of my remarks, this is a compromise measure. We seek to help those couples who earn less than $4,000 a year. We do not want to hurt the little ones. Now we find, as someone indicated, that practically every female organization of prominence in this country is behind this measure. I will say that almost all important male organizations as well are behind the bill. [Applause.]

In this country, where equal opportunity for life, liberty, and the pursuit of happiness is supposed to be guaranteed to all, women of wealth and distinction are accorded a privilege which is denied by law to those in less fortunate circumstances.

Many people who are clamoring for these positions preferred to remain on the outside at larger salaries while Government workers served faithfully for $1,000 a year or less.

Women entered the Government service through competitive examinations. No question as to their marital status was raised. The requisites to retain the positions were high efficiency and good conduct.

The law is an attack upon civil-service system, since it makes the marital status of an employee the basis for dismissal rather than his or her efficiency rating.

No question is ever raised over single persons with no dependents drawing salaries of $5,000 or $10,000. There is no thought of cutting their salaries in half.

The average Government salary is less than $1,500 per annum. When these women lose their positions they lose their rights to annuities which, in the case of small-salaried people, means the difference between a provided-for old age and one spent on charity.

The present retirement laws provide that a person of 45 or more who has had 15 years of service and who is involuntarily separated from the service is entitled to a deferred annuity beginning on his or her fifty-fifth birthday. Many of these women who have been separated from the service were within a few years of their forty-fifth birthday. Scores of others were over this date, some of them well along in years, so much so that they will never be reemployed, but had not served the required 15 years. A few months' service—a year's time in many cases—would have allowed them this old-age insurance.

Section 213 destroyed many pension privileges and retirement rights, and destroyed the same unnecessarily. Many men and women were near the retirement age when they were summarily dropped. These people were, I would say, all in their late forties and fifties. Some of the men had well over 30 years of service, others had served 15, 20, and 25 years, and some of the women had as much as 27 years of service. You know, in Government employment, employees are entitled to retire after 30 years' service when they have reached a certain age, and so these men and women were anxious to see not only that the one whose service was the longest be protected, but also that the one

who could obtain work, paying employment on the outside, be the one to go. There was a good deal of discussion backward and forward among the about 40 or 50 families, and finally a number of the men decided to take the dismissal rather than force their wives out. This law has been used as an absolute barrier for the reemployment of those men; in fact some of them have gone so far as to state that they have been blacklisted for their type of work. It really has been a tragedy.

I repeat again, I would rather have the limitation of $4,000 out of the bill than in it. It is a compromise. I do not like it. If one man or one woman—each single—is worth $6,000 each to the Government, either can get such salary. But if husband and wife together are both worth more than $4,000 to the Government, they cannot get it.

Data on the effect of section 213 was collected by the Government Workers' Council and was correlated and analyzed by the Woman's Bureau of the Department of Labor. Following are excerpts from this data together with comments.

In June 1935 about 1,900 questionnaires were sent out by the Government Workers' Council to people who had been dismissed under section 213. The names of these people were secured from Government departments.

Returns were received from 697 persons—568 women, 129 men—living in various parts of the country, from Maine to Florida, and from New Jersey to California, including the Canal Zone and the District of Columbia.

Their employments had comprised many skilled and highly trained occupations, including several of the professions, besides occupations of less skill; in addition to clerical workers the questionnaires indicate that among the persons dismissed were teachers, draftsmen, technicians, laboratory assistants, library assistants, printing operators, and so on, as well as charwomen, elevator operators, and laborers.

The measure under discussion was passed with the object of economy. Also, it was hoped that it would spread work. Four-fifths of the 581 replies covering the permanence of the vacancy stated either that places vacated were filled or that the agency took on additional personnel, in many cases shortly after the dismissal.

Persons who lost their jobs were largely among the lower-paid employees. Of 643 reporting their basic salaries, over one-fourth—27.8 percent—had earned under $1,500; one-half—51 percent—had received between $1,000 and $1,800. Over 60 percent of the men and more than 70 percent of the women had basic salaries of less than $2,000.

By basic salary is meant the salary of the employee before deductions for retirement and for the economy pay cut were taken out; that is, a $2,000 basic salary actually amounted to only $1,629.84 during the time the 15-percent cut was operative—April 1, 1933, to January 31, 1934—and to $1,729.84 when the cut was reduced to 10 percent—February 1 to June 30, 1934. The remaining 5-percent pay cut was not removed until March 31, 1935. In addition to these reductions, some cases show that Government departments imposed still further reduction by means of the furlough, and in one case a 10-percent salary cut throughout a department is mentioned.

More than two-thirds of those reporting had been in the Government service for 10 years or longer.

Nearly one-tenth of the 695 reporting age were 50 or more, larger proportions of the dismissed men than of the dismissed women having reached such ages. Practically 38 percent of those reporting were at least 40 years of age, and nearly 30 percent in addition were 35 and under 40.

Of 673 individuals reporting their present status and earnings, 80 percent were entirely unemployed, and another 15 percent had work that paid them less than they earned before.

If you take a job away from one woman whose husband works for the Government and give it to a woman whose husband works outside of the Government—how are we spreading jobs? Yet this is possible under section 213. Why limit the ban to spouses? Why should not children, brothers, sisters, nephews, and nieces be included? In that sense, the President himself is not guiltless—however, I do not criticize the President. Why lay down the condition "if either spouse is in the Government service?" Why limit the condition to "Government service?" Why not add the condition "Government or private employment", so that if one spouse is privately employed, the other spouse would be barred from Government service, and vice versa?

Mrs. Roosevelt earns money on the radio. Therefore, by that argument, the President would be disqualified—that is the argument of spreading employment, a type of argument, we see, that can easily be reduced to absurdity. We all know, of course, that our country is all the more greatly benefited by both Mrs. Roosevelt's worthy activities and the President's splendid services to the country.

Mrs. Franklin D. Roosevelt has added her voice to those who have pronounced as unfair that section of the economy act under which married women have been dismissed if their husbands also worked for the Government.

Saying that she agreed with a statement made by Miss Francis Perkins, Secretary of Labor, Mrs. Roosevelt gave it as her personal view that dismissals should be a question of efficiency, and the good of the service.

The mere fact that two married persons were working for the Government, she pronounced a poor reason for dismissal of one of them, especially in view of the fact that Federal salaries are so low it would take the earnings of two people to educate four or five children and support a father and mother.

Continue section 213, and you place a bar sinister on marriage. You discourage young people in Washington and elsewhere from marriage. Take the case of the teachers. You would never dream that this section would affect the teachers in the District of Columbia. Yet it did. Mrs. Page Kirk, representing the Senior and Junior High School Association of the District, made some very telling contributions at the hearings. She said:

There are 2,880 teachers in the District. Of those, 299 are married persons who are directly affected by clause 213. There are also young teachers, mostly in the lower grades, who would like to be married. They are not included in that 299, but they are affected also.

We made a survey, or my association did, a year ago of the teachers who had been forced to resign because of 213. We found that most of them were supporting children or other dependents. A large percentage of them originally came back into the schools to educate their children. They are professional people with college educations, generally married to college men, and they wish a college education for their children. You cannot send a boy or girl through college without more money than these fathers made. Therefore the mothers went back to school teaching. That was one of the commonest reasons given for mothers working.

Another reason with younger women was that they wanted to buy and pay for their homes. When this was done the wife would resign and start a family. Because doctors' bills and other expenses come, and families have many times lost partially paid-for homes where one salary is not enough. These wives wish to work for pay for a few years after marriage.

There was a third reason. Many are supporting or helping to support mothers, fathers, or other relations of her own. A self-respecting woman likes to take that responsibility on her own shoulders, if she can, not ask her husband to take it.

There is one side of the married-teacher problem that I do not think has been considered—that of the children taught. Perhaps because I myself am a mother it has always struck me particularly. Here in Washington we have very nearly 100,000 children in the public schools. They are mostly taught by unmarried women. If we had men teaching the boys, it would help, but we cannot get men into the schools. As it is now, the salary is not enough for a man to support a family; therefore, few men teach. The few we have are mostly in the executive positions, the higher-salaried group. That means that our children have unmarried women teachers only, if our married women are to be forced out.

Marriage is a natural relationship. Penalize it and you run two risks. You may drive from the teaching profession fine young women with the natural, the normal, desire for a husband and children, and you keep in it, to train our boys and girls for life, a group of women who have never lived a complete life themselves.

I do not wish to criticize the unmarried teachers; there are many splendid ones in our schools, but they are excellent in spite of, not because of, spinsterhood. They should not have the entire training of the youth of our country.

Civil service assures, supposedly, first, merit in service; and, second, security of tenure. Both of these provisions

are violated by section 213. A man may have a percentage of 99.9, but he would be barred if his wife is employed in the Government. However, if his son and daughter were employed in Government service and lived separate from him, he would not be barred.

Marriage is certainly an extraneous factor as far as civil service is concerned. It has not the remotest connection as to, first, fitness; and, second, qualifications. Yet, if you apply the marriage test, many other unrelated tests may be applied. It would be an entering wedge. It would be just as logical to inject the question of race, religion, or nationality. Furthermore, govermental discrimination against married women would set an example for discrimination outside of Government service.

Some very interesting findings made by the Women's Bureau of the Department of Labor on the effects of dismissing married persons from the civil service, are herewith set forth:

EFFECTS OF DISMISSING MARRIED PERSONS FROM THE CIVIL SERVICE

Provision for the dismissal of married persons, in the case of reduction in personnel in any classification in the Government service, if the spouse is employed also by the Government, was made in section 213 of the Economy Act of June 30, 1932. While the history of section 213 cannot be discussed here, it can be said briefly that opinion was sharply divided as to the wisdom of the measure, but it was included as a part of the whole plan to effect reduction in Government expenses.

The report that follows is based on data collected by the Government Workers' Council, which endeavored to determine the actual results of section 213 as reflected in the lives of the people affected. In June 1935 about 1,900 questionnaires[1] were sent out to people who had been dismissed[2] under this section. Returns were received from 697 persons (568 women, 129 men) living in various parts of the country, from Maine to Florida, and from New Jersey to California, including also the Canal Zone and the District of Columbia. Data from the questionnaires have been tabulated and analyzed by the Women's Bureau of the United States Department of Labor.

Their employments had comprised many skilled and highly trained occupations, including several of the professions, besides occupations of less skill; in addition to clerical workers the questionnaires indicate that among the persons dismissed were teachers, draftsmen, technicians, laboratory assistants, library assistants, printing operators, and so on, as well as charwomen, elevator operators, and laborers.

GENERAL SUMMARY OF FINDINGS

Measure effected but little economy: The measure under discussion was passed with the ostensible object of economy. That it resulted in little or no economy is indicated by the fact that four-fifths of the 581 replies covering the permanence of the vacancy stated either that places vacated were filled or that the agency took on additional personnel, in many cases shortly after the dismissal.

The small proportionate saving in Government expenditure is further indicated by the fact that the persons who lost their jobs were largely among the very low-paid employees. Of 643 reporting their basic salaries, over one-fourth (27.8 percent) had earned under $1,500; one-half (51 percent) had received $1,000 and less than $1,800. Over 60 percent of the men and more than 70 percent of the women had basic salaries of less than $2,000.[3]

Measure seriously undermined social security: Even had some small saving been made, it would have been at the heavy expense of the social security which is being sought so urgently by both National and State Governments, especially since those affected were for the most part employees of long service who had been appointed originally after passing examinations and were highly experienced. More than two-thirds of those reporting had been in the Government service for 10 years or longer.

Another serious undermining of social security is represented in the age of those dismissed persons, many of whom had reached the years when it is almost impossible to obtain remunerative work, especially in depressed times. Nearly one-tenth of the 695 reporting age were 50 or more, much larger proportions of the dismissed men than of the dismissed women having reached such ages. Practically 38 percent of those reporting were at least 40 years of age, and nearly 30 percent in addition were 35 and under 40.

Measure had serious results for families affected: The lowered living standard resulting from the act is indicated in the fact that of 673 individuals reporting their present status and earnings, almost 80 percent were entirely unemployed and another 15 percent had work that paid them less than they earned before. Naturally, the combined family earnings were cut sharply in most cases. Certain of the disastrous effects of this situation are indicated in the following facts:

Nearly three-fourths of the 697 families reporting had persons entirely dependent upon them for support. There were at least 2,927 persons actually affected by the dismissal of these 697.

In 266 families there were children in the family, practically all of them dependent on their parents. In very many cases there were other relatives, sometimes whole families, often with children, dependent on the families whose earnings were cut.

In many cases the family was forced to reduce expenses by dismissing household helpers, often with families dependent upon them.

In many instances in which the family of the dismissed Government employee was forced to withdraw support, the families of relatives or household employees were thrown directly on relief.

In a considerable number of instances, homes were lost or payments could not be kept up because of loss of job by one of the family wage earners.

Measure affected veterans adversely: Though the questionnaire sent out did not inquire as to veteran status of the person dismissed, 29 replies volunteered the information that those who had lost their places were veterans, and 22 of these still were without jobs.

FINDINGS OF EARLIER STUDY SUMMARIZED

A preliminary study of the application of section 213, issued by the Women's Bureau of the Department of Labor in April 1935, covers data secured by consultation with those Government departments coming under this law (the newly created agencies were considered generally not under its jurisdiction); the information was gathered in the main from personnel officers and includes estimates of the numbers affected and of the salary ranges of the dismissed employees, as well as comments on the law as administered in their respective departments. Its findings as of the date of survey may be summarized briefly at this point.

Of the 685,975 employees in the service of the Federal Government or the District of Columbia on December 31, 1934, 1,603 employees were reported to have been separated from these services because of section 213. More than three-fourths of these separations were of married women, the remainder being married men. In actual numbers, the separations were heaviest in the Treasury Department, the Veterans' Administration, and the Department of Commerce.

LOWER-PAID EMPLOYEES SUFFERED MOST FREQUENTLY

Salaries of well over half of all those separated were obtained, and these show that over 80 percent of the dismissed employees had basic salaries of less than $2,000. Departments not furnishing specific salary data stated that the middle and lower groups had been affected to a far greater extent than the higher-paid employees. This was due chiefly to the fact that naturally it was thought wise, wherever possible, to retain for the efficient conduct of Government business employees who were carrying on executive and administrative work requiring a high degree of skill and experience.

Merit suffered: In many cases departments had to lose employees regarded as especially fitted for the service they were rendering, only to learn that some other department not subject to section 213 took them on. Where married couples themselves decided which should leave the service, as was a common practice, the law operated to defeat the purpose of reduction, as frequently it left on the rolls the person whose services were not required further, and at the same time took from another department the spouse whose services may have been in demand. In departments having employees classified both within and outside of the civil service, the cut was first applied to those employees not under the civil service, and because it met with immediate opposition from political supporters of those appointees, the cut then was directed to the civil-service class, though the department often would have preferred to retain these more experienced workers.

RELIEF ROLLS INCREASED

That the law was applied in many cases without regard to the effect the dismissal of husband or wife would have in increasing the relief rolls of the county and the National Government is shown by the questionnaires here considered. Inability to continue the support of dependents (many of them aged) was the direct result in case after case of dismissal, and not one dependent alone was forced on relief due to depleted family income but in some whole families of five or more who had been supported by a Government employee now dismissed. Some examples follow.

[1] One thousand six hundred and thirty-five names of persons who suffered loss of jobs under sec. 213 were secured from Government departments; of the forms sent to these, 289 were not delivered, chiefly through lack of proper address. In addition, questionnaires were sent to about 40 teachers and to about 25 other people whose names later were furnished as not being on the Government lists of persons dismissed.

[2] In the discussion following, the term "dismissal" is used to cover both the situation where actual dismissal took place and that where a husband or wife, given a choice, resigned to save the partner's job in another branch of the Government service.

[3] By basic salary is meant the salary of the employee before deductions for retirement and for the economy pay cut were taken out; i. e., a $2,000 basic salary actually amounted to only $1,629.84 during the time the 15-percent cut was operative (Apr. 1, 1933 to Jan. 31, 1934) and to $1,729.84 when the cut was reduced to 10 percent (Feb. 1 to June 30, 1934). The remaining 5 percent pay cut was not removed until Mar. 31, 1935. In addition to these reductions, some cases show that Government departments imposed still further reduction by means of the furlough, and in one case a 10 percent salary cut throughout a department is mentioned.

A wife helped clothe five children of a brother who was ill and out of work in a Southern State; she got $1,740 and was 45 years old; her husband, who had been with the Government 29 years, 8 months, and was 63 years old, receiving $2,800, was dismissed under section 213 of the Economy Act. The family the wife was helping had to go on relief, and no funds even are available to send the children to school.

For 2 years a couple had kept seven people in their home, and when the woman lost her job because her husband was working for the Government also, three of those people went "on welfare" and are living elsewhere. The wife had worked for 15 years, and her salary was $2,100.

A wife who had worked 10 years and was 40 years old, with a salary of $1,900, had to resign; with her dismissal her father went on relief, and a family that had been given clothing for its three little children whose parents were on the county, is now entirely on relief.

Loss of a wife's job resulted in placing two other families, in different parts of the country, on relief; together she and her husband had been supporting them.

A father and widowed sister of a Government worker are now on relief due to the dismissal of a married woman in Government service whose husband also worked for the Government. She had worked for 15 years.

The father and mother of a married woman forced to resign her job are now on relief; she and her husband each got $1,680; they have two children to support, and with the loss of her job her parents could not be supported any longer and had to apply for relief.

Besides the relatives thrown on relief by the dismissal of married persons, many of those who lost their jobs had to let go their household employees and helpers of various types, thus further swelling the relief rolls and the lists of applicants to employment agencies. The dismissal of laundresses, cooks, and maids is shown by the questionnaires; such groups of working people had been discharged from homes where the income was suddenly and without warning cut when married persons lost their jobs under section 213. The following are typical examples of this situation:

"A wife who resigned to make her husband's job safe had to let a servant go who was supporting nine people on her wages. The wife was receiving $1,900 at the time of dismissal and was 46 years old. (The other results in this case include her own insurance dropped, as well as the two children's, money borrowed on husband's insurance to tide over expenses, with payments on their home reduced 50 percent, the property deteriorating, and the family in debt at present.)"

When the wife in one houshold resigned her job to save her husband's position in another Government department their woman housekeeper, with three children and unemployed husband, was discharged and the housekeeper's family all are on welfare now.

VACATED JOBS FILLED

Before discussing the changed circumstances that are found in the personal lives of the individuals dismissed under section 213 it should be emphasized here that evidence seems to show that the law was used as a reason for the dismissal of married persons as such. In slightly over four-fifths of the cases reporting the job had been filled, or additional personnel had been taken on, often shortly after the dismissal of the married person. The opening phrase of section 213 sets forth the condition under which it was intended to be operative since it reads, "in any reduction of personnel" an employee whose spouse is also in Government service shall be the first to be dismissed.

One reply reports that their branch office received a blanket order from the department at Washington to dismiss all married persons whose spouses were in Government service, and, she adds, though the office in which she worked had the necessary funds to cover salaries, she had to resign when the order came in.

As to whether the job vacated was filled after dismissal of the married person, 581 questionnaires contained answers to this question. It is significant to note that 474 replied that their jobs had been filled. And there were 116 that made no report on this question. Yet they were told "reduction in force" or "lack of funds" made necessary the dismissal of some employee and their marital status marked them as the first to have to go. One reply reported that the force was more than doubled subsequently.

One man who was forced to resign after working for 12 years, with aged parents dependent on him, states that 1 month after his dismissal hundreds of men were taken.

One reply states that after the discharge of 45 employees because of "reduction in force", the following week 50 were employed.

A married woman who had to resign her job because of section 213 reported that her job was filled by a married woman whose husband also was in the Government service. This dismissed employee had worked 16 years at her job, was 43 years old, and had a dependent mother.

Following the dismissal of one married woman from her job, and others likewise affected in her office, the very next week or two after they were let out, the department hired hundreds of people to fill their places and newly created jobs.

For a year after the dismissal of one married woman the money for her salary was sent to the station every month and was returned to Washington each time; her husband was a veteran and was employed in the Government service also; her dismissal meant discharging a full-time maid, who was thrown on relief, and ceasing her aid to a brother she had been helping, who got F. E. R. A. work later.

LENGTH OF SERVICE FOR THE GOVERNMENT

After years of work at one special job, one's aptitude in other lines of work necessarily is limited, and the problem of finding new employment is so difficult as to be almost hopeless in the eyes of the person dismissed. The questionnaire replies show that one result of the law has been the discharge of persons having served the Government for long periods. About 68 percent of those reporting length of time in the service had worked for 10 years or over, a period that it would seem should insure security in a civil-service job; moreover, there were 42 cases in this group that had worked 20 years or longer.[4]

A larger proportion of women than of men losing their jobs had worked for the Government 10 but less than 20 years, but more men than women in proportion had been with the Government anywhere from 20 to 38 years. Table 2 shows the complete data on length of service.

SALARY SINCE DISMISSAL

Of the 693 persons who lost their jobs and who reported as to their employment status in June 1935, when the questions were asked, almost 80 percent were not working (469 women and 70 men); 3 of these (1 man and 2 women) were retired. Moreover, 73 percent of those finding employment after dismissal and reporting salaries had taken jobs at lower pay than received in Government service.

After their dismissal, jobs were found by only 154. Eliminating some 20 whose later earnings do not permit comparison with job earnings under the Government (for example, salesmen on commission), almost three-fourths of these 134 persons now with jobs are working at a lower salary, and at least half of this group suffered a decrease of anywhere from 15 to 78 percent. In 13 cases the job found after dismissal paid the same salary as the Government position, and for 23 individuals the new job meant increased earnings.

At least one wife was reported as keeping her job because it was permanent and her husband was only a temporary employee. In some cases the reason given for the wife's not resigning her job was that she had worked longer than her husband and was nearer the retirement age, and it would be unfortunate to lose the full retirement pension. In other cases, however, the decision was made on the opposite basis, because though the salary of the spouse left in the service was lower than that of the person dismissed (and who was nearer retirement), they were assured a larger income over a longer period than if the person near retirement had kept the job. In the latter case, after a few years there would be only the retirement pay to support them. For example:

A husband at $2,100 with 26 years' service resigned to allow his wife, receiving $2,100 but whose service was only 17 years, to keep her job; there were 2 boys to be educated and more years at a better income could be expected if the wife stayed with her job.

CHANGE IN MARITAL STATUS

Answers to the question as to the change in marital status due to section 213 show the serious effect such legislation had on these lives and therefore on society as a whole. There were 16 couples who reported separation in order to regain their jobs, and 7 couples got divorces for the same purpose. In two cases in the group first named there was one child, and in three cases there were two children. Of the divorced group, four couples had one child each. Some of the replies show definitely that marriage would not have been contemplated if such a law could have been foreseen. To many employees this law seemed unduly ironical, since one large Government department in 1921 had issued formal notices that allowed women employees to marry and keep their jobs.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Chairman, it seems to me that we are considerably misunderstood in the consideration of this particular bill. The gentleman who just spoke called our attention to the fact that at the present time and under the present law, we have a discrimination that should be removed. Under our present system all the so-called economic royalists hold their jobs. Those persons employed by the Government and getting from $5,000 to $10,000 a year hold their jobs, and nothing at all is done with reference to that group. The unfairness is that under this system we are pinching the little fellow. Under our present system, regardless of a person's efficiency, we release him or her, as the case may be, if married; and this measure applies to men as well as women.

The law under consideration does not affect the alphabetical agencies under this Government that are too numerous to mention. If we would bring in all of these agencies and treat all Government employees alike, it would present a different story. But it does not seem fair to pick out a small group of persons who are getting the lowest salaries

[4] It is also important here to note that the service period of 5 years is recognized by civil service as qualifying a former employee for reinstatement at any future time without examination.

and put them out of their jobs and at the same time allow high-salaried groups to hold their jobs. If we vote against the bill, that is the turn it will take, as I understand it.

We are supposed to have a merit civil-service system. The practice under the present law is to remove a number of low-salaried persons regardless of efficiency, who are employed in clerical positions in certain departments, and have been for years. We do not touch the many, many persons who are appointed under the many alphabetical agencies of the Government, and those employed at high salaries under Government civil service. I am informed that instances are very rare where employees who are members of the same family, receiving high salaries from the Government, are removed.

I am in favor of a real civil service merit system in all departments of the Government. If we are to have a system where not more than one member of the family is to be allowed on the Government pay roll, let us serve notice now, if this is to be our policy, so that the public and future employees may know what to expect in that regard. As I said, let it apply in all departments of Government—executive, legislative, and judicial. Treat them all alike. Let us get away as far as we can from "political pulls" for appointive jobs and give these positions to those persons who merit them by reason of being trained and qualified and entitled to them.

Someone said that the Congressman from St. Louis stated that by voting against this bill before the House today he could be returned to Congress. I would suggest that we should vote for or against this bill on its merits. If it is right, we ought to vote for it. If it is wrong, we ought to vote against it, whether we are permitted to return to Congress or not. That is one of the criticisms that has been leveled against this body. We have a tendency to vote for or against a bill because it is popular to do so. It seems to me that we ought to give this legislation the fair consideration to which it is entitled and vote our better judgments. As I said before, our great trouble is that we do not touch the high-salaried groups, drawing thousands of dollars from the Government, but discriminate against a small group employed under civil service who receive small salaries. [Applause.]

Mr. RAMSPECK. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. BIGELOW].

Mr. BIGELOW. Mr. Chairman, I feel it is an honor if only for 2 minutes to stand up in this House and enroll myself with the women of the world in their centuries-old struggle for equality of rights for women. [Applause.]

Section 213 seems to me to be an unwarranted interference with marriage relations and is a discrimination against women. Here are two sweethearts. Section 213 under certain conditions virtually says to them, "Though it is the natural and wholesome thing for you to get married, you shall not be married."

I feel we ought to forget the matter of sex and marriage relations. That is why I so much favor the bill that the chairman of the Civil Service Committee has brought in here for consideration. It attempts to fix a certain maximum income for the family, disregarding private status, and it seems to me that is the better way of trying to spread employment than the other way. [Applause.]

[Here the gavel fell.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. MAAS].

Mr. MAAS. Mr. Chairman, I think that we ought to repeal this section, principally because under 213 there is a discrimination against the low-paid employees. If the provision extended to all departments of the Government and was applied to all the salary brackets, there might be some argument to be made in favor of it. I can see perfectly well that there is a question involved as to whether two Government employees should get married. But there are many people who have no jobs at all, and they cannot get married because neither one of them can get a job. There are many husbands and wives who do not work for the Government nor for anybody else, and I am sure they would be satisfied to have even one working for the Government. But that is not the issue involved today. The issue before us is whether we are going to penalize a small group of underpaid, or at least low-paid, Government employees and permit those in the high brackets to have the whole family on the pay roll. We have such examples from the top of the Government down, including the legislative branch, and I think if we are going to be fair, honest, and consistent we ought to either make this apply to every office in the Government or repeal it. We certainly should not make it apply only to one small group.

Since we know we are not going to make it apply to the higher brackets, and we are not going to make it apply to all other branches, let us be fair and just to those in the lower brackets in the classified service.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. MAAS. I yield.

Mr. COOLEY. To what Government employees does section 213 now apply?

Mr. MAAS. All those the section has affected have been low-paid employees in the civil service.

Mr. COOLEY. Does the law apply to others than the low-paid employees?

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MAAS. Yes.

Mrs. ROGERS of Massachusetts. As a practical matter it does not. When the bill was passed it was the understanding of the Members of Congress that it would apply to those in the higher brackets, but it does not apply to the "economic royalists", those getting the high salaries in the Government service. It does apply to and does hurt the people in the lower brackets.

Mr. COOLEY. Why does it not apply as Congress intended it should apply?

Mrs. ROGERS of Massachusetts. Because it is a matter of administration, and there is also a joker in the wording of the amendment.

Mr. COOLEY. Could not the law be amended to make it applicable to all classes? Would not that be sufficient?

Mrs. ROGERS of Massachusetts. It was to apply only to dismissals. The heads of the departments can put the workers in the higher brackets and dismiss those in the lower brackets.

[Here the gavel fell.]

Mrs. ROGERS of Masssachusetts. Mr. Chairman, I yield 2 additional minutes to the gentleman from Minnesota [Mr. MAAS].

Mr. MAAS. While it is true the present law was, perhaps, intended to apply to all brackets, in practical operation it does not so apply, which is the reason I am appealing for the repeal of the section. The law applied only in the case of dismissals, and as we know, in the economy drives the dismissals were always at the bottom. No high-paid executives were dismissed under the Economy Act, and when we get another economy drive, as we will have to, the dismissals again are going to be at the bottom. Those with the higher-paid jobs are not going to be affected at all.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. MAAS. Yes.

Mr. BOILEAU. Has the gentleman observed the language of section 2 of the committee amendment, which makes additional discriminations? It provides that the members of a family cannot receive more than $4,000 altogether. Therefore section 2 of the committee amendment to the bill provides for a further discrimination. I hope the gentleman will assist us in first repealing section 213 and then in keeping any riders from being added to the bill.

Mr. MAAS. I do not agree with the gentleman from Wisconsin. I think $4,000 is adequate. In fact, I think a maximum of $3,000 is adequate.

Mr. BOILEAU. Does the gentleman believe a young man or a young woman living with his father and mother should be deprived of the opportunity to work for the Government if the father happens to be drawing a salary of $4,000 a year?

Mr. MAAS. If he is drawing it from the Government, yes; $3,000 is way above the average citizen's income.

Mr. BOILEAU. Does the gentleman mean that a son who is 25 years of age, may we say, should be forced to live some place else or that a daughter should be forced to live some place else?

Mr. MAAS. Yes. If they want to draw their money from the Government, I do.

After all, if we pay both a husband and a wife on the Government pay roll, we must also support some other family on relief, which family otherwise could be supported by either the husband or wife if employed by the Government. While I recognize the situation, on the other hand, this is temporary. Permanent legislation should not set up any other test or qualification for Government employment than merit. I shall support repeal as a matter of principle to uphold the merit system as a permanent institution, even though I deprecate members of the same family seeking Government employment during a time of widespread unemployment.

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. PEARSON].

Mr. PEARSON. Mr. Chairman, from listening to this discussion I have reached the conclusion there is a misunderstanding in regard to what the repeal of section 213 really means. When I heard the gentleman from Missouri discuss the matter of the employment of a husband and wife, and the injustice in the situation which might arise in the event this section is repealed, I felt that even he misunderstands the situation. We do not have upon the Federal statute books today a law which prohibits the employment of husband and wife in the Government service. We have only section 213, which provides that in dismissals people having husbands or wives in the Government service shall have their services terminated first. The result is we have a statute which is being improperly administered by the officials of the Government agencies, bringing about the great hardships which have been described by previous speakers.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. PEARSON. Not now, Mr. Chairman.

The proper way to correct the things to which the gentleman from Missouri is objecting is to put upon the statute books a law which will prohibit the employment of married people or else put in our civil-service statute a provision that when a man or woman is ready to enter the service of this Government, if he or she is married, then he cannot qualify under civil-service regulations. Otherwise, we have men and women who have spent from 10 to 30 years in the service and who, by virtue of the provisions of section 213, have suddenly awakened to find their necks chopped off and their jobs gone. This section has been utterly a failure so far as its administration is concerned, Mr. Chairman. The only way to correct the injustice of the situation is to repeal section 213.

[Here the gavel fell.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield myself 3 minutes.

I think there has been very great misunderstanding about this bill. In fact, I am sure of it from the debate on the floor and the questions asked.

I believe in the merit system. I know this retards the merit system, but I am not going to stress that question at this point, Mr. Chairman, because the tears and distress over the merit system by this administration have been amusing. This should not be a party matter. An appeal to the majority regarding merit would probably fall on deaf ears. It should not be made a partisan matter. Section 213 was passed with a Republican President in office and a Democratic Congress. I know that when the bill was passed the Members did not realize that the people in the higher brackets would not be affected and would be allowed to keep their positions. There was apparently a joker in the bill. Section 213 applies only to dismissals. Of course, a chief of section can say, "I need the man or the woman with the higher salary and do not need the man or the woman in the lower bracket." Men and women have been dismissed who have served the Government for 15 years. I have tried to make a careful check-up, and I find in most instances that the men and women who have been dismissed are those who are older, men and women with families, men and women who find great difficulty in finding outside employment because their training has been only in Government work.

Mr. NICHOLS. Mr. Chairman, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. Yes.

Mr. NICHOLS. In the event of the dismissal of a husband or a wife from the Federal pay roll, the other spouse is left on the pay roll?

Mrs. ROGERS of Massachusetts. It leaves the other spouse on the pay roll, but usually the spouse dismissed is a person who has been in the service a long time and has acquired not a small family but a large family with a good many dependents. Mr. Chairman, the farce about the whole amendment is that there has been no economy in its administration, because the position is filled by a married woman from the outside who has had no experience in the civil service and is not a good worker for the Government in the civil service. In almost every instance I have investigated I have found the woman's husband has a job on the outside.

Mr. NICHOLS. If her husband had a job outside of the Government, the wife, in that event, would not be fired.

Mrs. ROGERS of Massachusetts. Yes; and that is a discrimination against civil-service workers. When replacements are made or when a man or woman is dropped, the position is usually filled by a married person who has a wife or husband with a good position on the outside. I think if the gentleman would go into the various cases he will find I am correct in this respect.

[Here the gavel fell.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield myself one-half minute additional.

I earnestly hope that section 213 will be repealed. It seems only a matter of common justice, and if you had seen the cases I have observed after investigation, I am sure you would want to equalize things and be fair to the little fellow in the civil service as well as to the so-called economic royalists in the civil service. This administration has talked so often and so loud about the people of small pay—this is a chance to help the little fellow. I hope the measure will pass, Mr. Chairman.

Mr. RAMSPECK. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK of Arizona. Mr. Chairman, I am heartily in accord with the words just spoken by the gentlewoman from Massachusetts [Mrs. ROGERS]. She speaks of equality between the bigger-salaried man and the smaller-salaried man. She might, with due propriety, I think, have paid respect to her sex and also mentioned that this is a matter of equality of sex as well. It is really a matter of equal rights, as my colleague from Ohio just pointed out.

As a school man, I have noticed that married women have been discriminated against in public employment as school teachers. This, I think, is poor public policy. Of course, I can see a difference between married women teaching and married women in Government service, but, Mr. Chairman, it seems to me that the question of "equal rights" is involved in both cases. In considering this whole matter it is not so much a question of furnishing jobs as getting the most efficient people on the jobs. Schools do not exist for the purpose of providing teaching work, nor does Government work exist merely to provide jobs. Efficiency is what counts and efficient married women should have equal chance in employment.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from Arizona in order that he may answer a question.

Is it not true that these workers in the Government who have been there for 15 years or longer are not suited for employment on the outside, and upon entering Government service they thought it would be a life work or a life service?

Mr. MURDOCK of Arizona. Very likely that is true in most cases, and they ought not be penalized for marrying nor prevented from marrying through fear of dismissal. At a time when we are trying to create opportunities for careers in the public service, I see no reason why married women should be discriminated against. If they have the ability and competency, they should have an equal chance of a career in the public service.

Mrs. ROGERS of Massachusetts. The men also have been discriminated against oftentimes in these cases, because married men have also been displaced in many instances.

Mr. MURDOCK of Arizona. So, Mr. Chairman, I hope that the measure prevails and that the former law is hereby repealed.

Mr. RAMSPECK. Mr. Chairman, I yield 1 minute to the gentlewoman from New Jersey [Mrs. NORTON].

Mrs. NORTON. Mr. Chairman, I regret I shall only have 1 minute. I would like to have a little more time.

I sincerely hope that the Congress today will repeal section 213. This was emergency legislation enacted into law at a time when jobs were scarce; but that emergency, as you know, has passed; and as all other emergency legislation has been repealed, certainly this should be. There are many reasons why it should be repealed. Up to 1935, 1,835 people had been laid off under this act, and up to now, although no statistics are available, the number is estimated at about 2,500. These are almost entirely people who were receiving salaries in the lower brackets. These are the ones who need two salaries to support their families and bring up their children.

Continued enactment of this law would tend to lower the birth rate in this country and increase the number of divorces.

If we say that one salary is enough for a family should we not know what that salary is? If it is only $1,000, surely that is not enough to support a family of five or six or even three. If the wife can work, why not allow her to do so?

Congress has never passed a law forbidding a farmer's wife from helping him in the fields nor a wife from helping her husband in business. We have many outstanding examples of this, even here in Congress.

Of necessity it is the lower-bracket salaries that suffer most in this section, as when a reduction in personnel is contemplated it is always the low-salaried people who are affected.

I insist that continued enactment of this law would tend to lower the birth rate in this country and raise the number of divorces. In families where two salaries do not combine to make a good wage or enough to support a family, divorce has often not only been contemplated but finally resorted to when the wife has had to give up her job and so leave the family without enough to exist on.

Section 213 is completely unfair, as it almost never affects higher-bracket salaries. Unfortunately, the people in those brackets usually have enough "pull" to keep their jobs, and it is not at all unusual to find cases even now where both husband and wife are working and where their combined salaries average more than $10,000.

[Here the gavel fell.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield myself one-half minute and yield one-half minute to the gentleman from Georgia.

Mr. Chairman, there is one point that has not been brought out, and that is that this provision has been very expensive to operate.

I have talked with the Civil Service, and I had some figures upon this subject that I would like to put in the RECORD. It has cost a good deal to investigate these cases and has taken the time of the civil-service people away from other work that we all want to have done. Also, it has taken up a great deal of the time of the chiefs of sections in the various departments, which has proved costly.

Mr. RAMSPECK. Mr. Chairman, under the present law, section 213, if there is a reduction in force in any department that is under civil service—and that is all the law applies to—within a grade, for example, if it is grade CAF 4, they investigate the people in that grade, and they first discharge the married people. That means, of course, that unless there is a reduction in the upper grades, where the salaries are higher, there may be a reduction of force in a certain bureau or department, but it will not touch the married people who are making the higher salaries. Naturally in the Government service there are far more people at the lower-grade salaries than at the upper-grade salaries, and the fact is that of the 1,800 people who were dismissed under this provision, practically none of them made more than $2,000 a year, and a vast majority of them made less than $1,500 a year. That is the practical situation as the law stands today. Under the amendment which the committee is bringing here, if it prevails, we would stop the employment in the civil service of a second member of a family if the combined salary of all of the members of the family equaled or exceeded $4,000 a year.

In the short time I have left, I want to tell you exactly why I am in favor of this bill. I am not as much concerned as some of my friends about the married woman's part of it. It has not worried me so much, but I am concerned that the Congress of the United States should be on record as approving a public policy which says to a boy from your district or a girl from my district who comes here to work for the Government, "You cannot get married without losing your job."

I had that happen to a young lady from my district who was getting $1,260 a year and who was sending part of it back home to her father, who went on relief after she lost her job. She married a boy from South Dakota. Within about 7 months she had to quit her job, although they had married secretly. She was going to have a baby. She had to quit her job, and her family back in Georgia went on relief, and her husband and she are struggling today to live on $1,260 a year, which is what he makes in the A. A. A. I think that is poor public policy on the part of the Federal Congress, and I do not believe the Congress wants to be on record as in favor of a law which says to the young people who come to Washington to work for the Government that if they get married they are going to lose their jobs. It has not affected a great number of people, it is true, but it has discriminated against the woman, not in the law but in the application of the law.

Mrs. NORTON. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mrs. NORTON. Is it not a fact that a great many men and women in the higher brackets who are earning over $4,000 a year are not affected?

Mr. RAMSPECK. That is absolutely true, and they are still holding their jobs and working every day and making more than $4,000 a year.

Mr. COLE of Maryland. Mr. Chairman, will the gentleman yield ?

Mr. RAMSPECK. Yes.

Mr. COLE of Maryland. I gather from what the gentleman, the chairman of the committee bringing in this bill, says that the inevitable effect of the existing law, mandatory as it is in its provisions, is to place a premium upon secret marriage.

Mr. RAMSPECK. That is true. I hope this House will repeal this section and accept the substitute, the provisions of which take effect at the time of appointment and do not interfere with the right of people who come here to work for the Government to marry or not to marry after they are employed by the Government. I think we ought to be courageous enough if what the gentleman from Missouri [Mr. COCHRAN] says is true—and I do not think it is true—and pay no attention to criticism that will be made of us.

I do not think anybody is going to criticize us for having adopted this substitute, because I think it is a fairer provision than the other, and I think any one of us can go on the campaign hustings, if we have to, and explain this situation to the people back home. It is not a question of whether you are going to let married women work for the Government—and there are over 30,000 of them working now and we have not discharged them, but we ought not to keep these young people from getting married if they want to.

The CHAIRMAN. The time of the gentleman from Georgia has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That an act entitled "An act to regulate and improve the civil service of the United States" (act of Jan. 16, 1883, 22 Stat. 403), is hereby amended by adding at the end of the sixth paragraph of section 2 of the act a new paragraph, as follows:

"And no person shall be discriminated against in any case because of his or her marital status in examination, appointment, reappointment, reinstatement, reemployment, promotion, transfer, retransfer, demotion, removal, or retirement. All acts or parts of acts inconsistent herewith are hereby repealed."

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That section 213 of the act of June 30, 1932 (47 Stat. 406), is hereby repealed.

"SEC. 2. Section 9 of the Civil Service Act of January 16, 1883 (22 Stat. 403), is amended by the insertion of a colon and the following proviso after the word 'grades', which concludes the present section: '*Provided*, That no original appointment to one of said grades may hereafter be approved in any case where the combined salaries of the members of a family after such appointment would equal or exceed $4,000.'"

Mr. NICHOLS. Mr. Chairman, I move to strike out the last word. I think that in important matters like this it is unfortunate that those in opposition to the bill under consideration are compelled to resort to pro-forma amendments under the 5-minute rule in order to express their opinion.

Mr. RAMSPECK. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. Yes.

Mr. RAMSPECK. I yielded one-third of the time I had to the gentleman from Missouri [Mr. COCHRAN], who spoke in opposition to the bill.

Mr. NICHOLS. I asked the gentleman for some time myself, and the gentleman did not have it, and I am not complaining about the gentleman. A great deal has been said here today about discrimination against married women and discrimination against married men. Although I am not going to support this bill, I am not one of those who want to discriminate against either married women or married men.

Neither do I want to discriminate against single men and single women. Neither do I want to discriminate against a man who is willing to work and earn a living for his family, as the head of his family, by keeping some man's wife in the position he might fill when her husband is also on the Government pay roll, and thus give one family two jobs while the other family has none. Men as heads of families all over the country are crying for jobs to provide the bare necessities of life for their loved ones. My country is full of them. There are literally thousands of heads of families in the southwestern section of the United States who would be happy to have a job of any kind to work and make a living for his family. [Applause.] You pass this bill and you say to him, go on and starve, the Government does not care because we will let two or three members of some families work for us while you go without work. This simply throws a cloak of protection around civil-service employees. Then it goes a bit further and throws a cloak of protection around married civil-service employees, whose spouse is on the pay roll. Despite the opinion of my distinguished friend from Georgia to the contrary, I think it is sound public policy that no two spouses, no man and wife, be employed by the Federal Government until all the heads of families who are capable and competent of holding one of their jobs is also employed. [Applause.]

I shall support, as soon as it is offered on the floor, an amendment that is to be offered by the gentleman from Missouri [Mr. COCHRAN], an amendment which will, in my judgment, go into the higher brackets and lower brackets alike—and brackets should not make any difference. A man in the lower bracket has no more right to consume two positions than a man in the higher brackets. So I am going to support the amendment which will provide that as long as a man or his wife is employed under civil service, the other shall not be eligible for appointment to a Federal position. I hope that amendment passes and I think it should pass. Section 213 does not have to stand on the proposition that it is an economy measure. You can forget it as far as economy is concerned. You can be for section 213 and also be for the amendment to be offered by the gentleman from Missouri [Mr. COCHRAN] upon the proposition that you want everybody in the United States to be given an equal opportunity to be employed by the Federal Government and not be barred by permitting the Federal Government to pay exorbitant salaries to one particular family.

Mr. COCHRAN. Mr. Chairman, I offer a substitute.

Mr. BOILEAU. Mr. Chairman, I have an amendment to the amendment.

The CHAIRMAN. The gentleman from Missouri offers a substitute, which the Clerk will report.

Mr. BOILEAU. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BOILEAU. In view of the fact that the amendment I wish to offer is a perfecting amendment to the committee amendment, should that not be offered before the substitute is offered?

The CHAIRMAN. The Chair has already recognized the gentleman from Missouri. The Chair will state, however, that the perfecting amendment will be acted upon before the substitute is acted upon.

The Clerk will report the amendment offered by the gentleman from Missouri [Mr. COCHRAN].

The Clerk read as follows:

Amendment offered by Mr. COCHRAN as a substitute for the committee amendment: That section 213 of the act of June 30, 1932 (47 Stat. 406), is hereby amended to read as follows:

"In any reduction of personnel in any branch or service of the United States Government or the District of Columbia, married persons (living with husband or wife) employed in the class to be reduced shall be dismissed before any other persons employed in such class are dismissed, if such husband or wife is also in the service of the United States or the District of Columbia. In the appointment of persons to the classified civil service, no person shall be eligible for appointment if such person's husband or wife is employed by the United States Government or the District of Columbia."

Mr. COCHRAN. Mr. Chairman, the purpose of my amendment is to provide that not only the classified service will be affected by the so-called married women's clause but that all Government agencies and the government of the District of Columbia shall likewise be affected. It simply spreads out the wings and takes in all, not only in Washington but in the field service.

Now, let us see just exactly what we are doing today. I will make the situation perfectly plain. The thought back of this entire proposition is that when there is a reduction in force we should keep the earning power in two families rather than double earning power in one family and no earning power in the other. [Applause.] That is all there is to it. You do not have to go any further. The question of discrimination is dismissed entirely, because it has been repeatedly shown here that either husband or wife can leave the service. What we want to do, and what we should do, when there is a reduction in force is keep the earning power in the family of the man who has a wife and children at home, not furlough him and retain two salaries in the home where the wife and husband are both working for the Government.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. HOOK. Does this apply to Members of Congress who have members of their families working in their offices?

Mr. COCHRAN. It does not unless there is a reduction in force; but, as far as I am concerned, you can put all the amendments on there that you desire along that line and I will willingly support them. If they are germane to the bill you can put them on.

I repeat, I would willingly support such an amendment if offered.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. MASON. Would this broadened amendment offered by the gentleman apply to the Chief Executive of the Nation?

Mr. COCHRAN. The amendment speaks for itself. We all know that the President's wife is not working for the United States Government.

Mr. MASON. How about other members of the family?

Mr. COCHRAN. I do not yield further. The question should never have been asked.

Mr. MASON. Perhaps not.

Mr. RAMSPECK. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. RAMSPECK. I ask the gentleman why, under the language of the substitute, it would not apply to the legislative branch?

Mr. COCHRAN. I hope it does.

Mr. RAMSPECK. Well, does it?

Mr. COCHRAN. I hope so.

Mr. RAMSPECK. I think it does not.

Mr. COCHRAN. I hope it will be so construed that it will; and the only reason, I presume, why my friend brings that up is because it may get him a few votes for his own bill if the Members thought it did; but I know as well as the gentleman knows that it should apply to the legislative branch also. Now, I hope the gentleman will let me proceed, although I appreciate his great kindness in giving to me 10 minutes of the time which was under his control. He has been perfectly fair.

I think I have made it perfectly plain the purpose of the original proposal and what is proposed by my amendment. It simply spreads the law to take in W. P. A., P. W. A., and other emergency agencies, as well as the District of Columbia, not only in Washington but all over the United States wherever the Government has an office. [Applause].

Mr. RAMSPECK. Mr. Chairman, I shall take just a moment to state exactly what the proposed substitute offered by the gentleman from Missouri does. It simply reenacts the present section 213 of the Economy Act, taking out the limitation of that section to the civil service and making it applicable to all branches of the Government service. In my opinion it would make it apply to employees in the judicial and legislative branches of the Government just as well as to the employees in the executive departments. I may say, however, that there is nothing new about the substitute. The President sometime ago issued an Executive order extending section 213 to apply to the emergency agencies. So we would not accomplish anything by passing the substitute except to perpetuate a system which does take out of the service the lower paid employees who are married and leaves in the service the higher paid—and we have more higher paid employees in proportion to the total number in the emergency agencies than we have in the civil-service agencies. So it is making a bad matter worse to adopt the substitute.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. COCHRAN. The gentleman says that the President has issued an Executive order extending section 213 to the emergency agencies?

Mr. RAMSPECK. That is my understanding.

Mr. COCHRAN. I have letters received in the last 60 days from some of the emergency agencies saying that it does not apply. I am very glad to hear the gentleman say that it does, because it shows beyond question that the statement that was made to the effect that the President wants section 213 repealed is not correct. [Applause.]

Mr. RAMSPECK. I may say to the gentleman from Missouri that when we had this matter up last year Mr. Steve Early telephoned me and said that the President was for the bill as reported by the committee. I have had no word from him this year. I do not know whether he is for it or against it; but for one I do not ask the White House how I shall vote.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. COCHRAN. I am in the same position as the gentleman; but I hope that whenever he wants any opinion as to how the President stands he as well as every other chairman of a committee will not get it from a secretary but will get it from the President direct.

Mr. RAMSPECK. I presume that if he wanted to be mixed up in this fight he would say so. I am not going to ask him to get into it. But I do say that the Democratic Party organization is on record in favor of repeal; so is the Republican organization on record in favor of repeal. Miss Dewson, in a speech at the Philadelphia convention, stated that the party was pledged to the repeal of this section. The women's organizations are in favor of the repeal of it, and all of the Federal employees' organizations are on record in favor of repeal. I think that we ought to get rid of this discrimination and not perpetuate it and extend it. I think, too, that it should apply to the higher paid groups as well, and not alone to the little fellows.

Mr. FORD of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. FORD of Mississippi. Why not repeal section 213 outright?

Mr. RAMSPECK. I am in favor of that, but we had to bring out the bill that the committee wanted, and I shall fight for the bill reported out by the committee.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. COCHRAN. If the gentleman will ask the chairman of the committee on resolutions at the Philadelphia convention, he will find that the committee on resolutions voted down the plea to put that plank in the platform to repeal section 213. I know that because I opposed it at the Philadelphia convention.

Mrs. O'DAY. Mr. Chairman, if the gentleman will yield, I was a member of the committee; that is, I was a delegate on the committee. What the gentleman from Missouri states is quite true. But in taking that action the committee on resolutions went against the wishes of every Democratic woman and most of the Democratic men. I know that personally.

Mr. COCHRAN. I know the action the committee took, because I opposed repeal submitting a statement to the committee.

Mr. RAMSPECK. I hope the Committee will vote down this substitute.

Mr. MILLARD. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. MILLARD. The Republicans did put a plank in their platform favoring complete repeal.

[Here the gavel fell.]

Mr. BOILEAU. Mr. Chairman, I offer an amendment.

Mr. FADDIS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Wisconsin yield?

Mr. BOILEAU. If it is not taken out of my time.

Mr. FADDIS. Mr. Chairman, I was on my feet propounding a parliamentary inquiry.

The CHAIRMAN. The Chair recognized the gentleman from Wisconsin [Mr. BOILEAU]. If the gentleman yields, the Chair will recognize the gentleman for a parliamentary inquiry.

Mr. BOILEAU. If it is not taken out my time.

Mr. FADDIS. Mr. Chairman, is it in order to offer an amendment to the amendment or to offer a substitute

amendment before all Members wishing to speak for or against the original amendment have been recognized?

The CHAIRMAN. It is in order to offer any amendment and have it pending if it is not in the third degree.

Mr. NICHOLS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NICHOLS. Since the gentleman from Wisconsin has been recognized and his amendment, of course, will be reported by the Clerk, will debate be limited to his amendment? There are many Members who want to debate the amendment offered by the gentleman from Missouri.

The CHAIRMAN. Debate will be open on all amendments until the debate is exhausted on those amendments. When they are voted on and disposed of, then further amendments may be offered. The gentleman from Wisconsin is recognized.

The Clerk read as follows:

Amendment offered by Mr. BOILEAU to the committee amendment: Page 2, line 5, strike out all of section 2 of the committee amendment.

Mr. BOILEAU. Mr. Chairman, this amendment would strike out all of section 2, leaving the language in the committee amendment which repeals all of section 213. In other words, if the amendment I have offered is agreed to, it will leave the committee amendment merely repealing section 213. This is a clear-cut issue on the repeal of section 213, which discriminates against married women.

I want to ask the membership of the House, before voting upon this amendment, to read the full committee amendment. It is very brief. I want to ask the membership to also read the very brief report of the committee. I am sure if you will do that you will realize the action of the Committee on Civil Service, while it attempted to remove some discrimination against married women, by the very amendment offered to the bill, it has discriminated against other people in this country and I do not believe there is any justification for discrimination against young men and women just because their fathers perchance happen to have a job with the Government of the United States.

If the committee amendment is adopted, it will mean that a young man or woman who lives with his or her parents will be obliged to leave home if she or he wants to accept a job with the Federal Government. Youngsters born and raised in Washington will have to leave home if their father happens to have a job and receives a salary of $4,000 a year. That boy or that girl can get a job in the Federal Government provided they leave their father's household. Unmarried young ladies, 20, 21, or 25 years of age, living here with their parents and accepting a Government job may do so provided they leave their parents' home and live around the corner in some apartment house. Is that not a ridiculous and nonsensical thing? There is not a Member of the House who wishes to bring that about but that is what will happen.

These young people are vigorous, they are educated, they want to work, and no other jobs are available to them in the District of Columbia, their home town. They want to work here. What will they do? They will leave their father's and mother's home. Of course, they would rather live there, but they will get an apartment across the street. You will not deprive them of working for the Government, but you will break up a home. Is not that crazy? We realize we made a mistake in 1932 when we passed the original bill, but why go ahead and make more mistakes now? Why not get down to brass tacks and correct the mistakes we made by outright repeal of section 213? I do not believe in discriminating against married women. Neither do I believe in discriminating against young men and women who live with their fathers and mothers.

Mr. Chairman, the issue, in my judgment, is clear-cut. We should by all means repeal section 213, and I advocate the adoption of my amendment, which repeals section 213 and strikes out the language that no original appointment to one of said grades may hereafter be approved in any case where the combined salaries of the members of a family after such appointment would equal or exceed $4,000. Not man and wife but members of a family. The result of that would be the breaking up of homes. We would be forcing young ladies to leave their mothers' homes where you and I want them to stay. We would force them to go across the street and get an apartment with some other young ladies. Is that sensible? I do not believe it is, and I do not think the Members of the House want to accomplish that.

[Here the gavel fell.]

Mr. FADDIS. Mr. Chairman, I move to strike out the last two words.

Mr. CELLER. Mr. Chairman, what is the order of priority on the bill? Does the author of the bill precede a member who is not a member of the committee?

The CHAIRMAN. If the Chair understands the rule correctly, the members of the committee which report the bill have preference. After that all members of the Committee of the Whole are on equal standing.

Mr. FADDIS. Mr. Chairman, a great deal has been said here this afternoon about section 213 discriminating against married women. It does not discriminate against married women any more than it does against married men. The conditions which it is designed to rectify, however, are conditions which discriminate against unemployed families throughout the entire United States. I have had married women come into my office and demand that I secure for them a job, and state that they desired the job in order to assist them in filling in their leisure time. When I asked them if they thought it was just for a married woman, whose husband was also gainfully employed, to be working, and at the same time for the father of a family to be out of work and unable to put bread in the mouths of his children or shoes on their feet to send them to school, their reply was that such matters were not any concern of theirs. Such an attitude is pure outright selfishness, whether assumed by man or woman.

I am sure this committee does not intend to discriminate against married women. The statement that section 213 is discrimination against married women is a smoke screen. I am sure our intention here this afternoon is to lay down an economic policy for this Nation to follow that will be just to the great majority of the people of the Nation.

Certainly it is poor national economy at such a time as this to have a duplication of salaries within families, and, on the other hand, have thousands upon thousands of fathers of families out of work, with their wives and children looking to them to furnish the necessities of life, and with them unable to do so because a member of some family is working in a Federal position while other members of that family are also gainfully employed and amply able to support the family. It is ridiculous for us to allow the practice of nepotism and at the same time call upon the overburdened taxpayers to provide money for relief of unemployment.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. FADDIS. I am sorry; I cannot yield.

Certainly it is poor national economy to have such an act in effect at this time. I do not believe the members of this committee are willing to go on record in that respect.

Statements have been made on the floor this afternoon that all the other provisions of the Economy Act have been repealed. This is not so. There are many provisions of the Economy Act of March 1933 which have not yet been repealed. Many of them which particularly apply to veterans throughout the United States have not been repealed. Here in Washington, because of favoritism, relationship, and internal departmental politics, duplication of jobs within families it particularly conspicuous. It is only one more means to center the bulk of Federal employment in the District of Columbia at the expense of the unemployed from the taxpaying sections of this Nation.

I want you to remember that in voting for the Cochran amendment you are voting for an amendment which extends into all the agencies connected with the Government—permanent and emergency. It extends to the higher brackets

as well as those to the lower brackets. Of course we wish to reach persons in the higher brackets because duplication of salaries in families there is more objectionable than it is in the lower brackets. No doubt it will work some hardship, but it will correct hardship tenfold. The duplication of jobs within families is conducive to low wages, and as long as it continues will be partly responsible for a less-than-living wage to heads of families.

I for one have not the conscience to go back and face my constituents and say to the unemployed fathers of families that I voted to allow two salaries to go under the same roof when there are thousands of families existing upon a mere pittance. [Applause.]

Mr. CELLER. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I have the highest regard for the gentleman from Missouri [Mr. COCHRAN], but I believe the amendment he has offered would make confusion worse confounded. The gentleman was asked by one of the speakers whether or not his amendment would apply to all branches of the service, to the executive branch and the legislative branch, and I believe the gentleman was sincere when he answered that he did not know. But that is quite serious. Pause a moment. The gentleman admits he does not know the effect of what he proposes. That lack of knowledge does not bode much good.

We ought to know what we are legislating about. The chairman of the Committee on the Civil Service said that the amendment—and he read it carefully—would apply to all the branches. I think it will apply to all the branches. Let us see who will be affected by it. The President himself will be affected by it, the Vice President will be affected by it, South Trimble will be affected by it, and Dan Roper will be affected by it, as will scores of Members of both Houses. If the gentleman from Missouri wants that, let him candidly admit the bill applies to all the names I have mentioned. He could not get that bill passed in a thousand years, and he knows it.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. CELLER. That is why I say the gentleman is making confusion worse confounded. He is simply hurling dust in your eyes.

I now yield to the gentleman from Missouri, for whom I have a real, affectionate regard, despite my disagreement with him.

Mr. COCHRAN. The gentleman knows this applies only when there is a reduction in force?

Mr. CELLER. This bill would apply——

Mr. COCHRAN. Just a second; I asked the gentleman a question. The gentleman stated he would yield.

Mr. CELLER. I read the amendment carefully. It applies only to a reduction in force, but——

Mr. COCHRAN. When they reduce the number of secretaries, then it will apply.

Mr. CELLER. Section 213 applies in so many words when there is a reduction, but it has not been applied that way. Where there was no reduction in force or no desire to have a reduction in force, there were no displacements. That is the way they have enforced that act. All the heads of bureaus and departments have not followed the words of the distinguished gentleman from Missouri. It is not a matter of reduction at all, because there has been no reduction in the number of employees of the Government, as was originally intended. It is simply an exchange. Therefore, I say when it comes to enforcement it is going to apply to all the names I mentioned.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I am not going to yield any further, Mr. Chairman.

Mr. COCHRAN. Will the gentleman be fair and yield?

Mr. CELLER. I may say to those on this side of the aisle that I am going to read a letter from the Women's Division of the Democratic National Committee, National Press Building, Washington, D. C., dated March 3, 1936, addressed to Mrs. Edwina Austin Avery, chairman, Government Workers Council. The letter reads as follows:

> MY DEAR MRS. AVERY: Your wire asking for support from Democratic women to have section 213 of the Economy Act repealed—
>
> The Celler bill—
>
> was presented to a conference of Democratic women representing a great many sections of the country, which had previously been called for March 2.
>
> These women were all unanimous in their opinion that the act should be repealed. The President has been so advised and I am sure that the women will follow through by giving the matter their individual support.
>
> CAROLYN WOLFE,
> *Director of the Democratic National Committee, Women's Division.*

Thus our Democratic women want my bill. Remember, also, the Republican platform offered the country the same.

Mr. BOILEAU. Will the gentleman support my amendment? Will the gentleman yield?

The CHAIRMAN. The gentleman declines to yield.

Mr. CELLER. You are going to flout the will of hundreds of organizations throughout the length and breadth of the land, if you accept the Cochran amendment. Among them are the American Federation of Government Employees, the National Women's Trade Union League, the National League of Women Voters, the National Federation of Business and Professional Women's Clubs, the National Educational Association, the National Association of Women Lawyers, the American Federation of Teachers, the Women's Homeopathic Medical Fraternity, the Women's Bar Association, the American Association of University Women, the Medical Women's National Association, the National Women's Party, the Government Workers Council, the Washington Chapter of American Association of Social Workers, the New Jersey Federation of Women's Clubs, the New York Federation of Women's Clubs, the American Association of Social Workers, the Democratic National Committee, Women's Division the American Anthropological Association, the American Historical Association, the American Economics Association, the American Political Science Association, the American Psychological Association, the American Socialogical Society, the American Statistical Association, and a score of others which have gone on record in favor of this bill.

[Here the gavel fell.]

Mr. MOSER of Pennsylvania. Mr. Chairman, I have listened with intense interest to the debate, and as a member of the House Committee on Civil Service, I would like to transgress on your patience sufficiently to state to you that when I entered the classified service of the United States, it was with a full knowledge of the restrictions of the civil-service law, which did not permit more than one member of a family to have employment under the civil service of the United States. This was the status I occupied when I entered the service and that status continued while I was in the civil service of the Government.

Mr. RAMSPECK. Mr. Chairman, will the gentleman yield?

Mr. MOSER of Pennsylvania. Not at the moment.

I also wish to call your attention to the fact that I served faithfully and continuously in the classified service for a period of 22 years. In that period of time, Mr. Chairman, I call attention to the fact that I have seen just exactly what you have observed, and what the hearts and consciences of my colleagues here dictate to them as being the truth. Merit has been cast out of the window and civil service, as it is practiced today, is subject to the whim of those who are playing personal and not partisan politics within the system of civil service of this Government; in other words, what is commonly known as bureaucracy. You can go to any one of the bureaus and find out how many jobs you can get or how many there are available.

While I sympathize with what the gentlewoman from New Jersey [Mrs. NORTON] has said with respect to this legislation being enacted at a time when jobs were scarce, heaven

witness, are they plentiful now? I want you to bear with me and endeavor to find out how difficult it is to get a job for a $1,260 clerk.

I was approached in my office before I had been here a month by one of the people who is employed here. He had transgressed the provisions of section 213 and had married a woman who worked with him for the Government. He was drawing a salary of $1,440 and came to me making the proposition that I go to the floor of this House and support a bill for the repeal of this measure. I could not vote for that, under the circumstances, without my conscience accusing me of having been influenced by that fellow, whom I never saw before in my life, but who came to me with such a contemptible proposition, with a consideration.

There has been something injected into the discussion this afternoon that I want to direct to your attention. The amendment that the gentleman from Missouri has offered applies to reductions exactly the same as section 213. Do not be fooled into believing that if there is any nepotism among my colleagues that it will affect the employment of your son or your daughter or someone else. The only thing that will ever affect you or me, if we are guilty of nepotism, is when we face the electorate at the polls, and you know that as well as I do.

I may say also that mention was made here of the Democratic platform. I am familiar with the construction of the Democratic platform at Philadelphia, because I was born and reared within 50 miles of that city and I went there every day. I want you to know that I have received correspondence since then stating that there was a pledge made to have the Committee on Resolutions adopt a plank in the platform favoring the repeal of section 213, which was overlooked, and because it was overlooked, although someone had made some kind of pledge, I was solicited to come before the House and stand for the repeal of section 213.

Mr. GRAY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MOSER of Pennsylvania. I yield.

Mr. GRAY of Pennsylvania. I would like to ask the gentleman this question. In discussing the Democratic platform and our feelings about the provisions in the Democratic platform, would it help the Democratic Members of this House if they had a good example with respect to following the provisions of Democratic platforms adopted in recent years?

Mr. MOSER of Pennsylvania. I believe a good example can be set, I may say to my colleague and the members of the committee, any time we stand up here and are ready to be counted as Members of this House in any cause of this kind, because the gentleman knows, as we all know, what we must face in our own districts. We represent constituencies and when we go back and tell our people that we are restricted in what we can do for them because of civil service; when we know that merit has been discarded, and families are on the Government pay rolls, to the prejudice of a constituent seeking a stenographer's or clerkship classification, let us determine to be honest with ourselves and those whose confidence prompted them to send us here to represent them.

Mr. Chairman, I hope the Committee supports the amendment of the gentleman from Missouri [Mr. COCHRAN]. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that all debate upon this section and all amendments thereto close in 20 minutes. Is there objection?

Mr. NICHOLS. Mr. Chairman, I reserve the right to object. I presume that the chairman of the committee in making that request assumes that we gentlemen who have indicated that we want time will be recognized by the Chair.

The CHAIRMAN. That would be the purpose of the Chair in the absence of anything to the contrary. Is there objection?

There was no objection.

Mr. McFARLANE. Mr. Chairman, I propose to offer an amendment to section 213 should the Cochran amendment be defeated, and I hope the membership of the House will give me their attention for a moment so that I may clear away a little brush to explain the legislative situation confronting the House at this time. Under section 213 as it exists today, and as it exists in this bill before us, we have this situation: Section 213 and the Cochran pending amendment applies only to future reduction of personnel.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. McFARLANE. Yes; I yield for a question.

Mr. COCHRAN. If the Boileau amendment is adopted, it means that everybody who has been dismissed under section 213 can get back in, and husbands and wives, where the husbands and wives are working for the Government, can all get in.

Mr. McFARLANE. I understand that, but we do not want to repeal section 213. We want to put some teeth in it. Unfortunately under the parliamentary situation as it has developed during the consideration of this bill it is impossible to offer proper amendments making this measure apply fairly to all Government employees alike. I propose by my amendment, if you vote down the Cochran amendment, and his amendment applies only to future reduction in personnel, to put teeth into the law. I think the temper of this House, and I think it ought to be, is to put some teeth in this law and to make it apply fairly to all Government employees, civil service as well as noncivil service. Where a husband and a wife, both drawing over $3,600, are on the Federal pay roll, it seems nothing but fair and right that we should discharge one of them in order to spread these Government jobs among more of our unemployed people. I think that would be in keeping with sound economic policy in this country to spread employment, and it must be remembered the President had this same idea when last year he issued such an order to all the department heads. Instead of dealing only with the question of any future employees that are dismissed from the pay roll, and let one of those who are on the pay roll, husband and wife, go first before a single person goes. Let us enact a law today that applies to all departments of the Government alike, both the regular and the emergency departments, and let us provide that where the husband and the wife are both employed and they receive in excess of $3,600 a year, one of them goes off the pay roll and that this will be the policy for future employment in the Federal service. I hold in my hand a list of the personnel of the employees of the District of Columbia. This information was compiled by the subcommittee having in charge the District appropriation bill. It was called to the attention of the House recently that down here in the District as many as 78 persons of the same name and kin, related to each other, are on the District pay roll.

Quite a number of these employees, of the same name, all related, run to as high as 25 and 30 and 40 on the pay roll right here in the city of Washington. That is known to the membership of this House; and a similar situation exists as to Government employees throughout the governmental agencies. It is well known that the Government employees when once on the pay roll begin to work in their kinfolks, and something must be done to stop it. How can you sit here with a straight face and condone that kind of a situation when you know that identical situations exist throughout Government service, and when you know and I know that we have thousands upon thousands of people in our districts who are crying for work and cannot get it because of this racket where the husband and the wife are both employed? And you and I know that under the existing set-up the District and the nearby States have their quotas 500

percent and more filled, while we in Texas and other Middle Western States do not have one-third of our quotas of Government employees. I think we owe it to ourselves and to our constituents to correct this situation—not by waiting for future reduction of personnel, not by wiping off the weak law that we now have, but by writing a law that will strike from the pay roll the husband or the wife, whichever the case may be, placing a limitation on combined earning of $3,600 a year, or some such a limitation upon it, and then to make mandatory the selection of future employees from the States whose quotas have not been filled. I expect to offer such an amendment should you vote down the Cochran amendment. I think this House ought to go on record on all these matters.

Mr. SACKS. And would the gentleman include Members of Congress in his amendment?

Mr. McFARLANE. Yes, sir. I provide no exemptions in my amendment. I came to Congress pledging to oppose the further encroachment of nepotism among Members of Congress, and have offered legislation to prohibit same as other Members have done, however, we have never been able to get the committees to act on these bills.

Mr. SABATH. Does not the gentleman think it would be better if he offered his amendment to the Cochran amendment?

Mr. McFARLANE. It cannot be done under the existing situation.

Mr. SABATH. The gentleman's amendment would strengthen the Cochran amendment.

Mr. McFARLANE. I thank the gentleman, however, since the previous question has been agreed to before my amendment was offered I must now wait until the Cochran amendment is disposed of. I expect to vote for the Cochran amendment and should it be adopted offer my amendment later. Vote down the Boileau amendment and then let us put teeth in this law.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BEVERLY M. VINCENT. Mr. Chairman, I think this is the most selfish matter that has come before the House since I have been here. I have always had the highest regard for women and their organizations, and I am ashamed of their activity today as they press this selfish matter before this Congress. I never had a sister, but my mother reared 10 boys and she was particular to see that every boy had a fair share of any delicacy that came to the table, and she was particularly careful to see that the neighbors who were in trouble had from her all assistance that she could give. I got from her the opinion that women were unselfish; that they were fair and just. Then I see them come here today and say to us "We have some jobs here in Washington, our husbands have jobs, and because we both have jobs we want to squeeze the rest of the people of the country out. We want to freeze those jobs so we can hold them." So they organize and come before this Congress with that purpose. It is a wholly selfish purpose. It is like the man with the selfish prayer. I do not believe in a selfish prayer but this man prayed: "O Lord, have mercy upon me and my wife, my son John and his wife; us four and no more." [Laughter.]

They come up here today and take up our time on this sultry summer afternoon with a selfish purpose only. They threaten us. I am willing to face them in my district when I become a candidate for reelection next year, because I will shame them for their unfairness if they attack me.

Mr. Chairman, I yield back the balance of my time.

Mr. NICHOLS. Mr. Chairman, a great deal continues to be said about discrimination against women and about discrimination against people, men and women, who are employed and married. Let me point this out: Any person who is employed in the Federal Government, a civil-service employee or not, has a decided advantage in getting a job for anybody that he wants to get a job for over anybody else who is not employed by the Federal Government. So that if you give a man a job and he wants to get his wife a job, then you are discriminating against everybody else outside of the Government who is not employed.

Now, let us see what the Cochran amendment provides. The distinguished gentleman from Georgia [Mr. RAMSPECK], I believe, has not read it. I am sure the gentlemen who say that it applies to the executive branch have not read it. I wish it did. I am sure those who say it applies to the legislative branch have not read it. I wish it did. But it simply does not. Let me read it. I will read section 213 as it exists:

In any reduction of personnel in any branch or service of the United States Government or the District of Columbia married persons living with husband or wife—

They can be married, and if they are not living together it does not count—

employed in the class to be reduced shall be dismissed before any other persons employed in such class are dismissed, if such husband or wife is also in the service of the United States or the District of Columbia.

Now, that is the law as it exists. The Cochran amendment changes it from there on. I will read the Cochran amendment:

In the appointment of persons to the classified civil service—

Now, get that—

In the appointment of persons to the classified civil service no person shall be eligible for appointment if said person's husband or wife is employed by the United States Government or the District of Columbia.

What does that mean? It means that the only thing that section 213 attempts to control is the classified civil service. If you apply for a position under the classified civil service and your husband or wife is employed in any other department of the Government, then you cannot be employed. Where? By the classified civil service, and that alone. That is as far as the Cochran amendment goes. Is that fair? Certainly. I submit to you that if a man or woman is employed by the Government of the United States, then his or her spouse, if they are red-blooded American citizens, should be willing to take a chance at getting employment in private industry. If one member of a family is lucky enough to be employed by the Federal Government, then if that is not a selfish family they ought to be satisfied. [Applause.]

I sincerely hope the Cochran amendment is adopted. If I had time, I would answer another proposition made by the gentleman from Georgia. Do you know what this bill would do if you adopted it? Let me tell you. It provides:

Section 9 of the Civil Service Act of January 16, 1883, is amended by the insertion of a colon and the following proviso.

Then it is amended by adding the proviso.

Let us read section 9. Have you read it? I will read it to you. It is very short.

SEC. 9. That whenever there are already two or more members of a family in the public service in the grades covered by this act, no other member of such family shall be eligible to appointment to any of said grades.

Then read the proviso. That is all there is to this bill.

[Here the gavel fell.]

Mr. DINGELL. Mr. Chairman, I ask unanimous consent that the gentleman from Oklahoma [Mr. NICHOLS] may be given the time which was yielded back by the gentleman from Kentucky [Mr. BEVERLY M. VINCENT].

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. NICHOLS. Now, this is the proviso. I read from the bill:

Provided, That no original appointment to one of said grades—

Referring back to section 9—

may hereafter be approved in any case where the combined salaries of the members of a family, after such appointment, would equal or exceed $4,000.

They are going even stronger than they intend beyond the husband-and-wife proposition; they are going clear out

into the third or fourth degree, because they say "any member of a family." They limit it, of course, to $4,000.

My proposition is that people in the lower brackets are entitled to no more protection for dual employment in the Government service than people in the higher brackets. I do not think that the members of this committee really understood that if this bill were adopted in many instances people would be barred from employment under the provisions of section 9 if any member of their families were employed by the Federal Government. Is that right?

Mr. RAMSPECK. The gentleman is absolutely mistaken. The committee realized that and intended to do that very thing.

Mr. NICHOLS. The committee amendment corrected this, did it not?

Mr. RAMSPECK. The committee amendment intended to limit appointments in one family to a total salary not exceeding $4,000. It is all printed in the report of the committee.

Mr. NICHOLS. Then forget section 9 and go back to 213. That is all there is left. If you think that anybody is entitled to protection from the Government over anybody else, then adopt the Cochran substitute and put all people on an equal footing. Do not give somebody employed by the Government a chance to put his wife and his wife's brother and his brother's wife's brother on the pay roll simply because he is on the inside track and by the operation of the eternal bureaucracy which is growing up in our Government service to get four or five members of a particular family on the pay roll of the Government to the exclusion of honest, capable people. [Applause.]

Mr. RAMSPECK. Mr. Chairman, all the gentleman from Oklahoma had to say with reference to section 9 is printed in the report of the committee. If you will examine the report of the committee, you will find there the language of section 213 as it now exists, the language of section 9 as it now exists, and the language which the committee proposed to add to section 9.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. BOILEAU. The gentleman heard me express myself this afternoon. Is my interpretation correct, that if a man has a salary of $3,500 or $4,000 a year as a Government employee, his son or daughter would not be permitted to work for the Government?

Mr. RAMSPECK. That is true if the son or daughter is living under his roof.

Mr. BOILEAU. That would be discrimination against those people living together in the family.

Mr. RAMSPECK. If they move out, they can be employed.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mrs. ROGERS of Massachusetts. But the son or daughter in the employ of the Government would not be dismissed.

Mr. RAMSPECK. No; it applies only to future employment.

These Members who oppose the committee keep talking about keeping married people at work and keeping single people out of jobs, or keeping married people out of jobs who have no wife or husband in the service. I challenge any of them to present an amendment which would deny the right to a married woman to work for the United States Government. Now, which one of you has got the nerve to do it? [Applause.]

The Cochran substitute does not do a thing in the world except to extend section 213 so that if a husband or wife were employed in an emergency agency the other spouse would be denied employment under civil service but could still apply to and work for an emergency agency, even in the same department.

Mr. HARLAN. Does the gentleman have time to yield?

Mr. RAMSPECK. I yield briefly.

Mr. HARLAN. We could avoid all this confusion by adopting the amendment offered by the gentleman from Wisconsin [Mr. BOILEAU] to repeal section 213, could we not?

Mr. RAMSPECK. That would get a clear-cut vote, of course, on repeal or nonrepeal; but we reached a compromise in the committee. We have reported what has been carefully considered by the committee. I say quite frankly that the reason for the limitation on the family basis is that it costs a good deal of money to live in Washington and we felt that $4,000 for a family living in the same house was as low a figure as we ought to fix. This is a compromise reached by the committee. It applies to a whole family if they are living in the same household. If the children are out and in separate establishments, of course, this provision which the committee reported would not apply. You have only this choice: To continue section 213, which does not take married women out of the service, which does not take dual employment out of the service in the higher brackets, which does not take any of them out except in a reduction of force—and there are never any reductions in the higher-paid positions that I ever heard of—did you? I would like for anyone to tell me of anybody who lost a job under section 213 who was getting over $4,000 a year. I have never heard of one. So you have the choice between continuing section 213, which has worked a hardship on those in the lower-paid brackets, or you can substitute for it the committee amendment which will protect those who get only $1,500 or $2,000 a year from the Government and allow them to maintain their families in decency.

I hope the Members will go along with the committee for we worked hard on this thing for 2 years.

I think we have reached the best solution we can of a very troublesome problem. I realize that no man likes to stand up and say he is in favor of letting two people in a family have a job and keep somebody out of a job who has none. But this cannot solve that problem. It only separated 1,800 people from the service, and we have 300,000 more jobs in the Government today than at the time they were separated.

Mrs. JENCKES of Indiana. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentlewoman from Indiana.

Mrs. JENCKES of Indiana. Have we any assurance if section 213 is kept in, after being in effect 4 years, that married people would be put out and unmarried people put in?

Mr. RAMSPECK. Absolutely not. The Cochran substitute amendment will never reach those in the higher-grade positions, the people who could best afford to lose their jobs. Those in the higher brackets are not affected and never will be affected. This other provision, I think, will be a much better one, and I hope it will be adopted.

[Here the gavel fell.]

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Wisconsin [Mr. BOILEAU] to the committee amendment.

Mr. NICHOLS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NICHOLS. If the Boileau amendment is agreed to, under the rules would the question then recur on the amendment offered by the gentleman from Missouri [Mr. COCHRAN]?

The CHAIRMAN. The Chair may say to the gentleman that if the amendment offered by the gentleman from Wisconsin [Mr. BOILEAU] is adopted, that would be a perfecting amendment to the committee amendment. Then the substitute amendment offered by the gentleman from Missouri [Mr. COCHRAN] would be voted on as a substitute to the amended committee amendment.

Mr. NICHOLS. In either event the Cochran amendment would still be germane and voted on?

The CHAIRMAN. The gentleman is correct.

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent that the Boileau amendment be read for the information of the Committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the amendment, as follows:

Amendment offered by Mr. BOILEAU to the committee amendment: Page 2, line 5, strike out all of section 2 of the committee amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. BOILEAU] to the committee amendment.

The question was taken; and on a division (demanded by Mr. BOILEAU) there were—ayes 33, noes 81.

So the amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Missouri [Mr. COCHRAN] to the committee amendment.

The question was taken; and on a division (demanded by Mr. RAMSPECK) there were—ayes 84, noes 92.

Mr. COCHRAN. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chair appointed Mr. RAMSPECK and Mr. COCHRAN to act as tellers.

The Committee again divided; and the tellers reported there were—ayes 110, noes 106.

So the substitute to the committee amendment was agreed to.

The CHAIRMAN. The question now recurs on the committee amendment as amended by the substitute.

The committee amendment as amended was agreed to.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. JONES, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 3408) to amend the Civil Service Act approved January 16, 1883 (22 Stat. 403), and for other purposes, pursuant to House Resolution 260, he reported the same back to the House with an amendment agreed to in Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered on the bill and amendment to final passage.

Mr. BOILEAU. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BOILEAU. May I ask the Chair whether or not it is possible to have a separate vote on the committee amendment? There was a committee amendment that was amended by the Cochran amendment. Can we have a separate vote on the committee amendment so that the issue may be drawn as between the committee amendment as amended and the original bill?

The SPEAKER. The Chair may say in reply to the parliamentary inquiry that there is only one vote possible under the report of the Chairman of the Committee of the Whole House, and that vote will be upon the committee amendment as amended by the Cochran substitute.

Mr. BOILEAU. That will leave the issue as between the bill as originally introduced and the bill as amended in the Committee of the Whole?

The SPEAKER. That is a correct conclusion.

The question is on the amendment reported from the Committee of the Whole House on the state of the Union.

The question was taken; and on a division (demanded by Mr. RAMSPECK) there were—ayes 123, noes 115.

Mr. RAMSPECK. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BOILEAU. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BOILEAU. I hope the Chair will bear with me. I propounded a parliamentary inquiry as to the status of the bill at the present time, and I understood the Chair to say there would be one vote on the amendment, and I understood that vote would be on the committee amendment as amended by the Cochran amendment. When the Chair put the question, he put the question on the Cochran amendment. If the Cochran amendment is voted down, would there be opportunity for a separate vote on the committee amendment as a substitute for the original bill?

The SPEAKER. The Chair is of the opinion that in the event the Cochran amendment should be voted down it would not be possible, under the parliamentary situation, to have a vote on the committee amendment, as reported to the House by the Committee on the Civil Service.

Mr. BOILEAU. Mr. Speaker, could we not have an opportunity to have a separate vote of the House on that amendment?

The SPEAKER. There is no opportunity to do anything at this time except have a yea-and-nay vote on the pending proposition.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent that the Cochran amendment may be read before the roll is called.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN as a substitute for the committee amendment:

"SECTION 1. That section 213 of the act of June 30, 1932 (47 Stat. 406), is hereby amended to read as follows: 'In any reduction of personnel in any branch or service of the United States Government or the District of Columbia, married persons (living with husband or wife) employed in the class to be reduced shall be dismissed before any other persons employed in such class are dismissed, if such husband or wife is also in the service of the United States or the District of Columbia. In the appointment of persons to the classified civil service, no person shall be eligible for appointment if said person, husband or wife, is employed by the United States Government or the District of Columbia.' "

Mr. BOILEAU. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BOILEAU. In the event the Cochran amendment is voted down, would the bill then before the House for final passage include the committee amendment, or would the committee amendment be out of the bill?

The SPEAKER. If the Cochran amendment should be voted down, then the matter to be voted on would be the original bill as introduced.

Mr. BOILEAU. Without the committee amendment?

The SPEAKER. As introduced; yes.

The yeas and nays have been ordered. The Clerk will call the roll.

The question was taken; and there were—yeas 138, nays 203, not voting 90, as follows:

[Roll No. 103]

YEAS—138

Allen, La.	Elliott	Kniffin	Poage
Amlie	Evans	Kocialkowski	Polk
Anderson, Mo.	Faddis	Kopplemann	Quinn
Arnold	Fitzgerald	Kramer	Ramsay
Barden	Flannagan	Lambertson	Rankin
Bates	Flannery	Lambeth	Richards
Beam	Fletcher	Lamneck	Robertson
Biermann	Forand	Lanham	Robsion, Ky.
Boehne	Ford, Miss.	Larrabee	Rogers, Okla.
Boren	Fries, Ill.	Lea	Sabath
Boyer	Fuller	Luce	Schaefer, Ill.
Bradley	Gildea	McCormack	Somers, N. Y.
Buck	Gray, Ind.	McFarlane	South
Burch	Gray, Pa.	McGroarty	Stack
Cannon, Mo.	Greenwood	McKeough	Steagall
Cartwright	Greever	McReynolds	Stefan
Casey, Mass.	Griffith	McSweeney	Taber
Chandler	Gwynne	Mahon, Tex.	Tarver
Cochran	Hancock, N. C.	May	Taylor, Tenn.
Colden	Harrington	Meeks	Terry
Cole, N. Y.	Hart	Mills	Thom
Collins	Harter	Mitchell, Tenn.	Thomason, Tex.
Colmer	Healey	Moser, Pa.	Tinkham
Cooley	Higgins	Mosier, Ohio	Towey
Cooper	Hill, Ala.	Nelson	Vincent, B. M.
Daly	Hill, Okla.	Nichols	Vinson, Fred M.
DeMuth	Hoffman	O'Connor, Mont.	Warren
Dies	Hunter	Pace	Wearin
Dorsey	Imhoff	Palmisano	Wene
Doughton	Jacobsen	Parsons	West
Doxey	Johnson, Okla.	Patman	Whittington
Drewry, Va.	Johnson, Lyndon	Patrick	Wilcox
Driver	Kennedy, N. Y.	Patterson	Zimmerman
Duncan	Kirwan	Pettengill	
Dunn	Kitchens	Pierce	

NAYS—203

Aleshire	Atkinson	Bloom	Burdick
Allen, Ill.	Barry	Boileau	Carlson
Allen, Pa.	Beiter	Boland, Pa.	Case, S. Dak.
Andresen, Minn.	Bell	Boykin	Celler
Andrews	Bigelow	Boylan, N. Y.	Champion
Arends	Binderup	Brown	Chapman
Ashbrook	Bland	Buckler, Minn.	Church

Citron	Gregory	Mahon, S. C.	Sanders
Clark, Idaho	Guyer	Mansfield	Sauthoff
Clark, N. C.	Haines	Mapes	Schneider, Wis.
Clason	Halleck	Mason	Scott
Claypool	Hamilton	Massingale	Secrest
Coffee, Nebr.	Harlan	Maverick	Seger
Coffee, Wash.	Havenner	Mead	Shafer, Mich.
Cole, Md.	Hendricks	Merritt	Shanley
Costello	Hildebrandt	Michener	Shannon
Cox	Hill, Wash.	Millard	Short
Crawford	Hobbs	Mitchell, Ill.	Simpson
Crosby	Holmes	Mott	Smith, Conn.
Crosser	Honeyman	Murdock, Ariz.	Smith, Va.
Crowther	Hook	Norton	Smith, Wash.
Cullen	Hope	O'Brien, Ill.	Snell
Curley	Houston	O'Brien, Mich.	Sparkman
Deen	Hull	O'Connell, Mont.	Spence
Delaney	Izac	O'Connell, R. I.	Sullivan
Dempsey	Jarman	O'Day	Sumners, Tex.
Dickstein	Jenckes, Ind.	O'Leary	Sutphin
Dingell	Jenkins, Ohio	O'Neal, Ky.	Swope
Dirksen	Jenks, N. H.	O'Neill, N. J.	Taylor, S. C.
Ditter	Johnson, Luther A.	O'Toole	Thomas, N. J.
Dixon	Johnson, W. Va.	Patton	Thomas, Tex.
Dondero	Jones	Pearson	Thompson, Ill.
Dowell	Kee	Peterson, Fla.	Thurston
Drew, Pa.	Keller	Peterson, Ga.	Tobey
Eaton	Kennedy, Md.	Pfeifer	Tolan
Eberharter	Kenney	Phillips	Treadway
Eckert	Keogh	Plumley	Turner
Eicher	Kinzer	Powers	Umstead
Engel	Lanzetta	Ramspeck	Vinson, Ga.
Englebright	Leavy	Randolph	Voorhis
Farley	Lesinski	Rayburn	Wadsworth
Fish	Lewis, Colo.	Reece, Tenn.	Wallgren
Fitzpatrick	Lord	Reed, Ill.	Weaver
Fieger	Lucas	Reed, N. Y.	Welch
Ford, Calif.	Luckey, Nebr.	Rees, Kans.	Whelchel
Gambrill	Ludlow	Reilly	Withrow
Gasque	McClellan	Rigney	Wolcott
Gearhart	McGranery	Robinson, Utah	Wolfenden
Gehrmann	McGrath	Rogers, Mass.	Wolverton
Gingery	McLaughlin	Rutherford	Woodruff
Green	Maas	Sacks	

NOT VOTING—90

Allen, Del.	Ferguson	Lewis, Md.	Sadowski
Bacon	Fernandez	Long	Schuetz
Bernard	Frey, Pa.	Luecke, Mich.	Schulte
Brewster	Fulmer	McAndrews	Scrugham
Brooks	Garrett	McGehee	Sheppard
Buckley, N. Y.	Gavagan	McLean	Sirovich
Bulwinkle	Gifford	McMillan	Smith, Maine
Byrne	Gilchrist	Magnuson	Smith, W. Va.
Caldwell	Goldsborough	Maloney	Snyder, Pa.
Cannon, Wis.	Griswold	Martin, Colo.	Starnes
Carter	Hancock, N. Y.	Martin, Mass.	Sweeney
Cluett	Hartley	Miller	Taylor, Colo.
Cravens	Hennings	Mouton	Teigan
Creal	Jarrett	Murdock, Utah	Transue
Crowe	Johnson, Minn.	O'Connor, N. Y.	Walter
Culkin	Kelly, Ill.	O'Malley	White, Idaho
Cummings	Kelly, N. Y.	Oliver	White, Ohio
DeRouen	Kerr	Owen	Wigglesworth
Disney	Kleberg	Peyser	Williams
Dockweiler	Kloeb	Rabaut	Wood
Douglas	Knutson	Rich	Woodrum
Edmiston	Kvale	Romjue	
Ellenbogen	Lemke	Ryan	

Mr. Cox, Mr. BURDICK, and Mr. ALESHIRE changed their votes from "yea" to "nay."

Mr. CARTWRIGHT and Mr. ARNOLD changed their votes from "nay" to "yea."

So the amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Garrett (for) with Mr. White of Ohio (against).
Mr. Martin of Colorado (for) with Mr. Bacon (against).

General pairs:

Mr. Woodrum with Mr. Douglas.
Mr. Taylor of Colorado with Mr. Wigglesworth.
Mr. Bulwinkle with Mr. Hartley.
Mr. Miller with Mr. Gifford.
Mr. O'Connor of New York with Mr. Cluett.
Mr. Starnes with Mr. Rich.
Mr. Owen with Mr. Martin of Massachusetts.
Mr. Fulmer with Mr. Knutson.
Mr. Griswold with Mr. Culkin.
Mr. White of Idaho with Mr. Hancock of New York.
Mr. Schulte with Mr. Carter.
Mr. Fernandez with Mr. Jarrett.
Mr. Disney with Mr. McLean.
Mr. Cravens with Mr. Smith of Maine.
Mr. Kelly of Illinois with Mr. Brewster.
Mr. Kleberg with Mr. Oliver.
Mr. McAndrews with Mr. Gilchrist.
Mr. Lewis of Maryland with Mr. Lemke.
Mr. Kerr with Mr. Johnson of Minnesota.
Mr. Goldsborough with Mr. Teigan.
Mr. Sheppard with Mr. Bernard.
Mr. McMillan with Mr. Kvale.
Mr. Maloney with Mr. Buckley of New York.
Mr. Romjue with Mr. Sirovich.
Mr. O'Malley with Mr. Ferguson.
Mr. Creal with Mr. Sweeney.
Mr. Luecke of Michigan with Mr. Wood.
Mr. Sadowski with Mr. Ellenbogen.
Mr. Allen of Delaware with Mr. Murdock of Utah.
Mr. Cummings with Mr. Ryan.
Mr. Frey with Mr. Transue.
Mr. Hennings with Mr. Peyser.
Mr. Brooks with Mr. Mouton.
Mr. Byrne with Mr. Rabaut.
Mr. Schuetz with Mr. Crowe.
Mr. Caldwell with Mr. Scrugham.
Mr. DeRouen with Mr. Edmiston.
Mr. Snyder of Pennsylvania with Mr. Williams.
Mr. McGehee with Mr. Kelly of New York.
Mr. Smith of West Virginia with Mr. Walter.
Mr. Magnuson with Mr. Long.
Mr. Dockweiler with Mr. Kloeb.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. NICHOLS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. NICHOLS. Mr. Speaker, would a motion be in order at this time that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3408?

The SPEAKER. The Chair replies in the negative to that parliamentary inquiry.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed, read a third time, and was read the third time.

The SPEAKER. The Clerk will read the text of the bill for the information of the House.

The Clerk read as follows:

Be it enacted, etc., That an act entitled "An act to regulate and improve the civil service of the United States" (act of January 16, 1883, 22 Stat. 403), is hereby amended by adding at the end of the sixth paragraph of section 2 of the act a new paragraph, as follows:

"And no person shall be discriminated against in any case because of his or her marital status in examination, appointment, reappointment, reinstatement, reemployment, promotion, transfer, retransfer, demotion, removal, or retirement. All acts or parts of acts inconsistent herewith are hereby repealed."

The SPEAKER. The question is on the passage of the bill.

Mr. McFARLANE. Mr. Speaker, I offer a motion to recommit the bill, with an amendment.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. McFARLANE. In its present form, yes, Mr. Speaker.

The SPEAKER. Is there any member of the minority side of the committee who is opposed to the bill and desires to present a motion to recommit? Is there any member of the minority who is opposed to the bill and desires to make a motion to recommit? If not, the gentleman from Texas is recognized.

The Clerk read as follows:

Mr. McFARLANE moves to recommit the bill to the Committee on the Civil Service with instructions to that committee to report the same back forthwith, with the following amendment:

"SEC. 213. Any husband or wife employed in any branch or service of the United States Government or the District of Columbia, and both are receiving compensation of a total of more than $3,600 per annum, shall be forthwith dismissed if the other member is also in the service of the United States or the District of Columbia. Hereafter, whenever there is already the husband or wife of a family employed in any such branch or service, and both are receiving compensation at a total of more than $3,600 per annum, the other member of such family shall not be eligible to appointment in the service of the United States or the District of Columbia. This section shall not apply to the enlisted personnel of the Army, Navy, Coast Guard, or Marine Corps."

Mr. RAMSPECK. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Texas to recommit the bill.

The question was taken; and on a division (demanded by Mr. McFARLANE) there were—ayes 87, noes 173.

Mr. McFARLANE. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Chair being in doubt, Mr. COCHRAN and Mr. NICHOLS demanded the yeas and nays.

The yeas and nays were ordered.

Mr. McFARLANE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McFARLANE. Mr. Speaker, is not the present parliamentary situation a vote on the question of whether or not we will repeal section 213, and that question alone?

The SPEAKER. The Chair cannot answer the question in that form, but the Chair will state what is the parliamentary situation. The question now is on the passage of the bill as originally introduced.

Mr. McFARLANE. Without the committee amendment?

The SPEAKER. Without the committee amendment.

The question was taken; and there were—yeas 205, nays 129, not voting 97, as follows:

[Roll No. 104]

YEAS—205

Aleshire	Drew, Pa.	Kennedy, Md.	Reece, Tenn.
Allen, Ill.	Drewry, Va.	Keogh	Reed, Ill.
Allen, Pa.	Driver	Kinzer	Reed, N. Y.
Andrews	Dunn	Kniffin	Rees, Kans.
Arends	Eaton	Lanzetta	Reilly
Arnold	Eberharter	Leavy	Rigney
Ashbrook	Eckert	Lesinski	Rogers, Mass.
Atkinson	Elliott	Lewis, Colo.	Rutherford
Barry	Engel	Lord	Sacks
Beiter	Englebright	Lucas	Sauthoff
Bell	Farley	Luce	Schneider, Wis.
Bigelow	Fitzpatrick	Luckey, Nebr.	Scott
Bland	Flannagan	Ludlow	Secrest
Bloom	Flannery	McClellan	Seger
Boileau	Fleger	McGranery	Shafer, Mich.
Boland, Pa.	Forand	McGrath	Shanley
Boylan, N. Y.	Ford, Calif.	McLean	Short
Brown	Fries, Ill.	Maas	Simpson
Buck	Fuller	Mahon, S. C.	Smith, Conn.
Buckler, Minn.	Gambrill	Mansfield	Smith, Va.
Burch	Gasque	Mapes	Smith, Wash.
Burdick	Gavagan	Mason	Snell
Carlson	Gearhart	Massingale	Sparkman
Case, S. Dak.	Gehrmann	Maverick	Spence
Celler	Gingery	Mead	Sullivan
Champion	Green	Merritt	Sumners, Tex.
Chapman	Gregory	Millard	Sutphin
Church	Griffith	Mitchell, Ill.	Swope
Citron	Guyer	Mott	Taylor, S. C.
Clark, Idaho	Haines	Murdock, Ariz.	Thomas, N. J.
Clark, N. C.	Halleck	Norton	Thurston
Clason	Hamilton	O'Brien, Mich.	Tobey
Claypool	Harlan	O'Connell, Mont.	Tolan
Coffee, Nebr.	Havenner	O'Connor, Mont.	Treadway
Coffee, Wash.	Hendricks	O'Day	Umstead
Cole, Md.	Hildebrandt	O'Leary	Vinson, Ga.
Costello	Hill, Wash.	O'Neill, N. J.	Voorhis
Crawford	Hobbs	O'Toole	Wadsworth
Crosby	Hoffman	Parsons	Wallgren
Crosser	Holmes	Patton	Walter
Crowther	Honeyman	Pearson	Weaver
Cullen	Hook	Peterson, Fla.	Welch
Curley	Hope	Peterson, Ga.	Wene
Deen	Houston	Pfeifer	Whelchel
Delaney	Hull	Phillips	Withrow
Dickstein	Hunter	Pierce	Wolcott
Dingell	Izac	Plumley	Wolfenden
Dirksen	Jarman	Polk	Wolverton
Ditter	Jenckes, Ind.	Powers	Woodruff
Dixon	Jenkins, Ohio	Ramspeck	
Dondero	Jenks, N. H.	Randolph	
Dowell	Johnson, W. Va.	Rayburn	

NAYS—129

Allen, La.	Cox	Hart	Larrabee
Anderson, Mo.	Daly	Harter	Lea
Andresen, Minn.	Dempsey	Healey	McCormack
Barden	DeMuth	Hennings	McFarlane
Bates	Dies	Hill, Ala.	McGroarty
Beam	Dorsey	Hill, Okla.	McKeough
Biermann	Doughton	Imhoff	McLaughlin
Binderup	Doxey	Jacobsen	Mahon, Tex.
Boehne	Duncan	Johnson, Luther A.	May
Boren	Eicher	Johnson, Lyndon	Meeks
Boyer	Evans	Johnson, Okla.	Mills
Bradley	Faddis	Jones	Mitchell, Tenn.
Cannon, Mo.	Fitzgerald	Kennedy, N. Y.	Moser, Pa.
Cartwright	Fletcher	Kenney	Mosier, Ohio
Casey, Mass.	Ford, Miss.	Kirwan	Mouton
Chandler	Gildea	Kitchens	Nelson
Cochran	Gray, Ind.	Kocialkowski	Nichols
Colden	Gray, Pa.	Kopplemann	O'Connell, R. I.
Cole, N. Y.	Greenwood	Kramer	O'Neal, Ky.
Collins	Greever	Lambertson	Pace
Colmer	Gwynne	Lambeth	Palmisano
Cooley	Hancock, N. C.	Lamneck	Patman
Cooper	Harrington	Lanham	Patrick
Patterson	Rogers, Okla.	Tarver	Vinson, Fred M.
Pettengill	Sabath	Terry	Warren
Poage	Sanders	Thom	Wearin
Quinn	Schaefer, Ill.	Thomas, Tex.	West
Ramsay	Somers, N. Y.	Thomason, Tex.	Whittington
Rankin	South	Thompson, Ill.	Wilcox
Richards	Stack	Tinkham	Zimmerman
Robertson	Steagall	Towey	
Robinson, Utah	Stefan	Turner	
Robsion, Ky.	Taber	Vincent, B. M.	

NOT VOTING—97

Allen, Del.	Ferguson	Lewis, Md.	Sadowski
Amlie	Fernandez	Long	Schuetz
Bacon	Fish	Luecke, Mich.	Schulte
Bernard	Frey, Pa.	McAndrews	Scrugham
Boykin	Fulmer	McGehee	Shannon
Brewster	Garrett	McMillan	Sheppard
Brooks	Gifford	McReynolds	Sirovich
Buckley, N. Y.	Gilchrist	McSweeney	Smith, Maine
Bulwinkle	Goldsborough	Magnuson	Smith, W. Va.
Byrne	Griswold	Maloney	Snyder, Pa.
Caldwell	Hancock, N. Y.	Martin, Colo.	Starnes
Cannon, Wis.	Hartley	Martin, Mass.	Sweeney
Carter	Higgins	Michener	Taylor, Colo.
Cluett	Jarrett	Miller	Taylor, Tenn.
Cravens	Johnson, Minn.	Murdock, Utah	Teigan
Creal	Kee	O'Brien, Ill.	Transue
Crowe	Keller	O'Connor, N. Y.	White, Idaho
Culkin	Kelly, Ill.	O'Malley	White, Ohio
Cummings	Kelly, N. Y.	Oliver	Wigglesworth
DeRouen	Kerr	Owen	Williams
Disney	Kleberg	Peyser	Wood
Dockweiler	Kloeb	Rabaut	Woodrum
Douglas	Knutson	Rich	
Edmiston	Kvale	Romjue	
Ellenbogen	Lemke	Ryan	

So the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. Bacon (for) with Mr. Oliver (against).
Mr. White of Ohio (for) with Mr. Martin of Colorado (against).

General pairs:

Mr. Woodrum with Mr. Douglas.
Mr. Taylor of Colorado with Mr. Wigglesworth.
Mr. Bulwinkle with Mr. Hartley.
Mr. Miller with Mr. Gifford.
Mr. O'Connor of New York with Mr. Cluett.
Mr. Starnes with Mr. Rich.
Mr. Owen with Mr. Martin of Massachusetts.
Mr. Fulmer with Mr. Knutson.
Mr. Griswold with Mr. Culkin.
Mr. White of Idaho with Mr. Hancock of New York.
Mr. Schulte with Mr. Carter.
Mr. Fernandez with Mr. Jarrett.
Mr. Cravens with Mr. Smith of Maine.
Mr. Kelly of Illinois with Mr. Brewster.
Mr. McAndrews with Mr. Gilchrist.
Mr. Lewis of Maryland with Mr. Lemke.
Mr. Kerr with Mr. Johnson of Minnesota.
Mr. Goldsborough with Mr. Teigan.
Mr. Sheppard with Mr. Bernard.
Mr. McMillan with Mr. Kvale.
Mr. Maloney with Mr. Buckley of New York.
Mr. Boykin with Mr. Fish.
Mr. McReynolds with Mr. Amlie.
Mr. O'Brien of Illinois with Mr. Michener.
Mr. Kleberg with Mr. Taylor of Tennessee.
Mr. Romjue with Mr. Sirovich.
Mr. O'Malley with Mr. Ferguson.
Mr. Creal with Mr. Sweeney.
Mr. Luecke of Michigan with Mr. Wood.
Mr. Sadowski with Mr. Ellenbogen.
Mr. Allen of Delaware with Mr. Murdock of Utah.
Mr. Cummings with Mr. Ryan.
Mr. Frey with Mr. Transue.
Mr. Byrne with Mr. Rabaut.
Mr. Schuetz with Mr. Higgins.
Mr. Caldwell with Mr. Scrugham.
Mr. DeRouen with Mr. Edmiston.
Mr. Snyder of Pennsylvania with Mr. Williams.
Mr. McGehee with Mr. Kelly of New York.
Mr. Smith of West Virginia with Mr. Kee.
Mr. Magnuson with Mr. Long.
Mr. Keller with Mr. Brooks.
Mr. Disney with Mr. Peyser.

Mr. ANDERSON of Missouri changed his vote from "aye" to "no."

The result of the vote was announced as above recorded.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE TO ADDRESS THE HOUSE

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that on Tuesday next, after the disposition of business on the Speaker's desk, and the conclusion of the legislative program for the day, I be permitted to address the House for 1 hour.

The SPEAKER. The gentleman from Texas asks unanimous consent that on Tuesday next, after the conclusion of the legislative program for the day, he be permitted to address the House for 1 hour. Is there objection?

There was no objection.

Mr. COX. Mr. Speaker, I ask unanimous consent that tomorrow, after the disposition of matters on the Speaker's desk and the completion of the legislative program for the day, I be permitted to address the House for 40 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House tomorrow for 20 minutes, after the conclusion of the address of the gentleman from Georgia [Mr. Cox].

The SPEAKER. The gentleman from Michigan asks unanimous consent that at the conclusion of the remarks of the gentleman from Georgia, tomorrow, he be permitted to address the House for 20 minutes. Is there objection?

There was no objection.

THE LATE WILLIAM P. CONNERY

Mr. KOPPLEMANN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. KOPPLEMANN. Mr. Speaker, I desire to insert in the RECORD the following resolution proposed by John L. Sullivan, of New Britain, Conn., at the Forty-second Annual Convention of the American Federation of Musicians, held at Louisville, Ky., and adopted by that body on the death of our late colleague, William P. Connery:

Whereas the Honorable William P. Connery has consistently and valiantly championed the cause of labor in his deliberations as a Member of Congress; and

Whereas the members of the American Federation of Musicians are bowed down with grief over the sudden and untimely death of their sincere friend and great benefactor: Be it

Resolved, That the American Federation of Musicians, by its delegates in convention assembled at Louisville, Ky., spread upon its imperishable records this resolution of regret over the death of this great statesman and true friend of labor; and be it further

Resolved, That a copy of this resolution be forwarded to the widow of the deceased patriot with the added assurance of our deep sympathy and grave concern for her irreparable loss.

PERSONAL EXPLANATION

Mr. WALLGREN. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. WALLGREN. Mr. Speaker, I take this time to announce that my colleague, Mr. MAGNUSON, who is vitally interested in the legislation just passed this afternoon, was unavoidably absent, attending a cancer hearing before a committee of the Senate.

EXTENSION OF REMARKS

Mr. JACOBSEN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'NEILL of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a letter written by Mr. Barry of New York.

The SPEAKER. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent that all members be allowed to extend their remarks upon this bill for 5 legislative days.

The SPEAKER. Is there objection?

There was no objection.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent in the extension of my remarks on this bill just passed to include a letter referred to in my remarks this afternoon.

The SPEAKER. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. DITTER. Mr. Speaker, I have the privilege of addressing the House this afternoon at the conclusion of the time allotted to the gentleman from Montana [Mr. O'CONNELL]. Would it be possible for me to yield that time to my colleague from Pennsylvania [Mr. DORSEY]?

The SPEAKER. It can be done by unanimous consent. The Chair states that because another order was heretofore made for another gentleman to address the House and the Chair thinks it proper that the matter should be brought to the attention of the House.

Mr. DITTER. Then, Mr. Speaker, I ask unanimous consent that the time heretofore allotted to me today, 15 minutes, may be allotted to my colleague from Pennsylvania [Mr. DORSEY] in my stead.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LYNCHINGS

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

The SPEAKER. Is that agreeable to the gentleman from Montana [Mr. O'CONNELL]?

Mr. O'CONNELL of Montana. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SUMNERS of Texas. Mr. Speaker, I have asked this time for the purpose of inserting in the RECORD a letter which I have received from Dr. Work, of Tuskegee Institute, with reference to the number of lynchings that occurred last year.

Members of the House will remember that there was some conflict between the number of lynchings, as given by the Association of Southern Women for the Prevention of Lynching, and Dr. Work. Dr. Work at that time stated that there had been nine lynchings during that year. Since that time one of the supposed victims has been found alive. This is fully explained in Dr. Work's letter, which is as follows:

TUSKEGEE NORMAL AND INDUSTRIAL INSTITUTE,
Tuskegee Institute, Ala., June 23, 1937.

The Honorable HATTON W. SUMNERS,
Chairman of the Committee on the Judiciary,
House of Representatives, Washington, D. C.

HONORABLE SIR: I have your letter of June 17 relative to the lynching record for 1936.

Frank Weems, reported to have been lynched at Earle, Crittenden County, Ark., on June 16, 1936, was discovered alive in Chicago May 18, 1937.

It was alleged that Weems, a Negro sharecropper, had been beaten to death. On June 17, 1936, Miss Willie Sue Blagden, social worker of Memphis, Tenn., and the Rev. Claude C. Williams, a Presbyterian minister, of Little Rock, Ark., came to Earle, in Crittenden County, in an attempt to locate the body of Frank Weems and to hold a funeral over the same. They were seized and flogged severely with a large leather strap. Williams was lashed 14 times and Miss Blagden 5. They were then put on a train for Memphis.

The sheriff of Crittenden County maintained that Weems was not lynched, but he gave no explanation concerning Weems' disappearance. In December 1936 the Farmers Tenant Union and other agencies again demanded that the sheriff produce Weems or explain his disappearance; the sheriff failed to do anything; hence, I decided to record the incident as a lynching.

As soon as information was received that Weems was alive and in Chicago, I revised my lynching report.

This revised report is enclosed.

Very sincerely yours,

MONROE N. WORK,
Editor, Negro Year Book.

A copy of the report referred to, as revised, shows that during 1936 there were a total of eight lynchings in the United States, or one for each 16,054,000 population.

Mr. Speaker, while I have this time I want to make a correction of some figures given by me during the debate on the antilynching bill. I can forgive all those who voted against me on that bill, but for nobody, friend or foe, to call my attention to the fact that this thing of percentage does not work the same way in each direction, is one thing that I do not think I can ever forgive. I stated repeatedly that

the number of lynchings between 1892, when there were 231 lynchings, with a population of 65,665,810, or 1 for each 284,000 population, and last year, when there were only 8 lynchings, with a population of 128,429,000, or 1 for each 16,054,000, was a reduction between those dates of over 5,000 percent, and nobody corrected me. After it was all over and I got to figuring on it, I found that that was just about 4,900 percent more than it would have been if there had been no lynchings in 1936. That while the percent was over 5,000 greater in 1892 than in 1936, using 1936 as the basis for calculation, coming downhill from 1892 there was shown a reduction of 98 percent.

I was in the situation of the witness who testified out in west Texas in a shooting case. He testified that there were two shots. They asked him how fast the man was shooting, and he said he was shooting at him every jump. On cross-examination he was asked where he, the shootee, was when the shots were fired. "Over there in front of the post office, Judge, when the first shot was fired, and the second one over in front of Wild Pete's saloon. Hold on, Judge," said the witness, "I have got that son of a gun jumping too far." [Laughter and applause.]

I thank you very much.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. LEAVY. Mr. Speaker, I ask unanimous consent to extend my own remarks and include some extracts from a letter.

The SPEAKER. Is there objetcion?

There was no objection.

LABOR

The SPEAKER. Under the special order of the House the gentleman from Montana [Mr. O'CONNELL] is recognized for 30 minutes.

Mr. O'CONNELL of Montana. Mr. Speaker, for the past few weeks there has been a lot of alarming talk in this House with respect to the steel strike situation and the existence of a civil war in the United States. Yes, my friends, there has been a lot of labor-hating, breast-beating red baiters addressing this House, attacking the administration of the greatest President who ever sat in the White House, attacking members of his Cabinet and attacking the outstanding labor leaders of the United States, and attacking the common people and the laborers of the United States, who are more responsible for the victory of the Democratic Party last November 3 than any other group in this Nation.

There are many labor-hating, red-baiting Tories in this House who raise their voice in protest against the action of the strikers throughout the seven steel States. There are a lot of breast-beating labor haters and reactionaries in this assembly who, on the Democratic side of the House, owe their election to the laboring people and to the farmers of this Nation—owe the election of the President of the United States—yet, now that the election is over, now that they are safely ensconced in a congressional seat, forget their promises, forget their pledges, betray and turn traitor on the laboring people and on the farming people of these United States.

At first I did not take them very seriously and was not going to reply, but in the past few days this attack is evidently a planned one; this attack was planned from the outside by the labor-hating, red-baiting newspapers of this country, and particularly an attack developed by none other than the greatest labor hater in all the world, that greatest provocateur of war in all the world, none other than the notorious Willie Hearst.

I am not alarmed by the Tories on the Republican side, because they are only repaying the money and the campaign boodle given them by the great wealthy entrenched interests of this country, by the greedy, selfish, sinful crowd of the special-privilege seekers who would rule this country or ruin it. But I am indeed surprised when Members rise on the Democratic side and join with them in their attack upon the President of the United States, join with them in their attack upon various members of the Cabinet, and join with them upon their various attacks upon the labor leaders and laboring people of the United States.

I speak here today in my small way to make some answer to those attacks.

The distinguished gentleman from Georgia [Mr. Cox] the other day said that if the labor leaders of this country, if the C. I. O. attempted to organize workers in the South, he told them they would be met by the flower of southern manhood. I do not know what he means by the flower of southern manhood, but if he means that special privilege seeking crowd in the South, if he means those mill owners who have oppressed labor in the South, if he means those labor haters in the South, if he means those red baiters in the South, if he means those who have always fought every piece of progressive and liberal legislation in this country, I want to say to him and say to the flower of southern manhood that the flower of the manhood of the workingmen of this country, the flower of the manhood of the miners and the muckers, of the steel workers, of the automobile workers, of the maritime workers, of every son of those who toil by the sweat of their brows, I want him to know and want him to tell the flower of southern manhood that labor not only in the North but in the South is ready, that the C. I. O. is going into the South, that labor is on the march—that labor is going into the South, organize, and pay the workers of that section the kind of wages they ought to receive instead of starving them to death gradually with the poor pittances they now receive.

Oh, yes; the distinguished gentleman from Michigan [Mr. HOFFMAN] said that he was all ready, all ready to lead this great army of vigilantes of his in to fight those who would attack his home. Oh, I think he is a little bit disturbed. I know what every man who fights labor is afraid of. I know that he is fighting back, if he possibly can, the attacks that will be made upon him in his next political attempt.

Oh, he read a letter here the other day from the wife of somebody who was supposed to be a worker. Now, from my experience, I know what is the matter. That woman happens to be the wife of a scab. And every worker in the world, every laboring man in the world, hates a scab and despises a scab, and that woman has a guilty conscience, that woman knows that her husband has betrayed the workers, that woman knows that her husband has been a traitor to his own cause, and she knows the fate of all traitors, she knows the fate of all those who would scab and betray their own, and so she has secured an automatic to protect her in her guilt—to soothe, if you please, her guilty conscience.

Much has been said here that labor and its leaders have been irresponsible, that labor and its leaders have caused violence and terror and bloodshed in the strike area. I came here to tell you today who is irresponsible. I came here today to tell you who is responsible for the violence and for the bloodshed, and for the premeditated murder and atrocity in the striking States. I came here to tell you who is responsible for it all. I came here to tell you who caused that violence—and I am going to tell you the leader of it all, the man in back of it all—none other than Tom Girdler.

Violence, my friends. Who has been shot in the back? Who has been clubbed to death? Who, my friends, has been seriously injured? None other than 13 strikers and sympathizers who were shot in the back, who were clubbed to death, none other than scores of strikers and sympathizers who have been seriously injured—yet not a single serious injury to the scabs, the police, the company gunmen, or their strikebreakers in the strike area. Who, pray, is responsible for this violence? No; not the unarmed strikers who are its victims but the highly armed hirelings and stool pigeons, the tools and scabs and company gunmen who do the shooting and clubbing in these strikes. Who leads them, my friends? None other than Tom Girdler. And who is this fellow Girdler? I would like to tell you where he came from and who

he is and what his record is and why he is performing as he does today.

Who is this great symbol of Americanism which these Tories hold up today, this great symbol of what is right and just and great in American industry?

Who is this great hero of capitalism who already has managed to kill some 10 strikers and cripple hundreds more, this man who is now wading through rivers of blood in order to become another Carnegie, which is reputed to be his glorious goal? Why, he started out as a salesman of heating apparatus, if you please; then he became an assistant superintendent with the Colorado Fuel & Iron Co., one of the most bitter corporate foes of labor this country has ever seen, whose labor policy bore fruit in the historic Ludlow massacre in 1914.

Then "Bugle-Nosed" Tom went to Jones & Laughlin, which built Aliquippa, Pa., known as the most perfect company town in America. What was his job when an assistant in both of these companies? It was to drive men. He became notorious as a slave driver, because it was his only skill. He ran one of the tightest company hell towns on the continent. It was known as the Siberia of America.

Tom Girdler is a parasite, a parasite who would ruin all human industry. He is a gangster who would turn industry into a racket, but he is on his way out. He can no longer poison the very sources of our life. He is on his way despite all his bluster, despite all his sarcasm, despite all his irony, despite his plentiful murders and his protective barricade of scabs and strikebreakers and gunmen, because the world is turning against him. His system is cracking because before capital found it comparatively easy to climb on the broken bloody bodies of workers, but "Bugle-Nosed" Tom will find it a much more slippery, a much more dangerous road.

Tom Girdler is not content to fight the C. I. O. alone. Tom Girdler is not only fighting John L. Lewis, the labor leader. He leads his bloody gang against Myron C. Taylor, a business leader, and head of the United States Steel, who signed with the unions. When Tom Girdler insists on freedom from union conditions he strikes at every other company in the industry which have granted union conditions, because the C. I. O. has signed contracts with 250 corporations in the steel industry employing a total of 440,000 men, while the four independents which refuse to deal with the unions employ only 159,000 men. Tom Girdler is only an outlaw. Tom Girdler is a gangster in his own industry, when he represents only 26 percent of that industry and fights not only the workers therein but is trying and seeking a competitive advantage over the remaining 74 percent of the employers of steel who are trying to be decent.

Tom Girdler is the enemy of his own system. It is he who teaches employees and workers that employers and capital cannot be trusted. It is he who teaches workers that the profit system exists only for its owners, and that its owners set themselves above the law. It is Tom Girdler who educates labor to a belief in the hopelessness of cooperating with capital. It is Tom Girdler who breeds and who trains radicals, who makes Communists. It is Tom Girdler who draws the battle line between strikers and makes labor desperate and reckless, and creates civil war in these United States.

Yes, Mr. Speaker, Tom Girdler is on his way out. Tom Girdler may seemingly be riding to victory today, but he will receive the condemnation not only of the working people of this country but of his own class and all those capitalists in his own industry.

Labor will carry on. This strike will not be ended until labor is granted its conditions. This strike will not be ended until Tom Girdler bows and accepts the working conditions for American citizens and working conditions that American citizens ought to have in these United States.

American labor and the steel strikers have stood up magnificently before the onslaught of Tom Girdler's gunmen and the thugs of his company. They have fought brilliantly in these front-line trenches of American democracy and unionism; and, by the Eternal, they deserve to win and they shall win.

Then next, my friends, comes one of the greatest of all labor haters in this world. None other than our old friend Henry Ford. Henry day in and day out is mobilizing his army of gunmen, thugs, and strikebreakers; but Henry has found himself caught in the toils of the law, and 15 of his men look like they are going over the road for a nice term of about 5 years in the penitentiary and a $5,000 fine for the brutal attack made on those men who tried to pass out union literature in front of his plant. Oh, I read some place about how Henry Ford bats. I remember away back, a long time ago, when the American doughboys were leaving for France. When America had just entered the war, and when Henry Ford said, "We'll have the doughboys out of the trenches before Christmas", and then it was nearly, my friends, a Christmas 1 year following before the doughboys came out of those trenches, and Henry had nothing to do with it at all. And then the next thing we heard from Henry Ford was when he said if prohibition was repealed in the United States he would not manufacture another automobile—and prohibition is repealed, and poor old Henry goes right on manufacturing "Lizzies"—and then the last thing we heard from Henry was about last October, when Henry said that the election of Landon was assured; and so 27,000,000 people went to the polls and cast their votes for Roosevelt, and 46 States in the Union against 2 cast their votes against Landon and Henry Ford and all of that ilk.

And then, my friends, the other day, Henry made another one of his prophecies, and that was when he said he will not recognize the union—but in the prophecies that I have recalled to you Henry has missed three out of three, and I predict that Henry stands to lose four out of four—that Henry will recognize the union; that Henry will recognize the C. I. O. and the workers in his factory will receive the labor conditions to which they are entitled, and not those slave-driving conditions, not that speed-up work that Henry Ford has been trying to pass out in an endeavor to destroy union organization in the past few days. I know those union workers, those automobile workers, are not deceived by Henry's shotgun liberality in the last few weeks. They know that once Henry destroys their organization that they will get just what they always got from Henry—and poor old Henry is going to be fooled—poor old Henry is going to recognize the union—Henry is going to bat exactly four out of four.

I noticed the other day in the debate, which became rather warm here, that the gentleman from Michigan began to discuss the Chicago Memorial Day massacre, but I noticed he changed very quickly. I noticed his comments about it were not as severe as they were in other things and that he jumped from the subject rather quickly. I know that many of the Members of this House saw the Paramount film shown before the Senate Civil Liberties Committee just the other day. I do not have to tell them that that was the worst premeditated atrocity in all the world. I do not have to tell them that that was the most premeditated, most malicious, cold-blooded murder in all the world. I do not have to tell them how helpless men, women, and children were clubbed and beaten to death. I do not have to tell you how helpless strikers, retreating, were shot in the back. I do not have to tell you how helpless strikers and helpless women and children lying on the ground were beaten with the sticks and billies of these police thugs.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield right there?

Mr. O'CONNELL of Montana. Yes; I yield.

Mr. HOFFMAN. Was it any more bloody than that in June of 1922 when those 25 men, after surrendering and having no arms in their hands, were shot and hanged, and six of them dragged behind an automobile, immediately upon receipt of a telegram from Lewis?

Mr. O'CONNELL of Montana. I do not know what the gentleman is discussing. I was only 13 years old then, and in the eighth grade.

Mr. HOFFMAN. I am discussing the Herrin massacre.

Mr. O'CONNELL of Montana. I think the gentleman knows who is responsible for that. That was those men who owned those companies; those men who would not recognize labor; those men who had been unfair to labor; those men who would never do anything for labor; who have always fought them. They brought that upon themselves.

Mr. HOFFMAN. But the men who belonged to the steamshovel union were working these mines, and those are the men who were killed.

Mr. O'CONNELL of Montana. The gentleman talks about steamshovelers in that incident, but he will find out that they were probably members of a company union or a scab union that was fighting labor for the companies.

I saw some of them present at the showing of those films, and I could see by the way they sweat, I could see by the way they move about, I could see by the way they even trembled, that day in and day out, night after night, they cannot rest, they cannot be secure, because the blood of these 10 people is on their hands—the bloody murder of 10 men is continually preying on their minds and the Almighty God above is asking them how in the name of heaven will they ever pay for the dastardly crime that they have committed. I say that it is high time that the State of Illinois and the city of Chicago prosecuted these murderers; that they send them to the gallows and to the electric chair, or whatever their form of capital punishment may be, and see that these 10 workers' lives are paid for by seeing the extreme penalty being inflicted on these brutes.

These policemen are murderers. These policemen are guilty before God and before the law, and they ought to be prosecuted; they ought to be convicted and sent to their death, as they sent these helpless men, women, and children and injured hundreds more.

Oh, there has been much talk in here about the Chicago massacre and all; the Tories who rail in here, the reactionaries who howl, do not say much about it. They do not want to justify it all because they know they have been exposed in the films, they know they have been exposed by actual eyewitnesses, they know that the police are guilty, they know that the murder of 10 men lies on the hands of Tom Girdler and the Republic Steel Co., and by the eternal they should pay for it before God and before this country.

The other day in the debate much was said about the right of work that ought to be preserved; that these strikebreakers and those who wanted to return to work ought to be given the right to work; that it was their right, and the Government of the United States and the Governors of the various States ought to protect them in that right, and the distinguished gentleman from Michigan argued for it as he argues for all his capitalistic ideas. What Mr. HOFFMAN was talking about that day was not the right to work; rather, it was the right to scab.

Mr. HOFFMAN. Will the gentleman yield there for a moment?

Mr. O'CONNELL of Montana. Yes.

Mr. HOFFMAN. I did not argue for any such thing.

Mr. O'CONNELL of Montana. The gentleman did argue. You not only argued for it but you have introduced a resolution in this House asking for its enactment; asking for the very same thing.

Mr. HOFFMAN. The resolution speaks for itself, and the Members of the House can read as well as the gentleman.

Mr. O'CONNELL of Montana. Yes; and it says that the right to work ought to be preserved; but what the gentleman from Michigan was talking about, I think, was not the right to work, but rather it was the right to scab.

My friends, I wonder if you know what a scab is. I wonder if you know what he is in the labor movement. I wonder if you know who these men are who are so ready and willing to go back to work. I wonder if you know who's right to work the Graces and the Girdlers and all the other murderers in this country—labor murderers, and haters in this country—are asking to protect. I wonder if you really know what a scab is and how dastardly and how low and what a scum he is in the American system today. A scab, my friends, I learned at my mother's knee, a scab I learned from my striking father wounded by a scab's bullet and by company gunmen, was the lowest scum on the face of the earth—a scab is the Judas Iscariot of the labor movement—a scab is a Benedict Arnold of the working people of this country. A scab, my friends, is a traitor to his own fellow workers, a scab is a betrayer of those who trusted him, a scab is one who would steal the money and the jobs of the man who works side by side with him. A scab, my friends, is the most despicable person that ever lived on this earth. A scab, my friends, is not respected by labor. A scab, my friends is not respected either by capital; they know, and capital knows, and the industrial overlord knows that if their own workers cannot trust them they cannot trust them.

Mr. HOFFMAN. Will the gentleman yield there?

Mr. O'CONNELL of Montana. I refuse to yield further.

I have seen those who have scabbed in the city of Butte, I have seen those who have scabbed for the Anaconda Copper Mining Co., eventually thrown out, eventually to become bums, hated and despised by everybody. Companies do not want them. They know how trustless they are. They know how soon they will double-cross them. They know how soon they will be a traitor to everything they want. If they can buy them at their price, somebody else can buy them at a better price. Oh, I say I would not want to be in the shoes of the distinguished gentleman from Michigan. I would not want to raise my voice in behalf of the scabs of this country—in behalf of the lowest scum in this world, but I will take the gentleman seriously. He has introduced a resolution, as I understand, in this body demanding that the right of a man to work shall be preserved. Imagine, my friends, when you listen to that resolution you would think that the right to work that he demands should be preserved already existed, when everybody knows the contrary is true; when everybody knows that more than 7,000,000 men are asking for the right to work today. Why, I look back to newspaper files of '29 and '30 and '31 and '32 and '33 and see how the Eugene Graces and the Tom Girdlers were crying against the very idea that men have the right to work, as I remember those men who talked about the right to work back in '29 and '30 and '31 were radicals and Communists and labor leaders and labor agitators. Now we have a new bunch here that are demanding the right to work. Oh, yes, in '29 and '30 and '31 they got support from the great engineer in the White House, too. Although Hoover may never have directly stated that the right to work did not exist under capitalism, he said in effect the same thing when he told the millions of unemployed clamoring for work and wages that they might as well, and they better, get along on a diet of rugged individualism. Where, oh, where, was Tom Girdler then? Girdler who on Monday says to the Federal Steel Mediation Board that the company stands on its rights to operate its plant to offer employment to thousands of willing workers who want to return to their jobs. Why did not Republic Steel stand on its right to operate from 1930 to 1933 and give employment then to thousands of willing workers whom Republic Steel kicked out the gate until business picked up and until there was a margin of profit in their production? Labor then was denied the right to work because there was no profit in operation.

Yes, my friends, it would be amusing to follow the gentleman from Michigan, were it not that people are starving to death. It would be amusing to see these reactionary Democrats and these Liberty League Republicans, who howl about the right to work, next day savagely attacking Roosevelt because he is taking away the right to work from 600,000 present W. P. A. workers, while they want the right to work to all unemployed.

If you are a scab, the right to work is sacred. If you are on W. P. A.—pardon the expression—to hell with you. Oh, yes; there are a lot of brave soldiers in here baring their bosoms and offering to bare their bosoms—their bosom, if you please—and I say that when democracy returns to this

country; I say that when labor completes its march that it is marching on today; I say that some day, when democracy penetrates the Democratic South, when democracy penetrates industry, a lot of these bare-bosom champions of the scabs and the strikebreakers, the gunmen, the vigilantes, the scab herders, and slave drivers of this day will not be here in Congress any longer; their voices will not be reverberating against these four walls; they will be back with those Girdlers and Graces and all those despicable men who have betrayed them and will betray them, as they shall see.

The Tories and the reactionaries here have railed and howled against John L. Lewis and have attacked him on every possible pretense. Who is John L. Lewis, and who was he before all this agitation?

John L. Lewis was the president of the United Mine Workers of America, one of the most responsible labor organizations in the entire country; a labor organization respected all over the United States; a labor organization looked up to by industry and by labor in every community in this Nation. John L. Lewis is to the American labor movement what George Washington was to the American Revolution. John L. Lewis is to the American labor movement what Eugene Debs was; what Samuel Gompers was; what William Green used to be. John L. Lewis is the leader of the labor movement in this country; he saw thousands and thousands of steel workers, thousands and thousands of automobile workers, thousands and thousands of laborers all over the United States unorganized, their right of collective bargaining denied to them, intolerable conditions, sweatshops, occupational diseases, death, and terror, and many of them; and John L. Lewis determined that they should be organized, that their rights should be guaranteed to them, that they ought to be able to collectively bargain—not with company unions, not with company stool pigeons, but with representatives of their own choosing. John L. Lewis is leading the labor movement; John L. Lewis is on the march; John L. Lewis is going to bring the labor movement into its own—is going to give it a voice in the government of the United States and a voice in the government in every State and every city and every political subdivision in this Nation, as labor is entitled to because of its number, because of its power, because of its labor, because of everything that it has produced—the wealth of this country today.

Much has been said, my friends, about the huge contributions that John L. Lewis made to the campaign of President Roosevelt. To begin with, my friends, that contribution was not made by John L. Lewis in person. That contribution was made by the United Mine Workers of America. That contribution was made by the men who toiled by the sweat of their brow for him who had been their champion in the White House, for him who had been a true friend of labor. for him who had done something to guarantee them a minimum wage, who had done something to permit them to organize, who had done something to guarantee to them the right to collectively bargain with representatives of their own choosing, for him who had pledged himself that he would fight, that he had just begun to fight for all these privileges that he had begun to fight to discontinue child labor in sweatshops in this country, that he has just begun to fight to destroy unfavorable and unsavory labor conditions in the United States, for the greatest champion labor has ever had in the White House, the greatest friend that labor has ever had in the Presidential chair, the President of the United States, Franklin D. Roosevelt.

Why challenge that contribution when you come in here with dirty hands? Why challenge that contribution when you live in a glass house and should not throw stones?

Why should not labor contribute in order to elect those who will do something for labor, when the Fords, the Du Ponts, the Mellons, the Morgans, the Girders, the Graces, and all that ilk whom you serve here so well, and for whom you so eloquently plead, contribute hundreds of thousands of dollars more than the working people of this country contribute? Why should you come in and criticize the President of the United States or John L. Lewis? You ought to be ashamed of yourselves to come in here, and you Democrats on this side who join them ought to be more ashamed than they are.

They are only serving their masters; they are only being grateful for the money that entrenched wealth and organized greed gave to them. I would like to have you Democrats go back to the beginning.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. O'CONNELL of Montana. I yield.

Mr. COX. Does the gentleman mean to say that a Democrat on this side of the House ought not to express his feeling of shame at the establishment of this illicit relationship between the Democratic Party and this group of lawless people?

Mr. O'CONNELL of Montana. I deny that this is an illicit relationship, and I deny that it is a lawless group of people; and I deny all the red statements the gentleman has been making, and resent the red herring of communism that he has been drawing across the trail.

Mr. COX. I would like to say to the gentleman——

Mr. O'CONNELL of Montana. I am not going to yield to the gentleman to make a speech at this time. I would like for you Democrats to go back to the history of the beginning of this Government of ours. You will find that it was the same old story and the selfsame issue. You will find on one side organized wealth and organized greed fighting the people of the United States, fighting the laboring men of the United States, fighting the farmers of the United States. More than 150 years ago democracy's own Thomas Jefferson reached up into the stars and caught the music of the new day and wrote into the Declaration of Independence the solemn principle that all men are created equal. But that Jeffersonian doctrine had a bitter struggle in the days of its infancy, because Alexander Hamilton, whom the Republican Party now follow, and several Tory Democrats follow, challenged the right of the plain people to have a government based upon the consent of the governed.

Men of wealth, men of power, men of financial influence basked in the Hamiltonian sunshine, and even Nicholas Biddle, the great Philadelphia banker, the J. Pierpont Morgan of that day, time and time again came down to the city of Washington only as a conquering hero comes, beckoned men to his room in the Mayflower Hotel, men who were supposed to be the representatives of the people of the United States. And that went on, my friends, until our own plain old Hickory Andrew Jackson both on the battlefield and in the White House made the vision of Thomas Jefferson a living reality; and, by the Eternal, he established a government of the common man and woman, a government dedicated to the plain people of the United States.

And then come down through the pages of history to 1932, when 14,000,000 unemployed men were walking the streets of the Nation, when bread lines and soup kitchens were dotting all of our great cities, when more than a million farmers had been driven from their paternal acres by economic necessity within a year. It was the same issue, just the same issue then: Entrenched wealth, organized greed on one side and the farmers and the laborers on the other side; but, thank God, Providence gave us then, not a Harding, not a Coolidge, not the last miserable failure who filled the Presidential chair, but a great Democrat, a true friend of labor, a real representative of the people, the ideal embodiment of democracy, the champion of the forgotten man—the President of the United States, Franklin D. Roosevelt. [Applause.]

And it is the selfsame issue now, the selfsame issue in these strikes; but I tell you that labor is on the march, that American democracy and American unionism are going to be preserved, are going to be fostered, and are going to continue. To fight for labor is not communistic, to fight for labor is not against the principles of American government; to fight on behalf of the steel strikers and men who are seeking to better their condition is not communistic, is not against the tenets of democracy, or anything else; but they are going on, my friends, and they are going to

organize, they are going to march into the South and are going to organize labor all over this country and give it the dues to which it is undoubtedly entitled.

[Here the gavel fell.]

The SPEAKER pro tempore (Mr. HAINES). Under the previous order of the House the gentleman from Pennsylvania [Mr. DORSEY] is recognized for 15 minutes.

Mr. DORSEY. Mr. Speaker, I want to thank the gentleman from Pennsylvania [Mr. DITTER] for his courtesy and graciousness in allowing me the time which was previously allotted to him.

While Congress is struggling with problems of relief, unemployment, farm tenancy, and numerous other matters affecting the Nation, very little attention has been given to the question which has a far-reaching and vital effect upon every effort to adjust our economic structure. I refer to the power granted to Congress under the Constitution "to coin money and regulate the value thereof."

In the light of recent events, involving the increase of reserve requirements by the Federal Reserve Board and the sterilization policy of the Treasury Department, we can see how definitely the expressed power over money and credit has been taken out of the hands of Congress and delegated to the executive branch of the Government and to the privately owned Federal Reserve System. I would not take the time of the House to present to you one phase of this situation if I did not think it important enough to require your serious thought and consideration, because the power over money and credit is still a responsibility and duty placed upon Congress.

I refer particularly to the sterilization policy of the Treasury Department—a policy which slowly but surely is emasculating the American economy, a policy which is making Uncle Sam an economic eunuch exhibiting in his business and financial life all the feebleness and lack of virility which is found in a physical body so treated.

The lack of long-range vision so evident among the leaders who are shaping what they choose to call our "national economic policy", is undermining the stability of the Nation and pointing the way toward another era of disastrous national and world deflation.

Let me remind you that balancing the Nation is more important than balancing the Budget, but neither can be brought about through a definite deflationary policy. This country is not advanced far enough toward complete recovery to assume such an attitude in our economic and financial practices. Reduction and even elimination of Federal relief expenditures is a goal for which we all strive, but it cannot be reached at the expense of the unemployed by taking it out of the hides of those least able to bear it. These desirable ends cannot be reached through a deflationary complex, through buying gold and burying it in the hills of Kentucky, or through the issuance of bonds to buy more gold, increasing the burden on the taxpayer. Spending and a resultant expansion of the credit structure has pulled us out of the worst phase of the depression. With millions still unemployed, now is not the time to put the brakes on business under a fear complex of deflation.

Certainly the Budget can be balanced through a reactionary formula of (1) deflation, (2) reduction in relief expenditures, and (3) increased taxation, brought about by such policies as sterilization of gold and buying gold to be paid for with interest-bearing bonds. But such a policy eventually will result in a decreased consumption, less production, unemployment, starvation, and driving a dart into the heart of democracy.

Common sense alone calls for an immediate reversal of our stupid and ludicrous gold-purchase plan. We need no council of experts nor board of economists to demonstrate the futility and the dangers inherent in a plan which calls upon the United States Treasury to subsidize world production of gold and which buries this metal in the ground from which it has so recently been dug.

In all fairness to the men who have produced this fantastic result by purchasing gold, it must be stated that they did not plan it that way. It was not planned. It evolved out of emergency activities by the Government designed to relieve the terrific deflationary pressure upon our economy and to give to business, industry, and agriculture a breathing spell.

But the remedy, like so many drugs in the pharmacopoeia, threatens the very life of the patient and unless its administration is stopped immediately the ultimate condition of the Nation may be worse than it was 6 years ago.

To understand the silly plight in which the Treasury Department's program has placed us, it is necessary to review again the painful years which followed the collapse of the Hoover boom.

GOLD FETISH STRANGLED BUSINESS AND INDUSTRY UNDER HOOVER

As the economic shadows gathered about the Nation, as the earthquakes of increasing deflation shook our banking structure to its very foundations, our people began to hoard. Some stuffed their gold in safe-deposit boxes, others sent it abroad for safekeeping.

By the time President Roosevelt came into office it is estimated that between one and two billions of gold and gold notes had been taken out of circulation by those who feared national bankruptcy. During 1932 and the first 3 months of 1933 the loss of gold in international exchange amounted to nearly $305,000,000.

With our currency tied to gold, the effect was slow strangulation of business and industry. So strong was the worship of the gold standard, so unswerving was our adoration of this outworn fetish, that the distracted advisers of President Hoover shunned the one course that would have brought relief. They refused to take the Nation off gold and free our currency from its tightening tentacles.

PRESIDENT ROOSEVELT STOPS DEFLATIONARY SPIRAL THROUGH GOLD POLICY

Almost immediately after he came into office President Roosevelt moved to cut the cords which bound the Nation. In his proclamation of the banking holiday he forbade the exportation of gold and ordered all persons having gold to turn it in to the Treasury, an order sustained by Congress in the Emergency Banking Act of 1933. Shortly thereafter Congress, by joint resolution, abrogated the gold clause in all public and private obligations, thus restoring the proper relationship between creditor and debtor and eliminating the unearned increment which otherwise would have been collected by the lender at the expense of the borrower.

At this time the President looked to the London Conference to provide some method to check the downward spiral of world deflation, but when he became convinced that economic nationalism was too rampant to permit international cooperation he turned his attention to the domestic scene.

He hoped, through instructing the Treasury to buy gold at market prices, to raise the domestic price level, but when this hope was not realized it was decided that the solution lay in the devaluation of the dollar, which was apparently in accord with the thoughts of Prof. George Warren on this subject. The President informed the Nation that he was instituting a regular Government gold-purchasing program to enable the dollar to reach its proper level, and the purchasing program went into effect on October 24, 1933.

In response to his request Congress adopted the Gold Reserve Act of 1934, vesting title to all gold in the Federal Reserve System and permitting the President to devalue the dollar up to 60 percent.

Meanwhile the Treasury had been steadily boosting its price for gold, and, on January 31, 1934, the President devalued the dollar, establishing its new value at 59.04 cents and setting the price for gold at $35 an ounce.

Here, like the laws of the Medes and the Persians, it has stood since. Theoretically we are on the gold standard because the value of the dollar is expressed in terms of gold. But we are not on the gold standard as it was understood before the war because no person can obtain gold for his paper money.

The immediate effects of this monetary maneuvering were, in the main, beneficial. The outward flow of gold, which was draining our supply, was stopped and reversed. The devaluation of the dollar, which made it easier for our

foreign customers to purchase exchange, stimulated our trade. Devaluation, coupled with Secretary Hull's trade agreement, did increase our sales abroad.

The $2,000,000,000 stabilization fund, created from the profits of devaluation, gave us a dominant position in international finance and paved the way for the tripartite agreement. Instead of standing helpless before the brilliant financial machinations of the British, the French, and the Dutch, we were able to reenter the international poker game with virtually unlimited chips.

ROOSEVELT MONETARY POLICIES EASE MONEY MARKET

At home the Roosevelt monetary policies eased the money markets and enabled both Government and private business to obtain access to the Nation's financial reserves at the lowest rates of interest in our country's history. Government was able to finance the enormous relief load, the agricultural rehabilitation program, the extensive schedule of public works, and all the other new and vital duties laid upon it in the depth of depression at a minimum cost to the taxpayers.

Private corporations were enabled to refund, at lower interest rates, $7,000,000,000 worth of obligations with resultant benefit to stockholders. New capital to build modern plants and replace obsolescent factories and machinery was obtained at bargain rates.

Business naturally was stimulated by this program of easy money. But, strangely enough, this very stimulation of business, which, in turn, gave the securities and commodity markets a fillip, frightened certain of the leaders of the administration who began calculating how to avoid "the coming boom" when the Nation was still far from achieving a balanced recovery.

This fear complex gripped them despite the fact that we were far from the ultimate goal, with nine millions still unemployed and relief burdens laying a heavy hand on the States and municipalities of the Nation. Its tentacles tightened them at a time when they should have realized, in the light of our experience, that the key to recovery and prosperity does not center in restricting production through deflation, but of increased consumption brought about by a better and wider distribution of the national income through an expansion of the circulating medium. I shall refer to these frightened ones and their activities shortly, for on their shoulders lies responsibility for continuing our foolish and ill-conceived monetary program today.

GOLD PROGRAM FAILS TO ACCOMPLISH PURPOSE

The gold program did not accomplish the main purpose for which it was adopted. It did not raise the domestic price level to that of 1926. Opponents of the Warren plan had pointed out that England's abandonment of gold and the subsequent devaluation of the pound sterling had not increased domestic prices. There was no reason to expect the United States to react differently. Nor did it do so.

Prices today are still hovering at 90 percent of the 1926 level despite 3 years of gold purchase and all other factors incident to the recovery that we have enjoyed.

Whatever weaknesses and faults may have been found with the Warren gold plan, whatever its ineffectiveness and futility in the long run, the fixing of a domestic gold price involved only a small fraction of the dangers in the attempt to fix a world gold price through the tripartite agreement and the plan to sterilize gold imports.

With American entry into the international gold picture, Uncle Sam soon found himself sinking in a quicksand of economic stupidity.

Gold flowed to our shores in ever-increasing streams, attracted not only by the relative security afforded by our democracy but also by the $35-an-ounce price we were advertising.

All over the world abandoned gold mines were reopened; prospectors again packed their kits and scurried to mountain and stream for the metal; operating mines doubled and tripled their output.

Stockholders in these speculative enterprises whooped with joy as their dividend checks poured in. Uncle Sam apparently had become Santa Claus to the entire world.

Reserves of idle money in the bank vaults of the Federal Reserve banks and other financial institutions of the country increased by leaps and bounds. As the gold for which we had no conceivable use poured in, it went into the Reserve System and formed the basis for future credit.

Some students of banking and finance warned that we were laying a powder keg which, if fired, would explode our recovery in another blast of inflation. The Board of Governors of the Federal Reserve System became agitated. They issued statements. What to do? How can we check these mounting reserves?

Unfortunately, the thinking of many economists and financiers is so tortuous and involved that they automatically, it seems, reject the obvious. The average man confronted with the problem would have suggested a halt in the purchase of gold, or, if that seemed unwise, an outright reduction in the price paid or a tax or service charge, so as to make it no longer attractive for foreigners to mine, dehoard, and ship gold to us.

But it was not so clear to the geniuses that direct our financial policy. Instead of eliminating the cause they decided to mitigate the results. The Board of Governors raised the reserve requirements, and thus reduced the amount of idle funds from three to two billions.

CREDIT IMMOBILIZED DESPITE UNEMPLOYMENT, RELIEF, HOUSING PROBLEMS AND BUSINESS DEMANDS

This reduction, accomplished in August 1936, was, of course, ineffective. By the end of the year the mounting reserves were again giving the Reserve Board a bad case of the jitters. And over the protests of the hundreds of small banks which were harassed thereby, over the dictates of common sense, the Board again raised the reserve requirements and put one and a half billion dollars more in cold storage. With the previous increase, the total transferred from potentially active to inactive credit was two and a half billion. Thus was the financial blood-letting begun, with recovery only started and unemployment still a major problem.

What a ridiculous and yet what a tragic picture of inconsistency.

Here is the Nation struggling to emerge from its greatest depression, in needs of billions of new capital for new factories and new offices and new roads and bridges and apartments and hotels and, most important of all, new homes, with millions ill-fed, ill-housed, and ill-clad. And our financial leaders immobilize two and a half billion of potential credit. Not only that, but at the same time they shortened the long-prevailing ratio of cash to bank credit, slowing up the whole rate of future development.

The crowning folly was yet to come. Having failed to check the mounting tide of gold by seeking to lighten its pressure, the Treasury took over this phase of credit control from the Federal Reserve Board and embarked on its sterilization program. Sterile. The very word itself is abhorrent to those who believe in a dynamic society.

To prevent the gold coming into the country becoming part of our national credit base and again increasing excess reserves of banks, the Treasury decided to set it aside in a separate account. The Treasury had been issuing gold notes to the Federal Reserve System to pay for gold previously acquired, but under the new sterilization plan the Government used its tax revenues to pay for it.

What has been the result? The Treasury has been compelled to borrow five hundred millions to finance more gold purchases, paying, of course, interest on the money thus borrowed. And, incidentally, the rate of interest is at a new high as the result of the previous false steps of the money managers.

We have at last attained the ultimate in folly and the sublime in the ridiculous.

Here we are borrowing money to buy gold so that it will not become money and impoverishing our Government and hence the Nation to avoid obtaining wealth. We cannot adequately assist the unemployed, because we have to use all our spare money and borrow more money to buy gold which might become money if we did not borrow to buy it.

Sounds silly, does it not? But that is the sterilization plan reduced to simple terms.

Because we are buying more gold to prevent it becoming part of the national wealth, we are penalizing the Government and private business through compelling them to pay higher interest rates for the money they borrow.

By buying gold we have brought into our country between six and seven billion dollars of foreign money invested through our security markets. These investments, commonly called "hot money", may be withdrawn suddenly at any time with a possible crash in the value of the securities held by our own citizens.

We have increased our national debt to a new high and thrown our Budget into confusion. The deficit is greater than estimated. We are entering a period normally marked by a slump in business and yet the mad policy is still being pursued.

And, strange as it may seem, prices are still below the 1926 level. The unemployed millions still cry for jobs. Relief goes on. We have not achieved the end for which this policy was aimed nor does it seem that we shall ever attain it through this fallacious scheme.

Let me give you a few figures to buttress my position. Let me demonstrate to you how we have become the world's prize sucker and lending angel for gold producers everywhere.

UNCLE SAM WORLD'S SANTA CLAUS

World gold production, excluding that of Soviet Russia, which guards her secrets closely, has fluctuated as follows: The figures are in millions of dollars: 1933, 889; 1934, 958; 1935, 1,040; 1936, 1,165; 1937 (3 months), 273.

Now look at the net imports of gold into America since our gold-purchase plan went into effect. Although the entire world, including the United States, produced in 1934 only $958,000,000 the imports to our country totaled $1,132,000,000. The difference was due to dehoarding. In 1935 the disparity is even greater. The world produced $1,040,000,000; we took $1,759,000,000. In 1936 we took $1,117,000,000, while the world was producing $1,165,000,000. The increase in production is evidently due to our $35-an-ounce rate.

The device of sterilization went into effect late last December. But look at the gold-import figures for 1937. January, $121,000,000; February, $120,000,000; March, $154,000,000; April, $225,000,000; May, $190,000,000.

During the first 2 weeks of June $173,000,000 more came in and, as Secretary Morgenthau has admitted, no one knows when it will end.

On June 25 the stock of gold in the United States totaled $12,289,174,000, more than half of the world's visible supply of twenty-three billions. Out of this $12,000,000,000 pile of metal, now being carefully buried at Fort Knox, we have sterilized over one billion. It may only be a coincidence but the rate of business and industrial activity has slackened simultaneously as the latest reports will verify.

What this gold buying has done to interest rates is best shown by a comparison of Government fiscal operations within the last 6 months.

In December the Treasury sold long-term bonds at an all-time low rate of 2½ percent and 5-year Treasury notes at 1¼. The rate on the notes was one-fourth of 1 percent below the rate of a year before.

But when Mr. Morgenthau had to borrow 800 millions this month, most of which went to pay for gold, he had to offer 1¾ percent on 4¾-year notes. Although the maturity period was only 3 months less, the interest rate was one-half of 1 percent higher.

WHO IS BENEFITING FROM MONETARY MANEUVERS?—CONGRESS SHOULD KNOW FULL STORY

In answer to all this, the American public is entitled to know who is benefiting. Certainly it is not the common welfare. It is not to our benefit to have the national debt increased to bury a lot of gold underground. It is not to our benefit to have the Government pay increased rates to obtain money for useless purposes.

It does not in the long run aid world stability. It is not in the interests of any nation to have a speculative business created within its borders dependent upon the decisions of individuals in other nations. Nor is it helpful to world conditions to create a situation whereby one nation, Russia, the bitter foe of the economic system of the rest of the world, is in a position to smash international markets and disrupt world economy by dumping part or all of the immense supply of gold she is creditably believed to have.

No; we are benefiting no one except the officers, directors, and stockholders of the gold-producing corporations of the world.

The colonies and dominions of Great Britain produce more than half of the annual output, and no one in their right mind believes for a minute that Britain is concerned with the well-being of any nation but her own.

We are paying out our dollars to nations which owe us billions for the last war and which refuse, with the exception of Finland, to pay, and those dollars we are shipping abroad are being turned into guns and tanks and planes and gas for the next war.

And speaking of Finland, I hope you noted in the press that Finland was acute enough to take advantage of the recent slump in Government bonds to buy up sufficient to enable her to pay her installment on her debt at a discount. I do not criticize Finland. I offer this merely as an indication of the absurd financial situation our monetary policy has produced.

This crazy scheme must be liquidated immediately.

It was rumored that when the sterilized gold reached a billion dollars it would all stop. But it is now $1,078,350,779.79, as of June 28, 1937.

Maybe the figure to be reached before stopping is now set at a billion and a quarter dollars—maybe. Who knows?

The truth is the Treasury is like a flea on a griddle, hopping about desperately to evade the terrific fire built beneath it. Perhaps the hopping will lead to abandonment of the griddle eventually. If one and a quarter billions is now the mark set, it will not be long, at the present rate, before it is reached.

But, regardless of the amount, we simply cannot permit this situation to continue. We must exert our constitutional power to coin money and regulate the value thereof. We must take back in our hands this vital authority for the protection of our national economy and the future of the entire people.

Because economists have clothed monetary affairs in a veil of mystery and discuss money in abstruse terms, the man in the street has come to believe that it is of no concern to him.

Nothing could be more mistaken. Underneath the veil, hidden by the mumbo-jumbo, hocus-pocus, and abracadabra are matters of the gravest and most intimate concern to all of us.

The value of our money affects our purchasing power, it affects rents, and prices, and wages, and interest charges, and many other factors in our economic life. The founding fathers realized this and determined that Congress should fix the value of our money and Congress alone.

If we must continue to buy gold, let us levy upon all foreign vendors a tax so high that there will be no incentive to send gold to our shores. Let us levy upon domestic producers of gold another tax, not so high as upon foreign imports, but a substantial tax so that its production in this country will fall back to the normal needs of trade and commerce.

The effects will be immediate and tremendous. Gold will stop flowing to our shores and may start to flow out. Central banks of other nations will be relieved of the drain on their resources and we shall have a better distribution of gold among the nations of the world.

The whole nauseous mess must be thoroughly ventilated. We must let the daylight into the dark corners of the Treasury and show the man on the street just how his taxes are being wasted to carry on a discredited program.

If gold must be bought, if we must assume our responsibility in the family of nations, if we must assist in the stabilization of exchange, let us pursue an intelligent policy

of using the gold for the benefit of the Nation and not bury it in the ground from whence it came. Let the Congress assume its responsibility and pass the Dies bill (H. R. 7670) providing for the issuance of gold certificates in the purchase of gold. Let the Committee on Banking hold hearings on this bill so that we can learn the full story of what has transpired since the gold purchase plan started.

Years ago the Great Commoner electrified the Nation with his protest against the crucifixion of the Nation upon the cross of gold.

Let us here now raise our voices in a mighty chorus against bleeding the Nation white to buy yellow metal, against throwing away money to buy other money, against borrowing to avoid wealth, against subsidizing the world speculation in gold.

Let us free the Nation from this new cross of gold to which it has been nailed. Let us stop the double cross to which it is being subjected.

The SPEAKER pro tempore. In accordance with an order heretofore entered, the gentleman from New York [Mr. REED] is recognized for 15 minutes.

Mr. REED of New York. Mr. Speaker, through the courtesy of the House, I was granted permission to address the House at this time for 15 minutes. I realize it is manifestly unfair at this late hour to hold the Members here, even though they have shown great courtesy in remaining. I will therefore waive my right to speak at this time, but may I ask whether there are any special orders for tomorrow?

The SPEAKER pro tempore. There are two special orders for tomorrow, totaling 1 hour.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes tomorrow after the disposition of matters on the Speaker's table and other business in order for tomorrow, as well as the special orders heretofore made.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 4597. An act to amend the Canal Zone Code; and

H. J. Res. 379. Joint resolution authorizing Federal participation in the New York World's Fair, 1939.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 114. An act for the relief of Mildred Moore;

S. 557. An act authorizing the naturalization of James Lincoln Hartley, and for other purposes;

S. 630. An act for the relief of the Sheehy Drilling Co.;

S. 727. An act validating homestead entry Billings 029004 of Lillian J. Glinn;

S. 767. An act for the relief of the Charles T. Miller Hospital, Inc., at St. Paul, Minn.; Dr. Edgar T. Herrmann; Ruth Kehoe, nurse; and Catherine Foley, nurse;

S. 828. An act for the relief of Ellen Taylor;

S. 1474. An act to provide for the advancement on the retired list of the Navy of Clyde J. Nesser, a lieutenant (junior grade), United States Navy, retired;

S. 1934. An act for the relief of Halle D. McCullough;

S. 2497. An act authorizing John Monroe Johnson, Assistant Secretary of Commerce, to accept the decoration tendered him by the Belgian Government; and

S. J. Res. 88. Joint resolution providing for the participation of the United States in the world's fair to be held by the San Francisco Bay Exposition, Inc., in the city of San Francisco, during the year 1939, and for other purposes.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill and joint resolution of the House of the following titles:

H. R. 4597. An act to amend the Canal Zone Code; and

H. J. Res. 379. Joint resolution authorizing Federal participation in the New York World's Fair, 1939.

ADJOURNMENT

Mr. MERRITT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned until tomorrow, Friday, July 9, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of a subcommittee of the Committee on Interstate and Foreign Commerce, at 10 a. m., Friday, July 9, 1937. Business to be considered: Continuation of hearing on H. R. 5182 and H. R. 6917—textile and fabric bills.

There will be a meeting of the Committee on Interstate and Foreign Commerce, at 10 a. m., Tuesday, July 13, 1937. Business to be considered: Continuation of hearing on H. R. 6968—to amend the Securities Act of 1933.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Tuesday, July 13, 1937, at 10:30 a. m., to begin hearings on H. R. 7365, a bill to provide for the regional conservation and development of the national resources, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

704. A letter from the Acting Secretary of the Treasury, transmitting the draft of a bill to authorize the transfer to the jurisdiction of the Secretary of the Treasury of portions of the property within the West Point Military Reservation, N. Y., for the construction thereon of certain public buildings, and for other purposes; to the Committee on Military Affairs.

705. A letter from the Assistant Secretary of Commerce, transmitting the draft of a bill to authorize the Secretary of Commerce to exchange with the people of Puerto Rico the Guanica Lighthouse Reservation for two adjacent plots of insular forest land under the jurisdiction of the Commissioner, Department of Agriculture and Commerce, and for other purposes; to the Committee on Merchant Marine and Fisheries.

706. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the District of Columbia for the fiscal year 1937 and prior fiscal years in the amount of $41,036.76, and supplemental estimates of appropriation for the fiscal year 1938 in the amount of $19,500, in all $60,536.76 (H. Doc. No. 283); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. CROWE: Committee on the Territories. S. 1722. An act to provide subsistence for the Eskimos and other natives of Alaska by establishing for them a permanent and self-sustaining economy; to encourage and develop native activity in all branches of the reindeer industry; and for other purposes; with amendment (Rept. No. 1188). Referred to the Committee of the Whole House on the state of the Union.

Mr. HARLAN: Committee on Rules. House Resolution 269. Resolution providing for the consideration of H. R. 7646; without amendment (Rept. No. 1189). Referred to the House Calendar.

Mr. DRIVER: Committee on Rules. House Resolution 270. Resolution providing for the consideration of House Joint Resolution 175; without amendment (Rept. No. 1190). Referred to the House Calendar.

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. S. 1945. An act to authorize the Secretary of the Interior to grant concessions on reservoir sites and other lands in connection with Federal Indian irrigation projects wholly or partly Indian, and to lease the lands in such reserves for agricultural, grazing, and other purposes; with amendment (Rept. No. 1191). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROGERS or Oklahoma: Committee on Indian Affairs. S. 2163. An act to authorize the deposit and investment of Indian funds; without amendment (Rept. No. 1192). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES: Committee on Agriculture. S. 2147. An act to amend provisions of the Agricultural Marketing Agreement Act of 1937; without amendment (Rept. No. 1193). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DALY: A bill (H. R. 7773) to amend section 266, as amended, of the Judicial Code; to the Committee on the Judiciary.

By Mr. FORD of California: A bill (H. R. 7774) to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936; to the Committee on Flood Control.

By Mr. MEAD: A bill (H. R. 7775) to provide longevity pay for certain classes of postal employees as a reward for long and continuous service; to the Committee on the Post Office and Post Roads.

By Mr. ROGERS of Oklahoma (by departmental request): A bill (H. R. 7776) to set aside certain lands in Oklahoma for the Cheyenne and Arapaho Indians; to the Committee on Indian Affairs.

By Mr. SCOTT: A bill (H. R. 7777) to further amend section 3 of the act entitled "An act to establish the composition of the United States Navy with respect to the categories of vessels limited by the treaties signed at Washington, February 6, 1922, and at London, April 22, 1930, at the limit prescribed by those treaties; to authorize the construction of certain naval vessels; and for other purposes", approved March 27, 1934 (48 Stat. 505), as amended by the act of June 25, 1936 (49 Stat. 1926; 34 U. S. C., sec. 496); to the Committee on Naval Affairs.

By Mr. DIMOND: A bill (H. R. 7778) to amend section 26, title I, chapter 1, of the act entitled "An act making further provision for a civil government for Alaska, and for other purposes", approved June 6, 1900; to the Committee on the Territories.

By Mr. BREWSTER: A bill (H. R. 7779) to authorize the registration of certain collective trade-marks; to the Committee on Patents.

By Mr. KING: A bill (H. R. 7780) to amend an act entitled "An act relating to the naturalization of certain women born in Hawaii", approved July 2, 1932; to the Committee on Immigration and Naturalization.

By Mr. COLLINS: Resolution (H. Res. 271) to create a select committee to study laws and regulations pertaining to the general welfare of Indians, and for other purposes; to the Committee on Rules.

By Mr. McREYNOLDS: Joint resolution (H. J. Res. 439) to amend section 4 of the joint resolution approved May 1, 1937, amending the joint resolution entitled "Joint resolution providing for prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DELANEY: A bill (H. R. 7781) granting a pension to Sophie Hyams; to the Committee on Invalid Pensions.

By Mr. DEMPSEY: A bill (H. R. 7782) for the relief of C. F. Gautt and Mattie Miller; to the Committee on Claims.

By Mr. FORAND: A bill (H. R. 7783) for the relief of Harold Winthrop McElroy; to the Committee on Naval Affairs.

By Mr. FULLER: A bill (H. R. 7784) granting an increase of pension to Fronia L. B. Norwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7785) granting a pension to Gabriel Patrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7786) granting an increase of pension to Ada A. Bevers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7787) granting a pension to Lillie Siemiller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7788) granting a pension to Bettie A. Reese; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7789) granting a pension to Gemima Reeves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7790) granting a pension to Margaret Officer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7791) granting a pension to Martha J. Hopper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7792) granting a pension to Lau Jones; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Maryland: A bill (H. R. 7793) for the relief of Nicholas de Lipski; to the Committee on Immigration and Naturalization.

By Mr. SWOPE: A bill (H. R. 7794) for the relief of George Rogers Frye; to the Committee on Naval Affairs.

By Mr. BEVERLY M. VINCENT: A bill (H. R. 7795) to confer jurisdiction on the court of claims of the United States to hear and determine the claims of Rock Spring Distilling Co., and for other purposes; to the Committee on Claims.

By Mr. WEST: A bill (H. R. 7796) for the relief of Frank Scofield, collector of internal revenue, Austin, Tex.; to the Committee on Claims.

By Mr. WILCOX: A bill (H. R. 7797) for the relief of Ray M. Watson; to the Committee on Military Affairs.

Also, a bill (H. R. 7798) for the relief of Mike L. Blank; to the Committee on Claims.

Also, a bill (H. R. 7799) for the relief of Zook Palm Nurseries, Inc., a Florida corporation; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2854. By Mr. CARTER: Senate Joint Resolution No. 25 of the State of California, memorializing the President and the Congress to protect the rights of the State of California to its tidelands and the coastal area lying seaward of the State of California; to the Committee on Rivers and Harbors.

2855. Also, Senate Joint Resolution No. 24 of the State of California, memorializing the President and the Congress to enact legislation relative to the conscription of wealth and industry in wartime and the effective barring of war profits; to the Committee on Ways and Means.

2856. Also, Assembly Joint Resolution No. 10 of the State of California, memorializing the Congress of the United States to designate Armistice Day as a holiday; to the Committee on Military Affairs.

2857. Also, Assembly Joint Resolution No. 51 of the State of California, memorializing the President and the Congress to take such steps as may be necessary to cut a channel through the southerly end of the Coronado Silver Strand to allow seagoing vessels to enter the bay of San Diego at its southerly end; to the Committee on Rivers and Harbors.

2858. Also, Assembly Joint Resolution No. 26 of the State of California urging that Congress and the Federal Relief Administration direct their consideration to the wages of employees on work-relief projects; to the Committee on Appropriations.

2859. Also, Senate Joint Resolution No. 14 of the Senate of the State of California, memorializing the Congress to enact House bill 4009, which proposes to appropriate $50,000,000 for the eradication of noxious weeds; to the Committee on Agriculture.

2860. Also, Assembly Joint Resolution No. 18 of the State of California, memorializing the President and the Congress to amend the Social Security Act so as to enable such States as may desire to do so to bring the employees of such State and the employees of its counties, cities, and other political subdivisions within the provisions of such act relating to old-age benefits; to the Committee on Ways and Means.

2861. Also, Senate Joint Resolution No. 6 of the State of California, urging the President and the Congress to enact legislation that would result in financial aid in the construction of a neuropsychopathic hospital for veterans of the World War; to the Committee on World War Veterans' Legislation.

2862. Also, petition of the Board of Supervisors of Contra Costa County, State of California, urging the enactment of legislation for the establishment of a United States Coast Guard station on the shore of Contra Costa County; to the Committee on Merchant Marine and Fisheries.

2863. Also, resolution of the Castro Valley Chamber of Commerce, Castro Valley, Calif., protesting against the enactment of legislation which would limit the length of freight trains engaged in interstate commerce to not to exceed 70 cars; to the Committee on Interstate and Foreign Commerce.

2864. By Mr. COFFEE of Washington: Petition of the American Slavic Federation of Washington, Peter Gatz, secretary, Seattle, Wash., endorsing the President's proposals for reform of the Federal judiciary as a necessary step in order that progressive thought in keeping with changing economic and social views will be instilled into the Supreme Court and thus protect and promote the general welfare; to the Committee on the Judiciary.

2865. Also, resolutions of Washington State Chapter, National Association of Postmasters, Arthur J. Kralowec, of Auburn, secretary, urging the passage of House bill 2073 by the Congress, granting third-class postmasters 50 percent of the revenue from box rents where the boxes have been purchased by said postmaster; also, endorsing House bill 6764, providing for an increase of $100 in annual salaries of third-class postmasters in the lower brackets, an increase of 10 percent in the compensation of fourth-class postmasters; also, endorsing the Ramspeck bill (H. R. 1531) extending civil-service principles for postmasters in first-, second-, and third-class offices; also, urging the United States Civil Service Commission or Congress to make such changes as will assure disability allowances for postal employees; to the Committee on the Civil Service.

2866. By Mr. CURLEY: Petition of the New York County Lawyers' Association, opposing House bill 4710, introduced by Congressman PHILLIPS, which seeks to further the neutrality policy of the United States; to the Committee on Immigration and Naturalization.

2867. Also, petition of the Family Welfare Association of Minneapolis, urging approval of Senate Resolution 85, to carry out the purpose of Senate bill 298 in regard to migrant laborers; to the Committee on Labor.

2868. Also, petition of the New York County Lawyers' Association, opposing House Resolution 172 and Senate Joint Resolution 45 in relation to ownership of securities by Members of the House and Senate and by employees of the Federal Government; to the Committee on the Judiciary.

2869. Also, petition of the New York County Lawyers' Association, opposing House bill 2704, which seeks to amend section 288 of the Criminal Code in relation to admiralty jurisdiction of the United States; to the Committee on the Judiciary.

2870. Also, petition of the New York County Lawyers' Association, opposing House bill 1968, introduced by Congressman TAYLOR, which seeks to provide for the protection of subcontractors, labor, and materials employed in public works; to the Committee on Labor.

2871. Also, petition of the Bronx Chamber of Commerce, Bronx, New York City, opposing Senate bill 29, introduced by Senator BARKLEY, of Kentucky, and House bill 185, introduced by Congressman CROSSER, of Ohio, which would give the Interstate Commerce Commission power to require railroads to install additional signal-control apparatus, and likewise give the Commission power to make rules governing the operation of signals; to the Committee on Interstate and Foreign Commerce.

2872. Also, petition of the New York County Lawyers Association, New York, N. Y., recommending disapproval of Senate bill 521, introduced by Senator WHEELER, which seeks to provide for the disposition of unclaimed deposits in national banks; to the Committee on Banking and Currency.

2873. By Mr. ENGLEBRIGHT: Senate Joint Resolution No. 25, Department of State of the State of California, relative to memorializing the President and the Congress of the United States to protect the rights of the State of California to its tidelands and the coastal area lying seaward of the State of California; to the Committee on the Judiciary.

2874. By Mr. HULL: Petition of the Chippewa County Farmers Equity Union, supporting Senate bill 2604, relating to excise taxes on pork product imports; to the Committee on Ways and Means.

2875. By Mr. KEOGH: Petition of Leo H. Hirsch & Co., New York City, concerning the Black-Connery bills (S. 2475 and H. R. 7200); to the Committee on Labor.

2876. Also, petition of the National Maritime Union of America, New York City, concerning House bill 7216; to the Committee on Naval Affairs.

2877. Also, petition of the American Vault Co., Brooklyn, N. Y., concerning the Black-Connery bills; to the Committee on Labor.

2878. By Mr. LEAVY: Resolution of the board of trustees of the Seattle Chamber of Commerce, favoring House bill 5531, which proposes that the Federal Government shall give financial aid in furthering engineering and industrial research in the engineering research stations established in the colleges and schools of engineering in the several States; to the Committee on Interstate and Foreign Commerce.

2879. By Mr. PETERSON of Georgia: Petition concerning the old-age-pension bill (H. R. 2257) by citizens of Emanuel County, Ga.; to the Committee on Ways and Means.

2880. By Mr. WITHROW: Joint Resolution No. 127 A, of the Wisconsin Legislature, memorializing the Congress of the United States to pass House bill 6092, providing for reduction of interest rates of Home Owners' Loan Corporation mortgages and extending the amortization periods thereon to 25 years; to the Committee on Banking and Currency.

SENATE

FRIDAY, JULY 9, 1937

(Legislative day of Tuesday, July 6, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, July 8, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum, and ask for a roll call.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Johnson, Colo.	Pittman
Andrews	Connally	King	Pope
Ashurst	Copeland	La Follette	Radcliffe
Austin	Davis	Lee	Reynolds
Bailey	Dieterich	Lewis	Robinson
Bankhead	Duffy	Lodge	Schwartz
Barkley	Ellender	Logan	Schwellenbach
Berry	Frazier	Lonergan	Sheppard
Bilbo	George	Lundeen	Shipstead
Black	Gerry	McAdoo	Smathers
Bone	Gibson	McCarran	Steiwer
Borah	Gillette	McGill	Thomas, Okla.
Bridges	Green	McKellar	Thomas, Utah
Brown, Mich.	Guffey	McNary	Townsend
Brown, N. H.	Hale	Maloney	Truman
Bulkley	Harrison	Minton	Tydings
Bulow	Hatch	Moore	Vandenberg
Burke	Hayden	Murray	Van Nuys
Byrd	Herring	Neely	Wagner
Byrnes	Hitchcock	Nye	Walsh
Capper	Holt	O'Mahoney	Wheeler
Caraway	Hughes	Overton	White
Chavez	Johnson, Calif.	Pepper	

Mr. LEWIS. I announce that the Senator from Ohio [Mr. DONAHEY] and the Senator from South Carolina [Mr. SMITH] are necessarily detained from the Senate, and that the Senator from Georgia [Mr. RUSSELL] and the Senator from Virginia [Mr. GLASS] are absent on important public business.

Mr. SCHWELLENBACH. I announce that the Senator from Nebraska [Mr. NORRIS] is detained from the Senate because of illness.

The PRESIDENT pro tempore. Ninety-one Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its reading clerks, announced that the House had passed a bill (H. R. 3408) to amend the Civil Service Act approved January 16, 1883 (22 Stat. 403), and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 114. An act for the relief of Mildred Moore;

S. 828. An act for the relief of Ellen Taylor; and

S. 1934. An act for the relief of Halle D. McCullough.

JOHN A. ENSOR

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2266) for the relief of John A. Ensor, which was, on page 1, line 10, after "Ensor", to insert "and in furtherance of the Bureau of Animal Industry's project for the elimination of Bang's disease."

Mr. TYDINGS. I move that the Senate concur in the House amendment.

The motion was agreed to.

JAMES H. SMITH

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1257) for the relief of James H. Smith, which was, on page 1, line 5, after "Smith", to insert "of Washington, D. C."

Mr. WALSH. I move that the Senate concur in the House amendment.

The motion was agreed to.

J. E. SAMMONS

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1188) for the relief of J. E. Sammons, which was, on page 1, line 7, to strike out all after "States" down to and including "engineers", in lines 11 and 12, and insert "for the value of 35.99 acres of land in Putnam County, Ga., at $450 per acre, which he conveyed by deed to the Government, represented by the Resettlement Administration, and for which he was not paid because of an erroneous survey of the tract by the General Land Office in February 1935, describing it as 230.72 acres, whereas it in fact contained 266.72 acres by subsequent survey of June 14, 1935."

Mr. GEORGE. I move that the Senate concur in the House amendment.

The motion was agreed to.

GEORGE E. SHOCKLEY

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 171) for the relief of George E. Shockley, which were, on page 1, line 5, after "Shockley", to insert a comma and "of Rehoboth, Del."; on the same page, line 7, after "Government", to insert "for losses"; and on the same page, line 9, to strike out "Service" and insert "for repairs and additions to the lifeboat house and launchway at Lewes (Del.) Coast Guard Station."

Mr. TOWNSEND. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

MEMORIALS

Mr. TYDINGS presented a memorial of sundry citizens of Hagerstown, Md., remonstrating against the enactment of the bill (S. 1270) to regulate barbers in the District of Columbia, and for other purposes, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Baltimore and vicinity, in the State of Maryland, remonstrating against the enactment of legislation to reorganize the judicial branch of the Government, especially the proposal to enlarge the membership of the Supreme Court, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. MINTON, from the Committee on Military Affairs, to which was referred the bill (S. 1168) for the relief of Joseph W. Bollenbeck, reported it with amendments and submitted a report (No. 886) thereon.

Mr. BARKLEY, from the Committee on the Library, to which was referred to the joint resolution (S. J. Res. 171) relating to the employment of personnel and expenditures made by the Charles Carroll of Carrollton Bicentenary Commission, reported it without amendment.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably several nominations of officers for appointment, by transfer, in the Regular Army, which were ordered to be placed on the Executive Calendar.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BULOW:

A bill (S. 2763) for the relief of the Sioux Valley Hospital, Sioux Falls Clinic, and the McKennan Hospital, all of Sioux Falls, S. Dak.; to the Committee on Claims.

By Mr. TRUMAN:

A bill (S. 2764) granting a pension to Iva Humphrey; to the Committee on Pensions.

By Mr. REYNOLDS:

A bill (S. 2765) to grant recognition to distinguished military service; to the Committee on Military Affairs.

By Mr. SCHWELLENBACH:

A joint resolution (S. J. Res. 176) favoring employment by the Works Progress Administration of persons unable to find employment in private industry; to the Committee on Education and Labor.

HOUSE BILL REFERRED

The bill (H. R. 3408) to amend the Civil Service Act approved January 16, 1883 (22 Stat. 403), and for other purposes, was read twice by its title and referred to the Committee on Civil Service.

DISTRICT OF COLUMBIA TAXES—AMENDMENT

Mr. TYDINGS submitted an amendment intended to be proposed by him to the bill (H. R. 7472) to provide additional revenue for the District of Columbia, and for other purposes, which was ordered to lie on the table and to be printed.

REORGANIZATION OF FEDERAL JUDICIARY

The Senate resumed consideration of the bill (S. 1392) to reorganize the judicial branch of the Government.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY] to the amendment in the nature of a substitute.

Mr. WHEELER obtained the floor.

Mr. POPE. Mr. President, will the Senator yield in order that I may ask unanimous consent to make a very brief statement?

Mr. WHEELER. I made the statement yesterday that, in view of the ruling made by the Chair and the objection made by the Democratic leader, I should object to the transaction of any business so long as the rule is invoked on Members of the Senate.

Mr. MALONEY. Mr. President, will the Senator yield to me for an announcement?

Mr. WHEELER. Mr. President, I have just refused to yield to the Senator from Idaho.

Mr. MALONEY. Very well.

Mr. WHEELER. Mr. President, my attention has been called to a statement appearing in the Washington Herald of yesterday, issued by the distinguished Senator from Indiana [Mr. MINTON], and the headline states that it was dictated by Mr. Michelson, of the Democratic National Committee. In that statement issued by the Senator from Indiana, or probably I should say by the Democratic National Committee, it is said:

White House raps WHEELER on subterfuge.

That is the heading of the article.

Then it says, under the subhead "Caustic Comment":

The statement intimated that WHEELER was responsible for the account of what happened between him and the President getting in the newspapers. It said:

"Incidentally the circumstances of the quotation of the Senator's words at the White House intrigues me. I see by the same papers that published the quoted declaration of solicitude for the President's welfare that Senator WHEELER, Senator BONE, of Washington, and the President all refused to discuss their conversation. Only those three were present, so I wonder how the press obtained the words of the Senator from Montana."

Further on the article says:

Presumably the almost united Republican opposition to the bill is founded on the same friendly regard as actuates the Democratic Senator from Montana.

Mr. President, I am not surprised that the Democratic National Committee should give out a statement of that kind; I am surprised that my friend the Senator from Indiana should give out such a statement, first, because it implies that I gave out an interview which I had with the President as to what took place between us. There is not a newspaperman in the gallery and not a newspaperman in the city of Washington who will for one instant say that I, either directly or indirectly, ever gave out such a statement. The Senator from Indiana may feel that because he gave out a statement after he left the White House, which was later repudiated by the White House, that I might do the same thing.

Likewise that is in accord with the spirit in which the debate on the bill has been conducted. Never before in the history of the Senate of the United States, at least during the 14 or 15 years I have been a Member of it, have I seen such appeals to the prejudices of the people, to the uninformed, as have been made with reference to this proposed legislation. Never before have I seen on both sides such deep feeling aroused. The reason for it, of course, is that this is a fundamental issue which everyone realizes goes to the very foundation of our Government.

When the bill was first introduced the Attorney General of the United States in a radio speech used this language:

Ladies and gentlemen, only 9 short days have passed since the President sent to the Congress recommendations for the reorganization of the Federal judiciary. Yet in that brief time unfriendly voices have filled the air with lamentations and have vexed our ears with insensate clamor calculated to divert attention from the merits of his proposal.

Why was it that immediately there was aroused such feeling that protests came from the masses of the people of the country against the proposal? It was because they felt that the bill was an attempt on the part of the administration to do by indirection what it did not want to do by direction.

Again, Mr. President, after the appeal was made to the drought-stricken farmers in the Dust Bowl that we must immediately pack the Supreme Court in order to afford relief to those farmers, and after an appeal was made to the flood victims along the Ohio River in order to get them stirred up in favor of the proposal and to cause them to send protests to their Senators who were opposed to it, we found another kind of appeal being made. We found an appeal being made by the Postmaster General of the United States on the ground of party loyalty. He contended that every Democrat ought to support the bill because of party loyalty regardless of its effect upon the Constitution of the United States and regardless of its violation of the spirit of the Constitution.

We heard Mr. Farley saying, "It is in the bag." In another place and at another time he said, "We will let the Senate talk and then we will let the House talk. Then we will call the roll. We have the votes." The press of the country after the last election pronounced Mr. Farley one of the greatest prognosticators the country had ever seen. Think of it, Mr. President, here in the United States the Postmaster General has said, "We will let the Senate talk." Certainly, our constituents ought to feel very grateful to the Postmaster General for permitting the Members of the Senate of the United States, whom they have elected to office, to speak their minds in the Senate. The constituents of the Members of the House of Representatives ought to feel very grateful to the Postmaster General for condescending to let their Representatives speak with reference to the bill.

Then men were sent into nearly every State in the Union to arouse the labor leaders for the purpose of having them send protests and denunciations of Members of the Senate of the United States who were opposed to the bill. Men were sent into my State. One man was sent there who went to every labor organization in the State. I am told that he was on the Government pay roll. He was seeking to persuade the labor organizations to adopt resolutions not only in favor of the President's bill, but denouncing me. They went

even further than that; one of the farm leaders told me that for the first time in his life he was invited to the White House, and it was suggested to him that he should go out and line up the farm organizations in the Northwest against every Member of the House and every Member of the Senate who dared to voice his opposition to the President's bill.

Something has been said about propaganda. We found the Secretary of Agriculture, by the medium of the radio trying to line up the farmers of the country. Why? Not because he knew anything about the Court proposal, not because he was particularly interested in this piece of proposed legislation, but because the Congress of the United States had appropriated money and placed it in his hands to take care of the drought-stricken farmers or those in need of relief; he alone could disburse this money to them, and the implication, of course, was that unless this bill should be passed then the farmers would not be able perhaps to get further appropriations from the Congress.

Then we find the Postmaster General lining up the postmasters throughout the country. We find Mr. Harry Hopkins, of the W. P. A., on the radio, talking about the Democratic Party and about the Court proposal. Why? Why should the head of Works Progress Administration of the United States be propagandizing and trying to influence the people on relief against Members of the Senate? Hopkins' great influence over relief clients comes from the fact that he disburses money to them. But who appropriated that money? Whose money was it? It was the money of the people of the United States, appropriated by the Congress and turned over to Mr. Hopkins, and yet he is stirring up W. P. A. workers and their dependents against Members of the Senate and Members of the House, and that is the only reason why Hopkins spoke.

That spirit of intolerance with reference to the pending bill has prevailed and pervaded the discussion right down to the present moment. Everyone who does not agree with the administration on this proposal or who disagrees with the Attorney General is denounced as an "economic royalist" and as one who has sold out to Wall Street.

Then we found the same spirit of intolerance prevailing in this Chamber yesterday, disclosed by the amazing situation which developed here. When the debate had been proceeding for only a couple of days and the opponents of the bill had not spoken at all, but had merely asked questions of the proponents of the bill who were talking, a practice which has been indulged in by the Senate from time immemorial, when no question of a filibuster was involved at all, but only bona-fide debate on the issues involved in the bill, we were confronted with a sudden appeal for strict application of the rules. Was it because the proponents of the bill are afraid of real debate?

Mr. Farley said, "We have the votes. It is in the bag." If it were "in the bag", why did the proponents desert it? It was deserted and the great prophet of the Democratic Party was wrong. They did not have the votes. They do not now have the votes. They do not want the original bill debated, because they know that upon legitimate debate they cannot sustain it. They know that while at the outset they undoubtedly had 60 votes in favor of the original bill, which would have added six new Justices to the Supreme Court, after the Members of the Senate heard or read the testimony of those appearing before the Judiciary Committee, and after they had studied the bill, one by one, and then two by two, and then by threes and fours, they deserted that bill, until on the day before yesterday the Democratic leader of the Senate announced that the reason why the proponents of the measure did not try to put forward the other bill was because they did not have the votes to pass it. They say they have enough votes at the present time to pass the compromise proposal, and then they appealed to party loyalty. They said to the new Senators who have just been elected, "You ought to vote for this bill because you rode in on the coattails of the President of the United States."

Thank God, I did not ride in on the coattails of the President of the United States! Thank God, I do not have to go to him and ask him whether or not I have to follow the Democratic leader in this new proposal! Those of you who rode in on the coattails of the President of the United States will ride out on the coattails of the President of the United States if that is the only reason you are here.

I did not ride in on the coattails of any President of the United States. I did not come here because I had promised to be 100 percent for the administration and to vote for everything the President wanted.

There are those who were elected to the United States Senate on a platform of "100 percent Roosevelt", but after assuming their seats in this body, when it was politically expedient, they unhesitatingly cast their votes against the administration. Now, however, some such Senators assert that they must vote for this bill because of their campaign promise of supporting the President 100 percent—that pledge is one that they keep or follow, utilize or discard as they deem it politically expedient.

No, Mr. President, I did not come to the Senate on the coattails of anyone; I came to the Senate on my own, and I am responsible for what I do in the Senate. I expect the people of my State to hold me responsible for my actions; and if I go out, I will go out riding on my own coattails and not upon the coattails of anyone else.

Finally, Mr. President, we were told, "If you do not vote for this bill, you will break the President's heart." Oh, dear! What a pity! "You are going to break the President's heart if you do not vote for him on this bill."

If Senators are going to break the President's heart because they do not vote for him on this bill, they ought to go back and vote for six new judges instead of voting for the substitute, because we are told that this is not the President's bill. Oh, no; this is not his bill. This is not what the President wanted. He wanted six new judges. And why did he want six new judges? Because some of the proponents of the original bill said, "We cannot trust less than four judges, and we ought to have six because some of the six might go back on us; but if we cannot get six, the least we will take is four." Finally, however, they have come down and have said, "We do not want six all at one time. That was wrong. That was packing the Court; so now, instead of packing it all at once, we will pack it by slow motion, and we will get the same result."

There is not the slightest difference in principle between this bill and the other bill so far as the objectives sought to be attained by the proponents of the bills are concerned. The only distinction between the original and this substitute Court bill is that the latter packs the Supreme Court by slow motion.

The distinguished Senator from Pennsylvania [Mr. GUFFEY] rose in the Senate the other day and in a violent attack upon the Chief Justice of the United States said, "He is a terrible politician."

Where have I heard those words before? Not from the Senator from Pennsylvania—oh, no! I have heard them from some of the proponents of this bill who are not members of the Senate of the United States. The men who first proposed the bill were the first ones to use that term. But if Chief Justice Hughes is such a terrible politician, and we should bar politicians from the Supreme Court, why is it that all the Members of the Senate of the United States joined in recommending our distinguished leader in the Senate for the existing vacancy on the Supreme Court? And who voted for Mr. Hughes? We are all politicians. If we were not politicians, we would not be in the Senate of the United States. The only statesmen are dead. The only time politicians become statesmen is after they die.

I submit that this attack upon Chief Justice Hughes is ill-becoming a Member of the Senate. He has practically charged Chief Justice Hughes with being a cheap politician. I voted against the confirmation of Mr. Hughes; but let us see who were those who voted for him. Some Democrats who are in this body at the present time voted for him.

The Senator from Arizona, Mr. ASHURST, the original proponent of this bill, voted for the confirmation of Mr. Hughes.

The Senator from Kentucky, Mr. BARKLEY, voted for the confirmation of Mr. Hughes.

The Senator from Mississippi, Mr. HARRISON, voted for the confirmation of Mr. Hughes.

The present Secretary of the Navy, Secretary Swanson, then a Senator from Virginia, not only voted for the confirmation of Mr. Hughes but he worked incessantly in this body to secure his confirmation.

Who else voted for the confirmation of Mr. Hughes? The Senator from New York, Mr. Wagner, voted for his confirmation. The late Senator from Louisiana, Mr. Broussard, another Democrat, voted for his confirmation. The same thing is true of the Senator from New York, Mr. Copeland; the late Senator from Florida, Mr. Fletcher; the late Senator from Wyoming, Mr. Kendrick; the former Senator from Louisiana, Mr. Ransdell; the former Senator from Iowa, Mr. Steck; and the former Senator from Mississippi, Mr. Stephens. Then we find that the Senator from Arkansas [Mr. Robinson], the Democratic leader, who was then in London attending the Economic Conference by appointment of President Hoover, cabled to be paired in favor of the confirmation of Mr. Hughes; and he was paired with a Republican, the late Senator Howell, of Nebraska, in favor of the confirmation of the present Chief Justice.

So, if Mr. Hughes was such a terribly bad man then, if he was a known politician, and a cheap politician at that, why did these distinguished leaders of the Democratic Party vote for his confirmation and urge his confirmation upon the floor of the Senate of the United States? It should be remembered that Mr. Hughes was actively engaged in politics prior to the date of his confirmation. Mr. Hughes had "economic royalists" for clients whom he had actively served just before his nomination by President Hoover. And who "packed" Mr. Hughes upon the Supreme Court?

Let us take the case of Mr. Justice Roberts. I think every Democrat and every Liberal and every Progressive and every Republican voted for his confirmation. If Mr. Justice Roberts was "packed" on the Supreme Court, then the Senate of the United States was responsible, and violated its duty and its oath of office, when it voted to confirm his nomination and to put him upon the Supreme Court.

Who led the fight in this body for the confirmation of Mr. Justice Butler?

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. WHEELER. I yield.

Mr. CONNALLY. When was the vote on the confirmation of Mr. Chief Justice Hughes? Has the Senator the date there?

Mr. WHEELER. It was on February 14, 1930.

Mr. CONNALLY. How old was Mr. Chief Justice Hughes when he was confirmed by the Senate?

Mr. WHEELER. He must have been about 69 years of age. I am not sure of that, but I should judge he was about 69. He had run for President of the United States. The distinguished Senator from Arkansas [Mr. ROBINSON] had run for Vice President of the United States. Is it a crime for a man to be nominated for Vice President or President of the United States? Does that fact make of him a cheap politician? Oh, no! When a man is with you, he is all right.

Only a short time ago a great liberal newspaper in the United States pointed me out as one of the outstanding liberals of our day. A week or so later, when I had voiced my own convictions against this bill, I was a bad man. Talk about intolerance and bigotry! Because I disagreed with them once I was a Tory. Because I disagreed with them once I was an "economic royalist."

Intolerant and bigoted? Thank God, I come from the State of Montana, where there is no intolerance. Thank God, I come from a State where there is no economic bigotry. Thank God, I was reared in the State of Massachusetts and that I was not subjected to intolerant or bigoted influences. When a man is denied the right to his own opinion without enduring slanderous assaults, intolerance is in the saddle.

Who led the fight for Justice Butler upon this floor? It was not a Republican, not a reactionary, not a Tory, but one of the great liberals of his time, my late colleague, Thomas J. Walsh. He led the fight for Justice Butler. Was he seeking to pack the Court when he led that fight? No; and Senator Walsh undoubtedly felt that Mr. Butler would be fair, would be reasonable and liberal as a member of the Court.

Then there is Justice Sutherland. The Senate confirmed him. When, in the opinion of the Senator from Pennsylvania, did Mr. Hughes and every other Republican in this country become such bad men? Who are these bad men with whom I am lined up, that the Senator should feel so sorry for me and sympathize with me so greatly? Let me say to the Senator for his information that I do not need his sympathy. Sometime ago a Republican lawyer was speaking to a colored audience in my home town, and he said, "I am going to see to it that the colored people of this city get justice." An old colored lady sitting beside her husband nudged him and said, "I am not for that man." He said, "Why are you not for him? He said he was going to give us justice." She replied, "It is not justice us colored folks want; it is sympathy." [Laughter.]

I do not want sympathy. I have never had the sympathy of many people in this country and I do not want the sympathy of Senators now; they would only be wasting it upon me. I will take care of myself.

I say now that if a spirit of intolerance is to pervade the Senate, if there is to be an attempt to drive this bill through, if the proponents of the bill are going to put pressure on us, if they are going to try to get rough with us, we can get rough just as well as they.

The Senator from Kentucky said he had some old dead cats, or something, that he wanted to throw at someone, and intimated that I had said I had some dead cats. Oh, no; he is wrong about that. That is just in line with the intolerance exhibited and the construction other people would put upon my words. But if they have any dead cats they want to throw at me, let them do so. A good many dead cats have been thrown at me; not only dead cats but a lot of other things, some of which were far worse. [Laughter.]

I do not propose to be intimidated, and the rest of us do not propose to be intimidated, by name callers, or by anyone else, and our opponents might just as well make up their minds to that fact first as last. We are going to have a legitimate debate upon this question before the Senate, regardless of whether Mr. Farley wants us to or whether anybody else wants us to. The country is entitled to it.

Mr. President, threats have been made against Senators by Mr. Farley, who stated that the Senator from Wyoming and the Senator from Nevada probably would not get what they were seeking from the administration if they did not go along with the bill. These distasteful threats represent the ends to which some proponents will go to force the passage of this bill. They will not succeed. The Supreme Court will not be packed. The Senate will never permit it.

Speeches that were made over the radio have been censored, some of the radio stations cut off time after they had promised it to us. Thus far in the Senate debate on this bill the proponents have not argued the provisions or the effect of the bill. The proponents of this bill propose to amend the Constitution through processes of interpretation. Such is morally wrong, fundamentally unsound, and contrary to the principles of democratic government. The people of the United States have a right given them by their forefathers to vote directly their approval or disapproval of any amendment of the Constitution.

Oh, the Senator from Indiana said, "I want my President to look toward the shrine of George Washington at Mount Vernon." I want him to look there, and I want him to remember the words of George Washington, for this is what George Washington said:

> The basis of our political systems is the right of the people to make and to alter their constitutions of government.

We say that we want a constitutional amendment submitted. The Senator from Arkansas said, "You cannot deny the right of the Members of the Senate, the representa-

tives of the people, to vote upon this pending bill." We are saying that the Constitution does not belong to the Congress of the United States, it does not belong to the President of the United States. The Constitution belongs to the people. We are asking that the people of the United States shall have an opportunity to voice their opinion and to say whether or not they want the Constitution amended. This Court bill seeks to amend the Constitution by interpretative processes.

Oh, but it is said that it will take 15 years to amend the Constitution. Nonsense! Ratification of the "lame duck" amendment came in 11 months. Ratification of the prohibition and the repealing amendment each came within 14 months. Someone told me that a Senator stated that for $50,000 they could stop a constitutional amendment in his State. If they can, his State is far more corrupt than any other State of the Union of which I know.

Take 15 years? We all know that under the Constitution of the United States a proposal to amend that instrument can be submitted, and I assure the Senate that Senators on this side who are opposed to the bill will vote to submit any reasonable constitutional amendment.

It can be provided in the proposed amendment that it must be voted on within 1 year or 2 years, and it can be provided that it must be submitted, not to the legislatures, but to conventions in the various States.

Now I shall read from a brief on this subject written by Mr. A. Mitchell Palmer, late Attorney General of the United States——

Mr. HUGHES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Delaware?

Mr. WHEELER. I yield.

Mr. HUGHES. As I recall, the Senator appeared before the Committee on the Judiciary and testified.

Mr. WHEELER. Yes.

Mr. HUGHES. He made one statement which appears in the record of the hearings before the committee about which I have thought much since that time. At the time it struck me as either conveying a meaning which probably the Senator did not intend, or I did not understand it, and I desire to read the statement and ask whether it reflects the Senator's position now. On page 497 of the printed hearings it is reported that the Senator made this statement:

> When I was interrupted, I said that I had discussed this matter with practically all the Members of the Senate who are opposed to this proposal, and I think I speak for the vast majority of them when I say that if the administration will abandon this idea of packing the Court in order to have a constitutional amendment to meet the needs of the time as they see it, we will vote to submit any reasonable amendment which the administration may propose to meet these conditions.

Mr. WHEELER. I think that is correct.

Mr. HUGHES. Am I to understand, then, that the Senator meant at that time and means now that if those who favor this bill—that is, the President's bill, as the Senator calls it, and the substitute—will abandon the idea——

Mr. WHEELER. Of packing the Supreme Court.

Mr. HUGHES. Will abandon the idea and offer a constitutional amendment to meet the needs of the times as we see it, the Senator will vote to submit such an amendment?

Mr. WHEELER. Absolutely. That has been my contention at all times.

Mr. HUGHES. Then the objection of the Senator from Montana is not, as I understand, to the purpose of the bill but to the method by which it is sought to effectuate the purpose?

Mr. WHEELER. My contention is that the bill proposes to do something in an unconstitutional way. I want to see the people themselves vote upon the constitutional amendment or upon the proposed changes; and I say that the people of this country have a right to vote upon such a measure. No President, no Congress, has a right to change the Constitution. When I say that, I say it upon the best authority, because I repeat what Presidents of the United States have said, and what the present Attorney General of the United States has said in a speech before the American Bar Association, to which I shall call the Senate's attention.

Mr. HUGHES. Then, as I understand, the contention of the Senator from Montana is that changing the number of members of the Supreme Court by an act of Congress is changing the Constitution in an unconstitutional way?

Mr. WHEELER. No. Of course, the Congress of the United States has the power to increase the membership of the Supreme Court of the United States.

Mr. HUGHES. Or to decrease it.

Mr. WHEELER. Or to decrease the number of members of the Supreme Court. The Congress of the United States has the power to withhold appropriations for the salaries of the members of the Supreme Court of the United States.

Mr. TYDINGS. Or the salary of the President of the United States.

Mr. WHEELER. Or the salary of the President of the United States; but such action would be against the spirit of the Constitution. If Senators want to get rid of Mr. Justice Roberts, if Senators want to get rid of Mr. Justice Butler, why do they not do what they can do under the Constitution; that is, refuse to appropriate money to pay the salaries of those Justices? Why do they not do that? Because they know that the people of the United States would not stand for it, and that it would be against the spirit of the Constitution.

Mr. HUGHES. I think I can assure the Senator from Montana that, so far as I am concerned, I would not think of doing any such thing with respect to any Justice of the Supreme Court. I would not tear down any Federal institution by denying the necessary support for it. That is as far from my mind as anything possibly can be.

Mr. BORAH. Mr. President, I do not desire the Senator from Montana to lose the floor.

Mr. HUGHES. I have no intention of doing anything to accomplish that.

Mr. BORAH. The Senator from Delaware is not in control of the intention. The Presiding Officer will determine the question.

Mr. WHEELER. Mr. President, if a Senator interrupts me, I wish to know whether or not I am going to lose the floor, and whether the rule covering such a situation is going to be enforced?

The PRESIDENT pro tempore. The Chair again states that the rule prescribes that a Senator may not speak more than twice on the same day on the same question.

Mr. WHEELER. Mr. President, let me say this——

The PRESIDENT pro tempore. Will the Senator from Montana permit the Chair to finish?

Mr. WHEELER. I beg the Chair's pardon.

The PRESIDENT pro tempore. Of course, that involves the other question as to what constitutes a day; whether it is a legislative day or a calendar day. The question will naturally arise only when some Senator makes the point of order that the Senator speaking has already spoken twice and therefore cannot speak again. Undoubtedly, when such a point of order is made, it will be determined eventually by the Senate. The Senator takes all the responsibility for what happens when he yields.

Also, it will have to depend upon the judgment of the Senator having the floor, and who has the power to stop from speaking longer the Senator to whom he has yielded, whether that Senator is asking a question or is speaking.

Later on, on a point of order based on the ground that the Senator has spoken twice, the Senate will determine whether the Senator has twice before yielded the floor for a speech by another.

Mr. WHEELER. I assumed that the Senator from Delaware rose to ask me a question.

Mr. HUGHES. Absolutely.

Mr. WHEELER. And I assumed that the Senator was asking me a question.

Mr. HUGHES. Yes; absolutely.

Mr. WHEELER. That was what the Senator had in mind.

Mr. HUGHES. Yes.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. WHEELER. I yield for a question; yes.

Mr. BURKE. Is not the Senator from Delaware [Mr. HUGHES] laboring under a delusion in referring to the testimony of the Senator from Montana before the Senate Judiciary Committee with reference to a constitutional amendment? Is he not apparently of the opinion that the constitutional amendment to which the Senator from Montana referred was one dealing with the number of members of the Court, whereas is it not true that the Senator from Montana was referring to a constitutional amendment increasing the power of Congress in various matters?

Mr. WHEELER. Mr. President, I think the Congress of the United States should take the position, and those who are opposed to the bill should take the position, that they are willing to submit to the people any reasonable consitutional amendment which the President of the United States may submit to the Congress. I refuse to take the position that I will not let the people vote on any constitutional amendment which they see fit to vote upon. I take the position that if the people of the United States want to destroy their Constitution they have the right to do so, but nobody else has that right. The people of the United States have the power and they have the right to destroy the Constitution if they want to do so. They can destroy the Constitution, they can destroy their form of government, if they want to do so. But I have no right, nor has any President of the United States the right, nor has any member of the Supreme Court the right to make such a change. None but the people of this country have that right.

Mr. President, I hope that makes my position clear.

Mr. HUGHES. It does not make it quite clear, if the Senator will pardon me.

Mr. TYDINGS. Mr. President, I should like to ask the Senator a question.

Mr. WHEELER. I yield.

Mr. TYDINGS. The Senator has stated that he would favor a constitutional amendment to accomplish the object of this bill. Would the Senator from Montana likewise favor this particular piece of pending legisiation, assuming that it was amended so as to exempt sitting members of the Supreme Court from its provisions?

Mr. WHEELER. I have already indicated my position. If it eliminated the present members of the Supreme Court, while I have not completely made up my judgment upon that subject, I feel that we should then have before us quite a different proposition from that presented by this bill, because the present members of the Supreme Court took their office with the implied understanding that they were going to hold it during good behavior for life. They can be impeached. If the Senator from Pennsylvania [Mr. GUFFEY] and others who have spoken against certain members of the Supreme Bench think they are so bad and so terrible and so wrong, why do they not move to impeach those members? They do not do so because they know they cannot sustain their charges.

I do not know that I have answered the Senator's question.

Mr. TYDINGS. Yes; I think the Senator has done so.

Mr. WHEELER. However, if a man is appointed to the Supreme Court bench, and when he is appointed he knows that if he does not get off the Supreme Court bench somebody is going to be appointed to help him, because it is the thought of the Congress that when he reaches 75 he is an imbecile and he ought to have help, that is quite a different proposition from now imposing our will upon the members of the Supreme Court.

So, Mr. President, when we are talking about the people, and about submitting the issue to the people, and objecting to the refusal to let the people vote, and not letting their representatives vote—when such questions are raised, I say that those who are opposed to the pending measure, and who are willing to submit a constitutional amendment to the people, are not only advocating the constitutional method of changing the Constitution, but are advocating the use of the democratic way. We are taking the democratic way of amending the Constitution because we say that the people should vote on the question. We not only say that, but we say that the legislatures do not need to vote on it; that the question may be presented to the people, and it may be determined, under the rule laid down by Mr. Justice Van Devanter, by conventions called to pass upon the matter, the delegates to such conventions to be elected, and the issue to be presented on the question of whether the delegates who are to be elected are for or against the proposed constitutional amendment.

No other issue would be involved. The people would vote directly upon that question.

Why is not that done? Why do not Senators propose such action? Because they do not dare to submit that question to the people of the country.

I wish now to quote from the brief of former Attorney General Palmer. Who was he, in addition to being Attorney General under Mr. Wilson? He was the man who in 1932 wrote the first draft of the Democratic platform. Is there anyone who questions that statement? I was a member of the resolutions committee of the Democratic Party in 1932, and Mr. Palmer drafted the Democratic platform of that year. He submitted it to the Democratic Members of Congress, the leaders here, before it was ever submitted to the convention, and it was adopted almost exactly as he wrote it. What does he say upon the subject? He quotes from Mr. Justice Van Devanter.

Mr. President, first I wish to quote from Mr. Justice Brandeis, as follows:

> The second contention is that, in the constitutions of several of the 36 States named in the proclamation of the Secretary of State, there are provisions which render inoperative the alleged ratifications by their legislatures. The argument is that, by reason of these specific provisions, the legislatures were without power to ratify. But the function of a State legislature in ratifying a proposed amendment to the Federal Constitution, like the function of Congress in proposing the amendment, is a Federal function derived from the Federal Constitution; and it transcends any limitations sought to be imposed by the people of a State.

Mr. Justice Van Devanter said what? Mr. Palmer quoted from Mr. Justice Van Devanter as follows:

> Of the power of Congress, keeping within reasonable limits, to fix a definite period for the ratification we entertain no doubt. As a rule the Constitution speaks in general terms, leaving Congress to deal with subsidiary matters of detail as the public interests and changing conditions may require; and article 5 is no exception to the rule. Whether a definite period for ratification shall be fixed, so that all may know what it is and speculation on what is a reasonable time may be avoided, is, in our opinion, a matter of detail which Congress may determine as an incident of its power to designate the mode of ratification.

Then the Attorney General said:

> The Constitution is not a compact between the States, but it was adopted by the people, and therefore does not require State action to amend.

So I say to Senators who maintain that a constitutional amendment could not be adopted; that it would take too long; that somebody could stop it with $50,000; that that just is not so, because the Supreme Court has already spoken upon that issue and the Constitution itself is very plain upon it.

I wish to call attention to what the present Attorney General said.

Mr. COPELAND. Mr. President, will the Senator yield for a question?

Mr. WHEELER. I yield.

Mr. COPELAND. Has the Senator given any thought to the possibility of the formulation of an amendment which would somewhat widen the powers of the Congress to deal with certain questions that are close to the hearts of many Members of the Congress and in that way obviate all discussion and the necessity of change in the Court, for, if the powers of the Congress were widened, of course, that would mean that no matter what group of Justices might sit on the Court, they would be governed by that particular feature of the Constitution. Has the Senator given any consideration to that question?

Mr. WHEELER. Yes; several of us have given consideration to that question, but we all know that an amendment

cannot be adopted unless it is proposed and is to the liking of the administration.

The present Attorney General of the United States, speaking before the American Bar Assocation, said that the way to go about changes in the Constitution, if the courts decided wrongly, was to submit a constitutional amendment, and the fathers of this Government said so in the beginning.

Mr. BARKLEY. Mr. President, may I ask the Senator a question in order to clarify the matter?

Mr. WHEELER. Yes.

Mr. BARKLEY. Is it the Senator's contention that under the Constitution the pending bill is unconstitutional?

Mr. WHEELER. Of course, it is constitutional, just as it would be constitutional for the Congress to refuse to appropriate money to pay the salaries of Federal judges. That would be constitutional but it would be against the spirit of the Constitution.

Mr. BARKLEY. Whatever the reasoning and the comparison, the Senator admits that Congress can do this in the way proposed?

Mr. WHEELER. Congress, of course, can refuse to appropriate money for the President of the United States and make it impossible for him to act in the capacity of President. The Congress of the United States can refuse, I repeat, to appropriate the money for Justice Butler, for Justice McReynolds, or for any other Justice of the Supreme Court of the United States by saying that no part of the money appropriated shall be used to pay the salary of a particular Justice.

Mr. BURKE. Mr. President, will the Senator yield there?

Mr. WHEELER. I yield.

Mr. BURKE. On the point raised by the Senator from Kentucky [Mr. BARKLEY], while it must be admitted that the Constitution leaves it to the Congress entirely to fix the number of the members of the Court, does that necessarily mean that Congress is vested with the authority to turn over to somebody else the right to determine whether the Supreme Court shall consist of 9, 10, 11, or some other number of Justices?

Mr. WHEELER. I wish to consider that point a little later on.

Mr. BURKE. Very well.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. WHEELER. I yield.

Mr. CONNALLY. In connection with the question of the Senator from Kentucky, let me ask the Senator from Montana a question. The Senator from Kentucky asked if Congress had not the constitutional power to increase the number of judges. Is it not true that Congress has the power to regulate the number of Justices on the Supreme Court for the purpose of making the Court of sufficient size to transact its business and efficiently to dispose of that business, but that Congress has no constitutional power to subtract from or to add to the Court for the purpose of destroying the Court?

Mr. WHEELER. Of course, such an act would be against the spirit of the Constitution. I am sorry the junior Senator from Kentucky [Mr. LOGAN] is not present, for he said yesterday that the spirit of the Constitution and the letter of the Constitution were the same thing. Let me quote what James Truslow Adams says about that. He says:

> To use the letter of the Constitution for a purpose not intended, and subversive to the whole constitutional structure, cannot be considered a constitutional act, although it may be a legal one.

Now, let us come to the question whether or not the pending proposal is within the spirit of the Constitution and whether or not there is any difference between the spirit and the letter of the Constitution.

The President of the United States a few weeks ago had something to say about those who obey the letter of the law while violating its spirit. I should like to read from the message the President sent to the Congress on June 1 of this year. I quote:

> Mr. Justice Holmes said, "Taxes are what we pay for civilized society." Too many individuals, however, want the civilization at a discount.
>
> Methods of escape or intended escape from tax liability are many. Some are instances of avoidance which appear to have the color of legality; others are on the border line of legality; others are plainly contrary even to the letter of the law.

So the President of the United States, in his tax-evasion message, plainly recognized the difference between the spirit of the law and the letter of the law.

In that message the President said further:

> All are alike in that they are definitely contrary to the spirit of the law. All are alike in that they represent a determined effort on the part of those who use them to dodge the payment of taxes which Congress based on ability to pay. All are alike in that failure to pay results in shifting the tax load to the shoulders of others less able to pay and in mulcting the Treasury of the Government's just due.
>
> * * * * * * *
>
> Very definitely the issue immediately before us is the single one relating to the evasion or unethical avoidance of existing laws. That should be kept clearly in mind by the Congress and the public. Already efforts to befog this issue appear. Already certain newspaper publishers are seeking to make it appear—first, that if an individual can devise unanticipated methods to avoid taxes which the Congress intended him to pay, he is doing nothing unpatriotic or unethical; and, second, that because certain individuals do not approve of high income-tax brackets, or the undistributed earnings tax, or the capital gains tax, the first duty of the Congress should be the repeal or reduction of those taxes. In other words, not one but many red herrings are in preparation.

In his message the President said further:

> It is also a matter of deep regret to know that lawyers of high standing at the bar not only have advised and are advising their clients to utilize tax avoidance devices, but are actively using these devices in their own personal affairs. We hear too often from lawyers, as well as from their clients, the sentiment, "It is all right to do it if you can get away with it."

"It is all right to do it if you can get away with it"; but it is against the spirit of the law.

I am confident—

The President says—

> that the Congress will wish to enact legislation at this session specifically and exclusively aimed at making the present tax structure evasion-proof.
>
> * * * * * * *
>
> FRANKLIN D. ROOSEVELT.
>
> THE WHITE HOUSE, *June 1, 1937.*

The Senator from Arkansas [Mr. ROBINSON], the distinguished Democratic leader, commenting a few minutes later on the message, said—I quote from the CONGRESSIONAL RECORD of June 1:

> Only a few words will suffice for what I have to say at this time. The message of the President, based on information supplied by the Treasury Department, reveals a shocking condition pertaining to evasions—

Of what?—

> of the spirit of our income-tax laws. No doubt, as is stated in the message, there are numerous other instances that have not as yet come to light of the law either being violated or its spirit being evaded.

Oh, yes, Mr. President, there is a difference between the spirit of the law and the letter of the law. At a hearing a short time ago before the Interstate Commerce Committee when some men came before that committee to testify I said as to certain members of the New York Stock Exchange who were allowing some people to obtain stocks at a price lower than was accorded to the general public that that was in the nature of a bribe. They came back saying that it was no violation of the law. I said, "No; it is no violation of the law, but it is morally wrong." So I say it is morally wrong to do by indirection what cannot be done by direction. It is morally wrong to change the Constitution by coercive interpretation. It is morally wrong to put men on the Supreme Court for the express purpose of getting decisions in accordance with the views of Congress or in accordance with the views of the executive department.

I submit that no Senator who really believes in the Constitution of the United States, who believes in a democratic

form of government, who believes in and has confidence in the people, can go before his constituents and say, "I did not dare to submit a constitutional amendment to you because I was afraid to trust you. I was afraid you would be corrupted by the 'economic royalists' in Wall Street. I was afraid Mr. Mellon might corrupt the State of Pennsylvania. Therefore I did not care to submit a constitutional amendment to the workers and laborers of Pennsylvania.

Not only that, but if we provided a method of ratification by conventions, it might be that some spooks would show up. Who is seeing the bogey man now? Who is it that is seeing the man on the stair when no man is there? Who is it? It is the man over in Berlin, the Ambassador to Germany, who said somebody was going to raise a fund of $10,000,000, or $100,000,000, or $1,000,000,000 to set up a dictatorship in this country. A dictatorship cannot be set up in this country if we maintain the Constitution of the United States and keep the three departments of government independent of one another. A dictatorship cannot be set up in this country if we go before the people and submit this proposal to the people, and the reason why that is not done is because its proponents do not dare to do it.

Furthermore, with reference to these terrible judges, particularly the politician on the bench whom the Senator from Pennsylvania [Mr. GUFFEY] mentioned, no one dares to introduce a bill containing a provision that "no part of this appropriation shall be used to pay the salary of Chief Justice Hughes." The Senator from Pennsylvania does not dare to go before the people of his State and propose such a thing. He does not dare go before the people of Pennsylvania and say, "We want no part of this appropriation to be used for paying the salary of Justice Roberts." That would be constitutional, but who would for a second say it would be morally right? No; the people would not stand for it.

A suggestion was made that I ought to feel sorry for the company I am keeping. Who compose the company I am keeping? Let us call the roll. First is the senior Senator from Minnesota [Mr. SHIPSTEAD], elected on the Farmer-Labor ticket. Who else is in my company? The junior Senator from North Dakota [Mr. NYE], who was elected by the farmers and laborers of his State, and the senior Senator from North Dakota [Mr. FRAZIER], elected by the Non-Partisan League of North Dakota.

I also find in my company the senior Senator from Wyoming [Mr. O'MAHONEY], one of the outstanding liberals who fought for the Democratic Party and made the State of Wyoming Democratic through his outstanding ability. Yet the statement has been made to me, "We made Senator O'MAHONEY." No; that is not so. That Senator was made a long time before some of the New Deal liberals were ever heard of.

Who else is in my company? Who are some of the others of this bad company I am keeping? The senior Senator from Nebraska [Mr. NORRIS] does not like the bill and does not think it provides the proper means of accomplishing the purpose.

We are told it is the same group, the same forces that fought the President in the last election. Is the senior Senator from Missouri [Mr. CLARK] one of the elements that fought the President in the last election? Is the Senator from Wyoming [Mr. O'MAHONEY] one of them? Is one of them the Senator from Nevada [Mr. MCCARRAN], who is known on the floor of the Senate as the greatest champion of labor in this body? He is looked upon in his State as an ultra-liberal. Does he belong to the same element? Does the Senator from Iowa [Mr. GILLETTE] belong to the same element? Oh no! Does the Senator from Alabama [Mr. BANKHEAD] belong to the same element? No, indeed! Does the Senator from California [Mr. JOHNSON] belong to that element? Does the capable and well-known senior Senator from Idaho [Mr. BORAH] belong to the same element?

Yes, I am in bad company indeed. I am with practically every liberal who has stood on the floor of the Senate and fought for the liberal cause long before Jim Farley was ever heard of. I stood side by side with the liberals of the country while other Members on this side of the Chamber were fighting for and as a part of the machine created during the Hoover administration.

What about the press of the country? What about the New York Times? The New York Times did not belong to the "economic royalists" when supporting Roosevelt in 1932. The New York Times was not an "economic royalist" when it supported Roosevelt in 1936. What about the Scripps-Howard newspapers, the most liberal newspapers in the country? They have supported Mr. Roosevelt's legislative program and have gone down the line for him, and yet they have refused to follow him on the bill now before us.

The minute a Senator is known to be opposed to the President's bill he is denounced as a "defeatist", an "economic royalist", who has sold out to Wall Street. What bigotry! Only those who vote for everything the President wants are liberals. Those whose consciences impel them to disagree even once immediately are "defeatist lawyers" or "economic royalists."

Mr. President, coming back to the Constitution, of course, it is within the letter of the Constitution to pass this bill to put another Justice on the Supreme Bench. Yes; it is within the letter of the Constitution to provide in the bill that if a member of the Supreme Court is opposed to the measure, then his salary shall not be paid; or another provision could be inserted that salaries of members of the Supreme Court shall be increased if they favor the bill; but either would be morally wrong. It would have been constitutional to have added a provision to the N. R. A. bill to increase their salaries, but it would have been morally wrong; it would have been against the spirit of the Constitution.

Mr. President, the President did not charge those whose names were mentioned before the Joint Committee on Tax Avoidance with a violation of the letter of the law. He charged them, and the Treasury Department charged them, with having violated the spirit of the law. They were held up and pilloried. I have not any objection to that, but they were pilloried not for breaking the law but for a violation of the spirit of the law—for doing an illegal act in a legal manner.

We are told that there is great opposition to 5-to-4 decisions. Let us examine that matter for a moment. There is no longer any need for the passage of this bill because of 5-to-4 decisions. There is a vacancy on the Supreme Court. Why has not that vacancy been filled? We all know the reason, and it is not necessary for me to state it at this time.

We do not need to fear 5-to-4 decisions, because we will no longer have them. If the judge to be appointed does not disappoint the proponents of the bill, they can have 6-to-3 decisions, or they can have at least 5-to-4 decisions. The administration can be sure of such decisions on any reasonable proposition. They can be sure of 5-to-4 decisions in their favor. There is no longer any "no man's land." There is no longer any "Mr. Justice Roberts' land." Think what happened when Mr. Justice Van Devanter resigned. Proponents of the bill have been wanting resignations, but when he resigned just think of the statement that was made! "One down and five to go" was the comment made by the Secretary to the President of the United States.

There is a word in use in New England with which many are familiar which describes the sort of discussion that has been taking place on the part of the proponents of the bill, a word that describes it better than any other expression I can think of. That is the word "cheap." It was cheap for the Secretary to the President of the United States to say "One down and five to go", "One down and four to go." It was cheap, Mr. President, for the Postmaster General to say, "We have it in the bag." It was cheap for him to say that he would let the Senate talk; he would let the Congress talk. It was cheap to make the arguments that have been made to intelligent men upon the floor of the Senate. It was cheap, I say, to appeal to Members here and say, "You rode in on the President's coattails, and now you owe it to him to vote as he wants you to vote." It was

cheap to say, "You are going to break the President's heart unless you vote for this bill."

What have we come to in this body, when a great issue is before the Senate affecting the Constitution of the United States, affecting the fundamental principles upon which the Government is founded, and Senators are told, "You must vote for the bill because you rode in on the coattails of the President of the United States, and he wants it"? Is that what the people of Mississippi sent the Senator from Mississippi to the Senate for? Were Senators sent here to say "yes", or were they sent here to think?

Mr. President, with reference to 5-to-4 decisions, we are told that we shall have no more of them if this bill is passed. As a matter of fact, under the bill we may not only have 5-to-4 decisions, but we may have 6-to-7 decisions, 7-to-8 decisions, 5-to-5 decisions, or 7-to-7 decisions. What does that mean?

Let me ask my friends who are so bitter against 5-to-4 decisions to consider what may happen under this bill. A district judge out in Podunk declares an act of Congress unconstitutional. The case is appealed directly to the Supreme Court of the United States. The district judge in question, perchance, has been appointed not because of his ability, not because of his legal attainments, but because some Senator wanted him appointed, because he has been the Senator's partner or has been his political friend. He declares the act unconstitutional and the case goes to the Supreme Court. There are 10 members upon the Supreme Court, or 12 members upon the Supreme Court. They divide upon the issue 5 to 5 or 6 to 6. What happens? The decision of the lower court stands. That district judge in Podunk has knocked out the law and held it unconstitutional. There has been no 7-to-5 decision, no 6-to-5 decision; but the single judge out in Podunk, without any legal ability, appointed for purely political reasons, has declared the law unconstitutional and his decision stands. He is the man who ultimately is responsible for its being held unconstitutional—not Roberts, not Hughes, not Brandeis, not Cardozo, not the other Justices, but this judge in Podunk, this judge appointed at the behest of some crooked political boss, perhaps, in one of the great cities of this country that is reeking with political corruption and crookedness.

We are told that that is the constitutional way in which to have the validity of laws of Congress determined; that their constitutionality should be determined not by five men but by one man, and that one man may be a political boss from some corrupt city of the United States.

That is why I have said the substitute bill ought to go back to the committee and be studied. It would not speed up justice, as we were told. It would do nothing of the kind. It would not obviate 5-to-4 decisions. It would result in a condition a thousand times worse than that brought about by 5-to-4 decisions. It would make it possible for cases to be decided by a vote of 7 to 7. It would make it possible for one man, a lower court judge at that, to decide cases; and yet great statesmen want to see that kind of a law placed upon the statute books of the United States. They want to see that kind of a court empowered to pass upon the validity of acts of Congress. That is what they are trying to force down the throats of the people because they are afraid that if it were not done it might "break the President's heart"!

Incidentally, who was it that declared the second Frazier-Lemke Act unconstitutional? Whom do you suppose it was? Some judge appointed by this administration out in Illinois or Pennsylvania—appointed at the behest of the Senator from Pennsylvania or the Senator from Illinois, one or both of them—declared the law unconstitutional. The case went to the Supreme Court of the United States, and that Court declared the act constitutional.

After all, speaking of 5-to-4 decisions, do we want a Supreme Court that simply will agree entirely with our viewpoint? Is that what we want? Let me call attention to the fact that it is out of the clash of opinions that the truth comes. The worst thing that could happen to Congress, the worst thing that could happen to the country, would be to have but one strong political party. We get better legislation in this body because we have a clash of opinions as to proposed legislation. We get better bills out of committees when we have a clash of opinions. The American form of government depends upon the clash of opinions of its people, and not upon a subservient people who are voting as they are told to vote because they are getting hand-outs from the Treasury of the United States.

We are told that all the farmers of the country are for this measure. Let me say that I was out in Montana not long ago. Many farmers came to see me and said, "I am with the President. I do not know anything about this bill, but I am for it because I think the President wants it." Labor leaders came to me and said to me, "I am for the bill because I think the President wants it. I do not know anything about it." W. P. A. workers came to me and said, "I am on the public pay roll, and I want the bill because the President wants it. That is the reason." I say to the Members of the Senate, however, that practically every man with whom I have come in contact, from one end of the country to the other, who has given the question any serious thought or who knows anything about our problems or our Constitution is opposed to this measure.

If the contention of those who favor the bill is correct, why have a written Constitution at all? A great many persons in this country think there is not any need for a written Constitution; but why do we have one? We have one, my friends, because my forefathers, like the forefathers of most of the Senators, had left foreign shores, where they had seen the tyranny of one-man government in Europe. Some of them had been driven out of England by James I, who said to them, "Unless you conform, I will harass you out of the country"; and he did harass them until they left that country. He drove them to Holland, and then they came to America and settled upon the shores of this great country of ours. They fought the American Revolution; they spilled their blood and many of them died, all up and down the Atlantic seaboard, in order that you and I, their posterity, might have a democratic form of government assured by a written Constitution.

When the framers of the Constitution met in the assembly in Philadelphia they did not write the Constitution simply to protect themselves, but they remembered some of the things that had occurred before. They remembered the six men of Dorset and the six farm laborers who had assembled for the purpose of petitioning for higher wages, and were banished from England for so doing. So they wrote into the Constitution of the United States a provision that the right of free assemblage should be guaranteed in the United States of America.

They wrote it into the Constitution because those six men were banished from England and sent to Australia. They also wrote into the Constitution that no man should be banished from this country on account of crime. Remembering that Mary, Queen of Scots, before she was beheaded, asked and pleaded that she should be confronted with her accusers, they wrote into the Constitution of the United States that every accused person should be confronted by his accusers, that he should have the right of trial by jury, and that he should have the right to a writ of habeas corpus. They remembered that in European countries the army had been able to enter a man's home and take possession of it; so they wrote into the Constitution of the United States a provision to the effect that no general, no Army officer, no matter whom he might be, in peacetime should be permitted to quarter his troops in the home of a citizen; and if he tried to do so, the citizen could say to him, "Go on down the road."

I might go on and enumerate the other provisions of the Bill of Rights, and say that because of what had been done in Europe the forefathers not only wanted to lay down those principles but they wanted to make those rights inalienable to the people of this country for all time to come.

Oh, but it is said, "What has that to do with the Court-packing bill?" If four men can be put upon the Supreme Bench to override the Constitution of the United States in one particular, they can say as to every other provision of

the Constitution of the United States that it shall be inoperative. They can say whatever they choose to say, and make the Bill of Rights become as nothing to the people of this country.

I am told that labor is for the bill and that the farmers are for it. A man was sent out to my State to line up the people. When I went out to Montana, who came out and followed me around to pretty nearly every meeting? The only labor leader who followed me around and made any speeches was the associate editor of the Daily Worker, Mr. Bill Dunn, a man whom I defended some years ago, without charge, when he was indicted for sedition.

He held a meeting and supported the President's proposal in the city of Butte, and in several other places throughout the State. Is he for it because he is for the President of the United States, or is he for it because he believes that it is the first step in tearing down constitutional government and bringing about a dictatorship?

Mr. President, I say that there is nothing liberal about the proposal before us; there is nothing progressive about it. It has been dressed up in gaudy clothes for the purpose of attracting the fancy of some of the younger generation, who have not given it any serious thought and do not know that the liberties which have become commonplace to us were earned only by the lifeblood of our forefathers. Our liberties are so commonplace that few people give any serious consideration to them.

Why should we be zealous about this cause? When we look at world affairs we realize that in Germany there is a dictator, under whose iron heel are 70,000,000 people. How did he come into power? On what plea did he come into office? He came in under the constitution of Germany. Every step that was taken by him at first was taken in a constitutional way. Mr. Hitler acted "to meet the needs of the times."

Mussolini came into office upon the plea that he would improve economic conditions and he assumed the power of a dictator and abolished the legislative body of Italy and set up his own court, in order that he might "meet the needs of the times" in that country. In every place where a dictatorship has been set up it has been done "in order to meet the needs of the times."

Let me quote Mr. Justice Brandeis. He said:

> Experience should teach us to be most on guard to protect our liberty when purposes of government are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded persons. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding.

I quote also from Mr. James Bryce, formerly British Ambassador to the United States, who said:

> When all of the public lands have been taken up, homes for the people will be more difficult to obtain; that will continue to increase the evils of tenantry; then pauperism, now confined to some six or seven States, will become universal throughout America; labor will either fall, or lack employment, and cost of living will rise to a height unbearable. * * * Will the American voter patiently bear the stress of periods of hard times, or will they experiment with vain and foolish things; and then the evils will appear in this virgin soil that now plague the crowned heads of Europe.
>
> * * * * * * *
>
> The beginning of this pressure will not be later than 30 years hence.
>
> * * * * * * *
>
> For when this pressure is upon the country, and in their effort to try vain and foolish things, they will be prone to increase the number of Supreme judges, in order to overturn all the decisions of that Court; and thus at one stroke will the American Commonwealths be destroyed.

Probably, in the opinion of the distinguished Senator from Kentucky [Mr. LOGAN] Lord Bryce was seeing a man on the stair when there was no one there.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. CLARK. With due respect to the opinion of the Chair and the Senator from Arkansas, I will put my interruption in the form of a question.

Would the Senator be so presumptuous as to set up the opinion of such a man as Lord Bryce on constitutional government against the opinion of the distinguished Senator from Kentucky?

Mr. WHEELER. Oh, no; I would not; but others might. The Senator from Kentucky is now in the Chamber. I am sorry he was not here when I read what the President said about the difference between the spirit of the law and the letter of the law. When the bill came to Congress providing for six judges in the first instance, we were told that the Supreme Court was back in its work, and that that was the reason why it was necessary to have more members on the Court. Then we were told that the Court had improperly denied something like six or seven hundred petitions for writs of certiorari. Then we were told that the judges were old and that they were unable to do their work, and so they should be forced off the Court. These contentions were disproved. But still the distinguished Senator says there is no intention of forcing them off the Court. However, the Senator from Arkansas, in response to a question from me just the other day said there was not any doubt in his mind but that they probably would get off. In answer to a question from the Senator from Vermont [Mr. AUSTIN] the Senator from Arkansas [Mr. ROBINSON] stated:

> I should think that we might regard it as an expression of the public opinion of the Nation that one who has reached the age of 75 years had best avail himself of the privilege of retirement. But the Senator from Vermont, whose imagination is quite unbounded and whose genius for the conception of possibilities is greater than my own, is entirely able now, as he was before he asked the question, to form his own conclusion.

He said again:

> I should not regard it as a national calamity if any Justice availed himself of the privilege of retirement any more than I have regarded it as a calamity when other Justices have retired at the age of 70.

The Attorney General of the United States said if they do not like this law, let them get off. What is the object of passing the proposed legislation? There is just one reason behind it. Its proponents may camouflage it just as much as they desire, but the Attorney General said that they want a court to meet the needs of the times. What does that mean? What are the needs of the time? Who is to judge what are the needs of the time?

I think I stated before upon this floor that the needs of the times are like the shifting sands upon the beach. What may be the needs of the times today may not be the needs of the times tomorrow. If a President comes into office with a great majority behind him, is he going to say, "I have 11,000,000 majority, I have a Congress which is subservient to me, so I am going to increase the membership of the Court, because I want men there who are going to decide in accord with the needs of the times"?

There are courts in Germany, there are courts in Italy, there are courts in Russia, and men are placed on them to meet the needs of the times as the dictators see the needs, and those judges do what the dictators want them to do. Can the Democratic Party afford to be placed in the position of saying to the people of this country, "We are going to put men on the Supreme Bench to meet the needs of the times as we see them"?

A distinguished Member of this Chamber a few years ago thought the needs of the times were such that he would probably be elected President of the United States upon an issue which was inflaming the minds of the people of the country at that time. Had he then been elected President of the United States, what do Senators think he would have thought were the needs of the times at that time?

Oh, the needs of the times! The needs of the times. The people of the State of Oregon thought the needs of the times in the State of Oregon required that a law should be enacted providing that its citizens should have their children educated in no other place than in the public schools. That was done because of what they thought were the needs of the times. That was done because it was thought, it was in the minds of—not the legislature, not the Governor—but the peo-

ple of the State of Oregon; and the Supreme Court of the United States of America declared that law unconstitutional.

We know that the idea of the needs of the times, and of having judges to meet the needs of the times, is not anything new. The great political organizations such as Tammany and such as may be in the State of Pennsylvania want judges upon the bench to meet the needs of the times as they see them.

Senators, I am in favor of correcting evils; and I stand before the Senate and before the people of the country and say that abuses practiced by the courts of the land should not continue. There has been racketeering on the part of some judges in the matter of the appointment of certain referees in bankruptcy; and such practices ought to be stopped. We ought to stop them. This bill, however, does not stop them in the slightest degree.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. McCARRAN. Does the Senator recall that a special committee, of which the able junior Senator from California [Mr. McADOO] was chairman was appointed by the United States Senate to investigate the very matter to which the Senator from Montana now refers—namely, corruption with reference to bankruptcy matters and fees allowed—and does the Senator further recall that the committee up to date has apparently done nothing to relieve that situation?

Mr. WHEELER. That is my understanding; and I understand that the Senator from Nevada has been vitally interested in the investigation.

Mr. President, not only do I take the position I have just described but I should be willing to go so far as to say that no Member of the Senate and no Member of the House should be permitted to appear before any Federal judge who was appointed to the bench while such Member of Congress was in the Congress; and I would even go further than that and say that no Member of Congress should practice in the Federal courts, if it is desired to go that far. However, that evil would not be corrected by this bill. The law's delays would not be overcome by increasing the number of members of the Supreme Court. On the contrary, let me quote the President of the United States himself on that subject.

While my clerk is looking for the particular memorandum in question, let me call the Senate's attention further to the subject of the particular needs of the time. The State of Nebraska passed a law to the effect that the German language should not be taught in the schools of Nebraska. The State of Nebraska thought that was in accordance with the needs of the time.

That occurred during the Great War hysteria, when people were seeing bogeymen, and when they wanted every man who had a German name to be sent to the penitentiary because of his name. But the Supreme Court of the United States, bad as its members may be, and having great politicians among its members, as some distinguished Senators have pointed them out to be, said that law was contrary to the Constitution of the United States.

Then a case arose concerning one Angelo Herndon down in Georgia who was a Communist, and was found with Communist literature in his pocket. He was arrested under an old statute in the State of Georgia duly enacted by the legislature of that State. The Georgia Supreme Court upheld his conviction, and sentence of 18 years' imprisonment for "having incited to insurrection." The Supreme Court of the United States, removed as it was from mob hysteria, freed him. Of course, the Court disagreed with his political philosophy, but notwithstanding that fact it turned him loose because it said his arrest, prosecution, and trial were contrary to the Constitution of the United States of America.

What were the needs of the times during the reconstruction era following the Civil War? Senators from the South will find that at some time a man will come here as President of the United States who will say to southern Senators and to their States that the needs of the times require action which is going seriously to affect the economic life of their States and their people. Make no mistake about it.

So, my friends, the needs of the times, I repeat, are like shifting sands upon the beach. The needs of the times are one thing today and something else tomorrow. When men are appointed upon the Supreme Court Bench to interpret the Constitution to meet the needs of the times, I say that a step is being taken which is reactionary. A step is being taken which, while it is within the letter of the Constitution, is against the spirit of the Constitution, and I defy anyone who knows the difference between the spirit of the law and the letter of the law to deny that statement.

I think I have once before quoted to this body a statement made by the President of the United States on the question of increasing the Supreme Court of the United States to meet the needs of the times. Why should I be accused of breaking the heart of the President, why should I be accused of being in bad company, when I agree now with the statement which the President of the United States made a few years ago? This is what he said in 1933:

> In the face of this congestion the remedy commonly proposed is to add new judges or new courts, but it will readily be seen that, if the problem is what I have stated it to be, such a so-called remedy merely aggravates the complaint. There are, of course, legitimate demands for additional judicial manpower in sections where the population has grown rapidly. But it is easy to see that to apply this remedy in all cases is to add to the ravages of the disease, to contribute to the confusion, and, what is profoundly important at this time, to burden still further an already seriously embarrassed taxpayer.

Senators were told that they rode in on the coattails of the President of the United States and that they ought to support him for that reason; that they ought to support the measure because of party loyalty; that they ought to support the bill because some economic royalist disagrees with the President; that they ought to support the measure because some newspaper or some Republican says it is wrong; that they ought to be intimidated and afraid to vote their own convictions. Yes; but who first said that which we who oppose the measure are now saying? The President of the United States, in 1933. When Senators vote against this bill to increase the Supreme Court to "meet the needs of the times", to make it subservient, they are only doing what the President of the United States in 1933 said was the right thing to do. He said it before the Republicans said it. He said it before any of the newspapers he is now criticizing said it. He said it before those now opposed to him in this matter said it. Am I attacking the President of the United States because I am agreeing with what he said in 1933?

Is every Democrat who is opposed to the pending measure trying to break up the Democratic Party because he agrees with what the President said in 1933?

Certainly I want to stand behind the President of the United States. I challenge any Member of the Senate to point to anyone who has stood by the President to a greater degree or tried more earnestly to help secure the enactment of legislation desired by him or supported him in connection with more legislative matters than I have.

It is distressing to have to stand up here and disagree with the President of the United States, with any President of the United States, upon a vital, fundamental issue before the country. Particularly is it distressing for a Senator of the United States to have to stand up and disagree with the President of the United States when he is of his own party. It is even more distressing to me to have to stand up here and disagree with the President of the United States when he has been a personal friend of mine over many years. There is no judgeship dangling before my face, though. [Laughter.] I am not seeking a place upon the circuit court of appeals or upon any other court. The President has been most generous in his treatment of me; he has probably been as friendly to me as he has to any other Member of this body; but there comes a time in the life of every man, whether he was elected on the coattails of the President or not, when his own conscience must tell him whether or not he is going blindly to support the President.

I was the first Member of the Senate to come out openly and espouse Mr. Roosevelt's cause. Where were some of my Democratic colleagues when I was out beating the brush over the country trying to line up delegates in the preconvention campaign? Where were they in Chicago? Where were they after the convention in Chicago? Some of them thought that the lightning was going to strike them in Chicago. [Laughter.]

Not only that, Mr. President, but when some man issues a statement prepared by the Democratic National Committee indicating that I am not a friend of the President of the United States, let me call attention to the fact that I went out to the Chicago convention and spent 10 days there, at my own expense, fighting for Mr. Roosevelt's nomination. I know what went on there; I know what went on on the inside; and I know where every man who is now a Member of the Senate stood in that convention and how he felt with reference to the nomination of Mr. Roosevelt. I know how many of the people who are now on the pay roll of the Government stood at that time, people who now call themselves great liberals. They are liberals only because they think it is popular to be liberal.

Mr. SHIPSTEAD. And it pays.

Mr. WHEELER. And, as the Senator from Minnesota suggests, it pays to be liberal. One can afford to be liberal when he is on the public pay roll.

I know it is being whispered around that Senator WHEELER has changed his economic views; that he has gone back on the President; but I will be fighting the liberal cause when many of the so-called officeholding liberals who are now in Washington will have gone back to the caves of Wall Street to work for the economic royalists.

When does a man become an economic royalist? Does he become one when he fails to support an administration proposal here in Congress? I noticed in this morning's newspapers an item to the effect that the president of the great United States Steel Corporation might be appointed to some diplomatic post. A great liberal; a great progressive! When did he cease to be an economic royalist and become a great progressive liberal? Where were some of these men in 1924? They were supporting the man who they now denounce as the great chief of the Liberty League. Where were they? They were not found espousing the progressive cause at that time, and they will not be found espousing it when it ceases to pay and the patronage stops and the jobs stop and when they cannot get any more projects for their States. Their liberalism continues just so long as they get patronage, pap, and jobs.

Of course, Mr. President, there have been abuses in the Court. I have been one who has disagreed with them, and I expect to disagree with them again, but I am unwilling, on the basis of some specious argument or of some subterfuge that defies the spirit of the Constitution to participate in setting one of the most dangerous precedents that has ever been conceived by this Congress or any other. I am unwilling to go along with a proposal of this kind even if it may be said of me that I am associating with Republicans on the other side.

It is suggested by a Senator near me that half the present Cabinet are Republicans. The Secretary of the Interior went out and made a speech in Chicago in which he referred to "pseudo liberals" and said something about Democrats. I have always had a high regard for the Secretary of the Interior, but it ill behooves him to talk about Democrats and to say anything about somebody trying to break up the Democratic Party or to destroy the Democratic Party. I do not like to become personal in matters of this kind, but when men try to malign others because they disagree with them I say they have no business doing it; they have no business spending the money of the National Democratic Party or the Federal Government to malign Members of the Congress who do not happen to agree upon one issue with the President of the United States.

The bill now pending just does not provide properly for doing what the President wants to do. I give all due credit to the President of the United States for the great things he has accomplished and done since 1933.

Mr. LEWIS. Mr. President, will the Senator allow me to make a suggestion merely for the purpose of information?

The PRESIDING OFFICER (Mr. DUFFY in the chair). Does the Senator from Montana yield to the Senator from Illinois?

Mr. WHEELER. I yield for a question.

Mr. LEWIS. So far as Secretary Ickes is concerned, while I was not his supporter, I think, in fairness, it should be said that I think the Senator from Montana misunderstood him.

Mr. WHEELER. I am sorry to say that, under the ruling, I cannot permit the Senator to make a statement. I should be glad to let the Senator say what he desires, but I am not permitted to do so under the rules invoked by our distinguished leader.

Mr. LEWIS. I am afraid the Secretary of the Interior has been misquoted, and I wanted to set the matter straight.

Mr. WHEELER. I am not responsible for the interruption.

Now, Mr. President, I wish to read a quotation from Woodrow Wilson because the distinguished Senator from Indiana [Mr. MINTON], in a burst of oratory last night, said he wanted to have his President look at the shrine of Woodrow Wilson. I also want him to do so. The Senator from Indiana said he wanted to think of the President as looking at the shrine of George Washington at Mount Vernon and at the shrine of Abraham Lincoln. It was a great burst of oratory. Woodrow Wilson said:

> The Constitution provides that all judges of the United States shall hold their office during good behavior, but Congress could readily overcome a hostile majority in any court or in any set of courts, even in the Supreme Court itself, by a sufficient increase in the number of judges and an adroit manipulation of jurisdiction, and could, with the assistance of the President, make them up to suit his own purposes.

Oh, yes, I want the President to consider that statement of Woodrow Wilson, and I want him to remember it. I also want him to remember what George Washington said:

> The basis of our political system is the right of the people to make and to alter their constitution of government. But the Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory on all. * * * Toward the preservation of your Government and the permanency of your present happy state it is requisite * * * that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown.

Then I want him to remember what Mr. Justice Story said:

> The addition to our number has most sensibly affected our facility as well as the rapidity of doing business. * * * We found ourselves often involved in long and very tedious debates. I verily believe that if there were 12 judges we should do no business at all or at least very little.

Again, George Washington said:

> If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation—

Who used the word "usurpation"? George Washington used it. The Father of his Country said, "Let there be no change by usurpation", and continued:

> For though this in one instance may be the instrument of good, it is a customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Oh, yes, George Washington was seeing the man on the stair when no one was there when he was talking about "usurpation." When he was talking about "usurpation" by increasing the Supreme Court he was all wrong! He was just setting up a bogey man when he said the Constitution of the Government could be destroyed upon usurping the powers of the Supreme Court.

Is it possible any Member of the Senate is so naive that he does not know that the purpose and the only purpose of the bill to increase the membership of the Supreme Court is to have an interpretation placed on the Constitution in accordance with the views of the majority of the Congress of the United States at the present time?

In a burst of oratory my friend the Senator from Indiana [Mr. MINTON] said, "I want him to look to the shrine of Thomas Jefferson." Let us see what Thomas Jefferson said. He said:

> The dignity and stability of government in all its branches, the morals of the people and every blessing of society depend so much upon an upright and skillful administration of justice that the judicial power ought to be distinct from both the legislative and executive, and independent of both, as both should be checks upon that.

I believe the Senator from Indiana also referred to Andrew Jackson. Let us see what Andrew Jackson said. He said:

> We should recollect that that instrument (the Constitution) provides within itself the mode of its amendment, and that there is, therefore, no excuse for the assumption of doubtful powers by the general Government.

He was a great old Tory, a great economic royalist. He sold out to Wall Street when he expressed those views.

He continued:

> If those which are clearly granted shall be found incompetent to the ends of its creation, it can at any time apply for their enlargement; and there is no probability that such an application, if founded on the public interest, will ever be refused.
>
> When an honest observance of constitutional compacts cannot be obtained from communities like ours, it need not be anticipated elsewhere, and the cause in which there has been so much martyrdom, and from which so much was expected by the friends of liberty, may be abandoned, and the degrading truth that man is unfit for self-government admitted. And this will be the case if expediency be made a rule of construction in interpreting the Constitution. Power in no government could desire a better shield for the insidious advances which it is ever ready to make upon the checks that are designed to restrain its action.
>
> The difficulty and supposed impracticability of obtaining an amendment of the Constitution in this respect is, I firmly believe, in a great degree unfounded.

Certainly, the great Andrew Jackson had been consulting and cavorting with Republicans. He was not just a true man of the people in expressing those views.

He continued:

> The time has never yet been when the patriotism and intelligence of the American people were not fully equal to the greatest exigency, and it never will when the subject calling forth their interposition is plainly presented to them.
>
> If experience points out the necessity for an enlargement of these powers, let us apply for it to those for whose benefit it is to be exercised, and not undermine the whole system by a resort to overstrained construction.

So, Mr. President, we find George Washington, Andrew Jackson, Abraham Lincoln, Thomas Jefferson, and all the other great leaders denouncing such a proposal, and we find George Washington using the word "usurpation." Yet it has been said that this bill proposes simply an "infusion" of new blood. I say it is not merely an infusion of new blood, but it is a transfusion of blood, and that transfusion of blood into the Court will only add confusion to the Nation and to our people. The proponents of the bill want a transfusion of blood, and they want that blood which is to be transfused to match their own blood. Could any other conclusion be reached upon the arguments made by the able Senator from Pennsylvania [Mr. GUFFEY]?

No one in high authority has refuted the suggestion, no one has disputed the idea that what is wanted is a Court to "meet the needs of the times", better to interpret the Constitution as they wish.

The Senator from Kentucky [Mr. LOGAN] said the other day that what is wanted is not a Court which believes in the views of Thomas Jefferson, not a Court which believes in the principles of Andrew Jackson, but a Court which believes in the principles of Alexander Hamilton and John Marshall. I have not any objection. I heartily agree that whether we want it or not we are going to have a more centralized government in the city of Washington. We all dislike bureaucracy, and every administration goes out in the campaign and denounces bureaucracy, but each and every one adds to that bureaucracy. Why is that done? It is because of the concentration of wealth that is going on, and because the State legislatures cannot possibly regulate many of the great corporations; so it has to be done by the Federal Government here in Washington. I dislike it, and everybody else dislikes it; but it is not a question of what we like. It is a matter that is going to be forced on the people of the country by the economic conditions which have developed.

But when we want to amend the Constitution, let us not amend it by subterfuge. Let us do it in the way that every great President of the United States—including Washington, Jefferson, Jackson, and Wilson—has said it should be done. Let us do it under the Constitution. Let us have the amendment submitted to the people of the country. Let us have a vote upon it by the people. Let us not be afraid of it.

It was my recollection that the Attorney General of the United States, somewhere in one of his speeches, stated that the Supreme Court needed an infusion of new blood, or something to that effect, because of the age of the members of the Court, or that the courts of the country in general needed such an infusion. Nobody has stood upon the floor of the Senate, however, and said that any man upon the Supreme Bench is incompetent because of his age.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. McCARRAN. Does the Senator realize the difference between the terms "new blood" and "young blood", as used interchangeably by the President and by the Attorney General and others in discussing this subject? I should like very much to have the Senator express himself on that subject.

Mr. WHEELER. I thank the Senator. I assume that the Senator's interruption is in the nature of a question.

Mr. McCARRAN. I assumed that it was.

The PRESIDING OFFICER. The Chair understands that the Senator from Nevada asked a question.

Mr. WHEELER. In these technical days I desire to be careful that the interruptions are questions. The question was, as I understood the Senator from Nevada, whether a distinction had been made between "new blood" and "young blood."

First, I wish to continue and say that no one has said that any man upon the Supreme Bench is incompetent by reason of his age; that he is mentally incapacitated. I do not think any man, not even the Senator from Pennsylvania [Mr. GUFFEY], would charge that Chief Justice Hughes is mentally incompetent by reason of age. I do not think he would charge that Mr. Justice Butler, or Mr. Justice Sutherland, or Mr. Justice Brandeis—who is 80 years old—is mentally incompetent because of his age.

If none of them are mentally incompetent because they have reached a certain age, why say anything about age at the present time? Why try to put them off the Supreme Bench because they are 70 or more years of age, or to put somebody in their place to help them out because they have reached the age of 70 years? And then why change the age limit to 75 years?

Mr. McCARRAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nevada?

Mr. WHEELER. I yield.

Mr. McCARRAN. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. McCARRAN. The interpretation of the rules has been invoked in the Senate. May a Senator rise during the course of discussion by another Senator and ask a third Senator a question?

Mr. ROBINSON. Mr. President——

Mr. McCARRAN. I asked for a ruling by the Chair. I did not ask for a ruling by the leader.

Mr. WHEELER. Under the rule the Senator from Arkansas has invoked, I am afraid I should not be permitted to let him answer the question.

The PRESIDING OFFICER. The Senator from Montana has the floor. Does he yield to the Senator from Arkansas?

Mr. WHEELER. I refuse to yield except for a question. That rule was expressly invoked by the Senator from Arkansas, and I invoke it upon the Senator from Arkansas.

Mr. ROBINSON. That is so. [Laughter.]

The PRESIDING OFFICER (Mr. DUFFY in the chair). The Chair thinks the point of order is in the nature of a parliamentary inquiry. In answer to the query of the Senator from Nevada, the present occupant of the Chair will say that a Senator having the floor may not yield for that purpose.

Mr. McCARRAN. In other words, am I to understand the Chair to rule that, though the Senator from Montana has asked the Senator from Pennsylvania a question which the Senator from Pennsylvania has refused to answer, another Senator may not ask the question through the Senator having the floor?

The PRESIDING OFFICER. The present occupant of the Chair believes that the Senator having the floor may not yield for that purpose.

Mr. WHEELER. Mr. President, I was saying that no Member of the Senate of the United States has stood up here in his place and contended for one moment that any member of the present Supreme Court is either unfit or unable to carry on the duties of his office. If it is desired to put men off the Court merely because they are aged, why not point out some man on the Supreme bench who is incapable of performing his duty? If there is no man on the Supreme Bench who is incapable of performing his duty by reason of age, no man there but who can carry on, no man there but who has ability and is able to carry on, why hold them up to scorn before the country? Why humiliate them? Why hold them up before the people of the United States and say, "We want to put another man on the Supreme Bench in Mr. Hughes' place because Mr. Hughes is an aged politician. He ran for President of the United States of America on the Republican ticket"?

What Democrat is there in this body who can go before his people and say, "I wanted to put somebody on the Supreme Bench alongside Mr. Hughes because Mr. Hughes is a politician, because he ran for the Presidency of the United States on the Republican ticket"? Stand up in your place and answer if there is one.

Mr. Justice Brandeis is the oldest man upon the Supreme Bench. He is 80 years of age. For weeks the confirmation of Mr. Justice Brandeis was opposed in this body because he was known as a liberal when he was appointed by President Wilson. A bitter fight was made against him because he was looked upon as a great fighter for the liberal cause, and a determined effort was made to prevent the confirmation of his nomination. He had been fighting for the liberal cause in Massachusetts and throughout the Nation, uncovering the corruption in the old Ballinger case in the Interior Department, fighting the United Shoe Machinery Co. monopoly in the State of Massachusetts, which affected every single little manufacturer in that State and in the other New England States, fighting on the side of the ordinary man, the poor man. He was known as the people's lawyer of the State of Massachusetts. He defended, without pay, men charged with crime. He took up, without compensation or thought of compensation, the defense of the under dog from one end of the country to the other. Since he has been a member of the Supreme Court of the United States he has written more dissenting liberal opinions in favor of the masses of the people than has any other Justice, and now the Democratic Party, because it has the power, wants to humiliate him.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Texas?

Mr. WHEELER. I yield.

Mr. CONNALLY. I desire to ask the Senator a hypothetical question. If the Senator from Montana wanted to remove from the Supreme Court Mr. Justice Butler, Mr. Justice McReynolds, and Mr. Justice Sutherland, but did not care anything about removing Mr. Justice Brandeis, how would he remove those three unless he also removed Mr. Justice Brandeis at the same time?

Mr. WHEELER. I am glad the Senator asked me that question. It is not desired to get Mr. Justice Brandeis off the Bench. The Democratic Party does not want to get him off the Bench. The President does not want to get him off the Bench. Of course, they do not want to humiliate him. The men they want to get off the Bench are Justices Butler, McReynolds, Sutherland, and Hughes. The way the proponents of the bill could do it, if they dared to do it, would be to say, "No part of the appropriation contained in the appropriation bill shall be used to pay the salaries of these men", and just refuse to appropriate money for them, but they do not dare do that. They cannot reduce their salaries, but Congress has the power to refuse to appropriate money for the salary of the President of the United States, for the executive branch, and for the judicial branch. That would be within the Constitution; it would be constitutional, but it would be against the spirit of the Constitution, and it would be immoral to attempt to do it. In trying to get Chief Justice Hughes and other Justices off the Bench, in trying to humiliate them, those behind the pending bill are willing to humiliate a great liberal, and to do it in the name of liberalism in the United States, to do it in the name of progressivism, to do it under the guise of an attempt to do something for the people of the United States.

I am not surprised that someone should say, "A plague on both your houses." Shakespeare used that phrase in Romeo and Juliet. He did not apply it to a labor organization, however, or to a steel trust.

Mr. President, this proposal is not urged on account of the age of the Justices; it is not urged because they are not up with their work. The Solicitor General says they are up with their work, and Chief Justice Hughes in his letter to me pointed out beyond contradiction that the Supreme Court was current with its work, and that the Court never adjourned until every case that was ready for trial had been argued. So that is not the reason. The bill is not urged because the Judges refuse to hear six or seven hundred petitions for writs of certiorari. It is not urged because they denied petitions for certiorari filed by poor people, for, as I pointed out once before, it is not the poor people who apply to the Supreme Court for such writs. It is not the poor man, it is not the farmer whose cattle are killed by the North Western trains, or the Southern trains, or the Seaboard Air Line trains. He goes into the Federal district court and sues the railroad company and obtains a judgment against it for the loss of his stock, or damage to his stock. The railroad employee working upon the road sues for damages in the Federal court, or some man sues because he is run over by a train at a grade crossing. He goes into the Federal court and obtains a judgment in that court.

Who appeals? It is the railroad companies which appeal. They are the ones who want delay; they are the ones who have the long purse. They lose in the district court, and in the circuit court of appeals the judgment is affirmed. When it is affirmed, the railroad company files a petition for a writ of certiorari, and the Supreme Court denies the petition. It says, "You have had your day in court in the district court, and you have had your day in court in the circuit court of appeals." So it is not the poor individual, ninety-nine times out of a hundred, who goes to the Supreme Court with a petition for writ of certiorari. Any trial lawyer who has had any experience knows that what I state is accurate.

Now, let us take the other side. A stockman or a farmer loses his case before a jury. Nine times out of 10 he does not appeal the case to the circuit court of appeals because he has not the money, and his lawyer cannot afford to take the appeal. Assume he does finally raise sufficient money to appeal to the circuit court of appeals, and he loses there. Does he file a petition for a writ of certiorari with the Supreme Court? I challenge anyone to look at the records of the Supreme Court and find where a workingman, or a

farmer, or a widow, or an orphan has petitioned the Supreme Court for a writ of certiorari to bring up a case decided against him in the circuit court of appeals. Such cases will not be found, because they are not there.

So when there is an appeal to the prejudices of the American public, when there is an effort to make them think their representatives here are pleading in the interest of the poor and downtrodden widow, when there is talk about delay, it will be found that the denial of such petitions by the Supreme Court has meant speeding up the litigation in this country rather than delaying it. Whoever advised the President on this subject did not know very much about the practice of law in the Federal courts or he never would have written such a letter. I am not condemning the President. I say that he has been misinformed and misadvised with reference to this whole subject. In the very nature of things he has to depend upon advisers, and he has gotten some very poor advice in this matter. Someone lost some cases and was disappointed. Is the Congress of the United States to wreak its vengeance upon individual members of the Supreme Court of the United States because laws have not been construed as we should like to have them construed? Others may take such a course, but I shall not be a party to it.

Mr. President, there is nothing to the argument about the law's delay, so far as the Supreme Court of the United States is concerned; nothing to the charge that the Court is back in its work; nothing to the contentions about age and liberalism, because some of the most liberal men upon the Supreme Court are the oldest, and some of the most liberal men in this body have been the oldest Members of the Senate. I recall that the senior Senator La Follette once said to me that he was more progressive and more liberal in the latter days of his life than he was in the earlier days. Who are looked upon as about the most liberal men in this body? There is the senior Senator from Nebraska [Mr. NORRIS], one of the oldest men in the body; there is the Senator from California [Mr. JOHNSON]; there is the Senator from Idaho [Mr. BORAH] all looked upon as great liberals and great progressives. The idea of saying that because one is old he shall be proscribed!

Mr. President, in this country no party can survive if it is based upon political bigotry, and no party should survive that bases its existence upon an effort to proscribe men because of their age. No true liberal proscribes a man on account of his race, his color, his creed, or his age; and that is what is being sought by the pending bill.

I have not always agreed with Chief Justice Hughes. I voted against the confirmation of his nomination, as did a great many others. I made a mistake in so voting. I think Mr. Hughes will go down in history as a great Chief Justice. My distinguished colleague the senior Senator from Kentucky [Mr. BARKLEY] voted for his confirmation, and he was right and I was wrong. The Senator from Arkansas [Mr. ROBINSON] sent his pair from London for his confirmation, and he was right and I was wrong. Mr. Hughes has made a great Chief Justice, although I have not always agreed with his decisions. I have not always agreed with the decisions of many of the other Justices of the Supreme Court; but dare we, because we do not agree with their decisions, seek to punish them when they reach the age of 70 or the age of 75?

I think it has been generally recognized that my late colleague, Senator Walsh, was one of the ablest men who ever sat in this body, a great constitutional lawyer, a man who was opposed to the measure to regulate interstate commerce in bituminous coal, the same measure known during this session as the Guffey bill, because he thought it was unconstitutional. If anyone doubts my statement about that, let him ask Mr. William Murray about it, because he came to me and pleaded with me to urge Senator Walsh to vote for it, but Senator Walsh refused, because, in his judgment, it was unconstitutional.

Mr. President, when he was requested to accept the appointment to be Attorney General of the United States he was 74 years of age. That appointment was offered to him by the present President of the United States of America.

If you are going to proscribe a man from being on the Supreme Court because he is old, why should you beseech a man when he is 74 years of age to accept the position of Attorney General of the United States, to accept one of the most difficult places in the Government to fill, a place in the President's Cabinet?

I wish to say to the Senate that, in my humble opinion, had the late Senator Walsh been Attorney General of the United States, the history of the United States and the history of some of the cases which went before the Supreme Court would have been quite different than they have been in the past few years.

The late Senator Walsh was a great progressive and a great liberal and a great lawyer; but never would you have heard from him an utterance proscribing a man because of his opinions, thought, or religion. He was beloved in my State by all.

Never would he have been heard to proscribe a man on account of his religion; never would he have proscribed a man on account of his race; never would he have proscribed a man on account of his age. He never would have proscribed a man on account of his opinion. He respected those who disagreed with him. He was not intolerant politically, or economically, and he was not intolerant of other people's opinions.

Then we have the Secretary of the Navy. Why not proscribe him because he is old? He is over 70 years of age.

Why not proscribe Members of the Senate because of their age, if most men are incompetent when they are over 70?

But, Mr. President, I say that that is not the reason for urging the passage of this measure. No Senator, I repeat, has dared to stand upon the floor of the Senate and say that a single member of the Supreme Court cannot do his work because of his age.

So what is the reason for the proposed action? Stripped of all its subterfuge, stripped of all its camouflage, stripped naked and held up to public gaze, there is just one reason for it: "We want a Court which will be subservient to us. We want to usurp the powers of the Supreme Court. We want to usurp the functions of an independent branch of the Government."

If the advocates of the bill are fighting for principles, and want an infusion of new blood, that is quite different; but if they are fighting for principles they will say that the present members of the Supreme Court should be exempted from the operation of the bill.

But that is not the reason for the proposed action. Its advocates want it because they do not like some of the opinions that have been rendered.

Mr. President, I saw a Republican landslide in 1920. I saw another Republican landslide in 1924. I saw another Republican landslide in 1928. I saw an overwhelming majority of Republicans in both branches of the Congress of the United States. I saw Mr. Harding come in as President when he thought he had a mandate from the people of the country, and when he had the support of both branches of the Congress. Such a thing may happen again, and it may happen that some of the Members of the Senate who have been appealed to because they came in on the coattails of a Democratic President will go out on the coattails of a Democratic President.

Mr. President, Mr. Harding put Mr. Daugherty in as Attorney General of the United States. Suppose we now set a precedent and say, "Because we have the power, we are going to pack the Supreme Court to get the decisions we want." What would an incoming Republican administration be justified in doing? They would be justified in saying, "You fellows put judges on the bench to make the Court subservient to you, in order to get favorable decisions, and we will do the same thing. We will add to the

membership of the Court in order that we may have favorable decisions. Instead of making the membership of the Court 15, we will make it 20. We will reduce the age from 75 to 70 or 65, in order to get rid of the men you have placed on the bench."

What would every progressive, what would every liberal in this body do? They would be standing on their feet denouncing a Harding or a Hoover or anybody else who would propose such a thing. They would say, "You are destroying the Constitution. You are setting up dictatorial powers." They would make the strongest possible argument against such action, and in what they would say they would be truthful and honest.

Senators are told to stand by the measure because of party loyalty. They are asked to favor it because a crisis exists. What crisis? We have not heard much about it lately.

No, Mr. President, this bill cannot be justified in any sense of the word. If the Constitution did not provide the means for a change, if there were no way by which the Constitution could be amended, if there were no way by which the people of the country could pass upon the question, if it could not be submitted to the people of the country so they could vote upon it, there might be some excuse for the proposed action.

Mr. President, the framers of the Constitution realized that this country might change, that it might need constitutional amendments to meet changed economic conditions, and they provided the way. They said it could be done, and that we could do it now, and it has been held that we could specify the time and the manner in which constitutional amendments might be adopted.

It is urged that the proposed action will expedite the business of the Court. The President of the United States, in the message I read to the Senate a few moments ago, said it would only lead to confusion. Mr. Justice Story said that if there were 12 members upon the bench, he feared the Court would never get any work done. Professor Frankfurter, of Harvard University, and Mr. Landis, head of the Securities and Exchange Commission, wrote a book in which they stated that adding to the membership of the Court would impair its efficiency.

Chief Justice Hughes, in his letter, said that if the membership of the Court were increased there would be more Justices to hear the cases, more Justices to argue questions, more Justices to convince, and that the addition of new members to the Supreme Court would only impair its efficiency.

So there is not a single, solitary argument in favor of this bill excepting one based upon the necessity to change the decisions of the Supreme Court, thus to change the Constitution by interpretation.

I say to you, Mr. President, while, strictly speaking, the pending proposal is within the letter of the law, it is against the spirit of the Constitution, and I have such eminent authority for that statement as the President of the United States when he speaks of the violations of the spirit of the income-tax law.

I could go on, Mr. President, but I do not wish to take up the time of the Senate any longer, except to say that I resent certain statements which have been made, not so far as I am concerned, because whatever is said about me makes little difference. I have had so many things said about me so many times that accusations, whatever they may be, roll off me very easily. But I do resent that some of my colleagues in the Senate of the United States who have supported the President loyally, who have campaigned for him, who have fought for him, should be denounced as desiring to destroy the President of the United States by some paid public officials who never have had to go out and fight a battle before the people of the country themselves, who could not be elected dog catcher in their own community if they had to run for such an office. Yet they set themselves up and denounce Members of the Senate and Members of the other House and break into the public press or go out and make speeches before our constituents against us because we have the temerity to vote our own honest convictions upon public questions confronting the American people.

We want to break up the Democratic Party. Somebody is going to raise $10,000,000 to finance a new party; somebody is going to raise a hundred million dollars or even more in this country to bring about such a dictatorship as was talked about by our Ambassador or professor in Berlin recently. Of course, that is all nonsense. That is just seeking to draw a red herring across the trail.

Mr. President, in closing I say that we cannot afford to set such a precedent as the enactment of the pending measure would set. We cannot afford to denounce the members of the Supreme Court and hold them up to ridicule when they are carrying on and voting their honest convictions, whether we agree with them or whether we do not.

The distinguished Senator from Indiana said the members of the Supreme Court are themselves packing the Supreme Court. Well, they were appointed for life. Can the Senator look into their innermost souls and say they are only staying on the Supreme Court in order to pack it? Can the Senator look into the soul and read the mind of Justice Brandeis and say he is staying on the Court because he wants to pack it in favor of the President, and that Justice Hughes wants to stay on the Court in order to pack it in favor of or against the President? I should like to have the Senator tell me how he knows that Justice Sutherland is staying on the Court just to vote against the President. I should like to have him tell me how he knows any one of the present Justices are remaining on the Court in order to pack the Court against the President of the United States. Let the Senator write that down in his notebook and tell me how he knows it when his time comes.

Mr. President, one by one the arguments with reference to the six-man bill were demolished until there was an overwhelming majority in the Senate against that bill, and nobody at heart was for it. Everyone knows that what I am saying is true. So, no one at heart is for the pending bill, because, as everyone knows, it merely provides a slow packing process. As a matter of fact, if I had to choose between packing the Court with six Justices and the method proposed by this bill, I would prefer to pack it with the six at once rather than to pack it in the way which is now proposed. To pack the Court is the reason for the pending bill; and, if we are going to do it, let us put on the six men at once.

We were told there would be no compromise; that we would have to vote it up or vote it down; that no compromise suggestion would be listened to, and that it was "in the bag."

We are now told that the proponents of the measure have got the votes and they are going to try to jam it through. They are going to shut off debate. They have invoked an old rule that I have never before seen invoked in this body during the first 2 or 3 days of debate on a measure, a rule that is violated all the time by every Member of the Senate with impunity. Yet we are told that the proponents of the measure are going to try to force us, pound us, knock the bill down our throat, if you please, in order to put it through. Well, those who are opposed to it will not be the losers if the supporters of the bill should succeed in passing it. The only man who can lose in a fight of that kind is the President of the United States himself.

As I have previously said, I give the President all credit for the great things he has accomplished during the last 4 years for the people of this Nation. We have given him more power than any President of the United States has ever had in peacetime or in war. He has powers that no other President ever had. We delegated to him the power to issue currency and to fix and regulate the value thereof.

He can raise or lower the gold content of the dollar. He can issue $3,000,000,000 of currency. He can remonetize silver up to 16 to 1. He has $2,000,000,000 with which he can buy German marks, British bonds, French francs, or Japanese yen, or take any other course he may desire for the

purpose of stabilizing our currency. He can raise or lower the tariff on practically everything that is produced in the United States. He can close the stock markets for a period of 30 days. We have just given him $1,500,000,000 for relief purposes, and he has wide discretionary power in its distribution. We have given him the power to say to the farmers of the country, "We will give you money for not producing crops", and $500,000,000 has been provided for that purpose. He can say to them, "Let this piece of land lie fallow and we will pay you for not planting it." We have given him the power over the economic life and destiny of the American people. He has a substantially subservient Congress. No man in the history of the United States, not even the Father of his Country, ever had reposed in him such vast and extraordinary power. We have given him the power to declare war. We have given him a power over treaties never given to any other President of the United States. He can say to one community, Denver for instance, "I will give you money for a project in your city", or he can say, "I will deny a project to your city." He has the power to say, "I will build a project in Houston, Tex., but I will deny a project to some other place in Texas."

He has a right to say to the people of the State of Illinois or the people of the city of Chicago, "I will build that parkway in your State or that subway in the city of Chicago at the behest of the political bosses of your city, or I will deny it at their behest." He has the right to say the same thing to the city of New York. I am not complaining. Conditions in the country were such that we had to give him that power and I am not complaining about the way he has used it.

But with a subservient Congress, with such tremendous power in the Executive, has not the time come in this Nation when we should say there is a line beyond which no man should pass? Has not the time come when we should say, "No matter how beloved you may be, no matter how profound and wonderful you may be, no matter how much your sympathies are with the masses of the people of the United States, no matter what you want to do, the time has come when we should say there is a line beyond which, under this American Government of ours and under our Constitution, no man shall pass."

The PRESIDING OFFICER. The question is——

Mr. MINTON. Mr. President——

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. There is pending before the Senate now the committee bill; also an amendment, in the nature of a substitute, offered by the Senator from Arkansas [Mr. ROBINSON]; also an amendment to that substitute offered by the Senator from Wyoming [Mr. O'MAHONEY]. My parliamentary inquiry is, Which is now the pending question, the committee amendment to the original bill or the amendment of the Senator from Wyoming to the substitute proposed by the Senator from Arkansas?

The PRESIDING OFFICER. The Senator from Wyoming [Mr. O'MAHONEY] has offered an amendment to the substitute.

Mr. CLARK. That is undoubtedly true, but there is also pending an amendment to the original bill. My parliamentary inquiry is, What is now before the Senate? The Chair just started to state the question and was interrupted by the Senator from Indiana taking the floor. What would have been the question stated by the Chair if no Senator had addressed himself to the Chair and taken the floor? Is the question on the committee amendment to the original bill, or is the question on the amendment of the Senator from Wyoming to the substitute of the Senator from Arkansas?

The PRESIDING OFFICER. The Chair will rule that the committee amendment is before the Senate.

Mr. MINTON. Mr. President, I have been sitting here 3 hours listening to the brilliant address by the brilliant Senator from Montana [Mr. WHEELER]. I did not interrupt him in the course of his great speech. I do not want to be discourteous to anyone this afternoon, and I do not want to be partial in yielding or not yielding for questions. As I expect to speak only briefly, I shall not yield even for a question until I shall have concluded.

Mr. President, the distinguished Senator from Montana in opening his remarks did me the very great honor to refer to me—for, after all, it is an honor and a distinction even to be noticed by the great Senator from Montana. He referred in caustic vein to something I was quoted in the press as having said after his visit to the White House. We have an old saying in the hills of southern Indiana that "it is the galled jade that winces"; that is to say, if the old horse has a sore spot under the harness he winces when the harness touches the sore spot. [Laughter.]

The Senator from Montana for the most part, I think my colleagues will agree, gave us an exhibition of sweet-tempered speech, showing no rancor, no animosity, no ill-feeling toward anybody. He did speak with earnestness and sincerity, as is his customary manner, but surely no one would suspect that he was sore at anybody.

It was a great recitation he gave. For the larger part of 3 hours he occupied the floor reciting to the Senate the record he has made as a great liberal in the country. I am glad to subscribe to everything he said about himself. I entertain for him the same high opinion that he has of himself. [Laughter.] Back in the hills of southern Indiana a few years ago, obscure and far removed, I worshiped my hero, the liberal Senator from Montana. I worshiped him as he went forth on his gallant mission time after time, and charged against the bulwarks of intrenched wealth and greed and selfishness. I welcomed him home many nights when the shadows of evening were lengthening and he came in with a broken lance. But I never thought I would live to see the day when my hero, the liberal Senator from Montana, would be found on the floor of the United States Senate leading a solid phalanx of reactionary Republicans against the bulwark manned by the loyal sons of Democracy and captained by the greatest captain of Democracy this Nation has produced in 100 years.

I love the great Senator from Montana because he has been my ideal for so many years, and now I find myself unhappy to see him over there on the other side of the little green aisle fraternizing with the remnants of the Republican Party. [Laughter.] How much I wish he would come back home that we might kill the fatted calf for the prodigal son upon his return! I should be the first to welcome him back because I have stood, lo, these many years, worshiping at his shrine.

With that preliminary, I wish to address myself for a few minutes to some of the things my friend from Montana has had to say. He began by asking why the protests came from the masses about this bill when the President submitted it to the Congress of the United States. I do not know the masses from whom the Senator from Montana heard, but I can speak for the masses who wrote to me, sending their propaganda mail into my office when this bill was first proposed. My office received a lot of mail about the bill, mail supposed to come from the masses, in the early days of this controversy. I did not know them. They were not people with whom I was acquainted or that I knew in politics, so I sent the names back to my political friends in the counties of the States from which the petitions and letters came and asked that they be checked up. I found that 99.9 percent of them came from rock-ribbed, hard-working Republicans in those communities.

Mr. BURKE. Mr. President, will the Senator yield for a question?

Mr. MINTON. I decline to yield.

Those were the masses bombarding my office about this proposed legislation. They started to turn the fire of the big guns upon the administration about the bill and Hoover made one speech and quit. Mr. Landon went to New York primed and cocked to make a speech about it, but closed his

mouth because they accepted the astute leadership of the great Republican leader on the other side of the aisle. They kept still and let the Democrats lead their own assault upon themselves.

I know whence came the great protests to my office. It was whipped-up propaganda. The Senator from Montana said there is a spirit of intolerance pervading the country, forsooth, because Farley goes out and speaks for the measure, because the Attorney General speaks for it, and because Harry Hopkins goes on the air and speaks for it. To the Senator from Montana that is intolerance in all its horrible aspects; but it is all right for the Liberty League and the American Bar Association and Mr. Gannett to go out working on the other side. Mr. Gannett came back from his villa at Palm Beach, Fla., to battle with the forces of the Lord. Think of it. Yet the Senator from Montana talks about the forces of intolerance in the country, when lined up on the side of the opposition to this proposal as originally made, as now made, or as it ever may be made, stand the American Liberty League, the American Bar Association, Gannett, and all the economic royalists of the country.

But the Senator from Montana, in response to a question from the Senator from Maryland [Mr. TYDINGS] made the most astounding admission that could possibly have been made by anybody opposing the proposition. What was that statement? It will be remembered that the Senator from Maryland said to the Senator from Montana:

Is it not a fact that if this bill did not apply to the present Supreme Court, you would be for it?

Now, think about that for a minute. The Senator from Montana said:

Yes; that is right.

What is there that is sacred about the venerable gentlemen across the way who now occupy the Supreme Bench?

Mr. McCARRAN. Mr. President——

Mr. MINTON. I decline to yield.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. MINTON. I respect them, I revere them in their honorable positions, as any man does; but why limit any law so that it shall not apply to the present occupants of the Supreme Bench?

So the Senator from Montana says he is not against the principle of the bill, but he just does not want it to apply to the present Court. In other words, he is not against packing; he is just against unpacking.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. MINTON. I decline to yield.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. MINTON. Then, again, the Senator from Montana said in the course of his remarks, "Why not impeach Mr. Hughes if he is doing these frightful things?" Of course, the Senator answered his own question, because Mr. Hughes could not be impeached for his political views, even though he wrote them into an opinion of the Supreme Court of the United States. Nobody knows that better than does the distinguished Senator from Montana, who is a brilliant and able lawyer. Of course, Mr. Hughes could not be impeached for that; but the political opinions of the Chief Justice of the United States and the political machinations of the Chief Justice of the Supreme Court are of vital interest to the people of this country.

The Senator from Montana charged toward this side of the Chamber, and would have us impute to the Chief Justice of the United States that he was a cheap politician. Oh, no; he is not a cheap politician. He is a high-grade one, a high-paid one, and a very good one; and I propose to demonstrate, by reference to the about-face of the Supreme Court within the past few months, that there could not have been anything but politics in it.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7493) making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate nos. 1, 7, and 12 to the bill, and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate, and that the House insisted upon its disagreement to the amendment of the Senate no. 15 to the bill.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 171. An act for the relief of George E. Shockley;
S. 885. An act for the relief of H. G. Harmon;
S. 1188. An act for the relief of J. E. Sammons;
S. 1257. An act for the relief of James H. Smith; and
S. 2266. An act for the relief of John A. Ensor.

APPROPRIATIONS FOR CIVIL FUNCTIONS OF WAR DEPARTMENT—CONFERENCE REPORT

Mr. COPELAND. Mr. President, will the Senator from Indiana yield for a privileged motion relating to the conference report?

Mr. MINTON. Yes; I will do that if I may do so without violating the rules.

The PRESIDING OFFICER. What is the request of the Senator?

Mr. COPELAND. I submit the conference report on the civil-affairs portion of the military bill, and move that it be adopted.

Mr. McCARRAN. Mr. President, my understanding is that it has been agreed that no business shall be transacted other than the consideration of the Court bill.

Mr. COPELAND. I think a conference report is a privileged matter.

The PRESIDING OFFICER. The Chair will rule that this matter is privileged, and does not come within the rule laid down.

Mr. McCARRAN. Perhaps I am in error.

The PRESIDING OFFICER. Rule VII, paragraph 7, permits action at this time, and the Chair will so hold.

Mr. COPELAND. I will say to my colleague that this is a privileged motion. It may be made at any time. It has to do wholly with a conference report. If it were a matter of ordinary business, of course it could not be received under the arrangement under which we are working.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7493) making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 8, and 11.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 13, 14, 16, and 17, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$148,200"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$10,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$9,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: Omit the matter stricken out by said amendment and on page 8 of the bill, in line 19, after the word "States" omit the comma and insert the word "and"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: Omit the matter stricken out by said amendment and on page 9 of the bill,

in line 10, after the word "States" omit the comma and insert the word "and"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 7, 12, and 15.

ROYAL S. COPELAND,
ELMER THOMAS,
JOHN H. OVERTON,
W. G. MCADOO,
MORRIS SHEPPARD,
WARREN R. AUSTIN,
Managers on the part of the Senate.

J. BUELL SNYDER,
D. D. TERRY,
JOE STARNES,
ROSS A. COLLINS,
CLARENCE CANNON,
D. LANE POWERS,
ALBERT J. ENGEL,
Managers on the part of the House.

Mr. COPELAND. I move the adoption of the report.

Mr. McCARRAN. Mr. President, I must object to the consideration of this matter by unanimous consent. If the Senator from New York desires to put it to a vote, that is a different question; but I shall object to a unanimous-consent agreement regarding it.

Mr. COPELAND. Mr. President, it is a matter of utter indifference to me whether the report is adopted now or at some other time.

Mr. McCARRAN. I supposed it would be.

Mr. COPELAND. Of course, even under our rules—and we seem to be acting strictly according to rule now——

Mr. McCARRAN. I should like to have the Senator from New York specify what particular rule permits this report to come up at this time, except by unanimous consent.

Mr. COPELAND. All right; I am glad to do that. I refer to page 33 of the rules. I know we must be very technical now, Mr. President. Rule No. XXVII relates to reports of conference committees.

Mr. McCARRAN. Will the Senator kindly read the rule?

Mr. COPELAND (reading):

The presentation of reports of committees of conference——

The PRESIDING OFFICER. Will the Senator from New York suspend for a moment? Is the Chair to understand from the Senator from Nevada that he is making a point of order or objecting?

Mr. McCARRAN. I am making a point of order and objecting at the same time. I understood that the Senator from New York moved the adoption of the conference report. Of course, that motion is subject to debate.

The PRESIDING OFFICER. The Chair will rule that the Senator is out of order under rule XXVII, paragraph 1.

Mr. McCARRAN. My understanding is that I may debate the conference report, and I propose to debate it.

The PRESIDING OFFICER. The Chair thinks the Senator is correct in that. It may be debated.

Mr. MINTON. Mr. President, a parliamentary inquiry. I do not yield for any purpose except a privilege that the Senator from New York had a right to claim. I decline to yield to the Senator from Nevada.

Mr. COPELAND. The Senator from Indiana yielded to me to present a conference report. I have done so. Now I assume that the report is debatable.

Mr. McCARRAN. Mr. President, what is before the Senate?

Mr. MINTON. I decline to yield for that purpose.

The PRESIDING OFFICER. A motion may be made by the Senator from New York to take up the report. It is privileged.

Mr. COPELAND. That is the motion I have made.

The PRESIDING OFFICER. That motion is not debatable.

Mr. BLACK. Mr. President, a point of order and a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BLACK. The Senator from Indiana had the floor. As I understood, he yielded only in case this matter brought about no discussion, and I understand that he now says he does not yield the floor for this purpose.

The PRESIDING OFFICER. The Senator yielded for the purpose of taking up the report.

Mr. McCARRAN. I did not understand the Senator from Indiana to make that statement. The Senator from Alabama may thus construe the remarks of the Senator.

Mr. SCHWELLENBACH. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Washington will state it.

Mr. SCHWELLENBACH. I raise the point of order that the Senator from Nevada is out of order because he is occupying the floor in the time of the Senator from Indiana.

The PRESIDING OFFICER. The question now before the Senate is as to taking up the conference report. That question is not debatable. The Chair will now put the question.

Mr. LA FOLLETTE. I call for the regular order.

Mr. McCARRAN. Mr. President——

Mr. ROBINSON. Mr. President, I rise to a point of order. The Senator from Indiana had the floor and was addressing the Senate. He could not be taken from the floor without his consent. He consented to the presentation of this report with the distinct understanding that he should not yield the floor. Now a motion is made which unquestionably would have the effect of taking him off the floor. I think the Senator from Indiana, to protect his right to continue and to conclude his remarks, must decline to yield. The Senator from Indiana cannot be required to yield for any purpose.

Mr. McCARRAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nevada will state the parliamentary inquiry.

Mr. McCARRAN. Has not the Senator from Indiana already yielded?

The PRESIDING OFFICER. The Senator yielded for the purpose of taking up the report. A motion was made which is a privileged motion and not subject to debate.

Mr. McCARRAN. Mr. President, may I ask another question as a parliamentary inquiry? Did the Senator state that he yielded with the understanding that the report should not be a matter for discussion? The question of adopting a conference report is always open to debate.

Mr. ROBINSON. Mr. President, I wish to submit a parliamentary inquiry.

Mr. McCARRAN. May I have my inquiry replied to first, before the leader takes it up? I know the leader always leads, but on this occasion I should like first to have a reply to my inquiry.

Mr. ROBINSON. Very well.

The PRESIDING OFFICER. The Chair will state that he understood the Senator from Indiana to yield merely for the purpose of taking up the conference report, and with the idea that he would not lose the floor. Of course, if there is to be debate on the conference report, the Chair presumes the Senator did not yield.

Mr. McCARRAN. Mr. President——

Mr. MINTON. Mr. President, I decline to yield to the Senator from Nevada for any purpose at this time.

Mr. McCARRAN. I did not ask the Senator to yield, and I do not now ask him to yield; but I question the right of this body to take up a matter while the Senator from Indiana has the floor and while we are under the rule that is applied.

Mr. MINTON. I ask for the ruling of the Chair, and I do not yield to the Senator from Nevada.

Mr. LA FOLLETTE. Regular order!

Mr. COPELAND. Mr. President, it is clearly the rule of the Senate—and, of course, we are observing the rule—that the presentation of reports of committees of conference shall always be in order. I have presented the report, and moved its adoption.

Mr. McCARRAN. I object——

The PRESIDING OFFICER. Rule XXVII provides:

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing.

The Senator from Indiana, the Chair assumes, has the right to refuse to yield further if he so desires.

Mr. MINTON. I certainly want to exercise that right, because I had no intention of yielding if my yielding would take me off the floor. I thought I might yield to accommodate the Senator from New York to present a privileged motion, and that then I might proceed; but if yielding for that purpose was to take me off the floor, I had no intention of doing it, and if the ruling of the Chair is that it does, I stand upon my protective assertion.

Mr. McCARRAN. Regardless of——

Mr. MINTON. I do not yield to the Senator from Nevada for the purpose for which he now rises.

Mr. McCARRAN. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MINTON. I do not yield for the purpose of a parliamentary inquiry. [Laughter.]

The PRESIDING OFFICER. The Senator may state his parliamentary inquiry, whether there is a yielding or not.

Mr. McCARRAN. What is before the Senate of the United States at this time? Will the Chair kindly state what is before the Senate at this time?

The PRESIDING OFFICER. The Chair may state that the Senator from Indiana yielded, and he has now withdrawn his determination to yield. The Senator from Indiana now has the floor and may proceed with his speech.

Mr. ROBINSON. Mr. President, I demand the regular order.

Mr. GEORGE. A point of order.

Mr. MINTON. Mr. President——

Mr. GEORGE. A point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. MINTON. I do not yield.

Mr. GEORGE. I make a point of order in my own right.

Mr. MINTON. I want to get a ruling upon whether the Senator has a right to make it.

Mr. GEORGE. I make it now.

Mr. MINTON. Without the consent of the Senator who has the floor.

Mr. GEORGE. I rise to a point of order.

Mr. MINTON. Because the Chair ruled yesterday that that could not be done.

The PRESIDING OFFICER. The present occupant of the chair holds that a Senator may rise to propound a parliamentary inquiry without obtaining the consent of the Senator who has the floor. The Senator from Georgia will state the point of order.

Mr. GEORGE. Mr. President, if a Senator having the floor yields to permit the calling up of a conference report, the inquiry is whether that is not yielding for that purpose, and with whatever consequences may flow from it, irrespective of the Senator's purpose or his intent. The matter of intent or purpose is, of course, to be respected by the Senate, and the assumption is that when the Senate has disposed of the conference report it will receive respectful consideration.

The PRESIDING OFFICER. Under ordinary circumstances the Chair would hold that the point of order of the Senator from Georgia was well taken; but the Senator from Indiana did say, in yielding, that he did so on the assumption that there would not be any debate which would take him off the floor. With that statement, the Chair thinks the Senator is entitled to hold the floor.

Mr. CLARK. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. If the rules are to be strictly construed and enforced, in order for a Senator to be able to yield the floor without losing it, is it not necessary for him to ask unanimous consent that he be permitted to do so for a purpose indicated?

The PRESIDING OFFICER. The Chair thinks that ordinarily that would be the correct procedure.

Mr. CLARK. Therefore the Senator from Indiana yielded the floor, in actuality, without taking the trouble of asking leave of the Senate, including the Senator from Arkansas, in accordance with the rules. He yielded the floor without asking unanimous consent of the Senate for that purpose.

Mr. ROBINSON. I call for the regular order.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. CLARK. I have just propounded a parliamentary inquiry, and I should like to have an answer to it. The Senator from Arkansas calls for the regular order. I should be glad to know what the regular order is.

The PRESIDING OFFICER. The present occupant of the chair stated previously that he is not so inclined to strict interpretation as are perhaps some others who preside at times. The Chair believes that in all good faith the Senator from Indiana should be protected. He yielded under conditions perhaps not stated correctly. So far as the present occupant of the chair is concerned, the Senator from Indiana is recognized; but the Chair would be glad to have an appeal from the decision.

Mr. McCARRAN. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARRAN. I have just tried to listen to the Presiding Officer. He says that perchance the Senator from Indiana did not state the condition. May the record be read so that we may be advised?

The PRESIDING OFFICER. The Chair will rule that that is not a parliamentary inquiry.

Mr. McCARRAN. Did the Senator from Indiana protect himself to that extent?

The PRESIDING OFFICER. The Chair has ruled that he did. The Senator from Indiana is recognized.

Mr. COPELAND. A parliamentary inquiry.

Mr. CLARK. I make the point of order that the Senator from Indiana has spoken twice upon the same subject in the same legislative day.

The PRESIDING OFFICER. The Chair holds that he was in his second speech on the same legislative day and has not lost the floor.

Mr. COPELAND. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. COPELAND. It is my duty, I assume, as chairman of the subcommittee of the Committee on Appropriations, to try to have the measure having to do with flood control enacted into legislation. When and how may I do that? If I am not permitted under the rules to do it now, when may I do it?

The PRESIDING OFFICER. The Chair will recognize the Senator from New York immediately upon the conclusion of the speech of the Senator from Indiana.

Mr. COPELAND. Very well. I am very much obliged to the Senator from Indiana for yielding to me.

Mr. CLARK. I understand the Chair to rule that a Senator does not lose the floor—and this may be very important during the progress of the debate—by yielding for the purpose of having a conference report considered.

The PRESIDING OFFICER. The Chair would take it that he would unless he asked for unanimous consent, and the Chair takes it that that was what the Senator from Indiana meant.

Mr. CLARK. Did the Senator from Indiana ask for unanimous consent?

The PRESIDING OFFICER. He said he would yield with this understanding.

Mr. CLARK. Was such an agreement made?

The PRESIDING OFFICER. There was no objection to it, the Chair will hold.

Mr. CLARK. Was any such agreement made? I make the point of order—and I should like to have the Chair rule on it, because it may be very important during the progress of the debate—that the Senator from Indiana lost the floor by yielding for the consideration of another matter.

The PRESIDING OFFICER. The Chair has ruled that the Senator from Indiana did not lose the floor under the circumstances.

Mr. CLARK. I hope that decision will be followed by the permanent Presiding Officer of the Senate.

Mr. MINTON. Now, Mr. President——

(At this point the President pro tempore took the chair.)

Mr. CLARK. Mr. President——

The PRESIDENT pro tempore. The Senator from Missouri.

Mr. CLARK. I make the point of order that the Senator from Indiana, having spoken twice in one legislative day, and having voluntarily yielded the floor for other business, has lost the floor.

The PRESIDENT pro tempore. The President pro tempore was temporarily absent, and therefore will the Senator state the facts upon which he bases his point of order?

Mr. CLARK. I think there is no dispute that the Senator from Indiana is now occupying the floor for the second time during this legislative day on the same question. I may say in passing that I think the decision announced by the Chair yesterday as to the question of whether the rule applies to the same legislative day or the same calendar day is entirely erroneous; but that is a matter to be considered when the question is raised. Following the rule laid down by the Chair yesterday, the President pro tempore of the Senate then being in the chair, that he would hold that the rule applied on the same legislative day, I make the point of order that, having occupied the floor twice, and having voluntarily yielded the floor for the purpose of having a conference report brought up and other intervening business transacted, the Senator from Indiana has lost the floor.

The PRESIDENT pro tempore. The Senator is correct——

Mr. ROBINSON. Mr. President, I make the point of order——

Mr. McCARRAN. May we have a ruling on the point of order?

Mr. ROBINSON. The previous occupant of the chair has already ruled on the point of order, and held that in all fairness the Senator from Indiana did not surrender the floor.

Mr. CLARK. Mr. President, I submit——

The PRESIDENT pro tempore. The Chair would be under obligation to Senators if they would allow the Chair to complete his ruling.

The Senator from Missouri makes the point of order that the Senator from Indiana, having spoken once today and having taken the floor again later and commenced another speech, and having, as he states, yielded for the consideration of a conference report, is now engaged on his third speech. If that constitutes a third speech, the point of order is well taken.

Mr. CONNALLY. A parliamentary inquiry.

The PRESIDENT pro tempore. The Chair trusts he will be allowed to go on with the ruling.

Mr. CONNALLY. I beg pardon of the Chair. I thought the Chair had said enough. [Laughter]

The PRESIDENT pro tempore. The Senator is always in error. [Laughter.]

The last section of rule VII provides as follows:

> The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

Such a motion is a privileged motion which any Senator may make when he can obtain the floor. The motion and action thereon does not set aside the pending business as other motions do; it merely suspends such business under this section of the rule and all proceedings thereon, and therefore does not take a Senator off the floor but merely suspends his speech and allows him to remain in control of the floor during the temporary suspension and to continue such speech when such suspension ends. He may, of course, refuse to yield for such motion.

Yesterday the present occupant of the chair, in reply to a question from the Senator from Montana [Mr. WHEELER], stated that the exceptions to business which might be transacted without taking off the floor a Senator who was speaking were the three particular matters which are exceptions to the general rule. So the point of order is overruled.

Mr. CONNALLY. A parliamentary inquiry.

Mr. ROBINSON. I call for the regular order.

The PRESIDENT pro tempore. The Senator from Texas will state his inquiry.

Mr. CONNALLY. Is what has just transpired in the Senate a precedent for the doctrine that when a Presiding Officer does not rule to suit us we get a new one?

The PRESIDENT pro tempore. The Chair has reinforced the former ruling.

Mr. ROBINSON. Mr. President, I make the point of order that that is not a parliamentary inquiry.

The PRESIDENT pro tempore. The Chair has no opportunity to answer a question of that kind. That is all left to the courtesy of the Senate. The Senator from Indiana has the floor.

REORGANIZATION OF FEDERAL JUDICIARY

The Senate resumed consideration of the bill (S. 1392) to reorganize the judicial branch of the Government.

Mr. MINTON. Mr. President, I hope I have the assurance of the Chair that I have the floor. It has been a little bit tottery around here for a few minutes, but before I yielded so easily I was discussing the observations of the Senator from Montana concerning the political activities of the Chief Justice of the Supreme Court. I said that I proposed to show by the conduct of the Supreme Court in the last few months, in the rendition of its decisions, that it had made a complete about face, and that there is no other explanation for this about face except politics. Five-to-four decisions, made possible by the vote of Mr. Justice Roberts, declared certain kinds of legislation unconstitutional; but by a simple change of the mind of Mr. Justice Roberts that kind of legislation was made constitutional by a vote of 5 to 4. No one amended the Constitution. No one pretended that the Constitution had been amended. Only a Judge had changed his mind. I wish now to direct my remarks for a few minutes to the record, to see whether or not the inference I draw that politics prompted a change of Mr. Justice Roberts' mind is substantiated by the record.

On June 1, 1936, I believe, the Supreme Court handed down the opinion in Tipaldo against Morehead, in which it held that minimum-wage legislation could not constitutionally be enacted by the State of New York. Senators will recall that along in 1923, in the case of Adkins against the Children's Hospital, the Supreme Court had decided that even in the District of Columbia, where the Federal Government has jurisdiction, the Federal Government could not constitutionally enact minimum-wage legislation. So that created the well-known "no man's land" that was referred to in the campaign of 1936, wherein neither the States nor the Federal Government could enter, because of the position of the Supreme Court of the United States.

So a great party, the Republican Party, at last accepted the amendment proposed by its candidate, Mr. Landon, in a telegram to the Republican national convention, and said that it would be for an amendment to the Constitution of the United States which would enable States to enact minimum-wage legislation. Shortly after the campaign was over, the Supreme Court of the United States had under consideration the case of Parrish against West Coast Hotel Co., from the State of Washington, and they reversed the case of Adkins against Children's Hospital, and in effect reversed the case of Tipaldo against Morehead, and held that we could have minimum-wage legislation in this country both in the States and in the Federal jurisdiction.

The Constitution had not been amended, and Mr. Landon's proposed amendment was not needed. The only thing that had happened was that a Judge had changed his mind. When he changed his mind he was going contrary to the opinion that he had concurred in 10 months before when the decision in the case of Tipaldo against Morehead was handed down, because then he was with the majority of the Court that voted 5 to 4 against minimum-wage legislation. When he voted in April of 1937 he was on the majority side of the Court that voted 5 to 4 in holding that State

minimum-wage legislation was constitutional. Why did he change his mind? He never wrote it into an opinion. Senators may look in the books until they are blind and they will not find a word from Mr. Justice Roberts as to why we could not have minimum-wage legislation in 1936, but 10 months later he could have it. Why did he change? He was listening to the political voice of the Chief Justice of the United States.

Then we come down to the next line of decisions by the Supreme Court of the United States upholding the validity of the Wagner Labor Relations Act. I remind Senators that only a few months before, in the case of Carter against Carter Coal Co., Mr. Justice Roberts was then with the majority, with the five members of the Court in a 5-to-4 decision, which held the Guffey Coal Act unconstitutional, because it held that coal mining was not interstate commerce and that the matters set up in that case did not affect interstate commerce.

Mr. McCARRAN. Mr. President——

Mr. MINTON. And in the dissenting opinion handed down by the Court in upholding the Wagner Labor Relations Act——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Nevada?

Mr. MINTON. No; I do not yield.

So in the decision which was handed down upholding the validity of the Wagner Labor Relations Act, the minority of the Supreme Court, in dissenting in that case, pointed out that Mr. Justice Roberts, when he went over to the other side of the Supreme Court in this decision, was reversing the decision in Carter against Carter Coal Co.

But that is not all, Mr. President. He not only reversed the opinion that he believed in 10 or 11 months before, which held an act of Congress unconstitutional but he reversed three other opinions of the Supreme Court when he joined the majority of the Court in upholding the Wagner Labor Relations Act.

Mr. McCARRAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Nevada?

Mr. MINTON. I do not.

Adair against United States was a case involving a Federal statute which made it an offense for anyone engaged in interstate commerce to discharge an employee of the company so engaged in interstate commerce because he belonged to a labor union. That law was declared unconstitutional by the Supreme Court of the United States. But Adair against United States was overruled by Mr. Justice Roberts when he switched his opinion, because he upheld the Wagner Labor Relations Act, in which it is specifically provided that it is an unfair labor practice to proscribe a man because he belongs to a labor union.

More than that, Mr. Justice Roberts, in the same switch of his opinion, overruled the case of Hitchman Coal Co. against Mitchell, I believe, because in that case the Supreme Court had held that collective bargaining was illegal, and that a union did not have any right to organize coal miners for the purpose of bargaining collectively. Yet Mr. Justice Roberts, when he concurred in the opinion upholding the Labor Relations Act, upheld the provision in that act which said that collective bargaining and organizing for collective bargaining were legal.

Mr. McCARRAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Nevada?

Mr. MINTON. No.

The PRESIDENT pro tempore. The Senator from Indiana declines to yield.

Mr. MINTON. The Wagner Labor Relations Act also provided that it was an unfair labor practice to use the "yellow dog" contract.

Mr. McCARRAN. Mr. President, will the Senator yield for a question?

Mr. MINTON. Mr. President, I decline to yield, and the Senator from Nevada knows I decline to yield.

The PRESIDENT pro tempore. The Senator from Indiana declines to yield.

Mr. McCARRAN. Even for a question?

Mr. MINTON. I will yield when I get through, and then the Senator can ask me all the questions he desires.

The Wagner Labor Relations Act outlawed and made it an unfair labor practice to use the "yellow dog" contract. But in Coppage against Kansas the Supreme Court of the United States had upheld the "yellow dog" contract and had overruled a law of the State of Kansas that would have outlawed the "yellow dog" contract.

Mr. McCARRAN. Mr. President——

Mr. MINTON. And yet when Mr. Justice Roberts changed his opinion and went over to the side of the majority in the Wagner Labor Relations Act decision he reversed that case.

Mr. McCARRAN. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Nevada?

Mr. McCARRAN. I appeal to the Senator from Indiana to yield for just a little bit of a question.

Mr. MINTON. I will yield to the Senator in just a "leetle bit" of a while. [Laughter in the galleries.]

Mr. BLACK. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state the point of order.

Mr. BLACK. When a Senator takes the floor to speak, and announces in advance to all the Senate that he will not yield for a question, I desire to know if it is in order to continue to interrupt his speech from time to time.

The PRESIDENT pro tempore. Whenever a Senator rises and addresses the Chair——

Mr. McCARRAN. Mr. President, that matter is——

The PRESIDENT pro tempore. Will the Senator please let the Chair rule? Whenever a Senator rises to address the Chair, it is the duty of the Chair to recognize the Senator; and when the Senator asks a question of the Chair, it is the duty of the Chair to answer the question, or to rule.

Mr. BLACK. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BLACK. Is it true, then, that if it is desired to do so by Senators on the floor, and they wish to continue to interrupt a Senator's speech, knowing that he will not consent to such interruption, they may continue to do so in order to obtain the effect of interrupting the speech?

Mr. McCARRAN. Mr. President, may I address myself to the Chair on that subject, or may I not?

Mr. MINTON. I decline to yield for that purpose.

The PRESIDENT pro tempore. The Senator from Indiana has declined to yield. A parliamentary question was asked by the Senator from Alabama [Mr. BLACK]; and the Chair, in reply, says that a Senator may not continue to interrupt another Senator for the purpose indicated. The Senator from Indiana has the floor.

Mr. MINTON. Mr. President, when Mr. Justice Roberts switched his position in the Wagner Labor Relations case, and joined the majority in upholding that act, by which he reversed himself in Carter against Carter Coal Co. and reversed the position of the Supreme Court in Adair against United States, Coppage against Kansas, and in the Hitchman Coal Co. case, why did he change his opinion, and why did he join in the opinion and reverse three other opinions of the Supreme Court? Search the record, and it will be searched in vain for a word from Mr. Justice Roberts as to why he did it. My opinion as to why he did it is that he was listening to the siren voice of the political Chief Justice of the Supreme Court.

I come down finally to the last cases, involving social security. There, again, we find that Mr. Justice Roberts has gone over to the side of the majority, which held, 5 to 4, that social-security legislation in this country was constitutional. When he did that he joined in the statement of the great liberal on the Court who wrote the opinion, Mr. Justice Cardozo, when in one crisp sentence he said what all the liberals in the Congress agree with:

The Congress of the United States has the power to tax and spend for the general welfare.

Mr. Justice Roberts joined in that opinion, and when he did so he overruled himself in the A. A. A. case, in which he wrote the opinion.

He held that the welfare clause was the chief question in the case; he embraced the Hamiltonian theory as to the general welfare; he then refused to decide the case on that basis and held that the Government could not tax and spend for the general welfare. So he overruled himself in that case by joining in the opinion upholding the Wagner Act.

He wrote the opinion in the case of Railroad Retirement Board against Alton Railroad, which held that the pension law for railroad employees was unconstitutional, and he not only held that that particular law was bad but, as Chief Justice Hughes pointed out in his dissenting opinion, he went further than the facts required and held that the Congress of the United States had no power to pass pension laws of that kind even though applied to employees engaged alone in interstate commerce. Yet, Mr. Justice Roberts joined with the majority—with Mr. Justice Cardozo and the other liberals on the Supreme Court Bench—in upholding the social-security legislation; and he reversed the Triple A decision and his holding in the railroad-retirement decision. Why did he do it? You will search the reports in vain; you will find not a word from Mr. Justice Roberts as to why he did it. Why did he do it? I think he was just listening to the wee small voice of the Chief Justice that was talking politics to him. There is no other explanation for such an unprecedented, unknown about face on the part of a Justice of the Supreme Court.

So I draw the conclusion—and it is the only conclusion that can be drawn—because when a man reverses himself three times and in addition to that reverses three other opinions of the Supreme Court and never has the hardihood to say why, what other inference is there to be drawn from it? There can be no other, in my mind, because the Justice did not see fit to make any explanation.

I was talking to one of the great Senators on the other side of the aisle. I will not mention his name, but he is a brilliant man and has a keen sense of humor. He said to me, "Senator, what is this bill of the President? How many judges is it that he wants the right to appoint?" I said, "Six." "Well", he said, "after reading these recent opinions of the Supreme Court, I think he ought to have nine." [Laughter.]

Mr. President, I am unwilling to have the balance of power reside thus in the hands of Mr. Justice Roberts, because, if I am right in my deduction that he changed his opinion in these three cases, and swept aside his opinions in three other cases in which the Supreme Court had rendered opinions, he did it for political reasons. I think when he has accomplished his political purpose he will turn back. I am afraid, Mr. President, he will backslide. In southern Indiana, where I come from, we used to have camp meetings every year. People would go down to the mourner's bench, which is sometimes called "hitting the sawdust trail", and they would get religion. There was one old fellow who just as certain as we had a camp meeting would be there and he would lead the procession on the first night down the sawdust trail, but just as soon as the camp meeting was over he would backslide and be down at the saloon wtih the boys. On the first day of the camp meeting, however, he would always be there, and it got to be a ritual for Uncle Billy to walk down the aisle and break his bottle at the foot of the pulpit, until finally they would not open the camp meeting unless they had a dustpan and a broom to sweep up his bottle. [Laughter.] So I am afraid that Justice Roberts may backslide and will not stay with the liberal opinions in which he has been joining.

Mr. President, the Senator from Montana challenged me as only he can challenge. He walked right over, almost smacked his fist in my face, and challenged me about the statement I had made that Judges of the Supreme Court were packing the Court. He asked me to look into the hearts and minds of the Justices and state by what alchemy or clairvoyancy I could tell why they did thus and so. Oh, no; I did not look into their minds to determine whether or not they were sitting there to pack the Court, and if the Senator from Montana had done me the honor to hear me yesterday he would have found the reason why I thought they were sitting there to pack the Court. I did not look into their minds; oh, no; I have not that occult power; I did not see into their hearts and minds; I just looked into the lawbooks; and when I looked into the lawbooks what did I discover? I discovered that in the last 3 years Mr. Justice Van Devanter has averaged a little over two opinions a year, and I drew the conclusion that he was not working. Well, what was he doing on the Supreme Court? He was packing the Supreme Court so that Roosevelt could not appoint his successor. There was not any other conclusion. Do you think, Mr. President, that if Mr. Landon had been elected in 1936 Justice Van Devanter would not have resigned?

I look again into the lawbooks and count the opinions that Mr. Justice McReynolds has been rendering during the last 3 years, and I find he has handed down a little over five opinions a year. What has he been doing on the bench? He has not been working. He has been packing the Court. As the Merry-Go-Round quoted him—and I have not seen him deny it—he would stay on there and would not resign so long as this man was in the White House.

Mr. BURKE. Mr. President, will the Senator yield there?

Mr. MINTON. Not at this point.

Mr. BURKE. I desire to ask a question with reference to the Merry-Go-Round.

Mr. MINTON. Let the Senator ask me later. I was asked to say whether I looked into the mind of Mr. Justice Sutherland. Not at all; but I looked into the lawbooks and found that he has not been hurting himself with work; and everyone knows that that great Justice, because of reasons sufficient unto himself that have been reported to us in the press, concerning the condition of his health, wanted to retire from the bench. Do you suppose, Mr. President, he would not have retired if Hoover had been elected in 1932 or if Landon had been elected in 1936? So I do not look into the hearts or minds of these gentlemen. I simply look into the lawbooks.

The Senator from Montana says—and in this he joins up with the "historic report" to which I referred yesterday—that the pending measure, if passed, would apply force to the Court; that it would force somebody to retire; that it would force Justice Brandeis, that grand old liberal, from the bench. Not at all. It would spare him. If he wanted to remain on the bench, he would be welcome to stay, and under this bill there is not anything that would force him off. He would be perfectly welcome to stay under the bill as it is now drawn. What is the force that this bill applies? Let us see what force it authorizes and the manner in which it would operate. If it went into effect, we could go to one of these Justices who is 75 years old and say, "Pardon me, Mr. Justice, you have served your country well and are 75 years of age; you can retire at $20,000 a year; although all other Government officers and employees do not get full pay on retirement, you may retire, if you like, at full pay." Or if he should not elect to retire from the bench, we could say, "Well, pardon us, Mr. Justice, if you do not care to retire, we hope you will not consider us rude if we ask you to move over." [Laughter.]

Mr. President, that is the force of this bill, and that is all the force there is in it. It is an offer to distinguished Justices that they may retire at full pay or if they do not want to retire——

Mr. McCARRAN. Mr. President, does the Senator speak for himself?

Mr. MINTON. I do not yield.

The PRESIDENT pro tempore. The Senator from Indiana declines to yield.

Mr. MINTON. If they do not want to retire, the worst that could happen would be that another distinguished

lawyer would sit down on the bench beside them. The historic reports characterize that as punishing the judges. O tempora; O mores! Oh, horror on horror's head! Oh, visions of the thumbscrew, the rack, and the torture chamber! Think of the punishment that a judge may have to endure who retires on full salary, or, if he does not elect to retire, to have another eminent lawyer sit down beside him. That is what signers of the report call "punishing the Court."

Mr. President, I have detained the Senate longer than I intended to. I thank the Senate for this opportunity to speak a word on this very interesting subject. I yield now for any questions Senators may care to ask me.

Mr. BONE. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Washington?

Mr. MINTON. I yield.

Mr. BONE. Since the people of the Senator's State received such a thorough and artistic trimming in the McArdle case, I wonder if the Senator would care to comment on it?

Mr. MINTON. That is one of the sad stories of Indiana. I would not want to take the time of the Senate now to discuss that matter, though I may do so at a later time. I have introduced a bill which I hope will bring relief to the condition which has been inflicted upon Indiana and the rest of the country by the McArdle case, in which the opinion was handed down by Mr. Justice Butler.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. BURKE. As I understand the Senator's position, he favors the bill to add to the members of the Supreme Court in order that men may be put on the Court whose opinions and thinking will be known in advance and who under no circumstances would ever change their views. Is that correct?

Mr. MINTON. No, sir.

Mr. BURKE. Would the Senator have been happier and easier in his mind if Mr. Justice Roberts and the other members of the Court to whom he has referred had never changed their minds at all?

Mr. MINTON. No, sir.

Mr. BURKE. Does the Senator have any serious objection to a judge who reaches a conclusion at a certain time, and later on, in the light of other evidence, further thinking, and more able argument, possibly, reaches a different conclusion, from frankly so stating and voting on the basis of that different conclusion?

Mr. MINTON. He did not frankly state it. He only cast a vote, and I can only imagine what would have happened in this country if this bill had passed and the Supreme Court, after it had been reorganized, had then handed down the line of decisions it has handed down in the last few months. A cry would have gone up from the Liberty League and the American Bar Association and the economic royalists that would have taken a wailing wall as long as the wall in China to accommodate them, because they were condemning a court that had been set up to change the opinion of the Supreme Court and amend the Constitution.

I cannot understand why Senators are satisfied with a Court that can change its mind under circumstances of that kind, and then would not let the President of the United States add men to the Court who did not need their minds changed.

Mr. BURKE. Mr. President, will the Senator yield further?

Mr. MINTON. I yield.

Mr. BURKE. In his very able speech the Senator quoted from the Washington Merry-Go-Round. I should like to know if the Senator by any chance has also read that great volume entitled "The Nine Old Men" and possibly drew some inspiration from that book?

Mr. MINTON. I read it a long time ago. I cannot at the moment feel the inspiration. I did get a little inspiration from the book the Senator from Nebraska and somebody else helped Mr. Pusey write. [Laughter.]

Mr. BURKE. That book would do the Senator good, I know.

The Senator referred early in his remarks to the great number of letters and telegrams he had received from constituents in his home State of Indiana objecting to the bill and informed us that he had had a check made and found that all of them or most of them were regularly enrolled Republicans. My question is, Did the Senator happen at that time to learn the political affiliation of Gen. Arthur St. Clair? [Laughter.]

Mr. MINTON. No. He had been dead 118 years, I understood.

Mr. BURKE. When the Senator wrote to him?

Mr. MINTON. Yes. I would expect that to come from the Senator from Nebraska. He is always generous and considerate of his colleagues. He had better be looking up some of his dead constituents before the next election. [Laughter.]

Mr. McCARRAN. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Nevada?

Mr. MINTON. I yield.

Mr. McCARRAN. I should like to ask the Senator from Indiana if he would support a measure which would remove Mr. Justice Brandeis, but would retain Mr. Justice Roberts?

Mr. MINTON. No; I would not; and I do not believe Congress has the power to do it. I am sure they would not be—what shall I say?—unwise enough to do that sort of thing.

Mr. McCARRAN. Would the Senator support a bill that would veto—that is, would place a coadjutor as against Mr. Justice Brandeis, but none as against Mr. Justice Roberts?

Mr. MINTON. No; but I would hope that the coadjutor would neutralize Mr. Roberts and go along with Mr. Brandeis.

Mr. McCARRAN. I understand the Senator from Indiana is now ready to yield the floor. Am I correct?

Mr. MINTON. That is correct. I yield the floor.

Mr. McCARRAN. Mr. President——

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. ROBINSON. Mr. President, does the Senator desire to proceed this afternoon?

Mr. McCARRAN. I do not; but I desire to have it understood that I shall have the floor when the Senate convenes tomorrow.

Mr. ROBINSON. Very well.

Mr. McCARRAN. I thank the Senator from Arkansas.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore, as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 17 minutes p. m.) the Senate took a recess until tomorrow, Saturday, July 10, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 9 (legislative day of July 6), 1937

DIPLOMATIC AND FOREIGN SERVICE

Leo J. Keena, of Michigan, now Envoy Extraordinary and Minister Plenipotentiary to Honduras, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Union of South Africa, vice Ralph J. Totten.

John D. Erwin, of Tennessee, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Honduras, vice Leo J. Keena.

INTERSTATE COMMERCE COMMISSION

Joseph B. Eastman, of Massachusetts, to be an Interstate Commerce Commissioner for a term expiring December 31, 1943. (Reappointment.)

UNITED STATES TARIFF COMMISSION

A. Manuel Fox, of New York, to be a member of the United States Tariff Commission for the remainder of the term expiring June 16, 1942, vice Robert Lincoln O'Brien, resigned.

COAST GUARD OF THE UNITED STATES

Chief Boatswain (L) Anthony F. Glaza to be district commander, with the rank of lieutenant, in the Coast Guard of the United States, to take effect from date of oath, in place of District Commander James A. Price, retired.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO ADJUTANT GENERAL'S DEPARTMENT

Maj. Leo Vincent Warner, Field Artillery, with rank from July 1, 1936.

TO QUARTERMASTER CORPS

Capt. John Arthur Weeks, Coast Artillery Corps, with rank from August 28, 1933.

PROMOTIONS IN THE REGULAR ARMY

To be colonels

Lt. Col. Edmund Russell Andrews, Infantry, from July 1, 1937.

Lt. Col. Joseph Albert Rogers, Field Artillery, from July 1, 1937.

Lt. Col. Max Robert Wainer, Quartermaster Corps, from July 1, 1937.

Lt. Col. Karl Ferguson Baldwin, Coast Artillery Corps, from July 1, 1937.

To be lieutenant colonels

Maj. Charles Holmes Cunningham, Corps of Engineers, from July 1, 1937.

Maj. Dwight Frederick Johns, Corps of Engineers, from July 1, 1937.

Maj. William Arthur Snow, Corps of Engineers, from July 1, 1937.

Maj. Thomas Dewees Finley, Infantry, from July 1, 1937.

Maj. Elroy Sandy Jackson Irvine, Corps of Engineers, from July 1, 1937.

Maj. Stanley Eric Reinhart, Field Artillery, from July 1, 1937.

To be majors

Capt. Archibald Luther Parmelee, Coast Artillery Corps, from July 1, 1937.

Capt. Walter Byron Fariss, Infantry, from July 1, 1937.

Capt. John Patrick Crehan, Field Artillery, from July 1, 1937.

Capt. Donald Sutter McConnaughy, Field Artillery, from July 1, 1937.

Capt. Richard Brownley Gayle, Infantry, from July 1, 1937.

Capt. Robert Tappan Chaplin, Coast Artillery Corps, from July 1, 1937.

Capt. Raymond Edwin Vermette, Infantry, from July 1, 1937.

Capt. Abraham Robert Ginsburgh, Field Artillery, from July 1, 1937.

MEDICAL CORPS

To be lieutenant colonels

Maj. Thomas Grant Tousey, Medical Corps, from July 14, 1937.

Maj. Charles Granville Souder, Medical Corps, from July 15, 1937.

Maj. Edwin Forrest Shaffer, Medical Corps, from July 15, 1937.

Maj. Harrison Horton Fisher, Medical Corps, from July 15, 1937.

Maj. Charles August Stammel, Medical Corps, from July 15, 1937.

Maj. Laurent Liscelles La Roche, Medical Corps, from July 16, 1937.

Maj. Stanley Gibson Odom, Medical Corps, from July 16, 1937.

Maj. Horace Sumner Villars, Medical Corps, from July 17, 1937.

Maj. Burgh Smith Burnet, Medical Corps, from July 17, 1937.

Maj. Joseph Richards Shelton, Medical Corps, from July 17, 1937.

Maj. John Marion Stanley, Medical Corps, from July 17, 1937.

Maj. Robert Keith Simpson, Medical Corps, from July 17, 1937.

Maj. Don Guernsey Hilldrupp, Medical Corps, from July 17, 1937.

Maj. Henry Wiley Grady, Medical Corps, from July 18, 1937.

Maj. Percy Elisha Duggins, Medical Corps, from July 18, 1937.

Maj. Brown Shirk McClintic, Medical Corps, from July 18, 1937.

Maj. Henry Cheesman Dooling, Medical Corps, from July 18, 1937.

Maj. Carl Hamlin Witherell, Medical Corps, from July 18, 1937.

Maj. Paul Henry Streit, Medical Corps, from July 18, 1937.

Maj. Earle Douglass Quinnell, Medical Corps, from July 18, 1937.

Maj. Frank McAlpin Moose, Medical Corps, from July 18, 1937, subject to examination required by law.

Maj. Emory Howard Gist, Medical Corps, from July 18, 1937.

To be captain

First Lt. Edward Rudolf Wernitznig, Medical Corps, from July 18, 1937.

DENTAL CORPS

To be lieutenant colonels

Maj. Harold Emerson Albaugh, Dental Corps, from July 13, 1937.

Maj. Harry Edwin Smalley, Dental Corps, from July 13, 1937.

Maj. William Dale White, Dental Corps, from July 13, 1937.

Maj. Neal Anthony Harper, Dental Corps, from July 13, 1937.

Maj. Earle Jefferson McClung, Dental Corps, from July 13, 1937.

Maj. Earl Lee Hering, Dental Corps, from July 13, 1937.

Maj. Samuel John Rohde, Dental Corps, from July 13, 1937.

Maj. Leroy Poston Hartley, Dental Corps, from July 13, 1937.

Maj. Nathan Corr Pickles, Dental Corps, from July 13, 1937.

Maj. Oliver James Christiansen, Dental Corps, from July 13, 1937.

Maj. Lawrence K. Anderson, Dental Corps, from July 13, 1937.

Maj. William Crittenden Webb, Jr., Dental Corps, from July 13, 1937, subject to examination required by law.

Maj. Edward Crawford Alley, Dental Corps, from July 13, 1937.

Maj. Lynn Harold Tingay, Dental Corps, from July 13, 1937.

Maj. Marhl Hector Welch, Dental Corps, from July 13, 1937.

To be major

Capt. Kenneth Pearce Fulton, Dental Corps, from July 15, 1937.

VETERINARY CORPS

To be lieutenant colonel

Maj. Stanley Clifford Smock, Veterinary Corps, from July 16, 1937.

CHAPLAIN

To be chaplain with the rank of lieutenant colonel

Chaplain (Maj.) John Truman Kendall, United States Army, from July 15, 1937.

HOUSE OF REPRESENTATIVES

FRIDAY, JULY 9, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord God of hosts, may we feel Thy presence with the joy of elevated thoughts. Grant unto us a sense of dependence upon Thee, a desire to know Thy laws, and the spirit to obey them. We pray for a guiding faith that works by love. To those who are bearing heavy burdens, to those who are under sharp cares, minister unto them that faith by which they shall receive help and good cheer. Almighty God, in the presence of our country's need, by the splendor of the teaching of the Master, may quiet prevail, problems be solved, and contentment spread throughout our land. We pray Thee to touch men's better natures; stir the pools of their hearts that we may be as one household. O Spirit of God, burn in our national consciousness peace among men and mutual aid, which are our throbbing hopes. Heavenly Father, an associate, a dear friend, and a godly man has left us. He loved and followed the good, the pure, and the true. We pray for the richest blessings of Thy presence upon his devoted loved ones. In our Savior's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

PATRICK J. HALTIGAN

The SPEAKER. The Chair desires to make a brief statement before we take up any business.

I am assuming the liberty of announcing to the House of Representatives the death of Patrick J. Haltigan, late a reading clerk in the House of Representatives. I feel that it would be an evidence of gross indifference to the long, faithful, and efficient services of a devoted public servant were no notice taken of the departure of Patrick Haltigan. For 26 years he stood at his post here on the Speaker's rostrum and in most capable and satisfactory fashion performed the delicate and yet most responsible duties of one of our official reading clerks. During that period of more than a quarter of a century every man and woman who has served in this House was familiar with the sturdy figure, the noble voice, and the circumspect actions of this man. In response to his voice during that period at least one-half of every piece of legislation in our congressional annals has been recorded. Always at his post, always vigilant in the discharge of his duties, always personally interested in preserving the high and noble traditions of this body, he performed a public function of great and far-reaching importance in legislative affairs of our Republic.

In all of my acquaintance with men I think that I may say with absolute propriety that I have never known any man who possessed to a higher degree the innate instincts of a gentleman. He was a man of very deep and consecrated religious convictions, and I feel confident that the priest of his church, who ministered to him the last sacrament, was not called upon, as far as Pat Haltigan was concerned, to pray for the remission of many sins. It is a genuine grief upon the part of all of us, I am sure, and especially those who have been associated with Mr. Haltigan for so many years, to learn of his passing away. It may be said with absolute verity that in all things he kept the faith.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, there is nothing I can add to what has been so profoundly, sincerely, and eloquently stated by our distinguished Speaker.

Pat Haltigan was of invaluable assistance to all Members of the House, particularly to the new Members; always, in that perfectly gentlemanly manner so aptly referred to, and properly so, by the Speaker, encouraging and assisting the new Members of the House in every way that he could. There is one lesson, to which the Speaker has so powerfully mentioned, that I think we all learn from the life of our late beloved friend, and that is the spiritual example he set to each and every person with whom he came in contact.

When I speak of spiritual example, I refer to no particular religion but to all religions. To one who has no religion, who is either an agnostic or an atheist, I refer to the higher things of life, to ethical influences; but, speaking to those who are possessed of a religious mind, I refer to the spiritual example set by Pat Haltigan in his daily life, in his efforts to obtain that place in the hereafter to which all persons who have a religious conviction believe and are endeavoring, each in his own way, to obtain.

Life, purely from a material angle, results in selfishness and callousness. I have a profound feeling of sympathy for one who is purely a materialist. Spiritual influences are necessary, in my opinion, for an individual to lead as successful and as happy a life as can be humanly approximated. Spiritual influences are also necessary in the life of a nation in order for a nation to prosper and progress.

In these days of apparent materialism the example of Pat Haltigan is one we will all remember. His life, and in particular without regard to one's religious beliefs, the spiritual lesson that we learn therefrom is one that we should endeavor to follow. If we do that, we need not feel concerned about the strictly worldly aspects of life. His life is also an example to nations. A nation which forgets or which has no spiritual life is a nation that is on the downward road, a nation that is in the process of decadence and disintegration.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 171. An act for the relief of George E. Shockley;

S. 885. An act for the relief of H. G. Harmon;

S. 1188. An act for the relief of J. E. Sammons;

S. 1257. An act for the relief of James H. Smith; and

S. 2266. An act for the relief of John A. Ensor.

EXTENSION OF REMARKS

Mr. LEWIS of Colorado. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein certain extracts from statutes and other public documents.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. GOLDSBOROUGH. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD a statement made by me before the Committee on Banking and Currency of the House on yesterday. I am informed by the Public Printer this will require four pages and that the additional two pages will cost $100.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MARTIN of Colorado. Mr. Speaker, on yesterday I was unavoidably absent from the House. If I had been present, I would have voted against the marriage-clause repeal bill, and I ask unanimous consent to extend my remarks in the RECORD on that subject.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. O'BRIEN of Michigan and Mr. MAVERICK asked and were given permission to revise and extend their own remarks in the RECORD.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a resolution, not a memorial, adopted by the Michigan Legislature on June 15, 1937, with respect to civil service in the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter I had placed on the desk of every Member of this body on yesterday.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

CONSTRUCTION OF AUXILIARY VESSELS FOR THE NAVY

Mr. O'CONNOR of New York. Mr. Speaker, I call up House Resolution 257.

The Clerk read as follows:

House Resolution 257

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 2193, a bill to authorize the construction of certain auxiliary vessels for the Navy. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Naval Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. O'CONNOR of New York. Mr. Speaker, I yield 30 minutes to the gentleman from Michigan [Mr. MAPES].

Mr. O'CONNOR of New York. Mr. Speaker, this rule provides for the consideration of Senate bill 2193, authorizing the construction of auxiliary ships for the Navy. I understand the Committee on Naval Affairs was unanimous in its report and that there is substantially no opposition to the measure.

If time permits, it is intended to call up another rule today for the consideration of a bill (H. R. 6547) providing for the construction of a new naval hospital in the District of Columbia, a matter which probably has come to the attention of every Member, and there is little doubt but that there is need for this new hospital.

However, in considering these rules I would like to call to the attention of the House a matter which has been uppermost in my mind for some time. This is the 9th day of July, with no adjournment of Congress in prospect. The first bill we shall consider is a Senate bill. This bill will probably become a law.

The second bill is a House bill, and I hazard the guess that no House bill, unless of the most extraordinary importance, will ever be considered in another body. I also am willing to make a guess that another body will practically conclude its business when it disposes of the matter now pending before it.

Mr. Speaker, I was one of those Members who opposed the "lame duck" amendment to the Constitution changing the date of the convening of Congress and the inauguration of the President. I have no regret over that action. I thought the proposal was the infinitesimal magnified out of all proportion. The argument was that by merely changing the meeting of Congress all the problems of this Nation and even the entire world were going to be solved. How well the results have justified that prediction, I will leave to the judgment of the Members. As to the date of inauguration, I cannot recall it without sneezing and feeling the chills of pneumonia creeping through me.

Incidentally, I read in the press this morning that that distinguished senior Senator from Nebraska, the author of the "lame duck" amendment, has been advised to go home for the balance of the year, so he will not be subjected to the intolerable, torrid heat of the great Capital City. Why it was ever located here some of us still doubt. The influenza of the winter is only surpassed by the heat prostration of its summer. At least 100 miles from any ocean breeze, it is at least distinctive as compared with most of our other cities. Built on filled-in land, below the sea level, it would have been an ideal place to raise ducks.

In the debate on the "lame duck" amendment, the distinguished Speaker from Ohio, the beloved Mr. Longworth, fought for at least one short session in each Congress.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I gladly yield.

Mr. STEFAN. I would like to correct the impression that may be created by the remarks just made. The senior Senator from Nebraska had an attack of indigestion, I may tell my distinguished colleague, and was in the hospital and, perhaps, for that reason his physician advised him to leave the Capital. It was not because of any activity going on in the other side of the Capitol.

Mr. O'CONNOR of New York. Of course, my only information about the distinguished Senator is obtained from the press. I am not vouching for the truth of the information.

Mr. STEFAN. Mr. Speaker, I merely want to tell the gentleman that the senior Senator from Nebraska is absent because of illness.

Mr. O'CONNOR of New York. There is a great amount of illness among our Members. On the roll call yesterday in this House there were 100 Members absent. One week ago there were only 90. That is an increase of 10 a week, which is 40 a month. If that proportion continues, it will not be long before we shall lack a quorum.

The late distinguished Speaker Longworth fought for at least one short session in each Congress. I voted with him. His amendment was that at least one session should end definitely on the 1st of May, because it was then freely predicted and not even disputed that once you put the "lame duck" amendment into effect, the sessions of this Congress would go on throughout the year, because there would be no impetus to adjourn. Of course, before this "lame duck" amendment we had a long session and a short session. The long session started on the first Monday in December and usually wound up in June. The short session started on the first Monday in December and ended on Inauguration Day, on March 4, by constitutional limitation.

What has happened in this session—and I say this in connection with the consideration of these rules today? Early in this session everyone took it for granted that we were going to be here ad infinitum, through the summer, through the fall, and the committees also took that for granted, and they are now coming to the Rules Committee asking for rules on House bills, with many more in prospect; and thus, after 6 or 7 months, when possibly some of the committees could have earlier completed consideration of these bills and arrived at a determination in much less time.

With that thought of an indefinitely prolonged session that was engendered early in this session, the thought that nobody could tell when we were going to conclude this session, there is still going to be, as I said, a succession of House bills considered here which are never going to be considered in another body.

Permit me to throw out for your consideration the suggestion of some fixed date of adjournment in the future. If some date were fixed—and I do not care what date is determined upon when we shall adjourn—it would add impetus to the transactions of the business of this House and the other body. I feel quite sure of that.

In addition to the 100 Members who have already bid us their adieu, there are other Members leaving here today and tomorrow. They just cannot tolerate the subterranean atmosphere of Washington any more. The House physician could tell you of the jeopardy of many of our Members. Of course, it is very lovely here in this Chamber with its air conditioning—too cold often—and they tell me that some of our Capital residents come here with their lunch baskets and stay here all day, because it is one of the most comfortable spots in town. But our offices are not yet air-conditioned. If you want to experience the nearest thing to inferno that I hope any of you will ever be compelled to inhabit, come up in this Capitol Building on the third floor to the Rules Committee, and its beautiful office, with crystal chandeliers, purloined

from the White House and the old Supreme Court room. Try to look through its 2-by-4 windows, with no exposure except through porticos built in 1859 out of English material. The coolest thing there is the English tile on the floor—if one could walk barefoot as in youth.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. SABATH. Is it not unfortunately true that the delay in reporting these bills is mostly due to some of the committees that deliberately delayed consideration in reporting the bills?

Mr. O'CONNOR of New York. Oh, I would not say that.

Mr. SABATH. And that many of them would have been reported out earlier than now?

Mr. O'CONNOR of New York. That may be, but I think the reason is that they all took it for granted that we were going to be here way into the fall. There is no reason for us doing that at all.

Of course, Mr. Speaker, some of us may have lost sight of the fact that we ourselves here have something to say as to how long we shall remain in session. I am greatly concerned about the health of our Members, our colleagues. Why, it is universally agreed that the intolerable weather conditions in this city are worse than in any other place in the world—even the Equator.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. MAY. Having reference to the question of my distinguished colleague from Illinois [Mr. SABATH] and the fact that some bills might have been reported, I ask the gentleman if it might not be a fortunate thing that several bills pending in committees might never be reported?

Mr. O'CONNOR of New York. Of course, experience in legislative bodies proves that what they do not do is their greatest contribution to the country's welfare.

Mr. BEAM. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. BEAM. I am very much interested in what the distinguished gentleman of the Rules Committee says, particularly in reference to the thought that we Members of the House have something definitely to say as to the date of adjournment. I ask the gentleman if it would be possible for him or anyone else here to bring in a resolution and submit it to the House as to a plausible date of adjournment?

Mr. O'CONNOR of New York. As I said, I am just throwing out—spreading, as it were—the suggestion that at least some date ought to be determined upon, and that would help to accelerate the end. I do not care if you fix the date in September or October, so long as you erect the rainbow; but this holding on, trying to fill in time is intolerable. Within a few hours back we devoted a whole day trying to transform a gnat into an elephant.

Mr. FITZPATRICK. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. FITZPATRICK. Mr. Speaker, assuming it to be true that there is no chance of getting bills through the other body, how about an arrangement to take recesses for 3 days at a time and notifying the other body that we are going to do that, and not transact any further business except what is absolutely necessary?

Mr. O'CONNOR of New York. Of course that is a rather unsatisfactory way to do it, unless it is understood that no business of any importance will be taken up for an extended time; say, 2 weeks or more. The lure of the mountains, the beaches, the sparkling trout streams, and those cozy nooks under the boughs, so teasingly described in Omar Khayyam, cannot be enjoyed in less than weeks. Members desire to disperse to diverse places to get some sort of a respite. I do not know how many summers have gone by with practically no opportunity for the Members of this House to have a vacation.

Mr. FULLER. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. FULLER. Am I correct in my understanding that the gentleman believes the sentiment of this House is overwhelming that we ought to adjourn soon so that business may have a rest and the country become settled and know what is going to happen in the country?

Mr. O'CONNOR of New York. Oh, I do not subscribe to that argument at all—not one whit.

Mr. FULLER. The gentleman is just talking about the health of the Members, is he?

Mr. O'CONNOR of New York. Not entirely. I have heard that argument for many years, that business wants us to adjourn—"close up Congress, and give business and the country a breathing spell." Bosh! Why, I remember in 1933, 1934, and 1935, when business was knocking at all these doors for us to stay here and take care of them and pull them out of the hole they dug for themselves. [Applause.] What is said in editorials about adjourning Congress and giving the country a rest just works in the reverse with me.

Mr. FULLER. The gentleman thinks it is a good idea to stay here, as far as business is concerned, and legislate all the time?

Mr. O'CONNOR of New York. Oh, no; I do not.

Mr. FULLER. Does not the gentleman know that we could never find an opportunity to adjourn if that were the case?

Mr. O'CONNOR of New York. Since the passage of the "lame duck" amendment you never can adjourn unless you return to a modification of that "lame duck" amendment. You will be confronted every year with this indefinite session of Congress.

Mr. HOUSTON. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. HOUSTON. Is it not a fact that after the adoption of the "lame duck" amendment the newly elected Members were compelled to come back here and go into session immediately after a strenuous campaign, without sufficient time to recuperate and rest, and they were not in the physical condition they should be when they came here?

Mr. O'CONNOR of New York. Oh, that may be. I am not complaining about pushing forward the meeting day of Congress. I am complaining about never having any end in sight.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. SNELL. I am in entire accord with the statement the gentleman has made about the "lame duck" amendment. I was one of the principal opponents of that amendment. While I do not know that I should admit it, it was held in Rules Committee for a long time, as the gentleman from New York knows [laughter]; but the results of the passage of that amendment have been exactly as we said they would be at the time it was before Congress. As you all know, there is never any end. As far as the distinguished gentleman who was the author of that amendment is concerned, who has been referred to this morning, a gentleman was in my office just this morning and said that that gentleman said it was a crime to have Congress in session suffering through the torrid heat of Washington at the present time. I do not say who it was, but I said the author of the resolution. Now, as far as the adjournment of Congress is concerned, of course, you can find all sorts of reasons, but I really believe the best thing that could happen at the present time would be for us to wind up the important business of the House and make some arrangement to take a recess subject to the call of the Speaker. I appreciate the fact that if the other body is going to be in session all summer we could not definitely adjourn, but if we could arrange for some kind of an agreement whereby we could do that, I think it would be the best possible thing to do and it would meet with the approval of the country. It has been done on former occasions.

Mr. O'CONNOR of New York. I hope the House will pardon me for inflicting my personal views upon them, but with a 93-plus temperature in our beautiful Capital, those are my

views, and I have to stick to them at least for the moment. [Laughter and applause.]

Mr. FULLER. Mr. Speaker, will the gentleman yield for a statement?

Mr. O'CONNOR of New York. Yes; I yield.

Mr. FULLER. The gentleman wants us to adjourn for our health. If we are not able to come here and take the gaff, we ought not ask to come back here at the next election. The Members of this House are able to stay here and stand it if there is real legislation that demands that we should stay here, but that is not the real purpose of it. We are not here for that purpose now. We have been here as long as we have now because needed legislation which we are now considering was not given to us until so late that we could not take care of it until the summer heat arrived. If we had had it earlier, we could have disposed of it. But it is a frivolous excuse to say to the country that we want to adjourn simply because the physique of the membership of this House is not able to stand it. That is not the real purpose why we want to adjourn.

Mr. O'CONNOR of New York. May I suggest that the gentleman is a little bit confused as to the reasons I advance for adjournment within some reasonable time.

Mr. FULLER. No; I am not confused at all.

Mr. O'CONNOR of New York. Knowing the gentleman's early physical training, I have never entertained any qualms about his health, and I think he entertains the same idea about the robust chairman of the Rules Committee. Nature, however, has not endowed all statesmen with the iron-hard biceps and the sturdy physique of the dean of the Arkansas delegation. But sunstroke respects neither the strong nor the weak. Old Sol penetrates through the hardiest tissue of head or body. I was talking about some other Members, not us young fellows.

Mr. Speaker, when we have completed our business—and for all substantial purposes I think we have done that when we shall have passed our appropriation bills—then is the time to adjourn. There is only one general appropriation bill remaining undisposed of—the Interior Department bill. That will be concluded next week. There is nothing remaining that can prevent us adjourning for at least a few weeks. I respectfully submit it all for your consideration, believing it is really worth while. [Applause.]

Mr. MAPES. Mr. Speaker, there are no requests for time on this side on the rule.

Mr. O'CONNOR of New York. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. VINSON of Georgia. Mr. Speaker, I move that the House resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2193) to authorize the construction of certain auxiliary vessels for the Navy.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2193) to authorize the construction of certain auxiliary vessels for the Navy, with Mr. LAMNECK in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. VINSON of Georgia. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I shall endeavor briefly to explain the object and purpose of this bill so that each Member can thoroughly understand what it is about. At the outset permit me to say that this is a Senate bill with two House amendments. The House amendments are in sections 2 and 3. It is also an administration measure. It is in accordance with the financial program of the Executive.

Mr. Chairman, the bill provides for the construction of six auxiliary ships. The maximum cost estimated is not to exceed $50,000,000. It is estimated that it will require approximately 3½ or 4 years to build these auxiliary ships. One-half of the number of the these ships are to be constructed in the navy yards and one-half, if the bids are in accordance with what they should be, in the industrial yards. The contractor in the industrial yard is not permitted to make over a certain fixed percentage of profit, which is the same as was set out in the law in reference to the treaty navy. These two amendments are in accordance with existing law with reference to the construction of ships.

The policy of the Navy is to build one-half of the ships in the navy yards and one-half in industrial yards, provided the industrial yards submit bids in line with what they should be. I may say in this connection that recently a contract was called for to build a battleship. It was found, however, that the bid was not in accordance with the estimates made by the Navy Department. The Executive, therefore, in accordance with the act which I have just referred to, awarded both ships to navy yards—one to the Philadelphia Navy Yard and one to the Washington Navy Yard. In this connection I desire to set forth in the RECORD some valuable information showing a comparison between the estimated costs of navy yards and bids submitted by industrial yards. I am not one of those who believe that all of the Government work should be done in Government navy yards, but I do think that if the Government cannot obtain a fair and satisfactory bid from an industrial yard, then it should be, as it is in this case, authorized to have the vessels constructed in navy yards.

Mr. REED of New York. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. REED of New York. I would be much pleased if there could be put in the RECORD the experience of the Navy in building ships in navy yards and in private yards. Is it a fact that oftentimes when the industry fails to make a low bid and the work is turned over to a Government navy yard that the navy yard comes back to us for more money?

Mr. VINSON of Georgia. That is true in certain cases. It has oftentimes happened that the actual cost of construction in navy yards has exceeded the cost of construction in industrial yards. On the other hand, however, it has likewise happened that it has cost more to construct ships in industrial yards than it has in navy yards. So we cannot have a fixed rule and say that it costs more to construct ships in either navy yards or industrial yards, for it all depends upon the particular conditions surrounding the individual ship.

It is only fair to say that the social-security bill, the Walsh-Healey bill, and other labor bills that we have passed have naturally made the cost go up in industrial yards. We have, however, given latitude to the Chief Executive not to award contracts in the event that private bids are way out of line but to construct the ships in navy yards; in fact, the appropriation bill makes this mandatory.

Mr. REED of New York. The point I wanted to make was that it is manifestly unfair to the industries of the country if they cannot bid low enough to get the contracts that then the Government comes in, turns the work over to a navy yard, and then the navy yard finds that it cannot construct the ship within its own estimate but must have more money.

Mr. VINSON of Georgia. Let me give the gentleman this information along that line in reference to the two battleships which were authorized at the last session of Congress: The Bethlehem Co. on the hull and machinery bid $49,870,000 under certain conditions. The New York Shipbuilding Co. bid $47,829,994. The Newport News Co. bid $46,212,500. Those were the bids that must be complied with under the specifications of the contract. The estimates made by the Navy Department were for the New York yard, $37,265,843, and another yard was $36,560,300.

Bear in mind, however, that there is nothing that would prohibit the navy yard coming back to the Appropriations Committee and saying that they could not construct the ships within their estimate. The Appropriations Committee thereupon would be compelled to make additional appropriations to carry on this work.

Mr. REED of New York. I thank the gentleman.

Mr. VINSON of Georgia. So we have absolutely no assurance that these ships are going to be built for any less than the bids of the industrial yards.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. BOILEAU. The gentleman from New York referred to private shipbuilders. Is it not a fact that if the Government did not have its own navy yards capable of constructing these ships, in a way in competition with private shipbuilders, we would have to pay a very great deal more for battleships built at private yards?

Mr. VINSON of Georgia. We must not desert the private yards, because they constitute a very important part of our national defense.

You have only three Government yards large enough to construct this particular type of ship. If we drove out and refused to do business with the private yards or private industries, then we would jeopardize our national defense in a time of emergency.

Mr. BOILEAU. But the gentleman admits there was a saving of a lot of money by having the Government yards?

Mr. VINSON of Georgia. Of course, we are in accord on that.

Mr. SNELL. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from New York.

Mr. SNELL. In connection with the estimates made by the Government yard, it does not put in an estimate for what we call overhead charges, which amount to a great deal in the case of a private corporation?

Mr. VINSON of Georgia. That is correct. There is no question of taxes involved. There is no question of overhead involved. There is no social security. There are a great many other items. There is no question of profit. The industrial yards must be operated for profit. That is what the stockholders put their money in them for. In every contract you have to necessarily figure a certain profit, and that is all included in the estimate of the private yard.

Mr. SNELL. So that is an important matter to be taken into consideration?

Mr. VINSON of Georgia. Yes.

Mr. SNELL. Is this a new program or is it simply the continuation of some general program that has been adopted by a previous Congress.

Mr. VINSON of Georgia. This bill covers auxiliary ships. These are not fighting ships. While they may be a defensive weapon, they are not, strictly speaking, warships. They correspond in the Navy to the supply ships and as the Quartermaster's Department corresponds to the Army. Every one of these ships is a replacement ship, with one exception. There is one ship provided for which is in addition to the auxiliary fleet. The balance of them are replacements of old obsolete ships that go out of the picture.

Mr. TOBEY. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from New Hampshire.

Mr. TOBEY. I did not have the privilege of hearing the gentleman's original talk, but may I ask him if this bill is in addition to the Vinson naval bill passed 3 years ago?

Mr. VINSON of Georgia. No; not at all. This bill is merely supplemental to that bill, because this covers the auxiliary fleet, which is absolutely essential in support of the destroyers, the seaplanes, and the submarines.

Mr. TOBEY. The gentleman also has in mind the present statute limiting profits?

Mr. VINSON of Georgia. Yes.

Mr. TOBEY. Is that covered herein?

Mr. VINSON of Georgia. Yes. Section 2 was put in by the Naval Affairs Committee. We have followed the law in accordance with the amendment offered by the distinguished gentleman from New Hampshire.

Mr. TOBEY. In the gentleman's judgment, has that worked out to the advantage of the Government?

Mr. VINSON of Georgia. I am not in a position to say, but it probably has been a step in the right direction. We cannot always get economy on certain things. It might be wise to limit the profit, and in certain cases it might cost more, but we are not going to try to repeal it.

[Here the gavel fell.]

Mr. VINSON of Georgia. Mr. Chairman, I yield myself 5 additional minutes.

Mr. BLAND. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Virginia.

Mr. BLAND. In answer to a question asked by the gentleman from Wisconsin, I understood the gentleman from Georgia to say that construction in the navy yards had saved considerable money for the Government.

Mr. VINSON of Georgia. I said in certain cases it has, and in other cases it has not. The record is full of argument on both sides of the question. If you will examine the hearings you will find some reports of the Bureau of Construction which show that repairs to a long line of ships were probably more economical in the navy yard; but, on the other hand, in a great many instances it would have been far cheaper to have built the ships in an industrial yard. So, as I say, you cannot make a definite statement to cover it entirely.

Mr. BLAND. I concede that work in both yards is of general benefit to the country.

Mr. VINSON of Georgia. Of course it is.

Mr. BLAND. Because it gives the navy yard the benefit of the technical experts of the industrial yards?

Mr. VINSON of Georgia. Yes.

Mr. BLAND. At the same time, if there was not construction in the navy yards, the right to examine the figures and to ascertain the cost would give the yardstick to which the gentleman refers, even if construction was in an industrial yard.

Mr. VINSON of Georgia. At the same time, let me impress the Committee with this one further thought: While we want to construct our ships as cheaply as possible, it is absolutely essential that we have these private industries. They are the "goose that lays the golden egg." They are the taxpayers of this country, and when you take business away from them you lessen the opportunity of your Government to collect taxes, and we have to have taxes to support the Government in order to operate navy yards. We should give equal opportunity to the industrial yards as well as to the navy yards and try to get the best ship at the cheapest price.

Mr. GREEVER. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Wyoming.

Mr. GREEVER. Does this authorize a new appropriation?

Mr. VINSON of Georgia. This will authorize an appropriation of approximately $50,000,000 within the next 3 years or probably over a longer period of time.

Mr. GREEVER. This has not been previously authorized?

Mr. VINSON of Georgia. This has not been previously authorized, and I may say that this bill is in accordance with the program of the President of the United States. It is a bill that the administration is insisting upon having enacted at this session of the Congress.

Mr. TABER. Will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from New York.

Mr. TABER. Are there any other ships of this type authorized at the present time that are not under construction?

Mr. VINSON of Georgia. I may say that contracts for probably some of the combatant ships authorized in the last appropriation have not yet been awarded. This is just the beginning of a program to lay down gradually over a period of years auxiliary ships to support the fighting ships.

Mr. TABER. Within what time is it proposed, if the gentleman knows, to submit Budget estimates to the Congress for the commencement of these ships?

Mr. VINSON of Georgia. I may say at the next session of Congress. At that time this Budget authorization will come in.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. FITZPATRICK. Not only will it build up the national defense of our country, but it will put many men to work, not only in the yards but in the factories where the yards get their supplies.

Mr. VINSON of Georgia. Yes; that is true. At the same time, I may say to the gentleman from New York, we are not justified in building ships just to give employment to people. We are justified in building ships only when the national defense of the country requires it. However, there is a dual purpose involved.

Mr. FITZPATRICK. That is what I have stated. I agree with the gentleman on that.

Mr. VINSON of Georgia. Yes.

Mr. Chairman, as I stated a moment ago, this bill merely provides for one additional ship for the auxiliary fleet. The auxiliary fleet is composed of approximately 94 noncombatant ships. This will add one additional ship, a seaplane tender. A seaplane tender is a ship that must travel along with the fleet to afford housing, repair, accommodations, and gas and oil for the large bombers that accompany the fleet. For instance, one of these large bombers, in making an effort to locate the Pacific flyers within the last few days, was out 24 hours and covered 2,700 miles. It is this type of plane the seaplane tender takes care of.

The destroyer tender takes care of the destroyers. A destroyer is a very small ship which has accommodation only for its officers and personnel on account of its enormous machinery. A submarine has accommodations for none except its crew, and the submarine tender takes care of the submarine.

Mr. Chairman, as you will observe, this is a Senate bill with two House amendments. The bill passed the Senate unanimously. It is a departmental measure and authorizes the construction of six auxiliary vessels at a cost not to exceed $50,000,000. It is in accord with the financial program of the President.

In order that the Members of the House may have a clear understanding of this measure, I shall endeavor to explain the use of the vessels provided for in this bill and give the reasons why they are needed in the Navy. These vessels provided for in the bill are for the support and proper maintenance of the combatant vessels of the fleet when such vessels are operating away from regular established shore bases. Auxiliary vessels which serve the fleet for its maintenance in operating away from shore bases consist of repair ships, tenders, store ships, munition ships, hospital ships, tugs, and so forth.

There are in commission some 94 such vessels and out of commission 48, making the auxiliary strength of the Navy 142 ships. However, the auxiliary ships have largely been provided by the conversion of vessels not originally built for the purpose and are inadequate, particularly in speed, to enable them to accompany the fleet even in peacetime cruising. The auxiliary vessels of the fleet go to make up what is known as the train. The train for the Navy is analagous to the service of supply in the Army. We know that the Army in the field to be able to operate must have its service of supply. Likewise, it is far more necessary for the Navy to have its train when operating at sea or from distant ports thousands of miles from its shore bases.

SEAPLANE TENDERS

The first item in the bill authorizes the construction of one seaplane tender. This is the only vessel provided for in this bill that is an addition to the Navy. All the other vessels set forth in the bill are replacement ships.

The large seaplane tender authorized for in this bill is designed to serve as a floating base for two squadrons, 24 large patrol seaplanes, sometimes called flying boats or bombers. Seaplane tenders permit the flying boats, patrol planes, or bombers to accompany the fleet wherever it may go. The tender does not carry the planes. They fly from one position to the other. They are amphibians and light on water. The tender is so constructed that they can hoist the planes on its deck for repairs and can pick up damaged planes. It provides barracks for the crews of the planes and provides the facilities for the personnel that any large ship has. It also carries gasoline, bombs, stores, spare parts for the planes and can make all necessary repairs short of a complete rebuilding.

There are now in the Navy in commission two large seaplane tenders, the *Wright* and *Langley*. The *Langley* was launched in 1912 and was designed as a collier and converted in 1922. The *Wright* was a merchant vessel and converted in 1920. In addition to these two, there are nine small seaplane tenders, all of which are converted ships.

The number of flying boats—patrol planes or bombers—commensurate with a treaty navy is 330, of which 264 are operating planes and 66 are spares. It is estimated that the *Langley*, *Wright*, and the seaplane tender authorized in this bill will accommodate 72 flying boats, or 24 per seaplane tender; that the 9 small seaplane tenders will accommodate 108; that 84 seaplanes will be based on shore and 66 will be spares. The design of the vessel calls for a speed of 18 knots per hour and a rough estimate of the cost is $12,260,000. The complement will be 24 officers and 467 men.

DESTROYER TENDERS

Destroyers are comparatively small vessels with a large amount of their interior space devoted to boilers and engines. They carry armor of guns and torpedoes which require a comparatively large crew, consequently there is not much room on such small vessels for all the facilities they must have to maintain them for long periods of time. The storerooms are limited. They have no facilities for making extensive repairs and lack many necessary facilities for the personnel. The destroyer tender supplies these shortcomings for the destroyers she serves. The destroyer tender accompanies the fleet to serve the destroyers attached to it. Tenders at one time were called mother ships. It was an appropriate name for them. In the Navy today there are eight destroyer tenders; six are in commission and two out of commission. The tonnage in the destroyer category in our combatant ships is now 190,000 tons. This allows for about 124 under-age destroyers. It is considered that the proper ratio of the new modern destroyer to a destroyer tender is 18 destroyers to 1 tender. In other words, 18 destroyers will be based on the mother ship, the destroyer tender. A rough estimate as to the cost is approximately $11,513,220 and the complement is 31 officers and 573 men.

MINE SWEEPERS

Mine sweepers, as the name implies, are used to sweep areas and channels, through which the fleet must pass. They should be as small as possible in order to be handy; should have light draft to lessen the chances of their hulls striking a mine. The Navy has 28 mine sweepers; 21 in commission and 7 out of commission. The mine sweeper proposed in this bill is a replacement.

In peacetime a mine sweeper is engaged in training personnel in the technique of mining and mine sweeping. A rough estimate of the cost is $1,500,000. It will have a speed of 18 knots and a complement of 4 officers and 57 men.

SUBMARINE TENDERS

Submarine tenders are mother ships to submarines based on them. Submarines are even more dependent on tenders than destroyers because a submarine designed to operate both on the surface and beneath the surface has the interior so cramped with machinery that space is not available for the accommodation of personnel or spare parts, provisions, ammunition, and similar essential items. Submarines are dependent on the tender for the general overhaul of machinery, torpedoes, construction work, and for assistance in upkeep. All the shortcomings of the submarine must be provided for in the tender. The tender carries the physician, the supply officer, and other personnel for whom there is

no room on the submarine. The tonnage in the submarine category is now 68,298 tons. This allows for 47 under-age submarines. The correct ratio of submarines to tenders is 12 to 1. It is estimated that the cost of the submarine tender will be in the neighborhood of $12,600,000. It will have a complement of 31 officers and 624 men.

FLEET TUGS

Fleet tugs are used to tow targets for target practice and to assist the fleet in berthing vessels and to assist the large vessels to maneuver in restricted places.

In time of war they would be used to tow damaged vessels and to assist in salvage work. In times of peace they are used for every kind of tow service in the naval districts and outlying naval stations, as well as with the fleet. The Navy has at present 28 vessels classed as ocean-going tugs; 20 are in commission and 8 out of commission, the latter being in poor condition. A rough estimate of the cost is $1,760,000. It will have a complement of 4 officers and 47 men.

OILERS

The primary service of oilers is to transport oil and fuel for the fleet. A Navy oiler carries not only fuel oil for the boilers but also Diesel oil for submarines, lubricating oil for machinery, and gasoline for airplanes. A Navy oiler must be fitted with the necessary gear for refueling vessels at sea. A merchant oiler does not have such gear for refueling at sea, and as a rule do not have pumps of the required capacity. There are at present 17 oilers on the Navy list. Seven are in commission; 10 are out of commission. The rough estimate of the cost for the oiler is $8,496,800. It will carry a complement of 13 officers and 178 men.

Let me repeat that every vessel provided for in this bill, except the seaplane tender, is a replacement vessel. It is estimated that it will require about 3½ years to finish this program, and when the submarine tender, seaplane tender, the oiler, the tug, and the mine sweeper have been built they will take the place of some old and obsolete auxiliary vessel of that type.

The following is a statement in connection with estimates and bids on battleships nos. 55 and 56:

Bids were received from three private shipyards and estimates from two navy yards. The private yards were required to submit bids on a fixed-price basis and also on an adjusted-price basis. The navy yards were required to submit estimates of the estimated amount of expenditure from the appropriation "Replacement of naval vessels", and, in addition, to estimate the additional expenditures known in the navy yards as "statistical overhead" that would be occasioned by the construction of the vessels. The private shipyards, as well as the navy yards, were required to submit details of their bids and estimates on a standard form that had been prepared by the Navy Department, which was designed to admit of ready comparison of bid and estimate. The navy yard estimates were based on present-day conditions as regards both labor and material. No allowance was made in the navy yard estimates for any possible future increases in either labor or material. Presumably this was the case also in connection with the private shipyard bids, as the adjusted-price feature was intended to protect the private builder from labor and material increases during the life of the contract. A comparison of the adjusted-price bid and the navy yard estimate of total navy yard cost is shown in the following table:

	Hull	Machinery	Total
Bethlehem	$34,550,000	$15,320,000	$49,870,000
New York Ship	32,939,163	14,890,831	47,829,994
Newport News	31,829,950	14,382,550	46,212,500
New York Yard	23,893,298	13,372,545	37,265,843
Philadelphia	23,514,600	13,045,700	36,560,300

The bid of the Newport News Shipbuilding & Dry Dock Co. was low, but was irregular and was therefore thrown out by the Navy Department.

The difference between the lowest navy yard estimate—that from Philadelphia, and the lowest private shipyard bid—that from New York Shipbuilding Corporation, is $11,269,694. Part of the difference between the bid and estimate is due to the inclusion in the bid of $4,348,181 for margin and profit. There was no corresponding figure in the navy yard estimate. A further, and by no means small, part of the difference between the private shipyard bids and the navy-yard estimates was due to the lower operating overhead as estimated by the navy yards in comparison with similar operating overhead from the private shipbuilding yards; for example, the percentage of operating overhead to direct labor is as follows:

Newport News Shipbuilding & Dry Dock Co	94.5
New York Shipbuilding Corporation	72.2
Bethlehem Shipbuilding Corporation	[1] 38.2
New York Navy Yard	52.4
Philadelphia Navy Yard	52.7

[1] There is evidently something wrong as regards the percentage of operating overhead by the Bethlehem Shipbuilding Corporation, as, roughly speaking, their operating overhead should be approximately the same as for the other private shipyards.

In connection with this question of operating overhead, the Navy boards on changes have been allowing 80 percent as the overhead percentage in connection with changes of cost adjudications at Newport News. Just why this company should use 94.5 for operating overhead is not clear. The operating overhead for the navy yards includes not only the overhead directly chargeable to the building appropriation "Replacement of navy vessels" but also the "Statistical overhead" referred to above. Depreciation has not been included in any of the above percentages.

The difference between private shipyard bids and navy yard estimates is, in general, due to the following:

(a) The necessary inclusion in the private shipyard bid of allowances for taxes, insurance, and other similar items which are not incurred in navy yards and were not allowed for in the navy yard estimates.

(b) The inclusion of amounts in the private shipyard bids for margin and profit. Such allowances were not made in the navy-yard estimates.

(c) Higher operating overhead in the case of the private shipyard bid than for the navy-yard estimates.

6. In addition to the above known reasons, it is the belief of the Navy Department that the private shipbuilders were much concerned over the amount of money involved in the construction of a battleship and the length of time that the contract would run, and being uncertain as to what would happen in the industrial world in the next 4 years or so, and being unwilling to rely entirely upon the adjusted-price features of the proposed contract, made much more liberal estimates for labor and material than was the case in the navy-yard estimates. As pointed out above, the difference between the New York Shipbuilding Co.'s bid and the lowest navy-yard estimate was $11,300,000 in round numbers. Of this sum, $2,038,291 is due to (a) above; $4,348,181 is due to (b) above; $2,758,504 is due to (c) above; and $2,155,024 probably due to industrial uncertainty.

Mr. MILLARD. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, this bill comes here with the unanimous report of the members of the committee on both the majority and the minority sides. I am the ranking minority member of the committee. I was very much interested in listening to the lame-duck discussion. I was also vitally interested in regard to the time of adjournment, as we all are.

Mr. Chairman, the object and purpose of the bill now before the House is the authorization to proceed with the construction of six auxiliary vessels for the Navy.

In 1934 the Congress enacted the Vinson-Trammell Act, which authorized the construction of the combatant categories of vessels that were limited by the treaties signed at Washington on February 6, 1922, and at London, April 22, 1930. As authorized by this act of 1934, modern fighting ships, to the limits set by these treaties, are being constructed so that within a few years the Navy will have a fleet composed of the last word in combatant types. However, in order that this fleet of magnificent ships of war may be effective, they must be adequately serviced by a fleet of auxiliary vessels.

The auxiliary vessels which serve the fleet include such as repair ships, stores ships, munition ships, hospital ships, oilers, tenders, tugs, and mine sweepers. Many of the vessels of these types have been improvised by the conversion of vessels not originally designed for the purpose for which now used. They are inadequate in numbers and in characteristics, being too slow and with insufficient radius of action to enable them to accompany the fleet even in its peacetime cruising. In the event of actual hostilities these less spectacular but equally essential craft will have to be augmented by the conversion of merchant-marine vessels. However, the nucleus of these types of vessels should be composed of modern auxiliary vessels not only capable of operating with the fleet but also trained through daily service with it. To be effective in war the fighting fleet must be mobile and so self-supporting that it can operate and maintain itself wherever necessary, even at a long distance from our

coasts. The mission of auxiliary vessels is, therefore, to make effective, through the function of service and supply, the fighting vessels of the fleet.

The numbers of auxiliary vessels that would be needed in time of war would be far in excess of what is needed in time of peace. However, it is the policy to operate in time of peace only the minimum number of auxiliary vessels sufficient to fulfill the peacetime requirements of maintaining and operating the fleet kept in condition in time of peace.

It is of the greatest importance that these auxiliaries, which must be of special design and of high mobility, be provided in advance of their need in war in order that the fleet may operate at the high efficiency for which designed and without which it may fall short of its vital purpose. The bill now before you provides for some of the modern auxiliaries needed for this proper maintenance and service to the combatant fleet. It will be necessary to come before you from year to year to get authorizations for the additional modern auxiliary vessels required for peacetime service to the fleet. All but one of the vessels—the airplane tender—called for in this bill are replacements for vessels of similar types.

In conclusion, I wish to stress that nearly all of the present auxiliary vessels of the Navy are old, are lacking in speed, and are nearing the end of their useful life. The Navy now has only seven such vessels that may be considered as modern fleet auxiliaries, and the newest of these seven—a submarine tender—was added to the Navy in 1926, 11 years ago. Many of these auxiliary vessels in service are converted vessels, not originally designed for the purpose for which they are now used. Some of those in commission; that is, in active service, date back to 1898, 1907, and all the small auxiliary vessels, tugs, and mine sweepers, were built before or during the World War. All these converted vessels and old vessels are defective in speed and radius of action to accompany the fleet in cruising and in fleet operations. If the auxiliary ships that accompany the fleet are slow, all the combatant ships of the fleet have to accommodate their speed to that of the slow auxiliaries and by so doing would, in time of war, expose themselves to submarine attack. The experience of the World War demonstrated that the higher the speed of a ship, the less her chances of being torpedoed by a submarine. If the speed of a ship is not more than 10 knots, which is the top speed of many of the old auxiliaries, such a ship is an easy prey to submarines.

The passage of this bill is necessary, in my opinion, in the interest of adequate national defense, and I, therefore, urge your support of it. [Applause.]

Mr. VINSON of Georgia. Mr. Chairman, I have no more requests on this side for time.

Mr. MILLARD. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. WOLVERTON] such time as he may desire.

Mr. WOLVERTON. Mr. Chairman, the bill now before the House is necessary from two standpoints, namely, to provide adequate facilities to maintain the full usefulness of the fleet, and (2) to provide work for our shipbuilding industry.

As to the first of these two reasons for the passage of this bill, it is unnecessary to make any extended argument. The fact is well established that the proper operation of our naval forces requires the type of auxiliary craft provided for in the bill. Without them the efficiency of the fleet is handicapped and its effectiveness greatly curtailed. Each one has a distinct and important service to fulfill.

The seaplane tender serves as a base for seaplanes of the bomber and scouting type. As an auxiliary it permits them to operate far removed from a shore base or air station. It provides all the facilities that are necessary for such types of seaplanes. It carries gasoline, oil, bombs, stores, spare parts for the planes, and is also equipped to make necessary repairs to keep the planes in operating condition.

The destroyer tender has been rightly termed a "mother ship" to destroyers, to which it acts as an auxiliary. Destroyers are of small tonnage; most of their available space is taken up with boilers and engines. Carrying as they do a large armament of guns and torpedoes they require a large crew to man and operate them. It can be readily seen that because of this condition it is impossible for them to have within them the facilities that are necessary to make repairs or storage room for any considerable amount of supplies.

The mine sweeper, as its name indicates, is utilized to clear channels or harbors of mines, preceding the entrance of the fleet.

The submarine tender is an absolute necessity for the efficient operation of submarines. The same reasons that exist for destroyer tenders apply with increased force to submarine tenders. The space within a submarine is even more greatly restricted than in the destroyer. Practically no space is available for any other than the immediate essentials. The interior is so filled with operating machinery that their usefulness for any considerable time, away from a base, would be an impossibility. Consequently the tender makes up for all that is lacking in the submarine itself by providing necessary storage and repair facilities that are precluded in submarine construction.

The oiler is nothing more or less than a supply ship that carries every type of oil used in operation of the fleet. It makes possible refueling of the ships at distant points.

The fleet tug is a utility vessel designed to help the larger vessels of the fleet in docking or making other maneuvers in harbors or other restricted areas where they are unable to be readily manipulated owing to their great size.

Thus it will be seen that each of the auxiliary craft provided for in this bill has a distinct and important service to render if the highest degree of usefulness for the fleet is to be attained.

Now, as to the second reason for the passage of this bill—namely, work for our shipbuilding industry.

No one who is familiar with the construction of a ship will fail to see the importance of maintaining our shipyards in time of peace as well as in time of war. Shipbuilding requires experienced craftsmen. There is no industry that requires so many and diversified skilled trades as the shipbuilding industry. These craftsmen cannot be made overnight when an emergency is upon us. Their training extends over a period of years. If the requisite personnel is not in existence when the need arises, it is too late, and we suffer the consequences. Our experience during the World War has taught us the necessity of having at all times a trained shipbuilding force in our Nation prepared at a moment's notice to respond. I cannot emphasize too strongly the disastrous results that will follow if we do not always have ready these trained shipbuilders.

I am seeking to impress the importance of this matter upon the membership of the House for the reason that we are in danger at this very time of losing this important arm of our national defense. We are in danger of losing it because of lack of work to keep our shipyards busy. During the years of the depression there has been very little ship construction work. At the present time it has reached the lowest ebb of any time during the entire depression.

I live in what was once the greatest shipbuilding area in the entire country. But, I regret to say, that it has dwindled and dwindled away until it is now but a mere memory of the past. One of our great shipbuilding companies that had existed for over 100 years closed up entirely a few years ago, and the New York Shipbuilding Co., located at Camden, N. J., that was once a beehive of activity is approaching perilously near the point where there will be no work to keep its gates open. It is indeed a tragic sight to see this once great shipbuilding plant with ship ways and facilities to construct 22 ships at one time with no work in sight when the ship now under construction is completed. And this, in a general way, is a picture of the shipbuilding industry throughout the Nation. It is gasping for life at this very time.

What happens when a shipyard closes its gates for lack of work? Distress is immediately experienced by the workers through loss of employment. And their distress is immediately felt by the businessmen of the community and by the municipalities in which they live because of their

inability to pay taxes. Distress is experienced all along the line in every avenue of activity. But, furthermore, it is serious from the standpoint of the Nation, because when work ceases in their chosen trade the workers soon begin to drift elsewhere seeking other employment, and the fine personnel that has been built up over a period of years is destroyed and lost to the shipbuilding industry, never to be recovered except at a frightful cost and many years of effort.

No one who thinks in terms of national welfare in time of war emergency can fail to recognize the folly of permitting this highly trained force of men to be dispersed and lost as an arm of defense.

Certainly the men who have given themselves in the service of a great industry are entitled to help from their Government by providing the necessary work to tide them over until more prosperous days.

And the individuals who have made the necessary capital outlay to construct the plant that provides work for thousands of workers in an industry so vital to our national welfare and security are entitled to some consideration and assistance in times such as these. They do not ask Government grants or financial aid, but merely work—necessary work—to keep their plants in operation.

And may I also remind the membership of this House that the benefits from ship construction are not merely local in character. The benefits spread throughout the length and breadth of this Nation. Every State makes some contribution in the form of its products to the construction of a ship. It would be interesting, indeed, if my time permitted, for me to take the different States of the Union and show the product or products of each particular State that enter into the building of a ship. It would be astounding and surprising to many who have never realized that the construction of ships provide benefits Nation-wide in scope.

I ask that serious consideration be given to these vital reasons showing why the Federal Government at this time should provide work for the shipbuilding industry, and that for these reasons you give your approval to the pending bill. The passage of this bill will provide but a small part of what is necessary. I am hopeful, however, that the importance of adopting a policy of providing work to keep the shipbuilding industry alive will find expression not only by the authorization for the construction of the six ships provided for in this bill but also in an increased and greatly expanded program for the construction of a merchant marine that will be in accord with the dignity and the necessity of a nation such as our own.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of furnishing or replacing auxiliary vessels urgently necessary for the proper maintenance and operation of the Navy, the President of the United States is hereby authorized to undertake the construction of about 36,050 tons (light displacement tonnage) of such auxiliary vessels, as follows:

(a) One seaplane tender of about 8,300 tons;
(b) One destroyer tender of about 9,000 tons;
(c) One mine sweeper of about 600 tons;
(d) One submarine tender of about 9,000 tons;
(e) One fleet tug of about 1,150 tons; and
(f) One oiler of about 8,000 tons.

With the following committee amendment:

Page 1, line 8, after the word "follows", insert "at a total cost for all vessels of not more than $50,000,000."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 2, after line 6, insert the following:

"SEC. 2. Not less than 50 percent of the vessels herein authorized, allocated on an approximate tonnage basis, including such portions thereof as are customarily manufactured in Government plants, shall be constructed or manufactured in Government navy yards, naval stations, naval gun factories, naval ordnance plants, or arsenals of the United States: *Provided*, That the President may, however, should the public interests in his judgment so require, have the vessels built in Government or private yards notwithstanding the allocation otherwise imposed: *Provided further*, That the provisions of section 3 of the act entitled "An act to establish the composition of the United States Navy with respect to the categories of vessels limited by the treaties signed at Washington, February 6, 1922, and at London, April 22, 1930, at the limits prescribed by those treaties; to authorize the construction of certain naval vessels; and for other purposes", approved March 27, 1934 (48 Stat. 505; U. S. C., title 34, sec. 496), as amended, are hereby made applicable to contracts for the construction of the vessels or any portion thereof herein authorized.

"SEC. 3. Any bid for the construction on the Pacific coast of any of the vessels authorized by this act shall have a differential of 6 percent in its favor which shall be considered by the Secretary of the Navy in awarding contracts for the construction of said vessels."

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LAMNECK, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (S. 2193) to authorize the construction of certain auxiliary vessels for the Navy, pursuant to House Resolution 257, he reported the bill back to the House with sundry amendments agreed to in Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded upon any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill (S. 2193) to authorize the construction of certain auxiliary vessels for the Navy, which has just been passed.

The SPEAKER. Is there objection?

There was no objection.

NAVAL MEDICAL CENTER IN DISTRICT OF COLUMBIA

Mr. O'CONNOR of New York. Mr. Speaker, I call up House Resolution 256.

The Clerk read as follows:

House Resolution 256

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 6547, a bill to authorize the Secretary of the Navy to proceed with the construction of certain public works in or in the vicinity of the District of Columbia, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority members of the Committee on Naval Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. O'CONNOR of New York. Mr. Speaker, I yield 30 minutes to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Speaker, I have no requests for time on this side, and, so far as I am concerned, the resolution may be adopted by unanimous consent.

Mr. O'CONNOR of New York. Mr. Speaker, this is a rule for the consideration of the bill (H. R. 6547) to authorize the Secretary of the Navy to proceed with the construction of certain public works in or in the vicinity of the District of Columbia, and for other purposes. I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. VINSON of Georgia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6547) to authorize the Secretary of the Navy to proceed with the construction of certain public works in or

in the vicinity of the District of Columbia, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6547, with Mr. McREYNOLDS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. VINSON of Georgia. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. DREWRY].

Mr. DREWRY of Virginia. Mr. Chairman, the issues presented by this bill are few; in fact, as I see it, there are only two. First, the necessity for the establishment of a new naval hospital in Washington, or nearby, and, secondly, the cost.

So far as this particular matter is concerned, it would be well to call your attention to the fact that in 1931 Mr. Britten, who was then the chairman of the Committee on Naval Affairs, realizing the need of a new hospital, on his own motion proposed a measure which passed the Congress, providing $3,200,000 to build a new hospital in Washington. Unfortunately, he provided in his bill that the hospital should be built on the present site. When an investigation was made it was ascertained that the acreage was not sufficient to take care of a modern hospital with all the facilities that would be required. Consequently, nothing was done toward carrying out the authorization that was made at that time.

Therefore this measure has been brought in, and all that this bill does is to add to what has already been done by Congress a further appropriation of $1,500,000 in order that a proper hospital may be built.

The bill also provides that if the Secretary of the Navy should decide that the present site is not the proper place upon which the hospital should be constructed, he is at liberty to proceed to examine other sites and select one that will be more appropriate.

Mr. Chairman, so far as I can see, there is no need to discuss this matter at any great length. Everyone who has been over there admits there is a great, immediate necessity for a new hospital. There are only 178 beds in the hospital at this time, and they need equipment and facilities for 600. They have a prospective hospital population of around 10,000 in the vicinity that would go to this hospital for hospitalization. They come from as far as Quantico, Indianhead, and the navy yard here. There is every reason why a new hospital should be constructed.

The Committee on Naval Affairs appointed a subcommittee to make a personal examination and investigation of the present hospital. They reported unanimously that one is needed and should be erected in this vicinity. Individual members of the full committee have visited the hospital and made their own examinations. It has been reported on previously by another Congress, as I have stated, and it has the approval of the Budget and of the Navy Department.

Mr. TERRY. Mr. Chairman, will the gentleman yield?

Mr. DREWRY of Virginia. I yield.

Mr. TERRY. How many beds is it intended to have in the hospital?

Mr. DREWRY of Virginia. Six hundred is the present proposal. This would take care of 300 during peacetime and double that number in an emergency.

Mr. TERRY. What is intended to be done with the present hospital?

Mr. DREWRY of Virginia. It depends upon whether the Secretary of the Navy decides to retain this site for the new hospital or whether he will select a site somewhere else. If the present site is retained, of course, it will be used as the location of the new hospital; but if he decides to locate the new hospital somewhere else, what will be done with the present hospital will be a subject for future decision. There are some departments of the Government perhaps that would like to have it.

Mr. TERRY. It is not the intention, if you go somewhere else, to continue to run the present hospital as a naval hospital?

Mr. DREWRY of Virginia. No.

Mr. THOM. Mr. Chairman, will the gentleman yield?

Mr. DREWRY of Virginia. I yield.

Mr. THOM. Is the cost of this structure to be borne out of the so-called naval fund to which the men in the Navy contribute?

Mr. DREWRY of Virginia. I do not think so, except to the extent of $100,000.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. DREWRY of Virginia. I yield.

Mr. VINSON of Georgia. I may state that this bill will require an appropriation of the full amount and the naval hospital fund will not be used for the purpose of constructing this hospital at all.

Mr. THOM. Was it not the intention that it was to be used for this purpose?

Mr. VINSON of Georgia. No; the intention of the act of 1931 was to use $100,000 of the naval fund for architectural fees. This amount has been used up and they will use part of the architectural plans for the hospital on the new site in the event the Secretary puts it at a new place. If it is constructed at the present site, he already has his architectural drawings, plans, and specifications paid for out of the $100,000 provided in the act of 1931.

Mr. THOM. Then what is this hospital fund used for?

Mr. VINSON of Georgia. The hospital fund is made up of a monthly contribution by the enlisted men and officers of the Navy and by fines and forfeitures, and, by permission of Congress, is used for the building of hospitals; but the gentleman must bear in mind that the individuals in the Navy should not be forced to pay for their buildings in which they are to be hospitalized. This is a duty of the Federal Government.

Mr. THOM. But what is that money used for?

Mr. VINSON of Georgia. It is in a fund to be used in cases of emergency.

Mr. THOM. What is the amount of that fund now?

Mr. VINSON of Georgia. I forget now, but it was about a million dollars or $2,000,000 during the war. I do not know what it is now.

Mr. THOM. The understanding was when this matter was discussed previously before the Naval Appropriations Committee that a considerable amount for the construction of this building was to come out of the naval fund.

Mr. VINSON of Georgia. Not one penny of this proposed expenditure comes out of the Naval Hospital fund. This comes by direct appropriation from the Treasury of the United States.

Mr. MILLARD. Mr. Chairman and gentlemen of the Committee, this bill authorizes the Secretary of the Navy to proceed with the construction of certain public works in, or in the vicinity of, the District of Columbia. Specifically, it provides for the acquisition of land and the construction thereon of the buildings necessary for a modern hospital, a naval medical school, and a Navy medical center.

This question of providing new buildings for the Naval Hospital here at the seat of our Government is not a new one. The need for new buildings was recognized over 7 years ago, when the then chairman of the Committee on Naval Affairs, the Honorable Fred Britten, introduced a bill to provide for the remodeling and reconstruction of the Naval Hospital here in Washington at that time. The bill introduced by Britten originated in the Committee on Naval Affairs and was not instigated by the Navy Department, as is the case in the present measure. That bill was enacted into law in 1931 and authorized an expenditure of $3,200,000. However, no remodeling or reconstruction was undertaken under the authority of the act of 1931. The need for the replacement of the Naval Hospital facilities which existed over 7 years ago still exists and is more urgent now than it was then. Many of the buildings in use were of temporary wartime

construction. These deteriorated rapidly and were such a fire hazard it became necessary to abandon them for use as hospital spaces so that the bed space has now been reduced to about 30 percent of what it was in 1930. In addition, the buildings of permanent construction also have deteriorated to such a degree that special safety precautions have to be taken to make them safe for use. These conditions, coupled with the fact that the buildings have become obsolete, make the present hospital wholly inadequate to properly fulfill its mission. The condition of the buildings makes it necessary to spend large sums for maintenance and upkeep. In the interest of economy, therefore, there is a real need to approve the provisions of the bill now under consideration. If the need for a new hospital existed in 1931, there can be no doubt of an even greater need existing now.

The act approved in 1931, restricted the replacement of hospital facilities to the present site and the space of the present site is restricted by the Parks and Planning Commission which leaves only about 8 acres available for construction. It is plainly evident, therefore, that such a small area is wholly inadequate for the buildings and recreational spaces necessary for a modern and model hospital, the proposed medical school, and medical center. Since the enactment of the 1931 law, indications point to the probability of the erection of a building to house the War Department to the eastward of the present location, and a Navy building to the westward of it. Such being the case it is plainly evident that construction of any new hospital facilities on the site now in use would be ill advised and highly undesirable. For all of the above reasons and many more that are just as important, it is imperative that the Navy be authorized to obtain a new site for the construction of the buildings necessary for a modern up-to-date hospital, medical school, and medical center, and one that will be desirable and suitable for many years to come and one sufficiently large to lend itself to expansion in the years to come.

The Committee on Naval Affairs has gone into this question thoroughly and has reached the conclusion there is no doubt of the need for the proposed new hospital. I, therefore, strongly urge you give the measure your support and pass this authorizing legislation.

This is a departmental measure and has the approval of the Budget Director.

Mr. THOMPSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MILLARD. Yes.

Mr. THOMPSON of Illinois. Can the gentleman tell me whether it is the intention to build a medical center for the Navy, comparable to that of the Army maintained as to what is known as Walter Reed Hospital? Is this to be an institution of one big building or of some small ones?

Mr. MILLARD. I do not think any of us know exactly yet where the site will be, whether inside or outside of the District of Columbia.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. MILLARD. Yes.

Mr. VINSON of Georgia. This bill contemplates the construction of a modern up-to-date hospital, and in addition thereto it will have connected with the hospital a medical school and a dental school, and if one can classify that as a medical center, it could be so classified, but it will not be of the large scale of Walter Reed Hospital, because the population that will be hospitalized does not require such an enormous institution.

Mr. McCORMACK. Mr. Chairman, will the gentleman from Georgia yield for a question not related to this bill?

Mr. VINSON of Georgia. I yield.

Mr. McCORMACK. A bill came out of the gentleman's committee which provides, as I remember it, that a naval officer may be appointed as Director of the Bureau of Inspection in the Department of Commerce. Is that correct?

Mr. VINSON of Georgia. It has been limited to that one position at the request of the administration.

Mr. McCORMACK. Can the gentleman give any information as to when he expects to bring the bill up for consideration?

Mr. VINSON of Georgia. That being a House bill, and the likelihood of any new legislation not being considered at this session, in view of what is taking place at the other end of the Capitol, it will not be at an early date.

Mr. McCORMACK. But the gentleman is hopeful that it will be next session?

Mr. VINSON of Georgia. I am not making any statement any further than what I have said.

Mr. Chairman, I ask that the Clerk read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the act approved February 25, 1931 (46 Stat. 1419), be, and the same is hereby, amended so as to read as follows:

"That the Secretary of the Navy is hereby authorized to construct in the District of Columbia, or in the immediate vicinity thereof, on land already acquired or hereby authorized to be acquired therefor by purchase, gift, or otherwise, buildings to replace the present Naval Hospital and Naval Medical School at Washington, D. C., with the utilities, accessories, and appurtenances pertaining thereto, including facilities for the Naval Medical Center and Naval Dental School."

With the following committee amendment:

Page 2, line 3, after the word "school", insert "*Provided*, That the advice of the National Capital Park and Planning Commission be requested before the acquisition of property for this purpose and before the construction herein authorized shall begin; if located in the District of Columbia, the construction herein authorized be subject to the approval of the National Park Service under authority of section 6 of the Public Buildings Act of May 25, 1926, as amended (U. S. C., title 40, sec. 346)."

The committee amendment was agreed to.

The Clerk read as follows:

Provided further, Total cost of the land and of the construction hereby authorized shall not exceed $4,850,000.

With the following committee amendment:

Page 2, line 11, before the word "total", insert the words "That the", and in line 13, after the figures, insert "of which not more than 15 percent shall be expended for the purchase of the site."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 2. The Secretary of the Navy is hereby authorized to accept on behalf of the United States, free from encumbrances and without cost to the United States, the title in fee simple to any land which may be acquired by gift.

The CHAIRMAN. Under the rule, the Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MCREYNOLDS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill H. R. 6547, and, pursuant to House Resolution 256, he reported the same back to the House with sundry amendments agreed to in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered. Is a separate vote demanded on any amendment? If not, the amendments will be put en gross.

The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

ATTENDANCE OF MARINE BAND AT G. A. R. REUNION

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to proceed for 1 minute to make a statement.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. VINSON of Georgia. Mr. Speaker, the purpose of making this statement is to inform the House that if recognized by the Chair I will ask unanimous consent to take up the bill H. R. 7641, a bill unanimously reported by the Committee on Naval Affairs, which permits the Marine Band to go to the city of Madison, Wis., and participate in the

encampment of the Grand Army of the Republic from September 5 to September 10, 1937, at a cost of $7,500. The policy of the Budget and the policy of the Naval Affairs Committee is to permit the Marine Band to participate in the Confederate veterans' annual reunion and the Grand Army of the Republic reunion, and no other reunions. The band has already been authorized by the Congress to attend the Confederate veterans' reunion at New Orleans.

If the Chair will recognize me at this time, I ask unanimous consent, Mr. Speaker, for the immediate consideration of the bill (H. R. 7641) to authorize the attendance of the Marine Band at the national encampment of the Grand Army of the Republic to be held at Madison, Wis., September 5 to 10, inclusive, 1937.

The SPEAKER. The Chair will recognize the gentleman with the understanding that there is probably no opposition to the bill.

Mr. VINSON of Georgia. There is no opposition, as I understand, Mr. Speaker.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. MILLARD. Mr. Speaker, reserving the right to object, this particular bill has the approval of the entire Committee on Naval Affairs. It is to send the Marine Band to the Grand Army of the Republic Encampment at Madison, Wis. I think we are generally against the policy of sending the band promiscuously throughout the country, as in the past, but we are in favor of this proposition.

I withdraw my reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to permit the band of the United States Marine Corps to attend and give concerts at the National Encampment of the Grand Army of the Republic to be held at Madison, Wis., from September 5 to 10, inclusive, 1937.

SEC. 2. For the purpose of defraying the expenses of such band in attending and giving concerts at such encampment there is authorized to be appropriated the sum of $7,500, or so much thereof as may be necessary, to carry out the provisions of this act: *Provided*, That in addition to transportation and Pullman accommodations the leaders and members of the Marine Band be allowed not to exceed $5 per day each for actual living expenses while on the duty, and that the payment of such expenses shall be in addition to the pay and allowances to which they would be entitled while serving at their permanent station.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NONMILITARY ACTIVITIES, WAR DEPARTMENT—APPROPRIATION BILL, 1938

Mr. SNYDER of Pennsylvania. Mr. Speaker, I call up the conference report on the bill (H. R. 7493) making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. STEFAN. Reserving the right to object, Mr. Speaker, I wish every Member of the House would give a little attention, and I hope you have before you the conference report. First, I want to compliment the membership of this committee for making an earnest effort to reduce some of our expenditures. I know they have worked very, very hard, but I think every Member of this House realizes the time has come when we should save some money wherever it is possible.

Mr. Speaker, we cannot justify the lavish expenditures of our taxpayers' money in this appropriation for the High Commissioner in the Philippine Islands. Here is an appropriation of $152,000 for this High Commissioner to run our business in the Philippine Islands, which we are leaving in 8 years.

In view of the fact that our President has announced that he wants a 10-percent cut in Government expenditures for the purpose of aiding in the balancing of the Budget, I feel we should start helping him save the taxpayers' money wherever we can. Here is an item of expense which can be cut down. It was cut down somewhat by our own committee, and it is raised back by the Senate conferees.

Back in my district of Nebraska many farmers have been forced to leave their farms because they could not borrow a few dollars to buy feed and seed. Many of these farmers today are forced to cut their oats because they could not get enough money for poison to eradicate the grasshoppers which have attacked their fields.

Right here in Washington newspapers print stories of old people who are going hungry because they cannot get their old-age benefit money. Intimations are made in these papers that old men and women are on the verge of starvation.

Back in Nebraska we know where men and women who have families are forced to live on less than $20 a month because of their financial circumstances, and they are forced on relief.

Yet here in this item you are taking the money these people pay in taxes for the purpose of giving a political appointee $10,000 a year as an entertainment fund. Besides this you are giving him $18,000 a year salary. Besides that you give him $20,000 a year to rent his office and his living quarters. You also give him three chauffeurs and three fine automobiles. To you who have been spending billions, a $10,000 item is small change, but to many people in my district it represents a fortune.

With the great amount of suffering right here at home we should hesitate in this wild expenditure of money. I especially object to the $10,000 a year for entertainment for this High Commissioner. It is too much. It represents waste. Our Ambassador to London does not get that much money for the same purpose. It is my understanding that we pay him $4,800 for entertainment purposes. Why, I ask you, should we give $10,000 for entertainment to this Commissioner in a minor country? Our own committee admits it is too much. Our committee cut this item to $7,800. Now the committee comes back and tells us the Senate conferees put the amount back to $10,000. I earnestly request the committee to stand with me for a drastic cut in this item.

If you are going to insist on this lavish expenditure of money for a political appointee to use for entertainment purposes, I do not know how I am going to explain to the taxpayers in my district that this Congress is really spending their money efficiently. What am I going to tell farmers who want to borrow a few hundred dollars for feed and seed and who cannot even get that when they point to items like this where we take thousands of dollars of their money to be used by these appointees for the purposes of giving entertainments and banquets and cocktail parties? I for one will never vote for any such unnecessary spending, and I beg every one of you to realize that if we keep these things up our national debt, which is now near $40,000,000,000, will never be paid.

I need not tell Members of this House again that the Government is spending $8 for every four dollars and a half we take in. You are aware that our financial experts are worried over our present and future financial condition. After all of these months, during which we have been endeavoring to call your attention to the fact that the Treasury of the people is depleted, some notice is being given and some department heads are making a slight show at following suggestions to cut expenditures. These feeble attempts will bear no fruit unless this Congress takes a real stand right now. Do not forget our national debt, which is climbing so fast. Do not forget that you have gone into the red about $2,000,000,000 during the last year. Let us set a principle here. Let us show by our actions on this bill that we mean to really eliminate useless expenditures and give the taxpayers a run for their money. Here is a $10,000 item which represents useless and unnecessary expense. It makes no difference if there has been a precedent in the islands on huge appropriations for entertainments. I for one object to

spending the people's money in this fashion when it is needed so badly in my district, where the people are in need. I refuse, Mr. Speaker, to vote for any of this kind of lavish spending, and I will continue to stand here in this House of the people's representatives and vigorously object. I demand that this conference report be voted down and sent back to conference so that it may be brought back with a showing that all unnecessary expenditures be cut out. I know the needs of the people in the Third District of Nebraska. They sent me here to represent them. They are 1,700 miles away from this Nation's Capital. They cannot speak for themselves. I feel that what I have said represents the sentiment of most of the serious-minded people back home.

Mr. LUCKEY of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. STEFAN. I yield.

Mr. LUCKEY of Nebraska. Did we not have a building down there for governmental purposes? The gentleman spoke of our paying $20,000 a year rent.

Mr. STEFAN. Yes; we had a building. We gave it to the Philippine people, but we were bad traders. They traded us a piece of ocean for it, and now we are building a wall around it and filling that in. In the meantime you are spending $20,000 a year for rent. We are poor Yankee traders.

Mr. LUCKEY of Nebraska. I feel that we should cut some of these unnecessary expenditures.

Mr. POWERS. Mr. Speaker, will the gentleman yield?

Mr. STEFAN. I yield.

Mr. POWERS. I agree with what the gentleman says. I may tell the gentleman that in conference I voted against the $10,000 entertainment fee for the High Commissioner of the Philippines. The gentleman mentioned that the High Commissioner's salary is exempt from income tax. Why is that so?

Mr. STEFAN. Because of a ruling of the Bureau of Internal Revenue. I think if the gentleman makes an investigation he will find that most of these salaries are exempt from income tax.

Mr. POWERS. I think it would be well for the gentleman to call the attention of the chairman of the Committee on Ways and Means to that fact, and when the new revenue bill is written to see that it requires an income tax to be paid by these officials.

Mr. STEFAN. I shall be very glad to do that. And at the same time I wish to thank the distinguished and able gentleman from New Jersey for his continued efforts to eliminate many of these useless expenditures. The gentleman is the ranking member of the minority on this committee and has given many hours of his valuable time in working over these tremendous questions which face his very important committee. The gentleman is one of the most able statesmen in the House. He is continually working for the interests of the taxpayers of our Nation.

Mr. McCORMACK. Mr. Speaker, reserving the right to object, without entering into any controversy with the distinguished gentleman from Nebraska, I think it is only fair to say that the Governor General of the Philippines has been greatly misrepresented lately in the press in relation to a controversy that occurred over there with reference to precedence on state occasions.

Mr. STEFAN. If the gentleman will yield, he is not the Governor General; he is the High Commissioner.

Mr. McCORMACK. The High Commissioner. He represents the United States Government in his present capacity just as his predecessors have represented it. I do not think the gentleman intends to have his remarks apply to the present High Commissioner alone.

Mr. STEFAN. I am referring to the amount of money, not to the individual.

Mr. McCORMACK. Exemption from the payment of income tax has applied to his predecessors. Former Governor McNutt is not the only one who is receiving personal tax exemption.

I am not going to pass on whether $7,800 is too little or $10,000 too much for entertainment purposes, but the fact remains that representatives of the United States Government should be given some appropriation to carry on the entertainment which their position calls for; and my only purpose in rising was to ascertain from the gentleman whether or not his remarks applied to Former Governor McNutt or to the appropriation of money for entertainment purposes to any man who might occupy the position.

Mr. STEFAN. Mr. Speaker, will the gentleman yield to permit me to answer?

Mr. McCORMACK. Certainly.

Mr. STEFAN. I may say to my distinguished colleague from Massachusetts that my remarks are not directed to any individual. I do not care whether Commissioner McNutt wants to be toasted first or last; it makes no difference to me. That is not what I am referring to. I am referring to the fact that for the same purposes we allow the Ambassador in London only $4,800. Why should we spend $10,000 on entertainment in the Philippine Islands?

I am not directing my remarks to any one individual. I am directing them against the appropriation for this purpose, especially when people here are hungry; do not spend this money lavishly for entertainment purposes.

Mr. McCORMACK. I fear the gentleman has misinterpreted what I said. My purpose was to find out whether his remarks were applicable to the present High Commissioner or to the position as such without regard to who occupied it, and, so far as I am concerned, the gentleman has answered my question. Personally I think some kind of appropriation should be made. Whether it should be $10,000 or $7,800 I shall not enter into any controversy about, but, so far as I am concerned, the gentleman has satisfied me that the purpose of his remarks was not, directly or indirectly, to attack the present High Commissioner, but was to attack appropriations for this purpose without regard to who might occupy the position.

Mr. STEFAN. My distinguished friend is absolutely right. The people of the United States have a message from the President of the United States that he wants expenditures cut down and the Budget balanced. We have just heard from him that he wants 10 percent cut in all departments. How can you justify spending $10,000 of the taxpayers' money for drinking parties in the Philippine Islands when people in the United States are hungry? How can you justify that? I cannot.

Mr. LUCAS. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. LUCAS. Can the gentleman from Massachusetts tell the Members how long this appropriation of $10,000 for entertainment purposes in the Philippine Islands has been carried?

Mr. McCORMACK. What is the purpose of the gentleman's inquiry?

Mr. LUCAS. I want to find out whether it is not the custom to appropriate $10,000—and has been for many, many years—in order to take any odium away from the present administration.

Mr. McCORMACK. I cannot answer that question. If the gentleman can, I suggest that he do so. The chairman of the subcommittee tells me that it is a regular appropriation.

Mr. Speaker, my purpose in rising was to find out from the distinguished gentleman who opened this discussion whether or not his remarks were directed against former Governor McNutt or against the appropriation of money for the office.

Mr. LUCAS. Obviously it should not be directed against Mr. McNutt or any other individual if the appropriation has been the same over a long period of time.

Mr. McCORMACK. Exactly, but the gentleman himself has frankly admitted that he did not have former Governor McNutt in mind.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania that the statement be read in lieu of the report?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7493) making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 8, and 11.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 13, 14, 16, and 17, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$148,200"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$10,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$9,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: Omit the matter stricken out by said amendment and on page 8 of the bill, in line 19, after the word "States" omit the comma and insert the word "and"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: Omit the matter stricken out by said amendment and on page 9 of the bill, in line 10, after the word "States" omit the comma and insert the word "and"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 7, 12, and 15.

J. BUELL SNYDER,
D. D. TERRY,
JOE STARNES,
ROSS A. COLLINS,
CLARENCE CANNON,
D. LANE POWERS,
ALBERT J. ENGEL,
Managers on the part of the House.

ROYAL S. COPELAND,
ELMER THOMAS,
JOHN H. OVERTON,
W. G. MCADOO,
MORRIS SHEPPARD,
WARREN R. AUSTIN,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7493) making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On amendments nos. 2, 3, 4, and 5, relating to the United States high commissioner to the Philippine Islands: Makes available as a maintenance allowance of the high commissioner $10,000, as proposed by the Senate, instead of $7,800, as proposed by the House; limits the salary of the legal adviser to $10,000, instead of $8,000 as proposed by the House and $12,000 as proposed by the Senate; limits the salary of the financial expert to $9,000, instead of $7,500 as proposed by the House and $10,000 as proposed by the Senate; makes available for the pay of the assistant legal adviser and assistant financial financial expert $7,500 each, as proposed by the Senate, instead of $6,500 each, as proposed by the House, and makes available for rent $18,600, as proposed by the House, instead of $20,000, as proposed by the Senate, the net result being an appropriation in toto of $148,200, instead of $140,500, as proposed by the House, and $152,600, as proposed by the Senate.

On amendment no. 6: Restores to the appropriation for rivers and harbors the provision proposed by the House for the protection of the town of Collinsville, Ala.

On amendments nos. 8, 9, and 10, relating to flood control under the Copeland Act: Strikes out, because of action which will be proposed as to amendment no. 7, the contractual authority proposed by the Senate, and also the proposal of the Senate that the increased direct appropriation proposed in amendment no. 7 should be available in such an amount only as allotments of W. P. A. funds might fall short of such additional appropriation; and removes from the paragraph providing for the acceptance and employment of contributed funds, on account of authorized flood control work, authority to accept contributions from other than States and political subdivisions thereof, as proposed by the Senate.

On amendment no. 11: Strikes out the provision inserted by the Senate in the appropriation for flood control, Mississippi River and tributaries, with respect to protection of cities and towns on the lower Mississippi River, the particular projects in view not having been authorized by law.

On amendment no. 13: Appropriates an additional $200,000 ($300,000 in all) as an emergency fund for flood control on tributaries of the Mississippi River, in consequence of a supplemental estimate of appropriation, as proposed by the Senate.

On amendment no. 14: Strikes out, as proposed by the Senate, specific provision in the appropriation for the support of the United States Soldiers' Home with respect to motor-propelled vehicles.

On amendment no. 16: Adds a new section making the appropriations in and provisions of the bill available and effective from and including July 1, 1937, as proposed by the Senate.

On amendment no. 17: Changes a section number, as proposed by the Senate.

Amendments reported in disagreement

The committee of conference report in disagreement the following amendments of the Senate:

Amendment no. 1: Providing for the care and maintenance of Congressional Cemetery, District of Columbia.

Amendment no. 7: Increasing the appropriation for flood control under the Copeland Act.

Amendment no. 12: Relating to the appropriation for flood control, Mississippi River and tributaries, including a proposed increase therein.

Amendment no. 15: Relating to the compensation of retired officers of the Regular Army on duty at the United States Soldiers' Home.

J. BUELL SNYDER,
D. D. TERRY,
JOE STARNES,
ROSS A. COLLINS,
CLARENCE CANNON,
D. LANE POWERS,
ALBERT J. ENGEL,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment no. 1: Page 2, after line 7, insert "and the graves and grounds in the Congressional Cemetery."

Mr. SNYDER of Pennsylvania. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

In lieu of the matter inserted by said amendment, insert the following: ", and that portion of Congressional Cemetery to which the United States has title and the graves of those buried therein, including the burial site of Pushmataha, a Choctaw Indian chief."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 7: Page 8, line 4, strike out "$30,000,000" and insert "$60,000,000."

Mr. SNYDER of Pennsylvania. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

In lieu of the matter inserted by said amendment, insert the following: "$30,000,000, and, in addition, $30,000,000 of the appropriation of $1,500,000,000 contained in the Emergency Relief Appropriation Act of 1937 shall be available exclusively for carrying out the provisions of such Flood Control Act, approved June 22, 1936, and shall be expended under the direction of the Chief of Engineers under the provisions established in and in pursuance of such Emergency Relief Appropriation Act of 1937 not inconsistent herewith: *Provided*, That the requirement in section 1 of such Emergency Relief Appropriation Act of 1937 that no Federal construction project shall be undertaken unless and until there have been allocated and irrevocably set aside sufficient funds for its completion shall not apply to flood-control projects authorized by such Flood Control Act, approved June 22, 1936."

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield to the distinguished gentleman from New York.

Mr. TABER. This means yielding to the Senate in the full amount. We simply reappropriate from the so-called relief bill enough money to make up the difference between what the House allowed and what the Senate asked for?

Mr. SNYDER of Pennsylvania. Yes. That was so as to keep the bill within the Budget estimates.

Mr. TABER. In order to not go beyond what has already been provided for?

Mr. SNYDER of Pennsylvania. That is right.

Mr. TABER. In funds?

Mr. SNYDER of Pennsylvania. Yes.

Mr. TABER. It means giving the Senate everything they asked for in dollars?

Mr. SNYDER of Pennsylvania. Yes; in dollars for flood control; but no more than we have been given to understand would be spent, even if the Senate had accepted our bill.

Mr. TABER. But it keeps within the Budget?

Mr. SNYDER of Pennsylvania. Yes.

Mr. TABER. Does the gentleman feel we ought to appropriate as much money as this?

Mr. SNYDER of Pennsylvania. I may say to the gentleman from New York that the Army engineers have told us right along, with reference to the Copeland Act, that they have sufficient projects in readiness to proceed with which would permit them to utilize $60,000,000 during 1938. Basing our judgment on that, the conferees of the Senate and House arrived at this most amicable conclusion.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania [Mr. SNYDER].

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 12: Page 10, line 16, strike out "$22,500,000" and insert the following: "$45,000,000: *Provided*, That the Chief of Engineers, when authorized by the Secretary of War, may enter into construction contracts prior to July 1, 1938, to an amount not in excess of $10,000,000, in addition to the sum herein appropriated, and his action in so doing shall be deemed a contractual obligation of the Federal Government payable after the next regular annual appropriation becomes available: *Provided further*, That if any funds are made available for the above purposes from the Emergency Relief Appropriation Act of 1937, the appropriation herein made shall be reduced by an amount equal to the sum so made available, but this proviso shall not operate to reduce this appropriation below $22,500,000."

Mr. SNYDER of Pennsylvania. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

In lieu of the matter inserted by said amendment, insert the following: "$22,500,000, and, in addition, $22,500,000 of the appropriation of $1,500,000,000 contained in the Emergency Relief Appropriation Act of 1937 shall be available exclusively for carrying out the provisions of such Flood Control Act, approved May 15, 1928, as amended by such Flood Control Act, approved June 15, 1936, and of such additional amount, $7,500,000 shall be in augmentation of the foregoing appropriation of $22,500,000, and the remainder shall be expended under the direction of the Chief of Engineers subject to the provisions established in and in pursuance of such Emergency Relief Appropriation Act of 1937 not inconsistent herewith: *Provided*, That the requirement in section 1 of such Emergency Relief Appropriation Act of 1937 that no Federal construction project shall be undertaken unless and until there have been allocated and irrevocably set aside sufficient funds for its completion shall not apply to flood-control projects authorized by such Flood Control Act, approved June 22, 1936."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment no. 15: Page 12, line 16, after the word "date", insert a colon and the following proviso: "*Provided further*, That not to exceed five retired officers of the Regular Army may be assigned to active duty at the United States Soldiers' Home, and such officers while so assigned shall be entitled, notwithstanding any other provisions of law, to the pay and allowances of officers of the same rank and length of service on the active list of the Army."

Mr. SNYDER of Pennsylvania. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment, and I desire to make a statement.

Is the gentleman from Georgia [Mr. TARVER] present?

Mr. TARVER. I am here.

Mr. SNYDER of Pennsylvania. Possibly, if it were not for the gentleman from Georgia [Mr. TARVER], it would not be necessary for me to make a statement.

Mr. Speaker, this proposition was submitted in the Budget and was considered by the War Department subcommittee, which favorably reported it to the full committee. The full committee voted it out of the bill. This is the first time, therefore, that the House has been called upon to pass upon the matter.

Most of you are familiar with the local Soldiers' Home. There is a population out there of about 1,400 former soldiers. The capital investment is about $6,000,000. Responsibility for the care, maintenance, and operation of this establishment and for the care, health, and contentment of these ex-service men devolves directly upon five retired officers of the Regular Army, chosen for the work because of demonstrated suitability.

The law provides for the detail either of active or retired officers of the Regular Army to conduct the affairs of the home. It has been the practice to utilize retired officers for the last 80 years or more. Judging by many of the Regular Army establishments with which we are familiar which are commanded by active officers, these retired officers at the Soldiers' Home have an equal and in many cases a far greater responsibility.

The proposition before us is just this: Prior to the Economy Act, approved June 30, 1932, retired officers on duty at the home were paid at the rate of $1,500 per annum out of the Soldiers' Home permanent fund in addition to their retired pay. All reductions applicable to regular personnel in consequence of such law have been restored, and it is proposed now instead of giving back this extra compensation to the retired officers at the home, to give them the pay and allowances they would receive if on active duty. The added expense, upon the basis of the rank of the officers presently employed, would be $2,060 per annum. The amendment gives them no more than active officers would receive if detailed to duty at the home, which they may be under the law. There will be no allowance for quarters, of course, as public quarters are provided.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. Yes.

Mr. TABER. Is it not a fact the assignments to the Soldiers' Home at the present time are among the most desirable in the Army?

Mr. SNYDER of Pennsylvania. I should say they are.

Mr. TABER. After the members of the full committee had gone into this very carefully, they decided they did not want to be responsible for presenting this thing to Congress.

Mr. SNYDER of Pennsylvania. Yes.

Mr. TABER. Does the gentleman think he is keeping faith with the House when he brings such a thing as this back here?

Mr. SNYDER of Pennsylvania. This is a Budget proposition, and this is the first opportunity the House itself has had to pass upon the matter. The House may dispose of it as it sees fit.

Mr. TABER. If the House votes it down, the Senate will recede?

Mr. SNYDER of Pennsylvania. I do not know about that.

Mr. TABER. I think that can safely be said.

Mr. SNYDER of Pennsylvania. The gentleman will concede it was my duty as chairman to bring it back and present it to the House.

Mr. TABER. But not to move to recede and concur. I think the gentleman should have moved to insist upon the position of the House, because I think this is a very dangerous precedent for us to start.

Mr. SNYDER of Pennsylvania. The House has never taken any position upon the matter. However, I may say we did try to have the Senate recede.

Mr. TABER. The gentleman has moved to recede and concur. We should have had a motion to insist upon the

position of the House. Frankly, I do not feel there is any possibility of getting anywhere with orderly government when we hand out a bunch of money gratuitously to those who are holding the most desirable and most sought-after commissions in the Army. I do not think we ought to adopt this amendment, and I hope the House will defeat it.

Mr. TARVER. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia.

Mr. TARVER. Mr. Speaker, I hope the gentleman will yield me more than 5 minutes. I doubt if I can discuss the matter thoroughly in that time, and, as a member of the committee, I certainly would like to explain to the House the circumstances in regard to this proposition.

The gentleman made some reference to me in opening his statement by saying it would not be necessary to make a statement except for my benefit.

Mr. SNYDER of Pennsylvania. Yes.

Mr. TARVER. I do not appreciate that statement, because it would indicate I am the only member of the committee who has opposed the position the gentleman has assumed, when the gentleman knows the committee voted practically unanimously against the increase. In fact, so far as I recollect, the vote of the gentleman from Pennsylvania [Mr. SNYDER] was the only vote cast against cutting out of the bill this proposed increase in the compensation of these five retired Army officers. The committee was practically unanimous that this provision ought to go out.

The situation is simply that these five retired Army officers, who are most excellent gentlemen, have positions which are very much sought after by retired Army officers. They have beautiful homes out there, for which they pay nothing. Of course, they have their retirement compensation. They have other considerations which come to them by reason of the fact they are stationed on this public property. It is not a question of adding compensation for the benefit of officers who are underpaid. The gentleman from Pennsylvania [Mr. SNYDER] made the statement before our committee that so far as he knew these officers were receiving adequate compensation. The only question which seemed to be material in the discussion of the matter in the committee was that there seemed to be a little money that would not be spent in the ordinary activities of this organization, and the question was how to get the money into the hands of somebody who would appreciate it. Therefore, it was suggested that these five retired Army officers, who are already well enough paid, should receive the pay of men on active duty.

Mr. McFARLANE. Mr. Speaker, will the gentleman yield for a question?

Mr. TARVER. I yield to the gentleman from Texas.

Mr. McFARLANE. Does not the gentleman feel, inasmuch as the retired Army officers are already being well enough paid, that with the money which is sought to be used for this increase we ought to reduce the per-capita allotment of the service men and in that way permit a saving to the enlisted men? Should not that be the program rather than increasing the pay of these five officers?

Mr. TARVER. I do not know about that. These service men pay 25 cents a month, as I understand it, out of their small salaries toward maintaining this institution. I understand there also go into the fund for maintaining this institution the fines and penalties imposed by courts martial in the United States Army. I also understand that the retired private who is accorded domiciliary care there gets $2 a month, whereas these retired Army officers get $4,000, $5,000, or $6,000 a year. The private out there who works all the time gets $30 a month. If you are going to do anything toward increasing the pay of anybody at the Soldiers' Home, why not do a little something for the enlisted man who must make his home there, just as these retired Army officers are making their homes there, rather than increase the compensation of a class of officers who are already well paid?

As I have stated, these men are excellent gentlemen. I do not criticize them for wanting to get an increase in pay if they can, but they have sought these positions. They do not have to stay there unless they want to. There are plenty of other men who would like that assignment. Their duties are not onerous. They spend a great deal of their time playing golf on the beautiful golf course there, for which I do not blame them. However, I do say this is not a proper time to be undertaking to increase considerably the compensation of officers of this type. No good reason has been advanced, so far as I have been advised, for an increase.

[Here the gavel fell.]

Mr. TARVER. May I have just a little additional time in order to ask the chairman of the committee a question?

Mr. SNYDER of Pennsylvania. Mr. Speaker, I yield 2 additional minutes to the gentleman from Georgia.

Mr. TARVER. Does the gentleman take the position these men are underpaid for the duties which they perform?

Mr. SNYDER of Pennsylvania. Yes; because, as I said in my opening statement, I believe their duties and responsibilities compare favorably with those of many active officers. I may say to the gentleman we are establishing no precedent in doing this. There are already seven retired Army officers on full pay at different posts throughout the United States, so we are establishing no precedent.

Mr. TARVER. I am not talking about establishing precedents. The gentleman himself plays golf out there and knows something about the circumstances to which I have referred.

Mr. SNYDER of Pennsylvania. Yes; I know something about them.

Mr. TARVER. The gentleman knows what duties, if any, these officers perform; and does the gentleman take the position that the $4,500 to $6,000 a year which they now receive, together with their quarters out there, is sufficient compensation for the work they do?

Mr. SNYDER of Pennsylvania. In view of the fact that other retired Army officers performing active duty receive full pay, I say they should receive it also.

Mr. TARVER. I am not talking about what other Army officers receive; but I am asking the gentleman if he thinks they are well enough paid now or not?

Mr. SNYDER of Pennsylvania. Not when compared with other officers who receive full pay under similar circumstances.

Mr. TARVER. What do they do except stay out there and look after things in a general way?

Mr. SNYDER of Pennsylvania. I will answer the gentleman's question.

Mr. TARVER. All right.

Mr. SNYDER of Pennsylvania. I have spent a great deal of time making a study of what the people do out there, going out mornings, evenings, and afternoons, and not on the golf course.

Mr. TARVER. That is the reason I am asking the gentleman what they do.

Mr. SNYDER of Pennsylvania. Those gentlemen are up and doing and perform such work as is necessary to keep the Soldiers' Home one of the finest conducted places in America.

Mr. TARVER. What do they do?

Mr. SNYDER of Pennsylvania. Go out and look around and see what they do. See how well the place is kept, go to their offices and see how they have their work up to date.

Mr. TARVER. What has the gentleman seen them doing?

Mr. SNYDER of Pennsylvania. I have seen them at their desks at work.

[Here the gavel fell.]

Mr. TARVER. May I have 2 additional minutes so the chairman may answer my question?

Mr. SNYDER of Pennsylvania. I yield the gentleman 2 additional minutes.

Mr. TABER. Mr. Speaker, will the gentleman yield for a question?

Mr. TARVER. I yield.

Mr. TABER. Is it not a fact that the biggest part of the duties of these officers is to play golf?

Mr. TARVER. I may say to the gentleman that they are frequently engaged in playing golf. I do not think that is discreditable at all. I think it is perfectly proper for them to play golf, so far as that is concerned. I do not think they have very much to do in the way of official business, and I do not blame them for playing golf whenever they get a chance to do so, but I do think it is foolishness for this Congress to come along, when they have fine homes furnished by the Government and very little to do, and occupy places that all the retired officers of the Army want, and say just as a matter of gratuity, we are going to increase their pay $1,500 or $2,000 a year.

Mr. LUCAS. Mr. Speaker, will the gentleman yield?

Mr. TARVER. I yield.

Mr. LUCAS. Who is responsible for the insistence upon this increase in the pay of these retired Army officers?

Mr. TARVER. There has been no person who appeared to assume responsibility before our committee except the gentleman from Pennsylvania [Mr. SNYDER]. Who has been urging on Mr. SNYDER of Pennsylvania that this pay be increased I do not know.

Mr. MASON. Mr. Speaker, will the gentleman yield?

Mr. TARVER. I yield.

Mr. MASON. As I understand it, the position of the gentleman is that this Congress should not vote a bonus to these men for playing golf out there on the golf course.

Mr. TARVER. Well, I may simply say there has been no evidence before our committee that they are not getting enough for what they do, and simply to give them additional compensation without rhyme or reason, except because they may have a little extra money out there in the Treasury, to my mind is not good public policy.

Mr. MASON. I agree with the gentleman.

[Here the gavel fell.]

Mr. SNYDER of Pennsylvania. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Speaker, one of the outstanding Army politicians is now superintendent of the Soldiers' Home. I do not know of any man who has served in the Army during the 25 years I have been in Washington who excelled General Coleman in this respect. General Coleman served with distinction during the World War. He saw service at the front. Conceding he had a fine record during the war, we must also remember that hundreds of thousands of others, generals down to privates, likewise had excellent records. During peacetime General Coleman had some mighty fine assignments. He was in Washington as Chief of Finance. Few Army men were better known in this city. He had a fine personality, and if I am any judge, he certainly had a fine time during his stay here. As I recall, ending a tour of duty here, he received another assignment, but it was but a short time before he was back in Washington. Only a short period after he reached the retirement age we find him assigned to duty as superintendent of the Soldiers' Home. Within a year's time he is at the Capitol lobbying, if you please, to have his salary increased.

There was never any talk about increasing the salaries of the retired officers until General Coleman was made superintendent of the Soldiers' Home. It so happens that the quartermaster at the Soldiers' Home, who likewise had a fine record abroad during the war, comes from my home city and is a close personal friend of mine. He has never at any time in conversation with me advanced the thought that he ought to have an increase in pay.

A little over a year ago General Coleman was sent to me by the Chief of Staff when I was trying to correct abuses in connection with the administration of the travel-pay law in the Army. He came down and told me, using his own language, "You are talking right up my alley, and I want to help you stop these abuses." One of these days I am going to make a speech on how the travel-pay law operates, and when I do you will hear some things you never dreamed could occur with the consent of Congress. I pointed out some of the abuses to General Coleman and we talked for an hour or more on the subject. He conceded something must be done. General Craig, Chief of Staff, had already advised me that changes should be made. It is within the power of the War Department to make the changes under existing law by issuing regulations. I really felt that I was about to save some money for the taxpayers with the Chief of Staff and the Chief of Finance of the Army agreeing with my contention that the law was being abused, as I thought it was costing the taxpayers several hundred thousand dollars a year more than it should. Now, mind you, General Coleman tells me "You are talking right up my alley, and I want to stop these abuses." My reply was, "All right; send me down an amendment to that law that will correct the evil by law so that some future Chief of Finance cannot change it." He sent me the amendment. Due to illness—this was a year ago—I was forced to remain away from my office for 2 weeks. When I returned I had the amendment analyzed and I learned it not only would not correct the abuses but that it would add to the cost. Before I had time to reach the matter General Coleman had retired but I wrote him and told him just what he had tried to put over on me.

As a result of my activities there has been several new regulations issued since General Coleman was retired and I have introduced a bill which I hope will further correct this situation. Naturally I cannot forget this, but even if this incident had not occurred I would oppose this amendment. There are men who have served as superintendent of the Soldiers' Home whose record in the Army would have justified special recognition in the past, but they did not come here and ask us to raise their pay. I admit they have responsibilities, but they sought the job, the job did not seek them. There are hundreds and hundreds of retired officers who would like the assignments. They live in fine homes, beautiful surroundings, a golf course for their front yard.

General Coleman tried to have this amendment put on the bill when the measure was before the House. As I understand the vote in the full committee was practically unanimous against the increase. Then what does the general do? He goes over to the Senate and gets the Senate to put the amendment in the bill, although he knew full well the feeling in the House committee. In other words, General Coleman ignores the action of the House committee, saying in effect, regardless of what the House says, I will get the increase through the Senate. Let us show not only General Coleman but others that they must pay some attention to the House.

I insist there is absolutely no sound reason for increasing the pay of General Coleman. It is setting a bad precedent for us to increase the pay of the man who has this job at the Soldiers' Home which he asked for and who comes to us before he has been retired a year and says, "Give me an increase in pay." Grant that he is efficient, that he is making a good superintendent; take it from me he will not leave if you vote this amendment down. I want to go on record as being absolutely opposed to such a proposition. We should send it back to the Senate.

Mr. SNYDER of Pennsylvania. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. MCFARLANE].

Mr. McFARLANE. Mr. Speaker, this is a very important matter that is pending before the House. It is an amendment to raise the pay of these retired Army officers out here at the National Soldiers' Home about $2,000 a year at the expense of the Government. I am sick and tired of the different officers coming in here and presenting legislation to increase their own pay and allowances, and some of these officers have probably fought the battle of Washington, it is true, and became more familiar with talcum powder than any other kind, and they soon learn how to submit legislation to increase their pay.

There is a decision from the Court of Claims—*Re Jones* (60 Ct. Cls. 552)—in which the court held that such officers

of the Army, Navy, and Marine Corps pay no income tax at all on their subsistence and rations allowance, and then they come in here as under this amendment, even if they got only two votes in the whole Appropriations Committee, as the gentleman from Georgia has said, and want us to raise each of these five Army officers from $2,000 to $2,800 a year.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. McFARLANE. Yes; I yield.

Mr. McCORMACK. Outside of this question the gentleman does not take the position that the Army officer or the Navy officer has a soft job, does he?

Mr. McFARLANE. No; I do not.

Mr. McCORMACK. I would not take their job under any condition. I think most of them are entitled to sympathy because of the hardships they have to go through.

Mr. McFARLANE. However, I do not think the Army and the Navy officers ought to be given any more preferred treatment than is given to Members of Congress. I think they ought to pay an income tax on their income as well as on their ration allowance and subsistence. We pay income taxes on our salaries as well as our allowances.

Mr. McCORMACK. The gentleman is discussing something that I did not discuss. I wanted to ascertain the gentleman's true state of mind.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. McFARLANE. Yes; I yield.

Mr. MAY. If we increase the pay of these retired officers in the Soldiers' Home, why will we not also be asked to increase the pay of all retired officers?

Mr. McFARLANE. It seems that some of them have already gotten increases, and this amendment is just passing this increase down along the line to those who have not, and this is a good place to stop this kind of thing. I do not think they are entitled to this increase. I asked the gentleman from Pennsylvania [Mr. SNYDER] what they are doing and he could not tell us. As a matter of fact, their duties out there are nominal; they have a splendid home furnished them, with three-quarters of the Regular Army pay, as well as this beautiful home, which they are living in, and they are doing practically nothing for it in the way of duty. I think it is time to kill this amendment and to kill it now.

Mr. BIERMANN. Mr. Speaker, will the gentleman yield?

Mr. McFARLANE. Yes.

Mr. BIERMANN. If this money is not voted to these officers, who gets it?

Mr. McFARLANE. It will remain in the Treasury.

Mr. BIERMANN. Is this money coming out of the post exchange fund?

Mr. McFARLANE. I am not sure, but I understand part of it does and part from court martials; and as I understand it, some of it comes from a 25-percent assessment against the enlisted personnel for the upkeep of the Soldiers' Home, as stated by the gentleman from Georgia [Mr. TARVER]. We could reduce that assessment if we have a surplus, but the Army officers want to consume that surplus, and that is all there is to this. If we do not need this money, we ought to give it back to the enlisted personnel and not take it away from them and give it to these five officers who are not entitled to it. I hope this House will not vote to give it to them just because they happen to be good fellows.

Mr. LEAVY. Mr. Speaker, did not the whole Committee on Appropriations vote this item down?

Mr. McFARLANE. Yes, sir. Those in favor of the item got but 2 votes out of about 30.

Mr. LEAVY. And did not this House vote it out when the item came on the floor?

Mr. McFARLANE. Yes; and then the Senate put it back in the bill; and I hope this House will vote it out now.

Mr. SNYDER of Pennsylvania. Mr. Speaker, in connection with the remarks just made by the gentleman from Texas [Mr. McFARLANE], I wish to make this statement: First, that the added cost involved here does not come out of the 25 cents a month contributed by each soldier. It comes directly out of the Treasury. Second, with reference to the present governor of the home, I wish the RECORD to show that he served with distinction at the front in France during the World War.

Mr. TABER. Mr. Speaker, will the gentleman yield for a question?

Mr. SNYDER of Pennsylvania. I yield.

Mr. TABER. Does the gentleman play golf with the general out there?

Mr. SNYDER of Pennsylvania. I am sorry to say I never have.

Mr. LUCAS. Mr. Speaker, will the gentleman yield?

Mr. SNYDER of Pennsylvania. I yield.

Mr. LUCAS. Who is insisting on this increase of pay to the major generals?

Mr. SNYDER of Pennsylvania. I may say to the gentleman that this is a Senate amendment which we are bringing back in disagreement.

Mr. LUCAS. That is not the question. Perhaps the gentleman misunderstood me. Who is insisting on increasing the pay of these major generals?

Mr. SNYDER of Pennsylvania. I might say the proposal comes from the Budget; it was submitted in the Budget.

Mr. LUCAS. The Budget insists that the pay of these men be increased?

Mr. SNYDER of Pennsylvania. I should not say that; the Budget submitted the proposition.

Mr. LUCAS. Mr. Speaker, I still do not have any answer.

Mr. SNYDER of Pennsylvania. Well, the Senate, then. The item was in the Budget; the House omitted it and the Senate included it in the bill.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to recede and concur in the Senate amendment.

The question was taken; and on a division (demanded by Mr. SNYDER of Pennsylvania) there were ayes 3 and noes 95.

So the motion was rejected.

The SPEAKER. The Chair respectfully suggests to the gentleman from Pennsylvania [Mr. SNYDER] that in view of the last action, the gentleman should move that the House insist on its disagreement to the Senate amendment. In other words, some disposition should be made of that amendment, and not leave it up in the air.

Mr. TARVER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TARVER. If the gentleman from Pennsylvania [Mr. SNYDER] does not desire to make a motion to further insist upon the disagreement of the House to the Senate amendment, will the Chair recognize some other member of the committee to make such a motion?

The SPEAKER. The Chair will recognize some other member of the committee to make such a motion if the chairman of the committee does not desire to make the motion.

Mr. SNYDER of Pennsylvania. I make that motion, Mr. Speaker.

The SPEAKER. The gentleman from Pennsylvania moves that the House insist on its disagreement to the Senate amendment no. 15.

The motion was agreed to.

A motion to reconsider the votes on the conference report was laid on the table.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. LUDLOW. Mr. Speaker, the gentleman from California [Mr. VOORHIS] made a notable address last night at

Charlottesville, Va., before the Institute of Public Affairs of the University of Virginia on international relations. I ask unanimous consent that the address of our colleague be printed in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. STEFAN. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. Under previous order of the House the gentleman from Georgia [Mr. COX] is recognized for 40 minutes.

FREE CONSTITUTIONAL DEMOCRACY IN AMERICA

Mr. COX. Mr. Speaker, today we face a crisis which calls for high courage, deep integrity of purpose, and great restraint of emotionalism.

We, as a people, stand at the dividing pathways of decision. Upon the decision which we, the custodians of a sacred trust—the preservation of our Republic—shall make will depend the destiny of this Union. Upon the leaders and the citizens of today rests the responsibility of determining whether this Nation as a free constitutional democracy shall continue its progress in a complex world civilization as a united country bulwarked and buttressed by a fraternal spirit of common counsel and a unified effort irresistibly moved by a mutual love for our common country or whether constitutional democracy, personal liberty, and individual opportunity shall eventually go down in fratricidal strife and disorder or be submerged by surreptitious betrayal under the pattern of an alien political and social philosophy.

This is a time that tries men's souls and tests their tempers. In the heat of debate on these momentous questions many times words are spoken or implications are offered which wound the personal sensibilities. This should not happen. Life is too short, peace of mind is too sweet, for personal bitterness and animosities to have place in the thoughts of those who would reap some joy in life.

This is not a battle between personalities as such. It is a collision between two principles, two concepts of government, two systems of civilization diametrically opposed to each other and utterly irreconcilable at every point.

It is an epochal struggle between two fundamental ideas of a way of life. On one side is constitutional democracy, embracing, as it does, individual freedom, liberty of conscience, of speech, of press, of assemblage, of ownership of property, of opportunity, and the dictation by the governed of the laws which shall govern them.

On the other side are the communistic, the fascistic, the oligarchical, and the autocratic ideas of government, all, in the final analysis, in the same category—a form of absolutism. They each embrace as a necessity of their very existence and successful administration the suppression of individual freedom, of liberty of conscience, the abolition of free speech, free press, free assemblage, of private ownership of property, of individual opportunity, and the substitution of the will of a dictator or of an oligarchy for the laws made by the people as their governing agency.

Constitutional democracy is the American way of life and the American concept of government. Russia, Italy, Germany are examples of oligarchical, autocratic, and dictatorial absolutism.

Centralization of power in one governmental agency is the first long and dangerous step toward ultimate absolutism. It is a movement away from constitutional democracy as it operates in America. Labor despotism is another and collateral step in the same direction.

Our task today is not to persuade the people to desire a constitutional democracy as their form of government. There is no shadow of doubt that the overwhelming mass of our people want the liberties, the principles, and the operations of government guaranteed under our Constitution.

Our task is to defend and protect the populace whom we represent against the surreptitious filching, one by one, of their rights and their liberties and their powers of self-government and to prevent the moral fiber and the independent spirit of the people being sapped and weakened and finally destroyed, perhaps by propaganda and by a pseudo-paternalism financed by their own money and wrought by a base betrayal of their confidence in their leaders.

Personalities emerge in this struggle merely as men aline themselves aggressively with one or the other of these two opposite concepts of government and of civilization.

Those who advocate any form of absolutism do so in the hope and the belief that they will either be the dictators or that they will be in the high favor of those who will be the dictators. Always they find, at last, that they themselves are entrapped and enslaved in the meshes of their own machinations.

Benjamin Franklin once wisely said:

> Those who give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety.

The great danger in this struggle is that acrimonious personalities will be permitted to befog and obscure the fundamental issues so that the encroachments upon free government and individual liberties will go unnoticed by the great mass of the people until when they finally awaken to what has happened it will require armed and violent action for them to recover their filched rights and liberties.

That is always the danger present in the adulation or condemnation of personalities. That is why in this struggle we must keep the fundamental principles and issues clear and visible, and not permit them to be obscured by intense controversies over and between personalities. Fundamental principles cannot be altered to fit individuals, but individuals must adapt themselves to principles.

Bitterly as I disagree with the ideas and purposes of those who advocate communism or fascism or nazi-ism as a form of government for this country, bitterly as I disagree with those who advocate a political oligarchy, a financial autocracy, or any other form of absolutism or dictatorship, I concede to every man the right to advocate peacefully, openly, and frankly such forms of government if he so desires. But let those who do desire such forms of government come out into the open so we may know them as they are and for what they stand.

Let those who desire to change this constitutional democracy into some form of absolutism or group rule come out into the light of day and meet us who believe in a free constitutional democracy in fair debate with the issues clearly exposed to the scrutiny of the people. And let them be American citizens. I for one have no word of praise for aliens who, enjoying the fruits of our hospitality in this great free Nation by our sufferance, betray our tolerance by surreptitious, subversive boring from within in an effort to undermine the very foundation of the Republic that gives them haven and liberty. Such ones deserve only condemnation and deportation to their native shores. [Applause.]

The danger to this Nation lies in those self-serving groups who by adroit use of subtle political and social propaganda accumulate power and more power while pretending to be seeking the welfare of the people. I care not under what political banner nor under what guise of pseudo philosophy such groups cover their nefarious plans and subversive actions, the fact still remains that their motives are dishonest, their movements are utterly dangerous to free government, and their efforts will result in armed resistance by liberty-loving citizens determined to preserve this Republic as soon as the purposes of these subversive elements become thoroughly understood by the people of this country.

It is such a contingency I desire to see avoided.

Mr. Speaker, this country is our common country. The welfare of this Nation is the common welfare of all the individuals in it. The liberty of one must be and is the liberty of all, and that liberty can be preserved only by the lawful suppression of any attempted license. True liberty is orderly liberty. True freedom is found in justice, in honesty, in

unified effort for the good of the individuals who make up the mass of the citizenry.

If this Nation is wrecked, we are all wrecked with it. If this Republic is ruined, we are all ruined with it. Our lives and our individual interests are all so integrated that none of us can hope to escape the impact of any disaster that may overtake this country.

It is the inalienable right of the majority of the citizens of this Nation to determine what our form of government shall be. It is the right of the majority, under our American plan of government, to be wrong if they desire to be wrong; and it is only by logic, reason, and persuasion that they may be led to be right. Any effort to change the form of this democracy by subterfuge and surreptitious subversion against the will and the desire of the majority is treachery that borders on treason.

If the majority of the citizens of this Nation desire to change their form of government, let it be done in the open light of day. Let it be done by them in the full knowledge of what they are doing. It must not be brought about by organized minorities or alien agitators who, while they draw their strength and nourishment from the hospitable breasts of this democracy, plunge the blade of treachery into her vitals.

It is my understanding that the purpose of the Communists in America is to accomplish the overthrow of our constitutional form of government by subversion, covert treachery, by poisonous propaganda, if possible; and, finally, when they believe themselves strong enough, by bloodshed, disorder, revolution, coercion, and brute force, if necessary.

As to the Governments of Russia, of Italy, of Germany, of any other nation, I have no word of criticism. It is the right of the peoples of those nations to have such form of government as they desire or are willing to tolerate. But we want no Stalin, no Mussolini, no Hitler ruling this fair land of ours. [Applause.]

Dealing not with personalities but with principles, and intending no thrust at any particular individuals, I say that any organized group, whether motivated by greed for money gains, by an insatiable lust for political power, or by the inordinate personal pride of its leaders, that by subterfuge and subversion attempt to change the form of our constitutional democracy, to shackle the individual liberties of our people, to suppress free speech and free press, and to overthrow the free Republic set up out of the blood of our forefathers, without the knowledge and consent of the majority of our citizens, is a group of traitors who should be relentlessly rooted out of their noxious anonymity and made to bear the full responsibility of their motives and their acts. Let it be said here and now that those who have a passion for anonymity usually fear to face the responsibility for their acts. [Applause.]

In all ages and among all peoples, Mr. Speaker, there have always been those individuals impelled by an insatiable lust for power and greed for self-aggrandizement, who were willing and eager to enslave their fellows and to set up oppressive dictatorships over their brothers. That enigma has never been solved by any philosophy. But it is a sad fact in the history of mankind that eternal vigilance against such as these has always been the price of liberty, and it is peculiarly so today.

It was because of that unhappy fact of human nature that the founding fathers in their wisdom provided our system of checks and balances under a tripartite form of government to guard men against their own consuming lust for power.

Beset as we have been and still are by wars, natural cataclysms, diseases, depressions, fears, and hardships, it would seem that men would draw together in a common bond of fellowship, and counsel together for the common salvation from these evils. Yet it is a tragic fact that, just as flood or fire or earthquake bring immediately in their train the ghoulish looters who will rob the dead and dying and who will despoil the stricken, so the plight of a sorely beset republic has brought like a flock of vultures those who would loot the people of their money and rob them of their liberties.

America today stands almost alone as a free republic. The wealth of our country, the luxuries enjoyed by the great masses of our people, the vast natural resources which are ours, are regarded with envious eyes by much of the rest of the world.

Not only do we have to be alert to the dangers which may threaten us from without; not only do we have to tread a very tortuous course through the mazes of world financial, commercial, and political pitfalls to keep free from entanglements in the quarrels of other countries, but at the same time we have to guard against the stealthy assaults from within by those who are willing and eager to undermine the foundations of this Government and see it fall in ruins that they may find opportunity to rule and to oppress their fellow men.

Faced as we are by a stupendous task of caring for our unemployed, of balancing our financial accounts, of preserving the integrity and the solvency of the Government, we find ourselves beset by disorders and disturbances which are stopping down industry, creating gigantic losses, disrupting markets, and thrusting prices upward. Recovery is being stalled. With unerring accuracy those who would seize control struck at the moment when their blow would be the most stunning.

It is because of these conditions that I plead here today for the submergence of all partisan feeling, all sectional friction, all class hatreds and jealousies, all personal bitterness and animosities in order that we may unite to achieve the common good and to rescue our country from these impending evils.

Not only are we facing these world conditions and these domestic economic dangers, this Congress is confronted by proposals which, if enacted into laws, must have profound and far-reaching effects upon our form and character of government.

We need to ponder well what may be the ultimate effects of our acts in this session.

Without condemning any individuals it must be said that sincere men may be mistaken. Mistaken men may be sincere. And schemers there always are among us who would take advantage of the mistakes of sincere men or the sincerity of mistaken men.

Not in the entire history of this Nation have we faced more profound problems more intimately affecting our own lives and liberties and the welfare of our posterity than we do this day. It behooves us to devote our whole energies and our most intense thought to these problems that we may not make fatal mistakes.

The industrial strikes and disorders now menacing our peace and domestic tranquillity have bound up within them fundamental questions of right and justice which must be considered dispassionately and clearly if still more dangerous conditions are to be avoided.

It is the right of free American wage earners to quit their work individually or en masse when and if they so desire. It is their right under our laws to attempt peaceably to persuade other workers to refrain from taking their places. Any attempt to deny American wage earners the fullest exercise of these rights is indefensible and is dangerous to the liberties of all the people.

It is equally the right of free American working men and women to pursue their vocations, if they so desire, and if they are satisfied with their wages and their hours and their conditions of labor, without intimidation, coercion, or interference by any agency, be that agency organized employer or labor minorities. Any denial of that right to work is indefensible, and the right should be upheld by whatever force of law and Government may be required to guarantee it.

If John L. Lewis and the C. I. O. had proceeded along the lines of lawful, orderly strike and picketing to achieve organization of workers and betterment of wages and hours

and working conditions for American wage earners, no word of mine would ever have been uttered in condemnation of him or his movement.

Until John L. Lewis and his associates in the C. I. O. purge their movement of the communists whose avowed purpose is the organization of American workers with the intent to violently overthrow our constitutional democracy, the C. I. O. must be regarded with deep suspicion and distrust as a highly dangerous movement by every citizen who loves his country and his liberty. [Applause.]

When the C. I. O. or any other organization undertakes by force and intimidation to debar workers from their jobs, that action is utterly indefensible under any concept of justice and liberty and should and must be met and defeated by the stern force of the Government and the law. [Applause.]

When any organized group of individuals undertake to stop the wheels of industry, to deprive citizens of their opportunity to pursue their vocations in peace, and, without the knowledge and consent of the majority of those workers, attempt to represent them and to coerce them into membership in any organization, such an action is utterly indefensible and should be put down by the stern force of the Government and the law.

When any group attempt to interfere and to close some industry of which they are not a part and in which they are not employed, such action is utterly indefensible and should be met and defeated by the whole power of the Government and the law.

When any group set themselves above the courts and in defiance of the constituted law-enforcement agencies in their interferences with industry and with workers who desire to pursue in peace their vocations, that is outlawry and should be treated as such by every power of the Government and the law.

When any organized group of workers represented by a collective-bargaining agency enter into a solemn contract with employers, and then wantonly, willfully, and in scores of instances violate and render that solemn contract a worthless scrap of paper, they have pursued an indefensible course; they have by their own acts created a grave doubt of their integrity and responsibility; they have violated every tenet of justice, fairness, and square dealing, and they have branded themselves as renegades to civilized, orderly society.

When any organized group undertakes to penalize and to terrorize the whole citizenry into submission to their demands, that is sheer terrorism and nothing else, and should be treated as such by every power of government and of law.

When any group of individuals interfere with the transit of the United States mails they have attacked the sovereignty and the integrity of the United States Government, and, regardless of who they may be, they should forthwith be put behind the bars.

No man can deny that all of these things have been done; that these indefensible acts have been perpetrated not once but scores of times by groups under the leadership of the C. I. O. The press of this Nation every day for months has been reporting just such acts. The daily newspapers have been filled with accounts of the break-down of local law-enforcement agencies, the terrorizing of entire communities, the penalizing of entire areas, of enormous economic losses inflicted upon all the citizens of whole sections of States.

O, Mr. Speaker, I do not condone, nor do I sympathize with, money-mad employers who are willing to grind their workers down to the lowest wages, the longest hours, and the harshest conditions.

The wage earners of America, in whatever strata, and whatever their race or color may be, are entitled to the highest wages and the best working conditions it is possible for them to have, consonant with a sound economic system under a free government, and compatible with the purchasing capacity of the consuming market, which makes possible the production of goods and services.

The wage earners of America are entitled to, and must have, collective bargaining rights and agencies—but those agencies must be agencies of their own free voluntary choice, and they must be reasonable and fair in their demands, with the rights and the welfare of industry, of the great consuming public, and of the Nation constantly in mind.

I do not attempt to justify the unwise and unpatriotic practices of the past or the present by employers blinded by greed any more than I would now try to justify unjust and unpatriotic and unwise actions of organized labor minorities.

But it is not necessary and it is not just that the minority of employers and stockholders in industry should be deprived of their constitutional rights and protections by any dominant or aggressive group of labor leaders.

There are three parties at interest in any industrial problem—employers, employees, and the great consuming public. The interests and welfare of each of these three factors must be fairly considered and justly dealt with in any controversy, and in any adjustment of any controversy, if such adjustment is to be economically and socially sound, lasting, and beneficial.

Justice is even-handed. Justice is just to all. When men attempt to deprive other men of their just rights, then oppression replaces justice and strife and chaos inevitably ensue.

I have no word of condemnation for John Lewis and his associates, insofar as their aims and motives are to better the lot of the workers. But any attempt by those men or by any others to mislead wage earners, to impress into membership in the C. I. O. any wage earners against their will, for the purpose of building up the political and the financial power of the leaders, is utterly at variance with free constitutional government.

It is not denied that the C. I. O. movement is infested with avowed Communists whose ultimate goal is the violent overthrow of our constitutional democracy.

If John L. Lewis and his associates have loosed a movement which they cannot now control, then theirs is the responsibility for that deed, and every power of government and of law should be invoked to bring that irresponsible movement into immediate submission to the orderly processes of government and society.

If John L. Lewis and his associates can control the actions of the C. I. O., whose power has been misused, abused, and which has instigated, fostered, and led disorders, created grave economic losses, and caused the rise of a situation menacing to the peace of this Nation, then they should immediately do so. Otherwise every power of government and of law should be invoked to bring the C. I. O. movement within the bounds of an orderly, peaceful, constructive labor movement.

I have no sympathy, Mr. Speaker, with police brutality, with military oppression, with abuse of legal powers and laws by either the courts or the law-enforcement agencies. Such abuses are to be condemned by every decent man and woman in this land and should be punished as they deserve

Wrong is never made right by another wrong. Oppression is never cured by counteroppression. Injustice is never made just by counterinjustice. Disorder breeds more disorder.

Let me say here and now that I do not want revolution. I do not want class strife, sectional antagonisms, racial hatreds. I do not want to see this land of ours drenched in the blood of poor, misguided men and women, lured into lawless excesses by false and dangerous leaders through outbursts of stimulated hysteria.

Revolution is not necessary. Industrial disorders are not necessary. I point for proof of that to those States whose governors have adopted the firm policy that law and order shall prevail and that strikes and picketing shall be within the bounds of legality. Those States have had little or no trouble from the C. I. O. movement. But in those States whose governors did not take a firm stand for law and order, disorder, economic losses, bloodshed and riots have held sway. That is a singular phase of the situation that merits careful consideration.

I say I do not want to see fratricidal strife between groups or classes of citizens of our country. But we cannot close our eyes to the fact that as the C. I. O. movement has grown

more arrogant, more disorderly, more unmindful of the law and of the rights of the people, there has sprung up a widespread movement by citizens organizing themselves as armed vigilantes.

These citizens in many communities, outraged by the continued violence and alarmed by the failure of the duly constituted law-enforcement agencies to act, have organized to undertake self-protection.

We are beginning, as a result of this widespread, outraged, and resentful public opinion, to hear admonitions from high official sources that illegal and ill-advised acts by reckless labor leaders be abandoned.

It is very regrettable that these admonitions did not come when the excesses first began. Had it been so, most of these deplorable incidents and the consequent great economic losses would never have occurred.

Vigilantism may become as dangerous as the C. I. O. movement because any armed organization of citizens outside the duly constituted law-enforcement agencies is always in danger of becoming a mob prone to commit excesses and to disregard the law and the legal rights of their antagonists in the heat and emotionalism of such a conflict.

Such movements are not necessary in America. We are still capable as a people of cool counsel, of dispassionate justice, of wise decisions, if we are not led astray by those who would use public hysteria, inflammatory propaganda, and false promises to lure our citizens into unwise and illegal courses of action.

It is inconceivable that in this enlightened Nation there cannot be an amicable meeting of the minds of men if they are moved by the desire to be just and fair.

Mr. Speaker, I have said that free speech and free press and the right to quit work or to remain at work are essentials to a free government. But the constitutional rights of free speech and free press do not include any right to pervert or to suppress the truth or to falsify the facts in order to delude the people.

[Here the gavel fell.]

Mr. COX. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER pro tempore (Mr. DORSEY). Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COX. Mr. Speaker, I have said that under our free government any man or any group has the right peacefully to advocate any kind of government he or they may desire. But in a constitutional democracy any attempt by any man or any group to forcibly or otherwise overthrow that form of government without the express consent of the majority of its citizens is treason, and should be treated as such.

Mr. Speaker, this is a time of sifting. We must choose which side we are to be on; we must undertake the courageous discharge of the responsibilities which rest upon us as the trustees of this great democracy for posterity.

I would that each and every one of you might go through the tented city of the Boy Scouts. I hope that each one of you has seen that magnificent army of clean, wholesome, disciplined, eager-eyed boys, typical of the millions like them in this fair land, who are to take over this Nation when our weary hands have loosed the reins of government and we have found surcease from the cares of life.

What kind of a nation are we going to pass on to them?

Is it to be a free constitutional democracy, or is it to be a land of terrorism, of secret police, of oppression, of dictatorship, of absolutism?

Are the boys and girls of today who are the citizens of tomorrow to have the same opportunity for individual spiritual progress, social advancement, and cultural improvement that we have had, or are they to live as the youth of Russia, of Italy, of Germany are living? God forbid.

We have our inescapable debt to posterity. We have our inescapable responsibility to those who are to come after us to turn over to them a Nation of free men and women and children under a government born out of the devoted blood of those who dared all to give birth to this great free Republic. We owe it to them to pass on to them unsullied, untarnished, and unimpaired the shield of free government, that America shall continue to stand, a shining beacon of hope lighting the skies of a world torn by strife, darkened by oppression, and threatened by the godless lust of those who would rule upon the ruins of enlightened civilization.

So with malice toward none and with charity for all, with respect for those who have the courage of their convictions, no matter how mistaken they may be so long as they are honest and open in their advocacy of their beliefs, I urge that bitter personalities may be abandoned, that partisan considerations be submerged, that party advantages be disregarded while we all counsel together as soldiers of the common good to preserve this great democracy and the liberties of our people against this creeping paralysis of dictatorship and oppression that is spreading through the world. [Applause.]

The SPEAKER pro tempore. Under the special order of the House heretofore entered the gentleman from Michigan [Mr. HOFFMAN] is recognized for 20 minutes.

Mr. HOFFMAN. Mr. Speaker, I do not desire to avail myself of the privilege at this time.

The SPEAKER pro tempore. Under the previous special order of the House the gentleman from New York [Mr. REED] is recognized for 15 minutes.

Mr. BIGELOW. Mr. Speaker, will the gentleman from New York yield?

Mr. REED of New York. I yield.

Mr. BIGELOW. Mr. Speaker, the American people are proud of their part in helping to give birth to the new nation of Poland. At the time we received solemn pledges of complete tolerance of all racial differences. A situation is now said to exist that is giving great concern to certain groups of our citizens relative to the anti-Semitic outbreaks in Poland.

Mr. Speaker, I ask unanimous consent to place in the RECORD a memorial signed by 130 Jewish and Protestant and Catholic fellow ministers of mine in Cincinnati.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The matter referred to follows:

STATEMENT ON POLAND

We the undersigned, members of the American community, professing all faiths, after having studied the record of events in Poland, join in conveying to the Jews of Poland our expression of deepest sympathy with their present plight and our earnest hope that steps will yet be taken to succor them from the tragic circumstances which affect their lives.

As Americans whose Government, acting with the sympathy of the entire Nation, played such an important role in the reconstitution of Polish independence, we cannot but look with dismay upon the fashion in which the present leaders of the Polish Government, with the memory of their own oppression still before them, have returned to the barbarism of the Middle Ages in respect to their Jewish population. This in defiance of elementary standards of human decency, and in contravention of the understanding between the American people and Government and of the guaranties incorporated in the peace treaties and reiterated in the Polish constitution, assuring all racial, national, and religious groups within Poland of full equality of treatment.

We have followed the course which the Polish Government has taken in recent years toward its Jewish citizens, who are among the most loyal and patriotic citizens of the country and whose contribution to Polish independence and Polish culture has been important and second to none.

It is our solemn conviction that the policies pursued by the present authorities in Poland will not only spell the doom of the Jews but will destroy the place of the Polish Republic in the circle of civilized nations.

We call to the attention of the Polish Government that the toleration of anti-Semitic agitation and economic boycott; that the introduction of a policy which seeks the solution of the economic problems of the land at the expense of one section of the population; that the toleration of physical violence against a peaceable and nonviolent section of the population; and that the establishment of the basis of government on the principles of racial superiority cannot but lead to ultimate ruin. No nation and no government has ever flourished on the soil of oppression.

We appeal to the democratic forces in Poland to unite their strength to repudiate the Aryan paragraph and to defend with all the force at their disposal the principles of democracy which are the only guaranties of human freedom, civilization, and peace.

We address ourselves to the Polish Government in the hope that it will see the wisdom of remaining loyal to the standards

of democracy, in redemption of its pledge to end oppression, and in order to fulfill the highest destiny of the Polish people.

Stephen H. Alling, Church of the Resurrection; H. E. Armacost, Wayne Avenue Methodist Episcopal Church; I. G. Armbrust, Camp Washington Methodist Episcopal Church; J. L. Armstrong, United Brethren Church in Christ; Henry Pearce Atkins, executive secretary, Federation of Churches; James P. Attridge, Holy Trinity Episcopal Church; R. E. Baldwin, Eastminster Presbyterian Church; Marvin F. Ballew, First Presbyterian Church; N. C. Bangham, Hartwell Methodist Church; George F. Barber, Madisonville Methodist Episcopal Church; Harold W. Barkhau, Evangelical Protestant Church; Frank T. Barr, Church of the Nativity, Episcopal; Milo Beran, Mount Washington Presbyterian Church; H. H. Bierbaum, St. Paul's Evangelical Church; J. W. Black, Latonia Baptist Church; Kenneth B. Bowen, Madison Avenue Christian Church; C. F. Bowman, First Methodist Episcopal Church; William E. Bridge, Columbia Baptist Church; F. G. Brune, Evangelical and Reformed Church; Harry B. Burks, Glendale Methodist Episcopal Church; G. B. Bush, Fort Mitchell Baptist Church; Allan W. Caley, North College Hill Methodist Episcopal Church; John J. Castleberry, Walnut Hills Christian Church; Paul B. Clark, Cincinnati Baptist Church Union; Walton R. Cole, First Baptist Church; Arthur E. Cowley, Walnut Hills Baptist Church; A. G. Cox, Methodist Episcopal Church; O. B. Crockett, Methodist Episcopal Church South; David H. Deen, Oakley Presbyterian Church; Arthur S. Dodgson, Wyoming Baptist Church; George C. Dunlop, Church of the Advent; E. N. Earley, Methodist Episcopal Church; Hugo G. Eisenlohr, minister emeritus, St. John's Unitarian Church; E. M. Elsey, Reformed Presbyterian Church; Wilson C. Emigholz, Evanston Presbyterian Church; Gerson S. Engelmann, Evangelical Reformed Church of Oakley; H. L. Evans, Second Calvary Baptist Church; H. K. Eversull, Walnut Hills Congregational Church; Wilbur H. Fowler, Westwood Methodist Church; W. M. Frisby, Mount Sinai Baptist Church; Charles E. Fryman, New Haven United Brethren Church; Harold N. Geistweit, Ninth Street Baptist Church; H. C. Gillespie, First Baptist Church; S. B. Godbey, Methodist Church; G. W. Grauer, Philippus Evangelical and Reformed Church; William Gross, Silverton Presbyterian Church; Jesse Halsey, Seventh Presbyterian Church; Robert Bryson Hamilton, Hartwell Presbyterian Church; W. Martin Harris, Second Baptist Church, Trinity; L. W. Harvison, First Federated Church; Herschel Herbert Liechty, Westwood Salem Presbyterian Church; G. Heathcote Hills, Grace Church; W. W. Holland, Delta Avenue Methodist Episcopal Church; A. J. Holtz, St. Paul Evangelical and Reformed Church; B. H. Hilliard, Lockland Baptist Church; A. O. Hjerpe, Immanuel Presbyterian Church; Meredith M. Hogue, Madeira Presbyterian Church; William H. Hudnut, Jr., Glendale Presbyterian Church; Bernard W. Hummel, Holy Trinity Episcopal Church; James Wilson Hunter, St. Andrew's Episcopal Church; Otis G. Jackson, St. Mark's Church; David H. Jemison, Pi. Christian Fraternal Orders; H. B. Jones, Methodist Episcopal Church; Robert M. Jones, Friends (Quaker) Church; Benjamin F. Judd, Pleasant Ridge Presbyterian Church; George H. Kase, hospital chaplain, Federation of Churches; J. J. Kenbeek, Christian Reformed Church; M. D. Kidwell, Cheviot United Brethren Church; A. H. Knipping, Evangelical Church; Ralph W. Knoop, Methodist Episcopal Church; Clarence W. Krebs, Community Methodist Episcopal Church; G. J. Krumm, Immanuel Evangelical Church; John L. Langhorne, St. Philip's Episcopal Church; George Albert Lawson, Westwood Baptist Church; H. C. Martin, St. Luke's Methodist Episcopal Church; Thomas Mathers, St. Thomas Episcopal Church; J. S. Mathews, Evanston Baptist Church; Ira D. Matthews, Westwood-Cheviot Church of Christ; Achilles B. Meyer, Salem Evangelical Church; C. A. Moore, Winton Place Methodist Episcopal Church; Frank H. Nelson, Christ Church, Protestant Episcopal; P. A. Nichols, A. M. E. Church; George W. Oliver, United Brethren Church; Carl H. Olson, Ohio Universalist Convention; Edmund H. Oxley, St. Andrew's Episcopal Church; W. G. Pendleton, Trinity Episcopal Church; V. C. Pfeiffer, Methodist Episcopal Church; Robert I. Platter, May Street Presbyterian Church; J. C. Plummer, Pleasant Ridge Methodist Episcopal Church; Leland J. Powell, Norwood Baptist Church; Joseph F. Quick, United Brethren Church; William Reeves, Methodist Episcopal Church; John Gray Rhind, First Presbyterian Church; G. Barrett Rich, 3d, Avondale Presbyterian Church; Fred Riley, Washington Evangelical Church; O. W. Robinson, Grace Methodist Episcopal Church; L. D. Rounds, Methodist Episcopal Church; G. W. Sawyer, Mount Lookout Methodist Protestant Church; Charles J. Schaufuss, York Street Congregational Church; Karl W. Scheufler, Auburn Avenue Methodist Episcopal Church; Paul Schmidt, Bridgetown Evangelical Protestant Church; Charles J. Sebastian, Central Christian Church; Hardigg Sexton, Westwood First Presbyterian Church; G. Kenneth Shafer, Bond Hill Presbyterian Church; James P. Simmonds, Methodist Episcopal Church; Mathew E. Simms, First Baptist Church; T. C. Sleete, Immanuel Baptist Church; W. M. Smith, Mount Olive Baptist Church; J. R. Stanforth, Methodist Episcopal Church; John V. Stephens, Presbyterian Church; O. Frank Storch, Jr., Mason Presbyterian Church; Carl Stridsberg, Ascension (Episcopal) Church; A. C. Sumpter, Allen Temple; A. C. Bebeau, All-Saints Episcopal Church; John L. Tilton, Union Methodist Episcopal Church; Roger J. Turrell, Bethlehem Methodist Church; John M. Versteeg, Avondale Church-Walnut Hills Methodist Episcopal Church; E. Philip Vogel, First Presbyterian Church; Wilbur A. Vorhis, Price Hill Methodist Episcopal Church; Marion Nelson Waldrip, First Methodist Church; Edwin C. Walley, Asbury-Third Methodist Episcopal Church; Joseph T. Ware, Protestant Episcopal Church; C. W. Warren, Thankful Baptist Church; Harold J. Weaver, St. Matthew's Episcopal Church; Walter L. Weber, St. Luke's Evangelical Church; Charles Wesley, Mount Moriah Baptist Church; Walter R. Wetzeler, St. Matthew Evangelical Church; Calvin Dill Wilson, Presbyterian Church; Edwin Winnecka, St. Paul's Evangelical and Reformed Church; E. Lavon Winterberg, Blue Ash Presbyterian Church; A. S. Wolfe, Willey Memorial United Brethren Church; D. Finley Wood, Mount Auburn Methodist Church; Henry E. Woodard, Mount Auburn Baptist Church; K. Brent Woodroff, Grace Episcopal Church; I. E. Zimmerman, United Brethren (Zion) Church.

Mr. REED of New York. Mr. Speaker, the Boy Scouts, 26,000 strong, have been in the Capital city for several days. These fine, clean, typical American lads, by their gentlemanly conduct, have honored themselves and their leaders. The Boy Scouts fully demonstrate the value of personal influence in molding character and developing a sound, loyal citizenry. Furthermore, I firmly believe that we have a great responsibility to meet if we are to contribute our full measure of influence to the building of men worthy to preserve, protect, and defend our heritage of freedom.

It has been said:

There is no action of man in this life which is not the beginning of so long a chain of consequences that no human providence is high enough to give us a prospect to the end.

It has been my observation that every man is some boy's ideal. This fact is a challenge to every man and it should be a welcome challenge to every man who aspires to contribute to the character and well-being of his country. I believe that the influence of every man upon the youth of the land will be felt for hundreds of years. Let us illustrate the truth of this broad assertion.

More than 2,000 years ago Athens was a huddle of unsightly mud huts. What transformed her into the most beautiful city in the world? A great patriotic and civic leader arose who sought to make Athens so beautiful that the citizens would love it and, if invaded by a foreign foe, fight for and defend it. One great work of art after another appeared to stir the enthusiasm and arouse the pride of every Athenian.

Pericles, the great leader, made it a practice to take groups of young Athenian boys into the open square, point upward to the Parthenon, and say to the young men:

I would have you day by day fix your eyes upon the greatness of Athens until you become filled with love of her, and when you are impressed with the spectacle of her glory, then reflect that it has been acquired by men who knew their duty and who had the courage to do it.

It was in that day and age, the Golden Age, that every young man in Athens, before admitted to citizenship, entered the temple and took the beautiful Athenian oath:

We will never bring disgrace to this our city by any act of dishonesty or cowardice. We will fight for the ideals and sacred things of the city, both alone and with many. We will revere and obey the city's laws and we will do our best to incite a like reverence in those above us who are prone to annul them or set them at naught. We will strive increasingly to quicken the public sense

of civic duty. Thus, in all these ways, we will transmit this city not only not less but greater, better, and more beautiful than it was transmitted to us.

The question is, Did this spirit of patriotism and loyalty have a survival value? Has the spirit of Pericles lived in the hearts and minds of succeeding generations? I shall demonstrate to you, my colleagues, that it has.

In 1896 the Olympian games were reorganized. The old stadium in Athens was repaired and restored. The athletes of the civilized nations of the world were invited to participate in the games. We sent ours; among them was one from Boston. The day the historic event opened more than 100,000 persons were crowded into the old stadium. A rule was established that when an athlete won an event the flag of his country would be run up on the flagpole. For four days Old Glory's folds swept the breeze, until finally one old Athenian raised his hands in mock despair and cried: "Oh, why did Columbus discover that country!"

That which aroused the greatest curiosity among the foreign spectators was the large number of events won by a lad by the name of Burke, of Boston. A group of foreigners waited upon him to inquire the reason for his skill. They explained to him that they had come to the conclusion that it must be what he ate in America that made him so agile. They said, "Mr. Burke, what do you eat in America?" Being a true Bostonian, he replied, "Beans!"

This brings me to the real point of my story. The greatest event of all was the last one—the great marathon race of 28 miles from the battlefield of Marathon to Athens. There was entered in this event the fastest, strongest athletes from the nations of the world. The stadium was packed with people. Two hundred thousand persons, unable to gain admittance to the stadium, had camped for 10 days on a hill just outside waiting to see this great race.

The time came for the athletes who were to participate to assemble and be conveyed to the starting point. A hush fell upon 100,000 people as they saw a Greek boy and his old peasant father enter the stadium. They knelt known in the presence of 100,000 people and solemnly invoked the blessings of the gods that Louias might win the race.

As the time approached for the runners to appear, the 200,000 persons who had camped on the hillside crept down to the historic highway over which the runners were to come. The crowd lined up on each side of the road until the 200,000 extended out from the stadium a distance of over 4 miles. Soldiers kept the lane for the runners open.

A rule was established that when the first runner appeared on the horizon a cannon shot should announce it. Excitement was intense. Suddenly there was the boom of a cannon, and there on the horizon was a speck, the first runner had appeared. He reached the fringe of the crowd; then a murmer was heard, gathering in volume as thousands of voices joined the chorus until it swelled into a thunderous cheer "It's the Greek!"

On came Louias; he broke through the tape and into the stadium. The great crowd of 100,000 people rushed from their seats to the open space, picked up Louias, and marched around the stadium and cheered until exhausted.

The King sent for Louias, took him to the palace, and entertained him to show the appreciation of a greatful nation. A successful Greek, a wealthy man, misjudged the motive of Louias and approached the peasant boy with these words: "Louias, you have won a great victory. You are a poor boy. I am a rich man. I am going to give you a large sum of money for winning this race."

Then it was that after 2,000 years the spirit of Pericles found expression in the heart and soul of the Greek boy. Looking the rich man squarely in the eye, he said to him:

> Sir, I am poor; I need money; but, sir, I ran not for money. I ran for the honor of my country and the glory of my race. All I ask, sir, is the laurel wreath my ancestors wore 2,000 years ago.

Thus we find that personal influence and leadership have a survival value. It is our responsibility as Representatives to set an example to the youth of this Nation that will inspire them not only now but in the centuries to come to preserve, protect, and defend the priceless heritage of liberty. Let us hope that 2,000 years from now the youth of America will say:

> We will never bring disgrace to this our country by any act of dishonesty or cowardice. We will fight for the ideals and the sacred things of the Nation, both alone and with many. We will revere and obey the Nation's laws, and we will do our best to incite a like reverence in those above us who are prone to annul them or set them at naught. We will strive increasingly to quicken the public sense of civic duty. Thus in all these ways we will transmit this Nation not only not less, but greater, better, and more beautiful than it was transmitted to us.

[Applause.]

EXTENSION OF REMARKS

Mr. STARNES. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD on the Dies immigration bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

A NATIONAL LOTTERY

Mr. PHILLIPS. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. PHILLIPS. Mr. Speaker, in the time at my disposal today I wish to call attention to the proposition of a national lottery for the raising of public funds.

First of all, I wish to call your attention to facts and figures which I have before me here, which have been derived from replies I have to letters I personally sent to every chief of police in the United States in cities of 25,000 and over, asking those officers to tell me the amount of money going out of their cities through some kind of rackets. In other words, I wished definitely to establish the fact that money was going out and is going out of practically every city in the United States in some kind of gambling racket; that is, money serving in a great degree in many cases to subvert government, unfortunately, by being used in some instances to bribe or otherwise influence public officials. In other words, this money which is going out of practically every community in the United States each day is being used to break down government.

On the other hand, it has been proven, I believe—and I will go over these replies in a brief way in a moment—that it is impossible to stamp gambling of one kind or another out of our communities. Therefore, if gambling exists, if money is being spent on rackets all the time, would it not be advisable for the United States Government to have honest and fair legalized gambling—a lottery, if you please—thereby turning the gambling instincts of the people into channels where they will be honestly treated, and at the same time Government revenue would be derived therefrom?

I wish to pause at this time to acknowledge that a great deal of my data has been received from an ex-member of the assembly in the State of Connecticut, ex-Assemblyman Leon E. McCarthy.

I shall not clutter up the RECORD with any voluminous excerpts from the data I have here or any of the facts and figures in it, but I do want to call the attention of the Members of the House in this material. If anybody is interested in the subject of lotteries, their historical background, where they began and where they ended, lotteries abroad, how much they get, and other factors in this connection, I may say the facts are available, and I will put them at the service of the committee which is now considering the lottery bill.

May I briefly run over the answers given me by various chiefs of police in America to the questions addressed to them with reference to whether or not some kind of racket money was going out of their communities. Here are some examples:

Asheville, N. C., $3,000 to $5,000 per month going out. Butte, Mont., about a million dollars. Charleston, W. Va., several thousand dollars each month. Cincinnati, Ohio, number racket and slot machines driven out of city. Sweepstakes tickets being sold. Dayton, Ohio, approximately $17,000 to $30,000 a week estimated.

Some of the replies say there is no such thing. I am afraid a chief of police so replying is a little bit more optimistic regarding his community than the facts warrant.

As I remarked earlier, I will place the data at the disposal of the committee. Here are replies from practically every chief of police in the United States of cities with a population of from 25,000 up. Here is Lynn, Mass., "I think a conservative figure going out would be $5,000 a week."

A prominent official of California writes $30,000,000 taken annually out of California.

I shall refer for a moment to lotteries in the United States. I wish I had more time to go into the matter.

These data show that historically lotteries in the United States financed hospitals, financed churches, financed government. The rebuilding of Fanueil Hall in Boston was financed by a lottery. The data showing the historical background of lotteries in America are voluminous. Apparently they were successful in their application until, for reasons which I wish I had the time to discuss here, lotteries were banned in the United States. I have before me reference to works in the Library of Congress and various other volumes found at other places which I am pleased to put at the disposal of the committee.

In closing, I wish to take this opportunity as one Member of this House, also as one who has had experience in conducting a municipal police department in a city of over 25,000 for some 6 years, and who has been intimately connected with municipal government for a great many years, to express the opinion that it is impossible to stamp out the racket and gambling proposition in America today as it now exists. I believe from my experience and from the experience of others who know infinitely more about this than I do that if we had a national lottery adequately controlled by the Federal Government it would not only furnish millions of dollars of revenue but would go a long way toward stamping out illicit gambling, racketeering, and the unfortunate connection between some people in government and the underworld.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. PHILLIPS. I yield.

Mr. HOFFMAN. From the gentleman's experience would he give me his opinion as to the class from which the money would come?

Mr. PHILLIPS. I think the money comes from just about every class. As we all know, life is a gamble from the cradle to the grave. When we get up in the morning we do not know what is going to happen to us.

Mr. HOFFMAN. Would it come from the international and the Wall Street bankers, or would it come from the working people?

Mr. PHILLIPS. It would come from everybody, and it does come from everybody. Let me put a minus sign on that when I say "everybody." The people who have large means gamble in Wall Street or the market, although they play the numbers, too, but the people who have small or medium means are the ones who gamble most on the numbers and other rackets in the municipalities, in my opinion.

Mr. HOFFMAN. Then the larger amount of revenue would come from those of small means?

Mr. PHILLIPS. In its present illegal form it goes from the people of small means out to the criminals; that is correct.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. LAMBETH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a letter from the Public Printer relative to the distribution and sale of public documents.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

THE AIR SERVICE

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. COLLINS. Mr. Speaker, a few years ago the Army was asked if its air force could carry the air mails on the established air-mail lines of the United States, and the President was promptly advised by the Army that the Army could do that job. Its miserable failure to do this is well known and generally attributable to the training which was given the Army flyers. I wrote an article at that time for the North American Newspaper Alliance which set out the reasons I believed to be the primary cause of the fiasco.

The Navy has had placed upon its air force during the last few days a task very much less onerous and difficult, and its failure to perform it is much more gloomy and disastrous than was the Army's of a few years ago. The Army's excuse was severe winter weather. The Navy's probably will be the same, since we are told that the first relief plane dispatched turned back because of sleet and snow encountered over the Equator.

Miss Amelia Earhart was forced down within easy flying distance of Honolulu nearly a week ago, and to date, if newspaper accounts can be relied upon, only three planes have approached the vicinity of the spot where she and her companion and plane are supposed to be. And remember, Mr. Speaker, the Navy has more than 200 patrol planes for flying over water that cost around $160,000 apiece, with a supposed cruising radius of from 3,000 to 4,000 miles. Still, we are told by the newspapers that airplane carriers are going to have to leave their bases and go to the vicinity of these islands so that Navy flyers may search out for and find these missing persons; and notwithstanding their failure to find them or even to get planes within the vicinity of the place they are supposed to be, the Navy is securing day by days reams of publicity praising them for their glorious efforts.

Some may speak disparagingly of the flight which has brought about this need for succor. That has no relevancy at all to what I am saying. A condition has arisen demanding expeditious attempts at rescue, and we find the Navy, with a fleet of planes but 1,500 miles away, unable to give a helping hand, and advertising its failure as a triumph by widely publicizing the onward rush of surface vessels all the way from the west coast of the United States.

If the air forces of this country in times of peril cannot perform their missions better than the Army performed its mission a few years ago and the Navy its mission of today, the prospects of victory in times of peril are remote. [Applause.]

Mr. Speaker, I yield back the balance of my time.

PERMISSION TO ADDRESS THE HOUSE

Mr. VOORHIS. Mr. Speaker, I ask unanimous consent that on Monday next, after the legislative program has been completed, and following previous special orders, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ALLEN of Pennsylvania. Mr. Speaker, I ask unanimous consent that on Tuesday next, after disposition of business on the Speaker's table and following the legislative program of the day, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE AIR SERVICE

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCOTT. Mr. Speaker, the remarks of the gentleman from Mississippi [Mr. COLLINS] bring back to my mind something I was thinking about earlier in the day.

Miss Amelia Earhart started a publicity stunt trip around the world and got lost, and the United States Navy has been called out to find her. Naturally I hope they find her.

I think it is about time for the Navy Department or some department of the Government that has the authority to do so to say that in the future if somebody wants to pull a publicity stunt like this, they will have to do it at their own risk. I think also that we should say that the Navy can be used only in the case of disaster in a trip that will be of some scientific value or in doing something that is going to be of use later and has been authorized by a proper department of the Government. Only in cases of this kind should the United States Navy be called out to give aid. I do not for a minute say that with Miss Earhart out on the ocean, everybody should give her up and that the Navy should be called off, but I do say that somebody in the United States should have had the authority to tell her not to go.

Mr. LUCAS. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. Yes.

Mr. LUCAS. Does the gentleman know who financed Miss Earhart's trip?

Mr. SCOTT. No. Does the gentleman from Illinois know?

Mr. LUCAS. No, I do not.

Mr. FADDIS. If it had been some poor father of a family who had been blown off into the Pacific in a fishing boat, does the gentleman believe that the Navy would be spending $250,000 a day to hunt up that father of the children?

Mr. SCOTT. I doubt it. The Navy, of course, should continue now, but in the future stunt flyers should be on notice that they seek publicity at their own risk.

The SPEAKER. The time of the gentleman from California has expired.

EXTENSION OF REMARKS

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. REED of New York. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. FLEGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. VINSON of Georgia for 10 days on account of important business.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, would the gentleman from Texas tell us what the proposed program is for next week?

Mr. RAYBURN. Mr. Speaker, on Monday we have District day; Tuesday, omnibus claims bill from the Committee on Claims; Wednesday, Calendar Wednesday business; Thursday, the conference report on the Interior Department appropriation bill. If that is finished on Thursday, then the Ohio flood-control bill.

Mr. SNELL. Would the gentleman care to state to the House at this time if there is any possibility of working out some sort of an agreement whereby the House might perhaps stand in recess subject to the call of the Speaker during the time the other body is discussing the Supreme Court matter? We have not a very formidable array of business before the House at the present time.

Mr. RAYBURN. Not for next week.

Mr. SNELL. For a great many weeks we have not, when we have practically wasted our time.

Mr. RAYBURN. I say this to the gentleman: The Speaker and I have discussed the matter in a very small way. It will be my hope if things could be worked that way that in a week or two from now probably we might have an understanding that for 2 weeks we would not transact any business.

Mr. SNELL. I think that would be a very wise move.

Mr. RAYBURN. I hope that can be worked out.

Mr. O'CONNOR of New York. And may I suggest, Mr. Speaker, that following the conclusion of the Interior appropriation bill, to be called up next week, I hope some plan can be worked out for recesses.

Mr. SNELL. I think we really ought to do it. I think that is fair and ought to be done. We certainly have not been very busy.

Mr. RAYBURN. I would like very much to see it done. I one day referred to a farm down in Texas. In the past 18 months I have been on it less than 30 days.

Mr. SNELL. I know a good fishing pond that I have been on less than that. [Laughter.]

Mr. RAYBURN. But I would say to the gentleman it would certainly please me very much if we could work out some kind of a program that would give the Members of the House 2 weeks in which they might know they might be away.

Mr. SNELL. I think that would be the wise thing to do, and I hope the Speaker and the majority leader will be able to do so.

Mr. RAYBURN. The Speaker feels the same way about it, and I know he joins me in this desire.

Mr. SNELL. I thank the gentleman for those kind words.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 171. An act for the relief of George E. Shockley;

S. 885. An act for the relief of H. G. Harmon;

S. 1188. An act for the relief of J. E. Sammons;

S. 1257. An act for the relief of James H. Smith; and

S. 2266. An act for the relief of John A. Ersor.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 35 minutes p. m.), pursuant to its order heretofore entered, the House adjourned until Monday, July 12, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce, at 10 a. m., Tuesday, July 13, 1937. Business to be considered: Continuation of hearing on H. R. 6968—to amend the Securities Act of 1933.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Tuesday, July 13, 1937, at 10:30 a. m., to begin hearings on H. R. 7365, a bill to provide for the regional conservation and development of the national resources, and for other purposes.

COMMITTEE ON INSULAR AFFAIRS

There will be a meeting of the Committee on Insular Affairs on Tuesday, July 13, 1937, at 10 a. m., for the consideration of H. R. 1485, H. R. 1486, and H. R. 4275, which affect Puerto Rico, and H. R. 7561 and H. R. 7727, which affect the Philippine Islands.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization on Wednesday, July 14, 1937, at 10:30 a. m. In re H. R. 7608, H. R. 7716, H. R. 7718, H. R. 7294 (public).

EXECUTIVE COMMUNICATIONS, ETC.

707. Under clause 2 of rule XXIV, a letter from the Attorney General, transmitting the draft of a bill to amend

section 224 of the Criminal Code so as to penalize the making of false claims for the loss of insured mail matter, was taken from the Speaker's table and referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. NICHOLS: Committee on the District of Columbia. H. R. 7084. A bill to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes; with amendment (Rept. No. 1194). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Alabama: Committee on Military Affairs. S. 1284. An act to change the name of the Chemical Warfare Service; with amendment (Rept. No. 1195). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIERMANN: A bill (H. R. 7800) to divorce the business of production, refining, and transporting of petroleum products from that of marketing petroleum products; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLER: A bill (H. R. 7801) to authorize retirement annuities for persons who serve as Librarian of Congress for 35 years; to the Committee on the Library.

By Mr. O'NEAL of Kentucky: A bill (H. R. 7802) to provide for the promotion of the efficient and equitable use and effective control and conservation of the water resources of the United States for the greater good of the people, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. BLAND: A bill (H. R. 7803) to amend paragraph (1) of section 96 of title 2 of the Canal Zone Code, relating to method of computing annuities; to the Committee on Merchant Marine and Fisheries.

By Mr. SUMNERS of Texas: A bill (H. R. 7804) to amend the Judicial Code by conferring on circuit courts of appeals jurisdiction to revise sentences in criminal cases; to the Committee on the Judiciary.

By Mr. PALMISANO (by request): A bill (H. R. 7805) to exempt from taxation certain property of the United Spanish War Veterans, Inc., in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GOLDSBOROUGH: A bill (H. R. 7806) authorizing the State Roads Commission of the State of Maryland to construct, maintain, and operate a free highway bridge across the Sinepunxent Bay in Worcester County, Md., at Ocean City, Md., to replace a bridge already in existence; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 7807) authorizing the State Roads Commission of the State of Maryland to construct, maintain, and operate a free highway bridge across Cambridge Creek in or near Cambridge, Dorchester County, Md., to replace a bridge already in existence; to the Committee on Interstate and Foreign Commerce.

By Mr. McANDREWS: A bill (H. R. 7808) to promote interstate and foreign commerce, to improve the navigability of the Illinois Lake-to-Gulf waterway, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. VINSON of Georgia: A bill (H. R. 7809) to promote the efficiency of the Navy by creating a transferred regulars list, amending the laws relating to retirement and promotion, and for other purposes; to the Committee on Naval Affairs.

By Mr. BEITER: A bill (H. R. 7810) to amend the Civil Service Retirement Act; to the Committee on the Civil Service.

By Mr. LORD: A bill (H. R. 7811) to amend section 4884 of the Revised Statutes (U. S. C., title 35, sec. 40); to the Committee on Patents.

By Mr. BOYLAN of New York: Resolution (H. Res. 272) for the relief of Anna Paul; to the Committee on Accounts.

By Mr. ALLEN of Pennsylvania: Joint resolution (H. J. Res. 440) declaring the policy of Congress relative to employment under the Relief Appropriation Act; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XVII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 7812) granting an increase of pension to Mary E. Miller; to the Committee on Invalid Pensions.

By Mr. CLUETT: A bill (H. R. 7813) granting an increase of pension to Mary C. Hoyt; to the Committee on Invalid Pensions.

By Mr. CREAL: A bill (H. R. 7814) granting a pension to Mary J. Hanks; to the Committee on Invalid Pensions.

By Mr. CULKIN: A bill (H. R. 7815) granting an increase of pension to Cyrena Reed; to the Committee on Invalid Pensions.

By Mr. DUNCAN: A bill (H. R. 7816) granting an increase of pension to Hattie Watson; to the Committee on Invalid Pensions.

By Mr. GEHRMANN: A bill (H. R. 7817) for the relief of C. G. Bretting Manufacturing Co.; to the Committee on Claims.

By Mr. HAINES: A bill (H. R. 7818) for the relief of Luke A. Westenberger; to the Committee on Claims.

By Mr. KELLY of New York: A bill (H. R. 7819) granting a pension to Cecelia Jane Swift; to the Committee on Pensions.

By Mr. SMITH of Maine: A bill (H. R. 7820) granting a pension to Alice M. Spaulding; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 7821) for the relief of Agnes and Mary J. Weatherup; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2881. By Mr. COLDEN: Four hundred and sixty-two letters and petitions, containing 379 names, received from the Seventeenth Congressional District of California, urging the enactment of House bill 4199, known as the General Welfare Act of 1937; to the Committee on Ways and Means.

2882. By Mr. CURLEY: Petition of 18 residents of St. Albans, Long Island, N. Y., endorsing the Copeland-Curley home owners' bill; to the Committee on Banking and Currency.

2883. Also, petition of the New York County Lawyers' Association, recommending approval of Senate bill 1499, introduced by Senator WALSH, giving the United States Maritime Commission until June 29, 1938, to discontinue the operation of any of the Commission's vessels by private operators; to the Committee on Merchant Marine and Fisheries.

2884. Also, petition of the Travelers' Aid Society of Los Angeles, Calif., endorsing Senate Joint Resolution 85; to the Committee on Labor.

2885. Also, petition of the Travelers' Aid Society of Scranton, Pa., endorsing Senate Joint Resolution 85; to the Committee on Labor.

2886. By Mr. FITZPATRICK: Petition of the Fourth Ward Democratic Club of Mount Vernon, N. Y., protesting against the present lay-off of the Works Progress Administration employees; to the Committee on Appropriations.

2887. Also, petition of the Home Building & Loan Association of Mount Vernon, N. Y., opposing the passage of Senate bill no. 1166, to authorize the establishment of a Federal mortgage bank; to the Committee on Banking and Currency.

2888. By Mr. O'NEILL of New Jersey: Petition of the Newark Live Poultry Co., Nathan North, Barker Live Poultry Co., and Cooperative G. L. F. Live Poultry Service, Inc.,

requesting passage by the House of Senate bill 2492, a bill to amend the Packers' Act; to the Committee on Agriculture.

2889. By the SPEAKER: Petition of the Northern California Newspaper Guild, San Francisco, Calif., petitioning the President to carry out the present Works Progress Administration program without any cuts in personnel, and upon the exhaustion of the present appropriation to demand a further appropriation of Congress; to the Committee on Appropriations.

2890. Also, petition of Adam Th. Drekolias, of Los Angeles, Calif., concerning United States patent no. 1355656, granted on October 12, 1920; to the Committee on Patents.

SENATE

SATURDAY, JULY 10, 1937

(Legislative day of Tuesday, July 6, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, July 9, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed the bill (S. 2193) to authorize the construction of certain auxiliary vessels for the Navy with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6547. An act to authorize the Secretary of the Navy to proceed with the construction of certain public works in or in the vicinity of the District of Columbia, and for other purposes; and

H. R. 7641. An act to authorize the attendance of the Marine Band at the National Encampment of the Grand Army of the Republic to be held at Madison, Wis., September 5 to 10, inclusive, 1937.

ORDER FOR RECESS TO MONDAY

Mr. ROBINSON. I ask unanimous consent that when the Senate completes its labors today it take a recess until 12 o'clock noon on Monday next.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. LEWIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Colo.	Pittman
Andrews	Copeland	King	Pope
Ashurst	Dieterich	La Follette	Radcliffe
Austin	Duffy	Lee	Reynolds
Bailey	Ellender	Lewis	Robinson
Bankhead	Frazier	Lodge	Schwartz
Barkley	George	Logan	Schwellenbach
Berry	Gerry	Lonergan	Sheppard
Bilbo	Gibson	Lundeen	Shipstead
Black	Gillette	McAdoo	Steiwer
Bone	Green	McCarran	Thomas, Okla.
Borah	Guffey	McGill	Thomas, Utah
Brown, Mich.	Hale	McKellar	Townsend
Brown, N. H.	Harrison	McNary	Truman
Bulkley	Hatch	Maloney	Tydings
Bulow	Hayden	Minton	Vandenberg
Burke	Herring	Murray	Van Nuys
Byrnes	Hitchcock	Neely	Wagner
Capper	Holt	Nye	Walsh
Caraway	Hughes	Overton	Wheeler
Chavez	Johnson, Calif.	Pepper	White

Mr. LEWIS. I announce that the Senator from Wyoming [Mr. O'MAHONEY] is absent because of illness.

The Senator from Ohio [Mr. DONAHEY] and the Senator from South Carolina [Mr. SMITH] are necessarily detained from the Senate.

The junior Senator from Virginia [Mr. BYRD], the Senator from Missouri [Mr. CLARK], the senior Senator from Virginia [Mr. GLASS], the senior Senator from New Jersey [Mr. MOORE], the Senator from Georgia [Mr. RUSSELL], and the junior Senator from New Jersey [Mr. SMATHERS] are detained on important public business. I ask that this announcement stand of record for the day.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Pennsylvania [Mr. DAVIS] are necessarily absent.

Mr. SCHWELLENBACH. I announce that the Senator from Nebraska [Mr. NORRIS] is detained from the Senate because of illness.

The PRESIDENT pro tempore. Eighty-four Senators having answered to their names, a quorum is present.

PATRICK J. HALTIGAN

Mr. LONERGAN. Mr. President, I take this opportunity to call attention of the Senate to the passing of Patrick J. Haltigan, who died Thursday night after a long illness, ending a period of 25 years of service in the House of Representatives, the last 17 years of which were in the capacity of reading clerk.

The House has paid tribute to Mr. Haltigan, and I am sure that the Senate, and particularly those Members who previously served in the House and who came to know "P. J." intimately, and to love him, are grieved to learn of his passing after a long illness, and will be pleased to join with the House in this official tribute.

I personally knew Mr. Haltigan for 24 years. He was a man of high character and vital and impressive personality. He was kind, and was possessed of great dignity and intelligence. I think that one of the greatest attributes he had was in making friends and in keeping everyone good natured. So far as I know, he never made an enemy during his entire service in the House.

Possessed of a golden voice, he served efficiently as reading clerk in the House and also at several Democratic national conventions. Regular in attendance, and efficient and vigilant in handling details of his work, he performed a public service of extreme importance in our legislative tribunal.

Patrick J. Haltigan was born in Ireland, where a brother, Andrew, still lives, and 4 years ago visited his native land. At 20 "P. J." landed in New York, where for 7 years he worked at the printing trade. He came to Washington in 1889 and worked as a compositor and proofreader in the Government Printing Office for 11 years.

In 1892 he married Miss Mary Elizabeth Gradey, and 5 sons and 5 daughters and 11 granddaughters resulted from that union. His oldest son, John E. Haltigan, was mayor of Carroll, Iowa, at 29, one of the youngest mayors of any city in the United States. The son now is chief attorney for the Veterans' Bureau.

While working in the Government Printing Office Mr. Haltigan studied at Georgetown University Law School, where he earned his bachelor of law degree. Meanwhile he had been first historian of Columbia Typographical Union.

Several months ago, when it was foreseen that Mr. Haltigan would never be able to return to his post, the House paid him an extraordinary tribute. The Speaker and other leaders announced he would be continued in his position as long as he lived, while they made arrangements for training a successor.

Mr. Haltigan's 10 children are: Mrs. Frederick F. Ploehan, Audubon, Iowa; John Emmett, Daniel G., Mrs. Leo H. Bartimeier, Detroit; Mrs. Edward L. Pugh, wife of a Marine Corps captain at Quantico, Va.; James P., Patrick J., Jr., Miss Helen Agnes, Joseph A., and Mrs. James J. Farrell.

OPERATIONS OF HOME OWNERS' LOAN CORPORATION IN CALIFORNIA (PT. 4, S. DOC. NO. 77)

The PRESIDENT pro tempore laid before the Senate a letter from the Chairman of the Federal Home Land Bank Board, transmitting, in further response to Senate Resolution 135 (submitted by Mr. McADOO and agreed to May 20, 1937), data setting forth the names, titles, salaries, and addresses of employees of the Home Owners' Loan Corporation in the regional office located at San Francisco, Calif., for the fiscal years 1934, 1935, and 1936, which, with the accompanying papers, was ordered to lie on the table and to be printed.

MEMORIALS

The PRESIDENT pro tempore laid before the Senate a resolution adopted by the Illinois Women's Auxiliary of the Progressive Miners of America, Marissa, Ill., protesting against the enactment of the bill (S. 25) to prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense, and promote peace, which was referred to the Committee on Finance.

Mr. SHIPSTEAD presented a resolution of the House of Representatives of the State of Minnesota, protesting against the enactment of legislation increasing the interest rate on loans made by the Farm Credit Administration, which was ordered to lie on the table.

(See resolution printed in full when laid before the Senate by the President pro tempore on the 6th instant, p. 6782, CONGRESSIONAL RECORD.)

PERMISSION TO PRINT SPEECHES IN RECORD

Mr. MALONEY. Mr. President, I ask unanimous consent that I may hereafter insert in the Appendix of the RECORD sundry speeches made by me.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

JOINT RESOLUTION INTRODUCED

Mr. WALSH. Out of order, I ask unanimous consent to introduce for Mr. LODGE, Mr. LONERGAN, Mr. MALONEY, Mr. AUSTIN, Mr. GIBSON, Mr. BROWN of New Hampshire, Mr. BRIDGES, and myself a joint resolution for reference to the Committee on Commerce.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the joint resolution will be received and referred as requested by the Senator from Massachusetts.

The joint resolution (S. J. Res. 177) consenting to an interstate compact relating to flood control in the Connecticut River Valley was read twice by its title and referred to the Committee on Commerce.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on Naval Affairs:

H. R. 6547. An act to authorize the Secretary of the Navy to proceed with the construction of certain public works in or in the vicinity of the District of Columbia, and for other purposes; and

H. R. 7641. An act to authorize the attendance of the Marine Band at the national encampment of the Grand Army of the Republic to be held at Madison, Wis., September 5 to 10, inclusive, 1937.

AMENDMENT TO RIVER AND HARBOR AUTHORIZATION BILL

Mr. NEELY submitted an amendment intended to be proposed by him to the bill (H. R. 7051) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

REORGANIZATION OF FEDERAL JUDICIARY

The Senate resumed consideration of the bill (S. 1392) to reorganize the judicial branch of the Government.

Mr. McCARRAN obtained the floor.

Mr. POPE. Mr. President, will the Senator from Nevada yield to me?

Mr. McCARRAN. Mr. President, I am in the old familiar position; I can yield for a question only, I take it, without losing the floor. For that reason, unless the Senator from Idaho has a question to propound, I suppose I cannot yield.

Mr. POPE. I desire to ask unanimous consent to introduce a bill. Will the Senator yield for that purpose?

Mr. McCARRAN. If I do not lose the floor, and nothing is lost by it, I shall make no objection.

The PRESIDENT pro tempore. Except by unanimous consent, the Senator would yield the floor if he yielded for that purpose.

Mr. VANDENBERG. I object.

Mr. BORAH. Mr. President, I do not think we ought to have the rule applied to one side and not to another. I suggest that unanimous consent be asked for the transaction of business generally.

Mr. ROBINSON. I ask unanimous consent that the Senator from Nevada may yield for that purpose without losing the floor.

Mr. VANDENBERG. I object.

The PRESIDENT pro tempore. The Senator from Michigan objects.

May the Chair state that any Senator may be recognized for any purpose before a Senator takes the floor for a speech? During the period before the Senator from Nevada took the floor the Senator from Massachusetts was recognized, and also the Senator from Connecticut, but after the Senator from Nevada has been recognized to speak there are certain matters for which he cannot yield without suffering the penalty.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BARKLEY. May not Senators, under the rule, introduce certain bills by handing them to the clerk without securing permission in the open Senate?

The PRESIDENT pro tempore. Petitions and private bills may be so introduced.

Mr. POPE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. POPE. Does a private bill include a bill of general effect, such as the new farm bill?

The PRESIDENT pro tempore. No; it does not. Private bills include such as pension and claims bills.

May the Chair also state, in answer to the parliamentary inquiry, that any Senator may be recognized who addresses the Chair first and may present any matter he desires to present, if there is no objection, or, if it is a privileged matter, a motion may be made. The only time that cannot be done is when a Senator has the floor. As the Senator from Nevada does not now yield to the Senator from Idaho, when the Senator from Nevada has finished, if the Senator from Idaho then rises first and addresses the Chair, under the rule, the Chair will recognize him and he can present any matter he sees fit to present.

Mr. POPE. Mr. President——

Mr. McCARRAN. I have the floor, and I fear that the Presiding Officer may be overlooking some rulings heretofore made. I would not want to put the Presiding Officer in an embarrassing position nor would I care to be put in an embarrassing position. I take the position that I have the floor, and therefore I cannot yield. I am sorry to have to do it, but the rule has been invoked and I must take this position. So in order to be protected I will not yield now save and except for a question. That is all I can do.

Mr. POPE. Mr. President, may I make an inquiry?

The PRESIDENT pro tempore. The Senator will state it.

Mr. POPE. I understood the Senator from Nevada was recognized last night and that he had the floor this morning at the opening of the session. Is that correct?

Mr. McCARRAN. That is correct.

The PRESIDENT pro tempore. The Senator from Nevada, however, did not have to take the floor today unless he saw fit to do so. He saw fit to take the floor, and now has the floor.

CONSTRUCTION OF AUXILIARY NAVAL VESSELS

Mr. WALSH. Mr. President, I ask the Senator to yield in order that I may——

Mr. McCARRAN. I yield for a question only, and a question pertaining to the subject matter before the Senate.

Mr. WALSH. I ask the indulgence of the Senator to have laid before the Senate a privileged matter in the form of a communication from the House, which is at the desk.

Mr. McCARRAN. I am not sufficiently familiar with the rules to say whether or not I can yield for that purpose without losing the floor.

The PRESIDENT pro tempore. The Chair held on yesterday that a Senator might yield for a privileged motion. If the motion were taken up, action on it would be privileged and would not set aside the pending business but would only suspend it, and it would also only suspend the speech of the Senator occupying the floor. He would continue after the suspension without further recognition and would not lose the floor.

Mr. WALSH. Mr. President, I will say to the Senator from Nevada that it is only a question of requesting the Chair to lay before the Senate a communication from the House.

Mr. McCARRAN. I understand that to be a privileged question and that by yielding I would not lose the floor. Therefore I yield for that purpose.

The PRESIDENT pro tempore. What is the motion of the Senator from Massachusetts?

Mr. WALSH. I ask the Chair to lay before the Senate a communication from the House in reference to a Senate bill.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2193) to authorize the construction of certain auxiliary vessels for the Navy.

Mr. WALSH. Mr. President, I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

Mr. WHITE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WHITE. Is the motion subject to debate?

The PRESIDENT pro tempore. It is not.

The question is on the motion of the Senator from Massachusetts.

The motion was agreed to; and the President pro tempore appointed Mr. WALSH, Mr. BONE, Mr. GILLETTE, Mr. HALE, and Mr. DAVIS conferees on the part of the Senate.

REORGANIZATION OF FEDERAL JUDICIARY

The Senate resumed consideration of the bill (S. 1392) to reorganize the judicial branch of the Government.

Mr. McCARRAN. Mr. President, knowing is understanding. Understanding is the keystone in the arch of mellow judgment. A great writer stated that philosophy in other words. It was Balzac who said: "The more we know, the more we understand. The more we understand, the gentler we judge." In addressing myself to this most important question, I do so with the hope that I may draw to my aid today and from now on, as I have in the past, a certain homely training which has come to me through many years of experience. I think that training might well be summed up in the sentence from the great author whom I quoted at the outset: "The more we know, the more we understand. The more we understand, the gentler we judge."

This subject is not novel. My respect for the Executive of these United States is not to be exceeded by the respect reposed in him by any man. My President laid the foundation for my thought in his publicized and widely published life. He said:

> In the face of this congestion the remedy commonly proposed is to add new judges or new courts; but it will readily be seen that if the problem is what I have stated it to be, such a so-called remedy merely aggravates the complaint. There are, of course, legitimate demands for additional judicial manpower in sections where the population has grown rapidly; but it is easy to see that to apply this remedy in all cases is to add to the ravages of the disease, to contribute to the confusion, and, what is profoundly important at this time, to burden still further an already seriously embarrassed taxpayer.

Mr. President, those are the words of my President. Those are the words of the present Chief Executive of this Nation, spoken so that his people might know the principle upon which he stood.

I am going back to my line, because it is my text, it is my guidance, it is the light which gleams into the future and gives me a view by which I may guide myself in my conscientious way, and by which I hope I may guide those who may look to me for guidance.

If there be any element in all America that would do me the single and singular honor to listen to my words today, it is that element which takes its place at the hearth fire of the lowly and the humble. I have no other following or adherents. I have no power whatever save and except the power which comes from an alliance with the human heart in homely places, living in desert lands, destined to futures that should hold the Nation carefully balanced, though other nations may throb and tremble in the throes of civil war.

Mr. President, I am placed in a most unhappy position, for my remarks follow the outstanding, monumental speech delivered by the great progressive leader [Mr. WHEELER] on yesterday in the very place where I now stand, delivered with his soul, delivered in language that he who runs may read and understand, and so to occupy this place and follow him makes my position an anticlimax. There are few who will pause to read my words, but there are millions today in every village and hamlet of America who are reading the words of BURTON K. WHEELER. There are few who will do me the honor to read my words, but there is not a mining camp nor a farming community nor a labor group in all the length and breadth of America, from the Atlantic to the Pacific, from the Gulf to the line and yet beyond, that has not read or will not read the words which came from the heart, a heart which has pulsated for a quarter of a century for men in places where toil exists, and for whom toil is the crown of existence.

But I must follow, I must go on, not that I care to hold the place, unenviable as it is, but that perchance some word or phrase may drop from my lips that by accident may lead those who read the speech made by my predecessor, the Senator from Montana, to say that as I joined shoulder to shoulder with him in a battle for my Nation and for my organized Government, I, too, belong to the humble soldiery of which, without hesitancy, I call him the leader.

But, Mr. President, the lines of my President—and I do not say that with any other thought than the thought that comes to me when, time after time, I have gone to his executive desk and found him with a smile, found him calling me by my given name, found him ever genial, found him ever my President—the lines of my President that guide me today are not the only lines that guide me. The able Senator from Kentucky [Mr. LOGAN], for whose word and expression I have most profound respect, said that we were trying to destroy the leadership of Franklin Delano Roosevelt; that we were trying to destroy his position whereby he might choose his successor. I did not know until that time that the Presidency was a subject of succession. Neither did I know that a member of the great Democratic Party would espouse the idea that the President might choose his successor, when, as a matter of fact, democracy ordained and presented to the Nation at an early period in its history the principle of conventions whereby the masses of the demos, if you please, might choose the Executive.

Mr. LEWIS. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield for a question.

Mr. LEWIS. I ask the able Senator from Nevada whether he means to say that someone on the floor of the Senate has really said that the present President of the United States had a right to choose his own successor, and therefore should be encouraged and aided in such undertaking.

Mr. McCARRAN. Mr. President, I can only answer that question in the lines published as coming from the able Senator from Kentucky [Mr. LOGAN], in which he said, as I read the lines—and if I be in error I shall be glad to be corrected—that we sought to destroy—I am now quoting substance—the power of Mr. Roosevelt to choose his successor.

Mr. BURKE. Mr. President, will the Senator yield for a question at that point?

Mr. McCARRAN. I yield for a question.

Mr. BURKE. Does the Senator from Nevada, in the statement he has just made, refer to the statement quoted in the Washington Post in the edition of July 4, 1937, in which, in quotation marks, the Senator from Kentucky [Mr. LOGAN] is quoted as having said—

> I think behind all of this is the desire of the conservative Democrats to break the influence of the President so he will be unable to name his successor.

Is that the matter to which the Senator refers?

Mr. McCARRAN. That is the matter to which I refer, Mr. President; and I am grateful to the Senator from Nebraska for having drawn my attention to the exact verbiage. I used the word "choose" perhaps not correctly, but I quoted in substance.

Mr. President, if our Government is anything, it is a constitutional democracy. When we abandon that theory, then only God Almighty, so far as I now know, can designate what our next form of government will be. I use the name of the Deity, and He apparently will not disclose, because up to this time He has not disclosed. But, Mr. President, let me go just a little further along the line of following my President and my leadership and my party. I take it that the able Senator from Kentucky would seek to read the Senator from Montana [Mr. WHEELER], and those who follow him, out of the Democratic Party. Perchance the population of our respective States would not cause him to hesitate, but there was a time in the history of this country when the able Senator from Kentucky did not hesitate to call upon my predecessor, Senator Stewart, to save the great territory and the great country and the great people whom he represents today.

Though we may play upon words and expressions, as we ofttimes do, I do not believe that the able Senator from Kentucky meant anything of the kind.

I think perchance the day might come, and the able Senator knows it, when three votes—and that is all I represent in the electoral college—might save a Democratic President. I recall, and it is in the memory of nearly every one here, when three votes and even less saved a President of the Democracy who sought to succeed himself. Notwithstanding the fact that I belong to a party with a great dominance and a great popular power in this body, I do not believe the hour has come when our party can dare to cast off certain of its own members and say, "Because you exercise the judgment God Almighty gave you, therefore you are to be read out of the Democratic Party."

But, Mr. President, if that be the theme and theory, and if those who stand under the leadership of the great Senator from Montana, as I do, are to be read out of the party by reason of the fact that we seek to hold democracy safe in the New World, that it may guide the Old World out of a torn condition—if it be the theory that we cannot exercise our individual judgment, then I am ready still to stand by the side of the Senator from Montana. I would rather go down holding the helm of the ship of state safe through these troubled waters than return to the Senate of the United States, notwithstanding the fact that that is an honor not second even to the Presidency, as I view it. But there is an honor that is even higher than that, and it is in the atmosphere of that honor that those of us who challenge this bill and this substitute are working. There is an honor higher than that.

Do you remember the saying in ancient days that to be a Roman was greater than to be a king? In this modern day, to be an American citizen, regardless of party lines, is greater than to be a President, greater than to be a member of a dominant party controlling the destiny of a nation, because the hour is coming, Mr. President—the hour is coming, sirs—when you and I will be called upon in no uncertain terms to say whether or not the seeds of destruction being sown in this Government today from afar are to take root and blossom and bloom into a fruition that will poison the atmosphere of the world.

I say that this entire proposal grows out of a rampant philosophy.

It does not come from the President of the United States; it does not come from my President; it did not emanate from the man who wrote the lines I have just read. It could not emanate from him. He is too big, he is too grand, he is too splendid ever to have a bill of this type come from him, after he heralded to the people of his country the lines I have read.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield for a question.

Mr. WHEELER. Does the Senator know that when the charge was made by the Republicans during the campaign that the President was going to add new Justices to the Supreme Court for the purpose of getting decisions, this quotation from the President was called to our attention, and we used the very quotation in some of our campaign speeches to refute the statements that were made on the other side?

Mr. McCARRAN. Yes, Mr. President; and I am one of those who used it. I wish Mr. Farley, the Postmaster General, were listening today, because I know he made a terrible mistake; but, mistake though it may be, it was a dagger driven into my heart. It was driven home to a voting population of 42,000, which is all the voting population there is in my home State. But every man and woman knows Mr. Farley's candidate there, and when he said that when I asked for something for my humble State there would be a different viewpoint, he wrote my death warrant, and he knew it, and I may be today delivering my valedictory by reason of a mandate of Mr. Farley. Yet I do not know why, because in the closing hours of the last campaign those in charge of our party were not so sure that all the States of the West were going for Mr. Roosevelt. The State of Wyoming was doubtful. If Mr. Hurja is listening to me, he will bow his head in acquiescence to that statement. The Northwest was not so sure. If the able Senators from the Northwest are present, they, too, will acquiesce. The State of Colorado was not considered safe. Every one of those States was a desperate State, desperate to campaign in. It required men who were willing to take their lives in their hands and fly. Otherwise, the ground could not be covered in the time required.

I was called to the national committee headquarters in New York—and this is borne out by the record, and Mr. Farley will not deny it, nor will Mr. Hurja. My program was laid for me, that I must fly every day of the campaign from then on, first to Utah, then to Colorado, then to Wyoming, then to Oregon, then to Washington, then back to remain—and I have the telegrams asking that I remain—in the State of Utah and cast an absentee vote in my own State, that I might help that desperate district.

Oh, Mr. President, they did not say to me then, "When you ask for something for your State there will be a different viewpoint." When I rode out of Millings, Mont., at 2 o'clock in the morning on a plane to take me to Seattle, Wash., to speak that evening, and then back again to Portland, and on back to Salt Lake City, they did not say, "If you do this, when you go and ask for something for 42,000 voting population, there will be a different viewpoint." No; they did not say that to me then, and they do not mean to say it to me now. They only want to challenge me; they only want me to crouch beneath their thumb, and if I were remote from this Chamber where language might be otherwise, I would tell them.

When I quoted the lines from my President—my President, who has gone through 4 great years of reclaiming this Nation—when I quoted those lines against a Republican

onslaught in the desperate district I have mentioned, that he did not propose to tear down that great fundamental branch of this Government—the Supreme Court—when I quoted that, night, noon, and morning, I was doing what I had been told to do. It was given to me in national committee headquarters in New York City, and I was told to fly and quote it wherever I stopped, and to give it to the press wherever I could. The publicity agency asked me to do that.

Mr. President, that was not all they asked me to do. They asked me to quote the Democratic platform, my platform, the platform of my President, the solemn covenant offered by my party to the people of this country, upon which covenant they asked to be kept in power. Let me quote the Democratic platform. First, the words of my President, then the words of my party, and I am going to quote the words of my leader, the chairman of the Committee on the Judiciary, before I conclude. The Democratic platform says:

The Republican platform—

Mr. President, I do not like to deal with a Republican platform. I do not know anything about Republican platforms. I never had anything to do with drafting a Republican platform. I do not believe the Senator from Kentucky can ever make me have anything to do with drafting a Republican platform, so long as I know myself. I doubt it. But the Republican platform had laid down certain challenges. They were challenges. They could not be construed in any other light.

The Republican platform had been published first, it had been designed to enlist the attention of the American people, and it had enlisted the attention of the American people. Do not think for a moment, because there were only two States which happened to go Republican, that the Republican Party did not have hope during all that period. Do not think for a moment that the Democratic Party was altogether sure. If they had been sure, some of us would not have been sent out in the campaign.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield for a question.

Mr. WHEELER. The Senator knows, does he not, that they were not sure of Kansas, that they were not sure of Nebraska, that they were not sure of Iowa; so they had some of us go into those States and campaign through all those States? He is familiar with that fact, is he not?

Mr. McCARRAN. That is correct, Mr. President.

Mr. WHEELER. And the Senator knows, does he not, that they did not give out orders to censor any of our speeches, or have them censored in Kansas?

Mr. McCARRAN. More than that, Mr. President, they gave us this very material to work with. I went into the State of Utah. I spent the last 4 days of the campaign, at the request of the national committee and the State committee, in the State of Utah, and both the able Senators from Utah, who are now present, will confirm what I say.

I went to Utah for two purposes. First of all, the national committee was not so certain about Utah going for the President, although that was more certain than was the outlook with regard to the Governorship. But it wanted to elect a Governor in Utah. I have telegrams which say, "You are the man to turn the State of Utah for Governor Blood." I did not believe it then, and I do not believe it now. I think that was simply a bouquet thrown at me to hold me there. Nevertheless, I went wholeheartedly into the battle to hold the State of Utah. Why? Because for every day of my mature life I have given my heart and soul, as those who do me the honor to listen today know, to the toiling masses of this country; and there is only one epitaph that I would have written upon my tombstone, and that is, "He toiled for the toiler." There is only one thing that I would have spoken of me, which I would consider the greatest praise ever given to a man, and that is, "He gave his whole being for the uplift of the lowly and the humble."

Utah has a voting population of toilers. They are railroad men, they are shopmen, they are miners. Come with me on the night when I left Salt Lake City by special car, after delivering a speech in the city and was taken up 65 miles into a mining camp to which the miners had trudged through the snow up to their knees in order to listen to what I had to say to them. Come with me to that scene, where we gave the promise to those toiling men who had come out of the bowels of the earth that day. Some of them had laid off shift to come there and listen—to listen to someone who would speak to them in their own language. Come with me and see whether I am now fighting against the President whom I sought to elect, the President who uttered the lines I have just read to the Senate of the United States.

Then I went further, and I said, "The Democratic platform has promised certain things. The Democratic platform has promised that there will be no tearing down of any one of the three coordinate branches of this Government. The charge has been hurled against democracy that we propose to change the Supreme Court. Then I read to them the Democratic platform.

Mr. President, the Senator from Montana [Mr. WHEELER] and I stand shoulder to shoulder with one whose language I think Senators will recognize when I read a plank in the Democratic platform.

First let me recall that the Republican platform proposed to meet many pressing national problems solely by action of the separate States. Senators remember that plank. Those problems were drought, dust storms, floods, minimum wages, maximum hours, child labor, working conditions in industry, monopolistic and unfair business practices.

We have sought—

This is the Democratic platform—

and will continue to seek to meet these problems—

The problems I have just named—

through legislation within the Constitution—

Or—

we shall seek such clarifying amendment as will assure to the legislatures of the several States and to the Congress of the United States, each within its proper jurisdiction, the power to enact those laws—

Which are necessary—

• • • we propose to maintain the letter—

Where is the Senator from Kentucky [Mr. LOGAN]?—

• • • we propose to maintain the letter and the spirit of the Constitution.

The Senator from Kentucky says there is no difference between the letter and the spirit. Well, then, the Democratic national platform becomes rather redundant there. It might be demurred to as being redundant because it said:

We propose to maintain the letter and the spirit of the Constitution.

I read that language to the men and the women of the West. They are not so many in number; they are not so powerful; but what I did in those small communities was being done by others in great communities. What I did in Colorado and Wyoming and Idaho and Utah and Nevada was being done by other nationally recognized speakers in New York City; in Philadelphia, where the platform was written, where the Declaration of Independence was written, where the Constitution of the United States was written; so that while I was reading those lines and expressing myself to the people, as I am today to the Senate, other great speakers, men worthy of higher places, were giving the same message, and the American people were led to believe there would be no attempt to tear down that which had been honored and respected for 150 years.

Mr. President, I said at the outset, in discussing the Democratic platform, that I thought Senators would recognize some of the language as coming from a certain Senator. Do Senators recognize the language of the Senator from Wyoming [Mr. O'MAHONEY] in that platform? And do Senators recognize the fact that the senior Senator from Wyoming today is standing with us shoulder to shoulder in this battle for the platform which he helped to write in Philadelphia?

There are Democrats who believe that when we utter a platform to the people of the country we also propose to keep our word, because there is a time when we are coming back, and our majority may not be so great. There is a time when we are coming back, and even the great prophet of all time—he who prophesies and reads you out of the party at the same time—may not then be figuring so large in the Democratic Party. Mr. President, there is a time coming, and it is a time to be reckoned with.

Let us go back over the Republican platform as quoted in the Democratic platform.

* * * drought—

Mr. President, I wonder if we may have order.

(The President pro tempore rapped with his gavel.)

Mr. McCARRAN. I am sorry to interrupt the Senator from Illinois [Mr. DIETERICH]. I would not interrupt him for anything in the world. He is a fine gentleman. I like him very much.

Mr. DIETERICH. Mr. President——

Mr. McCARRAN. I can yield to the Senator for a question only, if the Senator wants to ask me a question.

Mr. DIETERICH. I did not mean to disturb the Senator.

Mr. McCARRAN. I know the Senator did not mean to. It is all right. I myself have been guilty of inadvertently doing the same thing. All of us at times forget ourselves. I should not complain were it not for the fact that I am under more or less of a strain.

This is the first time for a year and a half that I have attempted to deliver a speech of any magnitude, and I am delivering it now contrary to a doctor's orders, but I think the cause is worth while. I think the cause is worthy of any man's life. I think this cause in which we have enlisted, and in which I say without hesitancy we constitute ourselves a battalion of death, to the end that the Constitution of the United States shall prevail, is worthy of the effort, humble though it may be, even of those most humble, coming from most humble and uninfluential places. I never had a greater honor done to me than to have Members of the Senate of the United States in such splendid number remain present and listen to my words, for when it comes to the electoral college Nevada counts little, but I hope that perchance some word of mine may be worth while.

Let us go back to the Republican platform. In that platform the Republican Party promised, in the form of a challenge, if you please, that they would take care of the sufferers from drought, dust storms, and floods; that they would provide for minimum wages and maximum hours; regulate child labor and working conditions in industry; and take action against monopolistic and unfair business practices. We said that we would meet their challenge and that we would do it within the spirit and letter of the Constitution; and we can meet it within the letter and spirit of the Constitution; there is no trouble about that. Mr. President, I make the assertion today on the floor of the Senate that we can write an N. R. A. law, notwithstanding the fact that the original N. R. A. law was overridden by the Supreme Court, and we can write it within the spirit and letter of the Constitution, so that the court of last resort will sustain it. I wonder if anyone wants to accept that challenge? Why change the Court when the Congress should do its work?

We are either legislators or we sit here the recipients of proposed measures coming from God knows where and no one knows when. If this body will but constitute itself a legislative body that recognizes a written Constitution, with 72 lawyers composing its membership, will anyone tell me it cannot sit down and write a constitutional bill? If 72 lawyers in the Senate of the United States cannot write a constitutional law, how can it be expected that nine old men can find the law constitutional? Seventy-two men, every one of them young—and if the Senator from Kentucky is looking at me I will say yes, I am in that category [laughter]—72 young men should be able to write a constitutional law. If they cannot write a constitutional law, then 72 lawyers, with their oaths of office upon their consciences, should say to the people of this country, "It cannot be done under the Constitution, and, therefore, we are going to submit to you a change in the organic law so that it may be done."

Let us be frank with ourselves; let us be fair with ourselves, as we would have the people be fair with us. And being fair with ourselves, let us be fair with the Court of last resort.

That expression causes me to digress for a moment. A court of last resort! Is there anyone, even the able Senator from Indiana [Mr. MINTON], who finds nothing good in the Supreme Court; is there any lawyer in all the country, who would not want a final tribunal to pass upon controversial matters; a court of last resort, where the Nation and the people may rest secure, and, resting secure, may say to the world, "We submit our causes, not only our private controversies but our national controversies as well, to a tribunal in which is resolved all differences, from the mandates of which we take guidance and find ourselves with a clear course forward"? Is there anyone who would destroy or do away with the Court of last resort? Would it not be more courageous, would it not be more in keeping with candor, to say to the people of this country, "We propose to put out of business the Supreme Court of the United States"?

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Vermont?

Mr. McCARRAN. I yield for a question.

Mr. AUSTIN. What difference does it make whether the President of the United States uses the power of placing three coadjutors on the bench to discipline the Court or its decisions or, according to the original bill, places six coadjutors on the bench for the purpose of disciplining the Court?

Mr. McCARRAN. I had expected to discuss that question later, but I am glad to take it up now, because it is ever present; it is the uppermost thing in the pending substitute.

I say there is no difference; there is not even a difference in degree, although some Senators may say there is, because the principle is the same. If the will and judgment of one of the nine Justices are to be vetoed, then the will and judgment of the whole nine are vetoed. If an Executive veto can be placed against the will and judgment of one of the nine Justices of the Supreme Court—and that is what the substitute means, just as did the original bill—a veto can be placed against the will and vote of the nine Justices; if that can be done, the Supreme Court can be destroyed; if the Supreme Court can be destroyed in that way, the judicial branch of the Government can be destroyed; and if the judiciary branch of the Government can be thus destroyed, it is only tomorrow that an effort may be made to destroy the legislative branch of the Government. That has been done in other lands.

Mr. President, I said at the outset that if there was one element in all this country that I might desire the honor, even inferentially, to represent, it is the ranks of the lowly and the humble, the ranks of labor. I do not claim to represent them. I only claim to be a soldier in their cause, and a volunteer soldier at that; but I have enlisted for the duration of the war, and, so long as the toilers of this country need some humble soldier in the rear ranks, I am willing to serve.

Mr. President, may we not look into the future by the light that is given to us coming out not only of the past but by the light of the present?

Germany came out of the Great War and organized herself into the form of a republic. Germany finally elected that grand old German general, Von Hindenburg, to the Presidency. Then a chancelor, realizing that an executive order could come from the Presidency, sought and obtained such an executive order, an executive order that hinged upon and had to do with the financial life of Germany. We know what then followed. That was an innocent act; there was not much to it. Putting three additional members on the Court of last resort of America may also look

to be an innocent act; it is a simple thing. We are told it will not do any harm; that the additional Justices will merely take the place of some elderly men who should have retired but have not done so. But what grew out of the philosophy that came from the executive order of Von Hindenburg? I will tell the ranks of labor and those who represent labor what has grown out of that act. Today a labor union may not be organized in Germany; today workingmen cannot strike in Germany. That is not all. Let us go down on the Mediterranean and see what happened there.

It is said—and I say it, too—that the Executive in the White House has no intention to become a dictator; I say it unhesitatingly; but who is to follow the splendid character who sits there and now guides the destinies of this Nation? Will anyone predict who is going to be his successor, even though, in the language of the able Senator from Kentucky [Mr. LOGAN], he might choose his successor?

What type of individual will that man be? What will be his mandates and dictates? No; I believe that Franklin Delano Roosevelt wants to serve a democracy in a democratic way. I love him, I have too much respect for him, I have too much respect for my President, ever to intimate anything to the contrary.

But when Von Hindenburg issued the order that was asked by Bruning, he established a precedent which has been taken advantage of by Hitler, and today the Reichstag does not meet any more except when Hitler sees fit to call it.

That is not all. Perhaps it would not mean so much if Congress should not meet. Some people think we should adjourn now. I am one of them. But, Mr. President, that is not all. Out of that situation in Germany has grown one mandate after another, one executive order after another, not issued by the President of the Republic of Germany but issued by Mr. Hitler, who today controls Germany and holds it in the palm of his hand.

Labor, are you drifting that way? Toilers of America, this is your hour. Workers of the land, of the quarry and the soil, it is up to you. Stop this fire in its inception. If the fire had been extinguished in Germany, today there would be an opportunity to organize union labor in Germany. If the fire had been stopped in Germany, there would not be a mandate today that the toiler of Germany may not use the one and only instrument that has ever been available to the toiler, the right to strike.

But that is not all. Let us come down to the Mediterranean and see what followed. Today in Italy the same rule prevails. A labor union may not be organized in Italy. Labor does not dare strike in Italy. And that is not all; there is not a law but a mandate in Italy, coming down from the hand of Mr. Mussolini, prohibiting collective bargaining, the very thing for which we fought and for which we are fighting now; the right of labor to enter into agreements with its employers, to bargain as to what shall be the earnings of the toilers and the hours of labor.

Mr. President, there is a law for collective bargaining in Italy, but I will tell you what the law is. The law is that when the commission appointed by Mr. Mussolini says, "Take this as your bargain", that is the end of collective bargaining.

O toilers of America, where are you drifting? Toilers of America, you who today unfortunately and unhappily quarrel among yourselves as to the right of dominance, may find that your condition is better than it will be tomorrow when neither side will have a chance to quarrel; when a mandate coming from some commission may tell you that your quarrels are over and that the collective bargaining will be done elsewhere.

What will there be to prevent such a condition if the only independent tribunal we have, a legally constituted tribunal, shall be destroyed? What will there be to stop such a law as that if the Court of last resort shall be destroyed?

Toilers of America, awaken! Awaken! The hour is yours! Those of us sitting here perhaps with a minority of votes are striving with every ounce of energy in our being to the end that this thing shall not come to pass. Toilers of America, come out in the open, come to our rescue, come to our aid, come to us now because it will be too late tomorrow when some power, however wonderful, however beneficent, however grand and glorious, shall have put a spike into the gun, even though it be one spike into the gun that would fire the shot that would save you.

Mr. President, the question of the able Senator from Vermont [Mr. AUSTIN] is most timely. There is no difference; but the pending measure is an entering wedge whereby three judges may be added to the Supreme Court by appointment within the next 6 months, if the substitute should be passed. I have tried to find out, to search my own knowledge of things, as to whether or not they would be really judges. One of them, if I take the spirit of the occasion correctly, would be a judge to sit by the side of the Chief Justice of the Supreme Court of the United States, of which there shall be but one. Who would be the Chief Justice? What would become of the Chief Justice?

I am not dealing in personalities. I do not like to call names. I do not like to think we are aiming at a man who perchance by reason of the fact that he has given his life to the public service of his country and who enlisted under the colors of the Republican Party may be affected by the proposed action. I do not like to mention him, to traduce him. The history of the law of this country will never be completely written until a chapter is inscribed to the name of Charles Evans Hughes. I do not care whether he be a Republican or a Democrat. I do not care whether he be whatever the able Senator from Indiana [Mr. MINTON] would call him, or whether he be just a humble citizen, his contribution to the law of the world, not alone on the court of last resort of the United States, but in private practice as well, his contribution as a member of the Cabinet of a President who governed and guided this Nation, his contribution and public service even though we might not say that he could be President of the United States, nevertheless is a worthy thing, worthy of the students of the law in the future to read—to read that they may have great thoughts, just as we read the lines of Hamilton.

Who dares to eradicate the character of Hamilton from the history of America? When we do that we minimize the glory and the grandeur of Jefferson, because the one stood where the other did not stand. So the one became great by comparison, and continuous comparison, both of them giving their souls and their lives along with their theories of government, to build a Nation that has lived for 150 years and more.

So I come back to the question propounded by the Senator from Vermont [Mr. AUSTIN]. There is no difference. This thing is wrong. If it were proposed to add only one Justice, this thing is wrong, because we promised otherwise. This thing is wrong because my President said it should not take place. This thing is wrong because my party, sitting here in control of the affairs of 129,000,000 human beings, is responsible not alone for its word and its promise, but is responsible for the ages yet to come.

My party! My President! I take not off my hat to the able Senator from Indiana [Mr. MINTON] when he says "my President." I think it was the Senator from Kentucky [Mr. LOGAN] who said some of us rode in on the coattails of President Roosevelt. I have only one remark to make in that regard. The able junior Senator from Indiana, who corroborated and acquiesced in that statement, did not seem to have the courage to try to ride in on Mr. Roosevelt's coattails in 1932. He was willing that somebody else might take it then and try it. But after Mr. Roosevelt had been in for a couple of years the able junior Senator from Indiana took a try. He came in on the President's coattails all right, but it took somebody to beat Watson in Indiana. He was not a "dub." He had been through battles before, and the able senior Senator from Indiana [Mr. VAN NUYS] did not particularly desire to take on that old warrior. But his party drafted him, and the able senior Senator from Indiana came

here with a greater popular vote out of Indiana than my President. He came out of Indiana with a vote that topped Mr. Roosevelt's.

That was not so bad. It seems to me somewhere along the line the coattails must have slipped. Somewhere along the line something went awry, because we did not all come in here on the coattails of anybody. If we were to speak personally, we should be accused of being too personal; and so we drop the subject at that.

But whether there are those who came here on the coattails of Mr. Roosevelt, or did not come here on the coattails of Mr. Roosevelt, what different does it make? Did we, because we were elected under the leadership of Mr. Roosevelt, become so subservient as not to dare announce our own conscientious beliefs? When that days comes—God forbid that it ever shall come!—count me out. I would rather serve one term in the Senate of the United States, have that honor, and go back into the humble walks of private life, where Mr. Farley says he will consign me, than to be here all the remainder of my days and say that I did not exercise my own judgment.

I am not alone in this crusade—and it is a crusade. If anybody thinks it is not a crusade, he will learn differently in the next 4 or 5 months.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. WHEELER. The Senator knows, of course, that if Mr. Farley and some of that group try to punish those who are opposed to the Court plan, two persons can play that kind of game, and others can take issue in some of the States with other persons?

Mr. McCARRAN. Yes, Mr. President; I answer the question in the affirmative, and it makes me laugh when I answer it in the affirmative. I do not know that 42,000 votes mean much. I do not know that three votes in the electoral college mean much. I do not know that a little State where hearts and homes and hearth fires constitute a haven for the toiler means much. I only know that principle lives where desert lands put forth their bloom. I only know that human hearts are just as red and just as fresh in desert lands as they are where verdure grows. I only know that altogether we constitute a great body politic, the little and the big alike; and if we forget the little in the battle for the big, the day will come when the little will grow and the big will diminish.

No men can succeed in trampling right under foot continuously. If we pass this bill during this session, or at any other time, we shall write into the heart of every schoolboy in America one thought that he will never forget. Today the school population of this country is turning out of its doors young men and young women who are listening to this debate. They are reading more than they ever did before. If you do not believe that statement, let me refer to a little incident.

Recently there has been published a little book, put out by a special commission of Congress under Representative BLOOM, called "The Story of the Constitution." Today that little book is almost unobtainable, although hundreds of thousands of copies have been issued. During the past 60 days there has been a greater call by the youth of America for that book, for a word as to what it all means and what their Constitution is, than there has been even for Gone With the Wind. Young America is reading, young America is listening today. Young America wants to know what you meant when you met the challenge from the formerly dominant party and said what you would do. You met the challenge; but young America wants to know whether the Democratic Party intends to keep its word and to maintain the integrity of the judicial branch of the Government, that young America has learned at the teacher's knee, at the mother's knee, if you please, even from the cradle up, is a safeguard and bulwark of liberty.

Let us go into the operation of this bill, assuming that it should become operative.

Three judges would be appointed within the next 6 months. There is not any use in fooling ourselves. Those judges would not be fools when they went on the Supreme Bench. They would know the history of this whole legislation, just as you and I know it, and they would know that it was proposed to put, not young blood, but new blood on the Supreme Bench for the purpose of controlling the decisions of that bench. I do not care how the expression may be dressed up, it amounts to the same thing. It is for the purpose of controlling the decisions of the Supreme Bench.

Mr. President, do you think for a moment those judges would go on the Supreme Bench and forget everything that has transpired, one to sit by the side of Chief Justice Hughes, one to sit by the side of Mr. Justice Brandeis, that grand old man—everybody concurs in that; I do not have any trouble there—one to sit by the side of Mr. Justice Sutherland, another one of America's great characters, a great character who came out of the West, with the breadth of mind that naturally comes from the broad, wide-open spaces?

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield for a question.

Mr. WHEELER. Can the Senator imagine any reputable lawyer or any lawyer of outstanding ability wanting to accept a place on the Supreme Court, if we should pass this bill, when he knew that by so doing he would humiliate either Chief Justice Hughes or Mr. Justice Brandeis or any other member of that bench?

Mr. McCARRAN. Mr. President, I cannot imagine it. However, there is that allurement which would naturally entice one even to lay aside his own feeling when he knew he was to go on the Court to humiliate someone, there is that allurement of high places, there is that glamor which comes from seats among the mighty which would cause men even to forget themselves.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. WHEELER. Does not the Senator think that any man who would stultify himself even for the glory of serving on the Supreme Court would not be fit to go on the bench, under the circumstances?

Mr. McCARRAN. I can only say that I concur in that view. I concur in that view because of the history of the pending bill. I concur in that view because the very appointive power so declared. I concur in that view because the Senate of the United States, through its Committee on the Judiciary, submitted a report on the bill in its original form, which, regardless of the comment of those who do not like it, will take its place in the archives of history. It will be read, as it has been read, even by those who do not generally read documents of its kind. So I say, in reply to the Senator from Montana, that America would await—129,000,000 human beings would await—with wonder and anxiety for the name of the man who would accept an appointment to go on the bench as the coadjutor of a Justice, especially if that Justice were one who, in all the vigor of human nature, had kept himself abreast of his work and had kept his Court current, as the present Chief Justice has done, as has been evinced by the letter coming from him to the able Senator from Montana.

Mr. BURKE. Mr. President, will the Senator yield for a question?

Mr. McCARRAN. I yield for a question.

Mr. BURKE. In the substitute bill, as I read it, provision is made for two classes of judges on the Supreme Court. It states, first, that the Court shall consist of a Chief Justice and eight Associate Justices. They are to be the permanent members of the Court. Then there is the provision for additional members being added, one a year, who are to be in a somewhat different class. I do not know exactly what to call them. They are to be neither permanent nor temporary. I assume they are to be appointed for life; but they are in a different class. My question is, following out the thought expressed in the question of the Senator from Montana, would not the new men, one at the start, perhaps six finally, in reality be different kinds of Justices of the Supreme Court? Would they not be suspect from the very

start in the eyes of the people of the country and in the eyes of the other members, the permanent members, of the Court?

Mr. McCARRAN. I can only answer that by saying that perhaps we might be justified in calling them "quasi judges." I do not know whether or not that would be a good name for them; but any name will do for them. What difference would it make? They are not going on there anyway; but if they should go on the Bench, and if the judgment and conclusions of the Justices on the Bench, whom they were to sit beside, to use a figure of speech, were not in accord with what the appointive power thought was the spirit of the time, then they would vote contrarily. So by indirection the executive branch of the Government would place a veto against the will and judgment of one sitting on the Supreme Court of the United States, whose will and judgment should be free, an indirect veto coming from the White House; and not alone from the White House, but from this very body, this body which would confirm the appointment. There would be a veto power over a Judge who was regularly on the Bench, and when, perchance, his judgment went contrary to the ideas and judgment of the new Judge, then they would pair, so we would have paired Judges, and we would have no judgment at all.

Mr. President, if you can get away from this dilemma, if you can get away from this condition, if you can get away from these things, then you can do more than men who studied this bill for months and months and months could do. Some may throw a camouflage over the matter; they may sugar-coat it and say, "We cannot enact this law and we cannot enact that law; we cannot relieve drought; we cannot take care of the dust bowl, we cannot take care of rivers and harbors, we cannot take care of the hungry and the unclothed and the unsheltered; we cannot provide social security so that the aged may have compensation when they grow old." But we have done those things.

Out of 58,000 decisions handed down by the Court of last resort, 64 statutes enacted by the Congress have been declared unconstitutional. Does that indicate a great crime? Who is going to decide, when men sitting here will not? I confess that I have expressed my doubt as to bills when I have voted for them, but I have heard the ablest Members say, "I doubt the constitutionality of the measure, but let the Supreme Court pass on it."

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. McCARRAN. I yield.

Mr. CONNALLY. Let me ask the Senator whether, in his view, the addition of one Judge to that extent would affect the character of the Court's decisions? Some Senators have made the claim that they were against providing for six new Judges because if six were put on the Court that would amount to influencing the character of the Court, but that putting on one now and one next year would not have the same result. I should like to have the Senator's reaction to that thought. I know that is in the minds of some Senators, that they are against six; they think that the system can tolerate one Judge at a time, but cannot tolerate six. Will the Senator please explain to the Senate how that can operate?

Mr. McCARRAN. I will try to give my views. Whether I can explain it to the Senator or not is another question.

Mr. CONNALLY. That is difficult; but I will try to follow the Senator. [Laughter.]

Mr. McCARRAN. Let me address myself to the question, first of all, from a broad standpoint, as I view it. Let me address myself to the proposition that there is a principle involved. There could be no harm in enlarging the Supreme Court if the enlargement were to be permanent, natural, normal. It has been done before; it can be done again. It is permissible. But the bill before us does not propose to enlarge the Supreme Court. The bill does not propose to place new permanent members on the Supreme Bench. The bill proposes to place ad-interim members on the Supreme Bench if I may so term them; ad interim in that they will serve as coadjutors, so to speak, until the ones for whom they "pinch hit" are called beyond, or retire. When that happens, I take it from the tenor of the bill that the ad-interim Judge becomes a permanent Judge. He is always permanent to the extent that he cannot be removed except for cause. He is there to the extent that he can always affect the decisions of the Court.

That brings me to the subject of whether or not decisions would be affected by such a condition, and affected in a way that would be intolerable to the American people and to our form of government. There should be a final word in every litigation; there should be a final decision; but no one can ever say that after we place on the Supreme Bench ad interim Judges or coadjutors, or whatever we may call them, the American people will ever be satisfied with a decision rendered by such a court.

Mr. President, it may be said for the American people that, regardless of whether or not the decision is in their favor or against them, they are willing to abide by the decision of the court of last resort. It has no army to enforce its mandates. It has no power behind its judgments save and except the power of popular accord, popular declaration, and a nation, and a constitution. Those are the things that stand behind the Supreme Court, and which, if we pass this bill, we shall take from the Supreme Court. Those are the things for which some of us would rather strive here, even though we do not come back to the Senate; because, after all is said and done, a nation is more than a power, and a people is more than an individual; and, however much we may love public place, we love more those who look to us for guidance. We love the honor of following the dictates of our own consciences more than we love anything else.

Mr. President, I am wondering what the future holds if this bill is to become law. I ask Senators to remember that the bill in its present form gives a discretionary power. I say that another power is involved in it, and that is the power of a President to accumulate appointments, so that he may or may not appoint this year or next year, but may, if he chooses, defer the appointments, and have at his control more than one appointment in any one year.

Read the language of the bill, and if Senators can come to any other conclusion they will have to "show" me. Three new judges will go on the bench within the next 6 months. That is admitted by everybody. That in itself is not a bad accumulation. But it is said that the appointments would be made by my President. That is true. I believe—and I am sincere when I say it—that my President would make the appointments to the best of his ability; but he would appoint to the best of his ability to see to it that his ideas were incorporated into the judgment of the Bench. It never was the intention, however, that the Executive should control the judicial branch of the Government. If it had been the intention of the founders that the Executive should control the judicial branch of the Government, then it was equally the intention of the founders that the Executive should control every other branch of the Government, including the legislative branch.

Mr. President, I say now, in my humble judgment, without fear of contradiction, that the passage of this bill would destroy the Supreme Court of the United States; it would destroy its efficacy; and we might as well destroy the thing itself as to destroy its efficacy. The passage of this bill would destroy the confidence in the Court which now rests in the hearts of the people, and that is the only army it has behind its mandates. When we destroy the confidence of the people of the country in any one branch of the Government, we have entered upon the destruction of the Government itself.

Do you wonder, Mr. President, why some of us are so sincere in this cause, why we are so serious in this contest? How easy it would have been to go along? How lovely it would have been to go down to my President—and I can go down to him now; I am not afraid—and receive the same smile that I have always received. How easy it would have been for me to have Mr. Farley's pat on the back, and go along, go along, go along. "Go along, and you will come

back to the United States Senate. Go along, and it is all right."

Mr. President, we have "gone along" too much in this country. There has been too much laying aside of the individual judgment on the part of the representatives who were elected by a sovereign people. There has been too much laying aside of individual judgment which the people's representatives took an oath to exercise. There have been too many men with deep-seated consciences who have asked themselves, "Will my vote bring me back to the Senate?" The time has come for that to stop. The time has come for the people of this country to rise in defense of their own Government, if they ever will rise to it. The time has come for their representatives, whether in the other House or on the floor of the Senate, to stand up and say, "I am here today, and that is my verdict. I am here today, and I will do today what conscience dictates to me to do. If tomorrow I am not here, I shall have the satisfaction of knowing that when I was here I did that which I believed to be right, though I am sorry that in doing so my State must be punished by Mr. Farley."

Those are only little things we must regret. With glory there always comes regret. With the glory of sitting in this body there must come the regret of having to vote one way or another according to our own beliefs. With the glory of being a Member of this body, and standing shoulder to shoulder with other Senators, there comes the regret that we cannot always vote with them. No apologies are ever necessary for the way we vote. It is always a question of judgment. In this instance it may be said that we are trying to break the Democratic Party; but in reply to that I say, "We are trying to cement the Democratic Party and have it stand for a democracy, and not for a hidden control."

Mr. President, this bill did not come from the President of the United States. This bill was not written by the President of the United States. There is an imagination, there is a philosophy which gave parental sanction to this bill, a rampant philosophy that is going the rounds of the country, which if it moves with sufficient fury will sweep this Government off its feet, because today from without there come enemies greater than any army that ever challenged our existence.

Mr. President, with apology, I hope to hold the attention of the Senate for a few moments longer while I refer to that which so threatens America that we should not even by one jot or tittle change the fundamental organization of this Government at this time.

Let us go abroad for a moment and hear the guns pealing out on the streets of old Madrid and see them flowing with human blood. Let us go into France, that does not know what form of government will be hers on the morrow. Let us go into Italy, where government is held in the palm of the hand of one man, who, if he were to be called away, only God Almighty knows what form of government would control the land of the Caesars. Let us go into Germany. Of course, a man would be arrested in Germany for calling Mr. Hitler a dictator. But be that as it may, call him anything you like, he controls the destiny of Germany. Then, let us go a little further; let us go into the great north, where Russia, with her teeming millions and her seething hordes, does not know what may happen to her tomorrow.

Mr. President, every one of those countries is today not only praying but imploring that this Nation, this Republic, created in the New World, tried and tested by 150 years of experience, will hold itself steady as the boat passes through the rapids, so that civilization, clinging to her, may emerge triumphant in the centuries yet to come. Is it an hour, is it a time, notwithstanding the voice of condemnation that may be spent against Mr. Chief Justice Hughes or Mr. Justice Sutherland or Mr. Justice McReynolds, for us to destroy the one place where the lowliest citizen of the country may go and receive final, finite judgment?

It seems to me, Mr. President, that it is not a question of whether I am a Democrat or a Republican; it is not a question of whether other Senators are Republicans or Democrats; the question is, Does the world call on America? I say the world today calls on America, as it has done before; it is calling on America to hold fast so as to sustain the hope burning in the hearts of hundreds of millions that America shall hold democracy safe and secure; demonstrate that, after all, it is a success, and that democracy will not turn upon itself and destroy itself in an hour when it is called upon to perform the greatest mission that it was ever called upon to perform.

Mr. President, I am about to conclude. It is Saturday afternoon. I regret to have held the Senate of the United States so long. There are many phases of this question, and I have only touched upon a few. I conclude by saying that I am going along with my President as he uttered his thought to the people whose votes he sought. I am going to stay with the conviction that calls upon me to say to my people in Nevada that there shall be no change in the Supreme Court. I am going to stand on my party platform that prompted me and my party leadership to say to my people in the West that the idea of a change in the Supreme Court other than by a constitutional amendment was absurd. I am going along with my leader, the chairman of the Judiciary Committee, when in June, prior to the election, he delivered one of the most magnificent speeches ever delivered on the floor of the Senate, in which he denounced the idea that any such thing as a change in the Supreme Court was contemplated. Does anyone doubt that? I am sure the Senator from Arizona does not.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. McCARRAN. I yield for a question. I am in a position where I cannot yield for more than that.

Mr. ASHURST. A question would not illuminate.

Mr. McCARRAN. I am sorry I cannot yield for more than a question, because I should like to have the assistance of the able Senator from Arizona. I know what he would say. He would say, in his usual way, something beautiful, something wonderful, something oratorical, and something that would gleam as a gem in the midst of my poor effort.

Mr. ASHURST. After that, the Senator ought to allow me to verify the prediction he has made.

Mr. McCARRAN. I should love to allow the Senator to do so, if I might.

Mr. ASHURST. The Senator would not be taken off the floor.

Mr. McCARRAN. I do not know as to that. The Chair has ruled that I am the judge of my destiny [laughter], although the Chair smiles now, and I love to see that smile, because when the Chair smiles in that way, it may betoken that he might not rule so rigidly.

Mr. ASHURST. I thank the Senator.

Mr. McCARRAN. Mr. President, it has been suggested to me that such a splendid opportunity should not be allowed to pass, and that I might ask for unanimous consent to allow the Senator from Arizona to interrupt me without taking me off the floor. I do not want the leader to think that this means a protracted discussion.

Mr. ASHURST. I will occupy but 3 minutes.

Mr. ROBINSON. Mr. President, I shall make no objection.

The PRESIDENT pro tempore. Does the Senator from Nevada ask unanimous consent that the Senator from Arizona be allowed to make a response to his statement, without the Senator from Nevada losing the floor?

Mr. McCARRAN. I ask unanimous consent that that may be done.

Mr. CONNALLY. And without its being counted as another speech?

The PRESIDENT pro tempore. If the Senator does not lose the floor, it could not be counted as another speech. Is there objection to the request of the Senator from Nevada? The Chair hears none.

Mr. ASHURST. Mr. President, about 16 years ago a distinguished author was preparing a book which was later issued anonymously under the title of "Mirrors of Downing

Street." Although the book was published anonymously, a member of Parliament pierced or invaded that anonymity, went to the author, shook a minatory finger, and said: "If in that book you are soon going to publish and which you are to call the 'Mirrors of Downing Street' you deal with me as I am told you are going to deal with some public men in England, I will sue you under our law, and, if our law permitted, I would challenge you to a duel." The author said to the Member of Parliament, "Do not worry; you are not of sufficient importance even to be criticized."

I am flattered that I have risen to such importance as to be noticed or criticized by my able friend who serves so well on the Committee on the Judiciary. I have just read that a very distinguished gentleman, Hon. Al Smith, has completed a tour of Europe and that he was in Ireland during the time an election was being held there.

Mr. Smith is reported to have stated it as his opinion—and he is a judge of eloquence—that the best oratory, the real oratory of the world, is now to be found in Ireland, and that, however much we may suspect or fear "canned" speeches, the Irishmen in America will see to it that the art of oratory shall not cease to exist here but shall be maintained in its pristine glory. I could not conclude without saying that I have listened to the able Senator from Nevada, who, although not born in Ireland, having been born in my native State, Nevada, has undoubtedly had his lips touched with the Promethean fire.

I once studied shorthand and was a "ham" shorthand reporter. The first sentence I had to write was.

He thrusts his fists against the posts.
And still insists he sees some ghosts.

With all his oratory, my able friend from Nevada simply "thrusts his fists against the posts, and still insists he sees some ghosts." [Laughter.]

Mr. McCARRAN. Mr. President, I knew we would listen to a gem, and I knew what the Senator from Arizona would say would really be the crowning part of my speech, because whenever the Senator takes his place on the floor of the Senate something beautiful falls from his lips as well as sometimes something founded in fancy, as in this intsance. [Laughter.]

Mr. ASHURST. I thank the Senator, just the same.

Mr. McCARRAN. Mr. President, concluding, I wish to say that mine is not a coveted position. To go against the leadership of one's party is not a thing that one desires to do; but there is something more than following party, because the years that roll on my shoulders bring me to a realization that I must soon turn over what interest I have in the affairs of my Government to a little boy who takes my name, just as the sons of other Senators are coming on to manhood. They should know and realize that those of us who have the interest of our country at heart chose to hand down to them the only heritage that a poor man can give to his son, and that is the heritage of individual human liberty under an organized form of government. This organized democracy under a written Constitution has held its place for a century and a half. It has weathered the gales of war and the menace of drought. It has seen men come and go, but, seeing them and knowing them, it still holds a prophecy for the future, and that prophecy can only come to realization if we continue with the triform of government, each branch independent of the other, yet coordinate, coextensive, and coexistent.

Mr. President, in pausing now, I pause not because the fight is over. The fight has just begun.

Mr. BURKE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BURKE. Day before yesterday the President pro tempore, as set forth on page 6922 of the CONGRESSIONAL RECORD, when the Senator from Indiana [Mr. MINTON] yielded the floor, said:

The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY] to the amendment in the nature of a substitute.

Yesterday a query was propounded to the then occupant of the chair as to what was the question before the Senate, and, on page 6981 of the RECORD, the then occupant of the chair ruled:

The Chair will rule that the committee amendment is before the Senate.

May we have that doubt resolved so as to know exactly what is the question before the Senate?

The PRESIDENT pro tempore. The former occupant of the chair was right in his decision that an amendment to the matter moved to be stricken out takes precedence over a motion to amend the text of the matter proposed to be substituted in lieu of the matter to be stricken out. Such decision is in accordance with rule XVIII. In part, the rule states:

But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

The occupant of the chair who made the former ruling, while he was correct as to the rule, was not accurately advised as to the facts. There has been no committee amendment offered and none is pending. While the original bill was in the Committee on the Judiciary two minor amendments were made without objection. Subsequent thereto the committee voted against the approval of the entire bill, including such two amendments. The committee then, on motion, duly carried, reported such bill to the calendar adversely and with the recommendation that it do not pass. Such report includes, of course, the adverse report on the amendments and everything in the original bill. Therefore, there are no committee amendments recommended to the original bill.

When there is a favorable report upon a bill, including committee amendments, such committee amendments are generally first acted upon, as it is the advisable procedure. This is generally accomplished by the Senator having in charge such bill asking unanimous consent that committee amendments be first considered before general amendments are offered. This request is universally agreed to. If, however, there were objections, then the Senator in charge of the bill could move that committee amendments be first considered; and if the motion were adopted, they would be considered first.

None of these steps have been taken. There are no committee amendments pending before the Senate, and only an adverse report against the whole bill as amended in the committee. If any Senator sees fit to offer an amendment to the text of the original bill, as pending on the calendar, whether it be the so-called committee amendments or other amendments, then such amendments will take precedence over the pending amendment of the Senator from Wyoming [Mr. O'MAHONEY] under the rule, a part of which has just been quoted. Until such action is taken, however, there is nothing pending before the Senate except the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY] to the amendment in the nature of a substitute.

EXECUTIVE SESSION

Mr. ROBINSON. Mr. President, there being no other Senator ready at this moment to proceed, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States, submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of sundry officers for promotion, and sundry citizens for appointment as officers, in the Marine Corps.

Mr. HARRISON, from the Committee on Finance, reported favorably the following nominations:

John J. Kennedy, of Biloxi, Miss., to be comptroller of customs in customs collection district no. 20, with headquarters at New Orleans, La. (reappointment); and

A. Manuel Fox, of New York, to be a member of the United States Tariff Commission for the remainder of the term expiring June 16, 1942, vice Robert Lincoln O'Brien, resigned.

The PRESIDENT pro tempore. The reports will be placed on the Executive Calendar. If there be no further reports of committees, the clerk will state the nominations on the calendar.

IN THE ARMY

The Chief Clerk read the nomination of Capt. Robert Jones Moulton for transfer to the Quartermaster Corps.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of First Lt. James Leo Dalton, 2d, for transfer to the Infantry.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

That completes the Executive Calendar.

The Senate resumed legislative session.

ORDER OF BUSINESS

Mr. KING. Mr. President, in pursuance of law and the action of the Vice President, the Commission created to consider the matter of an airport for the District of Columbia has completed its labors and its report is ready for submission. The law provides that the report, when it shall have been printed, shall be presented to the President of the Senate and the Speaker of the House. The report is now in the hands of the President pro tempore. It occurred to me perhaps it ought to be laid down and any inhibition of secrecy removed, so it might become public.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah?

Mr. McNARY. Mr. President, what is the request now being made by the Senator from Utah?

The PRESIDENT pro tempore. The Senator from Utah will please restate his request.

Mr. KING. I suggested that under the law which created the Airport Commission that Commission, when it had concluded its labors, was to report to the President of the Senate and to the Speaker of the House. The Commission concluded its labors yesterday and, pursuant to the instructions given me as chairman of the Commission, I have handed to the President pro tempore in open session the report of the Commission. It occurs to me, as the report pertains to the District of Columbia and as the people are greatly interested in it and also in the findings of the Commission, that it should be made public.

The PRESIDENT pro tempore. The Chair will state that the act on its face provides that the report of the Commission shall be submitted to the President of the United States, the President of the Senate, and the Speaker of the House. The President pro tempore holds in his hand the report of the Commission and under authority of that act is the agent of the Senate in that regard. Therefore the Senate may take such action as it sees fit.

The Senator from Utah asks unanimous consent that the Presiding Office lay the report before the Senate. Is there objection?

Mr. McNARY. Mr. President, objection was made earlier today even to the introduction of a bill by the Senator from Idaho [Mr. POPE]. This is in the nature of a transaction of business. If we are going to transact any business, we must transact all business. In view of that situation I shall object.

The PRESIDENT pro tempore. Objection is heard.

Mr. CONNALLY. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Jesse H. Jones entitled "Billions Out and Billions Back", published recently in the Saturday Evening Post.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Texas?

Mr. WHEELER. Mr. President, I shall have to object because of the situation that has developed.

The PRESIDENT pro tempore. Objection is heard.

RECESS

Mr. ROBINSON. I move, under the order entered earlier in the day, that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 2 o'clock and 19 minutes p. m.) the Senate, under the order previously entered, took a recess until Monday, July 12, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 10 (legislative day of July 6), 1937

DIPLOMATIC AND FOREIGN SERVICE

George A. Gordon, of New York, now Envoy Extraordinary and Minister Plenipotentiary to Haiti, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Netherlands, vice Grenville T. Emmet.

POSTMASTERS

ALABAMA

James Harold Long to be postmaster at Guntersville Dam, Ala. Office became Presidential April 1, 1937.

William F. Beverly to be postmaster at Sweet Water, Ala., in place of J. C. Jones, transferred.

ARIZONA

Gail I. Gardner to be postmaster at Prescott, Ariz., in place of H. A. McNutt. Incumbent's commission expired June 15, 1936.

ARKANSAS

Emery E. Noe to be postmaster at Flippin, Ark. Office became Presidential July 1, 1936.

CALIFORNIA

Richard G. Power to be postmaster at Colusa, Calif., in place of R. G. Power. Incumbent's commission expired June 20, 1936.

Nina N. Chamberlain to be postmaster at Durham, Calif., in place of L. F. Thornton. Incumbent's commission expired June 28, 1936.

Elizabeth T. Schellenberg to be postmaster at Palos Verdes Estates, Calif., in place of E. L. Etter. Incumbent's commission expired January 9, 1936.

CONNECTICUT

Paul Louis Hebert to be postmaster at Somersville, Conn. Office became Presidential July 1, 1936.

FLORIDA

Stuart H. Shoenberger to be postmaster at Hallandale, Fla. Office became Presidential July 1, 1936.

GEORGIA

Herbert H. Maxham to be postmaster at Austell, Ga., in place of Chester Maynard, resigned.

Frank S. English to be postmaster at Gordon, Ga., in place of S. R. Owen. Incumbent's commission expired February 25, 1935.

Frank H. Moxley to be postmaster at Wadley, Ga., in place of F. H. Moxley. Incumbent's commission expired January 7, 1936.

ILLINOIS

Clarence C. Franke to be postmaster at Algonquin, Ill., in place of Frank Dvorak, deceased.

Emmert M. Reeser to be postmaster at Orangeville, Ill., in place of H. U. Hartzell, deceased.

Irene C. Cinnamon to be postmaster at Steger, Ill., in place of M. O. Wolff. Incumbent's commission expired January 7, 1936.

Kate M. Weis to be postmaster at Teutopolis, Ill., in place of K. M. Weis. Incumbent's commission expired April 27, 1936.

Lawton C. Spangler to be postmaster at Woodlawn, Ill., in place of E. A. Hill, resigned.

IOWA

Max L. Barton to be postmaster at Salem, Iowa, in place of M. L. Tyner, removed.

KANSAS

Perley F. Eggen to be postmaster at Sedan, Kans., in place of B. E. Palmer, removed.

KENTUCKY

Mary S. Chaffin to be postmaster at Grayson, Ky., in place of L. C. Yates. Incumbent's commission expired February 25, 1935.

LOUISIANA

Ella M. Perot to be postmaster at Campti, La., in place of E. M. Perot. Incumbent's commission expired January 9, 1936.

John Allen to be postmaster at Denham Springs, La., in place of E. B. Miller, removed.

Caliste Alexis Duplantis to be postmaster at Houma, La., in place of C. H. Wallis. Incumbent's commission expired April 27, 1936.

Phyne Uli to be postmaster at Independence, La., in place of L. D. Gayle. Incumbent's commission expired March 10, 1936.

Charles I. Davis to be postmaster at Leesville, La., in place of B. F. Cowley, removed.

Pollard Hugh Mercer to be postmaster at Winnfield, La., in place of W. T. Norman. Incumbent's commission expired June 10, 1934.

MAINE

Norman W. Hulit to be postmaster at Cumberland Center, Maine, in place of N. B. Jordan, deceased.

MARYLAND

Earla V. Newman to be postmaster at Beltsville, Md. Office became Presidential July 1, 1936.

Grover C. Kirn to be postmaster at Jessups, Md., in place of G. B. Gardner, deceased.

MASSACHUSETTS

Elise Dunham to be postmaster at Bass River, Mass., in place of J. P. Brown, deceased.

Marjorie N. Bowman to be postmaster at Cataumet, Mass., in place of F. K. Irwin, resigned.

Homer L. Simmons to be postmaster at Chartley, Mass., in place of M. N. Wetherell, deceased.

MICHIGAN

Helen B. Martin to be postmaster at Indian River, Mich., in place of H. B. Martin. Incumbent's commission expired January 13, 1935.

Audrey J. Filley to be postmaster at Michigan Center, Mich., in place of Kate Turner. Incumbent's commission expired January 7, 1936.

Howard L. Vaughan to be postmaster at Ovid, Mich., in place of H. L. Vaughan. Incumbent's commission expired April 27, 1936.

Charles P. Murray to be postmaster at Pellston, Mich., in place of N. C. Gates, resigned.

John W. Corrigan to be postmaster at Union Pier, Mich. Office became Presidential July 1, 1936.

Rex J. Tuttle to be postmaster at Walled Lake, Mich., in place of E. F. Taylor, resigned.

MINNESOTA

Leonard N. Riley to be postmaster at Ellsworth, Minn., in place of Michael Hollaren. Incumbent's commission expired December 20, 1934.

Maurice A. Marchand to be postmaster at Rice, Minn., in place of J. N. Kremer, deceased.

MISSISSIPPI

Mattie B. Catching to be postmaster at Georgetown, Miss. Office became Presidential July 1, 1936.

MISSOURI

Lloyd H. Patton to be postmaster at Albany, Mo., in place of J. H. Degginger, deceased.

Christian E. Kleck to be postmaster at Wheatland, Mo. Office became Presidential July 1, 1936.

MONTANA

Grover Cleveland Dowen to be postmaster at Chinook, Mont., in place of O. M. Johnson. Incumbent's commission expired May 19, 1936.

NEBRASKA

William Earl Goodhard to be postmaster at Elkhorn, Nebr., in place of W. E. Goodhard, resigned.

NEW JERSEY

Roy Bowman to be postmaster at West Long Branch, N. J. Office became Presidential July 1, 1936.

William Guy Weaver to be postmaster at Woodbridge, N. J., in place of J. J. Dunne, removed.

NEW YORK

John Rewey Ford to be postmaster at Berkshire, N. Y., in place of L. S. Davis, resigned.

Marion S. Tower to be postmaster at East Moriches, N. Y., in place of M. D. Tower, resigned.

John J. Scherer, Jr., to be postmaster at Montrose, N. Y., in place of M. A. Carroll, removed.

Rosemary Hearn to be postmaster at Port Byron, N. Y., in place of L. M. Schwetz. Incumbent's commission expired February 17, 1936.

Edward D. Bradley to be postmaster at Pottersville, N. Y., in place of M. S. Griswold. Incumbent's commission expired February 17, 1936.

Thomas W. Smith to be postmaster at West Winfield, N. Y., in place of S. J. Ford. Incumbent's commission expired July 13, 1936.

NORTH CAROLINA

Paul E. Rickman to be postmaster at Arden, N. C. Office became Presidential July 1, 1936.

W. Reid Howe to be postmaster at Cramerton, N. C., in place of I. R. Forbes, resigned.

Mae S. Ray to be postmaster at Whitakers, N. C., in place of F. L. Wimer. Incumbent's commission expired February 9, 1936.

NORTH DAKOTA

Anders G. Hagburg to be postmaster at Gladstone, N. Dak., in place of G. R. Rohr, removed.

Arlen D. White to be postmaster at San Haven, N. Dak., in place of Emma Kittelson, deceased.

OHIO

Vern C. Wallace to be postmaster at East Canton, Ohio, in place of C. A. Spies, removed.

Carl W. Gerig to be postmaster at Smithville, Ohio, in place of C. E. Folsom, deceased.

OKLAHOMA

Frank Ferguson to be postmaster at Camargo, Okla. Office became Presidential July 1, 1936.

PENNSYLVANIA

Richard Armstrong to be postmaster at Allenwood, Pa., in place of F. L. Allen, deceased.

Lillian M. Tierney to be postmaster at Hallstead, Pa., in place of W. F. Simrell. Incumbent's commission expired June 10, 1936.

Kenneth F. Eakin to be postmaster at Harrisville, Pa., in place of J. R. Duffy, resigned.

Harper Triplett to be postmaster at Schellsburg, Pa. Office became Presidential July 1, 1936.

Mary Joan Ingram to be postmaster at Woodville, Pa., in place of C. E. Fereday, resigned.

RHODE ISLAND

Thomas F. Burke to be postmaster at Barrington, R. I., in place of H. E. Munroe. Incumbent's commission expired March 17, 1936.

TENNESSEE

William Walter Eledge, Sr., to be postmaster at Englewood, Tenn., in place of E. L. Smith, resigned.

Fred G. Ezell to be postmaster at Townsend, Tenn. Office became Presidential July 1, 1936.

TEXAS

Ruby N. Hart to be postmaster at New Boston, Tex., in place of M. A. Hart, Jr. (Appointee deceased.)

VIRGINIA

Charles E. Nash to be postmaster at Amonate, Va. Office became Presidential July 1, 1936.

Marion S. Battle to be postmaster at Roanoke, Va., in place of E. L. Keyser, deceased.

WEST VIRGINIA

Myrtle Blackman to be postmaster at Parsons, W. Va., in place of J. F. Blackman, deceased.

WISCONSIN

Theodore J. Helmke to be postmaster at Hamburg, Wis. Office became Presidential October 1, 1936.

Lawrence H. Hardebeck to be postmaster at Lakewood, Wis. Office became Presidential July 1, 1936.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 10 (legislative day of July 6), 1937

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

Capt. Robert Jones Moulton to Quartermaster Corps.

First Lt. James Leo Dalton, 2d, to Infantry.

SENATE

MONDAY, JULY 12, 1937

(Legislative day of Tuesday, July 6, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Saturday, July 10, 1937, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. I am requested by the leader to suggest the absence of a quorum, and I ask for a roll call.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Johnson, Colo.	Pittman
Andrews	Connally	King	Pope
Ashurst	Copeland	La Follette	Radcliffe
Austin	Davis	Lee	Reynolds
Bailey	Dieterich	Lewis	Robinson
Bankhead	Donahey	Lodge	Russell
Barkley	Duffy	Logan	Schwartz
Berry	Ellender	Lonergan	Schwellenbach
Bilbo	Frazier	Lundeen	Sheppard
Black	George	McAdoo	Shipstead
Bone	Gerry	McCarran	Smith
Borah	Gibson	McGill	Steiwer
Bridges	Gillette	McKellar	Thomas, Utah
Brown, Mich.	Green	McNary	Townsend
Brown, N. H.	Guffey	Maloney	Truman
Bulkley	Hale	Minton	Tydings
Bulow	Harrison	Moore	Vandenberg
Burke	Hatch	Murray	Van Nuys
Byrd	Herring	Neely	Wagner
Byrnes	Hitchcock	Nye	Walsh
Capper	Holt	O'Mahoney	Wheeler
Caraway	Hughes	Overton	White
Chavez	Johnson, Calif.	Pepper	

Mr. LEWIS. I announce that the Senator from Virginia [Mr. GLASS], the Senator from New Jersey [Mr. SMATHERS], and the Senator from Oklahoma [Mr. THOMAS] are unavoidably detained from the Senate.

Mr. SCHWELLENBACH. I announce that the Senator from Nebraska [Mr. NORRIS] is detained from the Senate because of illness.

The PRESIDENT pro tempore. Ninety-one Senators having answered to their names, a quorum is present.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts and joint resolution:

On July 2, 1937:

S. 2156. An act to amend the act relating to the Omaha-Council Bluffs Missouri River Bridge Board of Trustees, approved June 10, 1930, and for other purposes.

On July 9, 1937:

S. J. Res. 88. Joint resolution providing for the participation of the United States in the world's fair to be held by the San Francisco Bay Exposition, Inc., in the city of San Francisco during the year 1939, and for other purposes.

On July 10, 1937:

S. 2254. An act to amend section 460, chapter 44, title II, of the act entitled "An act to define and punish crimes in the District of Alaska, and to provide a code of criminal procedure for said District", approved March 3, 1899, as amended;

S. 2620. An act to amend the Hawaiian Homes Commission Act, 1920;

S. 2621. An act to enable the Legislature of the Territory of Hawaii to authorize the city and county of Honolulu, a municipal corporation, to issue sewer bonds;

S. 2622. An act to authorize the Legislature of the Territory of Hawaii to create a public corporate authority authorized to engage in slum clearance and housing undertakings and to issue bonds of the authority, to authorize said legislature to provide for financial assistance to said authority by the Territory and its political subdivisions, and for other purposes;

S. 2652. An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes; and

S. 2653. An act to amend an act entitled "An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes", approved August 3, 1935.

ACTS OF FIRST NATIONAL ASSEMBLY OF THE PHILIPPINES

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which was read, and, with the accompanying documents, referred to the Committee on Territories and Insular Affairs, as follows:

To the Congress of the United States:

As required by section 2 (a) (11) of the act of Congress approved March 24, 1934, entitled "An act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes", I transmit herewith copies of Commonwealth Acts Nos. 231 and 232, enacted by the First National Assembly of the Philippines during its special session, from October 19, 1936, to October 30, 1936.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *July 12, 1937.*

REPORT OF UNITED STATES HIGH COMMISSIONER TO THE PHILIPPINES

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Territories and Insular Affairs, as follows:

To the Congress of the United States:

As required by section 7 (4) of the act of Congress approved March 24, 1934, entitled "An act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes", I transmit herewith, for the information of the Congress, the first report of the United States High Commissioner to the Philippine Islands covering the period from November 15, 1935, to December 31, 1936.

I concur in the recommendation of the Secretary of War that this report be printed as a Congressional document.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *July 12, 1937.*

[NOTE.—Report accompanied similar message to the House of Representatives.]

PETITIONS

The PRESIDENT pro tempore laid before the Senate resolutions adopted by Local No. 3, American Radio Telegraphists Association; Local No. 97, Marine Engineers' Beneficial Association; and Sausage Makers' Union, No. 203, of the Amalgamated Meat Cutters and Butcher Workmen of North America, all in the State of California, favoring the completion of the present W. P. A. program without personnel reductions and the making of further appropriations therefor when current appropriations become exhausted, which were ordered to lie on the table.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on July 9, 1937, that committee presented to the President of the United States the following enrolled bills:

S. 114. An act for the relief of Mildred Moore;
S. 171. An act for the relief of George E. Shockley;
S. 828. An act for the relief of Ellen Taylor;
S. 885. An act for the relief of H. G. Harmon;
S. 1188. An act for the relief of J. E. Sammons;
S. 1257. An act for the relief of James H. Smith;
S. 1934. An act for the relief of Halle D. McCullough; and
S. 2266. An act for the relief of John A. Ensor.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BARKLEY:

A bill (S. 2766) granting a pension to George Dean; to the Committee on Pensions.

By Mr. MINTON:

A bill (S. 2767) granting a pension to Charity Cooper; to the Committee on Pensions.

By Mr. BAILEY:

A bill (S. 2768) authorizing the Comptroller General to adjust and settle the claim of Leo L. Harrison; and

A bill (S. 2769) authorizing the Comptroller General to adjust and settle the claim of Irvin H. Johnson; to the Committee on Claims.

AMENDMENT TO THIRD DEFICIENCY APPROPRIATION BILL

Mr. ASHURST (for Mr. HAYDEN) submitted an amendment intended to be proposed by Mr. HAYDEN to the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill, to insert the following:

"PUBLIC HEALTH SERVICE

"For expenditure by the Public Health Service for an investigation of diseases of man and conditions influencing the propagation and spread thereof among transients in the United States, as authorized by section 1 of the act approved August 14, 1912 (37 Stat. 309) and section 603 (a) of the Social Security Act (49 Stat. 635), $25,000: *Provided*, That such funds may be used for the employment of the necessary clerical and other assistance without regard to the civil-service laws and the Classification Act of 1923, as amended: *And provided further*, That the Surgeon General of the Public Health Service shall report the findings of such investigation to Congress together with his recommendations as to the enactment of legislation to prevent the spread and decrease the incidence of such diseases."

GOLDENBERG FURNITURE CO.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1849) for the relief of the Goldenberg Furniture Co., which was, on page 1, line 7, to strike out "represents" and insert "shall be in full satisfaction of its claim against the United States for."

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. KING. Would consideration of the amendment of the House which has just been laid before the Senate be considered the transaction of new business during the present legislative day, or under the rule is it permissible to consider it?

The PRESIDENT pro tempore. This is a privileged matter. Without objection, the amendment of the House is concurred in.

ALEXANDER E. KOVNER

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1048) for the relief of Alexander E. Kovner, which were, on page 1, line 6, to strike out "Seattle, Wash." and insert "San Francisco, Calif.", and on the same page, line 12, to strike out "primarily."

Mr. SCHWELLENBACH. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

WILLIAM K. RICHARDSON

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 30) for the relief of William K. Richardson, which was, on page 4, line 3, to strike out "law" and insert "section 179 of the Judicial Code."

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. KING. Is this a privileged matter?

The PRESIDENT pro tempore. It is.

Mr. CAPPER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

PARITY PRICES FOR MAJOR AGRICULTURAL COMMODITIES

Mr. POPE. Mr. President——

The PRESIDENT pro tempore. The Senator from Idaho.

Mr. POPE. Mr. President, for several days I have attempted to introduce a farm bill in the Senate, but objection has been made each time. This morning I desire, in a very few minutes, to give the reasons why I desire to introduce that bill.

The Senator from Kansas [Mr. MCGILL] and I have joined, or will join, in the introduction of the bill, which has been referred to as the new Agricultural Adjustment Act of 1937, when we have an opportunity to introduce it. Informal hearings have been held by the Agriculture Committees of both Houses on the measure. A bill in substantially the same form has been introduced in the other House. My reason for joining in the introduction of this measure in the Senate is that it is designed to deal with a problem which is likely to arise in serious form in the year 1938 and following years.

It is estimated that this year's wheat crop will be about 875,000,000 bushels——

Mr. MCNARY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. MCNARY. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. MCNARY. The Senator from Idaho is either speaking on the amendment pending to the bill before the Senate, in which event his remarks must be charged as one address during the legislative day, or he must be speaking by unanimous consent. May I be informed as to that?

The PRESIDENT pro tempore. The Senator from Idaho is speaking under the rules and is making one speech on the pending amendment at the present time.

Mr. MCNARY. I think the Senator should understand that this speech will be charged against him, and that he can make only one more speech on the proposal now before the Senate.

Mr. POPE. I understand that, and one more speech will be sufficient for me. [Laughter.]

Mr. President, as I have stated, it is estimated that this year's wheat crop will be about 875,000,000 bushels, or 240,000,000 bushels more than our domestic consumption. The figure used to represent our domestic consumption is 635,000,000 bushels. The amount of wheat exported during the last few years has been very small—roughly, 25,000,000 to 40,000,000 bushels. We used to regard the export market for wheat as around 160,000,000 bushels a year. It is not likely that the amount of wheat to be exported within the next few years will be much larger than that of the last few years. All this means that there will probably be an unusable surplus of about 200,000,000 bushels at the end of

this year. If a similar surplus should be created next year, it can be readily seen that we will face the same problem we faced in 1932, when there was a surplus of 394,000,000 bushels. The effect of such a surplus upon the price of wheat might well be disastrous.

It is now high time that we begin the consideration of that problem. The 394,000,000-bushel surplus was reduced in two ways: First, by the Agricultural Adjustment Act, with its production-control devices; and second, by the unusual droughts during the last 3 years. The surplus of wheat is now less than a hundred million bushels. The Agricultural Adjustment Act is, of course, no longer effective, because of a Supreme Court decision. The Soil Conservation Act contains certain production-control provisions, but the whole effect of the Soil Conservation Act is to build up the soil, thereby naturally increasing the production of farm commodities on less acreage.

This year's production clearly indicates that the Soil Conservation Act will not adequately control the accumulation of surplus farm commodities.

It is not claimed that this bill is a complete answer to the question of surpluses, but it is a serious effort to answer the question, using the experience of the last several years in the method of dealing with the problem.

There is one new feature in this bill not contained in the House bill and not contained in any previous drafts of the measure. That is the provision for a referendum of all producers of a given commodity before putting into effect the marketing-quota provisions contained in the bill. These provisions as to marketing quotas are the only mandatory provisions in the bill, and the sponsors of this bill in the Senate believe it would be wise and democratic to permit the growers themselves to determine whether or not the marketing-quota provisions shall become effective.

I again ask unanimous consent to introduce the bill and to offer an explanatory statement of it, to be inserted in the RECORD as a part of my remarks. The statement has been carefully prepared and will be of service to those who are interested in the problem outlined and in the bill which seeks to deal with that problem.

The PRESIDENT pro tempore. Is there objection?

Mr. KING. Mr. President, I object.

The PRESIDENT pro tempore. Objection is heard.

APPROPRIATION FOR CIVIL ACTIVITIES OF WAR DEPARTMENT

Mr. COPELAND. Mr. President, I rise to ask the Chair about a privileged matter. It relates to the conference report on the War Department civil-activities bill.

It is important that action be taken, for the reason that on Wednesday next the time will expire when the continuing resolution to take care of the expenses of the various activities of the War Department involved in the bill will be effective.

I may say, if I am permitted to do so under the parliamentary situation—am I privileged to make a statement?

The PRESIDENT pro tempore. The Senator may make a statement in connection with the amendment of the Senator from Wyoming [Mr. O'MAHONEY] to the amendment in the nature of a substitute.

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. COPELAND. Is there no way that this privileged matter may be presented to the Senate without disturbing the pending business or being charged to the discussion of that matter?

The PRESIDENT pro tempore. The Senator can move the consideration of the privileged matter, which motion is not debatable.

Mr. COPELAND. But, if I may continue propounding a parliamentary question, I would be no better off if such a motion were adopted, because that would involve merely the acceptance of the report, would it not? Would I not still be under the necessity of a further motion to agree to the amendments of the House in order that the bill might become effective, and, of course, that motion would be debatable?

The PRESIDENT pro tempore. That motion would be debatable.

Mr. ROBINSON. Mr. President, will the Senator yield for a question?

Mr. COPELAND. I have the answer to my parliamentary inquiry and I yield the floor.

Mr. ROBINSON. I should like to ask the Senator if he would consent to limitation of debate on the conference report?

Mr. COPELAND. If I may answer the question, I should be willing to ask for unanimous consent that the conference report be dealt with without debate. I do not see why it should be debated. There is nothing debatable in the matter involved in the conference report, it seems to me.

Mr. ROBINSON. I do not understand there is, but, anticipating that there might be prolonged debate, I will ask unanimous consent, with the Senator's approval, that the conference report be proceeded with and that at not later than the hour of 2 o'clock the Senate proceed to vote on its adoption.

Mr. O'MAHONEY. Mr. President, I find it necessary to object to that request.

The PRESIDENT pro tempore. Objection is made to the request.

PARITY PRICES FOR MAJOR AGRICULTURAL COMMODITIES

Mr. McGILL. Mr. President, the bill which the Senator from Idaho [Mr. POPE] and I are seeking to introduce is one pertaining to an agricultural program in addition to the ones now being carried on. The bill is in most of its parts a measure containing the provisions of proposed legislation recently briefly outlined in hearings before the Committee on Agriculture and Forestry by certain farm organization representatives and was worked out by them, as I am advised, in conjunction with representatives of the Department of Agriculture.

The Senator from Idaho and I have been requested to introduce the measure in the Senate and seek to do so in order to insure its careful study and consideration by the Members of this body. The Senator from Idaho and I have added some provisions to the measure which were not contained in the committee print considered by the Senate Committee on Agriculture and Forestry, and have made some additional changes. The additions made by us chiefly have to do with the administration of the program and with providing for the holding of a referendum each year among the producers of a commodity to determine whether the program shall go into effect as regards such commodity.

Under the proposed referendum if for any year more than one-third of the producers of a given commodity should vote against the program, then for that year it would not be made effective as to such commodity. Should two-thirds or more of the producers of such commodity at such referendum vote in favor of the program, the program for such year would then be made effective as to such commodity.

It has been our purpose to frame the measure so that when the program is made effective as to any commodity, its control and administration shall be, insofar as is possible, in the hands of the farmers or producers. We believe such provisions are desirable and would make the program a cooperative one among the producers and render it more certain of accomplishing the ends for which it is designed.

Mr. WHEELER. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Montana?

Mr. McGILL. I can yield only for a question.

Mr. WHEELER. The Senator is very anxious to have his bill introduced, I understand.

Mr. McGILL. That would be indicated by the course of my remarks.

Mr. WHEELER. Would the Senator move that the Senate adjourn tonight so we could have a morning hour tomorrow?

Mr. McGILL. I do not yield for that purpose.

Mr. WHEELER. The Senator yielded for a question and I am asking if he would move an adjournment of the Senate this evening.

Mr. McGILL. I only yielded for one question. [Laughter.]

In other words, the desirability of the program would be a question to be determined by the farmers. It is our hope that hearings may be held on the measure and that representatives of all farm groups may be heard, after which doubtless it will be found that additional changes will be desirable.

It is my view that at this time the present Soil Conservation Act is generally operating satisfactorily among the producers and under present conditions is a good agricultural program. However, good crops for a short period would doubtless create a large surplusage in major commodities and, if nothing is done to deal with such a situation, such a surplusage would likely bring to pass depressed prices to a degree ruinous to agriculture. Congress should, in my judgment, if such condition arises, be prepared to enact a well-considered measure to deal with such a situation. I believe such a condition is probable at an early period with regard to some of the major crops but improbable during the next marketing period.

We are seeking to introduce the bill with the feeling that careful study and consideration should be given to its various provisions by the Members of this body, the House of Representatives, and by the committees to which it would be referred and in the hope that appropriate action be had with reference to the subject to which it applies.

I sincerely hope, Mr. President, that the senior Senator from Utah [Mr. KING] will withdraw his objection to the introduction of this bill on this occasion.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. McGILL. I yield to the Senator from Alabama for a question.

Mr. BLACK. I desire to ask the Senator if it is his purpose, if this bill is introduced, to ask for hearings before the Senate Committee on Agriculture and Forestry?

Mr. McGILL. That is what we propose to do.

Mr. BLACK. Is it the Senator's desire to have such hearings in order that we may attempt to have a farm bill passed for the benefit of the American farmer at the present session before the Congress adjourns?

Mr. McGILL. That is correct.

Mr. BLACK. And if the bill is introduced, and objections are not made by individual Senators to its introduction, so that we may have the hearings, is it the Senator's hope and belief that the hearings may result in doing that which we have promised to do—namely, to give the farmers legislation at this session of Congress?

Mr. McGILL. In response to the Senator from Alabama, I may say that it is my view that if the bill is introduced at this time hearings will be asked for before the Committee on Agriculture and Forestry, and that it is our desire to have representatives of the various farm organizations of the country appear before the committee, with any suggestions they may have, in order that we may enact some measure which will look to taking care of situations such as likely will occur in the event of large surpluses in major agricultural commodities.

Mr. BLACK. Mr. President, may I ask the Senator another question? Has he any assurance that the matter will be taken up before the Agricultural Committee? And would the Senator be willing to join me and others in insisting that a Senate resolution be adopted, if necessary, to require that hearings be held at the earliest possible moment?

Mr. McGILL. I am very hopeful that hearings would be held, and certainly would join in such a resolution if it were necessary. I cannot conceive of its becoming necessary.

Mr. WHEELER. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Montana?

Mr. McGILL. I yield for a question.

Mr. WHEELER. I repeat my question: Will the Senator vote to adjourn tonight, so that we may have a morning hour tomorrow, in order that he may introduce this very important bill on behalf of the farmers of the country?

Mr. McGILL. It is unnecessary that I directly answer the question of the Senator from Montana or that the Senate adjourn in order to permit the introduction of this measure. If there is no objection, the measure may now be introduced. That is what we are seeking to do; and it occurs to me that those who are in favor of enacting adequate legislation on behalf of the farmers of the country should have no objection.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kansas [Mr. McGILL]?

Mr. KING. I object.

The PRESIDENT pro tempore. Objection is made.

REORGANIZATION OF FEDERAL JUDICIARY

The Senate resumed consideration of the bill (S. 1392) to reorganize the judicial branch of the Government.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY] to the amendment in the nature of a substitute.

A RIGOROUS THROTTLE ON DEBATE

Mr. O'MAHONEY. Mr. President, a moment ago, when the Senator from New York [Mr. COPELAND] rose to submit a privileged motion to the Senate, and the majority leader asked unanimous consent that the conference report upon the Army appropriation bill be considered without debate, I felt called upon to make objection.

Mr. ROBINSON. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Arkansas for a question?

Mr. O'MAHONEY. For a question; yes.

Mr. ROBINSON. The Senator understands, of course, that I did not suggest that the conference report be disposed of without debate? The Senator understands, of course, that I requested a limitation on debate which under the circumstances I thought was reasonable?

Mr. O'MAHONEY. The Senator is correct. The point I wish to make, however, is exactly the same. I made the objection to the unanimous-consent request for a limitation upon debate upon this question for the purpose of pointing out the very extraordinary rule under which the Senate now is operating.

It will be recalled that there are 76 Democrats sitting in the Senate out of a total membership of 96. It will be recalled by every Member of this body that the customary rule of procedure is for Senators to rise in their places, when any subject is under discussion, to interrupt one another to discuss at length and with full liberty every phase of any question that may be before them. That rule now is abandoned; and when this amendment in the nature of a substitute, presented by the distinguished Senator from Arkansas [Mr. ROBINSON], was laid down upon the desk of the Senate, in the very same moment that he laid it down he served notice upon us that there would be a change of procedure and that an effort would be made to drive this bill through to final consideration without giving Senators an opportunity to discuss the measure in all its details fully and frankly, as we discuss every other measure.

That announcement was made for the purpose, which I am afraid the country at large does not understand, of bringing into play a rule of the Senate which prescribes that no Senator may speak more than twice upon one day. The present occupant of the chair, when the majority leader made that opening statement, served notice upon the Senate that for the purposes of this bill a day would not be a calendar day but would be a legislative day.

It seems to me, Mr. President, it is important that the people of the country, the farmers for whom the Senator from Idaho and the Senator from Kansas are speaking, and all the employees of the War Department, and all the members of the Army, should know what the difference is between a legislative day and a calendar day.

The majority leader of the Senate has served notice upon us that we shall not adjourn this session until the substitute is disposed of. Why? In order that he may invoke the rule announced by the present occupant of the Chair, that no

Member of the Senate may speak more than twice on a legislative day. This legislative day may be 1 month long, or 2 months long, or 3 months long; but, recessing night after night, it will then be possible by enforcing this rule upon the Members of this body—this body in which we are taught to believe that freedom of speech exists—to prevent a Senator from making more than two speeches in a calendar month.

The PRESIDENT pro tempore. Will the Senator from Wyoming pardon the Chair for a second? The Chair thinks——

Mr. O'MAHONEY. Am I to understand that the Senator from Nevada is now speaking upon the amendment?

The PRESIDENT pro tempore. The Chair asked the Senator from Wyoming if he would pardon the occupant of the chair, because the Senator has misquoted the ruling of the Chair.

Mr. O'MAHONEY. Mr. President, I am very fearful of the ruling of the Chair. If it may be understood that I am yielding for a question, I shall be very happy to yield for that purpose.

The PRESIDENT pro tempore. The Chair withdraws any suggestion.

Mr. ROBINSON. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. I shall be very happy to yield for a question.

Mr. ROBINSON. Does not the Senator from Wyoming understand that he has misquoted the rule of the Senate and the ruling of the Chair?

Mr. O'MAHONEY. Is the Senator asking me a question?

Mr. ROBINSON. Yes; I am asking a question. Does not the Senator know that the rule which he quoted in part is to the effect that no Senator shall speak more than twice on the same subject on the same day?

Mr. O'MAHONEY. Oh, yes, indeed. If I did not say that, that is what I meant to say.

Mr. ROBINSON. The Senator knows he did not say it in that way.

Mr. O'MAHONEY. Certainly that is what I meant to say.

Mr. ROBINSON. Does not the Senator also realize that there is nothing unreasonable in that rule, particularly in view of the fact that when a Senator takes the floor to make either one of those speeches he may speak as long as he pleases on any subject he chooses, and nobody but Almighty God can interfere with him over his objection? Does not the Senator realize that?

Mr. O'MAHONEY. I will say to the Senator from Arkansas that I do not realize anything of the kind. There is absolutely nothing unreasonable about the manner in which the debate in the Senate has been conducted, lo, these many months. This session assembled in January 1937. Here we are in the middle of July 1937, and this "reasonable" rule to which the Senator from Arkansas refers has never before been invoked. Here, for the first time, it is raised.

Mr. BARKLEY. Mr. President——

Mr. O'MAHONEY. I am not yielding at the moment.

RESPONSIBILITY FOR DELAY RESTS ON LEADER

Mr. President, I want the country to realize that the responsibility for delay in the consideration of any measure here rests absolutely upon the desk of the Senator from Arkansas [Mr. ROBINSON], and nowhere else. All that it is necessary to do at the conclusion of my remarks this afternoon is for the Senator from Arkansas to rise in his place and say, "I move that the Senate adjourn until noon tomorrow", and at 12 o'clock noon tomorrow the Senator from Idaho may present his bill, the Senator from Kansas may present his bill, and for 2 hours the Senate may transact any business whatsoever.

Mr. McGILL. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. I shall be happy to yield for a question.

Mr. McGILL. If no objection were made by any Senator, would it not be possible to introduce the measure sought to be introduced by the Senator from Idaho and myself?

Mr. O'MAHONEY. Of course it would be possible to do so, Mr. President; but what the Senator is asking us to do is to accept for ourselves a limitation upon debate, and allow those who are employing the tactics of the steam roller to have complete freedom on the matters in which they are interested.

Mr. McGILL. Mr. President, will the Senator yield for another question?

Mr. O'MAHONEY. Certainly.

Mr. McGILL. Does not the Senator think two speeches by each of the opponents of the bill on each question connected with the measure would be sufficient to enable them to express their views?

Mr. O'MAHONEY. Mr. President, I think much less than two speeches, particularly if Senators who are supporting the bill, without explaining it, would dare to rise here without threatening us and argue the points out.

Mr. McGILL. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. I gladly yield for a question.

Mr. McGILL. Is the Senator fearing that the supporters of the bill will not explain it, or have not explained it?

Mr. O'MAHONEY. Mr. President, before the day is through I shall demonstrate to the satisfaction of this body and to the satisfaction of the country that the proponents of the bill have not explained it. I venture more, that those who are sponsors for the bill do not know what is in the bill. I venture the statement that the majority leader, the distinguished Senator from Arkansas, who presented the substitute for the bill that was abandoned by those who introduced it, does not know the provisions of this bill.

Mr. President, the measure which we are about to discuss is one of the most revolutionary measures ever presented to the Senate of the United States. Yet it is laid here upon our desks without a single word of explanation on the part of any one of the proponents.

Now let me say to the Senator from New York, who is in charge of the conference report on a very important bill, if I understand the rules aright, a motion to take up that conference report is a privileged motion and may be presented without debate. It will not take any Senator off the floor. If I understand the rule correctly, the Senator from New York could rise in his place and move to take up the conference report, whereupon the occupant of the chair will be under obligation, under the rules of this body, to put the question, and the question would be decided without debate. Whereupon the conference report would be before the body. I have no objection to it, and I venture to say that there would be no debate upon it, and that it would not be necessary to call for any limitation of debate.

I objected a moment ago merely that I might have the opportunity of pointing out the conditions under which we are operating, to call attention to the fact that Democratic leadership of this body is endeavoring to throttle debate upon one of the most fundamental issues that has been presented to the Senate of the United States in two generations; and the effort is being made to lead the country to believe that all the business of the Senate is being stopped, that all the business of the country is being held up, by these vicious filibusters who are opposed to the Court bill, whereas the fact is that the majority leadership is itself responsible for the condition that exists.

NO FILIBUSTER IN PROGRESS

Mr. President, there has been no filibuster upon this measure. The only talk about filibuster upon this floor has proceeded from the mouth of the majority leader, the leader of the Democratic Party in the Senate, in threats that he had the votes to pass the bill, and that he would pass it without debate, or with only that debate which could be carried on by Senators who are compelled to watch every question that is propounded to them lest they be taken off the floor in the midst of their discussion.

Is that the rule for a democratic assembly? Is that the rule for an American assembly? Is that the rule under

which the people of the United States imagine their business is being conducted?

Ah, Mr. President, it is typical of the measure which is being presented to us. Force to the judiciary! Force to the Senate! We will make the judiciary dependent upon the Executive arm of the Government; we will make the Senate of the United States dependent upon the Executive arm of the Government; we who have taken the oath to support the Constitution of the United States, which describes three coordinate branches of the Government, the legislative, the executive, and the judicial.

Mr. POPE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Does the Senator desire to make a speech upon his bill or upon the pending bill? Does the Senator desire to explain the measure that is before us?

Mr. POPE. I desire to ask the Senator a question.

Mr. O'MAHONEY. Does the question have anything to do with the measure before us?

Mr. POPE. Yes.

Mr. O'MAHONEY. Very well.

Mr. POPE. May I ask the Senator when the opponents of this proposal decided to object to all business under unanimous consent?

Mr. O'MAHONEY. Mr. President, so far as I know there has never been any such decision. I have entered into no such agreement; but I have desired to point out to the country what is being done here.

Mr. POPE. May I ask the Senator one more question?

Mr. O'MAHONEY. Certainly.

Mr. POPE. Is the Senator familiar with the RECORD of July 10, when the Senator from Connecticut [Mr. MALONEY] asked and obtained unanimous consent to introduce into the RECORD a speech, and on the same date the Senator from Massachusetts [Mr. WALSH] asked and obtained unanimous consent to introduce a resolution of his, and a few moments after that I requested unanimous consent to introduce a farm bill, which was objected to, and has been objected to ever since? Can the Senator explain the reason for that situation?

Mr. O'MAHONEY. I am not familiar with the RECORD of July 10, and I do not know what the explanation of that incident may be; but I do know that there probably will be no objection whatsoever, if once we get an understanding that we may conduct this debate in a reasonable manner, drawing out all the various phases of this most important question, and that when the day is done we may adjourn until tomorrow, and have our 2 hours in the morning in which to indulge in any business whatsoever, without applying the gag rule to those who are opposed to this measure.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I am very glad to.

Mr. WHEELER. The Senator knows, does he not, that when the Democratic leader invoked the very unusual rule which he did invoke, when I was asking questions, and had a colloquy with the Senator from Kentucky, it was then, and only then, when he announced what he was going to do, how we would not be permitted to speak, that I then said that, so far as I was concerned, I would object to any legislative business being done?

Mr. O'MAHONEY. It seems that I recall that statement upon the part of the Senator from Montana.

Mr. WHEELER. And the Senator knows, does he not, that this farm bill is being brought in for the purpose of trying to put the Senators who are opposed to the pending bill on the spot; but the Senator knows, does he not, that, so far as the country is concerned, they will not get away with it?

Mr. O'MAHONEY. I am very certain the Senator is correct.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. BURKE. Am I to understand from what the Senator from Wyoming has stated that under the rule announced by the majority leader this is still July 6?

Mr. O'MAHONEY. It may be July 4 for all I know. It may be the anniversary of the Declaration of Independence; but the Senator from Arkansas is not operating under that rule. [Laughter.]

Mr. BURKE. Mr. President, will the Senator yield further?

Mr. O'MAHONEY. I yield.

The PRESIDENT pro tempore. The Chair admonishes the occupants of the galleries that there can be no laughing, talking, or other manifestations in the galleries. If there are, the Chair will have to close the galleries.

Mr. BURKE. The Senator having yielded, I will put my question in this way: This still being July 6, 1937, for our purposes here, would it not be well for the distinguished Senator from Idaho and the distinguished Senator from Kansas to explain to the farmers of the country that they do not need to worry, that their bill will be introduced on or about July 6, or immediately at the termination of July 6? [Laughter.]

Mr. O'MAHONEY. Mr. President, that would be a very fine suggestion if it were not for the fact that when the legislative July 6 ends the next day will probably be the calendar September 17, the one hundred and fiftieth anniversary of the adoption of the Constitution of the United States, and then, perhaps, we will have some free speech.

Mr. POPE. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. I am glad to yield.

Mr. POPE. Since the statement of the Senator from Montana that he expected to object to the transaction of any business occurred on July 9, and the unanimous-consent agreements with reference to other matters, with reference to flood control on the Connecticut River, and the introduction of a speech into the RECORD, took place on the morning of the tenth, without objection, and then when an offer was made to introduce a farm bill, of benefit to the farmers of the country, objection was immediately made, I should be very much interested, if the Senator can give the explanation, in having him vouchsafe it at some time during his two speeches during this legislative day.

Mr. O'MAHONEY. Mr. President, let me say to the Senator from Idaho that I have no doubt the objection was made by the Senator from Montana for the same reason for which I made objection a moment ago to the consideration of the conference report, for the purpose of indicating the rule under which we are operating.

Now let me say just this to the Senator. What is the use of invoking the harsh rule against a filibuster before a filibuster has begun?

Mr. ROBINSON. Mr. President, will the Senator yield to a question?

Mr. O'MAHONEY. I am very glad to yield to my leader. [Laughter.]

Mr. ROBINSON. In that connection, if I do not take the Senator from the floor, which I would not wish to do——

Mr. O'MAHONEY. The Senator then is asking a question?

Mr. ROBINSON. I should like to state that he does me honor overmuch.

The Senator knows, does he not, that prior to the beginning of this debate it was announced in the press repeatedly from day to day that it was the purpose of those connected with the opposition to conduct a filibuster so as to prevent the Senate from ever——

Mr. O'MAHONEY. O Mr. President——

Mr. ROBINSON. Voting on this bill. Does not the Senator recall that?

Mr. O'MAHONEY. Certainly, Mr. President, I have read many things in the newspapers that were not correct.

Mr. ROBINSON. Does not the Senator know that it was also reported that in private conferences held prior to bringing forward the bill in the Senate, he and others associated with him in the conduct of the opposition to the bill had entered into a solemn agreement that they would use all the time they could in order to prevent any action by the Senate; and does not the Senator know that on the occasion when I invoked the rule that has stood in the

Senate for many, many years against one Senator speaking more than twice on the same subject in a single day, on that date for hours and hours Senators associated with him in the conduct of the opposition to this bill were rising on the floor and making speeches in the time of the Senator who had the floor, and that that was a process of aiding the filibuster?

Mr. O'MAHONEY. Mr. President——

Mr. ROBINSON. And does not the Senator know that the Senator from Kentucky [Mr. LOGAN]——

Mr. O'MAHONEY. Mr. President, a parliamentary inquiry?

The PRESIDENT pro tempore. The Senator will state it.

Mr. O'MAHONEY. How many questions may the Senator from Arkansas ask?

Mr. ROBINSON. I am asking a question.

Mr. O'MAHONEY. The Senator has asked several questions, and I wish to know how many he may ask without taking me off the floor.

Mr. ROBINSON. The Senator may stop me from asking a question if he knows he cannot answer me.

Mr. O'MAHONEY. I can answer the Senator here or at any other place.

Mr. ROBINSON. Oh, well, here is the place to answer. [Laughter.]

Mr. O'MAHONEY. I will do it.

Mr. ROBINSON. We do not have to go outside to do it.

Mr. O'MAHONEY. Not the Senator and I.

Mr. ROBINSON. Does not the——

Mr. JOHNSON of California. Mr. President, I rise to a point of order. The Senator from Arkansas [Mr. ROBINSON] is not in order.

The PRESIDENT pro tempore. The Senator from Arkansas is asking a question with the permission of the Senator who has the floor.

Mr. O'MAHONEY. I hope the President pro tempore will state the matter correctly. The Senator from Arkansas is asking a hundred questions with the permission of the Senator from Wyoming.

The PRESIDENT pro tempore. The Senator from Wyoming may terminate the questions at any time he wishes to do so.

Mr. O'MAHONEY. I am very happy to have the Senator ask me any questions.

The PRESIDENT pro tempore. So long as the Senator from Wyoming permits the Senator from Arkansas to ask questions, the Senator from Arkansas is in order.

Mr. ROBINSON. Mr. President, I should like to conclude——

Mr. O'MAHONEY. That is what I have been heartily hoping for.

Mr. ROBINSON. With the permission of my good friend the Senator from California [Mr. JOHNSON]—and ask the Senator from Wyoming to state whether he does not know that on the occasion when I invoked the rule, the filibuster was in progress; that an effort was being made to abuse the privilege of debate by interrupting and interfering with Senators who were undertaking to explain and to defend the bill; and does he now, in all seriousness——

Mr. JOHNSON of California. Mr. President——

Mr. ROBINSON. In view of the many pages of the RECORD, insist that there was no justification for my position?

Mr. JOHNSON of California. I rise to make a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. JOHNSON of California. The Senator from Arkansas is not in order. He is not asking a question. He is making a speech and an argument. [Laughter in the galleries.]

Mr. ROBINSON. Mr. President, I respectfully submit that I did ask a question, and the fact that the Senator from Wyoming cannot answer it does not change the nature of the question.

Mr. JOHNSON of California. Mr. President——

Mr. O'MAHONEY. Mr. President, I will ask the Senator from California to take his seat for a moment. The questions of the Senator from Arkansas were asked with my full consent, and I am very happy to answer them.

Speaking for myself, Mr. President, let me say that I never participated in any conference, in the Senate or out of the Senate, in which I agreed to participate in any filibuster, in which I agreed at any time to talk at undue length to defeat this bill.

Mr. President, speaking for myself, I do not believe in filibusters. I believe Senators of the United States should be willing to take their responsibilities under their oaths in this body. As a member of the Judiciary Committee of the Senate, I took my responsibility when the question was presented to me in that committee, after having studiously refrained from making any announcement for 4 or 5 months. When the question was finally proposed, I took my responsibility and I took my stand. I am willing to have all the Senators take their stand, whether by speech or by vote. But before that time comes, Mr. President, I believe in all seriousness that this question should be fully debated, and that every dark recess of this measure which has been laid before the Senate by the Senator from Arkansas should be illuminated with the full light of publicity.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. O'MAHONEY. Pardon me for just a moment.

With respect to what transpired upon the day when the debate opened, I will grant you that I was one of those who took the floor to interrupt the Senator from New Mexico [Mr. HATCH] and the Senator from Kentucky [Mr. LOGAN]. I was moved to do that by resentment—resentment of the rule called down by the majority leader of this body before he or anybody else had explained the bill that he is asking us to vote upon without a full discussion.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield for a question.

Mr. WHEELER. Does not the Senator know that no Senator who was interrupting the Senator from Kentucky [Mr. LOGAN] was abusing the privilege; but, on the contrary, we were doing it with his full knowledge and with his consent, and not, as the Senator from Arkansas [Mr. ROBINSON] said, for the purpose of attempting to filibuster at that time or at any other time?

Mr. O'MAHONEY. I believe the Senator from Montana is absolutely correct. I know that I had the full consent of the Senator from New Mexico [Mr. HATCH] when I interrupted him. As a matter of fact, I know that my first interruption of the Senator from New Mexico was at his invitation, and I was confident that the Senator from Kentucky [Mr. LOGAN] had willingly acceded to my interruptions whenever I rose.

Mr. BARKLEY. Mr. President, will the Senator yield to me for a question?

Mr. O'MAHONEY. I yield for a question to my distinguished friend from Kentucky.

Mr. BARKLEY. Would the Senator and his colleagues in opposition to this measure be willing to agree that we shall vote on the bill and all amendments thereto not later than September 17, which is the anniversary of the adoption of the Constitution of the United States?

Mr. O'MAHONEY. Mr. President, I am not entering into any agreements, because I cannot speak on behalf of all the Members who are interested in opposing this bill. I do not yet know just how many there are, but I do know there are a great many more than the Senator has counted.

Mr. BARKLEY. Will the Senator permit another question? Would he himself, regardless of his colleagues, be willing that we vote not later than that date?

Mr. O'MAHONEY. When this measure has been discussed, I shall be perfectly willing to allow the matter to come to a vote.

Mr. BARKLEY. Will the Senator yield to me for another question?

Mr. O'MAHONEY. I yield for a question.

Mr. BARKLEY. Does not the Senator think a discussion from now until the 17th of September will give ample opportunity for every Senator on both sides to explain not only the bill but his position?

Mr. O'MAHONEY. Not if the Senator from Kentucky [Mr. BARKLEY] and the Senator from Arkansas [Mr. ROBINSON] continue to ask me to yield.

Mr. BARKLEY. Mr. President, I have not taken much time of any Senator in asking him to yield. I do not want to take the Senator from his feet by what I am now saying.

Mr. O'MAHONEY. I know the Senator will be careful not to do that.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I shall be glad to yield for a question.

Mr. SCHWELLENBACH. Will the Senator please state, for the benefit of the rest of us, just when the opposition to this bill intends to start talking about the bill and stop talking about a lot of other things besides the bill?

Mr. O'MAHONEY. Mr. President, it is the proponents who have been talking about other things. First, I am talking about the rule under which we are operating, and my discussion of that subject has been prolonged by the questions of the Senator from Arkansas [Mr. ROBINSON], the Senator from Kentucky [Mr. BARKLEY], the Senator from Idaho [Mr. POPE], the Senator from Kansas [Mr. MCGILL], and now the Senator from Washington [Mr. SCHWELLENBACH]. [Laughter.]

Mr. SCHWELLENBACH. Mr. President, will the Senator yield for another question?

Mr. O'MAHONEY. I shall be very happy to do so.

Mr. SCHWELLENBACH. Will the Senator be willing to agree that if we stop asking him questions he will start to discuss the bill?

Mr. O'MAHONEY. I shall certainly discuss the bill, and when I start discussing the bill I hope the Senator will ask me some questions on the merits of the bill. [Laughter in the galleries.]

Mr. OVERTON. Mr. President, will the Senator yield to me for a question?

Mr. O'MAHONEY. I yield to my distinguished colleague the Senator from Louisiana for a question.

Mr. OVERTON. Does not the Senator realize that while all Senators are very much interested in the pending bill and are giving it very earnest consideration, at the same time many Senators, and I hope all Senators, are very much interested and anxious that necessary and important functions of the Government be carried on? And, assuming that our majority leader has fallen into error in invoking the rule he has invoked, according to the view entertained by the Senator from Wyoming, does not the Senator think that that is no reason why another error should be committed; and does not the Senator think that so reasonable a request as a unanimous-consent request to consider a conference report on so important a measure within the limited time should be agreed to by the Senator from Wyoming and all other Senators?

Mr. O'MAHONEY. I raised the objection to the report merely for the purpose of pointing out the situation. I afterward indicated to the Senator from New York [Mr. COPELAND] that if I understood the rule correctly, he may bring up his conference report at any time without interfering with the discussion, or interfering with the Senator who happens to have the floor. My understanding is that the speech of the Senator having the floor at such a time would merely be suspended.

Mr. President, the point I desire to make is simply that the responsibility for preventing the ordinary operations of the Senate for the consideration of important measures lies not upon us who want to discuss this measure but upon those who desire to prevent discussion of the measure; and I am fully convinced, Mr. President, that if the Senate were permitted to debate this measure in the ordinary manner, in less than 2 weeks this proposal would be so blown out of the water that there would not be anybody upon the floor with enough courage to stand up and defend it.

Mr. OVERTON. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. I yield for a question.

Mr. OVERTON. Then do I understand that the Senator will not urge any objection to the unanimous-consent request that has been made?

Mr. O'MAHONEY. I shall make no further objection to the consideration of the privileged motion of the Senator from New York. I should like to have it considered.

A REVOLUTIONARY PROPOSAL

Mr. President, I said a moment ago that the measure which has been presented here is revolutionary in its aspects; that it is the most important measure that has been presented to this body in two generations; and yet when the Senator from Kentucky [Mr. LOGAN] arose to open the debate he uttered no word or syllable, not a single sentence, in explanation of the proposal.

Mr. OVERTON. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. I will be very happy to yield for a question.

Mr. OVERTON. At the time I propounded the question to the Senator from Wyoming, which he so promptly and frankly answered, stating, as I understood him, that he would entertain no objection to the unanimous-consent proposal that had been submitted by the Senator from Arkansas [Mr. ROBINSON], the Senator from New York [Mr. COPELAND], who is in charge of the conference report, was temporarily absent from the Chamber. Now that I notice his return, may I request the Senator from Wyoming to make the statement to the Senator from New York that he made to me in response to my question, in order that the conference report may be disposed of?

YIELDS FOR WAR DEPARTMENT BILL

Mr. O'MAHONEY. I think I have made the statement two or three times that I raised the objection to the consideration of the privileged question solely for the purpose of developing the extraordinary conditions under which we are operating, and that, so far as I am concerned, I have no objection whatsoever to the consideration of the conference report, with the understanding, of course, I will say, Mr. President, that I am correct in my interpretation of the parliamentary rule that the consideration of the conference report at this time would not deprive me of the floor. I make that as a parliamentary inquiry.

The PRESIDENT pro tempore. That was earlier the ruling of the Chair, and it is still the ruling of the Chair.

Mr. O'MAHONEY. So that if I should yield upon the request of the Senator from New York for the consideration of the conference report I would not be charged with having made one speech on the pending measure?

The PRESIDENT pro tempore. The proceeding on the pending bill would be suspended by that action, and, in effect, the speech of the Senator from Wyoming would also simply be suspended.

Mr. O'MAHONEY. If under those circumstances the Senator from New York desires to ask that his privileged motion be presented to the Senate, I shall have no objection.

Mr. COPELAND. Mr. President, on the desk of the Presiding Officer is the conference report on the appropriation bill dealing with the civil activities of the War Department. I move the adoption of the conference report.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New York.

Mr. MCNARY. Mr. President, I stated on Saturday, prior to the time when the recess was taken, that we must have one universal rule in the Senate applying to all orders of business. If unanimous consent is granted to proceed to the consideration of the conference report, then, of course, it would be before the Senate and subject to debate. Evidently it would be the transaction of business in the highest degree. I do not care to go into that further; but in the

meantime, the Senator from Wyoming has the floor and is attempting to start a speech upon the measure now pending before the Senate. I think we should proceed orderly, at this time particularly, and, reserving the right further to act definitely and finally, I shall object.

The PRESIDENT pro tempore. The Senator from Oregon objects.

CENTRALIZED JUSTICE THE ISSUE

Mr. O'MAHONEY. Mr. President, I was remarking that the pending measure in the nature of a substitute has been presented to this body without an explanation. I think it ought to be made clear to the Senate and to the country that we are not discussing a personal issue; we are discussing a system for the reorganization of the judiciary of the United States. The issue before this body is not the election of 1940, as some Senators seem to imagine; the issue before this body is not the New Deal, as some Senators would like to have the country believe; the issue before this body is not the record of Franklin D. Roosevelt, as some Senators would like us to believe. The issue before this body is whether or not we are going to adopt a system for the judiciary of the United States vastly different from anything which has ever existed in the history of our Government.

We are rapidly approaching the one hundred and fiftieth anniversary of the adoption of the Constitution of the United States under which our judicial system was established; and we are now asked to consider a bill which, if enacted, would revolutionize that system. The measure before us today and which will be before us tomorrow and many a day hence, I gather from the attitude of Senators, should not be entitled "A bill to reform the judiciary", as it is sometimes called in the public press; it should be called a bill to centralize the administration of justice and to give the central establishment at Washington greater control over the local administration of justice than it has ever had in this democracy.

Do we desire to centralize the administration of justice? Presidents come and Presidents go. The present occupant of the White House will not always occupy that distinguished position with the great ability and charm with which he now occupies it. Some other President will succeed him, and when he does, if this bill should become a law, it would apply to him as well as to the present occupant of the White House.

So I say, Mr. President, this is not a personal issue; this is not a question of whether or not we are going to give a certain amount of power to Franklin D. Roosevelt. The issued before us is whether we are going to give this power to any President who may occupy the White House, no matter who he may be.

I shall not engage in any invidious comparisons; I shall not mention names; but there must come to the mind of every Member of this body, as there must come to the minds of all the citizens of the United States, the names of Presidents in whom they would not for 3 minutes entrust the power which is proposed to be vested in the President by the pending measure.

A NEW SYSTEM IS PROPOSED

Remember we are acting upon a system. Let no one forget it. If this measure should be enacted into law, this generation may pass and the next generation will be operating under the system proposed, which would mark a revolutionary change from the system which has been handed down to us by the constitutional fathers.

Let us consider the bill. What proponent has yet stood upon this floor and explained the first section of the proposed substitute? Was it explained by the sponsors of the bill? Did the eminent chairman of the Judiciary Committee of the Senate of the United States, the Senator from Arizona [Mr. ASHURST], whose name is attached to this measure, explain the bill? Did the eminent Senator from Kentucky [Mr. LOGAN], whose name is attached to this measure, rise in his place to explain its purport and effect? He spoke not a single word of that character. Did the Senator from New Mexico [Mr. HATCH], who lends his name to it, give any explanation of the measure? Not a word or a syllable. And when those of us who are opposed to the measure undertake to discuss it we are told that we are filibusterers and are preventing the transaction of the public business.

What business can be more important, Senators of the United States, than the establishment of the judicial system under which you, your children, and your children's children will be governed so long as this measure remains upon the statute books, if it is passed? Good Presidents come and good Presidents go, and bad Presidents come and bad Presidents go, and the power that is proposed to be vested by this bill in any occupant of the White House could be used by a man, if he were so minded, to wreck every vestige of human liberty under the Stars and Stripes. Let us consider it.

When the original bill was proposed it provided that in the instance of each member of the judiciary who had attained the age of 70 years and had served for 10 years and within 6 months had not retired or resigned, the President should appoint another Justice.

It was mandatory. He had no discretion about it at all. The solemn duty was laid upon him by the terms of the bill to send the nomination to the Senate of the United States for every man on the bench of the given age and service. As it was written it would probably have resulted in the immediate appointment of six Justices.

DISCRETIONARY APPOINTMENTS

The resentment of the country to the plan was so sweeping and so strong that it was abandoned, or at least we are told it was abandoned, and here as a substitute we have a bill which, instead of saying that the President "shall" appoint, says he "may" appoint. The President now has the discretion to appoint an additional Justice when a sitting Justice reaches the age of 75 years. Why the discretion? Is the President to be permitted to say, "In my judgment new blood is not necessary now. It is true these men are 75 years of age. It is true that there ought to be new blood; but I am satisfied. I shall make no appointments."

Understand, Mr. President, I am speaking in an impersonal manner. I am not speaking of the present occupant of the White House. I am speaking of any occupant of the White House. If the power is discretionary then it follows as the night follows the day that the occupant of the White House at some future time, if not at this time, may say, "I am satisfied with the decisions of Justice A, who is 75 years of age, and I shall not send a new nomination."

Why the difference between "shall" and "may"? When it was pointed out on the first day of the debate, the Senator from New Mexico [Mr. HATCH] immediately announced his belief that the appointment should be mandatory, and I understand now from the newspapers that the Senator from Kentucky [Mr. LOGAN] says the same thing. How does it happen that, after the lapse of all these months, the proponents of the substitute come upon the floor not knowing exactly what the bill proposes? Who is the legislative draftsman who substituted "may" for "shall"? It was not the chairman of the Judiciary Committee [Mr. ASHURST]. It was not the Senator from New Mexico [Mr. HATCH]. It was not the Senator from Kentucky [Mr. LOGAN]. It was not the Senator from Arkansas [Mr. ROBINSON] who proposed the substitute. Who substituted "may" for "shall"?

THE ACCUMULATION OF APPOINTMENTS

That is not all. The new bill provides that:

> Not more than one appointment of an additional Justice as herein authorized shall be made in any calendar year.

What is the explanation for that limitation? Obviously if new blood is necessary, if age be a crime, if, when Justices reach the age of 75 they are no longer fit to sit upon the bench, why should they not be removed and why should there be only one substitute Justice when perhaps there may be four or five who have reached the alleged age of senility? If the rule is good for one it is good for all.

Oh, but this limitation was put in for the purpose of preventing judgments of the Court from being influenced by the appointments. How simple-minded we are all supposed

to be! Of course, we cannot understand if we do not read, and if we have no one to explain the bill to us. How many Senators have read the next clause of the proposed substitute?—

Provided, That the authority to appoint for any calendar year shall not lapse by reason of the rejection of the nomination, delay in confirmation, inability to nominate during an adjournment of the Senate, or withdrawal of the nominations in a succeeding calendar year.

Who wrote that phrase? It was not the distinguished Senator from Arkansas [Mr. ROBINSON] who wrote that phrase. It was not the chairman of the Judiciary Committee [Mr. ASHURST] who wrote it, nor was it the Senator from Kentucky [Mr. LOGAN], nor was it the Senator from New Mexico [Mr. HATCH]. Why is it in the bill?

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. O'MAHONEY. For a question only.

Mr. ROBINSON. The Senator understands the justification for that provision. So many——

Mr. O'MAHONEY. Mr. President, the Senator is making a statement and not asking a question.

Mr. ROBINSON. I was going to ask a question. Does not the Senator understand the justification for that provision?

Mr. O'MAHONEY. I may say to the Senator that I am perfectly willing for the Senator to ask me at length and explain at length, and, as a matter of fact, I now ask unanimous consent that the Senator from Arkansas shall proceed with an explanation of the bill.

Mr. ROBINSON. No, Mr. President.

Mr. O'MAHONEY. The Senator objects. The Senator will take his seat because I decline to yield.

Mr. ROBINSON. Does the Senator from Wyoming desire to be fair?

Mr. O'MAHONEY. Of course I desire to be fair. I want free and open debate upon the floor of the Senate.

Mr. ROBINSON. The Senator does not wish me to make a speech in his time? The Senator knows——

Mr. O'MAHONEY. Mr. President, that is merely because of the order laid down by the Senator himself.

Mr. ROBINSON. Oh, yes; I understand. Would the Senator like to have me interrupt him and make a speech in his time and thus contribute to delay in the consideration of the bill?

Mr. O'MAHONEY. I would not care to have the Senator interrupt me and contribute to delay.

Mr. ROBINSON. Very well. I shall not interrupt the Senator.

Mr. O'MAHONEY. I would be very happy indeed to have the Senator explain his bill. He laid it before the Senate, but he has not yet explained it and I shall be very glad, indeed, to ask unanimous consent that the Senator may proceed if he desires to explain his bill.

Mr. ROBINSON. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Wyoming yield for a question?

Mr. O'MAHONEY. I yield for a question.

Mr. ROBINSON. The Senator knows, does he not, that I consumed 2 hours in an effort to explain the bill?

Mr. O'MAHONEY. In an effort to denounce those who opposed the bill which he did not explain.

Mr. ROBINSON. Does the Senator think that is a statement comporting with the RECORD?

Mr. O'MAHONEY. I do, indeed.

Mr. President, I was discussing the qualifying phrase which was added after the insertion of the phrase limiting the appointment to one Justice in a calendar year. How interesting is this phrase. Who is to determine when the exception lies?

The authority to appoint shall for any calendar year not lapse by reason of * * * delay in confirmation.

Mr. President, does the author of this bill imagine that the Senate of the United States would delay in confirming the appointment of Justices? Some suggestions have been made as to those who may be nominated to fill vacancies upon the Court. Was it in the mind of anybody who drafted this measure that the Senate of the United States might delay in confirming any person whose name has been mentioned?

And again:

Or withdrawal of the nomination in a succeeding calendar year.

Mr. President, who has the authority to withdraw an appointment? What is the situation that is presented to us as we read this clause? A nomination may be sent down at the latter part of a session. There may be delay in confirmation so that no action is taken upon the nomination in that session. A new session comes and the appointing power withdraws the nomination. Was it a mistake that "may" was put in instead of "shall", or was it put in by intention?

Mr. President, I am not so naive as to assume that the brilliant minds that drew this measure did not know what they were doing. The purpose of that phrase is to permit nominations to accumulate. That would be the result of that phrase; and if nominations accumulate, and the discretion lies in the appointing power to appoint or not to appoint, obviously appointments may be withheld until the necessity arises for changing the opinion of the Court, and then they may come in.

Mr. WHEELER. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Montana?

Mr. O'MAHONEY. For a question.

Mr. WHEELER. The effect of that would be that they would hold a club over the Supreme Court.

Mr. O'MAHONEY. Mr. President, is the Senator asking me a question?

Mr. WHEELER. I am asking a question. I say, would not the effect of that be to hold a club over the Supreme Court, and to say to them, "I have the power to appoint somebody, and if you do not render decisions that are proper I will appoint them, but I do not have to appoint them"?

Mr. O'MAHONEY. Mr. President, I do not like to use the personal pronoun; but the effect of the measure is just exactly what the Senator says, because when once this bill is placed on the statute books the members of the Supreme Court will know that the power resides in another arm of the Government to send in nominations to affect the decisions of the Court.

It may be that it was not intended to do that. I shall not impute motives to anybody. I have no desire to ascribe to any person an intention which he may not have. I sit in judgment upon no man; but under my oath as a Senator of the United States I must sit in judgment upon this measure, upon this language, upon this bill, which establishes a system for the administration of justice.

What do we mean by the word "justice"? We mean justice administered by judges who are free and independent, who are laboring under no fear of reprisal, who are laboring under no threat that their numbers may be expanded if their decisions are not satisfactory to the executive arm.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Texas for a question.

Mr. CONNALLY. Mr. President, asking a question—that is the only purpose for which I rise—let me ask the Senator if it is necessary to ascribe any motive other than to read the bill and draw one's reasonable conclusion as to what it will do and the purpose that it has in mind.

Mr. O'MAHONEY. Mr. President, one may read the bill, as I have read it, and it seems to me one can come to no other conclusion than that which I have announced as to the effect of the measure. I shall not pretend to declare what the purpose of that phrase was.

Mr. HATCH. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. I yield to my good friend the Senator from New Mexico for a question.

Mr. HATCH. Am I to understand the Senator from Wyoming to say that he can see no other purpose in that language except the one he has stated?

Mr. O'MAHONEY. No; I did not say that I could see no other purpose—oh, no! I am very willing to admit that there may be a perfectly proper purpose. I am discussing the possibility. I have said it is not necessary for me to discuss motives, and I prefer not to do so; but I must discuss the situation as it exists.

Mr. HATCH. Mr. President, will the Senator yield for one more question?

Mr. O'MAHONEY. Certainly.

Mr. HATCH. Does the Senator conceive that any President of the United States would use the language of the bill which he has read for the purpose he has just described?

Mr. O'MAHONEY. Mr. President, I remember very well the day when a President of this country permitted his Attorney General to send the emissaries of a private detective agency into the State of Montana to find something "on" the honorable Senator Thomas J. Walsh. I remember very well the time when they sent their agents scouring up and down the State of Montana in the effort to find something that would wreck the career of an honorable man; and when they were unable to do anything with the then senior Senator from Montana, I remember how they framed a case upon the man who was then the junior Senator from Montana, and is now the senior Senator from Montana [Mr. WHEELER]. Mr. President, I cannot be one to say that no man will ever again sit in the White House who will be prey to the influences which surrounded the President at that time.

Mr. HATCH. Mr. President, will the Senator yield for another question?

Mr. O'MAHONEY. Certainly.

Mr. HATCH. Knowing full well the Senator's familiarity with the history of America and of her Presidents, is it not true that it is his opinion, so stated publicly many times, that no President in the history of the country has ever sought to pack the Court or destroy the independence of the judiciary?

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. Mr. President, the Senator from New Mexico has just asked me a question.

Mr. CONNALLY. The Senator can answer them both at the same time.

Mr. O'MAHONEY. Mr. President, it has been my contention that there is no precedent for this bill; but I am also aware of the fact that many of the proponents of the measure have publicly stated that the purpose is to "unpack" the Court, as they say; and the statement has been made before the Judiciary Committee, and it was made here upon the floor just the other day, that the purpose was to secure a judiciary which would give a different interpretation of the Constitution.

Mr. HATCH. Mr. President, may I ask one more question?

Mr. O'MAHONEY. I yield for a question.

Mr. HATCH. Does not the Senator think it is our duty, as representatives in this body and as American citizens, to maintain and uphold the honor and dignity of the executive branch of our Government, just as much as it is to maintain the independence of the judicial branch of the Government?

Mr. O'MAHONEY. Why, of course I do. I agree completely with the Senator; and one of the very best ways to do that is not to pass slipshod legislation which would permit the abuse of power.

Mr. WHEELER and Mr. LEWIS addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Wyoming yield; and if so, to whom?

Mr. O'MAHONEY. I yield first to the Senator from Montana for a question.

Mr. WHEELER. Mr. President, does not the Senator know that in one of the very first radio speeches made in favor of this bill by one of the proponents of the bill it was stated that the purpose of the bill was to "unpack" the Supreme Court, giving the intimation that some other Presidents had "packed" the Court?

Mr. O'MAHONEY. Certainly; the Senator is quite right.

Mr. LEWIS. Mr. President——

Mr. O'MAHONEY. Does the Senator from Illinois rise for a question?

Mr. LEWIS. May I be permitted to ask the able Senator from Wyoming a question?

Mr. O'MAHONEY. I yield for that purpose.

Mr. LEWIS. The Senator did not mean to draw a parallel, did he, and imply that the present Attorney General of the United States would duplicate or have the manner of conduct he has described in the case of a previous Attorney General?

Mr. O'MAHONEY. Why, certainly not. I am sure the Senator from Illinois knows that I meant no such implication. I have a very high regard for the present Attorney General of the United States.

Mr. SCHWELLENBACH. Mr. President——

Mr. O'MAHONEY. I yield to the Senator from Washington for a question.

Mr. SCHWELLENBACH. Does not the Senator from Wyoming know that it was during the administration to which he referred a few minutes ago, under which, as the Senator said, certain efforts were made by the then Attorney General to do certain things to Members of this body, and during the time that Attorney General occupied the position of Attorney General, that the great and glorious American Bar Association which is so vigorously fighting this particular measure proposed that that President and that Attorney General be given the power to add two more judges to the Supreme Court of the United States?

Mr. O'MAHONEY. I think the Senator is quite right; but I hold no brief for the American Bar Association.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield for a question.

Mr. WHEELER. Does not the Senator from Wyoming know that when that proposal was put forward by the American Bar Association every liberal progressive Senator in the United States and every liberal progressive throughout the United States denounced the proposal, and was opposed to it then, and opposed to President Harding and Attorney General Daugherty doing that sort of thing?

Mr. O'MAHONEY. Mr. President, I am happy to know that. It had escaped my attention.

Let us proceed with an examination of the substitute. There are some phases of section 1 to which I shall return a little bit later. Let me go now to section 3.

Mr. WHEELER. Mr. President, may I interrupt the Senator again for a question?

Mr. O'MAHONEY. I yield for a question.

Mr. WHEELER. Does the Senator know that during the incidents which he has mentioned, when a former Attorney General sent out detectives to "get something" upon my then colleague and myself, a subcommittee was appointed by the Senate to investigate the matter, and that as a matter of fact the administration approached members of the subcommittee to get them to bring in an unfavorable report against me?

Mr. O'MAHONEY. Mr. President, I was aware of that. I was present at some of the hearings conducted by the subcommittee, and I saw some of the agents who were employed at that time by the former administration for that very reprehensible purpose.

BREAKING DOWN LOCAL ADMINISTRATION

I am referring now to section 3 of the substitute. Let us remember that the system which we are asked to establish provides, first, for this extraordinary discretionary power in the appointing authority to make or withhold appointments, this extraordinary method by which appointments may be permitted to accumulate. There is a certain amount of concentration of authority.

In section 3 is the provision that any circuit judge may be designated and assigned from time to time by the Chief Justice for general service in the circuit court of appeals, and that any district judge may be assigned and designated

from time to time by the Chief Justice for general service in any district court.

This is a proposal utterly new to our system, one which changes completely the present system of the local administration of justice. It concentrates in the hands of the Chief Justice the power to pick a circuit court justice from any part of the country and send him into any other circuit to try any particular case. It gives the Chief Justice the power to pick any district judge from any part of the country and send him into any other district of the United States to try any case, without regard to the desire of the litigants, without regard to the desire of the circuit court justice of the circuit into which he goes, without regard to the desire of the district judge into whose court he goes.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. WALSH. Does the Senator interpret this provision to mean that if a Chief Justice were so disposed he could select circuit judges and district judges who had opinions in accord with his own to decide cases coming before district and circuit courts in various parts of the country?

Mr. O'MAHONEY. Without the slightest question.

Mr. WALSH. If the Chief Justice were a creature of and subservient to a President, the President could through such a system control decisions?

Mr. O'MAHONEY. Yes; and if the Chief Justice were a creature of the corporations, the corporations would decide them. If he were a creature of concentrated wealth, concentrated wealth would decide them. If the Chief Justice of the United States were a man who had the narrow view of the Constitution of which we liberals complain—and I have always been a liberal—he would, nevertheless, under this proposal, have the authority to select his own minions and send them into any court of the land to decide questions there pending as he wanted to have them decided.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield for a question.

Mr. WHEELER. Does not the Senator know that this is the very thing my late colleague, Senator Walsh, and some of us complained about when Daugherty wanted to send judges into various parts of the country in order to get convictions in certain cases in which he desired convictions?

Mr. O'MAHONEY. Mr. President, I think the Senator is correctly stating the fact. I remember reading about that in the newspapers at the time. It was before I had the honor to be a Member of this body.

Mr. WHEELER. Does not the Senator know that Daugherty sent——

Mr. O'MAHONEY. I yield only for a question. [Laughter.]

Mr. WHEELER. Does not the Senator know that Daugherty sent a man to Texas in order to get a conviction which he desired, and wanted to send an Ohio judge to Montana when my own case came up for trial out there?

Mr. O'MAHONEY. It is just that sort of thing which would be made absolutely lawful under the pending measure. It is just that sort of thing, Mr. President, which every Member of this body ought to oppose to the last breath in his body.

I asked the clerk to bring me title 28 of the Judicial Code, in order that I might here place in the RECORD the provisions of the present law, in order that I might here show that the system under which we are operating is that of local justice locally administered.

Every lawyer who practices before a Federal court knows that when, even under the present law, a judge comes in from a different district or a different circuit to sit upon a case, one or the other of the litigants is sure to believe that the case is framed against him, because it is the spirit of the American citizen to believe in local self-government, to believe in having his cases passed upon by judges whom he knows. It is a development in the long history of the legal system under which we operate that no man is to be found guilty except upon the judgment of a jury of his peers. What does that mean? The historic meaning of that phrase is that he was to be tried by those men who knew him, by those men on whom he could depend for an absolutely honest judgment. Is it not natural for any man whose life or property is at stake in a suit before a law court to want to have upon the bench a judge whose honor and integrity he knows?

What was the objection raised by the colonists before the Revolution to the administration of justice? The king was taking prisoners from their home communities and transporting them across the sea to be tried before judges and juries of whom they knew nothing. This central administration of justice was one of the complaints raised by Thomas Jefferson and the Members of the Continental Congress against the British system. By the pending proposal, instead of transporting the defendant or the litigant, we are asked to set up a system whereby the judge may be transported, may be sent out from the central establishment.

THE PRESENT LAW ON ASSIGNMENT OF JUDGES

Section 17 of title XXVIII of the Judicial Code provides:

Whenever any district judge by reason of any disability or necessary absence from his district or the accumulation or urgency of business is unable to perform speedily the work of his district, the senior circuit judge of that circuit—

Not some other circuit——

The senior circuit judge of that circuit, or, in his absence, the circuit justice thereof, may, if in his judgment the public interest requires, designate and assign any district judge of any district court within the same judicial circuit to act as district judge in such district and to discharge all the judicial duties of a judge thereof for such time as the business of the said district court may require. Whenever it is found impracticable to designate and assign another district judge within the same judicial circuit as above provided and a certificate of the needs of any such district is presented by said senior circuit judge or said circuit justice to the Chief Justice—

Observe, Senators, that the application must be made by the senior circuit judge, or, in his absence or disability, by the circuit justice for that circuit. The power is kept within the local circuit. It is not delegated to the distant center of all authority in Washington, because it was the purpose of the framers of this law to retain local justice locally administered. We are asked to upset that program by those who bring in a bill which they will not explain, by those who threaten with all the dire punishment of the rules of the Senate any Senator who dares to rise and ask for an explanation of the measure. Here we have a revolutionary bill, proposing a new system, a system which upsets every traditional principle of our jurisprudence, and we are said to be impeding public business when we insist upon discussing it. If we did not discuss it, the fact is it would not be discussed.

I proceed with the reading:

Before any such designation or assignment is made the senior circuit judge of the circuit from which the designated or assigned judge is to be taken shall consent thereto. All designations and assignments made hereunder shall be filed in the office of the clerk and entered on the minutes of both the court from and to which a judge is designated and assigned.

In looking back upon the page, after my statement of a few moments ago, I find I missed a rather important part of the sentence.

When application is made to the Chief Justice—

He, or in his absence, the senior associate justice, may, if in his judgment the public interest so requires, designate and assign a district judge of an adjoining judicial circuit if practicable * * *.

The point here emphasized is that the greatest care was taken by Congress in drafting that law to provide, first, that in any transfer or reassignment of judges they should come first from the same circuit, and then, if for some reason it was not possible to get them in that circuit, they should be gotten from the adjoining circuit; all indicating the great concern which was being taken to provide that if possible a judge who came from the area in which the disputes arose should be selected to try all cases.

Let us now read the next section:

Each district judge designated and assigned under the provisions of section 17 of this chapter may hold separately and at the

same time a district court in the district or territory to which such judge is designated * * *.

SEC. 19. If all the circuit judges and the circuit justice are absent from the circuit, or are unable to execute the provisions of section 17 of this title, or if the district judge so designated is disabled or neglects to hold the court and transact the business for which he is designated, the clerk of the district court shall certify the fact to the Chief Justice of the United States, who may thereupon designate and appoint in the manner aforesaid the judge of any district within such circuit or within any other circuit.

And the appointment shall be transmitted to the Court.

I shall not take time to read the rest of these statutes; but they clearly demonstrate the fact that the purpose of Congress was to retain in the local courts, so far as possible, the power to control the litigation. Now, however, the Senate of the United States is asked to upset this system, and to permit the Chief Justice of the United States, without let or hindrance, to pick his own district judges and circuit judges and send them from coast to coast, from north to south, from east to west, to try the litigation of the people of America. Do you wonder that I call this a bill for the centralization of the administration of justice?

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield for a question.

Mr. WHEELER. Have any of the proponents of the bill given any reason why this revolutionary procedure should take place in this country?

Mr. O'MAHONEY. Mr. President, there has been no such explanation on this floor or before the Judiciary Committee when a similar proposal contained in the old bill was under consideration. No explanation is given by the proponents of this measure why they want to abandon local administration of justice.

Mr. WHEELER. May I interrupt by asking another question? Is it not a particularly dangerous procedure, in view of the fact that Federal district judges not only pass upon the law but likewise have the power to say to the jury, "This man is guilty", or "You should bring in a verdict in favor of the defendant", or the plaintiff, as they may see fit?

Mr. O'MAHONEY. The Senator from Montana is absolutely correct. Under the Federal procedure, this new district judge could be sent into a State like my State or the State of the Senator from Montana, where the judges who try cases are required to give their instructions only after consultation with the attorneys on both sides, and then only upon matters of law, and the Federal judge who is sent into the State could give his instructions on the facts as well as on the law.

Mr. VANDENBERG. Mr. President, will the Senator yield to me to ask a question?

Mr. O'MAHONEY. I yield.

Mr. VANDENBERG. Might not the new system which the Senator is discussing be accurately described as modern carpetbagging?

Mr. O'MAHONEY. I think the phrase of the Senator from Michigan is absolutely appropriate.

This, however, is the important fact which I now want to call to the attention of Members of the Senate: Here we have a bill which destroys your district system, your circuit system, which imposes upon the Chief Justice the power to send his minions across the country, destroying this local system; and this measure is sent to the Senate of the United States, which is supposed to be a body representative of the States of the Union!

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. I shall be very happy to yield to my distinguished friend from Vermont.

Mr. AUSTIN. May I ask the Senator from Wyoming whether he recalls the following, which occurred in the Committee on the Judiciary, which took the testimony on the original bill, namely?—

The CHAIRMAN. Any questions, Senators?

Mr. JACKSON. May I say, Mr. Chairman, that I would like to take up with you at some time a discussion of our problems in the lower courts, but I think it would be unwise to put it into this discussion at this time.

Senator KING. That will be part of your presentation?

Mr. JACKSON. I can file it with the committee.

Senator KING. I think you should come back and present it, so we may at that time have the opportunity to examine you with respect to that, as well as the statement you have made today.

I ask the Senator did Mr. Jackson ever come back with any such explanation or submit himself to cross-examination with respect to it?

Mr. O'MAHONEY. Mr. President, the distinguished and able Assistant Attorney General did not come back. He did not submit an explanation, and no one yet has made it.

Mr. WHEELER. Mr. President, will the Senator yield for just one question?

Mr. O'MAHONEY. I yield.

Mr. WHEELER. Let me ask the Senator, under this proposal as it would work out as a practical matter, whether what would happen would not be as follows: The Attorney General of the United States, whoever he might be, would go to the Chief Justice of the United States and say, "Here is the situation: We want to have a judge sent from New York down to Florida, or down to Georgia, to take the place of the present judge, when we are going to try this case."

Is that not what would happen as a practical matter? And is it not also a fact that the chances are that the judge who might be sent from New York or Chicago into my State or into Georgia would not know anything about local conditions in that particular community, or public sentiment in that community, or anything about the surrounding circumstances which might be involved in the case?

Mr. O'MAHONEY. Mr. President, it would be inevitably so.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield for a question.

Mr. BARKLEY. Is the Senator advocating that cases be tried according to the public sentiment of the community in which the issues may be joined?

Mr. O'MAHONEY. Mr. President, the Senator from Kentucky knows I am not advocating that.

Mr. BARKLEY. The Senator's answer would indicate——

Mr. O'MAHONEY. Now the Senator is not asking a question.

Mr. BARKLEY. Then I will ask one.

Mr. O'MAHONEY. Certainly.

Mr. BARKLEY. Does not the Senator know that in every State of the Union now there is some provision of law by which either the Governor of the State or the chief justice of the supreme court of the State may send regular judges on the bench from one district to another, and to distant parts of the State, for the trial of cases if the sitting judge is sick, or if his docket is crowded, or if for any other reason he is incapacitated to sit in the trial of the case; and is that not a universal rule adopted in practically all the States to clear up dockets and to prevent congestion where in any district court there is need for the services of an extra judge?

Mr. O'MAHONEY. Mr. President, the answer to the question of the Senator is that the system which we now have under the Federal statutes is altogether ample to cover that situation; and I may say that the particular situation which the Senator describes, if I am correctly informed, does not exist in the Northwestern States. Judges there are confined to their own districts.

Mr. BARKLEY. May I ask the Senator, In such States, what is the remedy when there is no judge who can transact the business of a district?

Mr. O'MAHONEY. The litigants themselves, in some cases, can bring them in.

Mr. BARKLEY. May I ask the Senator another question? Does not the Senator know that while under the present system the senior supreme court judge is authorized to transfer any district judge from his own district or from his own State into another district or State within the circuit, frequently sitting judges decline to go because there is no authority whatever that can compel them to go, and that they frequently decide whether or not they shall go, according to their own convenience, and not according to

the condition and status of the docket of the court to which they are asked to be sent?

Mr. O'MAHONEY. Oh, yes; I think the Senator is quite right about that. Moreover, there is another phase of the matter, and that is corrected in this bill, I may say, that for some years now Congress has not permitted a per diem of $10 for judges who are so assigned. But even the $10 per diem actually is not sufficient, I am told, to pay the expenses of judges who are transferred from one circuit or district to a distant circuit or district, because, particularly with respect to circuit judges, it is necessary for them to take along with them their law clerks, their secretaries, and their libraries in order properly to do their work.

However, Mr. President, while not denying that there are some conditions which might merit consideration of some modification of the provisions of law which I have read, I am calling attention to the fact that this plan brings about a consolidation of the administration of justice.

THE OBJECTION OF THOMAS JEFFERSON

Before I proceed to the discussion of other phases of this plan I wish to call the attention of Senators to the views of Thomas Jefferson. We have been told that Jefferson complained about the members of the judiciary, and he did, I think, with good reason. We are told that he spent many years of his life denouncing the members of the judiciary, and he did. But what was the reason? Why was Jefferson concerned with the rulings of the Federal judiciary when he was President of the United States? Was it because he did not believe in an independent judiciary? Not at all. It was because he did not believe in the consolidation of government.

In July 1822, writing from Monticello to William T. Berry, Jefferson repeated some of the statements he had made about the judiciary. Let me read a sentence or two to the Senate:

> We already see the power, installed for life, responsible to no authority (for impeachment is not even a scarecrow), advancing with a noiseless, steady pace to the great object of consolidation. The foundations are already deeply laid by their decisions for the annihilation of constitutional State rights, and the removal of every check and every counterpoise to the engulfing power of which themselves are to make a sovereign part.

What was Jefferson talking about? He was talking about the concentration of the administration of justice, the consolidation of all the affairs of Government, in the Federal establishment. Yet Senators come into this body urging a bill which provides for centralization and consolidation, which wipes out not only district lines and circuit lines but the lines of the States which the Members of this body represent, and attempt to quote Thomas Jefferson as an authority for their effort to revolutionize the administration of justice in the United States.

Let us proceed with the substitute which no proponent as yet has dared to rise upon the floor of the Senate and explain or defend. Under the bill there would be concentrated in the hands of the Chief Justice the power to send judges hither and yon, and it would deny to the circuit judges in the circuits to which other judges are to be sent the power to say they are not needed.

Senators will observe that section of the bill which is brought before the Senate, paragraph b of section 3, is another step in the consolidation.

THE APPOINTMENT OF THE PROCTOR

Not content with that, the authors of the substitute authorize in section 4 the appointment of a new official, the court proctor with a new salary, another agent of the ever-expanding bureaucracy centralizing in Washington. A proctor to do what? To go up and down the country and advise the Chief Justice where to make the changes, like the chief post office inspector advises the Postmaster General. When I was First Assistant Postmaster General I found that the chief inspector, from time immemorial, had been called "the eyes and ears of the Post Office Department", because he and his men went throughout the United States to examine post offices, to go on the trains, to find out how the Post Office Department was being administered locally. The eyes and ears of the Chief Justice will be the proctor, a new official. Is that justice?

Mr. WALSH. Mr. President——

Mr. O'MAHONEY. I yield to my distinguished friend from Massachusetts for a question.

Mr. WALSH. Does the bill require the proctor to be a lawyer?

Mr. O'MAHONEY. Mr. President, the bill does not require the proctor to be a lawyer.

Mr. WALSH. Does the bill specify any qualifications that the proctor should possess?

Mr. O'MAHONEY. None whatever.

Mr. WALSH. So far as the bill is concerned, then, the proctor might be a ward politician?

Mr. O'MAHONEY. He might be anybody who was selected by the Court.

Mr. BARKLEY. Mr. President, will my friend from Wyoming yield?

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Does the Senator from Wyoming yield to the Senator from Kentucky?

Mr. O'MAHONEY. I yield for a question.

Mr. BARKLEY. Does the bill or does any existing law or does the Constitution itself require that the Chief Justice of the Supreme Court shall be a lawyer?

Mr. O'MAHONEY. I think not.

Mr. BARKLEY. Or that any Justice of the Supreme Court shall be a lawyer?

Mr. O'MAHONEY. I do not think so.

Mr. BARKLEY. Therefore, he might be a ward politician?

Mr. O'MAHONEY. That might follow. [Laughter.]

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield for a question.

Mr. WHEELER. The Senator knows, does he not, that some of those who have been favoring this bill have even gone so far as to suggest that a layman be placed upon the Supreme Bench; and he knows, does he not, while the law and the Constitution do not require lawyers to be appointed upon the Supreme Court, that common sense does?

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. O'MAHONEY. The Senator from Massachusetts [Mr. WALSH], the Senator from Kentucky [Mr. BARKLEY], and the Senator from Montana, by the process of asking questions of me, are conducting a debate among themselves over a matter which I have not proposed, but I shall be very happy to have the process continued if it affords my friends any satisfaction.

Mr. BARKLEY. I merely wish to ask if the processes of common sense might not be applied to the appointment of a proctor no less than to the appointment of the Chief Justice?

Mr. O'MAHONEY. I have no doubt they would, but that has no bearing whatsoever upon the merits of the plan which I am discussing. We have here a proposed system for the centralization of the administration of justice in Washington, in a democracy devoted to the theory of local self-government.

I say, Mr. President, that there is no occasion for such a concentration of power; there is no occasion for such a consolidation. I say, on the contrary, that there is every reason for every citizen of the United States to look with dread upon this proposal.

The proctor is given the authority—

> By requisition upon the Public Printer, to have any necessary printing and binding done at the Government Printing Office, and authority is conferred upon the Public Printer to do such printing and binding.

The mails are already teeming with the vast outpourings of unnecessary and unread printed matter prepared by the innumerable agencies of the bureaucracy, and now it is proposed to give the proctor the right to call upon the Public Printer to print anything that his will may please or suggest—a blank check to be drawn upon the Treasury of the United States.

He (the proctor) shall also be allowed, in the discretion of the Chief Justice, stationery, supplies, travel expenses, equipment, necessary professional and clerical assistance, and miscellaneous expenses appropriate for performing the duties imposed by this section.

In the name of economy and a balanced Budget, how many new officials are we going to create? How many new orders are we going to give upon the Public Printer? How many new salaries are we going to pay?

"Necessary professional and clerical assistance" for the purpose of administering concentrated justice in the courts of the United States.

Now, Mr. President, I come to title II.

Mr. GEORGE. Mr. President, before the Senator reaches that, will he allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Georgia?

Mr. O'MAHONEY. I yield to the distinguished Senator from Georgia for a question. The Senator realizes that I must take the precaution to advise every Senator who rises and seeks to interrupt me, lest I not be taken from the floor under the ruling of my leader.

Mr. GEORGE. I appreciate that, and I am trying to ask a question within the rule and under the rule. May I ask the Senator if the proctor is to be permitted to visit all the courts of the United States—district courts and circuit courts?

Mr. O'MAHONEY. Oh, yes.

Mr. GEORGE. And may go into those courts without invitation from the judges who preside over them?

Mr. O'MAHONEY. It would seem so. He has the power to investigate the need for assigning district and circuit judges to other courts and to make recommendations thereon to the Chief Justice.

Mr. GEORGE. I wish to ask the Senator if his report is to be made to the Chief Justice and if his recommendations are authorized under this particular substitute bill?

Mr. O'MAHONEY. Yes. He may make his recommendations to the Chief Justice and those recommendations are authorized under this bill.

Mr. GEORGE. Am I to understand from the Senator's previous discussion that under the provisions of the substitute bill the Chief Justice may designate a district judge anywhere in the United States to sit at any place in the United States?

Mr. O'MAHONEY. Absolutely.

Mr. GEORGE. And may also transfer a judge of the circuit court of appeals from one district to another, or from one part of the United States to another, at will?

Mr. O'MAHONEY. Absolutely, without let or hindrance.

Mr. GEORGE. May I ask the Senator if that power, coupled with the power of which great complaint is often made of permitting the Government to choose the jurisdiction in which it may indict and transfer for trial citizens of the United States, will not, in his opinion, result in the complete concentration of judicial power in the Court at Washington?

Mr. O'MAHONEY. Mr. President, that is exactly the complaint I am making. It is a revolutionary bill the purport of which has not yet been recognized by the people of the United States. I say to the Senator from Georgia that if this substitute bill by any chance should ever pass and be written upon the statute books, I venture the prediction that every Senator and every Member of Congress who casts his vote for it will be driven from public office by an enraged public opinion opposed to the concentration of the administration of justice in the city of Washington.

Mr. AUSTIN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Vermont?

Mr. O'MAHONEY. I am happy to yield for a question.

Mr. AUSTIN. Is it the Senator's opinion that we inhabitants of the Green Mountains will have to raise an umbrella every time in rains in Washington? [Laughter.]

Mr. O'MAHONEY. The Senator's question answers itself.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield for a question.

Mr. WHEELER. What does the Senator think would have happened to the senior Senator from Idaho [Mr. BORAH] or to myself if this procedure had been in effect during the Daugherty administration, and they could have had a proctor and he had been sent to our State, and then a judge had been sent to Montana or to Idaho to try us because of the fact that somebody in Washington wanted to prosecute us?

Mr. O'MAHONEY. The Senator from Montana would not now be rising on the floor of the United States Senate to ask me questions. [Laughter.]

WHO KNOWS ABOUT TITLE II?

Now we come to title II. Who knows about title II? What proponent of the substitute bill wrote title II? Did the chairman of the Judiciary Committee [Mr. ASHURST], whose name is attached to it, draft title II? This is a new provision of the bill. Did the Senator from New Mexico [Mr. HATCH], whose name is attached to it, draft title II? Did the Senator from Kentucky [Mr. LOGAN] draft it? Did the eminent Senator from Arkansas [Mr. ROBINSON], who lays down the rule to shut off debate, draft title II?

The answer is "No." Has anyone explained it? The answer is "No." Mr. President, I venture to say that not one of the proponents or the sponsors of the substitute bill is willing now to rise in his place and explain it. This is a new section that comes into the Senate of the United States carrying upon its face the badge of unconstitutionality. Why do I say that? No; it carries two badges of unconstitutionality. The distinguished Members of the Senate who are asking us now to pass a new court bill, which will allow new appointments to the Supreme Court of the United States in order that we may have new interpretation of the Constitution, bring us a substitute bill containing title II, flying two pennants, two flags, of unconstitutionality.

Senators have heard of the separability clause. What is a separability clause? Every lawyer knows. It is the clause which is written into a bill when the author of the bill is doubtful of the constitutionality of the provisions he is writing. Otherwise it has no place in a bill. If the author of a measure writes into it, if any part of this bill is found unconstitutional it shall not affect the other parts, what does it mean? It means that the author believes there is some doubt about the constitutionality of the proposals he is making.

Turn then, Senators of the United States, to section 107, the last section of title II:

If any provision of this title, or the application thereof to any person or circumstances, is held invalid, the remainder of the act and the application of such provisions to other persons and other circumstances shall not be affected thereby.

Mr. AUSTIN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Vermont?

Mr. O'MAHONEY. I yield for a question.

Mr. AUSTIN. I ask the Senator from Wyoming if it is not apparent that the author of title II was so apprehensive about it that he also embodied in it the provision contained in the last sentence of section 103 of title II?

Mr. O'MAHONEY. Yes. I say it comes here under two badges of unconstitutionality. The other separability clause to which the Senator from Vermont draws attention is to be found in the last sentence of section 103:

If this section, or any provision thereof, is held invalid, the remainder of this act and the other provisions of this section shall not be affected thereby.

Why should the leadership of the Senate of the United States try to steam roller this substitute bill through until we find out why the author wrote these two separability clauses? Why should we be asked here upon the floor of the United State Senate to pass a measure which has never been submitted to the scrutiny of a committee of this body?

Mr. President, I should like to have the author of the substitute measure come before the Judiciary Committee and explain to us why he inserted these two clauses. Is not the Senate of the United States entitled to that knowledge? Are not the people of the United States entitled to know why

the unknown author of this measure was so doubtful of his brain child that he introduced these two life nets in title II?

A BILL WITHOUT AN EXPLANATION

We are asked to cast our votes without debate for a measure of this kind in a body in which the Democratic Party has 76 members out of 96. It has always been my belief that the Democratic Party was the party of free speech and free discussion. I have always been proud of my membership in a party which permitted me to stand up at any time in any place and declare my honest convictions. I have been proud of membership in a party which has always insisted upon knowing to the letter the character of legislation that any administration proposed to have enacted and to be enforced upon the people of the United States. But now, considering a revolutionary measure, we are told by the present leadership of this body that we are filibustering when we are trying to discuss the bill.

Oh, Mr. President, it was quite evident what the procedure was to be when the majority leader rose in his place and submitted the substitute, and then undertook immediately to denounce as filibusterers those who are opposed to the bill. Then the Senator from New Mexico [Mr. HATCH] rose to make his explanation of why he believed this would not result in changing decisions or packing the Court. Then the Senator from Kentucky [Mr. LOGAN] rose to make a political speech, not upon the issues of the bill, to be followed by the Senator from Indiana [Mr. MINTON], who made an attack upon the personnel of the present Supreme Court. Then without a solitary word in explanation of the provisions of the bill, they dropped the case and turned it over to us. They were intending that they should pass this substitute bill by their majority of 76 without having it discussed; but I venture to say that somebody will have to rise on this floor and explain why this substitute bill has been brought in here, and what these proposals are intended to do, before there can be any action.

Let us examine section 3. I grant you there is some very good reason for notifying the Attorney General when the constitutionality of any statute of the United States is drawn in question in litigation, so that he may have an opportunity to come into court and defend it. I know there is a good reason for preventing such abuses as that which took place in the city of Baltimore a year or so ago, when, in my opinion, there was without question a "framed" case, intended to declare the Securities and Exchange Act, or the "death sentence" law, unconstitutional. A case was prepared in which both sides represented the same interest, and a judge was selected whose opinion was pretty well known in advance in an effort to invalidate the statute. I grant you that is an abuse; it is an abuse that ought to be stopped; but is it any excuse for going to the length that we find in this bill?—

SEC. 102. Whenever any judgment, decree, or order in any suit or proceeding referred to in section 101 is based in whole or in part upon a decision that any statute of the United States is unconstitutional as therein applied, the United States, irrespective of whether or not it had previously presented evidence or argument under the provisions of section 101 shall have the same right to appeal therefrom as any party to the suit or proceeding.

Here we give to the United States the power to step into litigation between two private individuals and take an appeal whether or not the litigants are satisfied; and observe this, the last sentence of section 102:

This section shall not confer upon the United States any right of review by the Supreme Court unless a party to the suit or proceeding also takes an appeal.

Then we read in the next section, section 103:

Such appeals will lie if no appeal is taken by any party.

Section 102 says the United States may not appeal. Section 103 says the United States may appeal; and this is the substitute bill we are asked to pass by the huge majority of the Democratic Party without having it either examined by a standing committee of the Senate of the United States or explained by any of its proponents.

HOW TO PREVENT JUDICIAL USURPATION

Mr. President, there is no Member of this body, no Member of the House of Representatives, no member of the administration who is more ready to acknowledge than I that the courts have upon occasion usurped legislative power, and that usurpation ought to be brought to an end. I have repeatedly denounced it. There can be no defense of it; but I take the ground that the cure of judicial usurpation of legislative power is not executive usurpation of judicial power. The way is clear. It would be a simple matter to correct this situation. I had the privilege of introducing a constitutional amendment which would have denied to the inferior courts the right to declare laws of Congress unconstitutional; but that is not all we can do. We already have on the statute books two statutes which point the way.

Section 47 of title 28 of the United States Code provides that no ruling of the Interstate Commerce Commission may be suspended by an injunction of any district court unless three judges sit, one of whom is a circuit judge, and unless a majority of the three hold it to be subject to injunction. Is not a law of Congress of equal dignity with a ruling of the Interstate Commerce Commission? And section 380 of title 28 provides the same rule for a three-judge court to protect the constitutionality of State statutes.

How simple it would be to provide the same rule for statutes of the United States! How simple it would be to provide for a three-judge court and to avoid the plan contained in this substitute bill by which the United States may become a party to every suit that is brought anywhere in the United States in which the constitutionality of a statute is drawn in question!

Let me read some language that would do this. It could read like this:

No permanent or interlocutory injunction suspending or restraining the enforcement, operation, or execution of, or setting aside, in whole or in part, any act of Congress upon the ground that such act or any part thereof is repugnant to the Constitution of the United States shall be issued or granted by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, unless the application for the same shall be presented to a circuit judge or a district judge, and shall be heard and determined by three judges, of whom at least one shall be a circuit judge, and unless a majority of said three judges shall concur in granting such application.

When such application as aforesaid is presented to a judge, he shall immediately request of the senior circuit judge of the circuit in which said application is made assignment of two other judges to assist him in the hearing and determination of said application, and upon such request the senior circuit judge shall immediately make said assignment of two other judges. Said application shall not be heard or determined before at least 5 days' notice of the hearing has been given to the Attorney General of the United States and to such other persons as may be defendants in the suit: *Provided*, That in cases where irreparable damage would otherwise ensue to the petitioner, a majority of said three judges concurring may, on hearing, after not less than 3 days' notice to the Attorney General, allow a temporary stay or suspension, in whole or in part, of the operation of such act for not more than 60 days from the date of the order of said judges pending the application for the order or injunction, in which case the said order shall contain a specific finding, based upon evidence submitted to the judges making the order and identified by reference thereto, that such irreparable damage would result to the petitioner and specifying the nature of the damage. The said judges may, at the time of hearing such application, upon a like finding, continue the temporary stay or suspension in whole or in part until decision upon the application. The hearing upon such application for a permanent or interlocutory injunction shall be given precedence and shall be in every way expedited and be assigned for hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States within 30 days from the order granting or denying, after notice and hearing, a permanent or interlocutory injunction in such case.

Mr. President, a plan of that kind would give ample protection to the statutes of the United States. It would prevent the declaring of laws of Congress unconstitutional except in clear cases, and it would protect the people of the United States from the concentration of justice in Washington. It would protect the people from the consolidation of which I speak.

Mr. President, we have here a substitute which provides, first, for concentration of power by giving the appointing authority wholly new powers in the selection of Justices of the Supreme Court in the manner I have described; for concentration of power in the transfer of judges, both circuit and district, through all parts of the country; for additional

concentration of power through the operation of the newly established office of proctor; and, finally—the fourth phase of concentration—permission to the United States Government to intervene in every case in which the constitutionality of a law is drawn in question, and to appeal these cases, regardless of the desires or will of the litigants.

Does this consolidation have any significance for the people of the United States? I think it cannot be denied that it does. It has a tremendous significance, a significance which I venture to say is not realized in many persons in the United States. Perhaps not many in Congress or in the administration realize the great danger that confronts them.

BIG BUSINESS AND BIG GOVERNMENT

Let me revert for a moment to a discussion of recent developments—indeed, of developments over a long period of years, perhaps. I have long been of the opinion that the election of 1936, great and glorious triumph that it was for the liberal forces of America, was the culmination of a battle which had been going on in this country for almost 50 years to prevent the control of the people's government by concentrated wealth.

The people of the United States were opposed to government by big business, and that opposition is the explanation of every political movement in that last quarter of a century. The opposition of the people of the United States to the control of their Government and of their economic affairs and of their social affairs by big business was the explanation of William Jennings Bryan; it was the explanation of Woodrow Wilson; it was the explanation of Theodore Roosevelt; it was the explanation of Senator Hiram Johnson and of Senator "Bob" La Follette; it was the explanation of Senator George W. Norris; it was the explanation of that growing liberal movement springing up in both the Democratic ranks and in the Republican ranks demanding, demanding, demanding, that the Government of the people should be restored to the people and taken away from concentrated wealth.

As long as the Republican voters of the United States held the belief that their party would eventually become the spokesman of this liberal doctrine, of this opposition to control by big business, they remained within the party, but when the time came when they were convinced that the Republican Party had fallen under the control of an organization which was in the hands of big business, they left the party in droves. That was the explanation of the election of 1932 and the explanation of the election of 1936.

But remember the campaign of 1936. Every Senator upon this side of the aisle did his part in that campaign. We went out into the States, as did the distinguished Senator from Nevada (Mr. McCARRAN) who made his appearance upon this floor last Saturday in opposition to the pending bill, when he flew by airplane from one end of the country to the other to carry the message of Democracy. We went out saying there was no fear of concentrated government under this administration. We declared that there was no danger of big government taking the place of big business. There was fear in the hearts of many of the citizens of the United States, and the charge was made that big government would succeed. It was this fear that explains what votes were cast against our party, but we declared over and over again that we stood for the democratic process.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield for a question.

Mr. WALSH. The able Senator from Wyoming was a member of the committee on resolutions of the last Democratic convention. I ask the Senator if there was not in that committee a deliberate, well-thought-out intent to prevent the Democratic Party going before the country in any form or manner in criticism of the Supreme Court, or advocating any change in the courts of this country?

Mr. O'MAHONEY. Of course that was the intent of those who drafted the platform, and of those who adopted the platform.

There is no Member of this body who does not know that the great glory of the American judicial system is the independence of the courts. The independent judiciary was the greatest advance in the history of government, and it has been one of our great prides that it has been protected in the United States, and that it is the ideal of our people.

INDEPENDENT JUDICIARY ESSENTIAL

Mr. President, I suppose there is no great statesman of our country who has not at one time or another declared his belief in the independence of the courts. In the same month in which the Declaration of Independence was signed, Thomas Jefferson wrote a letter to the distinguished George Wythe, of Virginia, from which I wish to read an extract. It was dated July 1776 and reads:

> The dignity and stability of government in all its branches, the morals of the people, and every blessing of society, depends so much upon an upright and skillful administration of justice that the judicial power ought to be distinct from both the legislature and executive, and independent upon both, that so it may be a check upon both, as both should be checks upon that. The judges, therefore, should always be men of learning and experience in the laws, of exemplary morals, great patience, calmness, and attention; their minds should not be distracted with jarring interests; they should not be dependent upon any man or body of men. To these ends they should hold estates for life in their offices, or, in other words, their commissions should be during good behavior, and their salaries ascertained and established by law.
>
> For misbehavior, the grand inquest of the colony, the house of representatives, should impeach them before the Governor and council, when they should have time and opportunity to make their defense; but if convicted, should be removed from their offices and subjected to such other punishment as shall be thought proper.

Every law student who remembers his Blackstone remembers the lectures of that distinguished British jurist and his pronouncement upon this subject. I quote from Blackstone's Commentaries, volume 1, chapter 7, page 268:

> In this distinct and separate existence of the judicial power in a peculiar body of men, nominated indeed, but not removable at pleasure, by the crown, consists one main preservative of the public liberty; which cannot subsist long in any state unless the administration of common justice be in some degree separated from the legislative and also from the executive power. Were it joined with the legislative, the life, liberty, and property of the subject would be in the hands of arbitrary judges, whose decisions would be then regulated only by their own opinions, and not by any fundamental principles of law; which, though legislators may depart from, yet judges are bound to observe. Were it joined with the executive, this union might soon be an overbalance for the legislative. For which reason, by the statute of 16 Car. I., c. 10, which abolished the court of star chamber, effectual care is taken to remove all judicial power out of the hands of the King's privy council, who, as then was evident from recent instances, might soon be inclined to pronounce that for law which was most agreeable to the prince or his officers. Nothing, therefore, is more to be avoided, in a free constitution, than uniting the provinces of a judge and a minister of state.

I read, also from Kent's Commentaries on American Law, 12th edition, volume 1, pages 294 and 295:

> In monarchial governments, the independence of the judiciary is essential to guard the rights of the subject from the injustice of the crown; but in republics it is equally salutary, in protecting the constitution and laws from the encroachments and the tyranny of faction. Laws, however wholesome or necessary, are frequently the object of temporary aversion, and sometimes of popular resistance. It is requisite that the courts of justice should be able, at all times, to present a determined countenance against all licentious acts; and to deal impartially and truly, according to law, between suitors of every description, whether the cause, the question, or the party be popular or unpopular. To give them the courage and the firmness to do it, the judges ought to be confident of the security of their salaries and station. Nor is an independent judiciary less useful as a check upon the legislative power, which is sometimes disposed, from the force of party, or the temptations of interest, to make a sacrifice of constitutional rights; and it is a wise and necessary principle of our Government, as will be shown hereafter in the course of these lectures, that legislative acts are subject to the severe scrutiny and impartial interpretation of the courts of justice, who are bound to regard the Constitution as the paramount law, and the highest evidence of the will of the people.

The object of the creation of the independent judiciary—and I could quote at length from the distinguished statesmen of the past—was to preserve the individual citizen from the power of the Government. That is the purpose of the independent judiciary, to make the judges free of the exec-

utive arm so that there may be no danger of a miscarriage, so that there may be no danger that the executive arm of the Government may impose its will in decision of cases. But now we have a bill before us which tears this principle down and tends to make the judiciary the agent of the Government. Do you wonder I call it revolutionary?

Mr. President, are we free from the danger of too much government? I think perhaps that Senators who think we are, are unmindful of some of the conditions which now exist.

I hold here a part of the report of the President's committee on administrative management, the report which has been committed to the Joint Committee on Reorganization of the Government, and here on page 55 I find a table of Federal governmental corporations under Federal or State charters, the majority of whose stock owned by the United States, and no member of whose board of directors is elected by private interests, showing that there are now 93 separate Federal corporations, some of them created by law, some of them created by Executive order without knowledge of Congress, some of them organized in the District of Columbia, some of them organized in the State of Delaware, some of them organized in the State of New York, and all of them dealing with matters which are of the most fundamental interest to the plain citizens of the United States, and the Congress of the United States, the representatives of the people, exercise no authority over what they do except to appropriate funds for their support.

These corporations have done a great service. They were a necessary creation, no doubt; they were a necessary agency. Some of them were created long before this administration came into power. But they are corporations and are run by their directors or by the authority set up in the charters, and thousands and thousands and thousands of the plain citizens of the United States who have borrowed money from them, or who deal with them, whose affairs are handled by them, are vitally interested in what they do. Most of them are administered centrally from Washington.

Understand, Senators, I am not complaining about them. I am but reciting the fact that there are now 93 such corporations, handling the most important affairs of the people of this country. I am pointing out that we have the consolidation of economic power and of the Government power in Washington. We have been creating big Government, a Government so vast that it is already almost beyond conception.

Mr. KING. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I shall be glad to yield to the Senator.

Mr. KING. Does the Senator know that in 60 percent of all the litigation in the Federal courts the Government is a party on one side or the other, and that in 40 percent of all the cases in the Supreme Court the Federal Government is either the plaintiff or the defendant? Therefore the courts are indispensable, apparently, for the protection of the rights of the people.

Mr. O'MAHONEY. Mr. President, the Senator from Utah is quite right. Certainly almost 50 percent of all the litigation that comes before the Federal courts is litigation in which the Government of the United States is a party, and here we propose to concentrate the power in the Government to control that litigation and to switch the judges here and there. The humblest citizens of the country will be affected.

Mr. President, have we lost our comprehension of the importance of free principles in a republic that we are willing here to create this big Government to take the place of big business.

I shall not here undertake to read the entire list of these corporations. Some of them I say, like the regional agricultural corporations and the R. F. C., were created before the present administration came into power. The United States Government acquired its interest in the Panama Canal Railroad Co. long before the New Deal. The United States Government acquired its interest in the Alaska Railroad long before the New Deal. I am not talking about what this administration has done. I am talking about a tendency which has been discernible for a generation to concentrate power in the Government.

I know, if I know anything, that this Republic is a Republic of free men and of free women. I know, if I know anything, that the ideals of the Constitution, the anniversary of which we will celebrate on the 17th of September next, are ideals intended to protect the individual citizen from concentrated power in any form. De we not know that the tendency toward the authoritarian state is to be seen in every quarter of the globe. Are we so naive as to imagine that we are free from these influences, that they will not exert themselves here?

Mr. President, the record shows that they have asserted themselves here.

I ask unanimous consent that there may be incorporated in my remarks at this point a list of all of these corporations showing how they came into existence.

Mr. POPE. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. I shall be very glad to.

Mr. POPE. Does the Senator ask for unanimous consent to introduce that into the RECORD?

Mr. O'MAHONEY. Mr. President, I shall be very glad to read it.

Mr. POPE. I just wanted to say that I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. O'MAHONEY. I thought the Senator would withdraw his objection.

Mr. POPE. I have never raised an objection to unanimous consent to introduce anything into the RECORD or to introduce a bill.

Mr. O'MAHONEY. Mr. President, I want it noted that that was a question.

The matter referred to is as follows:

GOVERNMENT CORPORATIONS

(Source: Government Corporations and Independent Supervisory Agencies, by Herbert Emmerich in the Problems of Administrative Management published by the President's Committee on Administrative Management)

Government corporations are distinguished broadly as Federal business corporations and Federal governmental corporations. Federal business corporations are those "which are federally chartered and in which private rights are represented by stock ownership and board representation" (p. 50). There are 13,999 of these corporations, such as 5,374 national banks, 5,028 national farm-loan associations, etc. Federal governmental corporations are those which are incorporated under Federal or State charters and which are federally owned and controlled. There are 93 of these corporations, which are listed on page 55 of the study. Exhibit 3, page 56, lists the corporations under their supervisory agencies and the instances of the parent and subsidiary corporations.

The following is a list of the Federal governmental corporations with the authority for their creation, compiled from information obtained from the United States Government Manual, 1937, and from various agencies.

Regional agricultural credit corporations: The Emergency Relief and Construction Act of 1932 authorized the R. F. C. to create these corporations in any of the 12 Federal land bank districts.

Federal Farm Mortgage Corporation: Established under the authority of the Federal Farm Mortgage Corporation Act (Pub., 88, 73d Cong.).

Home Owners' Loan Corporation: Created by the Home Owners' Loan Act of 1933.

Federal Savings and Loan Insurance Corporation: Created by title IV of the National Housing Act.

Tennessee Valley Authority: Created by Public Act No. 17, Seventy-third Congress. The President, by Executive Orders Nos. 6161 and 6162 of June 8, 1933, delegated to the directors of the Authority certain powers granted to him by the act.

Reconstruction Finance Corporation: Established by Public Act No. 2, Seventy-second Congress.

R. F. C. Mortgage Co.: Public Act No. 1, Seventy-fourth Congress, authorizes the R. F. C., with the approval of the President, to "subscribe for or make loans upon the nonassessable stock of any class of any national mortgage association organized under title III of the National Housing Act and of any mortgage loan company, trust company, savings and loan association, or other similar financial institution * * *." Pursuant to this authority, the R. F. C. has subscribed to $10,000,000 of the capital stock of the R. F. C. Mortgage Co., which was organized under the laws of Maryland on March 14, 1935.

Commodity Credit Corporation: Created under laws of Delaware October 17, 1933, pursuant to Executive Order 6340 of October 16, 1933. Section 7 of Public Act No. 1, Seventy-fourth Congress, ratifies the organization of the Commodity Credit Corporation.

Electric Home and Farm Authority: Incorporated under the laws of the District of Columbia August 1, 1935, to succeed Electric Home and Farm Authority, Inc., a corporation organized under the laws of Delaware January 17, 1934, pursuant to Executive Order 6514, issued under authority of the act of June 16, 1933. Executive Order 7139, August 12, 1935, designated the Authority as an agency of the United States. Public, 484, Seventy-fourth Congress; Public, 2, Seventy-fifth Congress, authorized the continuance of the Authority as an agency of the United States.

Export-Import Bank of Washington: Organized as a District of Columbia banking corporation by Executive Order 6581 February 2, 1934, pursuant to Public, No. 67, Seventy-third Congress.

Federal Deposit Insurance Corporation: Organized under the Banking Act of 1933, Public, No. 66, Seventy-third Congress.

Federal Prison Industries, Inc.: Created by Executive Order 6917, December 11, 1934, under authority of Public, No. 461, Seventy-third Congress.

Federal Surplus Commodities Corporation: Formed as the Federal Surplus Relief Corporation under laws of Delaware October 4, 1933. Name changed to Federal Surplus Commodities Corporation at meeting of the board of directors November 18, 1935.

National Academy of Sciences: Established by an act approved by President Lincoln March 3, 1863.

United States Housing Corporation: Established by Executive Order 2889 June 18, 1918, pursuant to the authority of the act of May 16, 1918.

Panama Railroad Co.: Purchased pursuant to the act of June 28, 1902.

Inland Waterways Corporation: Incorporated under the authority of the act of June 3, 1924.

War Finance Corporation: Created by act of April 5, 1918.

Warrior River Terminal Co.: Purchased by the Inland Waterways Corporation in 1926 under the authority of the act of June 3, 1924.

United States Shipping Board Merchant Fleet Corporation: The United States Shipping Board Emergency Fleet Corporation was created by the United States Shipping Board under the authority of the act of September 7, 1916. The name was changed to the United States Shipping Board Merchant Fleet Corporation by the act of February 11, 1927. The functions of the Corporation were transferred to the Commerce Department by the Executive order of June 10, 1933, and subsequently to the Maritime Commission by the act of June 29, 1936.

Rural Rehabilitation Corporations: Grants for rural rehabilitation were made to governors of States pursuant to the Federal Emergency Relief Act of 1933 and the Emergency Relief Appropriation Act of 1935 on the condition that corporations in the States would be formed. After the Resettlement Administration was created in 1935 it became the managing agency of the corporations, a majority of which are now dormant.

Federal Subsistence Homestead Corporations: Executive Order No. 6209, July 21, 1933, pursuant to section 208 of the National Industrial Recovery Act, designated the Secretary of the Interior as the agency for administering the fund provided. By an administrative order of the Secretary, a Delaware corporation was created which in turn became the parent of corporations organized for the individual projects. After January 1934 the activities of the corporations were gradually absorbed into the regular Federal operation so that now the corporations are dormant.

Public Works Emergency Housing Corporation: Incorporated under the laws of Delaware pursuant to Executive Order No. 6470, November 29, 1933. The corporation never functioned and was dissolved by declaration of the incorporators. No stock was ever issued.

Alaska Railroad: Authorized under the acts of August 24, 1912, and March 12, 1914.

Virgin Islands Co.: Incorporated under a charter granted by the Colonial Council, April 9, 1934. Under the authority of title II of the National Industrial Recovery Act $1,000,000 was granted to the company.

Tennessee Valley Associated Cooperatives, Inc.: Incorporated under the laws of Tennessee through the authority granted by the Federal Emergency Relief Act of 1933.

Public Works Emergency Leasing Corporation: Incorporated under the authority granted by section 203 (a) (3) of the National Industrial Recovery Act. The corporation has been dissolved.

THE ARGUMENT OF THE PROPONENTS

Mr. O'MAHONEY. Mr. President, before I take my seat I want to make a brief allusion to the argument which has been made to date. Of what does it consist? First, the courts have usurped legislative power. That is the burden of the talk.

Second, other administrations have packed the Court before, and therefore we may do it.

Let us now examine these arguments. The courts have usurped legislative power; therefore let us pass this substitute. Wherein does this substitute prevent the usurpation of legislative power? The appointing authority can have no contract with any judge whose nomination is sent down here that he will hold in a particular case in a particular way. When a justice is appointed, when his name has been sent to the Senate, and his nomination has been confirmed, and he goes upon the bench, he may decide any way he chooses. No court could probably stay packed very long.

I remember very well the story that was told during the hearing on the original bill before the Judiciary Committee about the appointment of Justice Oliver Wendell Holmes to the Supreme Court of the United States. His name was submitted to the President, Theodore Roosevelt, by the distinguished Senator from Massachusetts, the grandfather of the present junior Senator from Massachusetts who sits upon the other side—Henry Cabot Lodge. I am told there is a letter in existence from Theodore Roosevelt to Senator Lodge saying that he wanted to be sure that Justice Holmes' mind went along with his, so Justice Holmes was invited to the White House. He spent a night or two there, and he received his nomination, and went on the Supreme Court. The great President was engaged upon his campaign of trust "busting", and the Northern Securities case arose. Mr. Justice Holmes sat upon the case and wrote a dissenting opinion against the Government. He decided exactly contrary to the manner in which the President who appointed him thought he should have decided. Then some person, speaking to Theodore Roosevelt, asked, "What do you think of Justice Holmes now?" Mr. Roosevelt replied, "I could whittle a better Justice out of a carrot." [Laughter.]

There can be no contract with any justice that he will hold any particular way or that his interpretation of the Constitution will be the interpretation that is desired. Mr. President, is it not obvious that the only way to prevent the Justices of the Supreme Court overruling acts of Congress is by a constitutional amendment to withdraw the power from them or to limit the power?

Mr. BORAH. Mr. President——

Mr. O'MAHONEY. I yield to the Senator from Idaho for a question.

Mr. BORAH. Does the Senator recall that in the noted case of McCulloch against Maryland and the case of Cohens against Virginia a majority of the Court at that time, which was composed of members appointed by Jefferson and Madison, rendered an opinion in harmony with the views of Marshall, although they were appointed by Presidents who held the very reverse of those views?

Mr. O'MAHONEY. The Senator from Idaho is quite accurate. The facts he cites emphasize the point I am endeavoring to make, which is simply that the bill presented to us would not necessarily accomplish the purpose for which it is presented or, at least, not for long. Why, then, should we go further with it?

Then, Mr. President, there is the argument that others have packed the Court; others have sinned; therefore we have the right to sin. What sort of an argument is that? What sort of reasoning is that on which to present to the American people a revolutionary change in our administration of justice, that others have committed this wrong?

Senators say that Jefferson attacked the judiciary, and he did; there can be no question of that. I wish to call the attention of the Senate before I close to an instance in the history of Jefferson's fight upon the judiciary. The distinguished Senator from Pennsylvania [Mr. GUFFEY] spoke about Justice Chase and his impeachment. When that reference was made my mind went back to the circumstances which existed at that time. The impeachment of Chase was provoked by a long series of what I regard outrageous offenses, outrageous infractions of the decorum which ought to clothe the Bench.

Justice Chase, while still a member of the Supreme Court, was openly engaged in electioneering against Jefferson, and even after the election he continued his political activities; and when the grand jury was assembled in Baltimore, in giving a charge to the grand jury, he delivered what amounted to a political harangue denouncing the Government. His conduct was outrageous. The President had great provocation. He and his friends believed that such a Justice should not sit upon the bench, and I believe they were right. So they undertook to remove him by impeachment. The trial took place in the Senate Chamber in a

Senate composed of 34 Members, every one of whom participated in the vote, and only 9 of the 34 Members were Federalists. In other words, Jefferson in 1805 had a majority in the Senate of the United States comparable to the majority which the Democratic Party now has in this body. There was provocation, there was reason, and the charges were brought. What happened? By a Senate in which there were 25 Jeffersonians and only 9 Federalists, Justice Chase was acquitted. On some of the charges there was a unanimous vote of acquittal on the part of the 34 Senators, and on only one of the eight charges were there so many as 19 votes cast for conviction. The Jeffersonian Senate acquitted the Justice. Let me say to my distinguished friend the Senator from Nevada [Mr. McCARRAN] and my distinguished friend the senior Senator from Indiana [Mr. VAN NUYS], and to any other Democratic Senators who will be up for reelection in 1938, that the record shows that of the six men who voted against their President on the most serious charge in the impeachment proceedings, John Smith, of New York, came back; Stephen R. Bradley, of Vermont, came back; and John Gaillard, of South Carolina, came back and remained a Member of the Senate for more than 20 years after that vote was cast.

The Jeffersonian Senate of 1805 believed in the independence of the judiciary; the Jeffersonian Senate of 1805 believed, in the face of great provocation, that the way to correct abuses in the judiciary is not to pull the judiciary down but to build it up. So they acquitted Justice Chase; and, Mr. President, I make the prediction that this bill will never pass by the votes of Democrats.

Mr. BAILEY obtained the floor.

Mr. GERRY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Johnson, Colo.	Pittman
Andrews	Connally	King	Pope
Ashurst	Copeland	La Follette	Radcliffe
Austin	Davis	Lee	Reynolds
Bailey	Dieterich	Lewis	Robinson
Bankhead	Donahey	Lodge	Russell
Barkley	Duffy	Logan	Schwartz
Berry	Ellender	Lonergan	Schwellenbach
Bilbo	Frazier	Lundeen	Sheppard
Black	George	McAdoo	Shipstead
Bone	Gerry	McCarran	Smith
Borah	Gibson	McGill	Steiwer
Bridges	Gillette	McKellar	Thomas, Utah
Brown, Mich.	Green	McNary	Townsend
Brown, N. H.	Guffey	Maloney	Truman
Bulkley	Hale	Minton	Tydings
Bulow	Harrison	Moore	Vandenberg
Burke	Hatch	Murray	Van Nuys
Byrd	Herring	Neely	Wagner
Byrnes	Hitchcock	Nye	Walsh
Capper	Holt	O'Mahoney	Wheeler
Caraway	Hughes	Overton	White
Chavez	Johnson, Calif.	Pepper	

The PRESIDING OFFICER. Ninety-one Senators have answered to their names. A quorum is present.

LUCILLE M'CLURE

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 707) for the relief of Lucille McClure.

Mr. BAILEY. I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BAILEY, Mr. LOGAN, and Mr. WHITE conferees on the part of the Senate.

REORGANIZATION OF FEDERAL JUDICIARY

The Senate resumed consideration of the bill (S. 1392) to reorganize the judicial branch of the Government.

Mr. BAILEY. Mr. President, I would not wish to begin without offering profound thanks to the distinguished senior Senator from Wyoming [Mr. O'MAHONEY] for his remarkably powerful and eloquent exposition of the amendment in the nature of a substitute now before us. I believe all Senators, and I would venture to believe that all Americans, join me in an expression of appreciation and gratitude to him for his searching exposition of the proposed legislation, for an exposition so clear and, I regret to say, so new, and yet at the same time so absolutely true.

There must be from this time forward new thinking on the substitute. Probably the Senator from Wyoming has served the purpose of a committee hearing. At any rate we know now the character of the legislation, and we owe it to him that we know it. The deep damnation of it all stands before us, stands before the American people, and welcomes, or at any rate invites, the same condemnation that was bestowed by millions of our fellow citizens upon the original bill.

I am very grateful to the Senator from Wyoming. I honor him. I am cheered by the thought that notwithstanding there may come times of perplexity and confusion, occasions in our land have never failed to produce men who were equal to them. I think the Senator from Wyoming gave indubitable proof of that in the amazing address which he has just delivered.

THE GRAVITY OF THE ISSUE

Mr. President, in the matter of the proposed legislation we are concerned with the highest aspects of our Government. We are dealing with one of the three branches of the structure of our Republic among which all its powers and functions are distributed. We are dealing with the judicial branch. We are dealing with the source of justice to the individual and in the national life. We are dealing with the means of determining the meaning of the Constitution which is a covenant made, not by the Congress, but by the people, the bond of the Union, the source of the national existence.

We are dealing with the powers of the Congress, with the powers of the States, with the rights of the people, and we are dealing with the indispensable means of the maintenance of those rights. We are dealing with the meaning of due process of law that underlies the liberties of man. We are dealing with the taxing power which is the power to destroy. We are dealing with the significance of the general-welfare clause. In dealing with this legislation, my fellow Senators, we are dealing with the soul of the American Republic.

We are dealing with an institution, the judicial system, at the head of which stands the Supreme Court of the United States. We are dealing with the only means of justice to a great and numerous people whose greatest interest is justice; and justice, we must bear in mind, is the highest function of government and the most essential to the existence of government.

We are dealing with the institution which has been now, for nearly a century and a half, the pride and glory of America, which has served throughout 15 decades with marked acceptation, which has commanded the respect and confidence of all good citizens here, and has won the admiration of the enlightened in all the nations of the earth as a special contribution to the victorious progress of mankind.

We are dealing with that branch of our Government which is most helpless, which is indeed utterly helpless, the relation of which to the national life is at once of the utmost importance and the utmost delicacy. It is ours to destroy if we will. It is ours to preserve if we will. We will either exalt it now or we will bring it low.

I have said that the judicial branch of the Government is utterly helpless. The President has power, great power, and the present President has greater power than any of his predecessors. Congress still has great power. But our courts have no power other than the power of justice and a great people's confidence. Our courts cannot even defend themselves.

They cannot even speak for themselves. They have no means to repel attack. I know of no better statement on this subject than that of the Court itself in the notable case of *United States* v. *Lee* (106 U. S. 196):

> While by the Constitution the judicial department is recognized as one of the three great branches among which all the powers

and functions of the Government are distributed, it is inherently the weakest of them all. Dependent as its courts are for the enforcement of their judgments upon officers appointed by the Executive, and removable at his pleasure, with no patronage and no control of the purse or the sword, their power and influence rests solely upon the public sense of the necessity for the existence of a tribunal to which all may appeal for the assertion and protection of rights guaranteed by the Constitution and by the laws of the land, and on the confidence reposed in the soundness of their decisions and the purity of their motives. From such a tribunal no well-founded fear can be entertained of injustice to the Government or of a purpose to obstruct or diminish its just authority.

These considerations have been submitted at the beginning because they have moved me to say that never before has the Congress had to deal so seriously with matters of such high import and such grave consequence; and if ever we are to summon power from unseen sources to rise to our best, to bring out the noblest within ourselves, now is the occasion. If there are times when men rise above themselves, surely this occasion must be one of them. In dealing with a matter so high we must reject low impulses, bitter feelings, harsh judgments, ordinary considerations, selfish motives. We must spurn appeals to prejudice. We must rise to the heights upon which justice dwells.

And in dealing with our own power, its source and extent, we must be faithful to our trust and not abuse it. In this proposed legislation we are dealing with the terms and the limitations of our own power, and we are dealing under a great trust.

In dealing with justice, we must be just.

JUSTICE OF THE HIGHEST IMPORT

Coming down Pennsylvania Avenue from the place of my residence to this Chamber morning after morning, I pass by a new building, and never fail to read the inscription thereon. It is on the face of the new building of the Department of Justice, and the inscription reads:

The place of justice is a hallowed place.

The place of justice is a holy place; and I am saying that, my fellow Senators, because so often lately I hear men say that there is nothing sacred about the Constitution; there is nothing sacred about our courts. But if that inscription, placed there by the authority of the United States, is true, and if that inscription is worthy to be there, it should remind not only the passer-by but the Senator as well, President and Attorney General, mighty power and humble litigant, that there are holy things in the national life—and that the place of justice is one of them.

When we lay our hands upon the sources of justice, when we deal with the institutions out of which, by the evolution of the race and under the guidance of a kindly Providence, a system has been established from which we expect justice to come, let us remember that our Government itself reminds its citizens on the face of the great Department of Justice building, as they go by the door down the street on business or as they go within its portals to deal with those who minister there, that "the place of justice is a hallowed place."

You and I, my fellow Senators, in this great debate and in the matter of this legislation, are dealing with hallowed things, with holy things—not only with the meaning of the Constitution, not only with the organization of the courts, but with the rights of citizens against their Government, with the fountain springs out of which the lifeblood of the Government flows; for the lifeblood of your Government is not wisdom, and it is not reason, and it is not politics, and it is not money, and it is not taxes.

The life-blood of the Republic is the justice that flows through its processes, and by means of its courts, out into the relationship and the life of those who dwell under its ægis.

Wisdom may come of men, and reason may come by way of learning and of training, but righteousness and justice are the gift of God. Questions of policy may be resolved by the brain of men, and those who attack a government may be repelled by armed force, but those who seek justice must be mindful that justice is the endowment of the good God to His chosen and noblest creatures.

So, Mr. President, I approach this subject with a great sense of awe and a deep sense of humility, and I sometimes think with a too terrible earnestness, but before I shall have finished, today and tomorrow, I hope I shall be able to show, and without offense at least to you who hear me, why I am so terribly in earnest in the matter of the pending legislation.

THE SUBSTITUTE IS NO COMPROMISE

It becomes me first in the discussion to speak briefly of the difference between the pending substitute and the original bill.

As I said just now, I am grateful to the senior Senator from Wyoming [Mr. O'MAHONEY] for his magnificent exposition of the substitute. It relieves me of the necessity of discussing it at length, but I am going to undertake to maintain very briefly one proposition concerning the two measures. They are the same in principle. They are the same in consequence. They are the same in degree. The substitute does not constitute a compromise.

What is the principle? The principle is the principle of enabling half of the Government, or the political two-thirds, Congress and the President, to add Justices to the Supreme Court, in the instance of the Supreme Court, and the judges to the lower courts, not in aid of the courts, confessedly not in aid of the courts, not because judges are old, not because dockets are congested, but to add them in order to affect judicial determination. My statement will not be gainsaid with respect to either point. That is the principle.

Now let us look at the consequence. It is said that to do it in the little way and year by year will not be such a grave matter. Commit murder on that theory, by slow poison or swift assassination, and see how quickly you get electrocuted. The consequence is the consequence of erecting the political power over the judicial. The consequence is the consequence of using powers which we technically have to accomplish things which the Constitution forbids our doing. Senators cannot avoid that; they cannot escape that. The American people know that. Pretext hides nothing; pretext deceives no one now. If I thought there were a man in the United States who did not understand this, I would be willing to prolong the debate until he did. All that would be necessary would be for him to hear such a speech as was made in here this afternoon by the senior Senator from Wyoming [Mr. O'MAHONEY].

I shall go into all the consequences in the course of my argument; but I wish now to come to the degrees. Now hear me. What is the background of the original proposal? Why were six Judges called for in the original bill? Simply because 6 and 3 make 9; that is all. The theory of the original proposal was that there were three Justices on the Supreme Bench who were satisfactory. I need not call their names. In the debate here the names have been called over and over again. One of them—and I honor him—is 80 years of age. He is satisfactory. His dissenting opinions are pleasing to gentlemen. Six and three make nine, and the theory behind the original bill was, "We will get the 6 in addition to the 3, and have 15 Judges, and 9 Judges are 60 percent of 15, and that is the control of the Court." It is as simple as that.

Now we come to the pending substitute. There is one vacancy and the substitute was drawn since that vacancy occurred. That is one Justice to be appointed. If the bill passes, an additional Judge may be appointed for this year. That is two. An additional Judge may be appointed in January 1938, less than 6 months off. That is three. Three and three make six, and the total number of Judges is 10, and 6 is 60 percent of 10. Control again, in the same ratio, in the same percentage. I said there was no difference in degree. Each measure contemplates 60 percent of the Supreme Court.

The consequence is the same, the principle is the same, the objective is the same, the degree is the same. I am not impugning the motives of anyone; I am not reflecting upon anyone. It may all have been a strange coincidence; and there are strange coincidences, as those who happen to go to the movies and see the "Believe it or not" pictures understand. Believe it or not, the pending substitute provides the

same control over the Supreme Court the original bill provided, 60 percent of the Judges at no distant date but within 6 months.

I do not think I will at this time take the time to go into the other features, except for just a moment to refer to the lower courts. In that respect the bills are alike, except the substitute provides for 20 judges instead of 50. They both provide that without any special reason, and upon the will of the Chief Justice, whoever he might be, a judge in Maine could be assigned to try a case in North Carolina, far from his people, and go back to Maine and settle the case at his pleasure outside of the term. I, being a defendant in an action in a Federal court, could not have a judge who knew me or whom I knew, could not have a judge who ever breathed the air of my State, but there could be a judge upon whom the hand of the Government had been laid to try a Government case, requiring me, an American citizen, to submit myself to a court like that. The Government would select its judges. The proponents of the bill thought so much of that provision that they put it into the substitute.

Again I say I am not impugning motives; I am stating facts. I have but one conclusion to make about it; the amendment in the nature of a substitute is not a compromise. You may call it anything else you please, it has every vice of the original bill and would lead to every consequence that would follow the original bill. If the original bill, as I think, would have destroyed the American people's respect for their system of justice, the substitute will do no less.

WE CANNOT COMPROMISE PRINCIPLE

I have something to say about the matter of compromise. Even if it were a compromise, even if it were a compromise to accomplish slowly what was first undertaken to be accomplished at once, it must be said honorable men can make no compromise of a principle. Compromise of a principle is a betrayal of the principle.

So far as I am concerned, no compromise can be accepted that is tainted with any implication of congressional or Presidential or special control of the judiciary or its determinations. We will accept no compromise that does not leave the courts of our land as independent as they are at this moment, as independent as they have been these 150 years of respect, of honor, and of glory. I am not going into all this talk about filibuster. I must express a profound regret that at the outset, while the proponents of the bill had the floor, not we, the Senate was adjusted to the situation of a filibuster, and debate limited even before we were heard and before the bill had ever been exposed to the people or to the Senate. That is all right; that may be within the rules; that may be the new way in America and the new way in the Senate. It speaks for itself, and it charts our course.

We are here, Mr. President, and we are going to be heard, and we are going to prolong the debate until the American people understand what is on foot and the reason why we stand as we do stand. If that takes all summer, we may take the motto of Ulysses Grant and "fight it out on this line if it takes all summer." We intend that the truth shall be told and that the American people shall be informed.

Mr. President, I am now going to take up my argument by way of a number of contentions which I shall undertake to support by facts and by reason.

THE PURPOSE OF THE LEGISLATION

We contend, first, that the purpose and effect of the proposed legislation is to affirm and exert the power of the legislative and executive branches of the Government of our Republic to control the judicial branch with the view to shaping judicial determinations.

That is the contention. I intend to argue it on the facts. I leave the determination to you. Is it true or is it not? In the first place, is it denied? I have heard in the debate here a sort of a half-and-half denial; sometimes a little talk about aged Justices, but always winding up with criticism of the Court; sometimes a little talk about men needing assistance, but always by way of intimating that we need to validate legislation.

I know how the legislation started. You do also. The President's message put the legislation on the basis of congested dockets and aged Justices. Could he maintain it—even the President—could he maintain his proposition? He did not. To be sure, he would have maintained it if he could have done so; but in that very message he said that if you will follow the outlines and carry out the purposes of this bill you will make it unnecessary to amend the Constitution. Here are the words:

If these measures [recommended] achieve their aim—

That is the aim. If a bullet placed in a rifle strikes the bull's-eye, "we may be relieved of the necessity of considering any fundamental changes in the powers of the courts or the Constitution." So that was the aim—to be relieved of the necessity of considering any changes in the fundamental power of either Court or Constitution.

But, of course, that is not by any means the whole story. We are all familiar with the evidence. I do not have to refer to the documents. We know that the President was misled by someone—we do not know by whom, and we do not criticize him on that account—when he was informed that the Court was behind in its work and in need of assistance. But all that was refuted at once by the report of the Attorney General of the United States filed just a year ago. The Court was current with its work. The Court was up with its work.

In his message of February 5 the President stated his aim. In his message of January 6 he made the suggestion of accommodating the Court to what he conceived to be the needs of the time. Agree that he may have been right, that there were different needs. I am not driving at that. I am saying that the purpose of the bill was to accommodate the Court to the President's conceptions and purposes, and that that is wrong.

Then on March 4 came the Victory Dinner speech, which I have here. I should like to go through just a little of the speech, printed in the Appendix of the CONGRESSIONAL RECORD on page 422. The President, speaking to his party in behalf of this legislation, used these words:

For as yet there is no definite assurance that the three-horse team of the American system of Government will pull together.

Senators, get the picture. The Court has to pull his way and the way of the Congress. That is the idea. When, before, did courts get to pulling? Courts find the truth. Courts declare the law. Nobody rides in a buggy behind the courts. Courts are not hitched up. Courts heretofore have been free and independent. Here is a three-horse team with the Court all hitched up, but the Court is not pulling.

If three well-matched horses are put to the task of plowing up a field where the going is heavy, and the team of three pull as one, the field will be plowed.

I think that is true.

If one horse lies down in the traces or plunges off in another direction, the field will not be plowed.

That is true also. But here is another thing: The Supreme Court is a court. It is not anything like a horse. There is no analogy between a court and a horse. It is an illustration which does not illustrate the case, but it illustrates the conception here. The conception here is that we ought to have a Court which will construe the Constitution and pull the way the other two horses are pulling. You can call the Congress a horse if you want to, and you can call the Executive a horse if you want to. Now, the Court has to pull the way they want it to pull, and if we want power, they have to give us the power. Remember to what all this is addressed. It is addressed to the proof of my statement that the purpose of this legislation is to control and direct the judiciary of the United States.

Again:

Furthermore, court injunctions have paralyzed the machinery which we created by the National Labor Relations Act to settle great disputes raging in the industrial field, and, indeed, to prevent them from ever arising. We hope that this act may yet escape final condemnation in the highest Court. But so far the attitude and language of the courts in relation to many other laws

have made the legality of this act also uncertain and have encouraged corporations to defy rather than obey it.

Very well; you can make your criticisms of the Court, to be sure. It is a free country, free to the humblest as well as to the greatest. But when complaining in the matter of injunction, we are dealing with the equitable jurisdiction of the courts, and in the absence of assurance of wrong or of arbitrariness or willfulness it becomes you and me to reach no conclusion.

We are not going to deny injunctive relief in America. It is the only remedy whereby a citizen, whether great or small, prevents his Government or his fellow men from doing him an irreparable injury. If you take away the injunctive relief, or you affect it adversely to the great, you will affect it adversely to the small. So I am saying that if there is abuse there, there is a remedy by way of impeachment, and there is no other remedy. You cannot undertake by legislation or Presidential appointment to change the character of the judiciary in order to affect the administration of injunctive relief in equity.

I could read on:

> But I defy anyone to read the opinions concerning A. A. A., the Railroad Retirement Act, the National Recovery Act, the Guffey Coal Act, and the New York minimum-wage law, and tell us exactly what, if anything, we can do for the industrial worker in this session of Congress with any reasonable certainty that what we do will not be nullified as unconstitutional.

What is the idea? The President wants a Court that will make legislation to be proposed by him constitutional. I am saying that that discloses the purpose of the proposed legislation. It is a purpose to effect judicial determination, and I am saying that the Congress has no power to do that.

I quote further from the President's address:

> As Chief Executive and as head of the Democratic Party, I am unwilling to take those risks—to the country and to the party—of postponing one moment beyond absolute necessity the time when we can free from legal doubt those policies which offer a progressive solution of our problems.

That is the idea. He wants a Court that will "free from legal doubt" the policies which he espouses. Grant that the policies are good, grant that they ought to be enacted into law, grant that they ought to be constitutional, I deny the power of Congress or the President to create—I deny the righteousness of the effort to create—additional judges or change the judicial system in order to free prospective legislation from "legal doubt." If there is a legal doubt under the Constitution there is a way by which to resolve it, and that is by "a clarifying amendment" duly submitted to the people from whom the powers of the Congress and the President come, and without whose consent they cannot get additional power. This was the promise in our platform.

Mr. President, I could go on at great length along this line. I have before me the other speech delivered by the President over the radio in which there is great complaint about judicial opinions, but I do not think I have to go into that. We are all perfectly familiar with it. The whole complaint was not of the Court being behind in its work, not of the docket of the Court being congested, not of the judges being old; oh, no; all through that address to the American people was the complaint about judicial decisions and a desire for a different character of judicial decisions.

Is that all? Mr. President, the Attorney General went first to the radio and then came before the Committee on the Judiciary. He did not hesitate to argue that the justification of the bill was the necessity for a new type of mind on the Supreme Court of the United States. He did not like the opinions of the Court, and, therefore, he would change the Justices. That is what he says of the bill. And the Assistant Attorney General, Mr. Jackson—and I call him by name because there are several assistants—came before the committee and argued that because Congress was responsible for the organization and the maintenance of the judiciary, it was also responsible for its judicial determinations. A monstrous proposition! That is in the record, too.

Then the other Assistant Attorney General who has been the chief lobbyist around the Capitol to my certain knowledge from the outset was heard by the Senator from Montana in a debate to say that what we want is Judges whom we can trust. Nobody in America is distrusting the Judges on the Bench. We know they are men of character.

There is not one of us but would leave our children and our State to their care and keeping. That is not what the Assistant Attorney General was talking about. He meant to say that he and those working with him in the lobby to support this pending legislation and get it through wanted it put through in order that they might have on the Bench Justices whom they could trust to do their will and hold their acts constitutional. That is the situation and the proponents of the bill cannot get rid of it.

Senators here have argued to the same effect. I am going to come to that before I take my seat, but I have one piece of conclusive and overwhelming evidence. I think what I have stated is sufficient, but I have been astonished, Mr. President, that the President and some Senators have argued that the Democratic platform demanded a change in the Court in order to change its decisions. That is their interpretation of the platform. When we said the platform called for a constitutional amendment, they said, "Oh, no; the platform says that if we cannot get the legislation we desire validated as constitutional by legislative act, then we will submit an amendment." They want a legislative act to amend and change the character and constitution and decisions of the Court. That is their position with respect to the Democratic platform. That is what they say it means.

So I have proved my case, and all I would have to do before a jury of the proponents of this bill to prove that its purpose is to shape the Court in order to determine judicial decisions would be to read the platform, and let them interpret it according to the interpretation which they have given here.

Mr. President, if I have satisfied you that that is the purpose of the bill—and I do not think it can be gainsaid—I may be allowed to proceed to another contention.

I sum up by saying that in the months that have elapsed since the 5th day of February, when this matter came first before us, age, inadequacy, and tenacity of office, and congested dockets have disappeared like the figments of a dream. They do not now have the status even of pretext, and we all know, as the people of America know, that the object of this proposed legislation is to shape the judiciary in order to determine the judgments of courts. Concerning individuals? Yes; remember the reference to injunctions. Concerning the Constitution? Yes. Concerning the power of the President? Yes. Concerning the power of Congress? Yes. Concerning the rights of the States? Yes. All of those questions are involved.

The background of the legislation is complaint and attack upon the Court and its decisions.

OPPOSED TO THE CONSTITUTION

Very well. Then, if I have shown that this is the purpose of the proposed legislation, our second contention is that a proposal having such a purpose is beyond the constitutional power of the Congress or the President, or both together. It is beyond our constitutional power to legislate with the motive of shaping the courts, for the purpose of interpreting the Constitution to suit the President or Congress; and if this bill should pass, and I had to go before the Court, I do not think there would be serious question of showing its unconstitutionality on the basis of the exhibits that are in the record. I would read the message of the President sending down the draft of the legislation in which he said its aim was to eliminate the necessity for an amendment to the Constitution concerning the power of the Court or the Congress. I would read his speech of March 4, in which he said the necessity exists for this legislation, because we must have judges and we must have courts that will validate the acts which we have in mind.

I would read into the record the statement of the Attorney General and the statement of Mr. Jackson, the Assistant

Attorney General; I would read the platform of the Democratic Party; I would read the interpretation of that platform given by the President and the interpretation of it given by the Senator from Kentucky; and I think I would have no difficulty in showing the Court that the purpose of the legislation was not to aid the Court, was not to perform a function of the Congress, but the purpose was to shape the Court and to take a part of the judicial power.

But I have another proposition. Even if we agree that the proposed legislation is within the letter of the Constitution—and I do not think there is any doubt about that—even if we agree that on the face of the Constitution the Congress has the power to destroy the Court or to impair it or to deprive it of means of support or to take away the marshals who would execute its judgments—even if we agree that we have the power, I undertake to assert that we have no moral right to do so. I undertake to go further and say that the moral law is higher than Constitution; it is higher than Congress; it is higher than President. The moral law is the law that underlies all law. It is the source of the spirit of the law.

Sometimes I think we forget, Mr. President, in the midst of our little statute making that we dwell under the moral law. There are restraints above constitutional restraints. Old Abraham, 6,000 years ago, confronted the Almighty himself and challenged him, "Shall not the judge of all the earth do right?" There is, in the conception of man at any rate, a moral restraint upon the Almighty himself. It may be recalled that the Almighty responded to the challenge of the humble son of the wilderness and the plain.

POWER AND RIGHT

Mr. President, there is a constitutional morality, and I thank heaven that I have a better witness than myself. I have a witness who was described here by the Senator from Kentucky [Mr. LOGAN] as, in his judgment, the noblest of all Americans—Woodrow Wilson. When the attention of the Senator from Kentucky was called to the fact that Woodrow Wilson pronounced this precise sort of legislation an assault upon constitutional morality, I was amazed that he undertook to avoid the situation by saying that the great President had "overspoken" himself.

Mr. President, those words were not the words of impulse. They were not the words of a man in politics. They were the words of a student of the Government writing his great book on Constitutional Government in America. Wilson never uttered more deliberate words in his life and he never made a better appeal to Democrats, to Americans, to Republicans, and all, than when he said this sort of thing is an "assault upon constitutional morality to be made impossible by the curses of public opinion."

I can become indignant. I plead in extenuation that Woodrow Wilson, not in the midst of the thing, but foreseeing it in the cloister of his study many years removed, was likewise indignant. He used the word "curse" and he used the word "outrage."

Mr. President, what are the powers of the Congress and the President concerning the judiciary? They are—

The power to fix the number of Justices; the power to fix salaries; the power to provide expense of administration; the power to provide marshals and clerks; the power to determine jurisdiction, leaving out just a small class with respect to the Supreme Court, the power to determine districts and circuits and their jurisdiction; and the President has the power to appoint, the Senate to confirm or reject.

What was the purpose? The purpose was to provide the American people with an independent system for the administration of justice, and whenever a particle of that power is used for any other purpose it is a violation of the Constitution and a violation of the moral law.

Mr. President, we have the power.

> O, it is excellent
> To have a giant's strength; but it is tyrannous
> To use it like a giant.

The same Constitution from which you and I derive these powers over the Court—now hear me—vests in the Court the judicial power. I want to dwell a moment on that word "vest."

In the Constitution it is recited that the executive power of this Government "shall be vested in the President." He has it. The other day when we passed a bill providing an appropriation for a world's fair in New York City we undertook to name the commissioners from the United States Government to that fair, the President vetoed the bill. Why? Because, as he said, Congress had encroached upon the executive power—and it had. He depended on that word "vest"—"the executive power is vested in me and not in you." He returned the bill to the Congress, and we reformed it.

The legislative power is vested in the Congress.

We know what that means. It is ours and no one else's. It cannot be taken away from us. We had to have the Supreme Court tell us about 2 years ago that we could not abdicate, either. Senators remember that. "The Congress cannot abdicate", said the Court. No, we cannot give it away even if we want to do so. It is vested in us, vested like a fee-simple title. It is vested in us and in us alone.

The Constitution vests the executive power in the President, vests the legislative power in the Congress, and vests the judicial power in the Supreme Court, and such other courts as the Congress shall ordain and establish.

Transgress that if you wish. Cross that line if you want to. Lay your hands upon the judicial power, undertake to create a court that will find the Constitution to mean what you want it to mean, or that will administer injunctive relief as you want it to do it, and I tell you that you have violated your oath of office. You have trespassed upon the judicial power. You have assumed the function of a judge of the judges. You have put yourselves above the courts and above the Constitution. You have invaded the judicial power in defiance of the fundamental law and the moral law.

If you place any other meaning on the word "vest", and say it does not mean that we get all legislative power, but it goes first here and then there, then you have dropped your Government into a twilight of meaninglessness. It is either all there, or it is not there at all. If you can cross the line a little way, one judge at a time, you can cross it all the way. If you can put one judge on the Court to affect a judicial determination, you can put a hundred there. Where is your judicial power then? Here, in us, and not there. Where are the powers of the Constitution? In us, not there, not in the Constitution.

Mr. President, I have just received a note suggesting that we may adjourn or recess at 4:30 o'clock. That is agreeable to me.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. BAILEY. Yes.

Mr. ROBINSON. If the Senator will permit me to do so, I will say that I think we ought to continue until at least 5 o'clock.

Mr. BAILEY. Very well. I simply did not understand the message, and I did not think I could get through with my next contention in 10 minutes. I can do so by 5 o'clock.

A RUINOUS PRECEDENT

Mr. President, the next contention is that to enact legislation having for its purpose the control of the judicial branch, with the objective of shaping judicial determinations, sets a precedent the consequences of which are plain and inevitable. Now, let us see about that.

Among these consequences are, first, the destruction of the Constitution as an instrument on which the humblest individual may rely, to which one may go for refuge against all powers, including the powers of majorities, the powers of the Government itself.

I say that the plain consequence of this legislation, if the precedent is set, will be just that in the first instance.

I know Senators are saying that "we will do it this time, but it will never be done again." If that is your view about it, Senators, you ought to be ashamed to do it the first time.

The idea that you are something special, and that you can get away with this, and better men than you will come along and be ashamed to do it, will not go. This Congress sets the example to all the Congresses. How many times have we heard it argued here that "they did it under Grant, and therefore we can do it"? I am not conceding that it was done under Grant, but assume that it was done under President Grant. It is a precedent to be abhorred and hated, and we may be thankful that it has not been followed until now. But if we do it, how many will be rising up and saying, "Well, the great progressive Roosevelt administration did it; why cannot we do it? Why will not we do it?" And it may work the other way.

There is a great ebb and flow in politics, my friends. One type is in power today, and another tomorrow. We cannot tell what will happen. There is action and reaction. Multitudes cry "Hosannah!" today and "Crucify!" tomorrow. We do not know; but if we yield to the temptation here, under a leadership which we honor, and in causes which are dear to us—to some of us, at any rate—then what Senator or what Senate or what President may not reverse the whole process within the next decade? That is your precedent.

THE NATIONAL SENSE OF SECURITY

I said that the proposed action would result in the destruction of the Constitution as an instrument on which citizens may rely. Now, hear me, Senators: The Constitution now gives in itself and in the minds of the American people a sense of certainty. It has been the underlying law, the restraint upon Presidents and Congresses and courts, upon majorities and minorities, upon States and upon peoples, now for one century and a half. Sometimes we have not quite known just why we felt so secure in America. Sometimes it has been hard to convince people that our security was not dependent upon police, armies and navies, and political parties; but if we will look down into the hearts of the fathers before us and of ourselves as we are now and our children who are to come after us, we shall find that, after all, that sense of security rests upon the simple fact that there is a Constitution which declares constitutional rights, and which cannot be altered, which cannot be changed, save by the will and the consent of the people themselves; and that there are independent courts to declare it.

Let a hand be laid upon me tomorrow, and I can wrap the Constitution about myself, walk into the humblest court in the land, and demand that inquiry be made as to why I am detained. There is no jail for me because there is a Constitution. There were jails for better men. But if there were courts to hear me, and the courts were appointed by the political powers, Congress and President, what would the Constitution mean to me? What would liberty mean to me? I may be in the minority tomorrow. We do not know what may happen in our democracy. If it is going to survive, I will say to my friends, it is going to survive because of its restraints. I do not know what may happen, but tomorrow there might be 129,000,000 people against me. There might be armies, there might be navies, there might be Presidents, there might be Congresses, there might be legislatures, there might be all the political parties against me; but no man could lay his hand upon me, no man could disseize me of my property, no man could deprive me of my life or my liberty without the due process of law, which the Constitution demands, and which independent courts, and independent courts alone, must enforce and will maintain.

That is the stake here. Lay your hands upon the judiciary, and you lay your hands upon the rights of every American citizen; you disturb the security of every home in the land; you turn me over to the mob, and I am the victim of the majority.

I know of cases, I like to think of cases, illustrating what I have just said. Probably there may be people in the South who will not quite like the case I am about to mention, but I like it—that of the Negro boy tried down in Scottsboro, tried for the most offensive crime known to our people, without a friend on earth, and with much of evidence to convict him. The mighty power of a State tried him, and sentenced that his life be taken; but that humble Negro boy, with only the Constitution of the United States to defend him, finds his way to the Supreme Court, still independent, and the Supreme Court says to the great State of Alabama, "You did not try him according to due process of law. You must try him again. You cannot take his life." He is living now, and being tried again. Perhaps he is guilty. I do not know. Thank God, innocent or guilty, there is due process of law in this country at this time! I am saying that the moment political power lays its hands upon the courts and the Constitution, due process of law will be in jeopardy.

I think now of the home of Robert E. Lee.

This Washington of ours is rich in symbols. I go over to Arlington, and see those columns and that front porch on which our Southern chieftain walked, and where he made the great decision in which he threw the laurels of a lifetime at the feet of his Nation in order that he might serve his own State—a man who chose to dwell in the tents of Israel rather than the palaces of the mighty. I look forward from Arlington to the Tomb of the Unknown Soldier, and the little tombs that mark the graves of many valiant heroes. Across the Potomac is the mausoleum of Lincoln, the savior of the Union, the great emancipator of slaves. We Southern men honor him and love him. He is an inspiration to me as much as he is to any man who ever drew blood from the veins of a Federal soldier. I drew mine from the veins of a Confederate soldier, but I honor Lincoln. And then I look to the Washington Monument, and then to the dome of this Capitol.

Arlington was the possession of Mrs. Robert E. Lee. In those dark days they could not pay the taxes on the estate, and the estate was sold for taxes; and the Federal Government bought Arlington, the home of Lee. Robert E. Lee died without the benefit of the property, and Mrs. Lee died without the benefit of the property; but their son came on, and he came to the Supreme Court of the United States. He had the Constitution around about him. He had an independent Court. The Army which had conquered his great father was in possession of Arlington. He brought suit against the commander in charge. The United States Government made itself a party to the suit, and said, "You cannot sue the Government." The Supreme Court said, "Yes; you can sue the Government. The taxes were tendered in due time. It is not the fault of the Lees that they were not paid. The property must be restored." And Arlington is today a possession of this great Government, by purchase from the Lees, under the direction of the Supreme Court of the United States. What sort of a disposition of that case would have been made if the Government could have appointed Justices to find a judgment according to the contention of the Government?

There is certainty in the United States because of the Lee case. When I walk in Arlington I think about Lee; to be sure, I think about the honored dead all about me, and I think about the Unknown Soldier and all he represented, and Lincoln and Washington, but I drink deep, my fellow Senators, from the inspiration that Arlington is also a symbol of the rights of conquered men under the Constitution as declared by an independent judiciary, and the heroic dead who seem to sleep around Arlington are to me guardians of that independence!

After that Civil War, when men's minds were inflamed, and hate rather than reason ruled, a Civil Rights Act was passed, aimed at the States of Senators who sit all about me. The verdict of history now is that that Civil Rights Act would have destroyed the South, that Sherman's army and his march to the sea would have been a summer breeze compared with the overturning of our civilization, the destruction of all its standards and traditions, the social equality of the Negro and his dominance in a thousand counties. We were helpless. The bayoneted soldiers of the Federal Government were there to put the Negroes in power, and give them their so-called rights under that Civil Rights Act.

There was despair in the South. We did not dream of giving up at Gettysburg. We could retreat like men. We did not despair at Appomattox. We could rebuild a civilization; and we did. But when we saw the Federal Government, inspired, as we now think, by hate and prejudice and ignorance, undertake to impose upon us that humiliation, that disgrace, that ruin, that woe, our despair was overwhelming. But here was the Court; here was the Constitution. We were back in the Union, and the Court said that the Constitution was ours, and that the Congress had no power to determine the civil rights of our citizens, that that was a power in the States. And that ended the night. Today the South is what it is because of the Constitution and an independent court.

Suppose Congress had had charge of the courts then; suppose they had succeeded in adding six Justices or three Justices to determine that their acts were valid. I am saying to the Senate the South would have been a land of the abomination of desolation to this day. Thank God there was a Supreme Court. Thank God it was free. Thank God there was a Constitution. Thank God the truth of it could be declared.

Mr. President, there are other cases; there are a thousand. There were the Catholic Sisters in Oregon, when the State by a majority undertook to say that a Catholic could not send his children to a Catholic school, that the father who was faithful to his church and the mother who felt that her allegiance to her Redeemer was the greatest allegiance of all, could not control the education of their children. They came across the continent to the Supreme Court, and the Supreme Court said to the great people of Oregon:

> There is a Constitution. There are human rights. The father and the mother do control the child, and if they wish to send him to a Christian school conducted by their church, they may do it, the State to the contrary notwithstanding.

Now, cut your Court to suit your convenience. Put up a Court according to the will of the people of Oregon if you choose; have a referendum on the judiciary; throw it into politics; then what will become of your Christian education? What becomes of the relation of a father to his child and his church? I say this to Baptists and Methodists and Presbyterians and Lutherans and all others.

Mr. President, there is one race which has always and everywhere been persecuted. Its story is a story of courage and persistence the like of which the human race has never seen. That persecution has never yet ceased. That race has been driven by nation after nation into the ghetto; then following that has come the pogrom; then the dispersal, over and over again, generation upon generation. In the Holy Land, in Asia, in Italy, in Spain, in France, in Russia, even in England. In Germany today the Jew has no rights. He is driven from the home for which he toiled a lifetime. His property is taken away from him. His citizenship is gone. Even the names of the Jewish soldiers who died in the battles for Germany have been erased from the monuments of the brave. In America, so long as there is a Constitution such as we have, and a Court that is independent, there will be no dispersal; there will be no persecution. There will be equality; and, by the Eternal, strike them down and you will give neither Jew nor Gentile, Greek nor barbarian, hope in this land or any other.

I revert, Mr. President, to my original thought. The Negroes in the South feel secure tonight because they know there is a Constitution and an independent Court. The religious peoples of this land feel secure tonight because they know there is a Constitution and an independent Court. The Jews in America feel secure tonight because they know there is a Constitution and an independent Court to guard it. Strike down the Court, and you will see this civilization of ours shaken to its foundation. Then the night of fear will justly fall upon us.

UNLIMITED POWER

The second consequence would be to extinguish the constitutional limitations upon the powers of Congress and the President by means of legislation. I want the Senate to get that point. If this legislation, having the avowed purpose which I have shown, should be passed, the consequence would be to extinguish the constitutional limitations upon the powers of Congress and President by legislation.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. McNARY. Is the Senator from North Carolina about to start upon another theme?

Mr. BAILEY. I was just starting on the second consequence.

Mr. McNARY. I desire to ask the able Senator from Arkansas [Mr. ROBINSON], in view of the fact that it is 15 minutes to 5 o'clock, whether the Senate might not now take a recess until tomorrow?

Mr. ROBINSON. Would the Senator from North Carolina like to suspend now?

Mr. BAILEY. If it is agreeable, I should be glad to suspend; but if it is not, I am willing to proceed.

Mr. ROBINSON. I understood that the Senator was willing to go on until 5 o'clock.

Mr. BAILEY. I am.

Mr. ROBINSON. If the Senator would prefer to discontinue now, I shall move an executive session.

Mr. BAILEY. Very well.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Franklin Mott Gunther, of Virginia, to be Envoy Extraordinary and Minister Plenipotentiary to Rumania, vice Leland Harrison, which was referred to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters, which were ordered to be placed on the Executive Calendar.

The PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state in their order the nominations on the Executive Calendar.

UNITED STATES TARIFF COMMISSION

The legislative clerk read the nomination of A. Manuel Fox, of New York, to be a member of the United States Tariff Commission.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

COMPTROLLER OF CUSTOMS

The legislative clerk read the nomination of John J. Kennedy, of Biloxi, Miss., to be comptroller of customs, customs collection district no. 20, with headquarters at New Orleans, La.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

IN THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

Mr. ROBINSON. I ask that the nominations in the Marine Corps be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations in the Marine Corps are confirmed en bloc.

That completes the Executive Calendar.

RECESS

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 46 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, July 13, 1937, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate July 12 (legislative day of July 6), 1937

DIPLOMATIC AND FOREIGN SERVICE

Franklin Mott Gunther, of Virginia, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Rumania, vice Leland Harrison.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 12 (legislative day of July 6), 1937

UNITED STATES TARIFF COMMISSION

A. Manuel Fox to be a member of the United States Tariff Commission.

COMPTROLLER OF CUSTOMS

John J. Kennedy to be comptroller of customs in customs collection district no. 20, with headquarters at New Orleans, La.

PROMOTIONS IN THE NAVY

MARINE CORPS

Jeter R. Horton to be an assistant quartermaster with the rank of colonel from the 1st day of July 1937.

Sydney S. Lee to be a colonel.

To be lieutenant colonels

Field Harris	Ery M. Spencer
Roy C. Swink	William N. Best
Donald Curtis	

To be majors

Edward G. Hagen	Paul R. Cowley
Bailey M. Coffenberg	George D. Hamilton
Samuel W. Freeny	Norman E. True
Otto E. Bartoe	Carl W. Meigs
John K. Martenstein	Paul A. Lesser
John Kaluf	William D. Bassett
Albert W. Paul	James D. Waller
Arthur D. Challacombe	Cyril W. Martyr
William F. Brown	Frank S. Gilman
Ralph W. Culpepper	Thomas J. Cushman

To be captains

Paul D. Sherman	Frank M. Reinecke
John Wehle	John M. Davis
William P. Battell	Walfried H. Fromhold
Cornelius P. Van Ness	James T. Wilbur
Lewis R. Tyler	Charles H. Hayes
Archibald D. Abel	Donald M. Weller
Charles E. Shepard, Jr.	Samuel S. Yeaton
Peter A. McDonald	Edward A. Montgomery
Michael M. Mahoney	Edgar O. Price
Frank G. Wagner, Jr.	Robert E. Hill
Paul Moret	James M. Daly
Harold W. Bauer	Ronald D. Salmon
William B. McKean	Ernest W. Fry, Jr.
Francis H. Williams	Wright C. Taylor
Paul W. Russell	Marcellus J. Howard

To be second lieutenants

Fletcher L. Brown, Jr.	Robert H. Ruud
John F. Dunlap	Joseph L. Stewart
Glenn E. Fissel	Marvin C. Stewart
John J. Gormley	Tom M. Trotti
James D. Hittle	Jack F. Warner
Hugh R. Nutter	

HOUSE OF REPRESENTATIVES

MONDAY, JULY 12, 1937

The House met at 12 o'clock noon.

The Reverend W. E. Harrop, of the Graham Presbyterian Church, Graham, N. C., offered the following prayer:

Our Heavenly Father and our God, we pause to give Thee thanks for Thy watchful care and Thy blessings, that come anew every morning and with the evening retain their freshness. We pause to ask Thy presence to guide us in the deliberations of this day and this week. Give us wisdom, give us understanding, give us grace and strength, that we fail not nor falter where duty calls us. Enable us to do justly, to love mercy, and to walk humbly with our God. Continue Thy blessings upon our Nation, our President, and all departments of Government; and our prayer we make in His name. Amen.

The Journal of the proceedings of Friday, July 9, 1937, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate disagrees to the amendments of the House to the bill (S. 2193) entitled "An act to authorize the construction of certain auxiliary vessels for the Navy", requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WALSH, Mr. BONE, Mr. GILLETTE, Mr. HALE, and Mr. DAVIS to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to bills and a joint resolution of the Senate of the following titles:

S. 1048. An act for the relief of Alexander E. Kovner.

S. 1849. An act for the relief of the Goldenberg Furniture Co.; and

S. J. Res. 30. Joint resolution for the relief of William K. Richardson.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On July 5, 1937:

H. J. Res. 434. Joint resolution to amend the act entitled "An act to amend section 4471 of the Revised Statutes of the United States as amended."

On July 6, 1937:

H. R. 2404. An act for the relief of James Philip Coyle; and

H. R. 5258. An act for the relief of the Jackson Casket & Manufacturing Co.

On July 8, 1937:

H. R. 563. An act for the relief of E. W. Garrison;

H. R. 1310. An act for the relief of Clifford R. George and Mabel D. George;

H. R. 1761. An act for the relief of Paul J. Francis;

H. R. 2291. An act to amend the act of May 25, 1933 (48 Stat. 73);

H. R. 2482. An act for the relief of Lonnie O. Ledford;

H. R. 3002. An act for the relief of Timothy Joseph McCarthy;

H. R. 3075. An act for the relief of E. P. Lewis;

H. R. 3123. An act to authorize the Secretary of War to lease to Old Fort Niagara Association, Inc., portions of the Fort Niagara Military Reservation, N. Y.;

H. R. 3262. An act for the relief of John H. Wykle;

H. R. 3809. An act for the relief of H. E. Wingard;

H. R. 4679. An act for the relief of John L. Summers, former disbursing clerk, Treasury Department; and Frank White, G. F. Allen, H. T. Tate, and W. O. Woods, former Treasurers of the United States;

H. R. 5438. An act for the relief of Richard T. Edwards;

H. R. 5652. An act for the relief of Frank A. Smith;

H. R. 6230. An act for the relief of certain former disbursing officers of the Veterans' Administration and of the Bureau of War Risk Insurance, Federal Board for Vocational Education, and the United States Veterans' Bureau (now Veterans' Administration);

H. R. 6436. An act authorizing cash relief for certain employees of the Panama Canal not coming within the provisions of the Canal Zone Retirement Act;

H. R. 6635. An act to dispense with the necessity for insurance by the Government against loss or damage to valuables in shipment, and for other purposes;

H. R. 7206. An act to permit the temporary entry into the United States under certain conditions of alien participants and officials of the World Association of Girl Guides and Girl Scouts Silver Jubilee Camp, to be held in the United States in 1937;

H. R. 607. An act for the relief of Dorothy McCourt;

H. R. 1235. An act for the relief of John Brennan;

H. R. 2934. An act for the relief of Raymond E. Payne and Anna R. Payne;

H. R. 2983. An act for the relief of Mr. and Mrs. J. C. Porter;

H. R. 3259. An act for the relief of Laura E. Alexander;

H. R. 3565. An act for the relief of the Northwestern Ohio Mutual Rodded Fire Insurance Co.;

H. R. 4623. An act for the relief of C. O. Eastman;

H. R. 4942. An act for the relief of A. L. Mallery;

H. R. 5337. An act for the relief of Charles B. Murphy;

H. R. 7021. An act validating and confirming certain mineral patents issued for lands situated in township 5 south, range 15 east, Montana principal meridian, in the State of Montana; and

H. J. Res. 349. Joint resolution authorizing certain retired officers or employees of the United States to accept such decorations, orders, medals, or presents as have been tendered them by foreign governments.

On July 9, 1937:

H. R. 1406. An act for the relief of Frank S. Walker;

H. R. 1689. An act for the relief of Dominga Pardo;

H. R. 3339. An act for the relief of Allie Rankin;

H. R. 4682. An act for the relief of W. R. Fuchs;

H. R. 5102. An act for the relief of Mr. and Mrs. Frank Muzio;

H. R. 5394. An act to provide for the acquisition of certain lands for, and the addition thereof to, the Yosemite National Park in the State of California, and for other purposes;

H. R. 5496. An act for the relief of Willard Webster;

H. R. 6144. An act to amend the Canal Zone Code;

H. R. 6287. An act to amend Public Act No. 467, Seventy-third Congress, entitled "Federal Credit Union Act";

H. R. 6737. An act to amend the stamp provisions of the Bottling in Bond Act; and

H. J. Res. 379. Joint resolution authorizing Federal participation in the New York World's Fair, 1939.

On July 10, 1937:

H. R. 3967. An act for the relief of Adele Fowlkes;

H. R. 4597. An act to amend the Canal Zone Code; and

H. J. Res. 41. Joint resolution authorizing the disposal of certain lands held by the Panama Railroad Co. on Manzanillo Island, Republic of Panama.

THE LATE JOSEPH G. RODGERS

Mr. SNELL. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SNELL. Mr. Speaker, it is with a great deal of regret that I announce to the House the death in the city of Washington this morning of another one of our old, trusted, courteous, and popular employees of the House, Joseph G. Rodgers, of Pennsylvania.

It is a rather remarkable coincidence that his death came so closely after the death of that other much-respected and efficient employee of the House, Mr. Haltigan. Mr. Rodgers has been an employee of the House of Representatives for nearly half a century. For nearly 15 years he was Sergeant at Arms of the House, and since that time he was a special minority employee. He probably has known personally as many Members of the House of Representatives during the last 30 or 40 years as any man connected with the House, and I am sure there has been no more popular employee, no man who was more deeply interested in the work of the House, no man who would more quickly go out of his way to do a favor to any Member on either side of the aisle than our willing friend, Joe Rodgers.

It was with very deep regret that I heard of his passing, and I know that his friends on both sides of the aisle are sorry to know that no longer when they enter this Chamber will they be greeted by Joe's friendly smile, which was always ready for any Member. I have been specially close to Joe Rodgers for many years, and I am proud to call him my long-time friend, and it is with deep sadness that I announce his death this morning.

NEW YORK WORLD'S FAIR COMMISSION

The SPEAKER. Pursuant to the provisions of Public Resolution 53 of the Seventy-fifth Congress, the Chair appoints as members of the United States New York World's Fair Commission the following Members of the House of Representatives: Mr. McREYNOLDS and Mr. MERRITT of New York. The Chair states that at a later date he will appoint the minority member of this Commission.

ANNA PAUL

Mr. WARREN. Mr. Speaker, I offer a privileged resolution from the Committee on Accounts and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 272

Resolved, That there shall be paid out of the contingent fund of the House to Anna Paul, wife of Stephen J. Paul, late an employee of the House, an amount equal to 6 months' compensation, and an additional amount, not to exceed $250, to defray funeral expenses of the said Stephen J. Paul.

The resolution was agreed to.

DISTRICT OF COLUMBIA AIRPORT COMMISSION (H. DOC. NO. 288)

The SPEAKER laid before the House the following report from the District of Columbia Airport Commission, which was read, and, with the accompanying papers, referred to the Committee on the District of Columbia and ordered printed:

JULY 9, 1937.

The Honorable WILLIAM B. BANKHEAD,
Speaker of the House of Representatives.

SIR: In conformity with the provisions of an act of Congress, Public, No. 529, Seventy-fourth Congress (H. R. 3806), and approved April 21, 1936, a District of Columbia Airport Commission was created to examine all available data concerning potential sites for commercial airports, to inspect such potential sites, and to select a site for such purpose.

I have the honor, therefore, to submit herewith confidential report of the Commission required by section 2 of the act.

Respectfully,

WILLIAM H. KING, *Senator from Utah,*
Chairman, District of Columbia Airport Commission.

EXTENSION OF REMARKS

Mr. CURLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks with respect to the Home Owners' Loan Corporation, and to insert therein excerpts of the report made public by the Federal Home Loan Bank Board.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting a very brief editorial written by Generoso Pope, president of the Italian-American newspaper Il Progresso Italo-Americano, published in New York.

Mr. RICH. Mr. Speaker, reserving the right to object, and I do not intend to object, I wonder how far the present administration is going in permitting the inclusion of editorials in the RECORD? I call it to the attention of the majority leader in hope that he will try to preserve the RECORD as a record of the proceedings of the Congress.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating a speech I made on the radio last Friday.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WOLCOTT. Mr. Speaker, in an extension of my remarks concerning the life and character of our late colleague from Massachusetts, Mr. Connery, I ask unanimous consent to include therein an article written by Will P. Kennedy, that appeared in the Sunday Star of Washington on June 20, 1937.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ELLENBOGEN. Mr. Speaker, I ask unanimous consent to extend my remarks on three subjects: First, on general subjects; second, on the minimum wage and hour bill; and third, on floodwaters, including in the third extension a letter which I wrote to the Chief of the Army Engineers at Pittsburgh concerning floodwaters.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address by Mr. Karl A. Crowley, Solicitor of the Post Office Department, delivered before the State Bar Association of Texas, at San Antonio, Tex.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein the ceremonies of the McLean County Historical Society in dedicating a tablet marking the birthplace of Maj. Gen. James G. Harbord, 4 miles south of Bloomington, in McLean County, State of Illinois.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—INDEPENDENCE OF THE PHILIPPINE ISLANDS (H. DOC. NO. 287)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with accompanying documents, referred to the Committee on Insular Affairs and ordered printed, with illustrations:

To the Congress of the United States:

As required by section 7 (4) of the act of Congress approved March 24, 1934, entitled "An act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes", I transmit herewith, for the information of the Congress, the first report of the United States High Commissioner to the Philippine Islands covering the period from November 15, 1935, to December 31, 1936.

I concur in the recommendation of the Secretary of War that this report be printed as a congressional document.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *July 12, 1937.*

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—INDEPENDENCE OF PHILIPPINE ISLANDS

The SPEAKER laid before the House the following further message from the President of the United States, which was read, and, with accompanying documents, referred to the Committee on Insular Affairs:

To the Congress of the United States:

As required by section 2 (a) (11) of the act of Congress approved March 24, 1934, entitled "An act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes", I transmit herewith copies of Commonwealth Acts Nos. 231 and 232, enacted by the First National Assembly of the Philippines during its special session from October 19, 1936, to October 30, 1936.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *July 12, 1937.*

EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter from the Attorney General of the United States, as well as a letter from the Comptroller General of the United States, on the Interior Department conference report.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent that on Wednesday next, after the disposition of the business on the Speaker's table and at the conclusion of the legislative program for the day, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

EXTENSION OF REMARKS

Mr. ZIMMERMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address I made at Valley Forge on July 4, 1937.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISTRICT OF COLUMBIA DAY—REGULATION OF REAL-ESTATE BROKERS AND SALESMEN

Mr. PALMISANO. Mr. Speaker, I call up the bill (H. R. 6563) to define, regulate, and license real-estate brokers and real-estate salesmen; to create a Real Estate Commission in the District of Columbia; to protect the public against fraud in real-estate transactions; and for other purposes.

The Clerk read the title of the bill.

Mr. PALMISANO. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc.,

ENACTMENT AND PROHIBITION CLAUSE

SECTION 1. That on and after 90 days from the date of enactment of this act it shall be unlawful in the District of Columbia for any person, firm, partnership, copartnership, association, or corporation (foreign or domestic) to act as a real-estate broker, business chance broker, or real-estate salesman, or to advertise or assume to act as such, without a license issued by the Real Estate Commission of the District of Columbia.

DEFINITIONS AND EXCEPTIONS

SEC. 2. Whenever used in this act "real-estate broker" means any person, firm, association, partnership, or corporation (foreign or domestic) who, for another and for a fee, commission, or other valuable consideration, or who, with the intention or in the expectation or upon the promise of receiving or collecting a fee, commission, or other valuable consideration, lists for sale, sells, exchanges, purchases, rents, or leases or offers or attempts or agrees to negotiate a sale, exchange, purchase, lease, or rental of an estate or interest in real estate, or collects or offers or attempts or agrees to collect rent or income for the use of real estate, or negotiates or offers or attempts or agrees to negotiate, a loan secured or to be secured by a mortgage, deed of trust, or other encumbrance upon or transfer of real estate: *Provided, however,* That this definition shall not apply to the sale of space for advertising of real estate in any newspaper, magazine, or other publication. A "business chance broker" within the meaning of this act is any person, firm, partnership, association, copartnership, or corporation who for a compensation or valuable consideration sells or offers for sale, buys or offers to buy, leases or offers to lease, or negotiates the purchase or sale or exchange of a business, business opportunity, or the goodwill of an existing business for others as a whole or partial vocation.

"Real-estate salesman" means a person employed by a licensed real-estate broker to list for sale, sell, or offer for sale, to buy or offer to buy, or to negotiate the purchase or sale, or exchange of real estate, or to negotiate a loan on real estate, or to lease or rent

or offer to lease, rent, or place for rent, any real estate, or collect or offer or attempt to collect rent or income for the use of real estate for or in behalf of such real-estate broker.

Persons employed by a licensed real-estate broker in a clerical capacity, as collectors, or in similar subordinate and administrative positions shall not be required to obtain licenses.

One act for a compensation or valuable consideration of buying or selling real estate for or of another, or offering for another to buy, sell, or exchange real estate, or leasing, renting, or offering to lease or rent real estate, except as herein specifically excepted, shall constitute the person, firm, partnership, copartnership, association, or corporation performing, or offering or attempting to perform any of the acts enumerated herein, a real-estate broker or a real-estate salesman within the meaning of this act.

The provisions of this act shall not apply to receivers, referees, administrators, executors, guardians, or other persons appointed or acting under the judgment or order of any court; or public officers while performing their official duty, or attorneys at law in the ordinary practice of their profession.

CREATION OF COMMISSION

SEC. 3. There is hereby created the Real Estate Commission of the District of Columbia. The Commissioners of the District of Columbia within 30 days after the enactment of this act shall appoint two persons, not more than one of whom shall have been actively engaged in or closely connected with the business or vocation of real-estate broker or real-estate salesman within 5 years immediately prior to appointment, who shall serve as members of said Real Estate Commission of the District of Columbia. In addition thereto, the assessor of the District of Columbia shall serve, ex officio, as a member of said Real Estate Commission, but without added compensation for his services as such. One member of said Commission shall be appointed for a term of 1 year; one member shall be appointed for a term of 2 years, and until their successors are appointed and qualified; thereafter the term of the members of said Commission shall be for 3 years and until their successors are appointed and qualified. Members to fill vacancies shall be appointed for the unexpired term. The Commissioners of the District of Columbia may remove members of the Real Estate Commission at any time for cause.

The assessor, ex-officio, shall be the chairman of said Real Estate Commission, which is hereby authorized and empowered to elect a treasurer of said Commission and to do all things necessary and convenient for carrying into effect the provisions of this act and the rules and regulations promulgated from time to time by the Commissioners.

The Commissioners of the District of Columbia shall employ and remove at their pleasure a secretary and such assistants as shall be deemed necessary to discharge the duties imposed by the provisions of this act and shall prescribe their duties and fix their compensation in accordance with the provisions of the Classification Act of 1923, as amended.

The Commissioners of the District of Columbia shall provide for the use of the Real Estate Commission such office space, furniture, stationery, fuel, light, and other proper conveniences as shall be reasonably necessary for carrying out the provisions of this act.

The Commission shall adopt a seal with such design as it may prescribe engraved thereon by which it shall authenticate its proceedings. Copies of all records and papers in the office of the Commission, duly certified and authenticated by the seal of said Commission, shall be received in evidence in all courts equally and with like effect as the original. The Commission shall keep a record of all its proceedings and a complete stenographic record of all hearings authorized under this act.

All records kept in the office of the Commission under authority of this act shall be open to public inspection under reasonable rules and regulations to be prescribed by the Commission.

Each member of the Commission, except the ex-officio member, shall receive an allowance at the rate of $10 for each day of 7 hours such member is actually engaged in the performance of duties as a member of the Commission: *Provided, however,* That no member shall receive in any one year a sum greater than $2,000.

The payment of such allowance shall be made from any unexpended balance in the treasury of said Commission remaining on June 30 of the year during which the services have been rendered, and if the unexpended balance is insufficient to meet the total amount of such allowance the rate of compensation shall be reduced to a rate which will permit payment from such unexpended balance. Such expenses shall in no event exceed the total receipts; and if at the close of each fiscal year any funds unexpended in excess of the sum of $1,000 shall be paid into the Treasury of the United States to the credit of the District of Columbia: *Provided,* That no expenses incurred under this act shall be a charge against the funds of the United States or the District of Columbia.

All fees and charges payable under the provisions of this act shall be paid to the treasurer of the Commission. The Commission is hereby authorized to refund any license fee or tax, or portion thereof, erroneously paid or collected under this act.

It shall be the duty of the auditor of the District of Columbia to audit the accounts of the Commission at the end of each fiscal year and make a report thereof in writing to the Commissioners of the District of Columbia. The said auditor shall have free access to all books of accounts, papers, and records of the said Commission.

The Commissioners of the District of Columbia are hereby authorized and empowered to make and enforce, revise, or repeal whatever reasonable regulations may be necessary to carry out the provisions of this act.

QUALIFICATIONS FOR LICENSE

SEC. 4. No license under the provisions of this act shall be issued to any person who has not attained the age of 21 years, nor to any person who cannot read, write, and understand the English language; nor until the Commission has received satisfactory proof that the applicant is trustworthy and competent to transact the business of a real-estate broker or real-estate salesman in such a manner as to safeguard the interests of the public.

In determining competency the Commission shall require proof that the applicant for a broker's license has a fair understanding of the general purposes and effect of deeds, mortgages, land contracts of sale and leases, a general and fair understanding of the obligations between principal and agent, as well as of the provisions of this act. Such proof of competency to act as broker shall not be required of any applicant who shall furnish proof within 120 days from the effective date of this act of 2 years' experience as real-estate broker or real-estate salesman within the District of Columbia.

No license shall be issued to any person, firm, partnership, copartnership, association, or corporation whose application has been rejected in the District of Columbia or any State within 3 months prior to date of application, or whose real-estate license has been revoked in the District of Columbia or any State within 1 year prior to date of application.

APPLICATION FOR LICENSE

SEC. 5. Every applicant for a license under the provisions of this act shall apply therefor in writing upon blanks furnished by the Real Estate Commission.

The application of every person for a real-estate broker's license or a real-estate salesman's license shall be accompanied by the recommendation of at least two residents of the District of Columbia, real-estate owners, who have owned real estate in the District of Columbia for a period of at least 1 year and who are not related to the applicant but who have personally known the applicant for a period of at least 6 months prior to the date of application, which recommendation shall certify that the applicant bears a good reputation for honesty, truthfulness, fair dealing, and competency, and recommend that a license be granted to the applicant.

The application of every firm, partnership, copartnership, association, or corporation for a real-estate broker's license shall state the location of the place or places for which said license is desired and set forth the period of time, if any, which said applicant has been engaged in the real-estate business, together with a complete list of all former places where the applicant may have been engaged in any business for a period of 30 days or more during the 5 years preceding date of application, accounting for such entire period. Such applications shall also state the name and residence of each individual member or officer of said applicant who actively participates in the brokerage business thereof.

The application of every individual member or officer of a firm, partnership, copartnership, association, or corporation for a real-estate broker's license shall state the full name and residence address of the applicant and the full name and business address of the firm, partnership, copartnership, association, or corporation with which he is or will be associated, the length of time he has been so associated, and in what capacity. Such application shall also state the period of time, if any, during which said applicant has been engaged in the real-estate business, together with a complete list of all former places where the applicant may have resided and all former places where the applicant may have been engaged in any business for a period of 30 days or more during the 5 years preceding date of application, accounting for such entire period.

The application of each person for an individual real-estate broker's license shall state the full name of the applicant, his business address, and residence address. Such application shall also state the period of time, if any, during which said applicant has been engaged in the real-estate business, together with a complete list of all former places where the applicant may have resided and all former places where the applicant may have been engaged in any business for a period of 30 days or more during the 5 years preceding the date of application, accounting for such entire period.

The application of every person for a real-estate salesman's license shall state the full name of the applicant, his residence address, and the name and business address of the real-estate broker by whom he is or will be employed. Such application shall also state the period of time, if any, during which said applicant has been engaged in the real-estate business, together with a complete list of all former places where the applicant may have resided and all former places where the applicant may have been engaged in any business for a period of 30 days or more during the 5 years preceding the date of application, accounting for such entire period. Such application shall be accompanied by a written statement by the broker by whom the applicant is employed or is about to be employed, stating that in his opinion the applicant is honest, truthful, and of good reputation, and recommending that the license be granted to the applicant.

Every application for a license under the provisions of this act shall be sworn to by the applicant and shall be accompanied by the license fee herein prescribed. In the event that the Commission does not approve the application for a license the fee shall be returned to the applicant.

Every application for a license shall be accompanied by a bond in the sum of $2,500 in the case of a broker and $1,000 in the

case of a salesman, running to the District of Columbia, executed by two good and sufficient sureties, to be approved by the Commission, or executed by a surety company duly authorized to do business in the District of Columbia: *Provided, however,* That no bond shall be required of any firm, partnership, copartnership, association, or corporation when the application of every member or officer of such firm, partnership, copartnership, association, or corporation actively participating in the brokerage business thereof is accompanied by a bond as provided for in this section. Said bond shall be in form approved by the Commission, and conditioned that the applicant shall conduct himself and his business in accordance with the requirements of this act; and for his failure so to do any person aggrieved thereby shall have, in addition to his right of action against the principal thereof, a right to bring suit against the surety on said bond either alone or jointly with the principal thereon, and to recover in an amount not exceeding the penalty of the bond any damages sustained by reason of any act, representation, transaction, or conduct of the principal which may be prohibited by this act or enumerated as one of the causes for suspension or revocation of a license granted hereunder. If a recovery be had on any bond the licensee shall restore the bond to its original amount.

Nothing in this act shall be construed to impose upon the surety on any such bond a greater liability than the total amount thereof or the amount remaining unextinguished by any prior recovery or recoveries as the case may be.

No suit or action against the surety on any such bond shall be brought later than 1 year from the accrual of the cause of action thereon. The surety may terminate its liability under such bond by giving 30 days' written notice thereof, served either personally or by registered mail, to the principal and to the Commission; and upon giving such notice the surety shall be discharged from all liability under such bond for any act or omission of the principal occurring after the expiration of 30 days from the date of service of such notice. Unless on or before the expiration of such period the principal shall duly file a new bond in like amount and conditioned as the original in substitution of the bond so terminated, the license of the principal shall likewise terminate upon the expiration of such period. Upon making any payment on account of its bond, the surety shall immediately notify the Commission.

The Commission, with due regard to the paramount interest of the public, may require other reasonable proof of the honesty, truthfulness, and integrity of the applicant.

PROCEDURE WHEN LICENSE IS REFUSED APPLICANT

SEC. 6. The Commission, after an application in proper form has been filed, shall, before refusing to issue a license, set the application down for a hearing and determination as hereinafter provided in section 9.

DETAILS RELATING TO LICENSE

SEC. 7. The Commission shall cause to be issued to each licensee a license in such form and size as shall be prescribed by the Commission. Every license shall show the name and address of the licensee, and if licensee is a member or officer of a firm, partnership, copartnership, association, or corporation, the full name and address of such firm, partnership, copartnership, association, or corporation shall also be shown on said license. Licenses issued to real-estate salesmen shall in addition show the name and address of the real-estate broker by whom the said salesman is or will be employed. Each license shall have imprinted thereon the seal of the Commission, and in addition to the foregoing shall contain such matter as shall be prescribed by the Commission. The license of each real-estate salesman shall be delivered or mailed to the real-estate broker by whom such real-estate salesman is employed and shall be kept in the custody and control of such broker. It shall be the duty of each real-estate broker to conspicuously display his license in his place of business.

At any time within 6 months, but not thereafter, after the issuance of an original license the Commission may, upon its own motion, and shall, upon the verified complaint, in writing, of any person, provided such complaint, or such complaint together with evidence, documentary or otherwise, presented therewith, shall make out a prima-facie case that the licensee is unworthy to hold such license, notify the licensee, in writing, that the question of his honesty, competency, truthfulness, and integrity will be reopened and determined de novo. Such written notice may be served by delivery thereof personally to the licensee or by mailing same by registered mail to the last known business address of the licensee. Thereupon the Commission may require and procure further proof of the licensee's trustworthiness and competency, and if such proof shall not be satisfactory such license shall be recalled and shall thereafter be null and void. Upon the recall of any such license it shall be the duty of the licensee to surrender to the Commission such license.

The fee for an original real-estate broker's license and every renewal thereof shall be $25.

No fee shall be charged for any original license or renewal thereof issued to any firm, partnership, copartnership, association, or corporation all of whose members or officers actively participating in the brokerage business thereof have been issued a broker's license.

The fee for an original real-estate salesman's license and every annual renewal thereof shall be $5.

Every license shall expire on the 1st day of July of each year, except that the original or initial licenses, first issued under the provisions of this act, shall expire on the 1st day of July 1938, subject, however, to revocation as hereinbefore provided.

The Commission shall cause to be issued a new license for each ensuing year, in the absence of any reason or condition which might warrant the refusal of the granting of a license, upon receipt of the written request of the applicant and the annual fee therefor, as herein required. The revocation of a broker's license shall automatically suspend every real-estate salesman's license granted to any person by virtue of his employment by the broker whose license has been revoked, pending a change of employer and the issuance of a new license. Such new license shall be issued without charge if granted during the same license year in which the original license is granted.

No person, firm, partnership, copartnership, association, or corporation engaged in the business or acting in the capacity of a real-estate broker or a real-estate salesman within the District of Columbia shall bring or maintain any action in the courts of the District of Columbia for the collection of compensation for any services performed as a real-estate broker or a real-estate salesman or enforcement of any contract relating to real estate without alleging and proving that such person, firm, partnership, copartnership, association, or corporation was a duly licensed real-estate broker or real-estate salesman at the time the alleged cause of action arose.

Every real-estate broker shall maintain a place of business in the District of Columbia. If a real-estate broker maintains more than one place of business within the District of Columbia, a duplicate license shall be issued to such broker for each branch office maintained; and there shall be no fee charged for any such duplicate license.

Notice in writing shall be given to the Commission by each licensee of any change of principal business location, whereupon the Commission shall cause to be issued a new license for the unexpired period without charge. The change of business location without notification to the Commission shall automatically cancel the license theretofore issued.

When any real-estate salesman shall be discharged or shall terminate his employment with the real-estate broker by whom he is employed, it shall be the duty of such real-estate broker to immediately deliver or mail by registered mail to the Commission such real-estate salesman's license. The real-estate broker shall, at the time of delivering or mailing such real-estate salesman's license to the Commission, address a communication by registered mail to the last-known residence address of such real-estate salesman, which communication shall advise such real-estate salesman that his license has been delivered or mailed to the Commission. A copy of such communication to the real-estate salesman shall accompany the license when mailed or delivered to the Commission. It shall be unlawful for any real-estate salesman to perform any of the acts contemplated by this act, either directly or indirectly, under authority of said license from and after 3 days following such delivery or mailing of the said license by said broker to the Commission.

There shall be no additional fee for the reissuance of a salesman's license necessitated by the change of employers, nor shall such change work a revocation or require a renewal of the salesman's bond.

SUSPENSION OR REVOCATION OF LICENSE FOR CAUSES ENUMERATED

SEC. 8. The Commission may, upon its own motion, and shall, upon the verified complaint in writing of any person, provided such complaint or such complaint together with evidence, documentary or otherwise, presented in connection therewith, make out a prima-facie case, investigate the conduct of any real-estate broker or real-estate salesman, or any person who shall assume to act in either such capacity within the District of Columbia, and shall have the power to suspend or to revoke any license issued under the provisions of this act, at any time where the licensee has by false or fraudulent representation obtained a license; or where the licensee, in performing or attempting to perform any of the acts mentioned herein, has—

(a) Made any substantial misrepresentation;

(b) Made any false promises of a character likely to influence, persuade, or induce;

(c) Pursued a continued and flagrant course of misrepresentation, or making of false promises through agents or salesmen, or advertising or otherwise;

(d) Acted for more than one party in a transaction without the knowledge of all parties for whom he acts;

(e) Accepted a commission or valuable consideration as a real-estate salesman for the performance of any of the acts specified in this act from any person, except an employer who is a licensed real-estate broker;

(f) Represented or attempted to represent a real-estate broker other than the employer without the express knowledge and consent of the employer;

(g) Failed, within a reasonable time, to account for or to remit any money, valuable documents, or other property coming into his possession which belong to others;

(h) Demonstrated such unworthiness or incompetency to act as a real-estate broker or salesman as to endanger the interests of the public;

(i) Paid or offered to pay a commission or valuable consideration to any person for acts or services in violation of this act, with knowledge of such violation or where reasonable diligence has not been exercised to acquire such knowledge;

(j) Been guilty of any other conduct, whether of the same or a different character from that hereinbefore specified, which constitutes fraudulent or dishonest dealing;

(k) Using any other trade name or insignia of membership in any real-estate organization of which the licensee is not a member;

(l) Disregarding or violating any provisions of this act;

(m) Guaranteeing, or having authorized or permitted any broker or salesman to guarantee, future profits which may result from the resale of real property;

(n) Placing a sign on any property offering it for sale or for rent or offering it for sale or rent without the written consent of the owner or his authorized agent;

(o) Soliciting, selling, or offering for sale real property by offering free lots, or conducting lotteries, or contests, or offering prizes for the purpose of influencing a purchaser or prospective purchaser of real property; or

(p) Failing to restore the bond to its original amount after a recovery on the bond as provided in section 5.

PROVISION FOR HEARING BEFORE APPLICATION IS REFUSED OR LICENSE SUSPENDED OR REVOKED

SEC. 9. The Commission shall, before denying an application for license, or before suspending or revoking any license, set the matter down for a public hearing, and at least 10 days, prior to the date set for the hearing it shall notify the applicant or licensee in writing of any charges made and shall afford the applicant or licensee an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by delivery of same personally to the applicant or licensee or by mailing same by registered mail to the last-known business address of such applicant or licensee. If said applicant or licensee be a salesman, the Commission shall also notify the broker employing him, or whose employ he is about to enter, by mailing notice by registered mail to the broker's last-known address. The hearing on such charges shall be at such time and place as the Commission shall prescribe. The Commission shall have the power to issue subpenas or take testimony of any person by deposition in the same manner as prescribed by law in judicial procedure in the District Court of the United States for the District of Columbia in civil cases. It shall also have the power to require the production of books, records, papers, and documents by subpena or otherwise. Any party to any hearing before the Commission shall have the right to the attendance of witnesses in his behalf at such hearing upon making request therefor to the Commission and designating the person or persons sought to be subpenaed. If the Commission shall determine that any applicant is not qualified to receive a license, a license shall not be granted to said applicant; and if the Commission shall determine that any licensee is guilty of a violation of any of the provisions of this act, his or its licenses shall be suspended or revoked. All evidence before and findings of fact made by the Commission and questions of law involved in any final decision or determination of the Commission shall be subject to review by the District Court of the United States for the District of Columbia upon a writ of certiorari, mandamus, appeal, or by any other method permissible under the rules and practices of said court or the laws of the District of Columbia, and the said court may make such further orders with respect thereto as justice may require: *Provided, however,* That application is made by the aggrieved party to the court within 30 days after any determination by the Commission or within 60 days after formal request shall be made upon it for action. Such application shall operate as a stay of any action or finding of the Commission revoking or suspending a license, and until final decision by the District Court of the United States for the District of Columbia such licensee shall have the right to continue in business.

An appeal may be taken from the judgment of the said court on any such appeal on the same terms and conditions as an appeal is taken in civil actions.

Any party to the proceedings desiring it shall be furnished with a copy of such stenographic notes, upon the payment to the Commission of such reasonable fee as it shall, by general rule or regulation, prescribe.

NONRESIDENT BROKERS AND SALESMEN

SEC. 10. A nonresident of the District of Columbia may become a real-estate broker or a real-estate salesman in the District of Columbia by conforming to all of the conditions of this act, except that the application of such person for a license need not be accompanied by the recommendation of real-estate owners in the District of Columbia prescribed in paragraph 2 of section 5 of this act, but in lieu thereof the Commission shall require the filing of like recommendations by similarly qualified real-estate owners of property in the State, Territory, or county of such applicant's residence.

(2) The Commission may recognize, in lieu of the recommendation and statements otherwise required by this act to accompany an application for a license, the valid and existing license issued to a nonresident to act as a real-estate broker or salesman by any State having a law for the licensing of such brokers and salesmen similar to this act, upon payment of the license fee prescribed by this act and the filing by the applicant with the Commission of a duly authenticated copy of applicant's license issued by such State: *Provided, however,* That every nonresident applicant shall file an irrevocable consent that suits and actions may be commenced against such applicant in the proper courts of the District of Columbia by the service of any process or pleadings authorized by the laws of the United States applying to the District of Columbia on the secretary of the Commission, said consent stipulating and agreeing that such service of such process or pleadings on said secretary shall be taken and held in all courts to be as valid and binding as if due or personal service had been made upon said applicant in the District of Columbia. Said instrument containing such consent shall be duly acknowledged and, if made by a corporation, shall be authenticated by the seal thereof. All such applications, except from individuals, shall be accompanied by a duly certified copy of the resolution of the proper officers or managing board, authorizing the proper officer to execute the same. In case any process or pleadings mentioned in the act are served upon the secretary of the Commission, it shall be by duplicate copies, one of which shall be filed in the office of the Commission and the other immediately forwarded by registered mail to the residence address given by the applicant against which said process or pleadings are directed: *And provided further,* That every nonresident of the District of Columbia shall file a bond in form and contents the same as is required of applicants under section 5 of this act.

POWER TO OBTAIN EVIDENCE

SEC. 11. Each member of the Commission and its duly authorized representatives may administer oaths to witnesses.

In case of the refusal of any person to comply with any subpena issued hereunder or to testify to any matter regarding which he may lawfully be interrogated, the Supreme Court of the District of Columbia, or any judge thereof, on application of any member of the Commission, shall issue an order requiring such person to comply with such subpena and to testify or either, and any failure to obey such order of the court may be punished by the court as a contempt thereof.

OTHERS EXEMPT

SEC. 12. It shall not be necessary for any trustee or auctioneer acting under authority of a power of sale in a mortgage, deed of trust, or similar instrument securing the payment of a bona-fide debt nor any bank, trust company, building and loan association, or any land-mortgage or farm-loan association, organized under the laws of the United States, when engaged in the transaction of business within the scope of its corporate powers and provided by law, to obtain a license under this act.

PUBLICATION OF LIST OF LICENSEES

SEC. 13. The Commission shall publish at least annually a list of the names and addresses of all licensees licensed by it under the provisions of this act and of all persons whose license has been suspended or revoked within 1 year, together with a succinct report of its work during the year. Such list shall be mailed by the Commission to any person in the District of Columbia upon request.

FRAUDULENT TRANSFERS OR LOANS

SEC. 14. It shall be unlawful for any person, firm, association, partnership, or corporation to enter into or become a party to any contract, agreement, or understanding, or in any manner whatsoever to consider, combine, conspire, or act with another or others, (a) to execute a deed conveying real property in the District of Columbia that is not a bona-fide sale but is instead a simulated sale of such property executed for the purpose and with the intent of misleading others as to the value of such property, and which in fact does so mislead and/or defraud others, to their detriment; or (b) to execute a mortgage or deed of trust upon real property situated in the District of Columbia that does not in fact represent security for a bona-fide indebtedness, but which is in reality a simulated transaction, executed for the purpose and with the intent of misleading or deceiving others as to the value of the property and which does mislead, deceive, or defraud others to their detriment.

CONVICTION OF CRIME

SEC. 15. Where during the term of any license issued by the Commission the licensee shall be convicted in a court of competent jurisdiction in the District of Columbia or any State (including Federal courts) of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy to defraud, or other like offense or offenses and a duly certified or exemplified copy of the record in such proceedings shall be filed with the Commission, the Commission shall revoke forthwith the license by it theretofore issued to the licensee so convicted.

In the event that any licensee shall be indicted in the District of Columbia or any State or Territory (including Federal courts) for forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy to defraud, or like offense or offenses, and a certified copy of the indictment be filed with the Commission, or other proper evidence thereof be to it given, the Commission shall have authority, in its discretion, to suspend the license issued to such licensee pending trial upon such indictment.

No license shall be issued by the Commission to any person known by it to have been, within 5 years theretofore, convicted of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy to defraud, or other like offense or offenses, or to any copartnership of which such person is a member, or to any association or corporation of which said person is an officer, director, or employee, or in which as a stockholder such person has or exercises a controlling interest either directly or indirectly. In the event of the revocation or suspension of the license issued to any member of a copartnership, or to any officer of an association or corporation, the license issued to such copartnership, association, or corporation, shall be revoked by the commission, unless, within a time fixed by the commission, where a copartnership, the connection therewith of the member whose license has been revoked shall be severed and his interest in the copartnership and his share in its activities brought to an end, or where an association or corporation, the offending officer shall be discharged and shall have no further participation in its activity.

PENALTIES

SEC. 16. Any person or corporation violating any provision of this act shall upon conviction thereof, if a person, be punished by a fine of not more than $500, or by imprisonment for a term not to exceed 6 months, or by both such fine and imprisonment, in the discretion of the court; and, if a corporation, be punished by a fine of not more than $1,000. Any officer, director, employee, or agent of a corporation, or member, employee, or agent of a firm, partnership, copartnership, or association, who shall personally participate in or be accessory to any violation of this act by such firm, partnership, copartnership, association, or corporation, shall be subject to the penalties herein prescribed for individuals.

This act shall not be construed to release any person, partnership, association, or corporation from civil liability or criminal prosecution under the laws applying to the District of Columbia.

All prosecutions for violation of this act shall be begun in the police court of the District of Columbia in the name of the District of Columbia and under the direction and charge of the corporation counsel of the District of Columbia. The corporation counsel of the District of Columbia and his assistants shall also be counsel for the Commission in all suits to which it may be a party, and shall advise the Commission and at its request attend any and all hearings which it may hold in the performance of its duties hereunder.

SAVING CLAUSE

SEC. 17. If any section, subsection, sentence, clause, phrase, or requirement of this act is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions thereof. The Congress of the United States hereby declares that it would have passed this act, and each section, subsection, sentence, clause, phrase, and requirement thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or requirements be declared unconstitutional or invalid.

REPEALING CLAUSE

SEC. 18. All laws or parts of laws in conflict with this act be, and the same are hereby, repealed.

SEC. 19. This act, except as otherwise provided herein, shall take effect on and after 90 days from the date of its enactment.

With the following committee amendments:

Page 15, line 21, strike out "$25", and insert "$50."
Page 16, line 4, strike out "$5" and insert "$10."
Page 25, line 18, strike out "Supreme Court of the District of Columbia" and insert "District Court of the United States for the District of Columbia."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill to define, regulate, and license real-estate brokers, business-chance brokers, and real-estate salesmen; to create a real-estate commission in the District of Columbia; to protect the public against fraud in real-estate transactions; and for other purposes."

TAXICAB LIABILITY

Mr. PALMISANO. Mr. Speaker, I call up the bill (H. R. 7084) to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes.

The Clerk read the title of the bill.

Mr. PALMISANO. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Public Utilities Commission of the District of Columbia is hereby directed to require any and all corporations, companies, associations, joint-stock companies or associations, partnerships, and persons, their lessees, trustees, or receivers, appointed by any court whatsoever, operating, controlling, managing, or renting any passenger motor vehicles for hire in the District of Columbia, except as to operations licensed under paragraph 31 (b) of the act approved July 1, 1932, known as the "License Act", and except such common carriers as have been expressly exempted from the jurisdiction of the Commission, to file with the Commission for each motor vehicle to be operated a bond or bonds, policy or policies, of liability insurance in a solvent and responsible surety or insurance company authorized to do business in the District of Columbia, conditioned for the payment to any person of any judgment recovered against such corporations, companies, associations, joint-stock companies or associations, partnerships, and persons, their lessees, trustees, or receivers, appointed by any court whatsoever, or renters of their cabs, for death or for injury to any person or injury to any property, or both, caused in the operation, maintenance, use, or by reason of the defective construction of such motor cabs or other vehicles. Any such bond or undertaking or policy of liability insurance shall be in such form and on such terms or conditions as the Commission may direct. *Provided*, That such bond or policy may limit the liability of the surety or insurer on any one judgment to $5,000 for bodily injuries or death and $1,000 for damage to or destruction of property, and all judgments recovered upon claims arising out of the same subject of action to $10,000 for bodily injuries or death and $1,000 for damages to or destruction of property, to be apportioned ratably among the judgment creditors according to the amount of their respective judgments. Any such policy of liability insurance shall be issued only by such insurance companies as may have been authorized to do business in the District of Columbia, and any such bond or undertaking shall be secured by a corporate surety approved by the Insurance Commissioner of the District of Columbia. The Insurance Commissioner of the District of Columbia shall be empowered to make all rules and regulations relating to the writing of taxicab insurance and shall be empowered to govern the rates to be charged on such insurance. No such bond or policy of insurance may be canceled or terminated unless not less than 20 days prior to such cancelation or termination notice of intention so to do has been filed in writing with the Commission. It shall be unlawful to operate any vehicle subject to the provisions of this paragraph unless such vehicle shall be covered by an approved bond or policy of liability insurance as provided herein. The Public Utilities Commission shall have the power to make all reasonable rules and regulations which, in its opinion, are necessary to make effective the purposes of this section.

Any violation of this section or of the regulations lawfully promulgated thereunder shall be deemed a misdemeanor and upon conviction shall be punishable by a fine of not more than $300 or by imprisonment for not more than 90 days.

With the following committee amendments:

Page 3, line 6, strike out "Insurance Commissioner" and insert "Superintendent of Insurance."
Page 3, line 7, strike out "Insurance Commissioner" and insert "Superintendent of Insurance."
Page 3, line 9, after the word "all", insert the word "reasonable."
Page 3, line 11, after the word "the", insert "maximum."

The committee amendments were agreed to.

Mr. SABATH. Mr. Speaker, I move to strike out the last word, in order to secure some information on these amendments. This bill will eventually cost the taxicab drivers quite a sum of money. How much on each and every machine or taxicab?

Mr. PALMISANO. The gentleman from Oklahoma [Mr. NICHOLS] can answer that question.

Mr. NICHOLS. If they do it by insurance policies it will probably cost from $20 to $30 a month. However, the Public Utilities Commission has authority to increase the rates. I have been in communication with them, and they anticipate authorizing an increase in rate of probably 5 cents a zone in order to take care of this insurance.

Mr. SABATH. That is what I have in mind. I feel these men, at the present rates, cannot afford to pay this additional $30 or $40 a month.

Mr. NICHOLS. They will be taken care of.

Mr. SABATH. They should be permitted to receive additional compensation, we will say, of 5 cents per zone.

Mr. FORD of California. The gentleman realizes if the rate is raised from 20 cents to 25 cents they will lose 20 to 30 percent of their business.

Mr. NICHOLS. I may say, as far as this bill is concerned, every civic organization in the District of Columbia, some 50 in number, has endorsed the bill, including the Board of Trade. Every taxicab company in the District of Columbia has endorsed the bill in principle. Two of them want to do it by a little different method than as provided in this bill. The taxicab drivers themselves, I may say to the gentleman from California, want this protection.

Mr. FORD of California. I may say to the gentleman from Oklahoma I have talked to 50 taxi drivers, and not one of them wants it.

Mr. NICHOLS. All right.

Mr. THOMPSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. Yes.

Mr. THOMPSON of Illinois. Is there any provision in this bill with reference to cabs having to have a certificate or a sticker or something indicating that they have liability insurance or a bond posted to cover liability for injuries? I did not notice such a provision in a quick reading of the bill.

Mr. NICHOLS. No; there is not. I do not think that is necessary, because before the drivers can operate they must

have insurance. If the gentleman would suggest that it should be necessary for the drivers to carry something to indicate that they were insured, I would be perfectly agreeable to such an amendment.

Mr. THOMPSON of Illinois. I may say to the gentleman we have a similar law in Illinois. Every 30 days the taxicab drivers must get new certificates in order to serve notice on the public that their liability policies are still in effect and have not been canceled for one reason or another, principally nonpayment of premiums.

Mr. NICHOLS. As far as the nonpayment of premiums is concerned, we have a peculiar provision in this bill which most cities do not have. We provide only 5 days' notice shall be required for the cancelation of a policy. The requirement is 20 to 30 days in most places.

I may say to the gentleman I think this is a very good bill in its present form, but if the gentleman thinks it is necessary for drivers to carry a certificate showing they are carrying insurance, of course, I should be perfectly agreeable to such an amendment.

Mr. THOMPSON of Illinois. I have no intention, of course, of offering an amendment to that effect.

Mr. NICHOLS. I think we can suggest it in the Senate, where such an amendment may be inserted.

Mr. THOMPSON of Illinois. Probably the Public Utilities Commission could require that by regulation.

Mr. NICHOLS. Yes; they could do it by regulation.

Mr. THOMPSON of Illinois. Or the insurance commissioner of the District of Columbia.

Mr. NICHOLS. As a matter of fact, this bill gives them the authority to make regulations.

Mr. THOMPSON of Illinois. I thank the gentleman.

Mr. TAYLOR of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. Yes.

Mr. TAYLOR of South Carolina. Have the taxi drivers who are favoring this bill predicated their approval on the fact that they have been virtually promised an increase in charges?

Mr. NICHOLS. No.

Mr. TAYLOR of South Carolina. Would they favor it were they not of the opinion they would get an increase?

Mr. NICHOLS. I may say to the gentleman, I doubt that anybody thinks that with the low rate prevailing in the District of Columbia at this time drivers can afford to carry this insurance unless they have about a 5-cent increase.

Mr. TAYLOR of South Carolina. Who revokes this insurance? Does the insurance company have the right to say it will or will not issue an insurance policy to any given driver?

Mr. NICHOLS. Oh, yes; we could not compel insurance companies to write insurance.

Mr. TAYLOR of South Carolina. That is the point.

Mr. NICHOLS. There is no way you could legislate to do that.

Mr. TAYLOR of Colorado. By that provision, then, you place it within the power of the insurance company to say who shall be the taxi drivers of the District of Columbia?

Mr. NICHOLS. Oh, absolutely not.

Mr. TAYLOR of South Carolina. Certainly, if the driver cannot get an insurance policy, he is off the run.

Mr. NICHOLS. I may say to the gentleman, probably very little of this insurance will be carried by the insurance companies we know as the old-line companies.

[Here the gavel fell.]

The SPEAKER. The question is on the committee amendment.

The amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 3, line 15, after the word "Commission", insert "unless cancelation is for nonpayment of premiums, in which event 5 days' notice as above provided shall be given."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 4, line 5, after the word "days", insert "and/or cancelation of license.

"This act shall become effective 60 days after final passage."

The committee amendment was agreed to.

Mr. NICHOLS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NICHOLS: Page 2, line 5, after the word "insurance", insert "or certificate of insurance in lieu thereof."

The amendment was agreed to.

Mr. NICHOLS. Mr. Speaker, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. NICHOLS: Page 3, line 13, strike out "or terminated."

Mr. NICHOLS. Mr. Speaker, I think this amendment should be explained.

The bill provides that certain notice should be given before policies were canceled or terminated. Of course, the words "or terminated" are superfluous, because the term of the policy itself would fix the term of the policy. This simply strikes out "or terminated."

The SPEAKER. The question is on the amendment offered by the gentleman from Oklahoma [Mr. NICHOLS].

The amendment was agreed to.

Mr. SCHULTE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHULTE: Page 3, line 21, strike out the comma, insert a period, and add a new paragraph to read as follows:

"Any owner of a public vehicle required hereby to file a bond or policy of insurance may, in lieu thereof:

"(a) Deposit with any individual or corporation approved by the Public Utilities Commission, in trust for the payment of any judgment recovered against such owner, as provided in this act, either $5,000 in cash, or negotiate collateral of the value, to be determined by said Utilities Commission, of $5,000, and additions to such collateral deposit may be ordered by said Utilities Commission if, in the judgment of said Commission, additional collateral is necessary to maintain said deposit as of the value of $5,000.

"(b) File with the Public Utilities Commission a blanket bond, or a blanket policy of liability insurance, in an amount to be approved by said Commission, but not to exceed $75,000, conditioned as required by this act, and covering all vehicles lawfully displaying the trade name or identifying design of any individual, association, company, or corporation.

"(c) Create and maintain a sinking fund in such amount as the Public Utilities Commission may require, but not in excess of $50,000, and deposit the same, in trust, for the payment of any judgment recovered against such owner, as provided in this act, with such person, official, or corporation as said Commission shall designate: *Provided*, That should any such owner elect to comply with the provisions of paragraphs (a), (b), or (c) of this section, such owner shall first file with the Public Utilities Commission an admission of liability, in conformity with the principle of respondeat superior for the tortious acts of the driver or drivers of such vehicle or vehicles aforesaid as shall be driven with the trade name or identifying design of such owner.

"Any cash or collateral deposit and/or any sinking fund herein provided for shall be exempt from attachment or levy for any obligation or liability of the depositor thereof, save as herein provided.

"Within the meaning of this paragraph, the word "owner" shall include any corporation, company, association, joint-stock company or association, partnership or person, and the lessees, trustees or receivers appointed by any court whatsoever, permitting his, their, or its trade name and/or identifying design to be displayed upon vehicles governed by this act."

An additional paragraph to read:

"This act shall take effect 60 days after passage."

The SPEAKER. The Chair will call the attention of the gentleman to the fact that the amendment has probably been offered at the wrong line of the bill.

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent that the amendment may be inserted at the proper point in the bill, which is line 24.

The SPEAKER. The Chair also calls attention to the fact that probably the last line of the amendment should be stricken because of the committee amendment that has already been adopted.

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent that the last line may be stricken from the amendment.

The SPEAKER. The Clerk will report the modification of the amendment.

The Clerk read as follows:

Modify the amendment to apply to page 3, line 24, and strike out the additional paragraph which reads:
"This act shall take effect 60 days after passage."

Mr. SCHULTE. Mr. Speaker, as the gentleman from Oklahoma [Mr. NICHOLS] has stated, there is no old line insurance company that will accept the insurance of any taxicab, irrespective of who may be operating it, with the result that the taxicab operators in the District of Columbia and practically all over the United States are at the mercy of some mutual insurance company.

In the past 7 years or since 1929, we have had over 200 mutual insurance companies close their doors and fail to pay off their indebtedness.

The amendment which I have offered allows the taxicab fleets to place a cash bond in the hands of the Public Utility Commission and maintain the bond at all times.

The statement has been made that this insurance will increase the fares 5 cents. It will not; it will increase the fares 10 cents, and I doubt if they can carry it even then. While we all want to be protected and we all want insurance, we are placing it at a height now where they are not going to be able to get it at a price which they can pay. The ordinary taxicab will have to pay around $325 a year. Where can they get the money except from their fares, and with a 20-cent fare this would be impossible. The taxicab operators will tell you they must have 30 cents for the first zone and 40 cents for the next zone, and so on. There must be an increase in spite of what anyone may say to the contrary.

The men who are driving the cabs in the city are making a net profit of around $3 a day. They are very fortunate if they make a profit of $20 a week. The thing I am trying to do is to allow these men to file for group insurance, so that what little premium there may be, they will receive the benefit of it instead of going to some mutual insurance company. I have suggested they put up the amount of $75,000, and that they maintain this at all times.

I do hope the House will accept the amendment.

Mr. THOMPSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. SCHULTE. I yield.

Mr. THOMPSON of Illinois. Is the purpose of the gentleman's amendment to require that these cab drivers put up cash for their own insurance?

Mr. SCHULTE. The amendment pertains to the fleet operations we have in the District of Columbia, where there are organizations or associations or things of that kind, so they can form their own insurance companies instead of going to some mutual outfit and giving them a profit of seven or eight or ten thousand dollars in premiums.

Mr. THOMPSON of Illinois. Would not that discriminate against the operator who has just one cab?

Mr. SCHULTE. No.

Mr. THOMPSON of Illinois. You are going to require the putting up of $75,000 by an outfit that operates a fleet of several hundred cars, and this would certainly operate to the detriment of the man with one or two cabs.

Mr. SCHULTE. Is not the same thing true with respect to the streetcar companies? Do they not carry their own insurance?

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. SCHULTE. I yield.

Mr. NICHOLS. I take it the gentleman intended to change the words to "seventy-five thousand dollars" as well as the figures to "$75,000."

Mr. SCHULTE. Yes.

Mr. NICHOLS. Did not the gentleman also intend to change the amount in paragraph (c) to $75,000?

Mr. SCHULTE. Yes; and I will accept such an amendment.

Mr. NICHOLS. Mr. Speaker, I rise in opposition to the amendment for the moment.

The amendment provides in paragraph (a) that $5,000, or negotiable collateral of that value, can be put up by an individual or a corporation rather than taking out insurance.

This portion of the amendment I cannot agree to and would strenuously oppose. I am hopeful the gentleman from Indiana will ask that the first paragraph of his amendment be withdrawn. If he does this, it would be perfectly agreeable, so far as I am concerned, to accept the balance of his amendment, if it is also corrected to provide that in lieu of insurance a bond of $75,000 be put up with the Public Utilities Commission and that this bond be maintained at such figure in lieu of insurance to protect the public against liability caused by these operators.

If the gentleman will withdraw the first paragraph of the amendment and then ask that where the words and figures $50,000 appear that this be changed to $75,000, I shall agree to the amendment.

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent that paragraph (a) may be withdrawn, and where the figures "$50,000" appear that there be inserted in lieu thereof the figures "$75,000."

The SPEAKER. The gentleman from Indiana asks unanimous consent to modify his amendment by striking out "$50,000" and inserting in lieu thereof "$75,000." Is there objection?

Mr. NICHOLS. Mr. Speaker, I reserve the right to object. The gentleman means that whenever the word "fifty" appears in the amendment that also should be changed to the word "seventy-five."

Mr. SCHULTE. Yes.

The SPEAKER. Without objection, the amendment will be agreed to.

Mr. EBERHARTER. Mr. Speaker, I reserve the right to object. It is very difficult for us to follow the reading of the amendment and understand what is going on. I would like to know whether or not the unanimous-consent request would deprive an individual operator of the right to put up $5,000 instead of an insurance policy.

Mr. SCHULTE. Yes; it would.

Mr. EBERHARTER. What is the objection to allowing an individual operator to put up $5,000 cash instead of an insurance policy?

Mr. SCHULTE. There is nothing to stop it.

Mr. NICHOLS. Mr. Speaker, so far as I am concerned, I have no objection to that provision as an amendment. The amendment did not do that. It went further and permitted corporations to put up $5,000 in lieu of an insurance policy.

Mr. EBERHARTER. As I understand it, if the unanimous-consent request of the gentleman from Indiana is granted, the individual operator must have an insurance policy.

Mr. NICHOLS. That is correct.

Mr. EBERHARTER. That does not give a square deal to the individual operator.

Mr. NICHOLS. Practically the situation is this: Any individual taxicab operator can put up $5,000 cash in lieu of an insurance policy is in a position so financially responsible that he would not have any difficulty in getting an insurance policy.

Mr. EBERHARTER. I do not think that is quite true. Any individual operators who perhaps are not financially able to put up $5,000 may be able to get someone else to put it up for them. Many times the operator has a difficult time in getting an insurance policy, and that would mean that the operator would not be permitted to follow his vocation.

Mr. NICHOLS. We have scratched our heads over this thing in hearings for several days. Our entire interest was to protect the interest of the public and the small independent operator. This bill in its present form, without the proposed amendment, will give the independent operator every protection. Certainly I had nothing in mind to lay anything in the way of the independent operator.

Mr. EBERHARTER. Why not leave in the bill the provision that the independent operator may make a deposit of $5,000? What is the objection to that?

Mr. NICHOLS. As far as I am concerned if the gentleman wants to suggest such an amendment, that in lieu of such an insurance the individual operator could put up $5,000 and maintain $5,000, I have no objection to it.

Mr. FITZPATRICK. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. Yes.

Mr. FITZPATRICK. How many independent operators are there in the District?

Mr. NICHOLS. A great number.

Mr. FITZPATRICK. Does the gentleman think that 10 percent of the independent operators could put up $5,000 cash?

Mr. NICHOLS. No.

Mr. FITZPATRICK. Then that would eliminate them.

Mr. NICHOLS. Under the provisions of the bill they can take out insurance.

Mr. FITZPATRICK. But they would have to pay a large premium.

Mr. NICHOLS. The testimony before the committee was that these insurance premiums run about a dollar a day, which would be approximately $365 a year, or about $30 a month, and the testimony also was to the effect that the average taxi driver in the District of Columbia makes about 20 calls a day, and that if you increase the zone rate 5 cents a zone, you would give him additional revenue enough to pay the premium.

Mr. FITZPATRICK. Did the gentleman's committee take into consideration the idea of making all owners or drivers of vehicles in the District take out insurance?

Mr. NICHOLS. Absolutely; and I say to the gentleman that is a fine idea; but let me say to the gentleman that the people who operate automobiles for hire owe a greater duty to the public than the individual owner of a vehicle who operates it for his own pleasure.

The SPEAKER. Is there objection to the modification of the amendment?

There was no objection.

The SPEAKER. The Chair thinks in the interest of a full understanding the Clerk should now report the amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. SCHULTE: Following the word "section", page 3, line 24, add a new paragraph, to read:

"Any owner of a public vehicle required hereby to file a bond or policy of insurance may, in lieu thereof:

"(a) File with the Public Utilities Commission a blanket bond, or a blanket policy of liability insurance, in an amount to be approved by said Commission, but not to exceed $75,000, conditioned as required by this act, and covering all vehicles lawfully displaying the trade name or identifying design of any individual, association, company, or corporation.

"(b) Create and maintain a sinking fund in such amount as the Public Utilities Commission may require, but not in excess of $75,000, and deposit the same, in trust, for payment of any judgment recovered against such owner, as provided in this act, with such person, official, or corporation as said Commission shall designate: *Provided*, That should any such owner elect to comply with the provisions of paragraphs (a) or (b) of this section, such owner shall first file with the Public Utilities Commission an admission of liability, in conformity with the principle of respondeat superior for the tortious acts of the driver or drivers of such vehicle or vehicles aforesaid as shall be driven with the trade name or identifying design of such owner.

"Any cash or collateral deposit and/or any sinking fund herein provided for shall be exempt from attachment or levy for any obligation or liability of the depositor thereof, save as herein provided.

"Within the meaning of this paragraph, the word 'owner' shall include any corporation, company, association, joint stock company or association, partnership or person, and the lessees, trustees, or receivers appointed by any court whatsoever, permitting his, their, or its trade name and/or identifying design to be displayed upon vehicles governed by this act."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. NICHOLS) there were ayes 41 and noes 21.

So the bill was passed.

A motion to reconsider was laid on the table.

INTEREST RATE ON CERTAIN FEDERAL LAND-BANK LOANS—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 290)

The SPEAKER laid before the House the following veto message from the President of the United States, which was read by the Clerk:

To the House of Representatives:

I return herewith, without my approval, H. R. 6763, entitled "An act to extend for 1 additional year the 3½-percent interest rate on certain Federal land-bank loans, to provide a 4-percent interest rate on such loans for the period July 1, 1938, to June 30, 1939, and to provide for a 4-percent interest rate on Land Bank Commissioner's loans for a period of 2 years."

Section 1 of the bill extends for 2 additional years the policy originally adopted as an emergency measure in 1933 under which borrowers from the Federal land banks are allowed to pay interest on their loans at rates lower than those provided in their mortgage contracts.

Section 2 of the bill broadens the field of loans on which interest reductions are granted by providing that for a period of 2 years interest may be paid at the reduced rate of 4 percent on loans made by the Land Bank Commissioner.

SECTION 1. FEDERAL LAND-BANK LOANS

At present, through the sale of bonds to the investing public, new loans are being made by Federal land banks at the lowest rate that has ever been made available to farmers generally in this country, namely, 4 percent per annum. A decrease in farm-mortgage interest rates has been brought about through the refinancing operations of the Federal land banks and the Land Bank Commissioner. The average rate of interest on the private loans refinanced by the Federal land banks in 1933 and subsequent years has been 6.3 percent. Consequently, those farmers who refinanced their private loans in 1933 and 1934 by converting them into 5-percent Federal land-bank loans cut their annual interest charges more than 20 percent, while those who have refinanced at the present 4-percent rate have obtained a permanent reduction in excess of 40 percent. I believe, therefore, that there is no justification for continued Government subsidy of Federal land-bank interest rates below the unprecedentedly low rate these banks are now offering farmer-borrowers on a business basis.

Furthermore, the ability of farmers to pay interest at the rates provided for in their mortgages with the Federal land banks has been very substantially improved, due to an increase of more than 100 percent in the level of farm prices since the emergency period of 1932–33. In December 1936 the index of farm prices as reported by the Department of Agriculture stood at 126, as compared with 55 for the month of March 1933, and an average of 100 for the pre-war period August 1909 to July 1914. The gross farm income as estimated by the Department of Agriculture also rose from $5,337,000,000 in 1932 to $9,530,000,000 in 1936.

As an illustration of the lightening of the interest burden during the past 4 years through improvements in farm prices and the refinancing of farm debt, the following instance may be cited: The quantity of farm products required to meet the annual interest charge on a 6.3-percent private loan refinanced as a 5-percent Federal land bank loan in 1933 is now only 63 percent of the quantity required during the 5 pre-war years 1910 to 1914. The greatly increased debt-paying capacity indicated in the foregoing figures is borne out by the record of actual payments on Federal land bank loans. Approximately 85 percent of all loans of the Federal land banks were in good standing at the end of 1936, as opposed to approximately 50 percent delinquency when the emergency legislation was first passed.

The reduction of the rates of interest on Federal land bank loans to 3½ percent for the fiscal year 1938, and to 4 percent for the fiscal year 1939, as required by the bill for loans made through national farm loan associations, would, it is estimated, necessitate payments from the Treasury in the amount of approximately $31,700,000 for the former year and $21,200,000 for the latter, a total of $52,900,000. The

effect of such an arrangement is that part of the individual borrower's interest is paid for him by the United States. In other words, it constitutes a gift to individual borrowers from the Federal Treasury.

As indicated by me in my letter of June 8, 1937, addressed to the committees of Congress then considering this legislation, the whole question involves the rate of interest charged by Government agencies and relates not only to farm loans but also to moneys lent by the Home Owners' Loan Corporation, the Reconstruction Finance Corporation, the Public Works Administration, and other agencies.

The foregoing considerations have led me to the conclusion that further reductions in the interest rates payable on Federal land bank loans are not justified.

SECTION 2. LAND BANK COMMISSIONER LOANS

The farm loans made by the Land Bank Commissioner on behalf of the Federal Farm Mortgage Corporation bear an interest rate of 5 percent per annum. In view of the circumstances under which these loans are made, it cannot reasonably be said that a 5-percent rate of interest is excessive. Comparison with Federal land bank loans may serve to illustrate this point. A majority of the loans made by the Land Bank Commissioner are secured by second mortgages. Federal land bank loans may only be granted on first-mortgage security. A Land Bank Commissioner loan may be made for an amount which, taking into account any prior liens, equals 75 percent of the value of the property, including both land and buildings. A Federal land bank loan is restricted by law to a sum not exceeding 50 percent of the value of the land and 20 percent of the value of the improvements. Land Bank Commisisoner loans are frequently granted upon farms which, because of some physical or economic hazard, would not qualify as security for a Federal land bank loan. Finally, Land Bank Commissioner loans lack the element of cooperative responsibility through stock ownership by borrowers of their national farm loan associations upon which the Federal land bank system is built. In view of the added factors of risk present in the average Land Bank Commissioner loan, I feel that the 5-percent interest rate charged on these loans compares favorably with the present 4-percent rate of the Federal land banks. I have been unable to find any system in which second-mortgage loans have been made available to farmers generally on a basis as low as the present 5-percent Land Bank Commissioner loan rate.

The contemplated reduction in interest rates on Commissioner loans from 5 percent to 4 percent under the bill would reduce the annual income of the Federal Farm Mortgage Corporation, which owns these loans, by an amount of approximately $8,350,000. No provision is made for a corresponding reimbursement of this sum by the Treasury to the Corporation. Losses suffered by the Federal Farm Mortgage Corporation ultimately fall upon the United States as the sole holder of the Corporation's capital stock. More than this, the payment of principal and interest on all bonds issued by the Corporation is guaranteed by the United States.

Any reduction in the interest rate on Commissioner loans will place the Federal Farm Mortgage Corporation in such a position that there is a definite possibility that it may not be able to meet its obligations from its own income.

The passage of this bill was not contemplated in the preparation of the Budget for the fiscal year 1938. As the Congress is well aware, I am definitely seeking the balancing of that Budget. To this end, I have called upon the heads of all Government departments, establishments, and agencies to set up reserves of not less than 10 percent of all funds available for the fiscal year 1938, except such funds as are not susceptible to such treatment. Approval by me of the bill under consideration, involving as it does an additional draft upon the Treasury in excess of $30,000,000 during the fiscal year 1938, would be totally inconsistent with my purpose to bring about a balancing of the Budget for that year.

For all of these reasons I am constrained to withhold my approval of the bill H. R. 6763.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *June 9, 1937.*

The SPEAKER. The objections of the President will be entered at large upon the Journal, and the message and bill will be printed as a House document.

The question is, Will the House, on reconsideration, agree to pass the bill, the objections of the President to the contrary notwithstanding?

Mr. JONES. Mr. Speaker, I ask unanimous consent that action on the message and on the motion be postponed until tomorrow, without prejudice.

Mr. SNELL. Mr. Speaker, will the gentleman yield for a question?

Mr. JONES. Yes; I yield.

Mr. SNELL. Will the gentleman inform us what he intends to do, whether we will have a direct vote on it or whether the gentleman intends to ask that it be referred to the committee?

Mr. JONES. We are having a committee meeting in the morning, and I would prefer to talk the matter over with my committee before I make final decision in that matter.

Mr. SNELL. But as I understand the gentleman's request, that it go over until tomorrow without prejudice, the same condition will exist tomorrow as exists now?

Mr. JONES. That is correct. The matter will be in exactly the same status tomorrow if consent is granted.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. JONES]?

Mr. LAMBERTSON. Mr. Speaker, I object.

Mr. JONES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JONES. Is it in order to move that it go over until tomorrow without prejudice?

The SPEAKER. A motion to postpone consideration until tomorrow is in order.

Mr. LAMBERTSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Texas [Mr. JONES] has the floor. Does the gentleman from Texas yield for a parliamentary inquiry?

Mr. JONES. I yield, Mr. Speaker.

Mr. LAMBERTSON. It is my understanding that nothing is in order but the vote. That is the regular order.

The SPEAKER. Does the gentleman submit a parliamentary inquiry? If so, will the gentleman please state it?

Mr. LAMBERTSON. Is that not correct?

The SPEAKER. Is what correct?

Mr. LAMBERTSON. That nothing can intervene but the vote?

The SPEAKER. No. That is not the rule. The Chair will state to the gentleman, in reply to his inquiry, referring to page 278 of Cannon's Procedure in the House of Representatives, a motion to refer to a day certain is in order.

Mr. LAMBERTSON. Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. JONES]?

There was no objection.

FARM-TENANCY BILL

Mr. JONES, from the Committee on Agriculture, submitted a conference report on the bill (H. R. 7562, Rept. No. 1198), to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, and for other purposes, for printing in the RECORD.

DISTRICT OF COLUMBIA LEGISLATION

LIMITING TAXICABS IN THE DISTRICT OF COLUMBIA

Mr. PALMISANO. Mr. Speaker, I call up the bill (H. R. 6697) to authorize and empower the Public Utilities Commission of the District of Columbia to limit the number of public vehicles to be licensed and operated as taxicabs in the District of Columbia, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. O'CONNOR of New York and Mr. DIRKSEN objected.

The SPEAKER. This bill is on the Union Calendar.

Mr. PALMISANO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6697; and pending that I ask unanimous consent that the debate be limited to 1 hour.

The SPEAKER. The gentleman from Maryland moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 6697, and pending that asks unanimous consent that general debate on the bill be limited to 1 hour, to be confined to the bill, and to be equally divided between himself and the gentleman from Illinois [Mr. DIRKSEN].

Mr. FORD of California. Mr. Speaker, reserving the right to object, will not the gentleman make the time for general debate an hour and a half? This is a very important bill.

Mr. PALMISANO. Mr. Speaker, I modify my request accordingly and ask that general debate be limited to one hour and a half, to be confined to the bill, and to be equally divided between myself and the gentleman from Illinois [Mr. DIRKSEN].

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Maryland.

The question was taken; and on a division (demanded by Mr. O'MALLEY) there were—ayes 85, noes 9.

Mr. O'MALLEY. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 249, nays 71, not voting 111, as follows:

[Roll No. 105]

YEAS—249

Aleshire	Creal	Harlan	McGroarty
Allen, Del.	Crosby	Harrington	McKeough
Allen, Pa.	Crowe	Hart	McLaughlin
Anderson, Mo.	Cullen	Harter	McMillan
Andresen, Minn.	Cummings	Havenner	McReynolds
Andrews	Curley	Healey	Maloney
Arends	Daly	Higgins	Mansfield
Arnold	Deen	Hildebrandt	Massingale
Ashbrook	Delaney	Hill, Ala.	May
Atkinson	Dempsey	Hill, Wash.	Mead
Barden	Dickstein	Hobbs	Merritt
Barry	Dirksen	Houston	Michener
Beam	Disney	Hull	Miller
Beiter	Dixon	Hunter	Mitchell, Ill.
Bell	Dockweiler	Imhoff	Moser, Pa.
Bernard	Doughton	Jarman	Mosier, Ohio
Biermann	Doxey	Jenckes, Ind.	Mcuton
Bigelow	Driver	Jenks, N. H.	Murdock, Utah
Bland	Duncan	Johnson, Luther A.	Nelson
Bloom	Dunn	Johnson, Lyndon	Nichols
Boehne	Eckert	Johnson, Okla.	Norton
Boileau	Eicher	Johnson, W. Va.	O'Brien, Ill.
Boland, Pa.	Ellenbogen	Jones	O'Brien, Mich.
Boren	Elliott	Kee	O'Connell, R. I.
Boyer	Engel	Kennedy, Md.	O'Connor, Mont.
Boykin	Farley	Kennedy, N. Y.	O'Connor, N. Y.
Brooks	Fitzgerald	Kenney	O'Day
Brown	Fitzpatrick	Keogh	Oliver
Buck	Fletcher	Kitchens	O'Neal, Ky.
Bulwinkle	Forand	Kleberg	O'Neill, N. J.
Burch	Ford, Miss.	Kniffin	O'Toole
Burdick	Fries, Ill.	Kocialkowski	Pace
Byrne	Fuller	Koppiemann	Palmisano
Cartwright	Gambrill	Kramer	Parsons
Case, S. Dak.	Garrett	Kvale	Patrick
Chandler	Gehrmann	Lambeth	Patterson
Chapman	Gildea	Lamneck	Patton
Citron	Goldsborough	Lanham	Peterson, Fla.
Claypool	Gray, Pa.	Larrabee	Peterson, Ga.
Cochran	Greenwood	Leavy	Pettengill
Coffee, Nebr.	Greever	Lemke	Polk
Coffee, Wash.	Gregory	Lesinski	Powers
Cole, N. Y.	Griffith	Lewis, Md.	Quinn
Colmer	Griswold	Lucas	Ramsay
Cooper	Gwynne	Ludlow	Ramspeck
Costello	Halleck	McAndrews	Randolph
Cox	Hancock, N. Y.	McClellan	Rankin
Crawford	Hancock, N. C.	McCormack	Rayburn
Reece, Tenn.	Sheppard	Thomas, Tex.	Whelchel
Reed, N. Y.	Short	Thomason, Tex.	White, Ohio
Rich	Smith, Maine	Thompson, Ill.	Whittington
Richards	Smith, Wash.	Tolan	Wilcox
Rigney	Snell	Umstead	Williams
Robertson	Snyder, Pa.	Vinson, Fred M.	Withrow
Robinson, Utah	South	Vinson, Ga.	Wolcott
Romjue	Sparkman	Voorhis	Wolfenden
Sabath	Spence	Wallgren	Wolverton
Sauthoff	Steagall	Walter	Wood
Schaefer, Ill.	Stefan	Warren	Woodrum
Schneider, Wis.	Tarver	Wearin	Zimmerman
Schulte	Terry	Weaver	
Secrest	Thom	Wene	
Shafer, Mich.	Thomas, N. J.	West	

NAYS—71

Allen, Ill.	Fernandez	Keller	Pearson
Allen, La.	Fish	Kinzer	Reed, Ill.
Binderup	Flannagan	Kirwan	Rees, Kans.
Buckler, Minn.	Ford, Calif.	Knutson	Robsion, Ky.
Cannon, Mo.	Gearhart	Lanzetta	Rogers, Mass.
Carlson	Gray, Ind.	Lewis, Colo.	Rutherford
Carter	Green	Luce	Sanders
Church	Guyer	Luckey, Nebr.	Scrugham
Clason	Hamilton	Mahon, Tex.	Simpson
Cluett	Hendricks	Mapes	Taylor, S. C.
Colden	Hill, Okla.	Martin, Colo.	Taylor, Tenn.
Collins	Hoffman	Martin, Mass.	Thurston
Dies	Holmes	Mason	Tinkham
Ditter	Hook	Mills	Turner
Dondero	Hope	Mitchell, Tenn.	Vincent, B. M.
Dowell	Izac	O'Malley	Welch
Eberharter	Jarrett	Owen	Woodruff
Englebright	Jenkins, Ohio	Patman	

NOT VOTING—111

Amlie	Edmiston	McFarlane	Schuetz
Bacon	Evans	McGehee	Scott
Bates	Faddis	McGranery	Seger
Boylan, N. Y.	Ferguson	McGrath	Shanley
Bradley	Flannery	McLean	Shannon
Brewster	Fleger	McSweeney	Sirovich
Buckley, N. Y.	Frey, Pa.	Maas	Smith, Conn.
Caldwell	Fulmer	Magnuson	Smith, Va.
Cannon, Wis.	Gasque	Mahon, S. C.	Smith, W. Va.
Casey, Mass.	Gavagan	Maverick	Somers, N. Y.
Celler	Gifford	Meeks	Stack
Champion	Gilchrist	Millard	Starnes
Clark, Idaho	Gingery	Mott	Sullivan
Clark, N. C.	Haines	Murdock, Ariz.	Sumners, Tex.
Cole, Md.	Hartley	O'Connell, Mont.	Sutphin
Cooley	Hennings	O'Leary	Sweeney
Cravens	Honeyman	Peyser	Swope
Crosser	Jacobsen	Pfeifer	Taber
Crowther	Johnson, Minn.	Phillips	Taylor, Colo.
Culkin	Kelly, Ill.	Pierce	Teigan
DeMuth	Kelly, N. Y.	Plumley	Tobey
DeRouen	Kerr	Poage	Towey
Dingell	Kloeb	Rabaut	Transue
Dorsey	Lambertson	Reilly	Treadway
Douglas	Lea	Rogers, Okla.	Wadsworth
Drew, Pa.	Long	Ryan	White, Idaho
Drewry, Va.	Lord	Sacks	Wigglesworth
Eaton	Luecke, Mich.	Sadowski	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. McSweeney with Mr. Treadway.
Mr. Cole of Maryland with Mr. Seger.
Mr. McFarlane with Mr. Taber.
Mr. Gavagan with Mr. Gifford.
Mr. Taylor of Colorado with Mr. Wadsworth.
Mr. Maverick with Mr. McLean.
Mr. Smith of Virginia with Mr. Crowther.
Mr. Starnes with Mr. Eaton.
Mr. Mahon of South Carolina with Mr. Bacon.
Mr. Sullivan with Mr. Hartley.
Mr. Clark of North Carolina with Mr. Douglas.
Mr. Schuetz with Mr. Millard.
Mr. Crosser with Mr. Wigglesworth.
Mr. Drewry with Mr. Plumley.
Mr. Fulmer with Mr. Tobey.
Mr. Cravens with Mr. Mott.
Mr. Boylan of New York with Mr. Lambertson.
Mr. Gasque with Mr. Maas.
Mr. Kelly of Illinois with Mr. Culkin.
Mr. Chapman with Mr. Bates.
Mr. Lea with Mr. Gilchrist.
Mr. Sumners of Texas with Mr. Lord.
Mr. Reilly with Mr. Brewster.
Mr. Sutphin with Mr. Amlie.
Mr. DeRouen with Mr. Johnson of Minnesota.
Mr. Scott with Mr. Teigan.
Mr. Pfeifer with Mr. Edmiston.
Mr. Towey with Mr. Bradley.
Mr. Dorsey with Mr. Murdock of Arizona.
Mr. Pierce with Mr. Ferguson.
Mr. Shanley with Mr. Haines.
Mr. Hennings with Mr. Somers of New York.
Mr. Sweeney with Mr. Caldwell.
Mr. Buckley of New York with Mr. Meeks.
Mr. Long with Mr. Swope.
Mr. Dingell with Mr. Sirovich.

Mr. Jacobsen with Mr. Transue.
Mr. McGehee with Mr. Casey of Massachusetts.
Mr. Luecke of Michigan with Mr. Evans.
Mr. O'Connell of Montana with Mr. Celler.
Mr. McGranery with Mr. DeMuth.
Mr. Smith of West Virginia with Mr. Kelly of New York.
Mr. Ryan with Mr. McGrath.
Mr. O'Leary with Mr. Clark of Idaho.
Mr. Magnuson with Mr. Drew.
Mr. Phillips with Mr. Faddis.
Mr. Poage with Mr. Gingery.
Mr. Fleger with Mr. Stack.
Mr. Flannery with Mrs. Honeyman.
Mr. Rabaut with Mr. Frey of Pennsylvania.
Mr. Sadowski with Mr. Peyser.

Mr. ANDREWS, Mr. CARTWRIGHT, Mr. GOLDSBOROUGH, and Mr. REED of New York changed their vote from "nay" to "yea."

Mr. HOOK changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6697) to authorize and empower the Public Utilities Commission of the District of Columbia to limit the number of public vehicles to be licensed and operated as taxicabs in the District of Columbia, with Mr. STEAGALL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. PALMISANO. Mr. Chairman, I yield 10 minutes to the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. Chairman, I appreciate the action of the Members by their vote, just announced, in allowing this bill, H. R. 6697, to come before the Committee this afternoon for consideration. I am ever considerate of my colleagues in the consideration of proposed legislation. Certainly, in allowing this measure to come before the House this afternoon we are proceeding in an orderly fashion. It must be remembered, as I know the majority by the vote that has just been recorded do remember and understand well, that this is District of Columbia day. The measures upon the calendar, four in number, for consideration this afternoon, are brought here as a result of subcommittee, and later committee, action based upon hearings, and in some instances hearings over a long period of time.

In the consideration of the pending measure I want to be very clearly understood at the outset. I should like to remind the House that, as many Members are aware, a great many times on previous occasions similar legislation has been before the House. I have no desire to weaken my argument for a single moment, but I have not come to it as yet. On all of those occasions, however, similar measures looking toward possible limitation of the number of taxicabs operating in the District of Columbia have been defeated. You are aware of that just as I am aware of it. So in the Seventy-fifth Congress, by action of the District Committee chairman, a subcommittee of which I had the responsibility to serve as chairman, was appointed to consider very carefully the possibilities of once again bringing before this House legislation looking toward the possible limitation of taxicabs in Washington, D. C. We had hearings which we believe were exhaustive, and that is the reason that I, as one member of the Committee on the District of Columbia, thank the Members of the House who voted to allow at least the consideration of this measure.

I should like now to direct my attention to the pending legislation and to the provisions which you will desire to get very clearly in your own minds, as we go along in the consideration of the measure.

We find that as of June 7, 1937, there were operating in the District of Columbia 4,757 taxicabs. In grouping these cabs we find that the independents, that is, the individually owned and operated cabs upon the streets of Washington, D. C., number 605. We find that 19 associations, both white and colored, were operating cabs in the District of Columbia.

Mr. REED of New York. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield.

Mr. REED of New York. Has the gentleman covered the question of insurance? Do they carry insurance?

Mr. RANDOLPH. No; there is no insurance of cabs in Washington, but the House passed earlier this afternoon a bill making the carrying of liability insurance a part of the law in the District of Columbia.

Nineteen of these associations, colored and white, operating in the District of Columbia have on the streets a total number of 3,938 cabs. The third group operating cabs in the District of Columbia comes under the heading of company as against independent or associations of drivers. We found 214 cabs in the category of company-owned and operated. This makes a grand total, as I have already said, of 4,757 cabs as of June 7.

Understand it is not the cab alone which we consider today in the bill before us. We should also remember that the 4,757 cabs have 5,493 drivers, or approximately 700 more drivers than cabs operating in the District of Columbia.

Going back to 1928, may I remind the committee there were but 783 cabs operating in the District of Columbia. In 1930 there were but 1,387 cabs operating in the District of Columbia.

Mr. GREEN. Will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Florida.

Mr. GREEN. What was the charge when there were a thousand cabs in the District to go from here to the Treasury Department, for instance?

Mr. RANDOLPH. The rate was higher.

Mr. GREEN. Yes. It was about three times as much.

Mr. RANDOLPH. May I say to the gentleman from Florida I hope consideration of the pending measure will not be based upon any Member of the House desiring to raise or lower the rate for riding in the cabs of the District of Columbia. We did not bring the legislation here with that thought in my mind. When consideration of this measure is completed, I hope the gentlemen will agree with me the fare for riding in any zone has nothing whatever to do with the pending measure.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. Why should not that be a very vital thing as to what the public will have to pay, as well as the service rendered by these cabs?

Mr. RANDOLPH. I may say to the gentleman from Oklahoma, it is a very vital thing, and I have no argument with him about that. Personally, I believe in the District of Columbia the rate should be raised 5 cents a zone. Perhaps the gentleman does not agree with me, and I assume from his question he does not agree with me; but in the consideration of the pending legislation I do not want to discuss that matter. I may say, however, that if we have a limitation of taxicabs in the District of Columbia under the provisions of this bill it will not necessarily follow there will be an increase for riding in the vehicles.

Mr. BEVERLY M. VINCENT. Will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Kentucky.

Mr. BEVERLY M. VINCENT. If we reduce the number of cabs in the city, will that not put men out of work?

Mr. RANDOLPH. I do not feel that way. I will bring that up, if the gentleman will allow me to proceed a moment.

To continue, with the number of cabs operated in Washington, D. C., in 1933 there were 4,000 cabs operating in the District. From 1933 to 1937 there was an increase of 1,757 cabs in a period of 4 years. Back in 1928, to go further back, there were only 3,373 drivers operating cabs in the District of Columbia. Now there are almost 5,500 drivers.

Let us look at this picture for a moment, and I would like the attention of all my colleagues of the committee as I discuss this proposition. Washington has practically twice the number of cabs as the aggregate in Pittsburgh, in which city there are but 247 cabs; in Chicago, in which city there are 1,500 cabs; and in Philadelphia, where there are 728 cabs, a total in those three cities of 2,475, as against 4,757 cabs in Washington.

Mr. SNYDER of Pennsylvania. Will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Pennsylvania.

Mr. SNYDER of Pennsylvania. Since noon I went outside and stopped six taxicabs and asked the drivers whether or not they were satisfied with the taxicab situation as it exists at the present time. They all informed me they were satisfied.

Mr. RANDOLPH. I may say to the gentleman from Pennsylvania that I know, of course, his observation is true because he is a truthful man; but in the committee hearings we found that the drivers were unanimously in favor of the provisions of the pending legislation.

[Here the gavel fell.]

Mr. PALMISANO. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. RANDOLPH. Mr. Chairman, I want to be courteous to all my colleagues in yielding for questions.

Mr. GRAY of Indiana. Will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Indiana.

Mr. GRAY of Indiana. Is there not a necessity for a greater number of taxicabs in the city of Washington, the Nation's Capital, than in these other cities to which reference has been made?

Mr. RANDOLPH. I agree with the gentleman. This is a tourist city. We recognize that fact.

Mr. O'CONNELL of Rhode Island. Will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Rhode Island.

Mr. O'CONNELL of Rhode Island. Last Wednesday afternoon I had occasion to go to the ball game and I hailed about 50 taxis before I could get one to take me. Can the gentleman tell me why they were so busy?

Mr. RANDOLPH. Of course, there were thousands on thousands of persons who came here from one-fourth of the congressional districts in the United States to see that all-star game. I know there were, conservatively, over 150 from my district alone. I could not get tickets for all of them. I tried to get as many as I could.

Mr. O'CONNELL of Rhode Island. I could not get a taxicab to take me home.

Mr. RANDOLPH. I did not see the game. I gave my ticket to a constituent. He is the sheriff of one of the counties in my district and he would have felt very badly if he could not have received a ticket, since he is a real fan.

Mr. JOHNSON of Oklahoma. Are there too many taxicabs here?

Mr. RANDOLPH. I believe there are, or I would not be up here speaking for the pending legislation.

Mr. JOHNSON of Oklahoma. Would the gentleman like to see the same situation prevail here as in Pittsburgh with two-hundred-and-some-odd taxicabs.

Mr. RANDOLPH. No. But we want the Public Utilities Commission in Washington, D. C., to have the power to regulate in their discretion the number of cabs that operate in Washington, D. C. I may say to the gentleman that the District of Columbia is the only city in the country that a commission or some other agency does not have the power to regulate the number of cabs that may operate.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Michigan. You in Detroit have the power to regulate the number of cabs.

Mr. HOOK. Would not this bill allow the development of a price-fixing monopoly?

Mr. RANDOLPH. I believe we have pending amendments which would not allow a monopoly to exist in the District of Columbia.

Mr. LANZETTA. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from New York.

Mr. LANZETTA. Does not the gentleman think that placing a restriction in the bill at this time, especially when we have so many men out of work, would take away from some men an opportunity to earn some kind of a living?

Mr. RANDOLPH. I may say to the gentleman in connection with the opportunity for employment that our committee in its investigation discovered there are approximately 250, perhaps more, Government employees having good jobs in Washington, D. C., who go to their work, park their taxicabs in front of the building in which they work, go in, and then at the end of the day come out and get in their cabs and operate on the streets of Washington, D. C., in competition with men who are trying to earn a livelihood here.

Mr. GREEN. If the gentleman will permit, I think we should put in the bill a provision to eliminate those leeches.

Mr. RANDOLPH. We have it in the bill.

Mr. GREEN. That is all right, but we do not have to pass a bill which will do more harm than good in order to accomplish that purpose.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from Illinois.

Mr. SABATH. Years ago I introduced a bill prohibiting Government employees who are regularly employed from obtaining permits to operate taxicabs. I notice in this bill is a proviso reading as follows:

Provided further, That no new license shall be issued to any person who has regular, full-time employment.

This provision would still permit Government employees who now have permits to operate, and there are about 300 or 400 such persons, as I understand.

Mr. RANDOLPH. That is true to this extent. We are trying to allow the Public Utilities Commission to reduce the number of cabs, and of course that fact would be taken into consideration in taking such cabs off the streets of Washington, D. C.

Mr. SABATH. Should not an amendment be adopted providing that we should first prevent the drivers who are otherwise regularly employed from obtaining renewal of their licenses?

Mr. RANDOLPH. I think I should support such an amendment, I may say to the gentlemen.

Mr. SABATH. I have heard expressed by several Members who are very sincere and honest the fear that the last provision in the bill, regarding the sale of cabs by the present owners, may tend to bring about a monopoly.

Mr. RANDOLPH. I may say we will offer an amendment to limit the number of cabs in any one company, which we trust will take care of that situation.

Mr. SABATH. That will help the passage of the bill.

Mr. RANDOLPH. I thank the gentleman.

[Here the gavel fell.]

Mr. PALMISANO. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia.

Mr. RANDOLPH. I would like to yield to everyone who would like to ask questions, and I wonder if I may be allowed to proceed for 3 minutes without interruption, and then answer questions?

Mr. DUNN. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. If the gentleman will allow me to continue for 3 minutes without interruption, I will answer questions in the remaining 2 minutes.

The limitation in cabs operating which is to be brought about in the District of Columbia is believed to be painless and fair to all existing holders of licenses, first, by voluntary retirement, second, by failing to renew licenses, and third, where the operator himself is found to be unfit to operate a common-carrier vehicle on the streets of this city.

In 1934 the Public Utilities Commission in its report to Congress asked that it be given discretionary right to limit the operation of cabs in the District of Columbia. The Commission said:

The Commission is likewise of the opinion that there should be a limitation in the number of taxicabs permitted to operate on the public highway. This view is entertained by many others, including a goodly portion of the industry itself. There should be a convenience and necessity rule. The equitable way of putting this into effect would be to permit all licensees to continue and deny others entrance into the field until the number is reduced. This is an adequate number to reasonably serve the public, giving due consideration to many transients and sightseers coming to the National Capital. Likewise, this number would be sufficient to prevent a monopoly and return to excessive rates which existed

at the time of the advent of the flat-rate system. Such legislation would undoubtedly substantially relieve traffic conditions in the District of Columbia, and, in addition, materially better the drivers' conditions, both physically and financially.

In their report to Congress in 1935 the Commission asked the same right, saying:

The Commission is convinced that there should be a limitation upon the number of taxicabs permitted to operate within the District of Columbia. This view is held by many others, including a substantial portion of the industry itself. A convenience and necessity rule should be established, giving the Commission authority to fix limitations upon the number of taxicabs. A reduction to any limit that might be fixed could be effected equitably by permitting existing licensees to continue in business, but refusing to permit license assignments and new operators to enter the field. Any number determined upon should be sufficient to prevent a monopoly and a return to the scale of rates in effect prior to the advent of the flat or zone-rate system. A reduction in the number of taxicabs would undoubtedly afford some relief to traffic congestion and would inure to the physical and financial benefit of drivers.

And again in 1936 they asked that they be given this right in the District of Columbia.

We believe, from the standpoint of the driver, physically and financially, and from the standpoint of the traffic situation in the District of Columbia, that an improvement will follow the passage of this bill if it is enacted into law; and we believe also no monopoly will grow up in the District of Columbia as the result of the passage of this proposed legislation.

I want to be fair, and I yield first to the gentleman from Pennsylvania [Mr. DUNN].

Mr. DUNN. Did I correctly understand the gentleman to say there are many Government employees who are operating cabs?

Mr. RANDOLPH. We believe there are between 250 and 300.

Mr. DUNN. Perhaps the reason these men are operating cabs is that the amount of money the Government pays them for the valuable services they render is not sufficient, and they are compelled to do this kind of work.

Mr. RANDOLPH. I cannot discuss that proposition.

Mr. KENNEDY of Maryland. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to a member of the committee, the gentleman from Maryland.

Mr. KENNEDY of Maryland. Is it not true that the permits the Government employees must obtain to operate their taxicabs come from the Public Utilities Commission itself?

Mr. RANDOLPH. It cannot refuse to grant them at the present time.

Mr. KENNEDY of Maryland. It does grant them.

Mr. SECREST. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield.

Mr. SECREST. The gentleman has stated the number of cabs belonging to the associations or companies will be limited. I am wondering what limitation has been agreed upon.

Mr. RANDOLPH. Five hundred. Personally I would be ready to reduce that number, I may say to the gentleman.

Mr. SECREST. Understand the Diamond Cab Association has about 2,500 cabs. Would this automatically destroy their association?

Mr. RANDOLPH. I may say that the figure the gentleman referred to is not correct. It is 1,200.

Mr. KENNEDY of Maryland. If the gentleman will yield to me further, as I understand, while that is an association the cabs are individually operated. The cab driver furnishes all the gasoline and pays all the expenses, and simply pays a certain amount per day to the so-called association.

Mr. RANDOLPH. In a general way, that is the picture.

Mr. KENNEDY of Maryland. Is that not a fact, according to the testimony?

Mr. RANDOLPH. Yes; that is true.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. Yes.

Mr. JOHNSON of Oklahoma. Is there any provision in this bill which would prevent the Commission from doubling taxi fares within the next 12 months, if it so desired?

Mr. RANDOLPH. I will be pleased to have the gentleman offer such an amendment, and I shall support it.

Mr. JOHNSON of Oklahoma. I would be glad to offer such an amendment.

Mr. FORD of California. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from California.

Mr. FORD of California. The gentleman has stated he is going to limit the associations to a certain number. What is to prevent such associations from getting together and creating a lovely bit of monopoly by interlocking and having it all in one crowd?

Mr. RANDOLPH. The Public Utilities Commission of the District of Columbia is composed of gentlemen who are fair and who desire to do everything possible to see that no monopoly exists in the District of Columbia. We believe that is the picture now, and we trust it will be true in the future.

Mr. FORD of California. Is not that possible because they may work out such a plan right under their noses?

Mr. RANDOLPH. Then I may say the legislation in that respect does not provide for any cure.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. RANDOLPH. I yield to the gentleman from New York.

Mr. DICKSTEIN. Are you not creating a monopoly for the present operators of the big taxicab companies who have such a large number of cabs; and if you provide a deadline, are they not going to get the benefit of the legislation to the detriment of the small, independent operator in the District of Columbia?

Mr. RANDOLPH. I may say to the gentleman from New York that we believe we would improve the bad situation as it exists today.

[Here the gavel fell.]

Mr. DIRKSEN. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Chairman, I hardly knew of the existence of this bill until this morning; but it is so contrary to what I believe is a fundamental principle in American life that I am compelled to oppose it.

I believe the last thing we should ever do is to say to any citizen, at any time, present or future, that he or she cannot engage in any business, occupation, or profession he or she may see fit to enter. This was one of the fundamental defects in the administration of N. R. A. I was, and still am, heartily in favor of the fundamental principles of N. R. A., but in its administration our citizens were told: "There are enough people in the bootblacking business, there are enough people in the shoestring business, there are enough people in the sand and gravel business, and we will not let anybody else go into that business."

Suppose you lawyers, just before you were going to be admitted to the bar, were faced with the situation where in your own State they passed a law that no more lawyers should be admitted to practice. Who is there, whether it is a utility commission or the Government itself, State or Federal, who can say to one of our citizens that he cannot enter a business because it is overcrowded? Is it not the answer that if a person is so senseless as to enter a business which is overcrowded competition will take care of the matter?

I cannot see the right of a commission in the District of Columbia, I cannot see the right of the District of Columbia, or the right of the Federal Government to say to a man who wants to go into the taxicab business, "You shall not go into that field; there are too many in it." Whether he makes a living in the business or not is his concern.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. RANDOLPH. Is it not true that in the gentleman's city of New York there is regulation of the number of taxicabs?

Mr. O'CONNOR of New York. I am so informed; but I do not endorse it at all, and I have some suspicion of the motives of the people who put it over.

Mr. RANDOLPH. I hope the gentleman does not apply that here.

Mr. O'CONNOR of New York. I am talking about New York and not about this bill or the District of Columbia.

Mr. RANDOLPH. I know the gentleman is honest in his opposition.

Mr. O'CONNOR of New York. Now, you talk about a painless method of reduction of the number of taxicabs——

Mr. KENNEDY of Maryland. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. KENNEDY of Maryland. I may say that we have a law in Maryland almost exactly like the pending bill, which gives the public service commission the right to regulate the number of taxicabs, and for a number of years it has been impossible for an individual to obtain a taxicab license in Baltimore. The result has been we have a high rate there, and not only that but the service there is probably the worst of any city of comparable size in the United States.

Mr. O'CONNOR of New York. That is a shameless situation from an American standpoint.

It has been said here today that by a painless method, as these licenses expire, no new ones will be issued, but what about the new fellows who want to go into the taxicab business?

I sympathize with the taxicab operators in the District. I realize they have never received a proper fare. For years I have been sympathetic with their demands for a proper fare. They do not get it here. They do not get a fare comparable with fares paid in other cities. They carry you 6 miles for 30 cents, which surely does not even pay their cost of operation, but when anybody tells me there are too many taxicabs in the District of Columbia, I cannot verify or corroborate that fact by experience in the morning or when we come out of the Capitol in the afternoon at adjournment, and especially when it rains.

You cannot make proper comparisons between the District of Columbia and other large cities.

We have a floating, tourist, visiting population coming here every day which has no means of transportation. Our streetcars are mostly gone. We have no subways, no elevated trains, and for these visiting people practically the only transportation available is the taxicab, and that at a ridiculously low rate. So I do not agree with the statement that we have too many taxicabs.

Mr. GRAY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. GRAY of Pennsylvania. I agree with the gentleman's fundamental principle of American employment, and entering into industry or business, but what are you going to do in a situation such as we have in Washington, where a cab driver practically runs another car off the street? Many of them are really a public nuisance. I think there are so many here that they have become a public nuisance.

Mr. O'CONNOR of New York. I am not aware of that. I think the "public nuisance" in the District of Columbia consists in the thousands and thousands of cars owned by private individuals which are parked all day and all night in our streets and parks. [Applause.] If anybody wanted to enforce the parking law in the District, I could take the chief of police and within 2 hours find 2,000 violations within a block of the Commerce Building, and we know they do not and will not enforce the law. We know that Government employees drive their cars a mile or 2 miles in the morning, park them all day long, just to drive them back 1 or 2 miles in the evening. The maintenance of garages is discouraged. While garages can be obtained for $5 a month, yet everyone connected with the problem has advised these people to park these cars on the streets all day long, with millions of dollars of economic waste in depreciation of the cars. Will anybody tell me when they ever saw a decent, clean-looking car in the District of Columbia that did not come from out of town?

Mr. PALMISANO. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. PALMISANO. I agree with the gentleman, so far as the parking law is concerned, but I would like the gentleman to tell the Members of Congress where these $5 garages may be obtained in the District of Columbia.

Mr. O'CONNOR of New York. I read in the papers that they can be, but certain people in the District discourage the building of garages and encourage the people to park their cars on the streets day and night, and in front of fire hydrants. I have seen the fire department go into a street packed solidly on both sides, so that the department could not get to a fire plug. Some day there will be a major catastrophe in the District of Columbia because of the laxity of the authorities in permitting this all-day and all-night parking.

Mr. PALMISANO. The gentlewoman from Indiana [Mrs. JENCKES] informs me that she would like to know where she could get one of these $5-a-month garages.

Mr. MILLS. Mr. Chairman, if the gentleman will yield, I shall be glad to answer the question. At 1451 Harvard Street there are three that now rent for $5 a month.

Mr. CRAWFORD. There are lots of them right back of the Office Building.

Mr. O'CONNOR of New York. And within three blocks of this Capitol they can be rented for $3 a month, and in front of them night and day you will find cars parked, blocking the highway.

Mr. LEWIS of Colorado. Does the gentleman know of any town or city of over 2,000 people where they permit cars to be parked all day and night on the streets?

Mr. O'CONNOR of New York. Of course not. In New York we drag them to the pound, and it costs $10 every time to redeem them, for the hauler's charge.

Mr. LEWIS of Colorado. That is what we do in Denver.

Mr. O'CONNOR of New York. And they should do it here.

Mr. MOSER of Pennsylvania. And in line with the gentleman's argument, would it not be well to recall that good democratic doctrine that competition is the life of trade?

Mr. O'CONNOR of New York. Absolutely; and once you start to stop anybody from going into any business, you stifle competition, something contrary to the interest of America.

In this bill is another item. You talk about preventing Government employees or other workers from driving a cab at night or in their spare time. What do you want to do? Do you want to stifle the ambitions of some people? I imagine a great many of us worked in our spare time at different times. Government employees do not get much money. Why should you, in principle, say to an ambitious, industrious Government employee that he shall not work in his spare time driving a taxicab? During this depression in New York we have had lawyers, we have had physicians driving taxicabs in order to make a living. We have had other people, working in businesses at small salaries, driving taxicabs.

This bill is fundamentally unsound for those two reasons, because it prevents a man going into the business or occupation of his choice, and it just stifles the ambition of industrious people who want to add to their meager Government salaries. I trust the bill will be defeated, if it is not withdrawn before its conclusion. [Applause.]

[Here the gavel fell.]

Mr. DIRKSEN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, when this bill is reduced to its essentials it is nothing more than a bill to empower the Public Utilities Commission of the District of Columbia to fix the number of cabs that that utilities commission feels is requisite to the transit needs of the town and then, by progressive steps, to diminish the number of cabs to that point. As the distinguished gentleman from West Virginia [Mr. RANDOLPH] has said, there are approximately 4,800 cabs in Washington.

I am informed that the Public Utilities Commission or someone else has either informally or formally intimated that 2,500 cabs would be sufficient for this city. If that is true, it will mean that 2,300 cabs will, sooner or later, be taken off the streets. If an existing holder of a taxicab license should die, that license would automatically be canceled and no other license would be issued as a replacement license. If a license were canceled for violation of the law, no replacement license would issue. So, by devious processes the number of cabs would ultimately be reduced to 2,500.

First of all, I am opposed to reducing the number of cabs and certainly I am opposed to reducing them according to the principle set out in this bill.

May I submit to the Members of this Committee that there is a taxicab association operating in the city of Washington at the present time that has, according to report, 2,000 cabs upon the streets? If the number is fixed at 2,500 it will mean that the largest taxicab company, if it does not permit one of its licenses to lapse, will have a substantial monopoly on the taxicab business in the city of Washington.

Mr. RANDOLPH. Will the gentleman yield for what I hope is a correction?

Mr. DIRKSEN. I think I know what the gentleman has in mind. Perhaps I disagree with him that the Diamond Taxicab Co. has only 1,500 cabs.

Mr. RANDOLPH. Thirteen hundred.

Mr. DIRKSEN. But they are the largest operators. Probably it is somewhere between 1,300 and 2,000; but the fact remains that they have the preponderant number of cabs in Washington, D. C., which means that for practical purposes they will have a monopoly when we get down to 2,500 cabs. That might not be so bad if we were not confronted with the kind of traction situation which we have in Washington at the present time. If the Members of this Committee do not know it, the Capital Transit Co. has filed two petitions to raise streetcar rates in this town. They have taken away the weekly passes on which you could ride for $1 and $1.25, and in addition thereto they are not only petitioning for an increase in rates but they are asking to continue the putting on of one-man cars. In a little while you will have a monopolistic situation in Washington where the transportation facilities will be controlled by the Capital Transit Co. and by one or two taxicab companies. That will be a fine spectacle when the public of Washington is made to depend upon that sort of a system, because I, for one, have little faith in the Public Utilities Commission of Washington, D. C.

I have sat as a member of a subcommittee conducting some hearings on this matter, because I have introduced two bills, one to stop them from putting on one-man cars, and the other to freeze the rate where it was some years ago when a merger took place between the two traction companies. All this matter has been constantly aired before the Public Utilities Commission. My own personal notion, without casting any reflections upon the gentlemen who constitute the Commission, is that they are constantly favoring the traction company; and that perhaps they are monopolistic minded. So you will precipitate a condition in this town, if this bill passes, where the transportation facilities will be lodged under the control and supervision of a few companies, and then you may very well anticipate that there is going to be an increase in rates. When we think of increases in rates we perhaps think of the 435 Members of this House who use taxicabs and streetcars. Increased rates as applied to legislators are a mere drop in the bucket as compared with the real issue involved. What about the other 700,000 people in Washington? What about the 127,000 Government employees who have to go back and forth to work on busses and streetcars and taxicabs, where the average level of pay is around $1,500 a year? They are the people who are really going to experience the burden that may be imposed upon them if we ever set up a monopoly, wittingly or unwittingly.

Now, what is the situation in Baltimore, the native city of the chairman of the Committee on the District of Columbia? I understand they got a bill or an ordinance passed whereby a similar condition prevails to that contemplated in this bill. I am also informed that when a taxicab operator starts cruising up and down one of the downtown streets of Baltimore where there is located a streetcar line, he is likely to be arrested for being a vagrant, if you please, cruising there in competition with the streetcar line.

If we set up a monopoly how far are we going in that direction when the Public Utilities Commission, in my humble opinion, has not been doing its duty to the people in Washington, D. C.?

Mr. PALMISANO. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. PALMISANO. I would like to ask the gentleman, referring to these Government employees who would be compelled to pay a higher rate: Are they the same Government employees to whom the gentleman from New York was referring who come down and park their machines in the street all day long?

Mr. DIRKSEN. I have no idea, but I think that the gentleman, out of his own universal experience, having been downtown at some time or other when people go to work, will realize how they crowd into the busses and streetcars like so many sardines. They are not the people who bring their machines to Washington. I have no doubt but what they are the preponderant element of the working people who are ultimately going to be penalized if this kind of bill goes through so that you set up a virtual transportation monopoly.

Mr. BEVERLY M. VINCENT. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. BEVERLY M. VINCENT. If this bill goes through and the number of taxicabs are reduced from 4,700 to 2,500, there will necessarily, in my judgment, be an increase in fare. Will not that necessarily cause the streetcar company to raise its fares also?

Mr. DIRKSEN. The streetcar company is trying to do that right now. One of the most ghastly things this Congress ever did was to deny the appropriation to set up a people's counsel. Once upon a time Bill Roberts, one of the best two-fisted lawyers in Washington, was the people's counsel. Congress had to appropriate for that office through the appropriation provided for the Public Utilities Commission. Whether they made some representation to cut out that appropriation or not I do not know, but there is no people's counsel in Washington today. The result is that there is no advocate to come before the Commission and plead the cause of the people. I would not feel quite so suspicious about such a bill as this if the people had a representative there who might very well plead their cause; but they have not, and the reason they have not is because the Congress of the United States has been derelict in its duty in that respect, in making no provision for the office of people's counsel.

Mr. KENNEDY of Maryland. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. KENNEDY of Maryland. Is it the gentleman's understanding that if this bill becomes effective and the Public Utilities Commission should fix the number of taxicabs at 3,000, then, if some individual or some small group of owners desired to obtain permits to operate taxicabs they would be unable to do so just as they are in the city of Baltimore today?

Mr. DIRKSEN. They will be unable to get original permits until the number gets to something below that fixed by the Commission as the requisite number for this town.

Mr. KENNEDY of Maryland. Will it not lead to a trafficking in taxicab permits among different individuals? In other words, as in Baltimore, permits will be sold by one individual to another for exorbitant prices because new permits cannot be obtained.

Mr. DIRKSEN. Yes.

Mr. LUCAS. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. LUCAS. Do I understand the gentleman from Illinois to say that a Democratic committee is championing a bill which will ultimately bring about a monopoly?

Mr. DIRKSEN. I will say in answer to my distinguished colleague from Illinois that the bill speaks for itself.

Mr. DICKSTEIN. If a company has, as the gentleman says, 1,300 or 1,400 cabs, and there is going to be a limit of 2,500 cabs, are they going to fail to renew their licenses?

Mr. DIRKSEN. Oh, no.

Mr. DICKSTEIN. Would not that lead to a complete monopoly of the taxicab situation?

Mr. DIRKSEN. There is always that implication. The reduction will be brought about through death of operators or operators failing to renew their licenses, or if an operator violates the law his license may be taken away from him. We may see a situation of that kind grow up, where they will play ducks and drakes with the taxicab operators in the hope of diminishing the number of taxicabs. There is always that danger.

[Here the gavel fell.]

Mr. DIRKSEN. Mr. Chairman, I yield myself 5 additional minutes.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. RANDOLPH. If I may be permitted, in the gentleman's time, to supplement the answer which he gave to the gentleman from Illinois, I should like to say that the committee, I am certain, in bringing this proposal before the House, did not desire to vest a monopoly in the taxicab industry in Washington, D. C. Rather, we had hoped to take a first major step in the stabilization of that industry in Washington, D. C.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. BOILEAU. At the present time in the matter of cab associations are the licenses issued to individuals as members of the association, or are they issued to the association as such?

Mr. DIRKSEN. I think they are all issued to the individuals.

Mr. BOILEAU. The gentleman made a statement in the earlier part of his remarks that perhaps I misinterpreted. I understood him to say that the associations would be able to keep the total number of licenses issued to them intact. If the licenses are issued to individuals, would not the number be diminished?

Mr. DIRKSEN. Yes; when terminated.

Mr. O'MALLEY. Except if they were sold.

Mr. BOILEAU. Therefore, they would not be a fixed number for the association.

Mr. DIRKSEN. I do not doubt that; that may be true if they are issued to individuals, but that does not discount the fact that the associations will still maintain a major interest in the transportation facilities of Washington. A certain number may be canceled out, and I expect some will be canceled out, no doubt; but on the basis of what the Public Utilities Commission is going to fix they will still have the majority of the cabs upon the streets.

Mr. BOILEAU. The ultimate control as between individuals and associations depends largely on the mortality in the next few years?

Mr. DIRKSEN. Yes; and the force of the control of the association. The fact remains they have been here, they are here, and have managed to bargain for choice spots, and you are not going to break that kind of a hold in this man's town.

Mr. BOILEAU. Could the association get independents to come into the association after this bill is passed?

Mr. DIRKSEN. I expect they could, and I see no reason why they could not. So long as an independent has a license, there is nothing I know of in this bill or in any regulation or law that would prevent him from coming in.

Mr. BOILEAU. I do not think there is anything in the bill that prevents that.

Mr. DIRKSEN. If you have an outstanding association, it is easy to make these boys come in one at a time.

Mr. BOILEAU. One real effective association then could and probably would in the near future get all the cabs into the one association?

Mr. DIRKSEN. There is no question but what that will be the ultimate objective of this thing if a bill such as this goes through.

Mr. BOILEAU. That is very important.

Mr. DIRKSEN. That is aside from the law. That is a case of bargaining as between the association and the individual.

Mr. O'MALLEY. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Wisconsin.

Mr. O'MALLEY. Is there any doubt in the gentleman's mind on this question of unfitness or a minor law violation? A powerfully big association would be able to exert much more influence to keep its license than one little independent who might be a student at night school driving a cab in the daytime?

Mr. DIRKSEN. No question about that.

Mr. MOSER of Pennsylvania. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Pennsylvania.

Mr. MOSER of Pennsylvania. The gentleman spent some time discussing the Public Utilities Commission and its members. Can the gentleman shed any light on how the members of the Public Utilities are chosen, the length of term, and so forth?

Mr. DIRKSEN. They are appointed.

Mr. MOSER of Pennsylvania. By what power?

Mr. DIRKSEN. They are appointed by the Commissioners and hold office for 3 years. We have had the same Commission for a long time. I do not want to be put in the position of disparaging the integrity of any of the gentlemen on that Commission. I do say, however, that they do not see eye to eye with the public in Washington in respect of public welfare. Mr. Clayton, who has been identified with citizens' associations in Washington for years, has time and time again gone down there at his own expense and pleaded the cause of the people, but he has received very scant comfort and sympathy from the gentlemen who sit on that Commission. If you ask me, it seems to me that the time may have arrived when we ought to have a new Commission in Washington. [Applause.]

[Here the gavel fell.]

Mr. DIRKSEN. Mr. Chairman, I yield myself 5 additional minutes.

There are only two ways in which you could justify a bill of this kind. The first would be that there is such a traffic hazard in Washington that we ought to cut down the number of cabs. I see hundreds of these cabs cruising around and perhaps they do aggravate the traffic situation. However, I do not believe it is particularly dangerous riding at 22 or 25 miles an hour in the downtown section. They can speed up when they get into the outlying sections because there is no particular danger there. There has not been a single showing made before this committee that there is an actual traffic danger as the result of 4,800 cabs in Washington, D. C.

Mr. RANDOLPH. Will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. I am certain that the gentleman cannot make that statement upon good authority.

Mr. DIRKSEN. I do make it.

Mr. RANDOLPH. Because we had exhaustive subcommittee hearings, and at those hearings there was testimony which tended to make us believe there was an existing traffic hazard in Washington.

Mr. DIRKSEN. It is congestion, which is different from hazard.

Mr. RANDOLPH. I used the words "traffic hazard."

Mr. DIRKSEN. It is not a traffic hazard. It is a traffic congestion such as you find in all big cities of the country

when the people are going to work or coming home. That is different from hazard. You will find congestion in New York, Chicago, Pittsburgh, and elsewhere. Where will you not find it with 25,000,000 automobiles and 3,250,000 motor trucks and busses in the country today? We have come to rely on the automobile as an instrumentality of transportation. You cannot get away from congestion. But there has been no proof of an existing hazard.

Mr. RANDOLPH. The gentleman is my very close friend and a distinguished Member of this body. I have the utmost respect for his judgment. He comes from the great State of Illinois, the metropolis of which is Chicago. In that city there are 1,500 cabs operating. Does the gentleman believe that is too small a number?

Mr. DIRKSEN. My friend misses an essential point. We have an elevated system in Chicago that gets the people back and forth. We have trains going out along the North Shore and South Shore to take care of the suburban traffic. We have busses.

Mr. RANDOLPH. What is the population of Chicago?

Mr. DIRKSEN. The Chicago Motor Coach Co. operates all over the city. We have an excellent streetcar system. The population of Chicago incidentally is about 3,300,000 people, but we do not experience that congestion because we have excellent transportation facilities which you have not here. Moreover, Chicagoans do not use cabs. Cabs are mainly used by transient visitors. Washington has a streetcar company and for the rest you have to depend on the cab. The busses, of course, are an auxiliary to the streetcar company. We get our people away out there. Secondly, there is a greater diffusion there than in Washington, D. C. Here you have zoning ordinances, for instance, that limits the height of buildings, that affects set-backs, and all that sort of thing, so your town spews out everywhere and that very fact adds to the congestion. But it is not a traffic hazard. We have to depend on taxicabs and on streetcars at the present time in Washington in order to get the people from their places of abode to their places of work.

Mr. RANDOLPH. I do not want to press my point too far, but may I ask the gentleman if it is not a fact that the percentage of ownership of cars in the District of Columbia by persons who live here is much higher than in other cities?

Mr. DIRKSEN. That is absolutely true, and it only adds to the congestion; but why throw the whole burden of reproach upon the taxicabs?

Mr. CRAWFORD. Does not the gentleman agree there is a very definite economic reason why that is true, and that is, there is practically a fixed salary here for everybody in the city, a condition which does not prevail in industrial cities?

Mr. DIRKSEN. That is true.

May I say a word about the unemployment suggestion made by some gentleman a little while ago? There is no question but what if you take 2,000 cabs off the streets you will have 2,000 spare drivers, who will have to find work elsewhere. If we are going to permit them to put on one-man streetcars in Washington, some of the motormen and conductors will have to be laid off and jobs will have to be found for them. Therefore, you are aggravating the unemployment problem in the Nation's Capital and you may have to put some of these folks on the relief rolls. I am not going to be a party to such a thing.

May I say I do not approve of the basic principle of this bill, whereby the Congress of the United States, by legislative fiat clothes an administrative body with authority to say to a man whether or not he can work, even if he drives a cab in his spare time. [Applause.]

[Here the gavel fell.]

Mr. DIRKSEN. Mr. Chairman, I yield myself an additional 5 minutes.

Mr. GRAY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. GRAY of Pennsylvania. I do not know whether the gentleman believes we have an ideal taxicab situation in Washington, but I do not believe he does. May I point out to the gentleman several things of which he may possibly not be aware? These are things I know personally. I know of an instance where some people went by taxicab from the Union Station to the encampment of the Boy Scouts and it cost them 80 cents. They were friends of mine who happened to come to the city and told me about it. The other night this happened to me. While I was driving along the road a taxicab driver tooted his horn and scooted around in front of me and in front of another taxicab.

Mr. DIRKSEN. Those are just human weaknesses.

Mr. GRAY of Pennsylvania. You can go down the streets here and you will find them three and four abreast on many streets of the city.

Mr. DIRKSEN. I may say to the gentleman that if a man steps off the train and he looks like a greenhorn or a tenderfoot, and one of the boys takes him in tow, he can charge it up to experience, but that is the exception rather than the rule.

Mr. LUCAS. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Illinois.

Mr. LUCAS. Is it not a fact that Members of Congress have the reputation of being the worst drivers in Washington?

Mr. DIRKSEN. Yes.

Mr. LUCAS. Were any hearings held on this bill?

Mr. DIRKSEN. Yes; hearings were held, but the hearings were not printed.

Mr. O'MALLEY. Why were they not printed?

Mr. DIRKSEN. We were economizing, perhaps.

Mr. O'MALLEY. Will the gentleman tell us why on important bills like this the hearings are not printed?

Mr. DIRKSEN. I do not know that printing the hearings is always justified. After all, it costs money.

Mr. LUCAS. When did the gentleman first know this bill was coming up?

Mr. DIRKSEN. I knew it some days ago.

Let me take up one other item for the benefit of the Committee. When you say by all the force and impact of law to these men who drive cabs in their spare time that they cannot do so, you are implanting a dangerous principle in the statute law of this country. A long time ago I read a very celebrated speech entitled, "Margins." The speaker developed his speech by showing that, after all, people progress and get ahead in this world by living on the margin. The man who spends a few hours at night in college, by the incandescent rather than the traditional kerosene light, in putting in a few more licks on his law books or medical tomes or other books, is the chap who is likely to get ahead. A man who buys a piece of ground and raises some vegetables and works in his little garden after his regular work is done lives by the margin, and he goes on and on and gets somewhere in this world. The person who saves a few nickels and puts them away, and finally buys a home when he has saved enough to establish an equity, lives by the margin.

We have disseminated in this country a spendthrift philosophy which must be stopped, and the only one way to stop it is to inculcate in the minds of the people a better regard for thrift and for the philosophy of margins. Are you going to place the seal of disapproval upon this by writing something in a bill which says, "Well, if you have a job, the Government of the United States says you cannot work in your spare time"? I am sensible of the unemployment problem in this country and of all the aggravation and misery which goes along with it, but I would be the last to effectuate such a sinister principle in the laws of the United States of America.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from New York.

Mr. DICKSTEIN. If the gentleman will notice the provision on page 2, line 21, he will find that just about the time when this bill would became law the big fellow could buy from the little fellow all his taxicabs, under either an oral or written agreement.

Mr. DIRKSEN. I am afraid so.

Mr. DICKSTEIN. In that way they will not only have a 60- or 70-percent monopoly, but they can have as much as a 100-percent monopoly.

Mr. DIRKSEN. The gentleman is correct.

Mr. DICKSTEIN. Am I correct, then, in the statement that the big fellow will eat up the little fellow?

Mr. DIRKSEN. I think the gentleman is right. I think it may be done under that provision.

Today the District Committee comes before this committee and submits its case. Here we have a taxicab-liability bill, a taxicab-limitation bill, a bill to regulate barbers, and a bill to regulate the sales of real estate.

Not so long ago we had up a bill to regulate the science of beauty culture or beautification, and as I think of all these measures and all the labors imposed upon the House District Committee and upon the Congress of the United States with respect to such bills, there has been a thought running through my mind for a long time, and I am a veteran on this committee because I have served on it for 5 years. The thought that has been running through my mind is that, perhaps, some day we are going to have to change or alter the form of government for the District of Columbia in the interest of efficiency, and I am wondering if it would not be a splendid idea to give some thought to the establishment of the position of city manager for Washington, D. C. Cincinnati got itself a very distinguished student of city government in the person of Clarence Dykstra and paid him $25,000; and what a masterly job he performed in putting that city on its feet, so valuable in fact that the University of Wisconsin has bid for his services and they pay him $15,000 a year.

Day after day and week after week as we deal with these municipal problems, I wonder if some day we are not going to have to get a city manager for Washington, D. C., in the interest of efficiency and in the interest of the protection of the people in the Nation's Capital. [Applause.]

Mr. PALMISANO. Mr. Chairman, I yield myself 15 minutes.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. PALMISANO. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. If I may have the attention of the gentleman from Illinois [Mr. DIRKSEN], I did not want to interrupt the gentleman further, because he was kind to me in his remarks, but when the gentleman spoke of distrust of the members of the Public Utilities Commission of the District of Columbia and said they were appointed, as he believed, by the Commissioners, I want to correct the gentleman and state for his information and for the information of the House that the President of the United States makes the appointments.

Mr. DIRKSEN. And I want to say to the gentleman that when I used the word "distrust" I did not mean distrust of their motives, but the soundness of their conclusions.

Mr. RANDOLPH. The soundness of their appointment?

Mr. DIRKSEN. That is right.

Mr. PALMISANO. Mr. Chairman, I was very much interested in the remarks of the gentleman from New York [Mr. O'CONNOR] and the gentleman from Illinois [Mr. DIRKSEN]. They are opposed to this bill on the theory it is not democratic and that it may create a monopoly, at the same time admitting that in their own States they have such limitation with respect to taxicab operations.

The gentleman from New York [Mr. O'CONNOR] referred to monopoly of common carriers. This is true in every State and in every city of the Union with respect to transportation, whether it is by rail or bus or taxicab.

My friend the gentleman from Illinois [Mr. DIRKSEN] referred to the traction company here. I want to state to the gentleman that, as a member of the committee when the traction companies were consolidating in the District, I opposed putting in that bill a provision which would permit them to operate taxicabs, because I wanted to protect the little individual taxicab operator in the District of Columbia, and I am for this bill for the same reason—not to create a monopoly.

Now, what do I propose to offer in my own individual amendment to this bill? I propose to prevent any company from obtaining a license that has more than 500 cabs. I am trying to protect the little fellow. If you do not permit this bill to go through with proper amendments, what will happen in view of the bill you just passed, compelling liability insurance without any limitation on monopolies? The day will come when the poor, individual taxicab driver who operates a car today will be wiped out and there will be a taxicab monopoly in the District of Columbia composed of one company and one company alone.

I understand it is not the intention of the Utility Commission to provide for 2,500, but they want to make the number 3,000. Then put in the bill that they may be permitted to have 3,000 cabs, put in the bill that there shall be no company or association with more than 500; but I do not propose that this shall affect anyone that has more than that now, but eliminate them by death, violation of law, or otherwise, and then you will have respectable taxicab drivers here, because they will have something to fight for and something to protect. They will then have a real, decent, and respectable job. The situation will not be like it is today. Talk to the individual taxicab driver now and he will tell you they are compelled to work 18 hours a day in order to make a living. I maintain this is unfair. If you wish to do so, put in this bill that they are not to be permitted to work more than 12 hours a day, or bring in a separate bill to that effect, and I will guarantee you that the individual taxicab drivers will eventually go out of business.

If you think 3,000 is not enough, make it 3,500. I am surprised at my colleague from Baltimore interjecting some remarks in reference to the city of Baltimore. I agree with him that there ought to be some change in Baltimore, a city of 800,000 population, with only a thousand cabs. I do not know whether my colleague did anything when he was in the State senate or not. There ought to be a change. All I want in this bill is to permit the taxicab driver to make a sufficient amount of money within reasonable hours to keep his family together. A limitation of 500 would be a safeguard against monopoly. If you want to amend this bill, amend it any way you want; but it is necessary that this bill be passed with proper amendment, whatever you think is necessary, in order to protect the individual taxicab driver, because the monopoly will eventually grab all of the cars, and under the insurance bill we passed this morning that will be the end of it. The little fellow cannot get along, he cannot pay, and the 250 or 300 Federal employees will go out of business under the insurance provision, because they are not going to operate a car 2 or 3 hours in the busiest time of the day in order to chisel in on the real, legitimate taxicab driver.

Some Members think that they are going to raise the taxicab fare. There may be a nickel rise, and, to my way of thinking, it is justifiable. If you know that you are insured in case of accident when you are in a taxicab, what is a nickel to any man? What do we have in Baltimore? We have insurance, and they have a meter, and we ride 3½ miles for a quarter of a dollar. Why could not the Utilities Commission here state that the first zone shall be 3½ miles? I think that is cheap enough.

If you want to protect the little fellow, the individual taxicab driver, keep the business from becoming a monopoly, then it is important that you pass this bill with the amendment that I shall offer, and if any Member of the House has any other amendment to suggest which will be to the advantage of the individual or the people, we will accept the amendment.

Mr. RANDOLPH. Is it not a fact that in the hearings upon this measure the drivers in Washington, whether they were working for an association, a company, or themselves, felt the need of such legislation.

Mr. PALMISANO. I have heard some gentlemen say on the floor that the taxicab drivers are opposed to this, and I

venture to say that if we could adopt a policy and suspend this bill for 24 hours and get the taxicab drivers in the caucus room here in the old Office Building, 90 percent would say that they want this bill. That has been the result of my observation. This morning before the House convened there were 11 taxicab drivers in my office, and they brought to me a resolution which they said they had passed, in substance stating that they are opposed to insurance and opposed to this legislation. I said to them we had to have some legislation, and they said that they did not mean that they were opposed to all of it; and when I explained the bill to them they said that they were in sympathy with that and that they did want protection.

Mr. FORD of California. I adverted to the fact that I had talked to about 50 taxicab drivers in Washington, and I did not find a single one of them in favor of this legislation.

Mr. PALMISANO. My experience has been just the opposite, but I am willing to call a meeting of taxicab drivers, and the gentleman and I will pay the expense, and then we will question each individual, and whoever gets the minority end of it will foot the bill.

Mr. TAYLOR of South Carolina. Would it not be hard to find any taxicab driver against the bill, because it does not operate against him, but against the fellow who may hereafter drive? It does not affect a single taxicab driver in the city of Washington, because he gets his license extended ad infinitum, if he will only behave himself.

Mr. PALMISANO. And that is the thing the public wants. It wants him to behave himself, to be a good, law-abiding, careful driver.

Mr. TAYLOR of South Carolina. And there is nothing in this bill regulating that part of it.

Mr. DIRKSEN. Mr. Chairman, I yield 9 minutes to the gentleman from Wisconsin [Mr. O'MALLEY].

Mr. O'MALLEY. Mr. Chairman, individually I love every member of the Committee on the District of Columbia. Collectively I sometimes have my doubts about some of the legislation they bring in. I think somewhere in the Committee room in which they hold their meetings is located some sort of a bug that keeps biting the Members and causes them to favor monopolies in the District. In the last 6 weeks they have brought in bills to license and regulate every conceivable kind of business that could be carried on in the District of Columbia. The only thing that they have overlooked is a bill to license the Members of Congress for the right to live here. They apparently have not gotten around to that yet, but I fear they may even get to that if not checked by the House in time.

Mr. RANDOLPH rose.

Mr. O'MALLEY. I will yield to the gentleman in a few minutes. Here is a bill that absolutely violates every principle of democratic freedom. It denies to all who may want to go into the taxicab business any opportunity to go into that business after a certain date. They say this will not create a monopoly.

It absolutely will create a monopoly. The Public Utilities Commission can make its own regulations under this bill. Some of the regulations are mentioned in the bill. One, they can revoke a license if a man is unfit or violates a law. The police department can take away his license right now if he violates the law, so they do not need that sort of regulation in this bill. There is scarcely a Member of Congress who has not got somebody from his district earning a little money driving a cab in this District. There are boys from my own district who are going to school in the daytime and picking up the money they need to live on driving a cab at night. Are we going to put those boys out of business, or the boys who come down here to go to school in the future? That is exactly what this bill will do. There are people who make $25 or $30 a week driving a taxicab here who, if under this bill, got one ticket for parking or any other minor law infraction in the discretion of the Public Utilities Commission, would have their licenses revoked, and they never could get them back again. If this Public Utilities Commission is so good that they can be entrusted with this discretionary authority, that is all right. I do not intend to disparage the Commission. The record speaks for itself. If they were any good, they would have reduced the electric-light rates in this District a long time ago. If they were any good, they would have reduced the gas cost in this District a long time ago. If they were any good, they would have ordered the junk streetcars that disgrace the Capital City off the streets long ago. If they were any good, they would have decided long ago against one-man cars and would not be carrying on prolonged hearings at the expense of the taxpayers.

I, as one Member of Congress, do not want to trust any commission with authority to say to any American citizen whether or not he could go into any business he wants to go into, and especially do I dislike entrusting this Commission with any more authority. Of course, if we want to set up a model government in the District of Columbia and we take this type of legislation as a sample of that model government, we are going to set up a Fascist state. We are going to have a government in the District of Columbia that will say to a man, if the principle in this bill is carried out, "You can be in this business and it is the only business you can be in, and you will have to stay in that business for life, because we will not license you to go into any other."

Mr. O'CONNOR of New York. Mr. Chairman, will the gentleman yield?

Mr. O'MALLEY. I yield.

Mr. O'CONNOR of New York. Does the gentleman recall a few years back, when all the hotels in the District were in receivership and not making any money?

Mr. O'MALLEY. I do.

Mr. O'CONNOR of New York. There was no suggestion that they limit the number of hotels or say to anybody whether or not they could start a hotel.

Mr. O'MALLEY. I recall that very well, because I happen to be a member of the committee that investigated some of these hotels, and no such suggestion as that ever came from these gentlemen.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. O'MALLEY. I yield.

Mr. RANDOLPH. Is it not a fact that the gentleman, as a member of the party now in power, voted for the National Industrial Recovery Act?

Mr. O'MALLEY. I will say I voted against the continuance of N. R. A. I did not like it. It smelled of the rawest kind of fascism. It put more small men out of business who were entitled to be in business than anything our Democratic administration ever did. It put monopoly in the saddle for more than a year and a half. I would not vote to renew it afer I saw its monopolistic effect. This is just a part of the N. R. A. principle. Those who are in favor of N. R. A. will vote for this kind of a bill, but you go back to your small businessmen in your home town and ask them what they thought of N. R. A. They could not pass a bill like it again if they brought it up. This is part of the N. R. A. principle. It wants to put certain people into certain classifications and consign them there for all time. There are many men in this chamber who, if they were not allowed to work on the side when they went to school, would not be here today.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. O'MALLEY. I yield.

Mr. O'CONNOR of New York. Will the gentleman refer to one amendment in this bill to prevent the Government employees making extra money? Has the gentleman heard anything about Members of Congress not making any extra money by making speeches?

Mr. O'MALLEY. Not a thing. I have not seen any bill come in here which will prevent a Member of Congress from practicing his profession as a lawyer while he is a Member. If we are going to start on these $1,440 clerks and keep them from making a little side income, we ought to have courage enough to start on ourselves. We ought not come here and deny these $1,440 clerks an opportunity to pick up $5 that

will pay a hospital bill for a sick baby. This kind of legislation that comes from the Committee on the District of Columbia should not be allowed to take up the time of this House. They bring in some good bills, and we act on them, but when they bring in this sort of thing, which would create a monopoly and which only certain taxicab associations are in favor of, they are imposing upon the time of this House.

Mr. RANDOLPH. Will the gentleman yield?

Mr. O'MALLEY. Yes; I yield.

Mr. RANDOLPH. I will say that the committee is not imposing on the time of the House. That is not a fair statement of the gentleman.

Mr. O'MALLEY. I will say to the gentleman that is my personal opinion.

Mr. RANDOLPH. The gentleman voted against other measures that come from other committees.

Mr. O'MALLEY. It seems to me that a measure such as this, which benefits such a small group of people, ought to be laid aside in the last days of the session so we can take up more important measures pending in the gentleman's committee and on the calendars.

Mr. RANDOLPH. Mr. Chairman, I am certain the gentleman does not want to leave the impression that the committee is bringing in here anything that should not take the time of the House.

Mr. O'MALLEY. I do not want to leave any unfair impression, I assure my always courteous colleague from West Virginia. But I will say to the gentleman that the biggest agitators for this bill for the last number of years have been the officials and employees of a certain cab association whose ability at claim dodging and unfairness to their patrons discredits their sincerity and honesty in supporting anything for the public good.

Mrs. NORTON. Mr. Chairman, will the gentleman yield?

Mr. O'MALLEY. I yield.

Mrs. NORTON. I think the gentleman is quite mistaken about that. I have been traveling in taxicabs in Washington for the past 12 years. I do not believe I ever rode in a taxicab, and I have been riding on an average of three trips a day, without asking the driver whether or not he made any kind of a living out of present conditions in the taxicab field in Washington. I cannot recall a single exception to the invariable reply that there were entirely too many taxicabs in Washington.

Mr. O'MALLEY. Mr. Chairman, I cannot yield further to the gentlewoman from New Jersey. Let me ask the gentlewoman if she ever heard of anybody who thought he was making money enough out of the job he had?

Mrs. NORTON. Oh, yes. I think the gentleman himself feels that he is making entirely too much on his job.

Mr. O'MALLEY. No; I will be frank with the gentlewoman. I do not think I could value my services as high as she does, especially to the District of Columbia; but I also do not think the gentlewoman ever heard a taxicab driver ever say they made enough, no matter what their weekly income might be.

Mr. TAYLOR of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. O'MALLEY. Yes.

Mr. TAYLOR of South Carolina. Does not the gentleman think that the taxicab drivers about whom the gentlewoman spoke knew that their passenger at the time she made inquiries was chairman of the Committee on the District of Columbia, and that that had something to do with it?

Mr. O'MALLEY. It has been my unfailing experience that once you get into a taxicab and the driver even suspects that you are a Congressman you are lobbied from the time you get into the cab until you get out. You are either lobbied to get the driver a job in a Government department or you are lobbied to get a bill through Congress raising their rates or creating a monopoly—anything that certain companies may get a stranglehold on the business.

[Here the gavel fell.]

Mr. PALMISANO. Mr. Chairman, I yield to the gentlewoman from New Jersey such time as she may desire.

Mrs. NORTON. Mr. Chairman, this bill was sent to the committee by the Commissioners. It was drafted and sent to the committee in order to try, if possible, to bring about a better situation in the taxicab business in this city.

Mr. Chairman, I think everyone will concede that a man who works 16 hours a day in order to make a living of $4 a day is working entirely too long. Under present conditions in this city every single taxi driver to whom I have talked has told me that the average amount they clear is $3 a day. The Commissioners, hearing of these complaints, asked us to remedy the situation, and I introduced this bill by request. Since that time I have resigned from the committee and am not aware of exactly what took place in the consideration of the bill in the committee. But I do want the Members of the House to know that this bill was introduced in the interest of safety and in order to give the men who are driving taxicabs in this city an opportunity to make a decent living, which they cannot make under present conditions.

Another thing that seems to be not very clear is the fact that not one single man with a license for a taxicab in the District of Columbia at the present time will be relieved of that license. The only difference that this is going to make is in the future consideration of licenses. No new license will be issued until it is found absolutely necessary to do so. By this method there should be slow reduction in the number of taxicabs and permit those holding licenses at this time to continue and improve their business.

Mr. O'CONNOR of New York. Mr. Chairman, will the gentlewoman yield?

Mrs. NORTON. I yield.

Mr. O'CONNOR of New York. Suppose the present operator of a taxicab dies but that he has a grown son. Does the gentlewoman mean to say that the grown son cannot get a license to run that taxicab?

Mrs. NORTON. Oh, I think he can; yes.

Mr. O'CONNOR of New York. According to what the gentlewoman has just said he could not get a license, for she said that no more licenses would be issued until the number got below a certain fixed maximum.

Mrs. NORTON. That will be discretionary with the Public Utilities Commission.

Mr. O'CONNOR of New York. In the meantime what will they do with the taxicab, leave it out in the backyard for a playhouse?

Mrs. NORTON. The Public Utilities Commission ought to be able to decide whether or not that man should have a taxicab license.

Mr. O'CONNOR of New York. I do not understand that it is discretionary. There will be so many licenses. As they expire no new licenses will be issued in their places.

Mrs. NORTON. Unless the Public Utilities Commission chooses to do so.

Mr. O'CONNOR of New York. I am not content to leave it with people from Tennessee and sundry other places who may be on the Public Utilities Commission.

Mrs. NORTON. Whom is the gentleman willing to leave it to?

Mr. O'CONNOR of New York. I would leave it to some real residents of the District of Columbia who know something about the needs of their own city.

Mrs. NORTON. Some important business prevented my being on the floor for all of the discussion on this bill, but as I came in a while ago I heard a discussion going on that I feel the House should know about. One member of the group said:

If we pass this bill today we are going to pay more money for our taxicabs.

I ask you if that is any reason for defeating this bill? I know that you Members of this House are too fair to defeat a bill because of any such ridiculous or selfish motives as that.

Mr. O'CONNOR of New York. If the lady heard my remarks she would have heard me say that taxicab drivers

do not get enough in fees now. I have never believed they have, and I am for their getting a higher fee than they are receiving.

Mr. KENNEDY of Maryland. Will the gentlewoman yield?

Mrs. NORTON. I yield to the gentleman from Maryland.

Mr. KENNEDY of Maryland. There are 4,600 taxicab licenses in the District?

Mrs. NORTON. There are over 5,000 today.

Mr. KENNEDY of Maryland. The number is going up all the time?

Mrs. NORTON. Every day. That is the reason for the introduction of this bill.

Mr. KENNEDY of Maryland. Under this bill it is proposed to permit the Public Utilities Commission to reduce that number down to approximately 3,000.

Mrs. NORTON. There is no hard and fast rule.

Mr. KENNEDY of Maryland. They can reduce the number as they please. The Public Utilities Commission may make it 2,000, 1,500, 1,000, or 700.

Mrs. NORTON. No. That is not my understanding of the bill.

Mr. KENNEDY of Maryland. That is my understanding of the bill. As the gentleman from New York [Mr. O'CONNOR] stated, if a man is operating a taxicab and dies, and the limit is 3,000, the permit would not be issued to his son or anyone else in his family. That permit would automatically be canceled.

Mrs. NORTON. No. The bill defines what is adequate to serve the public necessity.

Mr. PALMISANO. Will the gentlewoman yield?

Mrs. NORTON. I yield to the gentleman from Maryland.

Mr. PALMISANO. As I stated before, the Public Utilities Commission can limit the number of taxicabs, whether it be 3,000 or 4,000. There should be a limit, and so far as transfer to an heir is concerned, that matter could be taken care of.

Mrs. NORTON. The present limit will remain as it is until the reduction is brought about by the taxi people's not renewing their licenses. No hardship will result to any taxicab driver if this bill is passed.

Mr. BOILEAU. Will the gentlewoman yield?

Mrs. NORTON. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. The gentlewoman said that some Members might be opposing this bill because it would result in higher rates. Does not the lady agree that the opposite might more likely be true? With a fewer number of cabs on the street an argument for lower rates could be sustained much better, because they would have more jobs and would not be floating around so much.

Mrs. NORTON. Exactly.

Mr. BOILEAU. Does not the lady agree with me that the Public Utilities Commission has the authority to fix the rate so that reducing the number of cabs on the street would not necessarily mean an increase in or a change in the rates?

Mrs. NORTON. Of course not. I was simply stating a conversation I overheard, and I thought if it had any bearing on the feeling in the Committee today, the Committee should know what certain people have said in this connection.

Mr. BOILEAU. I think most of the Members who are opposing this bill would be very happy to see the rates increased considerably.

Mrs. NORTON. I think the rates should be increased.

Mr. BOILEAU. I agree with the lady.

Mrs. NORTON. But that has nothing to do with this bill.

Mr. O'MALLEY. Will the gentlewoman from New Jersey yield?

Mrs. NORTON. I yield to the gentleman from Wisconsin.

Mr. O'MALLEY. Does not this bill entrust to the Public Utilities Commission the raising of rates by reducing the number of cabs when they already have the right to raise the rates?

Mrs. NORTON. The Public Utilities Commission has always had that right.

Mr. O'MALLEY. Why do they not exercise it?

Mrs. NORTON. That is their business. I am not telling the Committee what the Public Utilities should or should not do.

Mr. O'MALLEY. The gentlewoman from New Jersey wants the Congress to entrust to the Commission the right to reduce the number of cabs because the cab drivers are not paid enough. How can we entrust them with that when we cannot trust them to raise rates?

Mrs. NORTON. I want you to consider the bill on its merits and give the taxi drivers the same opportunity for making a living that exists in other cities, such as my own city and the gentleman's city, in all probability.

Mr. O'MALLEY. I heartily agree with the gentlewoman from New Jersey; but does not the gentlewoman think one of the best ways, and a better way, would be to bring in a bill compelling the Public Utilities Commission to raise the rates?

Mrs. NORTON. No. If I had thought so, I would not have introduced this bill. However, I shall be glad to support a bill for higher rates.

Mr. O'MALLEY. They are the ones in charge of the rates.

Mr. KENNEDY of Maryland. Will the gentlewoman yield?

Mrs. NORTON. I yield to the gentleman from Maryland.

Mr. KENNEDY of Maryland. Is it not true if this bill is passed there will be a reduction in the number of employees and many men will lose their jobs?

Mrs. NORTON. Not at all. This bill provides that no one's license shall be revoked. If the gentleman would just read the bill he would find this provision.

Mr. KENNEDY of Maryland. How are they going to get a taxi to drive if there are no taxis available?

Mrs. NORTON. They have the taxicabs at the present time.

Mr. KENNEDY of Maryland. But the number is automatically reduced because that is what this bill provides.

Mrs. NORTON. The number is only reduced as the men themselves drop their licenses, not otherwise. It is entirely voluntary.

Mr. O'CONNOR of New York. Will the gentlewoman yield?

Mrs. NORTON. I yield to the gentleman from New York.

Mr. O'CONNOR of New York. The gentlewoman has advanced as one reason for this bill an effort to help the taxi drivers make a decent living. That is the first time I ever heard that motive behind this bill. It has been advertised in the press that the sole reason for this bill is to remedy traffic conditions in the District of Columbia. It was stated there were too many taxicabs on the streets of Washington and there was a hazard to the traffic conditions. That has been the reason advanced so far. There was no consideration for these poor fellows who have not made a living and probably never will make a living under this bill unless the rates are increased.

Mrs. NORTON. Of course, I am not responsible for what the press in this city has to say about this bill or any other bill. I am simply telling the Members of the House the reason for the introduction of the bill. There is no doubt in my mind that with the elimination of a certain number of taxicabs it will be much safer so far as general traffic conditions of the city are concerned. That was one of the intentions in introducing the bill.

The Clerk read as follows:

Be it enacted, etc., That the Public Utilities Commission of the District of Columbia, in addition to the authority and powers vested in it by the act of Congress approved March 4, 1913, and amendments thereto, be, and said Commission is hereby, authorized and empowered to determine and fix the number of vehicles to be licensed and operated as taxicabs under the provisions of the license law of the District of Columbia, approved July 1, 1932 (ch. 366, 47 Stat. 550), which it finds to be adequate to serve the public necessity and convenience, and, in its discretion, to change the number from time to time, and, subject to the provisos of this act, no licenses in excess of the number from time to time so determined and fixed shall be issued: *Provided, however*, That to accomplish a reduction in such vehicles to the number so de-

termined and fixed by the Public Utilities Commission no outstanding lawfully issued taxicab license or licenses shall be revoked or rescinded nor shall its or their renewal to the same licensee be denied: *Provided further*, That until such number is reached by voluntary surrender of license or licenses by the owner or owners thereof, or by failure to renew a license or licenses, or through forfeiture according to law of the right to hold or operate under such license or licenses by the licensee, or through any or all of said causes combined, no new license or licenses shall be issued nor shall any outstanding license or licenses be permitted to be sold, assigned, or transferred.

This act shall go into effect 30 days after its approval.

Mr. SCHULTE. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. SCHULTE moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. SCHULTE. Mr. Chairman, I do not desire to use any time in discussing the motion.

Mr. PALMISANO. Mr. Chairman, I rise in opposition to the motion.

Mr. Chairman, I think it is only fair to the Committee on the District of Columbia to consider this bill and the proper amendments which will be offered by the members of the committee. After all amendments have been offered and the bill has been reported back to the House, if the Members think this is not a proper bill, the thing to do then is not to recommit the bill, but vote it down and dispose of it. I hope Members will oppose this motion.

Mr. NICHOLS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NICHOLS. In the event the Committee of the Whole House on the state of the Union voted to strike out the enacting clause, and then when the bill was reported back to the House the action of the Committee of the Whole was overridden and the enacting clause was put back into the bill, what would be the parliamentary situation?

The CHAIRMAN. The bill would then be returned to the Committee of the Whole for further consideration.

Mr. NICHOLS. For further consideration as the bill stands now?

The CHAIRMAN. The gentleman is correct.

The question is on the motion of the gentleman from Indiana [Mr. SCHULTE] to strike out the enacting clause of the bill.

The question was taken; and on a division (demanded by Mr. RANDOLPH) there were—ayes 89, noes 29.

So the motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. STEAGALL, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 6697) to authorize and empower the Public Utilities Commission of the District of Columbia to limit the number of public vehicles to be licensed and operated as taxicabs in the District of Columbia, had directed him to report the same back to the House with the recommendation that the enacting clause be stricken out.

The SPEAKER. The question is on the recommendation of the Committee of the Whole House on the state of the Union that the enacting clause be stricken.

The question was taken, and the enacting clause was stricken from the bill.

A motion to reconsider was laid on the table.

EVA MARKOWITZ

Mr. KENNEDY of Maryland submitted the following conference report and statement on the bill (H. R. 458) for the relief of Eva Markowitz:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 458) for the relief of Eva Markowitz, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum "$2,500", and insert "$4,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum "$50", insert "$90"; and the Senate agree to the same.

AMBROSE J. KENNEDY,
ELMER J. RYAN,
FRANK CARLSON,
Managers on the part of the House.

J. W. BAILEY,
PRENTISS M. BROWN,
ARTHUR CAPPER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 458) for the relief of Eva Markowitz submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

The Senate amended this bill by reducing the amount from $5,000 to $2,500, such amount to be paid to the claimant and her three minor children in monthly installments of $50 each. At the conference a compromise amount of $4,000 was agreed upon, to be paid to the claimant and her three minor children in monthly installments of $90 each.

AMBROSE J. KENNEDY,
ELMER J. RYAN,
FRANK CARLSON,
Managers on the part of the House.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the statement.

The conference report was agreed to.

A motion to reconsider was laid on the table.

JOSEPH M. CLAGETT, JR.

Mr. KENNEDY of Maryland submitted the following conference report and statement on the bill (H. R. 730) for the relief of Joseph M. Clagett, Jr.:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two House on the amendments of the Senate to the bill (H. R. 730) "An act for the relief of Joseph M. Claggett, Jr.", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the figure "$1,000" contained in the Senate amendment, insert "$1,500"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: Restore the language stricken out by the Senate amendment, and at the end thereof, on page 2, line 9, after the word "notwithstanding", insert a colon and the following proviso: "*Provided further*, That for the purpose of calculating the attorney fees allowed under this act the sum of $4,500 shall be taken as the maximum amount of the annuity under the provisions of this act"; and the Senate agree to the same.

AMBROSE J. KENNEDY,
ELMER J. RYAN,
FRANK CARLSON,
Managers on the part of the House.

J. W. BAILEY,
ARTHUR CAPPER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of

the Senate to the bill (H. R. 730), for the relief of Joseph M. Claggett, Jr., submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report.

The House passed this bill making a direct appropriation of the lump sum of $10,000 to the legal guardian of Joseph M. Claggett, Jr. The Senate amended the bill by making a direct appropriation of $1,000 and providing for the sum of $40 monthly to be paid until the boy becomes of age. The Senate also struck out the usual 10 percent attorney fee limitation clause and provided that no amount of the appropriation be allowed any attorney. At the conference, the House conferees receded from the disagreement to the Senate amendment providing for a lump-sum payment and monthly payments, but a compromise amount of $1,500 was agreed upon as the lump payment instead of $1,000. The Senate conferees receded from its amendment eliminating an attorney fee limitation clause, and the following language was agreed upon: *Provided further*, That for the purpose of calculating the attorney fees allowed under this act the sum of $4,500 shall be taken as the maximum amount of the annuity under the provisions of this act."

AMBROSE J. KENNEDY,
ELMER J. RYAN,
FRANK CARLSON,
Managers on the part of the House.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 730) for the relief of Joseph M. Clagett, Jr.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the statement.

The conference report was agreed to.

A motion to reconsider was laid on the table.

WALTER T. KARSHNER, KATHERINE KARSHNER, ANNE M. KARSHNER, AND MRS. JAMES E. M'SHANE

Mr. KENNEDY of Maryland submitted the following conference report and statement on the bill (H. R. 1377) conferring jurisdiction upon the United States District Court for the Southern District of Ohio to hear, determine, and render judgment upon the claims of Walter T. Karshner, Katherine Karshner, Anne M. Karshner, and Mrs. James E. McShane:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1377) "An act conferring jurisdiction upon the United States District Court for the Southern District of Ohio to hear, determine, and render judgment upon the claims of Walter T. Karshner, Katherine Karshner, Anne M. Karshner, and Mrs. James E. McShane", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows: On page 1, line 5, of the Senate engrossed amendment, in lieu of the sum "$157.95", insert "$600"; in line 6 of said engrossed amendment, in lieu of the sum "$29.50", insert "$80"; in line 6 of said engrossed amendment, in lieu of the sum "$153.51", insert "$600"; and in line 7 of said amendment, in lieu of the sum "$139.50", insert "$300"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill; and agree to the same.

AMBROSE J. KENNEDY,
ELMER J. RYAN,
FRANK CARLSON,
Managers on the part of the House.

J. W. BAILEY,
PRENTISS M. BROWN,
ARTHUR CAPPER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1377) conferring jurisdiction upon the United States District Court for the Southern District of Ohio to hear, determine, and render judgment upon the claims of Walter T. Karshner, Katherine Karshner, Anne M. Karshner, and Mrs. James E. McShane, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

The House passed this bill conferring jurisdiction upon the United States District Court for the Southern District of Ohio to hear, determine, and render judgment upon the claims of the several claimants, and limiting the amount of judgment to be rendered. The Senate amended the bill by making direct appropriations for actual expenses only, namely, $157.95, $29.50, $153.51, and $139.50, to be paid, respectively, to the claimants named, and amended the title of the bill to read "For the relief of Walter T. Karshner, Katherine Karshner, Anne M. Karshner, and Mrs. James E. McShane." At the conference the House conferees receded from the disagreement to making direct appropriations and amending the title, but compromise amounts as follows were agreed upon: $600, $80, $600, and $300, respectively.

AMBROSE J. KENNEDY,
ELMER J. RYAN,
FRANK CARLSON,
Managers on the part of the House.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 1377).

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the statement.

The conference report was agreed to.

A motion to reconsider was laid on the table.

WILLIAM SULEM

Mr. KENNEDY of Maryland submitted the following conference report and statement on the bill (H. R. 2332) for the relief of William Sulem:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2332) for the relief of William Sulem, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows: In lieu of the sum "$232" insert "$750"; and the Senate agree to the same.

AMBROSE J. KENNEDY,
ELMER J. RYAN,
FRANK CARLSON,
Managers on the part of the House.

J. W. BAILEY,
M. M. LOGAN,
ARTHUR CAPPER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2332) for the relief of William Sulem, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

The House passed this bill in the amount of $1,482 and the Senate reduced same to $232. At the conference a compromise amount of $750 was agreed upon.

AMBROSE J. KENNEDY,
ELMER J. RYAN,
FRANK CARLSON,
Managers on the part of the House.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 2332) for the relief of William Sulem.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the statement.

The conference report was agreed to.

A motion to reconsider was laid on the table.

VENICE LA PRAD

Mr. KENNEDY of Maryland submitted the following conference report and statement on the bill (H. R. 1945) for the relief of Venice La Prad:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1945) for the relief of Venice La Prad, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows: In lieu of the sum "$500" insert "$750"; and the Senate agree to the same.

AMBROSE, J. KENNEDY,
ELMER J. RYAN,
FRANK CARLSON,
Managers on the part of the House.

J. W. BAILEY,
ALLEN J. ELLENDER,
ARTHUR CAPPER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1945), for the relief of Venice La Prad, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report.

The Senate amended this bill by reducing the amount from $1,000 to $500. At the conference, a compromise amount of $750 was agreed upon.

AMBROSE J. KENNEDY,
ELMER J. RYAN,
FRANK CARLSON,
Managers on the part of the House.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 1945) for the relief of Venice La Prad.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the statement.

The conference report was agreed to.

A motion to reconsider was laid on the table.

MR. AND MRS. DAVID STOPPEL

Mr. KENNEDY of Maryland submitted the following conference report and statement on the bill (H. R. 2562) for the relief of Mr. and Mrs. David Stoppel:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two House on the amendments of the Senate to the bill (H. R. 2562) for the relief of Mr. and Mrs. David Stoppel, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

AMBROSE J. KENNEDY,
ELMER J. RYAN,
FRANK CARLSON,
Managers on the part of the House.

J. W. BAILEY,
M. M. LOGAN,
ARTHUR CAPPER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2562) for the relief of Mr. and Mrs. David Stoppel submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report.

The Senate amended this bill by inserting the clause "out of any money allocated by the President for the maintenance and operation of the Civilian Conservation Corps" after the amount. This was in error, as the accident involved was caused by a truck owned and operated by the Bureau of Reclamation, Department of the Interior, and this appropriation, of course, should not come out of the money used for the maintenance and operation of the Civilian Conservation Corps. At the conference the Senate conferees receded from their amendment.

AMBROSE J. KENNEDY,
ELMER J. RYAN,
FRANK CARLSON,
Managers on the part of the House.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 2562), for the relief of Mr. and Mrs. David Stoppel.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the statement.

The conference report was agreed to.

A motion to reconsider was laid on the table.

NAVIGATION DAMS AND LOCKS ON THE MISSISSIPPI RIVER AND ITS TRIBUTARIES

Mr. KENNEDY of Maryland submitted the following conference report and statement on the bill (H. R. 2565) to confer jurisdiction on the Court of Claims to hear, determine, and enter judgment upon the claims of contractors for excess costs incurred while constructing navigation dams and locks on the Mississippi River and its tributaries:

CONFERENCE REPORT

The committtee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2565) to confer jurisdiction on the Court of Claims to hear, determine, and enter judgment upon the claims of contractors for excess costs incurred while constructing navigation dams and locks on the Mississippi River and its tributaries, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

AMBROSE J. KENNEDY,
ELMER J. RYAN,
FRANK CARLSON,
Managers on the part of the House.

J. W. BAILEY,
ARTHUR CAPPER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2565) to confer jurisdiction on the Court of Claims to hear, determine, and enter judgment upon the claims of contractors for excess costs incurred while constructing navigation dams and locks on the Mississippi River and its tributaries, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

The Senate amended this bill by inserting the word "alleged" wherever any damage was referred to in the wording of the bill, the purpose being to make it necessary for the claimants thereunder to prove their damage in court and to make certain that the rights of defense are not taken away from the Government. At the conference the House conferees receded from their disagreement to the amendments and agreed to the same. As the bill now stands it is merely jurisdictional and there can be no interpretation as raising any presumption or conclusion of fact or law.

AMBROSE J. KENNEDY,
ELMER J. RYAN,
FRANK CARLSON,
Managers on the part of the House.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent for the present consideration of the conference report on the bill H. R. 2565.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the statement.

The conference report was agreed to.

A motion to reconsider was laid on the table.

NOAH SPOONER

Mr. KENNEDY of Maryland submitted the following conference report and statement on the bill (H. R. 3634) for the relief of Noah Spooner:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3634) for the relief of Noah Spooner, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

AMBROSE J. KENNEDY,
ELMER J. RYAN,
FRANK CARLSON,
Managers on the part of the House.

J. W. BAILEY,
ALLEN J. ELLENDER,
ARTHUR CAPPER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3634) for the relief of Noah Spooner, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

The Senate amended this bill by reducing the amount from $250 to $150. At the conference, the Senate conferees receded from this amendment and the amount now stands as originally passed by the House, namely, $250.

AMBROSE J. KENNEDY,
ELMER J. RYAN,
FRANK CARLSON,
Managers on the part of the House.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 3634) for the relief of Noah Spooner.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the statement.

The conference report was agreed to.

A motion to reconsider was laid on the table.

J. R. COLLIE AND ELEANOR Y. COLLIE

Mr. KENNEDY of Maryland submitted the following conference report and statement on the bill (S. 455) for the relief of J. R. Collie and Eleanor Y. Collie:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 455) entitled "An act for the relief of J. R. Collie and Eleanor Y. Collie", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1 and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum $1,000 contained in said amendment, insert "$2,500"; and the House agree to the same.

AMBROSE J. KENNEDY,
ELMER J. RYAN,
FRANK CARLSON,
Managers on the part of the House.

J. W. BAILEY,
ARTHUR CAPPER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 455) for the relief of J. R. Collie and Eleanor Y. Collie, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

The House amended this bill by reducing the amount from $5,000 to $1,000. At the conference a compromise amount of $2,500 was agreed upon.

AMBROSE J. KENNEDY,
ELMER J. RYAN,
FRANK CARLSON,
Managers on the Part of the House.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (S. 455) for the relief of J. R. Collie and Eleanor Y. Collie.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the statement.

The conference report was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. DIRKSEN asked and was given permission to revise and extend his own remarks in the RECORD.

ACADEMY FOR AMERICAN SEAMEN

The SPEAKER. Under the previous order of the House, the gentleman from New York [Mr. DICKSTEIN] is recognized for 20 minutes.

(Mr. DICKSTEIN asked and was given permission to revise and extend his remarks in the RECORD.)

Mr. DICKSTEIN. Mr. Speaker, some time ago I advocated in this House a university for seamen for our merchant marine. I do not have to go into much history because we all know what has happened with respect to our merchant marine. We have practically no merchant marine, and I do not think we have proper safety on the seas.

In the last two disasters it was proven beyond question that the men who were manning the ship almost represented a league of nations. We have no American crews. We take them as they come from every country in order to fill our ships and man them.

As I said in opening my remarks, I have advocated for some months the establishment of an academy where American seamen would be trained for the purpose of going on our ships and insuring their safety of operation. Every other shipping country in the world, including the English, the Scandinavian, the French, has its own nationals manning its ships, and history will show that this form of procedure is much safer than ours.

As I understand it, the Maritime Exchange or Commission is going to build more ships, which will cost perhaps $300,000,000 or more. What is the use of building ships and what is the use of going on with an American merchant marine, if we have not proper facilities or proper manpower to take care of these ships? I predict that within a very short time the little merchant marine we have is going to be tied up. There is a strike about to break on our American ships. I refer to

ships of the United States Lines, which we have been subsidizing with Government money.

There is now a fight between the International Seamen's Union of America and the National Maritime Union of America. They are now conducting an election to determine who shall be the official agent, insofar as the seamen on these boats are concerned. I am reliably informed that the Communist Party or certain groups that represent them are trying to dictate who shall be selected for seamen or for radio operators. As I understand it, they went so far as to ask that the American lines take off certain capable and competent radio operators and substitute people that the company did not know. The company did not know they were even capable of performing the work.

I should like to see that all of these matters are called to the attention of the Congress, because if we are going to spend millions of dollars to build up a merchant marine, we are then going to be confronted with the difficulty of selecting able-bodied seamen because we have no training schools. We have no standards with respect to qualifications. If a man has been on the seas for a number of years, he is considered more or less available to work, and, as I said a moment ago, we almost have a league of nations representing every nationality on our ships, and some of them are not qualified to man our ships.

Mr. Speaker, safety at sea is a most important matter for the American people. So far it has been definitely demonstrated that we have taken very little precautions in promoting safety at sea. I do not care whether you have a new apparatus or a new ship or a new device of any kind, unless you have men competent and capable of performing their duties, you will never have safety at sea.

It seems apparent that every other nation in the world is building up its merchant marine 100 percent, and we are about the last insofar as safety at sea and protection and proper manning are concerned, because we are making no effort whatever to find out who are going to be the radio operators or who are going to be the engineers or the men who will man the ships.

As I said a moment ago, it seems to me if we are going to spend millions of dollars to build up a merchant marine, we ought to provide for proper manning of our ships, and I propose a bill that will create a sort of Annapolis for able-bodied Americans so they may get proper and fair training for this vocation. There are thousands of Americans, able-bodied young men, who would like to take to the sea. I know they could qualify as well as any British or German or French seaman, but we have not given them an opportunity. We pick them up almost from the streets; and if they have had 2 or 3 years on a vessel, they become able-bodied seamen.

In 1934, I believe it was, when the *Morro Castle* disaster occurred, the committee that was then organized to investigate un-American activities had ascertained that of the number of men on the *Morro Castle*, 53 of them were aliens from various countries. They just got jobs on the boat; and when the fire started and the two boats were lowered from the *Morro Castle*, they were the first 53 on that boat to get ashore and "to the devil with the passengers."

It seems to me that if there were 53 trained, able-bodied Americans in such a disaster as that which occurred, they would never have left the ship, a regular furnace, women and children on board, to take to the small boats. They would never have deserted the passengers in that way. There was no sympathy in the hearts of those men who held themselves out as able-bodied seamen, from all shores, and it is high time that this Congress took some notice of the future of America. If we are to build a merchant marine, why not let us have the best that money will buy and the best men with proper training, so that when the boat leaves the shore it will be well equipped not only in machinery but in manpower, men with proper culture and care for the passengers aboard. I hope some day to present this bill to you, and I shall ask your support. I think it would be priceless if we would be able to say to the American people that we have built a fine lot of ships and that they are manned with a fine lot of able-bodied American sailors, who are competent and capable to protect human life.

Mr. LUDLOW. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. LUDLOW. Has the gentleman taken up with Mr. Kennedy of the Maritime Commission the matters to which he has referred?

Mr. DICKSTEIN. I have taken this matter up with Mr. Kennedy, and he feels the same as I do.

Mr. LUDLOW. I think we all regard him as a very competent man.

Mr. DICKSTEIN. Mr. Kennedy feels as I do. There is now, in the little American marine that we have, a fight between the lefts and the rights. It is not a question of hours or wages; it is a question of control and power. I told him after giving him certain evidence that at the present time they are trying to undermine our entire merchant marine because of this fight between these two factions. If we are going to have a merchant marine and spend all these millions, the men who man them should be under the jurisdiction of the United States, and they should be given an opportunity to go to school and be properly trained for that purpose. Every country in the world has its own men, able-bodied seamen. I think this matter deserves very careful consideration of the Congress. [Applause.]

The SPEAKER pro tempore (Mr. DALY). Under special order of the House the gentleman from California [Mr. VOORHIS] is recognized for 20 minutes.

Mr. VOORHIS. Mr. Speaker, first of all I want to appeal as earnestly as I know how for the passage by this Congress of two measures which seem to me so essential that hardly anyone can logically oppose them. The first is a provision for the collection of facts concerning unemployment and relief. The House has passed the so-called relief bill. A billion and a half dollars has been appropriated for the purpose of putting to work a portion of our 10,000,000 unemployed people and for some relief for our hard-pressed rural people. In absolute terms this is a very large amount of money. In relationship to the needs of our people, a need not only for food and clothing, but a need for work and the feeling that one is doing a service for his Nation, it is probably inadequate, but however large or small it may be, it is obvious that the responsibility rests upon the Congress to see to it that the money is expended in the best possible way. Over and over again I have heard Members say, "We have written a blank check for the last time on relief." Over and over I have heard people complain, and I have done some myself, that we can no longer continue to deal with unemployment in a temporary way. Many of us have made the statement that we do not have the facts at hand on which to act. I believe this is obvious. At the next session of Congress, certainly, a permanent policy of Federal action on the unemployment question must be set forth. It is not enough that by merely taking judicious measures we may be able in time to solve this problem and get our people back to work in industry. After all, it is necessary that we remember that from day to day and week to week there are millions of people who are dependent upon Government projects or upon a dole from the State and county funds for bread and butter and beans. So we must have, it seems to me, a sound, continuing plan and machinery, and I think it must be just, one that takes into account not merely the preservation of physical life but also the preservation of those values of character and citizenship of which America has always been proud.

SOUND, PERMANENT UNEMPLOYMENT POLICY IMPOSSIBLE WITHOUT FACTS

Obviously we cannot develop that sound policy or pass sound judgment or good legislation without accurate knowledge about the facts regarding unemployment, work, and relief. To my mind, one of the very best things we could

do would be to pass the two bills introduced by the gentleman from Illinois [Mr. FRIES], H. R. 7506 and H. R. 7507, which two bills provide for the taking of the decennial census in 1938 and thereafter for the taking of biennial censuses of unemployment and of the unemployed, in order that we may have continuously the facts regarding this most important matter. Other methods of doing this have likewise been suggested. It matters not to me the exact way in which it is done, but whatever is done about this matter, it has seemed to be absolutely essential that these facts be collected for the Congress, and that they be submitted to Congress, insofar as possible, to form a factual basis of what we do at the next session. The Senate, as it happens, has already acted. It has passed Senate Joint Resolution No. 68, which provides that the President shall, and I quote,

appoint a nonpartisan commission to continue a national study of the whole problem of unemployment and relief and to make recommendations looking to a comprehensive, intelligent, and just policy for the future.

WE SHOULD PASS SENATE JOINT RESOLUTION 68

This joint resolution is now before the Labor Committee of the House. Not merely because I introduced its companion measure in the House, but more especially because a study of this kind is more necessary than almost anything I can think of to the future of America, I earnestly hope that our Labor Committee will act speedily and favorably, and that this measure will be brought before the House at the earliest possible moment and that it will be passed.

EMBARGO ON ARMAMENT NOW ESSENTIAL

The measure for which I want to make an appeal today has to do with the relationship of America to the rest of the nations of the world, the relationship of America to world peace, and the relationship of America to the armament race that is now going on. We have had introduced in this House more than one—I do not know exactly how many—joint resolutions providing an absolute embargo on the shipment of arms, ammunition, and implements of war out of this country to any nation at any time. The gentleman from Wisconsin [Mr. O'MALLEY] and the gentleman from New York [Mr. FISH] and possibly other gentlemen have introduced this resolution. The reasons for the necessity of this kind of action at this time seem to me to be as follows:

In the first place, the shipment of war implements or ammunition out of the United States in the last 6 months ending in May 1937 were as great as the shipment of munitions out of this country in the entire 12 months previous to that time. In other words, the arms traffic has doubled in the last year and a half.

In the second place, this profitable traffic of the munition makers amounts to a stripping of the United States of its resources, in iron and coal particularly, for the purpose of arming foreign nations.

In the third place, we are thus permitting American dealers in munitions to supply arms to other nations which in future may well be turned on American men, so that our men will be killed by shells manufactured in our own country.

In the fourth place, by permitting this arms traffic we are accelerating the world armament race. If arms are sold to foreign governments, then the munition maker can come and camp on the doorstep of our own War Department to urge that America must, in turn, spend another billion or so on arms to keep up. When we have spent that to increase our armaments, then our munition makers can sell more arms to foreign nations. And so it goes.

In the fifth place, an absolute embargo is the only decent, fair policy. It means that America takes the position that she refuses to encourage war or war preparation. It means the stopping up of one of the most serious gaps in our neutrality legislation. Imagine, if you will, our attempting to stop this arms traffic after a war has started in Europe or Asia. It cannot be done. The traffic will grow and grow until it drags us into war, too, unless we stop it now.

In the sixth place, specifically, every one of us realizes that as a matter of plain, elemental human justice, the sale of munitions of war to Italy and Germany should stop at this time because of the fact that in effect they are belligerents in the Spanish conflict. We also realize, however, the very great difficulty which our State Department would have in declaring such an embargo and in the virtual impossibility of the State Department naming any two nations as belligerents, under the circumstances. It therefore becomes clear that the only way in which justice can be done in this case or a hundred others like it, the only way we can promote real national defense, the only way we can help check this mad armament race is to forbid any American shipper to ship any more implements to any nation at any time. The world will understand that.

LUDLOW AMENDMENT ALSO IMPORTANT

In order to back up this measure, may I make another appeal on behalf of the amendment introduced by the gentleman from Indiana [Mr. LUDLOW] providing for a referendum before this Nation can enter another war except in case of armed invasion?

NO TIME FOR RECESS OR ADJOURNMENT

Mr. Speaker, I cannot feel that this is a time for us to take a recess or adjournment. Our country is in unusual need. Our duty is clear. Let us not recess, let us not adjourn until we have done something for those millions of old people of this Nation who expect some progress in the direction of old-age pensions.

Exhaustive hearings, I believe, have been held on the Wagner-Steagall housing bill. I believe there is very little opposition to that bill. I see no reason why we could not take a most important forward step by passing this bill. I think we may do something for American labor by hour-and-wage legislation and something for our farmers by a frontal attack on speculation and monopoly in the marketing of farm products; and then, as I said earlier in my speech today, it seems to me that we could at least provide that we should have the facts regarding unemployment and relief before the next session, and that we ought now to do something about the munitions traffic.

Every Member here knows that I have left many things out of this list, things that are necessary. I have omitted general tax revisions, and were I making my own preferred list of legislation I should probably put the bill of the gentleman from Texas [Mr. PATMAN] to make the 12 Federal Reserve banks Government institutions near the very top. I am not so foolish as to think we can do everything at once, nor so foolish as to think that we can change the condition of people overnight. Much depends upon passing and perfecting social legislation in this Congress to maintain confidence and hope. Confidence and hope and trust are the bases of our business and national life. They are also the bases of steady progress. Our problem will not solve itself. Our people in the face of their need dare not rest, and neither should we.

In the few minutes remaining to me today I desire, Mr. Speaker, to make a few observations on the present labor situation.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield before he leaves that point?

Mr. VOORHIS. I yield.

Mr. HOFFMAN. Does the gentleman have the figures of what we were spending on armament in 1917, in 1927, and in 1937?

Mr. VOORHIS. I did not refer to that.

Mr. HOFFMAN. It was $586,000,000, in round numbers, in 1917; $584,000,000 in 1927; and $934,000,000 in 1937. Does the gentleman approve of that?

Mr. VOORHIS. I was speaking of the shipment of arms out of the United States.

Mr. HOFFMAN. Yes, I know; but I have just pointed out what we have spent on arms and armaments ourselves. Does the gentleman approve of that?

Mr. VOORHIS. I think we should make every effort to reduce it which is consistent with true national defense.

Before I proceed to the next chapter in my speech may I appeal to the House not to forget the two measures for which I have already made my appeal.

THE HISTORICAL REASON FOR LABOR ORGANIZATION

We live, I suppose, in what most of us consider to be one of the great periods of history; and by that same token it is one of the difficult periods of history. The story of the ages records one great thread running through human history. That thread is the struggle of the masses of men, the poor people of this world, to gain—yes, food; yes, clothing; yes, shelter—but more especially to gain a certain freedom whereby they might call their souls their own. Very early in his experience man discovered that that freedom could not be gained except as man apparently made sacrifices of it by entering into cooperation with others of his fellow men to gain a larger freedom than was possible on the basis of pure individualism. The cave man discovered that he could not have freedom from the fear of wild beasts except he cooperated with the members of his family or clan around the campfire.

In like manner every American citizen today knows that he cannot have freedom from the dangers of violence in ordinary life unless he cooperates with others in the maintenance of civil peace. There was a time when one or two fortunate generations were able to enjoy both freedom and a large degree of individualism. Those were the days of the free-land frontier. Those days are gone. With them has gone the chance for 99 percent of the American people to gain freedom and strength of spirit in any way except the old way of cooperation.

The ranchers of my own State of California recognized this and formed cooperative associations to gain freedom from the ruinous domination of the speculator in their fruit markets. Our Department of Agriculture has recognized it and tried in various ways to teach the farmers of all America the lesson of necessary cooperation.

Congress recognized, finally, that these same principles offered the only hope of freedom for all those millions of Americans whose very jobs and means of life depend today upon the use of tools and machinery belonging to other men.

In recognizing this the Congress said, in part, and I read from section 1 of the National Labor Relations Act—

> Experience has proved that protection by law of the right of employees to organize and bargain collectively safeguards commerce from injury, impairment, or interruption, and promotes the flow of commerce by removing certain recognized sources of industrial strife and unrest, by encouraging practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages, hours, or other working conditions, and by restoring equality of bargaining power between employers and employees.

I am assuming that practically every Member of the House agrees with the basic idea of the Wagner Act—that we believe in the right of labor to organize and bargain collectively, and that we understand that the worker in seeking this right is merely carrying on the age-old struggle for freedom and the right to stand free and equal with his fellow men.

WHY THE C. I. O.?

Now, if we believe in organization and collective bargaining, then we must realize that it is most needed among the poorly paid and unskilled workers of our mass industries.

Mr. HOFFMAN. Will the gentleman yield?

Mr. VOORHIS. I yield for a question.

Mr. HOFFMAN. Admitting all that, does the gentleman believe that the purpose can be accomplished unless there are some restrictions on the right of labor to bargain? What I mean is this: There are certain things defined as unfair labor practices.

Mr. VOORHIS. Yes.

Mr. HOFFMAN. The gentleman understands to what I refer.

Mr. VOORHIS. I think I do.

Mr. HOFFMAN. Should there not be some restrictions on the other side?

Mr. VOORHIS. I will ask the gentleman to listen to my whole speech and I think his question will be answered.

As a matter of unquestionable fact the organization of these workers has been delayed in the United States for three or four decades. The reason it has been delayed is because until very recently we have not had industrial type unions in this country. Therefore, if, as we must, we realize that all America will be better off if the wages and conditions of our poorest paid workers are improved either by organization or by statute, or both, we cannot logically fail to recognize the basic importance of what the C. I. O. has done in bringing into the American scene the industrial type of union.

And further, no movement seeking to give a degree of freedom and independence to the poor has ever failed to arouse the spirited opposition of those who either fear or dislike the idea of human equality and true democracy. Every time an intensive organizing drive in any industry has taken place in America it has been condemned as a menace to the safety of the Nation and been branded as the work of Communists and enemies of all we hold dear.

Mr. RICH. Will the gentleman yield?

Mr. VOORHIS. Briefly.

Mr. RICH. Would the gentleman approve of the strikes that were conducted in the fruit sections of California, where the C. I. O. prohibited the farmers from harvesting their crops just recently and tons of fruit went to waste and spoiled?

Mr. VOORHIS. None of us desires to see anything go to waste. We do not desire to see humanity go to waste. The problem of agricultural labor is one of the most difficult problems we have for the reason that the farmer, unlike other producers, has no control over the price at which he sells his product. Neither is he able to keep his product indefinitely or until a better time. A strike to him may prove far more disastrous than to any other industry. I realize all of these problems. I realize also that the agricultural laborer faces a difficult problem of making a living and that we have a great human conflict that somehow must be adjusted with justice to all. When I get through with my speech I will try to answer other questions.

I have no fear whatsoever that several million American workmen will be lured by the siren song of communism. I have a fundamental faith in the good sense, the patriotism, and the desire for general justice of the American wage earners. To accuse the hundreds of thousands of members of the C. I. O. of communism is an old antilabor trick, but to my mind, at least, it is ridiculous.

A NEW AGE BEING BORN

An age is passing—the age of master and servant in industry. As the last representatives of that arrogant industrialism of an age that is gone, they will attempt to perpetuate it. But its passing is inevitable and necessary if democracy is to survive—a new age of free labor is struggling to be born. It will produce its conflicts and its labor pains, but born it must be, and our task is so to preside over events as to make the birth as painless as we can.

All of us desire to reach a condition where labor and capital and government as equal partners in American enterprise can and will cooperate together for the common welfare. Such a state of affairs is impossible until labor has gained its right to collective bargaining. Peace in industry can only be based upon even-handed justice and full recognition of human as well as property values.

AMERICAN LABOR KEEPS ITS CONTRACTS

But there is an encouraging side to the situation after all. For history proves that in every industry where labor has gained full organization and the recognition of its equal place, labor in turn has kept its agreements, industrial peace has been generally maintained, and the sense of responsibility of labor has been every bit as great as that of capital. We cannot find an example in our history where a major American labor union broke a contract.

But labor cannot keep agreements until labor has an agreement to keep. Labor cannot take responsibility until it is accorded a position where it can become responsible. I think the heads of the United States Steel Corporation wisely and patriotically recognized this fact. I think the heads of some other steel corporations have for reasons of their own chosen to disregard it.

[Here the gavel fell.]

Mr. VOORHIS. Mr. Speaker, I ask unanimous consent to proceed for 3 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

VIOLENCE TAKES PLACE IN UNORGANIZED FIELDS

Mr. VOORHIS. Mr. Speaker, on the other hand, this will of American people to stand as men on their own rights in industry cannot permanently be resisted. Lawlessness and chronic outbreaks of violence have taken place not in industries where labor is fully organized but in places like Harlan County, Ky., where the right of organization has been resisted by capital by all the means at its command, both fair and foul. And a peculiar thing has been that for every violent offense of labor there have been several such offenses by embattled industry. And for every man beaten up by labor, several from labor's ranks have actually been killed.

I do not attempt to justify the use of violence by labor for a single moment. But I do say, without fear of contradiction, that in this matter labor has been far more sinned against than sinning. And the reasons are not far to seek. First, may I remind you that had "Little Steel" done exactly what "Big Steel" did, there would have been no turmoil, no excitement, no accusations, no violence, no Chicago killings in the past few weeks. We have heard so much of how "Little Steel" thinks the C. I. O. "irresponsible" that we have forgotten the much larger fact that "Big Steel" considered it responsible enough to sign a contract with C. I. O. Second, every labor leader in America knows that violence—by whomever committed—will be blamed on his organization and will hurt its cause. Finally, every labor leader in America also knows that he must, as speedily as possible, establish the kind of strong union discipline which has marked the long-established unions of America for years.

A. F. OF L. AND C. I. O.—BOTH NEEDED

Unfortunately, American labor today finds its most serious problem not in the attacks made upon it from without but in the quarrel between the C. I. O. and the A. F. of L. within the ranks of labor. In the personal quarrels of individual men, whoever they may be, I have no interest. But I do have an interest in seeing both these great labor groups make their contributions to the welfare of the American labor movement and of the Nation generally. I neither hope nor believe that the A. F. of L., with its long record of service to the cause of American labor, will pass off the American labor scene. To suggest that the C. I. O. will do so is no longer even reasonable.

I have about abandoned hope that the A. F. of L. unions and the C. I. O. unions can be brought together into one single federation. I have not abandoned hope that a working agreement can be effected between the two organizations.

Such a resolution of this labor conflict is, indeed, one of the greatest needs of the American labor movement today. Not only will jurisdictional fights make for bad blood between rival labor groups: they go further to alienate public support from the whole labor movement than any other kind of labor struggle. It is most fervently to be hoped that wise leaders in both groups will see this and act accordingly.

THE FUTURE

But I do not believe that the great drama will necessarily come to a happy conclusion without sane, constructive leadership being exerted by us here in the National Congress.

The time may soon come, for example, when the National Labor Relations Act will require certain constructive amendments to enable the Board to bring about mediation proceedings and to act in broader fashion than it is able to do at present.

Our job is to see to it that no group—not capital, not labor, not vigilantes, not anyone—becomes bigger than the Government of the United States. I have not one bit of fear but that we can and will, and our President can and will, do this job. It does not mean, however, going out and shooting strikers. It means maintaining law and order in such manner that human life is saved and not destroyed. And it means working toward the day when industrial peace can be founded on industrial justice and when American labor will share responsibility for the successful operation of our industry. American labor will and must assume that share of responsibility, as it has already done in many long-organized industries, just as soon as labor's right to organization and collective bargaining has been recognized. [Applause.]

[Here the gavel fell.]

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 5 additional minutes in order to answer questions.

The SPEAKER. Does the gentleman desire an extension of his time?

Mr. VOORHIS. Not very much, but I will take it by unanimous consent.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Will the gentleman yield?

Mr. VOORHIS. I yield to the gentleman from Michigan.

Mr. HOFFMAN. While the gentleman was speaking, I asked him if he did not think that unfair practices by labor should be set up and defined. The gentleman said he would reply to that before he finished his speech. I listened, but I did not hear his reply.

Mr. VOORHIS. Of course, it seems to me we are in one of those difficult periods of adjustment during which inevitably there are mistakes made by everybody. I also pointed out, and I believe, that the forces of government necessarily must be supreme all the time.

Mr. HOFFMAN. I agree with the gentleman all along that line; but what I am getting at is, does the gentleman believe the Wagner Law should prescribe and set forth unfair labor practices on the part of labor?

Mr. VOORHIS. For instance, what?

Mr. HOFFMAN. Oh, well, we need not go into that.

Mr. VOORHIS. We would have to.

Mr. HOFFMAN. Does the gentleman assume there are no unfair practices followed by labor? For instance, let us take the sit-down strikes.

Mr. VOORHIS. I stated in my speech I did not try to say that labor had never made mistakes. I said in my opinion the offenses by labor were far less serious than those committed against labor.

Mr. HOFFMAN. The question I am asking is this: Does the gentleman not think the Wagner law, in order to carry out the purposes for which it was enacted, should prescribe unfair labor practices on the part of the unions?

Mr. VOORHIS. After all I believe that the real genius of the Wagner law arose from the fact that it was understood that labor is essentially and necessarily in this situation at a great disadvantage and still is for a variety of reasons I need not go into. The Wagner law was passed in order to attempt to protect labor which under the circumstances was the party in need of protection.

Mr. HOFFMAN. Assuming all that, does the gentleman contend that labor cannot be guilty of any unfair labor practice?

Mr. VOORHIS. I think you will find there are certain things that have happened which every labor leader in the country will feel perhaps were things that were detrimental not only to the laboring man but also to the movement and it may be that the time will come when those things must be included in that section.

Mr. HOFFMAN. Does the gentleman think the time is now here when we should include unfair practices by labor in the Wagner Labor Act?

Mr. VOORHIS. I do not think so, not until the time has come when unquestionably the right of labor to organize and bargain collectively has been recognized.

Mr. HOFFMAN. Does not the gentleman think that when the Wagner Labor Act provides, as it does, that labor, and labor alone, can call for an election, labor should call for an election in the Ford plant, for instance, before proceeding to pass out literature there?

Mr. VOORHIS. Of course, the matter of having an election in the Ford plant right now might turn out to be a good joke.

Mr. HOFFMAN. Why?

Mr. VOORHIS. Because I worked in the Ford plant, I may say to the gentleman from Michigan.

Mr. HOFFMAN. All right, now, why might it be a joke?

Mr. VOORHIS. I realize fully from my own experience the kind of influences brought to bear upon workers in that plant.

Mr. HOFFMAN. You mean the Ford men under the Wagner Act would not have the right to have a secret ballot?

Mr. VOORHIS. I think they might not. I think a labor organization at least has a right to have something to say about when the election is to be held. Further, I believe that when a Governor declares martial law it might be a wise thing to provide that when he does so an election shall be held by the National Labor Relations Board to determine the status of the strike.

Mr. HOFFMAN. Can the gentleman see any reason why an employer should not have the right to call an election?

Mr. VOORHIS. Yes; I can.

Mr. HOFFMAN. What is it? I am seeking information, that is all.

Mr. VOORHIS. I gave it to the gentleman. My reason is that I believe, as I stated a while ago, that the man who is utterly dependent upon the use of another man's machinery in order to make his living is necessarily under influences, sometimes subtle and sometimes very, very unsubtle, which impinge upon him and make it very difficult for him to exercize an independent judgment.

Further, it has always been true in every period when a difficult job had to be done that a small group of people necessarily had to take the lead. It never has been true that in a whole industry all the people suddenly rise up and say, "We want organization." That has never happened. It is always a little group which makes the start, and after the little group has established the organization, then the rest will follow along.

Mr. ALLEN of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS. I yield to the gentleman from Pennsylvania.

Mr. ALLEN of Pennsylvania. Does not the gentleman think it is about time we should go behind the scenes and find the cause for these effects and instead of always focusing attention on labor and the reported abuses of labor, focus attention upon and emphasize the abuses of the industrialists and manufacturers in this whole affair?

[Here the gavel fell.]

Mr. ALLEN of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from California may proceed for 3 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ALLEN of Pennsylvania. Does not the gentleman believe it is about time for someone to rise up and explain to this House the abuses, the violations of law, and the violations of constitutional rights which have been perpetrated by some manufacturers of this country?

Mr. VOORHIS. Certainly. I think we should have all such things laid before us.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS. I yield to the gentleman from Pennsylvania.

Mr. RICH. When the Wagner Labor Relations Act became law a year or so ago, the prime purpose, as was stated on the floor of the House, was to try to make adjustments between capital and labor.

Mr. VOORHIS. That is right.

Mr. RICH. Since that law has been in effect, in the last 7 months we have had over 2,400 strikes, more than we have ever had in the history of this Nation. What is the trouble?

Mr. VOORHIS. I can tell the gentleman the trouble, I believe. Let me cite the example of West Virginia. Before the N. R. A. law was passed in 1932 the largest number of miners who had ever been organized in West Virginia was approximately 50,000. After the N. R. A. law was passed, because the men felt they would be protected if they joined an organization the membership of the United Mine Workers in the State of West Virginia increased to over 200,000. I think that is one reason. Another reason is that in every period of rising prices in all the history of this Nation we have had strikes. The reason is obvious, that the cost of living increases.

Mr. RICH. However, the Wagner Act has failed in the fact it has permitted these strikes. I thought the act would result in settling strikes. No action is being taken by the Labor Relations Board in reference to settling strikes.

Mr. VOORHIS. I may say to the gentleman from Pennsylvania that I suggested in my speech, in as brief a way as I could, that I believed the time would come, perhaps, when it would be wise to broaden the powers of the Board under the Wagner Act; and may I add that the history of railroad labor, of the miners, and other industries proves, I think that if, under the Wagner Act, organization and collective bargaining can be established, we can then expect labor to be a most important force making for industrial peace.

Mr. RICH. Does not the gentleman think that time is now here to broaden the Wagner Act?

Mr. VOORHIS. No; I stated I did not think so. I hope it may come soon.

Mr. COLDEN. Mr. Speaker, will the gentleman yield?

Mr. VOORHIS. I yield to the gentleman from California.

Mr. COLDEN. Is it not a fact that a great many employers ignore the Wagner Act and refuse to recognize the right of collective bargaining, and thus cause strikes?

Mr. VOORHIS. I thank the gentleman for his contribution. His statement is obviously true.

Mr. RICH rose.

Mr. VOORHIS. I shall not yield yet until I get through answering this important question of my colleague from California.

For many months the manufacturers were advised by lawyers that the Supreme Court would kill the Wagner Act, and then, even after it was the law of the land as passed by Congress, the Wagner Act was systematically disregarded throughout the country.

May I point out further that if we are going to insist upon strict obedience to the law, we must insist upon it from every single element of the population. [Applause.]

[Here the gavel fell.]

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, on tomorrow, after the disposition of the veto message of the President and the probable consideration of the conference report on the farm-tenancy bill, I ask unanimous consent that the Committee on Claims may call up omnibus claims bills, beginning at no. 281 on the Private Calendar.

Mr. RICH. Mr. Speaker, reserving the right to object, and I shall not object, may I ask the majority leader a question? The gentleman spoke about a conference report on the farm-tenancy bill. Will the conference report on the Interior Department appropriation bill come up tomorrow?

Mr. RAYBURN. I stated on the floor in response to a question of the gentleman from New York, and I also told the gentleman from New York [Mr. TABER] privately, that the conference report on the Interior Department appropriation bill would not be taken up until Thursday.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman tell us what will be taken up after the omnibus claims bills are disposed of tomorrow?

Mr. RAYBURN. Nothing that I know of.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. BATES, for 5 days, on account of official business.

To Mr. CALDWELL, for 5 days, on account of official business.

To Mr. HILL of Alabama, indefinitely, on account of official business.

To Mr. LUECKE of Michigan (at the request of Mr. HOOK), indefinitely, on account of illness.

To Mr. MAAS, for 5 days, on account of official business.

To Mr. MOTT, for 5 days, on account of official business.

To Mr. MCFARLANE, for today, on account of illness in family.

To Mr. SCOTT, for 5 days, on account of official business.

To Mr. SUTPHIN, for 5 days, on account of official business.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 1048. An act for the relief of Alexander E. Kovner;

S. 1849. An act for the relief of the Goldenberg Furniture Co.; and

S. J. Res. 30. Joint resolution for the relief of William K. Richardson.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 19 minutes p. m.) the House adjourned until tomorrow, Tuesday, July 13, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce, at 10 a. m., Tuesday, July 13, 1937. Business to be considered: Continuation of hearing on H. R. 6968, to amend the Securities Act of 1933.

There will be a meeting of the Research Subcommittee of the Committee on Interstate and Foreign Commerce, at 10 a. m., Thursday, July 22, 1937. Business to be considered: Hearing on H. R. 1536, H. R. 5531, H. R. 7001, and H. R. 7643, Research bills.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Tuesday, July 13, 1937, at 10:30 a. m., to begin hearings on H. R. 7365, a bill to provide for the regional conservation and development of the national resources, and for other purposes.

COMMITTEE ON INSULAR AFFAIRS

There will be a meeting of the Committee on Insular Affairs on Tuesday, July 13, 1937, at 10 a. m., for the consideration of H. R. 1485, H. R. 1486, and H. R. 4275, which affect Puerto Rico, and H. R. 7561 and H. R. 7727, which affect the Philippine Islands.

COMMITTEE ON FOREIGN AFFAIRS

There will be a meeting of the Committee on Foreign Affairs on Tuesday, July 13, 1937, at 10 a. m., for consideration of House Joint Resolution 437, to redefine the jurisdiction of the Special Mexican Claims Commission; House Joint Resolution 439, to amend section 4 of the Neutrality Act to enable the United States to carry out its obligations under the Buenos Aires pacts; H. R. 6444, to amend the act creating a United States Court for China; H. R. 7127, United States Participation in the International Petroleum Exposition, Tulsa, Okla., and Senate Joint Resolution 150, Fifth World Congress for the Deaf.

COMMITTEE ON THE DISTRICT OF COLUMBIA

The subcommittee appointed by the Committee on the District of Columbia to study the Alcoholic Beverage Control Act and consider bills relating thereto, will meet Tuesday, July 13, 1937, at 10:30 a. m., in room 345, House Office Building.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization on Wednesday, July 14, 1937, at 10:30 a. m. In re H. R. 7608, H. R. 7716, H. R. 7718, H. R. 7294 (public).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

708. A letter from the Chairman, District of Columbia Airport Commission, transmitting a confidential report of the Commission required by section 2 of the act (H. Doc. No. 288); to the Committee on the District of Columbia and ordered to be printed.

709. A communication from the President of the United States, transmitting a supplemental estimate of appropriations for the fiscal year of 1938, amounting to $135,097.65, for the Department of State (H. Doc. No. 284); to the Committee on Appropriations and ordered to be printed.

710. A communication from the President of the United States, transmitting a supplemental estimate of appropriations for the Department of the Interior for the fiscal year 1938, amounting to $40,000 (H. Doc. No. 285); to the Committee on Appropriations and ordered to be printed.

711. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1938, for the War Department, for cemeterial expenses, amounting to $325,000 (H. Doc. No. 286); to the Committee on Appropriations and ordered to be printed.

712. A letter from the Postmaster General, transmitting a recommendation for special legislation to grant a credit to James D. Larry, Sr., postmaster at Melrose Park, Ill.; to the Committee on Claims.

713. A letter from the Postmaster General transmitting a recommendation for special legislation to grant a credit to Roscoe B. Huston, postmaster at Detroit, Mich.; to the Committee on Claims.

714. A letter from the Secretary of War transmitting a letter from the Chief of Engineers, United States Army, dated July 7, 1937, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of Sandy Hook Bay, off Atlantic Highlands, N. J., with a view to providing an achorage area, authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 292); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

715. A letter from the Secretary of War transmitting a letter from the Chief of Engineers, United States Army, dated July 7, 1937, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of intracoastal waterway from Apalachicola Bay to the Withlacoochee River, Fla., and Carrabelle, Crooked, and Ochlockonee Rivers, and Ochlockonee Bay, Fla., authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 291); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. DREWRY of Virginia: Committee on Naval Affairs. S. 2521. An act to authorize the assignment of officers of the line of the Marine Corps to staff duty only as assistant quartermasters and assistant paymasters, and for other purposes; with amendment (Rept. No. 1196). Referred to the Committee of the Whole House on the state of the Union.

Mr. CASE of South Dakota: Committee on Indian Affairs. S. 642. An act for the relief of the Indians of the Fort Berthold Reservation in North Dakota; without amendment (Rept. No. 1199). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEMPSEY: Committee on the Territories. H. R. 6651. A bill to provide for a referendum in the Territory of Alaska as to the establishment of a one-house legislature, and for other purposes; without amendment (Rept. No. 1209). Referred to the Committee of the Whole House on the state of the Union.

Mr. ECKERT: Committee on the Territories. H. R. 5809. A bill authorizing the transfer of canceled cheque to the Governor of Alaska; without amendment (Rept. No. 1210). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COCHRAN: A bill (H. R. 7822) to prohibit the further coinage of commemorative coins; to the Committee on Coinage, Weights, and Measures.

By Mr. BLAND: A bill (H. R. 7823) to authorize the Secretary of Commerce to exchange with the people of Puerto Rico the Guanica Lighthouse Reservation for two adjacent plots of insular forest land under the jurisdiction of the commissioner, department of agriculture and commerce, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CHANDLER: A bill (H. R. 7824) relating to sales of goods and contracts to sell goods in interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. DEROUEN: A bill (H. R. 7825) to authorize the use of certain facilities of national parks and national monuments for elementary-school purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 7826) to make available for national-park purposes certain lands within the boundaries of the proposed Isle Royale National Park, and for other purposes; to the Committee on the Public Lands.

By Mr. DIMOND: A bill (H. R. 7827) to authorize public-utility districts in the Territory of Alaska to incur bonded indebtedness, and for other purposes; to the Committee on the Territories.

By Mr. HOBBS: A bill (H. R. 7828) to amend the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes"; to the Committee on the Judiciary.

By Mr. WEARIN: A bill (H. R. 7829) to authorize a preliminary examination and survey of the Nishnabotna River and the watershed thereof, in the State of Iowa, for flood control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. KLEBERG: A bill (H. R. 7830) to permit Members of Congress to enter into agreements under agricultural programs; to the Committee on Agriculture.

By Mr. HOFFMAN: A bill (H. R. 7831) to prevent interference with Government employees and officials and the transaction of Government business; to the Committee on the Judiciary.

By Mr. BIERMANN: A bill (H. R. 7832) to authorize a preliminary examination and survey of Turkey River and the watershed thereof, in the State of Iowa, for flood control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. HARRINGTON: A bill (H. R. 7833) to authorize a preliminary examination and survey of the Boyer River and the watershed thereof, in the State of Iowa, for flood control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. HOBBS: A bill (H. R. 7834) to amend the act entitled "An act to provide compensation for disability or death resulting from injuries to employees in certain employments in the District of Columbia, and for other purposes"; to the Committee on the District of Columbia.

By Mr. KENNEDY of Maryland: A bill (H. R. 7835) to provide authorization for the advancement of funds for the District of Columbia; to the Committee on the District of Columbia.

By Mr. PIERCE: A bill (H. R. 7836) to amend the Agricultural Adjustment Act, as amended, by including hops as a commodity to which orders under such act are applicable; to the Committee on Agriculture.

By Mr. SNELL: Resolution (H. Res. 273) creating a special committee to ascertain facts and circumstances concerning the sale of President Franklin D. Roosevelt's signature on campaign literature during the 1936 campaign; to the Committee on Rules.

By Mr. ELLENBOGEN: Joint resolution (H. J. Res. 441) proposing an amendment to the Constitution of the United States relative to taxes on certain bonds and securities, and for other purposes; to the Committee on the Judiciary.

By Mr. KING: Concurrent resolution (H. Con. Res. 20) to provide for the creation of a Joint Committee on Hawaii; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLUETT: A bill (H. R. 7837) granting a pension to Mary A. Meehan; to the Committee on Invalid Pensions.

By Mr. GRAY of Indiana: A bill (H. R. 7838) granting a pension to Sarah J. Wilder; to the Committee on Invalid Pensions.

By Mr. REECE of Tennessee: A bill (H. R. 7839) granting a pension to Alva V. Anderson; to the Committee on Pensions.

Also, a bill (H. R. 7840) granting a pension to Thomas Grimsley; to the Committee on Pensions.

Also, a bill (H. R. 7841) for the relief of Drs. W. S. Davis, P. A. Palmer, H. S. Oakes, and J. M. Ousley; to the Committee on Claims.

By Mr. SNYDER of Pennsylvania: A bill (H. R. 7842) for the relief of the W. A. Merrill Sons & Co., Inc.; to the Committee on Claims.

By Mr. WITHROW: A bill (H. R. 7843) granting a pension to Mary Brown; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2891. By Mr. BIERMANN: Memorial of the Jasper (Iowa) County Bar Association, regarding proposed changes in the Supreme Court; to the Committee on the Judiciary.

2892. By Mr. CURLEY: Petition of the New York County Lawyers Association, opposing House Joint Resolution 157, introduced by Congressman COFFEE of Washington, which provides for checking-account facilities in postal savings banks; to the Committee on the Post Office and Post Roads.

2893. Also, petition of the Council of Social Agencies of New Orleans, La., urging adoption of Senate Joint Resolution No. 85 providing an appropriation for the study of the social and economic needs of laborers migrating across State borders; to the Committee on Labor.

2894. Also, petition of the New York Plate Printers Union, Local No. 58, endorsing the Haines bill (H. R. 190), which provides for an increase of 10 percent above the basic rate of pay of substitutes in the Postal Service and which also provides for the granting of sick leave and vacation privileges under the same conditions as the regular postal employee; to the Committee on the Post Office and Post Roads.

2895. Also, petition of the Massachusetts Tuberculosis League, endorsing Senate joint resolution which provides a small fund to study the social and economic needs of laborers crossing State lines; to the Committee on Labor.

2896. Also, petition of the New York Plate Printers Union, Local No. 58, New York, endorsing the longevity bill (H. R. 167), introduced by Congressman MEAD, which provides for a 10-percent increase of basic pay 10 years after date of entering the Postal Service and a 5-percent increase each fifth year thereafter for three periods; to the Committee on the Post Office and Post Roads.

2897. Also, petition of the New York Plate Printers Union, Local No. 58, endorsing the Pearson bill (H. R. 4193) for the creation of a Civil Service Court of Appeals; to the Committee on the Civil Service.

2898. By Mr. LUTHER A. JOHNSON: Petition of J. B. Copeland, president, and D. L. Fussell, secretary, Hill County Agricultural Association, Hillsboro, Tex., favoring bill introduced by Congressman FLANNAGAN, known as the agricultural adjustment bill of 1937; to the Committee on Agriculture.

2899. By Mr. KEOGH: Petition of the Interstate Airways Committee, Washington, D. C., concerning the McCarran-Lea

bill (S. 2 and H. R. 7273); to the Committee on Interstate and Foreign Commerce.

2900. Also, petition of the Chamber of Commerce of the State of New York, concerning the repeal or modification of tax on surplus earnings of corporations; to the Committee on Ways and Means.

2901. Also, petition of the Independent Steel & Iron Producers, committee on scrap, New York City, concerning the Schwellenbach-Koppleman bill; to the Committee on Military Affairs.

2902. Also, petition of the New York Plate Printers Union, New York City, concerning the Pearson bill (H. R. 4193), the Haines bill (H. R. 190), and the longevity bill (H. R. 167); to the Committee on the Post Office and Post Roads.

2903. Also, petition of E. R. Squibb & Son, New York, concerning the Lucas amendment to the sugar bill (H. R. 7667); to the Committee on Agriculture.

2904. Also, petition of the Hamilton Bank Note Engraving & Printing Co., Brooklyn, N. Y., concerning the Black-Connery wage and hour bills (S. 2475 and H. R. 7200); to the Committee on Labor.

2905. Also, petition of the Eppinger & Russell Co., New York City, concerning the Black-Connery fair labor standards bills; to the Committee on Labor.

2906. By Mr. LEA: Petition of 32 residents of Santa Rosa, Calif., protesting against the increasing importation of egg products supplanting American production; to the Committee on Ways and Means.

2907. By Mr. McCORMACK: Petition of Carroll S. Dempsey, of Dorchester, Mass., and sundry others, protesting against any change in the Supreme Court; to the Committee on the Judiciary.

2908. By Mr. PFEIFER: Petition of the Interstate Airways Committee, Washington, D. C., concerning the McCarran-Lea bills (S. 2 and H. R. 7273); to the Committee on Interstate and Foreign Commerce.

2909. Also, petition of the Hamilton Bank Note Engraving & Printing Co., Brooklyn, N. Y., concerning the Black-Connery wage and hour bills (S. 2475 and H. R. 7200); to the Committee on Labor.

2910. Also, petition of the Independent Steel & Iron Producers, committee on scrap, New York City, urging support of the Schwellenbach-Kopplemann bill; to the Committee on Military Affairs.

2911. Also, petition of the Chamber of Commerce of the State of New York, New York City, concerning repeal or modification of tax on surplus earnings of corporations; to the Committee on Ways and Means.

2912. Also, petition of Leo H. Hirsch & Co., pearl button manufacturers, New York, concerning the Black-Connery bills (S. 2475 and H. R. 7200); to the Committee on Labor.

2913. Also, petition of F. H. Von Damm, Grain Dealers, Brooklyn, N. Y., concerning the Black-Connery wage and hour bills (S. 2475 and H. R. 7200); to the Committee on Labor.

2914. Also, petition of the National Maritime Union of America, Atlantic and Gulf coast committee, New York City, concerning House bill 7216; to the Committee on Naval Affairs.

2915. Also, petition of the Eppinger & Russell Co., New York, concerning the Black-Connery fair labor standards bills; to the Committee on Labor.

2916. Also, petition of the New York Plate Printers Union, Local No. 58, Brooklyn, N. Y., concerning the Pearson bill (H. R. 4193), the Haines bill (H. R. 190), and the longevity bill (H. R. 167); to the Committee on the Civil Service.

2917. Also, petition of E. R. Squibb & Sons, New York, concerning the Lucas amendment to the sugar bill (H. R. 7667); to the Committee on Agriculture.

2918. Also, petition of the Workers Alliance of America, Washington, D. C., concerning the Schwellenbach-Allen resolutions (S. J. Res. 176 and H. J. Res. 440); to the Committee on Appropriations.

2919. By Mr. SANDERS: Resolution of the Texas Bar Association, protesting against any and all forms of legislation affecting Supreme Court of the United States now pending in Congress; to the Committee on the Judiciary.

2920. By Mr. SPENCE: Resolution adopted by the Kenton Lodge, No. 151, Brotherhood Railway Carmen of America, endorsing the Wagner-Steagall housing bill; to the Committee on Banking and Currency.

2921. By Mr. THURSTON: Resolutions adopted by the Jasper (Iowa) County Bar Association in opposition to the President's substitute proposal to reorganize the United States Supreme Court; to the Committee on the Judiciary.

2922. Also, petition in opposition to Joint Resolution No. 285, proposing that permission be granted for the erection of a monument in Washington to the memory of the late Bob Ingersoll; to the Committee on the Library.

2923. By the SPEAKER: Petition of the American Radio Telegraphists Association, requesting the President of the United States to carry out the present Works Progress Administration program without any cuts in personnel; to the Committee on Appropriations.

2924. Also, petition of the Marine Engineers' Beneficial Association, No. 97, requesting the President of the United States to carry out the present Works Progress Administration program without any cut in the personnel; to the Committee on Appropriations.

2925. Also, petition of the Amalgamated Meat Cutters and Butcher Workmen of North America, requesting the President of the United States to carry out the present Works Progress Administration program without any cut in the personnel; to the Committee on Appropriations.

SENATE

TUESDAY, JULY 13, 1937

(Legislative day of Tuesday, July 6, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, July 12, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 455) for the relief of J. R. Collie and Eleanor Y. Collie.

The message also announced that the House had severally agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills of the House:

H. R. 458. An act for the relief of Eva Markowitz;

H. R. 730. An act for the relief of Joseph M. Clagett, Jr.; and

H. R. 1377. An act conferring jurisdiction upon the United States District Court for the Southern District of Ohio to hear, determine, and render judgment upon the claims of Walter T. Karshner, Katherine Karshner, Anne M. Karshner, and Mrs. James E. McShane.

The message further announced that the House had severally agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the Senate to each of the following bills of the House:

H. R. 1945. An act for the relief of Venice La Prad;

H. R. 2332. An act for the relief of William Sulem;

H. R. 2562. An act for the relief of Mr. and Mrs. David Stoppel;

H. R. 2565. An act to confer jurisdiction on the Court of Claims to hear, determine, and enter judgment upon the

claims of contractors for excess costs incurred while constructing navigation dams and locks on the Mississippi River and its tributaries; and

H. R. 3634. An act for the relief of Noah Spooner.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6563. An act to define, regulate, and license real-estate brokers, business-chance brokers, and real-estate salesmen; to create a Real Estate Commission in the District of Columbia; to protect the public against fraud in real-estate transactions; and for other purposes; and

H. R. 7084. An act to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 1048. An act for the relief of Alexander E. Kovner;

S. 1849. An act for the relief of the Goldenberg Furniture Co.; and

S. J. Res. 30. Joint resolution for the relief of William K. Richardson.

CALL OF THE ROLL

Mr. McKELLAR. Mr. President——

Mr. BURKE. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Johnson, Colo.	Pittman
Andrews	Connally	King	Pope
Ashurst	Copeland	La Follette	Radcliffe
Austin	Davis	Lee	Reynolds
Bailey	Dieterich	Lewis	Russell
Bankhead	Donahey	Lodge	Schwartz
Barkley	Duffy	Logan	Schwellenbach
Berry	Ellender	Lonergan	Sheppard
Bilbo	Frazier	Lundeen	Shipstead
Black	George	McAdoo	Smathers
Bone	Gerry	McCarran	Smith
Borah	Gibson	McGill	Steiwer
Bridges	Gillette	McKellar	Thomas, Utah
Brown, Mich.	Green	McNary	Townsend
Brown, N. H.	Guffey	Maloney	Truman
Bulkley	Hale	Minton	Vandenberg
Bulow	Harrison	Moore	Van Nuys
Burke	Hatch	Murray	Wagner
Byrd	Herring	Neely	Walsh
Byrnes	Hitchcock	Nye	Wheeler
Capper	Holt	O'Mahoney	White
Caraway	Hughes	Overton	
Chavez	Johnson, Calif.	Pepper	

Mr. BARKLEY. I announce that the senior Senator from Arkansas [Mr. ROBINSON] is unavoidably detained on important public matters.

Mr. LEWIS. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Oklahoma [Mr. THOMAS] are unavoidably detained from the Senate, and that the Senator from Maryland [Mr. TYDINGS] is detained on important public business.

Mr. SCHWELLENBACH. I announce that the Senator from Nebraska [Mr. NORRIS] is absent because of illness.

The PRESIDENT pro tempore. Ninety Senators having answered to their names, there is a quorum present.

PETITIONS

Mr. LODGE presented petitions of sundry citizens of the State of Massachusetts, praying for the enactment of legislation to abolish the Federal Reserve System as at present constituted, and also praying that Congress exercise its constitutional right to coin money and regulate the value thereof, which were referred to the Committee on Banking and Currency.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on today, July 13, 1937, that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 1048. An act for the relief of Alexander E. Kovner;

S. 1849. An act for the relief of the Goldenberg Furniture Co.; and

S. J. Res. 30. Joint resolution for the relief of William K. Richardson.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH:

A bill (S. 2770) for the relief of Elizabeth F. Quinn and Sarah Ferguson; to the Committee on Claims.

By Mr. NYE:

A bill (S. 2771) for the relief of John Heneman; and

A bill (S. 2772) for the relief of Sgutts Store for Men; to the Committee on Claims.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 6563. An act to define, regulate, and license real-estate brokers, business chance brokers, and real-estate salesmen; to create a Real Estate Commission in the District of Columbia; to protect the public against fraud in real-estate transactions; and for other purposes; and

H. R. 7084. An act to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore, as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations (and withdrawing a nomination), which were referred to the appropriate committees.

(For nominations this day received and nomination withdrawn, see the end of Senate proceedings.)

REORGANIZATION OF FEDERAL JUDICIARY

The Senate resumed consideration of the bill (S. 1392) to reorganize the judicial branch of the Government.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Wyoming [Mr. O'MAHONEY] to the amendment in the nature of a substitute.

Mr. BAILEY. Mr. President——

The PRESIDENT pro tempore. The Senator from North Carolina [Mr. BAILEY] has the floor.

Mr. BLACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Alabama?

Mr. BAILEY. I do not yield if it is going to take me off the floor. If it were not for that, I should be very happy to yield.

The PRESIDENT pro tempore. The Senator may yield for a question, or he may yield for the presentation of a privileged matter.

Mr. BLACK. I desire to ask the Senator a question. Will he yield to me to announce that as soon as possible after the Senate meets tomorrow I desire to obtain the floor to discuss the pending question? That was my object in asking the Senator to yield.

Mr. BAILEY. Mr. President, I am not prepared to say that yielding for the purpose of an announcement would be yielding to a question. I wish to be courteous; I think all Senators know I wish to be courteous; but I must protect the limited rights we have in this debate. I cannot yield for an announcement, because, if I did, the Chair would rule at once that the continuation of my remarks begun on yesterday would be a second speech. I may say to the Senator, notwithstanding I spoke at some length on yesterday and intend to speak at some length today, I do not flatter myself that I could exhaust this great subject. So I must reserve my time for a second speech.

Mr. President, when the Senate recessed yesterday afternoon I had reached a certain stage in my remarks, and I propose at this time to go forward from that stage. However, I do not think it will be considered inappropriate if I take a few moments to recapitulate the remarks which I made on

yesterday, not because of any sense of their value but because they afford a background for what I intend to say today.

With a view to that recapitulation, I call attention first to the fact that at the outset I undertook to convey to those who heard me my sense of the high import of all that is involved in the pending legislation and in this discussion.

I undertook to say that the place of justice is a holy place. Those who deal with the means of justice in the life of our great Republic are dealing with holy things.

Then again I undertook to point out that we, being powerful, are dealing with the means of determining the limitations of our own powers. We have the strength of giants over the courts, but if we use that strength as giants and wield that power in our own behalf we fall under the condemnation of using it in a tyrannous way and, I greatly fear, of using it in a selfish way.

I undertook to say that our power over the judiciary is a power in trust, not for ourselves but for justice. We have the power to organize and the power to provide and the power to aid, but not the power to control. Least of all do we have the power to control with a view to the aggrandizement of our own power.

I undertook then to state the principle involved in the pending measure, and to show that the principle in the substitute is precisely the same principle as that of the original bill, which I take it we all agree has received not only the condemnation of the majority of the Committee on the Judiciary but in a very great measure—how far I would not undertake to say—has received the condemnation of the American people; otherwise the substitute would not be here.

I undertook to say what is the principle. The principle involved here, I stated, is the principle of giving to the political two-thirds of our Government—that is, to the executive and the legislative departments which are confessedly political in their character—a degree, I would be willing to say a very great degree, of control over the third department which is that of justice and which is not in any sense political.

From that point I proceeded to show that there is no difference in degree as between the original bill and the pending substitute; that whereas the original bill contemplates that we should so provide that our President might appoint and we confirm six Justices of the Supreme Court, thereby providing 60 percent of that Court satisfactory to the Congress, perhaps, and to the President, the pending substitute provides precisely the same thing. I do not believe I have to go over the figures, but it may be necessary and I shall do so.

We have but three Justices on the Supreme Bench who are considered satisfactory by Senators. They freely express themselves to that effect. We have now one vacancy. The pending substitute would provide for the appointment of one immediately and one next January, or the two within 6 months. Having one and providing two, we would have three. We have three satisfactory, as we say. That would make six. The total Court membership would be 10, and 6 is 60 percent of 10. Therefore, I say there is no difference in the degree of the control which is the objective of the proposed legislation.

I went on to say that this is no compromise and added that I would not be willing to compromise a principle anyhow. I flatly stated, and I am prepared to maintain, that the compromise of a principle is not a compromise. It is a surrender. It is a betrayal.

With those statements by way of preliminary I proceeded then to set forth my first contention as follows:

> We contend that the purpose and effect of the proposed legislation is to affirm and exert the power of the legislative and executive branches of the government of our Republic to control the judicial branch with the view to shaping judicial determination.

That was rather a bold statement, but I undertook to maintain it, though not by my opinion. I would not dare to entertain an opinion of that sort without overwhelming evidence and I submitted the evidence. I recited numerous quotations from the addresses of the President, one being from the message conveying the original bill to the Congress and the other being a quotation from his address to his party and its leaders on March 4 of this year, just 30 days after the presentation of the original bill to the Congress and when tremendous excitement was prevailing. These quotations I shall not now review, but if anyone has any doubt about their probative effect I should be very glad if he would go back and read that address of the President.

I digress to say that I read in one of the papers, a paper which I very greatly respect, that I had attacked the President. Of course, I have not attacked the President. I read to the Senate the language of the President. I did not undertake even to construe it. I leave that for all who read it and all who hear it. But when the President says repeatedly in a public address that the proposed legislation was put forward by himself in order to relieve doubt as to the constitutionality of undisclosed acts which he intends hereafter to introduce or to have introduced, I cannot avoid the conclusion—I think the President himself is bound by it and would not deny it—that the motive for the proposed legislation is not to aid the structure or the operations of the Court but to introduce into it members in addition to the three who are supposed to be acceptable and agreeable and whose dissenting opinions have been rather widely approved by those who advocate the legislation—to introduce into the Congress a bill giving him power to appoint three more of the same type—two more, and he has one vacancy to fill—why? Because, as he said, he wishes the way to be clear with respect to the constitutionality of those acts.

That is no attack upon the President. That is giving the President the benefit of his own statement, and I leave the probative effect of it to the Senate. But in supporting that argument I also quoted the Democratic platform; and I am going to dwell on that at this moment for a little while, because I think it is of very great importance in this debate.

Those of us who have opposed this legislation have contended at all times that the platform of our party did not contemplate in any way any legislation affecting the number or the character of the Justices on the Supreme Bench. We understood that we would propose legislation. If the legislation should be found to be unconstitutional, and we still thought it of real value, we would propose clarifying amendments. That was my understanding. I believe I will say here that I sat on the platform committee of our convention, and no one suggested that there was any other conception or any other purpose. I worked on this very plank, and there are Senators here who know that originally there was language in the plank which I had stricken out. There was a debate on it. I need not go into that, and I am a little afraid if I did I should be charged with betraying confidence; but I am going into this: That was our construction, but Senators advocating this bill are now saying that that plank contemplated this legislation. Well, if that is true, then they are bound by that interpretation, and this legislation does propose to enable the President to appoint Justices to the bench, as promised in the platform, according to them, and it is advocated by the President himself as being the means to relieve and to remove constitutional objections to proposed legislation.

There are the horns of a dilemma. If Senators take my view that the platform contemplated an amendment to the Constitution by way of clarifying amendments touching the powers of the Congress or the President, very well; then submit the articles amending the Constitution. That is one horn. But if you contend that the purpose of that platform, that the import of that platform, that what you meant by that platform, that what our party meant by that platform plank was that we would come here in response to the election, the platform being accepted by the people, and operate upon the Supreme Court with a view confessedly of affecting judicial determination, stick to that; and, either way you go, you are impaled upon one horn or the other of your dilemma; but you cannot go two or three ways about it.

I submitted that to the Senate as conclusive evidence that the purpose of this legislation was to enable the President to add members to the bench of the Supreme Court, not because the present members of the Court were old—oh, no—not because the dockets were congested—oh, no; because the evidence is that they are not congested—

but because the opinions of the Court, as some have thought, were standing in the way of undisclosed legislation.

Senators who take the latter view must come into this debate confessed as to the motives and the purpose and the consequences of this legislation. Those who take our view are in the clear. We stand ready, in any matter of the power of the Congress or the power of the President in the Constitution, to submit amendments clarifying the Constitution or even enabling the Congress to exercise additional powers. We cannot do more. We know of no other way to change the Constitution.

So, Mr. President, having set forward those considerations, I proceeded to undertake to show that if that view of the legislation is maintained it is unconstitutional. If I used the word that suited my mind best, I should say it was anticonstitutional; and there is a difference. I mean to say that that sort of thing is opposed to the spirit of the Constitution and opposed to its meaning. I raised those considerations. Of course, I will not go into them now; and I added to that the consideration that, even conceding that the legislation is within the letter of the Constitution, the moral obligation stands in the way of the enactment of the legislation; and I added that there is a moral power, that there is a moral law underlying all law. It is the law of conscience; the law that flows in some unseen way between what we call the soul of man and his Maker. We answer to Him in those matters, and that is why the oath is imposed upon a Senator or other public officer. We not only ought to be faithful to the American people, but we ought to be faithful to the oaths of our office; and it is not without significance that we are required to take those oaths before God and upon His holy Evangel.

There, Mr. President, is the constitutional testimony to the supremacy of the moral law.

Then, having set forward those considerations, I undertook to set forward the next contention, which is as follows:

That to enact legislation having for its purpose the control of the judicial branch, with the objective of shaping judicial determinations, sets a precedent the consequences of which are plain and inevitable.

Among those consequences first I observed the destruction of the Constitution as an instrument on which the humblest individual may rely, and I undertook to show that the Constitution is the source of the sense of security in America. I shall not go further into that subject.

Under that head I treated first the consequences with respect to individuals. Then, Mr. President, toward the close of the evening I came to state the second consequence under that contention. I shall now restate it and then proceed to conclude my argument.

The second consequence, I said, would be to extinguish the constitutional limitations upon the powers of Congress and the President by means of legislation. If this legislation, having the avowed purpose which I have shown, should be passed, the consequence would be to extinguish the constitutional limitations upon the powers of Congress and the President.

Here we are today bound by certain limitations upon our power. Congress enjoys only such powers as are specifically granted in the Constitution, being definitely enumerated, and other powers that are implied in order to carry out and perform those powers. We have those powers and no more powers. The people and the States who constituted this Republic were more careful about that than they were about anything else in creating the great structure of our Government. The States never would have come in, the people never would have assented, but for the fact that there was laid before them a Constitution which not only guaranteed their rights but went so far in the guarantee that it specifically restrained and limited the power of the men who were to constitute the Government.

I can understand that. They and their fathers had suffered from absolute government. They had fled to these shores across the stormy Atlantic because of oppressions received from governments over which they had no control, from governments upon which there were no restraints. They and their fathers had lived and labored, had been imprisoned and suffered, and had died, because of the impositions of absolute power, because of the discriminations of aristocracy, and they determined that here should be a land where the government should be under the law. They knew that they were creating a mighty structure. They knew that one was far less than all. They knew what the combined power of all the States would mean, and they said in their hearts, "We will live in our little localities, we will take the risks of invasion and of destruction, but we will not create a government which can take our rights away from us. We will not go back to the European experience."

They knew what it was. William Penn served his time in jail. He knew what it was. Brewster had served his time jail. Go yonder in the President's room. I like to go there and see it. It is a glorious room. There are pictures of great figures there. One is of Washington, one is of Franklin. Over in the corner is the portrait of an old and bearded man in a dungeon. The Holy Bible is in his lap. His eyes are lifted to Heaven. That is Brewster. People knew what had happened to Brewster, and that portrait is in the President's room is a reminder to all who come there that when we created this Government the American people, the States and the people, determined that they would create a government which could not put a man like Brewster in chains. That is the meaning of the Constitution. That is the meaning of the independent judiciary.

Now, here we are with these powers. They tell us you and I can expand them by increasing the Court. The complaint in this case is against the limitation of the powers of the Government, as being in the Constitution, and declared by an independent Court. That is the gravaman of the offense here, and we all know it.

The President was told that he could not turn out Mr. Humphrey. He was told by a unanimous Court, I understand. The Court said Humphrey had constitutional rights to his office. Poor man, he died before they were vindicated. That was the first case. Then came the A. A. A. case, and the Court said, "Congress does not have the power; the States have the power." Then came the N. R. A. case. The Court said, "The Congress does not have the power." I do not think anyone disputes that now. We undertook to give our power away to a lot of people who had never taken an oath of office, who had never been elected by anybody, and did not have even the standing of an office. The Court said we could not abdicate. We undertook to regulate the chicken business in New York. The Court said we had not the power. The quarrel here was about the power of Congress, and the temptation here now, the effort here now, the motive here now, confessedly the motive, is to create a Court which will give us power which the Supreme Court has said we do not have.

Senators, you may take it if you wish; you at least may try to take it if you wish; but when you attempt to take it in this way, you know, and I know, we are trying to do, by adding Justices to the Court, what the Court has said the Constitution says we cannot do. If you want more power, do not get it from your contrivances. If you want more power, do not get it by legislation. If you want more power, there is only one source of power in America. Oh, hear me, Senators, there is only one source of power in America! We are not sovereign; the President is not sovereign; the Court is not sovereign. The source of power in America is the people of America.

If you want more power, go out to them and make it plain what you want. Let them determine. I do not want an absolute government in America; I do not want one by legislative process; but if the people of America are willing to vote for a constitutional amendment which will centralize all authority in the Congress, then they can do so and take the consequences; but we cannot impose those consequences upon them.

Mr. President, I am going to take up again a quotation from the President on this very point. I have before me now his address to the American people delivered on March

9, 1937, printed in the Appendix of the CONGRESSIONAL RECORD. This is what he said to the people over the radio:

It will take time—and plenty of time—to work out our remedies administratively even after legislation is passed.

He had legislation in mind—

To complete our program of protection in time, therefore, we cannot delay one moment in making certain that our National Government has power to carry through.

They did not have the power. The Court bill was pending. He was speaking on the Court bill, and he argued that the need was to make certain power in the National Government, President, and Congress. I quote again:

The courts, however, have cast doubts on the ability of the elected Congress to protect us against catastrophe by meeting squarely our modern social and economic conditions.

Granted. Give him credit for the highest impulse. I raise the question, does not that paragraph, "Courts have cast doubts on the ability of the elected Congress to protect us", disclose the purpose so to affect the Court by adding members to it, or inducing members thereon to leave it, that those doubts might be resolved?

He speaks of "the elected Congress." Senators, some of us were elected and all the Members of the House were elected in the last election; but being elected by the people does not give us power over the people. We are servants, under the Constitution. If there are doubts as to any legislation, and if it be agreed that the legislation is of the utmost benefit to the people, the way to resolve the doubts is not to seek to change the Court, but to seek to change the Constitution by the will of the people. They elected us, but they did not give us the power finally to interpret or to change the Constitution of the United States.

It was a great election; but hear me, we say the President won by 11,000,000 majority. If he had won by 40,000,000 majority, he would not have had any more power as President, under the Constitution, than if he had won by 10 majority. When the people elect us Senators and elect him President they elect us under the Constitution, and not over it; subject to the adjudications of the Court, and not to control those adjudications; subject to the interpretation of the Constitution by the final Court, and not subject to the interpretation of the Constitution by President or Senators. If we did not have it that way, the Constitution would not mean anything except whatever we chose to have it mean whenever we were elected.

Again the President said:

But the framers went further—

Here is the meat in the whole proposition. Here is the President's interpretation of the Constitution—

But the framers [of the Constitution] went further. Having in mind that in succeeding generations many other problems then undreamed of would become national problems, they gave to the Congress the ample, broad powers "to levy taxes * * * and provide for the common defense and general welfare of the United States."

There is not a constitutional lawyer in America who will so interpret the Constitution. Did they give the Congress power to provide for the general welfare? Let me read the Constitution:

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts, and provide for the common defense and general welfare of the United States.

But that is very far from having the power to legislate for the general welfare; and the only way the President could get that meaning into the Constitution was by striking out half the section and making the words "and provide for the common defense and general welfare of the United States" an independent clause, whereas it is in fact a dependent clause. We lay taxes to provide for the common defense; we lay taxes to provide for the general welfare; but we cannot legislate for the general welfare. That has been perfectly plain for nearly 150 years of our history. Story and Madison and Hamilton and Jefferson all agree on that. Here we come to a time when we receive a message from the President of the United States to the American people advocating this legislation. He believes, and doubtless he desires, that we shall have power to provide for the general welfare of the United States, and enact such laws as we may deem justified by whatever we conceive to be the general welfare.

Here me, Senators! If that is the power of the Congress, there is no reason to have any other powers stated in the whole Constitution. If you and I can resolve today that the general welfare of the United States demands this or demands that, and then pass legislation to enforce the demand, what other power do we want? That is the power of the all-central governments from which we revolted. That is the power under which our forefathers suffered. It does not mean just that we can provide for the general welfare. Oh, no! It means, if this is taken to be the expression of our powers, that we can resolve that anything we want to do is for the general welfare, and proceed to do it. No one is going to consent to that.

I flatter myself with the great hope that even if we should pass this legislation, the President of the United States could not find reputable men on the continent who would sit over yonder in the Court and say that the Congress has the unlimited general-welfare power.

Where is our welfare power? We have the power to levy taxes for the general welfare. The Court has recently held that that enables us also to spend money for the general welfare. I make no complaint about that. All the other "general welfare" in America is in the American States. It is the police power in the very vastest reaches of government. The police power reaches every individual in the United States. The police power touches every right of every individual in the United States. The police power is the greatest power a government can have. I say that if that is the purpose of the legislation, if that is what is in the President's mind—and we will have to agree that he said so to the American people on March 9—if that is what is in his mind, then if this bill passes you have set the precedent; you have proceeded to enable us to construct a Court which will hold that the Congress of the United States has absolute and unlimited power.

Are you going to do that? You say you do not mean to do that. Very well. Suppose we provide for the appointment of two Justices in the next 6 months, as this legislation contemplates, and suppose we undertake to exert that general-welfare and far-reaching police power. We take that power to ourselves. And suppose the Court holds that we have gone beyond our power. Then call your Congress together again; then have another message from the President; then let us get 10 additional Judges, and let the 10 Judges sit on the bench and declare that the general-welfare power does reside in the Congress, and that you and I can do anything we please to do in the name of the general welfare.

If at first you don't succeed,
Try, try again.

That, Mr. President, is the program. What does that mean to the States of America? What would that mean to my State of North Carolina? If we transfer to the Congress the general-welfare powers, if all power to provide for the general welfare is to be centralized in Congress, as the President here states he honestly believes the Constitution means, and he says it in advocating this legislation, then, so far as I can see, you had just as well wipe off the map the State of North Carolina, which was here before the Republic was here, which was one of the creators of the American Republic, and of whose long and glorious history I am infinitely proud. You will have the old absolutism. You will return to a centralized government. You will not be under law any more. You will be under the will of the Congress and the President, or, if not under the will of the Congress and the President, under the will of the first popular man who seizes the powers of this Government. He will do anything that he wishes to do and call it "general welfare", and you will have to accept it.

CONGRESS AND THE STATES

I do not wish to carry things too far, but if that is the power of the Congress, or if that is to be the power of the

Congress, then you and I could pass an act declaring that it is to the general welfare of the people of the United States that all the people of North Carolina should move to South Carolina. That might help us. But let us put it the other way, because I think my argument will go better with the Senator from South Carolina [Mr. SMITH]; that all the people in South Carolina would have to move to North Carolina.

Mr. SMITH. We would have a rebellion.

Mr. BAILEY. The Senator from South Carolina says we would have a rebellion. That would avail nothing. We had one once.

Mr. BORAH. Mr. President——

Mr. BAILEY. I yield to the Senator from Idaho.

Mr. BORAH. Perhaps the Senator saw in the press dispatches of yesterday and today that in one of the countries of Europe where they have no courts, open and uncontrolled, millions of people were notified that they must move out of the country.

Mr. BAILEY. I thank the Senator from Idaho. The Senator simply corroborates me and shows that I am not exaggerating. I am showing Senators how far this power goes. Remember, Senators, these are the words of the father of this legislation—the President of the United States. This bill was not contrived by the Congress. We know that. This conception was not contrived by the Congress. Probably some of us did not feel quite so good about those decisions; most of us here knew that when we passed those acts they were of doubtful constitutionality. Some of us even rose up here on the floor and said so. But we did not propose this legislation, nor did it occur to us to do so. It came as a tremendous surprise to us, every one.

I see here an honored ex-Senator, Mr. Gore, noble and brave, who rose up here and said these acts were unconstitutional. Thank God for him! I have often said that with that vision of the soul, though the light of the sun is denied him, he has seen more than all.

Mr. President, we did not resent those decisions. We may have chafed under them. We accepted them. We undertook to get up other devices. When the A. A. A. went down we accepted the soil-conservation plan, and it seems to be working very well. When N. R. A. went down we all sang "Glory, hallelujah!" And the whole of America sang with us. We did not try to get a substitute for that.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. BURKE. Is the Senator familiar with the resolution for a constitutional amendment that was submitted at the second session of the Seventy-fourth Congress, reading as follows?—

> The Congress shall have power to pass all laws which in its judgment shall be necessary to provide for the general welfare of the people.

Mr. BAILEY. I am not familiar with that. We have had a good many resolutions presented to us. However, I am just saying that that is just precisely the doctrine which the President enunciated in advocating this legislation.

Mr. BURKE. And if the Senator will yield further, is it the Senator's opinion that if Congress is to have that power, the direct and proper way to provide it would be to submit an amendment to the people vesting it all in Congress?

Mr. BAILEY. I just now said so; and on that point I reiterate if we want more power than we have there is a way to get it. We cannot take power. It must be granted. The Congress is not the source of power in America. Oh, hear me, Senators, the Congress is not the source of power here. The American people are the source of power. They, and not we constitute the fountainhead of government. Let us remember that.

Mr. BURKE. Mr. President, will the Senator yield for one further question?

Mr. BAILEY. I yield.

Mr. BURKE. Is the Senator familiar with a book published last year by the present Secretary of Agriculture, Mr. Henry Wallace, entitled "Whose Constitution?", in which a number of chapters are devoted to the question of the general welfare, and in which, in particular, the learned author develops his idea that there probably should be set up in this country what he calls "a council on general welfare", with somewhat undefined powers, but very clear in its purpose to formulate and, regardless of any limitations in the Constitution, somehow to secure the adoption of whatever measures such a council might recommend as being in the interest of the general welfare of this country?

Mr. BAILEY. I will say to the Senator that I read the book. It convinced me of only one thing. Its title was, Whose Constitution? When I had finished I knew it was not Mr. Secretary Wallace's Constitution, for he did not know anything about it. [Laughter.] He had never met it; he had made no acquaintance with it, as I understood his book. But, of course, the purport of the question of the Senator from Nebraska is to notify the Senate and notify the American people that that sort of thing is going on here.

Mr. President, I was saying that this thing did not originate with us. We know too well that it did not. We know whence it came, but we do not know all the powers that are behind it.

I am saying that we cannot afford to commit sins even one by one or two by two. The sins you commit two by two you pay for one by one. You and I are trustees of our powers under the Constitution, trustees of the judiciary, trustees of the means of justice to a great and numerous people whose dearest interest is justice; you and I cannot tamper with the judiciary under any pretext or in any degree, and, least of all, when we are notified that the purpose of the proposed legislation is to bring about judicial determination concerning our power.

Think of a man who would aggrandize his own power by a legislative device, who would seek to do by legislation what the Constitution has said he shall not do, who would seek to gain by legislation power that the people through their Constitution have said he shall not have!

Mr. President, the historical background here ought not to be ignored. Do not think that our Government is just another government. Oh, no; there never was a government on the earth like this one, and it was made different on purpose. Sometimes we think it came in the fullness of time in the new land as the providence of God to all races. I think so. And the fathers of whom some of us now speak lightly, those men of the old "horse and buggy" days, which some of us hold in contempt, having wrought the Constitution and erected the structure of the Government, engraved a seal by way of testimony of the solemnity of the acts of the United States. Did you ever read that seal? On the obverse side are the familiar words "E pluribus unum"—one of many, one union of many States; and on the other side is language with which most of us are unfamiliar but which will be found on the dollar bill, "novus ordo seclorum"—a new order of the ages.

What was that order? They understood it was new. It was an order in which government should be under law. Presidents should be under law, Congress should be under law, and the law should be the people's law, in which the inalienable rights of men should be preserved by the power of the people in a constitution and a guardian, independent court. Let us not forget that.

The temptation of time is to forget. We have been happy. We think we can get along in almost any way now. We have been prosperous in the past and we are recovering that prosperity we say; but hear me; oh, hear me; in this moment of forgetfulness, in this moment of temptation to follow a great leader and to do things which we conceive to be noble things, let us not strike down the "new order of the ages" by which government was placed under law and the rights of the humblest were established forever in a fundamental law brought forth from the hearts of the great masses of mankind.

You can destroy it. There is always the temptation to do so. All governments have the centralizing tendency; all democracies wind up in dictatorships. I understand that. Men first get to esteem the government; they come then to depend upon the government. They begin to think that they

can leave all their affairs to the government; they begin to draw benefits from the government. A Caesar, riding the streets of Rome in his imperial chariot, returning from his wars and scattering money hither and yon, is always popular and always powerful and always has his way. You and I, and the great masses of our fellow citizens, seeing now that there are benefits to be had from the Government, and that they themselves can get those benefits more easily than they might otherwise get them, say, "Give us government; let us do what the Government says; let us repose our rights, let us repose our wills in the Government." It is always the dictator, then the tyrant, then the jail, then the stake, then the dispersal, then revolution; and humanity has learned once again its bitterest lesson and returns to the righteousness which the fathers forsook and curses the day that those who misled them were born. God forbid that you and I should begin here in a little way—I think in a very big way, but call it a little way—a trend of circumstances which will undermine the "new order of the ages", government under law written by the people, restraints upon the powers of the governing class. Give them armies, give them navies, give them patronage, give them money, give them power, and let them distribute; but in the moment when they undertake to use the Army and the Navy or money or patronage or offices or honors or favors and distribute them in order to centralize the power within themselves, then comes the time when the representatives of the people, the men elected here, as the President says, must rise and stand in the breach and say, "Thus far and no farther." There is a Constitution; there are human rights; there is a Supreme Court. It is independent. And when we die it shall be independent. That is the way to prevent destruction.

Do not think, Mr. President and Senators, that what has happened elsewhere cannot happen here. We are human; we are hewn out of the rock of humanity. There is nothing special about us. The same centralizing force, the same temptations, the same weaknesses that have wrecked others may wreck us. I remind you that you and I are Senators at the present moment of the oldest of the republics. None of the others has survived even so much as a century and a half. All the others have fallen because men forgot and gave way to the temptations of the hour, and, in the name of doing good things, did the things that set the train of circumstances that brought wreck and ruin.

POLITICAL DOMINION OVER THE JUDICIARY

Mr. President, the other phase of this matter is that if we enact this proposed legislation, if we undertake to shape the Court in order to affect or mold its judicial determinations, you and I will have erected a political dominion over the sources of justice. We will have placed the political power above the power of the judiciary.

Can Senators realize that that means that we shall cast the system of justice into politics? The President reminds us that we are the duly elected Congress. There seems to be something of a suggestion in the fact that the people who elected us authorize us to deal with the Supreme Court and make it so it will hold that our acts are within our power, however far we may extend it. Not so! This Government was built on the basis that the Presidential office should be political; that the congressional offices of Senators and Representatives should be political; but there is a department of this Government which is not political, though if this bill should pass the judiciary of the United States will be political.

Let me tell Senators how it will work out. We will go into the next campaign with this bill passed and we will have to write a platform. We will not write a platform about policies either. The people will say, "If we elect you, how much power are you going to take?" If we enact this legislation the questions will not be political questions of policy from now on, but they will be political questions of power. I would expect myself as a candidate before the people of North Carolina to go to my party and say, "In God's name, when you write the platform, write that I do not intend to take away the powers of the people. I do not intend to usurp, I intend to observe the Constitution."

Mr. President, I hope no one thinks I have attacked the President. I have tried to give an exposition of his words relating to the general-welfare clause wholly by way of supporting my arguments. I was in the campaign last year. I was a supporter of the President. I supported him early. I was one of the first of the original 16 who met under the leadership of the then Senator from Tennessee, Hon. Cordell Hull. Former Senator Thomas J. Walsh, of glorious memory, was with us. We agreed to support the President. We fought the battle for him at Chicago. I was for Roosevelt before Chicago. Then we came to the Congress and I supported him most of the time. I think I supported about 80 or 90 percent of the legislation he sent here. I did not make any bones about it. When I ran again last year, I published in the papers of North Carolina a statement of the bills for which I voted and of the bills against which I voted, and said "That is my record. Do as you please. I make no apologies about it." I was for the renomination and reelection of the President.

We went to Philadelphia and renominated him. I made one of the seconding speeches at the request of the high command, and was glad to do it. Then I went into the campaign. I was upholding the banner of the President. I was upholding the banner of the party.

All over North Carolina I began to hear the undercurrent, "He means to be a dictator. He means to be a dictator. He means to be a dictator." I wondered about that. I did not feel that he did. I did not think it was fair. I did not think it was right. I made a speech in my home city on that very subject. What was my argument?

I said, "Oh no; he does not mean to be a dictator. If he had meant to be a dictator, he would have attacked the Supreme Court when those decisions came down. The decisions were disappointing. Doubtless they irritated him, and he made utterances which indicated he was irritated; but here we are. The decisions have been handed down from 10 months to a year and a half, and the Court is respected; the Constitution is respected. He has done nothing about them. Here is the platform. He says we are going to have more legislation, and if the Court holds against us we will amend the Constitution. You shall have the power to do it." I continued and said, "That is not the word of a dictator. That is not the attitude of a dictator."

Now let me go back to my home city of Raleigh and make that speech. I cannot do it. But I do not mean to say that the President intends to be a dictator. I do not think he does. I would not say it. I do not believe it. I could not believe it.

LET US BE JUST TO THE PRESIDENT

The President of the United States is actuated by great and human impulses. Let us be just to him. The President of the United States desires well for the people of North Carolina and of the United States. Let us be just about it. The President is not trying to aggrandize his power for the sake of power. I do not think that. The President wants all the power he can get in order to render the greatest service he can render. I agree to that.

Let me give you a little principle of action or thought. When we can think well or bad of any given set of circumstances, it is not only good but it is wise to think good. The man who goes through the world thinking ill at every opportunity he gets is not going to get anywhere. His hand is against every man.

I could pay the President a tribute. I think when he came here on the 4th of March 1933 he did a magnificent work. I think he gave the American people heart and hope and courage. I think he took hold of the banking situation and the currency and did one of the most remarkable things ever done in the history of this Republic. Then he came along with some great reform and humanitarian measures. I may have differed with him as to some of them. I voted heartily for most of them. I thought some were unconstitutional and some constitutional. I voted against those I thought unconstitutional, and I am not ashamed of it. I shall give account

for it not to my people but to my Maker. One gives an account for his oath to his God.

I give the President credit for the great progress he has made. Presidents in power when the country is recovered get the credit. They have always gotten the credit. I would not deny him the credit that any other President ever had. But giving him credit for that, giving him credit for the highest impulses, giving him credit for the noblest objectives, let us remember that he could be carried away with his zeal. We can read his speeches and hear him cry, "Now! Now! Now!" We can see him paint a picture of distress and of the prospects of difficulty which he calls a crisis. We can see him actuated by impulses which carry him away by his zeal and high purposes from the moorings in which he should rest as President of the United States.

I would not say aught against him. He is a mortal man. I suppose the greatest temptation a man ever has is to do wrong in order that he may do good—the most insidious, the most destructive temptation. You and I have the same great impulses he has. Some Senators have legislation concerning the constitutionality of which they have doubts and concerning the constitutionality of which they would have no doubt if they could appoint a court; but they will not give way to those impulses. Nourish your legislation, sustain it, pass it. If the Court holds it unconstitutional, then go to the people and say, "Here is this good thing I wanted for you, but I did not have the power under your instrument. Now change your instrument and give me the power." But in God's name do not walk over a court, do not destroy the independence of the judiciary, in order to construe the Constitution to suit your convenience.

THE ROAD TO ABSOLUTISM

Mr. President, I conclude this phase of my remarks by saying that our contention is that once this purpose of controlling the Court in order to construe the Constitution or aggrandize our power has been accomplished, the road to utter centralization and absolutism would be clear. The state would be above the man. The totalitarian state would inevitably be the order in America. Congress could resolve that the general welfare meant that your rights and your interests should be destroyed for the sake of the whole. That is the totalitarian state.

Do you know what the leader of Italy says? He says the man is nothing, the state is everything. Do you know what America says? America says the people are everything, and the Government is their servant. There is the difference. Here are you and I on this side of the Atlantic and our British brothers on the other side making the last stand in a shaken world for the supremacy of the rights of men above the powers of states. Here we are. Shall we yield? Shall we give an inch? I think I can answer. We will not yield.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BAILEY. Yes; for a question, of course.

Mr. WHEELER. Yes. Let me ask the Senator this question: The same thing is true with reference to the philosophy of Hitler as with reference to the philosophy of Mussolini, and the same philosophy applies with reference to Stalin that applies to Hitler and Mussolini with reference to the states being superior to men.

Mr. BAILEY. And it would not become you or me to say that the motives and impulses of Stalin or Mussolini or Hitler are not good. I think they are. They mean well.

The answer to this that is sometimes given is that, after all, we have the ballot, and we can correct things; but I am telling you we cannot. The average man in America thinks that because we have elections, and he can vote, he can arrest the processes of the Government. He cannot do it. There are ways to control the ballot, and if you give a government with sufficient power you see all those ways employed.

Am I wrong about that? They have the ballot in Germany, but it is just too bad if you do not vote the right way. We know that. There is but one party in Germany. They have the ballot in Italy; but if you should make a mistake one day and vote the wrong way, and find yourself filled with castor oil in about 2 hours, you would have a great sense of your rights; would you not?

The power of the ballot! Governments without constitutions and courts can control ballots. They can control you.

I have another thing to say about that. The majority in America is under the Constitution and not over it. I am unwilling to trust myself without a Constitution to the will of the electorate. No other man can afford to do it. The will of the electorate is expressed under the Constitution and not over it until the amendment is submitted. Do I make that clear? You may have a thousand elections in America, and you may elect to the Congress the greatest gang of Socialists or Communists the world ever saw, and they may come down here with mandates and platforms, but they cannot do a blessed thing to this country so long as there is a Constitution, so long as there is a free Court, so long as we have the people's document. That is the protection in America against majorities. We rule by majority, but under a Constitution.

I hear persons say, "Oh, well, the people want it; why not let them have it?" I should like to have the people have anything they want. Of course I would. Every Senator would. I am not in the habit of proclaiming, though, any great ideas with a view to that sort of popularity. I can stand up before the people of North Carolina and tell them that I know very well they do not want anything except what the Constitution provides. They understand the meaning of the Constitution. They understand the meaning of judicial review. They understand the importance of independent courts. I have no trouble about that. Mass democracies breed dictators, and die; constitutional democracies only can survive.

Why the supreme court of my State, before this Union was formed, held an act unconstitutional, and 2 years after the Union was formed it held another act unconstitutional, and we respected the court. Nobody thought of changing it.

Today I may be in the majority. Tomorrow I may be in the minority; but, in the majority or in the minority, above my head rests the flag, and the flag is the symbol of the Constitution and the Republic. It makes no difference though the millions be arrayed against me; the Constitution and the independent court give and guarantee the preservation of my rights as a man against the millions. The people also are under the Constitution and elections are under the Constitution.

Mr. President, of course, I understand that the attack upon representative government has gone on everywhere.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. WALSH. The Senator has been speaking about what the people of North Carolina desire. I should like to inquire from him whether it is not true that the people of North Carolina, and of every other State in the Union, desire more than anything else the protection and preservation of civil and religious liberty, and whether it is not true that the surest guarantee man has yet discovered to preserve it is the Constitution of the United States and an independent judiciary.

Mr. BAILEY. Yes; I thank the Senator.

Mr. PEPPER. Mr. President, will the Senator yield for a question?

Mr. BAILEY. I shall be very happy to yield.

Mr. PEPPER. Are the justices of the supreme court, the highest appellate court in the State of North Carolina, elected or are they appointed by the Governor?

Mr. BAILEY. The justices of the highest court in North Carolina are elected; but I do not think that affects the people's regard for the court. I think the justices are elected in most of the States.

Mr. BARKLEY. Mr. President——

Mr. BAILEY. Let me answer the Senator from Florida, please. It would be a strange thing in North Carolina, and it would be repudiated by 99 percent of the people in the State, if a political party or legislature or platform undertook to tamper with or to instruct the supreme court, even in an election.

Now, hear me. Our members of the court are candidates for election.

Mr. PEPPER. Mr. President——

Mr. BAILEY. I am going to answer the Senator from Florida. They never attend political meetings. They never make a speech. They do their work. Nobody runs against them, as a matter of fact. They have little party contests, but nobody even challenges their judicial determinations in the election. All they are ever asked to do is to do their duty. They stay there as long as they live, just as the great Chief Justice Clark did, for 30 years.

Mr. PEPPER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina further yield to the Senator from Florida?

Mr. BAILEY. I yield for a question.

Mr. PEPPER. In spite of the fact that the justices of the highest appellate court in the State of North Carolina are elected by the people, does religious and civil liberty still exist in North Carolina?

Mr. BAILEY. Absolutely; and religious and civil liberty will last in North Carolina, God helping us, until the last moment of recorded time, and until the last drop of the blood of free men has been shed in their defense.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. BARKLEY. I think all the States except three provide for the election of their highest judges.

Mr. BAILEY. This is a question, my friend?

Mr. BARKLEY. Yes. Does the Senator know any State in which the judges of the highest court are elected where the fact that they must submit themselves to the people has in any way interfered with their independence as judges after their election?

Mr. BAILEY. I should not be able to say. I will say that in North Carolina I know of no such thing; and I say further that the political party in North Carolina that undertook to touch with the suggestion of a suspicion the independence of our judiciary, notwithstanding all our great traditions, would be driven from power.

Mr. MALONEY. Mr. President, will the Senator yield to me?

Mr. BAILEY. I shall be glad to yield.

Mr. MALONEY. Does not the Senator feel that his argument is strengthened by the questions which have just been asked concerning the selection of judges by the people?

Mr. BAILEY. Mr. President, I believe the rule of law is that no man is a judge in his own cause. I will stick to the rule.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. WHEELER. Assuming that the people of the United States wanted to elect the judges of the Supreme Court of the United States and the other Federal judges, there would be only one way in which they could do it, and that would be by submitting an amendment to the Constitution; and if the people want it they can have it, can they not, through constitutional amendment?

Mr. BAILEY. Yes; they could have it, but I should very greatly regret it.

Mr. BONE. Mr. President, will the Senator yield for a question?

Mr. BAILEY. I will yield, of course, to the Senator for a question; but before I yield I wish to say this: I am going to come to the meaning of the life tenure, and the history of it, and its significance. The life tenure is there for great historical reasons, and upon considerations of the utmost importance.

Now I yield to the Senator from Washington.

Mr. BONE. Mr. President, are judges in North Carolina elected on a partisan ballot, or in a nonpartisan election?

Mr. BAILEY. The judges in North Carolina are elected on a partisan ballot, on the party ballot.

Mr. BONE. Will the Senator further yield?

Mr. BAILEY. Yes.

Mr. BONE. Does the Senator think that because a judge is selected by what then happens to be the dominant political party, he might shade his political views about questions in which his party is interested or involved?

Mr. BAILEY. Mr. President, I do not think so. If I thought so concerning my State, I probably would be too much ashamed to say so; but I am just saying that it is not possibly true.

The Senator has suggested something to my mind that moves me very deeply. I have been a minister in the courts of North Carolina as an attorney. I have known the judges. I have pleaded my cases before the bar of those courts. Thank God, there is not a man in North Carolina, whether he be Republican or Democrat, who has been heard within my recollection to utter one word concerning the character, the honesty, and the capacity for justice of our courts. I walked in many a day with my clients doubtful of my cause, terribly in earnest, but it never occurred to me that I could be the victim of injustice in a court of my Commonwealth, and I do not think it occurs to anyone else.

Mr. PEPPER. Mr. President, will the Senator yield for a question?

Mr. BAILEY. Certainly.

Mr. PEPPER. Does the Senator associate in his mind at all the two movements, one of which led to the direct election by the people of United States Senators, the other of which has led gradually to the election of the members of the highest courts of appeal in the several States of the Union?

Mr. BAILEY. I know something of those movements; yes. I do not think either of them has anything to do with the present case; but I am glad to have the Senator make the suggestion, and I hope someday he will tell me about it.

Parliaments have been dying throughout the world. That is a strange thing, strange in our modern times, that we should find the representative legislative bodies dying everywhere. The legislative body is dead in Germany, dead in Italy, dead in Turkey, dying in Japan, very deeply confused in France, living in England—strong and powerful in England—under attack in the United States.

We are fighting here, my fellow Senators, for the place of representative government in a representative constitutional democracy; and we all know it. What are the influences brought to bear on us? What are the attacks made? If we do not vote a certain way, there are threats of reprisals. We are told that we will have opposition, and the opposition will be induced from Washington. We are informed that our consciences will hurt us when we come down to ask for a favor. It is suggested that in the distribution of money for projects Senators who do not vote as they are told to vote will be made to pay a price.

On the other hand, we have the American people, not all of them, to be sure, but hundreds of thousands and millions of them, writing to us, "Do what the President says." I do not blame them for their attachment. I would not lessen their enthusiasm by anything I am saying to them. But a representative of the people has a duty of his own, a mind of his own, a function of his own. Above them all it is his duty to do right according to his judgment. It simply indicates the little tendency there is here, which may rise higher, may get lower, may return; but let us remember that we are here to exercise our judgments, to do our duty.

I will go further: When the President sends a bill to the Congress—and this is the first bill, I think, that was ever sent to the Congress by a President—I say to the Senate that he sends it here for our consideration, for the exercise of our judgment. When he sends a message to us, he sends it for our consideration. It is advice and recommendation, and it is not orders.

CONGRESS CAN DEFEND NOW

I do not know how far the attack on popular representation is going, but I have a remedy. We may wait too late, but if we act in time, it will not be too late. We have our remedy. The threat of reprisals invites self-defense. That cannot be avoided. If you tell me you are going to strike me, I either take the blow or put up my guard, that is all. We have a guard, and we can put it up.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BAILEY. Yes.

Mr. MINTON. Has the Senator from North Carolina been threatened with these consequences?

Mr. BAILEY. Not at all; I am not up for election next year.

Mr. MINTON. Has any Senator, to the Senator's knowledge, been threatened with these consequences?

Mr. BAILEY. Yes, indeed; and they have told me so.

Mr. MINTON. What Senators?

Mr. BAILEY. I shall not go into personalities. I will give the names privately, and the Senator can see them. They are not 75 feet from the Senator.

Mr. MINTON. Will the Senator tell us who it was who threatened the Senators?

Mr. BAILEY. I can do that, too.

Mr. MINTON. Who was it?

Mr. BAILEY. I am not going into personalities in the Senate. If the Senator wishes to know, Heaven knows I will give him the names, but I am not going to get this debate down on that level. We spent several days trying to get it up after the Senator had spoken. Now, let us keep it up.

Mr. MINTON. The Senator from North Carolina is a fine lawyer, and of course he knows that when one goes into court and makes an assertion such as that the Senator is now making, we are entitled at least to know——

Mr. BAILEY. I think the Senator would be entitled to know. I have told the Senator I would tell him the names. I am yielding, to be sure, for a question. But I think there are proprieties in the Senate. I think if I went into giving testimony, and there was testimony in rebuttal, and we had character witnesses, we would bring this Chamber down to a very low level. However, if the Senator wishes to do it, I must answer, as Nehemiah said to Sanballat:

I am doing a great work, so that I cannot come down

Now let me proceed. I am suggesting my remedy. I saw what the Postmaster General and our national chairman said today. He said there were not going to be any reprisals in Indiana. I am glad to hear it. That will at least relieve the mind of the senior Senator from Indiana [Mr. VAN NUYS]. I suggest that the junior Senator have a conference with him. But I do not want to go into that testimony; I am going the other way.

Congress controls the purse. Now hear me. If they undertake to control the disbursing of the public money, which we exact from the people, and which we appropriate, against any man here, I will join with him to enact legislation which will put the distribution of public funds beyond political control; and that will not be difficult, either.

The Senate still has the power of confirmation; it still has it, and we can write the power of confirmation into every act authorizing the appointment of public servants. I am speaking now of measures of self-defense for our representative democracy.

We can extend the civil service, and we can defeat the proposed legislation which would put the control of the civil service under the Executive; and I think it ought to be defeated.

We can rely upon the jealous self-respect of our constituents. You let one of these quasi-socialists who came here when our party got into power, who had never done a thing for the Democratic Party, had never known what it was to go out and battle for it, had never stood for it in an election, who could not have been elected delegate, constable, or coroner in the smallest community in America—let one of them come down to North Carolina and tell the North Carolina people what to do; and he will be told once and forever. I am not afraid about people interfering in my State. I challenge them to interfere. I will meet them at Philippi.

Mr. President, I wish now to make a little departure from my remarks, and to go into a little discussion of the arguments for the pending legislation. I am going to take up first the argument of the junior Senator from Kentucky [Mr. LOGAN].

I shall take up first the argument of the Senator from Kentucky [Mr. LOGAN]. The Senator's principal argument was that we were all seeing spooks. Mr. President, I could wish they had been spooks. It would be a great relief for me to know as I looked over in the direction of the Senator that it was, after all, a spook.

What is the answer to that? The Senator gave us his own answer in his own mental attitude when he said that the spirit and the letter of the law are one and the same. I could then understand that he would not believe anything until he saw it right in his hand. He is an intense realist. I do not criticize him for that. But Senators are capable of seeing purposes. They are capable of interpreting legislation. They are capable of reading the President's message and giving to it its obvious meaning; and if the Senator wishes to dismiss all that by saying that all that is just "spooks" in our minds, we simply cannot do anything about it. We will let him have his own judgment about that. But when he told me I was seeing spooks, I wish to say to him that I did not consider that a very overpowering argument.

He said Congress has the power in the letter of the Constitution, and that the letter and the spirit of the Constitution are the same. While this colloquy appears in the RECORD, I want to read it again. It is the colloquy between the Senator from Wyoming [Mr. O'MAHONEY] and the Senator from Kentucky [Mr. LOGAN]. In substance it is as follows:

Mr. O'MAHONEY. So any act of Congress in the letter of the Constitution would be in the spirit of the Constitution?

Mr. LOGAN. Yes.

Mr. O'MAHONEY. Then, if Congress should refuse to appropriate for judges or for the President that would be within the spirit of the Constitution?

Mr. LOGAN. Absolutely; yes.

Mr. O'MAHONEY. So Congress could strike down the other two branches of the Government and that would be within the spirit of the Constitution?

Mr. LOGAN. Yes.

That ends the colloquy. There are times when silence is golden. I do not think the Senator from Kentucky could have meant that. I would defend him against his worst enemy if he said that the Senator from Kentucky [Mr. LOGAN] said it. But it is in the RECORD and it is in the argument. That is how far the advocates of the measure are reduced in order to sustain their course.

I dwell sometimes by the sea, and I see little boats spring leaks, and the occupants go to the pumps, and the pumps are not sufficient; and then they make all haste for shore, and the boats are either beached or sunk. Perhaps finally a boat is beached in the shallows. There it remains, a wreck, and the kindly waves come at last and wash it away. I think the little ship of the Senator's argument lies on the beach, and I hope the kindly waves will soon erase it from our sight.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. CLARK. Is the Senator willing to explain to the Senate what leads him to believe that this boat even reached the beach and did not sink in the deep water of the Senator's oratory?

Mr. BAILEY. I do not think that would quite carry out what I had in mind. If it had sunk beneath the waves, we would see it no more; but we do see it. Here it is in the RECORD. It is just on the beach; and we, as friends of his, hope the day will come when the kindly waves shall break up the poor wreck and wash it away, and none of us will remember.

The Senator from Kentucky made it quite clear that he desires a different court because the majority of the court is not agreed with the Senator. Is not that a good reason? But he said, "I had felt for some time there was something wrong with the Court. I had been feeling that. I had been reading these opinions. I could not agree with them." Now, that would be a country for you. That is a constitution. A Senator did not agree with the Court. There was something wrong with the Court—nothing wrong with the Senator.

Then he made that great appeal to the loyalty to the President, and he painted a picture which we ought never to forget. I thought he would break my heart. [Laughter in the galleries.] It was difficult to withhold my tears as he told us that "Cassius" WHEELER and "Brutus" O'MAHONEY [laughter in the galleries] had broken the President's heart. I

know I felt as if I must in some way be a party to it, and it hurt my feelings very badly. I was moved to tears, but I had some thoughts that relieved me. I remembered Jefferson Island. [Laughter.] It was a merry picnic. I remembered Jefferson Island; and if that was a heartbroken picnic, then I should like to have that sort of picnic all the remainder of my life. We had a great time there.

We are not going to tell you about it. I am just going to tell you that as our President sat under the mulberry tree we could hear the laughter all over the premises. The island is some 56 acres in extent. I see a Member of the House sitting here smiling. I think he heard the laughter. That comforted me some more; but I took another thought about it. I was still bowed down with this idea of our "Cassius" and our "Brutus", of this broken heart. It did not sit well with me. I felt uncomfortable, notwithstanding our Jefferson Island and those happy reminiscences.

Then I went out to the ball game that afternoon—that very afternoon. When the band played, the flag went up. There he was, this man, in the very hour when Mark Antony—"Mark Antony" LOGAN, of Kentucky [laughter]—was moaning in the market place, moaning and would not be comforted—he was going merrily to the ball game, and he enjoyed it, and I enjoyed it, and I was comforted.

But what shall we do for our "Mark Antony"? There is no Cleopatra to console him. [Laughter.]

The PRESIDING OFFICER (Mr. HATCH in the chair). The Senator will suspend for a moment.

Mr. LEWIS. Mr. President, I am compelled to move the Chair to stop the expressions we have just heard coming from the galleries, but particularly to instruct those in charge of the galleries concerning the regulations of the Senate, in order that the speeches of Senators may not be interfered with by these unnecessary, and, I may add, these uncalled-for demonstrations.

The PRESIDING OFFICER. The Chair will remind the occupants of the galleries that they are here as guests of the Senate. The rules of the Senate forbid any demonstration or noise whatever to be made in the galleries. The rules must be obeyed. The same rules apply, as the Chair understands, to the Senators on the floor.

The Senator from North Carolina [Mr. BAILEY] has the floor.

Mr. BAILEY. And then, Mr. President, the junior Senator from Pennsylvania [Mr. GUFFEY] elevated himself to the moral heights of Jonathan Edwards, and preached to the Chief Justice of the United States a lofty sermon on politics. With the evangelistic fervor of Dwight Moody or Billy Sunday, he proclaimed the gospel of purity in the Court. We have a new mentor of the Supreme Court. Well, we need a proctor, and we have a man highly qualified for that position, I think. We ought to have somebody down there to keep the Court out of politics.

And what did the Senator from Pennsylvania have against the Court? The Court held the Guffey Coal Act unconstitutional. He did not like that a bit. The Court had disagreed with the distinguished junior Senator from Pennsylvania.

Now, what about the Guffey Coal Act? There was not a Justice on the bench who said the Guffey Coal Act was constitutional. It is said that the decision was by a divided Court. It was a divided decision on the phase as presented; but half the act was not passed on, and Mr. Justice Cardozo, in his dissenting opinion, specifically said that he was not passing upon that. He was not acquiescing, not consenting, either way; and because the Supreme Court of the United States differs with the junior Senator from Pennsylvania, we must reform the Court.

There is the new apostle of reform in America. Not a word did he say about the great Chief Justice; not a word about this honored man; not a word about a Chief Justice who has been Governor, who has been Secretary of State, who has been Associate Justice, who has been Chief Justice; not a word about the great man who led the progressive movement in the Commonwealth of New York; not a word about his exalted character; not a word about his learning; not a word about his long experience; not a word about his capacity.

The Chief Justice of the United States is not pleasing to the distinguished Senator from Pennsylvania; the Chief Justice does not reach up to the Senator's moral standard of a Justice of the Supreme Court.

And there is the junior Senator from Indiana [Mr. MINTON], who, as I gathered from his argument, held that the Supreme Court had never been right from John Marshall to this day; that it had always been wrong; that John Marshall was wrong and Taney was wrong and Waite was wrong.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BAILEY. Yes; for a question.

Mr. MINTON. I know the Senator wants to be accurate.

Mr. BAILEY. Yes.

Mr. MINTON. Will the Senator point to some place in the RECORD where I made the statement which he attributed to me?

Mr. BAILEY. Yes; I am coming to it right now.

Mr. MINTON. I do not think the Senator can do it.

Mr. BAILEY. The Senator relied on Munn against Illinois and the Minnesota Rate case.

Mr. MINTON. Will the Senator point where in my remarks I said a word about Munn against Illinois and the Minnesota Rate case?

Mr. BAILEY. I thought the Senator did.

Mr. MINTON. The Senator is entirely mistaken. He is just wrong. I challenge him now to look into the RECORD and point to it.

Mr. LEWIS. Mr. President, may I venture to suggest and ask the Senator from North Carolina if he has not fallen into error? Was it not, possibly, the Senator from Kentucky [Mr. LOGAN] who cited those two cases?

Mr. BAILEY. As I recall, in the responses of the Senator from Indiana to questions, he complained of the court for changing its decision as between Munn against Illinois and the Minnesota Rate case. There was a modification with respect to the application of the commerce clause and the due process of law clause. Am I wrong about that?

Mr. MINTON. The Senator is entirely wrong if he said I cited it.

Mr. BAILEY. I do not desire to do the Senator an injustice on any point, and if I mistook what the Senator from Kentucky said in the colloquy for what the Senator from Indiana said, if I understood that my friend the junior Senator from Indiana was discussing those cases when, as a matter of fact, it was the Senator from Kentucky, that was a lapse for which I beg his pardon, and I withdraw the remark, and I am glad to make the correction.

I thought the Senator from Indiana mentioned the Adkins case, but probably that was also the Senator from Kentucky. At any rate, the Senator from Indiana did, as I specifically recall, undertake to read the mind of the Chief Justice in its operation upon the mind of the Associate Justice, Mr. Roberts.

Herein the Senator, with the acumen of a Sherlock Holmes, sees the Chief Justice seducing Mr. Justice Roberts and having him swing over this way and that way in the Court and in his judicial operations. He painted, not quite with the power of a Goethe but rather vigorously, a sort of picture of Mephistopheles Hughes seducing Faustus Roberts! I think I am sure about that. So I gathered from the Senator that he very heartily disagreed with the Court, and disagreeing, he wanted to alter it and get some more men on the Supreme Bench with whom he would agree.

Mr. President, let me say at this point that the Senate is not the judge of the Court; Senators are not the judges of Justices. We have here no power of review; we have our views on the Constitution; we have our views on our powers; but when the Court declares the Constitution we must accept the declaration; otherwise, we put ourselves above the Court. I fear, Mr. President, that when we assume to pass our judgment upon the Justices and their decisions, granting that we have a right to have differing views but no right to enforce them, that when we set ourselves up to be judges of the Court and of the Justices, we suffer a total and tragic loss of perspective.

Then I come finally in reply to these arguments to the argument of our leader, the senior Senator from Arkansas

[Mr. ROBINSON]. It was he who said that men will get old and men will hang on. Well, Mr. President, that is true; but I have never thought of that as a calamity or an affliction to the race. I have always thought there was a place in life, domestic and national, for the old men. Men do get old; the time comes to us all when "the keepers of the house shall tremble" and "the almont tree shall blossom", and we seem to take on the habiliments of men who are moving from this earthly city to a better and heavenly city. I have thought that that was a good thing. It is a great thing to have old men in the world. It is a great thing to have old men in the Senate.

We have been taught through the ages to honor gray hairs, and not without reason. The young man or the man in middle life, tempted by ambition, seduced by greed and selfishness, in love with life, surrounded with all the temptations of existence, has his place, but it is not the ultimate place of trust. The old man, with the shadows of this temporal world falling upon him and the light of another coming, knows that whatever may be here is not here for him and not here for long. To whom else shall I look for disinterestedness? To whom else shall I look for a clear head? To whom for the lessons of long life? To whom else shall I look when I do not want selfishness or worldliness or ambition to come between me and my cause?

So far from being a disqualification for judges, old age is its best qualification. It is in the breast of the man whom years have separated from the transient affairs of this life and all its temptations that justice may be had when it cannot be had from any other type of mortal man.

I will say for the Senator from Arkansas, who made that remark, that I could wish that he may never grow old; but my wish would be vain. I am hoping, however, that when he does grow old in public life there will not be those to complain of his years or to make them a pretext for his removal. Whether here or elsewhere, whatever place of honor he may occupy, should someone rise to make such an attack upon him, to touch him with disqualification on that account, if I shall be here he shall have one defender, and I will not remind him that when he was younger, notwithstanding he made the utterance, it did not occur to him that in the swift processes of the years for him also "the almond tree shall blossom."

What else did he say? He said that he thought that the Court had usurped legislative power; but he did not state it as a fact. He had the thought that the Court had trespassed upon legislative powers; but he did not make the accusation.

I want to bring this to a point. If there is evidence of that, the thing to do in a situation as grave as this is to bring it forward upon the evidence and not upon opinion. No man lives for whose opinion I have greater respect than I have for our senior Senator from Arkansas [Mr. ROBINSON]. His opinion is important, but his opinion on that matter is not important enough to justify even him in undertaking to change the character or the number of the Court. Let him look at the facts. Let him show us where the trespass has been. If it has been anywhere it was in the N. R. A. or the A. A. A. or the T. V. A. or the Guffey Coal case or the Humphreys case.

There are the cases and they are the background of all this legislation. The decisions in those cases are the things which caused and provoked this situation. I challenge the Senator from Arkansas, and I do not hesitate to say to him as an accomplished legislator and a great debater that the burden of proof is upon him who asserts that proposition. He cannot ask Senators to support it upon the basis of opinion. Let him produce the facts.

I do not think the Court trespassed. I was sorry about some of the decisions because they were disappointments to many American people. I do not think the Court trespassed in the N. R. A. case. I do not think the Court trespassed in the Guffey Coal case. I thought the Court went just as far as the Court could go to sustain us in the T. V. A. case, saying we could build dams as much as we pleased across navigable rivers and we could sell power. I did not think the Court went beyond bounds in the A. A. A. case. The Court said the power to control agriculture was in the States. Was that new? Every Supreme Court, from the foundation of the Government to the present time, has had the same view.

I wish to make my point, and the point is perfectly clear, that if this proposed legislation is to be based upon that theory, the theory must not rest upon the opinion of the senior Senator from Arkansas. The evidence must be clear. The evidence must be produced. The evidence must be sufficient to convince the Senators who vote for the legislation if they are going to vote for it upon that basis.

I am placing the burden of proof upon the senior Senator from Arkansas and, of course, I have the right to do it. It is an affirmation upon his part. It may be the major premise upon which proponents of the bill depend for the passage of the proposed legislation. Very well. Let them come into the Chamber of the Senate, discuss the cases, and let us see what was said and what was done.

In the meantime the criticisms by Senators of the Justices of the Supreme Court challenge and invite comparison.

When Senators criticize an opinion of the Court they have a right to do it, and it is probably a good thing for them to do it. But when a Senator criticizes the Court he invites me to compare his knowledge, his experience, his disinterestedness, his capacity, his scholarship, his length of service, with theirs. It will not do for Senators just to walk around the Senate Chamber and say, "We enacted this legislation and the Court found it unconstitutional, so we will get rid of them. We do not agree with them."

Who are we that we should agree or disagree? I am not saying Senators are not capable, but I am saying that when I criticize an opinion of the Supreme Court I hope it will be said of me that I read the briefs, that I read the arguments, that I studied the legislation, that I studied the opinions, and that I reached my conclusion, and if I am sustained, I take it it will have to be said for me also that I am the equal of the Court.

Mr. AUSTIN. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. NEELY in the chair). Does the Senator from North Carolina yield to the Senator from Vermont?

Mr. BAILEY. I am glad to yield.

Mr. AUSTIN. Assuming that claim was well established—in other words, taking it in the light most favorable to the claimants—assuming that the Court had exercised a power of legislation, I ask the Senator if it is then the duty or even the privilege of the Senate of the United States to favor a bill which would add a sufficient number of judges to the bench whose economic predilections were in another direction, in order to have the Court legislate another way?

Mr. BAILEY. Oh, no. If the Court abuses its powers, if the Court is arbitrary, if the Court is willful, if the Court is corrupt, there is a remedy. The remedy is not to increase the Court. The remedy is not to add Justices agreeable to us. The remedy is to take from the Court the Justices who are unworthy of their office. No one is here saying that any of them is unworthy.

We are not judges of the judges! The Senate is not a court of review. There is here no judicial power.

Mr. President, I contend finally that the enactment of the proposed legislation under the circumstances, in view of the motive avowed, would compromise the independence of the judiciary, would tend to destroy public confidence in our system of justice. I should like to discuss that point, but I must be brief about it in the interest of my own energy and in the interest of the time of the Senate.

THE INDEPENDENCE OF THE JUDICIARY

I think many of our people understand the significance and the value of the independence of the judiciary. I have sometimes thought this controversy would be worth all it has cost and infinitely more in that it would impress upon millions in America the value of that independence. How

did it originate? How did we come by it? It came very simply, just about 315 or 320 years ago. We all remember the story of James I, King of England, and Lord Chief Justice Coke and the other justices in the council. A case was pending before the justices which involved the King's prerogative. The King demanded of the court that the court should consult with the King and take advice from him before it reached a decision in any case concerning the prerogative of the King.

The lord chief justice was sent for. He was confronted with the then attorney general, the great Bacon, the meanest and the ablest of men. The King said, "My Lord Chief Justice, do you not consider that you and your court should advise with me before you pass judgments on matters involving my prerogative?" The Lord Chief Justice said, "No, Your Majesty. It is the duty of the court to find the law within the court."

The King said, "But, My Lord Chief Justice, I am a man of reason, and I am as capable of finding the right and the law as the judges are." The lord chief justice said, "No, Your Majesty; you have many accomplishments, you are a noble man, but you have not the training of a judge. You have not the long experience of a judge. These matters must be left to men in the cloister of the judiciary."

The King replied, "But you put me under the court, and that is high treason." The courageous lord chief justice replied, "No, Your Majesty," and he quoted the words of Bracton:

Rex non debet esse sub homine, sed sub Deo et lege, quia lex facit regem. The king is under no man, yet he is in subjection to God and to the law, for the law makes the king.

As a result, the king took charge of the court; he threw out the Lord Chief Justice. And what followed? Why, the darkest pages in modern English history—the star chamber, and the Bloody Jeffreys, and the prisons. Men like John Bunyan and William Penn and many another of whom the world was not worthy went their way to dungeons. Some were never to return.

And what followed? There are compensations. There followed at length the Cromwellian revolution, in which the people of England named a lord protector and threw out the King, and even beheaded him. What followed? Out of the resentment and revulsion against that process, and the impositions of king-controlled courts, there came the second bill—the Bill of Rights of Charles II, the Act of Settlement, the life tenure of judges, and the independence of the Judiciary.

And what more? Why, from all of England in the first half of the seventeenth century, from 1616 even to 1680, under those persecutions—religious persecutions, personal persecutions, persecutions for debt—men and women of England fled the land and across the Atlantic—Pilgrim and Puritan, cavalier and gentleman adventurer—over here to the New World.

Roger Williams, the Baptist, of the number, and Lord Calvert, the Catholic, more responsible for religious liberty and religious toleration than any other two men who ever lived, fled to this new land, fled from star chambers, fled from Bloody Jeffreys, flet from king-controlled courts, fled from persecution, fled to America, and fled for liberty, and they and others of like spirit made this Republic.

That is the rock out of which we are hewn. That is the rock on which the independence of the judiciary is founded. That is the rock out of which the living waters of the Constitution of the United States flow. They came. They established the independence of the judiciary here. They gave it to their Congress to keep, not to destroy.

God helping us, when we shall have finished here, it shall be said that our courts are independent; that justice is free in America; that its fountain is unpolluted; that hither may come our children after us, as our fathers came before us, secure in the sense that justice shall be done though the heavens fall.

Mr. President, our cause is holy. It is the holy cause of justice in the Republic. We will not yield. You are dealing with devoted men.

Mr. COPELAND. Mr. President, I desire to discuss the pending question; but before doing so I wish to make a privileged motion.

There is lying upon the desk of the Vice President the conference report on the appropriation bill providing for flood control and the civil activities of the War Department. I move the consideration of the conference report, which has heretofore been submitted by me.

The PRESIDENT pro tempore. Which conference report does the Senator desire to have considered?

Mr. COPELAND. The conference report on the bill making appropriations for civil functions of the War Department, which bill includes $100,000,000 for flood control. It is a privileged matter.

The PRESIDENT pro tempore. The Senator from New York moves that the Senate proceed to the consideration of the conference report on House bill 7493.

Mr. BARKLEY. Mr. President, has the conference report been read?

The PRESIDENT pro tempore. It has been.

Mr. BARKLEY. Then, pending the motion of the Senator from New York, I ask unanimous consent that if the conference report is taken up for consideration, a vote shall be had upon it not later than the hour of 3:30 o'clock this afternoon.

Mr. McNARY. I object to that request.

Mr. BARKLEY. Mr. President, I ask unanimous consent that if the motion is agreed to, a final vote shall be had upon the conference report not later than the hour of 4:30 o'clock this afternoon.

The PRESIDENT pro tempore. Is there objection?

Mr. McNARY. I object to that.

The PRESIDENT pro tempore. The Senator from Oregon objects.

Mr. BARKLEY. Mr. President, the motion to take up the conference report is not debatable, as I understand.

The PRESIDENT pro tempore. It is not debatable.

Mr. COPELAND. I withdraw the motion, because there would be no virtue in taking up the report unless we could have final action upon it.

The PRESIDENT pro tempore. The Senator from New York withdraws the motion.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. CLARK. Did I correctly understand the Chair to rule that a conference report is not debatable?

The PRESIDENT pro tempore. A motion to take up a conference report is not debatable.

The Senator from New York is recognized.

Mr. COPELAND. Mr. President, without rancor or intemperate language, it is my desire to discuss the pending business, the bill proposing to reorganize the judiciary.

Mr. GERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. If the Senator from New York yields for that purpose, he will have made one speech.

Mr. COPELAND. Mr. President, I am very much obliged to my colleague from Rhode Island; but I dare say Senators will be in and out of the Chamber a good many times before I shall have completed my remarks. Therefore, it may not be important to have a quorum called at this time; but I thank the Senator for his courtesy.

It may be a trite saying, but it is worthy of all acceptation, that the courts represent the cornerstone or the keystone of our liberties. Washington spoke of the judicial system as the "chief pillar" of our Government. One of the complaints against George III was that he had made judges dependent on his will alone for the tenure of their offices, for the amount and payment of their salaries. Whether by tradition, inheritance, or instinct, the fact is that thoughtful persons in all our history have looked upon the courts as the custodians of their liberties. They are in resentment when any effort is made to change the judicial system.

Personally, I feel very strongly on the subject. To my mind, every American has a vital interest in the conduct of

the courts, high and low. One of the greatest problems of municipal administration is the guaranty of untrammeled, honest, intelligent, independent courts. The municipal courts, the police courts, the magistrate's courts, and certainly the criminal and civil courts, must be above reproach if the rights of the people are to be preserved. Good government rests upon the courts.

When the proposal for a change in the Federal judiciary was presented there was an immediate uprising on the part of millions of our citizens. Personally, I received more than 100,000 letters—think of it, Mr. President; more than 100,000 letters—from my own constituents, and am continuing to receive such letters, protesting against the plan to pack the Court. Not in all the years I have been in the Senate have I had such a volume of correspondence as I have received in connection with this proposal. The majority of these letters came from women, most of them living in humble homes. It is too common a thing for those who are advocating the reorganization of the Court to say that it is the "economic royalists" who are opposing the plan. I have no contact with the economic royalists and do not know what they are doing. But I do know that the protests I have had from my State come from persons and groups actuated by the highest and purest motives, patriotism and devotion to our country.

Sometimes good comes out of evil. That may well be the case in this instance, as I see it. Millions of our citizens of this generation have been aroused to declare loudly what they always believed, but never before had occasion to assert. They have had no previous need to think about what the Court really means to our citizenry. Just as we accept mother love without definite thought of how precious it is, we have basked in the sunshine of a court-protected land without formulating our feelings regarding it. But when the attack came there rose up a vast multitude of indignant and protesting men and women, each and every one demanding that the scheme be defeated at all costs. Usually well poised and quiet, all were instantly wrathful over an undreamed-of assault upon the citizens' first and last defense against exploitation and injustice.

I must assume, of course, that the Senator who advocates this plan is sincere, and that he is acting in harmony with a conscience as clear as mine could possibly be. But I must remind him that the first attack in every country where the existing order has been overthrown, whether in recent years or in historical times, started with an assault upon the courts. When James II sought to impose his will upon Parliament and upon the English people, he proposed to set aside the Test Act. This was the law which necessitated the taking of an oath of allegiance to English tradition, and was regarded by the King as inimical to his own plans. I shall speak of this later at greater length. It is enough now to say that the first thing James did was to dismiss four judges who refused to submit to him, and then appoint four of his own choosing. I do not say the pending Court proposal is founded on evil-mindedness, as it was in the case of King James. Regardless of intent, however, the scheme is exactly in accord with that undertaken 250 years ago. If this plan should succeed it would mean that our country would be at the mercy of the Congress, which in turn might well be subservient to the President.

Let us see if we can figure out what that would mean. While it may be considered unlikely, there might be elected a Congress which would pass laws prohibiting the organization of patriotic societies. It might be that the Knights of Columbus, the Christian and Hebrew associations, the colored organizations, and church societies, as we understand them and know them, would exist under penalty of the law.

There is nothing fantastic about this statement regarding religion. Do we not know of countries across the seas where such restrictions are placed upon the people? We regard to the privilege of worshiping God as a fundamental right. Do Senators know of a country, heretofore counted as civilized, where that right is denied? Of course they do.

I do not for a moment contend that those who advocate the Court reorganization have any such purpose in mind. But were a program such as the one we are resisting to succeed, it would lay the foundation for what a future dictator might seize upon as his chief reliance.

The United States Supreme Court has been the safeguard of the minorities in America. It has resisted every attempt to impose dictatorial demands upon the individual and group. It has sustained, against every effort to destroy this or that feature of it, the Bill of Rights, in which we glory, and which is the shield of our salvation.

For myself, I am unwilling that my children and grandchildren shall be forced to live in an America which is foreign to the customs and practices this generation has had handed down to it from the fathers of the Republic. I want them to live in the sort of world that has been good to me. I should feel that I had fallen short of my obligation and responsibility unless I should continue to maintain the stand I have taken.

Not since the War between the States have the American people been so stirred as they are today. The pending proposal regarded by its opponents as a scheme to "pack" the Court has excited the Nation. It is regarded as an attack upon America's magna carta, the Constitution.

The President, eager to complete his New Deal program for social reform, to achieve more liberal labor and agricultural laws, and an almost revolutionary reorganization of government, is unwilling to accept what he regards as too slow, the constitutional method of accomplishing his purpose. He seeks to add members to the Supreme Court; he does this, he says, in order that it "may function in accord with modern necessities."

A recent writer has said, "The Supreme Court of the United States is the supremest court in all the world." But it has fallen on evil days.

Several of its recent decisions were quite generally unpopular. No one can question that great disappointment and, in some quarters, bitter resentment, followed the verdicts of the Court. I should not be candid if I did not acknowledge my own chagrin over the invalidation of the minimum-wage law of my State.

When one feels that something he regarded as vital to human happiness, health, and economic well-being has been destroyed it is natural to be resentful and even bitingly critical of those who might be considered the agents of such destruction. To erect a long-desired building and to have pride in its completion is one thing; to awaken some morning to find the structure in ruins is quite another. The poignancy of the loss causes the owner to overlook the facts that bad judgment in the location of the building and insufficiency of its foundations and the defective timber in its framework were the real reasons for the disaster.

Changing the court to increase a ruler's power is a practice familiar to the students of history. This political maneuver does not necessarily take the form of adding numbers to an independent bench. Sometimes it is easier to accomplish a given end by subtracting from the membership of the court, or subtracting first and then adding.

James II of England, as I have said already, determined to gain ascendency by enlarging the army and making it subservient to his will by appointing officers who would be governed by his doctrines. He announced that he would grant commissions regardless of the Test Act, a law which necessitated the taking of an oath of allegiance to English tradition and regarded by the King as inimical to himself. The officers having been appointed, Parliament demanded the recall of the illegal commissions.

James determined to obtain from the judges what legally he could not get otherwise. To do this he remodeled the bench, dismissing four judges who refused to lend themselves to his scheme. These were replaced by complaisant substistitutes. By the high-handed procedure of packing the court he accomplished his purpose.

In these days we are hearing much of "reprisals" and what will happen to Senators and Representatives who oppose the White House. I have heard the subject discussed this morning on the floor of the Senate. But there is really nothing

new about such threats. Things were the same in 1687; one official after another who refused to follow the King was dismissed. James was determined to have a compliant Parliament. His cry was: "I am King; I will be obeyed!" He called on the electors to choose such members as would bring to a successful end the policy he had begun.

It is comforting to know that the demands of James came to naught. In the words of John Richard Green, the Oxford historian:

> The jury had been packed; the judges were mere tools of the Crown; but judges and jury were alike overawed by the indignation of the people at large.

In the end James was forsaken by everybody. As a result of his own acts he lost the throne.

Mr. President, to attempt to bend the courts to the will of one man, no matter how great or well-beloved, will always be resisted by a free people. It makes no difference, either, whether the plans he has in mind are quite generally approved by the majority of citizens. In the present crisis there is no division of thought as to the importance of new laws to meet new conditions. This is my own view, and, in my opinion, it is the consensus of many in the Senate. But it is unthinkable that unconstitutional laws should be declared constitutional by ravishing the Court. That the high mortality of New Deal laws may have seemed to be the direct and deliberate action of an unfriendly Court was to the uninformed a natural conclusion. This belief was endorsed when from the White House came a sneer about the "horse-and-buggy age" of judicial action, and the "fireside" and other "chats" alluded to a long list of desired national improvements impliedly impossible because of the attitude of the judiciary.

The truth is that most of these laws were sloppily written by inexperienced officeholders and warranted the fate that overtook them in the Supreme Court.

Many of us loyal Democrats who supported the platform upon which we were elected to office voted against some of these laws. We voted against them in the exercise of our own conscientious convictions because we believed they either violated the Constitution of the land or violated the pledges in our party platforms.

Our attitude in the years since the great Democratic victory of 1932 has been duplicated by the New Deal administration. Indeed, the President of the United States has on one occasion, at least, boasted that he has often "voted for Republicans" for public office. Four years ago the New Deal administration secretly blessed and endowed what it named the "Recovery Party" in the municipal election in New York City. It was, indeed, the "Recovery Party"—the recovery for the radical element the political control of that great metropolitan city. It went into an unholy alliance with the Republicans of New York City to elect the man who is now the nominee of the Communists for mayor.

Let me say in passing, however, that I have only the highest personal respect and real affection for Mayor LaGuardia. I am not reflecting upon him. I am merely stating a historical truth.

What I say is intended to make clear that no honest-to-goodness Democrat, with a capital "D", has anything to fear as to party regularity if he opposes such features of the administration's program as run counter to his own conscientious beliefs. In the actions of the administration in the New York campaign there is full exculpation for what we on this side of the aisle may do with the Court-packing scheme.

It may not be amiss to say that all the indications point to a repetition of the blunder of 1933 in the New York election. Apparently the White House would rather have its pet mayor reelected than to help the Democrats to save New York City now, New York State next year, and the 47 electoral votes of New York for a Democratic President in 1940.

Why were so many of the New Deal laws held unconstitutional? The country may be uncertain, but we Members of Congress know why.

Heretofore it has been the practice of the Congress to prepare its own bills and legislative proposals. A group, including some of the brilliant lawyers of Congress, would spend days, weeks, and even months in perfecting a measure. We have able men in the office of the Legislative Counsel, employed by the Government for this purpose, who study and analyze and perfect proposed legislation. I doubt if any bill of importance ever failed to have such labor spent upon it. To my personal knowledge, one such bill had 2 years of study by experts.

What has been the procedure since March 4, 1933? Almost every bill of alleged or conceded importance has been fed into the legislative hopper by the administration. Congress has been told, in effect, "to sign on the dotted line." With infinitesimal debate, as compared with previous times, such bills have been enacted and sent to the White House.

Some day a statistical expert will study the CONGRESSIONAL RECORD to see the amount of time spent in debate upon the various bills studied by the Congress. He will, for example, take the first Frazier-Lemke farm bill and compare the space given to it with that given to the McNary-Haugen farm bill.

No wonder the Supreme Court could find no excuse for validating many of the acts of the past 5 years! I have no complaint to offer for the early months of this administration. The Nation was in a desperate plight then; time was the essence. We might and did make mistakes, but haste was essential, and error could be excused. But there is no such excuse now.

I asked a friend high up in administrative circles who wrote the judiciary reform bill. I thought I knew, but I desired to have his answer. The "juvenile mentalities", was his reply.

Not wise, experienced, informed persons were consulted and depended upon to advise in sincerity and truth. The "boys" of the administration, the "juvenile mentalities", did the work. As a matter of course, it was perhaps submitted to those in responsible positions, but not until the bill was completed, the last "t" crossed, and the last period placed.

What a commentary on legislation! Is that the way to prepare bills for the Congress to enact into law? Are Senators going to vote for a measure the original of which was concocted in the manner I have indicated, even if allegedly improved by a substitute prepared by Members of this body? Surely not, when it comes to be appreciated that the substitute is even worse than the original screed of the "juvenile mentalities."

As I have sat mute in my chair, I have wondered why the President has neglected to consult men in this Chamber. There are dozens in the House, too, who would gladly have helped him. Why has the White House not been the council place for men such as ROBINSON, KING, HARRISON, GEORGE, ASHURST, GLASS, WALSH, LEWIS, OVERTON, BURKE, BAILEY, LOGAN, great lawyers or economists. There are Republicans across the aisle, such as BORAH, JOHNSON, WHITE, MCNARY, AUSTIN, every one a student of the Constitution and of public affairs—not one of these honest, patriotic Americans would have rejected an invitation to assist in the formulation of needed legislation.

There is no partisanship when it comes to the national need. It was not seemly, in my judgment, to trust the formulation of laws to men spoken of by my friend as "juvenile mentalities", when there were able, qualified constitutional lawyers in this body, who, regardless of politics, would have gone at the invitation of the President to assist in the formulation of wise laws.

Why were they not asked? Why were unknown and untried men, able and studious and intelligent as they may be, handed the problem of what to do with a distressed country?

No wonder the Supreme Court, reluctantly and no doubt unhappily, was forced to declare certain measures unconstitutional. I read with understanding what Mr. Justice Brandeis said in rendering the opinion in the case involving the second Frazier-Lemke bill. He recited the imperfections of the original law. These imperfections necessitated the Court through him, a great liberal, to declare it unconstitutional, which it did by unanimous vote. It was restudied, and, when reintroduced, Congress went over the later bill carefully in its efforts to make it valid. When it

reached the Court, that tribunal "after a full and free discussion, concluded that the bill enacted was free from the objectionable features which had been fatal to the original act."

But, in spite of this careful process on the part of the Congress, the Justices inquired whether the new act was perfect in phraseology, for example, in the section affecting the mortgagor's right to possession.

Even now—

Mr. Justice Brandeis said—

it is lacking in clarity.

Let me quote:

* * * Since the act is not free from doubt * * * we are justified in seeking enlightenment from reports of congressional committees and explanations given on the floor of the House and Senate by those in charge of the measure.

He was convinced by this examination that, regardless of lack of clarity in draftsmanship, the intent of Congress was clearly set forth in such manner as to make the law constitutional. So the unanimous decision against the original act was turned into a unanimous approval of the later act.

Mr. President, when left to itself—and no one knows it better than does the present occupant of the chair (the President pro tempore in the chair)—the Congress does study carefully all phases of a bill, particularly with reference to its constitutionality. Too much legislation during the past 4 years has been forced upon the Congress with a plea for immediate enactment, unchanged in form. It is not astonishing that such bills, when enacted into law, have met judicial disapproval. It would have been far more astonishing had they been endorsed by the Court.

In words that the man in the street will understand, there has been too much "passing the buck" to the Supreme Court. The Justices cannot put into a law what was not written there; they cannot take from a law those features that make it unconstitutional. They must deal with it as it is presented to the Court.

The President may honestly think that his failure to obtain his whole program is the fault of the Court. With some knowledge of how his bills were prepared, and with considerable knowledge of how they were passed through Congress, candor compels me to say it is a matter of amazement to me that the constitutional mortality rate has not been higher.

It is not too late now to save the Democratic Party. Is it not worth saving? Jefferson and Jackson, Cleveland and Wilson strove to establish and preserve the democracy. They built something that those of us who love the Democratic Party wish to preserve.

Those ancestors of ours, forbears in the faith, would not be happy that the old name has been abandoned. Now the administration is not known as a Democratic administration; it is rarely if ever referred to by its chief figure as a Democratic administration. It is known of all men as the New Deal administration.

Are the four great Democrats I have mentioned relegated to oblivion? Are we no longer to point with pride to their administrations? What are they, and what are we here in Congress who have fought the battles of the Democracy? Are we put on notice that we are no longer members of the dominant party? Are we to be read out of existence or left to wander in the political desert? Just what is our place?

I recall the landslides of 1932 and later which swept the foundations from under the Republican Party and carried many Democrats from northern and western States into this body. There was rejoicing then. Rejoicing where? In the Democratic Party. We were wined and dined, invited everywhere as party heroes.

We stand here now, as then, devoted to the cause of the Democracy. We have not changed; those who have taken possession of our organization are the men who have changed. It has become heretical even to suggest that administration proposals may be unwise.

Does any man in his right mind imagine that to create a chasm in the middle of the dominant party is safe and sane politics? Is it imagined that those of us who claim by inheritance, right, and possession the privileges of being Democrats are going to lie down and die? Are we so few in number and our views so unworthy of attention that we can be disregarded?

Do not fool yourselves, my dear brethren; we, too, have our place in the sun. We shall be here when some of the coat-tail riders of yesterday have been forgotten.

The Senator from Montana [Mr. WHEELER] stated cold truths when he spoke here on Friday. Let those who tremble and cringe at the mere mention of the lash bear in mind that thoughtful men and women in every State have marked you for political destruction. The "Indian sign" is on many a Senator who supports this bill.

If there be those here who prefer to be Democrats, let them stand up and declare the faith. Are you Democrats with the courage of Jackson and Cleveland, and the idealism of Jefferson and Wilson, or are you deaf and blind followers of what in the beginning was an administration of strength and noble purposes, but which is becoming so weighted with debt and promises that only God in His mercy can save it?

Let me warn the members of what was once a united and invincible party that disaster is not far ahead of us. Who is going to pay a debt of forty thousand million dollars? Who is going to provide the funds to continue giving 60 percent of the farmers of America an average of $165 per annum? Who is going to finance the care of a half-dozen million persons now on relief? Who is to end the increasingly complex war between labor groups on the one hand and between capital and labor on the other?

I wonder how many citizens of America, fine, upstanding citizens, in spite of the fact that they have no wealth and their names are not on the tax rolls, realize that they are taxed? When a rich man is taxed he does not go out to the apple orchard to the seventh row by the fourth tree and dig up a box of gold. When he is taxed he increases his rents, the cost of food, and the cost of other commodities. Is there any family in America that is not touched now by the rapidly increasing cost of living? I hold in my hand a very interesting article written by that great economist, John T. Flynn. It is headed "Small Income Taxpayers Found Facing New Levies." I read from the article, as follows:

"THEY SHOULD LEARN HOW TO SQUAWK", FLYNN WRITES, CITING $3,637,000,000 CONTRIBUTION TO FEDERAL INCOME VIA SALES AND MISCELLANEOUS IMPOSTS

The so-called little fellow who thinks he does not pay taxes and who enjoys the illusion that it is the big fellow who is being soaked may get some surprises out of the following facts:

Last year he, the little fellow mostly, paid $352,000,000 in sales taxes to the States alone. He paid $652,000,000 in gasoline taxes, which are sales taxes. He paid also $155,000,000 in liquor sales taxes, chiefly on beer.

That makes, all together, $1,159,000,000 he paid in sales taxes on these items. There are others, such as selective taxes on tobacco, levied in 17 States. In addition to that he paid around $2,000,000,000 in internal-revenue taxes and another $478,000,000 in processing taxes to the Federal Government—all of which are in reality sales taxes.

Here is a little total of $3,637,000,000, and the greater part of this—almost all of it—came out of the pockets of people of small or moderate incomes.

Of course, these figures do not include the taxes levied by municipalities.

Mr. President, how are we going to get away from these problems? Our national debt will soon be $40,000,000,000. I can recall when this country first had a billion-dollar Congress, and Speaker Reed said, "It is a billion-dollar country." The coming year it will be a billion-dollar-interest-paying country.

It is a matter of concern not alone to those who are accounted rich, but it is a matter of concern to every poor family in America. With reprisals and big sticks are we to be forced into a continuance of support of measures which are more and more indicative of their failure so far as solving these problems is concerned?

Mr. President, this is not time for a fight. This is not a time for party dissension. This is not a time for interparty dissension. This is a time when our country needs unity as it never did before.

Let no man boast of the future. It looks black to me; but what is worse, it looks black to millions of Americans, many of whom call and regard themselves as Democrats.

This is the time when the White House, with the aid of House leaders and such Senators as I have mentioned, should counsel together, not with the silly thought of reprisals but of new plans, new unity, new enthusiasm, and new courage. Mr. Roosevelt has it within his power at this very moment to reunite his followers and to reestablish the Democratic Party.

Doubtless someone else might better say these things, but in a sense the President of the United States is my constituent, as I have been happy to be his. Perhaps, as one New Yorker to another, as one immediate neighbor to another, it may not be amiss for me to speak from the heart. I should hesitate, even so, were it not for the fact that hundreds of New Yorkers, loyal Democrats, men and women, who are enthusiastic supporters of President Roosevelt, have urged me to speak in this way.

Mr. LEWIS. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from New York yield to the Senator from Illinois?

Mr. COPELAND. I yield.

Mr. LEWIS. May I at this time, in view of his statement that the President could do such and such to bring about harmony in certain directions, ask what the Senator would suggest? What does he think would be appropriate and possible to be done by the President?

Mr. COPELAND. I have already made suggestions, and I repeat them. I would suggest to the President that he call into council the Senator from Illinois [Mr. LEWIS], the Senator from Kentucky [Mr. BARKLEY], the Senator from Georgia [Mr. GEORGE], and other Senators from our side of the Chamber, the Senator from California [Mr. JOHNSON], the Senator from Oregon [Mr. MCNARY], and other Senators on the other side of the Chamber, and let them share the responsibility of formulating a plan for the relief of our country.

May I say to the President of the United States, my good friend——

Mr. ASHURST. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Arizona?

Mr. COPELAND. I yield.

Mr. ASHURST. If the President should see fit to call Senators into council for such a purpose, the list, no matter of whom composed, would be deficient, in my judgment, if it did not include the able senior Senator from New York. If the President should call upon him, what would be the Senator's advice and suggestion for our country's further and complete recovery? What would he do? What would he advise the President to do?

Mr. COPELAND. I would say to the President, "Drop the court proposal." [Laughter.] "Leave it to the Congress to formulate legislation."

Mr. ASHURST. Mr. President, will the Senator further yield?

Mr. COPELAND. I yield.

Mr. ASHURST. With all the Senator's humanitarian impulses and splendid service to humanity, he offers, with the silver of 60 years crowning his temples, the advice of negation. Negation never won a victory. Negation never succored a starving person. Negation never gave aid to anybody.

Mr. JOHNSON of California. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of California. The Senator from Arizona is distinctly out of order.

The PRESIDING OFFICER. He has desisted. The Senator from New York will proceed.

Mr. ASHURST. I apologize for being out of order. I realize a shock like that hurts, and that is the only way to avoid the force of it.

Mr. COPELAND. Mr. President, I am very much obliged to the Senator from Arizona for the question he has asked, but I insist that my colleagues here who have the ear of the President should urge upon him not to press too heavily upon the patience and good will and the readiness to serve of the very considerable group in this body who are Democrats in every sense of the word. The President still has it in his power to retain the friendship and respect of good Democrats who are on their way to being aggrieved in the spirit and permanently estranged from him.

I would, if I were in his place, place upon this body equal responsibility with himself in establishing a fiscal policy for the speedy solution of what otherwise may become an impossible problem. The President is not the legislative branch of the Government; it is for us to enact the laws. The President is not the judicial branch of the Government; it is for the judges to pass upon our acts. I beg the President to be the President, the leader of the great majority of American population. Most earnestly I beseech him to meet us half way in our endeavor to be useful public servants. If that is the doctrine of negation, I am mistaken in my convictions regarding it.

The Court proposal is an astonishing one. Indeed, to me it is astounding. Let us brush aside the specious argument that the courts are overworked and their calendars are in arrears, because that charge has been definitely disproved. The bald truth reveals that many of the proponents of the President's plan have proclaimed that the real purpose is to bend the will of the Court. By the scheme of adding from one to six judges at the pleasure of the President, the intent is to reorganize the Court so that laws already declared unconstitutional will be reconsidered and by fiat—by fiat, mind you—declared to be constitutional. No informed person disputes it.

When the protests against the decisions of the Court began to be formulated, one of the first criticisms related to the right of the Court to invalidate an act of Congress. Even in circles looked upon as authoritative it was claimed that no power can be found in the Constitution for setting aside the will of Congress and the President. Here, for example, is the concluding paragraph of a magazine article I recently read:

> It is clear, therefore, from the records of the Convention of 1787, that the founders of the United States Government refused in the Constitutional Convention to give to the judiciary the power to set aside acts passed by the National Legislature.

This statement is anything but true. If we are to go to the bottom of the question, however, we must locate the place in the scheme of government that the fathers assigned to the Supreme Court. To determine what the Constitution means, we must pry out from the records of the Convention their real intent. A century and a half having passed, how can reliable testimony as to the facts be adduced?

As I see it, the procedure must be as follows:

We must study the meager records of the Constitutional Convention, read the letters of those who participated, examine the decisions of the Court rendered while most or some of the delegates still lived, and analyze the Constitution itself.

While the Convention had been called to meet in Philadelphia on the 14th of May 1787, a quorum of States did not appear until the 25th. It was not until May 29 that consideration was given to the real purposes of the Convention. On that date Edmund Randolph, to quote the record, "opened the main business." After commenting on the difficulties of the national crisis and pointing out the lamentable weaknesses of the existing Federal system, he presented a series of resolutions, the remedy proposed by Virginia, in which State the idea of the Convention originated.

I think it is well for us to review our knowledge of the Constitution and the events of the Convention. It will be recalled that on May 29, 1787, Mr. Randolph presented what I have spoken of as the Virginia plan or resolutions. I find here two of these, the eighth and ninth, which relate to the subject in hand. Taking first the ninth, which, of course, is familiar to all Members of the Senate, we find that it reads as follows:

> *Resolved*, That a national judiciary be established to consist of one or more supreme tribunals, * * * to hold their offices during good behavior; and to receive punctually at stated times fixed compensation for their services, in which no increase or

diminution shall be made so as to affect the persons actually in office at the time of such increase or diminution.

Many of the resolutions presented by Mr. Randolph suffered disaster, but this particular one came through practically unscathed. Almost no debate centered about it; and what we learn of the attitude of the delegates toward the judiciary really attaches to the discussions over another of the Virginia resolutions, no. 8, proposing a "council of revision."

In the debate over this question I have been quite surprised that so little has been said of this particular one of Randolph's resolutions. As a matter of fact, a great deal has been said which indicates a confusion of mind on the part of those who have quoted from the council of revision resolutions, indicating that the speakers thought what they said related to the provision for the Court itself. Of course, that is not the case.

Now, let me read resolution no. 8, because it needs to be read and studied, and the debate attached to it needs to be considered in order that we may have an accurate idea of what the delegates had in mind regarding this particular part of the Constitution.

The eighth of Randolph's resolutions reads as follows:

Resolved, That the Executive and a convenient number of the national judiciary ought to compose a council of revision with authority to examine every act of the National Legislature before it shall operate, and every act of a particular legislature before a negative thereon shall be final; and that the dissent of the said council shall amount to a rejection, unless the act of the National Legislature be again passed, or that of a particular legislature be again negatived by ——— of the members of each branch.

The number of members was not determined.

This plan, as will be seen, called for what might be called advisory opinions by the Supreme Court. It did not meet with favor; but, as a matter of fact, it did come in for much discussion and repeated debate.

From the very opening of the convention the delegates appear to have accepted the idea of one supreme and all-powerful judicial body, to be the expositor of the laws, and absolutely independent of the other branches of government. As I shall indicate, it was the deliberate intent of the founders, as I see it, to confer on the judiciary an efficient and complete check upon the executive and the legislative.

There has been much loose talk about the relationship of the judiciary to the other branches of the Government. As I view it, it never was intended that the executive or the legislative should have any check upon the judiciary. The purpose of the Court is to protect the people against the executive and against the legislative. The power of the Court is the power of public opinion. As has been said, the Supreme Court has neither purse nor sword. There have been few times when there was any lack of willingness on the part of the people to accept and abide by the Court decisions. As I view it, nothing could be more fatal to the welfare of the people than to have the Court in the slightest degree subservient to the views of the President or the Congress.

The founding fathers gave our judicial tribunal a unique position among the courts of the world. The Constitution safeguards the personnel and functions of the Court. The judges are nominated by the President. They must be confirmed by the Senate. The convention took the greatest care to make certain that the Court should be independent in every sense. Its members hold office during good behavior. If that means anything, it means that they are appointed for life. They cannot be gotten rid of except by impeachment for misconduct. Their salaries are not to be tampered with during their continuance in office. In every imaginable way the delegates to the convention sought to make the judiciary independent and safe against interference.

Mr. President, I hold in my hand a speech which will be of interest to the present occupant of the chair (Mr. SHEPPARD in the chair). It is an address delivered before the American Bar Association at Salt Lake City, Utah, on August 17, 1915. It is an address made by the Honorable Joseph W. Bailey, of Texas. Someone handed me the address this morning. I regret that I have not had time to read it all, but, naturally, I turned to the conclusion of the speech to find how Senator Bailey, of Texas, summed up the matter which he had presented in his rather lengthy address. This is what he said:

I do not underestimate the force of the argument against vesting in one department of the Government an authority to annul what another department has done; but I consent to that as the lesser of two evils. We must leave Congress the exclusive judge of its own powers, or else confide the right of final judgment on its acts to our courts; and whatever may be the objections to judicial control, they are infinitely less than the objections to legislative omnipotence. Since we must have a final judge, that power can be more safely confided to the Court than to the Congress, for it cannot be an invidious comparison to say that, in average ability, the Supreme Court of the United States is at least equal to the Congress of the United States; and, as the judges of that Court have devoted their lives to a diligent and uninterrupted study of the Constitution and laws of their country, they must know better how to judge between them. They are far removed from those political passions and prejudices which make the preservation of a free government the most stupendous task of all ages; they have no patronage with which to reward their followers, and no partisans to sustain them, right or wrong; they have no interest except in common with their countrymen, and no ambition except to leave behind them an honored name. Of all men in this world they have the least temptation to do wrong and the greatest incentive to do right. They are not infallible and they make their mistakes, but they make fewer mistakes than other men; and so long as they can guard the Constitution of this Republic, it will protect the lives, the liberty, and the property of the American people.

How could words be chosen better to express the dignity, the honesty, the integrity, and, so far as humanly possible, the infallibility of the courts?

Mr. BONE. Mr. President, will the Senator yield?

Mr. COPELAND. I yield for a question.

Mr. BONE. Because the matter has been so stressed in the debate, I should like to ask the Senator whether he thinks that in itself life tenure of office makes for a better government. The particular point, that life tenure of office in this Government makes for purity of motive, uprightness of character, rectitude, and decency in the discharge of the duties of office, has been stressed in the debate, and I wonder whether the Senator agrees with that philosophy.

Mr. COPELAND. I shall be glad to answer the question of the Senator, for I know he asks it in good faith.

Regarding judges, I assume that there was great eagerness on the part of the Constitutional Convention to make sure that they would be independent of all external forces. I am frank to say—and the Senator knows I would not wish to make any statement which was not frank—that if I had my way I would have an amendment to the Constitution placing a limitation on the ages of those on the bench.

Mr. BONE. What about the tenure of office of judges?

Mr. COPELAND. One reason why I am so excited, if I may use that word, or so earnest about the pending bill is that I have great fear regarding all of the courts of our country. It would be unwise for me, it would not be politic, to say the least, to be too specific. But I served as a member of the committee appointed by the Senate to study crime. Our late colleague, Senator Murphy, of Iowa, was a member of the committee, and the Senator from Michigan [Mr. VANDENBERG] was and is a member of the committee.

In order to gain something worth while with a view to the recommendation of legislation, our committee held hearings in different sections of the country. We had two or three hearings in New York; we had hearings in Detroit, Chicago, and in Washington.

Mr. President, what impressed me, second in importance perhaps, to the conclusion which came to my mind was that America needs a very thorough fumigation of the courts. Of course, I am speaking largely of the criminal courts. I do not care what the court is, whether it is the Supreme Court of the United States or a magistrate's court or a police court, every court should be a free, independent court, made up of men of the highest integrity, men who are unapproachable, men whose honesty and decency are above question.

I have long thought about how courts ought to be constituted. I have not been so presumptuous as to consider how

the Supreme Court of the United States should be organized, but I have been interested in the State and county and municipal courts, wondering how it can be possible to get men to hold up the hands of the police officers and other peace officers to make certain that even-handed justice is rendered in every case.

I am not keen about filling the prisons in our country with convicts, but I am keen that every man who goes into court, whether he be a rich man or a poor man, a beggar man or a thief, shall have attention and care and an even-handed administration of justice on the part of the court.

I think that all the great countries of the world have determined that life tenure, or at least a tenure which reaches into advanced age, is the best and safest plan upon which to proceed.

I was interested this morning in a colloquy on the floor of the Senate between the Senator from North Carolina [Mr. BAILEY] and the Senator from Florida [Mr. PEPPER]. The Senator from Florida asked the Senator from North Carolina whether the members of the highest court in North Carolina were elected or appointed.

I do not know that it makes much difference. I remember sitting in a conference in Albany, N. Y. I am told that it is customary everywhere, immediately preceding a political convention, to have a few of the leaders in ponderous manner discuss what shall be the platform to be adopted by the convention and just how to balance the ticket in order to reach all elements. I do not need to enlarge upon that to the Senator from Washington. That is a virtue which reaches to the Pacific coast, as it flourishes also upon the Atlantic coast.

I believe the "game" of politics, I would say the "science" of politics, is practiced and applied about the same everywhere. I do not know how in the world I happened to get into the conference at Albany to which I have referred, because I probably know as little about practical politics as any man ever elected to the Congress of the United States. But I was there, and we got along very well with the resolutions, the platform arrangements. We had no especial difficulty deciding who should be nominated for Governor, and attorney general, and secretary of state, and so forth; and then we got down to the chief justice of the court of appeals—or, I should have said, we got up to the chief justice of the court of appeals. I have never spoken of it before, but I am glad to speak of it now. My friend, Hon. Alfred E. Smith, who was then Governor of the State, presided at this gathering of a dozen people. When it came to that office, the Governor said, "We can play all the politics we like regarding the rest of the ticket, but let us choose wisely here, because the Democratic Party of the State of New York can make no mistake, as it would make a mistake if it selected a judge for the highest court who was chosen merely because of his political influence. Here must be a man", the Governor said, "who is above reproach, and who will pass upon the law as we would wish God himself to pass upon our acts on the day of judgment." And out of that gathering came the selection of Mr. Justice Cardozo, now a member of the Supreme Court of the United States. Let it be said that Mr. Cardozo was chosen by unanimous vote of the group. Certain names were mentioned of men of great capacity and ability, no doubt, but for one reason or another they were rejected, and out of our conference came the name of Mr. Justice Cardozo. There is not a man in this body who will say that that was not a 100-percent selection.

I do not know that it makes any difference whether judges be chosen by election or by appointment. A man will not long survive public opinion if he does not do his duty upon the bench. So I think I may say to my friend from Washington [Mr. BONE], warm-hearted and good as he is, that I do not care how they are chosen, because in the last analysis they will be well selected.

Mr. BONE. Mr. President, I hope I am not intruding on the Senator. I do not want to divert him from his argument. However, I have listened here patiently and with great interest to the argument that life tenure in this particular branch of government is not only highly desirable but has worked well, because it has removed judges from pressure that otherwise might have taken them from the straight and narrow path of rectitude. If there is any virtue in that theory of government, would it not apply with equal force, and even with greater force, to the Congress of the United States if its Members, 531 in number, were all appointed for life, so that they, in turn, might be removed from the pressure of groups of people who want special privileges and who, by legislation, have actually gotten special privileges? If there be virtue in the argument of life tenure—and I highly disagree with it and think it is bad, that it is antipathetic to everything that is American—but if there be virtue in it, why would it not be much better to apply it to Congress, which votes the money and has its fingers on the purse strings?

There are Senators here, and I have heard them in this body, inveigh against the profligate, even wanton, expenditures of Congress. This might be obviated if Members of Congress were appointed for life and could thereby be removed from election which comes every 2 years or every 6 years. Is there not something in that suggestion?

Mr. KING. Mr. President, will the Senator from New York yield, so that I may ask a question of the Senator from Washington?

Mr. COPELAND. Yes; the Senator may ask a question.

Mr. KING. Does the Senator from Washington understand that the question is now before the Senate for consideration as to whether we shall amend the Constitution of the United States and condemn the work of the fathers, and provide by this bill, or by some other bill, judges of the Supreme Court shall be elected by direct vote of the people?

Mr. COPELAND. Let me answer——

Mr. BONE. I did not understand the Senator's question.

Mr. COPELAND. Just a minute. I do not want to get trapped here. I see "a man upon the stair", and I do not want to take any chances as to what he may do to me.

Mr. President, I would not favor a life tenure even for Senators. The Senator from Washington [Mr. BONE] will recall that that matter was discussed in the convention, and, as a matter of fact, almost everything under high heaven was discussed in the convention. However, the question was considered as to whether or not it would be well that Senators be appointed for life, and the argument against it, as I recall, was that if a Senator were appointed for life he would leave the golden shores of California and come here to Washington, where he would buy himself a beautiful home, and he would settle down here for life. Then he would be out of touch with his constituents—out of touch with the people. Naturally the suggestion was rejected.

I know that pretty soon the Senator from Washington is going to say, "Well, if what the Senator says is all right as to the Congress, why is it not all right with reference to the judges?" and I am going to anticipate that by replying to it pretty soon. But I think the plan we have for the selection of Members of Congress is a very wise one. Theoretically it brings into the Senate older men, more conservative men, while in the House, fresh from the people every 2 years comes a great group of enthusiastic Members who bring the latest news from the front. I like that. I do not want Members of the Congress to live in the "horse and buggy" age. I want them to know all about the Bonneville Dam, and the advantages of electric power to be sent out to the truck-garden owners, or plantation owners—owners of farms or ranches, or whatever they are called in that section of the world. I want them to be men of that type. Certainly the Congress of the United States in a sense is a great university. There are no pupils in it. They are all professors.

Mr. KING. Pseudo professors.

Mr. COPELAND. They come here and they are all professors. I always like to sit at the feet of my friend the Senator from Alabama [Mr. BANKHEAD]. He tells us about the needs of the farmers, particularly the cotton farmers. Then I listen to my friend from Delaware [Mr. TOWNSEND], and he tells me about how to grow apples and how to market apples. So I might call the roll of the Senate to indicate the members of the faculty and their specialties.

The next question the Senator from Washington [Mr. BONE] asked me was, If all this is good doctrine, so far as the Congress is concerned, why is it not good doctrine so far as the Court is concerned? I do not think it is the duty of the Court to be very much excited about the Bonneville Dam or apple culture or cotton raising.

It is the duty of the Court, of the learned men upon the bench, to take the law which has been passed by the Congress and signed by the President, put it alongside the Constitution and determine whether or not, in form and substance, it fits the yardstick or is properly measured by the yardstick or is in proper measurement after the application of the yardstick.

The life of a judge upon the Supreme Court is not so strenuous, so trying as is the life of a legislator. Whenever I think about reprisals and what may happen to me because of my heresy, I am never much worried about it. I have a library that I love, both the room and its contents. I shall be glad to be retired to my library where I may, in my declining years, apply myself to studies which might come to my hand, and be known, perhaps, as "the Sage of Suffern."

Mr. BONE. Mr. President, will the Senator yield again?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Washington?

Mr. COPELAND. I yield for a question.

Mr. BONE. I will make my statement in the form of a question. If the fact that the courts are cloistered and have life tenure of office is a protection against yielding to bursts of passion and prejudice such as has been attributed to legislative bodies by the Senator from North Carolina and other Senators who have spoken on this bill, does not the same logic apply to a legislative body, and is there not just as much force in the logic that if life tenure were given to legislative bodies in this country they, in turn, would cloister themselves, and they, in turn, would refuse to yield to bursts of public passion? Is it not a fair assumption that the same logic would apply to the same human beings?

Mr. COPELAND. No; I think not.

(At this point Mr. Chaffee, one of the reading clerks of the House of Representatives, appeared at the door with a message from that body.)

The PRESIDENT pro tempore. Will the Senator from New York yield before he answers the question while the Senate receives a message from the House of Representatives?

Mr. CLARK. Mr. President, a parliamentary inquiry. Does it require unanimous consent for the Senator from New York to yield to receive a message from the House of Representatives?

The PRESIDENT pro tempore. It does not.

Mr. CLARK. Then I object.

The PRESIDENT pro tempore. The Senator from Missouri objects. The Clerk of the House will present the message when the Senator from New York shall have yielded and the point of order has been settled.

Mr. CLARK. Mr. President, a further parliamentary inquiry. Does the Chair consider that constitutional processes of government can be stopped by the declination of any Member of the Senate to refuse a Senator having the floor permission to yield for the reception of a message from the House of Representatives or from the President of the United States?

The PRESIDENT pro tempore. The Chair rules that a Senator does have to yield for that purpose.

Mr. CLARK. Then let me ask——

The PRESIDENT pro tempore. Let the Chair finish his statement. And that when that shall happen and the determination of this question the message from the House of Representatives may be received.

Mr. CLARK. But is it the present ruling of the Chair that it is necessary for a Senator to yield or that unanimous consent be given him to yield in order for the Senate to receive a message from the House of Representatives or the President of the United States? There have been so many remarkable rulings made during the last few days that I should like to have a definite ruling on every subject.

The PRESIDENT pro tempore. The message may be received at the desk. It can be presented and lie on the table. It cannot be considered while the Senator from New York holds the floor. The message will be received at the desk.

Mr. CLARK. Mr. President, a parliamentary inquiry. If the Chair will allow me, how can a message be received at the desk unless it shall be presented to the Senate?

The PRESIDENT pro tempore. The message may be presented to the Senate for the purpose of being received at the desk and lie on the table for future action.

Mr. CLARK. Without the Senator from New York yielding?

The PRESIDENT pro tempore. Without the Senator yielding.

Mr. CLARK. Or without unanimous consent?

The PRESIDENT pro tempore. It can be done without unanimous consent.

Mr. CLARK. Then, that is a reversal of the preceding ruling of the Chair.

The PRESIDENT pro tempore. The reversal, if any, is that no objection may be taken to such procedure. The Chair may have misunderstood the position of the Senator from Missouri. He thought he was referring to action on the message.

Mr. CLARK. I make the point of order that it cannot be done except by unanimous consent, and if unanimous consent shall be requested from any quarter, I object to it.

The PRESIDENT pro tempore. The Chair will submit that to the Senate, if the point of order is made.

Mr. CLARK. Pending that, I suggest the absence of a quorum.

The PRESIDENT pro tempore. Undoubtedly the Senator cannot suggest the absence of a quorum without the consent of the Senator from New York.

Mr. CLARK. I should like to be heard on that, for it is a question of the highest constitutional privilege.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

Mr. CLARK. I was propounding a parliamentary inquiry, or thought I was, and I had not concluded it. Will the Chair hear me for just a moment on that subject?

The PRESIDENT pro tempore. The Chair will hear the Senator.

Mr. CLARK. To say that it is not a matter of absolute right, a matter of the highest privilege for a message to be presented to the Senate from the House of Representatives or the President of the United States which might involve the very life of the Republic without the Senator who has the floor yielding the floor, seems to be a remarkable proposition.

The PRESIDENT pro tempore. The Chair will read the rule.

Mr. CLARK. If the Chair will indulge me just a moment further——

The PRESIDENT pro tempore. The Chair will.

Mr. CLARK. To say that that point cannot be raised, and that the presence of a quorum, a mere majority of the Members of this body, cannot be ascertained as to whether or not the Senate will receive a message from the House of Representatives and proceed to its high constitutional duty of passing on a veto message from the President of the United States, seems to me to be setting a precedent which might, on some occasion, absolutely paralyze every activity of this Republic.

The PRESIDENT pro tempore. The Chair will rule on one question at a time. Rule XXVIII provides as follows:

> Messages from the President of the United States or from the House of Representatives may be received at any stage of the proceedings, except while the Senate is dividing, or while the Journal is being read, or while a question of order or a motion to adjourn is pending.

Under that rule, the Chair holds that the message from the House of Representatives may be received, but not acted upon while the Senator from New York holds the floor.

Mr. CLARK. In that connection, so that I may make the point of order later, may I also call the attention of the Chair

to the provisions of section 7, clause 2, of article I of the Constitution of the United States which reads:

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it—

Proceed to reconsider it—

If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House respectively—

And so forth.

Mr. President, it is my contention that it is a matter of the highest constitutional privilege to have a message delivered to the Senate from either the House of Representatives or the President of the United States; that such message having been received, the provisions of the Constitution become absolute as to the order of business; that it is the right of any Member of the Senate to insist upon the reception of a message from the House of Representatives having to do with a veto message from the President of the United States, and, without intervening business, that it is the privilege of any Member of the Senate to move that the Senate, on reconsideration, agree to pass the bill, the objections of the President of the United States to the contrary notwithstanding. Therefore, Mr. President, I raise the point of order on the ground of the highest constitutional privilege.

The PRESIDENT pro tempore. The Chair has ruled that the message from the House of Representatives may be received. The clerk from the House of Representatives will deliver the message.

MESSAGE FROM THE HOUSE

The message from the House of Representatives was delivered by Mr. Chaffee, and informed the Senate that the House of Representatives having proceeded to reconsider the bill (H. R. 6763) to extend for one additional year the 3½-percent interest rate on certain Federal land-bank loans, to provide a 4-percent interest rate on such loans for the period July 1, 1938, to June 30, 1939, and to provide for a 4-percent interest rate on Land Bank Commissioner's loans for a period of 2 years, returned by the President of the United States, with his objections, to the House of Representatives, in which it originated, it was:

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The message announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7562) to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, and for other purposes.

Mr. CLARK. Mr. President, I desire to make a motion of the highest constitutional privilege.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

Mr. CLARK. I desire to make a motion of the highest constitutional privilege, and I make the point of order that I have the right to make it notwithstanding the fact——

The PRESIDENT pro tempore. The Senator from New York has the floor. Does the Senator yield?

Mr. COPELAND. I could not fail to respect a matter of highest constitutional privilege.

Mr. CLARK. I make the motion and ask for the ruling of the Chair.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from New York takes his own chances on yielding the floor.

Mr. CLARK. I demand a ruling of the Chair.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BARKLEY. In the absence of a yielding of the floor by the Senator from New York for that purpose, can any Senator take him off his feet without his consent even to make a privileged motion?

The PRESIDENT pro tempore. He cannot do so, except where there is a special rule to that effect. There is a special rule with regard to messages from the President of the United States and the House of Representatives and conference reports. That rule has been read. No other motions exist of which the Chair has any knowledge which come within that range, and if the Chair is in error he would be glad to be enlightened.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

Mr. CLARK. I was claiming the attention of the Chair when the Senator from Kentucky interrupted. May I make the motion, and will the Chair rule on it?

Mr. BARKLEY. Mr. President, I make the point of order that in the absence of the consent of the Senator from New York no Senator can take him off his feet by making a motion, whether the motion be a matter of privilege or not.

Mr. CLARK. I have not had the opportunity of presenting my motion. I should like to present the motion.

Mr. BARKLEY. I make the point of order.

The PRESIDENT pro tempore. Does the Senator from New York yield for the purpose stated?

Mr. COPELAND. I do not yield for any purpose that will hazard my occupancy of the floor. I prize this place so highly for the moment that I decline to yield.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CLARK. My parliamentary inquiry is, without reference to the wishes of the Senator from New York about yielding the floor, does not any Senator have the right to move that the Senate proceed to reconsideration of the bill referred to in the message just received from the House of Representatives, and to pass it, notwithstanding the objections of the President of the United States?

The PRESIDENT pro tempore. The present occupant of the chair is of the opinion that when a veto message comes to the House of Representatives and the House of Representatives, by a two-thirds vote, passes the bill, notwithstanding the objections of the President, and it comes to the United States Senate, it comes in its original form subject to reconsideration by the Senate, and if two-thirds of the Senators present and voting vote to pass the bill, notwithstanding the objections of the President, it passes as would any other bill. If there is any rule that makes it such a privileged motion as to take the Senator from New York off the floor, the Chair is not familiar with it.

Mr. CLARK. Mr. President, a further parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CLARK. What effect does the Chair give to the provisions of section 7, article I, of the Constitution, which I have just read? In other words, it is my contention, if the Chair will indulge me a moment, that if the provisions of the Constitution be insisted on and regarded, no business can intervene from the time of the reception of the message notifying the Senate officially of the action of the House until it shall be disposed of.

The PRESIDENT pro tempore. One of the provisions of the Constitution which must be taken into consideration in connection with every other provision is that the Congress may make its own rules of procedure. The Senate has made a rule of procedure with regard to what are called veto messages, and that is that on motion, just as in the case of any other bill, the Senate shall proceed to the consideration of the bill which has been vetoed. Having proceeded again to its consideration, if two-thirds of the Senators present and voting vote for it, it passes notwithstanding the President's objections. There is no privileged question in the rules of the Senate in regard to it of which the present occupant of the chair has any knowledge except rule XIX—a Senator cannot take a Senator off the floor to make a motion under that rule without his consent. Any Senator can move to

take up the message from the House when he obtains the floor in his own right.

Mr. CLARK. Mr. President, I do not wish to cause the Chair to rule several times unnecessarily, but I think this is such a very important matter that it is not improper to ask the Chair to indulge discussion of the question.

The Constitution says, not the rule of the House, not the rule of the Senate, but the Constitution itself says when the President shall have returned to the House in which it originated a bill which is vetoed, that House shall enter the objections at large on its Journal and "proceed" to reconsider the bill.

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. COPELAND. I want to ask if this proceeding is all parliamentary.

The PRESIDENT pro tempore. The Senator does not have to yield for this purpose, and if the point of order should be made that he has made two speeches, the Chair would rule that he had done so.

Mr. CLARK. Mr. President, I make the point of order that all business is out of order until the veto message of the President has been considered.

The PRESIDENT pro tempore. The Chair overrules the point of order.

Mr. CLARK. If the Chair wishes to be arbitrary, he has that privilege.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. KING. Does the Chair wish to rule that when he entertains a motion such as has been suggested by the Senator from Missouri, and the Chair permits him to present that motion, the Senator who has the floor thereby loses the floor? That, it seems to me, would be invoking the rule against honesty and decency and against fair consideration of the business of the Senate.

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. Just a minute. The Chair has not held that the motion may not be made to proceed to the consideration of the bill or any other bill if the Senator from New York yields for that purpose, but if the Senator from New York yields for that purpose he yields the floor. The Chair understood the Senator from New York to say that he would yield only for a question.

Mr. COPELAND. That is true, and I do not yield for even that now. [Laughter.]

The PRESIDENT pro tempore. Therefore, the Senator from New York has the floor and declines to yield.

Mr. COPELAND. Very well.

Mr. President, while these are very pleasant diversions, really for once in my life I have the ambition to make a connected speech. I do not wish to yield to anyone except as a matter of courtesy when a question is asked, but I must contend that my duty to myself and to the cause which I feel I represent demands that I must go forward with my remarks.

Mr. DAVIS. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state the point of order.

Mr. DAVIS. There is disorder in the Chamber. I demand order.

The PRESIDENT pro tempore. Senators will be in order.

Mr. COPELAND. Mr. President, I have yielded only for the purpose of answering questions. I cannot yield for any other purpose.

Mr. WHEELER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Montana?

Mr. WHEELER. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. COPELAND. May I yield for that purpose?

The PRESIDENT pro tempore. The Senator may yield for that purpose, of course.

Mr. WHEELER. If a motion is made to recess and the Senator speaks after that, would that constitute two speeches?

The PRESIDENT pro tempore. It would.

Mr. WHEELER. Will the Chair state what the difference would be between a motion to take a recess, being counted as interrupting the Senator's speech and he not being charged with having made two speeches, and a motion which is a privileged motion to take up a particular measure?

The PRESIDENT pro tempore. The Chair would hold that if the Senator, at the request of anyone, desires to discontinue his speech for the purpose of a recess, it will be only a suspension of all procedure during the recess if it is so understood. It will only suspend the speech.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CLARK. Suppose the Senator from New York should yield for a motion for a recess, and, while he had yielded for a motion for a recess, suppose a preferential motion to adjourn should be made. What then would be the Chair's ruling?

The PRESIDENT pro tempore. That the Senator from New York had terminated his speech.

Mr. CLARK. If the Senator from New York has a right to yield for a motion for a recess, and, having yielded for a motion for a recess, if a preferential motion for an adjournment should be made—which still can be disposed of by the Senate itself, thank God, without reference to the wishes of the Senator from New York or the Chair—would the Chair hold that that would take the Senator from New York off his feet?

The PRESIDENT pro tempore. In the Chair's opinion, there is no doubt at all that if the Senator, by unanimous consent, should yield for a motion for a recess, with the agreement that his speech was suspended, a motion to adjourn would not be permissible under such an agreement. Of course, a motion to adjourn does take precedence over a motion to recess; but unless that were done by unanimous consent the Senator would lose the floor.

Mr. CLARK. The Senator from New York, let us say, to use an illustration, having yielded the floor without the formality of a unanimous-consent agreement, and having lost control of the floor so far as preferential motions were concerned, if a preferential motion to adjourn should be made would not the Senator from New York be as much entitled to resume the floor as he would if a simple request for a lesser motion—namely, for a recess, were made?

The PRESIDENT pro tempore. When a Senator asks and obtains unanimous consent, the unanimous-consent agreement changes all the rules of the Senate, as the Chair understands. If any Senator asks and obtains unanimous consent that a Senator yield for a motion for a recess, in that event no motion to adjourn could be made under the unanimous-consent agreement, because the Senator would yield only for the purpose of a recess and with the understanding his speech should be only suspended.

Mr. BARKLEY. Mr. President, I ask the Senator from New York if he will yield to me to make a privileged motion?

Mr. COPELAND. Mr. President, may I yield to the Senator for a privileged motion without losing the floor?

Mr. CLARK. Be certain about it.

The PRESIDENT pro tempore. It depends upon whether or not it actually is a privileged motion.

Mr. BARKLEY. Will the Senator from New York, assuming that he may do so without losing the floor, yield to me to move a recess?

Mr. CLARK. Mr. President, I make the point of order that under the ruling which the Chair has just made the Senator from New York may not yield the floor.

Mr. COPELAND. Mr. President, I will go on with my speech.

Mr. BARKLEY. Mr. President, it has been held——

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. COPELAND. Yes; I decline to yield to anybody.

Just as we were discussing this matter I observed here a statement made by Mr. Brooks Adams that—

> To me this opinion, like Taney's opinion in the Charles River Bridge case, indicates that the tension had reached the breaking point, the Court yielding in all directions at once.

Of course, Mr. President, I cannot do that under the rules. I can yield only in one direction.

Mr. President, I was replying to the very earnest and serious question of the Senator from Washington [Mr. BONE]. If he happens to have in his library Dean Alfange's new book The Supreme Court and the National Will, he will find, at pages 222 et seq. a discussion along the line of the one we had relative to the tenure of office of judges. I am not going to take the time of the Senate to read it, but it is a very interesting discussion of the possibility of political bias on the part of judges. I quote the following:

> But, while the Supreme Court is free from blind partisanship, there can be no doubt that political conviction plays an important part in determining its decisions.

Even though these men are impartial, this writer thinks political considerations actuate them to some extent.

Mr. BONE. Mr. President——

Mr. COPELAND. I yield for a question only.

Mr. BONE. I shall not transgress the rule. If judges are moved at all by political considerations, does not the danger become very much greater by virtue of the fact that they are in office for life and can be removed only by the tedious process of impeachment?

Mr. COPELAND. No, Mr. President; I should not think so.

Mr. BONE. Is not the danger much greater to the Republic?

Mr. COPELAND. I should say that a man who had a stated tenure, particularly if it were to terminate at so youthful an age as 70, we will say, might, in the language of the street, continue to keep up his political fences, if that expression is intelligible to the Senator from Washington.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BARKLEY. If the Senate should take a recess now, the Senator from New York, having the floor and not having finished his speech, would he automatically have the floor upon the reconvening of the Senate tomorrow?

The PRESIDENT pro tempore. He would not. He would be recognized by the Chair, but he would not automatically have a right to the floor.

Mr. BARKLEY. It is the same thing. In other words, he would be entitled to the floor, having been taken from the floor temporarily by a recess.

The PRESIDENT pro tempore. He would have to be taken from the floor.

Mr. BARKLEY. No. The recess would suspend the speech, and leave——

Mr. CLARK. Mr. President, is the Senator from Kentucky making a parliamentary inquiry or stating a ruling?

Mr. COPELAND. Mr. President, am I within my rights in this discussion? I want to be fully so. I do not yield to anything except something which enables me to be sure that on the morrow I shall be entitled to go on with this very interesting speech. [Laughter.]

The PRESIDENT pro tempore. The Chair takes that as a parliamentary inquiry. The Chair knows of no way by which the Senator may preserve his right to continue unless and except by unanimous consent. If he yields by unanimous consent for a motion for a recess with the understanding that he shall have the floor tomorrow, his speech will be simply suspended.

Mr. BARKLEY. Mr. President, let me make a parliamentary inquiry.

When the Senate recessed on yesterday, the Senator from North Carolina [Mr. BAILEY] was in the midst of an address. When the Senate resumed today, he was again recognized to conclude his address. If there is any doubt about the right of the Senator from New York to resume tomorrow, I ask unanimous consent that when the Senate concludes its labors today it recess until 12 o'clock noon tomorrow, and that the Senator from New York then have the privilege of the floor.

Mr. CLARK. Mr. President, reserving the right to object, if the various rulings which the Chair has made within the past half hour were pursued to their logical conclusion, if there be any logical conclusion, the Senator from New York would have lost the floor on three or four occasions.

Mr. COPELAND. I do not want to do that.

Mr. CLARK. Would the Senator from Kentucky be willing to have included in his request for unanimous consent, and would the Senator from New York be willing to agree that the request of the Senator from Kentucky for unanimous consent be made to include the understanding that this is the first and not the second or third speech of the Senator from New York?

Mr. BARKLEY. I am willing to include in my request that the speech the Senator from New York is now making be regarded as his first speech, and that when he resumes tomorrow under the unanimous-consent agreement it still shall be a continuation of his first speech.

Mr. CLARK. I have no objection.

Mr. BANKHEAD. Mr. President, a parliamentary inquiry.

Mr. COPELAND. I will yield for that purpose if I am assured by the Chair that it is in harmony with his view.

The PRESIDENT pro tempore. By unanimous consent, any and all rules may be changed. The Chair holds that if the request for unanimous consent should be agreed to, the speech of the Senator would only be suspended until the convening of the Senate tomorrow, and it would be the same speech that he is making today.

Mr. BANKHEAD and Mr. McNARY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Alabama.

Mr. BANKHEAD. A parliamentary inquiry. A conference report has just reached the Senate from the House. I was chairman of the conference committee, and I desire to find how I can get in on this unanimous-consent program. [Laughter.] I want to get some action; and I call on the Chair to tell me how I can get action on the conference report.

Mr. COPELAND. I do not yield for anything. [Laughter.]

Mr. BANKHEAD. The Senator is not losing the floor; that is understood.

The PRESIDENT pro tempore. The Chair is unable to advise the Senator as to the kind of action he should take.

Mr. BANKHEAD. I ask that the unanimous-consent request be amended by including the proposition that I be permitted to call up the conference report tomorrow morning.

Mr. McNARY and Mr. BARKLEY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Oregon.

Mr. McNARY. I shall object to all unanimous-consent agreements which have been proposed, if I am not too late.

The PRESIDENT pro tempore. The Senator is not too late.

Mr. McNARY. The ruling of the Chair is not novel. He has stated the practice of the Senate from immemorial time and by immemorial usage that when a Senator has the floor and a recess is taken the Senator is recognized the next day and goes forward with his speech. It is not necessary to ask unanimous consent for that privilege. That was the privilege accorded to the Senator from North Carolina [Mr. BAILEY] last night, and is one which has been accorded to a thousand Senators during my service in the Senate. I think that is what the present occupant of the Chair intended to say. It is not asking for any new privilege; and when the Senate takes a recess, if the Senator from New York has the floor, tomorrow, by right, he can be recognized. But, of course, he could not remain in his seat indefinitely and claim the floor. Upon his recognition, he can then proceed.

With that knowledge of the rule, and knowing it will be applied tomorrow, I object to the pending request, and I object to the request suggested by the Senator from Alabama.

The PRESIDENT pro tempore. The Chair may state the Chair will undoubtedly recognize the Senator from New York if he rises tomorrow after a recess. However, the Chair will not pass on the point of order as to whether or not the remarks of the Senator tomorrow will be his second speech.

Mr. BANKHEAD. Mr. President——

Mr. COPELAND. Mr. President, I do not yield to anyone. I wish to get along with my speech now. [Laughter.]

Mr. BANKHEAD. How long?

Mr. COPELAND. I think I have answered rather fully the questions asked me by the Senator from Washington.

Mr. BARKLEY. Mr. President, may we have order?

The PRESIDENT pro tempore. Let there be order in the Senate.

Mr. COPELAND. In order to make the answer complete I wish to quote a little from the book to which I have referred. On page 222 the author says:

> But while the Supreme Court is free from blind partisanship—

In that respect the same as the Senate, I assume—

> there can be no doubt that political conviction plays an important part in determining its decisions. The great constitutional issues are, in the last analysis, political issues, and a body which contributes so decisively to their settlement cannot remain above the battle. "The judges who will be called upon to pass upon the validity of National and State legislation", says Brooks Adams, summarizing Jefferson's case against judicial review, "will be plunged in the most heated of controversies, and in those controversies they cannot fail to be influenced by the same passions and prejudices which sway other men."

Mr. President, I am on my feet very unwillingly, and I would gladly yield the floor if I could preserve my right to go on with my speech; but so long as I have the floor, and the Chair is so insistent on the rule being enforced, will he not be kind enough to see that the rule of decorum is preserved?

The PRESIDENT pro tempore. The Senate will be in order.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. COPELAND. For what purpose?

Mr. BARKLEY. Will the Senator yield to me to make a motion to recess, with the understanding that he shall be entitled to the floor when we meet tomorrow?

Mr. COPELAND. Is the Senator putting the question in parliamentary language? If not, I cannot yield to him.

Mr. BARKLEY. There is an interrogation point at the end of it.

Mr. COPELAND. I can yield to a question, I assume.

The PRESIDENT pro tempore. The Chair has said there are three motions only which take precedence: First, a motion to take up a message from the President of the United States; second, a motion to take up a message from the House of Representatives; and, third, a motion to take up a conference report. It is perfectly plain. The rule says that when any one of these motions is made all other proceedings shall be suspended. Therefore a Senator speaking could yield for that purpose without losing the floor. No other motion can be made at the same time a Senator is speaking. If he yields for a motion to be made, he, of course, yields the floor for that purpose.

So far as the Senator from New York is concerned, the Chair has already stated that in the event of a recess the present occupant of the chair would recognize the natural and moral right of the Senator to the floor tomorrow and would recognize him. As to whether or not his remarks then would be interpreted as a second speech, that question does not arise now, and would not arise until a point of order were made. But certainly if the Senator took the floor tomorrow after a recess, it would be, at all events, only a second speech, and a point of order could not then be raised. If the Senator surrenders the floor by unanimous consent of the Senate to the effect that he shall not be considered as having lost the floor, but that his speech will simply be suspended and that he shall resume the floor and continue his speech tomorrow as a part of his speech today, it will be entirely in accordance with the rules of this body.

Mr. COPELAND. Suppose, then, Mr. President, I ask unanimous consent that I may yield the floor, but resume it again tomorrow morning to continue my first speech, in order that the Senator from Kentucky may make a motion to recess?

The PRESIDENT pro tempore. The Senator would be continuing his first speech tomorrow, if that were agreed to. Does the Senator make that request?

Mr. COPELAND. I ask unanimous consent.

The PRESIDENT pro tempore. The Senator has made a request for unanimous consent. Is there objection?

Mr. CLARK. Mr. President, reserving the right to object, I desire to propound a parliamentary inquiry as to the effect of the ruling just made by the Chair. As I understand, the Chair now rules that a conference report is of higher privilege in this body than a constitutional motion to proceed to the consideration of a vetoed measure.

The PRESIDENT pro tempore. The Chair has not so ruled.

Mr. CLARK. The Chair ruled a little while ago that the motion which I made to proceed to the consideration of the vetoed measure was not privileged, and that the Senator from New York [Mr. COPELAND] could not yield the floor without losing the floor. Now, I understand the Presiding Officer to return to his ruling of a day or two ago, in which he said that a Senator holding the floor could yield for the consideration of such privileged matters as a conference report without losing the floor.

The PRESIDENT pro tempore. With reference to a conference report, the rules contain an express provision that all proceedings shall be suspended in order that it may be considered.

Mr. CLARK. I am just trying to find out whether it is the ruling of the Chair that the provision of the Senate rules has higher precedence in this body than has the Constitution of the United States.

The PRESIDENT pro tempore. The Senator knows that probably better than anybody else.

The Senator from New York [Mr. COPELAND] has made a request for unanimous consent. Is there objection? The Chair hears none, and it is so ordered.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 41 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, July 14, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 13 (legislative day of July 6), 1937

DIPLOMATIC AND FOREIGN SERVICE

Franklin Mott Gunther, of Florida, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Rumania, vice Leland Harrison.

PROMOTIONS IN THE NAVY

The following-named commanders to be captains in the Navy, to rank from the date stated opposite their names:

Harold T. Smith (an additional number in grade), June 1, 1937.
Penn L. Carroll, June 3, 1937.
Benjamin V. McCandlish, June 3, 1937.
Mark L. Hersey, Jr., June 30, 1937.
Max Burke De Mott, June 30, 1937.
Wallace L. Lind, June 30, 1937.
Marion C. Robertson, June 30, 1937.
Edward C. Raguet, June 30, 1937.
Williams C. Wickham, June 30, 1937.
Claude S. Gillette, an additional number in grade, June 30, 1937.
Thomas E. Van Metre, June 30, 1937.
John H. S. Dessez, July 1, 1937.
Sherman S. Kennedy, July 1, 1937.

The following-named lieutenant commanders to be commanders in the Navy, to rank from the 3d day of June 1937:

Henry R. Oster, an additional number in grade.
Edward B. Rogers.

The following-named lieutenant commanders to be commanders in the Navy, to rank from the 30th day of June 1937:

Harold B. Sallada	Lester J. Hudson
George R. Fairlamb, Jr.	Samuel B. Brewer
Joseph W. Gregory	Allen I. Price
Felix B. Stump	Merrill Comstock
Walter C. Calhoun	William F. Dietrich
Carl F. Holden	John B. Heffernan

Edward J. Moran	Robert E. Keating
Elliott M. Senn	Allen R. McCann
Thomas R. Cooley	William G. Ludlow, Jr.
Francis T. Spellman	Leonard B. Austin
Ben H. Wyatt	Andrew R. Mack
Robert L. Porter, Jr.	Guy W. Clark
Ward P. Davis	John V. Murphy
Earl W. Morris	Francis A. Smith
Robert W. Fleming	Douglas A. Spencer

The following-named lieutenant commanders to be commanders in the Navy, to rank from the 1st day of July 1937:

Charles W. Weitzel	Ernest B. Colton
Laurence E. Kelly	James Fife, Jr.
Forrest P. Sherman	

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the date stated opposite their names:

George C. Miller, February 1, 1937.
George H. Lyttle, February 27, 1937.
Robert W. Berry, April 1, 1937.
Lorenzo S. Sabin, Jr., April 1, 1937.
Donald T. Giles, June 1, 1937.
Campbell D. Emory, June 1, 1937.

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the 3d day of June 1937:

Arthur H. McCollum	Charles F. Macklin, Jr.
Harold R. Parker	Lawrence E. Divoll
Arnold E. True	William A. Griswold
Keith R. Belch	Edward P. Moore
Wakeman B. Thorp	Donald L. Erwin

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the 30th day of June 1937:

William C. Gray	Clarence E. Voegeli
Peter M. Moncy	Nicholas A. Draim (an additional number in grade)
Frederick I. Entwistle	John J. Pierrepont
Burtnett K. Culver	Robert N. Hunter
Clinton A. Misson	Harvey T. Walsh
Thomas L. Lewis	Wilson P. Cogswell
William D. Johnson, Jr.	John S. Harper
Joseph R. Barbaro	Peter G. Hale
Leslie K. Pollard	Adelbert F. Converse
Charles R. Lamdin	William S. Parsons
Henry T. Wray	Robert E. Blue
Philip G. Nichols	Harold D. Baker
Alex M. Loker	Bruce B. Adell
Robert E. Jasperson	Raymond A. Hansen
James V. Carney	Bradford E. Grow
Harold A. Houser	Alvin I. Malstrom
Leo J. McGowan	Edwin A. Taylor
John P. Heath	John C. Lester
Francis J. Bridget	Armand J. Robertson
Robert F. Hickey	John H. Shultz
Theodore R. Wirth	James E. Craig
James A. Roberts	Roger E. Nelson
Charles R. Brown	Herbert E. Regan
John M. Hoskins	Thomas M. Stokes
Lionel L. Rowe	Warren K. Berner
Floyd F. Ferris	Alan R. McCracken
Jefferson D. Beard	
Ruthven E. Libby	

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the 1st day of July 1937:

Omer A. Kneeland
Hyman G. Rickover
Paul H. Wiedorn

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the date stated opposite their names:

Harper D. Scrymgeour, June 30, 1936.
Carroll H. Taecker, June 30, 1936.
Edwin J. S. Young, January 22, 1937.
John A. Williams, June 1, 1937.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the 3d day of June 1937:

Frank McD. Nichols	Roy Jackson
Jack C. Renard	Roy L. Johnson
Earl H. Pope	John F. Davidson
Joseph P. Canty	Bruce A. Van Voorhis
Albert C. Perkins	Charles O. Triebel
Charles T. Fitzgerald	Reynold D. Hogle
Herman L. Ray	

Lt. (Jr. Gr.) Richard R. Ballinger to be a lieutenant in the Navy, from the 26th day of June 1937.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the 30th day of June 1937:

William T. Easton	Robert J. Connell
Granville C. Briant	Whitmore S. Butts
Charles H. Crichton	George L. Kohr
William M. Walsh	James H. Flatley, Jr.
Seraphin B. Perreault	William S. Stovall, Jr.
Finley E. Hall	Thurlow W. Davison
Robert N. S. Clark	Carl E. Giese
William I. Darnell	Frank A. Brandley
David J. Welsh	John H. McElroy
William E. Pennewill	William J. Richter
Lloyd K. Greenamyer	Dominic L. Mattie
Robert H. Wilkinson	James H. Howard
Daniel Carlson	William B. Moore
Robert W. Denbo	Donald W. Gladney, Jr.
Jacob W. Britt	William E. Gentner, Jr.
Albert D. Lucas	Frederick V. H. Hilles
Charles R. Fenton	Paul L. de Vos

The following-named ensigns to be lieutenants (junior grade) in the Navy, to rank from the 29th day of May 1937:

Robert H. Isely	Stanley M. Barnes
Clarence A. Keller, Jr.	George D. Gregor
George T. McCutchan	Reuben E. Stanley
Francis A. Dolan	Elliott L. James, Jr.
Robert S. Camera	George P. Unmacht
Jamie E. Jones	William M. Rakow
Edward H. C. Fredericks	William A. Hunt, Jr.
Glover T. Ferguson	David R. Stephan
James D. Ferguson	Maurice B. Brown
Irvin L. Dew	

The following-named ensigns to be lieutenants (junior grade) in the Navy, to rank from the 31st day of May 1937:

Frank A. Nusom	Charles W. Brewer
James P. Craft, Jr.	Frederic W. Hawes
Richard F. Kane	James S. Tyler
Spencer M. Adams	Marvin I. Rosenberg
Fred D. Pfotenhauer	Carl W. Middleton, Jr.
Melvin W. Woods	Arthur E. Krapf
Robert D. Risser	Eric L. Barr, Jr.
Homer H. Nielsen	Allan G. Schnable
Lester S. Chambers	John C. Nichols
Robert K. Johnston	Arden Packard
Edwin S. Lee, Jr.	Statton R. Ours, Jr.
Edwin H. Schantz	Joseph B. Tibbets
Leslie M. Slack	Edward N. Blakely
Grayson Merrill	Barton E. Day
Clyde J. Van Arsdall, Jr.	Earl K. McLaren
John J. Hyland	Howard E. Day, Jr.
Richard R. Boutelle	Lewis Freedman
William E. Sweeney	Thomas B. Oakley, Jr.
Robert L. Townsend	Marshall W. White
William L. Guthrie	Terry L. Watkins
James R. Compton	Robert Donaldson
Otto C. Schatz, Jr.	Francis O'C. Fletcher, Jr.
Hugh M. Maples	Thompson C. Guthrie, Jr.
Howard T. E. Anderson	James M. Clute
John A. Horton, Jr.	William J. Drumtra
William C. Murphy	Cecil K. Harper
Willard J. Bain	Robert R. Williams, Jr.

Herman H. Kait	James E. Johnson
James W. Brock	Samuel R. Brown, Jr.
Philip H. Torrey, Jr.	Wendell H. Froling
Frank K. Upham	Clarence T. Doss, Jr.
George W. Lautrup, Jr.	William W. Stark, Jr.
Charles H. Clark	George F. Davis
Walker Ethridge	Frank C. Bolles, Jr.
Richard E. Bly	Arthur L. Benedict, Jr.
Charles Antoniak	Craig R. Garth
Jackson D. Arnold	Lester J. Stone
Frank M. Whitaker	Joseph W. Stivers
William M. Collins, Jr.	Malcolm C. Reeves
James H. Newell	Willie M. Dickey
Henry C. Spicer, Jr.	Sidney D. B. Merrill
James E. Owers	William A. Stevenson
Carlyle Ingram	George F. Stanish
Stuart Stephens	Robert M. Milner
Mark A. Grant	Isaiah M. Hampton
William A. Dean, Jr.	Gordon P. Chung-Hoon
Leslie K. Taylor	Charles E. Thurston, Jr.

The following-named surgeons to be medical inspectors in the Navy, with the rank of commander, to rank from the date stated opposite their names:

John M. McCants, June 30, 1936.
Richard C. Satterlee, June 30, 1936.
Herbert L. Shinn, June 30, 1936.
John R. Poppen, June 30, 1936.
Carl J. Robertson, June 3, 1937.
Lea B. Sartin, June 3, 1937.
William H. Funk, July 1, 1937.
George W. Wilson, July 1, 1937.
Wendell H. Perry, July 1, 1937.
Joseph B. Logue, July 1, 1937.

The following-named passed assistant surgeons to be surgeons in the Navy, with the rank of lieutenant commander, to rank from the 30th day of June 1937:

John M. Bachulus	Carl D. Middlestadt
Harry D. Templeton	John Q. Owsley, Jr.
Walter F. J. Karbach	Arra B. Chesser
Dwight J. Wharton	John R. Smith
Arthur P. Morton	Thomas F. Cooper
Oliver R. Nees	John R. Lynas
Harvey E. Robins	Walter G. Kilbury
Robert K. Y. Dusinberre	Carl M. Dumbauld

The following-named assistant surgeons to be passed assistant surgeons in the Navy, with the rank of lieutenant, to rank from the 3d day of June 1937:

William L. Engelman	William T. Booth
Paul K. Perkins	James J. Sapero
Howard K. Sessions	George R. Hogshire, Jr.
Victor G. Colvin	Charles D. Bell
Donald O. Wissinger	Stephen E. Flynn
Harold J. Cokely	

The following-named assistant surgeons to be passed assistant surgeons in the Navy, with the rank of lieutenant, to rank from the 30th day of June 1937:

Frank R. Urban	Alton R. Higgins
Edgar Ricen	Luther G. Bell
Clarence R. Pentz	

Passed Asst. Dental Surg. Francis W. Lepeska to be a dental surgeon in the Navy, with the rank of lieutenant commander, to rank from the 30th day of June 1937.

The following-named paymasters to be pay inspectors in the Navy, with the rank of commander, to rank from the 1st day of July 1937:

David P. Polatty	Frank C. Dunham
Carlton R. Eagle	Walter A. Buck
Wilson S. Hullfish	Thomas E. Hipp
Percy C. Corning	Ray C. Sanders

The following-named assistant paymasters to be passed assistant paymasters in the Navy, with the rank of lieutenant, to rank from the 30th day of June 1937:

Charles A. Meeker
John K. Chisholm
William J. Laxson

Naval Constructor Thomas B. Richey to be a naval constructor in the Navy, with the rank of captain, to rank from the 1st day of June 1937.

WITHDRAWAL

Executive nomination withdrawn from the Senate July 13 (legislative day of July 6), 1937

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY TO RUMANIA

Franklin Mott Gunther to be Envoy Extraordinary and Minister Plenipotentiary of the United States to Rumania.

HOUSE OF REPRESENTATIVES

TUESDAY, JULY 13, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed be the name of the Lord our God, whose delight is in them that fear Him and put their trust in His mercy. We thank Thee for the infinite love revealed in the incomparable life and character of Thine only begotten Son. Help us, we pray Thee, our Father, to follow His example, that we may ennoble and dignify our daily conduct. Keep us very conscious of that joy which comes when His spirit hallows our industry and achievements. Bless all influences which inspire the arts of happiness and good will among men. Grant that the harmonies of union and concord may prevail throughout our country, and Thine shall be the praise. In the name of our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate disagrees to the amendment of the House to the bill (S. 707) entitled "An act for the relief of Lucille McClure", requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BAILEY, Mr. LOGAN, and Mr. WHITE to be the conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to speak for 2 minutes in order to propound an inquiry of the majority leader.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, I understand there is a movement on foot to recess Congress the latter part of this week, for something like 2 weeks, and I have obtained this time to inquire of the gentleman from Texas [Mr. RAYBURN] if he can give us any information at this time on that proposition?

Mr. RAYBURN. I cannot. In response to the gentleman from New York [Mr. SNELL] last week with reference to the matter as to whether we might reach a point in the proceedings where we could have an agreement to recess for 10 days or 2 weeks, I expressed the hope that we might reach a condition in legislative matters where we could do that; but, as was stated by the Speaker in his press conference, that was simply the expression of a hope. There has been no plan worked out to do anything like that this week.

Mr. RANKIN. Let me say to the gentleman from Texas [Mr. RAYBURN] that if any plan for a recess is worked out I hope that it will be withheld until at least two bills can be considered by the House; first, the veterans' bill now on the Speaker's desk, which I think we may be able to dispose of tomorrow, and also the Bonneville bill. The Rivers and Harbors Committee has been working on that measure for some time, and we will probably get a rule on it from the

Committee on Rules tomorrow. This great project is now completed, and those of us who are in sympathy with it are very anxious to put it to work, and if there is any movement made for a recess for 2 weeks, or any time for over 3 days, I hope that it will be withheld until we can dispose of the Bonneville bill.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. SNELL. Mr. Speaker, I ask unanimous consent to proceed for a minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. SNELL. I do this in order to inquire of the gentleman from Texas [Mr. RAYBURN] whether any progress has been made along the line we were talking about the other day, in respect to a recess?

Mr. RAYBURN. Not at this early date.

Mr. SNELL. I really wish something could be done along that line. It will meet with the approval of the country.

Mr. RANKIN. Let us first pass the Bonneville bill.

Mr. SNELL. That is a $50,000,000 proposition.

Mr. RANKIN. It was money well spent, if we will now put it to work for the American people. It is the beginning of a T. V. A. for the West.

JANITOR FOR COMMITTEE ON EDUCATION

Mr. WARREN. Mr. Speaker, I present a privileged report from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 274

Resolved, That until otherwise authorized by law there shall be paid out of the contingent fund of the House of Representatives the sum of $1,260 per annum, payable monthly, as compensation to a janitor for the Committee on Education, to be appointed by the chairman of said committee.

The SPEAKER. The question is on agreeing to the resolution.

Mr. SNELL. Mr. Speaker, what committee is this?

Mr. WARREN. It is the Committee on Education. I think it is about the only committee in the House that does not have a janitor.

Mr. RANKIN. Oh, no.

Mr. WARREN. One of a very few.

Mr. RANKIN. Let me correct the gentleman from North Carolina.

Mr. SNELL. I desire to ask the gentleman from North Carolina a question about that.

Mr. WARREN. Very well.

Mr. SNELL. What reason is there at this time, after all these years, and just as Congress is nearly adjourned, to appoint a janitor to the Committee on Education? This committee has not had a meeting in 3 months. Has no bills before it or none on the calendar. What important matters has that committee before it that cannot be attended to by the regular members of the committee under the conditions that have existed for the last 50 years?

Mr. WARREN. In the first place, Mr. Speaker, this is a unanimous report from the Committee on Accounts, in which the minority members of the committee concur. Recently we have had a five-way shift in the chairmanships of the House. The gentleman from Indiana [Mr. LARRABEE], who has been the chairman of the Committee on the Census, which committee has both a clerk and a janitor, gave up that committee and accepted the chairmanship of the Committee on Education, which committee has only a clerk and no janitor. I think it is generaly admitted that in recent years the work of the Committee on Education has become quite important and will become more so as years go on.

It is only a matter of fairness to the gentleman from Indiana [Mr. LARRABEE] that this janitor be given to his committee.

Mr. SNELL. Will the gentleman answer another question?

Mr. WARREN. Certainly.

Mr. SNELL. Has the Committee on Education any bills on the calendar at the present time?

Mr. WARREN. I am unable to answer that question. I know that committee has been considering important legislation this entire session.

Mr. SNELL. It does not seem to me that because the chairmanship has been changed we should give him a janitor just on that account. He did not have to accept the chairmanship. It does not seem to me that is a real argument.

Mr. WARREN. I will say to the gentleman that that was not the reason.

Mr. SNELL. That is the reason the gentleman just gave.

Mr. WARREN. The reason I gave is that that committee is entitled to a janitor.

Mr. SNELL. Will the gentleman tell me why they are entitled to a janitor?

Mr. WARREN. It is in exactly the same class as about 15 other committees of the House that do have a janitor, and it is the only committee of its class in the House that does not have a janitor.

Mr. SNELL. The only committee in the House that does not have a janitor?

Mr. WARREN. Of its class.

Mr. SNELL. What does the gentleman mean by that?

Mr. WARREN. I mean those that have clerks carrying a salary of $2,760.

Mr. SNELL. With the statement of your own President that he is going to cut down the expenditures of this Government, it seems to me a foolish proposition to start in creating new jobs for janitors just as the Congress is about to adjourn.

Mr. WARREN. The gentleman knows I do not bring in resolutions creating new jobs, nor have I in the last 6 years.

Mr. SNELL. I know that, and that is why I am so greatly surprised at this time.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. WARREN. I yield.

Mr. DONDERO. I know of no bill on the calendar from our Committee on Education.

Mr. WARREN. I did not say so.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. WARREN. I yield.

Mr. RANKIN. I understand this employee, in addition to being janitor, is also messenger for the committee?

Mr. WARREN. That is correct.

Mr. RANKIN. What I want to call attention to is that the Veterans' Committee has no messenger and no janitor. The clerks on the Veterans' Committee do more work for other Members of Congress than the employees of any other committee in Congress.

Mr. WARREN. I suggest the gentleman from Mississippi refer that matter to the Committee on Accounts.

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mr. WARREN. I yield.

Mr. REES of Kansas. As a member of the Committee on Education, I am not informed that there are any bills pending before that committee at this time. I do not see any occasion whatsoever to employ a janitor or anybody else on behalf of that committee at this time.

Mr. WARREN. The gentleman knows there is a very important bill before that committee.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the passage of the resolution.

The question was taken; and on a division (demanded by Mr. WARREN) there were ayes 110 and noes 75.

Mr. SNELL. Mr. Speaker, I object to the vote on the ground that there is no quorum present and I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and thirteen Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 235, nays 113, answered "present" 2, not voting 81, as follows:

[Roll No. 106]

YEAS—235

Aleshire	Eckert	Kirwan	Pearson
Allen, Ill.	Faddis	Kleberg	Peterson, Fla.
Allen, La.	Farley	Kocialkowski	Peterson, Ga.
Atkinson	Fitzpatrick	Kramer	Pettengill
Barden	Flannagan	Lambeth	Pfeifer
Barry	Flannery	Lamneck	Pierce
Beam	Fleger	Lanham	Polk
Bell	Fletcher	Lanzetta	Quinn
Bernard	Forand	Larrabee	Rabaut
Biermann	Ford, Calif.	Lea	Ramsay
Bigelow	Frey, Pa.	Leavy	Ramspeck
Bland	Fries, Ill.	Lesinski	Randolph
Bloom	Gambrill	Lewis, Colo.	Rankin
Boehne	Garrett	Lewis, Md.	Rayburn
Boland, Pa.	Gildea	Long	Reilly
Boren	Goldsborough	Lucas	Richards
Boykin	Gray, Ind.	Ludlow	Rigney
Brooks	Greenwood	McAndrews	Robertson
Brown	Greever	McCormack	Robinson, Utah
Buck	Griffith	McGehee	Rogers, Okla.
Bulwinkle	Griswold	McGranery	Rutherford
Burch	Haines	McGrath	Sabath
Cartwright	Hamilton	McGroarty	Sacks
Champion	Hancock, N. C.	McKeough	Sanders
Chandler	Harlan	McLaughlin	Schaefer, Ill.
Chapman	Harrington	McMillan	Schulte
Citron	Hart	McReynolds	Shannon
Clark, Idaho	Harter	Magnuson	Sheppard
Clark, N. C.	Havenner	Mahon, S. C.	Simpson
Claypool	Healey	Mahon, Tex.	Smith, Va.
Cochran	Hendricks	Maloney	Smith, Wash.
Coffee, Nebr.	Hennings	Martin, Colo.	Snyder, Pa.
Coffee, Wash.	Higgins	Massingale	Somers, N. Y.
Colden	Hildebrandt	Maverick	Sparkman
Cole, Md.	Hill, Wash.	Mead	Spence
Cooley	Honeyman	Merritt	Steagall
Cooper	Hook	Mills	Sumners, Tex.
Cox	Houston	Mitchell, Ill.	Swope
Crowe	Hunter	Moser, Pa.	Thom
Cullen	Imhoff	Mosier, Ohio	Thomas, Tex.
Cummings	Izac	Mouton	Thomason, Tex.
Curley	Jacobsen	Murdock, Ariz.	Tolan
Daly	Jarman	Nichols	Towey
Deen	Jenckes, Ind.	Norton	Transue
Delaney	Johnson, Luther A.	O'Brien, Ill.	Umstead
Dempsey	Johnson, Lyndon	O'Brien, Mich.	Vinson, Fred M.
DeRouen	Johnson, Okla.	O'Connell, Mont.	Wallgren
Dickstein	Johnson, W. Va.	O'Connell, R. I.	Walter
Dies	Jones	O'Connor, Mont.	Warren
Dingell	Kee	O'Connor, N. Y.	Wearin
Disney	Keller	O'Day	West
Dixon	Kelly, Ill.	O'Leary	Whelchel
Dorsey	Kelly, N. Y.	O'Malley	Whittington
Doughton	Kennedy, Md.	O'Neill, N. J.	Wilcox
Doxey	Kennedy, N. Y.	O'Toole	Withrow
Drewry, Va.	Kenney	Palmisano	Wolfenden
Driver	Keogh	Parsons	Wolverton
Duncan	Kerr	Patman	Zimmerman
Dunn	Kinzer	Patton	

NAYS—113

Allen, Pa.	Elliott	Luce	Sauthoff
Anderson, Mo.	Engel	Luckey, Nebr.	Schneider, Wis.
Andresen, Minn.	Englebright	McClellan	Seger
Andrews	Fish	McFarlane	Shafer, Mich.
Arends	Ford, Miss.	Mapes	Short
Arnold	Fuller	Martin, Mass.	Smith, Conn.
Ashbrook	Gearhart	Mason	Smith, Maine
Binderup	Gehrmann	May	Snell
Boileau	Gregory	Meeks	South
Brewster	Guyer	Michener	Starnes
Buckler, Minn.	Gwynne	Miller	Stefan
Burdick	Halleck	Mitchell, Tenn.	Tarver
Carlson	Hancock, N. Y.	Nelson	Taylor, S. C.
Carter	Hill, Okla.	Oliver	Terry
Case, S. Dak.	Hobbs	O'Neal, Ky.	Thomas, N. J.
Church	Hoffman	Owen	Thompson, Ill.
Clason	Holmes	Pace	Thurston
Cluett	Hope	Patterson	Tinkham
Cole, N. Y.	Hull	Plumley	Treadway
Colmer	Jarrett	Poage	Turner
Costello	Jenkins, Ohio	Powers	Vincent, B. M.
Crawford	Jenks, N. H.	Reece, Tenn.	Voorhis
Creal	Kitchens	Reed, Ill.	Williams
Dirksen	Knutson	Reed, N. Y.	Wolcott
Ditter	Kopplemann	Rees, Kans.	Wood
Dondero	Kvale	Rich	Woodruff
Dowell	Lambertson	Robsion, Ky.	
Eberharter	Lemke	Rogers, Mass.	
Eicher	Lord	Romjue	

ANSWERED "PRESENT"—2

Collins McLean

NOT VOTING—81

Allen, Del.	Bradley	Celler	Dockweiler
Amlie	Buckley, N. Y.	Cravens	Douglas
Bacon	Byrne	Crosby	Drew, Pa.
Bates	Caldwell	Crosser	Eaton
Beiter	Cannon, Mo.	Crowther	Edmiston
Boyer	Cannon, Wis.	Culkin	Ellenbogen
Boylan, N. Y.	Casey, Mass.	DeMuth	Evans
Ferguson	Kloeb	Schuetz	Teigan
Fernandez	Kniffin	Scott	Tobey
Fitzgerald	Luecke, Mich.	Scrugham	Vinson, Ga.
Fulmer	McSweeney	Secrest	Wadsworth
Gasque	Maas	Shanley	Weaver
Gavagan	Mansfield	Sirovich	Welch
Gifford	Millard	Smith, W. Va.	Wene
Gilchrist	Mott	Stack	White, Idaho
Gingery	Murdock, Utah	Sullivan	White, Ohio
Gray, Pa.	Patrick	Sutphin	Wigglesworth
Green	Peyser	Sweeney	Woodrum
Hartley	Phillips	Taber	
Hill, Ala.	Ryan	Taylor, Colo.	
Johnson, Minn.	Sadowski	Taylor, Tenn.	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Boylan of New York (for) with Mr. Douglas (against).
Mr. Vinson of Georgia (for) with Mr. Bacon (against).
Mr. Mansfield (for) with Mr. Eaton (against).
Mr. Evans (for) with Mr. White of Ohio (against).
Mr. Boyer (for) with Mr. Gifford (against).
Mr. Fitzgerald (for) with Mr. Tobey (against).
Mr. Byrne (for) with Mr. Crowther (against).
Mr. Ellenbogen (for) with Mr. Maas (against).
Mr. Beiter (for) with Mr. Bates (against).
Mr. Casey of Massachusetts (for) with Mr. Maas (against).
Mr. Sullivan (for) with Mr. Mott (against).
Mr. Dockweiler (for) with Mr. Culkin (against).
Mr. Gavagan (for) with Mr. Wigglesworth (against).
Mr. McSweeney (for) with Mr. Hartley (against).
Mr. Schuetz (for) with Mr. Millard (against).
Mr. Shanley (for) with Mr. Taylor of Tennessee (against).

Until further notice:

Mr. Woodrum with Mr. Wadsworth.
Mr. Green with Mr. Gilchrist.
Mr. Weaver with Mr. Welch.
Mr. Fulmer with Mr. Amlie.
Mr. Taylor of Colorado with Mr. Johnson of Minnesota.
Mr. Cannon of Missouri with Mr. Teigan.
Mr. Crosser with Mr. Wene.
Mr. Allen of Delaware with Mr. Patrick.
Mr. Sutphin with Mr. Stack.
Mr. Phillips with Mr. Ferguson.
Mr. Kniffin with Mr. Bradley.
Mr. Celler with Mr. Scrugham.
Mr. Edmiston with Mr. Ryan.
Mr. Cravens with Mr. Gingery.
Mr. Gasque with Mr. Secrest.
Mr. Buckley of New York with Mr. Sadowski.
Mr. Fernandez with Mr. Gray of Pennsylvania.
Mr. Scott with Mr. Luecke of Michigan.
Mr. Hill of Alabama with Mr. Sweeney.
Mr. Drew of Pennsylvania with Mr. Smith of West Virginia.
Mr. Caldwell with Mr. Peyser.
Mr. DeMuth with Mr. Crosby.

Mr. SMITH of Connecticut changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The doors were opened.

ADDITIONAL JANITOR, COMMITTEE ON WAYS AND MEANS

Mr. WARREN. Mr. Speaker, I offer a privileged resolution from the Committee on Accounts and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 275

Resolved, That until otherwise authorized by law there shall be paid out of the contingent fund of the House of Representatives the sum of $1,260 per annum, payable monthly, as compensation to an additional janitor to the Committee on Ways and Means to be appointed by the chairman of said committee: *Provided, however*, That the authorization and appropriation contained herein shall terminate whenever a vacancy occurs in the position now held by Harry Parker.

Mr. WARREN. Mr. Speaker, 63 years ago a 12-year-old barefoot boy was found in the rotunda of the Capitol shining the boots of the Members of the House. He had come to town on the milk wagon from the Mount Vernon estate, where he and all of his forebears were born. His name was Harry Parker, and he had missed the return trip of the milk wagon. Since that time he has been working here in this building. We can well imagine that one of his courtly manner did come from the environs of Mount Vernon. There is a great fresco on the minority side of the House depicting Cornwallis treating for peace. Directly behind General Washington and one of his generals in that historic scene is a colored boy who was Washington's body servant,

and who carried his name. The boy in that painting is the grandfather of Harry Parker.

After performing various duties here in the Capitol for 17 years Harry became the janitor of the Ways and Means Committee in 1891, when it was headed by the brilliant William L. Wilson, of West Virginia. For 46 years, beginning with Mr. Wilson and continuing under Nelson Dingley, of Maine; Sereno E. Payne, of New York; Oscar W. Underwood, of Alabama; Claude Kitchin, of North Carolina; Joseph W. Fordney, of Michigan; William R. Green, of Iowa; Willis N. Hawley, of Oregon; James W. Collier, of Mississippi; and Robert L. Doughton, of North Carolina, he has been the faithful and loyal attendant upon that great committee and his cheery smile has greeted thousands of Members and visitors during his 63 years of continuous service as an employee of the House of Representatives. I can properly term him here today as a Christian gentleman.

He says he is 75 years old. From my check-up I think he must be much older.

Mr. Speaker, Harry is tired. The old man is weary. He is "wore out." His feet hurt him. Now you have got to come from my section or from Georgia or Mississippi to know what it means when an old colored man's feet begin to always hurt him. He has walked countless miles around these corridors carrying important messages and documents and ministering to the committee he loves so much. Harry needs a rest, and who is there who would keep him from it in the fullness of his years?

He receives a salary of $130 per month. This resolution merely permits the Ways and Means Committee to have an assistant messenger and janitor at the rate of $105 per month, and when Harry passes on to his reward the position is terminated. It is distinctly understood that this shall not be construed to be any precedent.

He said to me this morning, "Boss, if you gemmuns do this, what in the world is going to happen to me away from all of you?"

And I said, "Harry, just hang around here and make yourself at home the rest of your life, for you are just as much a part of this institution as is the dome over this building." [Applause, the Members rising.]

Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina [Mr. DOUGHTON].

Mr. DOUGHTON. Mr. Speaker, I have enjoyed and I appreciate very much the historic facts related by my colleague, the distinguished chairman of the Committee on Accounts relative to the lifelong, faithful, and efficient services of Harry Parker. I have been here quite a while myself as years are numbered. When I arrived in Washington one of the first persons with whom I became acquainted and by whose faithful and diligent services I became attracted was Harry Parker. I have been a member of the Committee on Ways and Means for more than 12 years, never dreaming at the time I was elected to that committee that I would ever have the honor of serving as its chairman. I have been chairman of the committee a little more than 4 years. As has been stated, Harry Parker has been messenger of that committee beginning simultaneously with the services of Chairman Wilson, of West Virginia.

This, Mr. Speaker, is an outstanding exception, an extraordinary exception; in fact, Harry Parker is an extraordinary character. He is one of the most faithful, diligent, and conscientious public servants with whom I have ever been acquainted or whom it has ever been my privilege to know.

Harry Parker is the most industrious, the most faithful, and the most active of all the employees connected with our committee. I arrive at my office each morning before the elevator starts, which is prior to 7:30 a. m. When I reach my office Harry is there, and he remains all day. I cannot get him to take a rest or a vacation. Harry has collapsed two or three times on account of the condition of his health. He is not able to continue to do the work that is required of his position.

Mr. Speaker, I hope the resolution will be unanimously adopted as a tribute to the long, faithful, and loyal service of one of the most faithful employees I have ever known around the Capitol.

I do not have at my command words to adequately express my feelings and my sentiments with regard to the services and the worth of this faithful employee. He is unable to live without his salary, therefore he cannot quit. But as my good friend the gentleman from North Carolina said, we want Harry to be at liberty and be at ease, so that he may come and go when he likes and have a sufficient amount of money to live on for the remainder of his days as a recognition and reward for his long and faithful service and an expression of the appreciation of this House of work well done and services faithfully performed and the fine example he has set that all public employees might profitably emulate.

Mr. WARREN. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Speaker, everything has been said that need be said in relation to Harry Parker by the two gentlemen from North Carolina. It so happens that I am the senior member of the Ways and Means Committee in point of service on either side of the aisle. I simply wish to add my word of appreciation for the many years of personal contact with Harry Parker and to say that from the days of Claude Kitchin, who was the first chairman I served under, the list as presented by the gentleman from North Carolina actually covers a service of over 20 years that some of the Members have known him and his willing service not only to the committee members but to all with whom he has been thrown in contact.

When I came to Congress, Harry was in his prime, although he had then been with the Congress a great many years. I am sure I voice the sentiments not only of my colleagues on the Republican side but every Member that has served on the Ways and Means Committee during the period to which the gentleman from North Carolina [Mr. WARREN] referred, and I am sure all Members are in hearty accord with the recognition that this House of Representatives is willing to make today to a faithful, not servant, but companion, one might almost say, in the personality of Harry.

As the gentleman from North Carolina so well stated, this establishes no precedent. Where will we find another that has continuously served this membership for 63 years as Harry has done? The reminiscences of his days with the leaders of Congress in times gone by could be made a volume of very great interest, because he has watched the proceedings of Congress, particularly the proceedings of the Ways and Means Committee, over a long period of years, and has learned his lesson of the events of the day thoroughly. I feel that we are doing ourselves credit when we make this slight recognition of the long, faithful, arduous, and thoroughly satisfactory service of one of the finest characters I have ever known in my public life. I therefore join with the gentleman from North Carolina in urging the adoption of the pending resolution. [Applause.]

Let me add the following as illustrative of the depth of character of this man and of his tender nature and gratitude. I think it is proper to recite to the House an incident that occurred at the time of Speaker Longworth's death in April 1931.

There was sincere affection between the late Speaker Longworth and Harry Parker. Harry felt Mr. Longworth's death very keenly; he had lost a real friend. Congress was not in session when the Speaker passed away. It had adjourned a month before, hence there was no opportunity for the House to pay tribute. The House Chamber was deserted and silent. But there was one who entered the empty Hall to do homage to his devoted friend. It was Harry Parker. With tears streaming down his ebony face and with a simple prayer upon his lips Harry laid upon the Speaker's rostrum where Mr. Longworth had presided over the House for three terms a spray of lovely American Beauty roses and the gavel used by the Speaker when performing his last official acts. A touching tribute, born of the love of

a faithful colored servant with a white heart to a great and good man.

Mr. WARREN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. MITCHELL].

Mr. MITCHELL of Illinois. Mr. Speaker and Members of the House, to me this is a great occasion. We are about to pay honor and show proper recognition to a man of my race who has rendered unusual service to the Congress and to the Nation. Because of the unique and important place the Negro occupies in the American Nation, and because of the high-class service the Negro has rendered this Nation for more than 300 years, and which he continues to render, and because he is often overlooked on occasions of this kind, it is very significant that the Honorable LINDSAY WARREN, a Member of this House for many years, coming from the State of North Carolina, has introduced this resolution which provides for the care and comfort of Mr. Harry Parker, who has been in the service of various committees at this Capitol for more than 60 years.

He has rendered distinguished service and has shown himself to be worthy of the respect, the confidence, and the admiration of this great body of men, numbering many thousands, who have come to the House during his employment here. I cannot let the occasion pass over my head without adding my word to what has been said here in his behalf and in commendation of this splendid service which he has rendered. I wish to say that the just recognition which we are showing him will reflect itself in the lives of the young and old of my race who believe in just and proper recognition of all mankind regardless of race. In the step that we are about to take here today, we are simply doing for Mr. Harry Parker what George Washington did for the grandfather of Harry Parker about 140 years ago.

I brought here a section taken from George Washington's will bearing on the same thing and while it will take about 3 minutes for me to read it, I believe the Speaker and the House will bear with me so that I may read just what George Washington said about the very thing we are doing here.

I quote from the last will of President Washington:

> Upon the decease of my wife, it is my will and desire that all the slaves whom I hold in my own right shall receive their freedom. To emancipate them during her life would, though earnestly wished by me, be attended with such insuperable difficulties, on account of their intermixture by marriage with the dower Negroes, as to excite the most painful sensations, if not disagreeable consequences to the latter, while both descriptions are in the occupancy of the same proprietor; it not being in my power, under the tenure by which the dower Negroes are held to manumit them. And whereas among those who will receive freedom according to this devise, there may be some, who, from old age or bodily infirmities, and others, who on account of their infancy, will be unable to support themselves, it is my will and desire that all who come under the first and second description shall be comfortably clothed and fed by my heirs while they live; and such of the latter description as to have no parents living, or, if living are unable or unwilling to provide for them, shall be bound by the court until they shall arrive at the age of 25 years. * * * The Negroes thus bound are (by their masters or mistresses) to be taught to read and write, and to be brought up to some useful occupation. * * * And I do expressly forbid the sale or transportation out of the said Commonwealth of any slave I may die possessed of under any pretense whatsoever. And I do moreover most pointedly and most solemnly enjoin it upon my executors hereafter named, or the survivors of them, to see that this clause respecting slaves, and every part thereof, be religiously fulfilled at the epoch at which it is directed to take place, without evasion, neglect, or delay, after the crops which may be then on the ground are harvested, particularly as it affects the aged and infirm; seeing that a regular and permanent fund be established for their support, as long as there are any subjects requiring it; not trusting to the uncertain provision to be made by individuals. And to my mulatto man William, calling himself William Lee, I give immediate freedom, or, if he should prefer it (on account of the accidents which have befallen him, and which have rendered him incapable of walking, or of any active employment), to remain in the situation he now is, it shall be optional in him to do so; in either case, however, I allow him an annuity of $30 during his natural life, which shall be independent of the victuals and clothes he has been accustomed to receive, if he chooses the last alternative; but in full with his freedom, if he prefers the first; and this I give him as a testimony of my sense of his attachment to me, and for his faithful services during the Revolutionary War.

It is significant that George Washington, the Father of his Country, did for his disabled, incapacitated slaves just what we are proposing to do here for a descendant of George Washington's faithful Negro bodyguard. The Father of his Country, about 150 years ago, considered the debt of gratitude he owed his Negro slaves and made provision for their freedom at the death of his wife. At the same time he provided a pension for all of his disabled slaves at that time and for those who would be disabled at the death of his wife.

He realized that these people, though slaves, had made a large contribution to his own success. One of them particularly, William Lee by name, had gone with the general as his bodyguard through the Revolutionary War, had stood by him during his most critical hours, served and nourished him during his hours of illness, encouraged and prayed for him during hours of darkness and seemingly despair.

Washington would highly approve what the House of Representatives is doing today for a grandson of that Negro slave who went with him through the Revolutionary War and administered to his wants until the death of the general. This faithful man that we are honoring today is an exemplification of the fine traits shown in the character of Washington. He has served this Nation at this Capitol during the past 63 years and has rendered the highest type of service at all times. He has made thousands of friends by reason of his honesty, his faithfulness, his industry, and his sterling character. His life might well be an example for the young people of this age—both white and colored—because it is refreshing to pause for a moment and review the life of one who has rendered so many years of service to his fellow man and to his country, and has done so because of his love for his fellow man, his loyalty to his country, and his faithfulness to every trust.

During the long years that Harry Parker has been employed at this Capitol he has not been an eye servant; he has been efficient and faithful in every respect; and when I say he has been efficient I simply mean this: He has done the right thing in the right way at the right time without having to be told. What trait of success is more needed among our young today than that trait, so well illustrated in the life of this man we are honoring? I wish to congratulate the Honorable LINDSAY WARREN for bringing this resolution before the House providing for this recognition of the fine work done by my friend. I wish to congratulate the House for the fine spirit displayed here in honoring this man for the work he has done. I regard this as typical of the highest American spirit and ideal. I am happy, indeed, to have had this opportunity to say this word on this occasion, where such humane consideration is being shown a faithful and deserving member of my race. [Applause.]

[Here the gavel fell.]

Mr. WARREN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. JENKINS] and 1 minute to the gentleman from California [Mr. FORD].

Mr. JENKINS of Ohio. Mr. Speaker, to the long list of distinguished chairmen of the Ways and Means Committee under whom Mr. Parker worked, one was inadvertently omitted. I refer to Mr. William McKinley. I know that Mr. McKinley and Mr. Parker were very warm friends. Most great men—and Mr. McKinley was a most striking example—were very cordial to those who were closely associated with them. When Mr. McKinley was chairman of the Ways and Means Committee much of his work was done in what we now call the little Ways and Means room. And there it was he spent most of his spare time. Harry Parker had the privilege of waiting on this distinguished man, who was quite as distinguished in his courteous manner as in his statesmanship. Mr. McKinley and Harry had one thing in common besides their innate courtesy. It was that both were much inclined to be religious. Mr. McKinley was wont to read his Bible very frequently. When McKinley left the Congress he left his Bible in the Ways and Means room. Harry prized this Bible highly, and when I became a member of the Ways and Means Committee Harry presented this Bible to me. He did this, as he said, for he wanted McKinley's Bible to go to an Ohio member of the committee and to another Ohioan whom he considered to be his friend. It goes without saying that I appreciated this very much.

Probably no man added more luster to the distinguished position of chairman of this powerful committee than did Mr. McKinley. Position on this committee is a great honor. Although Ohio is one of the greatest States of the Union, and although it is one of the greatest Republican States of the Union, only four Republican Members from Ohio have held places on that great committee since the day of Mr. McKinley. Three of these were Gen. Charles H. Grosvenor, of Athens, Ohio; Speaker Nicholas Longworth, of Cincinnati; and Charles C. Kearns, of Amelia, Ohio.

However well all these great statesmen performed their work, however great was their fidelity to their duties, none of them performed his duty more conscientiously than did Harry Parker. His work was more menial than theirs. His name is not written in gold letters across the sky of national fame. But when fidelity is the text and when courtesy and kindness are given their proper consideration in computing the real worth of a man, Harry Parker will still be associated with men like McKinley and Underwood and Longworth. I am proud to say these few words in testimony of the worth of my friend Harry Parker. [Applause.]

Mr. FORD of California. Mr. Speaker, I think this occasion is one that will go down in the history of the House of Representatives as a day on which the House has shown a broad spirit of genuine humanity.

Every man who has come to this House and every member of the staff of the House of Representatives is conscious of the smile and the pleasing personality and the simple and genuine courtesy of manner which Harry Parker displays to everybody. It is a joy to meet him. It is a privilege to know him. May I say to the Members of the House that they have today as a body shown their great humanity in conferring upon him a distinction in recognizing his long, active, and faithful service.

The SPEAKER. The question is on the resolution. The Speaker demands a division.

The House divided; and there were—ayes 340, noes 0.

So the resolution was agreed to.

WILLIAM P. CONNERY, JR.

Mr. McGROARTY. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McGROARTY. Mr. Speaker, it is exactly in conformity with the fine thing which has just been done to remind the Members of the House of a tribute to be paid to a former Member of this House, no less a person than the gentleman from Massachusetts, the late Hon. WILLIAM P. CONNERY, Jr.

A committee of the House has arranged a memorial service, and notices were sent out to this effect. However, I find that many Members, for some reason or other, have not seen the notice. May I call to your attention that next Thursday morning, the day after tomorrow, at 9 o'clock, in St. Matthews Church, at Rhode Island Avenue and Seventeenth Street, there will be held a memorial service called "Month's Mind", because on Thursday Mr. CONNERY will have been dead 1 month. The committee would feel honored if every Member of the House would attend this service. The service begins at 9 o'clock and will be concluded in ample time for all Members to meet their 10 o'clock committee appointments or other appointments they may have at that hour.

Mr. Speaker, I thank you and the House for this opportunity to remind the Members of this occasion.

PUTTING THE BREADMAKERS OF THE UNITED STATES OUT OF BUSINESS

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. PLUMLEY. Mr. Speaker, the Scriptures tell us that man cannot live by bread alone, but bread is now and always has been a very essential and necessary part of man's balanced or unbalanced diet. Do you realize that a very serious situation confronts the bread makers of the United States who live and do business along the Canadian border? Do you know that bread baked in Canada from Canadian flour comes into the United States duty free? Well, it does. Square this with the fact that Canadian wheat, lower in price than similar American wheat, if imported, would be subject to a duty of 42 cents a bushel. Think this over.

Talking about bread and wheat, I ask you seriously what justification is there for taxing the raw material and allowing the finished product to come in duty free? Yes; duty free. But—and here is the rub—if the United States bakers sold their bread in Canada, it would not be duty free in Canada; it would be subject to a duty or tax of nearly 50 percent; to be exact, a duty of 49.4 percent.

In this connection I would like to call attention to one provision of the so-called reciprocal-trade agreement with Canada negotiated not so long ago and which has had 1 year to run thus far. Therein one of the concessions given to the United States was that which reduced the tariff exacted by Canada upon bakery machinery and apparatus made in the United States by some 57 percent.

The result of this reduction in duty is shown in the figures which disclose that American-made bakery machinery and apparatus sales to Canada increased some 248 percent in 1936 over the year 1935.

So it seems to me that about the only notice the border bakers have had from their Government in recent years has been this move, whereby the latest and most efficient bakery machinery built in this country has been made available to the Canadian bakers at a price considerably below that which they heretofore have paid. It is not necessary for me to point out that the Canadian bakers, through the use of this more efficient machinery, thereby were enabled to occupy a more strategic position from the viewpoint of lowered costs of production, and also were enabled to increase the magnitude by which they could undersell our border bakers. That they have done so is attested to by the figures which show that during the first 4 months of 1937 nearly double the amount of bread was imported into this country from Canada than in the comparable period of 1936. This increase in importation, and at the price demanded for the imported article, has been one of the major causes as a result of which in the relatively small area of the New England national borderline some 17 bakers have had to close up shop completely.

Is this reciprocity? I ask you. Is it not extending the good neighbor policy to the breaking point when you put your own people out of business to the end that your neighbor may prosper at the expense of your own citizens?

It is a fact that Canadian bread sells today in the United States for less than it costs our bakers to make it. Is that right, or just, or fair to American industry? It just does not make sense. Bread imports from Canada have increased 1,182 percent in the last few years and are increasing with alarming rapidity and to the actual damage of our bread makers, who in large numbers along the Maine, Vermont, and New Hampshire Canadian border have been driven out of business. The same condition prevails all along the border, and you Representatives of those districts adjoining the Canadian border in the West will hear about it, if you have not already heard.

Seventeen bakeries in Maine, New Hampshire, and Vermont have been forced to close. Ninety-six people have been put out of business thereby.

IMPORTS OF CANADIAN BREAD ALMOST DOUBLE

While in 1927 Canadian imports of bread were 237,190 pounds, in 1936 there were 3,041,188 pounds imported, and in the first 4 months of 1937 the imports of Canadian bread were almost double those of the first 4 months of 1936.

The bakery industry in New England, not to say countrywide, represents a financial investment of many millions of dollars. It, the industry, furnishes—or has furnished until interfered with by this Canadian imported-bread problem—steady and profitable employment to several thousand citizens of these United States. Is it not about time that we did something to conserve our own industries and to protect our own citizens in their peace, comfort, prosperity,

and pursuit of happiness, instead of being outguessed and outtraded in these so-called trade treaties, theoretically reciprocal, which do not reciprocate? "Res ipsa loquitur", as our legal friends would say.

Our forefathers had an interesting theory that swallows lived on air. The birds were observed to fly with their mouths open and never to come to ground, so our ancestors classed swallows with chameleons, as aerophagi.

My honest conviction is that had our forefathers not been born out of time, had they lived today and observed the hysteria of some people, who shall be nameless, they would be justified in believing with us that there are too many human aerophagi abroad in the land today, high-flying folk, who live on airy "isms", "ologies", and theories, scornful of those of us why try, at least, to keep one foot on the ground.

LET US GET PRACTICAL FOR A CHANGE

As many of you know, this is a matter concerning which I have been active for some time, as have been others, in an attempt to correct a critical and a very serious situation.

On January 5 last the minority leader [Mr. SNELL] introduced H. R. 55, which undertakes to provide for a duty on bread leavened with yeast. No action has resulted.

Congressman MCCORMACK, of Massachusetts, recognizing all these things about which I have spoken, has introduced, by request, H. R. 6562, which amends section 601 of the Revenue Act of 1932 and imposes a tax of 3 cents per pound on imported bread leavened with yeast, except certain rye breads, which will remedy the situation by imposing a tax on imported bread, which tax amounts to 3 cents a pound. If you pass this bill and it becomes a law, you will save your bread bakers of the United States. If you do not, you are standing by and doing nothing and permitting that valuable and essential industry to be stabbed and bled to death by those who pretend to be its friends, while its neighbors across the line are prospering and happy and contented as we pay them, and pay the penalty, for our own obtuseness.

SAVE THE BAKERIES OF THE UNITED STATES

Time and expedition are the essence of the saving of these baking industries. Every day's delay spells approaching disintegration and destruction of the business.

Get behind the McCormack bill, and let us have immediate, concerted, and cooperative action that will produce the desired results, namely, the early consideration of this measure and its enactment into law. [Applause.]

EXTENSION OF REMARKS

Mr. MAGNUSON asked and was given permission to extend his own remarks in the RECORD.

INTEREST RATE ON CERTAIN FEDERAL LAND-BANK LOANS—VETO MESSAGE OF THE PRESIDENT

The SPEAKER. The unfinished business before the House is, Will the House, on reconsideration, agree to pass the bill H. R. 6763, the objections of the President to the contrary notwithstanding?

Mr. JONES. Mr. Speaker, I regret exceedingly that I cannot follow the suggestions contained in the message of the President.

There is much force to the statements and facts which he presents.

If there were no additional facts and circumstances to be considered, the situation might be different; but in the light of all the facts and circumstances, I feel that the legislation should be enacted.

The committee gave considerable time to the discussion of the various issues involved.

The contract rate on outstanding land-bank loans varies from 4 percent to 6 percent, though the major portion of the outstanding loans have a contract rate of 5 percent. All of the commissioner's loans bear interest at the rate of 5 percent.

All of the land-bank loans made during the last 2 years have borne a contract rate of 4 percent, and that is the rate that is called for in the loans that are being made at this time; that is, the current loans.

However, for the past 2 years we have had an emergency land-bank rate of 3½ percent. This rate expires this month, and in the absence of legislation, all of the outstanding loans will revert to the various contract rates.

The bill under consideration continues the emergency rate of 3½ percent for the fiscal year beginning July 1, 1937, and provides for a 4-percent rate on all outstanding loans for the fiscal year beginning July 1, 1938.

The bill also provides that all Commissioner's loans for the 2 years shall bear interest at the rate of 4 percent instead of the present rate of 5 percent.

For generations two burdens have lain heavily upon the home-owning farmer: First, taxes; second, interest rates. His farm cannot get away. He cannot dodge taxes. He must pay these taxes regardless of whether he has any income whatever from the farm during the year in which the taxes fall due.

The farmer has no fixed income, and therefore the interest rates bear heavily, especially during years in which there is no production or in which farm prices are low.

If the present measure is enacted into law, the emergency 3½-percent rate will be continued for 1 year, and then it steps up on all loans to the current contract rate of 4 percent, so that beginning with July 1, 1938, all land-bank and commissioner's loans will bear interest at the rate of 4 percent. This seems to me to be a fair rate, and I believe these interest rates are as high as the farmer should be called upon to pay. If the measure is not enacted, the farmers will have different rates of interest to pay, varying from 4 percent to 6 percent, depending upon the time at which the loans were made.

A good many relief measures are still outstanding. Various individuals, both in the town and in the country, have been given combined relief loans and grants. The Resettlement Administration has been permitted by Executive order to make loans at a rate of 3 percent per annum. The Rural Electrification Administration is permitted to make loans at 3 percent. I am not criticizing these rates. I am simply drawing the comparison.

Mr. DOWELL. Mr. Speaker, will the gentleman yield for a question?

Mr. JONES. I would prefer to wait until I have finished my statement, then I shall be pleased to yield.

The present emergency farm interest rates have enabled many farmers to stay off relief rolls and to stave off foreclosure.

I am impressed with the thought that so long as we find it necessary to make special concessions to certain groups the lure should be up the ladder instead of down, and that one who is trying to make a go of it on his own and pay the interest rates which are stipulated should at least not be discouraged. In other words, I do not think we ought to put a premium on sluggishness and a penalty on thrift. It seems to me there can be no controversy over that principle. [Applause.]

Many of you have lived on a farm, as I have. If so, you know the very great burden of paying high interest rates when the living must be made from the production of the farm. If the rates remain high, there is little hope of paying off these obligations and becoming in the full sense free men.

I submit herewith the rates that will be paid by the land-bank borrowers on outstanding loans if the rate goes back to contract basis:

There are outstanding, as of March 31, 1937, in round numbers, $2,058,000,000 in loans. Of these, two hundred and nine million bear interest at the rate of 4 percent, fifty-seven million bear interest at the rate of 4¼ percent, eight million bear interest at the rate of 4½ percent, one and a half million bear interest at the rate of 4¾ percent, one billion eighty-five million bear interest at the rate of 5 percent, forty-eight million bear interest at the rate of 5¼ percent, five hundred and sixty-three million bear interest at the rate of 5½ percent, seventy-eight thousand bear interest at the rate of 5¾ percent, eighty-four million bear interest at the rate of 6 percent, and a few thousand bear interest at the rate of 6½ percent.

Commissioner's loans outstanding on March 31, 1937, numbered eight hundred and thirty-three million, all bearing interest at the rate of 5 percent.

The expense to the Government depends upon how the matter is figured. If the loss to the Government is figured as the difference between the rate stipulated in the bill and the old contract rates, the expense to the Treasury would be the figure set out in the message. However, I anticipate that no one expects the 5-percent, 5½-percent, and 6-percent loans to be restored permanently.

If the loss is figured as the difference between the interest rate of 3½ percent provided in this bill for this year and the current contract rate of 4 percent, the loss to the land banks would be about $10,000,000 per year on the land-bank loans. I believe no one can figure exactly what the loss will be on the commissioners' loans, but the difference in the 5-percent and the 4-percent rate would be about $8,500,000.

The Farm Credit Administration now holds 37 percent of the outstanding farm mortgages of the United States. Every farmer in the country who needs money for the purposes outlined in the bill is eligible to borrow from the system. It seems to me, therefore, that there is no discrimination. Of course, there are some higher interest rates paid to private individuals and private lending companies, which, because of provisions in the mortgage or for other reasons, cannot be refinanced by the Farm Credit Administration. At the same time, the Farm Credit Administration facilities are open to all the farmers in America who need the advantages of a loan.

So long as the conditions require special concessions to different groups, it seems to me that these home owners who are struggling to make a go of their own affairs and who are competing with some of those who are allowed these concessions should receive consideration. The Nation is interested in home owners. This concession is made to them as such.

I want to express appreciation of the fine accomplishment of the Farm Credit Administration. It has made more loans at a lower rate of interest than have ever been made in the history of this country and at lower rates than are now being made in any other country for the same type of loan. The farmers owe much to this fine organization.

But, in the light of the surrounding circumstances and the conditions prevailing, and in view of the step-up provision of the bill, which establishes a 4-percent rate beginning with the next fiscal year, I feel that the measure should be enacted into law.

I may say this matter was gone over carefully by the Committee on Agriculture, and the committee voted overwhelmingly to take this action.

Mr. MARTIN of Colorado. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield.

Mr. MARTIN of Colorado. May I ask the gentleman how did there come to be such a wide range of interest rates and so many different rates of interest on loans from the same agency to the same group or class of borrowers?

Mr. JONES. The provisions in the original act stipulated that the rate of interest to be charged should be the rate which the land bank paid on their obligations which they sold, plus the essential costs of administration to be prorated, thus making the rate approximately 1 percent or sometimes a little more above the then prevailing rate. So it is determined by the outstanding cost of obligations, and the rate of interest which is paid for current money on a long-time basis.

Mr. PETTENGILL. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield.

Mr. PETTENGILL. If the veto should be sustained, what prospect is there that other legislation would be introduced by the gentleman's committee into the House with a higher rate of interest, say 4 percent, which the Farm Credit Administration would agree to? Is the gentleman under the impression that the Farm Credit Administration is determined that all rates shall go back permanently to the contract rates?

Mr. JONES. I think, in all frankness, the Farm Credit Administration might agree to recommend some concession, but just how much it would be I cannot tell the gentleman. I do not believe they would be willing to make any concession on the commissioner's loans. I think they would probably be willing to agree to some concession on the land-bank loan interest rate. The current contract rate on land-bank loans is 4 percent. For more than a year the Farm Credit Administration, due to fine management, has been able to sell their obligations at a low rate, and they are not Government guaranteed, as a lot of people think. The reason they can sell them at a low rate is because they have been on a sound basis. They have been selling their obligations at around 3 percent and have been making loans for more than a year at around 4 percent. I have hopes, of course, that we could get a 4-percent rate, if we could agree on it, but when we go back we may get into a jam. This is merely a 2-year extension, and I hope if this bill is passed we may be able in that time to work out a permanent uniform rate, and enact it into law, which will be around 4 percent, or not very far from 4 percent.

Mr. PETTENGILL. Mr. Speaker, personally I would like to see some compromise agreement arrived at, but apparently the gentleman has not sufficient confidence in the acquiescence by the Farm Credit Administration to prevent him from voting to override the veto.

Mr. JONES. I think, even though they agreed to it this late in the session, with the conditions prevailing in another body, we might have difficulty; and I will say to the gentleman that on July 1 of this year the old contract rates went into effect, and they are now in effect, and will continue, unless this legislation or some other provision becomes a law. Some of the farmers, beginning July 1, are paying 5½ percent and some 5¾ percent on those various rates.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. JONES. Yes.

Mr. KNUTSON. Mr. Speaker, I was not a Member of the House when the original Farm Loan Act was passed, but it is my understanding that at that time it was the intention of Congress that the money loaned by the Federal land bank to farmers should be at as near cost as possible.

Mr. JONES. I understand that was the philosophy. I was not here at that time either.

Mr. KNUTSON. The gentleman and I came in together. I understand that the earnings of the Federal land bank this year were approximately the same amount as the President states in his message that the Government would sustain in the form of a loss if this legislation is passed.

Mr. JONES. The statements in the message are accurate as between the rates stipulated here and the old contract rates.

Mr. KNUTSON. If that be true—and I know it is true—then if we override the veto the Government will not be out any money, because we merely absorb the earnings and give the farmers the benefit of the earnings.

Mr. JONES. No; I think that is an inaccurate statement. The Government will be out. The Treasury would have to make provision for this institution as such to pay the losses on the difference.

Mr. KNUTSON. What I am getting at is this: If we continue the low rates it will merely wipe out the earnings of the land bank.

Mr. JONES. That is a difference of opinion. As a matter of fact, I have hoped that we can get a continuing 4-percent rate. But the land banks must charge a rate that will make the institutions self-sustaining, or the Government must absorb the loss, or the institutions would go into bankruptcy.

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mr. JONES. Yes.

Mr. REES of Kansas. The gentleman from Texas has explained that these bonds that were sold to offset the loans at 5 and 6 percent were for about 1 percent less than the interest rate on the loans.

Mr. JONES. Yes.

Mr. REES of Kansas. But half of those loans were 5 percent or more, and is it not a fact that nearly all of those bonds have been refinanced at 3 percent?

Mr. JONES. No.

Mr. REES of Kansas. So that the prevailing rate is a little more than 3 percent now?

Mr. JONES. That is not correct. Some have been refinanced and a good many have not been, because they are not callable. In 1933 they refinanced, and some of them at 4 percent, and that is the lowest they had ever been able to get up to that time, and they thought that was fine. That was refinancing 5-percent bonds at a 1-percent reduction. Some of them are still outstanding.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. JONES. Yes.

Mr. DOWELL. Originally when this law was passed making these loans, was it not the understanding that this was to be made at as low a rate of interest as possible?

Mr. JONES. I think that is the desire of the President and the desire of all of the Members of the Congress. I do not believe there is any dispute over that.

Mr. DOWELL. Then may I ask how can it be figured that there is a loss to the Government at three and a half percent at the present time, when the Government is borrowing money at a less rate than the amount it is charging for these loans?

Mr. JONES. This institution, as well as its obligations, are sold in the open market. The Government does not even guarantee the interest on these bonds.

Mr. DOWELL. I understand, but it is Government money and under Government control.

Mr. JONES. As I understand, the Government is selling its long-time obligations now at rates which vary from 2¾ to possibly 3 percent, although I have not the latest figures on that.

Mr. DOWELL. Are not farmers entitled to as low a rate of interest as anybody else in borrowing from the Government?

Mr. JONES. They have the lowest rate given any individual, so far as I have been able to determine. I have the figures of various institutions and I know of no individual loans that run less than those to the farmers.

Mr. DOWELL. They are making loans at a less rate than to farmers.

Mr. JONES. They are making loans to institutions at 3½ percent, but most of those are farm-credit institutions.

Mr. LUCAS. Mr. Speaker, will the gentleman yield?

Mr. JONES. Yes.

Mr. LUCAS. Is it not a fact that with regard to the question of loans, as the gentleman just stated, that if this veto is sustained by this House, the farmer will then be getting a rate of interest comparable with any other agency in this country that is borrowing money from this Government?

Mr. JONES. When it gets down to the individual bases, that is correct. That much must be said in fairness.

Mr. FORD of California. Mr. Speaker, will the gentleman yield?

Mr. JONES. Yes.

Mr. FORD of California. Home-loan owners pay 5 percent?

Mr. JONES. Yes.

Mr. FORD of California. Why should they pay any more than a farmer?

Mr. JONES. Let me state the difference: The gentleman asked me a question which I think deserves an answer. I want to make it clear that I do not say that the home-owners' loan rates are too high or too low. I am not passing on them. But there is a reason for the distinction, and that is this: The average farm income shown by statistics is much less than the average income in the town or in the city. This fact is recognized throughout the country and all through Government operations. The W. P. A., for instance, allows wage rates in New York, I understand, at $95 per month. In certain sections of the country they are much less, ranging down to less than half the New York rate.

The whole income situation in the city and in the town is on a somewhat different basis. I am not passing on the merit of the standards set up by the Home Owners' Loan Corporation. I think there is a further distinction. Home owners' loans were made on an 80-percent basis. These land banks loaned on a 50-percent basis, plus a 25-percent commissioner's loan, and if you will figure the evident losses that are coming in the Home Owners' Loan, you will find the loss to the Government will be considerably more there than it is in this institution. I just offer those as indications. I think the two should be decided on their own merits. I do not like to make the comparison, but the gentleman brought it up and he is entitled to an answer.

Mr. FORD of California. I think the House is entitled to an explanation also.

Mr. JONES. I think so.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield.

Mr. ROBSION of Kentucky. If this rate of 3½ percent is maintained for another year and the other provisions of the bill, it will have a tendency to lessen the number of foreclosures, will it not?

Mr. JONES. I think that is correct.

Mr. ROBSION of Kentucky. Is that not an important consideration?

Mr. JONES. I think it is very important.

Mr. DUNN. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield.

Mr. DUNN. What percentage of the farmers of this country will this bill affect?

Mr. JONES. This bill affects about the percentage named in the message.

Mr. DUNN. What is that?

Mr. JONES. About 10 percent of the farms, but I do not think the answer to that makes a fair presentation of the facts. Here is a fair presentation of the facts: Only 42 percent of the American farms have any mortgage on them. I wish there were not any on them, but there are only 42 percent of the farms that have mortgages on them. Of those mortgaged farms the Farm Credit Administration has nearly 40 percent. So, insofar as mortgages are concerned, there are nearly 40 percent involved in this legislation.

Mr. DUNN. Then if the President's veto is sustained, it means that 10 percent of the farmers will be compelled to pay a higher rate of interest; is that correct?

Mr. JONES. That is correct.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield.

Mr. CASE of South Dakota. The question has been asked and the chairman of the committee has stated that the rate of cost to the farmer was based on the cost of this money to the Government?

Mr. JONES. No. The cost to the Farm Credit Administration.

Mr. CASE of South Dakota. Yes. Yesterday I asked the Farm Credit Administration for the interest rates on the refundings, and they gave me these figures, which I have totaled up: In consolidated fundings, $712,837,000 have been refinanced at 3 percent; $201,031,100 have been refinanced at 3¼ percent; $879,706,740 have been refinanced at 4 percent.

Mr. JONES. I will state to the gentleman that those are the lowest refinancings that have ever been made under the land-bank system, and I believe the lowest ever made by any agency that was not Government owned.

Mr. CASE of South Dakota. If these figures are added up, it means that the average rate on that refinancing is 3½ percent, which would be the rate contemplated?

Mr. JONES. Of course, the gentleman understands that the cost of administration in making individual loans must range around 1 percent, and with private lending agencies it is more than that.

Mr. CASE of South Dakota. Just one further observation. In the first of the refundings in 1934, 4 percent was the lowest rate. The first half of 1935, 3¼ percent, and the

last half of 1935 and 1936, 3 percent has been the rate. Does not the gentleman think that with the continued refinancing we will have an average rate of around 3 percent, which will amply justify the lower rate?

Mr. JONES. Ultimately, I hope that the financing may be done on a basis that will permit a permanent 4-percent rate to the farmer. That would be possible if all obligations were callable, and if all outstanding obligations could be refinanced at 3 percent. But, of course, this cannot be done all at once.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield.

Mr. CRAWFORD. Is it not true that of the total debt now outstanding, about thirty-six and one-half billion, the average rate is about 2.582 percent?

Mr. JONES. What institution is the gentleman talking about?

Mr. CRAWFORD. The Federal debt. The average interest rate is about 2.582 percent.

Mr. JONES. I am not familiar with that.

Mr. CRAWFORD. I think the Treasury releases yesterday stated that. Is it not true that one of the finest ways in the world to enable the Farm Credit to dispose of these bonds on a refunding basis at a low interest rate is to keep this rate low enough so that these farmers can pay the interest and principal when it matures?

Mr. JONES. I think so.

Mr. CRAWFORD. And thereby show that they are keeping things paid up to date?

Mr. JONES. I believe that is correct.

Mr. FITZPATRICK. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield.

Mr. FITZPATRICK. Assuming the President's veto is sustained, what are the chances of a compromise bill being brought in that will meet with the approval of the administration and the farmers?

Mr. JONES. The gentleman asks me a question that I cannot answer. We would have some very difficult conditions. It is pretty late in the session. We might be able to work out one, I will say frankly.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield to my colleague.

Mr. RAYBURN. This matter was passed upon the first time about 1933, was it not?

Mr. JONES. Yes.

Mr. RAYBURN. When our farm population was probably at the lowest ebb of their depression?

Mr. JONES. Yes.

Mr. RAYBURN. I ask my colleague if it is not true that since that time the farm income has practically doubled?

Mr. JONES. That is correct. It has been increased very, very greatly. I do not know whether it would be quite that much.

Mr. RAYBURN. It is something like $5,000,000,000 as compared with $9,000,000,000 gross.

Mr. JONES. Yes.

Mr. RAYBURN. This bill will cost the Federal Treasury for the next 2 years, I understand, about $52,000,000.

Mr. JONES. It will cost that as between this and the old contract rates.

Mr. RAYBURN. If we are to do this for the farmer, we will be asked to do the same thing for the urban home owner. I think the gentleman will agree with me that the farmer in his country and mine is pretty well out of the depression as far as farm prices are concerned. I think we are selling the produce of our farms at about as reasonable prices as we have had in his time and mine. What argument would we have with reference to the urban home owner should he say he is paying an excessive rate when he is trying to acquire a little home? What argument are we going to make against him if the Committee on Banking and Currency brings out a bill affecting his interest rate? That would cost the Government maybe $25,000,000, maybe $50,000,000, or maybe $100,000,000. I am sure my friend, the gentleman from Texas, knows that I do not ask these questions or make these statements in criticism of him, because I know he has a very hard job, but it is quite possible that all these things added together would increase our annual outlay from $150,000,000 to $200,000,000. I think we all realize, I do at least, that it is vitally necessary, and one of the most important things that faces the country, to balance the Budget not later than 1939. [Applause.] We should strive toward that end. I know there are sections of the country in dust and drought which have not in any very great degree recovered, but I believe that the average farmer in this country, the average landowner in this country, with an interest rate reduced 40 percent from what it was if the 4 percent obtains—and I am confident I speak for the vast majority of the farm people of my immediate section in saying this—while he wants a low rate of interest he is willing to pay what it costs the Government with the cost of administration added.

It appears to me that if the President's veto is sustained, that the gentleman from Texas and his committee would in all probability be able to work out something—and we are to be here for some time yet—that would protect the farmer in a lower rate of interest than he has ever had except this 3½ percent, and yet not take money out of the General Treasury.

Mr. JONES. There is much force to the gentleman's argument. As I stated a while ago, however, comparing the average farm income with the average income of the man in the city, it will be found that there is more difference there than there is between the home owner's rate and the 4-percent rate. We shall find, if this legislation is not passed, that we shall immediately go back to the old contract rate unless we can get some legislation through. This is temporary legislation, and I would like to see it enacted to hold the lines until we can work it out on a permanent basis.

Mr. FITZPATRICK. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield.

Mr. FITZPATRICK. Does the gentleman take into consideration the standard of living and the cost of living in the great cities as compared with the same costs on the farms?

Mr. JONES. I am just taking into consideration the facts I spoke of. I do not know why the standard of living should be greatly different in the cities than in the country.

Mr. FITZPATRICK. There is not any question in the gentleman's mind but what there is a difference, is there?

Mr. JONES. There probably is, but I think the farmer is entitled to as many rights as the man in the city. I do not think there ought to be any distinction.

Mr. Speaker, I yield 5 minutes to the gentleman from Kansas [Mr. HOPE].

Mr. HOPE. Mr. Speaker, I desire to make a few brief observations with respect to some matters which I think should be considered in connection with the President's message.

The President's veto message is predicated upon the idea that the emergency is over as far as the farmers of this country are concerned. It is stated in the message that farm income has increased and that the level of farm prices has increased. This is true; but I want to call the attention of the House to the fact that high farm prices do not do the farmer any good when he has nothing to sell, and that is just the situation in which a large proportion of our farmers have found themselves during the past year. Prices have been good because of drought and crop failures, but the farmer who had nothing to sell got no benefit whatever from that situation. This is the reason, very largely, why a continuing farm emergency is with us. Perhaps in another year, with good crops and good prices, the situation may be different; but for the present the emergency is still with us. If there was reason last year and the year before for giving the Federal land-bank borrowers an interest rate of 3½ percent, that reason prevails to the same extent today.

Later this afternoon the House will act upon the conference report on the farm-tenancy bill. We adopted that legislation for the purpose of doing away with the evils of farm

tenancy. We are very foolish, it seems to me, to start a long program of farm-tenancy relief in this country unless we do what we can to prevent the lapse into tenancy which will take place under present conditions unless interest rates are somewhere near what the farmers can pay under existing conditions. During the last 5 years the net increase in the number of farm tenants in this country has been 200,000, or an average of 40,000 per year. Unless we can stop this drift it is idle to talk about solving the problem of tenancy.

Mr. THURSTON. Mr. Speaker, will the gentleman yield?

Mr. HOPE. I yield.

Mr. THURSTON. In regard to the economy phase of the President's veto message is it the program today that we are to vote upon the proposal to give the President 6 additional secretaries, making a total of 10 secretaries? He already has four, two more than any of his predecessors had. I ask the gentleman, also, if it is not true that at this time the Federal Government is lending money to shipbuilding concerns for less than 1 percent per annum? The farmer is to pay from 4 to 6 percent.

Did we not just recently provide $60,000,000 additional out of the Treasury to build more ships, the builders of which will likely receive these low interest rates? These ship concerns also receive subsidies. There are other groups in the country that are being more preferred out of the Federal Treasury in regard to interest rates than the farmers. Therefore other groups are being greatly preferred.

Mr. HOPE. I am in agreement with the gentleman in his contention that there are a great many favors being shown other groups which are being denied the farmer. Furthermore, if the matter of economy is involved, it would take the rest of the afternoon to even enumerate the places where waste and extravagance can be stopped. As long as we can spend over $500,000,000 a year on the Navy and almost that much on the Army, and can spend over $1,000,000,000 in 6 months buying gold from all over the world at artificial prices, we can afford to spend a little to ease the interest burden of the farmer.

But right in connection with Government savings let me call attention to the fact that so far as the farmers of this country are concerned we have been doing pretty well in making savings out of the appropriations which the Congress has made for their benefit. Most of you read in the press this morning that $60,000,000 is to be turned back into the Federal Treasury by the Agricultural Adjustment Administration out of the $500,000,000 which was appropriated last year for soil-conservation payments. Two years ago we passed a bill making an annual permanent appropriation of one-third of the customs receipts for the benefit of agriculture.

[Here the gavel fell.]

Mr. JONES. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. HOPE. Mr. Speaker, out of the $109,000,000, which was made available last year under this appropriation, only $18,000,000 has been spent. The remainder will eventually go back into the Treasury of the United States.

Mention has been made of the great variation in the interest rates on these Federal land-bank loans. I think something should be done in connection with that. We cannot remedy this general situation at this session of the Congress, but we ought to take the matter up at the next session and work out some permanent plan whereby all farmers will have a uniform rate. We can, however, relieve the existing situation by voting to pass this bill, notwithstanding the veto of the President.

I have the same high regard for the Governor of the Farm Credit Administration and the way in which he has administered the affairs of that organization as the distinguished chairman of our committee. I know that Governor Myers opposes this legislation; but, after all, it is up to the Congress to determine the policy of the Government in this regard. Governor Myers and his associates have carried out the policies that we have heretofore declared in a splendid way. They are entitled to a lot of credit. They will just as cheerfully and as willingly, I am sure, carry out the policy that we declare today, if we override the President's veto.

Mr. HILL of Washington. Will the gentleman yield?

Mr. HOPE. I yield to the gentleman from Washington.

Mr. HILL of Washington. Under the conference report on the farm-tenancy bill, how much will those farmers pay in interest?

[Here the gavel fell.]

Mr. JONES. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. BIERMANN].

Mr. BIERMANN. Mr. Speaker, the chairman of the Committee on Agriculture called attention to the fact that the contract rates—that is, the rates to which these loans will recur if we do not override the veto—run all the way from 4 to 6½ percent. The testimony of Governor Myers showed that the average contract rate is 5.07 percent. That is the average of all of them. It so happens that the high rates cannot be reached except by this bill. These high rates were contracted back some years ago when the money market was up and the bonds from which the Federal land bank got the money to make the loans were selling at higher rates than now; consequently the interest rate had to be much higher. These rates went up to 6½ percent, with an average of 5.07 percent. The only way to give this relief is to pass the bill that we have under consideration at the present time.

Mr. Speaker, I agree with the philosophy back of the President's veto message. I think those of you who have done me the honor of watching my vote will agree that I have voted against huge appropriations about as consistently as any other Member of the House. However, I think there are circumstances that make this bill advisable at this time.

In 1934 and again in 1936 there were droughts over all this country. There were pestilences that ruined the farmers' crops. I call your attention also to the fact that during a long term of years, while other businesses and occupations were prospering very greatly, the farmers were on a steady decline from 1920 right straight through to 1933. My opinion is that the principal cause of their bad circumstance was due to laws passed by the Congress of the United States. So it is fitting that the Congress pass at this time a law giving the farmers special favor.

The President submitted an estimate that the cost of this measure for 2 years would be $52,900,000. We should not spend that sum lightly. But may I direct your attention to the fact that Congress has authorized and appropriated funds for two battleships to cost more than $61,000,000 each. Items of that kind, billion-dollar appropriations for the Army and Navy, such outlays must be attacked before Budget balancing and reduction of our huge public debt are to become realities.

[Here the gavel fell.]

Mr. JONES. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. HOOK].

Mr. HOOK. Mr. Speaker, it is not the easiest thing to be the only member of the committee to take one side of a question. I have listened with interest to the great leader of this House when he said that our farm income has practically doubled in the last few years. I have also listened to some Members on the floor of the House when they said, "I am not going to be with the President. I am going to be with the farmers. The farmers are with me but the President is not."

I say that the President of the United States has always been with the farmers and has given the farm population of this Nation the best administration it has ever encountered. I say to the Members who claim the farmers are with you but the President is not, that if you do not stay with the President the farmers will not stay with you.

The lowest rate of interest that is paid in any nation of the world is paid by the farmers here. I believe in a low rate of interest if it is at all possible, but I do not believe in too many outright gifts of $50,000,000 or more at a time when we have an unbalanced Budget. I have heard men on this side of the House rise time after time asking, "Where are you going to get the money?"

We have a chance now to help the President of the United States carry out his program and balance the Budget. Do not give any more gifts of $50,000,000 to $100,000,000 in places

that it is not needed and help our President save this Nation from bankruptcy.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. HOOK. I yield.

Mr. RICH. May I refer the gentleman to the President's veto message, in which he states:

> The whole question involves the rate of interest charged by Government agencies and relates not only to farm loans but also to moneys lent by the Home Owners' Loan Corporation, the Reconstruction Finance Corporation, the Public Works Administration, and other agencies.

If this veto is overridden and the bill is passed will the interest rates of all these other agencies be leveled to the rate carried in this bill?

Mr. HOOK. I do not happen to be able to control all the votes of the Congress, so I cannot tell the gentleman what the rates of these other agencies will be if this veto is overridden. Support Roosevelt and vote "no" on the question of overriding the President's veto.

[Here the gavel fell.]

Mr. JONES. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska [Mr. COFFEE].

Mr. COFFEE of Nebraska. Mr. Speaker, I rise to urge the House to sustain the Committee on Agriculture and to override this veto.

I will say that our committee, whose chairman is one of the fairest men in the House, has given this measure a great deal of thoughtful consideration. Hearings were held, and the possibilities of loss to the Federal Treasury were fully considered.

The committee compromised on this vetoed measure, which extended the interest rate of 3½ percent on Federal land-bank loans for 1 year and provided a 4-percent rate for the second year, thus indicating the desire on the part of the committee to approach a self-sustaining rate on Federal land-bank loans.

It seems that if one of the departments brings up a bill which provides for large expenditures by the Federal Government, there is no objection; but if a committee of Congress authorizes an expenditure of a relatively small sum through a temporary reduction in interest for the benefit of distressed farmers, the department objects and the President vetoes the legislation.

In this case I think the President has been ill-advised. We are not unmindful of the splendid work the Farm Credit Administration has done; but there are certain sections of this country where, because of drought, grasshoppers, and other adverse conditions, some special form of relief is necessary.

So long as the W. P. A. can expend $430,000,000 in New York City, with a sponsor's contribution of less than 1 percent, to relieve distress, I submit that the farmers of this country, who are not eligible for W. P. A. relief, are entitled to this temporary interest reduction as a relief measure.

Mr. FITZPATRICK. Mr. Speaker, will the gentleman yield for one question?

Mr. COFFEE of Nebraska. In just a moment. I favor balancing the Budget. But certainly saving the amount involved in this measure will not balance the Budget. The Budget should be balanced, but not at the expense of the farmers.

Mr. JONES. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. BOILEAU].

Mr. BOILEAU. Mr. Speaker, I believe in lower rates of interest, and for this reason have been very happy as a member of the Committee on Agriculture and as a Member of the House to support this type of legislation, which reduces the rates of interest on farm loans.

During the past 2 years we have passed laws which have reduced the interest rate to 3½ percent on these farm loans. On each occasion the bill has passed both the House and the Senate, and has been signed by the President. All during this period of time, however, we have neglected to give consideration to the farmer borrowers who have been most distressed, the farmers who have been compelled to make Commissioner's loans. We have not in the past 2 years given relief to the farmers whose economic situation was such they were forced to take Commissioner's loans at the higher rate of interest, 5 percent. This year is the first time we have attempted to give any relief to such farmers. I for one cannot understand why the bill should receive a Presidential veto, when for the first time we bring in a measure carrying relief for those who have secured Commissioner's loans. I sincerely hope the Members of the House will support the Committee on Agriculture, which has finally realized that the men and women living upon farms who are in the most distressed condition and are forced to get Commissioner's loans should have help. I hope you will support your committee in its efforts to get this necessary relief and reduce the interest rate from 5 percent to 4 percent for a 2-year period.

Mr. SAUTHOFF. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. I am pleased to yield to my colleague the gentleman from Wisconsin.

Mr. SAUTHOFF. May I call the attention of the House to the fact that when you foreclose on a home owner in a city you take away from him his home, and he may still have his job, but if you foreclose on a farmer you take away not only his home but also his business, so that he is both homeless and jobless.

Mr. BOILEAU. The gentleman is absolutely correct. The farmers of this country have not yet reached the point where they are not in need of relief. This is not a great deal of relief, as it is estimated to cost somewhere around thirty or forty million dollars. If we can spend this money as set forth in the bill to give relief to the farmers of this country, it will do a tremendous amount of good, and, in addition, will have the wholesome effect of beginning to reduce interest rates all the way down the line. This country has been suffering from interest rates which have been too high. We have been paying too much for the use of capital. If we can by our action here add some stimulus to the movement to reduce interest rates all the way down the line, we shall be helping not only the farmers of this generation but the farmers and home owners of all succeeding generations. [Applause.]

[Here the gavel fell.]

Mr. JONES. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. PIERCE].

Mr. PIERCE. Mr. Speaker, having great respect for the President, I do not like to see a veto overridden. I am extremely regretful that I feel it my duty to vote and to speak against this veto. I believe the President has been misinformed. The interest rate of 3½ percent for this year for the farmer and 4 percent next year on Government money is little enough reward for the people who have produced our foods at a loss in this country for so, so many years.

If the veto is sustained, it will compel payment of contract rates up to 6½ percent for Government money, which it borrows at 2½ percent. Farmers are in no position to be so penalized now.

I fear that the President's advisers have not given him the true picture of the situation. It is apparent to all informed people that 1 or 2 years of farm prosperity have not made it possible to pay off losses accumulated through many years of raising and selling crops for less than the cost of production. Certain interests are talking a great deal about farm prosperity and high prices. They forget the debt burden and that the farmer is obliged to renew his machinery and essentials at the current high prices. They also forget that the Government is lending money to utilities and others at a lower rate of interest than that granted farmers.

It is specially unfortunate to have such a veto at a time when farm-tenancy legislation is urged, providing Government money at 3 percent for inexperienced farmers bent on experimental farming. It would seem wise to avoid making more tenants by crowding farmers for an interest rate which they cannot afford to pay. The reasons offered by the Farm Credit Administration seem totally inadequate to those really concerned with this problem. The loss to the Treasury, which they stress, is caused because of the fact that their own

agency, under a previous administration, sold bonds which are not yet callable, at high rates of interest. Why should they require the farmers to pay for mistakes of a former political administration?

Another reason advanced by the Farm Credit Administration is even more obnoxious to farmers concerned. I refer to the oft-repeated statement that they fear cheap interest rates will bring about land speculation. Those who make this specious argument are pushing most vigorously for the type of farm-tenancy legislation which would undoubtedly result in tremendous land speculation and great loss to the Government. The reputed losses through the fair interest rates to farmers cannot begin to pay for the extravagant and wasteful expenditures of the Resettlement Administration in its experimental program.

Just why economy should begin on farmers established on their farms and struggling to meet debts and payments is not apparent to me. I have listened to all the arguments made before the Committee on Agriculture since March 1933. I have never heard one valid argument advanced for such unnecessary pressure on farm borrowers. I certainly hope that the President may have better advice on this matter. I do believe he sincerely desires to help farmers. The average American farmer would rather have fair business treatment than an experimental program purporting to come from an interest in his welfare. I have never known any real farmer to clamor for the type of farm legislation which is being thrust upon us from the cubicle offices in the center of Washington.

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. PIERCE. I yield.

Mr. JOHNSON of Oklahoma. Does not the gentleman feel the interest rate ought to be cut below 3½ percent instead of being increased?

Mr. PIERCE. Indeed it ought to be lower. It ought to be a permanent guaranty. [Applause.]

[Here the gavel fell.]

Mr. JONES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD in connection with the bill now under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. JONES. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. WEARIN].

Mr. WEARIN. Mr. Speaker, those of us who come from agricultural regions feel it is imperative that the interest rate on land-bank mortgages continue at 3½ percent for another year and likewise that a reduction be effected from 5 to 4 percent on commissioner's loans. We recognize the fact that the national income of American farmers has approximately doubled since 1932 but the unusually variable climatic conditions in this country have complicated the situation from the standpoint of the distribution of that income. I refer in particular to the fact that two droughts have left various farming areas of the United States almost destitute of cash crops. This is one of many reasons why the continuation of the present program for another year is necessary.

The suggestion has been made this afternoon that if the House sustains the veto we will be in a position to negotiate some kind of compromise with the Farm Credit Administration. Of course the fact of the matter is the Farm Credit Administration is not affected by this action because the Federal Government will pay the bill. I do not believe in the theory or principle of subsidies any more than many other people, but we have recently passed a tenancy bill in an effort to place more people on the land. It would be rather short-sighted for us to refuse to appropriate a sum of money to keep people on the land who are already there, which is precisely what this legislation proposes to do. As far as a future compromise and additional legislation is concerned, this, in my opinion, offers the best opportunity that the Members of this House will have this session to go on record in favor of continuing the present rate of 3½-percent interest on land-bank mortgages and 4 percent on commissioner's loans.

Mr. JONES. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. LUCKEY].

Mr. LUCKEY of Nebraska. Mr. Speaker, the Presidential veto of this bill extending reduced interest rates on farm loans for 1 additional year did not come as a complete surprise. In anticipation of such action a number of us tried to secure an appointment with the President. We believed that we could present the true facts about the farm conditions in a great part of this country in such a way as to cause him to sustain the action of the House and Senate. In pleading with you to override the President's veto I do not criticize the action of our President, but neither do I for 1 minute condone or agree with the views of the President's advisers who recommended this veto. Because we failed to secure an appointment with the President the only course now left open is to override his veto.

As a basis for the veto the President has stated that farmers are now able to pay the higher interest rates because of increased farm prices and because of increased farm income. That may be true in some parts of our agricultural areas, but it is certainly not true in the great region known as the Prairie States or the Great Plains area. The real facts are that in many regions farmers are worse off today than they were in 1933 when these interest rates were first established. I cannot get time enough to go into details so will only touch the high spots.

In my own State of Nebraska we have had three drought years. What good does it do a farmer who has lost his crops by drought, dust storms, or by grasshopper plagues if the price of corn or wheat is high? If you have no wheat, you cannot make money even if the price of wheat is $10 per bushel, let alone when it is less than $1.20 per bushel. You talk about farm prosperity, when this year there were more than fifteen hundred farms untilled because those who had farmed them in past years had exhausted every possible source of credit and could no longer carry on farming operations. You talk about farm prosperity, when the Farm Credit Administration is foreclosing on thousands and thousands of farms and when literally hundreds of thousands of tillers of the soil are being forced out of their homes and on public relief rolls.

The Presidential message states that the index price of farm commodities has risen from 55 in 1933 to 126 at the present time. That is true, but what of it? Is there any economist in this House who thinks that such a statement has any real meaning unless it is followed up with a comparison of the index prices of industrial products which the farmer must buy? The index of farm prices was far below the index of the prices that the farmer must pay for his industrial necessities in 1933 and it is still far behind. Certainly agricultural income has been increased, but that means nothing unless you compare that increase in income with the same figures for industry, capital, and labor. If you make such a comparison, you will find again that the farmer is still far behind.

Further along in his message the President states that if losses occur on these farm loans the Federal Government will have to sustain those losses. In plain and simple words that means that if there is a loss this reduction in interest rates will amount to a subsidy to the American farmer of $30,000,000, more or less. Now, neither the President nor his arch adviser, Mr. Myers, of the Farm Credit Administration, can tell whether or not such losses will occur, let alone determine the extent of the losses. I am willing to assume that a loss of $30,000,000 may accrue, and I ask you, What of it? Suppose we do subsidize millions of American farmers with $30,000,000. Is that any worse than the subsidies we have made to those who have amassed great wealth and power in many lines of industrial endeavor?

Neither this Congress nor this administration has been squeamish about asking for subsidies. Right now we have

a request before us for an initial authorization of one hundred and fifty millions to subsidize the merchant marine, and it is expected that the entire subsidy to be carried out on that line will be more than a billion dollars. We have been and are subsidizing everything under the sun. The great newspapers and publishing houses get an annual subsidy of $75,000,000. The air lines, the railroads, shipbuilders, shipowners, ship operators, banks, and industries get subsidies. Is it any different to subsidize a great economic group than it is to subsidize a privileged few? The other day this body authorized an appropriation of $50,000,000 to be spent in addition to the naval appropriation bill for new ships for the Navy. That request had the approval of the bureaus to which it had been referred. On this farm-interest bill one bureaucratic head of an independent agency has been able to go before his chief and say, "Stop this business." He has been able to raise the cry of subsidy and thus prevent the dispensing of equity and justice for which our Government has long been famous.

If you ladies and gentlemen think it is all right to extend subsidies to the privileged few who have great wealth and power but not to the millions of humble farmers, then vote to sustain this veto. If you believe this is a land of equality and justice, where even the humblest citizen of all the land has the same rights of protection and assistance extended by the Government to the powerful, then vote to override this veto.

For the last 10 days I have sat at my desk receiving daily weather and crop reports from the Great Plains States and from my district. A torrid sun is again creating havoc with our crops and green fields, upon which a renewed hope for prosperity has been dependent. Great hordes of grasshoppers are destroying crops before our very eyes. From the vast bread basket of our country, where millions of sturdy farmers have been fighting this terrific battle, comes the plea for equal treatment and justice. Regardless of whether you represent an urban or farming district, I ask your vote to override this veto and to bring about fair play for those who labor to produce the foodstuffs for this entire Nation. [Applause.]

Mr. JONES. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. HARRINGTON].

Mr. HARRINGTON. Mr. Speaker, the news just received of the President's veto of the bill extending the emergency interest rates on Federal farm mortgages comes as a hard blow to every Member of this body having the interests of the farmer at heart. For some time concern has been expressed by the farmers of my district over reports that a veto of this bill was in prospect. Numerous letters have been received calling attention to the inability of our farm borrowers to meet the higher interest rates, and I was hopeful that the President would take into consideration economic conditions in the drought area and concur in the congressional view that the resumption of normal rates should be postponed at least for another year. Since he has not so decided, I think that it becomes our duty to enact this legislation over the veto.

Although there may be justification on general grounds for the President's position in the matter, I desire to call attention to the fact that the farmers in the drought-devastated sections of our country are still battling for their existence. To these agricultural producers the current prices being paid for farm products means little or nothing, because they have had nothing to sell in 2 of the last 3 years. Thousands of them have already lost their farms, and thousands more will be unable to meet their interest obligations to the Government unless we act to continue the emergency rates in effect.

If I remember correctly, Governor Myers, of the Farm Credit Administration, has stated that the termination of the emergency rates will mean increase in Federal revenues of some $40,000,000. That figure, however, has been disputed. But assuming that it is correct, $40,000,000 is not even an approach to a balanced Budget, and if it were, I do not believe it is the intention or desire of this body to attempt to balance the Budget at the expense of the one group of taxpayers, particularly the farmers in the drought areas, least able to shoulder the burden.

In conclusion, I wish to say this: If Mr. Myers thinks he is going to squeeze another forty million out of the farmers through the defeat of this bill, he is very likely to be disappointed. Instead of collecting interest he is going to collect land. The raising of interest rates beyond the farmer's ability to pay can mean only one thing—foreclosure and surrender of the land. Thousands more of farmers turned off the land and forced into cities, there to go on relief, swell the ranks of the unemployed and furnish additional competition to city labor. In these thousands of cases, the defeat of this bill amounts to confiscation of the acres needed to produce the food to feed our Nation. Therefore, I plead with our colleagues from the urban districts and nonagricultural areas to join with us in reenacting the measure.

Mr. JONES. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. POAGE].

Mr. POAGE. Mr. Speaker, when I received the news that the President had seen fit on yesterday to veto House bill No. 7562, which extends the present 3½-percent interest rates on Federal land-bank loans and the present 4-percent interest rate on land bank commissioner's loans, I was deeply grieved. I cannot but feel that the President was uninformed as to the full implications of this action. I am sure that he would not purposely or knowingly insist on the literal enforcement of contracts entered into under the duress of 10 to 15 years of agricultural depression and oppression which must necessarily result in the loss of the homes of thousands and tens of thousands of American farmers. And yet this is the inevitable result of the veto of this legislation unless this House and the other body do not rise up and by a two-thirds vote of each body commit this Government to a policy of help and consideration for the farmer who has undertaken the payment of a farm home.

The National Grange reports that, according to a study made by the Bureau of Agricultural Economics, from 1933 to 1936, both inclusive, an average of 27 farmers out of every 1,000 lost their farms through mortgage foreclosure, tax delinquency, or bankruptcy each year. The aggregate number of farms lost to their owners during the 4 years indicated was 108 out of every 1,000. Since the total number of farms in the United States is now placed at 6,812,000, it will be seen that during the past 4 years more than 735,000 farmers, or more than one-tenth of the total home owners of the United States, lost title to their farms and have presumably become tenants.

At the same time we are now engaged in an effort to eradicate, or at least reduce, tenancy, and a bill on this subject cut down to one-tenth of the original appropriation to meet the President's wishes has passed both Houses. Since the total number of farm tenants is approximately 2,800,000, to provide each one of them with a farm costing an average of $4,000 each would call for the lending of more than $11,000,000,000. As that is beyond the range of possibility under prevailing conditions, there is only one thing we can do to relieve the situation, and that is to prevent those who are now owners from slipping into the tenant class. That is the purpose of the bill just vetoed by the President.

The Government is now borrowing money at an average rate of about 2½ percent, and the land banks are making new loans at 4 percent. Under these circumstances what possible reason can there be for compelling those who borrowed from the land bank back in the black days of the early thirties to pay 5-, 6-, and even 6½-percent interest, as most of the existing contracts call for? As long as the Government can borrow at 2½ percent it is not giving the farmers a subsidy when it loans the money at 3½ and 4 percent. On the other hand, if the reduced interest rate is not continued, the Government will be in the position of demanding a pound of flesh from the very people we must help if this Nation is to prosper.

Today the Government can help to maintain home owners as such for a fraction of the cost that will be involved in rehabilitating these same people if a short-sighted policy of getting all the contract calls for is allowed to control our action. For one I shall vote to override the veto. Mr. Speaker, I feel that if this House does not today sustain the Committee on Agriculture in overriding this veto, we will

be in the position of saying in one breath we are willing to appropriate from $50,000,000 to $100,000,000 per year to make home owners out of tenants, and at the same time we are unwilling to maintain the home owners we now have by the expenditure of a small portion of that amount.

As soon as we act on this measure we are to consider the conference report on the tenent home-ownership bill, which carries an authorization of from twenty to seventy million dollars per year, plus in every case such amounts as the President may see fit to add, for the purpose of aiding farmers who are now tenants to become home owners. This aid is to be a permanent yearly expense, whereas should the President be correct in his assumption that it will cost the Government $51,000,000 to borrow money at 2½ percent and loan it to farmers at 3½ to 4 percent, this will be the total expense. It will not be repeated each year. It is admitted that the land bank can now loan money at 4 percent and suffer no loss, because it is doing this very thing every day. Under the terms of this bill the interest rate next year will level off at 4 percent. Is it not then advisable that we keep this interest rate down and keep these borrowers in the home-owning class while we can do it with a minimum expenditure, rather than to let them drop into tenancy and then try to start them from the bottom again?

And what of the buying power of the farmer? If we take it away in the form of increased interest rates that the Government-operated loan agencies might be able to show a profit, how will the farmer buy the products of the mill and factory? Even though farm prices are increasing, it will add nothing to farm purchasing power unless we leave some of the increase in the hands of the farmer.

And one thing more, Mr. Speaker, if this bill is not passed, the old contract interest rates will be reestablished, and the average of these Federal land-bank contract interest rates is today higher than the interest rate the Federal loaning agencies charge on city property, although every investment man knows that farm mortgages are the best investment that can be had. And there is what I consider to be another very good reason for extending an even lower rate to farm borrowers. When you foreclose on the owner of a city home, you lose a home owner, it is true; but you do not ordinarily take from the citizen his means of making a living. You do not thereby place him on relief to add to the Government's burden, but when you seek to double the Government's money at the expense of some hapless farmer and as a result sell his home at foreclosure, you have not only taken away his home; you have also taken his means of making a living, and have with poetic justice added to the relief burdens of the Government. [Applause.]

[Here the gavel fell.]

Mr. JONES. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I do not see how anyone in the face of the facts can justify a vote in support of the President's veto of the bill which continues the present 3½-percent interest rate on Federal farm loans. There is now before the House a conference report accompanying H. R. 7562 and which will undoubtedly be voted upon today. This is a conference report on the farm-tenancy bill, which would loan 100 percent of the value of the farm to tenant farmers to purchase farms with at 3 percent interest. If this bill is carried out to its fullest extent, it will mean that $11,000,000,000 will be loaned to tenant-farmers of America at 3 percent interest to provide money with which to purchase farms. I am informed that this is an administration measure and that it has the full support of the President. How can the President veto a bill, which veto, if sustained, would compel the farmers to pay the old interest rate and which would discontinue the present interest rate of 3½ percent on farm loans and at the same time support the Bankhead-Jones Farm Tenant Act, which would ultimately loan to the tenant farmers $11,000,000,000 at 3-percent interest? To be consistent, the President would, of course, have to veto the Bankhead-Jones Farm Tenant Act, which is his own administration measure.

I do not want to be misunderstood. I believe the farm-tenant problem is a real problem in America and ought to be solved, but I am simply pointing out the inconsistency of the policy of the President in supporting a bill that will give one class of farmers loans at 3 percent and at the same time vetoing a bill which would give another class of farmers 3½-percent interest on his Federal farm loan. Under the Farm Tenancy Act he is trying to make farm owners out of tenants. In vetoing this interest measure he would be making tenants out of farm owners.

Mr. Speaker, the majority leader in his remarks made a statement that if we continued a 3½-percent interest rate on farm loans, what argument would we have against the reduction of the interest rate on Home Owners' Loan mortgages. The President advanced a similar argument in support of his veto.

On August 17, 1935, and during the first session of the Seventy-fourth Congress (p. 13577) I introduced a bill to reduce the interest rate on home owners' loans from 5 percent to 3½ percent. At that time I made the following statement on the floor of the House:

> According to a statement furnished me by the Home Owners' Loan Corporation, giving the latest available figures, $2,665,061,750 has so far been borrowed on bonds and loaned to home owners. The rate of interest paid on these bonds varies from 1½ percent to 3 percent per annum, averaging a little more than 2½ percent. The rate charged home owners on mortgages is 5 percent. The Government is charging annually on the above mortgages $133,244,817 in interest and paying out on these bonds $70,511,765 annually. In other words, the Government is charging the home owners each year approximately $63,000,000 more in interest than they are paying out on the bonds.

I also placed in the RECORD a table showing the amount, the serial number, the date of issue, and the interest rate on each home owner's loan bond issued up to June 1, 1935. This verifies the statement I made that the average interest rate paid by the Government was approximately 2½ percent. In view of the fact that the Government is paying 2½ percent and making the home owner pay 5 percent, what justification can the administration have for failing to reduce the interest rate to at least 3½ percent? Why should the home owner pay double the interest rate on the mortgage that the Government is paying on the bonds?

For reasons I have stated, I favor a continued 3½-percent interest rate on Federal farm loans.

Mr. JONES. Mr. Speaker, I yield one-half minute to the gentleman from Pennsylvania [Mr. DUNN].

Mr. DUNN. Mr. Speaker, a great deal has been said about the Budget. I am more concerned about putting good food into people's bellies in the United States than I am concerned about that mythical thing called the Budget. [Laughter and applause.] It is my intention to always support legislation which will be a benefit to the farmers and the laboring people of our country, regardless of political consequences.

Mr. JONES. Mr. Speaker, I yield 1 minute to the gentlewoman from Indiana [Mrs. JENCKES].

Mrs. JENCKES of Indiana. Mr. Speaker, I want to bring the thought to the Members of the House that the farmer has had many years in which to suffer losses; he has had 1 or 2 years, due to the legislation we have passed, in which to retrieve some of those losses. He has not yet replenished his equipment and supplies, and what he has now, if paid in interest, will be lost to the manufacturers of the country. What the farmer saves today in interest will not be stored or hoarded but will be spread all over the Nation and will give employment to those in the cities who manufacture the things that the farmer uses. [Applause.]

Mr. JONES. Mr. Speaker, I yield now to the gentleman from Oklahoma [Mr. JOHNSON].

Mr. JOHNSON of Oklahoma. Mr. Speaker, I shall vote with the Committee on Agriculture to pass the pending bill for retaining the emergency rate of interest charged by the Federal land banks of 3½ percent for a period of 1 year, notwithstanding the veto of the President of the United States.

The bill also provides that beginning 1 year hence the rate will be increased to 4 percent. This on the theory, I assume, that farm conditions will have improved to the extent that farmers will be able to pay an increased interest rate.

As I suggested a few minutes ago, when the distinguished gentleman from Oregon [Mr. PIERCE] was speaking, it occurs to me that, taking into consideration that the Government borrows money for less than 1 percent, it could well afford to lend to farmers at a rate less than 3½ percent; and, if I had my way about it, the rate would not be stepped up to 4 percent a year hence or any other time.

The charge is made, of course, that this is a subsidy to farmers. To charge this is to admit the expense of administering the farm credit set-up is exorbitant. For surely there is no legitimate reason for charging the farmers in excess of 3½ percent and at the same time to lend hundreds of millions of dollars to the shipbuilders at a rate of less than 1 percent.

Mr. Speaker, when legislation was pending here to subsidize shipbuilders to the tune of hundreds of millions of dollars, we had no suggestion from the White House or any department of Government about economy or balancing the Federal Budget. Personally, I want to see the Federal Budget balanced at the earliest possible date, but I am unwilling to do so at the expense of the tax-burdened, drought-burdened, and interest-burdened farmers of the land. [Applause.]

May I remind this House once more that only a few weeks ago this body voted for a couple of $60,000,000 battleships and that no suggestion came from the other end of Pennsylvania Avenue or any department of Government that this would unbalance the Budget. The statement was made a few minutes ago that in the last 20 years Congress has voted more than $4,000,000,000 in subsidies for the shipbuilders of the country, and the rumor is afloat that before this Congress adjourns we shall be called upon for additional subsidies for the shipping interests.

I submit, Mr. Speaker, and Members of the House, that if this Congress passes this and other needed farm legislation to assist the farmers to balance their own budgets, that such legislation will do more to aid in the peace, prosperity, and contentment of the people of America than all the battleships and implements of war for which the tax-burdened farmers of the country must help pay for generations to come. [Applause.]

Mr. Speaker, a few weeks ago this House overrode the President's veto on another bill by an overwhelming majority, and I feel confident that it will do so again today by a majority of from 2 to 1 to possibly 3 or 4 to 1. In my remarks advocating the overriding of the President's veto on the previous bill I did not apologize for refusing to support the President. I said at that time that I yield to no one in my respect to and admiration for the President; I was glad to support the President when I believe him to be right, but that I did not hesitate to oppose him when I was convinced that he was wrong. I said then that I thought the Chief Executive, relying upon poor advice, was wrong, and I speak deliberately when I reiterate the same feeling with reference to this bill.

In defense of his veto the President points out that if this measure is allowed to stand as passed by this House it will cost the Government some $52,000,000. But that estimate, of course, is on the theory that in case this bill is not passed the farmers will be forced to pay the old interest rates of from 4 to 6½ percent, as the gentleman from Texas, the distinguished chairman of the Committee on Agriculture [Mr. JONES], very well pointed out. Of course, no one in this House believes that Congress would for a moment think of going back to such an exorbitant former interest rate and no one contends that under any circumstances should the rate be in excess of 4 percent. At that rate the cost of this bill would be not to exceed $10,000,000 per year.

In the President's message he also pointed out that the ability of the farmers to pay has increased more than 100 percent, caused by the rise in the level of farm prices since 1932 and 1933. It is true that farm prices have improved materially, and had it not been for the unprecedented drought in Oklahoma and several other Middle Western and far Western States in 1936 the condition of the farmers would have been decidedly improved. But, as pointed out a few moments ago by the gentleman from Kansas [Mr. HOPE], the rise in farm prices has been of little benefit to farmers who have nothing to sell. In Oklahoma the wheat, oat, cotton, and other crops were practically a complete failure in 1936. In some counties of Oklahoma the cotton crop was cut to one-tenth of the normal yield, so it is needless for me to argue or explain the dire need in which the farmers of my State and surrounding States have found themselves, nor is it necessary for me to remind this House that the farmers are not out of the woods financially. Therefore, I submit, Mr. Speaker, that the least we can do is to extend this bill for another 2 years and thus in a small way aid in giving the farmers of America a fighting chance to help themselves. [Applause.]

Mr. JONES. Mr. Speaker, I yield now to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Speaker, I feel that the President is inconsistent and not justified in his veto of H. R. 6763. The bill before us provides for a further temporary extension of an interest rate of 3½ percent until June 30, 1938, and 4 percent until June 30, 1939, on Federal land-bank loans and for a 4-percent rate on land bank commissioner loans until June 30, 1939. The extension heretofore granted by Congress has already expired. Unless Congress will override the President's veto by a two-thirds majority and pass this bill, the farmers who have loans with the Federal land bank will be required to pay, instead of 3½ percent interest, all the way from 4 percent to 6 percent interest. As a matter of fact, more than half of the Federal land-bank loans would bear interest at 5 percent, and a considerable amount of these loans would bear 6 percent interest. The Federal land bank commissioner loans would bear interest at 5 percent, instead of 4 percent, as provided by this bill. And let us remember that the total amount of Federal land-bank loans at the present time amount to $2,063,558,000, and the land bank commissioner loans amount to $831,704,000, making a total of $2,895,262,000.

I want to again call your particular attention to the President's letter, directed to the chairman of the Committee on Agriculture of the House and to certain Members of the Senate, wherein he opposed maintaining the lower interest rates on farm loans. In his letter he made the statement that he "was disturbed by the provisions of the bill" and believed that the Members of Congress should be advised as to the situation that would be created by the passage of that measure. A little later I will call your attention to a situation that might be created if we do not pass this measure. He said in that letter, also, that any reduction in the rates of interest that were formerly provided by the Federal land bank and the land bank commissioner loans would create a gift to the farmer from the Federal Treasury, and that he was opposed to a grant or gift by further legalizing a low rate of interest on farm loans. The reduction of interest rates under this bill, as you know, is temporary.

In his message to Congress today, the President states that if we maintain the lower rate of interest, even though it be temporary, it will create a deficit in the United States Treasury at the end of the fiscal year 1938 in the sum of $30,000,000, and that during the 2-year period, he further says, it will probably amount to as much as $52,000,000.

I would like to give due credit to the administration for having given the problem of balancing the Budget the consideration to which it is entitled. I am in favor of balancing the Budget, just as soon as it can possibly be done. I do not want, if it is possible to prevent it, to create any further deficits in the United States Treasury. On June 28 I called your attention to some figures that should prove to your satisfaction that no deficit should be created in the United States Treasury by reason of the extension of the present rate of interest by the Federal land bank, or the Federal Land Bank Commissioner, as provided by the terms of this measure. I do not believe it would cause a raid on the United States Treasury by the farmers of this country in any sense of the word.

But let me suggest that even if the passage of this bill should result in the creation of a small subsidy on the part of the Treasury, the administration and the President are inconsistent in opposing it. Just recently a subsidy of more

than $50,000,000 was granted to the shipping interests of this country. The President did not question that expenditure in the least. As a matter of fact, during the past 6 months this Congress has granted subsidies to many other groups and municipalities who have sought them. I do not believe the allowance of one subsidy should be an excuse for the granting of another, but am simply calling your attention to the fact that the administration has appeared to single out one particular group and, by one stroke of the pen, has said that he was not willing to grant them further relief in this respect.

The administration was not disturbed at an expenditure of approximately a billion dollars to the Army and the Navy, and has not been disturbed when this Congress has exceeded the Budget estimates, and the estimates of the Appropriations Committee, in other instances, by millions of dollars.

I called your attention recently to an expenditure of some $7,000,000 for a tract of timber land in California that is to be added to a national park 15 miles away. Over in St. Louis the Government has spent several million dollars for what is known as a Jefferson Memorial. A great part of which money we are advised is to pay for real estate at fabulous prices. This House agreed just a few weeks ago to spend $5,000,000 to extend a national highway through the State of North Carolina, and two or three other Southern States. In this last instance there was no matching of funds by the States through which the highway passes, as has always been the policy in the building of public highways.

There are instances too numerous to mention here, where the administration has approved the granting of subsidies. I call your attention to these items to show that in these cases, anyway, the administration does not seem to be disturbed about the expenditure of funds and the granting of subsidies beyond the liberal estimates of the Appropriations Committee of the House. Think back, for a minute, to the millions of dollars in appropriations and subsidies that have been granted for the building of river dams, and the construction of power projects.

During the past 4 years, according to statistics that have been furnished us by the Department of Agriculture, we find that 27 out of every 1,000 farm owners in this country lost their farms because they were not able to pay their interest and their taxes. With few exceptions, this condition came about by circumstances over which these farm owners had no control. Thousands of farmers in the last 4 years have lost their homes. They have either become tenant farmers or, in many cases, have gone on the relief rolls. We have here a serious question. I call your attention to these figures to show you that the farmer's condition is far from being solved. As a matter of fact, he is going to need further assistance, for awhile at least, if he is expected to live on his own farm.

The President, in his message, has given us some figures to indicate that conditions on the farm are so much better than they were in the pre-war period. According to figures that I have gathered from the Department of Agriculture, I find that the farmer's price level for the sale of his products at this time is 124 percent of the pre-war days. But we also find that the cost of the things he buys is 133 percent of the pre-war period. So the farmer's dollar today is worth approximately 93 percent of what it was worth during the pre-war period.

Today, in his message, the President has quoted figures showing the gross farm income for 1936 amounted to $9,530,000,000. I call your attention to the farmers' net income for the year 1936 which, according to figures from the Department of Agriculture, was $7,200,000,000. Then I want to compare this figure with the average net income of the farmers during the 10-year period from 1920 to 1930. That yearly average was a little more than $10,000,000,000. So in making a fair comparison of the farmers' net income, we find that such net income this last year is $2,800,000,000 less than the average net income during the 10-year period just mentioned; and the fact remains that during that period the farmers, generally speaking, were hardly able to show a profit.

Mr. Speaker, we have a serious problem. We are considering a most important piece of legislation. There are 639,800 Federal land bank and land-bank commissioner borrowers in the United States. I am informed that this constitutes about 37 percent of all the farm loans in this country. Approximately 70 percent of these borrowers had paid their interest at the end of the year 1936. According to the Federal land-bank figures, there were 95,300 farmers who were unable to take care of their interest payments even at the reduced interest rates and the taxes which had become due at the end of the year. This delinquency came about by reason of crop failures and adverse conditions. These farmers could not meet their obligations. These 95,300 farmers alone represent an investment of $429,000,000. This number would have been much greater had it not been for the temporary reduction of the interest rate heretofore granted by this Congress.

We are dealing with a stupendous problem this afternoon, a problem that involves an investment of two and one-half billion dollars, but, more important, involves, I think, the fate of thousands of farm owners who may not be able to retain possession of their farms if at this crucial moment we see fit to increase an interest charge against them, which they may not be able to pay. If we expect to save the farms for the farmers, the very least thing we can do is to maintain at least temporarily the present rate of interest on Federal land bank as well as land-bank commissioner loans, as provided under this bill.

We have spent a lot of time during this session discussing the question of keeping people from the relief rolls. We have talked about the farmers who are on relief rolls. We find that between 35,000 and 40,000 farmers, on an average, are losing their farms each year. If we want to keep people off the relief rolls and want to help solve the farm problem today, then we ought to pass this bill over the President's veto. Here is a chance to assist materially 685,000 farm owners, and we can do it, in my opinion, without expense to the Federal Government.

A great deal has been said about a low rate of interest granted to the farmers by the Federal loan agencies during the present emergency. I grant you that it is a comparatively low rate, but not as compared with the rates granted to railroad companies and corporations, as well as municipalities, that have been assisted by the use of Government funds. Furthermore, when more than half of these farm loans were made, and the interest charges were 5 percent and 6 percent, the bonds that provided the funds bore interest at 4 percent and 5 percent. These bonds have nearly all been refinanced at 3-percent interest. As a matter of fact, the average interest rate on all Federal loan bonds is only 3.4 percent. Furthermore, the farmer, when he made his loan, paid for stock in the Federal land bank in an amount equivalent to 5 percent of the amount of his loan. In other words, the farmers have invested $100,000,000 of their own money to help guarantee the payment of the Federal land-bank loans. And the farmer, when he makes his loan, pays the secretary of the local organization a fee on the percentage basis on his loan for services rendered in securing the loan for him.

If you will examine the statements of the Federal land banks for 1936 and the first quarter of 1937, you will find they show a net profit of approximately $22,000,000 above a sufficient reserve that has been set aside to protect the banks against losses on account of shrinkage, judgments, foreclosures, real estate owned, and so forth. I believe that with the profits already accumulated, as shown by the Federal land bank statements, and the profits that should accrue during the next year, together with the savings that can be made by a more careful and economical management on part of those in charge of Federal farm loan organizations, there should be more than sufficient funds to take care of this temporary reduction in interest rates.

Many people have a mistaken idea that money borrowed from the Federal land bank is Government money. The Federal land bank is an agency that makes the loans and sells bonds on the market against these loans. One thing more, to show that the interest rate on the bonds above mentioned is reasonable and fair, I call your attention to

the fact that the United States Treasury at this time is able to borrow money at the rate of 2½-percent interest.

If the farmers of this country can raise a good crop this year, and have a fair price for it, the delinquencies in the payment of interest and taxes will be at a minimum in a year from now.

Mr. Speaker, this is not a political question in any sense of the word. It is not sectional or class legislation. It is a question that rises above politics. It is one that directly or indirectly affects a vast portion of the substantial citizens of our country. It is a question that affects their standards of living. Let us not forget that the progress of this Nation is pretty closely associated with whatever degree of prosperity may be attained by the farmers of our country. If we are serious in our efforts to help the farmer to help himself, here is our chance to do it. We have an opportunity to assist a large number of representative persons who are engaged in the great business of agriculture in this country. The thousands of farmers who will be affected by this bill are not asking for alms in any sense of the word. All they are asking for is an even break. Let me plead with you again that you vote to override the President's veto on this bill and give the farmer a chance to help himself.

Mr. JONES. Mr. Speaker, I yield the remainder of my time to the gentleman from Texas [Mr. KLEBERG].

Mr. KLEBERG. Mr. Speaker, it seems to me that 3½-percent interest for 1 year at an approximate expenditure of $30,000,000, affecting those farmers, not who have received the double increase reflected in the Nation's produce but the low end, will give an opportunity to them to pay out and save them from relief so that they may remain landowners; and that is far more consistent than the reasons assigned in the President's message which vetoed this bill. There will be more American citizens kept off of relief than three times this amount of money will provide for by direct relief, to say nothing of their morale being sustained.

Mr. JONES. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House, on reconsideration, pass the bill H. R. 6763, the objection of the President to the contrary notwithstanding? The Clerk will call the roll.

The question was taken; and there were—yeas 260, nays 98, not voting 73, as follows:

[Roll No. 107]

YEAS—260

Aleshire	Coffee, Nebr.	Fletcher	Jarrett
Allen, Ill.	Coffee, Wash.	Ford, Miss.	Jenckes, Ind.
Allen, La.	Cole, N. Y.	Fries, Ill.	Jenkins, Ohio
Allen, Pa.	Collins	Fuller	Jenks, N. H.
Anderson, Mo.	Colmer	Gambrill	Johnson, Luther A.
Andresen, Minn.	Cooley	Garrett	Johnson, Lyndon
Arends	Cooper	Gearhart	Johnson, Okla.
Arnold	Costello	Gehrmann	Johnson, W. Va.
Ashbrook	Cox	Gildea	Jones
Atkinson	Cravens	Goldsborough	Keller
Barden	Crawford	Gray, Ind.	Kerr
Bell	Crowe	Green	Kinzer
Bernard	Crowther	Greenwood	Kirwan
Biermann	Cummings	Greever	Kitchens
Bigelow	Deen	Gregory	Kleberg
Binderup	Dempsey	Griffith	Kniffin
Bland	DeRouen	Griswold	Knutson
Boehne	Dies	Guyer	Kopplemann
Boileau	Dirksen	Gwynne	Kvale
Boren	Disney	Haines	Lambertson
Boyer	Ditter	Halleck	Lanham
Brewster	Dixon	Hamilton	Lanzetta
Brooks	Dondero	Hancock, N. Y.	Lea
Brown	Doughton	Hancock, N. C.	Leavy
Buck	Dowell	Harrington	Lemke
Buckler, Minn.	Doxey	Harter	Long
Burch	Drewry, Va.	Hendricks	Lord
Burdick	Driver	Hildebrandt	Luckey, Nebr.
Cannon, Mo.	Duncan	Hill, Okla.	McClellan
Carlson	Dunn	Hill, Wash.	McFarlane
Carter	Eckert	Hobbs	McGehee
Cartwright	Eicher	Hoffman	McGrath
Case, S. Dak.	Elliott	Holmes	McGroarty
Champion	Engel	Honeyman	McLaughlin
Chapman	Englebright	Hope	McReynolds
Church	Farley	Houston	Mahon, S. C.
Clark, Idaho	Ferguson	Hull	Mahon, Tex.
Clark, N. C.	Fish	Hunter	Mansfield
Clason	Fitzgerald	Imhoff	Mapes
Claypool	Flannagan	Isac	Martin, Colo.
Cluett	Fleger	Jarman	Martin, Mass.
Mason	Pearson	Sauthoff	Thompson, Ill.
Massingale	Peterson, Fla.	Schaefer, Ill.	Thurston
Maverick	Peterson, Ga.	Schneider, Wis.	Transue
Meeks	Pettengill	Schulte	Treadway
Michener	Pierce	Shafer, Mich.	Turner
Miller	Plumley	Shannon	Vincent, B. M.
Mills	Poage	Sheppard	Vinson, Fred M.
Mitchell, Tenn.	Powers	Short	Voorhis
Moser, Pa.	Randolph	Smith, Maine	Wallgren
Mosier, Ohio	Rankin	Smith, Va.	Warren
Murdock, Ariz.	Reece, Tenn.	Smith, Wash.	Wearin
Nelson	Reed, Ill.	Snell	Weaver
Nichols	Reed, N. Y.	Snyder, Pa.	Welch
O'Connell, Mont.	Rees, Kans.	South	West
O'Connor, Mont.	Reilly	Sparkman	Whelchel
O'Malley	Richards	Spence	Whittington
Oliver	Rigney	Starnes	Wilcox
Owen	Robertson	Steagall	Williams
Pace	Robinson, Utah	Stefan	Withrow
Parsons	Robsion, Ky.	Taylor, S. C.	Wolfenden
Patman	Rogers, Okla.	Terry	Wolverton
Patrick	Romjue	Thomas, N. J.	Wood
Patterson	Rutherford	Thomas, Tex.	Woodruff
Patton	Sanders	Thomason, Tex.	Zimmerman

NAYS—98

Andrews	Faddis	Lucas	Pfeifer
Barry	Fitzpatrick	Luce	Polk
Beam	Forand	Ludlow	Quinn
Beiter	Ford, Calif.	McAndrews	Rabaut
Bloom	Frey, Pa.	McCormack	Ramsay
Boland, Pa.	Harlan	McGranery	Ramspeck
Boylan, N. Y.	Havenner	McKeough	Rayburn
Bradley	Healey	McLean	Rich
Bulwinkle	Higgins	Magnuson	Rogers, Mass.
Byrne	Hook	Maloney	Sabath
Chandler	Kee	May	Sacks
Citron	Kelly, Ill.	Mead	Seger
Cochran	Kelly, N. Y.	Merritt	Shanley
Colden	Kennedy, Md.	Mitchell, Ill.	Smith, Conn.
Cole, Md.	Kennedy, N. Y.	Norton	Sumners, Tex.
Cullen	Kenney	O'Brien, Ill.	Swope
Curley	Keogh	O'Brien, Mich.	Tarver
Daly	Kocialkowski	O'Connell, R. I.	Thom
Delaney	Kramer	O'Connor, N. Y.	Tinkham
Dickstein	Lambeth	O'Day	Tolan
Dingell	Lamneck	O'Leary	Towey
Dockweiler	Larrabee	O'Neal, Ky.	Walter
Dorsey	Lesinski	O'Neill, N. J.	Woodrum
Eberharter	Lewis, Colo.	O'Toole	
Evans	Lewis, Md.	Palmisano	

NOT VOTING—73

Allen, Del.	Ellenbogen	McSweeney	Sullivan
Amlie	Fernandez	Maas	Sutphin
Bacon	Flannery	Millard	Sweeney
Bates	Fulmer	Mott	Taber
Boykin	Gasque	Mouton	Taylor, Colo.
Buckley, N. Y.	Gavagan	Murdock, Utah	Taylor, Tenn.
Caldwell	Gifford	Peyser	Teigan
Cannon, Wis.	Gilchrist	Phillips	Tobey
Casey, Mass.	Gingery	Ryan	Umstead
Celler	Gray, Pa.	Sadowski	Vinson, Ga.
Creal	Hart	Schuetz	Wadsworth
Crosby	Hartley	Scott	Wene
Crosser	Hennings	Scrugham	White, Idaho
Culkin	Hill, Ala.	Secrest	White, Ohio
DeMuth	Jacobsen	Simpson	Wigglesworth
Douglas	Johnson, Minn.	Sirovich	Wolcott
Drew, Pa.	Kloeb	Smith, W. Va.	
Eaton	Luecke, Mich.	Somers, N. Y.	
Edmiston	McMillan	Stack	

Mr. WOOD changed his vote from "no" to "aye."

Mr. KELLY of Illinois changed his vote from "aye" to "no."

So (two-thirds having voted in favor thereof) the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. Vinson of Georgia and Mr. Mott (for) with Mr. Sullivan (against).

Mr. Douglas and Mr. Culkin (for) with Mr. Gavagan (against).

Mr. Gifford and Mr. Caldwell (for) with Mr. Peyser (against).

Mr. Tobey and Mr. Wigglesworth (for) with Mr. Buckley of New York (against).

Mr. Taylor of Tennessee and Mr. Eaton (for) with Mr. Sirovich (against).

Mr. Bates and Mr. Maas (for) with Mr. Somers of New York (against).

Mr. Amlie and Mr. White of Ohio (for) with Mr. Celler (against).

Mr. Johnson of Minnesota and Mr. Gilchrist (for) with Mr. Schuetz (against).

General pairs:

Mr. Boykin with Mr. Taber.

Mr. McMillan with Mr. Walcott.

Mr. Hill of Alabama with Mr. Bacon.

Mr. Gasque with Mr. Wadsworth.

Mr. Crosser with Mr. Simpson.

Mr. Taylor of Colorado with Mr. Hartley.

Mr. Umstead with Mr. Millard.

Mr. Sutphin with Mr. Teigan.

Mr. Drew of Pennsylvania with Mr. Scrugham.

Mr. Luecke of Michigan with Mr. Secrest.
Mr. Fernandes with Mr. Gray of Pennsylvania.
Mr. Mouton with Mr. Wene.
Mr. Phillips with Mr. Jacobsen.
Mr. Allen of Delaware with Mr. Ryan.
Mr. Edmiston with Mr. Sweeney.
Mr. Hennings with Mr. DeMuth.
Mr. Murdock of Utah with Mr. Casey.
Mr. Smith of West Virginia with Mr. Flannery.
Mr. Gingery with Mr. White of Idaho.
Mr. McSweeney with Mr. Creal.
Mr. Sadowski with Mr. Crosby.
Mr. Fulmer with Mr. Stack.
Mr. Scott with Mr. Hart.
Mr. Cannon of Wisconsin with Mr. Ellenbogen.

GOLDEN GATE INTERNATIONAL EXPOSITION

The SPEAKER. Pursuant to provisions of Public Resolution 52, Seventy-fifth Congress, the Chair appoints as members of the United States Golden Gate International Exposition the following Members of the House of Representatives: Mr. LEA, Mr. HAVENNER, and Mr. WELCH.

BANKHEAD-JONES FARM TENANT ACT

Mr. JONES. Mr. Speaker, I call up the conference report upon the bill (H. R. 7562) to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Texas calls up the conference report upon the bill H. R. 7562 and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement of the conferees.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7562) to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That this Act may be cited as 'The Bankhead-Jones Farm Tenant Act'.

"TITLE I—FARM-TENANT PROVISIONS

"POWER OF SECRETARY

"SECTION 1. (a) The Secretary of Agriculture (hereinafter referred to as the 'Secretary') is authorized to make loans in the United States and in the Territories of Alaska and Hawaii and in Puerto Rico to persons eligible to receive the benefits of this title to enable such persons to acquire farms.

"(b) Only farm tenants, farm laborers, sharecroppers, and other individuals who obtain, or who recently obtained, the major portion of their income from farming operations shall be eligible to receive the benefits of this title. In making available the benefits of this title, the Secretary shall give preference to persons who are married, or who have dependent families, or, wherever practicable, to persons who are able to make an initial down payment, or who are owners of livestock and farm implements necessary successfully to carry on farming operations. No person shall be eligible who is not a citizen of the United States.

"(c) No loan shall be made for the acquisition of any farm unless it is of such size as the Secretary determines to be sufficient to constitute an efficient farm-management unit and to enable a diligent farm family to carry on successful farming of a type which the Secretary deems can be successfully carried on in the locality in which the farm is situated.

"COUNTY COMMITTEE AND LOANS

"SEC. 2. (a) The County Committee established under section 42 shall—

"(1) Examine applications (filed with the county agent in the county, or with such other person as the Secretary may designate) of persons desiring to finance the acquisition of farms in the county by means of a loan from the Secretary under this title.

"(2) Examine and appraise farms in the county with respect to which an application for a loan is made.

"(b) If the committee finds that an applicant is eligible to receive the benefits of this title, that by reason of his character, ability, and experience he is likely successfully to carry out undertakings required of him under a loan which may be made under this title, and that the farm with respect to which the application is made is of such character that there is a reasonable likelihood that the making of a loan with respect thereto will carry out the purposes of this title, it shall so certify to the Secretary. The committee shall also certify to the Secretary the amount which the committee finds is the reasonable value of the farm.

"(c) No certification under this section shall be made with respect to any farm in which any member of the committee or any person related to such member within the third degree of consanguinity or affinity has any property interest, direct or indirect, or in which they or either of them have had such interest within one year prior to the date of certification.

"(d) No loan shall be made to any person or with respect to any farm unless certification as required under this section has been made with respect to such person and such farm by the committee.

"TERMS OF LOANS

"SEC. 3. (a) Loans made under this title shall be in such amount (not in excess of the amount certified by the County Committee to be the value of the farm) as may be necessary to enable the borrower to acquire the farm and for necessary repairs and improvements thereon, and shall be secured by a first mortgage or deed of trust on the farm.

"(b) The instruments under which the loan is made and security therefor shall—

"(1) Provide for the repayment of the loan within an agreed period of not more than forty years from the making of the loan.

"(2) Provide for the payment of interest on the unpaid balance of the loan at the rate of 3 per centum per annum.

"(3) Provide for the repayment of the unpaid balance of the loan, together with interest thereon, in installments in accordance with amortization schedules prescribed by the Secretary.

"(4) Be in such form and contain such covenants as the Secretary shall prescribe to secure the payment of the unpaid balance of the loan, together with interest thereon, to protect the security, and to assure that the farm will be maintained in repair, and waste and exhaustion of the farm prevented, and that such proper farming practices as the Secretary shall prescribe will be carried out.

"(5) Provide that the borrower shall pay taxes and assessments on the farm to the proper taxing authorities, and insure and pay for insurance on farm buildings.

"(6) Provide that upon the borrower's assigning, selling, or otherwise transferring the farm, or any interest therein, without the consent of the Secretary, or upon default in the performance of, or upon any failure to comply with, any covenant or condition contained in such instruments, or upon involuntary transfer or sale, the Secretary may declare the amount unpaid immediately due and payable, and that, without the consent of the Secretary, no final payment shall be accepted, or release of the Secretary's interest be made, less than five years after the making of the loan.

"(c) Except as provided in paragraph (6) of subsection (b), no instrument provided for in this section shall prohibit the prepayment of any sum due under it.

"(d) No provision of section 75, as amended, of the Act entitled 'An Act to establish a uniform system of bankruptcy throughout the United States', approved July 1, 1898 (U. S. C., 1934 ed., title 11, sec. 203; Supp. II, title 11, sec. 203), otherwise applicable in respect of any indebtedness incurred under this title by any beneficiary thereof, shall be applicable in respect of such indebtedness until such beneficiary has repaid at least 15 per centum thereof.

"EQUITABLE DISTRIBUTION OF LOANS

"SEC. 4. In making loans under this title, the amount which is devoted to such purpose during any fiscal year shall be distributed equitably among the several States and Territories on the basis of farm population and the prevalence of tenancy, as determined by the Secretary.

"AVOIDANCE OF PRODUCTION EXPANSION

"SEC. 5. In carrying out this title, the Secretary shall give due consideration to the desirability of avoiding the expansion of production for market of basic commodities where such expansion would defeat the policy of Congress as set forth in section 7 (a) (5) of the Soil Conservation and Domestic Allotment Act, as amended, and shall, so far as practicable, assist beneficiaries of the program under this title to become established upon lands now in cultivation.

"APPROPRIATION

"SEC. 6. To carry out the provisions of this title, there is authorized to be appropriated not to exceed $10,000,000 for the fiscal year ending June 30, 1938, not to exceed $25,000,000 for the fiscal year ending June 30, 1939, and not to exceed $50,000,000 for each fiscal year thereafter. Not more than 5 per centum of the sums appropriated for any fiscal year in pursuance of this section shall be available for administrative expenses in carrying out this title during such fiscal year.

"TITLE II—REHABILITATION LOANS

"BORROWERS AND TERMS

"SECTION 21. (a) Out of the funds made available under section 23, the Secretary shall have power to make loans to eligible individuals for the purchase of livestock, farm equipment, supplies, and for other farm needs (including minor improvements and minor repairs to real property), and for the refinancing of indebtedness, and for family subsistence.

"(b) Loans made under this section shall bear interest at a rate not in excess of 3 per centum per annum, and shall have maturities not in excess of five years, and may be renewed. Such loans shall

be payable in such installments as the Secretary may provide in the loan agreement. All loans made under this title shall be secured by a chattel mortgage, a lien on crops, and an assignment of proceeds from the sale of agricultural products, or by any one or more of the foregoing.

"(c) Only farm owners, farm tenants, farm laborers, sharecroppers, and other individuals who obtain, or who recently obtained, the major portion of their income from farming operations, and who cannot obtain credit on reasonable terms from any federally incorporated lending institution, shall be eligible for loans under this section.

"DEBT ADJUSTMENT

"SEC. 22. The Secretary shall have power to assist in the voluntary adjustment of indebtedness between farm debtors and their creditors and may cooperate with and pay the whole or part of the expenses of State, Territorial, and local agencies and committees engaged in such debt adjustment. He is also authorized to continue and carry out undertakings with respect to farm debt adjustment uncompleted at the time when appropriations for the purpose of this section are first available. Services furnished by the Secretary under this section shall be without charge to the debtor or creditor.

"APPROPRIATION

"SEC. 23. (a) For the fiscal year ending June 30, 1938, the balances of funds available to the Secretary for loans and relief to farmers, pursuant to Executive Order Numbered 7530 of December 31, 1936, as amended by Executive Order Numbered 7557 of February 19, 1937, which are unexpended on June 30, 1937, are authorized to be appropriated to carry out the provisions of this title.

"(b) The President is authorized to allot to the Secretary, out of appropriations made for relief or work relief for any fiscal year ending prior to July 1, 1939, such sums as he determines to be necessary to carry out the provisions of this title and to enable the Secretary to carry out such other forms of rehabilitation of individuals eligible under this title to receive loans as may be authorized by law and designated in the Executive order directing the allotment.

"TITLE III—RETIREMENT OF SUBMARGINAL LAND

"PROGRAM

"SECTION 31. The Secretary is authorized and directed to develop a program of land conservation and land utilization, including the retirement of lands which are submarginal or not primarily suitable for cultivation, in order thereby to correct maladjustments in land use, and thus assist in controlling soil erosion, reforestation, preserving natural resources, mitigating floods, preventing impairment of dams and reservoirs, conserving surface and subsurface moisture, protecting the watersheds of navigable streams, and protecting the public lands, health, safety, and welfare.

"POWERS UNDER LAND PROGRAM

"SEC. 32. To effectuate the program provided for in section 31, the Secretary is authorized—

"(a) To acquire by purchase, gift, or devise, or by transfer from any agency of the United States or from any State, Territory, or political subdivision, submarginal land and land not primarily suitable for cultivation, and interests in and options on such land. Such property may be acquired subject to any reservations, outstanding estates, interests, easements, or other encumbrances which the Secretary determines will not interfere with the utilization of such property for the purposes of this title.

"(b) To protect, improve, develop, and administer any property so acquired and to construct such structures thereon as may be necessary to adapt it to its most beneficial use.

"(c) To sell, exchange, lease, or otherwise dispose of, with or without a consideration, any property so acquired, under such terms and conditions as he deems will best accomplish the purposes of this title, but any sale, exchange, or grant shall be made only to public authorities and agencies and only on condition that the property is used for public purposes. The Secretary may recommend to the President other Federal, State, or Territorial agencies to administer such property, together with the conditions of use and administration which will best serve the purposes of a land-conservation and land-utilization program, and the President is authorized to transfer such property to such agencies.

"(d) With respect to any land, or any interest therein, acquired by, or transferred to, the Secretary for the purposes of this title, to make dedications or grants, in his discretion, for any public purpose, and to grant licenses and easements upon such terms as he deems reasonable.

"(e) To cooperate with Federal, State, Territorial, and other public agencies in developing plans for a program of land conservation and land utilization, to conduct surveys and investigations relating to conditions and factors affecting, and the methods of accomplishing most effectively, the purposes of this title, and to disseminate information concerning these activities.

"(f) To make such rules and regulations as he deems necessary to prevent trespasses and otherwise regulate the use and occupancy of property acquired by, or transferred to, the Secretary for the purposes of this title, in order to conserve and utilize it or advance the purposes of this title. Any violation of such rules and regulations shall be punished as prescribed in section 5388 of the Revised Statutes, as amended (U. S. C., 1934 ed., title 18, sec. 104).

"PAYMENTS TO COUNTIES

"SEC. 33. As soon as practicable after the end of each calendar year, the Secretary shall pay to the county in which any land is held by the Secretary under this title, 25 per centum of the net revenues received by the Secretary from the use of the land during such year. In case the land is situated in more than one county, the amount to be paid shall be divided equitably among the respective counties. Payments to counties under this section shall be made on the condition that they are used for school or road purposes, or both. This section shall not be construed to apply to amounts received from the sale of land.

"APPROPRIATION

"SEC. 34. To carry out the provisions of this title, there is authorized to be appropriated not to exceed $10,000,000 for the fiscal year ending June 30, 1938, and not to exceed $20,000,000 for each of the two fiscal years thereafter.

"TITLE IV—GENERAL PROVISIONS

"FARMERS' HOME CORPORATION

"SECTION 40. (a) There is hereby created as an agency, of and within the Department of Agriculture, a body corporate with the name 'Farmers' Home Corporation' (in this Act called the Corporation). The principal office of the Corporation shall be located in the District of Columbia, but there may be established agencies or branch offices elsewhere in the United States under rules and regulations prescribed by the Board of Directors.

"(b) The Secretary shall have power to delegate to the Corporation such powers and duties conferred upon him under title I or title II, or both, and such powers under title IV as relate to the exercise of the powers and duties so delegated, as he deems may be necessary to the efficient carrying out of the purposes of such titles and may be executed by the Corporation, and to transfer to the Corporation such funds available for such purposes as he deems necessary. In connection with and in the exercise of such powers and duties so delegated, all provisions of this Act relating to the powers and duties of, and limitations upon, the Secretary shall apply to the Corporation in the same manner as to the Secretary, and the term 'Secretary' shall be construed to include 'Corporation'.

"(c) The Corporation shall have a nominal capital stock in an amount determined and subscribed for by the Secretary. Receipts for payments for or on account of such stock shall be issued by the Corporation to the Secretary and shall be evidence of the stock ownership of the United States.

"(d) The management of the Corporation shall be vested in a board of directors (in this Act called the Board) subject to the general supervision of the Secretary. The Board shall consist of three persons employed in the Department of Agriculture who shall be designated by the Secretary. Vacancies in the Board, so long as there are two members in office, shall not impair the powers of the Board to execute its functions and two of the members in office shall constitute a quorum for the transaction of business. The directors, appointed as hereinbefore provided, shall receive no additional compensation for their services as such directors but may be allowed travel and subsistence expenses when engaged in business of the Corporation outside of the District of Columbia.

"(e) The Board may select, subject to the approval of the Secretary, an administrator, who shall be the executive officer of the Corporation, with such power and authority as may be conferred upon him by the Board.

"(f) The Corporation—

"(1) Shall have succession in its corporate name;

"(2) May adopt, alter, and use a corporate seal, which shall be judicially noticed;

"(3) May sue and be sued in its corporate name in any court of competent jurisdiction, State or Federal: *Provided*, That the prosecution and defense of all litigation to which the Corporation may be a party shall be conducted under the supervision of the Attorney General, and the Corporation shall be represented by the United States Attorneys for the districts, respectively, in which such litigation may arise, or by such other attorney or attorneys as may, under the law, be designated by the Attorney General: *And provided further*, That no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Corporation or its property;

"(4) May adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised and enjoyed;

"(5) Shall be entitled to the free use of the United States mails in the same manner as other executive agencies of the Government;

"(6) Shall have such powers as may be necessary or appropriate for the exercise of the powers vested in the Corporation (including, but subject to the limitations of this Act, the power to make contracts, and to purchase or lease, and to hold or dispose of, such real and personal property as it deems necessary) and all such incidental powers as are customary in corporations generally. The Board shall define the authority and duties of the officers and employees of the Corporation, delegate to them such of the powers vested in the Corporation as it may determine, and require bonds of such of them as it may designate and fix the penalties and pay the premiums of such bonds.

"(g) Insofar as applicable, the benefits of the Act entitled 'An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes', approved September 7, 1916, as amended, shall extend to employees of the Corporation.

"(h) All money of the Corporation not otherwise employed may be deposited with the Treasurer of the United States or in any bank approved by the Secretary of the Treasury, subject to withdrawal by the Corporation at any time, or with the approval of the Secretary of the Treasury may be invested in obligations of the United States. Subject to the approval of the Secretary of the Treasury, the Federal Reserve banks are hereby authorized and

directed to act as depositories, custodians, and fiscal agents for the Corporation in the performance of its powers.

"(i) The Corporation, including its franchises, its capital, reserves, and surplus and its income and property shall, except as otherwise provided in section 50 (a), be exempt from all taxation now or hereafter imposed by the United States or any State, Territory, District, dependency, or political subdivision.

"(j) The Corporation shall at all times maintain complete and accurate books of account and shall file annually with the Secretary a complete report as to the business of the Corporation.

"ADMINISTRATIVE POWERS OF SECRETARY AND CORPORATION

"SEC. 41. For the purposes of this Act, the Secretary shall have power to—

"(a) Appoint (without regard to the civil-service laws and regulations) and fix the compensation of such officers and employees as may be necessary. No person (except as to positions requiring technical training and experience for which no one possessing the requisite technical training and experience is available within the area) shall be appointed or transferred under this Act to any position in an office in a State or Territory the operations of which are confined to such State or Territory or a portion thereof, or in a regional office outside the District of Columbia the operations of which extend to more than one, or portions of more than one, State or Territory, unless such person has been an actual and bona-fide resident of the State or Territory, or region, as the case may be, in which such office is located, for a period of not less than one year next preceding the appointment or transfer to such position (disregarding periods of residence outside such State or Territory, or region, as the case may be, while in the Federal Government service). If the operations of the office are confined to a portion of a single State or Territory, the Secretary in making appointments or transfers to such office shall, except in the classes of cases exempted from the preceding sentence, appoint or transfer only persons who are residents of such portion of the State or Territory: *Provided*, That hereafter, wherever practicable, all appointments of persons to the Federal service for employment within the District of Columbia, under the provisions of this Act, whether such appointments be within the classified civil service or otherwise, shall be apportioned among the several States and the District of Columbia upon the basis of population as ascertained at the last preceding census.

"(b) Accept and utilize voluntary and uncompensated services, and, with the consent of the agency concerned, utilize the officers, employees, equipment, and information of any agency of the Federal Government, or of any State, Territory, or political subdivision.

"(c) Within the limits of appropriations made therefor, make necessary expenditures for personal services and rent at the seat of government and elsewhere; contract stenographic reporting services; purchase and exchange of supplies and equipment, law books, books of reference, directories, periodicals, newspapers, and press clippings; travel and subsistence expenses, including the expense of attendance at meetings and conferences; purchase, operation, and maintenance, at the seat of government and elsewhere, of motor-propelled passenger-carrying and other vehicles; printing and binding; and for such other facilities and services as he may from time to time find necessary for the proper administration of this Act.

"(d) Make contracts for services and purchases of supplies without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., 1934 ed., title 41, sec. 5) when the aggregate amount involved is less than $300.

"(e) Make payment prior to audit and settlement by the General Accounting Office.

"(f) Acquire land and interests therein without regard to section 355 of the Revised Statutes, as amended. This subsection shall not apply with respect to the acquisition of land or interests in land under title III.

"(g) Compromise claims and obligations arising under, and adjust and modify the terms of mortgages, leases, contracts, and agreements entered into pursuant to, this Act, as circumstances may require.

"(h) Collect all claims and obligations arising under this Act, or under any mortgage, lease, contract, or agreement entered into pursuant to this Act, and, if in his judgment necessary and advisable, to pursue the same to final collection in any court having jurisdiction: *Provided*, That the prosecution and defense of all litigation under this Act shall be conducted under the supervision of the Attorney General, and the legal representation shall be by the United States Attorneys for the districts, respectively, in which such litigation may arise, or by such other attorney or attorneys as may, under the law, be designated by the Attorney General.

"(i) Make such rules and regulations as he deems necessary to carry out this Act.

"COUNTY COMMITTEE

"SEC. 42. (a) The Secretary is authorized and directed to appoint in each county in which activities are carried on under title I a county committee composed of three farmers residing in the county.

"(b) Each member of the committee shall be allowed compensation at the rate of $3 per day while engaged in the performance of duties under this Act but such compensation shall not be allowed with respect to more than five days in a month. In addition, they shall be allowed such amounts as the Secretary may prescribe for necessary traveling and subsistence expenses.

"(c) The committee shall meet on the call of the county agent in the county, or on the call of such other person as the Secretary may designate. Two members of the committee shall constitute a quorum. The Secretary shall prescribe rules governing the procedure of the committees, furnish forms and equipment necessary for the performance of their duties, and authorize and provide for the compensation of such clerical assistants as he deems may be required by any committee.

"(d) Committees established under this Act shall, in addition to the duties specifically imposed under this Act, perform such other duties under this Act as the Secretary may require of them.

"RESETTLEMENT PROJECTS

"SEC. 43. The Secretary is authorized to continue to perform such of the functions vested in him pursuant to Executive Order Numbered 7530 of December 31, 1936, as amended by Executive Order Numbered 7557 of February 19, 1937, and pursuant to Public Act Numbered 845, approved June 29, 1936 (49 Stat. 2035), as shall be necessary only for the completion and administration of those resettlement projects, rural rehabilitation projects for resettlement purposes, and land development and land utilization projects, for which funds have been allotted by the President, and the balances of funds available to the Secretary for said purposes which are unexpended on June 30, 1937, are authorized to be appropriated to carry out said purposes: *Provided*, That any land held by the United States under the supervision of the Secretary pursuant to said Executive orders may where suitable be utilized for the purposes of title I of this Act, and the Secretary may sell said land and make loans for the necessary improvement thereof to such individuals and upon such terms as shall be in accordance with the provisions of said title.

"GENERAL PROVISIONS APPLICABLE TO SALE

"SEC. 44. The sale or other disposition of any real property acquired by the Secretary pursuant to the provisions of this Act, or any interest therein, shall be subject to the reservation by the Secretary on behalf of the United States of not less than an undivided three-fourths of the interest of the United States in all coal, oil, gas, and other minerals in or under such property.

"TRANSFER OF AVAILABLE LANDS

"SEC. 45. The President may at any time in his discretion transfer to the Secretary or the Corporation any right, interest, or title held by the United States, and under the supervision of the Secretary, in any land which the President shall find suitable for the purposes of this Act, and the Secretary or the Corporation, as the case may be, may use and dispose of such land in such manner, and subject to such terms and conditions, as the President determines will best carry out the objectives of this Act.

"TRANSACTIONS WITH CORPORATIONS

"SEC. 46. Nothing in this Act shall be construed to authorize the making of any loan, or the sale or other disposition of real property or any interest therein, to any private corporation, for farming purposes.

"SURVEYS AND RESEARCH

"SEC. 47. The Secretary is authorized to conduct surveys, investigations, and research relating to the conditions and factors affecting, and the methods of accomplishing most effectively, the purposes of this Act, and may publish and disseminate information pertinent to the various aspects of his activities.

"VARIABLE PAYMENTS

"SEC. 48. The Secretary may provide for the payment of any obligation or indebtedness to him under this Act under a system of variable payments under which a surplus above the required payment will be collected in periods of above-normal production or prices and employed to reduce payments below the required payment in periods of subnormal production or prices.

"SET-OFF

"SEC. 49. No set-off shall be made against any payment to be made by the Secretary to any person under the provisions of this Act, by reason of any indebtedness of such person to the United States, and no debt due to the Secretary under the provisions of this Act shall be set off against any payments owing by the United States, unless the Secretary shall find that such set-off will not adversely affect the objectives of this Act.

"TAXATION

"SEC. 50. (a) All property which is being utilized to carry out the purposes of title I or title II of this Act (other than property used solely for administrative purposes) shall, notwithstanding that legal title to such property remains in the Secretary or the Corporation, be subject to taxation by the State, Territory, District, dependency, and political subdivision concerned, in the same manner and to the same extent as other similar property is taxed.

"(b) All property to which subsection (a) of this section is inapplicable which is held by the Secretary or the Corporation pursuant to this Act shall be exempt from all taxation now or hereafter imposed by the United States or any State, Territory, District, dependency, or political subdivision, but nothing in this subsection shall be construed as affecting the authority or duty of the Secretary under any other law to make payments in respect of any such property in lieu of taxes.

"BID AT FORECLOSURE

"SEC. 51. The Secretary is authorized and empowered to bid for and purchase at any foreclosure or other sale, or otherwise to acquire property pledged or mortgaged to secure any loan or other indebtedness owing under this Act; to accept title to any property so purchased or acquired; to operate or lease such property for such period as may be deemed necessary or advisable to protect the investment therein; and to sell or otherwise dispose of such

property so purchased or acquired upon such terms and for such considerations as the Secretary shall determine to be reasonable, but subject to the reservation of the rights provided for in section 44.

"PENALTIES

"SEC. 52. (a) Whoever makes any material representation, knowing it to be false, for the purpose of influencing in any way the action of the Corporation upon any application, advance, discount, purchase, or repurchase agreement, contract of sale, lease, or loan, or any change or extension of any of the same by renewal, deferment of action or otherwise, or the acceptance, release, or substitution of security therefor, shall be punished by a fine of not more than $5,000 or by imprisonment for not more than two years, or both.

"(b) Whoever, being connected in any capacity with the Corporation, (1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to the Corporation or pledged or otherwise entrusted to it; or (2) with intent to defraud the Corporation, or any other body politic or corporate, or any individual, or to deceive, any officer, auditor, or examiner of the Corporation, makes any false entry in any book, report, or statement of, or to, the Corporation or draws any order, or issues, puts forth, or assigns any note or other obligation or draft, mortgage, judgment, or decree thereof; or (3) with intent to defraud the Corporation, participates or shares in or receives directly or indirectly any money, profit, property, or benefits through any transaction, loan, commission contract, or any other act of the Corporation, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

"(c) Whoever willfully shall conceal, remove, dispose of, or convert to his own use or to that of another, any property mortgaged or pledged to, or held by, the Corporation, as security for any obligation, shall be punished by a fine of not more than $5,000 or by imprisonment for not more than two years, or both.

"(d) The provisions of sections 112, 113, 114, 115, 116, and 117 of the Criminal Code of the United States (U. S. C., title 18, secs. 202–207, inclusive), insofar as applicable, are extended to apply to contracts or agreements of the Corporation, which for the purposes hereof shall be held to include advances, loans, discounts, purchase and repurchase agreements, contracts of sale, and leases; extensions and renewals thereof; and acceptances, releases, and substitutions of security therefor.

"(e) Whoever conspires with another to accomplish any of the acts made unlawful by the preceding provisions of this section shall, on conviction thereof, be subject to the same fine or imprisonment, or both, as is applicable in the case of conviction for doing such unlawful act.

"FEES AND COMMISSIONS PROHIBITED

"SEC. 53. No Federal officer, attorney, or employee shall, directly or indirectly, be the beneficiary of or receive any fee, commission, gift, or other consideration for or in connection with any transaction or business under this Act other than such salary, fee, or other compensation as he may receive as such officer, attorney, or employee. No member of a county committee established under section 42 shall knowingly make or join in making any certification prohibited by section 2 (c). Any person violating any provision of this section shall, upon conviction thereof, be punished by a fine of not more than $1,000 or imprisonment for not more than one year, or both.

"EXTENSION OF TERRITORIES

"SEC. 54. The provisions of this Act shall extend to the Territories of Alaska and Hawaii and to Puerto Rico. In the case of Alaska and Puerto Rico the term 'county' as used in this Act shall be deemed synonymous with the Territory, or any subdivision thereof as may be designated by the Secretary, and payments under section 33 of this Act shall be made to the Governor of the Territory or to the fiscal agent of such subdivision.

"SEPARABILITY

"SEC. 55. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby."

That the House recede from its disagreement to the amendment to the title of the bill.

MARVIN JONES,
WALL DOXEY,
CLIFFORD R. HOPE,
Managers on the part of the House.

J. H. BANKHEAD,
J. P. POPE,
LYNN J. FRAZIER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7562) to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Farm-tenant provisions

The Senate amendment authorized the Corporation created in the amendment to acquire land and sell or lease it to persons eligible to the benefits of the act. The conference agreement with respect to the farm-tenant title follows the substance of the House bill with the following differences:

(1) Under the conference agreement, loans may be made for a period not in excess of 40 years. The House bill term was 30 years.

(2) Under the conference agreement, applications for loans, which are to be passed on by the county committee, are to be filed with the county agent in the county or with such person as the Secretary designates.

(3) The conference agreement contains a provision, adapted from the Senate amendment, under which the loan instruments are to contain a term that the borrower carry out such proper farming practices as the Secretary prescribes.

(4) The conference agreement contains a provision, adapted from the Senate amendment, under which the loan instruments are to contain a term to the effect that, without the consent of the Secretary, final payment may not be accepted or the Government's interest released prior to 5 years from the making of the loan.

(5) The conference agreement contains a provision, which was implicit in both the House bill and the Senate amendment, which expressly gives the Secretary the power to declare the entire amount due under the loan agreement immediately payable on default in the performance of, or upon any failure to comply with, any term or condition of the mortgage or deed of trust.

(6) The conference agreement rewords the provision of the House bill making the provisions of the Frazier-Lemke Act unavailable to the borrower until he has paid at least 15 percent of his indebtedness.

(7) The conference agreement contains a provision, adapted from the Senate amendment, under which the Secretary is, so far as practicable, to exercise his powers to avoid production expansion where expansion would defeat the parity policy of section 7 of the Soil Conservation and Domestic Allotment Act, and to assist beneficiaries of the title to become established on lands now under cultivation.

(8) Under the House bill, $50,000,000 was authorized to be appropriated for the fiscal year ending June 30, 1940, and no authorization was made for later years. The Senate amendment authorized that sum to be appropriated for the fiscal year 1940 and for each fiscal year thereafter. The conference agreement adopts the Senate provision.

(9) The conference agreement contains a provision under which administrative expenses for carrying out the farm-tenant title (personnel, overhead, etc.) are not to exceed in any fiscal year 5 percent of the amount appropriated for the fiscal year. The Senate amendment fixed a flat $400,000 as the upper limit.

Rehabilitation loans

There are no express provisions in the Senate amendment authorizing the making of rehabilitation loans as such, but the Senate amendment does authorize loans of the kind which may be made under title II of the House bill. These loans under the House bill and the Senate amendment may be made to the beneficiaries of the tenant provisions. The conference agreement contains the loan and debt adjustment provisions of title II of the House bill with two minor clarifying changes. Under the House bill the purposes for which loans could be made included "other farm needs." The first change made by the conference agreement is for the purpose of making clear that the phrase "other farm needs" includes minor repairs and minor improvements to real property. The second makes it clear that loans made under the title are renewable.

Submarginal land

The Senate amendment contains no express provision relating to retirement of submarginal land. The conference agreement contains the provisions of the House bill without change.

General provisions

Under the Senate amendment, a corporation is established to carry out its provisions. The House bill conferred the powers on the Secretary of Agriculture and did not provide for a corporation. The conference agreement establishes a corporation in the Department of Agriculture, the directors of which are to be Department officials, who serve without additional compensation. The Secretary of Agriculture can empower the corporation to exercise the functions conferred upon him under the farm tenant and rehabilitation loan titles and in the parts of the general title which relate to such subjects. When so authorized the act applies to the corporation just as it does to the Secretary. The corporation can exercise no powers under the submarginal land title. The corporation in order effectively to exercise the powers conferred upon it must have the power conferred in the Senate amendment to acquire, hold, and dispose of real and personal property. In the conference agreement, that power has been strictly limited, so that it is not a general one, but is confined only to the necessities of exercising the powers given it and must be exercised subject to the limitations of the act. Thus a granted corporate power with respect to real and personal property may not be construed to authorize a general property purchase and sales program contrary to the terms of titles I or II.

The remainder of the general title in the conference agreement is the same as the same title in the House bill with the following differences:

(1) The conference agreement omits the provision of the House bill under which reductions in personnel were to be determined in accordance with a geographical rule. The provision for requiring apportionments of appointments of personnel in accordance with the census has been made to apply only where it is practicable to do so.

(2) Under the House bill, land could be acquired without regard to section 355 of the Revised Statutes under which various restraints are put upon land acquisition. The conference agreement limits that exception so that acquisition of submarginal land must be in accordance with section 355 whenever that section by its terms applies.

(3) An express provision in the conference agreement which was adapted from the Senate amendment requires that litigation be conducted under the supervision of the Attorney General by the various district attorneys.

(4) Under the House bill, property held by the Secretary was tax exempt, but property which was in the hands of the beneficiaries of the tenant and rehabilitation provisions was subject to taxation. By reason of the inclusion of a corporation in the conference agreement it is necessary to carry over some of the provisions of the Senate amendment relating to taxation and tax exemption of the corporate property. The conference agreement provides that even though title is in the Secretary or the Corporation, real and personal property in the hands of beneficiaries of titles I and II is subject to taxation. Property of the Corporation or the Secretary (used for administrative purposes) and property owned by them and not in the hands of such beneficiaries is tax exempt. The Corporation's franchises, income, notes, etc., are tax exempt. An express provision of the conference agreement preserves the power and duty of the Secretary to make such payments in lieu of taxes on property held by him as are now authorized by law.

(5) The conference agreement provides that the county committee shall meet on the call of the county agent or such person as the Secretary may designate.

(6) The conference agreement contains a provision taken from the Senate amendment under which the President is authorized to transfer to the Secretary or the Corporation any land under the supervision of the Secretary which is suitable for use under the act and authorizes them to use and dispose of such land in such manner, and subject to such terms and conditions as the President determines will best carry out the objectives of the act.

(7) The conference agreement contains a prohibition on making of loans, and transferring real property to corporations for farming purposes. A comparable provision is found in the Senate amendment.

(8) Inasmuch as the House bill did not contain any provision for a corporation, the usual penalty provisions in relation to transactions by and property of Federal corporations were not included. The conference agreement provides for a corporation, and hence includes the penalty provisions of the Senate amendment.

(9) Section 49 of the House bill contained certain provisions prohibiting officers, attorneys, and employees of the United States to be the beneficiaries of any fees, commissions, or gifts in connection with any transaction or business of the United States under the bill. The conference agreement makes it clear that this provision is to apply to officers, attorneys, and employees of the Corporation.

The House recedes on the title and short title to the bill.

MARVIN JONES,
WALL DOXEY,
CLIFFORD R. HOPE,
Managers on the part of the House.

Mr. JONES. Mr. Speaker, those who are interested have read the statement or have followed the changes in the measure. The measure as reported follows the general outlines of the House bill. The questions involved in title I which caused a discussion here are identical with the House provisions, with these exceptions: We retain the loan provisions; the Government does not take title to the land at all. In the House bill there was a provision that the loan period should not exceed 30 years, and that the man could not sell the property until he paid for the entire loan, except with the consent of the Secretary. Under the bill as reported the time is changed from not exceeding 30 years to not exceeding 40 years. The rate of interest remains the same; and we have this added provision: That if the man pays off the loan at any time he may have the deed, except that if he pays it off within the period of 5 years the Government will not issue a full release until the end of the 5-year period. There is a further provision broadening the statement in the House bill which stipulated that the purchaser should not waste the land or damage the buildings or injure the soil. That is clarified and added to by stipulating that he shall during this 5-year period, or during the period which he takes to pay, comply with such farm practices as the Secretary may find essential to the preservation and conservation of the soil.

There is this further provision put into the bill: The Senate bill provided for administration by a corporation instead of by the Secretary of Agriculture.

In the conference report we authorized the Secretary to use a corporation if he finds it advisable to do so. In other words, it is in his discretion; but that corporation must exercise only the functions that are conferred upon the Secretary under the terms of the bill.

That, I believe, covers the main changes in the measure.

Mr. WARREN. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield.

Mr. WARREN. The gentleman will recall that I offered a very important amendment which was agreed to by the House, which assigned over to this new agency certain farm lands in various States that had been acquired by the Resettlement Administration. Can the gentleman tell me what became of that amendment?

Mr. JONES. That amendment is retained in the bill.

Mr. MITCHELL of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield.

Mr. MITCHELL of Tennessee. The appraisement of the lands remains in the hands of the local committee?

Mr. JONES. In the hands of the local committee.

Mr. MITCHELL of Tennessee. The same as it was originally passed?

Mr. JONES. Just as it passed the House.

Mr. MITCHELL of Tennessee. That is true as to the applicant for the loan?

Mr. JONES. Yes.

Mr. MITCHELL of Tennessee. And also the appraisal of the land?

Mr. JONES. Yes.

Mr. NELSON. This local committee is made up of three farmers?

Mr. JONES. The local committee is made up of three farmers; yes.

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield.

Mr. JOHNSON of Oklahoma. As I understand, the same amounts remain available, $10,000,000 the first year, $25,000,000 the second, and $50,000,000 thereafter?

Mr. JONES. That is correct; $50,000,000 the third year and succeeding years. That change was made. The House bill only ran for 3 years. This change says "not to exceed $50,000,000 for each year after the second year." It is a continuing authorization rather than a limited one. I am glad the gentleman called my attention to that.

Mr. JOHNSON of Oklahoma. Is there any provision with reference to submarginal lands?

Mr. JONES. Yes. That remains as in the House bill.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield.

Mr. CASE of South Dakota. What provision is made for title to the land? Are the lands subject to taxation?

Mr. JONES. The land is subject to taxes right along. The Government never owns the land, and therefore it never would be exempt from taxation.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. LUCAS].

Mr. LUCAS. Mr. Speaker, having spent more time on the problem of farm tenancy than any other major issue before Congress today, I am compelled at this juncture of farm-tenancy legislation to speak briefly again upon this vital issue.

I think the distinct difference between the House bill, which received overwhelming approval here, and the bill which was passed by the Senate is generally understood by the Members of the House. I think it is understood by all that the conferees faced a formidable task in reconciling the conflicting provisions of these two measures. There was a fundamental difference involved. There were two entirely different philosophies in the bills.

From the beginning of the hearings on farm-tenancy legislation last January I never altered my position in my antagonism toward the Government going into the purchasing or acquiring of lands for the purpose of resale to a tenant. I appreciate the fact that in days of economic stress and trouble, such as this Nation has been passing through during the last few years, it has become necessary in many instances to transfer a certain amount of local government to the Nation's Capital; but the great difficulty in this trend toward centralized government is to know when and where to stop. Certainly this is not an emergency piece of legislation, and the more local autonomy you can keep in legislation of this kind the better it will be for the future government of this country.

I know the type of tenants both bills seek to reach—industrious, thrifty, and independent tenants. I undertake to say at this point that had the Senate bill become the law of the land, and had any independent, honest, thrifty tenant thoroughly understood the provisions of the Senate bill, he never would have entered into partnership with Uncle Sam. Under the philosophy of the Senate bill, those independent Americans, many of whom in my community are leaders in public thought and social activities, would be placed under the direct control, supervision, and guidance of Uncle Sam as their landlord. This is bureaucratic control from Washington, which, in my opinion, is wholly unnecessary, and I make the prediction that if the time ever comes in America when Uncle Sam becomes landlord for a million tenants, which was the bright prospect under the Senate bill, within a short space of time, from 30 to 40 years, the next step will be for the Government to control all of the lands of the country, and land socialism will be the policy of the Government. When that last vestige of independent initiative is stripped from the farmers, then another different and strange so-called Utopia in government will replace the Government of our fathers.

In conclusion, I want to pay a tribute to the House conferees for standing by their guns, upon what seems to me to be one of the most important problems which any group of conferees was compelled to face.

Especially do I want to commend the distinguished chairman of the Committee on Agriculture for his rigidity, firmness, and fairness in acceding to the wishes of Members of the House. I think it is generally agreed that there are certain manifestations of farm tenancy dealing with the social fabric of the Nation which must be seriously considered in the future, and as an experiment in a problem where the field is broad and fertile I hope that we are in the beginning assuming the one and only justifiable course. [Applause.]

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. LUCAS. I yield.

Mr. SABATH. I fully appreciate that the gentleman has devoted a great deal of time and study to this problem and that probably few Members are better posted or better informed upon this subject than the gentleman from Illinois. Do I understand that the gentleman is willing for this conference report to be adopted because he considers the legislation to be merely an experiment and not a permanent fixed policy of the Government?

Mr. LUCAS. No; I think that in the beginning it will be an experiment, but that if it is handled properly it will become a permanent policy of the Government to benefit the farm tenants of this country.

[Here the gavel fell.]

Mr. JONES. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. PACE].

Mr. PACE. Mr. Speaker, I hesitate to take issue with the distinguished gentleman who heads the Committee on Agriculture, but I say quite frankly that if this conference report is adopted it will be the first step by Congress to put the farmers of this Nation into irons.

Did you know that there has been added to this bill a provision that every man who secures a dollar to get him a home must contract and agree "to carry out such farming practices as the Secretary of Agriculture shall prescribe"? For 40 long years the man who borrows a dollar under this bill is under the absolute domination of the Secretary of Agriculture, whosoever he may be. It is not a question as to Mr. Wallace, the present Secretary, in whom we all have confidence; but I warn you gentlemen that you are now taking a step along a road that runs down through the years. You do not know, and I do not know who the next Secretary of Agriculture will be. I for one will never consent that he shall tell the farmers in my State how, what, when, and where they may plant and harvest their crops.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. PACE. I do.

Mr. MICHENER. Right along the line the gentleman has suggested, the Bureau of the Census advises us that 42 percent of the farmers of the country are tenant farmers. As suggested by the gentleman from Georgia, we will by this action be giving the Secretary of Agriculture absolute control to regiment over 42 percent of the farmers in the country if this bill does what it is presumed to do.

Mr. PACE. Mr. Speaker, I appeal to the Members to read the provisions that have been added to the bill.

Mr. JONES. Mr. Speaker, I think that my good friend from Georgia is unduly excited over this provision. This will not apply to any 42 percent of the farmers. It will apply only to those who want to avail themselves of the benefits of the bill and who are given special concessions of a low interest rate not exceeding 3 percent, and a period of loan not exceeding 40 years.

It is my feeling that if we are to have a farm program—and those who went through the agonies of the period when we did not have a farm program know that the only sensible thing is to have one—if we are to have a farm program somebody must administer it. Our present farm program is based on the soundest principles, those of soil conservation. Certainly it is my thought that if we are going to have that as the basis, and if we are going to charge a low interest rate and encourage these people, those who avail themselves of the benefit of this legislation should submit to the same farming practices that are required of the others who carry out the farm program already adopted.

Mr. PACE. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield.

Mr. PACE. There should not be any difference between us. The gentleman must agree that under this bill every single person who gets a dollar must agree to carry out such practices as the Secretary of Agriculture may prescribe, and that that has nothing in the world to do with general conservation but is in addition thereto.

Mr. JONES. I may state to the gentleman that certainly the administrative authority on the one will probably have the same requirements in the other, for it will be the same administrative authority in both instances. Certainly somebody has to name the conditions and we cannot do that in the bill. I would rather have the Secretary of Agriculture, who is administering the program for the other farmers, stipulate the conditions than to have it done by anyone else; and, certainly, I would not want just to permit them to have special rates with no obligation.

Mr. DOXEY. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield.

Mr. DOXEY. I appreciate the action of the chairman in yielding to me to make an observation for the benefit of the gentleman from Georgia. I do not know whether the gentleman from Georgia ever served on a conference committee or not, but if he has he will appreciate the difficulties that face the conferees.

This provision with reference to administration is taken from the Senate bill and not the House bill. Substantially the same provision was offered in the House as an amendment to the House bill but was defeated. This and one or two minor propositions is about all we brought back from the conference. I do not believe the gentleman from Georgia means to be critical. I am sure that he is interested in the program. He must know that we had to yield somewhat to the Senate. If the bill is not entirely satisfactory, the gentleman should feel charitably toward it,

because the Senate and the House tried to work for the benefit of agriculture.

We are certain of one thing: When the Government lends money it should try to see that the man who gets the benefit will farm in the right sort of way.

Mr. HOPE. Will the gentleman yield?

Mr. JONES. I yield to the gentleman from Kansas.

Mr. HOPE. In view of the statement of the gentleman from Georgia, may I ask the chairman of the Agricultural Committee if he knows of any individual, corporation, or organization of any kind which would sell land to a man with nothing down and simply an option? Some supervision has to be exercised over the man while he is paying for it.

Mr. JONES. I do not know of any who would do that and I never heard of anyone like that. As a rule there are in some of the mortgages issued by private companies stipulations that would almost astonish you if you read them carefully, but they are safeguarding provisions. All the Secretary can do if any of these covenants is violated is to declare the balance due and leave the man where he started. All he can do is take away the privileges which the Government extended in the first place.

Mr. HOPE. Of course, we assume that the purchaser goes into this with his eyes open.

Mr. JONES. He does not have to take advantage of this opportunity if he does not want to.

Mr. HOPE. He does not have to accept the provision.

Mr. JONES. The Senate conferees, of course, want the Government to purchase these lands and go through a lease period and not give title to the purchaser until the end of 20 years. I hope the gentleman feels this is a much less drastic provision than that.

Mr. Speaker, I yield the gentleman from Georgia [Mr. PACE] 3 additional minutes.

Mr. PACE. Mr. Speaker, I do not want to be misunderstood. This provision has nothing to do with preventing waste. That was in the bill as we passed it, and I favor it. It has nothing to do with keeping the property insured. That is all right. It is provided by section 4, page 3, of the conference report that the Secretary of Agriculture shall prescribe rules and regulations for operating the farm, what he shall plant, how he shall plant, when he shall gather, how he shall gather, what warehouse the products shall be taken to, and provides, if you please, if you do not do every single thing that the Secretary of Agriculture tells you to do he has the right to declare your loan in default, foreclose and take your home.

I say that is important, Mr. Speaker, because today we are just beginning. If we start off with such a provision and put the tenants of this Nation in irons, we will certainly see the day when there will be millions of tenants in this Nation under such domination.

Mr. LUCAS. Will the gentleman yield?

Mr. PACE. I yield to the gentleman from Illinois.

Mr. LUCAS. Admitting what the gentleman says is correct——

Mr. PACE. There cannot be any doubt about that.

Mr. LUCAS. Does the gentleman believe any independent, thrifty, honest, frugal tenant, which this bill seeks to reach, will enter into a partnership with Uncle Sam under such circumstances?

Mr. PACE. If he will not, then the bill means nothing.

Mr. LUCAS. That ought to satisfy the gentleman from Georgia.

Mr. PACE. I want a tenant bill. I have 24,000 tenants in my district, and I want to help those poor fellows, but as this matter stands today you compel me to vote against a conference report to help the men in my district.

Mr. ZIMMERMAN. Will the gentleman yield?

Mr. PACE. I yield to the gentleman from Missouri.

Mr. ZIMMERMAN. Since the Government is putting up all the money and taking all the risk, does not the gentleman think if the tenant wants to avail himself of assistance from the Government he should subscribe to these requirements?

Mr. PACE. I am sorry, but I cannot vote under any circumstances to make the tenants of my district subject to the whim of any man in the city of Washington.

[Here the gavel fell.]

Mr. MICHENER. Will the gentleman from Texas yield?

Mr. JONES. I yield to the gentleman from Michigan.

Mr. MICHENER. Is it not true that there has been but one bill affecting agriculture passed by the Congress within the last few years containing the regimentation that this bill does in this particular section, and I refer to the potato-control bill? This is the only bill that has been before the Congress that has contained the potato-control regulation which the country so condemned?

Mr. JONES. I do not think the gentleman would even suggest that comparison if he had taken the time to read the entire bill and compare it. This is a purely voluntary transaction. The potato bill levied a tax on all potato growers regardless of whether they entered into the program or not. As a starter in the present program the Government is going to lend 100 percent. It is going to lend that money to tenants who are selected by local committees. Several concessions are made. It is not amiss, in my opinion, for the authorities who have this matter in charge and those who will administer it to have the right to see that the land is not abused and that the security which the Government has under this program is not dissipated. The whole conference group is of the opinion this is a reasonable provision.

Mr. ZIMMERMAN. Will the gentleman yield?

Mr. JONES. I yield to the gentleman from Missouri.

Mr. ZIMMERMAN. Is it not a fact in addition to putting up all the money to buy this land, the Government even agrees to make subsistence loans to the tenant farmer?

Mr. JONES. Yes.

Mr. ZIMMERMAN. And it is no more than fair or reasonable to require him to follow certain directions of the Department?

Mr. JONES. This is not regimentation, and I do not favor regimentation.

Mr. BURDICK. Will the gentleman yield?

Mr. JONES. I yield to the gentleman from North Dakota.

Mr. BURDICK. I was interested in what the gentleman from Georgia said a while ago. He stated he has 24,000 tenants in his district. May I ask him, under the terms of this bill, how many of the tenants can be aided?

Mr. JONES. It depends upon the appropriations to be made by the Congress. If the thing is worked properly, I think this program will be more beneficial as time goes on.

Mr. BURDICK. I mean the first year.

Mr. JONES. There will be comparatively few. There is only $10,000,000 made available the first year. However, practically all the great programs of this country started modestly. Usually when they started too ambitiously they were bogged down.

Mr. HOFFMAN. Will the gentleman yield?

Mr. JONES. I yield to the gentleman from Michigan.

Mr. HOFFMAN. The House bill is so much better than the proposal advanced in the Senate that there is no comparison. I agree with the chairman. If the Government is to lend this money, it should be protected against waste and the other things that naturally follow improper farming. However, I recall that on the last page of the application for a rehabilitation loan—and I have cited this fact here before (RECORD, p. 4199)—there was a requirement that the borrower should not do anything that was in opposition to the A. A. A. program until the money borrowed and interest thereon was paid. Under this act can the Secretary go that far?

Mr. JONES. I do not think so. There is no authorization for that, and I would very much oppose any such provision.

Mr. HOFFMAN. I should hope so.

Mr. JONES. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

MORSE DRY DOCK & REPAIR CO.—VETO MESSAGE OF THE PRESIDENT (H. DOC. NO. 293)

The SPEAKER laid before the House the following veto message of the President of the United States, which was read by the Clerk:

To the House of Representatives:

I return, without my approval, the bill H. R. 2757, entitled "An act to carry out the findings of the Court of Claims in the claim of Morse Drydock & Repair Co."

This claim is based upon an alleged unpaid balance of the charge of the Morse Drydock & Repair Co. against the United States Mail Steamship Co., Inc., for labor and materials furnished in reconditioning the steamships *George Washington, America, Princess Matoika, Pocohontas, Susquehanna,* and *Potomac,* delivered to the steamship company pursuant to a contract entered into by it with the United States Shipping Board on May 28, 1920, by the terms of which the steamship company agreed to recondition said vessels, at its own cost and expense, promptly upon the delivery of the vessels to it, and to charter them for a period of 5 years at the rate of $3.50 per net register ton per month.

The United States Mail Steamship Co., Inc., contracted with the claimant, the Morse Drydock & Repair Co., for the work of reconditioning these six vessels. The negotiations leading up to the contracts were with the steamship company, and the claimant at all times during the work of reconditioning understood that the steamship company would pay for the work and did not look to the Shipping Board for payment.

A receiver was appointed to take over the assets of the United States Mail Steamship Co., Inc., on August 16, 1921, and said company was adjudged a bankrupt on November 14, 1921, by the United States District Court for the Southern District of New York. At the time of the appointment of a receiver the steamship company was indebted to the Shipping Board on account of accrued charter hire in the sum of $501,552.93. A settlement agreement was entered into between the United States and the trustees in bankruptcy, by which the trustees assigned and transferred to the United States all interest in any money or accounts due the steamship company or the trustees, in consideration of which the United States withdrew its proof of claim for the amount of the accrued charter hire and paid to the trustees the sum of $175,000. The trustees thereupon released the United States from liability for all claims against the bankrupt estate.

The approval of this bill would give the claim of the Morse Drydock & Repair Co. a preferred status, to the exclusion of other creditors.

Had it been established that the United States is morally liable for the balance due on account of the repairs to these vessels, under the charter party-agreement payment should be made to the bankrupt estate.

For this reason and the reasons set forth in the attached letter, I do not feel justified in approving this bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *July 12, 1937.*

The SPEAKER. The objections of the President will be entered at large upon the Journal.

Mr. KENNEDY of Maryland. Mr. Speaker, I move that the message and the bill be referred to the Committee on Claims and be printed under the rule.

The motion was agreed to.

PERMISSION TO ADDRESS THE HOUSE

Mr. SNELL. Mr. Speaker, I ask unanimous consent that on Monday next, after the disposition of the business on the Speaker's table and the completion of the legislative business of the day, the gentleman from Minnesota [Mr. KNUTSON] may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CONTROL OF OUTBREAKS OF INSECT PESTS

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 431) making an appropriation for the control of outbreaks of insect pests.

The Clerk read the title of the joint resolution.

Mr. SUMNERS of Texas. Mr. Speaker, reserving the right to object, may I inquire of the gentleman from Missouri if he can indicate how long it will take to dispose of the matter which he has just presented.

Mr. CANNON of Missouri. Mr. Speaker, this bill has been reported out by the unanimous vote of the committee. So far as I know there is no opposition to the measure. It is a matter of national emergency.

Mr. SUMNERS of Texas. Mr. Speaker, I withdraw my objection.

The SPEAKER. The Chair recognized the gentleman from Missouri upon his assurance that there was no opposition to the joint resolution and that it was a matter of great emergency.

Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That for carrying out the purposes of and for expenditures authorized under the public resolution entitled "Joint resolution making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs", approved April 6, 1937, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000, to remain available until June 30, 1938: *Provided,* That in the discretion of the Secretary of Agriculture, no part of this appropriation shall be expended for control of grasshoppers, Mormon crickets, or chinch bugs in any State until such State has provided the organization or materials and supplies necessary for cooperation: *Provided further,* That transportation of control materials purchased under this appropriation shall be under conditions and means determined by the Secretary of Agriculture as most advantageous to the Federal Government: *Provided further,* That procurements under this appropriation may be made by open-market purchases notwithstanding the provisions of section 3709 of the Revised Statutes of the United States (U. S. C., title 41, sec. 5).

With the following committee amendment:

Page 2, line 5, after the colon, insert the following: "*Provided further,* That this appropriation shall be expended under the personal supervision and direction of the Secretary of Agriculture, who shall make a detailed report to the Secretary of the Senate and the Clerk of the House of Representatives of the several items of expenditure made hereunder."

Mr. CANNON of Missouri. Mr. Speaker, the Budget estimate for this purpose submitted last April provided for an expenditure of $2,000,000. The Committee on Appropriations, in pursuance of its policy of holding down expenditures to a minimum, reported a bill for half the amount, which was passed by the House and became a law.

But the infestations this year have been unusually heavy. In fact, reports received through the Department of Agriculture and from Members of the House indicate that it is perhaps the heaviest for many years. As a result, the first appropriation has been exhausted, and unless further funds are available the loss of crops in many States will be serious. The loss in corn alone will amount to a national catastrophe. All corn reserves are being exhausted and importations from abroad have been required to supply barest domestic requirements. It is believed that prompt action will save corn and other crops not yet matured.

This bill appropriates the remaining million dollars recommended by the Budget. The funds are being economically administered, and practically the entire amount is being spent for materials. The States and local subdivisions are providing transportation and distribution, and Federal appropriations are applied directly without material overhead expenditures.

The time is short. Every 24 hours count, and the bill should be messaged over this afternoon. For that reason I ask for a vote on the bill and amendment without extended debate.

The committee amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent that all Members so desiring may have 5 legislative days in which to extend their remarks in the RECORD on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ORDER OF BUSINESS

Mr. DICKSTEIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DICKSTEIN. Mr. Speaker, when the Private Calendar was last called the Committee on Immigration had a number of bills on the calendar known as omnibus bills. The first bill was considered by the House, and about 7 of the 15 titles were considered. I thought the further consideration of that bill would be the first order of business. The Committee on Claims has not had a day this session, and I am willing to have my bills passed over on the next calendar day provided this can be done without prejudice to the bills to which I have referred.

The SPEAKER. The Chair may state that the arrangement heretofore made by which it was contemplated that the Committee on Claims should have the right to call up today an omnibus claims bill was made by unanimous consent. If the gentleman will consult the rules of the House, he will see the Committee on Claims has not had its regular call with respect to omnibus claims bills and will not have until the third Tuesday of the month, which is next Tuesday. Therefore the gentleman has under no condition lost any right his committee might have had under the circumstances.

Mr. DICKSTEIN. Does the bill from the Committee on Immigration and Naturalization retain its place on the calendar?

The SPEAKER. The bill to which the gentleman refers, of course, retains its place on the calendar.

Mr. DICKSTEIN. On the next calendar day?

The SPEAKER. Absolutely. However, the Chair further understood, although he is not able to verify it, that there was some arrangement by which if we passed the so-called alien bill these bills to which the gentleman has referred would all be passed over.

Mr. DICKSTEIN. I agree with the Speaker, but I made this parliamentary inquiry in order to preserve the rights of the Members who have bills in the omnibus bill and the rights of the committee.

The SPEAKER. The Chair may state that all of the rights of the committee will be preserved.

Mr. DICKSTEIN. I thank the Chair.

EXTENSION OF REMARKS

Mr. LEWIS of Colorado. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter sent to each individual Member of the House by Senator ADAMS, of Colorado.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

(Mr. ROMJUE, Mr. REES of Kansas, Mr. BLOOM, Mr. COFFEE of Washington, and Mr. PACE asked and were given permission to extend their own remarks in the RECORD.)

THE FEDERAL JUDICIARY

The SPEAKER. Under the previous order of the House, the gentleman from Texas [Mr. SUMNERS] is recognized for 1 hour.

Mr. SUMNERS of Texas. Mr. Speaker, I am going to try this afternoon to be useful to the public interest in a situation which we must all regard as very serious.

When we stop to take our soundings, when we look at the stars for our direction, when we read the signs of the times, no American cititzen can fail to appreciate the gravity of our situation. It does not make any difference what your views may be about other matters, no intelligent American citizen can fail to appreciate the seriousness of the situation. When we look about us at the nations of the earth today, we know that free government, popular government on earth, relatively speaking, is disappearing. For anybody with our governmental traditions to face that situation and know that the very identical things which are afflicting the other nations of the earth are also afflicting this Nation, he must be serious.

We are assembled here this afternoon at a time which the historians of the future will record as the highest peak in many respects in human history within 500 years.

When we make an examination of the attitude which obtains among the persons who are operating the functioning machinery of this Government, I say, with all respect, we must recognize that much of the hope of the Nation rests in the House of Representatives—you, in this tragic hour of the world's existence.

We know that as a people, as a Nation, we are at the crossroads in America. Soon we must determine whether or not we are going to preserve Anglo-Saxon institutions in this country or join the other nations of the earth under a dictator. Do not let anybody fool himself about that. People do not have dictators merely because they choose to have dictators. They have dictators when their problems exceed the governmental capacity of their people. Now, write that down, please. No people clothed with the power of self-government ever came under the government of a dictator, except by conquest, unless they had lost the ability to provide in themselves an agency through which popular government could function.

The work of government has to be carried on. This is provided for in the economy of God Almighty. The fact that there shall be government is fixed in human necessity. The people of Germany lost the power to govern and Hitler came to govern when the people of Germany failed to provide in themselves an agency through which the Government of Germany could be carried on and meet its problems.

We think these things cannot come to us. We are deceived by a perfectly ridiculous egotism. Only the greatest people who ever trod this earth can save this country from a dictator. We confront a situation this hour, when I stand here and you sit there, that requires a united government, a united people. Is there anybody who has any sense who does not know that the problems of this hour challenge us to produce the most united people and the most capable people who ever assumed the responsibility of government on the face of this earth? Is there anybody at this hour who has any sense who does not know that?

We are dealing with some practical things today. Does anybody challenge that? What is happening to us? Are we in America on this day moving toward a greater solidarity of the people? Are we moving in America this day toward a greater solidarity in the Senate of the United States? Are we moving in America today toward a greater cooperation of effort between the President of the United States and the legislative branch of the Government? If not, in what direction, then, are we moving?

I am going to talk a little horse sense this afternoon, just plain, practical horse sense, to men and women who sit under the greatest challenge of responsibility, so far as I know, in human history since time began.

I am going to talk a little about the Supreme Court situation, and I shall try to do it in a very helpful way. I want to talk just as plainly this afternoon as I can, and, as God knows my heart, I want to do good for my country. I am for the President of the United States and I am for my country. I do not want to discuss the provisions of the pending bill. I want to direct your attention, however, to the havoc which that bill is now working in the solidiarity of the Nation. That is what I am talking about, and with the hope though vain it may be that as officers and as a people we may calmly consider whether there still remains differences of sufficient substance to justify this concentration of public interest and effort upon that which up to this time has brought only confusion, discord, and hurt to that

solidarity which it is essential for us to have in order to have the strength and unity of effort to make our people secure in these times of world-wide chaos.

That is all that I am talking about. I am asking the American Nation what ought to be done under the circumstances. A few years ago this administration came to responsibility. It came in in an hour of great responsibility and of public danger. One of the most fascinatingly interesting, psychologically, governmental phenomena to be observed among the people of the earth occurred. I was here during the Wilson administration, and I saw that thing happen then. Our people, Anglo-Saxon people, have the genius, fascinatingly interesting, the remarkable genius of sensing the existence of a condition which requires a quicker pick-up and stronger power than their institutions ordinarily afford. I saw it in the Wilson administration, when, instead of turning the Government over to a dictator, as other peoples do, the people gave temporary power to Mr. Wilson to do all that a dictator could do, and had the genius to retain the power, to control its exercise, if necessary, and the ability to recapture and distribute that power. I do not know whether Mr. Wilson misunderstood his commission, his trusteeship, or not; but when that interesting time came, when, under the influence of the same Anglo-Saxon governmental instinct, the time came when that governmental power should have been sent back into the Anglo-Saxon institutions, Mr. Wilson did not recognize it.

He was not well. I pray God that same thing may not happen this time. Mr. Speaker, when this administration came into power, that identical thing happened again. The people said stand by the President. I stood by the President, not always, but generally. I wanted always to stand with him. He did a good job—a mighty good job, but let nobody misunderstand what it cost to do that job. I am not talking merely about these billions of dollars that were expended, but also about what it cost us in morale, what it cost us in self-reliance, what it cost us in independence from the individual up through the small community and the State. Thirty-six billion dollars is the Government's debt today—and $2,000,000,000 more this year have been spent than we have taken in. Where is that moving us toward? It is moving us toward bankruptcy, of course. The President wants to turn about, he says, and I believe him. I want to help him. If I can help to prevent this House splitting wide open, if I can help to prevent cleavage between the President and this House, or substantial parts of it, at this time when he needs and the country needs just the reverse of what is in the Senate and what is threatened in the House, I will be helping the President and I will be helping my country, I believe, more than those who are advising him now, when there is not enough left in this controvery to justify the hurt which is being done by its continuance.

I honestly believe that with all the conviction which the best advised judgment I can command gives to me. That is the only reason I am speaking today. When these States and municipalities, when individuals, private citizens, and others are moving on the Federal Treasury, when there is no money in the Treasury, where is that leading us? It is moving us toward bankruptcy in money and in self-reliance and independence and in those virtues that make it possible for a people to preserve a system of self-government. [Applause.] I believe the President recognizes that fact. I believe he is getting ready, and the country is getting ready, and you are getting ready, to tackle this job. And it is not going to be an easy job either. There is going to be lots of trouble about it. I do not want in this House, if we can avoid it, what is happening in and to the other body.

I think usually we have to speak of the Senate as "the other body." That reminds me of a story I heard down home. There had been too many folks killed in a gambling house in my town, so they posted a rule that there could not be any personalities. In a poker game one fellow caught another on the other side of the table cheating. He drew back his chair, put his six-shooter on the table, and said: "I am not going to call no personalities, I am not talking about nobody, but if I catch that red-headed, one-eyed son-of-a-gun cheating again I am going to shoot tother eye out." [Laughter.]

I hope I am not, in telling that little story, being disrespectful of the Senate. I certainly do not intend to be. I am concerned for my friends over there. This is not a situation of their choosing. Since February 5 this controversy has worn and consumed their energy and self-restraint and poured out among them vials of bitterness which has gone deeply into their relationships. That is not good for them. It is not good for the country. For the sake of the membership of the House, for the sake of the country, I devoutly hope that experience and that hurt can be avoided by the consideration and sound judgment of those in responsibility.

I do not believe, as I size up the situation, as I consider our difficulties, with the friction developing worse and worse within our governmental organization, that we will be in shape to tackle our job. Is that sound? [Applause.] I mean just horse sense. I am talking about horse sense. I do not think with the friction that is developing we can do the job. How important is it to do the job? It is as important as the hope of liberty in the world. We hold the key position in the world today for free government as against autocracy. I am not trying to make a speech. I am just talking to the brains of thinking men and women in this solemn hour today. The Committee on the Judiciary of the House has tried to keep this controversy out of the House, and I have no apology to make for it; and at the same time we have been doing something to meet the condition against which the other bill, it is claimed, is directed. I will discuss that directly. The Senate and the House are different. Over in the Senate they have just a little crowd relatively. They know each other pretty well; it is a sort of club. When one of them says something mean to another, and the other says, "You are another one", probably knowing each other so very well there is not much fussing about it, and they just say, "Come on, let us go to lunch." At least that has been true. It is not so true now. This controversy, I am afraid, is cutting deeply. But you bring that issue into this House, transplanting as you would in a measure the bitterness in the Senate, you would split this House from top to bottom and it would not heal soon.

Then I say to my distinguished friend for whom I have the deepest affection, the leader of the House, the gentleman from Texas [Mr. RAYBURN], and to my equally distinguished and beloved friend, the Speaker, who sits there, when that is done, do not try to tell me that this House will be in any shape to follow you in solidarity and unity of effort in doing its share of the job of saving this country. I may do a bad job in this effort, but I am trying to be helpful today to my leader, my Speaker, this House, my President, and my country .

I am appealing to the thinking sense of grown men and women who have their heads on their own shoulders. What we need in America more than anything else is to put our feet on the ground [applause] and put our heads on our own shoulders. There used to be an expression down among our boys in Tennessee when a fellow was showing a disposition to get a little flighty in the head, "Keep your shirt on!" Then we need to sit down and give this thing a little thinking, and when we give it a little thinking, get a picture of the world and see what is happening at the other end of the building and what is happening between those there and the President, see what would happen here. Look at the condition of this country and the job ahead of us, we then ask ourselves if it is good, old-fashioned horse sense from anybody's standpoint to split us from top to bottom when the Supreme Court is already definitely moving out of the field where governmental policy is fixed; and when already under the laws you passed this session a vacancy has resulted and it only awaits nomination by the President and confirmation by the Senate to fill that vacancy and to start the inflow of new blood into the Supreme Court. The work which we have got to do to make our Nation secure against the perils which are abroad in the world today only a united people have got a

chance to do. Have we got any sense? I mean, have we got any real sense? This thing which is going on is just not sensible. It can be avoided.

I hope I am not being offensive to anybody. If under the zeal of trying to drive home this one point I should give offense, especially to those who have for weeks been under the strain of this controversy, I will be deeply sorry. There is no human being who can look at this situation, analyze the situation and the problems of this country and not know they are challenging us as a people to be the greatest generation of people that ever walked the earth. There is not anybody who can analyze this situation and not know that we have a situation that challenges us Representatives to be the most efficient, patriotic, level-headed men and women who ever sat in this Chamber. These are not ordinary times. The balance sheet is being struck, nations and civilizations are being brought to judgment. Those who will not be instructed by the experience of others are being sent to the school of their own experience and made to pay for their tuition.

I want to congratulate the House on its program with reference to this thing that is now tearing this country wide open today. You put through a program here at this session. You put through the same program here dealing with the Supreme Court that a good, level-headed doctor would put through when called in to treat a patient with a similar disorder. You put through the same program in this House that a good mechanic would put through.

If you went to him with the gas line of your car stopped up, if you took to him a car that was not getting the normal intake of new gas, he would not put some dynamite under the car and blow it up. No. He would open up that line and see if he could not get the engine working. He might do something later more radical if that did not work, but that is what he would do first. Then you would not hurt the car as a vehicle needed for the service of your family.

Now, let us see about this Supreme Court thing. Let us just talk common sense about it now. This House appreciated the fact that there was not a normal intake of new blood in that Court. You made an examination, a sort of diagnosis. You located an obstruction which blocked up the intake. We found that in the act of 1919, which gave to all other Federal judges the right to retire instead of resign after 70 years of age with 10 years' service, and to take light work retaining their judicial status with this constitutional arrangement, we had denied these Supreme Court judges by specific designation that right to retire. We had given to every other Federal judge in this country the right to retire instead of resigning, except Supreme Court judges. What does that mean? We have to be fair about this. It means that we said to them, "Stay on the job right where you are. You cannot have any lighter work. If you leave that bench, you have to check out and cease to be a judge."

Public opinion had something to say about it, too. About that time Mr. Holmes, who was approaching his ninetieth year, was on the bench, and the papers were writing about the grand old man still on the job. Let us be fair about this. Everybody was going over to the Supreme Court to see the grand old man nearly 90 years old, who was still on the job earning his salary. That was not all. The Constitution provides that their salaries are for life; they have their job for life, subject to good behavior. We had passed a law in 1868 which provided that these judges, at the age and with the service I mentioned a while ago, could resign and we would give them their salary for life. With that law on the statute book, Mr. Holmes came off the bench and we cut his salary $10,000 for believing in us. What did that mean to all the other men on the Supreme Bench? It meant that we had not only said to them in 1919, "We want you to stay on the bench", but in doing to Mr. Holmes what we did, we said to them, "If you fellows dare to get off the bench we may fine you the full amount of your salary, guaranteed by the Constitution only if you stay on the bench." Is that not right? I mean that is the fact. The first invitation, the first intimation given to these Supreme Court Justices that it would be agreeable for them to retire as other judges had been privileged since 1919 was given by the act passed by this House at this session of the Congress.

That is not quite all. Your committee presented a bill at the last Congress proposing this privilege of retirement, which other judges had had since 1919, and with the question squarely and specifically presented to this part of the policy-fixing body of the Nation, you said "no" by defeating the bill. That bill was not handled right, but still there was the specific denial of the right to quit regular service on the bench as that right had been given to all other Federal judges.

We removed that obstruction and gave Nature a chance. We gave these judges the same right to retire previously given other judges. Was not that the thing to do? Is not that what a good doctor would have done under similar circumstances; what a good farmer would do? Practical people dealing with practical things—and government is practical—would first recognize that God Almighty is the mighty force in the universe and that the thing to do, at least in the first instance, is to take Him into partnership, work in obedience to His laws, and give Nature a chance first.

That is what we tried to do last session. I brought that bill over here, and it was just plain, downright dumbness on my part or we would have put it through. I will tell you a secret about it, and I am ashamed to admit it: I just naturally overestimated the intelligence of the House. [Laughter.]

We did not handle it right, but this year we reintroduced it; we brought it over in the House. It was your bill; you passed it. You removed the obstruction insofar as you are concerned. The Senate passed it. The President signed it. And notwithstanding the difficulties that were brought about by the great disturbance, one of these judges quit the bench under the provisions of that law. The President can fill that vacancy when he chooses. This Justice was one who, as frequently as any other, perhaps, had decided against what is designated as New Deal legislation. That created a condition with regard to that Court which makes it possible to change the relationship as much as adding two new judges would. There was no controversy, no noise. Nothing was done that might imperil the confidence of the people in that Court as an institution. I want to tell you that it is a pretty ticklish job when you begin to hit over the head indiscriminately people who operate the functioning machinery of our system of government. Now, sometimes you have to do it, but it is a pretty ticklish job, it is a pretty dangerous job in times like these. The average man does not draw a distinction between that intangible thing that we love with the holy love called patriotism and the human beings who are operating its functioning machinery. When you destroy the confidence of the people in the persons who are operating that machine it is just one step beyond that until you have destroyed their confidence in their Government.

It was our duty to do something about the situation to make it easier for new blood to flow into that Court, a sort of surgical operation; but to be done with a surgical instrument, not a meat ax. I wish the President had given this bill which he endorsed a chance before that other proposition was turned loose. I cannot help, but believe he was imposed on by somebody who did not want results to come that route. If I may say with apology and deep respect, I believe he is being imposed on now. I wish he would, if he can find the time, give this thing a thinking through. I want to be helpful to him. This is no pleasant job for me.

We gave Nature a chance and Nature started the inflow of new blood that had been artificially obstructed by acts of Congress. That is not all, this House of Representatives has exercised in a quiet, respectful way its pressure upon that Court to try to get it moving out of the field where governmental policy is fixed. Beginning with Marshall the Supreme Court has been moving further and a little further into the field where governmental policy is fixed. Your committee, without "hollering" its head off about it, has been trying to ease them out a bit. We did not agree with the decision of the Supreme Court in the Municipal Bankruptcy Act. We brought in here as your servants another bill

recently through which we hope to present again that issue to the Supreme Court; in other words, we are asking for a rehearing before that Court on that issue.

We indicated to them without getting into the press and "hollering" our heads off that we did not believe that that decision ought to stand as the law of the land, that we want to present it again. I have heard it being said around here that one of the Justices of the Supreme Court who changed his attitude and sustained important legislation of this Congress—I have heard it talked around that he "is a turncoat." Now, do you think that sort of talk is going to help the House in trying to get this Court upon a rehearing to hold that the States can constitutionally do what we believe they can do? Did you ever hear of a lawyer, who, securing a rehearing in a case that had been decided against him and got a favorable decision on rehearing, running out of the courthouse pointing back to the judge who had decided with him, hollering "Turncoat! Turncoat! I presented my matter to you, you gave me a rehearing, and upon the rehearing you decided for me; there is something crooked about it"? I am talking practical sense only. This illustrates the strain, the danger of letting this thing go on. That is why I am making this talk today. We are in no frame of mind to do the public business. There is not enough left in this controversy to justify the hurt and the danger from what we are doing.

That is not all this House has done this session. The House agreed that the acts of Congress were being too easily set aside on constitutional grounds. What did the House do about it? I am proud of this House in this hour of—well, I cannot say it, I was just about to talk about [laughter]—in this hour of hysteria. Boys, I am proud of you, sitting here in the council of the Nation with your feet on the ground and your heads on your shoulders, doing your own thinking. Under God Almighty may we do our own thinking. I do not find anywhere else in this Government the stability that I find in the House of Representatives today. When you found that the courts were too easily setting aside acts of Congress, what did you do? You passed a bill giving the Government of the United States the right in private litigation when the question of constitutionality of an act of Congress arises, to send its chief law officer into the courts to defend the constitutionality of that act of Congress and to appeal directly to the Supreme Court from an adverse decision. You also passed a bill this session making it easier to get rid of crooked judges. These are three things that the House has done at this session to straighten out this situation.

I am not going to take very much more of your time. I want to ask the people of this Nation, I want to appeal to the responsible officers of the Nation, to consider what is happening under your program in the House, and what is happening during the effort to put the other program through; and, too, if it would not be better under all the circumstances to cease attempting to press through what I believe is an unnecessary piece of legislation, considering what has already happened and what we may reasonably expect to happen when we stop shouting to each other, and things quiet down among a people who proceed with mutual respect toward each other. [Applause, the Members rising.]

Let us give a chance to the legislation which has passed this House to secure results. Two of these bills are yet to be acted on in the Senate. That is not an unreasonable request. It is not an unreasonable suggestion. This is not the last session of the Congress. If this were the last time when we can have a Congress, there might be some reason in the minds of some gentlemen for risking the solidarity of this Nation by continuing to try to put through this last bill now. This is a thing that people have very deep convictions about. It is not a matter of good people on one side and bad people on the other. This proposition in the minds of many honest, patriotic people reaches to the foundation of our governmental structure.

Even as the Court was constituted before the retirement referred to, it has upheld the program recently presented. Since those decisions one of the dissenting Justices has quit. This gives the opportunity to appoint somebody else. This would mean, unless they misjudge the man who is appointed, that reducing on one side and adding to the other, these decisions that were rendered by a vote of 5 to 4 in favor of the Government during the last term would have a vote of 6 to 3 in favor of the Government without any new bill or any more retirements. Other vacancies are inevitable soon, especially if we can get this agitation out of the way.

When you examine into the situation you will find that when we get this thing out of the way, as soon as we take the lash from above the heads of these judges over there, some more of them will retire. I mean that as a fact. Everybody knows it is a fact. What is the excuse, then, for this bill being pressed any further at this time? Can we pretend to be unmindful of the hurt? To save my life I cannot figure it out. There may be some reason, but I cannot figure it out.

Mr. Speaker, I am going to yield to any Member who wants to ask me questions. May I say first, however, I have not tried to make a speech this afternoon; but if these advisers who are counseling the President to force that bill into this House under pressure which they may be able to command, when we are trying to preserve strength and unity required to do the Nation's work, if they force that bill into this House for the sake of saving their faces or their hides, they ought not to have hide enough left to be worth bothering about. [Applause.]

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from New York.

Mr. O'CONNOR of New York. If the gentleman and his committee maintain the present position against the presentation of this bill to the House, as I understand it, how could it possibly come to the House?

Mr. SUMNERS of Texas. Well, there is the Rules Committee. [Laughter and applause.]

Mr. O'CONNOR of New York. I am quite sure the gentleman has had no experience with the Rules Committee reporting a bill that has not been reported by a standing committee pursuant to a request for a rule made by the standing committee?

Mr. SUMNERS of Texas. In other words, there is no chance over there? [Laughter and applause.]

Mr. COLDEN. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from California.

Mr. COLDEN. Is not the chairman of the Judiciary Committee going a little far when he assumes to protect this House from a responsibility that it now faces, and one on which the people of this country expect an answer from the House as well as from the other body?

Mr. SUMNERS of Texas. Now, would the gentleman make that a little clearer?

Mr. COLDEN. I assume that the chairman is trying to protect this House from a responsibility that I think it should take. Why should it not take the responsibility?

Mr. SUMNERS of Texas. I have tried to state it as clearly as I can. I believe, first, that the program this House has already put through removes the excuse, if I may put it that way, of sending into the House now a bill which will do for the House what that bill is doing in the Senate. Do I make myself clear?

Mr. COLDEN. Yes. The gentleman is assuming that some of the judges will resign, but we have no assurances that they will.

Mr. SUMNERS of Texas. The gentleman has not any assurance, either, that this bill will pass over there after it has "busted" us open from top to bottom. [Applause.]

Mr. KELLER. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Illinois.

Mr. KELLER. Does the chairman of the Committee on the Judiciary take the position that his committee has a right to deny the House the opportunity to vote on this subject?

Mr. SUMNERS of Texas. No; I do not think that, but I take the position that the Judiciary Committee of the House is an agent of the House, trusted with certain re-

sponsibilities, and at any time this House wants to assume the responsibility of taking the bill away from the committee, it has the privilege of doing so.

Mr. BOILEAU. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. I take it that those of us who are desirous of having this matter brought before the House then should start filing a petition to discharge the committee?

Mr. SUMNERS of Texas. No. I think you ought to reconsider and decide the other way.

Mr. KELLER. But if we are unwilling to do that, what is our remedy?

Mr. SUMNERS of Texas. I would suggest the gentleman ask his own group. I want to make an apology. You know I get up here and folks kind of laugh at me and it makes a sort of fool of me. I do not want to pull off "smart-aleck" stuff; therefore, if I seem to be discourteous, I assure the Members I do not want to be.

Mr. COLDEN. The gentleman from Texas has the exceptional ability of being able to laugh the average Member off the floor.

Mr. SUMNERS of Texas. Yes; but the gentleman is not an average Member. [Laughter and applause.]

Mr. HARLAN. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Ohio.

Mr. HARLAN. If the gentleman is correctly reflecting the position of the Judiciary Committee, then it is incumbent upon those who are in favor of meeting the situation as it comes up to oppose any recess that may be suggested; so that we can file a petition to take this matter from the Judiciary Committee and have the necessary number of legislative days lapse. In other words, the bill was filed in the House on July 6. It will have to pend before the gentleman's committee 30 days. The resolution to take it from the Judiciary Committee will have to pend 7 days and it will take 3 or 4 days to get the necessary number of signatures to the petition.

Mr. SUMNERS of Texas. The gentleman cannot do it in that time. [Applause and laughter.]

Mr. HARLAN. I was submitting a question to the gentleman as a Congressman, not as a prophet. So that in order to have the necessary time elapse and the Congress adjourn within a reasonable time, and in order to have a vote, it will be necessary for us to stay here without any recess. That will be the effect, provided we want to get out of here before September; is that not so?

Mr. SUMNERS of Texas. I do not know. That is too much mathematics for me. [Laughter.]

What I really meant, although I probably did not state it very well, was that I was hoping the leaders in the House, the leaders in the Senate, and the people who are advising the President would just sort of sit down and give this thing a "think" and figure out what had happened under the bill which you passed and what they might expect would probably happen if they sent this bill over here and what would probably happen if they continue this agitation. You know what has been happening in another Chamber. I do not want it to happen here. If I am not trying in that attitude to render a public service, a service to this House, to my country, and to my President, then I am mighty badly mistaken. In this time of year especially, when you get people rowing and rowing and rowing, they are not in any shape to do the serious business of the Government. Do you think people who are continually in this row, week in and week out, month in and month out, are in any shape at all to do the serious business of the Government? And what is it all about? What is left to justify it?

What I am trying to say is that the difference between the bill they have in the Senate and your legislative program does not justify the destruction of the solidarity of this House and the Senate and sending deep lines, possibly permanent lines, of cleavage between the legislative and the executive branches of the Government at a time when every consideration of the public interest calls for unity and that cooperative effort impossible in an atmosphere of discord.

Mr. KELLER. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. In just 1 minute.

Probably I have not been temperate in what I have said, but what I am hoping is that perhaps the people who are for the bill and the people who are against the bill, all of whom love this country and want to serve it, and appreciate the danger of this hour, can get around the table and say, "Now, look here, had we better not let this thing ride awhile, and let the boys sober down and come back here next session, since this is not the last session, and see what else is to be done?" That seems to be horse sense to me.

Mr. COLDEN. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to my good friend, and I surely will not do any "wisecracking."

Mr. COLDEN. I admit I am no equal of the gentleman from Texas in that respect.

Mr. SUMNERS of Texas. I will not do it.

Mr. COLDEN. May I ask the chairman of the Committee of the Judiciary if the gentleman is advocating a sit-down strike in Congress on this great issue?

Mr. SUMNERS of Texas. I say that this great issue is not the only issue in the country. I believe they would do pretty good to sit down on this issue and go to work on other issues which demand attention. [Applause.]

In all respect to the gentleman, I say that I do not think this is the only question we have in this country. I know and you know it is splitting us wide open. No one can deny that. You know and I know that we need a united people, we need a people who are working with the President. We do not want any lines of cleavage between the legislative branch of this Government and the President. You know from the votes we have been seeing here in the last 3 or 4 weeks this situation, this strife, is beginning to reflect itself in the general legislative reaction of this House, and it is a serious matter.

Mr. COLE of Maryland. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. COLE of Maryland. In view of the questions previously asked the distinguished gentleman as to the time required for a discharge petition in order to bring this subject to the floor of the House, I would like to ask the gentleman this question:

It is my understanding the original Court proposal was introduced in the House by the gentleman from Texas [Mr. MAVERICK], and no one else, and with that bill now dead in the Senate and the substitute therefor being discussed at this time in the Senate, and the fact that that substitute is the subject of a new bill introduced by the gentleman from Kentucky [Mr. VINSON] about a week ago, would a petition seeking the discharge of that bill from the Judiciary Committee, over which the gentleman from Texas presides with such dignity, be in order under the rules of the House before the expiration of 30 days? I would like to know if this is correct, and further, if the substitute Court proposal in the Senate has been introduced by anyone in the House other than the gentleman from Kentucky.

Mr. SUMNERS of Texas. Not by any member of the committee.

Mr. COLE of Maryland. So there is nothing from the consideration of which the gentleman's committee may be discharged?

Mr. HARLAN. The Senate bill has been introduced in the House.

Mr. COLE of Maryland. I am talking about the substitute.

Mr. HARLAN. The Senate bill has been introduced. The gentleman from Kentucky introduced it.

Mr. SUMNERS of Texas. Yes; it has been introduced.

Mr. COLE of Maryland. I did not know that.

Mr. McFARLANE. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. McFARLANE. I would like to have the views of the chairman of the committee on whether or not he expects his committee to hold hearings on the substitute anytime before Labor Day, and if so, when? The original bill has been pending before the House since February 5, and the

substitute bill has now been pending for some little time. About 5 months have elapsed. How much of a sit-down strike do we have to have in the House before we consider this proposed legislation?

Mr. SUMNERS of Texas. Does the gentleman mean before we report it out?

Mr. McFARLANE. Before the gentleman's committee will begin holding hearings on it, or do something about it besides just sit here and pass the buck to the Senate.

Mr. SUMNERS of Texas. The gentleman wants to know how much sit-down strike he can have?

Mr. McFARLANE. I would like to know what the committee is going to do about holding hearings on the bill and considering it?

Mr. SUMNERS of Texas. Well, Mac, you are not by yourself on that. [Laughter and applause.]

Mr. KENNEDY of New York. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. KENNEDY of New York. Does the gentleman realize we have had a vacancy on the Supreme Court now for about a month or so, and that under usual circumstances the President makes the appointment and sends it to the Senate for confirmation, and usually considerable time is required to investigate the appointment, and so forth? Up to the present time, as the gentleman knows, the President has done nothing about filling this vacancy. Does not the gentleman think if the President would make an appointment the country would have an opportunity to decide what type of men the President intended to appoint to the Bench, which might help us to solve this problem?

Mr. SUMNERS of Texas. I would not like to discuss that question, as that matter falls entirely within the discretion of the President.

May I say that, although it may not be appreciated, I am doing my best to be helpful in this situation? I may be wrong about it, but I really do believe I am a better friend of the President of the United States in trying to get this thing straightened out and this obstruction removed. If I may speak of myself, I saw this situation coming at least 3 years ago. I knew the historical background of the separation of the Executive from the control of judicial determinations. I knew something would have to be done to start again a normal flow of new blood into the Supreme Court, which would save any criticism of the President of the United States on the score that he was trying to control the decisions of the Court. The whole program of the House has been in that direction. I will venture the assertion that, when this thing is over and the President of the United States takes account of what has happened, he will say that the House of Representatives and even the committee with which I happen to be connected have been as good friends of his as the folks who gave him that other bill. I believe so. [Applause.]

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. SABATH. Knowing the gentleman as I do, I cannot believe he desires to leave the impression that the country is in danger, or that he desires to alarm the Nation because of the debate which is taking place on the judiciary.

Mr. SUMNERS of Texas. Oh, no; not at all.

Mr. SABATH. The gentleman recalls, I am sure, the strife in the House and in the other body when we considered other important bills, such as the Federal Reserve bill. In those days, as the gentleman recalls, we heard a great many predictions on what would happen to the Nation if that legislation were enacted into law. Nothing happened and the country was benefited, and I believe what is transpiring over there now will not be detrimental to the Nation. These gentlemen will cool off and after they have given the matter due and careful consideration, I believe they will agree on a substitute and everything will be "hunky-dory", if I may use that term. [Applause.]

Mr. SUMNERS of Texas. I want to thank my distinguished friend from Illinois for that suggestion, because I certainly do not want to create the impression that this bill in itself would bring about any of the dire results referred to. The point I am trying to make, which I think is sound, although I may be wrong, is that this Nation confronts now as great problems as ever challenged any people on the face of the earth; and when there is friction between the Legislature and the President or a sharp cleavage in the House of Representatives and in the Senate, I do not believe we are in as good shape to do the job as where such a situation does not obtain. I cannot see how that can be wrong.

Mr. Speaker, I want to make this additional statement: I am inclined to think that while this agitation has cost us a lot, yet the sit-down strikes and the agitation with regard to the Supreme Court have done more to stir up the people and make them begin to think than all the other things combined in the country, and that is what we have needed; and what I am now trying to say is that after having got the benefit from this agitation, is it not about time that we get together? You go over there and look at those Senators on each side, one of them just as good kind of person as the other, one of them looks to me as if he has as much sense as the other one. The President wants to do what is right in this country, I am sure, and I am sure my friend KENT KELLER wants to do what is right, and I am sure that I do. I am hoping that we will at least make the effort. I am doing my job. I felt like I ought to make these statements, and if it does not work, my conscience is clear. Nobody is responsible for results. He is only responsible for doing his best and following the best judgment that God Almighty gives him, and when he does that, his conscience ought to be clear.

Mr. COLDEN. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. COLDEN. Aside from the question the gentleman is discussing, does not the gentleman believe it is advisable for his committee to report out a constitutional amendment that will clarify the interstate powers of Congress over industry and labor to settle this question for all time?

Mr. SUMNERS of Texas. It is awfully hard to settle any question for all time. If I thought we could do it, I would do it. I do not know sir. I am telling you candidly, I do not know.

Mr. COX and Mr. LAMNECK rose.

Mr. COX. The gentleman has been so temperate, so kind, and has reflected such wisdom and sympathy that I trust tomorrow morning he will be given a national audience by a friendly and kindly press. [Applause.]

Mr. SUMNERS of Texas. I hope if they do write anything about it they will not just take one side of what I am trying to say and use it against the Court bill, or print what may be construed the other way. What I have hoped to do is to put over the one thought which I believe with all the conviction I can have is important now, that the time has come in American confusion when sensible men who love their country ought to try to sit around a counsel table and do something about this thing that is dividing and incapacitating us to a degree, as I see it, out of all proportion to the importance of the thing which is being fought over these 5 months now passed and other months in prospect. [Applause.]

Mr. LAMNECK. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. LAMNECK. I take it from the gentleman's statement that he is not of the opinion that any change in the Supreme Court is necessary to legislate for the general welfare of the country under the Constitution.

Mr. SUMNERS of Texas. I am afraid I did not quite catch that question.

Mr. LAMNECK. I take it for granted, after listening to the gentleman this afternoon, he does not think a change in the Supreme Court as now outlined in the bill in the other body is necessary to accomplish the necessary legislation that we should pass for the benefit of this country?

Mr. SUMNERS of Texas. The gentleman means increasing the Court?

Mr. LAMNECK. Yes.

Mr. SUMNERS of Texas. No; I do not believe it, and I will tell the gentleman about that. We had this question up in 1925 when a bill was formulated which decreased the obligatory jurisdiction of the Supreme Court.

The American Bar Association in 1922, on account of the congestion of the Court, had advocated its increase to 11. The Committee on the Judiciary then took that matter under determination. There was none of this present heat about it. It was just a question of what seemed to be the best thing to do. As far as we could figure it out, nine seemed to be about the number that would be required to give the necessary variety of all the things which make up a court with its jurisdiction, variety of thinking, variety of judgment, and variety of sections of the country, and so forth; that it would be just about as good as anything could be, but we did decide that the obligatory jurisdiction of the Supreme Court should be reduced. We went that route instead of increasing the number of judges. It was our conclusion, as I recall it, that judges added above nine would probably slow up rather than speed up the work of the Court. I observe there has been some criticism of the Court because of the small percentage of applications for certiorari which had been allowed.

When you examine it you will find that reduction in obligatory jurisdiction and this small allowance is the greatest reformation that has been effected in the procedure of Supreme Court since the organization of the Government. Prior to that enactment, when this great volume of matter was going to the Court as a matter of right, the Court was so congested that it could not take care of the national questions that came up, and in addition to that we reached the conclusion—and there was none of this heat; it was deliberately done—that insofar as private litigation is concerned, when the individual has had his trial in the trial court and that case has been reviewed in the circuit court of appeals, that that ought to be the end of judicial processes and the victor should have the fruits of his judgment.

We found that the little man was being literally worn out by going to the circuit court of appeals and up to the Supreme Court and back again, that the man with the long purse had an unconscionable advantage over the ordinary individual. So we gave the Supreme Court the discretion to stop litigation as between private persons in which no public interest was involved in the circuit court of appeals. [Applause.]

Mr. KELLER. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. KELLER. I am not able to understand where there could be a better council chamber around which to gather than this body here constitutes in itself, and for my part I should like very much to hear the arguments the Members of this House have to put forward for and against the measure now under discussion. There is no heat amongst myself and my friends.

Mr. SUMNERS of Texas. But it would get up.

The SPEAKER. The time of the gentleman from Texas has expired.

[Prolonged applause, the Members rising.]

EXTENSION OF REMARKS

Mr. BOREN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

THE LABOR SITUATION

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania [Mr. ALLEN] is recognized for 20 minutes.

Mr. ALLEN of Pennsylvania. Mr. Speaker, the recent labor disputes in our country convince me—and I speak for other Members of this House—that the relationship between the employer and employee is one of national concern. Good evidence of that fact has been demonstrated here by many Members in recent weeks speaking on both sides of the problem; but it seems to me that we have not yet approached this problem in an altogether fair way. We have laid too much emphasis on one side and we have not really brought out the other. In a matter as controversial and of as vital importance as this it seems to me that we should not be indulging in personalities, or slinging invectives against each other. All we do is to engender bad feeling when we refer to Mr. John L. Lewis as a racketeer and a Communist, which he is not; or to the C. I. O. as a reckless mob, which it is not. This is the national legislative laboratory of our Nation, and it seems to me we ought to combine the best thoughts, representing both sides of this problem, and try to work out a formula which will be good for America. We are never going to do it by arousing the kind of feeling that has been stirred up in this House in recent days. The gentleman from Georgia [Mr. Cox], a few days ago, said that the time had come to take sides in this matter. I agree with that, but there are different ways of taking sides. We do not have to form ourselves into two armed camps and declare war on each other. We can take sides by offering sincere and honest opinions, and then try to work out a good program from those differences of opinion.

This afternoon I wish to present, if I may, a different side to this picture, one that has not been brought forth except in a cursory sort of way in recent weeks. I would ask the gentleman from Michigan [Mr. HOFFMAN] and the gentleman from Georgia [Mr. Cox] if they have read the hearings of the La Follette Civil Liberties Committee, and if they have not, I suggest that they do so, and if they have read them, I feel that they should have mentioned them on the floor of this House so that the Members of the House could have seen both sides of the picture instead of only one. Certain employers in America have been guilty of lawlessness and illegal acts in their relations with their employees. Labor alone is not guilty. The transgressions of certain large manufacturers came first.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Pennsylvania. I will yield in a few moments. Not now.

I think that the emphasis has been laid upon the result, but not yet has any attempt been made to draw the curtains and go behind the scenes to see what is the cause of all this trouble, what is stirring up this labor unrest in America. We have paid a lot of attention to the pealing of the bell, but we have not given any thought as to who might be ringing it.

My sympathies are with the laboring men and women of America from two standpoints; a personal one, because I have witnessed in recent years the unequal and one-sided battle which they have been waging for recognition in this country. My second reason is purely economic, because upon the welfare of the working people and the raising of their living standards depends the welfare of this Nation. As I said a moment ago, for every cause there is an effect. This afternoon I would like to present to you the cause of all this trouble; the cause of strikes; the cause of labor unrest as we have witnessed it in the past few weeks. Why, in the first place, has it been necessary for labor to organize? The answer is partly obvious. The growth of monopoly in this country has made the individual laborer an impersonal and inarticulate thing, powerless to defend himself, powerless to express himself. Even if a benevolent employer would like to recognize the rights of his laborers, he has no opportunity to go to them as individuals, because the chasm between them is too wide.

Secondly, it has been necessary for labor to organize so that they can raise their own living standards.

In the third place, it has been necessary so that they can gain the fundamental right to work for their own living and have an opportunity to earn their daily bread.

Organization of labor is good for the employer as well as the employee, and I am sure that the proper organization of labor is the only thing that will help America out of this depression, by raising the living standards and increasing the wages of the working men and women of this country.

But how have some employers met the attempts of labor to organize? How have some employers cooperated with the leaders of this Nation in enforcing the laws which have been

passed by this House? The law of the land is that labor shall have the right to organize without intimidation or coercion; but I say that a few employers of this Nation, some of the largest and most responsible, have violated that law from beginning to end.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Pennsylvania. In just a moment I will yield. Let me finish my statement, please.

They are guilty of the most serious and flagrant abuses of the constitutional rights of our citizens. It is they who have set the pace in lawbreaking and violence in America. They have broken the law with complacency. I want to say that those who have denounced the recent strikes as a violation of property rights, law, and order have remained unusually quiet and unusually tranquil during the past 2 years while this other law has been broken by the very people who are raising this hue and cry about communism and racketeering in America by labor today. Labor is a peaceful force until aroused, but it has been aroused, and I would like to recite before this House a few of the things that have stirred labor in recent months.

Was it lawful for the great General Motors Corporation to pay Pinkerton detectives and representatives from other detective agencies in this country $839,000 for espionage in the General Motors plant? Eight hundred and thirty-nine thousand dollars paid to secret operatives to spy upon the workers in that plant. Was that lawful, when the law of the land says that labor shall have the right to organize, and when the Constitution of the United States guarantees to all its citizens the right of assemblage and the right of free speech? This was an absolute and flagrant abuse, yet I did not hear the defenders of law and order in this House stand up and bring that fact before this body. I read very little of it in the newspapers of the land.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Pennsylvania. Not now, please.

Mr. HOFFMAN. I would like to have the gentleman cite that law he is talking about.

Mr. ALLEN of Pennsylvania. The Constitution of the United States. It grants our citizens freedom of speech and freedom of assemblage. I ask the Members of this House if they were working in the General Motors plant and knew that the man at the next machine might be a Pinkerton detective, would they dare express their union views? Would they dare attend a union meeting? They would not when their job depended upon it. This was intimidation of the worst sort.

It was not lawful, and I dare say that if those same workers went to the management of General Motors Co. and asked for an increase in wages they would be told that they could not—the company—afford it, yet they could very well afford $839,000 for Pinkerton detectives to spy upon workingmen.

Was it lawful for General Motors to hire James T. Johnson, a former Pinkerton operative, as an employee in their Baltimore plant, and that man, clever as he was, worked his way into the confidence of his fellow workers, became head of the so-called "Loyal Employees Committee", and as such used the power of that office and the influence of managerial backing to obstruct every attempt of the laboring men and women in that plant to organize into a union of their own choosing?

Was it lawful for General Motors to hire five more Pinkerton detectives for their Lansing, Mich., local, and every one of those detectives became an officer in the local union of the United Automobile Workers of America? So effective was their work that the union membership in that plant was reduced from 100 percent to zero. Is that guaranteeing the rights of the workingmen of this country to organize into a union of their own choosing?

Was it lawful for General Motors to give their addressograph and mimeograph machinery to another member of their loyal company union so that he could send out notices of a company back-to-work movement, in an attempt to break a strike early this year?

Was it lawful? And all during that time, Mr. Speaker, the Liberty League defenders and these vigilantes committees that have been formed recently were particularly silent, they were tongue-tied, and they sat by while the law of the land was being violated, silent and with pursed lips. I do not believe anyone heard a Member of this House stand up in defense of the laboring men who were being discriminated against at that time.

Was it lawful of General Motors Co. to permit a troop of so-called loyal employees, from all departments, in the Baltimore plant to go into another department where they did not work and intimidate one union man so that he had to pack up his kit and go home never to return? The man's name was Gallo. All this is contained right here in the hearings of the La Follette Civil Liberties Committee. That act of intimidation had the blessing and support of the plant management. Was it legal?

Was it lawful of General Motors, or was it conforming with the spirit of the law, when the National Labor Relations Board last summer, June 3, 1936, attempted to hold hearings in Detroit where labor troubles were then starting and General Motors appealed to the Federal court first to enjoin the National Labor Board against further hearings, and failing in that they went to the eighth circuit court where an injunction was granted? Perhaps, if last summer the National Labor Relations Board had been allowed to hold those hearings, all the trouble that followed might have been eliminated; but General Motors defied the law of this land in every respect and yet, I have not heard those champions of law and order, the gentleman from Michigan, or the gentleman from Georgia, arise on the floor of the House and denounce them for their violations and for their illegal methods.

Mr. HOFFMAN. Just a moment.

The SPEAKER. Does the gentleman yield?

Mr. ALLEN of Pennsylvania. Not now.

The SPEAKER. The gentleman declines to yield.

Mr. HOFFMAN. The gentleman made a statement there that is not in accord with the record.

Mr. ALLEN of Pennsylvania. I never heard it.

The SPEAKER. The gentleman from Michigan is out of order.

Mr. ALLEN of Pennsylvania. And all of this time the General Motors Co. made enormous profits—and this is important, because it strikes at the root of our national economic problem—General Motors in 1935 earned profits of $199,000,000. In 1936 it earned profits of $301,000,000, or an increase of 51 percent. This was way above the profits of 1929, and yet the average individual wage in the General Motors plant was 12 percent lower in 1929. That is the sort of thing that these great monopolies and these great corporations in America are guilty of, and that is the sort of thing that should be emphasized on the floor of this House at the present time.

But it seems to me that the General Motors Co. abuses pale into insignificance compared to those of the Fruehauf Trailer Co., of Detroit. The managers of that company are intelligent men and must be familiar with the law of our land, yet they hired a secret operative from the Pinkerton Co. as an employee. He became a trusted member of the union in the factory and was later elected treasurer of that union. Each week he went to the employers and reported union activities, and each week a few union men were discharged from that plant. He even went so far as to sign men up as members of the union in the Fruehauf Trailer Co. and then at the end of the week reported them to the managers. Some were fired. That is not only a violation of the law of our land, but it is a violation of the rules of fair play that have governed the conduct of mankind since the beginning of time. That is treachery. That man was the worst kind of Judas Iscariot. You know and I know what the people of America and all those who believe in fair play think of traitors. The Fruehauf Trailer Co. have not only been guilty of breaking the law of this land but they have broken something far greater, in my opinion.

Then you wonder why workingmen in desperation do certain things. Personally I do not wonder.

The Pinkerton Detective Agency alone spent $240,000 of employers' money to corrupt individual workers and bribe them to sell out their fellow employees. That is a fine demonstration of American citizenship. There are many more cases. All you have to do is to pick up these books—La Follette hearings—and read the Harlan County cases in Kentucky, the Greyhound case and the Jones & Laughlin Steel Co. case near my own district.

I would like to turn to other sorts of violations that I do not think the Members of the House are familiar with. Employers, big business representatives, captains of industry, men who by virtue of their background and training occupy important positions in the communities in which they live have actually paid in money and in liquor men with criminal records to act as strikebreakers. We have the spectacle in America of the most respected citizens of a community forming an unholy alliance with thugs of the underworld in their war against labor.

You have heard of "Chowderhead" Cohen, who was sent to Atlanta for 4 years for conspiracy, who served 4 years more in a State prison and 4 years more in Sing Sing for burglary. He was retained as a strikebreaker by some of the largest industrial plants in America, and according to his own testimony he would "hire out to anyone who could pay off." That is a fine example!

Let us take the Railway Auditing & Inspection Co. There were 13 strikebreakers in the St. Louis strike in 1932 and 7 of them had criminal records, were being sought by policemen in their home towns for one charge or another, mostly burglary. This is an ugly picture of American industrialists and thugs of the underworld forming a coalition against the attempts of men and women to organize. Why has not such lawlessness as this been described to this House by the defenders of law and order?

Violence, I sincerely believe, is as much the weapon of the employer as of the employee. Jay Gould, one of the great industrialists of this Nation, once said, "I can hire one-half of the working people to kill off the other half if I have to."

I believe all too well that that represents the feeling of certain industrialists in America today.

I have heard it said on the floor of the House that the striking pickets in Johnstown, Youngstown, and Chicago were all armed. It was stated they were breaking the law; that they had weapons, billies, sticks, clubs, and all sorts of weapons. But do you realize that in these same plants the men were picketing there were large stores of tear-gas bombs and ammunition of all kinds? All you have to do is to read these hearings. Consider the Lake Erie Chemical Co. and the Federal Laboratories of Pittsburgh and what those concerns and concerns of like character have done. They have sold munitions to the manufacturers of America, at least many of the industries involved in recent strikes.

In all of these records we have only found where one labor union purchased $51 worth of gas. That is all that labor ever purchased by way of ammunition or gas, while, on the other hand, the manufacturers of this country have bought countless thousands of dollars' worth of this equipment to fight the attempts of the laboring men and women to organize. One Herrick Foot, a representative of the Erie Chemical Co. of New England, said in a letter which has been subpenaed, that he "hoped the textile strike of June 3, 1935, would be a damn bad one, because we need the money." That is quoting his own words. What a fine statement that was. Why have not these tactics been denounced on the floor of this House by the gentlemen from Michigan and Georgia?

We see these companies actually stirring up trouble so that they can sell munitions to the industrialists of this Nation.

I think the most open and flagrant attempt to defeat the law of this land is represented by the so-called Mohawk formula, which is a written, scientific treatise on strikebreaking. It was written by James H. Rand, of the Remington-Rand Co., whose record as a strikebreaker and violator of labor's rights is unsurpassed anywhere in the United States. He was successful in breaking a strike, so successful, in fact, that he told all the rest of his manufacturing friends how to do it.

[Here the gavel fell.]

Mr. RICH. Mr. Speaker, I ask unanimous consent that the gentleman's time may be extended 10 minutes. He has brought up some very important things as between capital and labor, and I think it would be well for the House to discuss them a few moments. I have a few questions I would like to ask the gentleman. I think we can get some place if we would on the floor of the House and among ourselves talk to each other and ask questions. I think it is vitally important that we do that.

The SPEAKER. Does the gentleman predicate his request upon the ground that the gentleman shall yield to him for questions?

Mr. RICH. There are a number of questions I would like to ask the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ALLEN of Pennsylvania. Mr. Speaker, let me read a graphic description of how to break strikes, written by Mr. Rand, which he sent out to his colleagues:

First:

When a strike is threatened, label the union leaders as agitators to discredit them with the public and their own followers.

Second:

When the strike is called, raise high the banner of law and order, thereby causing the community to mass legal and police weapons against a wholly imagined violence and to forget that those of its members who are employees have equal rights with the other members of the community.

Third:

Call a mass meeting of the citizens to coordinate public sentiment against the strike and to strengthen the power of the citizens' committee.

Fourth:

Bring about the formation of a large armed police force to intimidate the strikers and to exert a psychological effect upon the citizens.

Sixth:

When a sufficient number of applications are on hand, fix a date for an opening of the plant through the device of having such opening requested by the back-to-work association.

Seventh:

Stage the opening, theatrically throwing open the gates at the propitious moment and having the employees march into the plant grounds in a massed group protected by squads of armed police, so as to give to the opening a dramatic and exaggerated quality and thus heighten its demoralizing effect.

Eighth:

Capitalize on the demoralization of the strikers by continuing the show of police force and the pressure of the citizens' committee.

Ninth:

Close the publicity barrage, which day by day during the entire period has increased demoralization worked by all of these measures, on the theme that the plant is in full operation and that the strikers were merely a minority attempting to interfere with the right to work.

This is a written description, written by an industrial leader of America, showing an effective way to break our national law.

All I have to say is that in my personal code, lawbreaking by millionaire industrialists or financiers, or by a billion-dollar corporation is just as bad as violation of law by a lowly worker. I think it is, perhaps, more reprehensible on the part of the industrialists because the men who are guilty of such violation by virtue of their training and background should know better.

If the seeds of communism lie in the labor movement today, as my colleagues have charged in this House, the

seeds of fascism lie in the tactics of the employers which I have just described. Fascism is just as un-American and just as undemocratic as is communism.

In closing, may I borrow a few words, not from a Member or a great leader of my own party, but from a great captain of the Republican Party, Abraham Lincoln, who on December 3, 1861, in his speech stated:

> Labor is prior to and independent of capital. Capital is only the fruit of labor and could never have existed if labor had not first existed. Labor is the superior of capital and deserves much the higher consideration.

This comes from Abraham Lincoln, your own great captain. I believe in these principles, and this is why I have come before the House this afternoon to defend the body of men whom I sincerely believe have been discriminated against, and whom I sincerely believe are peaceful and do not want violence and will not resort to violence unless they have been goaded into desperation by the unlawful tactics which I have tried to describe to you. [Applause.]

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Pennsylvania. Yes.

Mr. RICH. The gentleman made the statement that he believed the majority of manufacturers were creating a situation where they would do almost anything to down labor.

Mr. ALLEN of Pennsylvania. If I said a majority I will withdraw it. I meant to say many of our most influential manufacturers, and General Motors is certainly one of the greatest, have done that very thing.

Mr. RICH. The gentleman mentioned the fact that somebody was employed to go into a plant and try to get individuals to sign up with a certain organization, and that individual then went back and reported to the managers that these people had signed up and had them fired. I cannot think that in this country anybody would be so damnable and so low as to do anything like that. I cannot imagine that could happen.

Mr. ALLEN of Pennsylvania. The evidence is here, and I will show it to the gentleman. I shall be pleased to have an appointment with the gentleman so I can show him this evidence. It did happen. This man did sign up employees.

Mr. RICH. They ought to have shot that fellow, I will say that.

Mr. ALLEN of Pennsylvania. Good.

Mr. RICH. The gentleman stated he objected to "big business" and the consolidation of corporations. I am with the gentleman on that 100 percent.

Mr. ALLEN of Pennsylvania. I did not say that, but I mean it.

Mr. RICH. I am with the gentleman 100 percent there. I think we ought to enforce the Sherman antitrust laws. I have tried to get Attorney General Cummings to do that with respect to certain corporations, and could not get any action. I think we ought to break down these big businesses into small component parts. Does not the gentleman believe we ought to have smaller component parts in business rather than large corporations?

Mr. ALLEN of Pennsylvania. We should prevent the growth of monopoly in this country.

Mr. RICH. Then how can the gentleman believe that Mr. Lewis and his organization should form one of the most gigantic labor organizations that has ever existed, which is what they are trying to do.

Mr. ALLEN of Pennsylvania. Labor has been forced to do this very thing by the concentration of industry into a few hands. It is the only means they have of protecting themselves.

Mr. RICH. Does the gentleman believe two wrongs make a right?

Mr. ALLEN of Pennsylvania. No; I do not believe that.

Mr. RICH. Then we should not do that, but we ought to permit the individual manufacturers to act so that we can do just what the gentleman said a few minutes ago, talk with our people about their problems and try to get the people and the manufacturers together so that the individual manufacturer and the individual laborer may know the problems they have to face. In this way we can try to accomplish what will be for the best interest of all concerned.

Mr. ALLEN of Pennsylvania. The gentleman forgets that monopoly is already here. Big business is already concentrated, and labor cannot wait and starve through the months and through the years while we disintegrate big business. We have been trying to break these monopolies for decades and have not done so. Labor cannot stand back and wait any longer.

Mr. RICH. Has the gentleman written the Attorney General and tried to break up these monopolies?

Mr. HEALEY. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Pennsylvania. I yield to the gentleman from Massachusetts.

Mr. HEALEY. May I remind the gentleman that individual manufacturers are organized in the Manufacturers' Association. I know the gentleman from Pennsylvania [Mr. RICH] certainly does not want to deny to labor the same right to organize.

Mr. RICH. Is the gentleman referring to me? I do not belong to any manufacturers' organization.

Mr. BRADLEY. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Pennsylvania. I yield.

Mr. BRADLEY. The gentleman has in his address directed inquiries to certain Members who have taken labor to task in connection with the recent strikes. Would the gentleman also inquire of them if they have any knowledge of the profits of the corporations involved in these strikes and of the financial structures on which their profits are based? For instance, General Motors has pyramided its capital structure from 826,000 shares of common stock to 43,500,000 shares of the new capital stock. Chrysler Motors has paid $48 in 1936 on the investment on which they paid $3 prior to the depression.

Mr. ALLEN of Pennsylvania. I think that is right.

May I say to the gentleman from Pennsylvania [Mr. RICH] in closing that I believe labor in America asks only the same right the manufacturers have taken for themselves. Labor has never been granted equal rights. It has always been submerged, or at least it has as far as my memory goes. Let us be fair. Let us treat human beings as if they were possessed of heart and soul, even as you and I. Let us not look upon them as so many factory hands to be exploited and denied the blessings of civilization.

The laboring people of America from an economic standpoint, let alone a sociological or a humanitarian standpoint, have got to be recognized.

Mr. RICH. Mr. Speaker, will the gentleman yield for one more question?

Mr. ALLEN of Pennsylvania. I yield to the gentleman from Pennsylvania for a question.

Mr. RICH. Why did Mr. Green make this statement?—

> No hostile employer in America has done the cause of labor more harm than those who have fomented, executed, and administered the policies of the Committee on Industrial Organization during the past 18 months.

Will the gentleman answer that question?

Mr. ALLEN of Pennsylvania. I cannot answer Mr. Green's statement. The gentleman is familiar with the feud existing between Mr. Green and Mr. Lewis. Why drag me into that?

Mr. KELLER. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Pennsylvania. I yield.

Mr. KELLER. May I suggest, in answer to the question the gentleman asked a while ago, that the gentleman ask permission to quote in his address of this afternoon the record which shows the name of the man who did the infamous thing that the gentleman has referred to?

Mr. ALLEN of Pennsylvania. I do not have the individual's name.

[Here the gavel fell.]

Mr. THOMAS of New Jersey. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. ALLEN] be allowed to proceed for 2 additional minutes.

Mr. RAYBURN. I object, Mr. Speaker. I do not believe the gentleman from Pennsylvania wants any further time.

PERMISSION TO ADDRESS THE HOUSE

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that on Tuesday next, following the disposition of matters on the Speaker's desk and the legislative program for the day, the gentleman from South Dakota [Mr. CASE] may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, in view of a statement which was made on the floor with respect to the statements of certain other Members, I ask unanimous consent that on tomorrow, after disposition of matters on the Speaker's desk and the legislative program for the day, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. BUCK, for Wednesday and Thursday, on account of official business.

To Mr. CROSSER, indefinitely, on account of death of his mother.

To Mr. TAYLOR of Tennessee, indefinitely, on account of illness.

EXTENSION OF REMARKS

Mr. KELLER. Mr. Speaker, I ask unanimous consent to extend the remarks which I had an opportunity to express this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

VOTE ON THE VETO MESSAGE

Mr. BOILEAU. Mr. Speaker, the gentleman from Minnesota, Mr. TEIGAN, was unavoidably absent today. If he had been present, he would have voted in favor of overriding the veto of the President.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 458. An act for the relief of Eva Markowitz;

H. R. 730. An act for the relief of Joseph M. Clagett, Jr.;

H. R. 1377. An act for the relief of Walter T. Karshner, Katherine Karshner, Anna M. Karshner, and Mrs. James E. McShane;

H. R. 1945. An act for the relief of Venice La Prad;

H. R. 2332. An act for the relief of William Sulem;

H. R. 2562. An act for the relief of Mr. and Mrs. David Stoppel;

H. R. 2565. An act to confer jurisdiction on the Court of Claims to hear, determine, and enter judgment upon the claims of contractors for excess costs incurred while constructing navigation dams and locks on the Mississippi River and its tributaries; and

H. R. 3634. An act for the relief of Noah Spooner.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until tomorrow, Wednesday, July 14, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization on Wednesday, July 14, 1937, at 10:30 a. m. In re H. R. 7608, H. R. 7716, H. R. 7718, H. R. 7294 (public).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Wednesday, July 14, 1937. Business to be considered: Continuation of hearing on H. R. 6968, amendments to the Securities Act of 1933.

There will be a meeting of the Research Subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m. Thursday, July 22, 1937. Business to be considered: Hearing on H. R. 1536, H. R. 5531, H. R. 7001, and H. R. 7643, research bills.

COMMITTEE ON THE POST OFFICE AND POST ROADS

A hearing will be conducted by Subcommittee No. 1 Wednesday morning, July 14, 1937, at 10 a. m., on H. R. 2890, reclassification of fourth-class postmasters' salaries.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Thursday, July 15, 1937, at 10:30 a. m., to hold hearings on H. R. 7365, a bill to provide for the regional conservation and development of the national resources, etc.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

716. A letter from the Secretary of War, transmitting a report of designs, aircraft parts, and aeronautical accessories purchased by the War Department pursuant to section 10 of an act during the fiscal year ended June 30, 1937, the prices therefor and the reasons for the award in each case; to the Committee on Expenditures in the Executive Departments.

717. A communication from the President of the United States, transmitting a supplemental estimate of appropriations for the National Labor Relations Board for the fiscal year of 1938, amounting to $1,800,000 (H. Doc. No. 294); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. CANNON of Missouri: Committee on Appropriations. House Joint Resolution 431. Joint resolution making an appropriation for the control of outbreaks of insect pests; with amendment (Rept. No. 1211). Referred to the Committee of the Whole House on the state of the Union.

Mr. KOCIALKOWSKI: Committee on Insular Affairs. H. R. 7561. A bill to amend the act entitled "An act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes", approved March 24, 1934; without amendment (Rept. No. 1212). Referred to the House Calendar.

Mr. LUTHER A. JOHNSON: Committee on Foreign Affairs. House Joint Resolution 385. Joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in the Oil World Exposition at Houston, Tex., to be held October 11 to 16, 1937, inclusive; with amendment (Rept. No. 1213). Referred to the Committee of the Whole House on the state of the Union.

Mr. McREYNOLDS: Committee on Foreign Affairs. H. R. 6444. A bill to amend the act of June 30, 1906, entitled "An act creating a United States court for China and prescribing the jurisdiction thereof"; with amendment (Rept. No. 1214). Referred to the Committee of the Whole House on the state of the Union.

Mr. PFEIFER: Committee on Foreign Affairs. H. R. 7127. A bill authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Okla., to be held May 14 to May 21, 1938; without amendment (Rept. No. 1215). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. McREYNOLDS: Committee on Foreign Affairs. H. R. 7430. A bill for the relief of Mary Lucia Haven; without amendment (Rept. No. 1216). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DIMOND: A bill (H. R. 7844) to amend the act of Congress entitled "An act to establish an Alaska Game Commission to protect game animals, land fur-bearing animals, and birds in Alaska, and for other purposes", approved January 13, 1925, as amended; to the Committee on the Territories.

By Mr. ELLIOTT: A bill (H. R. 7845) to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936; to the Committee on Flood Control.

By Mr. HILL of Alabama (by request): A bill (H. R. 7846) to authorize the transfer to the jurisdiction of the Secretary of the Treasury of portions of the property within the West Point Military Reservation, N. Y., for the construction thereon of certain public buildings, and for other purposes; to the Committee on Military Affairs.

By Mr. LUCAS: A bill (H. R. 7847) to duplicate records of war veterans at the Springfield (Ill.) Arsenal; to the Committee on Naval Affairs.

Also, a bill (H. R. 7848) to duplicate records of war veterans at the Springfield (Ill.) Arsenal; to the Committee on Military Affairs.

By Mr. KITCHENS: A bill (H. R. 7849) authorizing State Highway Commission of Arkansas and State Highway Commission of Mississippi to construct, maintain, and operate a toll bridge across the Mississippi River at or near Lake Village, Chicot County, Ark., and to a place at or near Greenville, Washington County, Miss.; to the Committee on Interstate and Foreign Commerce.

By Mr. BOREN: A bill (H. R. 7850) authorizing an appropriation of $4,000,000 for the control of venereal diseases, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PETERSON of Florida: A bill (H. R. 7851) to provide for the protection of certain patent owners, and for other purposes; to the Committee on Patents.

By Mr. WARREN: Resolution (H. Res. 276) for the relief of Mary E. Haltigan; to the Committee on Accounts.

By Mr. COSTELLO: Joint resolution (H. J. Res. 442) to create a joint congressional committee for the purpose of formulating a permanent and equitable policy of veterans' benefits and to revise existing laws pertaining to benefits to veterans of wars of the United States of America; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AMLIE: A bill (H. R. 7852) for the relief of Rose Komes; to the Committee on Claims.

By Mr. COOLEY: A bill (H. R. 7853) for the relief of the Corbitt Co.; to the Committee on Claims.

By Mr. DREW of Pennsylvania: A bill (H. R. 7854) for the relief of Joseph Gross; to the Committee on Claims.

Mr. DRIVER: A bill (H. R. 7855) for the relief of Frieda White; to the Committee on Claims.

By Mrs. HONEYMAN: A bill (H. R. 7856) for the relief of Sherm Sletholm, Loneata Sletholm, Lulu Yates, Madeline Yates, and the estate of Ella A. Morris; to the Committee on Claims.

By Mr. LANZETTA: A bill (H. R. 7857) for the relief of Louis Topper; to the Committee on Claims.

By Mr. O'CONNOR of New York: A bill (H. R. 7858) for the relief of Sylvan Greenbaum, Inc.; to the Committee on Claims.

By Mr. O'TOOLE: A bill (H. R. 7859) for the relief of the estate of Morris Farash; to the Committee on Claims.

By Mr. REED of New York: A bill (H. R. 7860) for the relief of Frank Burns; to the Committee on War Claims.

By Mr. VOORHIS: A bill (H. R. 7861) readmitting Christopher Henry Wain to the character and privileges of a citizen of the United States; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2926. By Mr. CURLEY: Petition of the New York County Lawyers Association, urging disapproval of House Joint Resolution 333, introduced by Congressman FISH, which seeks to amend the Constitution of the United States; to the Committee on the Judiciary.

2927. Also, petition of the New York County Lawyers Association, opposing House Joint Resolution 286, introduced by Congressman FISH, restricting United States Supreme Court from declaring an act of Congress, or an act of the State legislature of any State and any provision of a State constitution unconstitutional unless concurred in by two-thirds of the members of the Court; to the Committee on the Judiciary.

2928. Also, petition of the New York County Lawyers Association, urging disapproval of House Joint Resolution 372, introduced by Congressman GRAY of Indiana, which seeks to amend the Federal Constitution requiring the Supreme Court to assume any law of the United States to be unconstitutional unless seven of the nine judges concur in finding repugnancy; to the Committee on the Judiciary.

2929. Also, petition of the New York County Lawyers Association, urging disapproval of House bill 7154, introduced by Congressman GRAY of Indiana, providing that the Supreme Court shall not declare any Federal or State statute invalid without the concurrence of seven of the nine judges; and in the exercise of its appelate jurisdiction shall assume any statutory provision to be free from invalidity unless seven of the nine judges concur in finding such invalid; to the Committee on the Judiciary.

2930. Also, petition of the New York County Lawyers Association, urging disapproval of House Resolution 293, introduced by Congressman Bulwinkle, to amend the Constitution of the United States in relation to providing for compulsory concurrence of six or more judges in order to declare a statute unconstitutional; to the Committee on the Judiciary.

2931. By Mr. JACOBSEN: Petition of the Iowa State Federation of Labor, urging passage of House bill 5931, placing tax on importations of foreign starches; to the Committee on Ways and Means.

2932. By Mr. KENNEY: Petition of the Board of Commissioners of City of Newark, protesting lay-offs in Works Progress Administration; to the Committee on Appropriations.

2933. By Mr. KEOGH: Petition of the Transparent-Wrap Machine Corporation, New York City, concerning the Lea bill, concerning air transportation; to the Committee on Interstate and Foreign Commerce.

2934. By Mr. THOMAS of New Jersey: Resolution from Ringoes Grange No. 12, Ringoes, N. J., in favor of establishing a Poultry Bureau in the Department of Agriculture, and putting an added tax on the importation of eggs from China; to the Committee on Agriculture.

2935. By Mr. WIGGLESWORTH: Petition of the City Council of Lynn, Mass., making application to Congress to grant an annuity to the widow of Congressman William P. Connery, Jr., former Representative of the Seventh Congressional District; to the Committee on Accounts.